

ARTICLE 14.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 14.02 PLANNING AND ZONING COMMISSION*

Sec. 14.02.001 Created

There is hereby created a planning and zoning commission for the city. (1997 Code, sec. 12.101)

Sec. 14.02.002 Composition; appointment of members

(a) Generally. The planning and zoning commission shall consist of five (5) members to be duly appointed by the city council. The members shall be selected for their outstanding and unselfish interest in civic affairs. (Ordinance 824-2007 adopted 2/13/07)

(b) Alternate members. The city council may also appoint alternate members to the commission who shall serve in the absence of one or more of the regular members when requested to do so by the chairman of the commission. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner and they shall be subject to removal by the same means and under the same procedures as the regular members. (Ordinance 1021-2019 adopted 12/10/19)

Sec. 14.02.003 Terms of members

Members of the planning and zoning commission shall serve for terms of three (3) years. (1997 Code, sec. 12.103)

Sec. 14.02.004 Compensation; holding other municipal office

All members of the planning and zoning commission shall serve without pay and shall hold no other city office. (1997 Code, sec. 12.104)

Sec. 14.02.005 Removal of members; filling of vacancies

(a) All members of the planning and zoning commission may be removed at any time by a majority vote of the city council.

(b) Vacancies on the planning and zoning commission shall be filled by appointment of the city council for the unexpired term.

(1997 Code, sec. 12.105)

Sec. 14.02.006 Automatic removal of member

Should a member of the planning and zoning commission fail to attend three (3) consecutive regular monthly meetings of the commission, such member shall be automatically dropped from the commission and a vacancy thereon declared. (1997 Code, sec. 12.106)

Sec. 14.02.007 Officers; organization; meetings



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(a) The planning and zoning commission shall elect a chairman, vice-chairman and such other officers as may be deemed necessary for a period of one year.

(b) It shall adopt rules for practical and efficient transactions, findings and determinations, which record shall be a public record.

(1997 Code, sec. 12.107)

(c) Meetings are to be held as needed and called by the chairperson or the city administrator and additional meetings may be held from time to time upon call of the chairman or the city administrator. (Ordinance 998-2018 adopted 11/13/18)

Sec. 14.02.008 Master plan adoption

The function and duty of the planning and zoning commission shall be to make, or cause to be made, and adopt a master plan for the physical development of the city, including any area outside of its boundaries which may relate to the comprehensive planning of the city. Such plans, with the accompanying maps, plats, charts and descriptive matter, shall show the city planning and zoning commission's recommendations for the development of said territory, including, among other things, the general location, character and extent of streets, alleys, ways, viaducts, bridges, railroads, terminals, parks, parkways, playgrounds, aviation fields, athletic fields, school grounds, fire station sites or any other public grounds or public improvements, and the removal, relocation, widening or extension of such public works then existing. As the work of making the whole master plan progresses, the planning and zoning commission may from time to time adopt and publish a part or parts thereof. The planning and zoning commission may, from time to time, amend, extend or add to the plan. (1997 Code, sec. 12.108)

Sec. 14.02.009 Master plan preparation

In the preparation of a master plan, the planning and zoning commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the city and with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditures of public funds, and the adequate provision of public utilities and other requirements. (1997 Code, sec. 12.109)

Sec. 14.02.010 Recommendations to council on effect of public improvements

Whenever the city council shall have adopted a master plan recommended by the city planning and zoning commission, no public buildings, streets, alleys, ways, viaducts, bridges, railroads, terminals, parks, parkways, playgrounds, aviation fields, athletic fields, school grounds, fire

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station sites, or any other public grounds or public improvements, or parts thereof, shall be constructed until and unless the location shall be recommended by the city planning and zoning commission, and approved by the city council; provided, however, that in case of its disapproval, the planning and zoning commission shall communicate its reason for disapproval to the city council and thereupon, by majority vote of the city council, it shall have the power of overruling such disapproval. The widening, narrowing, ornamentation, vacancies or change in the use of streets and other public ways, public grounds or other public improvements appearing on the adopted plan shall be subject to similar recommendations by the city planning and zoning commission, and approved by the city council, and upon disapproval by the planning and zoning commission may be similarly overruled. The planning and zoning commission may make recommendations to any public authority, or any corporations or individuals in the city or in the territory contiguous thereto, concerning the relocation of any building, structure or work to be erected or constructed by them. (1997 Code, sec. 12.110)

Sec. 14.02.011 Recommendation to council concerning platting of land

All plans, plots or replots of land laid out into streets, alleys or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjoining and located within the corporate limits of the city shall be submitted to the planning and zoning commission for recommendation before any connection shall be permitted with any public utility, such as water or sewer, owned and operated by the city; provided, however, that in case of its unfavorable recommendation the planning and zoning commission shall communicate its reason for disapproval to the city council and thereupon, by majority vote of the city council, it shall have the power of overruling such disapproval. No sewer or water improvements shall be voted on or made nor shall any public money be expended within any lands laid out in building lots, streets or alleys until the plan, plot or replot of such lands shall have been recommended by the city planning and zoning commission and approved by the city council. (1997 Code, sec. 12.111)

Sec. 14.02.012 Recommendations to council for operations; approval of expenditures by council

(a) The planning and zoning commission may recommend to the city council the appointment of such employees as it may deem necessary for its work. They may also recommend to the city council contracts with city planners, engineers, architects and other consultants for such service as it may require.

(b) No expenditures by the planning and zoning commission shall be made until the same shall have been submitted to and approved by the city council, which may provide the funds, equipment and accommodations necessary for the commission's work.

(1997 Code, sec. 12.112)

Sec. 14.02.013 Annual report; recommendations for public improvements



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The planning and zoning commission shall make to the city council an annual report, giving a statement of its work during the preceding year. In such annual report it shall also make its recommendations as to future projects to be undertaken, and from time to time it shall also make like recommendations for public improvements which, in its judgment, should be undertaken. (1997 Code, sec. 12.113)

Sec. 14.02.014 Appointment as zoning commission

The planning and zoning commission shall perform the duties of and act as the zoning commission in addition to their duties under this article. (1997 Code, sec. 12.114)

ARTICLE 14.03 ZONING BOARD OF ADJUSTMENT*

Sec. 14.03.001 Appointment

The elected members of the city council are hereby appointed as the zoning board of adjustment for the city, with all of the duties and obligations set forth in section 211.009 of the Local Government Code. (Ordinance 753-2001 adopted 6/12/01)

ARTICLE 14.04 AIRPORT ZONING†

Sec. 14.04.001 Joint airport zoning board

There is created a joint airport zoning board to be known as the city-county airport zoning board and investing such joint board with the powers such boards are authorized to exercise under the provisions of Texas Local Government Code, sections 241.002, 241.011, 241.012, and 241.014. (Ordinance 373-70 adopted 11/23/70; Ordinance 746-2000 adopted 11/14/00; Ordinance adopting Code)

State law reference—Joint airport zoning board, V.T.C.A., Local Government Code, sec. 241.014.

Sec. 14.04.002 Airport zoning ordinance

The airport zoning ordinance, Ordinance 390-5-71, adopted by the city on May 10, 1971, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance 390-5-71 adopted 4/10/71; Ordinance 746-2000 adopted 11/14/00; Ordinance adopting Code)

ARTICLE 14.05 HISTORIC DISTRICTS

A historic district is hereby created by the city council on both sides of West Myrtle Street from South Mill Street to South Post Oak Street. The Winnsboro Preservation League may assist homeowners when requested by the homeowner regarding preservation of structures or



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landscape or any matters pertaining to the designation of a historic structure. (1997 Code, art. 12.200)

ARTICLE 14.06 ZONING ORDINANCE*

The comprehensive zoning ordinance, Ordinance 773-2003, adopted by the city on May 13, 2003, is included at the end of this chapter as exhibit B. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

ARTICLE 14.07 SALE OF ALCOHOLIC BEVERAGES*

The sale of alcoholic beverages ordinance, Ordinance 902-2013, adopted by the city on December 10, 2013, is included at the end of this chapter as exhibit C. Due to the nature of the ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Editorially supplied)

EXHIBIT A

AIRPORT ZONING ORDINANCE

NO. 390-5-71

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE WINNSBORO MUNICIPAL AIRPORT BY CREATING AIRPORT APPROACH ZONES, TRANSITION ZONES, HORIZONTAL ZONE AND CONICAL ZONES, AND ESTABLISHING THE BOUNDARIES THEREOF, PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES[,] DEFINING CERTAIN TERMS USED HEREIN, REFERRING TO THE WINNSBORO MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE, PROVIDING FOR ENFORCEMENT, ESTABLISHING A BOARD OF APPEALS AND IMPOSING PENALTIES.

Sec. 1. Short Title.



This Ordinance shall be known and may be cited as “Winnsboro Municipal Airport Zoning Ordinance.”

Sec. 2. Definitions.

As used in this Ordinance, unless the context otherwise requires:

- (1) AIRPORT - means Winnsboro Municipal Airport.
- (2) AIRPORT ELEVATION - means the established elevation of the highest point on the usable landing area.
- (3) AIRPORT HAZARD - means any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking-off at the airport.
- (4) AIRPORT REFERENCE POINT - means the point established as the approximate geographic center of the airport landing area and so designated.
- (5) JOINT AIRPORT ZONING BOARD - means a board consisting of seven (7) members, two appointed by the by the Franklin County Commissioner's Court, two appointed by the Wood Commissioner's Court and the six so appointed shall appoint a seventh as Chairman.
- (6) HEIGHT - For the purpose of determining the height limits in all zones set forth in the ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (7) LANDING AREA - means the surface area of the Airport used for the landing, take-off or taxiing of aircraft.
- (8) NONCONFORMING USE - means any structure, tree, or use of land which is lawfully in existence at the time the regulation is prescribed in the Ordinance or an amendment thereto becomes effective and does not then meet the requirements of said regulation.
- (9) PERSON - means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- (10) RUNWAY - means the paved surface of an airport landing strip.
- (11) STRUCTURE - means an object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines.
- (12) TREE - means any object of natural growth.

Section 3. Zones.

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the Approach Zones, Transition Zones, Horizontal Zone and Conical Zone. Such areas and zones are shown on Winnsboro Municipal Airport Zoning Map consisting of one sheet, prepared by Texas Aeronautics Commission and dated February 23, 1971, which is attached to this Ordinance and made a part hereof. The various zones are hereby established and defined as follows:

- (1) **APPROACH ZONE** - Approach zone is established at each end of all runways on Winnsboro Municipal Airport for (noninstrument) landings and take-offs. The approach zone shall have a width of 250 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2250 feet at a horizontal distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- (2) **TRANSITION ZONES** - Transition zones are hereby established adjacent to each runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways, have variable widths as shown on the zoning map. Transition zones extend outward from a line 125 feet on either side of the centerline of the runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones.
- (3) **HORIZONTAL ZONE** - A horizontal zone is hereby established as the area within a circle with its center at the Airport Reference Point and having a radius of 5,000 feet. The horizontal zone does not include the approach zones and the transition zones.
- (4) **CONICAL ZONE** - A Conical Zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of 3,000 feet. The conical zone does not include the approach zones and transition zones.

Section 4. Height Limitations

Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

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- (1) **APPROACH ZONES** - One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the runway and extending to a point 10,200 feet from the end of the runway.
- (2) **TRANSITION ZONES** - One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 125 feet normal to and at the elevation of the centerline of runways extending 200 feet beyond each end thereof, extending to a height of 150 feet above the airport elevation which is 663 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces.
- (3) **HORIZONTAL ZONE** - One hundred fifty (150) feet above the airport elevation or a height of 663 feet above mean sea level.
- (4) **CONICAL ZONE** - One foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 300 above the airport elevation.
- (5) **EXCEPTED HEIGHT LIMITATIONS** - Nothing in this Ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 25 feet above the surface of the land.

Where an area is covered by more than one (1) height limitation, the more restrictive limitations shall prevail.

Section 5. Use Restrictions.

Notwithstanding any other provisions of this Ordinance, no use may be made of land within any zone established by this Ordinance in such a manner as to create electrical interference with radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the Airport, impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

Section 6. Nonconforming Uses.

- (a) **Regulations not Retroactive.** The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.



(b) **Marking and Lighting.** Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Joint Airport Zoning Board to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of City of Winnsboro.

Section 7. Permits.

(a) **Future Uses.** Except as specifically provided in paragraphs 1, 2 and 3 hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the Horizontal Zone and the Conical Zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(2) In the areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zone.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section 5.

(b) **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Nonconforming Uses Abandoned or Destroyed. Whenever the Joint Airport Zoning Board determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Ordinance.

(3)[(e)] Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Winnsboro at its own expense to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Section 8. Enforcement.

It shall be the duty of the Joint Airport Zoning Board to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Joint Airport Zoning Board through the office of the Mayor upon a form furnished by him. Applications, required by this Ordinance to be submitted to the Joint Airport Zoning Board, shall be promptly considered and granted or denied. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Chairman, Joint Airport Zoning Board.

Section 9. Board of Adjustment.

(a) There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order requirement, decision, or determination made by the Joint Airport Zoning Board in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; (3) to hear and decide specific variances.

(b) The Board of Adjustment shall consist of five members appointed by the Winnsboro Municipal Airport Zoning Board as prescribed in the Provisions of Chapter 391 of the Acts of the Regular Session of the 50th Legislature 1947, as amended, and each shall serve for a term of two (2) years and removable for cause by the appointment authority upon written charges, after a public hearing.

(c) The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the

call of the Chairman and at such times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon 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 immediately be filed in the office of the Mayor, Winnsboro[,] and shall be a public record.

(d) The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.

(e) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Joint Airport Zoning Board or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

Section 10. Appeals.

(a) Any person aggrieved, or any taxpayer affected, by any decision of the Joint Airport Zoning Board made in his [its] administration of this Ordinance, if of the opinion that a decision of the Joint Airport Zoning Board is an improper application of these regulations, may appeal to the Board of Adjustment.

(b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Joint Airport Zoning Board a notice of appeal specifying the grounds thereof. The Joint Airport Zoning Board shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Joint Airport Zoning Board certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his [its] opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the agency from which the appeal is taken and on due cause shown.

(d) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and 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 may in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination

appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

Section 11. Judicial Review.

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Section 11 Chapter 391 of the Public Laws of the State of Texas, as amended, Article 46e-11 of the Revised Statutes of Texas.

Section 12. Penalties.

Each violation of this Ordinance or of any regulation[,] order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than \$200.00 and each day a violation continues to exist shall constitute a separate offense.

Section 13. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 14. Severability.

If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 15. Effective Date.

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from its passage by the Airport Zoning Board and publication and posting as required by law. Adopted by the Board this 10th day of May 1971.

(Ordinance 390-5-71 adopted 5/10/71)

**EXHIBIT B
ZONING ORDINANCE
ORDINANCE NO. 773-2003**

AN ORDINANCE RESCINDING ZONING ORDINANCE NO. 698-96 ADOPTED JANUARY 9, 1996, TOGETHER WITH ALL SUBSEQUENT REVISIONS; ADOPTING A REVISED ZONING ORDINANCE; PROVIDING AN EFFECTIVE DATE; PENALTY FOR VIOLATIONS; AND OF SEVERABILITY CLAUSE.

WHEREAS, the Planning & Zoning Commission of the City of Winnsboro has reviewed the Zoning Ordinances and submitted amendments it deems in the best interest of the City; and

WHEREAS, the City Council has reviewed and approves the changes as submitted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS that –

1. The Winnsboro Zoning Ordinance be and it is hereby amended as submitted:
2. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Winnsboro, Texas, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.
3. Publishing and Effective Date. This ordinance shall be published in accordance with law, and shall become effective after publication in the official newspaper of the City of Winnsboro.

PASSED AND APPROVED this the 13th day of May, 2003.

SECTION 1 ENACTING CLAUSE

That the Zoning Ordinance of the City of Winnsboro, Texas, as passed and approved on January 9, 1996, together with all amendments thereto is hereby amended in its entirety to read as follows:

SECTION 2 PURPOSE

The Zoning Regulations and Districts as herein established have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 3 ZONING DISTRICTS ESTABLISHED



3.1 Zoning Districts Defined. The City of Winnsboro, Texas, is hereby divided into twelve (12) zoning districts. The use, height and area regulations as set out herein shall be known as:

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
A	Agricultural District
SF-1	Single Family Residential – 1
SF-2	Single Family Residential – 2
SF-3	Single Family Residential – 3
2F	Two Family Residential District
SF-A	Single Family Attached (Town house)
MF	Multi-Family Residential District
MH	Mobile/Manufactured Housing District
R	Retail District
B-1	Business District –1
B-2	Business District – 2
I	Industrial District
PD	Planned Development District
FP	Flood Plain Prefix
S	Specific Use Permit

(Ordinance 773-2003 adopted 5/13/03)

SF-CH Single-Family Residential-Cottage Housing District

(Ordinance 855-2010, sec. 3, adopted 1/12/10)



3.2. Definition and Purpose of Zoning Districts.

1. “A” Agricultural District. This district provides for the continuance of farming, ranching and gardening activities on land now utilized for these purposes. When land in the “A” category is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning categories to provide for orderly growth and development in accordance with the Comprehensive Plan.

Once land in an “A” category has been placed into another district, the intent of this ordinance is that such land shall not be changed back to an “A” category by any subsequent request for a change.

2. “SF-1” - Single Family Residential District: This district will permit a 9,000 square foot minimum residential lot with a minimum dwelling of 1,800 square feet.

3. “SF-2” - Single Family Residential District: The SF-2 category provides for a minimum residential building site of 8,400 square feet and minimum dwelling of 1,500 square feet. Developments under this district will have a low density and development characteristics similar to those now existing in most platted subdivisions.

4. “SF-3” - Single Family Residential District: The SF-3 category provides for a minimum residential building site of 6,000 square feet and a minimum dwelling of 1,100 square feet. This district will accommodate higher density residential developments with related churches, public and private schools and open spaces.

5. “2F” - Two Family Residential District: The 2F dwelling district is provided for the purpose of permitting transitional residential development and provides for a minimum dwelling of 800 square feet per unit. This district shall be used for only two family structures.

6. “SF-A” - Single Family Residential District, Attached: This district provides for attached single family dwellings which are built greater than two units per structure in a town home configuration. The maximum number of units per structure shall be seven (7) and no unit shall be built above another unit.

7. “MF” - Multiple Family Dwelling District: The MF district permits multi-family developments of densities not to exceed twenty (20) units per acre. Regulations are designed to protect the residential character and prevent overcrowding of the land by providing minimum standards for building spacing, yards, height, off-street parking and lot coverage.

8. “MH” - Mobile/Manufactured Housing District: The MH district establishes a category to regulate existing mobile homes, and to set appropriate standards for the development and placement of manufactured home units in a designated area, either on private property, in parks or subdivisions.

9. "R" - Retail: Retail developments are intended to be developed under the standards of the Retail District which set forth requirements for off-street parking, building setback, height and screening. Standards are designed to permit a compatible relationship between the retail development and adjacent residential areas.
10. "B-1" - Business District 1: The B-1 district accommodates service and commercial uses which by their nature of operation or use are generally not compatible with uses in the R, Retail District.
11. "B-2" - Business District 2: A use which requires considerable space for display, sales or open storage, or by the nature of the use is generally not compatible with uses in the B-1 District are located in the B-2 Business District.
12. "I" - Industrial District: The Industrial District is characterized by industrial development of warehousing, distribution, manufacturing Joint Airport Zoning Board and nonmanufacturing industrial uses. Industrial uses which are compatible when special consideration is given to the design and operational characteristics of the use are listed.
13. "PD" - Planned Development District: The Planned Development District provides a zoning category for the planning and development of larger tracts of land for a single or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect to the protection of surrounding property. Uses, or a combination of uses, include residential, retail, office, medical and industrial areas.
14. "FP" - Flood Plain District: Zoning Districts located in low lying flood plain areas along major streams which are subject to periodic inundation may be preceded by the prefix FP, indicating a subdistrict. Areas designated FP may be used only for those uses listed in the provisions of Section 21 until the area or any portion thereof located in FP subdistrict has been approved by the City Council. Approval shall only be given after engineering studies determine that the area or any portion thereof is suitable for uses in the district and building construction or development would not create an obstruction to drainage nor a hazard to life or property and that such construction is not contrary to the public interest.

