

CITY OF STAGECOACH

PLANNING AND ZONING

ORDINANCE NO. O-2023-68

Effective July 1, 2023

AN ORDINANCE ESTABLISHING A PLANNING AND ZONING COMMISSION AND PLANNING AND ZONING REGULATIONS FOR THE CITY OF STAGECOACH AND PROVIDING FOR MUNICIPAL LAND USE REGULATIONS TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE MUNICIPALITY AND THE SAFE, ORDERLY, AND HEALTHFUL DEVELOPMENT OF THE MUNICIPALITY AND PROVIDING PENALTIES OF \$500.00 FOR EACH VIOLATION.

SECTION	REFERENCE	<u>PAGE NO.</u>
SECTION 1-	APPLICABILITY	2
SECTION 2-	EFFECTIVE DATE	2
SECTION 3-	INTERPRETATION	2
SECTION 4-	DEFINITIONS	3
SECTION 5-	DECISION MAKING AND ADMINISTRATIVE BODIES	5
SECTION 6-	OFFICIAL ZONING SECTION MAP	8
SECTION 7-	PERMITTED USES, SPECIFICATIONS AND CONSTRUCTION OF RESIDENCES AND GARAGES	9
SECTION 8-	CONSTRUCTION OF ACCESSORY BUILDINGS	10
SECTION 9-	SUBDIVIDING A LOT	10
SECTION 10-	USES AND LIMITATIONS	11
SECTION 11-	ROADS AND RIGHTS OF WAY	14
SECTION 12-	PERMITS, INSPECTIONS AND CERTIFICATES OF COMPLETION/OCCUPANCY	14
SECTION 13-	VARIANCES	19
SECTION 14-	NONCOMFORMITIES	20
SECTION 15-	ENFORCEMENT	20
SECTION 16-	APPEALS TO THE BOARD OF ADJUSTMENT	21
SECTION 17-	ALTERNATIVE DISPUTE RESOLUTION	21
SECTION 18-	AMMENDMENTS TO THIS ORDINANCE	22
SECTION 19-	REPEALER	23
SECTION 20-	SEVERABILITY OF PARTS OF THIS ORDINANCE	23

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STAGECOACH

SECTION 1 – APPLICABILITY

A. General Application

This Ordinance shall apply to all buildings and the uses of land within the corporate limits of the City of Stagecoach, Texas. Existing buildings and uses, which are inconsistent with the provisions of this Ordinance, shall be permitted only as provided for in Section 14 of this Ordinance. All applications for construction permits shall meet the requirements of this Ordinance. The Planning and Zoning Commission of the City of Stagecoach shall administer the provisions of this Ordinance.

The Police Department of the City of Stagecoach shall enforce the provisions of this Ordinance.

B. General Prohibition

It shall be unlawful for any person to carry out any construction, development or alteration to any residence or building existing upon any land within the City of Stagecoach prior to issuance of a building permit by the City. It shall be unlawful for any person to carry out any construction inconsistent with the requirements of this Ordinance or other ordinances of the City.

C. Building Permits Issued Prior to enactment of this Ordinance

This Ordinance shall not affect building permits issued prior to the effective date of this Ordinance, except those permits which have expired or have been revoked.

SECTION 2 – EFFECTIVE DATE

This Ordinance shall become effective on July 1, 2023.

SECTION 3 – INTERPRETATION

The following rules of construction and interpretation shall apply:

1. If this Ordinance contains provisions which are in conflict or provide differing regulations as to the same type of requirement, property, or use, then in such case, the more restrictive provision shall prevail.
2. In the event of a conflict between the text of this Ordinance and any caption, illustration, table or map, the text shall prevail.
3. If any deadline referenced in this Ordinance falls on a Saturday, Sunday, or legal holiday, then the deadline shall be extended to the next day which is not a Saturday, Sunday, or legal holiday.
4. It is the specific intent and desire of the City of Stagecoach to provide an interpretation or to clarify any ambiguity in this Ordinance where its provision is deemed to be ambiguous or unclear. In the event of a conflict between any provisions or sections of this Ordinance, or in the event the meaning or intent of any of the provisions or sections of this text is subject to more than one interpretation, the City Council, or the Planning and Zoning Commission, shall interpret the same and shall furnish as part of their decision, order or recommendation, the necessary interpretation consistent with this ordinance. However, in the event that any decision, order, or recommendation made by any board, commission or individual is subject to final action or review by the City Council, the City Council shall not be bound to the interpretation as established by such board, commission or individual, but shall be free under the terms and provisions of this Ordinance to consider the question de novo and to provide an interpretation. A final interpretation or clarification by the City Council shall remain in full force and effect and shall be deemed to be the official interpretation of the City of Stagecoach unless it be overridden or revoked by an ordinance duly adopted under the formalities as provided by law as an amendment to this Ordinance.

Such interpretation or clarification shall be deemed controlling as to any person seeking to develop or improve any property or exercise any rights conferred by this Ordinance.

5. In the event that a member or members of the City Staff designated under the terms and provisions of this Ordinance to perform a certain function or to carry out a certain duty, obligation, or responsibility cannot perform such function, such staff member or members may, subject to the provisions of this Ordinance, and with the approval of the Mayor, delegate to someone else the duties and responsibilities imposed upon them herein; and such designee shall serve with the same powers, responsibilities and obligations imposed upon the principal staff member or members herein. Any reference to any such staff member or members in this Ordinance shall constitute a reference to any such designee.

SECTION 4 – DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

1. **Accessory Building:** Any non-residential building including, but not limited to storage sheds; detached, non-primary garages and carports; barns; studios; greenhouses; workshops; etc. or any other structure, except primary garages and carports, which is subordinate to the main structure on a property. Cargo/shipping containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles and similar prefabricated items and structures originally built for purposes other than storage of goods and materials are not accessory buildings.
2. **Alteration:** Any change in the foundation, slab, supporting members, roof rafters, joists, bearing walls, columns, beams, girders, or trusses.
3. **Alternative Dispute Resolution System:** A forum in which mediation, conciliation, arbitration, or other alternative dispute resolution method is used to resolve disputes arising under this Ordinance.
4. **Board Of Adjustment:** A board appointed by the City Council and authorized by State Law to hear appeals and to approve variances. Pursuant to Section 5C-1 of this Ordinance the City Council is appointed as the Board of Adjustment for the City of Stagecoach.
5. **Building:** Any structure, or part thereof designed or suitable for the habitation or sheltering of human beings or animals, for the sheltering, storing, or displaying of property, or for the conduct of business or professional services of any kind.
6. **Building Area:** The square footage of all enclosed space plus the ground perimeter area of all other covered buildings.
7. **Building Permit:** A permit issued by the City Secretary allowing for the construction of a building under the terms and provisions of this Ordinance.
8. **Business:** Any regular activity or commercial enterprise conducted for compensation or profit.
9. **Certificate of Completion:** A certificate issued by the City Secretary which certifies that an accessory building has been erected in accordance with this Ordinance and all other ordinances of the City.
10. **Certificate of Occupancy:** A certificate issued by the City Secretary which certifies that a residential building has been erected in accordance with this Ordinance and all other ordinances of the City.
11. **Cesspool:** A cistern, well or open pit for retaining sewage.
12. **Commencement of Construction:** Any work on a development, including any grading of the site.
13. **Corner Lot:** A lot having two adjacent sides which abut, respectively, two (2) streets which intersect at the corner of such lot at an interior angle of one hundred thirty-five (135) degrees or less.
14. **Development:** Any construction which requires a permit under the terms and provisions of this Ordinance.

