



**CHARTER TOWNSHIP OF TEXAS ORDINANCE NO. 364
ORDINANCE TO AMEND THE CLEARZONING ORDINANCE
REGARDING SECTIONS 36-2.2, 36-4.59, 36-5.3, 36-5.4, AND 36-6.1.**

**Adopted: January 10, 2022
Published: January 16, 2022
Effective: January 23, 2022**

Section 1. Amendment to Article 2.

Article 2, Section 2.2 of the Township's Zoning Ordinance entitled "Definitions" is hereby amended to read as follows:

36-2.2 DEFINITIONS

Dwelling means a building which is occupied wholly as the home, residence or sleeping place by one family, excluding any garage space, and excluding temporary accommodations such as hotels, motor lodges, short-term rentals, or other accommodations for the transient public, and complying with the following standards:

1. It complies with the minimum square footage requirements of this Chapter for the zone in which it is located.
2. It has a minimum width for at least 75 percent of the floor area across any section of not less than 20 feet.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of dwelling and constructed of such materials and type as required in the applicable building code.
4. Any dwelling transported to a site is required to have any wheels, axles, towing hitches, or other appurtenances used for towing removed promptly upon placing the dwelling upon its foundation.
5. It complies with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus, and insulation within and connected to such mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.

6. An accessory dwelling unit shall comply with the requirements of Subsection 36-4.1: Accessory uses, buildings, and structures in the Agricultural, Resource Conservation, and Residential Districts.

The standards of subsections 1 - 5 of this definition shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

Lot frontage means the continuous portion of a lot extending along the property line or the right-of-way line of a private street or public road. In odd-shaped or triangular shaped lots, frontage may be met at the required setback.

Right-of-way means an area of land dedicated for public or private use which has been established for purposes of access, whether for vehicular or non-motorized use. A road right-of-way may be designated as a private road or a public County primary, secondary, or local road and are generally 66-feet in width.

Right-of-way, preserved means an additional 17-feet of width on each side of a 66-foot wide County primary road intended to support future development, creating a total right-of-way of 100 feet in width.

Short-term rental means a building or portion thereof, including single-family dwellings, individual owned multi-family units, or accessory dwelling units in which lodging is provided to the public for compensation for a period of 90 days or less.

Yard Sale means a sale in any garage, basement, and/or yard conducted on a residential premise that brings the public to the property for the purpose of disposing miscellaneous personal property commonly associated with a residential use.

Section 2. Amendment to Article 4.

Article 4, Section 4.59 of the Township's Zoning Ordinance entitled "Yard Sales" is hereby added to read as follows:

36-4.59: YARD SALES

Yard sales as defined in Section 36-2.2 are permitted on a residential premise subject to the following:

1. The yard sale shall not last more than three days.
2. Set-up outside of an enclosed building for the yard sale shall not last more than one day immediately preceding the sale and take down shall be completed within one day immediately following the sale.

3. Only one sale is permitted within a single three-month period.
4. Any temporary signs may be utilized no more than two days prior to the sale and must be removed within one day following the sale. Temporary signs must meet the regulations of Section 36-5.8: Signs.
5. The sale may be closed at any point if it becomes a nuisance to adjacent properties because of noise, traffic, parking, lighting, hours, or other public safety concerns.
6. Sales requesting more than three days, such as estate sales or auctions, must request a temporary use permit as outlined in Section 36-6.1.1.C of the Site Plan Review Ordinance.

Section 3. Amendment to Article 5.

Article 5, Section 5.3.1 of the Township's Zoning Ordinance entitled "Screening" is hereby amended to read as follows:

36-5.3 SCREENING, FENCING, AND LANDSCAPING

1. Screening:

- A. Between residential and nonresidential uses: Each nonresidential use immediately adjacent to a residential district must provide screening that adequately separates any potential nuisances from dwellings.
 - i. Screening may be walls, fences, berms, or evergreen trees, or any combination that provides adequate screening, is compact, and is always maintained in good condition.
 - ii. An evergreen screen must be a double row of trees planted 15' on center with a mixture of species approved by the Zoning Administrator.
 - iii. The height of the screen shall not be less than 6'.
 - iv. The Planning Commission may waive screening requirements if they conflict with the intent of the district or in cases where uses are found compatible.
- B. Mechanical equipment: All mechanical equipment on nonresidential and multi-family buildings shall be screened from street view and any adjacent property zoned or used as single-family residential, as follows:
 - i. Rooftop mechanical equipment, except solar collector panels, must be screened by either a parapet wall at the edge of the building or by a screen immediately surrounding the equipment. The height of the parapet wall or

screen shall be at least the height of the equipment and shall complement the overall architectural design of the building.

- ii. Ground mounted mechanical equipment must be screened by a wall, opaque fence, or opaque landscape materials. The height of the screen must be at least the height of the equipment and shall complement the overall architecture of the building and the design of the site.
- iii. The Planning Commission may modify or reduce this requirement through the site plan review process if an alternative screening option is provided that meets the intent of this ordinance.

Section 4. Amendment to Article 5.

Article 5, Section 5.4.2 of the Township’s Zoning Ordinance entitled “Elevation Table” is hereby amended to read as follows:

36-5.4 SETBACKS FROM LAKES, PONDS, STREAMS AND RIVERS

36.4.2 Elevation Table – DATUM: (NAVID '88)	
Eagle Lake	
Benchmark (Brass Cap): Located approximately 8 ft east of west property fence, approximately 30 ft south of gravel parking area, approximately 35 ft west of boat ramp, and approximately 69 ft from the south end of the fence. N—265122.70 ; E—12755266.69	
Ordinary water elevation— 899.26 feet	Elevation of benchmark – 900.34 feet

Section 5. Amendment to Article 6.

Article 6, Section 6.1.6 of the Township’s Zoning Ordinance entitled “Conformity to Approved Site Plan Required” is hereby amended to read as follows:

36-6.1 SITE PLAN REVIEW

- 6. Conformity to an Approved Site Plan. Development of the subject parcel shall be in complete conformity with the approved site plan and any amendments thereto approved by the Planning Commission. A building permit must be obtained, and onsite construction commenced within 12 months of site plan approval. No site work shall be undertaken until a building permit has been issued. If substantial progress has not been made within 12 months of issuance of a building permit, the site plan shall become void, and the developer shall make a new application for approval before

proceeding. Substantial progress is defined as completion of footings and foundation wall to grade elevation. If a site plan becomes void, the site shall be restored to pre-construction conditions. The Planning Commission is authorized to require a deposit of security in accordance with Section 36-6.1.8 as a condition of site plan approval to assure that conditions on the site are restored in the event an approved site plan becomes void. The Planning Commission may grant a 12-month extension of the previous approval if requested prior to the expiration of the site plan and if it finds that the approved site plan continues to meet current Zoning Ordinance standards.

Section 6. Validity and Severability.

Should any portion of this ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this ordinance.

Section 7. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 8. Effective Date.

This ordinance shall take effect seven days after publication as provided by law.