

ORDINANCE NO. 335-93

AN ORDINANCE AMENDING ARTICLE 12.100 ZONING ORDINANCE, OF THE CODE OF THE CITY OF WILLOW PARK, TEXAS, RELATING TO ADOPTION OF A ZONING ORDINANCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

I.

Article 12. 100, Zoning Ordinance, of the Code of ordinances, City of Willow Park, Texas, is hereby amended by deleting existing Article 12.100 and substituting the following:

ARTICLE 2.100 ZONING ORDINANCE ADOPTED

The Zoning Ordinance adopted by the City on February 16, 1993, as subsequently amended, is included in this Code of Ordinances at the end of this Chapter as Exhibit "A" (Attached). Due to the nature of the Zoning Ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as exactly enacted with subsequent amendments inserted in their proper place.

NOTE: Exhibit "A" is attached hereto and incorporated fully by reference.

II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III.

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid

IV.

Wherever in this Ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of act is required or the failure to do an act is declared to be unlawful, the violation of any such provision of this Ordinance shall be punished as provided in chapter 1, Section 1F of the Code of the City

of Willow Park, Texas, for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater of less than the penalty provided for the same or similar offense under the laws of the State of Texas.

V.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this the 16 day of February, 1993.

APPROVED:

Sharon Riley Suarez  
SHARON SUAREZ, Mayor

ATTEST:

Sherry Daniel  
City Secretary

APPROVED

Walter W. Leonard  
WALTER W. LEONARD, City Attorney

The purpose of this ordinance is to zone the entire area of the City of Willow Park into districts as made and provided by V.T.C.A., Local Government Code, Chapter 211, as amended, in accordance with a comprehensive plan for the purpose of promoting health, safety, and the general welfare of the general public. They have been designated to lessen congestion in the streets; to provide safety from fire, panic, and other dangers; to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to provide and facilitate adequate provisions for transportation, automobile parking, water, sewerage, schools, parks, and other public requirements. Said districts have been created with fair and reasonable consideration, among other things, for the character of each particular district and its peculiar suitability for particular uses; and thereby conserve the value of land and buildings in each particular district; and with a view of insuring harmonious and appropriate use of all property and to prohibit the inharmonious and inappropriate use of all property and thereby promote the general good and welfare of the public.

In interpreting and applying the provisions of this Ordinance, they shall be held to be 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 easement, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings, or premises or upon height of buildings 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 1.00 SHORT TITLE

This ordinance shall be known and cited as "The City of Willow Park, Texas, Zoning Ordinance."

#### Section 2.00 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

For the purpose of this Ordinance, the City is hereby divided into eight (8) districts as follows:

District AG	-	Agricultural
District R-1	-	Residential Single Family
District R-2	-	Residential Single Family/Duplex
District R- 3	-	Residential Multi-Family
District O	-	Office
District LR	-	Local Retail
District C	-	Commercial/industrial
District PD	-	Planned Development

## 2.01 AG Agricultural

### A. Use Regulations

In the Agricultural District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, nor shall a certificate of Occupancy be issued, except for one or more of the following uses:

1. Farms, ranches, orchards, truck gardens, nurseries, for the growing of plants and similar agrarian activities involving the growing of plants and raising and pasturing of livestock, including accessory feeding pens but not commercial feeding pens, providing that no operation shall be conducted which will be obnoxious or offensive.
2. Single family dwellings clearly incidental to the operations of the above listed activities, including dwellings on the same farm or ranch used exclusively for the housing of employees living on the premises; providing that tracts in the "AG" District which contain less than ten (10) acres in separate ownership shall be limited to one (1) principal dwelling, provided that such principal dwelling shall have an allowable area of not less than allowed in a "R-1" district.
3. Accessory buildings and structures clearly incidental to the above operations including but not limited to barns, stables, equipment sheds, poultry houses, granaries, pump houses, water tanks and silos.
4. Installations owned and operated by the City of Willow Park, Parker County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services to or through the "AG" District.
5. Public and Parochial schools, colleges and universities not including correctional institutions or trade schools.
6. Museums, libraries, parks, playgrounds, community centers or recreational areas owned and operated by the City of Willow Park, Parker County, or the State of Texas, or owned by such agencies and operated under their control and supervision.
7. Churches

### B. Height and Area Regulations

In the "AG" Agricultural District, the height of buildings and structures, the minimum dimensions of lots and yards, and the minimum lot area per family

shall be as follows:

1. Height: No building or structure hereafter erected, reconstructed, altered or enlarged shall exceed three stories nor shall it exceed forty feet.
2. Front Yard: Shall be the same as in the R-1 Residential Single Family District.
3. Rear Yard: Shall be the same as in the R-1 Residential Single Family District.
4. Side Yard: Shall be the same as in the R-1 Residential Single Family District. (Ordinance 284-91) adopted 1-15- 91)

2.02 R-1 Residential Single Family

District provides for single family residential uses in detached dwelling units on lots containing a minimum of 40,000 square feet and the dwelling unit having a minimum of fifteen hundred (1,500) square feet of living area.

2.03 R-2 Residential Single Family/Duplex

District provides for single family residential and duplex residential uses on lots containing a minimum of 20,000 square feet and the dwelling unit having a minimum of fifteen hundred (1,500) square feet of living area.

2.04 R-3 Residential - Multi-Family

District provides for a broader range of residential land uses including triplexes, fourplexes, townhouses, condominiums and garden apartments. The density allowed in this district is eight (8) dwelling units per acre (5400 square feet per unit) and a minimum dwelling unit size of 1,300 square feet living area is required. R-3 may only be developed with a Planned Development (PD) site plan as described in section 9.0 of this ordinance.

2.05 O - Office

District allows limited medical and professional offices having similar land use controls to the residential zoning districts. This district may be used as a transitional area to buffer residential areas from the more intense "LR" and "C" districts.

2.06 LR - Local Retail

District allows limited retail and service uses for the purposes of supplying day-to-day retail needs of residents and are generally located along the freeway (Interstate 20) or adjacent to other commercial uses.

2.07 C - Commercial/Light Industrial

District permits a wide variety of retail, heavier commercial, and light industrial uses which are generally located along the freeway (interstate 20) and do not emit noxious odors, noises, dust, smoke and vibrations. C zoning may only be developed with a Planned Development (PD) site plan as described in section 9.0 of this ordinance.

2.08 PD - Planned Development

The PD District is a specialized zoning concept intended to produce an overlay district to be used in combination with other districts to provide flexibility in planning and development through the PD site plan approval process. A PD District may be applied to any defined zoning district but is required in R-3, O, LR, and C zoning districts. Refer to section 9.0 of this ordinance for detailed requirements.

2.09 Rules for the Interpretation of District Boundaries: Where uncertainty exists with respect to the boundaries of any of the aforesaid districts 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 lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are indicated as approximately following a parallel to a drainage course or other prominent physical feature, that parallel line shall be construed to be said boundaries.
4. Where district boundaries are so indicated that they are approximately parallel to the center 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 of said Zoning Map.
5. Where district boundaries are so indicated that they are approximately perpendicular to the center line or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said street, highways, or drainage courses.
6. If unsubdivided property, the district boundaries lines of the Zoning Map shall be determined by use of the scale appearing on the Map.

7. In the case of a district boundary line dividing a lot into two (2) parts the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.
8. Whenever any street, alley, or other public way is vacated by official action of the City Council, the Zoning District adjoining each side of such street, 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 district.
9. Where the 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.

#### 2.10 Location of Private Clubs

1. In all districts, a person commits an offense if such persons operate or cause to be operated a Private Club licensed by the Texas Alcoholic Beverage Commission as part of any business within 300 feet of:
  - a. A Church;
  - b. A public or private elementary or secondary school;
  - c. Residentially zoned property; or,
  - d. A public park.
2. A person commits an offense if such person operates or causes to be operated such a private club within 350 feet of another club.
3. For the purposes of subparagraph 1 above, measurements shall be made in a straight line, without regard for intervening structures or objects from the nearest portion of the building or structures or objects or property, used as a part of the premises where a private club is conducted, to the nearest property line or the premises of a church, or public or private elementary or secondary school, or to the nearest boundary of an affected public park or residential zoning district.
4. For the purposes of subparagraph 2 above, the distance between any two businesses containing private clubs shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which such businesses are located.

#### Section 3.00 DEFINITIONS

For the purposes 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 shall include 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:

- 3.01 Accessory Building or Use. A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.
- 3.02 Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- 3.03 Apartment. A room or suite of rooms in an apartment house arranged, designed, or occupied as the residence by a single family, individual, or group of individuals.
- 3.04 Apartment House. Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other maintaining separate cooking facilities.
- 3.05 Area of the Lot. The area of the lot shall be the net area of the lot and shall not include portions of public streets or alleys.
- 3.06 Automobile Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.
- 3.07 Basement. A story below the first story is defined under “story” counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premise.
- 3.08 Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Building Official shall determine the outline of the block.
- 3.09 Boarding House. A building, other than a hotel or motel, where lodging and meals for five or more persons are served for compensation.
- 3.10 Breezeway. A covered passage one (1) story in height and six (6) feet or more in width connecting a main structure and an accessory building.
- 3.11 Building. Any structure built for the support, shelter, and enclosure of persons,

animals, chattels or moveable property of any kind.

