

ORDINANCE NO. O-2025-001

AN ORDINANCE OF THE CITY OF FATE, TEXAS, AMENDING THE MONTERRA RESIDENTIAL PLANNED DEVELOPMENT ORDINANCE (O-2021-007), CHANGING THE RESIDENTIAL FENCE SETBACK REGULATIONS WITHIN THE DEVELOPMENT; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY UP TO \$2,000 PER DAY; PROVIDING FOR SAVINGS, SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission considered and made a recommendation for approval on a certain request for an amendment to the above referenced Planned Development ordinance; and

WHEREAS, this grant of an amendment to the Monterra Residential Planned Development ordinance is in accordance with the adopted Comprehensive Plan of the City of Fate; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined that approval of the following amendment to the Monterra Residential Planned Development ordinance would provide for and would be in the best interest of the health, safety, and general welfare of the City of Fate.

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

Section 1. That the above findings are hereby found to be true and correct and are incorporated as if fully set forth herein.

Section 2. That the following amendments to the Monterra Residential Planned Development ordinance (Ordinance O-2021-007) are hereby adopted:

Section 4. Development Standards

Subsection f. R-1 Lot Type.

3. The minimum side yard setback for interior lots shall be five feet on one side and five feet on the other side with a minimum building separation of ten feet. For side yards abutting a street, the minimum side yard setback shall be ten feet. Fences on side yards abutting a street may be located five feet from the property line, which is inside the ten-foot side yard setback for the home. HVAC units may be located in the side yard setback. In addition to all other permitted encroachments, chimneys, box windows, and bay windows may encroach into required side yard setbacks.

Subsection g. R-2 Lot Type.

7. The minimum side yard setback for interior lots shall be five feet on one side and five feet on the other side with a minimum building separation of ten feet. For side yards abutting a street, the minimum side yard setback shall be ten feet. Fences on side yards abutting a street may be located five feet from the property line, which is inside the ten-foot side yard setback for the home. HVAC units may be located in the side yard setback. In addition to all other permitted encroachments, chimneys, box windows, and bay windows may encroach into required side yard setbacks.

Subsection I. Individual Residential Lot Fencing.

1. Fencing shall only be located immediately inside the building line of such lot. For side yards abutting a street, fencing may be constructed five feet from the property line to the property line. Additionally, fences may be constructed to the property line only where the house immediately adjacent to the rear faces in the opposite direction from the house being fenced upon this paragraph.

Section 3. That the Unified Development Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 4. That the Director of Planning & Development Services is authorized to suspend or revoke this permit if there is probable cause to believe that the conditions of the permit or any provisions of this Ordinance have been violated or that the use is causing a nuisance to the public or surrounding properties. In any case, where the Director of Planning & Development Services finds a serious danger to public health or safety, the Director of Planning & Development Services may suspend the permit without a hearing. In all other cases, the applicant may appeal the Director of Planning & Development Services' decision of revocation per the applicable sections of the Unified Development Ordinance.

Section 5. That any person, firm, or corporation violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in Section 1-14 of the Fate Code of Ordinances, as amended.

Section 6. That Chapter 36, Unified Development Ordinance of the City of Fate Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 7. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or its application to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of Chapter 36, Unified Development Ordinance of the City of Fate Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FATE,
TEXAS on this 6th day of January 2025.



APPROVED:

David Billings
Mayor

ATTEST:

Victoria Raduechel, TRMC
City Secretary

APPROVED AS TO FORM:

Jennifer Richie
City Attorney