15. **Family:** One (1) or more persons related by blood, adoption, or marriage, living, and cooking together as a single housekeeping unit, exclusive of household servants. Not more than three (3) persons living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.
16. **Fence:** Any visible or tangible obstruction to sight or passage of humans or animals interposed between two (2) portions of land or which divides a piece of land into distinct portions.
17. **Front Yard:** An open, unoccupied space on a lot facing a street, extending across the front of the lot between the side lot lines and from the outermost surface of the main building to the front lot line.
18. **Garage/Carport:** A building intended for the shelter and protection of vehicles.
19. **Grading Plan:** An outline of a site that shows the location and elevation of all the drainage structures within the premises.
20. **Home Occupation:** A business, profession or trade conducted within or from a residence or accessory building for gain or support which is incidental and secondary to the residence and does not change the essential use of the residence or building.
21. **Inspection:** Official examination of a building by an inspector licensed by the State of Texas and approved by the City of Stagecoach.
22. **Living Space:** Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing or sanitation purposes.
23. **Lot:** A part of a platted and recorded subdivision which shall be readily identifiable upon a plat of such subdivision.
24. **Multi-family Residence:** A building designed for occupancy by more than one (1) family or occupied by more than one (1) family.
25. **Nonconformity/Nonconforming Use:** Any use lawfully being made of any land prior to enactment of this Ordinance which, upon the adoption of this Ordinance or any amendment thereof, does not comply with all the provisions of this Ordinance or any amendment thereto. A nonconforming use may relate to land or buildings, or any parts thereof.
26. **Official Zoning Section Map:** A map adopted pursuant to this Ordinance having delineated all of the zoning sections and their boundaries within the City of Stagecoach.
27. **Open Space:** An area of land or water which is open and unobstructed to the sky with the exception of vegetation.
28. **Owner:** Any legal entity, person, or otherwise, who holds and can evidence title to real or personal property.
29. **Paved Surface:** An area of ground covered with stone, brick, concrete, asphalt, gravel, iron ore or other substantial matter for the purpose of making a firm, smooth surface.
30. **Person:** Any human being or an entity created by law, including, but not limited to, a corporation (profit or nonprofit), partnership or association.
31. **Planning and Zoning Commission:** The Planning and Zoning Commission of the City of Stagecoach, established pursuant to the laws of the State of Texas, whose purpose is to fulfill those planning and zoning responsibilities delegated to it by the City Council, and by the provisions of the laws of the State and the City.
32. **Plot Plan:** A scale drawing of the lot or lots showing the proposed dimensions and location of all existing buildings and new construction.
33. **Premises:** Land and the improvements thereon.

34. **Rear Yard:** An open space extending across the rear of a lot from one side lot line to the other side lot line between the main building and the rear lot line.
35. **Recreational Vehicle:** A vehicle designed primarily for temporary living quarters for recreational, camping or travel use, which either has its own mode of power, is mounted on, or which may be drawn by, another vehicle.
36. **Residence:** A building or a portion of a building which is arranged, occupied, or intended to be occupied by one (1) family.
37. **Road/Street:** A strip of land intended for use for public vehicular traffic including adjoining easements.
38. **Side Yard:** An open space on each side of a building and on the same lot as the building, situated between the building and the sideline of the lot, and extending between the front yard and the rear yard. Any lot line, other than the rear lot line and the front lot line, shall be deemed a sideline.
39. **Subdivision:** A tract of land identifiable upon a plat duly approved by the City Council and filed for record in the office of the county clerk of Montgomery County, Texas.
40. **Utility Trailer:** A vehicular unit, mounted on wheels, designed for towing by another vehicle to haul material or animals of any sort.
41. **Variance:** An exception to the provisions of this Ordinance granted by order of the Board of Adjustment.
42. **Vehicle:** A vehicle as defined by the Texas Transportation Code.
43. **Watercraft:** A boat, houseboat, canoe, raft, surfboard, personal watercraft, or other apparatus designed for use on water, including trailers thereof and motors or engines designed to propel such craft or apparatus. The term watercraft shall also be deemed to include the term "watercraft" as defined by Section 683.001 of the Texas Transportation Code.
44. **Yard:** An open space on a lot upon which a building is situated.
45. **Zoning Section:** Any section delineated on the official Zoning Section Map under the terms and provisions of this Ordinance, or which may hereinafter be created subsequent to the enactment of this Ordinance for which regulations governing the area, height, use of buildings and/or use of land, and other regulations relating to the development or maintenance of existing uses or buildings, are uniform. For purposes of this Ordinance, Zoning Sections shall have the same meaning as Zoning Districts as defined in paragraph 211.005 of the Local Government Code of the State of Texas.

SECTION 5 – DECISION MAKING AND ADMINISTRATIVE BODIES

A. City Council

In addition to any authority granted the City Council by State law the City Council may:

1. refer any zoning question to any person on the administrative staff of the City or to the Planning and Zoning Commission for further study and review.
2. approve or disapprove all land subdivision plans, plats or replats or the vacation of such plans, plats or replats in accordance with the laws of the State of Texas including, but not limited to, Texas Local Government Code, Chapters 42, 43 and 212, pursuant to the rules and regulations for subdivision plat approval as provided under Ordinance No. 56, heretofore previously adopted by the City Council, providing rules, regulations, and procedures for seeking approval of subdivision plats.
3. review and report on any matter referred to it by the Mayor or the Planning and Zoning Commission.
4. adopt rules of procedure that are not in conflict with the provisions of this Ordinance.

B. Planning and Zoning Commission

There is hereby continued, pursuant to the laws of the State of Texas, the City of Stagecoach Planning and Zoning Commission.

1. **Purpose:** The purpose of the Commission is to fulfill, in a manner consistent with the laws of the State of Texas, those planning and zoning responsibilities delegated to it by the provisions of laws of this State and by the ordinances of the City, including:

- a. recommending to the City Council achievable community goals for planning and development programs.
- b. recommending to the City Council plans, programs, and policies to aid the community in achieving its defined planning goals.
- c. explaining and exploring with concerned citizens those plans and programs adopted by the City Council in an effort to insure that private activities and desires may be accomplished in harmony with the public needs and policies; and
- d. monitoring, together with the City Council, on a continuing basis, the terms, and provisions of this Ordinance to determine when appropriate amendments are necessary, and, on its own motion, to hold and conduct inquiry sessions and public hearings and to make recommendations when the same are deemed desirable and necessary.

2. **Membership and appointment:** The Commission shall be composed of five (5) or more persons, including the Chairman. Each member shall be a resident and owner of real property in the City of Stagecoach and shall maintain such qualifications during the term of their office. Members of the commission shall be appointed by the Mayor and confirmed by the City Council.

3. **Terms of office:** Each person appointed to such Commission under the provisions of this Ordinance shall serve at the pleasure of the Mayor and the City Council until their respective successors are appointed.

4. **Vacancies:** Vacancies on the Commission shall be filled by appointment by the Mayor with confirmation by the City Council in the same manner as original appointments are made. Newly appointed members shall be installed by taking an appropriate oath as required by law.

5. **Organization:** The Mayor shall appoint a Chairman and Vice-Chairman of the Commission from its membership.