- 3.12 Building Line. A line on a lot parallel to the street right-of-way line beyond which a building may not be erected. This shall be the building setback as required by this ordinance or the building line as platted and filed of record; whichever is more restrictive shall control.
- 3.13 Business. Includes local retail, and commercial/industrial uses and districts as herein defined.
- 3.14 Cabana. An accessory building adjacent to a swimming pool used as a changing area and for storage of pool related equipment.
- 3.15 Clinic. Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients overnight.
- 3.16 Community Center. A building dedicated to social or recreational activities serving the city or a neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.
- 3.17 Convalescent Home. Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.
- 3.18 Court. An open unoccupied space other than a yard, on the same lot with a building and which is bounded on three (3) or more sides by the building.
- 3.19 Customary Home Occupations. A customary home occupation is an occupation customarily carried on in the home by a member of the occupant's family without the installation of machinery or additional equipment, without the employment of additional persons, without the use of a sign to advertise the occupation and which does not cause the generation of additional traffic in the street, or provision of customer parking, and shall not include beauty culture schools, beauty parlors, or doctor's offices for treatment of patients.
- 3.20 Day Care Center. Any place, home or institution which cares for five or more children under the age of sixteen (16) years old apart from their parents, guardians, or custodians for regular periods of time for compensation; provided, however, that the term shall not apply to bona fide schools, custody fixed by a court or children related by blood or marriage.
- 3.21 Depth of Lot. The mean horizontal distance between the front and rear lot lines.
- 3.22 Depth of Rear Yard. The mean horizontal distance between the front and rear line of a building other than an accessory building and the rear lot line except as

- modified in the text of any section in this Ordinance.
- 3.23 District. A section of the City of Willow Park for which the regulations governing the area, height, or use of buildings are uniform for each type and class of structure.
  - 3.24 Dwelling, One-Family. A detached building arranged, intended, or designed for occupancy by one family.
  - 3.25 Dwelling, Two-Family. A detached building arranged, intended, or designed for occupancy by two families.
  - 3.26 Dwelling, Multi-Family. A building or portion thereof, arranged, intended, or designed for occupancy by three or more families, including triplexes, fourplexes, townhouses, condominiums and garden apartments.
  - 3.27 Dwelling, Mobile Home. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels, which arrives at the site where it is to be occupied, complete and ready for occupancy other than for minor and incidental unpacking and assembly operation, location on jacks or other temporary or permanent foundations and connection to utilities.
  - 3.28 Efficient Apartment. An apartment having a combination living and bedroom (no separate bedroom).
  - 3.29 Family. One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.
  - 3.30 Farm or Ranch. A tract of land consisting of a minimum of ten (10) acres if livestock is kept on premises.
  - 3.31 Field Offices (Temporary) Shall mean and include structures conforming to the Uniform Building Code used in conjunction with construction work, accessory and incidental to the construction of a permanent structure which said permanent structure conforms to the Code and all other laws of the City of Willow Park, the State of Texas and the United States of America. Said temporary structure may be permitted by the Building Official at the time is granted for the permanent structure and said temporary structure shall be completely removed at the time of occupancy of the permanent structure.
  - 3.32 Floor Area Ratio. A numerical value obtained by dividing: (1) the sum of the gross horizontal area of all floors of a building, including interior balconies and mezzanines, measured to the exterior faces of walls, by (2) the total area of the

lot, excluding streets, allays, and dedicated drainage ways.

- 3.33 Floor Space Per Dwelling Unit. The total number of square feet of habitable floor spaces contained within a dwelling unit exclusive of porches, breezeways, carports, garages, and storage areas not directly accessible from within the dwelling unit.
- 3.34 Front Yard. An open, unoccupied space on a lot facing a street between a building and a street line. If no building exists, a front yard is an open unoccupied space facing a street and adjacent thereto.
- 3.35 Garage, Private. An accessory building for storage only of motor vehicles
- 3.36 Garage, Public. A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor of motor vehicles, which is operated for commercial purposes.
- 3.37 Garage, Storage. A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except for washing and normal maintenance.
- 3.38 Garage, Auto Repair. An “auto repair garage” is a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.
- 3.39 Grade. (a) For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street; (b) For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street; (c) For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior wall of the building.
- 3.40 Gross Floor Area. The gross floor space of an apartment house shall be measured by taking the outside dimension of the apartment building at each floor level, excluding, however, the floor area of basements or attics not used for residential purposes.
- 3.41 Height of Buildings. The vertical distance measured from the highest of the following three levels:
- a. From the street curb level;
  - b. From the established or mean street grade in case the curb has not been constructed;
  - c. From the average finished ground level adjoining the building if it sets back from the street line;

to the highest point of the roof beams of flat roofs or roof inclining not more than one (1) inch to the foot, or to the mean height level.

- 3.42 Hobby Shop. An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, and in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.
- 3.43 Hospital. An institution or place where sick or injured in-patients are given medical or surgical care and provision is made for patients to abide overnight.
- 3.44 Hotel. A hotel is a building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.
- 3.45 Junk. The term “junk” is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used vehicular or airplane tires, and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.
- 3.46 Kennel. Any lot or premises on which four (4) or more dogs, cats, or other domestic animals at least four (4) months of age, are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.
- 3.47 Kindergarten. A school for children of pre-school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.
- 3.48 Legal Non-Conforming Use, Building or Yard. A use, building or yard existing legally at the time of the passage of this ordinance which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal non-conforming use.
- 3.49 Lot. A parcel of land occupied or to be occupied by one building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this ordinance, and having its

- principal frontage upon a public street or place.
- 3.50 Lot, Corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Official.
  - 3.51 Lot, Double Frontage. A lot having frontage on two or more dedicated streets other than a corner lot.
  - 3.52 Lot, Interior. A lot whose side lines do not abut upon any street.
  - 3.53 Lot Line, Front. The boundary between a lot and the street on which it fronts
  - 3.54 Lot Line, Rear. The boundary which is opposite and most distant from the front street line; except that in the case of uncertainty the Building Official shall determine the rear line.
  - 3.55 Lot Line, Side. Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or side street line.
  - 3.56 Lot Depth. The mean horizontal distance from the front street line to the rear lot line.
  - 3.57 Lot Width. The horizontal distance between side lines, measured at the front building line, as established by the minimum front yard requirement of this ordinance.
  - 3.58 Lot of Record. A lot which is part of a subdivision, a map of which has been recorded in the office of the County Clerk of Parker County.
  - 3.59 Masonry Coverage. Brick, stone, stucco, block and concrete walls are considered masonry, (also see decorative masonry) and the method of calculation of masonry coverage shall be the percentage of the total exterior wall surface below the first top plate line, excluding doors and windows.
  - 3.60 Mobile Home. A vehicle used for living or sleeping purposes and standing on wheels or rigid supports, but which when properly equipped and situated can be towed behind a motor vehicle. A trailer coach is a mobile home.
  - 3.61 Modular Home. A factory built dwelling unit, attached or detached, which is wholly or partially constructed away from its building site or lot and moved to a building lot where it is affixed to a permanent foundation or situated as a permanent building. A modular home is a residential use. A mobile home shall not be construed as a modular home.
  - 3.62 Motel, Motor Hotel, or Tourist Court. Any establishment offering to the transient

- public the use of guest rooms or sleeping accommodations for compensation. Such an establishment consists of a group of attached or detached guest rooms or sleeping accommodations the majority of which have private and direct access from parking areas not through common entrance and lobby. The establishment furnishes customary hotel services and may contain a restaurant, club, lounge, banquet hall, and/or meeting rooms. A Motel is a non-residential use.
- 3.63 Off-Street Loading Space. A space located outside of a public street or alley for the discharge of passengers or a space directly accessible to the building it serves for bulk pick-up and deliveries by delivery vehicles.
- 3.64 Off-Street Parking Place. A concrete or asphalt surface located outside of the right-of-way of a public street or alley adequate for parking an automobile with room for opening doors both sides, together with properly related access to a public street or alley and maneuvering room without backing into a public street.
- 3.65 Open Space. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches.
- 3.66 Residence. A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, all appliances for cooking, ventilating, heating or lighting are under one control and which shall include single family dwellings, which shall be the principal building on any lot in residential districts.
- 3.67 Restaurant or Cafe. A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, and where provisions may be made for serving food on the premises outside the building.
- 3.68 Screening Device. A barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design, at least six (6) feet in height, where the solid area equals at least sixty-five (65) percent of the wall surface, including an entrance gate or gates; or foliage of an acceptable type and of a density that will not permit through passage, or an acceptable combination of these materials. Such screening device shall be continuously maintained, and shall be constructed along the rear lot line and side lot lines between “R-3”, “O”, “LR”, and “C” Districts and “R-1” and “R-2” Districts.
- 3.69 Servant's Quarters. An accessory building located on the same lot or grounds with the main building, and used as living quarters, for servants employed on the premises, and not rented or otherwise used as a separate domicile.
- 3.70 Setback. The minimum horizontal distance between the front wall of any

