

CITY OF MARFA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO.02-04, THE CITY OF MARFA ZONING ORDINANCE, FOR THE PURPOSE OF RESTRICTING THE CONSTRUCTION OF MORE THAN ONE KITCHEN IN SINGLE FAMILY RESIDENTIAL UNITS IN THE R-1 ZONING DISTRICT; CHANGING THE DEFINITION OF ALLOWABLE HOME OCCUPATIONS TO ALLOW MORE USES; REDUCING SIDE YARD SETBACKS FROM THE INTERSECTING STREETS FOR CORNER LOTS LOCATED IN THE R-1 AND R-2 RESIDENTIAL DISTRICTS; REDUCING MINIMUM LOT WIDTH TO TWENTY-FIVE (25) FEET; ALLOWING RESIDENTIAL USE IN THE INDUSTRIAL ZONING DISTRICT; ALLOWING CO-USE OF COMMERCIAL PROPERTIES AS BOTH BUSINESSES AND RESIDENCES; FINDINGS OF FACT; REPEALER; SEVERABILITY AND EFFECTIVE DATE; DECLARING A VIOLATION OF THE ORDINANCE, AS AMENDED, AS A MISDEMEANOR OFFENSE WITH MAXIMUM PENALTIES OF \$500 OR \$2000 PER OFFENSE.

WHEREAS, the City Council of the City of Marfa, Texas adopted Ordinance No. 02-04 known as the Zoning Ordinance of the City of Marfa together with all amendments and maps thereto on June 11, 2002, for the purpose of promoting the health, safety, and general welfare, and protecting and preserving places, buildings, and areas of historical, cultural and/or architectural importance and /or significance, within the City of Marfa;

WHEREAS, the Texas Government Code Section 211 provides for the regulation of zoning by municipalities;

WHEREAS, the City of Marfa Zoning and Planning Commission presented a report to the Marfa City Council on November 1, 2023, recommending the Council consider several amendments to the Zoning Ordinance of the City of Marfa to correct inconsistencies in the ordinance and allow for more flexibility of uses within each of the zoning classifications;

WHEREAS, both the Zoning and Planning Commission and the Marfa City Council have found each of the proposed amendments to be in conformity with the Marfa Comprehensive Plan and are in the best interest of the citizens of the City of Marfa;

WHEREAS, the Marfa City Council desires to amend the Zoning Ordinance of the City of Marfa as follows.

Marfa Ordinance Amending
Zoning and Planning Ordinance
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NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marfa:

SECTION 1. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

**SECTION 2. AMENDMENT TO ARTICLE 2 SECTION 1
“INTERPRETATION OF WORDS AND TERMS”**

(16) DWELLING, SINGLE-FAMILY: A detached dwelling, containing only one kitchen, designed to be occupied by one family.

(25) HOME OCCUPATION: Any occupation carried on by the inhabitants of a dwelling in a residential district which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one nonilluminated nameplate not more than two square feet in area attached to the main or accessory building, and no mechanical equipment is used except such as is customary for purely domestic or household purposes. Home occupations include but are not limited to a beauty or barber shop, dressmaker, baby sitting service, seamstress, tailoring, millinery, and tutoring, when conducted by the inhabitants of the dwelling and not employing more than one (1) person who does not reside in the home. Tea rooms/coffee houses, restaurants, rest homes, medical facilities, childcare centers, cabinet making, and metal or auto repair shops are not “Home Occupations” for purposes of this ordinance.

**SECTION 3. AMENDMENT TO ARTICLE 3 SECTION 2.4
“AREA REGULATIONS”**

(b) SIDE YARD

(3) For dwellings and accessory buildings located on corner lots within the R-1 Residential District there shall be a side yard setback from the intersecting street of not less than fifteen (15') feet. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

(d) LOT WIDTH

(1) In the R-1 Residential District there shall be a minimum lot width of twenty-five (25') feet at the front building line, and such lot shall abut on a street for a distance of not less than twenty-five (25') feet.

(e) INTENSITY OF USE

In the R-1 Residential District each dwelling and building accessory thereto, there shall be a lot area of not less than three thousand (3,000) square feet.

**SECTION 4. AMENDMENT TO ARTICLE 3 SECTION 3.4
“AREA REGULATIONS”**

(b) SIDE YARD

(3) For dwellings and accessory buildings located on corner lots within the R-2 Residential District there shall be a side yard setback from the intersecting street of not less than fifteen (15') feet. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

(d) LOT WIDTH

(1) In the R-2 Residential District there shall be a minimum lot width of twenty-five (25') feet at the front building line, and such lot shall abut on a street for a distance of not less than twenty-five (25') feet.

(e) INTENSITY OF USE

In the R-2 Residential District each dwelling and building accessory hereto, there shall be a lot area of not less than three thousand (3,000) square feet.

**SECTION 5. AMENDMENT TO ARTICLE 3 SECTION 5
“C-1 NEIGHBORHOOD DISTRICT”**

5.2 USES PERMITTED

(a) Any use permitted in the R-1 Residential District, R-2 Residential District and A-Multiple Family District.

**SECTION 6 AMENDMENT TO ARTICLE 3 SECTION 6
“C-2 GENERAL DISTRICT”**

6.2 USES PERMITTED

- (b) Any use permitted in the R-1 Residential District, R-2 Residential District and A-Multiple Family District and C-1 Neighborhood District.

**SECTION 7 AMENDMENT TO ARTICLE 3 SECTION 7
“C-3 HIGHWAY DISTRICT”**

7.2 USES PERMITTED

- (c) Any use permitted in the R-1 Residential District, R-2 Residential District and A-Multiple Family District, C-1 Neighborhood District and C-2 General District.

7.3 AREA REGULATIONS:

The following area regulations shall apply to all uses permitted in this District:

- (a) **Front Yard:** All buildings shall be set back from the street right-of-way line to provide a front yard having not less than twenty-five (25') feet in depth.
- (b) **Side Yard:** On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten (10') feet. There shall be a side yard set back from an intersecting street of not less than twenty-five (25') feet.
- (c) **Rear Yard:** There shall be provided an alley, service court, rear yard, or combination thereof of not less than thirty (30') feet.

**SECTION 8. AMENDMENT TO ARTICLE 3 SECTION 8
“I-INDUSTRIAL DISTRICT”**

8.2 USES PERMITTED:

- (a) Any use permitted in the R-1 Residential District, R-2 Residential District and A-Multiple Family District, C-1 Neighborhood District, C-2 General District and C-3 Highway Commercial District.

**SECTION 9. AMENDMENT TO ARTICLE 4 SECTION 1
“GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS”**

SECTION 1 APPLICATION OF REGULATIONS OF THE USES OF A MORE RESTRICTED DISTRICT

1.2 – Deleted in its entirety

**SECTION 10. AMENDMENT TO ARTICLE 4 SECTION 2
“OPEN SPACE”**

2.1 (d) No dwelling shall be erected on a lot which does not abut on at least one street, at least twenty-five (25') feet in width, for at least twenty-five (25') feet. A street shall form the district and primary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of this Ordinance. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty percent (30%) of the rear yard.

SECTION 11. REPEALER AND SEVERABILITY

Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

Severability. Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Penalties:

SECTION 12. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

Passed and approved the ____ day of _____, 202__, by a vote of ____ ayes to ____ nays and ____ abstentions of the Marfa City Council.

CITY OF MARFA

By: _____
Manuel V. Baeza, Mayor

ATTEST:

By: _____
Mandy Roane, Secretary

APPROVED AS TO FORM:

By: _____
Sylvia Borunda Firth
City Attorney