(Ordinance 773-2003 adopted 5/13/03)
15. "SF-CH" - Single-Family Residential Cottage Housing District: Is designed to provide a residential density of not more than fifteen (15) dwelling units per acres and to establish a "for sale" or "for lease" special purpose district for the population that supports the diversity of housing, increases the variety of housing for smaller households, and provides for predominantly small single-family units with existing neighborhoods. (Ordinance 855-2010, sec. 3, adopted 1/12/10)

SECTION 4 ZONING DISTRICT MAP

4.1. Zoning Map Adopted. The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Winnsboro, Texas, said map being hereby adopted as a part of this ordinance as fully as if the same were set forth in detail herein.

4.2. Filing and Maintenance of Maps. Four (4) original, official and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:

1. Two copies shall be filed with the City Secretary, one of which shall be retained as the original record and shall not be changed in any manner, and the second shall be maintained up-to-date by posting thereon all changes and subsequent amendments.
2. One copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits, certificates of occupancy and compliance and for enforcing the Zoning Ordinance.
3. One copy shall be maintained in the records of the Planning and Zoning Commission for reference purposes and shall be maintained up-to-date by posting thereon all changes and subsequent amendments.
4. Reproductions for information purposes may, from time to time, be made of the official Zoning District Maps. The map may be updated as individual zoning requests are approved.

SECTION 5 ZONING DISTRICTS[;] BOUNDARIES

The district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.

5. Boundaries indicated as approximately following the centerlines of streams, drainage-ways or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as paralleled to or extensions of features indicated in 5.1 through 5.6 above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.
7. Whenever any street, alley or other public way is vacated by official action of the City Council, or whatever street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
8. Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections 5-1 through 5-8 or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified "A", Agricultural District, temporarily.
9. In an area determined to be temporarily classified as "A", Agricultural District, no person shall construct any building or add to or alter any building or structure, repair, or cause the same to be done nor shall any use be located therein or on the land which is not permitted in an "A", Agricultural District, unless and until such territory has been classified in a zoning district other than the "A", Agricultural District, by the City Council.

SECTION 6 TEMPORARY ZONING[;] ANNEXED TERRITORY

- 6.1 Zoning for Annexed Territory. All territory hereafter annexed to the City of Winnsboro shall be temporarily classified as "A" - Agricultural District, until permanent zoning is established by the City Council. The procedure for permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.
- 6.2 Regulations for an Area Temporarily Classified "A" - Agricultural District:
 1. No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Winnsboro without first applying for and obtaining a building permit or certificate of occupancy from the building official or the City Council as may be required.
 2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the "A", Agricultural District, unless and until such territory has been classified in a zoning district other than the "A", Agricultural District, by the City Council in the manner prescribed by law except as provided otherwise herein.

3. An application for a permit for any other use than that specified in paragraph b. [2.] above shall be made to the building official of the City of Winnsboro and by him referred to the Planning and Zoning Commission for consideration and recommendation to the City Council and the action and recommendation of each body concerning any such permit shall take into consideration the appropriate land use for the area. The City Council, after receiving and reviewing the recommendations of the Planning and Zoning Commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy or may disapprove the application.

SECTION 7 COMPLIANCE REQUIRED

All land, buildings, structures or appurtenances thereon located within the City of Winnsboro, Texas, which are hereafter occupied, used, erected, altered, removed, repaired, replaced, demolished or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided and all nonconforming uses in use at time of passage of this amendment shall be considered approved nonconforming uses.

SECTION 8 AGRICULTURAL DISTRICT

8.0. General Purpose and Description: This district is intended to provide a location for land situated on the fringe of an urban area and used for agricultural purposes, but then may become an urban area in the future. Generally, "A" Agricultural District will be near development; therefore, the agricultural activities conducted in the "A" Agricultural District, should not be detrimental to urban land uses. The types of uses and the area and intensity of use permitted in this district shall encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

8.1. Permitted Uses - A building or premise[s] shall be used only for the following purposes:

1. Single-family dwellings on building lots of five (5) acres or more in areas where said dwellings can be adequately served by city utilities, or septic tanks located on the building lot.
2. All general and special agricultural, farming, ranching, stables and related accessory buildings, stock and poultry raising, dairy, and other related uses so long as same do not cause a hazard to health by reason of unsanitary conditions; and not offensive by reason of odors, dust, fumes, noise or vibration; and are not otherwise detrimental to the public welfare.
3. Public buildings, including libraries, schools, churches, museums, auditoriums, police and fire stations, parks and similar public uses or facilities.
4. Telephone exchange provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines, local utility lines.

5. Accessory buildings and structures clearly incidental to the above operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not, for rent, provided that accessory buildings and structures shall be limited to fifty (50) percent of the gross land area.
 6. Temporary metal buildings less than six hundred (600) square feet which are used for tool and supply storage.
 7. Greenhouse, green nursery and general gardening activities.
 8. Riding Academy or other equestrian related activities.
 9. Sewage pumping station or treatment plant (public operated).
 10. Water reservoir, pumping station, well or water treatment plant (public operated).
 11. Home occupation (for definition see Section 32.)
 12. Stables, tennis courts, or swimming pool (private).
- 8.2. Specific Uses: The following specific uses when granted in accordance with Section 22:
1. Sand or gravel extraction or storage and other mining activities.
 2. Country clubs or golf courses and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.
 3. University, college or Parochial school and related facilities.
 4. Lodge or fraternal organization.
 5. Broadcasting facilities including towers.
 6. Animal pound, public or private.
 7. Carnival or Circus (by resolution of City Council for specific time period).
 8. Construction office (by authority of the building official for specific time periods).
 9. Cemetery or mausoleum.
 10. Charitable organizations other than churches.

11. Asphalt or concrete batching plant (temporary).
 12. Day nursery, day camp or child care center.
 13. Nursing home or residence home for aged.
 14. Electric substation.
 15. Hospital.
 16. Museum, library or art gallery.
 17. Rodeo arena.
 18. Airport, heliport or landing field.
 19. Microwave tower.
 20. Radio or television tower.
 21. Guest home - detached.
- 8.3. Height Regulations: No building shall exceed thirty (30) feet in height:
- 8.4. Area Regulations:
1. Size of Yards:
 - a. Front Yard: There shall be a front yard of not less than fifty (50) feet as measured from the front property line.
 - b. Side Yard: Fifteen (15) percent of the width of the lot not to exceed fifty (50) feet.
 - c. Rear Yard: Twenty-five (25) feet for main structure and ten (10) feet for accessory buildings.
 2. Size of Lot:
 - a. Lot Area: No lot shall have an area of less than five (5) acres.
 - b. Lot Width: Two hundred fifty (250) feet minimum.
 - c. Lot Depth: Two hundred fifty (250) feet minimum.

3. Minimum Dwelling Size: The minimum floor area of any dwelling shall be thirteen hundred (1300) square feet exclusive of garages, breezeways and porches.

4. Lot Coverage: In no case shall more than fifteen (15) percent of the total area of the lot be covered by the combined area of the main buildings and accessory buildings.

8.5. Parking Regulations: Two (2) covered spaces behind the front building line. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 23.

SECTION 9 "SF-1" - SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

9.0. Permitted Uses: A building or premise[s] shall be used for the following uses:

1. Single-family dwelling: For purposes of this section, a family shall be any number of individuals living together as a single housekeeping unit, in which all members are related by blood, marriage or adoption.

2. Farms, plant nurseries, greenhouses or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.

3. Church, Rectory, or other religious meeting place or place of worship;

4. Parks, playgrounds, community buildings, museums and other public recreational facilities, owned and/or operated by the municipality or other public agency; and privately owned and maintained recreation areas.

5. Public buildings, including libraries, museums, art galleries, police and fire stations and similar public uses or facilities.

6. Real estate sales offices in model homes during the development of residential subdivisions, but not to exceed two (2) years.

7. Public schools or denominational (kindergarten through high school).

8. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work. The building official shall determine the appropriate time period for use on the site.

8.[9.] Accessory Buildings. For purposes of this section, an "accessory building" is a subordinate building, whether attached or detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building, and not involving the conduct of a business or the sale of a service, except as hereinafter provided.

Accessory buildings include but are not limited to an automobile storage garage, laundry room, servant's quarter, garden shelter, hobby room and mechanical room.

- a) An accessory building shall be located not less than sixty (60) feet from the front lot line, nor less than five (5) feet from either side line, and shall not extend beyond the front line of the main structure on the property.
 - b) No accessory building shall provided [sic] said accessory building shall not occupy more than fifty (50%) percent of the minimum required rear yard in the case of a one-story building.
 - c) When the accessory building is directly attached to the main building, it shall be considered an integral part of the main buildings. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the accessory building.
 - d) Temporary metal buildings less than four hundred (400) square feet that are used for tool and supply storage.
10. Swimming pool (private) constructed for use of residents and located in required rear or side yard. A pool shall not be closer than five (5) feet to any property line.
11. Home occupations. A home occupation is defined as an occupation customarily carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling -
- a) Without the offering, display or advertising of any commodity or service for sale on the premises, except that one (1) sign advertising the existence of such a home occupation may be displayed if said sign is nonilluminated and is confined to a size not to exceed 18" x 36";
 - b) Without the employment of any persons other than a member of the immediate family;
 - c) Without the use of other than normal domestic or household equipment or appliances;
 - d) The conduct of which does not generate noise, odor, fumes, vibration or any other condition visible, obnoxious or detrimental to abutting or adjacent properties; or does not significantly increase the amount of traffic or parking above that considered normal for visitation for a domicile; and
 - e) In no case shall the operation of the business be allowed after 9:00 o'clock p.m.
12. Tennis court (private)

13. Batch plant, temporary during construction when permitted by Code Enforcement and limited to the subdivision for which they are permitted.

9.1. Specific Uses - The following specific uses when granted in accordance with Section 22:

1. Cemetery or mausoleum;
2. Charitable organization;
3. University, college or parochial school and related facilities (public or private);
4. Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf;
5. Day nursery, day camp or child care center;
6. Hospital;
7. Telephone exchange provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines and local utility lines;
8. Post Office;
9. Radio, television or microwave tower;
10. Golf course, public;
11. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property lines a minimum distance of one hundred (100) feet. All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, applicable thereto.
 - a) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl of any nature.
 - b) An area of five (5) acres is required for the first animal, with an additional animal allowed per each additional one (1) acre of land.

9.2. Height Regulations:

1. No main structure shall exceed thirty (30) feet in height.

2. An Accessory building shall not exceed fifteen (15) feet in height, nor shall it be greater in height than the main structure.

9.3. Area Regulations:

1. Size of Yards:

a) Front Yard: There shall be a front yard having a depth of not less than twenty (20) feet as measured from the front property line. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No required parking shall be allowed within the required front yard.

b) Side Yard: There shall be a side yard on each side of the lot having a width of not less than seven and one-half (7.5) feet in width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than fifteen (15) feet. Minimum side yard for accessory uses shall be seven and one-half (7.5) feet from the property line.

c) Rear Yard: There shall be a rear yard, a depth of not less than twenty (20) feet. Minimum rear yard for accessory buildings shall be not less than five (5) feet from the property line.

2. Size of Lot:

a) Lot Area: No building shall be constructed on any lot of less than nine thousand (9,000) square feet.

b) Lot Width: Seventy-five (75) feet (minimum).

c) Lot Depth: One hundred twenty (120) feet (minimum).

3. Minimum Dwelling Size: The minimum floor area of any dwelling shall be one thousand eight hundred (1800) square feet, exclusive of garages, breezeways and porches.

4. Lot Coverage: In no case shall more than forty-five (45%) percent of the total lot area be covered by the area of the main building. A maximum total of sixty (60%) percent may be covered including accessory buildings, driveways and parking.

9.4. Construction Material: Structures constructed in this zone shall be covered by masonry materials (brick, block, or stone) on the outside walls to a minimum percentage of not less than 80% of the surface area of the outside walls. Roof eaves shall be included in this computation.

9.5. Fencing:



1. No electrical fences shall be erected.
2. Barbed wire fences will only be allowed to contain livestock.

9.6. Parking Regulations:

1. Two (2) covered parking spaces behind the front building line constructed by extending the roof of the main structure and of similar materials. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 23.
2. Fiberglass or corrugated metal carports are prohibited.

(Ordinance 773-2003 adopted 5/13/03)

SECTION 9-A "SF-CH" - SINGLE-FAMILY RESIDENTIAL-COTTAGE HOUSING DISTRICT

9-A.0. Permitted Uses: A building or premise[s] shall be used for the following:

1. Those uses specified in Section 9, SF-1 – Single Family Residential
2. Cottage Housing Building, with one dwelling unit
3. Residential Sales Centre
4. Accessory Buildings and Uses, including, but not limited to:
 - a) Club House
 - b) Mail Room
 - c) Gazebo
5. Cottage Housing Building, with single-family dwelling units
6. Such uses as may be allowed by Specific Use Provision

(Ordinance 855-2010, sec. 9-A, adopted 1/12/10)

9-A.1. Height Regulations:

1. Minimum Height:
 - a) Twenty-eight feet (28') for all buildings.

(Ordinance 855-2010, sec. 9-B, adopted 1/12/10)

9-A.2. Area Regulations:

1. Size of Lots:

- a) Minimum Lot Area - one thousand five hundred ninety-eight (15,98) [1,598] square feet
- b) Minimum Lot Width - Thirty-four feet (34')
- c) Minimum Lot Depth - Forty-seven feet (47')

2. Size of Yards:

- a) Minimum Front Yard - five feet (5')
- b) Minimum Side Yard - Five feet (5')
- c) Minimum Rear Yard - Five feet (5')

3. Floor Area per Dwelling Unit:

- a) Minimum Floor Area - four hundred forty (440) square feet
- b) Maximum Floor Area - one thousand four hundred (1,400) square feet.

(Ordinance 855-2010, sec. 9C, adopted 1/12/10)

9-A.3. Special Requirements:

1. The total square footage of a cottage dwelling unit may not be increased. A caveat/restrictive covenant shall be placed on the title to the property to notify future property owners than [that] an increase in the total square footage of a cottage is prohibited for the life of the cottage.
2. Floor area or [of] cottage area that is not included in the calculation of total floor area:
 - a) Unheated storage space located under the main floor of the cottage
 - b) Architectural projections, such as bay windows, fireplaces or utility closets, no greater than eighteen inches (18") in depth or six feet (6') in width.

- c) Attached roof porches
 - d) Garages, carports or storage lockers.
3. Site Coverage - The maximum site coverage permitted for all buildings shall not exceed fifty percent (50%) of lot area.
4. Porches:
- a) Dwelling units shall be oriented around, and have the covered-porches of the main entry facing towards the common open space
 - b) Dwelling units shall have a covered porch or entry at least sixty (60) square feet in size with a minimum dimension of six feet (6') on any one side.
5. Open Space, may include side porches:
- a) A minimum of two hundred (200) square feet of open space shall be provided per dwelling unit. Open space with a dimension of less than twenty feet (20') shall not be included in this calculation
 - b) Each dwelling unit shall have a private use open space of two hundred (200) square feet with no dimension of less than eight feet (8') on one side. Private use open space should be adjacent to each dwelling unit for the exclusive use of the residents, and oriented toward the central common open space,
6. Required Yard Setbacks, excluding steps or ramps:
- a) Eaves may extend up to two feet (2') into the minimum requirements
 - b) Garages and carports shall be set back a minimum of twenty feet (20') from a road and five feet (5') from a lane.
7. Fences:
- a) Fences on the interior of a cottage dwelling development (e.g. adjacent to the common open space) shall have a maximum height of three feet (3').
 - b) Chain link fence is prohibited
8. Parking:

<https://z2.franklinlegal.net/franklin/Z2Browser2.html?showset=winnsboroset>

- a) A minimum of two (2) parking stalls shall be provided for each dwelling unit. For the purposes of this District, one (1) parking stall may include a parking space inside of a garage or carport.
 - b) Parking shall be separated from the central common area by landscaping and/or architectural screen.
 - c) Each parking stall shall have a minimum surface area of one hundred ninety-two (192) square feet, and shall be constructed of a hard surfaced parking pad consisting of concrete or asphalt and measuring at least one hundred ninety-two (192) square feet.
9. Other Development Regulations:
- a) Garages and/or carports may be attached or detached in all cases
 - b) Garages and/or carports shall conform to the main building with respect to color, style and materials.
 - c) No fiberglass or corrugated metal carports are allowed
 - d) A dwelling unit in a Cottage Housing Building must not be located above any portion of another dwelling unit.
 - e) HUD-Code homes are prohibited.

(Ordinance 855-2010, sec. 9D, adopted 1/12/10)

SECTION 10 "SF-2" - SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

10.0. Permitted Uses: A building or premise[s] shall be used for the following purposes:

1. Single-family dwellings. For purposes of this section, a family shall be any number of individuals living together as a single housekeeping unit, in which all members are related by blood, marriage or adoption.
2. Farms, plant nurseries, greenhouses or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.
3. Church, Rectory, or other place of worship;
4. Parks, playgrounds, community buildings, museums and other public recreational facilities, owned and/or operated by the municipality or other public agency; and privately owned and maintained recreation areas.

5. Public buildings, including libraries, museums, art galleries, police and fire stations and similar public uses or facilities.
6. Real estate sales offices in model homes during the development of residential subdivisions, but not to exceed two (2) years.
7. Public schools or denominational (kindergarten through high school).
8. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work. The building official shall determine the appropriate time period for use on the site.
9. Accessory Buildings. For purposes of this section, an “accessory building” is a subordinate building, whether attached or detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building, and not involving the conduct of a business or the sale of a service, except as hereinafter provided. Accessory buildings include but are not limited to an automobile storage garage, laundry room, servants quarter, garden shelter, hobby room and mechanical room.
 - a) An accessory building shall be located not less than sixty (60) feet from the front lot line, nor less than five (5) feet from either side line, and shall not extend beyond the front line of the main structure on the property.
 - b) No accessory building shall occupy more than fifty (50%) percent of the minimum required rear yard in the case of a one-story building.
 - c) When the accessory building is directly attached to the main building, it shall be considered an integral part of the main buildings. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the accessory building.
 - d) Temporary metal buildings less than four hundred (400) square feet that are used for tool and supply storage.
10. Swimming pool (private) constructed for use of residents and located in required rear or side yard. A pool shall not be closer than five (5) feet to any property line.
11. Home Occupations. A home occupation is defined as an occupation customarily carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling –
 - a) Without the offering, display or advertising of any commodity or service for sale on the premises, except that one (1) sign advertising the existence of such a home occupation may be displayed if said sign is nonilluminated and is confined to a size not to exceed 18" x 36";

- b) Without the employment of any persons other than a member of the immediate family;
- c) Without the use of other than normal domestic or household equipment or appliances;
- d) The conduct of which does not generate noise, odor, fumes, vibration or any other condition visible, obnoxious or detrimental to abutting or adjacent properties; or does not significantly increase the amount of traffic or parking above that considered normal for visitation for a domicile; and
- e) In no case shall the operation of the business be allowed after 9:00 o'clock p.m.

12. Tennis court (private)

13. Batch plant, temporary during construction when permitted by Code Enforcement and limited to the subdivision for which they are permitted.

10.1. Specific Uses: The following specific uses when granted in accordance with Section 22:

- 1. Cemetery or mausoleum.
- 2. Charitable organization.
- 3. University, college or parochial school and related facilities (public or private).
- 4. Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.
- 5. Day nursery, day camp or child care center.
- 6. Museum, library or art gallery.
- 7. Post Office.
- 8. Radio, television or microwave tower.
- 9. Golf course, public.
- 10. Bed and Breakfast Establishments
- 11. Hospital.
- 12. Antique Establishments.

13. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet. All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.

a) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.

b) An area of three (3) acres is required for the first animal, with an additional animal being permitted for each additional acre of land.

10.2. Height Regulations: No building shall exceed thirty (30) feet. Accessory uses of buildings shall be a maximum of fifteen (15) feet.

10.3. Area Regulations:

1. Size of Yards:

a. Front Yard: There shall be a front yard having a depth of not less than twenty (20) feet as measured from the front property line. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No required parking shall be allowed within the required front yard.

b. Side Yard: There shall be a side yard on each side of the lot having a width of not less than seven and one-half (7.5) feet in width for all buildings. A side yard adjacent to a side street shall be not less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than fifteen (15) feet.

c. Rear Yard: There shall be a rear yard, a depth of not less than twenty (20) feet. Minimum rear yard for accessory buildings shall be not less than five (5) feet.

