

**CITY OF DECATUR
ORDINANCE 2023-12-37**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS BY AMENDING SUBSECTION E(7) “SPECIAL REGULATIONS” OF SECTION 5.1.6 “MF, MULTIPLE-FAMILY RESIDENTIAL DISTRICT,” AMENDING SUBSECTION A “GENERAL PURPOSE AND DESCRIPTION” AND SUBSECTION E(7) “SPECIAL REGULATIONS” OF SECTION 5.1.11 “C-2, THOROUGHFARE BUSINESS DISTRICT,” AND DELETING SUBSECTION C(2) “HEIGHT REGULATIONS” OF SECTION 5.1.11 “C-2, THOROUGHFARE BUSINESS DISTRICT” OF ARTICLE 5 “ZONING DISTRICTS” OF APPENDIX B – “ZONING” OF THE CODE OF ORDINANCES; PROVIDING FOR ZONING MAP AND PERMITTED USE CHART AMENDMENTS; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED TWO-THOUSAND DOLLARS (\$2,000) PER VIOLATION PER DAY; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the present Subsection E(7) of Section 5.1.6 of Article 5, Appendix B - Zoning, of the Code of Ordinances of the City of Decatur, currently prescribes a limitation of a maximum of 12,000 square feet per floor of any structure designed or erected for Multiple Family occupancy; and

WHEREAS, Section 5.1.11 of Article 5, Appendix B – Zoning, of the Code of Ordinance of the City of Decatur prescribes the General Purpose and Description for Multiple Family structures located in the C-2, Thoroughfare Business District; and

WHEREAS, the City Council of the City of Decatur, Texas, has determined that the 12,000 square feet limitation for Multiple Family structures is unreasonably low when the Multiple Family structure is located in a C-2 Zoning District and may inhibit the construction of such projects within the City, and that such limitation should be allowed to be increased when the Multiple Family structure is located in the C-2 Zoning District; and

WHEREAS, the City Council of the City of Decatur, Texas, has determined that allowing Multiple Family structures which may exceed 12,000 square feet when located within C-2 Zoning Districts will provide a desired buffer and transition from C-2 Zoning Districts to other zoning districts within the City of Decatur; and

WHEREAS, the City Council of the City of Decatur, Texas, has determined that the removal of the height restrictions for Multiple Family Structures provided in the C-2 Zoning District is desired;

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

SECTION 1. Incorporation of Premises/Findings. The foregoing recitals are the findings of the City Council and are incorporated into this Ordinance as if set forth fully herein. After due

deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearings, the City Council has concluded that the adoption of this Ordinance amending "Appendix B - Zoning" of the Code of Ordinances of the City, and that the Zoning Map and Use Chart of the City should be further amended in accordance with this Ordinance.

SECTION 2. Amendments. The following amendments are hereby approved:

2.01 Subsection (7) of Subsection E "Special Regulations" of Section 5.1.6, "MF, Multiple-Family Residential District" of Article 5 "Zoning Districts" of Appendix B - "Zoning" of the Code of Ordinances of the City of Decatur, is hereby AMENDED, and the following Subsection E(7) is amended to include two sentences within a parenthetical as indicated herein, to-wit:

(7) No single structure designed or erected for Multiple Family occupancy shall contain more than twelve thousand (12,000) square feet per floor, and each structure shall be spaced in relation to other structures and provide the required yards and open space as required by the City of Decatur, Texas Design Standards, and other applicable City ordinances. (The limitation on square footage does not apply to a Multiple Family structure when it is located within a C-2 Zoning District. See Section 5.1.11. All other regulations apply.)

2.02 Subsection A "General Purposes and Description" of Section 5.1.11 "C-2, Thoroughfare Business District" of Article 5 "Zoning Districts" of Appendix B - "Zoning" of the Code of Ordinances of the City of Decatur, is hereby AMENDED, and the following Subsection A is amended to include a sentence as indicated herein, to-wit:

A. *General Purpose and Description.* The C-2, Thoroughfare Business District is intended to provide for development of a mixture of relatively high intensity general retail and service uses usually oriented to major thoroughfare and includes high density Multi-Family Dwelling units greater than four (4) family units which may exceed 12,000 square feet. Compatible uses include office, retail, some types of commercial and entertainment uses which should generally be located along high-volume thoroughfares. The characteristics of each development site should be designed in such a manner as to create an attractive appearance from the thoroughfare.

2.03 Subsection (2) of Subsection C "Height Regulations" of Section 5.1.11 "C-2, Thoroughfare Business District" of Article 5 "Zoning Districts" of Appendix B - "Zoning" of the Code of Ordinances of the City of Decatur, is hereby DELETED.

2.04 Subsection (7) of Subsection E "Special Regulations" of Section 5.1.11 "C-2, Thoroughfare Business District" of Article 5 "Zoning Districts" of Appendix B "Zoning" of the Code of Ordinances of the City of Decatur, is hereby AMENDED, and the following Subsection E(7) is AMENDED to include the clause indicated herein, to-wit:

(7) Multi-family Structures located within this District shall comply with all Special Regulations for Multi-family Structures found in Section 5.1.6 E except subsections 5.1.6 E(6) and (7), which shall be governed by the limitations of the C-2 District requirements and the adopted Building and Fire Codes.

SECTION 3. Zoning Map and Permitted Use Chart Amendments. The Zoning Map of the City of Decatur, Texas is hereby amended to reflect the amendments adopted in this Ordinance. The Permitted Use Chart in Section 6.1.2 of Appendix B of the Code of Ordinances of the City of Decatur, Texas is hereby amended to include an asterisk in the C-2 column for the “Dwelling, Multiple Family” row that indicates that Multiple Family structures may exceed 12,000 square feet when they are located in a C-2 Zoning District.

SECTION 4. Savings and Repealer. That this Ordinance shall be cumulative of all other ordinances of the City of Decatur and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to any such ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of such ordinance and for that purpose the ordinance shall remain in full force and effect.

SECTION 5. Severability. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. Penalty. It shall be unlawful for any person, corporation, or other entity to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. Publication. This Ordinance shall take effect on its final passage and publication, and it is so ordained.

PRESENTED ON FIRST READING THIS 11th DAY OF December, 2023.

**PRESENTED ON SECOND READING AND APPROVED THIS 18th DAY OF December, 2023,
BY A VOTE OF ____ AYES, ____ NAYS, ____ ABSTENTIONS, AT A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS.**

APPROVED:

Mike McQuiston, MAYOR

ATTEST:

Asucena Delgado, TRMC, CITY SECRETARY

APPROVED AS TO FORM:

Pam Liston, CITY ATTORNEY