

CITY OF GUNTER, TEXAS

ORDINANCE NO. 040727-4

AN ORDINANCE OF THE CITY OF GUNTER, TEXAS, ADOPTING A COMPREHENSIVE ZONING PLAN AND ZONING MAP AND DIVIDING THE CITY INTO SEVERAL DISTRICTS; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING, AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR SPECIFIC USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; PROVIDING FOR CERTIFICATES OF OCCUPANCY AND COMPLIANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNTER, TEXAS, THAT A COMPREHENSIVE ZONING ORDINANCE AND MAP ARE HEREBY PASSED AND APPROVED WHICH SHALL PROVIDE AS FOLLOWS:

SECTION 1 **TITLE**

This ordinance shall be known and may be cited as "The City of Gunter Zoning Ordinance".

SECTION 2 **PURPOSE**

Zoning Regulations and Districts are herein established in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City. They are designed to lessen 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, and to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each 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 Identified**

The City of Gunter, Texas, is hereby divided into zoning districts as listed in the section.

**ABBREVIATED
DESIGNATION** **ZONING DISTRICT NAME**

A	Agricultural District
SF-E	Single Family Residential District - Estate
SF-1	Single Family Residential District - 1
SF-2	Single Family Residential District - 2
TF	Two Family Residential (Duplex) District
TH	Townhouse Residential District
MH-1	Manufactured Home District
MH-2	Manufactured Home Park District
MF	Multifamily District
C-1	Commercial District - Office, Light Retail, and Neighborhood Services
C-2	Commercial District - General
C-3	Commercial District - Heavy
M-1	Manufacturing/Industrial District – Light
M-2	Manufacturing/Industrial District - Heavy
PD	Planned Development District
FP	Flood Plain District
THOR	Thoroughfare Overlay District
F-B	Food and Beverage Overlay District

3.2 **Description and Purpose of Zoning Districts**

A -- Agricultural District: This district provides for the continuance of farming, ranching, and gardening activities on land being utilized for these purposes. When land in an Agricultural District is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Comprehensive Plan. See Section 8 for A -- Agricultural District regulations.

SF-E -- Single Family Residential District - Estate: The SF-E district provides for residential development on large lots with a minimum building site of 35,000 square feet. Density in this district will usually be no greater than one (1) unit per gross acre. See Section 9 for SF-E -- Single Family Residential District - Estate regulations.

SF-1 -- Single Family Residential District - 1: The SF-1 district provides for a minimum residential building site of 9,000 square feet. Density in this district will usually be no greater than four (4) units per gross acre. See Section 10 for SF-1 -- Single Family Residential District regulations.

SF-2 -- Single Family Residential District - 2: The SF-2 district provides for a minimum residential building site of 7,200 square feet and permits residential development of densities ranging from four (4) to six (6) units per gross acre. See Section 11 for SF-2 -- Single Family Residential District regulations.

TF -- Two Family Residential (Duplex) District: The TF district provides for stable, quality residential development, including duplex, and similar residential development with densities ranging from four (4) to twelve (12) units per gross acre. See Section 12 for TF -- Two Family Residential (Duplex) District regulations.

TH -- Townhouse Residential District: The TH district provides for stable, quality residential development, including townhouses, zero lot line homes, garden (patio) home, and similar residential development with densities ranging from four (4) to twelve (12) units per gross acre. See Section 13 for TH -- Townhouse Residential District regulations.

MH-1 -- Manufactured Home District: The MH-1 district provides an area for the placement of HUD-Code manufactured home and modular home units in subdivisions in which most lots and housing units are owner-occupied. Densities in this district will be comparable to that of the SF-2 District. See Section 14 for MH-1 -- Manufactured Home Subdivision District regulations.

MH-2 -- Manufactured Home Park District: The MH-2 district establishes a category in which manufactured home park development with a maximum density of approximately five (5) - six (6) units per gross acre can occur. See Section 15 for MH-2 -- Manufactured Home Park District regulations.

MF -- Multifamily District: The MF district permits multifamily developments of maximum densities of fifteen (15) units per acre.

C-1 -- Commercial District - Office, Light, Retail, and Neighborhood Services: Retail, commercial, and office uses developed under the standards of the C-1 District are designed to provide a compatible relationship between the C-1 development and adjacent residential areas. See Section 17 for C-1 Commercial District - Office, Light Retail, and Neighborhood Services regulations.

C-2 -- Commercial District - General: Uses which require considerable space for display, sales, or open storage, or by the nature of the use are generally not compatible with residential uses are located in the C-2 Commercial District. See Section 18 for C-2 -- General Commercial District regulations.

C-3 -- Commercial District - Heavy: Uses which require considerable space for display, sales, or open storage, or by the nature of the use are generally not compatible with residential uses, and not compatible with general commercial district regulations are located in the C-3 Commercial District. See Section 19 for C-3 - Heavy Commercial District regulations.