- projection of the building, excluding steps and unenclosed porch and the street line.
- 3.71 Story. That part of a building included between the surface of one floor and the surface of the floor above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface, not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in "Height of Buildings" in this section.
- 3.72 Street. A public thoroughfare which affords primary access to abutting property.
- 3.73 Street Right-of-Way Line. property. The dividing line between the street and the abutting
- 3.74 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, advertising signs, and billboards, but exclusive of customary fences or boundary or retaining walls.
- 3.75 Subdivision Developers Sales Office. Shall mean and include structures conforming to the Uniform Building Code used for the purpose of selling residential structures within the immediate proximity of the sales office. Said Subdivision Developer Sales Office shall be completely removed or put to a use permitted by the City of Willow Park, Texas, Zoning Ordinance after all residential structures in the immediate proximity have been sold.
- 3.76 Terminal, Motor Freight. The use of property or buildings for the temporary parking of motor freight vehicles or trucks of common carriers during loading and unloading and between trips, including necessary ware house space for storage of transitory freight.
- 3.77 Used Car Lot. A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the storage of automobile parts.
- 3.78 Variance. A modification or variation of the provisions of this ordinance, as applied to a specific piece of property, as distinct from rezoning.
- 3.79 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. 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 a

rear yard, the least horizontal distance between the lot line and the main building shall be used.

- 3.80 Yard, Front. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
- 3.81 Yard, Rear. A yard between the rear lot line and the rear line of the main building and the side lot lines.
- 3.82 Yard, Side. A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.

#### Section 4.00 OFFICIAL ZONING MAP

- 4.01 The Official Zoning Map. The City is hereby divided into zones, or districts as Shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Administrator, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4 of the City of Willow Park, Texas, Zoning Ordinance" together with the date of adoption of this ordinance.

If, in accordance with the provisions of this ordinance and V.T.C.A., Local Government Code, Chapter 211, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Council, together with an entry on the Official Zoning Map as follows: "on (date), by official action of the City Council, the following change/changes were made in the Official Zoning Map: (brief description of the nature of the change)", which entry shall be signed by the Mayor and attested by the City Administrator. The amending ordinance shall provided that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 21 of this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map

which may from time to time be made or published, the Official Zoning which shall be located in the office of the City Administrator, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the City.

- 4.01 Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Administrator, and bearing the seal of the City under the following words: "this is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance" Superseded versions of Official Zoning Maps shall be retained permanently in City archives and annotated by the origination date of the new Official Zoning Map.

Section 5.00 SCHEDULE OF LAND USES

5.01 The schedule of land use regulations given in Tables 5-1 through 5-8 below sets forth the allowable use of land and building in each of the classified districts. No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted which is arranged or designed or used for other than those uses specified for the district in which it is located.

Table 5-1, Schedule of Residential Uses

RESIDENTIAL USES	In District	R-1	R-2	R-3	O	LR	C
Single-Family Dwelling Detached		√	√	√			
Single-Family Dwelling Detached, Zero Lot Line			√	√			
Single-Family Dwelling Attached (Limited to Two Units)			√	√			
Two Family Dwelling (Duplex)			√	√			
Townhouses, Triplexes, Fourplexes				√			
Multi-Family or Apartment Building				√			
Boarding House/Rooming House				√			
Customary Home Occupations		√	√	√			
Mobile Homes				S			S
√ - Use Permitted in District    S = Use May be Approved as Specific Use Permit							

Table 5-2, Schedule of Special Uses

SPECIAL USES	In District	R-1	R-2	R-3	O	LR	C
Airport, Heliport, or Landing Field							S
Art Gallery or Museum					√	√	√
Carnival or Circus, Temporary							S
Cemetery or Mausoleum					S	S	S
Church or Rectory		√	√	√	√	√	√
College, University, or Private School				S	S	S	S
Country Club (Private) with Golf Course		S	S	√	√	√	√
Day Care Center or Kindergarten Schools				S	S	S	S
Fairground or Exhibition Area							S
Farm, Ranch, Garden, or Orchard		√	√	√	√	√	√
Golf Course (Public)		S	S	√	√	√	√
Home for Care of Alcoholic, Narcotic, or Psychiatric Patients							S
Hotel or Motel							√
Hospital (General Acute Care or Chronic Care)							√
Institutions of Religious or Philanthropic Nature					√	√	√
Library					√	√	√
Lodge or Civic Club				S	S	√	√
Park, Playground or Community Center (Public)		√	√	√	√	√	√
Post Office					√	√	√
Residence Home for Aged or Nursing Home							√
Schools, Commercial or Trade							√
Schools, Public or Parochial		√	√	√	√	√	√
Tennis, Health and/or Swim Club			S	S	√	√	√
√ - Use Permitted in District    S = Use May be Approved as Specific Use Permit							

Table 5-3, Schedule of Utility and Service Uses

UTILITY AND SERVICE USES	In District	R-1	R-2	R-3	O	LR	C
Electrical Substation or Generating Plant		S	S	S	S	S	S
Electrical Transmission Line		√	√	√	√	√	√
Fire Station		√	√	√	√	√	√
Gas, Transmission Line and Metering Stations		√	√	√	√	√	√
Local Utility Distribution Lines		√	√	√	√	√	√
Radio, Television, Micro-Wave Towers or Commercial						S	S
Satellite Dishes (Private)		√	√	√	√	√	√
Sewage Pumping Station		S	S	S	S	S	S
Sewage Treatment Plant		S	S	S	S	S	S
Race Track (automobile, Horse, Dog or Go Cart)							S
Telephone Line Exchange		S	S	√	√	√	√
Water Reservoir, Water Pumping Station		S	S	S	S	S	S
Water Treatment Plant		S	S	S	S	S	S
√ - Use Permitted in District    S = Use May be Approved as Specific Use Permit							

Table 5-4, Schedule of Accessory and Incidental Uses

ACCESSORY & INCIDENTAL USES	In District	R-1	R-2	R-3	O	LR	C
Accessory Buildings (Including Farm Accessory Buildings)		√	√	√	√	√	√
Home Occupations		√	√				
Off-Street Parking Incidental to Main Use		√	√	√	√	√	√
Swimming Pool (Private)		√	√	√	S	S	S
Field Offices, Construction or Sales (Temporary)		S	S	S	S	S	√
√ - Use Permitted in District    S = Use May be Approved as Specific Use Permit							

Table 5-5, Schedule of Automobile Related

AUTOMOBILE RELATED USES	In District	R-1	R-2	R-3	O	LR	C
Automobile and Truck Repairing							√
Automobile Painting and Rebuilding							√
Automobile Sales (New and Used)							√
Gasoline Service Stations or Pumps						S	S
Seat Cover and Muffler Installation Shop							√
Tire Retreading and Capping							√
Wrecking or Salvage Yard							S
√ - Use Permitted in District    S = Use May be Approved as Specific Use Permit							

Table 5-6, Schedule of Retail and Service Uses

RETAIL & SERVICE USES	In District	R-1	R-2	R-3	O	LR	C
Amusement Center, Indoor Only (Includes Bowling Alleys)							√
Antique Shop						√	√
Bakery, Candy, or Cake Shop, Retail Sales						√	√
Bank or Savings and Loan					S	√	√
Cafeteria					S	√	√
Clothes Cleaning, Dyeing and Pressing; Pick Up and Small						√	√
Custom Personal Service Shop (Barber, Beauty, Etc.)						√	√



COMMERCIAL USES Table 5-2 Cont.	In District	R-1	R-2	R-3	O	LR	C	
Storage Warehouse, Mini-Warehouse							√	
Trailer Rental or Sales							√	
Transfer Storage and Baggage Terminal							√	
Veterinarian Clinic and Kennels							√	
Wholesale Office and Sample Room							√	
√ - Use Permitted in District    S = Use May be Approved as Specific Use Permit								

Table 5-8, Schedule of Industrial Uses

INDUSTRIAL USES	In District	R-1	R-2	R-3	O	LR	C	
Batching Plant, Asphalt or Concrete							S	
Sand, Gravel, or Stone Extraction							S	
Light Manufacturing or Industrial Uses							√	
√ - Use Permitted in District    S = Use May be Approved as Specific Use Permit								

## Section 6.00 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Willow Park. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The City Administrator shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of the facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, and the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated.
2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning districts(s) within which such use should be permitted.
3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendations of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate.

## Section 7.00 ZONING STANDARDS CHART

The schedule of heights, yards, lot areas, and lot coverage as given in Table 7-1 below, together with all notations, references, and other information shown thereto, shall be used as a guide.

TABLE 7-1, Zoning Standards Chart

Section 8.00 HEIGHT AND AREA EXCEPTIONS, SCREENING FENCES & LANDSCAPING REQUIREMENTS

8.01 Height:

1. The height prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water towers, stage towers, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, and necessary and allowable appurtenances.
2. No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.