2. Size of Lot:

a. Lot Area: No building shall be constructed on any lot of less than eight thousand four hundred (8400) square feet.

b. Lot Width: The width of the lot shall be not less than seventy (70) feet.

c. Lot Depth: One hundred twenty (120) feet.

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3. **Minimum Dwelling Size:** The minimum floor area of any dwelling shall be fifteen hundred (1500) square feet, exclusive of garages, breezeways and porches.

4. **Lot Coverage:** In no case shall more than forty-five percent (45%) of the total lot area be covered by the area of the main buildings. A maximum of sixty percent (60%) of the total lot may be covered by accessory buildings, driveways and parking.

10.4. **Construction Material:** Dwellings constructed in this zone shall be covered by masonry materials (brick, block, or stone), metal or vinyl siding with the appearance of wood or wood covering on the outside walls.

10.5. **Fencing:**

1. No electrical fences shall be erected.
2. Barbed wire fences will only be allowed to contain livestock.

10.6. **Parking Regulations:**

1. One (1) covered space. The covered space must be behind the front building line and may be of the same construction material of the main structure or similar materials or decorative metal.
2. Off-street parking spaces shall be provides [provided] in accordance with the requirements for specific uses set forth in Section 23.
3. Fiberglass or corrugated metal carports are specifically prohibited.

SECTION 11 "SF-3" - SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

11.0. **Permitted Uses:** A building or premise[s] shall be used for the following purposes:

1. Single-family dwellings. For purposes of this section, a family shall be any number of individuals living together as a single housekeeping unit, in which all members are related by blood, marriage or adoption.
2. Farms, plant nurseries, greenhouses or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.
3. Church, Rectory, or other place of worship;
4. Parks, playgrounds, community buildings, museums and other public recreational facilities, owned and/or operated by the municipality or other public agency; and privately owned and maintained recreation areas.

5. Public buildings, including libraries, museums, art galleries, police and fire stations and similar public uses or facilities.
6. Real estate sales offices in model homes during the development of residential subdivisions, but not to exceed two (2) years.
7. Public schools or denominational (kindergarten through high school).
8. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work. The building official shall determine the appropriate time period for use on the site.
9. Accessory Buildings. For purposes of this section, an “accessory building” is a subordinate building, whether attached or detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building, and not involving the conduct of a business or the sale of a service, except as hereinafter provided. Accessory buildings include but are not limited to an automobile storage garage, laundry room, servants quarter, garden shelter, hobby room and mechanical room.
 - a) An accessory building shall be located not less than sixty (60) feet from the front lot line, nor less than five (5) feet from either side line, and shall not extend beyond the front line of the main structure on the property.
 - b) No accessory building shall provided [sic] said accessory building shall not occupy more than fifty (50%) percent of the minimum required rear yard in the case of a one-story building.
 - c) When the accessory building is directly attached to the main building, it shall be considered an integral part of the main buildings. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the accessory building.
 - d) Temporary metal buildings less than four hundred (400) square feet that are used for tool and supply storage.
10. Swimming pool (private) constructed for use of residents and located in required rear or side yard. A pool shall not be closer than five (5) feet to any property line.
11. Home Occupations. A home occupation is defined as an occupation customarily carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling –

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- a) Without the offering, display or advertising of any commodity or service for sale on the premises, except that one (1) sign advertising the existence of such a home occupation may be displayed if said sign is nonilluminated and is confined to a size not to exceed 18" x 36";
- b) Without the employment of any persons other than a member of the immediate family;
- c) Without the use of other than normal domestic or household equipment or appliances;
- d) The conduct of which does not generate noise, odor, fumes, vibration or any other condition visible, obnoxious or detrimental to abutting or adjacent properties; or does not significantly increase the amount of traffic or parking above that considered normal for visitation for a domicile; and
- e) In no case shall the operation of the business be allowed after 9:00 o'clock p.m.

12. Tennis court (private)

13. Batch plant, temporary during construction when permitted by Code Enforcement and limited to the subdivision for which they are permitted.

14. HUD Code Manufactured Home (as defined in Section 15-B "HUD Code Manufactured Housing Regulations"), when installed in accordance with the provisions of The Texas Manufactured Housing Standards Act, on real property owned, leased or rented by the homeowner, and used as a private residence, when in compliance with the regulations set out in this Section. - Permitted in portions of SF-3 District outlined on the map attached to this Section 11, labeled Exhibit "A".

15. HUD Code Manufactured Home Park (as defined in Section 15-C HUD Code Manufactured Housing Park Regulations), when installed in accordance with the provisions of The Texas Manufactured Housing Standards Act, and when in compliance with the regulations set out in this Section and in Section 15-C. - Permitted in portions of SF-3 District outlined on the map attached to this Section 11, labeled Exhibit "A".

16. HUD Code Manufactured Home Subdivision (as defined in Section 15-D HUD Code Manufacturing Housing Subdivision Regulations), when installed in accordance with the provisions of The Texas Manufactured Housing Standards Act, and when in compliance with the regulations set out in this Section and in Section 15-D. - Permitted in portions of SF-3 District outlined on the map attached to this Section 11, labeled Exhibit "A".

11.2. Specific Uses: The following specific uses when granted in accordance with Section 22:

1. Cemetery or mausoleum.



2. Charitable organization.
 3. University, college or parochial school and related facilities (public or private).
 4. Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.
 5. Day nursery, day camp or child care center.
 6. Electric Substation
 7. Museum, library or art gallery.
 8. Post Office.
 9. Radio, television or microwave tower.
 10. Golf course, public.
 11. Hospital.
 12. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet.
 - a) All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.
 - b) An area of two (2) acres is required for the first animal, with an additional animal being permitted for each additional acre of land.
 - c) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.
 13. Antique Establishments.
 14. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines and local utility lines.
- 11.3. Height Regulations: No building shall exceed thirty (30) feet in height. Accessory uses shall be a maximum of fifteen (15) feet in height.

11.4. Area Regulations:

1. Size of Yards:

- a. **Front Yard:** There shall be a front yard having a depth of not less than twenty (20) feet as measured from the front building line. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No required parking shall be allowed within the required front yard. A sixty (60) foot setback is required for all accessory uses.
- b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than seven and one-half (7.5) feet. A side yard adjacent to a side street shall be not less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than seven and one-half (7.5) feet.
- c. **Rear Yard:** There shall be a rear yard, a depth of not less than twenty (20) feet. Minimum rear yard for accessory buildings shall be not less than five (5) feet.

2. Size of Lot:

- a. **Lot Area:** No building shall be constructed on any lot of less than six thousand (6000) square feet.
- b. **Lot Width:** The width of the lot shall be not less than sixty (60) feet at the front street building line.
- c. **Lot Depth:** The average depth of the lot shall be not less than one hundred (100) feet.

3. **Minimum Dwelling Size:** The minimum floor area of any dwelling shall be one thousand one hundred (1100) square feet, exclusive of garages and breezeways and porches.

4. **Lot Coverage:** In no case shall more than forty-five percent (45%) of the total lot area be covered by the main building. Not more than sixty percent (60%) of the total lot may be covered by the main structure, accessory buildings, driveways and parking.

11.5. **Construction Material:** Dwellings constructed in this zone shall be covered by masonry materials (brick, block, or stone), metal or vinyl siding with the appearance of wood or wood frame covering on the outside walls.

11.6. Fencing:

1. No electrical fences shall be erected.



2. Barbed wire fences will only be allowed to contain livestock.

11.7. Parking regulations:

1. One (1) covered space per unit behind the front building line and may be of the same construction material of the main structure or similar materials or decorative metal.
2. Off-street parking spaces shall be provided [provided] in accordance with the requirements for specific uses set forth in Section 23.
3. Fiberglass or corrugated metal carports are specifically prohibited.

SECTION 12 "2F" - TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS

12.0. General Purpose and Description: The "2F" district is intended to provide the opportunity to have development which is two-family (duplex) in character, but which encourages individual ownership of all dwelling units. This is permitted by dividing the typical duplex lot from front to back, thus encouraging the sale of each dwelling unit and the land upon which it sits, to the occupant.

12.1. Permitted Uses: A building or premise[s] shall be used for the following purposes:

1. Two-family residence (duplex).
2. Single-family dwellings. For purposes of this section, a family shall be any number of individuals living together as a single housekeeping unit, in which all members are related by blood, marriage or adoption.
3. Farms, plant nurseries, greenhouses or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.
4. Church, Rectory, or other place of worship;
5. Parks, playgrounds, community buildings, museums and other public recreational facilities, owned and/or operated by the municipality or other public agency; and privately owned and maintained recreation areas.
6. Public buildings, including libraries, museums, art galleries, police and fire stations and similar public uses or facilities.
7. Real estate sales offices in model homes during the development of residential subdivisions, but not to exceed two (2) years.
8. Public schools or denominational (kindergarten through high school).

9. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work. The building official shall determine the appropriate time period for use on the site.

10. Accessory Buildings. For purposes of this section, an “accessory building” is a subordinate building, whether attached or detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building, and not involving the conduct of a business or the sale of a service, except as hereinafter provided. Accessory buildings include but are not limited to an automobile storage garage, laundry room, servants quarter, garden shelter, hobby room and mechanical room.

a) An accessory building shall be located not less than sixty (60) feet from the front lot line, nor less than five (5) feet from either side line, and shall not extend beyond the front line of the main structure on the property.

b) No accessory building shall provided [sic] said accessory building shall not occupy more than fifty (50%) percent of the minimum required rear yard in the case of a one-story building.

c) When the accessory building is directly attached to the main building, it shall be considered an integral part of the main buildings. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the accessory building.

d) Temporary metal buildings less than four hundred (400) square feet that are used for tool and supply storage.

11. Swimming pool (private) constructed for use of residents and located in required rear or side yard. A pool shall not be closer than five (5) feet to any property line.

12. Home Occupations. A home occupation is defined as an occupation customarily carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling –

a) Without the offering, display or advertising of any commodity or service for sale on the premises, except that one (1) sign advertising the existence of such a home occupation may be displayed if said sign is nonilluminated and is confined to a size not to exceed 18" x 36";

b) Without the employment of any persons other than a member of the immediate family;

c) Without the use of other than normal domestic or household equipment or appliances;

d) The conduct of which does not generate noise, odor, fumes, vibration or any other condition visible, obnoxious or detrimental to abutting or adjacent properties; or does not significantly

increase the amount of traffic or parking above that considered normal for visitation for a domicile; and

e) In no case shall the operation of the business be allowed after 9:00 o'clock p.m.

13. Tennis court (private)

12.2. Specific Uses: The following specific uses when granted in accordance with Section 22:

1. Cemetery or mausoleum.

2. Charitable organization.

3. University, college or parochial school and related facilities (public or private).

4. Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.

5. Day nursery, day camp or child care center.

6. Electric substation.

7. Museum, library or art gallery.

8. Post office.

9. Radio, television or microwave tower.

10. Golf course, public.

11. Hospital.

12. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet.

a) All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.

b) An area of two (2) acres is required, for the first animal, with an additional animal being permitted for each additional acre of land.

c) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.

13. Antique Establishments.

14. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines and local utility lines.

12.2. Height Regulations: No building shall exceed thirty (30) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height.

12.3. Area Regulations:

1. Size of Yards:

a. Front Yard: There shall be a front yard having a required depth of not less than twenty (20) feet as measured from the front property line. No required parking shall be allowed within the required front yard. Accessory buildings shall have a setback of sixty (60) feet or greater.

b. Side Yard: There shall be a side yard on each side of a structure of not less than seven and one-half (7.5) feet. A side yard adjacent to a side street shall be not less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than fifteen (15) feet.

c. Rear Yard: There shall be a rear yard having a depth of not less than twenty (20) feet. Minimum rear yard for accessory buildings shall be not less than five (5) feet.

2. Size of Lot:

a. Lot Area: No building shall be constructed on any lot of less than six thousand (6000) square feet. A duplex shall require a minimum lot size of eight thousand two hundred (8200) square feet.

b. Lot Width: The width of the lot shall be not less than sixty (60) feet at the front building line; provided, however, in the case of a duplex, the width of the lot shall be determined by the construction width of individual dwelling units or dwelling units considering side yards as required above.

c. Lot Depth: The average depth of the lot shall be not less than one hundred (100) feet.

3. Minimum Dwelling Size: The minimum floor area of any dwelling shall be one thousand, one hundred (1100) square feet, except in the case of a duplex, which requires a minimum of Eight hundred (800) square feet per unit.



4. Lot Coverage: In no case shall more than forty-five percent (45%) of the total lot area be covered by the combined area of the main building. Calculation of forty-five (45) percent shall be based on both the complete lot and each half. Each calculation shall be free-standing and must conform to the maximum allowed. Accessory buildings, driveways and parking may account for an additional twenty percent (20%).

12.4. Parking Regulations: One (1) covered off-street parking space per unit behind the front building line. The covering may be of the same or similar materials as the dwelling, or decorative metal. Fiberglass or corrugated metal carports coverings are prohibited. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 23.

12.5. Construction Material: Dwellings may be constructed of masonry materials (brick, block, or stone), metal or vinyl siding that has the appearance of wood.

12.6. Fencing: No electrical fences shall be erected. Barbed wire fences will only be allowed to contain livestock.

SECTION 13 "SF-A" - SINGLE FAMILY ATTACHED (TOWNHOUSE)

13.0. General Purpose and Description: The "SF-A" district is intended to provide for medium density dwellings platted on individual lots. These districts function as a buffer or transition between major streets or nonresidential area or higher density zones and lower density residential areas.

13.1. Permitted Uses: A building or premise[s] shall be used for three (3) or more single family attached dwelling units, provided that no more than seven (7) dwelling units are attached in one continuous row or group and provided that no dwelling unit is constructed above another unit.

13.2. Specific Uses: The following specific uses when granted in accordance with Section 22:

1. Cemetery or mausoleum.
2. Charitable organization.
3. University, college or parochial school and related facilities (public or private).
4. Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.
5. Day nursery, day camp or child care center.
6. Electric substation.

7. Museum, library or art gallery.
8. Post office.
9. Radio, television or microwave tower.
10. Golf course, public.
11. Hospital.
12. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet.
 - a) All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.
 - b) An area of two (2) acres is required for the first animal, with an additional animal being permitted for each additional acre of land.
 - c) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.
13. Antique Establishments.
14. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines and local utility lines.
- 13.2. Height Regulations: No building shall exceed thirty (30) feet. Accessory buildings shall not exceed fifteen (15) feet in height.
- 13.3. Area Regulations:
 1. Size of Yards:
 - a. Front Yard: There shall be a front yard having a required depth of not less than twenty (20) feet as measured from the front property line. Required parking shall not be allowed within the required front yard.
 - b. Side Yard: There shall be a side yard on each side of a continuous row or group of dwellings of not less than seven and one-half (7.5) feet. A side yard adjacent to a side street shall

not be less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than fifteen (15) feet.

c. Rear Yard: A twenty (20) foot rear building line shall be observed for a structure, or portion of a structure, accommodating the required off-street parking spaces on an approved surface.

2. Size of Lot:

a. Lot Area: No building shall be constructed on any lot less than two thousand four hundred (2400) square feet, or equivalent thereof, per dwelling unit.

b. Lot Width: The width of a lot shall be not less than twenty-four (24) feet at any point.

c. Lot Depth: The depth of a lot shall be not less than one hundred (100) feet at any point.

13.4. Minimum Dwelling Size: The minimum floor area of any dwelling unit shall be one thousand two hundred (1200) square feet, exclusive of garages, breezeways and porches.

13.5. Lot Coverage: In no case shall more than seventy percent (70%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

13.6. Parking Regulations: Two off-street spaces per unit located behind the front building line. The covering may be of the same or similar materials as the dwelling, or decorative metal. Fiberglass or corrugated metal carports coverings are prohibited. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 23.

13.7. Construction Material: Dwellings may be constructed of masonry materials (brick, block, or stone), or metal or vinyl siding that has the appearance of wood.

13.8. Fencing: No electrical fences shall be erected. Barbed wire fences will only be allowed to contain livestock.

SECTION 14 "MF" - MULTI-FAMILY RESIDENTIAL DISTRICT REGULATIONS

14.0. General Purpose and Description: The MF, Multiple Family Dwelling District is a residential attached district intended to provide for the highest residential density not to exceed fifteen (15) units per acre on a single story or twenty (20) units per acre for multiple story configuration. If the multi-story density of twenty (20) units per acre is selected by the builder/developer he shall be required to conform to the additional fire protection requirements specified in Section 14.7. The principal use of land in this district is for multiple-family dwellings, garden apartment and boarding or rooming houses but lower density housing is allowed such as SF-A, 2F, and Single Family SF-1, SF-2, and SF-3. The district is usually located adjacent to a major street and serves as a buffer or transition between retail/commercial development or heavy automobile traffic and medium or low density residential development.

14.1. Permitted Uses: A building or premise[s] in the MF district shall be used for the following purposes:

1. Multi-family dwelling (apartment building) with no more than one efficiency unit per ten (10) 1 to 3 bedroom units.
2. Nursing and convalescent homes.
3. Boarding or rooming houses.
4. Garden Apartments.
5. Single-Family Attached (Town house)
6. 2F Two-Family Residential
7. Single-Family SF-1, SF-2, or SF-3
8. Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business.

14.2. Specific Uses: The following specific uses when granted in accordance with Section 22:

1. Cemetery or mausoleum.
2. Charitable organization.
3. University, college or parochial school and related facilities (public or private).
4. Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.
5. Day nursery, day camp or child care center.
6. Electric substation.
7. Museum, library or art gallery.
8. Post office.
9. Radio, television or microwave tower.

10. Golf course, public.
 11. Private club.
 12. Hospital.
 13. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet.
 - a) All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.
 - b) An area of two (2) acres is required for the first animal, with an additional animal being permitted for each additional acre of land.
 - c) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.
 14. Antique Establishments.
 15. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines and local utility lines.
- 14.3. Height Regulations: No building shall exceed thirty-five (35) feet. When buildings exceed two (2) stories in height, an automatic sprinkler system shall be installed in accordance with existing fire codes and each unit shall have two points of entry or exit each providing separate access to a place of safety during an emergency or fire. For buildings less than three stories, smoke detectors shall be installed in each dwelling unit.
- 14.3. Area Regulations:
1. Size of Yards:
 - a. Front Yard: Twenty (20) feet minimum as measured from the front property line. Sixty (60) feet for accessory buildings.
 - b. Side Yard: There shall be a side yard on each side of the lot having a width of not less than seven and one-half (7.5) feet. There shall be ten (10) feet separation between buildings without openings (windows) and fifteen (15) feet between buildings with openings. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable nonresidential

uses shall be less than fifteen (15) feet. If a side yard is adjacent to a single family zoning district then paragraph “d” shall apply.

c. Rear Yard: Twenty (20) feet minimum.

d. There shall be a total of sixty (60) feet setback from the adjacent property line for buildings in excess of one (1) story in height when an MF district is next to a single family zoning district or single family use.

2. Size of Lot:

a. Lot Area: Three thousand (3000) square feet per dwelling unit, or portion thereof located on the first floor, with a maximum density not to exceed fifteen (15) units per acre for single story construction. When the option of maximum density at twenty (20) dwelling units per gross acre is selected compliance with increased fire protection (see 14.7) is mandatory.

b. Lot Width: Eighty (80) feet minimum as measured along the front building line.

c. Lot Depth: The average depth of the lot shall be not less than one hundred twenty (120) feet.

3. Minimum Dwelling Size: The minimum living area for Multi-Family Dwelling units shall be as follows:

a. Efficiency - Three hundred fifty (350) square feet, with no more than one efficiency unit per ten (10) units.

b. One-bedroom unit - Six hundred fifty (650) square feet

c. Two-bedroom unit - eight hundred (800) square feet

d. Three-bedroom unit - one thousand seven (1007) square feet

4. Lot Coverage: In no case shall more than forty-five percent (45%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

5. Minimum Building Site: In no case shall any multi-family construction, regardless of size or configuration, be allowed on any property that is less than fifty thousand (50,000) square feet in area.

14.4. Parking Regulations: Two spaces per dwelling unit and one space for each eight (8) dwelling units for guest parking. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 23.