M-1 -- Manufacturing/Industrial District - Light: The Light Manufacturing/Industrial District is established to accommodate uses of a non-nuisance type located in relative proximity to residential and C-1 business areas. Development in the M-1 district is limited primarily to certain wholesale, jobbing and warehouse uses and certain specialized manufacturing and research uses of a type which will not create nuisances. See Section 20 for M-1 -- Manufacturing/Industrial District - Light regulations.

M-2 -- Manufacturing/Industrial District - Heavy: The Heavy Manufacturing/Industrial District is established to accommodate industrial uses not appropriate for inclusion in the M-1 district and likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses. See Section 21 for M-2 -- Manufacturing/Industrial District - Heavy regulations.

PD -- Planned Development District: The Planned Development District provides a zoning category for the planning and development of larger tracts of land for tracts of land with unique characteristics for a single use or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect to the protection of surrounding property. See Section 22 for PD - Planned Development District regulations.

FP – Flood Plain District: Zoning districts located in flood hazard areas which are subject to periodic inundation shall be preceded by the prefix FP, indicating a sub-district. Areas designated FP may be used only for those uses listed in the provisions of Section 23 until a use in any area or any portion thereof located in FP sub-district 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. See Section 23 for FP – Flood Plain District regulations.

THOR – Thoroughfare Overlay District: The Thoroughfare District is designed to provide for the diverse uses that can take advantage of the access provided by a major arterial or freeway, without sacrificing the integrity of the thoroughfare or freeway in its primary function as a means of moving vehicular traffic through the community.

SECTION 4 **ZONING DISTRICT MAP**

4.1. Zoning District Boundaries Delineated on Zoning District Map

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

4.2. Regulations for Maintaining Zoning District Map

Two (2) 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:

- 4.2.1. One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
- 4.2.2. 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 and for enforcing the Zoning Ordinance. The Building Official shall keep a written record (logbook) of all changes made to the Zoning District Map
- 4.2.3. Reproductions of the official Zoning District Map may be made for information purposes.

SECTION 5 **ZONING DISTRICT BOUNDARIES**

5.1. Rules for Determining District 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:

- 5.1.1. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
- 5.1.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- 5.1.3. Boundaries indicated, as approximately following city limits shall be construed as following city limits.
- 5.1.4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- 5.1.5. Boundaries indicated as parallel to or extensions of features indicated in 5.1.1. through 5.1.5. above shall be construed. Distances not specifically indicated on the original Zoning Map shall be determined for the graphic scale on the map.
- 5.1.6. Boundaries indicated as parallel to or extensions of features indicated in 5.1.1. through 5.1.5. above shall be construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.

- 5.1.7 Whenever a street, alley or other public way is vacated by official action of the City Council, or whenever a 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.
- 5.1.8 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 a parcel of property is zoned and such question cannot be resolved by the application of subsections 5.1.1. through 5.1.7., 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. In an area determined to be temporarily classified as A -- Agricultural District, no person shall construct, add or to alter any building or structure or cause the sale 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 zoned to permit such use by the City Council. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

SECTION 6 ZONING OF ANNEXED TERRITORY

6.1. Initial Zoning Concurrent With Zoning

An area or areas being annexed to the City of Gunter shall ordinarily be given initial zoning concurrently with the annexation.

6.2. Temporary Classification

In instances in which the zoning of an annexed territory concurrently with the annexation is impractical, the annexed territory shall be temporarily classified as A -- Agricultural District, until other zoning is established by the City Council. The procedure for establishing regular zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations. The City Council shall determine an initial zoning for such area as soon as practicable after annexation.

6.3. Regulations in Areas Temporarily Classified

In an area temporarily classified as A -- Agricultural District:

- 6.3.1. 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 Gunter 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.
- 6.3.2. 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 a zoning district other than the Agricultural District by the City Council in the manner prescribed by law.

SECTION 7 COMPLIANCE WITH ZONING REGULATIONS

7.1 Compliance With Zoning Regulations Required

All land, buildings, structures, or appurtenances thereon located within the City of Gunter which are hereafter occupied, used, erected, altered, removed, placed, 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.

7.2 Building Permits Prohibited Without Plat

No permit for the construction or placement of a building or buildings upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and City Council and filed in the Plat Records of county or counties in which the plot or tract is located.

7.3 Exclusions

Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this ordinance and which entire building shall be completed within one (1) year from the date of passage of this ordinance.

