

ORDINANCE 2021-03

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 64 "ZONING" OF THE CODE OF ORDINANCES, ARTICLE I "IN GENERAL", SECTION 64-2 "DEFINITIONS"; AND ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-196 "ESTABLISHMENT OF ZONING DISTRICTS"; TO DEFINE AND REGULATE ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, There has recently been a high level of citizen interest and support for the City to allow accessory dwelling units; and,

WHEREAS, There is considerable literature in the planning profession, and examples of other cities that regulate accessory dwelling units, that provide state of the art guidance for appropriate standards to be adopted by the City of Lockhart; and,

WHEREAS, the current format of Chapter 64 "Zoning" accommodates establishing and regulating two classes of accessory dwelling units within the hierarchal system of three residential zoning districts; and,

WHEREAS, the Lockhart Planning and Zoning Commission held a public hearing on February 10, 2021, and voted to recommend amending Article I "In General", Section 64-2 "Definitions" to create new definitions and standards for *Accessory Dwelling Unit – General* and *Accessory Dwelling Unit – Limited*; and to recommend amending Article VII "Zoning Districts and Standards" Section 64-196 "Establishment of Zoning Districts" to specify where each class of accessory dwelling unit is allowed by-right or as a specific use; and,

WHEREAS, the City Council has determined that such amendment serves a public purpose and the Council desires to amend the Code of Ordinances accordingly;

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

- I. The foregoing recitals are approved and adopted herein for all purposes.
- II. Chapter 64 "Zoning", Article I "In General", Section 64-2 "Definitions", is hereby amended as follows, with provisions not shown remaining unchanged:

Sec. 64-2. Definitions.

Accessory dwelling unit – General: A secondary dwelling unit within or attached to a single-family dwelling (primary dwelling unit), or in a permanent detached accessory structure located on the same lot or parcel as a single-family dwelling, having no more than 1,000 square feet of habitable floor area or one-half the floor area of the primary dwelling unit, whichever is greater, and only on a lot of such size and dimensions where a duplex dwelling is allowed by-right in the applicable zoning classification. The accessory dwelling unit shall be provided with at least two off-street parking spaces in addition to the minimum number of spaces required for the primary dwelling unit. There shall be no more than one accessory dwelling unit on the lot or parcel.

Accessory dwelling unit – Limited: A secondary dwelling unit within or attached to a single-family dwelling (primary dwelling unit), or in a permanent detached accessory structure on the same lot or parcel as a single-family dwelling, having no more than 600 square feet of habitable floor area or one-half the floor area of the primary dwelling unit, whichever is greater, and where the owner of the property resides in either the primary dwelling unit or the accessory dwelling unit. The accessory dwelling unit shall be provided with at least one off-street parking space in addition to the minimum required for the primary dwelling unit, shall be served by the same electric meter as the primary dwelling unit, and shall be occupied by no more than two people who are family members, guests, or caretakers or other domestic employees of the owner/occupant of the primary dwelling unit. There shall be no more than one accessory dwelling unit on the lot or parcel.

III. Chapter 64 “Zoning”, Article VII “Zoning Districts and Standards”, Section 64-196 “Establishment of Zoning Districts”, is hereby amended as follows, with provisions not shown remaining unchanged:

Sec. 64-196. Establishment of zoning districts.

(d) Residential low density district (RLD).

(4) The following uses require a specific use permit:

e. Accessory dwelling unit – Limited.

(e) Residential medium density district (RMD).

(3) The following uses are allowed by-right:

c. Accessory dwelling unit – Limited

(4) The following uses require a specific use permit:

i. Accessory dwelling unit – General.

(f) Residential high density district (RHD).

(3) The following uses are allowed by-right:

e. Accessory dwelling unit – Limited.

f. Accessory dwelling unit – General.

IV. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.

V. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

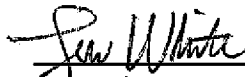
VI. Penalty: Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-8 of the City Code.

VII. Publication: That the City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

VII. Effective Date. That this ordinance shall become effective and be in full force ten days from the date of its passage.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 23rd DAY OF FEBRUARY, 2021.

CITY OF LOCKHART



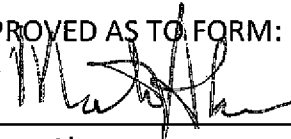
Lew White
Mayor

ATTEST:



Connie A. Constancio, TRMC
City Secretary

APPROVED AS TO FORM:



Monte Akers
City Attorney