8.02 Special Front Yard Regulations:

1. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
2. When a building line has been established by plat or ordinance and such line requires a greater or lesser front yard setback than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the most restrictive of such ordinance or plat.
3. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than forty (40) inches above the average grade.
4. Where lots have a double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.
5. If thirty percent (30%) or more of the frontage on one side of a street between two intersecting streets in any residential district is improved with buildings prior to the effective date of this Ordinance that have observed an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed provided, however, that this regulation shall not be interpreted as requiring a front yard line of more than thirty (30) feet.

6. Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line.

#### 8.03 Side Yards:

1. On a corner lot the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty (30) feet.
2. No accessory building shall project beyond a required yard line along any street.
3. For the purpose of the side yard regulations, an attached dwelling or multi-family dwelling shall be considered as one building occupying one lot.
4. Where a lot of record at the time of the effective date of this Ordinance is less than one-hundred (100) feet in width the required side yard may be reduced to provide a minimum buildable width of fifty (50) feet, provided, however, that no side yard shall be less than ten (10) feet.
5. The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices, or other ornamental features.
6. A roof overhang, an open fire escape or an outside stairway may project not more than three (3) feet into a required side yard.

#### 8.04 Screening Fence Requirements

1. A permanent brick or solid decorative masonry screening fence not less than six (6) feet in height shall be erected prior to issuance of a certificate of occupancy on properties zoned R-3, Office, Local Retail, or Commercial, and which abuts on properties zoned R-1 and R-2. No fence shall be required for schools, churches, and public buildings. Such screening fence shall be erected along the entire length of the common line between such property, on the property required to erect screening, and it shall be permanently and adequately maintained by the owner of the property on which the screening is required to be erected.
2. A permanent brick or solid decorative masonry screening fence not less than six (6) feet in height shall be erected on O, LR, or C zoned property which abuts on property zoned R-1, R-2, or R-3, or which is separated from such property only by a public or private street thirty (30) feet or less in width. Such fence shall be erected along the entire length of the common line

between such properties, or if there is an intervening street, along the nonresidential property line closest to the street separating it from the residentially zoned property. Breaks for vehicular and pedestrian access shall be permitted, as well as for preservation of visibility triangles.

3. Where subdivisions are platted so that the rear yards of R-1, R-2 or R-3 zoned lots are adjacent to a dedicated street right-of-way or separated from a street by an alley or service road, the developer shall provide, at his sole expense, a brick or decorative solid masonry wall with a minimum height of six (6) feet located on the street right-of-way line or a wooden screening fence with a minimum height of six (6) feet with decorative masonry or brick columns located on a maximum spacing of fifty (50) feet on centers which should typically be taller than the remainder of the wall.
4. When a brick or masonry fence is erected adjacent to a dedicated roadway the color of the wall shall be uniform and/or compatible on both sides of a thoroughfare between two intersecting streets. When walls are built in sections, the color shall be as closely similar as possible, but shall in no case be incompatible.
5. All brick and masonry screening fences shall be placed on an engineered concrete footing.
6. The exterior of all sides of each wall of a screening fence shall be finished with the same material and shall be similar in appearance. Developers are encouraged to create offsets in brick or decorative masonry walls to provide visual variety and locations for permitted landscaping.
7. In other than residentially zoned districts fences may be constructed to a maximum height of ten (10) feet above grade. In residentially zoned districts fences shall not be erected to exceed eight feet in height above grade when located behind the front building line or four and one-half (4-1/2) feet in height above grade when located within the required front yard or side yard on a corner lot adjacent to a side street, but in no case shall any fence be permitted closer than ten (10) feet from the curb or roadway area. No fence shall be located within any easement except by prior written approval of those agencies having interest in such easement.

#### 8.05 Public Open Space Easements (P.O.S.E.)

No fence, wall, screen, hedge, tree, brush, shrub, billboard or structure shall be erected, planted or maintained in the ten (10) foot parkway area adjacent to the street pavement of such position or place as to be dangerous or detrimental to the health or safety of persons living in any house or adjoining premises or in any way obstruct the view so as to constitute a traffic hazard. On any corner lot or parkway adjacent thereto, no fence, wall, structure, hedge, tree or growth of any

nature may be erected, planted or maintained so as to interfere with sight lines of elevation between two (2) and eight (8) feet above the top of the adjacent roadway curb in a triangular area twenty (20) feet by twenty (20) feet measured along the street right-of-way lines. If there is no curb then from the center of the street (the crown) shall be construed to be the same height of a curb. Such an obstruction shall be prima facie evidence that such fence, wall, structure, hedge, tree or growth of any nature constitutes an obstruction to vision as regards public traffic on the streets, except post, poles and tree trunks of less than 12" in diameter within the triangular line-of-sight easement.

Any such fence, wall, structure, hedge, tree, or growth of any nature erected, planted or maintained in violation of this paragraph, shall be removed upon written notice from the Building Official, served upon the owner, agent or occupant of the premises where such obstruction has been erected, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after notice shall constitute a misdemeanor, and the owner, agent or occupant shall be subject to a fine as provided under section 21.00 of this Ordinance.

#### 8.06 Landscaping Regulations

- A. Purpose: It is the purpose of this section to establish certain regulations pertaining to landscaping within the City of Willow Park. These regulations provide standards and criteria for new and replacement landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the City.
- B. Scope: The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new construction occurring within the City, except that single family detached dwellings be exempt.
- C. Enforcement: The provisions of this Section shall be administered and enforced by the City Administrator or his designee.

If, at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in non-conformance to the standards and criteria of this Section, the City Administrator shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner tenant, or agent shall have thirty (30) days from the date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this Ordinance.

- D. Permits: No permits shall be issued for building, paving, grading or construction until a Landscape Plan is submitted and approved by the City Administrator. In the event that the proposed development requires an

approved Subdivision Plat, Site Plan, or Master Development Plan, no such final approval shall be granted unless a Landscape Plan is submitted and approved.

Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the Landscape Plan required in Subsection E of this section.

In any case in which an Occupancy Certificate is sought at a season of the year in which the City Administrator determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, an Occupancy Certificate may be issued notwithstanding the fact that the landscaping required by the Landscaping Plan has not been completed provided the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such letter of credit or escrow deposit shall be conditioned upon the installation of all landscaping required by the Landscaping Plan within six (6) months of the date of the application and shall give the City the right to draw upon the letter of credit or escrow deposit to complete the said landscaping if the applicant fails to do so.

- E. Landscape Plans: Prior to the issuance of a building, paving, grading or construction permit for any use other than single family dwellings, a Landscape Plan shall be submitted to the City Administrator. The City Administrator, or a designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance. Landscape Plans shall contain the following information:
1. minimum scale of one inch equals 50 feet;
  2. location of all trees to be preserved;
  3. location of all plant and landscaping material to be used including plants, paving, benches, screens, fountains, statues, or other landscape features.
  4. species of all plant and landscaping material;
  5. size of all plant material to be used;
  6. spacing of plant material where appropriate;
  7. layout and description of irrigation, sprinkler or water systems including placement of water sources
  8. description of maintenance provisions for the Landscape Plan

9. person(s) responsible for the preparation of the Landscape Plan.

F. Maintenance: The Owner, tenant and their agent, if any shall be jointly and severally responsible for the maintenance in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size.

G. General Standards: The following criteria and standards shall apply to landscape materials and installation:

1. **QUALITY**. Plant Materials used in conformance with the provisions of this Ordinance shall conform to the standards of the AMERICAN STANDARD FOR NURSERY STOCK, or equal thereto. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
2. **TREES**. Trees referred to in this Section shall be of a species common to this area of Texas and shall have an average spread of crown of greater than fifteen (15) feet at maturity. Trees having a lesser average mature crown of fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) feet crown of spread. Trees shall be of a minimum of seven (7) feet in height at time of planting. Fifty (50) percent of required trees to be planted shall be of the strong hardwood varieties, such as, but not limited to, varieties of oaks, pecan, ash, and walnut.
3. **SHRUBS & HEDGES**. Shrubs shall be a minimum of two feet in height when measured immediately after planting. Hedges, where installed shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be three (3) feet high within one year after time of planting.
4. **VINES**. Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified.
5. **GROUND COVER**. Ground covers used in lieu of grass in whole and in part shall be planted in such manner as to present a finished appearance and reasonably complete coverage within one year of planting.

6. **LAWN GRASS.** Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.
7. **CREDIT FOR EXISTING TREES.** Any trees preserved on a site meeting the herein specifications shall be credited toward meeting the tree requirement of any landscaping provision of this section. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species may, at the discretion of the City Administrator, be credited as two trees for the herein minimum requirements.