7.4 One Main Building on a Lot or Tract

Only one main building for one family or two family use with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street or approved place other than an alley, which street or approved place shall have a minimum width of thirty-one (31) feet and a fifty (50) foot right of way. Where a lot is used for retail and dwelling purposes, more than one 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 will not face upon a public street, the same may be permitted when the site plan for such development is approved by the City Council. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

SECTION 8 A -- AGRICULTURAL DISTRICT

8.1. General Purpose and Description

The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

8.2. Permitted Uses

A building or premise shall be used only for the following purposes:

- 8.2.1. Single-family dwellings on building lots of two (2) acres or more in areas where said dwellings can be adequately served by city utilities or septic tanks located on the building lot.
- 8.2.2. Telephone exchange and utility service building, provided no public business and repair or outside storage facilities are maintained; gas lines; and gas regulating stations.
- 8.2.3. Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent (10%) of the gross land area of tract.
- 8.2.4. Temporary metal buildings of less than six hundred (600) square feet which are used for tool and supply storage.
- 8.2.5. Riding academy or other equestrian related activities.
- 8.2.6. Other uses as listed in Section 22 of this ordinance.
- 8.2.7. For more details regarding farm animals see other applicable City regulations.

8.3. Permitted Specific Uses

The following specific use shall be permitted in the Agricultural District, when granted in accordance with Section 25:

- 8.3.1. Uses as listed in Section 22 of this ordinance.

8.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

SECTION 9 SF-E -- SINGLE FAMILY RESIDENTIAL - ESTATE DISTRICT

9.1. General Purpose and Description

The Single Family Residential - Estate District is designed to accommodate single family residential development on large lots. The district can be appropriately located in proximity to agricultural and standard single family residential uses. Densities in this district will not usually exceed one (1) unit per gross acre.

9.2. Permitted Uses

A building or premise in an SF-E District shall be used only for the following purposes:

9.2.1. Uses as listed in the table in Section 25 of this ordinance.

9.2.2 For more details regarding farm animals see other applicable City regulations

9.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-E District, when granted in accordance with Section 28;

9.3.1. Uses as listed in the table in Section 25 of this ordinance.

9.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

9.5. Parking Regulations

Two (2) covered enclosed spaces behind the front yard line for single family dwelling units. Other off-street parking space regulations are set forth in Section 29.

SECTION 10 SF-1 -- SINGLE FAMILY RESIDENTIAL DISTRICT - 1

10.1. General Purpose and Description

The Single Family Residential District - 1 is designed to accommodate the standard single family residential development. Densities in this district will not usually exceed four (4) units per gross acre.

10.2. Permitted Uses.

A building or premise in an SF-1 District shall be used only for the following purposes:

10.2.1. Uses as listed in Section 25 of this ordinance.

10.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-1 District, when granted in accordance with Section 28:

10.3.1. Uses as listed in Section 25 of this ordinance.

10.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

10.5. Parking Regulations

A minimum of two (2) covered, enclosed parking spaces shall be provided per unit behind the building line. Other off-street parking space regulations are set forth in Section 29.

SECTION 11 SF-2 -- SINGLE FAMILY RESIDENTIAL DISTRICT -- 2

11.1. General Purpose and Description

The Single Family Residential District - 2 is intended to provide for medium density single family residential development. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas. Density in this district will range between four (4) and six (6) units per gross acre.

11.2. Permitted Uses

A building or premise shall be used only for the following purposes:

11.2.1. Uses as listed in Section 25 of this ordinance.

11.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-2 district, when granted in accordance with Section 28:

11.3.1. Uses as listed in Section 25 of this ordinance.

11.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, And Coverage Regulations.

11.5. Parking Regulations

A minimum of one (1) covered, enclosed parking space shall be provided per unit behind the front yard line. Other off-street parking space regulations are set forth in Section 29.6.10

SECTION 12 TF -- TWO FAMILY RESIDENTIAL (DUPLEX) DISTRICT

12.1. General Purpose and Description

The purpose of the Two Family Residential (Duplex) District is to promote stable, quality residential development of slightly increased densities. Consistent with the city's Comprehensive Plan, this district may be used as a "buffer" district between low density and high-density districts or between residential and non-residential districts.

12.2. Permitted Uses

A building or premise shall be used only for the following purposes:

12.2.1. Uses as listed in Section 25.

12.3. Permitted Specific Uses

The following specific uses shall be permitted in the TF District, when granted in accordance with Section 28:

12.3.1. Uses as listed in Section 25 of this ordinance.

12.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

12.5. Parking Regulations

Off-street parking shall be provided in accordance with the requirements for uses set forth in Section 29.

SECTION 13: TH - TOWNHOUSE RESIDENTIAL DISTRICT

13.1. General Purpose And Description

The purpose of the Townhouse Residential District is to promote stable, quality residential development of slightly increased densities where single family structures are attached on separate lots or where zero lot lines are allowed. Consistent with the City's Comprehensive Plan, this district may be used as a "buffer" district between low density and high-density districts or between residential and non-residential districts.

13.2. Permitted Uses

A building or premise shall be used only for the following purposes:

A. Uses as listed in Section 25.

13.3. Permitted Special Uses

The following Special Uses shall be permitted in the TH District, when granted in accordance with Section 28:

A. Uses as listed in Section 25.