14.5. Refuse Facilities: Every dwelling unit shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designed pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multi-family dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet, no more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

14.6. Border Fencing: Perimeter fencing of wood or masonry construction, not less than six (6) feet high, shall be installed, along the property line on any perimeter not abutting a public street or right-of-way at the time of construction by the builder and maintained throughout the existence of the multi-family unit by the owner/operator of the multifamily unit.

14.7. Fire Protection Requirements for 20 UPA Density: When the builder/developer selects the option for higher density, each building constructed to these standards shall include an automatic sprinkler system to be installed at the time of construction in accordance with currently adopted fire safety codes. In addition, each unit shall be provided with two points of entry and exit with each providing separate access to places of safety in the event of emergency or fire. These provisions are automatic upon the selection of any multi-story design regardless of density. For buildings less than three stories, smoke detectors shall be installed in each dwelling unit.

14.8. Construction Material: Dwellings constructed in this zone shall be covered by masonry materials (brick, block, or stone), metal or vinyl siding.

SECTION 15 “MH” - MOBILE HOMES; MOBILE HOME PARKS; HUD CODE MANUFACTURED HOUSING PARKS AND SUBDIVISION DISTRICT REGULATIONS
General Purpose and Description: The MH District is established in order to provide zoning areas, regulations, and enforcement procedures, and to distinguish between the types of housing in conformity with The Manufactured Housing Standards Act, for:

SECTION 15-A

designated “MH-1” – Mobile Homes and Mobile Home Park Regulations

SECTION 15-B



designated “MH-2” – “HUD” Code Manufactured Home Regulations

SECTION 15-C

designated “MH-3” – “HUD” Code Manufactured Home Park Regulations

SECTION 15-D

designated “MH-4” – “HUD” Code Manufactured Home Subdivision Regulations

SECTION 15-A “MH-1” -MOBILE HOMES; MOBILE HOME; PARK REGULATIONS
15.A.1. General Purpose and Description: The MH-1 District is established in order to provide zoning areas, regulations, and enforcement procedures for Mobile Homes and Mobile Home Parks within the City Limits of Winnsboro, Texas.

15.A.2. Definitions:

1. Mobile Home - as defined in The Texas Manufactured Housing Standards Act, means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air-conditioning, and electrical systems.

2. Mobile Home Park - mean[s] a unified development of mobile home spaces arranged on a tract of land under sole ownership, where lots or spaces are rented or leased for installation of a mobile home to be occupied as a semipermanent place of residence, as well as accessory structures or buildings.

15.A.3. Prohibition. Mobile homes, as defined above, shall not be allowed for use or occupancy as residential dwellings within the corporate city limits of Winnsboro, Texas. Any such prohibition is prospective and shall not apply to a mobile home previously legally permitted and used or occupied as a residential dwelling within the city. Permits for use or occupancy as a residential dwelling shall be granted for the replacement of an existing mobile home with a HUD

Code Manufactured Home, whether located within a mobile home park or on privately-owned property within the incorporated city limits.

15.A.4. Construction, Alteration, or Extension of Existing Mobile Home Parks.

1. No permit shall be issued for the construction or occupancy of any permanent residential structure in any mobile home park.
2. It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the City of Winnsboro.
3. A “Mobile Home” located in an existing Mobile Home Park may be replaced with a “HUD Code Manufactured Home” if the size of the home permits setbacks and/or yard space consistent with the existing criteria of the park.

15.A.5. Inspections.

1. **Inspection Required.** The Building Official, the City Health Officer, the Fire Chief, and the Police Chief are hereby authorized and directed to make such inspections as are necessary to determine compliance with this section.
2. **Entry on Premises.** The Building Official, the City Health Officer, the Fire Chief and the Police Chief shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this section.
3. **Inspection of Register.** The owner of any mobile home park shall be obligated to keep a register containing a record of all residents of the mobile home park. The Building Official, the City Health Officer, the Fire Chief, and the Police Chief shall have the power and authority to inspect such register at any time in discharging their official duties.
4. **Duty of Occupants.** It shall be the duty of every occupant of a mobile home park to give the owner of the park, his agent, or authorized employee access to any part of such park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this section.

15.A.6. Notices, Hearings, and Orders:

1. **Notice of Violations; Requirements of Notice.** Whenever it is determined that there are grounds to believe there has been a violation of any provision of this section, any ordinance of the City of Winnsboro, any Health Code violation, or any federal or state law, the Building Official shall give notice of such alleged violation to the owner of the mobile home park. Such notice shall:

- a) Be in writing;
- b) Include a statement of the reasons for its issuance;
- c) Allow a reasonable time for the performance of the act it requires;
- d) Be served upon the owner of the mobile home park; provided that such notice or order shall be deemed to have been properly served upon such owner when a copy thereof has been sent by mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state; and
- e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section.

2. Appeal from Notice Issued by the Building Official. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section applicable to such park, may request and shall be granted a hearing on the matter before the City Council; provided that such person shall, within five (5) days after the notice was served, file a written petition in the office of the Building Official requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Building Official shall forward such petition to the City Secretary who shall request the City Council to set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

3. Hearing; Order. After such hearing, the City Council shall issue an order in writing sustaining, modifying, withdrawing the notice. Any person aggrieved by the decision of the Building Official may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

SECTION 15-B "MH-2" - "HUD" CODE MANUFACTURED HOME REGULATIONS

15.B.1. General Purpose and Description: This section provides a zoning area and regulations for HUD Code Manufactured Homes installed in accordance with the provisions of The Texas Manufactured Housing Standards Act, on real property owned, rented or leased by the home owner, for use or occupancy as a residential dwelling.

15.B.2. Definition: A "HUD Code Manufactured Home" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and

includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R., Section 3283.8(g).

15.B.3. Permitted Uses: HUD Code Manufactured Homes installed under this section shall be in conformity with the Height Regulations, Area Regulations, Parking Regulations, Construction Material and Fencing Regulations set out in Section 11 “SF-3” Single Family Residential District Regulations.

SECTION 15-C “MH-3” - HUD CODE MANUFACTURED HOME PARK REGULATIONS

15.C.1. General Purpose and Description: This section provides a zoning area and regulations for HUD Code Manufactured Home Parks.

15.C.2. Definition: A “HUD Code Manufactured Home Park” means an area designated, arranged or used for the installation of two or more HUD Code Manufactured Homes which are occupied or intended for occupancy as semipermanent living quarters by individuals or families, and accessory structures. Under no circumstances shall a Mobile Home, as hereinabove defined, be permitted within a HUD Code Manufactured Home Park. For the purpose of this ordinance, certain additional terms, words and phrases shall have the meaning ascribed thereto in Section 32 of the Zoning Ordinance for the City of Winnsboro, Texas.

15.C.3. Permits.

1. Permit Required - It shall be unlawful for any person to construct, alter, extend or expand any HUD Code Manufactured Home Park within the limits of the City of Winnsboro without a valid permit issued by its Building Official in the name of such person for the specified construction, alteration or extension proposed. All permits require the final approval of the City Council prior to issuance.

2. Application Requirements - All applications for permits shall be made upon standard forms provided by the City and shall contain the following:

- a) Name and address of the applicant.
- b) Location and legal description of the HUD Code Manufactured Home Park.

To this application shall be attached five (5) copies of a site plan, which shall include all data required in Section 6 [15.C.7] hereof.

(Ordinance 773-2003 adopted 5/13/03)

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3. Permit Fee - All applications (MH-3 HUD Code Manufactured Home Park) to the Building Official shall be accompanied by a fee of \$100.00, plus \$5.00 for each manufactured home space. (Ordinance 951-2016 adopted 1/12/16)
4. Issuance of Permit - In considering the application, the City Council may take into account the proposed location of the HUD Code Manufactured Home Park in relation to the present and anticipated land use and development. After review of the application and determining the application and the proposed Park complies with this ordinance and other applicable laws, codes and regulations, the permit shall be issued.
5. Denial of Permit/Hearing - Any person whose application for a permit under this ordinance has been denied, may request in writing a rehearing on the matter and offer additional evidence if desired.

15.C.4. Licenses.

1. License Required - It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained within the City of Winnsboro any HUD Code Manufactured Home Park unless such person holds a valid license issued annually by the City. All applications for licenses shall be made in writing to the Building Official, who shall issue a license upon compliance by the applicant with provisions of this ordinance.
2. Application for Original License - Application for original license shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of the license fee hereinafter provided, and shall contain:
 - a) The name and address of the applicant;
 - b) A copy of a valid Certificate of Occupancy;
 - c) The location and legal description of the park; and
 - d) A site plan of the park prepared in accordance with Section 7 [15.C.7] hereof.
3. Application for License Renewal - Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City on or before December 1 of each year. The application shall contain any change in the information occurring after the original license was issued or the latest renewal granted and be accompanied by the HUD Code 3 Manufactured Home Park Register as hereinafter provided.
4. License Fee - All original license applications or renewals thereof shall be accompanied by a fee of \$100.00. All renewal fees shall be due on the issuance of the license.



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5. Hearing Granted Applicants - Any person whose application for an original license or license renewal under this ordinance has been denied may request a hearing within ten (10) days before the City Council.
6. Annual Inspection Fee - An annual inspection fee in the amount of \$25.00 per space is payable by the licensee or his agent due on or before the 10th day of January each year.
7. Transfer of License - Every person holding a license shall give notice in writing to the Building Official 30 days prior to selling, transferring, giving away or otherwise disposing of any part or interest in or control of the park. Such notice shall include the name and address of the person succeeding to the ownership control of such park. Upon application in writing for transfer of the license, the license shall be transferred if the park is in compliance with all applicable provisions of this ordinance on the date of title or interest transfer.

15.C.5. Inspections.

1. Inspections Required - The Building Official is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance and as authorized by The Manufactured Housing Standards Act.
2. Entry on Premises - The Building Official shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance. It shall be the duty of the licensee or his agent to give the Building Official free access to all lots at reasonable times for the purpose of inspection. The Building Official shall enter and inspect annually, and report to the City Administrator his findings.
3. Inspection of Register - The Building Official shall have the power to inspect the register containing a record of all residents of the HUD Manufactured Home Park. The Building Official shall make a quarterly inspection of the register for tax reporting purposes.
4. Duty of Occupants - It shall be the duty of every occupant of a HUD Manufactured Home Park to give the licensee, his agent or authorized employee, access to any part of such park at reasonable times for the purpose of making such repairs or alternations [alterations] as are necessary to effect compliance with this ordinance.
5. Notice to Occupants - It shall be the duty of each licensee, his agent or authorized employee to inform each registered resident or potential resident of the inspection requirements of this ordinance of the City of Winnsboro, Texas.

15.C.6. Notices, Hearings and Orders.



1. Notice of Violation; Requirements of Notice - If the Building Official determines there are grounds to believe there [that] a violation of this ordinance has occurred, notice of such alleged violation shall be given to the licensee or agent, as hereinafter provided. Such notice shall

- a) be in writing;
- b) include a statement of the reasons for its issuance;
- c) allow a reasonable time for the performance of any act it requires;
- d) be served upon the owner or his agent. Such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy has been sent by registered or certified mail to his last known address, or when he has been served with notice by any method authorized or required by the laws of this state; and
- e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.

2. Appeal from Notice Issued by the Building Official. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section applicable to such park, may request and shall be granted a hearing on the matter before the City Council; provided that such person shall, within five (5) days after the notice was served, file a written petition in the office of the Building Official requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Building Official shall forward such petition to the City Secretary who shall request the City Council to set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

3. Hearing; Order - After such hearing, the Building Official shall make findings as to compliance with the provisions of this ordinance and shall issue an order in writing sustaining, modifying or withdrawing the notice, which order shall be served as provided in Section 5.1(iv) [15.C.6.1(d)]. Upon failure to comply with any order sustaining or modifying the order, the license of the park affected by the order shall be revoked.

4. Hearing Records; Judicial Review The proceedings at such a hearing including the findings and decision of the Building Official, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the City Secretary, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the Building Official may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

5. Order Without Notice - Whenever the Building Official finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency (including the suspension of the permit or license). Notwithstanding any other provisions of this ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Building Official shall be afforded a hearing as soon as possible. The provisions of Section 5.2 [15.C.6.2] and 5.3 [15.C.6.3] shall be applicable to such hearing and the order issued thereafter.

6. Further Appeal - In the event any infraction[s] continue or go unresolved, the matter shall be submitted to the City Council for determination of further action.

15.C.7. Site Requirements.

1. Site Plan - The site plan shall be filed as required by Section 2.2 [15.C.3] of this ordinance and shall show the following:

- a) The name, address, fee owner and record owner of the proposed HUD Code Manufactured Home Park
- b) Name of subdivision where the park is located
- c) Names of adjacent public streets and roads
- d) Contour lines at two foot (2') intervals
- e) Locations and dimensions of all HUD Code Manufactured Home spaces, utility easements, drives, recreation areas, streets and sidewalks. Each home space shall be numbered.
- f) Scale of plan - minimum scale of 1" = 200 ft. for sites of 30 acres or more, and at a minimum scale of 1" = 100' for sites less than 30 acres.
- g) Density in units per gross acre
- h) Area and dimensions of site
- i) Areas defined for waste containers and method of disposal of garbage and refuse.
- j) Water and Sewer plans must be submitted showing the following:
 - i) Sewer line locations, grades and sizes

- ii) Water line locations, sizes and source of water supply.
- k) Paving and drainage plans must show the following:
 - i) Directions and calculated quantities of runoff
 - ii) The proposed specifications for streets.

The City shall notify the applicant in writing as to whether the plan was approved or disapproved, stating the reasons for disapproval and the modifications or conditions that must be made or met before approval can be obtained upon subsequent submission.

2. Density - Each HUD Code Manufactured Home Park shall be planned for and shall provide a minimum of five (5) acres in area.

3. Basic Minimum Site Requirements:

a) Height Requirements:

i) The height limit for any structure intended for occupancy in the HUD Code Manufactured Home Park shall be twenty (20') feet.

ii) The average height of the HUD Code Manufactured Home frame above ground elevation, measured at 90° to the frame, shall not exceed four (4') feet from the top of the pad.

b) Spacing Regulations - HUD Code Manufactured Homes shall be located no closer than twenty (20') feet from any exterior wall to the closest exterior wall of the nearest HUD Code Manufactured Home.

c) HUD Code Manufactured Home Space Standards - Each and every HUD Code Manufactured Home shall be located on separate space which shall conform to the following standards:

i) Be served with sanitary sewer, water, electrical power, and telephone service.

ii) Provide a minimum average width of forty (40') feet and a minimum average depth of eighty (80') feet.

iii) Abut and/or have access to a private street for a minimum distance of twelve (12') feet.

iv) Provide a minimum area of two thousand, two hundred (2,200) square feet, said area to be determined by the boundary lines of the space.

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v) Provide a HUD Code Manufactured Home pad which shall provide an adequate foundation for the placement and tie-down of one single-family HUD Code Manufactured Home, thereby securing the superstructure against uplift, sliding rotation, and overturning. The pad shall:

Be constructed of material which shall adequately support the weight of the HUD Code Manufactured Home placed thereon and be durable and well drained under normal use and weather conditions.

Provide anchors and tie-downs such as cast-in-place concrete “dead men”, eyelets embedded in concrete foundations or runway screw augers, arrowhead anchors or other devices which secure the stability of the HUD Code Manufactured Home, and shall be placed at least at each corner of the HUD Code Manufactured Home.

Cover an area of at least two hundred forty (240) square feet or at least one-third (1/3) the area of the largest HUD Code Manufactured Home which is to be place[d] on the space, whichever is greater. No surface provided for a purpose other than the foundation of HUD Code Manufactured Home shall be considered a part of such HUD Code Manufactured Home pad.

Provide a minimum of two (2) off-street parking spaces which shall be constructed of concrete.

Double street frontage of HUD Code Manufactured Home spaces shall be avoided.

No vehicular access to a HUD Code Manufactured Home space is permitted from a public dedicated street.

The ground surface in all parts of every HUD Code Manufactured Home Park, and especially beneath the HUD Code Manufactured Homes and other structures shall be graded and equipped to drain all surface water in a safe, efficient manner so as not to permit water to stand or become stagnant.

4. Design and Location of Storage Facilities - Storage facilities with a minimum capacity of 200 cubic feet per HUD Code Manufactured Home space, may be provided on the space, or in compounds located within 200 feet of the space. Where provided, storage facilities shall be faced with a durable, fire resistant material. Storage outside the perimeter walls of the HUD Code Manufactured Home shall be permitted only if in such facilities. No storage shall be permitted under a HUD Code Manufactured Home. Storage facilities shall not be located within ten (10') feet of the boundary line of any HUD Code Manufactured Home space boundary line.

5. Location of HUD Manufactured Homes and Accessory Structures - No HUD Code Manufactured Home or accessory structure such as a refuse container, carport cabana, awning, fence or storage locker shall be permitted within ten (10') feet of a private street or the boundary



line of a HUD Code Manufactured Home space boundary line. Provided further that two (2) HUD Code Manufactured Homes shall not be placed less than twenty (20') feet apart.

6. Setbacks and Screening.

a) No HUD Code Manufactured Home or structure in a HUD Code Manufactured Home Park shall be located within the yard setback area. The minimum setback area for each space is:

Front yard

25 feet

Rear yard

15 feet

Side yard

10 feet

b) The following screening requirements shall be applicable:

i) A landscaped strip, not less than ten (10') feet in width or a screening device as defined herein shall be located along all HUD Code Manufactured Home Park boundary lines abutting upon a public dedicated street or abutting residential property.

ii) The landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting, cultivation, growing, and maintenance of site obscuring trees, shrubs, plant life, as described below. Trees, shrubs, cane and/or other vegetation shall be planted, cultivated and maintained as a sight and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately five (5) years.

iii) At least one row of trees with a minimum initial trunk diameter of one inch and minimum initial height of five (5') feet shall be planted on twenty-five (25') foot centers.

iv) Also, two (2) rows of cane, nondeciduous shrubs and/or other suitable screening plants shall be planted on ten (10') foot centers.

v) The buffer strips are intended to provide a seventy five (75%) percent or more opaque screen when viewed horizontally between two (2') feet and ten (10') feet above the natural ground at the end of the growing period of five (5) years from the date of planting.

vi) Additional planting, cultivation and maintenance may be required by the City officials during the use period of the buffer strip to achieve and maintain this effect.

7. Access; Traffic Circulation; Parking:

a) Internal streets shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.

b) All internal streets shall be constructed to specifications set by the City Council and shall be maintained by the owner.

c) All private streets shall be constructed with concrete and/or asphalt, and shall be durable and well drained under normal use and weather conditions.

d) Common Access Route/Internal Street Dimensions; Parking

i) Common Access Routes or Internal streets shall be minimum pavement width of twenty (20') feet. Parking shall not be allowed on the minimum street width. An additional lane of nine (9') feet minimum width may be added to one or both sides for off-street parking.

ii) Internal streets shall permit unobstructed access to within at least two hundred (200') feet of any portion of each HUD Code Manufactured Home.

iii) Within each HUD Code Manufactured Home Park, streets shall be named and HUD Code Manufactured Homes numbered. Park signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

iv) Private streets which may connect two (2) public street right-of-way(s) shall, by the use of curves, offsets, location and/or the use of two (2) or more streets, be located so as to discourage through traffic.

v) Private street intersections shall generally be at right angle, offsets at intersections of less than 125' (centerline to centerline) shall be avoided, and intersection of more than two streets at one point shall be avoided.

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vi) Dead-end private streets shall be limited to a maximum length of one thousand (1,000') feet and shall be provided with a vehicular turning space, with a turning circle of eighty (80') feet in diameter.

vii) Streets shall be laid out to provide a minimum distance of two hundred forty (240') feet (center to center) of parallel streets, between intersections.

vii) The private streets, parking lots, walks and service areas shall be lighted at all times so the HUD Code Manufactured Home Park shall be safe for occupants and visitors, provided further all entrances and exits shall be lighted.

8. Fire Safety Standards:

a) The storage, handling and use of liquefied petroleum gases and flammable liquids shall be done in compliance with applicable City ordinances and state statutes.

b) Approaches/Access to all HUD Code Manufactured Homes shall be kept clear for fire fighting and other emergency vehicles.

c) Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the Fire Chief or City Council, but in no case shall the park provide less than a system of standard hydrants located not more than five hundred (500') feet from each HUD Code Manufactured Home space and served by water lines not less than six (6") inches in diameter installed in a looped system.

d) The HUD Code Manufactured Home Park licensee or agent shall provide an adequate system of collection and safe disposal of rubbish.