H. Minimum Requirements for Off-Street Parking and Vehicular Use Areas: Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance to the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

1. **INTERIOR LANDSCAPING.** A minimum of ten (10) percent of the gross parking areas shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway paving and sidewalks. The following additional criteria shall apply to the interior of parking lots.
  - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
  - b. There shall be a minimum of one (1) tree planted for each four hundred (400) square feet or fraction thereof required interior landscape area.
  - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall contain at least one (1) tree. The remainder shall be landscaped with shrubs, lawn, ground cover and other appropriate material not to exceed three (3) feet in height. Light standards shall be considered islands for this purpose. Interior planter islands shall have a minimum size of one-half (1/2) parking space width times length of parking space.
  - d. The City Administrator may approve planter islands required by Section H.1.c to be located further apart than twelve parking spaces in order to preserve existing trees in interior parking areas. Off-street parking and drive areas located within the drip line of a tree shall be

paved with permeable material approved by the City Administrator when the drip line of an existing tree is larger than planter islands required by Section H.I.c.

2. PERIMETER LANDSCAPING. All parking lots and vehicular use areas shall be screened from all abutting properties and/or public rights-of-way with a wall, fence, hedge, berm, trees, or other durable landscape barrier. Any living barrier wall shall be established in a two (2) feet minimum width planting strip. Plants and materials used in living barriers shall be at least thirty (30) inches high at the time of planting and shall be of a type and species that will attain a minimum height of three (3) feet one year after planting.

Any landscape barrier not containing live plants or trees, shall be a minimum of three (3) feet height at time of installation. Perimeter landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent properties.

- a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area of at least fifteen (15) feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover. Necessary accessways from the public right-of-way shall be permitted through all such landscaping. The maximum width for accessways shall be: fifty (50) feet for non-residential two-way movements; thirty (30) feet for residential two-way movements; twenty (20) feet for non-residential one-way movements; and fifteen (15) feet for residential one-way movements.
- b. Whenever an off-street parking or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least ten (10) feet in width shall be maintained between the edge of the parking area and the adjacent property line. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned or used for residential purposes, the landscape buffer shall include a wall, hedge, or berm not greater than eight (8) feet in height nor less than three (3) feet in height.
- c. Perimeter landscape areas shall contain at least one (1) tree for each fifty (50) lineal feet or fraction thereof of perimeter area.

- I. Landscaping Requirements for Nonvehicular Open Space: In addition to the landscaping of off-street parking and vehicular use areas, all remaining open spaces on any developed lot or parcel shall conform to the following

minimum requirements.

1. Grass, ground cover, shrubs and other landscape materials shall be used to cover all open ground within twenty (20) feet of any building or paving or other use such as storage.
2. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
3. Landscaping shall be provided on each developed lot in accordance with the following standards:
  - a. In all non-residential zoning districts, a minimum of fifteen (15) percent of the total site area shall be devoted to feature landscaping with not less than fifty (50) percent of the landscaping being located in the required front yard.
4. Trees shall be planted in non-vehicular open space to meet the following requirements. Existing trees that are preserved on a developed site may be credited to the following requirements:

Percentage of Site in Non-Vehicular Open Space	Tree Ratio per Non-Vehicular Open Space
Less than 30	1 tree/2500 sq. ft
30-49	1 tree/3000 sq. ft.
over 50	1 tree/4000 sq. ft.

- J. Sign Distance and Visibility: Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an accessway intersects a public right of way or when the subject property abuts the intersection of two or more public rights-of-way, a triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three (3) and six (6) feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:
1. The areas of property on both sides of the intersection of an accessway and a public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being ten (10) feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.
  2. The areas of property located at a corner formed by the intersection of two or more public rights-of-way shall have a triangular visibility area with

two (2) sides of each triangle being twenty (20) feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.

Landscaping, except required grass and low ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement.

In the event other visibility obstructions are apparent in the proposed Landscape Plan, as determined by the City Administrator, the requirements set forth herein may be reduced to the extent to remove the conflict.

#### 8.07 Fire Protection Access

No building except single-family dwellings shall be constructed in such a way that any part of the structure is more than 150 feet from a public street or highway; provided, however, that the structure may be erected at a greater distance than the 150 feet, if the owner thereof dedicates, constructs and maintains a fire lane or access easement having a minimum width of 20 feet and a minimum height clearance of 14 feet terminating within 100 feet of the farthest point of the structure.

Any such fire lane or access easement more than 150 feet long shall either connect at both ends to a dedicated street or be provided with a turn around having a minimum radius of 50 feet.

All fire lanes or access easements dedicated to the City of Willow Park for such use, shall be of hard surface for the entire width thereof and maintained and kept in a state of good repair at all times by the owner of the premises, and the City of Willow Park shall not be responsible for the maintenance thereof. Such fire lanes shall be permanently marked as fire lanes and the owner of the property shall insure that the same such markings are kept and obviously displayed.

### Section 9.00 PLANNED DEVELOPMENT DISTRICT

9.01 The "PD" (Planned Development) District is intended to be used for the development of large or mixed use parcels of land and for smaller parcels where dissimilar uses may require special controls to avoid interference with existing or planned uses. Development within a Commercial, Local Retail, Office, or Residential-3 District must be approved through the site planning process. Commercial development may be allowed under temporary zoning controls (see section 12.00 of this ordinance) with the approval of the City Council; however, the approval of a Specific Use Permit must be based on and accompanied by approval of a preliminary site plan as described in this section.

The “PD” District, through the site planning process, gives the City Council control over densities, placement and other attributes of the proposed development and permits modification of certain standard district controls, such as yards or unique commercial uses, in order to produce large area development arranged to better serve community needs, reduce demands on community facilities, and create larger areas of open space than that generated under standard district controls and ensure compatibility with surrounding uses. Property may be classified under the “PD” Planned Development District only in combination with another district or districts (which shall be known as the base district) and shall be so designated by the letter “PD” affixed to the code letters of the base district or districts (eg. “R-3 PD”). Such “PD” designation does not permit development until a site plan has been approved for the area proposed to be developed. Property may be planned for any use permitted for the base district or for uses permitted only with the “PD” designation.

The “PD” District may also be applied to Commercial, Local Retail, Office, or Agricultural districts which have been permitted and established under the temporary controls of a Specific Use Permit (see section 12 of this code). The purpose of this application is to replace the temporary or interim use allowance with permanent zoning.

#### 9.02 General “PD” Regulations

The requirements established by section 7.00 and shown in Table 7-1 of this Ordinance shall apply to individual areas within a “PD” district as established by the underlying base district, except, however, that modifications to those base district requirements may be otherwise established by a properly approved “PD” site plan.

#### 9.03 “PD” Procedures and Requirements

Persons desiring, or required, to obtain the “PD” designation should always consult the City Administrator prior to application. Developers of large parcels (over fifty (50) acres) are encouraged but not required to request a preliminary joint or separate meetings with the City Council and Planning and Zoning Commission prior to submission of the initial rezoning request.

The applicant for “PD” zoning must submit either a conceptual “PD” site plan or a preliminary “PD” site plan with the initial application. In each case, 15 copies of the concept and/or site plan must be submitted to City Staff. Note that the “PD” site plan includes drawings and other supporting documentation necessary to provide basis for approval. Large, complex, or unique projects may require iterative development and submittal of supporting information prior to approval.

If a conceptual “PD” site plan is submitted and the zoning approved, no construction may occur until a preliminary “PD” site plan is submitted and

approved by the City Council. All “PD” site plan approvals require prior standard rezoning notices and hearings and must be accomplished by ordinance which adopts the plan by reference.

#### 9.04 Conceptual “PD” plan

Submittal of a conceptual “PD” site plan is strongly recommended. Approval of a conceptual site plan does not constitute approval of the “PD” site plan. The “PD” conceptual site plan, as may be recommended by the Commission and if approved by the Council shall become a part of the zoning change and subsequent site plans shall conform thereto. Approval of a conceptual “PD” site plan authorizes neither issuance of building permits nor developmental construction. A conceptual “PD” site plan shall contain at least the following:

- (a) A scaled drawing in which not less than one (1) inch equals one hundred (100) feet, showing area and dimensioned boundaries of the property and the metes and bounds location of the property within the overall plan carrying the differing base district designations, the location and width of streets and highways adjacent to and on the property. All proposed uses and their location on the drawing, shall be shown either in detail or by reference to the base district combined with the “PD” designation.
- (b) Elevation contours at intervals not exceeding ten (10) feet.
- (c) Existing improvements proposed to be retained when the property is developed.
- (d) Density of dwelling units if intended for residential uses.
- (e) Drawings showing proposed road access points. Dimensions are not required on these drawings.
- (f) Identifiable watercourses and defined floodplain boundaries.
- (g) Proposed maximum height of buildings.
- (h) All area or other requirements differing from that of the base district
- (i) Location and dimensions of major thoroughfares and secondary collectors

#### 9.05 “PD” Site Plan Approval

The “PD” application package shall include drawings, supporting documents, and proposed plans as may be necessary to provide basis for approval. A request for a “PD” site plan approval shall be processed in accordance with the same review and hearing procedure as a proposal for a zoning district change. The

P&Z Commission may recommend and the Council may require such modification of a conceptual “PD” site plan or a “PD” site plan as will permit the project to exist harmoniously with existing and anticipated development of surrounding areas. Proposed plans, as required by paragraph 9.07 herein, shall be used to establish zoning controls and use restrictions. The City Council may determine that preliminary site plan approval is provided by temporary zoning controls documented through a Specific Use Permit (see section 12.00 of this Ordinance). In this event, a schedule and plan for transition to permanent zoning shall be agreed to between the PD applicant and the City. Both parties shall thereby recognize that site plan revisions may be required prior to final approval. The City Council may require separate approvals for:

- (a) A preliminary site plan which authorizes the applicant to begin development, construction, or other modification to existing structures or land. A schedule of events shall be incorporated within the approval of a preliminary site plan to establish expiration of the approval if action is not taken to implement planned development.
- (b) A final site plan, incorporating specific zoning controls and/or use restrictions, and which shall include all information on the preliminary site plan and needed modifications to reflect “as-built” conditions.