6. **Meetings:** The Commission shall meet as business shall require and shall designate the date, time, and place of its meetings. It shall hold such special meetings as shall be called by the Chairman, the Vice-Chairman, or a majority of its members. The Commission shall adopt its own rules of procedure and shall keep a record/minute of its proceedings consistent with the Open Meetings Act, the provisions of this Ordinance, and any other requirements of the law.

7. **Quorum:** A minimum of three (3) members of the Planning and Zoning Commission shall be necessary for the transaction of business. When a quorum is present, a majority vote shall rule.

8. **Duties and powers:** The Planning and Zoning Commission is hereby charged with the responsibility and invested with the authority to:

- a. exercise all of the powers and responsibilities of a Planning and Zoning Commission relating to the formulation of a zoning plan, hold public hearings, and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations, classifications, and sections, all as provided for in the laws of the State of Texas including, but not limited to, the provisions of this Ordinance.
- b. review and approve plot plans and building plans for a permit.
- c. keep the Zoning Section Map current.
- d. accept, review, and recommend actions on a request for a variance.
- e. interpret the provisions of this Ordinance and resolve all disputes arising therein.

- f. recommend to the City Council an inspection firm to conduct inspections required by this Ordinance, which firm may be changed from time to time at the discretion of the City Council; and
- g. perform such other duties and address such other matters as may be referred to the Commission by the City Council.

9. **Compensation:** Members of the Commission shall serve without compensation; however, subject to prior approval by the Mayor, each member shall be entitled to reimbursement of actual and necessary expenses incurred by said member in the discharge of official duties on the Commission.

10. **Conflict of interest:** No member of the Commission shall vote or participate in any proceeding before the Commission, which involves any matter or property in which the decision of the Commission will directly affect said member. In the event any such possible conflict should arise, the member affected thereby shall make disclosure of such fact by affidavit to the Commission, which said disclosure shall be duly noted in the minutes of the Commission and said member so disqualified shall voluntarily remove himself/herself from the Commission's table during said discussion and abstain from voting and participating in the discussion of the matter. The recused member shall be replaced, if necessary, by the Mayor or his appointee.

C. Board of Adjustment

Pursuant to Section 211.008 of the Texas Local Government Code, a Board of Adjustment is herein created to authorize special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of the Ordinance and in accordance with any applicable rules contained in this Ordinance, to avoid unnecessary hardships and to ensure that substantial justice is done.

1. **Creation and Membership:** Under the provisions of Section 211.008(g) of the Local Government Code, the City Council is hereby appointed as the Board of Adjustment.

2. **Chairman and Vice-Chairman:** The Mayor shall be the Chairman of the Board of Adjustment and the Mayor Pro-Tem shall be the Vice-Chairman.

3. **Staff Secretary:** The City Secretary shall be Staff Secretary.

4. **Quorum and necessary vote:** No meeting of the Board may be called to order, nor may any business be transacted by the Board without a quorum being present. Each case before the Board must be heard by at least 75% of the Board members. The concurring vote of at least 75% of the members of the Board is required to:

- a. reverse an order, requirement, decision, or determination of an administrative official.
- b. decide in favor of an applicant on a matter on which the Board is required to pass under this Ordinance.
- c. authorize a variance from the terms of this Ordinance.

A simple majority of the members shall be necessary to pass a motion of adjournment.

5. **Meetings, hearings, and procedures:**

- a. Regular meetings of the board shall be held as business shall require, and special meetings shall be held when called by the Chairman.
- b. All meetings and hearings of the board shall be open to the public in accordance with the provisions, limitations and exceptions of the Texas Open Meetings Act, Texas Government Code § 551, et seq.
- c. A notice of a hearing of an appeal or a request for a variance or a special exception for determination of a nonconforming use or elimination thereof shall be given by mail to the persons in interest and the publication of a notice of such hearing in a newspaper of general circulation in the City of Stagecoach shall be at least ten (10) days prior to the date set for the hearing.
- d. All records of the board shall be public records open to inspection at reasonable hours and upon reasonable notice in accordance with Chapter 552 of the Texas Government Code.

6. Powers and duties: The board shall have the following powers and duties:

- a. to hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of Texas Local Government Code §§ 211.001 through 211.013 or this Ordinance.
- b. to hear and decide special exceptions to the terms of this Ordinance. to authorize in specific cases a variance from the terms of this Ordinance, which will not be contrary to the public interest, where, due to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed, and substantial justice done.
- d. to review and report on any matter referred to it by the Mayor, the City Council, or the Planning and Zoning commission; and
- e. to adopt rules of procedure what are not in conflict with the provisions of this Ordinance.

7. Appeals from the Board: Any person aggrieved by any decision of the Board may present to a County Court at Law or to a District Court of Montgomery County, a verified petition stating that a decision is illegal in whole or in part and specifying the grounds of the illegality. Such petition shall be filed with the Court no later than ten (10) days after the filing of the Board's Decision in the Board's office. If such person or persons fails to file such petition within the allotted ten (10) day period, the decision of the Board shall become final and binding. No appeal shall be filed with a Court of Record until all administrative remedies have been exhausted.

SECTION 6 – OFFICIAL ZONING SECTION MAP

A. Map Status

The official Zoning Section Map described in this section, a reduced copy of which is attached to this Ordinance as Appendix A, shall be as much a part of this Ordinance as if the information contained therein was set out in full in this Ordinance.

B. Section Boundaries

The boundaries of each zoning section 1 through 9 of the City are legally described and recorded in the Map Records of Montgomery County, Texas as follows:

Section	Map Volume	Map Page
1	5	197
2	5	188
3	5	193
4	5	223
5	5	293
6	5	401
7	5	513
8	7	207
9	7	287
10	Unrecorded	Unrecorded

All territory annexed in the future by the City of Stagecoach shall be classified as 'Single Family Residential'. The Planning and Zoning Commission shall as soon as possible after the annexation of any territory, if deemed necessary, recommend a different classification for permanent zoning to the City Council.

C. Rules for Construing Section Boundaries

If any uncertainty exists with respect to intended boundaries of various sections as shown on the official Zoning Section Map, the legal descriptions of said sections shall apply; however, if uncertainty exists even after reference to the legal descriptions as herein set out, the following rules shall apply:

1. The section boundaries are the centerlines of streets, alleys, waterways, and rights-of-way, unless otherwise indicated.
2. Where the section boundaries do not coincide with the location of streets, alleys, waterways, and rights-of-way, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such section.

SECTION 7 – PERMITTED USES, SPECIFICATIONS AND CONSTRUCTION OF RESIDENCES AND GARAGES

A. Zoning Section Requirement

The City of Stagecoach is zoned as a residential community in its entirety. No lot within the City may be used for other than residential occupancy except as otherwise provided for in this Ordinance. Land in the city limits is not eligible for appraisal as Open-Space Land, i.e., agricultural and timber exemptions are not allowed. No building shall be constructed, erected, structurally altered, expanded, reconstructed, used, or occupied except in accordance with this Ordinance.

B. Specifications

Except as otherwise set forth in this Ordinance all residences and garages and all expansions and all alterations of existing residences and garages shall be constructed in conformance with the latest editions, as adopted by the State of Texas, of the International Building Code (IBC), or the International Residential Code (IRC), as applicable, and the National Electrical Code (NEC) and in a good and workmanlike manner. A list of the current code versions and modifications adopted by the City are attached to this Ordinance as Appendix "C."

