TOWN OF POETRY, TEXAS

ORDINANCE NO. 2024-03-01

AN ORDINANCE OF THE TOWN OF POETRY, TEXAS, ADOPTING A COMPREHENSIVE ZONING ORDINANCE AND MAP; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE

REPEALED BY COUNCIL - 11/19/2026

WHEREAS, the Town Council of the Town of Poetry, Texas, after having conducted multiple open meetings and public hearings, has approved a Comprehensive Zoning Ordinance and a Zoning Map of the Town on March 21, 2024, which Ordinance and Map are hereby formally adopted by this Ordinance; and

WHEREAS, the Town Council of the Town of Poetry, Texas, in compliance with the laws of the State of Texas with reference to the consideration and adoption of zoning regulations and classifications, has given requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the Town and in the vicinity thereof, and the Town Council of the Town of Poetry is of the opinion and finds that the adoption of a Comprehensive Zoning Ordinance and Map is in the best interests of the public health, safety, morals and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS:

SECTION 1: That the Comprehensive Zoning Ordinance and Zoning Map of the Town of Poetry, Texas, attached hereto as Exhibit A and B respectively, as heretofore approved, be and the same are hereby adopted as the official Comprehensive Zoning Ordinance and Zoning Map of the Town of Poetry, Texas. Copies of the Ordinance and Map shall be maintained in the office of the Town Secretary.

SECTION 2: All provisions of the Ordinances of the Town of Poetry, Texas, in conflict with the provisions of this ordinance as amended, be and are hereby repealed and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3: Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or the Comprehensive Zoning Ordinance, as adopted hereby, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Comprehensive Zoning Ordinance as a whole, or any part or provision thereof, other than the part declared to be invalid, illegal, or unconstitutional.

SECTION 4: Any person, firm, or corporation violating, disobeying, neglecting, refusing to comply with, or resisting the enforcement of any of the provisions or terms of the Comprehensive Zoning Ordinance shall be subject to a penalty of fine not to exceed the sum of

Exhibit "A"

Zoning Ordinance

Passed 3/21/24

AN ORDINANCE OF THE TOWN COUNCIL OF POETRY, TEXAS, ADOPTING A PLANNING AND ZONING CODE TO MAINTAIN RURAL INTEGRITY AND FURTHER THE OBJECTIVES OF THE COMPREHENSIVE PLAN.

REPEALED BY COUNCIL - 11/19/2026

WHEREAS, the Town of Poetry, Texas is a Type A General Law municipality of the State of Texas and is a municipal body politic and corporate, established and existing under the laws of the State of Texas; and

WHEREAS, the Town Council of Poetry is the governing body of the Town and is authorized by the Texas Local Government Code to adopt ordinances and rules that are necessary and proper for governing and maintaining the good government of the Town, the welfare of the municipality and its trade, commerce, and sanitation; and

WHEREAS, the Council is authorized under Chapter 211 of the Texas Local Government Code to regulate the use of land within the municipal boundaries of the Town to promote the health, safety, morals, general welfare, protection and promotion of areas of historical, cultural, or architectural importance and significance; and

WHEREAS, the Town of Poetry, Texas, cherishes its unique rural spirit and agricultural lifestyle, valuing the tranquil, peaceful life it provides to its residents; and

WHEREAS, in accordance with the Poetry Comprehensive Plan, the Town seeks to protect this lifestyle from encroachment, uphold the rights of its residents, prevent overcrowding and congestion, and regulate development consistent with rural living; and

WHEREAS, the Town intends to uphold the liberties of its citizens, acknowledging the importance of having as few rules as possible and ensuring that any rules instituted are consistent with rural life; and

WHEREAS, the Town intends to preserve its natural landscape, avoiding where possible the destruction of trees and environmentally sensitive areas, promoting the preservation of open space; and

WHEREAS, the Town Council finds and determines that the comprehensive zoning ordinance and regulations adopted herein are intended to accomplish the goals and objectives of the Town Council and that these regulations are in the best interests of the public health, safety, morals, and general welfare of the citizens of the Town of Poetry.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS:

REPEALED BY COUNCIL - 11/19/2026

SECTION 1. PURPOSE; APPLICABILITY

1.1. This Code shall be known as and may be cited as the Zoning Ordinance, or the comprehensive zoning ordinance, of the Town of Poetry, Texas.

