

ORDINANCE 2010-16

AN ORDINANCE OF THE CITY OF LA FERIA AMENDING CHAPTER 14, EXHIBIT A, OF THE CODE OF ORDINANCES (ZONING ORDINANCE (ORD. 2008-03)) TO ALLOW CHILD CARE CENTERS TO LOCATE IN AGRICULTURAL AND RESIDENTIAL ZONES WITH A SPECIFIC USE PERMIT, TO ALLOW MASSAGE ESTABLISHMENTS TO LOCATE IN COMMERCIAL DISTRICTS AND DISALLOW SUCH ESTABLISHMENTS IN THE INDUSTRIAL DISTRICT, TO ADJUST THE SETBACKS IN THE MOBILE HOME DISTRICT, AND TO PROVIDE FOR A SETBACKS IN NEIGHBORHOODS THAT HAVE LARGELY DEVELOPED CONSISTENT WITH A DIFFERENT SETBACK AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of La Feria, a home-rule city, may adopt and enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, the City of La Feria is empowered by Chapter 211 of the Texas Local Government Code to enact a zoning ordinance;

WHEREAS, on January 10, 2008, the City Commission of the City of La Feria adopted a comprehensive Zoning Ordinance (Ordinance 2008-03);

WHEREAS, on October 18, 2010, the Planning and Zoning Commission of the City of La Feria held a public hearing to receive public input and to consider several amendments to Ord. 2008-03 and after such public hearing determined to recommend several amendments to the City Commission;

WHEREAS, on October 26, 2010, the City Commission held a public hearing to receive public input on the proposed amendments and to receive the recommendations of the Planning and Zoning Commission;

WHEREAS, notice of the public hearings before the Planning and Zoning Commission and the City Commission appeared in the *La Feria News*;

WHEREAS, at its meeting of October 26, 2010, after the close of the public hearing on the proposed amendments to the zoning ordinance, the City Commission determined that it was in the best interests of the general welfare of the community and that it would advance and facilitate the orderly, safe and appropriate physical development of the community to (a) treat child care centers the same as pre-schools and kindergartens by allowing child care centers to operate in residential zones with a Specific Use Permit, (b) adjust the minimum set-backs in the mobile home district; (c) permit massage establishments in commercial districts and disallow them in the industrial districts, and (d) provide for adjustment in the specified front set-back on blocks or in neighborhoods with existing development,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, THAT:

1. Subsection D (Schedule of District Regulations), of Section 4 (Zoning Districts Generally) of Chapter 14 of the La FERIA Code of Ordinance (the Zoning Ordinance) is hereby amended as follows:

	MH	
	“individually-owned” mobile home lots	Mobile Home Park
Lot Size	5,000 sq. ft.	3,000 sq. ft.
Lot Width	50’	40’
Lot Depth	100’	75’
Setbacks:		
Front Yard	20’	20’
Rear Yard		
Side yard	20’	15’
corner lot	7.5’	7.5’
interior lot	5’	5’
interior lot (aggregate)	12’	12’
Maximum Lot Coverage	50%	50%
Minimum Living Area	450	450

2. Subsection A (Schedule of Uses), of Section 18 (Schedule of Uses) of Chapter 14 of the La FERIA Code of Ordinance (the Zoning Ordinance) is hereby amended as follows:

Use	AG	R-1	R-2	R-3	D	MF	MF	LC	C-1	C-2	I
Childcare centers	S	S	S	S	S	S	S	S	X	X	
Massage establishments								S	X	X	

3. Paragraph 4 (Yards to Conform with District Regulations) of Subsection C (General Compliance with District Regulations), of Section 4 (Zoning Districts Generally) of Chapter 14 of the La Feria Code of Ordinance (the Zoning Ordinance) is hereby amended as follows:
- (a) Except as provided in paragraph (b) below, no building or other structure shall have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner be contrary to the provisions of these regulations unless existing at the time of passage of this ordinance, in which case, they shall not be further reduced in size.
 - (b) When forty percent (40%) or more of the lots on one-side of a block between intersecting streets, were developed with a shallower front setback than is now required by the generally applicable standards for the zoning district, new development, including alteration of existing structures, is permitted to adhere to the setbacks established by the existing development, even if contrary to the current standards.
 - (c) When forty percent (40%) or more of the lots on one-side of a block between intersecting streets, were developed with a deeper front setback than is now required by the generally applicable standards for the zoning district, new development, including alteration of existing structures, shall adhere to the setbacks established by the existing development, even if contrary to the current otherwise generally applicable standard.
4. This ordinance amending the Zoning Ordinance shall become effective on the tenth day after publication, as provided for by the City Charter of the City of La Feria.

PASSED AND APPROVED THIS 26th DAY OF OCTOBER 2010.

APPROVED:



Steve Brewer, Mayor

ATTEST:


Olga Oberwetter, City Secretary

APPROVED AS TO FORM:


Richard S. Talbert, City Attorney