

CITY OF WILLOW PARK

ORDINANCE NO. 628-10

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO CHAPTER 12 "ZONING REGULATIONS", ARTICLE 12.500 "USE RESTRICTIONS AND ZONING REGULATIONS" BY AMENDING THE APPROPRIATE SECTION ENTITLED "RESIDENTIAL: R-3 MULTI-FAMILY DISTRICT" CLASSIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Willow Park is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the City is pursuant to §211.002 delegated the authority to adopt, amend or repeal zoning regulations that provide for the health, safety and general welfare of the City; and

WHEREAS, the zoning regulations generally §211.003 Tex. Local Govt. Code may regulate the height, number of stories, size of buildings and other structures including maximum height, minimum lot area, dwelling units per acre, gross living area, yard setback, screening and use of structures; and

WHEREAS, the Planning and Zoning Commission of the City of Willow Park conducted a public hearing consistent with §211,006(a), TEX. LOCAL GOVT. CODE providing for the amendment of zoning regulations including notices required by law.

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

SECTION 1. AUTHORITY

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT

Chapter 12, "Zoning Regulations" Article 12.500 "Use Restrictions and Zoning Regulations" is amended by repealing "Class II - Residential: R-3 Multi-Family District" and substituting the following :

§12.506 CLASS II -- Residential: 'R-3' Multi-Family District

A. ~~Use Regulations: The 'R-3' Multi Family District will be limited to the following uses:~~

- ~~1. Any use permitted in Article 12.505 (R-2 Residential District)~~
- ~~2. Tri-plexes, four-plexes, condominiums and garden apartments~~
- ~~3. Accessory uses and buildings~~
- ~~4. Special exception uses after recommendation by the Planning and Zoning Commissions and approval by the City Council.~~

B. ~~Zoning Standards: are set accordingly unless specified otherwise in this ordinance (the more stringent applying):~~

- ~~1. Maximum height: Two (2) stories, but not to exceed thirty (30) feet~~
- ~~2. Minimum lot area: Forty thousand (40,000) square feet~~
- ~~3. Maximum family dwelling units: Eight (8) dwelling units per acre~~
- ~~4. Maximum building unit area: Six thousand (6,000) square feet~~
- ~~5. Minimum gross living area: Six hundred seventy-five (675) square feet~~
- ~~6. Minimum lot width: One hundred (100) feet~~
- ~~7. Minimum lot depth: One hundred fifty (150) feet~~
- ~~8. Front yard setback: Twenty-five (25) feet~~
- ~~9. Rear yard setback: Twenty-five (25) feet~~
- ~~10. Side yard setback: Twenty-five (25) feet~~
- ~~11. Maximum lot coverage by structure: Forty percent (40%)~~
- ~~12. Required parking: Two (2) covered spaces per dwelling unit~~
- ~~13. Required screening: Six (6) foot masonry or wooden screening in compliance with Article 12.800 of this ordinance.~~

14. ~~Minimum masonry coverage: Seventy-five percent (75%) first floor~~
15. ~~Accessory building or use setback: Ten (10) feet minimums~~

C. Special Regulations:

1. ~~Special Regulations Article 12.504.C.1, 2, and 3 shall apply to this district.~~
2. ~~All dwelling units in this district will require a new development site plan under the provisions of Article 12.907 of this ordinance.~~

A. Use Regulations: The R-3 Multi-Family District will be limited to the following uses:

1. Any use permitted in R-2 Residential District
2. Tri-plexes, four-plexes, condominiums, and apartments
3. Accessory uses and buildings
4. Special exemption uses after recommendation by the Planning and Zoning Commission and approval by the City Council

B. Zoning Standards

1. Density
 - a) Maximum apartments contained in multi-family dwelling unit: 18 per acre.
 - b) Occupancy may not exceed 2 people per bedroom.
2. Height Regulations
 - a) Main building maximum height: 2 stories, not to exceed 30 feet, except within the I-20 Overlay, which height restrictions shall apply to buildings within the I-20 Overlay.
 - b) Cooling towers are not permitted.
3. Area Regulations
 - a) Minimum project size: 5 acres
 - b) Minimum lot area: 15,000 sq feet
 - c) Maximum lot coverage by structure: 45%
 - d) Minimum lot width: 100 feet
 - e) Minimum lot depth: 150 feet
 - f) Minimum building separation: 1 story - 20 feet, 2 stories - 25 feet.
 - g) Minimum separation to accessory buildings: 10 feet
 - h) Minimum front (and street) yard setback: 35 feet for a 1 story building,

40 feet for a 2 story building and 50 feet for a 3 story building. Eaves and roof extensions may project into the required front yard setback by no more than 4 feet. Building subsurface structure, platforms and/or slabs may not project into the front yard area by a height less than 2 feet above the average grade of the yard.

- i) Minimum side and back yard setbacks: 25 feet.
- j) Minimum gross living area: 1 Bedroom (BR) - 725 sq feet, 2BR - 875 sq feet, add 125 sq feet for each additional over 2BR. Only the indoor space shall be used to calculate the square footage. Balconies and exterior storage shall not be considered in the calculation.
- k) Every apartment shall have at least one (1) habitable room which shall have not less than one hundred twenty (120) square feet of floor area.
- l) Bedrooms may not be less than eight feet (8') in any floor dimension.

