

Sec. 19-71. Trees, plants, gates, street signs, etc.

It shall be unlawful for any person willfully and maliciously to:

- (1) Cut, mar or injure any tree, shrub, plant, or flower;
- (2) Injure, remove, destroy or interfere with any fence, gate or turnstile bounding or enclosing any park, square, schoolhouse or other public building; or
- (3) Remove, injure, mar or deface any street sign, street or sidewalk attached emblem, marker, raised button divider, street and sidewalk painted logo, or painted sign, lane divider, other traffic aid marker, or any public or private building or other property.

(Ord. No. 97-24, § 1, 7-15-1997)

Sec. 29-4. Visual obstructions at public grade crossing; offense.

(a) *Recital.*

- (1) This section is intended to control excessive, nuisance-causing vegetation and visual obstructions.
- (2) Furthermore, this section is virtually identical to 16 T.A.C., Part 1, Chapter 5, Subchapter J, Rule 5.809.
- (3) This section is intended to provide rights and remedies substantially equivalent to those granted under state and federal law.

(b) *Conduct.*

- (1) At unprotected public grade crossings, each railroad corporation shall control vegetation on its right-of-way (except for the roadbed and areas immediately adjacent thereto) for a distance of two hundred fifty (250) feet each way from the centerline of said crossing so that vegetation does not block the vehicular traffic's view of approaching trains. The two hundred fifty (250) feet shall be measured from the point where the centerline of the railroad crosses the centerline of the public road. Where the subject right-of-way is fenced, this section shall be deemed complied with if the vegetation is controlled up to two (2) feet from said fence.
- (2) At unprotected public grade crossings, each railroad corporation shall keep its right-of-way clear of unnecessary permanent obstructions, such as billboards, signs, abandoned vehicles which are not authorized by the railroad and which are not required for the safe operation of the railroad, for

a distance of two hundred fifty (250) feet each way from said crossing so that the obstructions do not block the vehicular highway traffic's view of approaching trains. Billboards and signs which are legally permitted by the state or a political subdivision are not unnecessary permanent obstructions, so long as they do not block the vehicular traffic's view of approaching trains. Permanent buildings, such as warehouses and equipment facilities, which existed prior to July 18, 1995 are exempted from the requirements of this subsection. The two hundred fifty (250) feet shall be measured from the point where the centerline of the railroad crosses the centerline of the public road.

- (3) A railroad corporation may apply for a variance from the requirements of subsection (c) of this section. Such application shall be governed by the general and special rules of practice and procedure before the Railroad Commission of Texas, as they may be from time to time amended. The commission may approve such application for good cause shown.

- (c) *Penalties.* A fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) shall be assessed against the railroad company. Each crossing where visibility is obstructed shall be a separate offense. Each day's continuance of a violation shall be considered a separate and distinct offense, with a fine imposed for each offense. Service of citation shall be at the railroad's place of business within the city.

(Ord. No. 01-33, § 2, 10-23-2001)

Sec. 5. "R-1" First one-family dwelling district.

The following regulations shall apply to the "R-1" First one-family dwelling district:

- A. *Use regulations:* A building or premises shall be used only for the following purposes:
 - (1) Single-family dwellings, except mobile homes and travel trailers.
 - (2) Church (except temporary revival).
 - (3) School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning.
 - (4) Public parks, playgrounds, golf courses (except miniature golf), public recreation, and community buildings.
 - (5) Municipal buildings, nonprofit libraries or museums, police and fire stations.

- (6) Farms, nurseries, truck gardens and greenhouses, provided no sales office is maintained.
- (7) Customary home occupations.
- (8) Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), when located on the same lot, including a private garage for one or more cars, bona fide servant's quarters not for rent or used for commercial purposes.
- (9) Signs:
 - (a) One unlighted sign, which shall not exceed one (1) square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat wise to the building.
 - (b) One sign, which shall not exceed eighteen (18) square feet, for church or school.
 - (c) One sign which shall not exceed four (4) square feet in area for temporary unlighted sign pertaining to the lease, hire, or sale of building or premises, provided the sign is immediately removed upon the lease, hire, or sale of such building or premises.

B. *Height regulations:* No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in section 11 hereof.

C. *Area regulations:*

- (1) *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be thirty (30) feet.
- (2) *Side yards.* There shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, but such side yard need not exceed six (6) feet and shall not be less than five (5) feet.
- (3) *Rear yard.* The depth of the rear yard shall be at least thirty (30) percent of the depth of the lot, but such depth need not be more than forty (40) feet.

D. *Intensity of use:* Every lot or tract of land shall have an area of not less than seven thousand (7,000) square feet and an average width of not less than fifty (50) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this ordinance and shall not have been

changed since said date, such parcel of land may be used for a single-family dwelling.

