

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, AMENDING SECTION 3, "DEFINITIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING"; AND AMENDING SECTION 4, "ZONING DISTRICT REGULATIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING" OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, TO ADD NEW DEFINITIONS AND AMEND THE PERMITTED USE SCHEDULE; 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 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 March 21, 2024, and the City Council of the City of Azle, Texas held a public hearing on April 2, 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 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 3, "Definitions" of Exhibit A, "Zoning Ordinance" of Chapter 14, "Zoning" shall be amended to amend subsection 3.2 to add a new definition to read as follows:

SMOKE SHOP AND TOBACCO STORE: Any retail establishment that is dedicated, in whole or in part, to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, tobacco paraphernalia, electronic vaping devices or other similar substances; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only.

SECTION 2.

Section 4, “Zoning District Regulations” of Exhibit A, “Zoning Ordinance” of Chapter 14, “Zoning” shall be amended to amend subsection 4.10 to read as follows:

Zoning Ordinance - Section 4.10 - Permitted Use Schedule

Commercial Uses	O	CBD	INS	C	HC	IND
Auto and RV sales					S	S
Bar		S		S	S	S
Bed and breakfast		S				
Broadcasting or production studio				P	P	P
Car wash				S	S	S
Commercial parking lots	S	S	S	S	S	S
Equestrian facilities						
Equipment rental						S
Food Truck Park	S	S	P	S	S	S
Free standing emergency medical care facility/urgent care	L10	L10	L10	L10	L10	L10
Hotel /motel	S	S	S	S	S	P
Indoor recreation		P	P	P	P	P
Laundry facilities				S	S	P
Major event entertainment				S	S	S
Medical laboratories	P	P	P	P	P	P
Movie theaters				P	P	P
Outdoor recreation				P	P	P
Private club		S		S	S	S
Professional services and offices	P	P	P	P	P	P

Quick vehicle servicing		S			P	P	P
Restaurant	P	P	P		P	P	P
Retail sales and service	S	P	P		P	P	P
RV camp ground/park					S	S	
Scientific research	P	P			P	P	P
Sexually oriented business							S
Smoke Shop and Tobacco Store						S	S
Temporary construction office	L 8	L8	L8	L8	L8	L8	L8
Vehicle repair						S	P
Industrial Uses	O	CBD	INS	C	HC	IND	
Bakeries		P			P	P	P
Construction equipment sales/storage							P
Distribution center					S	S	S
Feed lots							
Food processing							S
Gas wells/oil wells	S	S	S	S	S	S	S
Junk yards and auto wrecking							S
Kennels					S, L9	S, L9	S, L9
Manufacturing, light		S, L7			S, L7	S, L7	
Manufacturing, heavy						S, L7	S, L7
Manufacturing of non-odoriferous foods							P
Motor freight terminal							S
Printing/publishing		P				P	P
Radio, tv or cellular towers	S	S	S	S	S	S	S
Recycling business						S	S
Sanitary landfills, commercial incinerators, transfer stations							S

Self-service storage					S	S
Temporary concrete batch plant	P	P	P	P	P	P
Veterinary clinics				P	P	P
Wholesale sales				S	P	P
Wholesale nurseries						
Wholesale storage and distribution					S	S
Wrecker services and impound lots	S	S	S	S	S	S
Service Uses	O	CBD	INS	C	HC	IND
Barber, beauty & nail salon	P	P		P	P	P
Dance studio	P	P		P	P	P
Fitness facility	P	P	P	P	P	P
Health studio	P	P	P	P	P	P
Tattoo parlor				S	S	S
Tanning Salon		P		P	P	P

P - Permitted Use

L5 - Building mounted wind generators may not extend higher than ten(10) feet above where the wind generator is mounted on the building.

The height shall be measured from the base of the wind generator where it is mounted on the building to the highest point of the arc of the blades' elevation. If the wind generator does not use blades, then height is measured from the base of the wind generator where it is mounted on the

S Specific Use Permit Required

L6 - Lots where the proposed wind generators will be located shall have a minimum lot area of two (2) acres.

A maximum of one (1) wind generator is permitted by right.

L - Permitted Use with designated limitations

L7 - No outside storage of materials is allowed. No measurable increase in ambient sound shall be detectable at the property line.

L1 - Live are stock permitted in accordance with Chapter 2 of the City of Azle Code of Ordinances

L8 - Temporary Construction Office may be erected 30 days prior to construction activities and shall be removed within 10 days of completion of construction activity[.]

L2- HUD- Code manufactur ed homes

L3 - Accessory structures directly related to an agriculture function are allowed without a primary structure on platted land greater than 5 acres.

L4 - Accessory Dwelling shall not exceed the total square footage of the primary use, including all ancillary uses. Accessory Dwelling are only allowed on properties with frontage on and addressed from Main Street. Accessory

building to the highest point of the wind generator.

Wind generators shall be located

L10 - A minimum separation of 300' shall be maintained to any adjacent residential use[.]

minimum of 150 feet from the property lines. Multiple wind generators are permitted only with approval of a SUP. The maximum height of a wind generators shall not exceed the maximum height of a structure per the zoning district without an SUP11

Dwellings

must be attached to the structure housing the primary use. Only 1 Accessory Dwelling is allowed per platted lot[.]

L9 - A minimum separation of 500' from any outdoor kennel or run shall be maintained to any adjacent residential use.

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 their 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 April 2, 2024.



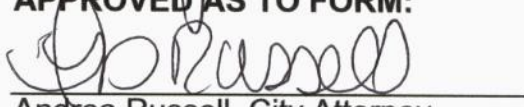
Mayor, Alan Brundrett

ATTEST:



Yael Forgey, City Secretary

APPROVED AS TO FORM:



Andrea Russell, City Attorney