

## TOWN OF WILLOW PARK ZONING ORDINANCE # 129A

AN ORDINANCE FOR REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND; THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE SIZE OF LOTS, YARDS, AND OTHER OPEN SPACES; AND THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE MUNICIPALITY INTO ZONES OF SUCH NUMBER AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND TO PROVIDE FOR ITS ENFORCEMENT

WHEREAS, the Town Commission of the Town of Willow Park deems it necessary in order to lesson congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, utilities, schools, parks, and other public services and requirements; to conserve the value of property and encourage the most appropriate use of land throughout the Town, all in accordance with a comprehensive plan;

WHEREAS, the residential development of land in what is now the Town of Willow Park has been from the beginning an open, country-style development providing elbow room and uses of property not possible in the usual, more congested, urban type communities, and

WHEREAS, the residents of the Town of Willow Park desire to retain the advantages of the present open type development;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF WILLOW PARK, TEXAS:

### PART I. ENACTMENT AND DEFINITIONS

#### SECTION 1. SHORT TITLE.

This Ordinance shall be known and may be cited as "The Town of Willow Park Zoning Ordinance."

#### SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory and not directive; the word "lot" includes the word "plot", the term "used for" includes the meaning "designed for" or "intended for". Said words and terms are as follows:

1. Accessory Use of Building. An accessory use or building is a subordinate use or building customarily incident to and located on the same lot occupied by

the main use or building.

2. Alley. A public way which affords only a secondary means of access to property abutting thereon.
3. Boarding House or Lodging House. A building other than a hotel occupied as a single housekeeping unit where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements for definite periods, but not to the public or transients.
4. Building. Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.
5. Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
6. Building Line. A line parallel or approximately parallel to the street line or adjoining property and beyond which buildings may not be erected.
7. Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together.
8. Club. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
9. Dwelling. Any building or portion thereof which is designed for or used for residential purposes.
10. Dwelling, Single-Family. A building designed for or occupied exclusively by one (1) family.
11. Dwelling, Multi-Family. A building designed for or occupied exclusively by two (2) or more families.
12. Family. One or more individuals living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.
13. Frontage, Block. All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

14. Hotel. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house or a lodging house.
15. Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 by 35 feet and a verticle clearance of at least fourteen (14) feet.
16. Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.
17. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.
18. Masonry. Brick, Stone, Stucco, block, and concrete walls are considered masonry.
19. Motor Court or Motel. A building or group of buildings used for the temporary residence of motorists or travelers.
20. Non-Conforming Use, Building or Yard. A use, building, or yard, existing legally at the time of passage of this Ordinance, which does not, by reason of design or use, conform with the regulations of the zone in which it is situated.
21. Parking Space, Off-Street. An area of not less than 180 square feet (measuring approximately nine (9) feet by twenty (20) feet) not on a public street or alley, surfaced with an all weather surface, enclosed or unenclosed. A public street shall not be classified as off-street parking in computing the parking requirements for any use, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space.
22. Place. An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.
23. Servants Quarters. An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

24. Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface on the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
25. Street. A public or private thoroughfare which affords the principal means of access to abutting property.
26. Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.
27. Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including but not limited to, buildings of all types, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.
28. Structural Alterations. Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.
29. Trailer Camp or Park. An area designed, arranged or used for the parking or storing of one or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.
30. Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
31. Yard, Front. A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
32. Yard, Rear. A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front, yard.
33. Yard, Side. A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main

buildings or any projections thereto.

### SECTION 3. ESTABLISHMENT OF ZONES AND BOUNDARIES.

For the purposes of this Ordinance, the Town of Willow Park is hereby divided into seven (7) zones as follows:

#### Single family Residential Zones (R):

Zone R-1a. Minimum of 1500 sq. ft. of closed living space, on minimum lot size of 3 acres.

Zone R-1b. Minimum of 1500 sq. ft. of closed living space, on minimum lot size of 40,000 sq. ft.