C. Construction

Residences and garages shall be constructed on a concrete slab or pier and beam. All residences and garages shall be constructed of raw materials and shall be constructed on site, except for trusses, which may be pre-assembled off-site. The exterior of each residence or garage shall be painted, unless it is of a material not commonly painted, such as brick or stone. Non-traditional residences (e.g., barndominiums and metal style residences) are not allowed. Expansions and alterations of existing buildings shall not compromise the integrity of the existing building.

D. Architectural Drawings

All drawings of proposed residences and garages shall be sufficiently detailed to demonstrate compliance with the IBC, or the IRC, as applicable, and the NEC. The drawings shall be certified to be in compliance with the IBC, or the IRC, as applicable, and the NEC, by an architect or a structural engineer both of whom shall be licensed by the State of Texas. The structural engineer shall certify compliance on all drawings of the foundation and framing. The structural engineer or architect shall certify compliance on all other drawings. Duplicate sets of plans are required, no stick-on labels, and at least one set of plans must be no smaller than 18" x 24"

To notify all crafts of code requirements, a placard shall be prominently posted at the jobsite, with the building permit. This placard will state that all work must comply with the versions of the IBC, IRC, and

NEC currently in force within the City of Stagecoach. This notice may be obtained through the City Secretary.

The foundation design of all residences and primary garages shall be based on a soil test.

Detailed elevation renderings of the proposed structure must be submitted for approval

E. Elevation

The surface of the lowest floor of all residences shall be constructed at least thirty-six (36) inches above the base 100-year floodplain elevation, or as specified in the current Flood Prevention Ordinance, Ordinance 258. All buildings shall be constructed on the lot to conform to the current Flood Damage Prevention Ordinance.

Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as not to create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade away from foundation walls shall fall a minimum of 6 inches within the first 10 feet.

Exception: Exception where lot lines, wall slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be provided to ensure drainage away from the structure. Use of alternative drainage methods must be pre-approved by P&Z. Special care must be taken to not discharge water onto adjacent properties.

F. Height Above Finished Grade

Concrete and masonry foundation walls shall extend above the finished grade adjacent to the foundation at all points a minimum of 4 inches where masonry veneer is used and a minimum of 6 inches elsewhere.

SECTION 8 – CONSTRUCTION OF ACCESSORY BUILDINGS

- A. A maximum of 5 accessory buildings may be constructed.
- B. Accessory buildings, regardless of size, shall be painted, unless constructed of a material that is not commonly painted.
- C. Accessory buildings shall not be taller than the main structure nor exceed the square footage of the principal residence.
- D. Accessory buildings shall not be on top of the septic system, or in the spray field.
- E. No accessory building shall be closer to the street than the residence.
- F. An accessory building of any size used to shelter animals shall be at least 15 feet from any property line and at least 50 feet from the primary dwelling on any adjacent lot.
- G. An accessory building of any size must be located at least five feet from any property line.
- H. Accessory buildings are not allowed on vacant lots, unless the owner has a residence on an adjacent lot.

SECTION 9 – SUBDIVIDING A LOT

No lot shall be subdivided, unless in accordance with the terms and provisions of this Ordinance and the rules and regulations for approval of a subdivision plat as specified in Ordinance No. 56.

Two (2) or more lots for single-family residences may be established by subdividing an existing lot only in accordance with the requirements of law. In no case shall an existing lot be subdivided without all resulting lots having frontage on a public street and meeting the minimum lot area and roadway frontage requirements as defined in Section 10-C of this Ordinance.

All plans for subdividing a lot must be submitted to, and approved by, the City Council.

SECTION 10 – USES AND LIMITATIONS

Any lot .5 acres or less shall have a swale installed and included in the detailed lot drainage plan.

A. Use Regulations

No building or land shall be used, and no building shall hereafter be erected, moved, constructed, or altered except for one (1) or more of the following uses:

1. One (1) single-family residence, accessory buildings, private garages, and such as is customarily incidental to any permitted use when located on the same lot.
2. Temporary buildings and materials for uses incidental to construction work on the premises, which shall be allowed on the premises for a period not to exceed one (1) year from the commencement of construction. In any event, all temporary buildings and materials shall be removed upon completion or abandonment of construction work.
3. Home Occupation: A home occupation shall meet all of the following requirements:
 - a. be customarily conducted as an incidental use, not the principal use of the property, and be:
 1. conducted without the help of any non-resident assistant or employee.
 2. conducted without the installation or assistance of any machinery or equipment rated in excess of 240 volts
 3. conducted without the use of any sign, display, or advertisement of the occupation at the premises.
 - b. shall not result in any parking in the streets.
 - c. shall not involve the exterior storage or display of any commercial property.
 - d. shall not be detrimental or injurious to adjoining property.
 - e. shall not involve the conduct of a school for anyone other than residents of the home, and
 - f. shall not be a business to which any customer or client comes more often than once per day in accordance with the above traffic regulations.

B. Limitations

The following limitations and restrictions shall apply to all of the above permitted uses:

1. **Garages/Carports.** A primary garage or carport is required for each new residence and shall be built simultaneously with the residence to allow for coincidental inspection of the overall construction project. No unattached garage or carport shall be closer to the street than the residence. A garage attached to a residence may be remodeled for residential use or living quarters if the exterior of the garage is substantially similar to the main residential building in appearance and quality of construction. However, in such case a new primary garage/carport shall be constructed prior to or coincident with the remodeling. A building permit is required for such alteration and the construction of a new garage/carport.
2. **Parking.** Off-street paved surface areas shall be provided on the premises for all vehicles owned or used by the occupants of the residence.
3. **Recreational Vehicles.** No recreational vehicle shall be kept in a front yard for a period longer than fourteen days during any consecutive 60-day period. Recreational vehicles, trailers, boats, and other such vehicles must be stored behind front line of the house. No recreational vehicle shall be used as living quarters.

4. **Watercraft.** No watercraft shall be kept in a front yard for a period longer than a total of forty-eight (48) hours during any consecutive eight-day period.
5. **Trucks/Busses.** No trucks in excess of five-ton gross vehicle weight nor any vehicle designed to transport more than twelve (12) people shall be parked within the City limits except for loading and unloading, but in no event shall such parking exceed a period longer than forty-eight (48) hours during any consecutive eight-day period.
6. **Other Property.** Property not incidental to a permitted use, including utility trailers, moving pods and shipping containers, shall not be kept in a front yard for a period longer than forty-eight (48) hours during any consecutive eight-day period. Shipping containers shall not be used as permanent storage and shall not remain on a property for more than 10 days when used as temporary storage or 15 days past the issuance of the certificate of completion/occupancy or expiration of the approved building permit when used to support an approved construction project. Storage pods, vehicles, containers, equipment, or other personal property are not allowed to be stored on vacant lots, unless the owner has a residence on the adjacent lot.
7. **Fences.** Opaque fences are not permitted in the front yard of a residence. Opaque fences along the rear and side property lines require a building permit. Opaque fence means a fence which blocks or prevents the passage of light through 50% or more of its surface. Fences must be constructed of material specifically designed and manufactured for fencing purposes such as wood, masonry, wrought iron, or chain link. Sheet metal fences are not allowed. A fence may have a maximum height of 6 feet above grade. Fences shall be maintained and kept in presentable condition.
8. **Aircraft.** Property shall not be used for the take-off, landing, parking or storage of helicopters, balloons, or other aircraft of any sort. This prohibition shall not apply to the landing and take-off of emergency or law enforcement helicopters while in the performance of official duties.
9. **Antennas.** Large, ground mounted, dish-type satellite receiving or transmitting antennas shall not be located in a front yard, and the highest point on any such antenna shall not be more than twelve feet (12') above ground level.
10. **Driveways.** Driveways shall permit a free flow of water. Culverts shall be made of PVC material with a minimum length of 16 feet, a maximum length of 24 feet, and a diameter of 24 to 36 inches. Culverts shall be installed by the property owner and shall be kept clear of debris by the property owner.
11. **Dumping.** No lot, City property, park, or lake shall be used or maintained as a dumping ground for rubbish, trash, garbage, or any other waste. All sanitary containers for the storage and disposal of waste material shall be kept in a clean, neat, and sanitary condition. Burning rubbish, trash, or garbage is prohibited.