9. Water Supply:

a) All approved water supply for domestic use and fire protection purposes shall be supplied to meet the requirements of the HUD Code Manufactured Home Park.

b) All plumbing shall be in accordance with applicable ordinances of the City of Winnsboro, Texas.

10. Sewage Disposal - From and after the effective date of this ordinance, the following shall apply:

a) Waste from all toilets, lavatories, sinks and showers in a HUD Code Manufactured Home Parks shall be discharged into a public sewer or a private disposal system approved by the City Council.



- b) All plumbing shall comply with applicable plumbing codes.
- c) Each HUD Code Manufactured Home pad shall have a sewer riser pipe of at least four (4") inches, which shall be capped when not in use.

11. Electrical Distribution Systems - From and after the effective date of this ordinance, the electrical distribution system shall comply with applicable electrical codes and other applicable laws of the state.

12. Skirting; Porches. - Each HUD Code Manufactured Home shall be skirted with materials consistent with the home and provided by the manufacturer or its equivalent. Each home shall have a minimum 8' X 10' front porch which shall be skirted with like material.

13. Refuse and Garbage - Solid waste shall be stored in fly-proof, waterproof containers, which shall be emptied regularly and maintained in a usable, sanitary condition and the collection and disposal of said refuse and garbage shall be so conducted as to create no health hazard.

14. Maintenance of Park - The owner of the park shall be responsible to insure that it is maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard. Growth of plant material such as weeds and grass, especially beneath HUD Code Manufactured Homes and other structures shall be continuously controlled. All streets, parking and storage areas shall be maintained to provide a fully paved surface.

15. Conform to Code - All HUD Code Manufactured Home Park facilities and HUD Code Manufactured Homes contained therein shall conform without limitation to the codes and ordinances of the City of Winnsboro, including the Building, Plumbing, Electrical and Fire Codes, and all applicable laws of the State of Texas.

16. Office - Every HUD Code Manufactured Home Park shall have an office in which a copy of the park permit or license shall be posted and the park register shall be in such office. It shall be the duty of the licensee to keep a register of park occupancy which shall contain the following information:

- a) Name and address of owner and occupant
- b) The make, model, serial number, year and dimensions of all HUD Code Manufactured Homes
- c) The date of arrival and departure of each HUD Code Manufactured Home.

The park operator shall submit the park register to the City Council each year upon requesting license renewal and shall make said register available to any authorized City official upon

reasonable request. Upon gaining knowledge of a departure of any HUD Code Manufactured Home, the park operator shall notify the City tax assessor. Failure to do so shall place the operator in violation of this ordinance.

17. Ordinance Compliance - It shall be the responsibility of the licensee to insure that all requirements of this ordinance are met and maintained. Any HUD Code Manufactured Home Park issued an initial license after adoption of this ordinance that is found to be in violation of any provisions of this ordinance shall be notified in writing by the Building Official in accordance with Section 5 [15.C.6], and upon failure to comply, said license shall be revoked.

18. Miscellaneous Requirements:

a) Responsibilities of Park Management:

i) All responsibilities set out elsewhere in this ordinance shall apply.

ii) The licensee or licensee's agent shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park and all facilities in good repair, and in clean and sanitary condition.

iii) The licensee or agent shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.

b) Responsibilities of Park Occupants:

i) All responsibilities of occupants set out elsewhere in this ordinance shall apply.

ii) This [the] park occupants shall comply with all requirements of this ordinance.

iii) The park occupant shall be responsible for proper placement of his HUD Code Manufactured Home in its space and pad, and for proper installation of all utility connections in accordance with the instructions of the park management, and in compliance with The Texas Manufacturing Standards Act.

iv) Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. Skirting materials will be consistent with the home and provided by the manufacturer or its equivalent and be judged aesthetically pleasing.

c) Mobile homes shall not be permitted in a HUD Code Manufactured Home Park.

d) Only HUD Code Manufactured Homes shall be permitted in a HUD Code Manufactured Home Park.



SECTION 15-D “MH-4” - HUD CODE MANUFACTURED HOME SUBDIVISION REGULATIONS

15.D.1. General Purpose and Description: The HUD Code Manufactured Home Subdivision District provides a zoning area and regulations for Manufactured Home Subdivisions.

15.D.2. Definition. A “HUD Code Manufactured Home Subdivision” means property which is developed along ordinary subdivision characteristics, and is intended for sale to individual property owners of each lot within the subdivision.

15.D.3. Permitted Uses.

1. Compliance with Subdivision Regulations. Any development of HUD Code Manufactured Home Subdivision shall be governed by the provisions of the Subdivision Ordinance of the City of Winnsboro in effect at the time of development.

2. Skirting; Porches. - Each HUD Code Manufactured Home shall be skirted with materials consistent with the home and provided by the manufacturer or its equivalent. Each home shall have a minimum 8' X 10' front porch which shall be skirted with like material.

SECTION 16 “R” - RETAIL DISTRICT REGULATIONS

16.0. General Purpose and Description: The “R” Retail District is intended for neighborhood shopping facilities which provide limited business service and office facilities predominantly for the convenience of residents of the community.

16.1. Permitted Uses: A building or premise[s] shall be used for the following purposes:

1. Banks or Savings and Loans w/wo Drive-throughs
2. Clinic, medical or dental.
3. Laboratory, medical or dental.
4. Office, general.
5. Optical Shop
6. Studio, art, music, drama, speech.
7. Letter, Photocopy & Printing Shop
8. Garden shop and plant sales, inside.
9. Veterinarian office, no hospital.

10. Florist shop.
11. Antique shop, enclosed.
12. Bakery or confection shop, retail.
13. Barber or beauty shop.
14. Book, camera or card shop.
15. Clothing and apparel store.
16. Cleaning and laundry pick-up station.
17. Discount, variety or department store.
18. Drug store.
19. Drapery, needlework or weaving shop.
20. Supermarket
21. Furniture and appliance.
22. Handicraft or hobby shop.
23. Key shop.
24. Laundry or dry cleaning, self service.
25. Health studio.
26. Paint, wallpaper and hardware.
27. Personal service shop.
28. Photography studio.
29. Shoe repair.
30. Restaurant w/wo drive-in service.

31. Tool rental (inside only).
32. Auto parts and accessories, new.
33. Medical appliances, Fitting & Sales
34. Bus pickup point.
35. Motion picture theater, indoor.
36. Hotel or motel.
37. Public buildings including fire stations and library.
38. Private or Business Radio Tower.
39. Water reservoirs, pumping plants and wells.
40. Telephone or utility business office.
41. Telephone exchange, switching and transmitting equipment.
42. Sewage pumping or lift station.
43. Church[,] Synagogue or Rectory.
44. School, private or public.
45. Day nursery, or child care center.
46. Hospital.
47. Lodge or fraternal organization.
48. Nursing home or residence home for aged.
49. Electrical transmission lines and substation.
50. Health/Fitness Centers
51. Public Swimming Pools, Indoor/Outdoor
52. Radio, TV, Appliance Shop

53. Other general retail sales of similar nature and character provided that the business establishment is subject to the following conditions:

- a. That it be conducted wholly within an enclosed building.
- b. That required yards not be used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
- c. That all merchandise be sold at retail on the premises.
- d. That such use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.

54. No portable buildings shall be used as permanent commercial use.

55. Temporary/seasonal portable buildings are allowed not exceeding 180 days.

(Ordinance 773-2003 adopted 5/13/03)

[56.] Mobile food units and mobile food unit parks. (Ordinance 1008-2019, sec. 1, adopted 4/9/19)

16.2. Specific Uses: The following specific uses when granted in accordance with Section 22:

1. Heliport
2. Broadcasting facilities, radios, television or microwave tower.
3. Cemetery or mausoleum.
4. School, commercial, trade or craft.
5. Golf course, public or private.
6. Private club, serving alcoholic beverages.
7. Rodeo or other sports arena.
8. Commercial amusements, indoor or outdoor.
9. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet.

a) All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.

b) An area of two (2) acres is required for the first animal, with an additional animal being permitted for each additional acre of land.

d) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.

10. Batch plant, temporary during construction, with permit by Code Enforcement Officer and limited to the project for which they are permitted.

(Ordinance 773-2003 adopted 5/13/03)

[11.] Mobile Food Unit: Vehicles that are designed to be readily moveable from which food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle that was originally manufactured for use as a food preparation vehicle.

[12.] Mobile Food Unit Park: Locations designated for the operation of two or more Mobile Food Units.

(Ordinance 1008-2019, sec. 2, adopted 4/9/19)

16.3. Height Regulations: No building shall exceed one hundred (100) feet, except cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms may project, not to exceed twelve (12) feet beyond maximum building height.

16.4. Area Regulations:

1. Size of Yards:

a. Front Yard: Minimum required setback, twenty-five (25) feet measured from front property line. Accessory buildings shall have a sixty (60) foot front yard.

b. Side Yard: (Adjacent to a street or different use property line); minimum required, ten (10) feet.

c. Rear Yard: A dedicated alley or private drive shall be required behind each lot or tract and the minimum rear yard setback shall be twenty (20) feet for any building or structure. When an

alley is not required, a masonry or wood wall of a minimum height of six (6) feet shall be constructed adjacent to the rear property line to provide a barrier between the adjoining use.

d. **Special Side or Rear Yard Requirement:** When a nonresidential zoned lot or tract abuts upon a zoning district boundary line dividing the lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the nonresidential property. A masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side (or rear) property line.

2. **Size of Lot:**

a. **Lot Area:** None

b. **Lot Width:** None

c. **Lot Depth:** None

3. **Lot Coverage:** In no case shall more than forty-five percent (45%) of the lot area be covered by buildings.

16.5. **Parking Regulations:** Off-street parking and loading shall be provided as set forth in Section 23.

SECTION 17 "B-1" - BUSINESS DISTRICT REGULATIONS

17.1. **General Purpose and Description:** The "B-1" Business District is intended predominantly for commercial activities of service nature which typically have operating characteristics (limited outside or open storage) or traffic service requirements of greater intensity than retail shopping and residential environments.

17.2. **Permitted Uses:** A building or premise[s] shall be used for the following purposes.

1. Use permitted in the "R" Retail District.
2. Gasoline service station or car care center.
3. Mortuary or funeral home.
4. Feed store without open bins.
5. Restaurant with drive-in service.
6. Secondhand, furniture, clothing store and or auction for such.

7. Quick service food or beverage shop.
8. Car wash.
9. Auto glass, muffler and seat cover.
10. New or used car sales and/or recreational vehicles
11. Building materials sales.
12. Lawn equipment repair.
13. Radio, TV or Microwave Tower.
14. Ltd. warehousing & distribution, and mini or convenient warehouse storage.
15. Pest control business.
- [16. Reserved.]
17. No portable buildings shall be used as permanent commercial use.
18. Temporary/seasonal portable buildings are allowed not exceeding 180 days.

(Ordinance 773-2003 adopted 5/13/03)

[19.] Mobile food units and mobile food unit parks. (Ordinance 1008-2019, sec. 1, adopted 4/9/19)

17.3. Specific Uses: The following specific uses when granted in accordance with Section 22:

1. Heliport
2. Cemetery.
3. Commercial amusements, indoor or outdoor.
4. Golf course, public or private.
5. Private club, serving alcoholic beverages.
6. Open storage, fenced.

7. Rodeo or other sports arena.
8. Hospital.
9. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet.
 - a) All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.
 - b) An area of two (2) acres is required for the first animal, with an additional animal being permitted for each additional acre of land.
 - c) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.
10. Antique Establishments.
11. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines and local utility lines.

(Ordinance 773-2003 adopted 5/13/03)

[12.] Mobile Food Unit: Vehicles that are designed to be readily moveable from which food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle that was originally manufactured for use as a food preparation vehicle.

[13.] Mobile Food Unit Park: Locations designated for the operation of two or more Mobile Food Units.

(Ordinance 1008-2019, sec. 2, adopted 4/9/19)

17.3. Height Regulations:

1. No building shall exceed one hundred (100) feet, except cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms may project not to exceed twelve (12) feet beyond maximum building height.
2. Radio, TV, or microwave towers may be constructed up to a maximum of 199.75' for commercial districts.



17.4. Area Regulations:

1. Size of Yard:

- a. Front Yard: Minimum required setback, twenty (20) feet. Accessory uses must be set back a minimum of sixty (60) feet.
- b. Side Yard: (Adjacent to a street or different use property line): Minimum required, ten (10) feet.
- c. Rear Yard: A dedicated alley or private drive shall be required behind each lot or tract and the minimum rear yard setback shall be twenty (20) feet for any building or structure. When adjacent to or abuts [abutting] a residential use a masonry or wood wall of a minimum height of six (6) feet shall be constructed adjacent to the rear property line to provide a barrier between the adjoining use.
- d. Special Side or Rear Yard Requirement: When a nonresidential zoned lot or tract abuts upon a zoning district boundary line dividing the lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the nonresidential property. A masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side (or rear) property line.

2. Size of Lot:

- a. Lot Area: None
- b. Lot Width: None
- c. Lot Depth: None

3. Lot Coverage: In no case shall more than fifty percent (50%) of the lot area be covered by buildings.

17.5. Parking Requirements: Off street parking requirements shall be provided in accordance with Section 23.

SECTION 18 "B-2" - BUSINESS DISTRICT REGULATIONS

18.1. General Purpose and Description: The "B-2" Business District is intended to provide a zoning category similar to the "B-1" District with additional used permitted which are not generally carried on completely within a building or structure, and an expanded range of service and repair uses.



18.2. Permitted Uses: A building or premise[s] shall be used for the following purposes:

1. Uses permitted in the B-1 Business District and R Retail District.
2. Public or private utility shop and maintenance.
3. Public & private amusements (see exceptions)
4. Animal clinic or hospital with outside runs.
5. Plant nursery or greenhouse.
6. Kennels with outside run.
7. Tool and trailer rental, outside storage.
8. New and/or used automobile, motorcycle, or recreational vehicle sales.
9. Automobile repair garage.
10. Automobile painting or body shop.
11. Automobile storage or sales lot.
12. Mobile home sales.
13. Truck parking lot or garage.
14. Swimming pool, commercial outside.
15. Bus terminal.
16. Dry cleaning plant or laundry.
17. Engine or motor repair.
18. Machinery sales.
19. Machine or welding repair shop.
20. Vehicle rental business.

21. Lumber yard.
22. Maintenance or contractor yard.
23. Tennis courts, commercial.
24. Plumbing, heating & air conditioning shops
25. Mini or convenience warehouse.
26. Bowling alleys.
27. No portable buildings are allowed for permanent commercial use.
28. Temporary/seasonal portable buildings are allowed not exceeding 180 days.

(Ordinance 773-2003 adopted 5/13/03)

[29.] Mobile food units and mobile food unit parks. (Ordinance 1008-2019, sec. 1, adopted 4/9/19)

18.3. Specific Uses: The following specific uses when granted in accordance with Section 22:

1. Airport, heliport or landing field.
2. Cemetery or mausoleum.
3. Commercial amusement, indoor or outdoor.
4. Golf course, private or public.
5. Private club, serving alcoholic beverages.
6. Rodeo or other sports arena.
7. Theater, drive-in.
8. Animal pound, public or private.
9. Hospital.
10. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet.

- a) All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.
- b) An area of two (2) acres is required for the first animal, with an additional animal being permitted for each additional acre of land.
- c) For purposes of this paragraph, the term “animal” shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.

11. Antique Establishments.

12. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines and local utility lines.

(Ordinance 773-2003 adopted 5/13/03)

[13.] Mobile Food Unit: Vehicles that are designed to be readily moveable from which food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle that was originally manufactured for use as a food preparation vehicle.

[14.] Mobile Food Unit Park: Locations designated for the operation of two or more Mobile Food Units.

(Ordinance 1008-2019, sec. 2, adopted 4/9/19)

18.4. Height Regulations:

1. One hundred (100) feet or height permitted under floor area ratio (see floor area ratio).
2. Radio, TV, or microwave towers may be constructed up to a maximum of 199.75' for commercial districts.

18.5. Area Regulations:

1. Size of Yard:

- a. Front Yard: Minimum required setback twenty (20) feet. Accessory uses must be set back a minimum of sixty (60) feet.
- b. Side Yard (adjacent to a street or property line): Minimum required, ten (10) feet.



c. Rear Yard: A dedicated alley or private drive shall be required behind each lot or tract and the minimum rear yard setback shall be twenty (20) feet for any building or structure. When adjacent to or abutting a residential use, masonry or wood wall of a minimum height of six (6) feet shall be constructed adjacent to the rear property line to provide a barrier between the adjoining use.

d. Special Side or Rear Yard Requirement: When a nonresidential zoned lot or tract abuts upon a zoning district boundary line dividing the lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided for on the nonresidential property. A masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property adjacent to the common side (or rear) property line.

2. Size of Lot:

a. Lot Area: None

b. Lot Width: None

c. Lot Depth: None

3. Lot Coverage: In no case shall more than fifty percent (50%) of the lot area be covered by buildings.

18.6. Parking Requirements: Off street parking requirements shall be provided in accordance with Section 23.

SECTION 19 "I" - INDUSTRIAL DISTRICT REGULATIONS

19.1. General Purpose and Description: The "I" Industrial District is intended to provide for commercial and manufacturing uses.

19.2. Permitted Uses: The following uses are permitted in the "I" District, provided that such manufacturing or industrial operation shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property. In addition, such use shall produce no noise exceeding in intensity at the boundary of the property, the average intensity of noise of street traffic, and provided that such use does not create fire hazards on surrounding property.

1. Any use permitted in the B-2 Business District, B-1 Business District and R Retail District except child care facilities, hospitals, nursing home, schools (other than trade).

2. Stables, private or commercial.

3. Swimming pool, commercial or private, outside
4. Animal pound, public or private.
5. Warehouse and enclosed storage.
6. Light fabrication and assembly processes facilities for the manufacturing, fabrication, processing, or assembly of products; provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.
7. Manufacturing processes - all other facilities for the manufacturing, fabrication, processing or assembly of products; provided that such facilities are not detrimental to the public health, safety or general welfare and provided that the following performance standards and city ordinances are met:
 - a. Smoke: No operation shall be conducted unless it conforms to the standards established by State health rules and regulations pertaining to smoke emission;
 - b. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by State health rules and regulations pertaining to emission of particulate matter;
 - c. Dust, Odor, Gas Fumes, Glare, or Vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; or as said emissions conform to the standards established by State health rules and regulations pertaining to said emissions:
 - d. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by State health rules and regulations pertaining to radiation control.
 - e. Noise: No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise at the property line shall not exceed 75 DB (A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; or as said operation conforms to the standards established by State health rules and regulations or other city ordinances pertaining to noise;
 - f. Water Pollution: No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State health and environmental protection agencies.
8. Cabinet Shop

9. Newspaper or commercial print shop
10. Bakery & confectionery, wholesale.
11. Bottling plant.
12. Publicly owned water supply reservoirs, pumping plants and towers.
13. Sewage treatment plant (publicly operated)
14. Electric Substations.
15. Motor freight terminal.
16. Batch plants, temporary during construction when permitted by the Code Enforcement Officer, and limited to the project for which they are permitted.
17. No portable buildings are allowed for permanent commercial use.
18. Temporary/seasonal portable buildings are allowed not exceeding 180 days.

(Ordinance 773-2003 adopted 5/13/03)

[19.] Mobile food units and mobile food unit parks. (Ordinance 1008-2019, sec. 1, adopted 4/9/19)

19.3. Specific Uses: The following specific uses when granted in accordance with Section 22:

1. Airport, heliport or landing field
2. Cemetery or mausoleum.
3. Commercial amusements, indoor/outdoor
4. Golf course, private or public.
5. Private club, serving alcoholic beverages.
6. Junk or salvage yards.
7. Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes may be permitted by the City Council after public hearing and review

of the operational characteristics and other pertinent data affecting the community's general welfare. Approval of uses under this definition shall be made in accordance with Section 22.