The preliminary site plan, or final site plan shall comply with all provisions of the Uniform Building Code (UBC). Issuance of a Certificate of Occupancy, or a Temporary Certificate of Occupancy, shall not be construed as an approval of a violation of any provision of the UBC or any ordinances. Certificates presuming to give authority to violate or cancel any provision of the UBC or other ordinances shall not be valid. Refer also to section 1 7.00 of this ordinance.

#### 9.06 Amendments to Adopted “PD” Site Plans

All site plans approved hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements as any other site plan would require for original approval.

#### 9.07 “PD” Site Plan Information

Every application for approval of a “PD” site plan under the terms of a PD district shall contain sufficient information delineating the characteristics of that site, changes in those characteristics as may be proposed by the development including compliance with the Willow Park Tree Preservation Ordinance (Article 12-300), how the development will relate to public services and facilities, and what protection features are included to ensure that the development will be compatible with existing and allowable development on adjacent property. The “PD” site plan includes drawings and other supporting documentation necessary to provide basis for approval. The “PD” site plan shall show and describe at least

the following items of information:

- (a) All information for a conceptual “PD” site plan detailed in paragraph 9.04 item (a) and items (c) through (i) including all proposed uses.
- (b) A scaled drawing in which not less than one (1) inch equals one hundred (100) feet, showing the land area included within the site, all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned.
- (c) The proposed finished grade of the site, shown to contour intervals not to exceed two (2) feet.
- (d) Erosion control and abatement plans and information showing that the development as proposed will not be adversely affected by erosion and will not cause enhanced erosion to surrounding properties.
- (e) The location of each existing and each proposed structure on the site, the general category of uses to be contained therein, the number of stories and overall height, gross floor area, and the location of entrances and exits to buildings.
- (f) The location of all on-site facilities for liquid and solid waste storage or sanitary sewer improvements, as needed, or provision for collection/disposal of wastes off-site.
- (g) The location and width of all curb cuts and driving lanes.
- (h) The dimensions and capacities of parking areas and loading areas, and the character and location of illumination facilities for same.
- (i) Illumination plans and information to show that the proposed illumination will not adversely affect adjacent uses by minimizing spill-over of light or extension of glare in surrounding neighborhoods or areas of the community and information showing that all reasonable modern engineering methods have been used to ensure same.
- (j) A dust abatement and control plan and such information as may be needed to show what type(s) of surface for parking areas and other open areas is necessary to achieve a control of problems from dust or particulate matter. Unless otherwise specifically agreed in the site plan, all parking areas are to be covered with an all weather surface which will eliminate, so far as is practicable, dust and particulate matter.
- (k) All pedestrian walks, malls and open areas for use by residents, tenants or the

public.

- (l) The location, type and height of all walls, fences and screen planting, and landscaping.
- (m) A fencing and screening plan and information to show that the use will be adequately fenced and screened from surrounding areas and further information to show that such screening barriers will be useful to achieve their desired purpose. Applicants may also present evidence of waivers from adjacent land uses if such may be obtained. Generally, a visual barrier, with a minimum height of six (6) feet, will be necessary to screen surrounding uses from which no waiver has been obtained.
- (n) The location, size, height and orientation of all freestanding signs.
- (o) The types of surfacing, such as paving, turfing or gravel, to be used at the various locations.
- (p) A drainage plan and information to show that the development will not be adversely affected by the flooding action, including required off-site drainage easements.
- (q) A health and sanitation plan and information to show that the proposed development will not adversely affect public health or to create a nuisance condition, generate pollution or otherwise endanger public health and welfare. As a minimum, this plan shall provide for control of rodents, insects, and other pests.
- (r) A traffic plan and information to show that the proposed use will harmoniously integrate with and not adversely affect pre-development or planned traffic flows or patterns.
- (s) Information showing that hours of operation will not adversely affect the overall development scheme of the City or existing land uses adjacent to the site.
- (t) Size and locations of water and sewer mains and fire hydrants.
- (u) Location of all easements for drainage, utilities, fire lanes and street rights-of-way. All utilities shall be clearly identified as to intended or actual placement underground or above ground.
- (v) Location of street lights, sidewalks, storm sewer inlets, and manholes
- (w) Such other information as the commission or council may require, including, but not limited to, front building elevation sketches, building exterior surface

materials, etc.

- (x) A noise abatement plan to reasonably ensure that the permitted use will not disturb adjacent uses.

#### 9.08 “PD” Administration

If, during the review process it is necessary, in the reasonable judgement of the City Administrator to have the City Engineer or other professional consultant review these plans and, upon notice to the Applicant, any additional charges or expenses, incurred by the City for such review by the City Engineer or other professionals will be a pass-through charge to be reimbursed by the applicant to the City under the Ordinance 330-92 concerning pass-through charges.

On approval of the preliminary “PD” site plan, all necessary permits or certificates authorized thereby may be issued. At the discretion of the City Council, whenever certain items specified by the preliminary site plan to be prepared or finished and these items are not completed at the time of the approval of the final site plan, a Temporary Certificate of Occupancy may be granted. This Temporary Certificate of Occupancy is to be expressly conditional upon successful completion of the preliminary site plan improvements within the time specified. If, at the time such improvements are to be finished, such improvements are not completed the Temporary Certificate of Occupancy will be terminated. The Council can extend the Temporary Certificate of Occupancy when it finds that conditions preventing completion were not foreseeable nor self-imposed by the developer.

After the project has been finished, violations of the approved (final) site plan can place the Certificate of Occupancy in jeopardy. The Building Official shall notify the user of any violations of the site plan. Failure to correct these violations within thirty (30) days of formal notification will result in the Certificate of Occupancy being revoked.

Subsequent to the final approval of the site plan, minor changes may be authorized by the City Administrator after notice to the City Council when such minor changes shall not cause any of the following circumstances to occur:

- (a) A change in the character of the development.
- (b) An increase in the ratio of the gross floor areas in structures to the area of any lot.
- (c) An increase in the intensity of use.
- (d) A reduction in the originally approved separations between buildings.

- (e) An increase in the problems of circulation, safety, and utilities.
- (f) An increase in the external effects on adjacent property.
- (g) A reduction in the originally approved setbacks from property lines.
- (h) An increase in ground coverage by structures.
- (i) A reduction in the ratio of off-street parking and loading space to gross floor area in structures.
- (j) An increase in building height.

#### 9.09 “PD” Enforcement

Any violation of the provisions of the approved temporary or final site plan shall constitute a violation of this Code. Violations of this Code shall be subject to penalties and corrective measures to the full extent permitted by State Law.

The City Administrator shall maintain, or cause to be maintained, the “PD” site plan and associated documents. Use plans and zoning controls which are unique to a specific “PD” District shall constitute an amendment to this Ordinance and are applicable to the uses in the “PD” District. Violations are subject to the penalties established in Section 21.00 of this Ordinance.

#### Section 10.00 NEWLY ANNEXED AREAS

Hereafter, when the boundaries of the City of Willow Park have been extended so as to include any given area, such area shall automatically be placed in an “R-1” Zoning district. The Planning and Zoning Commission may recommend to the City Council that all or part of such area being placed in a different zoning district after the required public hearings. Until this Ordinance has been properly amended by the City Council, such areas shall be subject to the regulation pertaining to the “R-1” district.

#### Section 11.00 OFF-STREET PARKING AND LOADING REQUIREMENTS

11.01 Parking Requirements Based on Use. In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as provided in the Subsection 11.02), off-street parking spaces in accordance with the following requirements:

1. Bowling Alley: Six (6) parking spaces for each alley.
2. Business or professional office, studio, bank, medical or dental clinic: Three (3) parking spaces plus one (1) parking space for each two hundred (200) square feet of floor area over five hundred feet (500) feet.