12. **Further Limitations**

- a. No noxious or offensive trades or activities shall be conducted, nor shall any activity cause a nuisance or be offensive to a resident of ordinary sensitivities.
- b. No lot shall be used or occupied in violation of the laws of the local, State or Federal governments.
- c. Temporary residences are prohibited. No tent, trailer, recreational vehicle, outbuilding, basement, shack, or barn shall be used as a residence.
- d. Each residence shall contain an inside toilet and shall be connected to a County-licensed septic system until such time as sanitary sewers may be available for use in connection with such lot.
- e. Cesspools are prohibited. Drainage of septic tanks or sewage into roads, lakes, streets, alleys, ditches, ravines, or upon the open ground is prohibited.
- f. Outside toilets are prohibited except self-contained units for use during construction or reconstruction of a building.

- g. No owner of property adjoining Lake Apache or Lake Hardin shall build any pier or obstruction out onto or in said lake or lakes so as to interfere with the use of same by the other owners thereof.
- h. Halfway houses, nursing homes, and multi-family residences are prohibited.
- i. Burial of human remains is prohibited.
- j. A resident of the City of Stagecoach, being either a property owner or a legal tenant, may keep or pasture animals at their residence and on property under the same ownership that is contiguous with such residence, all of which are within the City of Stagecoach.
- k. No swine shall be kept within the municipality.
- l. Only one head of cattle or one equine is allowed per acre. Only two sheep or goats are allowed per one-half acre. Up to five fowl, including peacocks and guineas, may be kept per quarter acre, with a maximum of two roosters per property owner. FFA and 4-H animals, which include cattle, horses, goats, sheep, rabbits, and poultry, do not count towards the number of animals allowed per acre. FFA and 4-H animals must be properly registered with the respective organization and must be removed from the property within 30 days after the project ends if they exceed the number of animals allowed per acre. Proper structures and pens shall be required to house all animals and must be maintained in a clean and sanitary condition. Any structure used to shelter animals must be at least 15 feet from the side and rear property lines and shall be at least 50 feet from the primary dwelling on any adjacent lot. All animals shall be restricted to within the property's perimeter by suitable fencing.

C. Required Lot Areas, Building Locations and Residence Sizes

Unless otherwise provided for on a subdivision plat duly approved by the City of Stagecoach prior to the date of enactment of this Ordinance, the following minimum lot areas, building locations and residence sizes shall apply:

SECTION	MINIMUM LOT AREA (ACRES)	MINIMUM LOT ROADWAY FRONTAGE (FEET)	MINIMUM DISTANCE FROM ANY ROAD/STREET (FEET)	MINIMUM RESIDENTIAL BUILDING LIVING SPACE (SQUARE FEET)
1	1.5	100	100	2100
2	1.5	100	100	2100
3	1.5	100	100	2100
4	1.5	100	50	2100
5	1.0	100	50	2100
6	1.0	100	50	2100
7	1.0	100	50	2100
8	0.5	100	30	1900
9	0.5	100	30	1900
10	0.5	100	30	1900

D. Ground Coverage

The total ground coverage of all buildings and all impermeable surfaces on a lot shall not exceed twenty percent (20%) of the lot area.

E. Yard Requirements

Each residence shall have two side yards, each side yard having a minimum width of fifteen feet (15'). The rear yard shall have a minimum depth of twenty-five feet (25').

F. Location of Buildings on Lots

All residences shall be constructed on the lot so as to front on the street on which such lot fronts. Residences on corner lots shall have a presentable frontage on both streets. An accessory building may be constructed within a side or rear yard provided such building is located not less than 5 feet from any property line, and if used to shelter animals, shall be at least 15 feet from any property line and at least 50 feet from the primary dwelling on any adjacent lot.

No structure of any kind, other than a fence or privacy wall, shall be located less than five feet (5') from any property line.

G. Restrictions Against Cutting or Damaging Trees

No person shall intentionally, recklessly, or negligently cut, remove, poison, or damage any tree which has a trunk diameter exceeding ten inches (10") (circumference of approximately 31.4 inches) (measured at a point three feet (3') from the base of the tree) except as follows:

- a) Any tree may be removed within twenty feet (20') of an approved construction project or building exceeding 350 sq. ft., within twenty-five feet (25') of the centerline of a driveway, and within the septic spray field area of an approved aerobic system.
- b) Trees may be removed within twenty feet (20') of an in-ground swimming pool.
- c) Trees determined to be infested by the Southern Pine Bark Beetle may be removed.
- d) Trees determined to be diseased, severely damaged, or otherwise infested by any other species of borer beetle may be removed following approval by City Council.
- e) Trees which interfere with the installation or proper maintenance of a septic or sewer system, or electric, gas, water or other utilities may be removed.
- f) Dead trees that pose a hazard to life, limb or property shall be felled by the property owner.
- g) Trees which interfere with a surface water flood control plan drafted and certified by a licensed hydrologist or hydrologic engineer may be removed following approval by City Council.

No person shall remove trees of any size within fifty feet (50') of any major drainage watercourse or any watercourse designated as a floodway by the U.S. Federal Emergency Management Agency without prior approval of the Board of Adjustment.

A person seeking approval to remove a tree under subparagraphs (d) or (g) in this subsection shall request, in writing, an appearance before City Council to show cause as to the need to remove the tree.

No variance from this subsection shall be granted except by City Council.

SECTION II – ROADS/RIGHTS OF WAY

The construction of any road or right-of-way to be used for public or semi-public purposes, upon, over or across any lot is prohibited, except in a period of emergency as declared by the Mayor, the Mayor Pro-Tem, the Chief of Police, or the City Council.

SECTION 12 – PERMITS, INSPECTIONS AND CERTIFICATES OF COMPLETION/OCCUPANCY

A. General

Plans for construction shall be approved by the Planning and Zoning Commission prior to the commencement of construction. Each building shall be built in accordance with the approved plans.

A revision in the approved plans shall be resubmitted to the City Secretary for approval by the Planning and Zoning Commission. Construction in accordance with the revised plans shall not proceed until approval is received. The City and/or the City's inspector may inspect the building for compliance with the approved plans.

