

ORDINANCE 2011-03

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 and Article VII, Section 7.01 of the Charter of the City of La Feria, to enact a zoning ordinance and;

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 and staff reports 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 February 8, 2011, 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) include child care centers, pre-schools and kindergartens within the same definition and thereby allow 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. The “MH” column of 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
Lot Area (sq.ft.)	3,000 sq. ft. * 5,000 sq. ft. **
Minimum lot width (ft.)	40' * 50' **
Minimum lot depth (ft.)	75' * 100' **
Front yard setback (ft.)	20'
Rear yard setback (ft.)	15' * 20' **
Side yard setback (ft.) Interior lot	5'
Side yard setback (ft.) Corner lot	7.5'
Aggregates of side yards	12'
Maximum height in (stories) (ft.)	1.5 22.5
Maximum lot coverage	50%
Minimum living area (sq.ft.) (excludes garage)	450

2. Section 26: Definitions is hereby amended to delete the definition of “*Kindergarten or Nursery School*” and to modify the definition of “*child care center or facility*” to read as follows:

Child Care Center - Any facility, not the residence of the primary caregiver, that provides care, supervision, or education for more than six children under the age of fourteen who are not related by blood, marriage, or adoption to the owner or operator of the facility, for less than 24 hours a day whether known or incorporated under such name as “Pre-School,” “Kindergarten,” “Child Development Center,” whether or not the facility is operated for profit or not-for-profit or charges for the services it offers.

3. Subsection A (Schedule of Uses), of Section 18 (Schedule of Uses) is hereby amended to provide as follows:

(A)

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	

(B) The use--*Schools (nursery or kindergarten)*-- is deleted from the Schedule of Uses.

4. Paragraph 4 (Yards to Conform with District Regulations) of Subsection C (General Compliance with District Regulations), of Section 4 (Zoning Districts Generally), 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 currently required in the zoning district, new development, including alteration of existing structures, may adhere to the setback established by the existing development.
- (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 generally required for the zoning district, new development, including alteration of existing structures, shall adhere to the setbacks established by the existing development.

5. 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 8th DAY OF FEBRUARY, 2011.

APPROVED:




Steve Brewer, Mayor

ATTEST:


Olga Oberwetter, City Secretary

APPROVED AS TO FORM:


Richard S. Talbert, City Attorney