

ORDINANCE NO. 2024-4

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, AMENDING SECTION 7, “STANDARDS AND SPECIFICATIONS” OF EXHIBIT A, “SUBDIVISION ORDINANCE” OF CHAPTER 10, “SUBDIVISION REGULATION”; AND AMENDING SECTION 27A, “NEW CONSTRUCTION DESIGN CRITERIA” OF EXHIBIT A, “ZONING ORDINANCE” OF CHAPTER 14, “ZONING” OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, TO AMEND SCREENING WALL REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Azle is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted the Subdivision Ordinance of the City of Azle, Texas, codified in Chapter 10 of the Code of Ordinance of the City; and

WHEREAS, the City Council of the City of Azle heretofore adopted the Zoning Ordinance of the City, codified in Chapter 14 of the City Code, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Planning and Zoning Commission of the City of Azle, Texas held a public hearing on February 15, 2024, and the City Council of the City of Azle, Texas held a public hearing on March 4, 2024, with respect to the zoning ordinance and subdivision changes described herein; and

WHEREAS, The Planning & Zoning Commission and the City Council of the City of Azle, in compliance with the laws of the State of Texas and the ordinances of the City of Azle, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Subdivision Ordinance and Comprehensive Zoning Ordinance should be amended as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1.

Section 7.16, “Lots” of Exhibit A, “Subdivision Ordinance” of Chapter 10,

“Subdivision Regulation” shall be amended to amend subsection 7.16 (H) to read as follows:

H. Where a subdivision is platted so that residential lots adjacent to a public street, a six (6) foot high solid screening wall along the rear and side lot lines shall be required, except for one gate not to exceed forty-eight (48) inches per each lot, and vehicular access from the street shall be prohibited. The screening wall shall be constructed of masonry as defined in Section 27.2A. The construction of the wall shall be required in the Developer Agreement and shall be accomplished by the developer at the time that public facilities installation are required.

SECTION 2.

Section 27.3A, “Residential Districts” of Exhibit A, “Zoning Ordinance” of Chapter 14, “Zoning” shall be amended to amend subsection 27.3A (C) to read as follows:

C. Where a subdivision is platted so that residential lots adjacent to a public street, a six (6) foot high solid screening wall along the rear and side lot lines shall be required, except for one gate not to exceed forty-eight (48) inches per each lot. The screening wall shall be constructed of masonry as defined in Section 27.2A. The fence shall be a minimum of six (6) feet in height. Cement siding is not permitted as a fencing material.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Azle, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than Five Hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage as provided by law, and it is so ordained.

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the City Council of the City of Azle, Texas, on March 4, 2024.

Mayor, Alan Brundrett

ATTEST:

Yael Forgey, City Secretary

APPROVED AS TO FORM:

Andrea Russell, City Attorney