8. Hospital.

9. Noncommercial stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property line, a minimum of one hundred (100) feet.

a) All barns, stables, and other animal facilities constructed after the effective date of this article shall meet the requirements of the Building Codes of the City of Winnsboro, as applicable thereto.

b) An area of two (2) acres is required for the first animal, with an additional animal being permitted for each additional acre of land.

c) For purposes of this paragraph, the term "animal" shall include cattle, horses, mules, jacks, jackets [jennets], goats, sheep or any other livestock, but shall specifically exclude swine or fowl or [of] any nature.

10. Antique Establishments.

11. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines and local utility lines.

(Ordinance 773-2003 adopted 5/13/03)

[12.] Mobile Food Unit: Vehicles that are designed to be readily moveable from which food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle that was originally manufactured for use as a food preparation vehicle.

[13.] Mobile Food Unit Park: Locations designated for the operation of two or more Mobile Food Units.

(Ordinance 1008-2019, sec. 2, adopted 4/9/19)

19.4. Height Regulations:

1. Maximum height one hundred (100) feet, except cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms may project not to exceed twelve (12) feet beyond maximum building height.

2. Radio, TV, or microwave towers may be constructed up to a maximum of 199.75' for commercial districts.

19.5. Area Regulations:

1. Size of Yards:

- a. Front Yard: Minimum required, twenty (20) feet.
- b. Side Yard: Minimum on a corner lot adjacent to a street shall be twenty (20) feet. When the industrial district is adjacent to any residential district, a minimum side yard of twenty (20) feet shall be observed and a six (6) foot masonry or wood wall shall be constructed adjacent to the industrial district's property line.
- c. Rear Yards: None, unless adjacent to a residential district, then a twenty (20) foot rear setback shall be observed, with a six (6) foot masonry or wood fence shall be constructed adjacent to the Industrial district's property line.

2. Size of Lot:

- a. Lot Area: None specified.
- b. Lot Width: None Specified.
- c. Lot Depth: None Specified.

3. Lot Coverage: In no case shall more than fifty (50) percent of the lot area covered by the main building and accessory buildings.

19.6. Parking Regulations: Required off-street parking shall be provided in accordance with the specific uses set forth in Section 23.

SECTION 20 "PD" - PLANNED DEVELOPMENT DISTRICT REGULATIONS

20.1. General Purpose and Description: The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit growth flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood. A "PD" District may be used to permit new and innovative concepts in land utilization.

While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

20.2. Permitted Uses: Any uses shall be permitted if such use is specified in the ordinance granting a Planned Development District. The size, location, appearance and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

20.3. Development Requirements:

1. Development requirements for each separate PD District shall be set forth in the ordinance granting the PD District and may include, but not to be limited to; uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning & Zoning Commission may deem appropriate.
2. In the PD District, if uses conform to the standards and regulations of the Zoning District to which it is most similar, the particular district must be stated in the granting ordinance. All applications to the City shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
3. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement for citing the reason for the PD request.
4. The Planned Development District shall conform to all other sections of the ordinance unless specifically excluded in the granting ordinance.
5. The minimum acreage for a Planned Development request shall be five (5) acres.

20.4. Establishing a Planned Development: In establishing a Planned Development District in accordance with this section, the City Council shall approve and file as part of the amending ordinance, appropriate plans and standards for each Planned Development District. During the review and public hearing process, the Planning & Zoning Commission and City Council shall require a Conceptual Plan and/or a Development Plan.

1. Conceptual Plan: This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and, as may be required, supported by written documentation of proposals and standards for development.
 - a. A Conceptual Plan for residential land use shall show general use, thoroughfares and preliminary lotting arrangements. For residential development which does not propose platted lots, the Conceptual Plan shall set forth the size, type and location for buildings and building

<https://z2.franklinlegal.net/franklin/Z2Browser2.html?showset=winnsboroset>

sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.

b. A Conceptual Plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning & Zoning Commission or City Council, may include but is not limited to the types of uses(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.

c. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site or does not significantly alter the landscape plans as indicated on the approved Conceptual Plan may be authorized by the City Manager [Administrator] or his designated representative.

2. Development Plan or Detailed Site Plan: This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the Conceptual Plan. Approval of the Development Plan shall be the basis for issuance of a building permit. The Development Plan may be submitted for the total area of the PD or for any section or part as approved on the Conceptual Plan. The initial presentation is a Conceptual Plan, the Development Plan must be approved by the Planning & Zoning Commission and City Council, but a public hearing is not required.

The Development Plan shall include, but not be limited to:

a. A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.

b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract, with a topographical contour interval of not more than five (5) feet.

c. A site plan for proposed building complexes showing the location of separate building[s], and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.



d. A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.

e. An architectural plan showing elevations and sign style to be used throughout the development may be required by the Planning & Zoning Commission or City Council if deemed appropriate.

Any or all of the required information may be incorporated on a single drawing if one drawing is clear and can be evaluated by the City Manager [Administrator] or his designated representatives.

3. All Development Plans may have supplemental data describing standards, schedules or other data pertinent to the development of the Planned Development District which is to be included in the text of the amending ordinance.

4. Procedures for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 34. This procedure is further expanded as follows for approval of Conceptual and Development Plans.

a. Separate public hearings shall be held by the Planning & Zoning Commission and the City Council for the approval of the Conceptual Plan.

b. The developer may choose to submit a Development Plan in lieu of a Conceptual Plan. In that case, public hearings before the Planning & Zoning Commission and the City Council will be required as if it were a Conceptual Plan.

c. The ordinance establishing the Planned Development District shall not be approved until the Development Plan is approved.

5. The Development Plan may be approved in sections. When the plan is approved in sections, then separate approvals by the Planning & Zoning Commission and City Council for the initial and subsequent sections will be required.

6. An initial Development Plan shall be submitted for approval within six (6) months from the approval of the Conceptual Plan or for some portion of the concept plan. If the Development Plan is not submitted within six (6) months, the Concept Plan is subject to reapproval by the Planning & Zoning Commission and City Council. If the entire project is not completed within two (2) years, the Planning & Zoning Commission and City Council may review the original Concept Plan to ensure its continued validity.

7. The Development Plan shall be approved by the Planning & Zoning Commission and City Council.

20.5. Planned Development Additional Reports: When a PD is being considered, a written report may be requested of the City Manager [Administrator] discussing utilities, electric, sanitation, building inspection, tax, police, fire and traffic and written comments from the applicable public school district and from private utilities may be submitted to the Planning & Zoning Commission prior to the Commission making any recommendations to the Council.

20.6. Planned Development Approval: All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in the appendix of this ordinance.

Editor's note—The appendix of this ordinance referred to in subsection 20.6 is not published in this exhibit but is on file in the city secretary's office.

20.7. Planned Development Ordinances Continued: Prior to adoption of this ordinance, the City Council had established various Planned Development Districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development Districts shown on the Zoning Map at the date of adoption of this ordinance.

SECTION 21 “FP” - FLOOD PLAIN DISTRICT REGULATIONS

21.0. General Purpose and Description: To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding[,] portions of certain districts are designated with a Flood Plain Prefix, FP. Areas designated on the Zoning District Map by an FP Prefix shall be subject to the following provisions:

21.1. Permitted Uses: The permitted uses in that portion of any district having a Flood Plain, FP prefix shall be limited to the following:

1. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other out buildings.
2. Off-street parking incidental to any adjacent main use permitted in the district.
3. Electrical substation.
4. All types of local utilities including those requiring specific use permits.
5. Parks, playgrounds, public golf courses (no structures), and other recreational areas.

6. Private open space as part of a Planned Residential Development.
7. Heliport when approved by specific use permit as provided in Section 22.
8. Structures, installations and facilities installed, operated and maintained by public agencies for flood control purposes.
9. Bridle trail, bicycle or nature trail.

21.2. Flood Plain Designation Approval: No building or structure shall be erected in that portion of any district designated with a Flood Plain, FP, prefix until and unless such building or structure has been approved by the City Council after engineering studies have been made and [it] is ascertained that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or the public health and welfare.

21.3. Dump, Excavation, Storage, Filling or Mining in Flood Plain: Any dump, excavation, storage, filling or mining operation within that portion of a district having a Flood Plain, FP, prefix shall be approved in writing by the City Manager [Administrator] or his designated representative before such operation is begun.

21.4. Flood Plain Removal from Area: An area may be removed from the Flood Plain, FP, prefix designation when by the provision of drainage works, grading, flood protection, or specific drainage study, it is determined by the city's engineer, the City Council by resolution may remove, alter or change the flood plain boundary on the Zoning District Map for any district.

21.5. Flood Plain Disclaimer: The fact that land is not within a district having a Flood Plain, FP, prefix shall not be interpreted as assurance that such land or area is not subject to periodic local flooding and the designation of the prefix in this ordinance shall not be so interpreted.

SECTION 22 "S" - SPECIFIC USE PERMITS

22.1. Specific Uses - Defined. A "specific use," as used in the Winnsboro Zoning Ordinance, is a use that is not a permitted use but one that requires a public hearing and a determination by the Planning and Zoning Commission and the City Council that the requested usage is in general conformance with the Master Plan of the City and contains such requirements and safeguards as are necessary to protect adjoining property.

22.2. Procedure for Application for a Specific Use Permit.

1. An Application for a Specific Use Permit shall be filled in completely by the applicant, and shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet.

(Ordinance 773-2003 adopted 5/13/03)

2. The application shall be accompanied by the Specific Use Permit fee of \$250.00 set by the City Council from time to time. (Ordinance 951-2016 adopted 1/12/16)

3. After receiving an application for a Specific Use Permit –

a) A public hearing shall be scheduled before the Planning and Zoning Commission,

b) Notice of the time, place and purpose of the meeting, including an address and/or description of the property, and the nature of the requested use, shall be published one (1) time in the official newspaper of the City, allowing at least ten (10) days notice from the date of publication until the date of hearing, and

c) Written notice shall be given to all property owners within 200 feet of the premises upon which the specific use is requested, and information concerning the use and function requested to be permitted thereon.

22.2. Specific Use Permit Regulations. After public hearing and proper notice to all parties affected and after recommendations, the Planning and Zoning Commission shall determine if the use is in general conformance with the Master Plan of the City and, giving due consideration to the comments of surrounding property owners, make its recommendation to the City Council.

1. In recommending that a specific use permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures and compatibility of buildings.

2. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such Specific Use Permit; and such conditions precedent to the granting of the certificate of occupancy.

3. No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and City Council. No public hearing is necessary for site plan approval.
4. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.
5. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.
6. In some cases, a temporary specific use permit may be issued with the approval of the Planning and Zoning Commission and the City Council for a period not to exceed twelve (12) months. Such temporary permit is not renewable and it may be issued without the amendment to the zoning ordinance specified in paragraph 6 [5] above. Any desired specific use in excess of twelve (12) months must be processed as an amendment to this ordinance.

SECTION 23 OFF-STREET PARKING AND LOADING REQUIREMENTS

23.1. Purpose: To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

23.1. Special Off-Street Parking Provisions - Residential District:

1. All required parking spaces shall be located behind the required front setback line in the MF district.
2. Required off-street parking shall be provided on the same site as the use it is to serve.
3. No parking shall be allowed except on a paved concrete or asphalt parking space or other impervious surface.

23.2. Off-Street Loading Space - All Districts:



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1. All retail, commercial and industrial structures having three thousand (3,000) square feet or more of gross floor area, either in the building or lot shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for each twenty thousand (20,000) square feet of gross floor area. A loading space shall consist of an area of a minimum of ten (10) by twenty-five (25) feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
2. Kindergartens, day schools and similar child training and care establishments shall provide paved off-street loading and unloading space on a private drive to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.
3. Uses not listed in Schedule 23.4 shall provide required off-street parking according to the most similar use listed in the schedule, as determined by the City Council.
4. Loading docks and areas shall be located within the building or on the lot adjacent to a public alley or private service drive.

23.3. Parking Requirements Based on Use: In all districts there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

1. Bowling alley: Six (6) parking spaces for each alley or lane.
2. Business or professional office, (general): One (1) space per three hundred (300) square feet of gross floor area.
3. Church or other place of worship: One (1) parking space for each four (4) seats in the main auditorium.
4. High school, college or university: One (1) space per each three (3) students accommodated in the institution.
5. Library, museum or art gallery: One (1) parking space for each three hundred (300) square feet of floor area.
6. Commercial amusement: Thirty (30) spaces plus one (1) space for each one hundred (100) square feet of floor area over two thousand (2000) square feet.
7. Day nursery: One and one-half (1-1/2) space per teacher.
8. Bank, savings and loan: One (1) space for each three hundred (300) square feet of floor area.



9. Dwelling, single family: One (1) spaces per dwelling except in SF-1 which requires 2 spaces.
10. Dwelling, two family: One (1) space per dwelling.
11. Dwellings, multi-family: One (1) space per unit plus one for every eight (8) units.
12. Dwelling, single family attached: Two (2) spaces per dwelling unit.
13. HUD Code Manufactured Home Parks and HUD Code Manufactured Home Subdivisions: Two (2) spaces per stand or lot.
14. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service: One (1) parking space for each four hundred (400) square feet of floor area.
15. Gasoline station: Minimum of four (4) spaces.
16. Hospital: One and one-half (1.5) spaces per each bed.
17. Hotel: One (1) parking space for each (1) sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
18. Lodge or fraternal organization: One and one-fourth (1.25) spaces per two hundred (200) square feet.
19. Manufacturing or industrial establishment processing or repairing: One (1) parking space for each two employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.
20. Medical or dental office: One (1) space per three hundred (300) square feet of floor area.
21. Mini-warehouse: Four (4) per complex plus one (1) per five thousand (5000) square feet of storage areas.
22. Mortuary or funeral home: One (1) parking space for each two (2) seats in the service areas.
23. Motel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.

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24. Motor-vehicle sales rooms and used car lots: One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1000) square feet of lot area for outdoor uses.
25. Nursing home: One (1) space per four (4) beds.
26. Private club, country club or golf club: One parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
27. Retail store or personal service establishment except as otherwise specified herein: One (1) space per two hundred (200) square feet of gross floor area.
28. Restaurant, cafe or similar recreation or amusement establishment: One (1) parking space for every three (3) seats under maximum seating arrangement.
29. Rooming, bed and breakfast establishment, or boarding house: One (1) parking space for each sleeping room.
30. Sanitarium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.
31. School, elementary or junior: One (1) parking space for each four (4) seats in the auditorium or main assembly room and one (1) space for each classroom.
32. Theater, auditorium (except school), sports arena, stadium or gymnasium: One (1) parking space for each three (3) seats or bench seating spaces.
33. Warehouse, wholesale, manufacturing and other industrial type uses: One (1) space for one thousand (1000) square feet of gross floor area or one (1) space per two (2) employees.
34. Golf course: Minimum of thirty (30) parking spaces.
- 23.4. American[s] with Disabilities Act: See federal and state guidelines.
- 23.5. Rules for Computing Number of Parking Spaces: In computing the number of parking spaces required for each of the above uses the following rules shall govern:
 1. "Floor Area" shall mean the gross floor area of the specific use.
 2. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.

3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

4. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

23.6. Location of Parking Spaces: All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

1. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed three hundred (300) feet from any other nonresidential building served.

2. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than eighty (80) percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

In the event the required parking spaces are not located on the same lot with the building or use served, or if the spaces are collectively or jointly provided and used, a written agreement, approved as to form by the City Attorney, shall be properly drawn and executed by the parties, thereby assuring their retention for such purposes, and shall be filed with the application for a building permit.

3. Irrespective of any other language contained in this ordinance to the contrary, the Board of Adjustment shall have the power to grant variances from the operation of any provisions of this ordinance except provisions relating to penalties and the enforcement of violations. A side drive which existed prior to implementation of this Ordinance and was used for vehicular parking shall be considered lawful nonconforming use as defined in Section 30, Paragraph 30.2 and, as such, continued parking on said drive shall be considered a lawful act.

23.7. Use of Parking Spaces - All Districts: Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.

SECTION 24 SPECIAL AND ADDITIONAL REGULATIONS

24.1. Lot Area: The minimum residential lot area for the various districts shall be in accordance with the individual use schedule except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this ordinance may be used

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for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

24.2. Location of Dwellings and Buildings: Only one (1) main building for one-family and two-family use with permitted accessory buildings may be located upon a lot or unplatted tract. Every means of access shall have a minimum width of twenty-five (25) feet. Where a lot is used for retail and dwelling purposes, more than one (1) main building may be located upon the lot but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and districts. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the Planning and Zoning Commission so as to comply with the normal requirements for platting. No space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

24.3. Visual Clearance Required: Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection.

On any corner lot for which front and side yards are required herein, no wall, fence, structure, sign, tree, or other planting or slope terrace or embankment may be maintained higher than two (2) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point fifteen (15) feet back from the right-of-way corner.

24.3. Gasoline Service Pump Island Location: Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten (10) feet to the property line.

24.4. Swimming Pools: It is the purpose of these provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

1. Permits and Approvals: No swimming pool shall be constructed or used until a swimming pool building permit and a certificate of occupancy have been issued therefor. No building permit and no final certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department regulations.

2. Requirements: A swimming pool may be constructed and operated when:

a. The pool is not located in any required front or side yard abutting a street;



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- b. A wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
- c. All lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed that direct rays from the lights shall not be visible from adjacent properties; and
- d. No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers.
- e. A swimming pool shall be no closer than five (5) feet from any property line.

SECTION 25 ACCESSORY BUILDING REGULATIONS

25.1. Residence or Apartment District - An accessory building is a subordinate building exceeding one hundred twenty (120) square feet of floor area, attached to or detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented.

25.2. Other Districts - An accessory building in other districts is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

25.3. Limitation in Height - No accessory building shall exceed twenty-five (25) feet in height, nor shall it be greater in height than the main structure.

25.4. Area Regulations for Accessory Buildings in Residential and Apartment Districts:

1. Size of Yards:

- a. Front Yard: Attached front accessory building shall have a front yard not less than the main building or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the rear yard.
- b. Side Yard: There shall be a side yard not less than seven and one-half (7.5) feet from any side lot line, alley line, or easement line; except that adjacent to a side street, the side yard shall never be less than fifteen (15) feet.
- c. Rear Yard: There shall be a rear yard not less than five (5) feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described shall not be located closer than fifteen (15) feet to the main building nor nearer than seven and one-half (7.5) feet to any side lot line.



d. Any garage constructed in a residential or apartment district shall be set back not less than twenty (20) feet from any street or alley line on which it faces.

SECTION 26 SIGN REGULATIONS

26.1. Purpose of the Section: Provisions for signs and identification markers to be placed on parcels or buildings are set forth herein. Standards identify the sign by type, permitted size, and zoning district in which specific type of signs are permitted.

26.2. Advertising Sign:

1. Definition: A sign which is usually a primary use of land and which promotes and advertises commodities or services not limited to being offered on the premises on which such signs are located.

2. Size: Four hundred (400) square feet and shall not be placed less than 250 feet apart nor nearer than fifty (50) feet to any intersection.

3. Districts: B-1, B-2 and I

26.3. Agricultural Sign:

1. Definition: An accessory sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

2. Size: One hundred (100) square feet and shall not be placed less than two hundred (200) feet apart.

3. Districts: A, F, B-1, B-2 and I.

26.4. Apartment Sign:

1. Definition: A temporary accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

2. Size: Sixteen (16) square feet.

3. Districts: A, SF-1, SF-2, SF-3, 2F, SF-A, MF, MH, F, B-1, B-2, I and PD.

26.5. General Business Sign:

1. Definition: An accessory sign or graphic device which advertises only commodities or service offered on the premises where such signs are located and where such sign is not of the

billboard, poster panel or painted bulletin type, but, is a sign designed specifically for the location.

2. Size: No restriction except as hereinafter provided.

3. Districts: R, B-1, B-2 and I.

26.6. Institutional Sign:

1. Definition: Nameplates and bulletin boards and accessory signs for identity of schools and churches, hospitals and similar public or quasi-public institutions.

2. Size: Sixteen (16) square feet.

3. Districts: A, SF-1, SF-2, SF-3, 2F, SF-A, MF, MH, R, B-1, B-2, I and PD.

26.7. Nameplate:

1. Definition: An accessory sign showing only the name and address of the owner or occupant of the premises on which it is erected or placed.