B. Building Permits

A building permit shall be required for the construction or alteration of any building. A building permit shall also be required for the expansion of a building. No building permit will be issued unless the location of the proposed construction is described by section and lot number from a duly approved and recorded plat.

a. For Residences, Attached Garages and Primary Detached Garages

1. Application An application form, provided by the City Secretary, shall be completed jointly by the owner and the builder and submitted to the City Secretary. The following items shall accompany each application submitted for a building permit.
 - a. a floodplain certificate, obtained from the City Secretary. If the lot intended to be used for a construction project is partially or completely located in the 100-year floodplain, the owner must submit a survey prepared by a surveyor who is licensed and certified by the State of Texas. This survey must indicate the location of the 100-year floodplain and the floodway, if applicable, and from which Flood Insurance Rate map this information was taken.
 - b. The effective date of this map must be stated. If the normal watershed from the construction site flows either onto a neighboring property or onto the roadway, a silt fence must be installed prior to the start of any excavation. If the property is in the 100-year floodplain, the Floodplain Administrator must issue a Flood Development Permit. Detailed elevation rendering and detailed lot drainage plan.
 - c. b. proof of ownership of the lot to be used for construction. A Montgomery County approved septic system permit, including the approved system detailed architectural drawings certified by a Texas licensed architect, in duplicate, in conformance with the IBC, or the IRC, as applicable, and the NEC, and Section 7 of this Ordinance, and detailed foundation and framing plans certified by a Texas licensed structural engineer (at least one set of the architectural drawings and foundation and framing plans must be no smaller than 18" x 24").
 - d. a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon and the size and location of the buildings to be erected and all other information as may be necessary to provide for enforcement of these regulations and all other ordinances and regulations of the City. compliance with timbering restrictions, obtained from the City Secretary,
 - e. g. soil test for foundation design. detailed elevation rendering. fees as listed on Appendix B of this Ordinance. Fees may be adjusted from time to time by vote of the City Council.
2. Each application shall list the inspection hold points required during the construction of each building. Inspection hold points where applicable shall be:
 - a. immediately prior to pouring concrete. upon completion of all structural and rough-in mechanical, electrical, and plumbing work. upon completion of insulation; and
 - b. upon completion of the building.The builder shall initial each hold point listed, indicating acknowledgement and acceptance.
3. A completed permit application shall be submitted to the City Secretary. Upon receipt of the application with the required documentation, the Secretary shall submit the application to the Planning and Zoning Commission. The Commission shall give its written approval or disapproval within thirty (30) days after the date of submission of a properly completed application.

4. Upon approval of the application by the Planning and Zoning Commission, the City Secretary shall issue the permit. A copy of the building permit shall be visibly posted on the construction premises. If the Planning and Zoning Commission disapproves the application, the City Secretary shall notify the applicant of the disapproval including the reasons for the disapproval.

5. Prior to commencement of any construction project proposed to take more than one full day, a portable toilet must be positioned at the construction site, unless workers will have access to a functional toilet within the residence.

6. Construction debris and refuse shall be kept in a container, such as a three-sided containment fence or dumpster, and such debris shall be removed from the construction site on a weekly basis.

7. Construction shall not commence before 6:00 a.m. and shall end by 7:00 p.m., except for foundation pouring.

b. For Detached Accessory Buildings

1. **Application** An application form, provided by the City Secretary, shall be completed jointly by the owner and the builder, and submitted to the City Secretary. The following items shall accompany each application submitted for a building permit.

a. Accessory buildings 350 sq. ft. or less require:

i. Completed and signed application,

ii. Building use,

iii. Description of construction materials,

iv. Description of foundation and anchoring,

v. Building dimensions,

vi. A signed statement from the owner that specifies compliance with separation distances for existing on-site sewage facilities,

vii. Two (2) scaled or dimensioned site drawings showing location of structure on the lot and distances from property lines,

viii. No building permit fee is required.

b. Accessory buildings greater than 350 sq. ft., up to and including 500 sq. ft., require:

i. Completed and signed application,

ii. Building use,

iii. Documented building plans, including materials to be used and framing members,

iv. A signed statement from the building manufacturer, or building contractor/erector, specifying that the building structural system and components, including foundation and piers, are designed to withstand sustained 100 mph winds and that the building will be constructed/erected to perform as such,

v. A signed statement from the owner that specifies compliance with separation distances for existing on-site sewage facilities,

vi. Foundation plans, anchoring, and elevation drawings,

vii. Topographical information regarding drainage and natural ways,

viii. Two (2) plot plans, drawn to scale, showing the dimensions of the lot, and the dimensions and location of the building to be erected,

ix. Payment of the building permit fee.

c. Accessory buildings larger than 500 sq. ft. require compliance with the provisions of Ordinance 68 for residences and garages as follows (with the exception that the soil test requirement, slab requirement, detailed elevation drawing, and detailed architectural plans certified by a Texas licensed architect are not required):

- i. Completed and signed application,
- ii. Building use,
- iii. Compliance with timbering restrictions,
- iv. Certificate of Lot in Relation to 100 Year Floodplain,
- v. A signed statement from the owner that specifies compliance with separation distances for existing on-site sewage facilities,
- vi. Foundation plans, anchoring, and elevation drawing or picture,
- vii. Unattached garage or accessory building may not be closer to street, taller than, or exceed the sq. ft. of the residence,
- viii. Topographical information regarding drainage and natural ways,
- ix. Two (2) plot plans, drawn to scale, showing the dimensions of the lot, and the dimensions and location of the building to be erected,
- x. Drawing certification requirements. These requirements may be a signed statement from the building manufacturer or building contractor/erector specifying compliance with the IBC, or the IRC, and the NEC,
- xi. Two (2) copies of framing plans certified by a Texas licensed structural engineer as conforming with the IBC or IRC,
- xii. Payment of building permit fee.

2. Permits

- a. Construction of any accessory building requires the issuance of a building permit by the City of Stagecoach. Construction shall meet the building code requirements of the City.
- b. Permits are issued on the condition that the owner and/or constructor(s) shall conform to the requirements of all applicable codes, ordinances, and setback requirements in constructing the building.
- c. Prior to the issuance of the building permit, the applicant shall pay the fees as established by the City of Stagecoach.

C. Swimming Pool Permits

A swimming pool permit shall be required for the installation of an inground or aboveground swimming pool. Prefabricated moveable pools less than 24 inches in depth do not require a permit.

(a) Except as provided in this section, the International Swimming Pool and Spa Code, published by the International Code Council, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling for the design, construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools, spas, hot tubs and aquatic facilities.

(b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.

(c) Swimming pool permit requirements:

- i. Completed and signed application.
- ii. A signed statement from the owner that specifies compliance with separation distances for existing on-site sewage facilities.

- iii. Topographical information regarding drainage and natural ways.
- iv. Two (2) plot plans, drawn to scale, showing the dimensions of the lot and the dimensions and location of the swimming pool, pool pump and other mechanical equipment, the location of the septic system, and the location of all fences.
- v. Distance from residence, side property lines and rear property line. Pools and decking must be located within the property side and rear setbacks.
- vi. Location of existing or proposed fence as required by pool code.
- vii. Inground pools must meet the 20% ground coverage limit.
- viii. Copy of signed contract between the property owner and contractor and copy of copy of license and insurance for electrical, plumbing and gas/propane.
- ix. Payment of the swimming pool permit fee.

D. Inspections

Inspection hold points identified during the permitting process and initialed by the builder are a critical component of the approval process of the construction project.

Construction shall cease at each hold point and shall not proceed until an inspection certificate is issued by an inspector approved by the City. It shall be the responsibility of the builder to schedule inspections, to ensure that a copy of each inspection certificate is visibly posted on the construction premises and that a copy of each inspection certificate is filed with the City Secretary. Construction past a hold point without a certificate of approval by the inspector shall be considered a violation of this Ordinance.

