

**CITY OF LUMBERTON, TEXAS
ORDINANCE NO. 23-1271**

AN ORDINANCE OF THE CITY OF LUMBERTON, TEXAS PROVIDING FOR THE AMENDMENT OF THE CITY OF LUMBERTON'S ZONING ORDINANCE FOUND IN CHAPTER 50, SECTION 50-338 FOR THE PURPOSE OF CLARIFYING PERIMETER LANDSCAPING AND SCREENING FENCING REQUIREMENTS WITHIN THE C-2 COMMUNITY BUSINESS DISTRICT; PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lumberton, Texas 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 City Council of the City of Lumberton, Texas has established zoning districts throughout the city and adopted regulations for each district; and

WHEREAS, the regulations of Community Business District (C-2) found in the city's code of ordinances under Chapter 50, Division 6, Section 338 requires the installation and maintenance of landscaping and screening for the purpose of protecting the character and stability of residential, commercial and institution areas, to conserve the value of land and buildings and surrounding properties and neighborhoods and to enhance the aesthetic and visual image of the community;

WHEREAS, it is the desire of the City Council to amend the City's Zoning Ordinance to provide clarity of the perimeter fencing requirement when a C-2 zoned lot or premises is located adjacent to any residential zoning district.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary.

Section 2. That Chapter 50 titled Zoning, Article III. – District Regulations, Division 6- C-2 Community Business District, Section 50-332 of the Code of Ordinances, City of Lumberton, Texas, is hereby amended as follows:

CHAPTER 50 – ZONING

ARTICLE III. – DISTRICT REGULATIONS

DIVISION 6. – C-2 COMMUNITY BUSINESS DISTRICT

Sec. 50-338. – Landscaping and screening requirements.

(b) *Perimeter landscaping and screening.*

(1) Generally, when a commercial or institutional use is established on a lot or premises located adjacent to any residential zoning district, or when any multiple-family dwelling use is established on a lot or premises adjacent to any property located in a single-family residential zoning district, a 20-foot wide landscaped open surface buffer strip shall be installed and maintained by the owner, developer, or operator of the commercial or institutional property. In addition, an eight-foot-high opaque fence or wall shall be erected and maintained between the C-2 development and the residential property (the fence or wall shall extend along the length of the property line which is adjacent in whole or in part to any residential zoning district). The fence may be placed either along the property line, along the buffer strip line, or midway between the two lines to provide visual screening. The fence or wall shall be of wood or masonry construction, shall be a diagonal, horizontal, or vertical stockade type privacy fence although the framing may be metal. In any case where the city assesses a drainage or utility easement of 20 feet or less along the property line adjoining single-family residential zoning district property, the buffer strip width may be reduced to a ten-foot width, separate from and not included within the city easement.

Section 3. Cumulative. This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Lumberton, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4. Savings Clause. All rights and remedies of the City of Lumberton are expressly saved as to any and all violations of the provisions of any ordinances affecting the adopted ordinances within the City which have accrued at the time of the effective date of these ordinance amendments; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by these ordinance amendments but may be prosecuted until final disposition by the courts.

Section 5. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 7. Effective Date. This ordinance shall take effect upon adoption following required publication, if any.

Section 8. Open Meetings. 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, Texas Government Code.

[Certificate on Following Page]

CERTIFICATE

I hereby certify that the foregoing was presented for public hearing and at the regular meeting of Planning and Zoning Commission on the 6th day of March, 2023 and before City Council for the City of Lumberton, Texas for a public hearing and during a meeting on the 13th day of March, 2023 for a first reading and again on the 27th day of March, 2023 for a second reading. A quorum of the City Council being then present at both readings, it was then duly moved and seconded that the foregoing be adopted, and such was then adopted.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL FOR THE CITY OF LUMBERTON, TEXAS, on the 27th day of March, 2023.

By: _____
Don Surratt, Mayor
City of Lumberton, Texas

ATTEST:

Susan Collins, City Secretary