Zone R-2a. Minimum of 1200 sq. ft. of closed living space, on minimum lot size of 3 acres.

Zone R-2b. Minimum of 1200 sq. feet of closed living space, on minimum lot size of 40,000 sq. ft.

Zone R-2c. Minimum of 1200 sq. ft. of closed living space, on minimum lot size of 10,000 sq. ft.

#### Commercial Zones:

Zone C-1. Commercial - Retail

Zone C-2. Commercial - Industrial

The location and boundaries of the districts herein established are shown upon the Official Zoning Map, which is hereby incorporated into this Ordinance. Said Zoning Map, together with all notations, references and other information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein. Said Zoning Map, properly attested, is on file in the office of the City Secretary.

### SECTION 4. RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lines or recognized property lines such lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no

distance is given, such dimension shall be determined by the use of the scale on said Zoning Map.

4. In unsubdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map, except where apparent intent is to follow a recognized property line.
5. In the case of a district boundary line dividing a property into two (2) parts, wherein one part is less than the minimum lot size designated for the overriding district, the district boundary line shall be construed to be the property line nearest the district line as shown.
6. Whenever any street, alley or other public way is vacated by official action of the City Commission, the zoning district adjoining each side of such alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
7. Where City approved and dedicated streets or alleys on the ground differ from the streets or alleys as shown on the Zoning Map, the streets or alleys on the ground shall control.

#### SECTION 5. COMPLIANCE WITH THE REGULATIONS

Except as hereinafter specifically provided:

1. No land shall be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed, the height limit herein established for the district in which such building is located.
4. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
5. No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
6. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the

time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the district in which such lot is located.

7. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and, except as hereinafter provided, there shall not be more than one main building on one lot.

## PART II. DISTRICT REGULATIONS

SECTION 6. ZONE "R-1a." SINGLE FAMILY RESIDENTIAL ZONE FOR DWELLINGS OF 1,500 sq. ft. minimum closed living space on minimum lot size of 3 acres.

### SUB-SECTION 6-1. USE REGULATIONS.

A building or premise shall be used only for the following purposes

- A. One-family dwellings.
- B. Churches or other places of worship.
- C. Colleges, universities, or other institutions of higher learning.
- D. Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- E. Farms or gardens provided that type and quantity of animals maintained do not create a public nuisance. Swine are necessarily prohibited.
- F. Parks, playgrounds, community buildings, and other public recreational facilities, owned and/or operated by the municipality.
- G. Public Buildings, including libraries, museums, police and fire stations
- H. Real estate sales offices during the development and active promotion of residential subdivisions.
- I. Schools, public or private elementary or high.
- J. Day nurseries.
- K. Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.

- L. Water supply reservoirs and facilities.
- M. Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business for which hired labor is employed.
1. The term accessory use shall include customary home occupations when engaged in only by the occupants of the dwelling.
  2. Accessory buildings must be maintained in a state of neat appearance. They are restricted to use by the occupant of the main building without further rental or lease.
  3. Fences are permitted as an accessory use provided they are constructed and placed in such a way that they do not detract from the appearance of the community nor cause visual obstruction to traffic. Hedges and plants shall not be allowed to cause visual obstruction to traffic.
  4. Signs are permitted for sale or rent of property provided they are neat and do not exceed four (4) square feet in area. Lots used for other than dwellings may display tasteful signs showing names, activities and services. Builders may display signs during construction, provided they are removed immediately upon occupancy of the building. No sign shall be placed so as to cause visual obstruction to traffic. No advertising sign of any other character shall be permitted.
  5. Lighting of grounds is permitted provided the lights are located, diffused or shielded in such a manner as to avoid undesirable illumination of neighboring property or to cause a traffic safety hazard.
  6. Small animal pets such as dogs, cats and fowl may be maintained on the premises provided they are not allowed to become a public nuisance. Undesirable odor, noise, or intrusion may be considered a public nuisance.
  7. Horses and cattle may be maintained on the premises provided they are not allowed to become a public nuisance and in accordance with the following schedule. Undesirable odor, noise, or intrusion may be considered a public nuisance.