1.2. The provisions of this ordinance are enacted to protect the public health, safety, morals, and general welfare, and to protect, preserve, and promote areas of historical, cultural, or architectural importance and significance. These provisions are specifically intended to:

1.2.1. Preserve and protect the Town's rural atmosphere by regulating and limiting the density of development;
1.2.2. Lessen congestion in the streets;
1.2.3. Secure safety from fire, panic, and other dangers;
1.2.4. Prevent the overcrowding of land;
1.2.5. Ensure the provision of adequate size of yards, courts, and open space for adequate light, air, and fire safety;
1.2.6. Conserve the value of buildings and land;
1.2.7. Avoid undue concentration of population;
1.2.8. Promote health, safety, morals, and the general welfare

1.3. The provisions of this ordinance shall apply to all land, buildings, structures, and uses thereof located within the Town of Poetry and its extraterritorial jurisdiction unless an exclusion is provided by the terms of this ordinance or as otherwise exempted by state law.

1.4. To the extent allowed by law, the provisions of this Code shall apply to all land, buildings, structures, and uses owned by government agencies, including all municipal, state, and federal lands, within the corporate limits of the Town and its extraterritorial jurisdiction.

1.5. No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this ordinance.

SECTION 2. ZONING DISTRICTS ESTABLISHED

2.1. Zoning Districts Identified

The Town of Poetry, Texas, is hereby divided into zoning districts as listed in the section.

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
AR	AR: Agrarian. Farm/cattle land and large residential properties (= or >5 acres)
SF-E	SF-E: Single Family Estate. Mid-sized residential properties (2.5 - <5 acres)
SF	SF: Single Family. Small residential properties (1 - <2.5 acres)
B	B: Business. Light retail and neighborhood services

REPEALED BY COUNCIL - 11/19/2026

2.2. Description and Purpose of Zoning Districts

AR- Agrarian Residential District: This district provides for the farming, ranching, residential, and gardening activities on land being utilized for these purposes. Density in this district is limited to one residential dwelling unit per 2.5 acres of the mother tract.

SF-E - Single-Family Residential - Estate: The SF-E district provides for residential use and development on large lots with a minimum lot size of 108900 square feet (two and a half acres). Density in this district is limited to one residential dwelling unit per 2.5 acres of the mother tract.

SF – Single Family Residential: This SF District provides for residential use and development on lots that are less than 108900 square feet (two and a half acres). Density in this district is limited to one residential dwelling unit per lot.

B - Business District - Light Retail, and Neighborhood Services. This district is intended for neighborhood shopping facilities and retail and/or commercial facilities of a service character. Uses developed under the standards of the B District are designed to provide a compatible relationship between the nonresidential use and development and adjacent residential areas.

SECTION 3. ZONING DISTRICT MAP

3.1. Zoning District Boundaries Delineated on Zoning District Map
The proposed boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the Town of Poetry, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.

3.2. Regulations for Maintaining Zoning District Map
Upon adoption, two (2) original, official, and identical copies of the Zoning District Map bearing the signature of the Mayor and attestation of the Town Secretary shall be filed and maintained as follows:

3.2.1. One copy shall be filed with the Town Secretary, to be retained and labeled as the "Original Zoning Map" and shall not be changed in any manner.

3.2.2. One copy shall be filed with the Town Secretary and shall be maintained up-to-date by posting thereon all changes and subsequent amendments. A written record (logbook) shall be kept by the Town Secretary of all changes made to the Zoning District Map.

3.2.3. Reproductions of the original and most current Zoning District Map may be made for information purposes.

SECTION 4. ZONING DISTRICT BOUNDARIES

4.1. Rules for Determining District Boundaries
The district boundary lines of zoning districts shown on the zoning district map are usually along streets and property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

4.1.1. Boundaries indicated as approximately following streets shall be construed to follow the centerline of such street, highway, or alley.
4.1.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
4.1.3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4.1.4. Where physical features of the ground are at variance with information shown on the Official Zoning Map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved, or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as AR - Agrarian District, temporarily.

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SECTION 5. ZONING OF ANNEXED TERRITORY

5.1. Permanent Zoning Concurrent With Zoning
An area (or areas) being annexed to the Town of Poetry shall ordinarily be given permanent zoning concurrently with the annexation.

5.2. Temporary Classification
In instances in which the zoning of a newly annexed territory concurrently with the annexation is

not accomplished, the annexed territory shall be temporarily classified as AR – Agrarian District, until permanent zoning is established by the Town Council. The procedure for establishing permanent zoning of annexed territory shall conform to the procedure established by law for changes to zoning district boundaries. The Town Council shall determine a permanent zoning for such area as soon as practicable after annexation.

SECTION 6. COMPLIANCE WITH ZONING REGULATIONS & SIGNAGE

6.1. Exclusions/Grandfathering
Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction or the use of land at the time of the passage of this ordinance.