The City may, at its sole discretion, at any time between the issuance of the initial building permit and the issuance of a certificate of completion/occupancy, request that an independent inspection be performed, by a company of the City's choosing, to verify that the building is being constructed in conformance with the approved plans. If it is determined that the building is not substantially in conformance with the approved plans, including the approved elevation drawings, the project will be deemed to be in violation of this Ordinance. If the building is found not to be in conformance with the plans, the property owner will be required to pay the cost of the plan conformance inspection and may be subject to further enforcement actions as defined in the Enforcement Section of this Ordinance.

Inspections will be performed to ensure that the project complies with the applicable building standards (i.e., IBC, IRC, NEC). Compliance with codes will be to the highest, most contemporary versions as adopted by the State of Texas, the City of Stagecoach, or the State licensing body of licensed tradespersons (e.g., Texas Department of Licensing and Regulation, Texas State Board of Plumbing Examiners), at the time of permit issuance or extension. The City Council may periodically adopt newer versions of model building code and may modify them as deemed appropriate through resolution. A list of adopted code versions and modifications are attached hereto as Appendix C.

The inspector, acting on behalf of the City shall only be responsible to ensure that the construction project complies with the provisions of this Ordinance, the IBC, or the IRC, as applicable, and the NEC, at each inspection hold point. The builder will be responsible to correct all deficiencies noted before proceeding with the construction project. The inspector will not be responsible for the overall quality of the materials and workmanship of the construction project except to the extent that the materials and workmanship are required to comply with the provisions of this Ordinance, the IBC, or the IRC, as applicable, and the NEC. It is recommended that the property owner employ his/her own independent inspector to ensure the level of quality that is desired for the project.

E. Certificate of Completion/Occupancy

1) No building larger than 500 square feet, or the alteration or expansion of an existing building, shall be occupied or used until a certificate of completion/occupancy has been issued by the City stating that the building, alteration, expansion, or proposed use complies with the provisions of this Ordinance.

The City Secretary will issue a certificate of completion/occupancy within five (5) business days from receipt of all approved inspection and septic system reports required by this Ordinance. A certificate of occupancy will not be issued for a new residence prior to: (1) the completion of the associated garage or carport, (2) the erection of a permanent address sign, (3) the removal of all rubbish, debris, slash, tree stumps, construction materials and equipment, temporary address, and construction signs, (4) repairs are made to any damage caused to the roadways and ditches, and such repairs are subject to City overview and approval, and (5) the yard around the house and septic spray/drip field is stabilized with vegetative cover or landscaping for erosion control. (6) the issuance of a Notice of Approval to operate the septic system issued by Montgomery County.

- a. A structure shall not be occupied or stocked with materials, furniture and/or merchandise until a Certificate of Occupancy (CO) has been issued.

F. Time Limit

A building permit for residences and primary garages shall be valid for one (1) year from the commencement of construction or eighteen (18) months from the date of issue, whichever date comes first. A building permit for an accessory building shall be valid for three (3) months from the commencement of construction or six (6) months from the date of issue, whichever date comes first. All construction shall be completed prior to the expiration date of the permit.

G. Records

A record of all permit applications, permits issued, inspection certificates and certificates of completion/occupancy shall be kept on file by the City.

SECTION 13 – VARIANCES

A. Authority

The Board of Adjustment, upon recommendation of the Planning and Zoning Commission, shall have the sole authority to grant variances from the requirements of this Ordinance.

B. Purpose

The purpose of a variance is to provide relief, where, owing to special conditions, the enforcement of this Ordinance would result in unnecessary hardship. The granting of a variance shall not be contrary to the public interest.

C. Initiation

A person either owning or having a contractual interest in property within the City may seek a variance under the provisions of this Ordinance. A request for a variance from this Ordinance shall be submitted in writing to the Planning and Zoning Commission. Such request shall describe, in detail, the proposed variance, and the applicable section of this Ordinance. The request shall be signed and dated by the person submitting the request.

D. Review and Approval

A request for a variance will be reviewed by the Planning and Zoning Commission within thirty (30) days from the date of receipt of the request. The Planning and Zoning Commission shall submit its recommendation to the Board of Adjustment within ten (10) days following its review. Subject to the hearing notification provisions of Section 5-C, paragraph 5-c, the Chairman of the Board of Adjustment shall call a hearing to be held within forty-five (45) days of the receipt of the Planning and Zoning Commission's recommendation. The Board of Adjustment shall make a decision on the requested variance within ten (10) days of the hearing. The Board's Staff Secretary shall notice the Board of Adjustment's approval or disapproval of the requested variance to the Planning and Zoning Commission and the requesting party.

SECTION 14 – NONCONFORMITIES

A. Purpose

The purpose of this Section is to regulate and limit the continued existence of nonconforming uses of land and buildings lawfully established prior to the adoption of this Ordinance.

The provisions of this section are intended to limit investment in nonconformities and to bring about their eventual elimination, where appropriate.

B. Nonconforming Uses of Land and/or Buildings

Nonconforming uses of land and/or buildings may continue in accordance with the following:

1. Normal maintenance and repair of nonconforming uses may be performed.
2. A building housing a nonconforming use may not be moved unless the use shall thereafter conform to the provisions of this Ordinance.
3. Any modification or enlargement of a building of nonconforming use may be made only if the modification or enlargement is in compliance with the provisions of this Ordinance.
4. A nonconforming use shall not be changed to any other use unless such use conforms to this Ordinance.
5. When a nonconforming use of land or a building is discontinued or abandoned for three (3) months, then such use shall not be reestablished or resumed unless such subsequent use conforms with this Ordinance.
6. If it is determined that a building housing a nonconforming use is damaged or destroyed by fifty percent (50%) or more, the building shall not be restored unless restoration brings the building into conformance with this Ordinance.

SECTION 15 – ENFORCEMENT

A. General

A City Police Officer, or other person employed or designated by the City, has the authority to issue a written notice of violation to the contractor, subcontractor, builder or owner of any construction project or other activity that is not in compliance with this Ordinance. If the violation involves a construction project or activity in violation of the Ordinance, such written notice of violation may require that all activities cease. A “stop-work” order will continue until the project or violation is returned to a condition of compliance.

B. Citations

A City Police Officer has the authority to issue a citation alleging any violation of this ordinance. The alleged offender shall be required to sign the citation.

C. Fines/Suspensions

A person found to be in violation of this ordinance shall be guilty of a class C misdemeanor and shall be subject to a fine not to exceed \$500.00 (five hundred dollars) per offense. Each day that such violation continues to exist shall constitute a separate offense. Any owner, architect, builder, contractor, agent, or corporation employed in connection therewith who assists in the commission of such violation, shall be guilty of a separate offense, and upon conviction, shall be subject to the penalties herein provided.

D. Penalty not Exclusive

The imposition of a penalty under the provisions of this Ordinance shall not prevent the revocation or suspension of any license or permit issued or granted under the provisions of this Ordinance and shall not constitute an election of remedies by the City.

E. Other Remedies

If a building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if a building or land is used in violation of any provision of this Ordinance, in addition to or in lieu of the penalties otherwise provided herein, and all other remedies authorized by law, the City of Stagecoach may institute an action for injunctive relief or other appropriate legal action to:

1. prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
2. restrain, correct, or abate the violation.
3. prevent the occupancy of the building or land; or
4. prevent any act, conduct, business, or use prohibited by this Ordinance.