LOT AREA	Combined Number of horses or cattle permitted
20,000 sq. ft. or more, but less than 1 acre	1
1 acre or more, but less than 3 acres	2
3 acres or more, but less than 5 acres	3

5 acres or more, but less than 10 acres

4

8. Donkeys or burros may be substituted in the schedule for horses and cattle in the ratio of one donkey or burro for two horses or cattle. However, maintenance of these animals is contingent upon their not becoming a public nuisance.
9. Sheep may be substituted in the above schedule for horses and cattle in the ratio of three sheep for every horse or coal. However, maintenance of these animals is contingent upon their not becoming a public nuisance.
10. The maintaining of swine on the premises is specifically prohibited.

#### SUB-SECTION 6-2. BUILDING REGULATIONS

- A. A building permit from the city is required before construction is commenced.
- B. All dwellings shall be constructed of at least seventy-five (75) percent exterior masonry on the ground story.
- C. The dimensions of the main dwelling hereafter erected shall not be less than fifteen hundred (1500) square feet.

#### SUB-SECTION 6-3. AREA REGULATIONS:

- A. There shall be a front, a rear, and a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
- B. No building shall be constructed on any lot of less than three (3) acres. Where a lot having less area than herein required existed in separate ownership upon the effective date of this Ordinance the above regulations shall not prohibit the erection of a one-family dwelling thereon.

#### SUB-SECTION 6-4. PARKING REGULATIONS:

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 13.

### SECTION 7. ZONE R-1b. SINGLE FAMILY RESIDENTIAL ZONE FOR DWELLINGS OF 1,500 sq. ft. minimum of closed living space, on minimum lot size of 40,000 sq. ft.

#### SUB-SECTION 7-1. USE REGULATIONS:

Same as Zone R-1a.

#### SUB-SECTION 7-2. BUILDING REGULATIONS:

Same as Zone R-1a.

SUB-SECTION 7-3. AREA REGULATIONS:

Same as Zone "R-1a" except: No building shall be constructed on any lot having less than forty thousand (40,000) sq. ft. area.

SUB-SECTION 7-4. PARKING REGULATIONS:

Same as Zone "R-1a".

SECTION 8. ZONE R-2a. SINGLE FAMILY RESIDENTIAL WITH MINIMUM OF 1200 sq. ft. of closed living space, on minimum lot size of 3 acres.

SUB-SECTION 8-1. USE REGULATIONS:

Same as Zone "R-1a"

SUB-SECTION B-2. BUILDING REGULATIONS:

Same as Zone "R-1a except: The dimensions of the main dwelling hereafter erected shall not be less than twelve hundred (1200) square feet.

SUB-SECTION 8-3 AREA REGULATIONS:

Same as Zone "R-1a"

SUB-SECTION 8-4. PARKING REGULATIONS

Same as Zone "R-1a"

SECTION 9. ZONE "R-2b". Single Family Residential Zone with minimum of 1200 sq. feet of closed living space, on minimum lot size of 40,000 sq. ft.

SUB-SECTION 9-1. USE REGULATIONS.

Same as Zone "R-1a"

SUB-SECTION 9-2. BUILDING REGULATIONS:

Same as Zone "R-1a" except: The dimensions of the main dwelling hereafter erected shall not be less than twelve hundred (1200) sq. ft.

SUB-SECTION 9.3. AREA REGULATIONS:

Same as Zone "R-1b)).

SUB-SECTION 9.4. PARKING REGULATIONS:

Same as Zone R-1a.

SECTION 10. ZONE "R-2c." Single family residential zones with minimum of 1200 sq. ft. of closed living space, on minimum lot size of 10,000 sq. ft.

SUB-SECTION 10.1. USE REGULATIONS:

Same as Zone "R-1a."

