

CITY OF KRUM, TEXAS

ORDINANCE NO. 2024-800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 14, "ZONING," EXHIBIT 14A "ZONING ORDINANCE," PART II, "ZONING PROCEDURES AND ADMINISTRATION," SECTION 9, "BOARD OF ADJUSTMENTS (BOA)," SUBSECTION 9.2, "MEMBERS; TERMS OF OFFICE," TO AMEND THE SERVING TERM DATES; AMENDING CHAPTER 14, "ZONING," EXHIBIT 14A "ZONING ORDINANCE," PART IV, "USE REGULATION SECTION," SECTION 37, "USE REGULATIONS," SUBSECTION 37.1(D) "CLASSIFICATION OF NEW/UNLISTED USES," TO AMEND THE PROCEDURE FOR ADDING NEW OR UNLISTED USES; AMENDING CHAPTER 14, "ZONING," EXHIBIT 14A "ZONING ORDINANCE," PART IV, "USE REGULATION SECTION," SECTION 37, "USE REGULATIONS," SUBSECTION 37.2 "USE CHART," TO AMEND THE USE CHARTS RELATING TO TATTOOING/BODY ART ESTABLISHMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO THE PUBLIC HEALTH AND SAFETY; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Krum, Texas, is a Home Rule Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code the Texas Constitution and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City Council is authorized to adopt regulations governing the use of property within the corporate limits of the; and,

WHEREAS, the Planning and Zoning Commission, after proper publication of notice thereof, held a public hearing regarding the proposed zoning ordinance amendment described above on January 15, 2024; and,

WHEREAS, the City Council, after proper publication of notice thereof, held a public hearing regarding the proposed zoning ordinance amendment described above on February 5, 2024; and,

WHEREAS, after due deliberation and consideration of the information submitted during the public hearings and the consideration of the recommendation of the Planning and Zoning Commission, the City Council has concluded that the adoption of this Ordinance is in the best interest of the health, safety, and welfare of the citizens of the City.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations, the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Krum, Texas, and of public health, safety, and welfare. The City Council further finds that the zoning ordinance amendments herein have been made in accordance with the comprehensive plan for the purpose of promoting in the comprehensive Zoning Ordinance the health, safety and general welfare of the community, and that they have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion on the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent over-crowding of the land, to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, drainage and surface water, parks and other public requirements and to make provisions for the normal business, commercial needs and development of the community.

SECTION 3
AMENDMENTS

3.01 That the City of Krum Code of Ordinances, Chapter 14, "Zoning," Exhibit 14A "Zoning Ordinance," Part II, "Zoning Procedures and Administration," Section 9, "Board of Adjustments (BOA)," Subsection 9.2, "Members; Terms of Office," subsection (C) is hereby amended to read as follows:

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"C. All regular members of the Board and all alternate members shall serve from October of the year of appointment for staggered terms of two (2) years, and may be re-appointed to successive terms on the Board subject to approval by simple majority approval of the full City Council. The members of the Board shall be identified by place numbers one (1) through five (5), and the alternate members shall be identified by place numbers one-A (1A) through four-A (4A). The two-year terms of the even-numbered places shall expire in the even-numbered years, and the terms of the odd-numbered places shall expire in the odd-numbered years. Newly appointed members shall be installed at the first regular Board meeting following their appointment."

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3.02 That the City of Krum Code of Ordinances, Chapter 14, "Zoning," Exhibit 14A "Zoning Ordinance," Part IV, "Use Regulation Section," Section 37, "Use Regulations," Subsection 37.1(D) "Classification of New/Unlisted Uses," is hereby amended to read as follows:

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“D. Classification of New/Unlisted Uses - It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City of Krum. Except as may be provided for otherwise in the City Charter, to provide for such changes and contingencies, the City Council, Planning and Zoning Commission or other appointed City Board or Commission may prepare an ordinance for such a purpose or request an Administrative Determination as to the appropriate classification of any new or unlisted form of land use as indicated in the Use Charts (Section 37.2). At all other times, such new or unlisted uses shall be addressed as follows:

1. Administrative Determination. The Development Services Director shall determine the appropriate use category and use type for all proposed uses and if said use is principal or accessory in nature. In making such a determination, the Director may consider the potential impacts of the use and similarities or differences of the intended use to others. These impacts may include but shall not be limited to the nature of the use and whether it includes dwellings, sales, processing, storage, operations, employment characteristics, nuisances, requirements for public utilities, drainage, impervious cover, environmental impacts, parking and transportation requirements. The Director may:
 - a. Determine that a use is a principal or accessory use which falls under an existing category and type of use. In this case the use is allowed as applicable in accordance with existing City standards.
 - b. Determine that a use is new and unlisted. In this case said use is prohibited.
 - c. Request, solicit, or require additional information, documents, verifications, reports, or data the Director determines to be reasonably relevant and necessary for a determination. In this case applicable enforcement actions may be stayed pending a final determination.
 - d. Refer the matter to the Planning and Zoning Commission and/or City Council for advice and counsel. In this case applicable enforcement actions may be stayed pending a final determination.

2. Appeal

- a. A person aggrieved by a final determination of the Director of Development Services may appeal said determination to the Board of Adjustment.”

3.03 That the City of Krum Code of Ordinances, Chapter 14, “Zoning,” Exhibit 14A “Zoning Ordinance,” Part IV, “Use Regulation Section,” Section 37, “Use Regulations,” Subsection 37.2 “Use Charts” is hereby amended to alter the Tattooing/Body Art Establishment use as per Exhibit A attached.

3.04 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4

CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5 SAVINGS CLAUSE

All rights and remedies of the City of Krum, Texas are expressly saved as to any and all violations of the provisions of the City's Code of Ordinances or of any other ordinance affecting Board of Adjustments; Zoning Use Classifications; and Zoning Use Charts, which have been secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6 SEVERABILITY

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

SECTION 7 PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 8 ENGROSSMENT AND ENROLLMENT

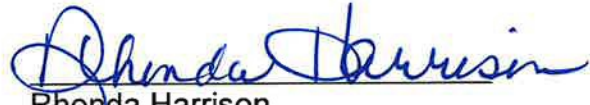
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City of Krum, Texas.

SECTION 9 EFFECTIVE DATE


This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS THIS 5TH DAY OF FEBRUARY, 2024.


Rhonda Harrison
Mayor

ATTEST:



Lisa Dawn Cabrera, TRMC, CMC
City Secretary



APPROVED AS TO FORM:



Lance Vanzant
City Attorney

EXHIBIT A

§ 37.2 Use Chart

Use	AG	SF-R	SF-E	SF-20	SF-10	SF-7.5	SF-6	SF-PH	2F	SFA	MF-15	MH	O	R	OT	C	LI	Parking Requirements	Cross-Reference(s) for Special Standards	
OFFICE, RETAIL & SERVICE USES																				
Tattooing/Body Art Establishment													S	S	S	S	S		1/250 gfa	