

ORDINANCE O-24-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JACKSBORO, TEXAS, CORRECTING AN INADVERTENT MISTAKE IN ORDINANCE O-08-2023; PROVIDING FOR A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, on June 12, 2023, the City Council of the City of Jacksboro, Texas adopted Ordinance Number O-08-2023, amending the minimum dwelling unit size for multi-family dwelling in a duplex or quadplex for the City of Jacksboro; and

WHEREAS, City Staff discovered an inadvertent mistake in the body of Ordinance O-08-2023, where as the lot size of a single-family residential district SF-2 was incorrectly stated as 5,000 square feet, and should be corrected to state 2,500 square feet; and

WHEREAS, City Staff requests that the inadvertent mistake be revised to correctly reflect the intention of the Planning and Zoning Commission and the City Council; and

WHEREAS, Ordinance No. O-08-2023, with the corrected lot size, is attached as Exhibit A and it reflects the intention of the City Council; and

WHEREAS, the City Council has the inherent power to retroactively correct such mistakes to accurately reflect its official actions; and

WHEREAS, the City Council finds that said corrections are in the best interest of the citizens of the City of Jacksboro and should be adopted as stated herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSBORO, TEXAS, THAT:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Ordinance O-08-2023 is hereby amended to incorporate the corrected minimum lot size for single-family residential district SF-2.

SECTION 3. All other provisions of Ordinance O-08-2023 not specifically amended or deleted herein shall continue in full force and effect from the date of original passage on June 12, 2023.

SECTION 4. This Ordinance shall become effective immediately upon its passage and approval.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JACKSBORO, TEXAS, THIS THE 11TH DAY OF DECEMBER, 2023.

CITY OF JACKSBORO


CRAIG FENTER
MAYOR

ATTEST:


SHALYN BURRITT
CITY SECRETARY

APPROVED AS TO FORM:

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EXHIBIT A

ORDINANCE O-08-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JACKSBORO, TEXAS, AMENDING CERTAIN SECTIONS OF THE ZONING ORDINANCE OF THE CITY OF JACKSBORO PROVIDING FOR ZONING REGULATIONS RELATING TO: REGULATION OF THE DWELLING SIZE PER UNIT OF A MULTIFAMILY DWELLING (DUPLEX OR QUADPLEX) IN THE SINGLE FAMILY 2 (SF2) ZONING AREA ; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 23, 2020, the City Council of the City of Jacksboro, Texas adopted the Zoning Ordinance of the City of Jacksboro, Texas; and

WHEREAS, the Planning and Zoning Commission and the City Council are of the opinion that said ordinance, as originally adopted and amended, is in need of amendment; and

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Jacksboro to establish regulations in order to lessen congestion on streets; to secure safety from fire, panic and other dangers, to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewer, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City; and

WHEREAS, the City Council has held public hearings and given the public due consideration with respect to the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSBORO, TEXAS, THAT:

SECTION 1. The attached changes are hereby incorporated into the City of Jacksboro Zoning Ordinance as stated.

SECTION 2. It is declared to be the intent 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 is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the city council would have enacted them without the invalid portion.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Zoning Ordinance of the City of Jacksboro, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately from and after its passage and the publication of the caption.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JACKSBORO, TEXAS, THIS THE 12TH DAY OF JUNE, 2023.

CITY OF JACKSBORO



CRAIG FENTER
MAYOR

ATTEST:


SHALYN BURRITT
CITY SECRETARY

APPROVED AS TO FORM:

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Attorneys for the City of Jacksboro

EXHIBIT A

CITY OF JACKSBORO CODE OF ORDINANCES
TITLE XV: LAND USAGE
CHAPTER 154: PLANNING AND ZONING

RESIDENTIAL DISTRICT REGULATIONS

Sec. 154.15 General provisions.

(A) Non-residential uses in residential districts. The following uses are permitted in residential districts

