



**ORDINANCE NO. Z 22-05 #3**

**AN ORDINANCE AMENDING CHAPTER 14, ZONING, EXHIBIT A, ZONING ORDINANCE, BY CLARIFYING THE DISTINCTION BETWEEN MAXIMUM % COVERAGE AND MAXIMUM LOT COVERAGE; CLARIFYING THAT THE MEASUREMENT FOR MAXIMUM % COVERAGE INCLUDES ALL IMPERVIOUS COVER; RENAMING MAXIMUM LOT COVERAGE AS MAXIMUM BUILDING COVERAGE; PROVIDING ENACTMENT AND PENALTY CLAUSES; PROVIDING PROPER NOTICE, SEVERABILITY, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS,** the City of Nolanville (“City”) 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 Nolanville City Council (“City Council”) seeks to protect the health, safety, and welfare of those living, working, and visiting the City; and

**WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, the City has adopted a comprehensive zoning ordinance (“the City’s Zoning Ordinance”); and

**WHEREAS,** the City of Nolanville desires to adopt regulations that are consistent throughout all governing regulations; and

**WHEREAS,** the City Council of the City of Nolanville desires to amend the City’s Zoning Ordinance to clarify that all impervious cover, including driveways, is included in the calculation of maximum % coverage; and

**WHEREAS,** after notice and hearing required by law, a public hearing was held before the Nolanville Planning and Zoning Commission on May 11, 2022, to consider the proposed amendment, and the Planning and Zoning Commission recommended approval of the proposed change; and

**WHEREAS,** after a public hearing held by the City Council on May 19, 2022, the City Council voted to accept the recommendation of the Planning and Zoning Commission; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government,

peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** the City Council finds certain amendments to the Code of Ordinances are necessary to meet changing conditions and are in the best interest of the City; and

**WHEREAS,** the City Council has determined that all prerequisites to the adoption of this Ordinance have been met.

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

### **1. FINDINGS OF FACT**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

### **2. ENACTMENT**

Chapter 14, Exhibit A Zoning Ordinance, Sections 401.5(g), 402.5(g), 403.5(g), 404.5(g), 405.5(g), 406.5(g), 407.5(g), 408.5(g), 409.5(g), 410.5(g), 411.5(g), 412.5(g), 413.5(g), 550.9, 550.11, 551.2, and 610.1 of the Nolanville Code of Ordinances are amended to read in accordance with *Attachment "A"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added and struck-through and bracketed text shall be deleted as indicated in *Attachment "A."*

### **3. PENALTY**

Any person convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine in accordance with the general penalty provided in Section 1.01.009 of the Nolanville Code of Ordinances.

### **4. REPEALER**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

### **5. SEVERABILITY**

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

### **6. PROPER NOTICE AND MEETING**

That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

## **7. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

**PASSED & APPROVED** this, the May 19, 2022 by a vote of \_\_\_\_ (*ayes*) to \_\_\_\_ (*nays*) to \_\_\_\_ (*abstentions*) of the City Council of Nolanville, Texas.

### **CITY OF NOLANVILLE**

**BY:** \_\_\_\_\_  
**ANDY WILLIAMS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CRYSTAL BRIGGS, CITY SECRETARY**



## ATTACHMENT “A”

### Chapter 14 ZONING

#### SECTION 401.5: Minimum and Maximum Dimensions

...

(g) Maximum % Coverage: The maximum ~~lot~~ % coverage in the R-1S: Single-Family Suburban District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### SECTION 402.5: Minimum and Maximum Dimensions

...

(g) Maximum % Coverage: The maximum ~~lot~~ % coverage in the R-1: Single-Family Standard District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### SECTION 403.5: Minimum and Maximum Dimensions

...

(g) Maximum % Coverage: The maximum ~~lot~~ % coverage in the R-DT: Downtown Single-Family District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### SECTION 404.5: Minimum and Maximum Dimensions

...

(g) Maximum % Coverage: The maximum ~~lot~~ % coverage in the R-TH: Townhouse District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### SECTION 405.5: Minimum and Maximum Dimensions

...

(g) Maximum % Coverage: The maximum ~~lot~~ % coverage in the R-2: Two-Family District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### SECTION 406.5: Minimum and Maximum Dimensions

...

(g) Maximum % Coverage: The Maximum ~~lot~~ % Coverage in the R-3: Multifamily District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### **SECTION 407.5: Minimum and Maximum Dimensions**

...

(g) Maximum % Coverage: The Maximum ~~{Lot}~~ % Coverage in the R-MH: Manufactured Home District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### **SECTION 408.5: Minimum and Maximum Dimensions**

...

(g) Maximum % Coverage: The Maximum ~~{Lot}~~ % Coverage in the B-1: Professional Business District shall be 60 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### **SECTION 409.5: Minimum and Maximum Dimensions**

...

(g) Maximum % Coverage: The maximum ~~{Lot}~~ % coverage in the B-2: Neighborhood, Community and Retail Business District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### **SECTION 410.5: Minimum and Maximum Dimensions**

...

(g) Maximum % Coverage: The maximum ~~{Lot}~~ % coverage in the B-3: Secondary and Highway Business District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### **SECTION 411.5: Minimum and Maximum Dimensions**

...

(g) Maximum % Coverage: The maximum ~~{Lot}~~ % coverage in the B-4: General Business District shall be 50 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### **SECTION 412.5: Minimum and Maximum Dimensions**

...

(g) Maximum % Coverage: The maximum ~~{Lot}~~ % coverage in the M-1: Light Manufacturing District shall be 55 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### **SECTION 413.5: Minimum and Maximum Dimensions**

...

(g) Maximum % Coverage: The maximum ~~{lot}~~ % coverage in the M-2: Heavy Manufacturing District shall be 55 percent for all uses, subject to [ARTICLE V: DIVISION 5](#).

#### **SECTION 550.9: Maximum ~~{Lot}~~ Building Coverage**

(a) Generally. The size of buildings shall comply with the maximum ~~{lot}~~ building coverage standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.

(b) Measurement. Lot coverage refers to the percentage of the lot area covered by the foundation or first floor of the main and all accessory buildings.

...

#### **SECTION 550.11: Maximum (%) Coverage**

*(a) Generally. The percent of a lot with impervious improvements shall comply with the maximum (%) coverage standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.*

*(b) Measurement. Maximum (%) coverage refers to the percentage of the lot area with any impervious improvements including but not limited to building improvements, patios, driveways, and parking.*

#### **SECTION 551.2: Accessory Buildings**

(a) Generally. Attached accessory buildings shall conform to the regulations applicable to the main building to which they are attached.

(1) Number [and] area. Except in A-1: General Agricultural Zoning Districts, no more than two (2) accessory buildings may be placed on any residential lot. In no case shall the combined area of the primary structure and accessory buildings exceed the maximum percentage of ~~{lot}~~ building coverage allowed for the zoning district in which the structures are located. Accessory dwellings are not subject to these regulations and shall be governed by other provisions of this Ordinance.

#### **SECTION 610.1: Accessory Dwelling**

...

(i) In no case shall the combined area of the primary dwelling, accessory dwelling and/or other accessory buildings exceed the maximum percentage of ~~{lot}~~ building coverage allowed for the zoning district in which the structures are located.