6.2. Signage
No off-premise or on-premise sign in excess of ten (10) feet in height, measured from the average grade of the property on which the sign is erected, shall be constructed or be allowed on any lot or tract in the Town or within the Town's extraterritorial jurisdiction unless authorized by a majority vote of the Town Council. The regulations contained within this ordinance pertaining to nonconforming structures shall apply to signs. Wall mounted signs shall not exceed the maximum height of the building. The total signs, wall mounted or freestanding, shall not exceed 160 square feet per building. There shall be no more than one freestanding sign per lot, excluding parking signs, menu signs for restaurant drive-throughs, and on-site directional signs. The square footage of wall mounted signs shall not exceed 20% of the square footage of the wall on which it is erected. The maximum size for any one sign shall be 64 square feet.

6.3 No waste water treatment facilities or plants and no wastewater transmission lines other than service lines to On-Site Septic Facilities to an individual residential dwelling are permitted within the Town.

REPEALED BY COUNCIL - 11/19/2026

SECTION 7. AR – AGRARIAN RESIDENTIAL

7.1. General Purpose and Description
This district provides for the continuance and use of land for residential, farming, ranching, raising, producing, or keeping plants or animals, or cultivation and management of other natural resources or farm products on land being utilized for these purposes. Accessory uses that are incidental to the permitted uses are also allowed, and may include dwellings for proprietors and family thereof, employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site. Density in this district will usually be no greater than one (1) single family dwelling unit per 2.5 acres of the mother tract and may include other buildings and structures incidental to agricultural use including barns, stables, and loafing sheds.

7.2. Permitted Uses
A building or premise shall be only for the following purposes:

7.2.1. Single family dwelling use;
7.2.2. Farming and raising of crops, fruits and vegetables;
7.2.3. Ranching and raising of livestock (excluding commercial feed lots);

7.2.4. Parks, playgrounds, community buildings, libraries, museums, and other public recreational facilities, police and fire stations, and similar public uses owned and/or operated by the Town or other public agency; and privately owned and maintained playgrounds and like recreation areas;
7.2.5. Churches and public and private schools; and
7.2.6. Such other uses as may be permitted with a Specific Use Permit.

7.3. Height and Area Regulations
See Appendix 1, Area, Setback, Height, and Coverage Regulations.

7.4. Solid (non-transparent) fencing and solar panels shall not be placed or erected in the front yard setback.

SECTION 8. SF-E – SINGLE-FAMILY RESIDENTIAL – ESTATE

8.1. General Purpose and Description
The SF-E district provides for residential development and use on large lots with a minimum lot size of two and a half acres. Density in this district will usually be no greater than one (1) single family dwelling unit per 2.5 acres of the mother tract. Uses that are incidental to the permitted uses are also allowed.

8.2. Permitted Uses
A building, land, or premises in the SF-E District shall be used only for the following purposes:

8.2.1. Single family dwelling use;
8.2.2. Parks, playgrounds, community buildings, libraries, museums, and other public recreational facilities, police and fire stations, and similar public uses owned and/or operated by the Town or other public agency; and privately owned and maintained playgrounds and like recreation areas;
8.2.3. Churches and public and private schools; and
8.2.4. Such other uses as may be permitted with a Specific Use Permit.

8.3. Height and Area Regulations
See Appendix 1, Area, Setback, Height, and Coverage Regulations.

8.4. Solid (non-transparent) fencing and solar panels shall not be placed or erected in the front yard setback.

SECTION 9 SF – SINGLE FAMILY RESIDENTIAL:

9.1. General Purpose and Description: This SF District provides for residential use and development on lots that are at least one acre but less than two and a half acres. Uses that are incidental to the permitted uses are also allowed. Density in this district is limited to one single family dwelling unit per lot.

9.2. Permitted Uses
A building or premise in an SF-E District shall be used only for the following purposes:

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9.2.1. Single family dwelling use;
9.2.2. Parks, playgrounds, community buildings, libraries, museums, and other public recreational facilities, police and fire stations, and similar public uses owned and/or operated by the Town or other public agency; and privately owned and maintained playgrounds and like recreation areas;
9.2.3. Churches and public and private schools; and
9.2.4. Such other uses as may be permitted with a Specific Use Permit.

9.3. Height and Area Regulations
See Appendix 1, Area, Setback, Height, and Coverage Regulations.

9.4. Solid (non-transparent) fencing and solar panels shall not be placed or erected in the front yard setback.

REPEALED BY COUNCIL - 11/19/2026

SECTION 10. B – BUSINESS – LIGHT RETAIL, AND NEIGHBORHOOD SERVICES

10.1. General Purpose and Description.
The Business District – B - is intended for neighborhood shopping facilities, and retail and/or commercial facilities of a service character for large lots with a minimum lot size of two and a half acres. The B District is established to accommodate the daily and frequent retail needs of the community as well as those that are incidental to agricultural uses. The following regulations shall apply to all uses in the district:

10.2. Permitted Uses
10.2.1. Offices such as:
10.2.1.1. Executive and administrative offices;
10.2.1.2. Business offices of a public utility, real estate, insurance, commercial or industrial establishment;
10.2.1.3. Medical, dental offices and clinics, legal, engineering, architectural, and similar professional offices, accounting, auditing, and bookkeeping service offices;
10.2.1.4. Finance agency offices and banks, including drive-through facilities;
10.2.1.5. Miscellaneous business services such as credit reporting agencies, stenographic services, business and management consulting services;
10.2.1.6. Offices of non-profit organizations;
10.2.1.7. Municipal and other governmental offices; and
10.2.1.8. Any other office in which goods or merchandise are not commercially created, displayed, stored, exchanged, or sold.

10.2.2. Retail sales and personal service shops and establishments as follows:
10.2.2.1. Clothing/cloth shops under 2500 square feet.
10.2.2.2. Feed/tack store;
10.2.2.3. Postal stores/service;
10.2.2.4. Restaurants serving food and beverages;
10.2.2.5 Self-storage;
10.2.2.5. Skin care or beauty or barber shops.

10.3. Height and Area Regulations
See Appendix 1, Area, Setback, Height, and Coverage Regulations.

10.4. Solid (non-transparent) fencing and solar panels shall not be placed or erected in the front yard setback.

SECTION 11. USE OF LAND AND BUILDINGS

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished, or converted which is contrary to the following table. In addition to the uses specified in each of the zoning districts, the following additional uses are allowed in the designated districts (the letter "A" indicates an allowed use, the letter "S" indicates a use allowed only by Specific Use Permit, and a blank space means that the use is prohibited):

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TYPE OF USE	AR	SF-E	SF	B
Accessory building	A	A	A	A
Carport	A	A	A	A
Garage, private	A	A	A	A
Home Occupation	A	A	A	A
Manufactured Housing, HUD-Code	A	A	A	
Manufactured Homes	A	A	A	
Stable, private	A	A	A	S

SECTION 12. CLASSIFICATION OF NEW AND UNLISTED USES

12.1. Procedure For Classifying New/Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the Town. To provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

12.1.1. The Town Secretary shall refer the question concerning any new and unlisted use to the Town Council as to the zoning classification(s) into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic

material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

12.1.2. The Town Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.

12.1.3. The Town Council makes such determination concerning the classification of such use as is determined appropriate, based upon its findings. If the proposed use is substantially similar to an existing allowed use, the Town Council's determination shall be final. If the Council determines that the proposed use is not substantially similar to an allowed use, the Town Council may amend these regulations or allow the use by SUP.

REPEALED BY COUNCIL - 11/19/2026

SECTION 13. NONCONFORMING USES, STRUCTURES, AND LOTS

13.1. Uses in Existence at Time of Adoption of Ordinance

A nonconforming status shall exist when a use, structure, or lot that does not conform to the regulations prescribed in the district in which such use or structure is located was in existence prior to the adoption of this ordinance or an amendment rendering the use, structure or lot nonconforming.

13.2. Expansion of Nonconformity Prohibited

No nonconforming use, structure, or lot may be expanded or increased on or beyond the lot or tract upon which such nonconforming use or structure is located as of the effective date of this ordinance.

13.3. Repairs/Normal Maintenance on Nonconforming Uses Permitted

Repairs and normal maintenance may be made to a nonconforming building or structure.

13.4. Change of Nonconforming to Conforming Use

Any nonconforming use, structure, or lot may be changed to a conforming use, structure, or lot, and once such change is made, the use, structure, or lot shall not thereafter be changed back to a nonconforming use.

13.5. Abandonment/Discontinuation of Nonconformity

Whenever a nonconforming use or structure is abandoned, all nonconforming rights shall cease, and the use of the premises or structure shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and an act of discontinuance. Discontinuance of a nonconforming use or the vacancy of a nonconforming structure for a period of at least six (6) months shall be construed as prima facie proof of intent to abandon the nonconforming use or structure. Any nonconforming use occurring within a structure that is moved from the premises shall be considered to have been abandoned. Any nonconforming structure that is damaged or destroyed by fire, flood, or other natural causes shall terminate all nonconforming rights in and to the structure if the cost to repair the damage is at least 150% of the value of the structure.

13.6. One Main Building on a Lot or Tract

In single family residential districts, a lot shall have no more than one main building per 2.5 acres of the mother tract.

REPEALED BY COUNCIL - 11/19/2026

SECTION 14. PLANNING AND ZONING COMMISSION/BOARD OF ADJUSTMENTS

14.1. Organization and Appointment of Planning Commission

The Town Council shall serve as the Planning and Zoning Commission until such time as a separate Commission is deemed desirable and is established by the Town Council.

