

CITY OF EASTLAND
ORDINANCE NO. 749

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING CITY ORDINANCE NO. 720, ZONING ORDINANCE, BY REPEALING AND REPLACING ARTICLE II (PERMITTED USES AND AREA REGULATIONS), SECTION 3 (HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS), SUBSECTION 3-5 (CARPORT REQUIREMENTS) AND ARTICLE III (ADMINISTRATIVE PROCEDURES AND REQUIRED PERMITS), SECTION 4 (BOARD OF ADJUSTMENTS), SUBSECTION 4-1 (ORGANIZATION AND PROCEDURE) OF THE ZONING ORDINANCE WITH THE PROVISIONS CONTAINED HEREIN BY ADOPTION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the laws of the State of Texas, authority is conferred upon the Board of Commissioners of the City of Eastland to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the City Commission deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City to enact such ordinances as required for this purpose; and

WHEREAS, the City Commission, pursuant to the provisions of State Statute, has appointed a Planning and Zoning Board to recommend amendment of the Zoning Ordinance, from time to time; the Planning and Zoning Board has given reasonable consideration to the amendments contained herein, has made a preliminary report, and submitted its final report to the City Commission; and

WHEREAS, the City Commission has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and all requirements of State Statutes, with regard to the preparation of the report of the Planning and Zoning Board and subsequent action of the City Commission have been met;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Eastland that:

1. REPEAL AND ADOPTION

Article II, Section 3, Subsection 3-5 and Article III, Section 4, Subsection 4-1, of Ordinance 720, Zoning Ordinance, of the City of Eastland, is hereby repealed and the following section and subsections are adopted to replace the provisions repealed hereby:

ARTICLE II PERMITTED USES AND AREA REGULATIONS

Section 3. Height and Area Exceptions and Modifications

3-5. Carports Requirements:

(a) Carports accessory to commercial structures must meet the same setback requirements as the primary structure with the exception of the rear setback, which is 5 feet.

(b) Carports accessory to residential structures having a seventy-five foot (75') or less public right-of-way (street) easement, have the following setback requirements:

1. Front and exterior side yard setback requirement of 20 feet.
2. The front roofline or overhang may extend up to three feet beyond the support column.
3. Interior side setback of 5 feet.
4. Rear setback 5 feet from property line.
5. If the property line is adjacent to a public alley, the minimum wall or support column setback from the alley property line is 3 feet. The roofline or overhang may extend up to two feet beyond that point.

(c) Carports accessory to residential structures having a seventy-six foot (76') or greater public right-of-way (street) easement, have the following setback requirements:

1. Front and exterior side yard setback requirement of 15 feet.
2. The front roofline or overhang may extend up to three feet beyond the support column.
3. Interior side setback of 5 feet.
4. Rear setback 5 feet from property line.
5. If the property line is adjacent to a public alley, the minimum wall or support column setback from the alley property line is 3 feet. The roofline or overhang may extend up to two feet beyond that point.
6. Exception: Carports accessory to residential structures located on Seaman, Main, Commerce and West Burkett Streets, must meet the same setback requirements as those outlined in Section 3-5.(b), regardless of easement width.

(d) A detached carport must have a minimum separation of 6 feet from any other structure. Attached carports do not need to meet separation requirements.

(e) If a carport is greater than 10 feet in height, an additional 1 foot of setback is required for each foot of height above ten feet. If the property is adjacent to an alley, an additional 1 foot of setback is required for every 2 feet of height above ten feet. Carports may not exceed a maximum of 20 feet in height.

ARTICLE III

ADMINISTRATIVE PROCEDURES AND REQUIRED PERMITS

SECTION 4. BOARD OF ADJUSTMENT

4-1. Organization and Procedure:

- (a) A Board of Adjustment is created consisting of five citizens of the City, each to be appointed by the Mayor and confirmed by the City Commission, for terms of two (2) years, respectively, provided that, when the first board shall be appointed hereunder, two members shall be appointed for one year and three members for two years. At least one member of the board shall be a member of the Planning and Zoning Board and his term shall expire at the same time as his term on such Board. A member appointed to fill a vacancy shall serve for the unexpired term.
- (b) Three (3) alternate members of the Board of Adjustment may be appointed by the Mayor and confirmed by the City Commission and shall serve in the absence of one or more regular members. These alternate members, when appointed, shall serve for terms of two (2) years, respectively, provided that, when the first board shall be appointed hereunder, one alternate member shall be appointed for one year, and two alternate members for two years. At least one alternate board member shall be a member of the Planning and Zoning Board and his term shall expire at the same time as his term on such Board. A member appointed to fill a vacancy shall serve for the unexpired term.
- (c) In the absence of a Board of Adjustment, the City Commission shall perform all functions of a Board of Adjustment.
- (d) The hearings of the Board of Adjustment shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall organize annually and elect a president, vice-president and secretary. The Board of Adjustment shall act by resolution in which four (4) members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance, and shall furnish a copy of the same to the inspector of buildings, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith. The Board shall hear the intervention of any owner of any property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.

- (e) The Board shall have the power to subpoena witnesses, administer oaths and punish for contempt, and may require the production of documents, under such regulations as it may establish.

2. VALIDITY

If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional the same shall not affect the validity of this Ordinance as a whole or any part of provisions thereof, other than the part so decided to be invalid or unconstitutional.

3. INTERPRETATION OF ORDINANCE

Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

4. SEVERABILITY

If any section, subsection, sentence, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court or agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

5. EFFECTIVE DATE

This Ordinance becomes effective upon its passage and after publication as required by law.

Passed upon first reading this 20th day of April, 2009.

Passed upon second and final reading this 21st day of April, 2009.

ATTEST:

Shirley Stuart, City Secretary

Mark Pipkin, Chairman, Board of Commissioners