**SUB-SECTION 10-2. BUILDING REGULATIONS:**

Same as Zone R-1a. except: The dimensions of the main dwelling hereafter erected shall not be less than twelve hundred (1200) square feet.

**SUB-SECTION 10-3. AREA REGULATIONS:**

There shall be a front and a rear yard having a depth of not less than twenty-five (25) feet and a side yard on each side of the lot having a width of not less than fifteen (15) feet.

No building shall be constructed on any lot of less than ten thousand (10,000) square feet. Where a lot having less are than herein required existed in separate ownership upon the effective date of this ordinance the above regulations shall not prohibit the erection of a one-family dwelling thereon.

**SUB-SECTION 10-4. PARKING REGULATIONS:**

Off-street parking spaces shall be provide in accordance with the requirements for specific uses set forth in Section 13.

**SECTION 11. Zone "C-1" Commercial - Retail.**

**SUB-SECTION 11.1 USE REGULATIONS:**

A building or premise shall be used only for the following purposes:

- A. Any use permitted in Zone "R".
- B. Automobile parking lots.
- C. Amusement and recreational facilities such as bowling alleys, dancing academies, theaters, etc., which are not likely to produce excessive odor, smoke, light, dust, noise, vibration, or similar nuisance.
- D. Offices and office buildings.
- E. Personal service uses including banks, barber shops, beauty parlors, taxicabs, dry cleaners, repair shops, restaurants, and other personal service uses of similar character.
- F. Retail stores and other local business uses supplying the everyday shopping needs of the immediate neighborhood.
- G. Accessory buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of appearance, odor, excessive light, smoke, dust, noise, vibration, or similar nuisance. Advertising signs used in connection with the business establishments to which they refer, shall not be placed within twenty-five (25) feet of any "R" Zone and they shall be continuously maintained with regard to appearance and safety.

SUB-SECTION 11-2. BUILDING REGULATIONS:

- A. A building permit from the city is required prior to laying the foundation of any structure.
- B. All buildings wherein business is conducted shall be constructed of new materials at least seventy-five (75) percent exterior masonry.

SUB-SECTION 11-3. AREA REGULATIONS:

Residential: Same as Zone "r-2c"

Other Use: There shall be a front and a rear yard having a depth of not less than twenty-five (25) feet each.

SUB-SECTION 11-4. PARKING AND LOADING REGULATIONS:

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 13.

SECTION 12. Zone "C-2". Commercial - Industrial

SUB-SECTION 12-1. USE REGULATIONS:

A building or premise shall be used only for the following purposes;

- A. Any use permitted in Zone "R".
- B. Automobile repair shops, car wash, etc.
- C. Building material storage yards.
- D. Carpentry, painting, plumbing or metal working shop
- E. Veterinarian or animal hospital.
- F. Wholesale establishments and warehouses.
- G. Any similar or industrial uses as determined by the Board of Adjustment which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the amount normally resulting from other uses permitted, such permitted uses being generally wholesale and retail trade, service industries and light industries that manufacture, process, store and distribute goods and materials and are in general dependent on raw materials refined elsewhere.
- H. Accessory buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of appearance, odor, dust, noise or similar nuisance. Signs used in connection with the business shall

be maintained with regard to appearance and safety.

**SUB-SECTION 12-2. BUILDING REGULATIONS:**

A building permit from the city is required prior to setting the foundation of any structure.

**SUB-SECTION 12-3. AREA REGULATIONS:**

- A. Residential: Same as Zone "R-2c".
- B. Other Use: There shall be front, rear, and side yards having widths of not less than twenty-five (25) feet each.

**SUB-SECTION 12-4. PARKING AND LOADING REGULATIONS:**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 13.

**SECTION 13. OFF-STREET PARKING AND LOADING REQUIREMENTS**

**SUB-SECTION 13.1 PARKING REQUIREMENTS BASED ON USE:**

In all zones there shall be provided at the time any building or structure is erected off-street parking spaces in accordance with the following requirements.