14.2. Organization and Appointment of Board of Adjustment

The Town Council shall serve as the Board of Adjustment until such time as a separate Board is deemed desirable and is established by the Town Council. When presiding as a Board of Adjustment, a quorum shall be at least four (4) members of the Town Council. When presiding as a Board of Adjustment, the Town Council shall have the authority to hear and consider appeals from orders of Town officials in zoning matters, variances based on unnecessary hardship, and special exceptions where the terms of an ordinance delegate the authority to consider special exceptions.

SECTION 15. DEFINITIONS

15.1 General Rules of Construction:

The following rules of construction shall apply to the interpretation of words used in this ordinance:

15.1.1: words used in the present tense include the future tense;

15.1.2: words used in the singular number include the plural number;

15.1.3: words in the plural number include the singular number;

15.1.4: the words "building" and "structure" are synonymous;

15.1.5: the words "lot", "plot" and "tract" are synonymous; and

15.1.6: the word "shall" is mandatory and not discretionary.

15.2 Definitions

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory Use or Building - An accessory building or use is one which: (a) is subordinate to a main building or primary use; and (b) is located on the same lot as the main building or primary use. An accessory building is a structure that is not connected or attached to the main building by a common roof line.

Acre - An area of land consisting of 43,560 square feet. As used in these regulations, acreage is net, not gross; the area comprised by an acre of land does not include areas occupied by streets, alleys, and drainage ways.

Agrarian Driveways - Roads which allow for the accessing of non-residential portion of a property where activities are conducted, relating to or in support of farming, ranching, forestry and/or other agricultural endeavors. The surface of the driveway must be water permeable, i.e. No asphalt or concrete.

Building - Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

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Building, Main or Primary - A building in which is conducted the principal use of the lot on which it is situated. Detached accessory buildings (not connected and sharing a common roof line) do not comprise the main or primary building.

Carport - A structure open on a minimum of two (2) sides designed or used to shelter vehicles.

Dwelling Unit - A building or portion thereof designed exclusively for residential occupancy, including dwelling units that may specifically be designated as one-family or single-family, and two-family. The phrase "dwelling unit" does not refer to buildings designed and used as hotels, boarding houses, rooming houses, multiple-family dwellings, and motels.

Driveway - A private vehicular access way interfacing with public roads, providing a connection between a public or private street, including access ways denoted as private roads, and a property. Driveways are intended for the ingress and egress of vehicles to and from the property.

Family - One or more persons related by blood, marriage, or adoption, or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Farm, Ranch, or Orchard - An area of five (5) acres or more that is used for growing of usual farm products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal

or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions.

Garage, Private - A detached accessory building or portion of the main building designed for parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

Green Space - Land not included in individual building sites or parking lots.

Home Occupation - A gainful occupation or profession conducted by persons residing on the premises and conducted entirely within the dwelling or its accessory buildings. The use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence or adversely affect the residential character of the neighborhood.

HUD-Code Manufactured Home - means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length, or, when erected on site, at least 320 square feet, includes the plumbing, heating, air conditioning, and electrical systems of the home, and does not include a recreational vehicle as defined by 24 C.F.R. 3282.8(g).

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Lot - An undivided tract or parcel of land under one (1) ownership having frontage upon a public street or officially approved place, either occupied or to be occupied by a building or building group, together with accessory buildings, and used together with such yards and other open spaces as are required by this ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record or in a survey.

Manufactured Housing and *Manufactured Home* - mean a HUD-code manufactured home or mobile home and collectively means and refers to both.

Mobile Home - means a structure constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, and includes the plumbing, heating, air conditioning, and electrical systems of the home.

Mother Tract - A contiguous expanse of land that is owned and operated as a single, unified tract. This classification allows for a holistic management approach, disregarding traditional divisions such as tax jurisdictions, county boundaries, Town limits, and Extraterritorial Jurisdiction (ETJ) limits. It treats multiple plats or parcels of land, even if they straddle different administrative or legal boundaries, as one integrated entity for purposes of development, management, and regulation.

Nonconforming Lot - A parcel of land having less area, frontage, or dimensions than required in the district in which it is located, but which existed prior to the adoption of the district regulations.

Nonconforming Structure - A structure or building having a dimension or setback than otherwise required by the regulations applicable to the district in which it is situated, but which was constructed prior to the adoption of the district regulations.

Nonconforming Use - A use of land lawfully used and occupied prior to the effective date of an ordinance or regulation that does not conform to the use regulations of the district in which it is situated.

Sign - Any device, name, number, identification, description, announcement, declaration, demonstration, flag, banner, pennant, illustration, light, or insignia, and the supporting structure of any of the same, placed upon or affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land which directs attention to any object, product, service, place, activity, person, institution, organization, or business, except that holiday lights and decorations shall not be considered signs. This definition doesn't include, fire lane government required, parking, traffic, safety signs, or similar signs.