4. Exterior Construction and Design Regulations

- a) Minimum standard masonry construction: 85% of exterior cladding of the structure. Masonry construction shall include all construction of a minimum of two different coordinated stone and/or brick materials, defined as follows:
 1. Stone material - Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock or other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.
 2. Brick Material - Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specifications for Face Brick (Solid Masonry Unit Made of Clay or Shale) and be Severe Weather (SW) grade and Type FBA or FBS or better. Unfired or underfired clay, sand or shale brick are not allowed.
- b) Facade articulation (offsets) of not less than 4 feet in depth are required for

- every 40 feet in building surface length.
- c) All patios shall not protrude more than 1 foot from surrounding building exterior.
 - d) Maximum multi-family dwelling width: 200 feet
 - e) All exterior stairways must be recessed within the building line.
 - f) All multi-family dwelling shall provide signage that clearly identifies the building number(s) of the apartments located within. The marking should be visible from entrances and from vehicular drive lanes.

5. Parking Regulations

- a) Minimum parking spaces per multi-family dwelling:
 - 1. One and one-half spaces for each one bedroom apartment;
 - 2. Two and one-half spaces for each two bedroom apartment; and
 - 3. Three and one-half spaces for each three bedroom apartment.
- b) A minimum of 10% of apartments shall have a garage, which shall count towards the covered parking requirements set forth in subparagraph (a) above.
- c) Total parking spaces shall be rounded up to the nearest whole number.
- d) Minimum garage parking space size: 10 feet x 20 feet, minimum nine (9) foot wide door with lighted door opener.
- e) Perimeter of Parking Lots (and associated facility driveways) shall have Concrete curbs or other means to control traffic flow
- f) Parking spaces shall be at least 6 ft from buildings and 2 ft from side or rear lot lines
- g) Parking spaces shall not be used for overnight storage of boats, campers, trailers, semi-trucks and motor home type vehicles. Parking spaces shall not be used for repair, storage, dismantling, or servicing (other than normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use that conflicts with the intended use of parking
- h) Parking spaces adjacent to public streets shall be screened from view. Screening shall be in the form of live plants, berms, wrought iron fencing, or low

masonry walls matching exterior finish of the main buildings or any combination of the above

- i) It is the responsibility of the multi-family dwelling owner to monitor and maintain all off street parking areas keeping them free of litter, vehicle repair operations, and unauthorized advertising materials.
- j) All parking areas shall have appropriate lighting positioned in such a way as to not illuminate adjacent residential areas.

6. Fencing, Walls, and Screening Regulations

- a) Unless otherwise stated in this section, Article 12.800 shall control.
 - 1. Wooden fences are not permitted.
 - 2. Chain link fencing is not permitted.
 - 3. Screening shall be constructed of masonry, brick, stone, reinforced concrete, wrought iron or some other suitable material that does not contain pass thru openings. All pass thru openings shall be equipped with a gate of similar height and similar screening characteristics of the wall or fence.

7. Landscaping Regulations

- a) Unless otherwise specified all landscaping must comply with Article 12.802.

8. Driveway and Parking Regulations

- a) Unless otherwise specified all drive and parking areas must comply with Article 12.1100.

9. Irrigation Regulations

- a) Unless otherwise specified all irrigation must comply with Article 12.204.

10. Supplemental Regulations

- a) Designated refuse storage facilities shall be provided within 250 feet of each multi-family dwelling. Refuse containers shall not be placed within 30 feet of a property line.
- b) Each refuse facility shall be located to facilitate collection by service providers and to minimize parking lot wear and tear.
- c) Refuse facilities shall be constructed on three sides of material which matches the main building to screen facility from direct view.

- d) A screened swimming pool shall be provided for multi-family developments with 50 or more apartments. All pools shall comply with the Texas Health and Safety Code.
- e) A playground shall be provided when the number of apartments not designated as senior living exceeds 30 units.
- f) All multi-family dwellings must be connected to parking areas and accessory areas by concrete sidewalks. Sidewalks shall connect multi-family dwellings to parking areas and accessory buildings. All sidewalks shall be at least 4 feet in width. Sidewalks adjacent to parking lots width shall be widened to 6 feet to account for car overhang, if applicable.

C. Special Regulations:

- 1. Special Regulations Section 12.504.C.1. and C.3. shall apply in this district
- 2. All multi-family dwelling units in this district will require a new development site plan under the provisions of Article 12.907 of this ordinance.
- 3. All utilities must be independently metered except water.
- 4. A reduced pressure zone backflow preventer shall be installed at the junction between the city water supply and the multi-family dwelling at the owner's expense.
- 5. All multi-family dwellings and apartments contained therein must have a fire suppression sprinkler system installed per International Building Code (IBC) 2003, section 903.2.7 Group R, and International Fire Code (IFC) 2003, section 903.2.7 Group R.
- 6. Each apartment must be certified for a Certificate of Occupancy (CO) by the Willow Park Building Inspector prior to leasing to a new occupant. The cost of the inspection shall be paid by the owner in an amount set by the City Council.
- 7. No on premise banner signs or other outdoor advertising is permitted on the dwellings or fencing associated therewith.

D. Penalties

Violations and Penalties, are pursuant to Article 12.2100.

SECTION 3. SEVERANCE

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 4. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 5. PUBLICATION

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park the caption hereof and the effective date of this ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after the date of its adoption.

PASSED AND ADOPTED this 13th day of December, 2010.

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/  _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 628-10, did on the 13th day of December, 2010 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	_____	_____
Gene Martin, Place 2	_____✓	_____
Barry Brown, Place 3	_____✓	_____
Mark Hickerson, Place 4	_____	_____✓
Hale Alderman, Mayor Pro Tem, Place 5	_____✓	_____