- A. Business or professional office, studio, bank, or clinic: three parking spaces plus one additional parking space for each hundred square feet of floor area over five hundred.
- B. Church or other place of worship. One parking space for each four seats in the main auditorium.
- D. Dwellings: Two parking spaces for each dwelling unit.
- E. Furniture or appliance store, hardware store, wholesale establishments, clothing or service shop: Two parking spaces plus one additional parking space for each three hundred square feet of floor space area over one thousand.
- F. Hospital: Four parking spaces plus one additional parking space for each four beds.
- G. Manufacturing or industrial establishment, research or testing laboratory, bottling plant, warehouse or similar establishment: One parking space for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one parking space for each thousand square feet of floor area.

- H. Motor-vehicle salesrooms and used car lots: One parking space for each eight hundred square feet of lot area.
- I. Private club, lodge, country club or golf club: One parking space for each one hundred-fifty square feet of floor area or for every five members, whichever is greater.
- J. Retail store or personal service establishment, except as otherwise specified herein: one parking space for each two hundred square feet of floor area.
- K. Restaurant, night club, cafe or similar establishment: One parking space for each one hundred square feet of floor area.
- L. School, elementary: One parking space for each eight seats in the main assembly room or one space for each room, whichever is greater.
- M. School secondary and college: One parking space for each four seats in the main auditorium or six spaces for each class room, whichever is greater.
- N. Theater, auditorium, (except school), stadium: One parking space for each four seats.

Each required parking space shall have a minimum size of nine by twenty feet with adequate maneuvering space.

#### SUB-SECTION 13-2. OFF-STREET LOADING SPACE:

Every building occupied for retail business, service, manufacturing storage, warehousing, or any other similar use shall provide and maintain on the same premises loading space in accordance with the following requirements:

- A. In Zone C-2: One loading space for each ten thousand feet of floor area in the building.
- B. In Zone C-1: One loading space for the first five thousand to fifteen thousand square feet of floor area in the building and one additional loading space for each additional fifteen thousand square feet of floor area in the building.
- C. Each required loading space shall have a minimum size of twelve by thirty feet.

### SECTION 15. NON-CONFORMING USES.

#### SUB-SECTION 15.1. Usage of lots or tracts of land of any size:

- A. The lawful use of land existing upon the effective date of this Ordinance, although such use does not conform to the provisions hereof, may be

continued, subject to the provisions hereof.

- B. The lawful use of a building existing upon the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the building as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. If such non-conforming building is voluntarily removed, the future use of such premises shall be in conformity with the provisions of this Ordinance.
- C. In the event of a non-conforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the provisions of the district in which it is located.
- D. A non-conforming use if changed to a conforming use or a more restricted non-conforming use, may not thereafter be changed back to a less restricted use than that to which it was changed.
- E. If by amendment to this Ordinance any property is hereafter transferred to a more restricted district by a change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this ordinance relating the non-conforming use of buildings or premises existing upon the effective date of this ordinance shall apply to buildings or premises occupied or used upon the effective date of such amendment. Repairs and alterations may be made to a non-conforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
- F. A non-conforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In the case of partial destruction by fire or other causes not exceeding fifty percent (50) of its value, the Building Inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50) of its value, the Board of Adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated non-conforming use and the purposes of this Ordinance.

**SUB-SECTION 15.2. USAGE OF A PARCEL OR TRACT OF LAND CONSISTING OF TEN (10) ACRES OR MORE.**

- A. The lawful, agricultural use of a parcel or tract of land consisting of 10

acres or more, wherein said parcel or tract existed upon the effective date of this Ordinance, may be continued indefinitely.

