

**CITY OF LUMBERTON, TEXAS
ORDINANCE NO. 12-1282**

AN ORDINANCE OF THE CITY OF LUMBERTON, TEXAS, AMENDING THE CITY'S ZONING ORDINANCE FOUND IN CHAPTER 50 - ZONING, FOR THE PURPOSE OF PROVIDING ADDITIONAL EXAMPLES TO THE DEFINITION OF "ACCESSORY BUILDING" IN SECTION 50-2; TO ADOPT PERMITTING REQUIREMENTS FOR OUTDOOR KITCHENS IN SECTION 50-538; TO ADOPT HEIGHT REGULATIONS AND PERMITTING REQUIREMENTS FOR CARPORTS AND OTHER SIMILAR STRUCTURES IN SECTION 50-539; PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, as empowered by the Texas Local Government Code, the City of Lumberton has adopted Chapter 50 of the City's Code of Ordinances which establishes regulations and enforcement within the City's zoning districts;

WHEREAS, in accordance with the statutory procedural requirements, including public notice, a public hearing and recommendation of the Zoning Commission, and a public hearing before the City Council, it has determined that certain amendments should be made to Sections 50-2, 50-538 and 50-539 of Chapter 50 of the City's Code of Ordinances for the purpose of promoting the public health, safety, morals and general welfare.

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

Section 1. The above premises are found to be true and correct legislative and factual determinations of the City of Lumberton and are hereby approved.

Section 2. The City's Code of Ordinances, Chapter 50 – Zoning, Article I – In General, Section 2 shall amend the definition of "Accessory Building" to read as follows:

ARTICLE I. - IN GENERAL

Sec. 50-2. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building to the main building, the use of which is incidental and related to the main use and which is located on the same lot and not involving the conduct of a business or the sale of a service. The term "accessory buildings" includes, but is not limited to, an automobile storage garage, laundry room, garden shelter, hobby room, work shed or workshop, tool storage, storage shed, greenhouse, playhouse, swimming pool room or pool house (a building used in conjunction with swimming pool or spa use or storage), and mechanical room.

Section 3. The City's Code of Ordinances, Chapter 50 – Zoning, Article III – District Regulations, Division 12 – Height, Area, and Space Regulations Applicable to All Districts, Section 538 shall be amended to read as follows:

ARTICLE III. – DISTRICT REGULATIONS

DIVISION 12. - HEIGHT, AREA, AND SPACE REGULATIONS APPLICABLE TO ALL DISTRICTS

Sec. 50-538. - Use and location of outdoor kitchens.

- (a) An outdoor kitchen is defined as an area containing affixed appliances designated for preparation, cooking, or serving of food items at an outdoor site. The outdoor kitchen site includes the patio, bars and other similar structural amenities used for cooking or serving operations.
- (b) It shall be unlawful to locate, install, erect, or construct an outdoor kitchen without first obtaining a permit from the city. Violation for failure to obtain a permit will result in a penalty which is two times the permit fee that shall be paid in addition to the required permit fee.
- (c) No outdoor kitchens or outdoor kitchen site including any overhead roof or structure shall encroach into the setback.
- (d) All outdoor kitchens shall be constructed according to manufacturer requirements including ventilation, clearance and other requirements for protection from outdoor environmental factors.

Section 4. The City's Code of Ordinances, Chapter 50 – Zoning, Article III – District Regulations, Division 12 – Height, Area, and Space Regulations Applicable to All Districts, Section 539 shall be amended to read as follows:

ARTICLE III. – DISTRICT REGULATIONS

DIVISION 12. - HEIGHT, AREA, AND SPACE REGULATIONS APPLICABLE TO ALL DISTRICTS

Sec. 50-539. – Regulations of carports and other similar structures.

- (a) It shall be unlawful to locate, install, erect, or construct a carport or other similar accessory structure without first obtaining a permit from the city. Violation for failure to obtain a permit will result in a penalty which is two times the permit fee that shall be paid in addition to the required permit fee.

(b) No part of a carport or other similar accessory structure, including supports, extensions or roof eave overhang, may encroach into the setback areas. The height of a carport or other similar accessory structure shall not exceed the height of the main structure with a maximum height at the tallest point of the installed carport or other similar accessory structure of 14 feet measured from ground level.

(c) Carports or other similar accessory structures may not be enclosed with the exception of one shared wall if installed adjacent to a primary or accessory building structure.

Section 5. 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 6. 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 7. Severability. Should any section or part of these ordinances 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 8. 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 9. Effective Date. The City Secretary of the City of Lumberton is hereby directed to publish the caption, the penalty and effective date in the official newspaper at least once within ten (10) days after the passage of this ordinance. This ordinance shall take effect upon adoption and publication as required by law.

Section 10. 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

I hereby certify that the foregoing was presented before the Planning and Zoning Commissioners at a public hearing on the 5th day of August, 2024 and to the City Council for the City of Lumberton, Texas during public hearing and regular meeting on the 12th day of August, 2024 for a first reading and again on the 26th day of August, 2024 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 26th day of August, 2024.

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

ATTEST:

Darla Harrington, City Secretary