- E. *Additional use, height, and area regulations:* Additional use, height, and area regulations and exceptions are found in section 12 of this ordinance.

(Ord. No. 72-05, § 1, 8-1-1972)

Sec. 6. "R-2" Second one-family dwelling districts.

The following regulations shall apply to the "R-2" Second one-family dwelling district:

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

(1) Any use permitted in the "R-1" First one-family dwelling district.

- B. *Height regulations:* No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in section 11 hereof.

- C. *Yard regulations:*

(1) *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five (25) feet.

(2) *Side yards.* There shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than four (4) feet.

(3) *Rear yard.* The depth of the rear yard shall be at least twenty-five (25) percent of the depth of the lot, but such depth need not be more than twenty-five (25) feet.

- D. *Intensity of use:* Every lot or tract of land shall have an area of not less than five thousand (5,000) square feet and an average width of not less than fifty (50) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this ordinance and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.

- E. *Additional use, height, and area regulations:* Additional use, height, and area regulations and exceptions are found in section 12 herein.

Sec. 7. "R-3" Duplex and apartment district.

The following regulations shall apply to the "R-3" Duplex and apartment district:

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

- (1) Any use permitted in the "R-1" One-family dwelling district.
- (2) Two-family or duplex dwellings.
- (3) Apartment houses or multiple-family dwellings.
- (4) Boarding, lodging, and rooming houses.
- (5) Hospitals, excepting tubercular, liquor, narcotic, insane, feeble-minded, or animal hospitals.
- (6) Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- (7) Institution of a religious, educational or philanthropic nature.
- (8) Nursing homes.

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

C. *Yard regulations:*

- (1) *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five (25) feet.
- (2) *Side yards.* There shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than four (4) feet.
- (3) *Rear yard.* The depth of the rear yard shall be at least twenty-five (25) percent of the depth of the lot, but such depth need not be more than twenty-five (25) feet.

D. *Intensity of use:* Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed, shall be located on lots containing the following areas:

- (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.

- (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.
- (3) A lot on which there is erected an apartment house or multiple-family dwelling shall contain a minimum lot area of not less than seven thousand (7,000) square feet and one thousand eight hundred (1,800) square feet per dwelling unit for each unit over four (4) units.
- (4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.
- (5) Condominiums and townhouses constructed in this zoning district which do not require a transfer of realty shall conform in all particulars to the minimum square footage requirements of subsection (3) of these regulations. When such construction of condominiums and townhouses requires a transfer of realty, such stated minimum square footage requirements of lots shall be and they are hereby waived and such construction shall be governed in all particulars by the building requirements of the City of Eagle Pass.

E. *Parking regulations:* Whenever a structure is erected, converted, or structurally altered for two-family dwelling, or a multi-family dwelling, two (2) parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking spaces shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways.

F. *Additional use, height, and area regulations:* Additional use, height, and area regulations and exceptions are found in section 12 herein.

(Ord. No. 73-13, § 3, 12-10-1973; Ord. No. 82-16, § 1, 8-3-1982; Ord. No. 00-13, § 1, 4-11-00)

Sec. 7.1. "R-4" Townhouse residence district.

The following regulations shall apply to the "R-4" Townhouse residence district.

- A. *Use regulations:* Single-family attached dwellings (townhouses) are permitted in their appropriate district, provided each dwelling is located on a separate lot, fronts on a street, and complies with the following specifications:
- B. *Height regulations:* No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

C. *Area regulations:*

- (1) *Front yard.* The minimum front (setback) yard shall be twenty (20) feet. If, however, all off-street parking is located in the rear of the townhouse, and such lot abuts an alley or driveway having a minimum width of twenty-four (24) feet, then the front yard may be reduced to ten (10) feet.
- (2) *Side yards.* None permitted, except that no portion of a townhouse or accessory structure in, or relocated to, one (1) group of contiguous townhouses shall be closer than ten (10) feet to any portion of a townhouse or accessory structure related to another group. Each have a side yard of at least ten (10) feet, except that in the case of reversed frontage, a side yard equal, at least, to the depth of the front yard required for a structure fronting the side street shall be required. A side yard of five (5) feet shall be provided when townhouse lots abut a side lot line outside the townhouse development.
- (3) *Rear yard.* A rear yard setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development. In addition, six hundred (600) square feet of contiguous open area is to be provided behind the front setback of each townhouse lot. On townhouse lots that do not abut, at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve-foot rear yard setback shall be required with six hundred (600) square feet of contiguous open area being provided behind the front setback.
- (4) *Depth of lot.* The minimum depth of lot shall be eighty (80) feet.