- (1) Parks, playgrounds, golf courses, community centers, fire stations, police stations, and other public safety buildings and recreational grounds and facilities operated by or under the control of the city or other governmental authority.**
- (2) Electric transmission towers and lines, gas transmission lines and metering stations, sewage pump stations, water reservoirs, pump stations, and wells, communications lines, and other utility lines and appurtenances necessary to serve customers in any residential district.**
- (3) Churches, rectories, public schools, parochial schools.**
- (4) Libraries, museums, public administrative buildings.**
- (5) Truck gardens, vegetable gardens, nurseries, orchards, and other plant cultivation; provided that no retail or wholesale business shall be conducted upon the premises, and that all storage and all operations, including cultivating, fertilizing, harvesting and the use and maintenance of all associated facilities and equipment are conducted in a manner which will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, or fumes, light or glare.**
- (6) Accessory buildings, including private garages and/or servants quarters, with the following conditions:**
 - (a) Servant's quarters shall not be leased or rented to anyone other than a bonafide servant.**
 - (b) Accessory buildings may be used for hobbies, provided such activities are accessory only, and are not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, fumes, or manner of operation.**
 - (c) Accessory buildings must be constructed with like or better materials than the primary structure, or be constructed of similar materials as the neighboring buildings.**
 - (d) Accessory building(s) with combined square feet totaling five hundred (500) square feet or less are not required to meet district masonry requirements.**
 - (e) Accessory building(s) with combined square feet totaling five hundred and one (501) square feet or more are required to meet district masonry requirements or be constructed with like or better materials than primary structure.**
- (7) Home occupations with the following conditions:**
 - (a) The occupational use is secondary to the primary use of the dwelling as a residence.**
 - (b) The use does not exceed two hundred (200) square feet of floor area of the dwelling unit.**
 - (c) The outside appearance of the residence shall not be altered in any way that would provide visible evidence of the conducting of a home occupation.**
 - (d) No person other than a member of the family residing at the residence may conduct a home occupation and no more than two persons, regardless of the total number of occupants, may participate in the home occupation.**
 - (e) No more than one (1) home occupation may be conducted in the residence.**
 - (f) No advertising sign may be displayed on the premises.**
 - (g) No outdoor activities or storage of any kind is permitted.**
 - (h) The use shall not increase normal automobile traffic in the neighborhood and shall not require additional off-street parking in order to conduct business.**
 - (i) The occupation shall not be obnoxious or offensive by reason of vibrations, noise, odor, dust, smoke or fumes or create any nuisance.**
 - (j) Home occupations shall typically be conducted during normal business hours.**
 - (k) A customarily incidental use.**

(B) Non-applicability of area regulations to certain lots. The required minimum lot width and the required minimum lot area for any single-family residential district shall not apply to any individual lot of record which was platted prior to the adoption of this chapter.

(C) Living area regulations.

(1) Every single-family detached ~~or attached~~ dwelling (other than manufactured homes, **duplexes, and quadplexes**) hereafter erected or placed shall have at least one thousand (1,000) square feet of living area, except that in SF-1 Districts, said dwellings shall have at least one thousand two hundred (1,200) square feet of living area.

(2) Every apartment in an "MF-M" district having only one bedroom shall have a least seven hundred fifty (750) square feet of living area. For each additional bedroom, the apartment shall have a minimum of one hundred fifty (150) additional square feet of living area.

(3) Every apartment in an "MF-H" district having only one bedroom shall have at least six hundred fifty (650) square feet of living area. For each additional bedroom the apartment shall have a minimum of one hundred fifty (150) additional square feet of living area.

(D) Height regulations. The height regulations of this chapter shall not apply to non-commercial radio or TV antennas or towers.

Sec. 154.17 "SF-2" Single-family residential district - R7.0

(A) This district is intended to be composed of single-family detached homes; cluster housing, single-family attached homes; duplexes; **quadplexes**; and HUD-code manufactured homes located on single-family residential lots. Lot sizes and home sizes are intended to be smaller than SF-1, and situated in a medium density setting. Attached dwellings may be clustered together in rows of townhouses and other zero-lot-line clustering, or patio homes. It is intended that these dwellings will form a neighborhood characterized by owner-occupied homes in the highest density setting of such homes and by open spaces in common ownership or otherwise which are designed to give relief to the density of dwellings and to provide desired amenities for this type of neighborhood. It is intended that advanced and creative designs or residential dwellings and their arrangements, and landscape planning will be encouraged in this district. A master site plan is required before development of cluster homes may be considered.

(B) Dwellings must meet minimum square feet living area regulations per living area.

(1) Use regulations. Land and structures in this zoning district shall be used only for the following purposes:

- (a) Dwellings, single-family, detached.
- (b) Cluster housing, single-family, attached.
- (c) HUD-code manufactured homes located on single-family residential lots.
- (d) Permitted non-residential uses as listed under section 154.15.

(2) Area regulations.

(a) Size of yards.

1. Minimum front yard - Twenty feet (20').
2. Minimum side yard - Eight feet (8').
3. Corner lot, street side yard (minimum) - Twenty feet (20').
4. Minimum rear yard - Fifteen feet (15').

(b) Size of lots.

1. Minimum lot size - ~~Five thousand (5,000)~~ square feet **Two thousand, five hundred (2,500)**
2. Minimum lot width - Fifty feet (50').
3. Minimum lot depth - Fifty feet (50').

(d) Minimum dwelling unit size (**other than duplexes/quadplexes**) one thousand (1,000) square feet.

(e) **Minimum dwelling unit size for multi-family dwelling attached dwelling (duplexes/quadplexes) seven hundred and fifty (750) square feet.**

- (f) **Maximum height. Two and one-half (2-1/2) stories.**
- (g) **Minimum landscape area.**
 - 1. **Fifty percent (50%).**
 - 2. **See landscaping requirements.**
- (h) **Minimum masonry coverage. Seventy percent (70%) of vertical wall area unless conforming to the majority of buildings in the area.**
- (i) **Parking regulations.**
 - 1. **Two spaces on same lot as main structure.**
 - 2. **See off-street parking and loading standards.**
- (j) **Other regulations. [Reserved.]**