2. Size: Twelve (12) square feet for commercial and four (4) square feet for residential properties, one (1) for each platted lot or tract street frontage.

3. Districts: A, SF-1, SF-2, SF-3, 2F, SF-A, MF, MH, F [R], B-1, B-2, I and PD.

SECTION 27 PLATTING PROPERTY NOT PERMANENTLY ZONED

27.1. Permanent Zoning Required: The Planning and Zoning Commission of the City of Winnsboro shall not approve any plat of any subdivision within the city limits of the City of Winnsboro until the area covered by the proposed plat shall have been permanently zoned by the City Council of the City of Winnsboro.

27.2. Annexation Procedures Approved Prior to Plat Approval: The Planning and Zoning Commission of the City of Winnsboro shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City of Winnsboro is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.

27.3. Joint Hearing on Annexation and Zoning Permitted: In the event the Planning and Zoning Commission holds a hearing on proposed annexation, it may, at its discretion at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the City Council so that the City Council can, if it desires, act on the matter of permanent zoning and annexation at the same time.

SECTION 28 CLASSIFICATION OF NEW AND UNLISTED USES

28.1. Purpose. It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Winnsboro. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The building inspector shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall, by resolution, approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
4. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in paragraphs 1, 2, and 3 above shall be followed.

SECTION 29 CREATION OF BUILDING SITE

29.1. Requirement: No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

1. The lot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission, and filed in the Plat Records of Wood, Franklin, or Hopkins County, Texas.
2. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the City of Winnsboro whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned parcel without first complying with paragraph 1 preceding.



3. The plot or tract is all or part of a site plan officially approved by the Planning and Zoning Commission and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.

4. Any and all plots, tracts or lots must be provided access via a public street or drive.

SECTION 30 NONCONFORMING USES AND STRUCTURES

30.1. Definition: A nonconforming status shall exist under the following provisions of this ordinance:

1. When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the previous Zoning Ordinance and has been operating since without discontinuance.

2. When on the effective date of this ordinance, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the previous Zoning Ordinance or which was a nonconforming use thereunder and which use or structure does not now conform to the regulations herein prescribed for the district in which the use or structure is located.

30.2. Prior Use or Structure a Legal or Nonconforming Use or Structure. Any nonconforming use or structure which was in existence prior to adoption of this Zoning Ordinance shall be considered a lawful use or structure or lawful nonconforming use or structure as of the implementation date of this Ordinance without further action on the part of the owner.

30.3. Expansion or Increase Provisions: No nonconforming use or structure may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance except to provide off-street loading or off-street parking space upon approval of the Board of Adjustment.

30.4. Repair and Maintenance Provisions: Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

30.5. Change to Conforming Use: Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

30.6. Conforming Use in Nonconforming Structure: Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy from the Building Official.

30.7. Abandonment of Nonconforming Use: Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a nonconforming use for a period of six (6) months shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use which, not involving a permanent type of structure, is moved from the premises shall be considered to have been abandoned.

30.8. Destruction by Fire of a Nonconforming Structure: If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may be rebuilt with the simple application for a building permit if the damage is less than seventy-five (75) percent of the value of the total structure. Said value shall be determined by estimates for repairs compared to current property tax values. In the case of partial destruction of a nonconforming use greater than seventy-five (75) percent of the current value, as determined, by the above method, the property owner must obtain permission by favorable action of the Board of Adjustments, at a hearing called for that purpose, to allow the rebuilding of said nonconforming use. Without prior approval by the Zoning Board of Adjustments, the reconstruction of said nonconforming use shall be prohibited.

SECTION 31 ZONING BOARD OF ADJUSTMENT

31.1. Definition: The word "Board" when used in this ordinance shall be construed to mean the Zoning Board of Adjustment.

31.2. Organization and Procedure:

1. Establishment: A Board of Adjustment is hereby established in accordance with the provisions of Article 1011g, Revised Civil Statutes of Texas, regarding the zoning of cities and with the powers and duties as provided in said statutes.

2. Membership: The Board shall consist of five citizens each to be appointed or reappointed by the Mayor and confirmed by the City Council, for staggered terms of two years respectively. Each member of the Board shall be removable for just cause by City Council upon written charges and after public hearings. Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chairman, who shall serve for a period of two (2) years or until his successor is elected. The City Council may appoint four (4) alternate members of the Board who shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager [Administrator]. These alternate members, when appointed, shall serve for the same period as regular members when requested to do so by the Mayor or City Manager [Administrator]. [sic] These alternate members, when appointed, shall serve for the same period as regular members and any vacancies shall be filled in the same manner and shall be subject to removal as regular members.

3. Rules and Regulations: The Board shall adopt rules and regulations and keep minutes of its proceedings, showing the vote of each member. The Board designates the City Secretary or his/her designated representative in the absence of the City Secretary to keep records and minutes of Board meetings, to prepare and post notices of meetings, and to keep appropriate forms for persons to bring an appeal to the Board. The minutes and records shall be filed in the Official Records of the City of Winnsboro and are public records. Each person who attends a hearing, even as a member of the audience, should be asked to write his/her name on a sign-in sheet. Each person who speaks before the Board should also be carefully identified. The chairman or acting chairman may compel the attendance of witnesses. If this becomes necessary, the City Secretary will complete necessary documentation to comply with Board direction. The chairman or acting chairman may administer oaths to witnesses who testify to ensure due process and a fair hearing. Cross examination and rebuttal of the witnesses by adverse parties if requested is required to ensure due process and fair hearing. The Board must decide each appeal within a reasonable time and parties have ten (10) days to appeal a decision of the Board to the District Court.

4. Meeting: Meeting of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings, hearings or proceedings shall be heard by at least four (4) members of the Board.

31.3. Appeals:

1. Procedure: Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the city. Such appeal shall be made and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the minutes constituting the record upon which the action appealed from was taken.

2. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case 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 equity, after notice to the office from whom the appeal is taken and on due cause shown.

3. Notice of Hearing on Appeal: The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public hearing notice and due notice to the parties in interest.

4. Decision by Board: The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decisions or determination as in

its opinion ought to be made in the premises and to that end, shall have all powers of the officer or department from whom the appeal is taken.

5. Required Concurring Vote for Revisions of Prior Decisions: The concurring vote of four (4) members of the board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application [applicant] on any matter upon which it is required to pass under this ordinance or to affect [effect] any variance in said ordinance.

31.4. Powers and Duties of Board:

1. Subpoena Witnesses, Etc.: The Board shall have the power to subpoena witnesses, administer oaths and punish for contempt, and may require the production of documents, under such regulations as it may establish.

2. Appeals Based on Error: The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance.

a) Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.

b) To permit a public utility or public service or structure in any district, or a public utility of [or] public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

c) 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 divides a lot in a single ownership on the effective date of this ordinance.

d) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than seventy-five (75) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

e) Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

3. Variances: Irrespective of any other language contained in this ordinance to the contrary, the Board of Adjustment shall have the power to grant variances from the operation of any provisions of this ordinance except provisions relating to penalties and the enforcement of violations. An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a concept plan, detail site plan or development plan, preliminary plat or final plat, when required by this ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning & Zoning Commission and the City Council. The administrative procedures and requirements of this ordinance, with regard to both Planning & Zoning Commission and City Council consideration and action, on Concept Plans, Detail Site Plans, Preliminary Plats and Final Plats, must be exhausted prior to requesting a variance from the terms of this ordinance.

The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

- a) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
- b) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the standards or regulations established by this ordinance and at the same time, the surrounding property will be properly protected.

(Ordinance 773-2003 adopted 5/13/03)

- c) A written application for variance shall be submitted together with a fee of \$250.00, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating: (Ordinance 951-2016 adopted 1/12/16)
- i) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.

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- ii) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - iii) That the special conditions and circumstances do not result from the actions of the applicant.
 - d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
 - e) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - f) Financial hardship shall not be considered grounds for the issuance of a variance.
4. Changes: The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

SECTION 32 DEFINITIONS

32.0. Purpose: Certain words in this ordinance not heretofore defined are defined as follows: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word “building” includes the word “structure”; the word “lot” includes the words “plot” or “tract”; the word “shall” is mandatory and not discretionary.

32.1. Accessory Building: (residential) - A subordinate building detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.

32.2. Alley - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

32.3. Apartment House - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three or more families living in independent dwelling units.

32.4. Area of the Lot or Building Site - The area shall be the net area of the lot or site and shall not include portions of streets and alleys.



32.5. Bed and Breakfast Establishments. A building, other than a hotel, boarding or rooming house, or multiple family dwelling, designed for and occupied as a temporary lodging place for persons for compensation, where facilities for food preparation are not provided in individual rooms.

32.6. Boarding or Rooming House - A building, other than a hotel or multiple family dwelling, where lodging is provided for five or more persons for compensation, where meals may or may not be served and where facilities for food preparation are not provided in individual rooms.

32.7. Basement - A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.

32.8. Block - An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

32.9. Board - Zoning Board of Adjustment.

32.10. Building Official - The Building Official or person charged with the enforcement of the zoning and building codes of the City of Winnsboro.

32.11. Building Material Sales - The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which is oriented to the home owner.

32.12. Building - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

32.13. Building Line - A line parallel or approximately parallel to the street line at a specified distance therefrom making the minimum distance from the street line that a building may be erected.

32.14. Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwelling, a building end shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

32.15. City Council - The governing body of the City of Winnsboro, Texas.

32.16. Cellar - A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

32.17. Certificate of Occupancy and Compliance - An official certificate issued by the City through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

32.18. Clinic - A group of offices for one or more physicians, surgeons, or dentists, to treat sick or injured out-patients who do not remain overnight.

32.19. Common Access Routes or Internal Street - Means a private drive allowing principal means of access to individual HUD Code Manufactured Home lots or auxiliary buildings.

32.20. Convalescent Home - Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

32.21. Court - An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

32.22. Commercial Amusement (Indoor) - An amusement enterprise wholly enclosed and operated within an acoustically treated building such as a bowling alley or pool hall.

32.23. Commercial Amusement (Outdoor) - An amusement enterprise offering entertainment to general public such as golf driving range, pitch and putt course, archery, miniature golf and similar outdoor activities but not including go-cart racing, drag strips, auto racing or motorcycle racing.

32.24. Community Center (Private) - A building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A private community center shall not be operated as a place of public meetings, or as a business, nor shall the operation of such facility create noise, odor or similar conditions perceptible beyond the bounding property line of the project site.

32.25. Church or Rectory - A place of assembly and worship by a recognized religion including synagogue, temples, churches, instruction rooms and the place of residence for ministers, priests, rabbis, teachers and directors on the premises.

32.26. Club, Private - A club room or suite of rooms or a building available to restricted membership for, meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

32.27. Clinic, Medical or Dental - Facilities for examining, consulting with and treating patients including offices, laboratories and outpatient facilities but not including hospital beds and rooms for acute or chronic care.

32.28. Day Nursery, Day Camp or Kindergarten School - An establishment where four (4) or more children are left for care or training during the day or portion thereof including a recreation area with or without a building where children engage in supervised training or recreation during daylight hours.

32.29. Depth of Lot - The mean horizontal distance between the front and rear lot lines.

32.30. District - A section of the City of Winnsboro for which the regulations governing the area, height or use of the land and buildings are uniform.

32.31. Driveway - Means a minor entrance way off the common access route (internal street) within the park, into an off-street parking area serving one or more HUD Code Manufactured Homes.

32.32. Dwelling, One-Family - A detached building having accommodations for and occupied by not more than one family, or by one family and not more than two (2) boarders and lodgers.

32.33. Dwelling, Two Family - A detached building w/ separate accommodations for and occupied by not more than two families, or by two families and not more than two boarders or lodgers.

32.34. Dwelling, Multiple-Family - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

32.35. Dwelling Unit - A building or portion of a building occupied, or intended to be occupied as living quarters, with facilities for food preparation and sleeping.

32.36. Eating Place Without Drive-In or Curb Service - An eating establishment, cafeteria or restaurant where food service is offered to customers not in automobiles.

32.37. Eating Place with Drive-In or Curb Service - An establishment offering food for sale to customers in automobiles and parking space is provided on premise[s] for consumption of food in automobiles.

32.38. Farm, Ranch, Garden or Orchard - An area of five (5) acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep and including the

necessary accessory uses for raising, treating and storing products raised on the premises, not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

32.39. Family - Any number of individuals living together as a single housekeeping unit, in which all members are related by blood, marriage or adoption.

32.40. Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages.

32.41. Floor Area Ratio - The ratio of total building floor area to lot area.

32.42. Farm Accessory Building - An accessory structure on a tract qualifying as a farm as herein defined for storing or housing the usual projects and animals raised or maintained on a farm, such as a barn, poultry house, stable, machinery shed or granary. No structure housing animals or poultry shall be located nearer than [than] one hundred (100) feet to the bounding property lines of the farm tract.

32.43. Guest House (detached) - A secondary structure on a lot or tract containing dwelling accommodations excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not for rent or permanent occupancy.

32.44. Home Occupation - An occupation customarily carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling, without the offering, display or advertising of any commodity or service for sale on the premises, except those allowed below, without the employment of any persons other than a member of the immediate family, without the use of other than normal domestic or household equipment or appliances and the conduct of which does not generate noise, odor, fumes, vibration or any other condition visible, obnoxious or detrimental to abutting or adjacent properties. The conduct of said business should not significantly increase the amount of traffic or parking above that considered normal for visitation for a domicile. A sign advertising the existence of such a home occupation may be displayed if said sign is nonilluminated and is confined to a size not to exceed 18" x 36". In no case shall the operation of the business be allowed after nine (9) o'clock p.m.

32.45. Height - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roofs [sic] surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

32.46. Hospital (general acute care) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

32.47. Hospital (chronic care) - An institution where those persons suffering from generally permanent types of illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

32.48. Library, Art Gallery or Museum (public) - Any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

32.49. License - Means written license issued by the City of Winnsboro, permitting a person to operate and maintain a HUD Code Manufactured Home Park under the provisions of this ordinance.

32.50. Light Fabrication and Assembly Processes - Including but not limited to the manufacture of jewelry, trimming decorations, signs and any similar time not involving the generation of noise, odor, vibration, dust or hazard.

32.51. Living Unit - The room or rooms occupied by a family and must include cooking facilities.

32.52. Local Utility Line - The usual electric power, telephone, gas, water, sewer, and drainage lines designed and constructed by the municipality or a franchised utility company to serve a community with urban type services.

32.53. Lodging House - A building where lodging for five (5) or more persons is provided for compensation.

32.54. Lot or Building Site - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance and having its principal frontage upon a public street or officially approved place.

32.55. Lot Coverage - The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross-sectional area of the building.

32.56. Lot Lines - The lines bounding a lot as defined herein.

32.57. Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk of Wood, Franklin, or Hopkins County, or a parcel of land, the

deed for which is recorded into the office of the county clerk of Wood, Franklin, or Hopkins County prior to the adoption of this ordinance.

32.58. Lot Depth - The mean distance between the front and rear lot lines.

32.59. Lot Width - The width of a lot at the front building lines.

32.60. Main Building - The building or buildings on a lot which are occupied by the primary use.

32.61. Manufactured Home, HUD Code - As defined in The Texas Manufactured Housing Standards Act, "HUD Code Manufactured Home" means a structure constructed on or after June 15, 1976, according to the rules of the United State Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R., Section 3283.8(g).

32.62. Manufactured Home Park, HUD Code - Means an area designated, arranged or used for the installation of one or more HUD Code Manufactured Homes which are occupied or intended for occupancy as semipermanent living quarters by individuals or families, and accessory structures. Under no circumstances shall a Mobile Home, as hereinabove defined, be permitted within a HUD Code Manufactured Home Park.

32.63. Manufactured Home Subdivision, HUD Code - Means property which is developed along ordinary subdivision characteristics, and is intended for sale to individual property owners of each lot within the subdivision.

32.64. Manufactured Modular Home - "Modular Home" means a structure or building module as defined and is under the jurisdiction and control of the Texas Department of Labor and Standards and it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Act; nor does it include building modules incorporating concrete or masonry as the primary structural component.

32.65. Manufacturing Processes - Uses restricted from other zoning districts but permitted in the "I" district under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration

at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

32.66. Mobile Home - As defined in The Texas Manufactured Housing Standards Act, “Mobile Home” means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air-conditioning, and electrical systems.

32.67. Mobile Home Park - “Mobile Home Park” shall mean a unified development of mobile home spaces arranged on a tract of land under sole ownership, where lots or spaces are rented or leased for installation of a mobile home to be occupied as a semipermanent place of residence, as well as accessory structures or buildings.

32.68. Motel or Hotel - A building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing twenty (20) or more room units with customary hotel services such as linen, maid service, telephone and upkeep of furniture.

32.69. Multiple Family Dwelling - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

32.70. Nonconforming Use - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto and which does not conform to the use regulations of the district in which it is situated.

32.71. Nursing Home or Residence Home for Aged - A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.

32.72. Occupancy - The use or intended use of the land or buildings by proprietors or tenants.

32.73. Open Space - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

32.74. Parking Space - An enclosed or unenclosed concrete or asphalt surfaced area behind front building line of not less than one hundred eighty (180) square feet (measuring approximately nine (9) feet by twenty (20) feet) not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street or alley permitting free ingress

and egress without encroachment on the street or alley. Any parking adjacent to a public street shall not be classified off-street parking in computing the public area requirements for any use.

32.75. Permit - Written permit/certification issued by the City of Winnsboro permitting the construction, alteration or extension of a HUD Code Manufactured Home Park under the provisions of this ordinance and regulations issued hereunder.

32.76. Planning and Zoning Commission - The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning.

32.77. Plant Nursery or Greenhouse - Retail or wholesale sales of plant materials and supplies either enclosed in a building, lath house, or in the open and with related storage of equipment of landscape contracting.

32.78. Private Garage - An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

32.79. Private School - An academic institution other than a public or parochial elementary or secondary school, including private elementary and secondary schools and institutions of higher learning.

32.80. Quick Service Food or Beverage Shop - An establishment offering food or beverage to customers either through an automobile pick-up window or a walk-up window, and with eating space provided within the building.

32.81. Radio, Television or Microwave-Wave Towers - Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding noncommercial antenna installations for home use of radio or television.

32.82. Radio, T.V. and Appliance Repair - A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building.

32.84. Residence - Same as dwelling; also when used with district, an area of residential regulations.

32.85. Rooming House - (see Lodging House).

32.86. School, Commercial Trade or Craft - A business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.

32.87. School, Public or Denominational - A school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

32.88. Secondhand Store, Furniture or Clothing - An establishment offering for sale used merchandise with the storage and display of such items wholly located inside a building or structure.

32.89. Sign - An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure for display on premises.

32.90. Single Family Dwelling (detached) - A detached building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family.

32.91. Single Family Dwelling (attached) - A building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family and which is attached by one or more common wall(s) to another similar single family dwelling unit. An attached dwelling shall be designed to permit separation from an adjoining dwelling in the event either dwelling is caused to be removed.

32.92. Stable, Commercial - A structure housing horses which are boarded or rented to the public or any stable other than a private stable; but not including a sale barn, auction or similar trading activity.

32.93. Stable (private) - An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per half acre of the area of a farm or lot.

32.94. Story - The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.

32.95. Street - Any thoroughfare or public roadway, other than an alley, which has been dedicated or deeded to the public for public use in the movement of motorized or pedestrian traffic in, through and about the City.

32.96. Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line.

32.97. Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

32.98. Structure - (Same as Building.)

32.99. Studio: Art, Music, Ceramics, Drama, Speech, Dance and Similar Skills - A building or rooms in a building used for the instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.

32.100. Swimming Pool (private) - A swimming pool constructed for the exclusive use of the residents of a single family, two-family or apartment dwelling and located within the required side or rear yards; however, they shall not be located closer than five (5) feet to any property line.

32.101. Telephone Exchange, Switching and Transmitting Equipment Only - A switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.

32.102. Temporary Field or Construction Office - Temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

32.103. Thoroughfare - (Same as Street.)

32.104. Two Family Dwelling - A single detached building located on a platted lot or building site designed for and occupied by not more than two (2) families.