SECTION 16 – APPEALS TO THE BOARD OF ADJUSTMENT

A. Authority

The Board of Adjustment shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official or the Planning and Zoning Commission in the enforcement of Texas Local Government Code §§ 211.001 through 211.013 or the provisions of this Ordinance, subject to the standards and procedures hereinafter set forth.

B. Filing an Appeal

An appeal shall be filed with the City Secretary not more than fifteen (15) days after notice of a decision, determination or interpretation made by an administrative official or the Planning and Zoning Commission with respect to the enforcement of Texas Local Government Code §§ 211.001 through 211.013 or the provisions of this Ordinance. An appeal shall be accompanied by a fee to defray administrative costs as provided in Appendix B of this Ordinance. The City Secretary shall forward all appeals to the Planning and Zoning Commission within ten (10) days of receipt. Upon receipt of an appeal, the Planning and Zoning Commission shall forward to the Board of Adjustment any and all records concerning the subject matter of the appeal within fifteen (15) days. Failure to file an appeal shall constitute a waiver of any rights under this Ordinance to appeal any decision, determination or interpretation made by an administrative official or the Planning and Zoning Commission.

C. Effect of Filing an Appeal

The filing of an appeal stays all proceedings in furtherance of the action that is appealed in accordance with Texas Local Government Code § 211.010c.

D. Action of the Board of Adjustment

The Board of Adjustment shall hold a hearing on an appeal within forty-five (45) days from the date an appeal is filed subject to the hearing notification provisions described in Section 5C, Paragraph 5c above. The Board of Adjustment may reverse, affirm, or modify the decision, determination or interpretation appealed.

SECTION 17 – ALTERNATIVE DISPUTE RESOLUTION

A. Policy

It is the policy of the City of Stagecoach to encourage the timely resolution of disputes and pending litigation.

B. Establishment

The City Council hereby establishes an alternative dispute resolution system and hereby adopts the alternative dispute resolution procedures of Chapter 154 of the Texas Civil Practices & Remedies Code to the extent that said chapter is consistent with the provisions of this ordinance.

C. Referral of Pending Disputes for Alternative Dispute Resolution Procedure

A party directly involved in any dispute arising under this Ordinance, including the City of Stagecoach or any commission, board or subdivision created hereunder, may request a referral of a pending dispute for resolution by an alternative dispute resolution procedure to the judge in whose court the dispute is pending or, if no dispute is pending in a court of competent jurisdiction, to a court of record, which shall, upon determining that the pending dispute is appropriate for referral under Section 154.021 of the Texas Civil Practices & Remedies Code, notify the parties of that determination. Any party may, within 10 days after receiving the notice aforesaid, file a written objection to the referral in accordance with Section 154.002(b) of the Texas Civil Practices & Remedies Code. If the court finds that there is a reasonable basis for an objection filed as aforesaid, the court may decline to refer the dispute under Section 154.021 of the Texas Civil Practices & Remedies Code. If a reasonable basis for an objection does not exist, the court shall refer the matter to an appropriate form of alternative dispute resolution.

SECTION 18 – AMENDMENTS TO THIS ORDINANCE

A. Request for Amendment

Any property owner within the City of Stagecoach may request an amendment to this Ordinance by presenting such request in writing to the Planning and Zoning Commission. Amendments to this Ordinance are not intended to relieve particular hardships or to confer special privileges or rights on any property owner but to reflect changes in circumstances and conditions that may develop after the Ordinance was last amended or enacted.

B. Recommendation of the Planning and Zoning Commission

The Planning and Zoning Commission shall make a recommendation to the City Council within sixty (60) days of receipt of the written request. All recommendations to City Council shall include at least the following elements:

1. a copy of the written request.
2. a clear statement of specific findings.
3. a summary of the information presented before the Commission by property owners or other interested parties appearing before the Commission at a scheduled public hearing. The report should state the approximate total number of people appearing and should provide a brief summary of the differing opinions presented by such persons.
4. copies of documentary evidence provided to the Commission or which the Commission considered in making its report.
5. the number of Commission members voting for and against the proposed amendment and identification of any members of the Commission abstaining from voting; and
6. a brief statement explaining the reasons for recommending the proposed amendment and a statement explaining the opposing position, if any.

C. Final Action by the City Council

The City Council may, upon receipt and acceptance of the report and recommendations of the Planning and Zoning Commission, enact an ordinance amending this Ordinance.

SECTION 19 – REPEALER

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance to the extent of such inconsistency or conflict are hereby repealed. It is the intent of the City of Stagecoach that the terms and provisions of this Ordinance shall be deemed superior to any other ordinances that may be in conflict herewith including all other ordinances or provisions thereof that may be adopted subsequent to the final adoption of this Ordinance unless the same are direct amendments of the terms and provisions of this Ordinance and adopted under the formalities as provided for by law for the adoption of zoning ordinances or amendments to zoning ordinances. Ordinance No. 269 is hereby repealed.

SECTION 20 – SEVERABILITY OF PARTS OF THIS ORDINANCE

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid, unenforceable, or unconstitutional by the valid final judgment or decree of a court of competent jurisdiction, such invalidity, unenforceability, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance; and the City Council of the City of Stagecoach, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED AND ADOPTED

on the 20th day of June 2023, and following satisfaction of the publication requirements of Chapter 52 of the Texas Local Government Code, is effective as of July 1, 2023.

For the City of Stagecoach



Galen Mansee, Mayor

Attested by:



Lynn Fraizer
City Secretary-Treasurer-Clerk of Court



CITY OF STAGECOACH

ORDINANCE 0-2023-68

PLANNING & ZONING REGULATIONS

APPENDIX B

SCHEDULE OF FEES

EFFECTIVE JULY 1, 2023

Permit	Permit Fee	Additional Fee	Inspection Fee
New Residence	\$250	\$0.15 additional per sq. ft.	\$975
Expansion of Existing Building	\$225	\$0.15 additional per sq. ft.	\$ 390-\$780
Alteration without increase of square footage	\$225	N/A	\$195-\$390
Stand Alone Accessory Building-350 sq. ft. or less	\$50	N/A	N/A
Stand Alone Accessory Building-greater than 350 sq. ft. up to and including 500 sq. ft.	\$75	N/A	N/A
Stand Alone Accessory Building-greater than 500 sq. ft.	\$120	\$0.15 additional per sq. ft.	\$195-\$780
Swimming Pool	\$75	N/A	N/A
Fence	\$50	N/A	N/A
Appellate Fees (Section 15) to defray administrative costs	\$200 per appeal	N/A	N/A
<p>Additional Fees</p> <p>Any application that requires more than (2) reviews will be assessed \$100 for each additional review. The property owner is responsible for the payment of any charges incurred due to increases in inspection costs, failed inspections, re-inspections, and any inspections performed in addition to the required inspections.</p> <p>The Planning and Zoning Commission may request any inspections, at any time, for any project. The costs of such inspections are the responsibility of the property owner.</p>			

CITY OF STAGECOACH

PLANNING AND ZONING REGULATIONS

ORDINANCE NO. 0-2023-68 LIST OF ADOPTED BUILDING CODES APPENDIX C

(As of July 1, 2023)

International Residential Code	IRC 2018
National Electric Code	NEC 2020
International Building Code	IBC 2018