Single-Family Dwelling - A detached building designed exclusively for occupancy by one (1) family, including manufactured housing or manufactured homes.

Stable, Private - An accessory building used for quartering horses.

REPEALED BY COUNCIL - 11/19/2026

SECTION 17. CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

17.1. Declaration of Policy

The Town declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary for the orderly development of the community. Therefore, no change shall be made in these regulations or within the boundaries of the zoning districts except:

17.1.1. To correct any error in the regulations or map.

17.1.2. To recognize changed or changing conditions or circumstances in a particular locality.

17.1.3. To recognize changes in technology, style of living, or manner of doing business.

17.2. Authority to Amend Ordinance

The Town Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of this ordinance and/or the zoning map and any change

in the classification or boundaries of the zoning districts may be initiated by the Town Council or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

17.3. Changes in Zoning District Boundaries or Classifications

17.3.1. Upon filing an application for an amendment to the classification or boundaries of a zoning district with the Town secretary, the Town Council shall hold a public hearing on said application.

17.3.2. For zoning changes that seek to modify zoning district classifications or boundaries, written notice of the date, time, and location of the public hearing shall be:

17.3.2.1 sent to the owner of the property or his agent and to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice, mailed first-class postage prepaid, to be given at least thirty (30) days before the date of such hearing; and

17.3.2.2. published in the official newspaper of the Town or another newspaper of general circulation at least sixteen (16) days from the date of such publication; and

17.3.2.3. posted on the Town's website continuously for at least thirty (30) days prior to the public hearing; and

17.3.2.4. posted on the property by the applicant with a sign, plainly visible from the nearest public roadway, which shall state "Zoning Change Requested, for information call Town Hall" and the telephone number shall be listed. The sign shall be at least eighteen (18) by twenty-four (24) inches in size and shall be continuously posted for at least fifteen (15) days before the public hearing. However, failure of owners to receive notice of hearing, or the failure of signage to be posted, shall in no way affect the validity of the action taken.

17.3.3. For zoning changes that seek to amend regulations contained within this ordinance, written notice of the date, time, and location of the public hearing shall be published and posted in the manner and within the times set forth in subsections 17.3.2.2 (published in the Town's *official newspaper*) *and* 17.3.2.3 (*posted on the Town's website*).

REPEALED BY COUNCIL - 11/19/2026

Section 18. DRIVEWAYS AND ACCESS

18.1. Purpose

The purpose of this section is to regulate the location, design, and construction of driveways within the Town of Poetry, ensuring safe and efficient access to properties while preserving the character of different zoning districts.

18.2. Applicability

This section applies to all properties within the jurisdiction of the Town of Poetry, categorized under the following zoning districts:

18.2.1. Agrarian (AR):

18.2.1.1. One driveway or private road per dwelling unit.

18.2.1.2. Additional driveways for agrarian use are permitted, provided they are no closer than 500 linear feet of road frontage to any existing agrarian (non-residential) driveways. (The surface of the driveway must be water permeable, i.e. No asphalt or concrete.)

18.2.1.3. Driveways for agrarian use are defined as those connections to roads which allow for accessing the non-residential portion of a property where activities are conducted, relating to or in support of farming, ranching, forestry and/or other agricultural endeavors.

18.2.2. Single Family Estate Zone (SF-E):

18.2.2.1 One driveway or private road per dwelling unit.

18.2.2.2 One driveway for agrarian use.

18.2.3. Single Family Zone (SF):

18.2.3.1 One driveway or private road per dwelling unit of street frontage.

18.2.4. Business Zone (B):

18.2.4.1 Business driveways shall be at least thirty (30) foot wide by thirty (30) foot radius on the approach. Businesses shall have a no more than one driveway.

REPEALED BY COUNCIL - 11/19/2026

18.2.5. Residential Driveways

18.2.5.1. Maximum Width:

18.2.5.1.1. Residential driveways shall not exceed a maximum of twenty (20) feet in width.

18.2.6. Shared Access:

18.2.6.1 Driveways shared between two or more adjoining lots or parcels must conform to the same standards as driveways that are not shared.

18.2.7. Circular Driveways:

18.2.7.1. Circular driveways, defined as driveways serving one dwelling unit and entering and exiting the same roadway, are allowed and considered as one driveway.

18.2.7.2. Circular driveways must conform to all other specifications in this ordinance.

18.2.8 Driveway Apron

18.2.8.1 Maximum Width:

18.2.8.1.1. The apron, the flared portion of the driveway interfacing with the roadway, may be up to fifty feet wide as measured at the point of interface.