32.105. Yard - An open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

32.106. Yard, front - An open, unobstructed space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

32.107. Yard, rear - An open, unobstructed space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

32.108. Yard, side - An open, unobstructed space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line.

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32.109. Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

32.110. Zoning District Map - The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance.

(Ordinance 773-2003 adopted 5/13/03)

SECTION 33 BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, AND COMPLIANCE

33.1. Building Permits Required: No building or other structure shall be erected, moved, added to, enclosed, repaired, or structurally altered without a permit therefor where applicable, payment of the appropriate fee as posted in the building official's office, and permit issued by the building official. No building permit shall be issued by the building official except in conformity with the provisions of this ordinance unless he receives a written order from the zoning board of adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

1. Applications: All applications for building permits shall be accompanied by two (2) sets of complete plans showing the dimensions and shape of the lot to build upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the building official, including existing or proposed building or alteration, existing or proposed uses of the building and land, the number [of] families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

One copy of the plans shall be returned to the applicant by the building official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original similarly marked shall be retained by the building official.

2. Expiration: If the work described in any residential building permit has not been completed within six (6) calendar months from the date of issuance thereof, said permit shall expire; it shall be canceled by the building official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and the appropriate fee paid by the requester.



If the work described in any commercial building permit has not been completed within twelve (12) calendar months from the date of issuance thereof, said permit shall expire; it shall be canceled by the building official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and the appropriate fee paid by the requester.

[3.]4. Waiver of Building Permit Fee: Upon recommendation of the Building Inspector the City Administrator shall have the authority to adjust the fee for a renewed building permit. Upon recommendation of the City Administrator the City Council may waive the fee for the contractor's building permit if the Council deems the waiver of the fee to be in the best interest of the City.

(Ordinance 978-2018 adopted 6/12/18)

33.2. Certificates of Occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered.
2. Change in use of an existing building to a use of a different classification.
3. Occupancy and use of vacant land, except agricultural use.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.
6. Change in the ownership, occupancy or operation of a primary business operating in a building.

No such use, or change of use, shall take place until a Certificate of Occupancy therefore [therefor] shall have been issued by the Inspector of Buildings.

(Ordinance 987-2018 adopted 7/10/18)

33.3. Procedure for New or Altered Buildings: Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued within ten (10) days after a written request for the same has been made to said Building Inspector or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this ordinance.

33.4. Procedure for Vacant Land or a Change in Use: Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy therefore [therefor] shall be issued within ten (10) days after the application for same has been made.

33.5. Contents: Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

33.6. Temporary Certificate: Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this ordinance.

SECTION 34 CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

34.1. Declaration of Policy: The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

1. To correct any error in the regulations or map.
2. To recognize changed or changing conditions or circumstances in a particular locality.
3. To recognize changes in technology, the style of living, or manner of doing business.

(Ordinance 773-2003 adopted 5/13/03)

34.2. Authority to Amend Ordinance: The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts.

34.2.1. Any amendment, supplement, or change to the text of the Zoning Ordinance may be ordered for consideration by the City Council, be initiated by the Planning and Zoning

Commission, or be requested by the owner of real property or the authorized representative of an owner of real property.

34.2.2. If requested by the owner of real property or the authorized representative of an owner of real property, said request must be upon proper application and be accompanied by a fee of \$250.00.

(Ordinance 951-2016 adopted 1/12/16)

34.3. Public Hearing and Notice: Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official newspaper of the City. Notices for the public hearing before the City Council will also be published at the same time notice of the Planning and Zoning Commission meeting is published.

34.4. Commission Consideration and Report: The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

6. Any other factors which will substantially affect the health, safety, morals or general welfare.

34.5. Council Consideration

1. Proposal Recommended for Approval: every proposal which is recommended favorable by the Planning and Zoning Commission shall be forwarded to the Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

2. Proposal Recommended for Denial: When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the Council and notify the applicant. When a proposed zoning request is heard by the City Council that has been denied by the Planning and Zoning Commission, a three-fourths (3/4) majority vote by the City Council shall be required for approval. A request which has been denied by the Planning and Zoning Commission and/or City Council may be resubmitted at any time for reconsideration by the City (a new filing fee must accompany the request). The Planning and Zoning Commission and/or City Council may deny any request with prejudice. If a request has been denied with prejudice the request may not be resubmitted to the City for one (1) year from the original date of denial.

3. Council Hearing and Notice: Notice of City Council hearing shall be given by publication at the same time notice is given for the Planning and Zoning Commission public hearing in the official newspaper of the city, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.

4. Three-Fourths Vote: A favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received which comply with the provisions of the state laws commonly referred to as the "twenty percent (20%) rule". If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area 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 amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.

34.6 Final Approval and Ordinance Adoption: Upon approval of the zoning request by the City Council, the applicant shall submit a detailed description of the amendment to an existing

zoning district or a new proposed zoning district. The description shall include a beginning point, compass directions to each connecting point forming the boundary of the proposed amendment or new district and an ending point. A map or drawing and written description shall be required within thirty (30) days for the preparation of the amending ordinance. The amending ordinance shall be approved within six (6) months of the zoning request or at the option of the City Council may be recalled for a new public hearing.

SECTION 35 TRANSITIONAL PROVISIONS

This section shall be used after the master study has been completed in order to show how current designations will transition into the new designations under this ordinance.

SECTION 36 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

SECTION 37 PENALTY FOR VIOLATIONS

Any person or corporation violating any of the provisions of this ordinance, shall upon conviction, be fined an amount not to exceed the maximum established by State law, and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 38 VALIDITY

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, by a court of competent jurisdiction, 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.

SECTION 39 EFFECTIVE DATE

The Planning and Zoning Commission shall submit a report to the City Council and then the City Council may act on the report and recommendations of the Planning and Zoning Commission.



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The City Secretary shall publish a caption and the ordinance shall be effective the date of publication.

PASSED AND ADOPTED this the 13th day of May, 2003.

CERTIFICATION

I hereby certify as follows:

Zoning Ordinance No. 773-2003 for the City of Winnsboro, Texas, was adopted by the City Council on May 13, 2003, and duly signed by Mayor Carolyn S. Jones and attested by City Secretary Nina E. Browning.

The reprinting of the Zoning Ordinance incorporates all amendments to the Official Zoning Ordinance for the City of Winnsboro adopted as of the 13th day of May 2003.

(Ordinance 773-2003 adopted 5/13/03)

EXHIBIT C

SALE OF ALCOHOLIC BEVERAGES ORDINANCE NO. 902-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS AMENDING THE CITY ZONING ORDINANCE PURSUANT TO REGULATIONS IN THE TEXAS ALCOHOLIC BEVERAGE CODE (TABC), ESTABLISHING REGULATIONS FOR THE PURPOSE OF THE SELLING OF BEER AND WINE AND ALCOHOLIC BEVERAGES WITHIN THE CITY, AND THE OBTAINING OF PERMITS AND LICENSES FOR SAID SALE, AND PROHIBITING AREAS FOR SAID SALE AND PERMITTING AREAS FOR SAID SALE; REGULATING THE SALE OF ALCOHOLIC BEVERAGES NEAR PUBLIC SCHOOLS, PRIVATE SCHOOLS, CHURCHES, DAY-CARE CENTERS AND CHILD-CARE FACILITIES; REGULATING THE SALE AND CONSUMPTION OF BEER AND WINE IN RESIDENTIAL AREAS; REGULATING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES NEAR PUBLIC OR PRIVATE SCHOOLS; ESTABLISHING PERMITS AND APPLICATION FEES FOR THE PROCESSING OF GRANTING PERMITS AND LICENSES TO APPLICANTS AND/OR FEES TO APPLICANTS FOR SAID LICENSE; REGULATING SIGNS ADVERTISING THE SALE OF BEER, WINE, AND OTHER BEVERAGES; REPEALING CONFLICTING ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Existing Code of Ordinances of the City of Winnsboro does not provide sufficient means to regulate the sale of alcohol within the City's limits; and



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WHEREAS, City staff is recommending the creation of rules and regulations relating to the sale of alcohol within the city limits of the City of Winnsboro; and

WHEREAS, a voter referendum was held on November 5, 2013 permitting “the legal sale of beer and wine for off-premises consumption only” and “the legal sale of mixed beverages in restaurants by food and beverage certificate holders only” within the city limits of the City of Winnsboro, Texas; and

WHEREAS, section 109.32 of the Texas Alcoholic Beverage Code authorizes the City of Winnsboro, Texas by ordinance to prohibit the sale of beer, Wine and alcoholic beverages in residential areas; and

WHEREAS, section 109.33 of the Texas Alcoholic Beverage Code authorizes the City of Winnsboro, Texas by ordinance to prohibit the sale of alcoholic beverages within 300 feet of a church, public school, private school, or public hospital; and

WHEREAS, section 109.331 of the Texas Alcoholic Beverage Code authorizes the City of Winnsboro, Texas by ordinance to prohibit the sale of alcoholic beverages Within 300 feet of a day-care or child-care facility; and

WHEREAS, section 101.75 of the Texas Alcoholic Beverage Code prohibits the possession of an open container or consumption of an alcoholic beverage on a public street, public alley or public sidewalk Within 1,000 feet of the property line of a public school or private school; and

WHEREAS, the City Council of the City of Winnsboro, Texas has determined that the following regulations are necessary in order to protect public health, safety and welfare; and

WHEREAS, the City Council hereby finds that the creation of rules and regulations relating to the sale of alcohol within the city limits of the City of Winnsboro, Texas is in the best interest of the citizens of the City of Winnsboro, Texas;

WHEREAS; the City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code; therefore,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS, AS FOLLOWS:

SECTION 1. [Findings Incorporated]

That the recitals set forth above are hereby found by the City Council to be true and correct, and are incorporated by reference herein and expressly made a part hereof as if copied verbatim.



SECTION 2. [Short Title]

That the Zoning Ordinances of the City of Winnsboro is amended by adding the following: sale of alcoholic beverages.

Sec. I. Definitions

Alcohol beverage permit. An official certificate issued by the City Secretary certifying compliance with this ordinance.

Alcoholic beverage. Alcohol or any beverage containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes either alone or when diluted.

Ale or Malt Liquor. A malt beverage containing more than four percent of alcohol by weight.

Beer. Means a malt beverage containing one-half of one percent or more of alcohol by volume and not more than four percent of alcohol by weight and does not include a beverage designated by label or otherwise by a name other than beer.

Beer and wine retail sales (drive through). Businesses that engage in the sale of beer, Wine and/or malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17% by volume, for Off-Premises Consumption only, with a drive-through facility including a drive-up Window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles.

Beer and wine retail sales (no drive through). Businesses that engage in the sale of beer, Wine and/or malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17% by volume, for Off-premises Consumption only, with no drive-through facility.

Billboard. Means a structure directly attached to the land, a house, or a building having one or more spaces used to display a sign or advertisement of an alcoholic beverage or a person engaged in the manufacture, sale, or distribution of alcoholic beverages, whether or not the structure is artificially lighted.

(Ordinance 902-2013 adopted 12/10/13)

Brewers permit. Permit authorizes holder to manufacture ale and malt liquor and sell the ale and malt liquor only to wholesale permit holders in this state or to qualified persons outside the state. If annual production of ale together with annual production of beer by the holder of a manufacturer's license at the same premises does not exceed a total of 225,000 barrels, the holder may sell ale produced on the brewer's premises under the permit to ultimate consumers on the brewer's premises. Combined sales of ale together with sales of beer to the ultimate consumer may not exceed 5,000 barrels annually. (Ordinance 999-2018, sec. 3, adopted 11/13/18)

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Child-care facility. As those terms are defined by Section 42.002 of the Texas Human Resources Code means a certified facility licensed, certified, or registered by the Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility for all or part of the 24-hour day whether or not the facility is operated for profit or charges for the services it offers.

City. The City of Winnsboro, Texas.

Dealer. As that term is used in Section 109.33 Texas Alcoholic Beverage Code V.T.C.S. and shall include PERSON as that term is defined herein.

Electric sign. Means a structure or device other than an illuminated billboard by which artificial light produced by electricity is used to advertise the alcoholic beverage business by a person who manufactures, sells, or distributes alcoholic beverages or to advertise an alcoholic beverage.

Hotel/motel. A building or a group of two (2) or more buildings containing guest rooms or apartments and used primarily for the accommodation of automobile travelers containing a restaurant as defined herein.

Licensee. A person who is the holder of a license provided in this ordinance, or any agent, servant, or employee of that person.

Mixed beverage. Composed in whole or part of an alcoholic beverage in a sealed or unsealed means one or more servings of a beverage container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit.

Neighborhood convenience center. Retail establishment which carries convenience goods, such as groceries, drugs, and some variety items, including grocery stores, markets, supermarkets and variety stores.

Off-premises consumption. The sale of sealed alcoholic beverages by an establishment permitted herein for the sale of consumption off premises.

On-premises consumption. The sale of an alcoholic beverage for the consumption in a business establishment as permitted herein.

Open container. A container that is no longer sealed.

Outdoor advertising. Means any sign bearing a word, mark, description, or other device that is used to advertise an alcoholic beverage or the business of a person Who manufactures, sells, or distributes an alcoholic beverage if the sign is displayed outside the walls or enclosure of a

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building or structure where a license or permit is issued or if it is displayed inside a building so that it is visible by a person of ordinary vision from outside the building.

Permittee. A person who is the holder of a permit provided for in this ordinance, or an agent, servant, or employee of that person.

Person. A natural person or association of natural persons, trustee, receiver, partnership, corporation, organization of the manager, agent, servant, or employee of any of them.

Prepackaged alcoholic beverage retail sales (drive Through). Businesses that engage in the sale of prepackaged alcoholic beverages, for Off-Premises Consumption, with a drive-through facility including a drive-up Window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles.

Prepackaged alcoholic beverage retail sales (no Drive-through). Businesses that engage in the sale of prepackaged alcoholic beverages, for Off-Premises Consumption, with no drive-through facility.

Private school. A private school including a parochial school that:

- (1) Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
- (2) Has more than 100 students enrolled and attending courses at a single location.

Restaurant. A place where meals are prepared and served to the public for consumption on or off the premises.

Wine. The product obtained from the alcoholic fermentation of juice of sound ripe grapes, fruits, berries, or honey, and includes wine coolers.

Wine cooler. An alcoholic beverage consisting of vinous liquor plus plain, sparkling, or carbonated water and which may also contain one or more natural or artificial blending or flavoring ingredients. A wine cooler may have an alcohol content as low as one-half of one percent by volume.

Sec. II. Permitted Uses

(a) Beer and Wine Retail Sales (No Drive-Through) and Prepackaged Alcoholic Beverage Retail Sales (No Drive-Through) and holding an alcoholic beverage permit issued by the City Secretary of the City of Winnsboro will be allowed to operate only in areas that are zoned R (Retail District), B-1 (Business District-1), B-2 (Business District-2), and I (Industrial District).



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(b) Beer and Wine Retail Sales (Drive-Through) and Prepackaged Alcoholic Beverage Retail Sales (Drive-Through) are not permitted. The sale of alcoholic beverages for On-Premises Consumption shall only be permitted by restaurants or hotel/motels holding a food and beverage certificate and the restaurant or hotel/motel's revenue from the sale of alcoholic beverages shall be less than fifty percent of its gross revenue.

(c) The sale of alcoholic beverages for Off-premises Consumption shall only be permitted by Neighborhood Convenience Centers that derive fifteen percent or more of its gross revenue from the sale of nonalcoholic products and products not subject to motor fuel tax.

(d) Mixed Beverage Sales for On-Premises Consumption will be allowed to operate only in areas that are zoned R (Retail District), B-1 (Business District-1), B-2 (Business District-2), and I (Industrial District).

(e) Any business, existing or new, that desires to sell any alcoholic beverage within the city limits of the City of Winnsboro must obtain an alcoholic beverage permit issued by the City.

[(f)] Brewery Sales (No Drive-Through) for On-Premises consumption will be allowed to operate only in areas that are zoned R (Retail District), B-1 (Business District-1), B-2 (Business District-2), and I (Industrial District). (Ordinance 999-2018, sec. 4, adopted 11/13/18)

Sec. III. Sale of alcoholic beverages prohibited near public schools, private schools, churches or hospitals

(a) It shall be unlawful for any dealer to sell alcoholic beverages from or at a place of business within this city within 300 feet of a church, public or private school.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door and in direct line across intersections.

(c) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the place of business and in a direct line across intersections.

State law reference—Sales near church, school or hospital, V.T.C.A., Alcoholic Beverage Code, sec. 109.33.

Sec. IV. Sale of alcoholic beverages prohibited near day-care centers and child-care facilities; exception

(a) It shall be unlawful for any holder of a wine and beer retailers permit, mixed beverage permit, retail dealers on-premises license or brew pub license who does not hold a food and beverage certificate to sell alcoholic beverages from or at a place of business within this city within 300 feet of a day-care or child-care facility.



(b) This section does not apply to a foster group home, foster family home, family home, agency group home or agency home as those terms are defined by Section 42.002 of the Texas Human Resources Code.

(c) The measurement of the distance between the place of business where alcoholic beverages are sold and the day-care center or child-care facility shall be in a direct line from the property line of the day-care center or child-care facility to the property line of the place of business and in a direct line across intersections.

State law reference—Sales near daycare center or childcare facility, V.T.C.A., Alcoholic Beverage Code, sec. 109.331.

Sec. V. Requests to city council for variance of the distance regulations imposed pursuant to this ordinance

Upon application of a dealer, or person authorized to sell alcoholic beverages, desiring to sell alcoholic beverages within the distance restrictions imposed by this ordinance the city council may, in its sole discretion, allow variances to the distance regulations contained in section III if the city council determines that enforcement of the regulations in a particular instance is not in the best interest of the public, constitutes waste or insufficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Sec. VI. Sale of alcoholic beverages prohibited in residential areas

(a) It shall be unlawful for any person or dealer to sell alcoholic beverages on residential lots, tracts, or parcels of land zoned as residential within this city.

Sec. VII. Consumption of alcoholic beverage and possession of an open container near public or private schools; exception

(a) A person commits an offense if the person possesses an open container or consumes an alcoholic beverage on a public street, public alley, public sidewalk or public park, within 1,000 feet of the property line of a facility that is a public or private school including a parochial school that provides all or any part of prekindergarten through twelfth grade.

(b) This section does not apply to the possession of an open container or the consumption at an event duly authorized by appropriate authorities and held in compliance with all other applicable provisions of this ordinance.

Sec. VIII. Signage

No person may erect or maintain a billboard, electric sign, or any outdoor advertising in violation of any ordinance of the City of Winnsboro, Texas or this ordinance.

(a) No person shall erect or maintain a Billboard, Electric Sign, or any Outdoor Advertising for the sale or consumption of an alcoholic beverage within the city limits of the City of Winnsboro, Texas.

(b) No person shall erect post or display any signs for the sale or consumption of alcoholic beverages or other forms of advertisement inside the alcoholic beverage establishment if same can be viewed from a public street.

(Ordinance 902-2013 adopted 12/10/13)

Sec. IX. Local fees for license and application

(a) For all local businesses selling alcoholic beverages, for both on-premises and off-premises sales, the City, hereby will not incur any fee(s), but will require the businesses to register and obtain a new city permit every two (2) years in conjunction with TABC license renewal, as authorized by the Texas Alcoholic Beverage Code, except a temporary or agent's beer license issued for premises locations within the corporate limits of the city. (Ordinance 999-2018, sec. 5, adopted 11/13/18)

State law references—Local fee authorized on alcoholic beverage permits, V.T.C.A., Alcoholic Beverage Code, sec. 11.38; local fee authorized on alcoholic beverage licenses, V.T.C.A., Alcoholic Beverage Code, sec. 61.36.

Sec. X. Penalty for violation

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof shall be fined an amount not to exceed the limit established by state statute.

SECTION 3. [Repealer]

That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

SECTION 4. [Intent of Action]

Should it ever be found and determined by a court of competent jurisdiction that this action of the City Council should have been by resolution or in any other manner other than by ordinance as here ordered, the City Council expresses its intent that this action be considered as having been done by order, or by resolution, or by such other manner as said court shall find, and further that it would have so acted in such manner as determined by the Court and desires that this Ordinance be read and considered as such order, resolution, or in such other form as may be found and determined.

SECTION 5. [Severability]



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If any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Winnsboro, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 6. [Penalty for Violation]

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof shall be fined an amount not to exceed the limit established by state statute.

SECTION 7. [Effective Date]

This Ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS on this the 10th day of December 2013.

(Ordinance 902-2013 adopted 12/10/13)