- B. The agricultural usage of said land may be changed from time to time, subject to the provisions hereof.
- C. Buildings may be constructed, repaired or modified as required for the particular agricultural activities pursued.
- D. Residential construction shall be limited to that needed for housing the various personnel required in the conduct of the associated agricultural activities.
- E. Building permits are required for residential construction, alteration and repair; and said construction, alteration, or repair shall meet the requirements of all ordinances of the Town of Willow Park.
- F. The use of land for cattle feed lots or similar lots or for the keeping of swine is permitted, provided no part of such feed lot or pen for the keeping of swine shall be permitted within 1500 feet of any approved, recorded lot of less than 10 acres existing upon the effective date of this ordinance.

### PART III. ADMINISTRATIVE PROVISIONS

#### SECTION 15. OFFICIAL ZONING MAP.

The Official Zoning Map of the Town of Willow Park shall be kept in the office of the City Secretary and one (1) copy shall be maintained in the office of the Building Inspector.

It shall be the duty of the City Engineer to keep the Official Map current and the copies thereof, herein provided for, by entering on such maps any changes which the Town Commission may from time to time order by amendments to the Zoning Ordinance and map.

The City Secretary, upon the adoption of this Ordinance shall affix a certificate identifying the map in his office as the Official Zoning Map of the Town of Willow Park. He shall likewise officially identify the copies directed to be kept by the Planning & Zoning Commission and in the office of the Building Inspector.

#### SECTION 16, ENFORCEMENT AND APPLICATION

##### SUB-SECTION 16-1. ADMINISTRATIVE OFFICIAL.

The provisions of this ordinance shall be administered and enforced by the Building Inspector of the Town of Willow Park.

The Building Inspector or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings of premises necessary to carry out his duties in the enforcement of this Ordinance.

Whenever any construction work is being done contrary to the provisions of this Ordinance, the Building Inspector may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

#### SUB-SECTION 16-2. REQUIREMENTS FOR BUILDING PERMIT

All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing:

- A. The actual shape and dimensions of the lot to be built upon.
- B. The exact sizes and locations on the lot of the buildings and accessory buildings then existing.
- C. The lines within which the proposed building and structure shall be erected or altered.
- D. The existing and intended use of each building or part of building.
- E. The number of families or housekeeping units the building is designed to accommodate.
- F. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

One copy of such plot plans will be returned to the owner when such plans have been approved.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on the actual survey by a qualified registered surveyor and the lot shall be staked out on the ground before construction is started.

#### SUB-SECTION 16-3. EXISTING PERMITS AND PRIVATE AGREEMENTS.

This Ordinance is not intended to abrogate or annul:

- A. Any permits issued before the effective date of this Ordinance.
- B. Any easement, covenant or any other private agreement.

**SUB-SECTION 16-4. PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES'**

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain non-conforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending be proceeded with in all respects as may be done without passage of this Ordinance.

**SUB-SECTION 16-5. COMPLETION OF AUTHORIZED BUILDINGS.**

Nothing in these regulations nor in any amendments hereto which charge zone boundaries shall require any change in the plans, construction or designated use of a building which shall be completed in its entirety within two (2) years from the date of the passage of this Ordinance, provided such building was authorized by building permit before the passage of this Ordinance, and further provided construction shall have been started within thirty (30) days of the passage of this Ordinance.

**SUB-SECTION 16-6. NEWLY ANNEXED AREAS.**

- A. Zoning Annexed Areas. All territory annexed to the Town of Willow Park hereinafter shall be temporarily classified as Zone "R-1a", Single-Family Residential, only until permanently zoned by the Town Commission of the Town of Willow Park. The Zoning Commission shall, as soon as practicable after annexation of any territory, recommend to the Town Commission a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations.
- B. Permits in Temporary Zoned Areas. In any area temporarily classified as Zone "R-1a", Single-Family Residential, no permit for the construction of a building or use of land other than types of buildings or land use allowed in said zone under this Zoning Ordinance shall be issued by the Building Inspector until such permit has been specifically authorized by the Town Commission after receipt of recommendation from the Zoning Commission.