18.2.8.1.2. The flare must decrease so that the maximum allowable width of the driveway is achieved at a distance of no greater than sixty (60) feet from the interface of the driveway and road.

REPEALED BY COUNCIL - 11/19/2026

SECTION 19. SPECIFIC USE PERMITS

19.1. Purpose

Specific Use Permits (SUP's) are zoning classifications that may include regulations as a part of the zoning ordinance granting the SUP. The uses that normally fall into the specific use category are uses that have unique characteristics that may, depending on the location of the property, require different conditions and regulations not otherwise listed under the basic zoning districts, or uses that are not considered by this ordinance as an allowed use by right. The Town's consideration of SUP applications is discretionary, not ministerial, and may be granted or denied by the Town Council based on the best interests of the public health, safety, morals, and general welfare.

19.2. Process

An application for an SUP may only be filed by the owner of the affected property or his/her duly authorized agent. The Town may charge a fee to the applicant in an amount intended to compensate the Town for the costs of publication and administrative expenses. The Town Council shall conduct a public hearing on the application after notice of the date, time, and location is delivered, published, and posted in accordance with the notice requirements for zoning classification or district boundary changes.

19.3. Provision

If granted, the Town Council may impose reasonable conditions on the use allowed by the SUP, including but not limited to hours of operation, parking requirements, on-site signage, and limitations on the emission of noise, dust, and fumes. The specific conditions set forth in the ordinance granted by the SUP will supersede the provisions of this ordinance only when in direct conflict; otherwise, all zoning regulations under this ordinance will apply. The zoning map shall identify the properties on which a SUP has been granted.

SECTION 20. PENALTY FOR VIOLATIONS

Any person, association, or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars ($2000.00) per day, and each day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. The foregoing sanction is not exclusive and the Town may pursue any, and all other remedies associated with violations of its zoning regulations as may be allowed by law. Failure to comply with the provisions of this ordinance may result in fines, issuance of stop-work orders, or other enforcement actions as specified in Section.

SECTION 21. VALIDITY, SEVERANCE AND CONFLICT

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so determined to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the Town of Poetry, the terms of this ordinance shall control.

SECTION 22. EFFECTIVE DATE

This ordinance shall be effective upon its adoption by the Town Council and the publication of its caption as the law may so require.

REPEALED BY COUNCIL - 11/19/2026

APPENDIX 1:

DISTRICT REGULATIONS

	AG	SF-E	SF	B-1
MAXIMUM HEIGHT (feet)	40	40	40	20
SIDE YARD WIDTH (feet)	5	5	5	5
MINIMUM REAR YARD (feet)	5	5	5	5
MINIMUM FRONT YARD (feet) (from centerline of the road)	75	75	75	55
MINIMUM LOT AREA (square feet)	217,800	108,900	43,560	108,900
MINIMUM LOT WIDTH (feet)	200	200	150	200
MINIMUM LOT DEPTH (feet)	311	311	200	311
MAXIMUM LOT COVERAGE	15%	10%	10%	10%
MINIMUM GREEN SPACE	50%	50%	50%	50%

REPEALED BY COUNCIL - 11/19/2026

NOTES TO APPENDIX 1

a) The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than required which was an official "lot of record" at the time of the adoption of this ordinance (a nonconforming lot) may be used for a one-family dwelling.

b) No lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements outlined in the respective district.

c) The front yard setback shall be measured from the center line of the road at an existing street to the front face of the building, covered porch, covered terrace, or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed eight (8) feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on a final plat).

d) The rear yard setback or depth is defined as the distance from the boundary of a lot that is most distant from or is most nearly parallel to the front lot line, and the front, rear, or side of any structure. The side yard setback or depth is the distance between the front, rear, or side of any structure and any lot line that is not the front or rear lot line. Eaves

and roof extensions or a porch without posts or columns may project into the required rear or side yard for a distance not to exceed eight (8) feet and subsurface structures, platforms, or slabs may not project into the yard to a height greater than thirty (30) inches above the average grade of the yard

e) The height of a building is measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface, if a flat surface, (2) to the deck line of mansard roofs, or (3) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet. If the street grade is not officially established, the average front yard grade shall be used for a base level.