3. Church or other place of worship: One (1) parking space for each three (3) seats in the main audience.
4. Community center, library, museum, or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2000) square feet. If an Auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
5. Dance hall, assembly, or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area used thereof.
6. Dwellings, single-family and two family attached or detached: Two (2) enclosed parking spaces for each dwelling unit.
7. Dwellings, multi-family: Two (2) covered parking spaces for each dwelling unit.
8. Fraternity, sorority, or dormitory: One (1) parking space for each two (2) beds.
9. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
10. Hospital: One (1) space per employee on the largest shift, plus one (1) space for each bed.
11. Hotel: One (1) parking space for each two (2) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
12. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or similar establishment: One and one-half (1-1 /2) parking space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each one thousand (1000) square feet of floor area.
13. Mobile Home Park: One (1) space for each mobile home plus additional spaces as required herein for accessory uses.
14. Mortuary or Funeral Homes: One (1) parking space for each fifty (50) square

feet of floor space in visitation rooms, parlors, or individual funeral service rooms.

15. Motel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
  16. Motor-vehicle salesrooms and used car lots: One (1) parking space for each one hundred-fifty (150) square feet of sales floor for indoor uses, or one (1) parking space for each square feet of lot area for outdoor uses.
  17. Private club, lodge, country club or golf club: One (1) parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
  18. Retail store or Personnel service establishment, except as otherwise specified herein: One (1) parking space for each one hundred (100) square feet of floor area.
  19. Restaurant, night club, cafe, or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.
  20. Rooming or Boarding House: One (1) parking space for each two (2) sleeping rooms.
  21. Sanitarium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.
  22. School, elementary: One (1) parking space for each five (5) seats in the auditorium or main assembly room, or one (1) space for each classroom, whichever is greater.
  23. School, secondary or college: One (1) parking space for each four (4) seats in the main auditorium or eight (8) spaces for each classroom, whichever is greater.
  24. Theater, auditorium (except school), sports arena, stadium, or gymnasium: One (1) parking space for each four (4) seats or bench seating spaces.
- 11.02 Rules for computing Number of Parking Spaces: In computing the number of parking spaces required for each of the above uses the following rules shall govern:
1. "Floor Area" shall mean the gross area of the specific use.
  2. Where fractional spaces result, the parking spaces required shall be construed

to be the nearest whole number.

3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
  4. Whenever a building or use constructed or established after the effective date of this Ordinance, is changed or enlarged; in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
  5. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- 11.03 Location of Parking Spaces: All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:
1. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.
  2. Not more than fifty (50) percent of the parking spaces required for; (a) theaters, bowling alleys, dance halls, night clubs, cafes or similar uses, and not more than eighty (80) percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by (b) similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.
  3. Accessible parking will be in accordance with the American Disability Act (ADA). The requirements to be followed for accessible parking are defined in Chapter 31, Accessibility and the associated appendix chapter 31, Site Accessibility, of the Uniform-Building Code.

In any case where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

#### 11.04 Minimum Dimensions for Off-Street Parking.

1. Ninety (90) Degree Angle Parking: Each parking space shall be not less than nine (9) feet wide nor less than eighteen (18) feet in length. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four (24) feet perpendicular to the building or parking line.
2. Sixty (60) Degree Angle Parking: Each parking space shall be not less than eight (8) feet wide perpendicular to the parking angle nor less than seventeen (17) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty (20) feet perpendicular to the building or parking line.
3. Forty-Five (45) Degree Angle Parking: Each parking space shall be not less than eight (8) feet wide perpendicular to the parking angle nor less than sixteen (16) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than eighteen (18) feet perpendicular to the building or parking line.
4. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

When off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided but not required by this Ordinance, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

- 11.05 Off-Street Loading Space: Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:
1. In District “C”, one (1) loading space for each thousand (1000) square feet, or fraction thereof, of floor area in the building.
  2. In District “C” and “LR”, one (1) loading space for the first fifteen thousand (15,000) square feet of floor area in the building and one (1) additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of floor area in excess of fifteen thousand (15,000) square feet.
  3. Each required loading space shall have a minimum size as described for loading spaces under Section 3.00, Definitions.

## 12.00 SPECIFIC USE PERMITS

12.01 Specific Uses: The City Council by an affirmative vote after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the use is in general conformance with the Master Plan of the City and containing such requirements and safeguards as are necessary to protect adjoining property, [shall] authorize the location of certain uses in a special district. The application shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project. The application must show:

- a. off- street parking facilities
- b. size, height, construction materials, and locations of buildings
- c. the uses to be permitted (per structure)
- d. location and construction of signs
- e. means of ingress and egress to public streets
- f. the type of visual screening such as walls, paintings, and fences
- g. the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet.

12.02 Specific Use Permit Regulations:

1. In recommending that a Specific Use Permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity, and with the requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of building construction.
2. Every Specific Use Permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration, but shall not be considered as a permanent change in zoning. In the event the building, premise, or land uses under the Specific Use Permit is voluntarily vacated for a period of no less than six (6) months, or if such building, premise, or land is more than fifty (50) percent destroyed by fire or other cause, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate Specific Use Permit is granted for continuation of the use.

3. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official for use, of the building on such property pursuant to such Specific Use Permit; any such conditions shall not be construed as the only conditions precedent to the granting of the certificate of occupancy.
4. No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit as attached to the site plan drawing (or drawings) and, after review and recommendation by the Planning and Zoning Commission, as approved by the City Council. In any case where Council action differs from a recommendation provided by the Planning and Zoning Commission, the Council action shall include rationale for said difference.
5. A building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit provided, however, that the City Council may authorize an extension of this time.
6. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change. Any enlargement, modification, structural alteration, revision to operating conditions, or other change shall be documented in appropriate revisions to the site plan.
7. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an “-S” designation.
8. The City Council, in its determination that a Specific Use Permit be granted, shall set additional conditions to those specifically enumerated in item 1 above, as it may deem in the best interest of the community. Information associated with a Planned Development District (see section 9.00) may be drawn upon as guidance to the Planning and Zoning Commission and City Council. An approved Specific Use Permit shall be effective for 90 days to 2 years following date of issuance.

#### 1 2.03 Specific Use Permit Extensions, Renewals, and Modifications

1. The City Council may, upon application by the land owner, extend the Specific Use Permit for a maximum of two (2) years.

2. Modifications to any controls or use conditions, addition of structures, or structural alteration to existing structures shall require application for and approval of a new Specific Use Permit.

#### 12.04 Administration of Specific Use Permits.

The approvals and other information as may be necessary to maintain appropriate controls on Specific Use Permits shall be filed in the office of the City Administrator. The City Administrator shall provide notification to each land owner and grantee of no less than thirty (30) days prior and no more than sixty (60) days prior to the expiration of a Specific Use Permit in cases where the approved term of the Specific Use Permit is greater than Three Hundred and Sixty (360) days.

During the term of a Specific Use Permit, violations of the approved (final) site plan can place the Certificate of Occupancy or Specific Use Permit in jeopardy. The City Administrator shall notify the user of any violations of the site plan. Failure to correct these violations within thirty (30) days of formal notification will result in the Certificate of Occupancy and Specific Use Permit being revoked.

#### 12.05 Transition from Temporary Zoning Controls:

In the event that the grantee of a Specific Use Permit desires to obtain zoning approval of a permanent nature, an application for a PD District shall be required. (See section 9.00 of this Ordinance).

### SECTION 13.00 NON-CONFORMING USES

#### 13.01 Continuation of non-conforming use

Except as this ordinance may otherwise require, any nonconforming use may be continued in operation on the same land area and on the same floor area in a structure or structures which were occupied by the nonconforming use on the effective date of these regulations or on the effective date of any amendment by which the use became nonconforming, but such land area or floor area shall not be increased. In the event a non-conforming use of any building or premise is voluntarily discontinued for a period of ninety (90) days, the use of the same shall thereafter conform to the provisions of the District in which it is located.

#### 13.02 Changing a nonconforming use

Any nonconforming use may be changed to a use conforming with the regulations herein established for the district in which the nonconforming use is located; provided however, that a nonconforming use so changed shall not be changed to another nonconforming use.

If a building occupied by nonconforming uses is fifty percent (50%) or more destroyed or damaged by fire or the elements, it may not be reconstructed or rebuilt except to conform with the provisions herein.

### 13.03 Amortization of Non-Conforming Uses.

Subject to the provisions above, any lawful non-conforming use may continue in such use notwithstanding a conflict with its present zoned use. In certain cases, however, such uses may be terminated after a period of time in order to more fully realize the comprehensive plan, ensure compatibility with adjacent uses, promote aesthetic and harmonious development and generally promote the health, safety and welfare of the community.

1. Subject to the appeal plan below, all non-conforming uses in the following categories will be terminated and replaced by uses in conformity with the applicable zoning regulations on the specified anniversary date after the adoption of the ordinance.
  - a. Ten (10) years - Commercial Billboards, Commercial uses of any sort not listed below in residentially zoned areas, and all Commercial uses (not listed below) not in conformity with present zoning requirements.
  - b. Two (2) Years - Junkyards, Outdoor Storage Yards, Undeveloped uses zoned at variance with current ordinances, Kennels, Cement or Asphalt Batch Plants, Rock Crushers, Flea Markets.
2. If any owners of a property subject to amortization and termination under this ordinance feels that such amortization period is unfair with regards to such property, the owner may, within ninety (90) days of the passage of this ordinance file an appeal with the City Council of the City of Willow Park specifying why this regulation is unjust or unfair with regards to such property.