D. *Minimum area requirements:*

- (1) No site for townhouse development shall contain less than ten thousand (10,000) square feet.
- (2) No townhouse development shall exceed a density of more than twenty (20) units per gross acre.

E. *Units per building:* The total dwelling units in any single townhouse structure shall not exceed ten (10) nor be less than two (2).

F. *Accessory structures:* Accessory structures and uses are permitted when located on the same lot and not involving the conduct of business.

G. *Other requirements:* Off-street parking shall be provided on the basis of one (1) space per townhouse unit, which may be provided in a communal parking area.

(Ord. No. 95-15, § 2, 4-11-1995)

Sec. 7.2. "R-5" Garden homes district.

The following regulations shall apply to the "R-5" Garden homes dwelling district:

- A. *Purpose:* This district has been devised to allow for lots that are less than fifty (50) feet wide. The "R-5" district is intended for single-family residential use with a minimum lot size of two thousand four hundred (2,400) square feet. The district is appropriate for single-family areas which meet the minimum lot requirement. Its regulations are designed to protect the district's residential character by generally prohibiting nonresidential uses and by preserving a minimum openness of the area through yard and area standards. The "R-5" district is intended primarily for detached dwellings.
- B. *Use regulations:* One detached single-family dwelling per lot with an attached garage or carport.
- C. *Height regulations:* No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.
- D. *Area regulations:*
 - (1) *Front yard:* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty (20) feet.
 - (2) *Side yards:* There shall be a side yard on each side of a building of not less than five (5) feet. Where there is a corner lot, side yard shall be ten (10) feet on the side of the building that is adjacent to any street.
 - (3) *Rear yard:* The depth of the rear yard shall be not less than ten (10) feet.
- E. *Intensity of use:* Every lot shall have an area of not less than two thousand four hundred (2,400) square feet and an average width of not less than forty (40) feet.
- F. *Parking regulations:* Off-street parking shall be provided on a basis of two (2) parking spaces per dwelling.

(Ord. No. 97-25, § 2, 7-15-1997)

Sec. 8. "B-1" Neighborhood and highway business district.

The following regulations shall apply to the "B-1" Neighborhood and highway business districts:

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

- (1) Any use permitted in the "R-3" duplex and apartment district.
- (2) Advertising signs.
- (3) Automobile parking lots.
- (4) Automobile repair garage.
- (5) Automobile salesroom and accompanying service facilities.
- (6) Bakery.
- (7) Bank.
- (8) Barbershop.
- (9) Beauty parlor.
- (10) Billboards and poster boards.
- (11) Billiard or pool hall.
- (12) Cleaning, pressing, and dyeing plants.
- (13) Clinic.
- (14) Dance hall or skating rink.
- (15) Filling station, service station, provided all storage tanks for gasoline shall be below the surface of the ground.
- (16) Frozen food locker plant.
- (17) Garage, public.
- (18) Hotel, motel, or tourist court.
- (19) Ice retail distributing station, no manufacture, and capacity not to exceed five (5) tons storage.
- (20) Job printing.
- (21) Laundry and cleaning.

- (22) Lodge halls.
- (23) Moving picture house or theater.
- (24) Mortuary
- (25) Offices
- (26) Radio repair and sales shop
- (27) Radio studio
- (28) Real estate office
- (29) Restaurant, cafe, cafeterias
- (30) Stores and shops for the sale of retail only
- (31) Studio
- (32) Trailer camp or mobile homes court
- (33) Any retail business provided that such use is not noxious or offensive by reason of vibrations, smoke, odor, dust, gas, or noise, and which is not prohibited by the City Charter.

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

C. *Yard regulations:*

- (1) *Front yard.* For uses permitted in the "R-3" District, the front yard requirements for the "R-3" District shall apply. For other uses permitted in this district a front yard of twenty (20) feet in depth is required.
- (2) *Side yards.* For uses permitted in the "R-3" District, the side yard requirements for the "R-3" District shall apply. For other uses no side yards are required.
- (3) *Rear yard.* For uses permitted in the "R-3" District, the "R-3" District regulations shall apply. There are no rear yard regulations for other uses.

D. *Intensity of use:* For uses permitted in the "R-3" District the minimum lot area and minimum lot width shall be the same as the "R-3" District. There are no minimum lot area or lot width requirements for other uses.

E. *Parking regulations:*

- (1) The parking regulations for dwellings are the same as those in the "B-3" District.
- (2) Where any structure is erected, reconstructed, or converted for any of the business or commercial uses permitted in this section, parking spaces shall be provided in the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together to provide this parking space.
- (3) *Tourist courts.* At least one parking space shall be provided and maintained on the lot for each tourist court unit.

F. *Additional use, height, and area regulations:* Additional use, height, and area regulations and exceptions are found in section 12 herein.