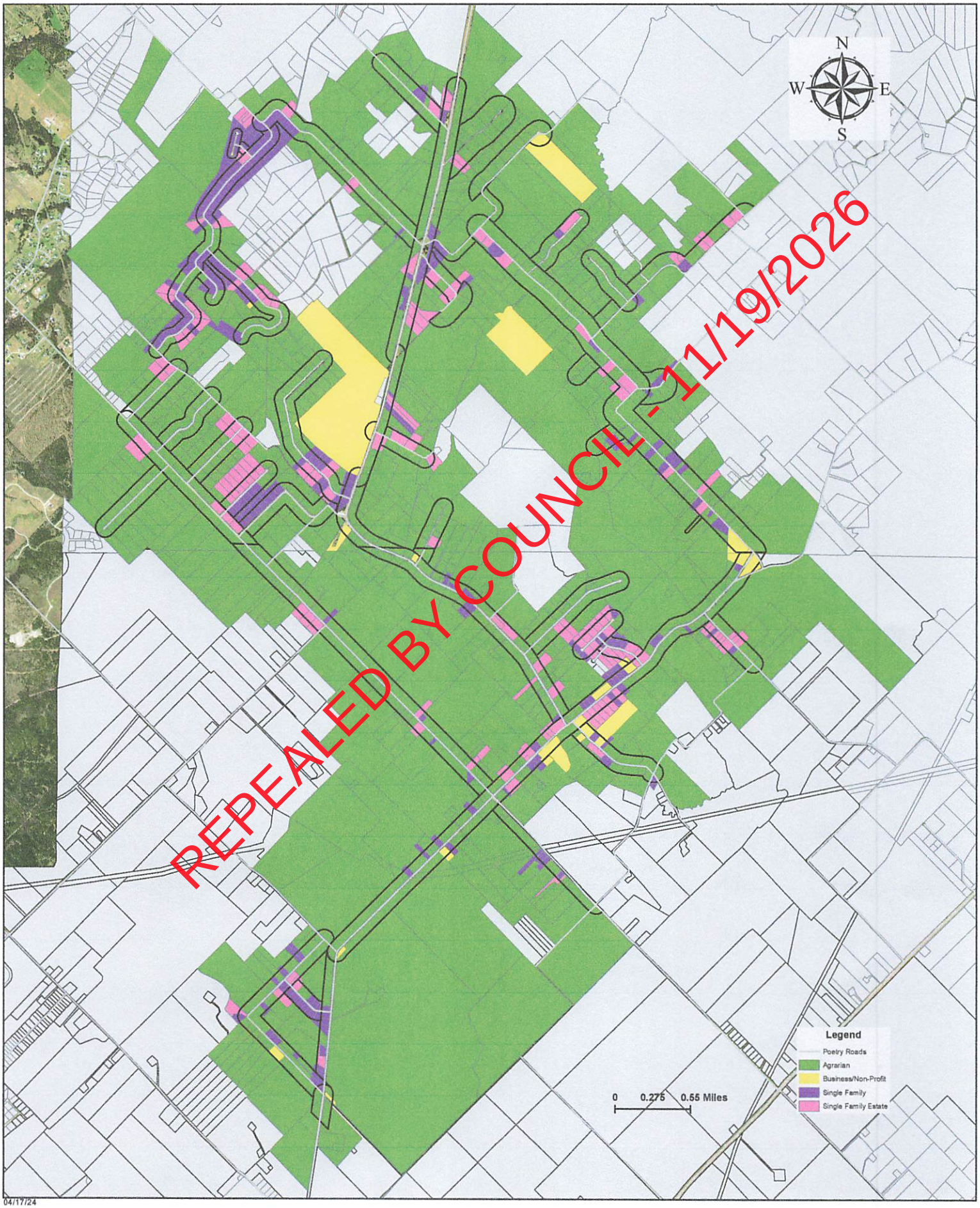
f) Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

g) Single-family dwellings require building lots of two and a half (2.5) acres or more, except in the SF-Single Family Residential District.

h) All measurements for minimum front yard and other related measures are from the center line of the road and include both the road and the right of way.

REPEALED BY COUNCIL - 11/19/2026

Town of Poetry
Original Zoning Map
03/21/24
Exhibit B



Two Thousand and no/100 Dollars ($2,000.00) for each offense. Each and every day such violation continues shall constitute a separate offense.

SECTION 5: This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law in such cases provides.

DULY PASSED by the Town Council of the Town of Poetry, Texas this 21ST day of March, 2024.

APPROVED:

Lara Senkevech
Mayor

ATTEST:

Theresa Schlander
Town Secretary, Deputy

APPROVED AS TO FORM:

Town
Attorney

REPEALED BY COUNCIL - 11/19/2026

POETRY TEXAS

TOWN OF POETRY, TEXAS

ORDINANCE NO. 2024-03-01

AN ORDINANCE OF THE TOWN OF POETRY, TEXAS, ADOPTING A COMPREHENSIVE ZONING ORDINANCE AND MAP; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE

DULY PASSED by the Town Council of the Town of Poetry, Texas this 24ST day of March, 2024.

APPROVED:

Lara Senkevech
Mayor

ATTEST:

Theresa Schollander
Town Secretary, Deputy

REPEALED BY COUNCIL - 11/19/2026