Pursuant to such appeal to the City Council may, after hearing and considering such evidence as may be provided, extend the period of amortization at its discretion. Failure to perfect an appeal by filing same within ninety (90) days of the passage of this ordinance or the denial of Certificate of Occupancy as a lawful non-conforming use under section 17.05 of this ordinance will constitute acquiescence to the terms stipulated above.

## Section 14.00 ENFORCEMENT & APPLICATION

- 14.01 Building Permits Required: No building or other structure valued at more than \$500 shall be erected, moved, added to, or structurally altered without a permit

therefor, issued by the Building Official. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Adjustment.

- 14.02 Application for Building Permit: All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimension and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

One copy of the plans shall be returned to the applicant by the Building Official after he shall have marked such copy either as approved or disapproved and attested to same by his signature of such copy. The second copy of the plans, similarly marked, shall be retained by the Building Official.

- 14.03 Expiration of Building Permit: If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Official; and written notice thereof shall be given to the persons affected.

- 14.04 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance: Building permits or certificate of zoning compliance issued on the basis of plans and applications approved by the City Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction, or variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Section 21.00 hereof.

#### Section 15.00 PLANNING & ZONING COMMISSION

The word "Commission" or "Planning Commission" or "Zoning Commission" when used in this Ordinance shall be construed to mean the Planning and Zoning Commission.

- 15.01 Organization and Procedure:

1. Establishment: A Planning and Zoning Commission is hereby re-established in accordance with the provisions of V.T.C.A., Local Government Code, Chapters 211 and 212, regarding the planning and zoning of cities and their extraterritorial area and with the powers and duties as provided in said

statutes.

2. Rules and Regulations: The Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provision of the Ordinance.

#### Section 16.00 BOARD OF ADJUSTMENT

The word “Board” when used in this Section shall be construed to mean the Board of Adjustment.

##### 16.01 Organization and Procedure:

1. Establishment. A Board of Adjustment is hereby established in accordance with the provisions of V.T.C.A., Local Government Code, Chapter 211, regarding the zoning of cities and with the powers and duties as provided in said statutes.
2. Membership. The Board shall consist of five (5) citizens of Willow Park, each to be appointed by the Mayor and confirmed by the City Council for staggered terms of two (2) years respectively. Each member of the Board shall be removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant. There may be a maximum of four (4) alternates to the Board to be appointed in like manner to serve in the absence of a regular member. Alternates must attend a minimum of two (2) meetings per year.

The Board of Adjustment shall meet, as a minimum, once every three months. It shall be grounds for removal of any member of the Board who is absent from two consecutive meetings. The Chairperson of the Board may not hold the Chair of any other City Board or Commission.

3. Meetings. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Act. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. 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 City Secretary and shall be a public record.

##### 16.02 Appeals

1. Procedure. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. In the enforcement of the zoning ordinances, such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof and, unless waived by the City Council, by payment of the fee stipulated in section 19.00 of this ordinance for an application to the board. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.
2. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official shall certify to the Board of Adjustment that by reasons of facts stated in the certificate, a stay would, in his opinion, cause 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.
3. Notice of Public Hearing on Appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof, as well as due notice to the parties in interest, and shall mail notices of such hearing to the owners of property lying within two hundred (200) 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. Notice shall be given not less than ten (10) days prior to the public hearing.
4. Decision by the 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.

#### 16.03 Powers and Duties of the Board

1. The Board of Adjustment shall have the following powers:
  - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.
  - b. To hear and decide special exceptions to the terms of the ordinance upon which said Board is required pass under said ordinance. Provisions established by approved Specific Use Permits or Planned Development Districts are not subject to review by the Board of Adjustments.
  - c. To authorize upon appeal in specific cases such variance from the terms of the ordinance which will not be contrary to the public interest, where,

owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

2. In exercising the above-mentioned powers such Board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
3. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under such ordinance. In order to effect any variation in such ordinance the Board must answer in a positive manner all the following questions:
  - a. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
  - b. That the situation causing the hardship or difficulty is unique to the affected property and is not self-imposed by the applicant.
  - c. That release sought will not injure the permitted use of adjacent conforming property.
  - d. That the granting of the variance will be in harmony with the spirit and purposes of the zoning ordinance.

Each question must be taken individually and each question must be voted on individually.

4. Changes. The Board shall have no authority to change any provisions of this Ordinance. The Board may not change the district of any land either to a more restrictive or less restrictive zone.

## Section 17.00 CERTIFICATES OF OCCUPANCY

17.01 Certificates of Occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered.
2. Change in use of an existing building to a use of a different classification.
3. Occupancy and use of vacant land, except agricultural use.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.

No such occupancy, use or change of use, shall take place until a Certificate of

Occupancy therefore shall have been issued by the Building Official.

- 17.02 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 a written request for the same has been made to said Building Official 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.

The Building Official may, in writing, suspend or revoke a Certificate of Occupancy, or a Temporary Certificate of Occupancy, whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that there is a violation of any ordinance or regulation or any provision of the Uniform Building Code.

- 17.03 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 on file in the office of the Building Official or his agent and copies shall be furnished on request to any person having priority or tenancy interest in the building or land affected.

- 17.04 Temporary Certificate: Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Official 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.

- 17.05 Certificates for Nonconforming Uses: A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the Building Official, by the Owner, or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the Building Official to issue a Certificate of Occupancy for a lawful nonconforming use, but failure to apply for such Certificate of Occupancy for a nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

## Section 18.00 COMPLIANCE WITH THE REGULATIONS

Except as herein 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, moved, 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, moved, 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 herein except in conformity with the off-street parking and loading regulations provided herein for the use for which the building is intended.
6. The minimum yards, parking spaces, and open areas, including lot area per dwelling unit, 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 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 building lot as herein defined, and except as specifically provided herein, there shall not be more than one main building on one lot.

#### Section 19.00 SCHEDULE OF FEES AND EXPENSES

The City Council shall establish a schedule of fees and expenses, and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. The Schedule below shall be posted in the office of the city administrator, and may be altered or amended only by the City Council.

No application for a zoning change will be accepted and scheduled for processing until the application fee listed below has been paid.

No permit, certificate, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses listed below have been paid in full or waived by the City Council, nor shall any action be taken on proceedings before The Board of Adjustments unless or until preliminary charges and fees have been paid in full or waived by the City Council.

The following schedule of fees and charges are hereby adopted:

1. For residential zoning change request\$500.00
2. For non-residential zoning change request\$1,000.00
3. For an application to the Board of Adjustments\$500.00
4. PD District Site Plan\$500.00 + Engineer Review Cost
5. Specific Use Permit\$500.00
6. Professional Reviews (as required)Cost of Professional Service

#### Section 20.00 AMENDMENTS

20.01 Authority: Under the provision of V.T.C.A., Local Government Code, Chapter 211, the City Council may from time to time amend, supplement, or change by Ordinance the boundaries to the districts or the regulations herein established.

20.02 Submission to Planning and Zoning Commission: Before taking any action on any proposed amendment, supplement, or change in the Ordinance, the City Council shall submit the proposed revision to the Planning and Zoning Commission for its review, recommendation, and report.

20.03 Public Hearings: A public hearing shall be held by the Planning and Zoning Commission before recommendations to City Council concerning adopting any proposed amendment, supplement, or change to the Ordinance. Written notice of all public hearings before the Planning and Zoning Commission on proposed changes in classification shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change is proposed, not less than (10) days before the date set for such hearing.

Notice of the City Council public hearing shall be given by publication one (1) time in a newspaper of general circulation in the City, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

20.04 In Case of Protests: In the case that such amendment, supplement, or change has been disapproved by the Planning and Zoning Commission, or in a case of a protest signed by the owners of twenty (20) percent or more either of the area of the lots included in the proposed change, or of those immediately adjoining the same such change shall not become effective except by the favorable vote of three fourths (3/4) of all the members of the City Council.

20.05 Limitation on Resubmission of Petition: No amendment, supplement, change, or repeal of any section of this ordinance which has been legally rejected by the City Council shall be again considered either by the Planning and Zoning Commission or the City Council on an appeal or petition by an appellant or application before the expiration of one (1) year from date of the original action.

### Section 21.00 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 or plan submitted or approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall be fined not more than two thousand dollars (\$2,000.00), or the maximum allowed by Texas State Law. Each day such violation shall be permitted to exist shall be construed to 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, agency or corporation employed in connection therewith who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

### Section 22.00 VALIDITY

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged or for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council, in adopting this Ordinance, that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance.

### Section 23.00 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 easement, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater 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 easements, covenants or agreements, the provision of this Ordinance shall govern.

### Section 24.00 CONFLICTING ORDINANCES REPEALED

All ordinances and parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed.

Section 25.00 EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.  
(Ordinance of February 16, 1993)