

CITY OF WILLOW PARK

ORDINANCE NO. 639-11

AN ORDINANCE OF THE CITY OF WILLOW PARK, PROVIDING FOR THE AMENDMENT OF CHAPTER 12, "ZONING", ARTICLE 12.500 "RESTRICTIONS IN ZONING REGULATIONS", SECTION 12.512 "IH-20 OVERLAY DISTRICT" TO CONFORM ZONING DISTRICT RESTRICTIONS AND REGULATIONS WITH THE IH-20 OVERLAY DISTRICT TO GIVE EFFECT TO BOTH; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

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

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, the City did, consistent with Title 7, Subtitle A, TEX. LOCAL GOVERNMENT CODE, review, analyze and develop zoning regulations that were uniform within a zoning district boundary, and regulatory standards in a defined area known as the Interstate Highway 20 Overlay District; and

WHEREAS, the governing body of the City did, on the 26th of January 2004, adopt Ordinance 507-04 that added Section 512 to Chapter 12 of the Municipal Code of Ordinances of the City creating the Interstate Highway 20 Overlay Zoning District; and

WHEREAS, Section 12.512 "Class V Interstate Highway 20 Overlay District" was subsequently amended by Ordinance 542-05 by act of the City Council on September 20, 2005 to provide, among other things, greater clarity and definition to the zoning district boundaries; and

WHEREAS, the caption of the initial Ordinance (Ord. 507-04) creating the Overly Zoning District did provide as follows: *"Providing that the more restrictive of the standards and regulations of the underlying district or the Interstate Highway 20 Overlay District shall apply"*; and

WHEREAS, it is the intent of the governing body of the City to conform the caption of Ordinance 507-04 with the Interstate Highway 20 Overlay Zoning District standards by conforming the "General Purpose and Description" clause in the standard and regulation preamble.

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

SECTION 1. AUTHORIZATION

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

SECTION 2. AMENDMENT

Chapter 12 "Zoning Regulation," Article 12.500 "Use Restrictions and Zoning Regulations," Section 12.512 "Class V - Interstate Highway 20 Overlay District," subparagraph A, is amended as follows:

A. General Purpose and Description.

The intent of these standards is to exercise greater control over the aesthetic, functional, and safety characteristics of development along Interstate Highway 20 (hereinafter referred to as "IH 20") where higher standards can effectively enhance the City's image as a desirable place to live, work, and shop.

These standards are limited to either side of IH 20 to the distances specified herein and encompassing land that has already been zoned by the City of Willow Park. It supplements the standards of the underlying zoning districts with new or different standards that re more restrictive. In the even of a conflict between the

standards of the IH 20 Overlay District and the regulations of the underlying zoning district, the more restrictive of the standards and regulations described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the IH 20 Corridor Overlay District will continue to prevail.

SECTION 3. 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 Ordinance.

SECTION 4. SAVINGS/REPEALING CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, paragraph, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this or any other Ordinance of the City to which these rules and regulations relate. The City of Willow Park hereby declares that it would have passed this Ordinance, and each section, paragraph, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, paragraph, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 6. 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 6. 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 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Willow Park and after publication as required herein.

PASSED AND ADOPTED this 19th day of September, 2011.

/s/ Eugene R. Marto
Mayor

ATTEST:

/s/ Joel Hoffman
City Secretary/Clerk

APPROVED AT TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 639-11 did on the 19th day of September, 2011, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Richard Neverdousky, Place 1	_____✓_____	_____
Gene Martin, Place 2, Mayor Pro-Tem	_____✓_____	_____
Amy Podany, Place 3	_____✓_____	_____
Mark Hickerson, Place 4	_____✓_____	_____
Hale Alderman, Place 5	_____✓_____	_____