Permits for the construction of buildings in a newly annexed territory prior to permanent zoning may be authorized under the following conditions: An application for any use shall be made to the Building Inspector, said application to show the use contemplated, and a plat showing the size and type of buildings to be constructed; and if such application is for other than a building allowed in Zone "R-1a", Single-Family Residential, it shall be referred to the Zoning Commission for recommendation to the Town Commission which shall grant or deny the permit; provided that a favorable vote of the three-fourths (3/4) majority of all the members of the Town

Commission shall be required if the recommendation of the Zoning Commission is not followed.

- C. Unplatted Property. The Zoning Commission of the Town of Willow Park shall not approve any plat or any subdivision within the city limits of the Town of Willow Park until the area covered by the proposed plat shall have been permanently zoned by the Town Commission of Willow Park

#### SECTION 17. BOARD OF ADJUSTMENT.

The word "Board" when used in this Ordinance shall be construed to mean the Board of Adjustment.

##### SUB-SECTION 17-1 ORGANIZATION AND PROCEDURE

- A. Establishment. A Board of Adjustment is hereby established in accordance with the provisions of Article 1011g, Revised Civil Statutes of Texas, regarding the zoning of cities and with the powers and duties as provided in said Statutes.
- B. Membership. The Board shall consist of five citizens of Willow Park, each to be appointed by the Mayor and confirmed by the Town Commission for staggered terms of two years respectively. At least one member of the Board shall be a member of the Town Commission and his term shall expire at the same time as his term on such Commission. Each member of the Board shall be removable for just cause by the Town Commission upon written charges and after public hearings. Vacancies shall be filled by the Town Commission for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chairman, who shall serve for a period of one (1) year or until his successor is elected.
- C. Meeting. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
- D. Hearings. The hearings of the Board of Adjustment shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.
- E. Rules and Regulations. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

The Board of Adjustment shall act by resolution in which three members

must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the Ordinance, and shall furnish a copy of the same to the Building Inspector, all of which rules and regulations shall operate informally in all cases. All of its resolutions and orders shall be in accordance therewith.

#### SUB-SECTION 17-2. APPEALS.

- A. Procedure. Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the City. Such appeal shall be made by filing with the office of the Board a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken.
- B. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.
- C. Notice of Hearing on Appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within four hundred (400) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons be determined according to the current tax rolls of the Town of Willow Park and depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
- D. Decision by Board. The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

#### SUB-SECTION 17-3 POWERS AND DUTIES OF BOARD.

- A. Supoena Witnesses, etc. The Board shall have the power to supoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

- B. Appeals Based on Error. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.
- C. Special Exceptions. The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass as follows or elsewhere in this Ordinance.
- 1) Permit the erection and use of buildings or the use of premises for railroads.
  - 2) To permit a public utility or public service use or structure in any zone or a public utility or public service building of a ground area and of a height at variance with those provided for in the zone in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
  - 3) To grant a permit for the extension of a use, height or area regulation into an adjoining zone, where the boundary line of the zone divides a lot in a single ownership on the effective date of this Ordinance.
  - 4) Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifth (50) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.
  - 5) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make necessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
  - 6) To determine in cases of uncertainty the classification of any use not specifically named in this Ordinance.
- D. Variances. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and

substantial justice done, including the following:

- 1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
  - 2) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance resulting to the use, construction or alternations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variance from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.
- E. Changes. The Board shall have no authority to change any provisions of this Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time.

#### SUB-SECTION 18. CERTIFICATES OF OCCUPANCY

##### SUB-SECTION 18-1. REQUIRED FOR.

Certificates of occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered.
- B. Change in use of an existing building to a use of a different classification.
- C. Occupancy and use of vacant land, except agricultural use.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a conforming use.

No such occupancy, use or change of use, shall take place until a Certificate of Occupancy therefor shall have been issued by the Inspector of Buildings.

