

**REPORT: PROPOSED CHANGES TO THE CITY OF MARFA ZONING ORDINANCE
PLANNING AND ZONING COMMISSION
SEPTEMBER 19, 2023**

Summary

The Planning and Zoning Commission is recommending a number of proposed changes to the zoning ordinance after extensive internal discussions and two public hearings. They are intended to improve the city's ability to deal more efficiently with building applications and actively with certain zoning infractions. The commission worked closely with city administrators in crafting these changes, which will correct some inconsistencies that have complicated the ordinance's interpretation and application since it was first passed in 2002. We are also recommending several changes which allow for more flexibility of use. Many members of the public also contributed to the changes in both regular meetings and public hearings.

Process

In assessing the city's needs we consulted with city administrators, who advised that some basic changes to the ordinance would be beneficial for the city in dealing with building permits and code enforcement. We began discussing these in regular meetings starting in March of this year. We later opened up the discussion in two public hearings, held on July 18th and August 22nd, and announced in the Big Bend Sentinel as dictated by Texas state law. Property owners, realtors, and building professionals participated in lively discussions, which helped us craft the proposed changes. We found widespread support from those who participated.

Summary of Proposed Changes

1. Restricting the construction of more than one kitchen in houses within the R-1 Single Family Residential District.
2. Making allowable Home Occupations less restrictive.
3. Reducing setbacks for corner lots.
4. Clarifying buildable lot sizes to match the existing plats within the city.
5. Allowing residential use of properties zoned Industrial.
6. Allowing co-use of Commercial properties as both businesses and residences.

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PROPOSED CHANGES

1. Restricting the construction of more than one kitchen in houses within the R-1 Single Family Residential District.

This is accomplished by modifying the definition of a single-family dwelling in ARTICLE 2, DEFINITIONS, SECTION 1, INTERPRETATION OF WORDS AND TERMS as shown below (additions in red):

(16) DWELLING, SINGLE FAMILY: A detached building designed to be occupied by one family **and containing one kitchen.**

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2. Making allowable Home Occupations less restrictive.

This is accomplished by modifying SECTION 2, R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, 2.2 USES PERMITTED:

- 1.) Customary home occupations, such as, **but not limited to,** beauty or barber shop, dressmaking, baby sitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one (1) person not a member of the resident family.

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3. Reducing setbacks for corner lots.

This is accomplished by modifying SECTION 2, R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, 2.4 AREA REGULATIONS, (b) Side Yard

(3) For dwelling and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15') ~~in case such lot is back to back with a corner lot, and thirty (30') feet in every other~~ ease. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

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4. Clarifying buildable lot sizes to match the existing plats within the city.

This is accomplished by modifying SECTION 2, R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, 2.4 AREA REGULATIONS, (d) LOT WIDTH

- (1) For dwelling there shall be a minimum lot width of ~~seventy-five (75')~~ **twenty-five (25')** feet at the front building line, and such lot shall abut on a street for a distance of not less than ~~thirty-five (35')~~ **twenty-five (25')** feet.

and SECTION 2, R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, 2.4 AREA REGULATIONS, (e) INTENSITY OF USE

- (1) For each building and accessory thereto, there shall be a lot area of not less than ten thousand ~~(10,000) square feet.~~ **(3,000) square feet.**

and ARTICLE 4, GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS, 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 ~~fifty (50')~~ **twenty-five (25')** feet in width, for at least ~~thirty-five (35')~~ **twenty-five (25')** feet.

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5. Allowing residential use of properties zoned Industrial.

This is accomplished by modifying SECTION 8, I - INDUSTRIAL DISTRICT, 8.2 USES PERMITTED

- (a) Any use, ~~except a residential use,~~ permitted in a ~~G-2 General District~~ **C-3 Highway Commercial District. (Strike in full)** ~~No dwelling uses except sleeping facilities for caretakers and night watchmen employed on the premises shall be permitted.~~

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6. Allowing co-use of Commercial properties as both businesses and residences.

This is accomplished by modifying ARTICLE 4 - GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS,
SECTION 1 - APPLICATION OR REGULATION OF THE USES OF A MORE RESTRICTED DISTRICT

(Strike in full) 1.2 It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for non-residential purposes.