SUB-SECTION 18-2. PROCEDURE FOR NEW OR ALTERED BUILDINGS,  
Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the

Building Permit for such building. Said Certificate shall be issued within three days after the written request for the same has been made to said Building Inspector or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

#### SUB-SECTION 18-3. PROCEDURE FOR VACANT LAND OR A CHANGE IN USE.

Written application for a certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefor shall be issued within three (3) days after the application for same has been made.

#### SUB-SECTION 18-4. CONTENTS.

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept in file in the office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

#### SUB-SECTION 18-5. TEMPORARY CERTIFICATE.

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Ordinance.

#### SUB-SECTION 18-6. CERTIFICATES FOR NON-CONFORMING USES.

A certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such non-conforming use with one (1) year of the effective date of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful non-conforming use, but failure to apply for such Certificate of Occupancy for a non-conforming use, or refusal of the Building Inspector to issue a Certificate of Occupancy for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

### SECTION 19. AMENDMENTS.

#### SUB-SECTION 19-1. AUTHORITY.

The Town Commission may from time to time amend, supplement or change by Ordinance the boundaries of the zones or the regulations herein established.

#### SUB-SECTION 19-2. SUBMISSION TO ZONING COMMISSION.

Before taking action on any proposed amendment, supplement or change the Town Commission shall submit the proposed revision to the Zoning Board for its recommendation and report.

#### SUB-SECTION 19-3. PUBLIC HEARING.

A public hearing shall be held by the Town Commission before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one (1) time in a paper of general circulation in the Town of Willow Park, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

#### SUB-SECTION 19-4. INCASE OF PROTEST.

Unless such proposed amendment, supplement or change has been approved by the Zoning Commission or in case of a protest signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending four hundred (400) feet therefrom, or of those directly opposite thereto extending four hundred (400) feet from the street frontage of such opposite lots, or of those immediately adjacent on either side of the area of said lots extending four hundred (400) feet therefrom, such change shall not become effective except by the favorable vote of three fourths (3/4) of all the member of the Town Commission.

#### SUB-SECTION 19-5. PETITION BY OWNERS.

Whenever the owners of at least fifty percent (50) of all the property situated within the area bounded by a line four hundred (400) feet in all directions from the site of any proposed change shall present a petition, duly signed and acknowledged to the Town Commission, requesting an amendment, supplement or change of the regulations prescribed for such property, it shall be the duty of the Town Commission to vote upon the proposal presented by said petition within ninety (90) days after the filing of same with the Town Commission in accordance with the above procedure.

#### SUB-SECTION 19-6. LIMITATION OF RE-SUBMISSION OF PETITION.

No amendment, supplement, change or repeal of any section of this Ordinance which has been legally rejected by both the Town Commission and the Zoning Board shall be again considered either by the Town Commission or the Zoning Board on an appeal or petition by an appellant or application before the expiration of one (1) year from the date of the original action.

#### SECTION 20. VIOLATION AND PENALTIES.

Any person who shall violate any of the provisions of this Ordinance or who shall fail to comply therewith or with any of the requirements thereof, or who shall erect or alter any building, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved thereunder, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of that building or premises or part thereof

where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall each be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

SECTION 21. VALIDITY.

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional the same shall not affect the validity of this Ordinance as a whole or any part of provisions thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 22. INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare . It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a great restriction upon the use of buildings or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Ordinance shall govern.

SECTION 23. EFFECTIVE DATE.

The fact that there now exists inadequate regulations governing the use of lands under the jurisdiction of the Town of Willow Park, Texas, creates an urgency and emergency for the immediate preservation of the public peace, health, safety, and general welfare, and requires that this Ordinance shall take effect immediately from and after its passage.

PASSED, APPROVED and ADOPTED THIS 9 th day of June, 1973.

SIGNED:

Z C Baker

Mayor, Town of Willow Park, Texas

ATTEST:

Genette Lee

Town Secretary