

CITY OF WILLOW PARK

ORDINANCE NO. 670-13

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO CHAPTER 12 "ZONING REGULATIONS", ARTICLE 12.1200 "SPECIFIC USE PERMITS" BY AMENDING THE APPROPRIATE SECTIONS TO CLARIFY CERTAIN PROCEDURES; 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 TEX. LOCAL GOVT. CODE 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 12.1200 "Specific Use Permits" is amended as follows:

"ARTICLE 12.1200 SPECIFIC USE PERMITS

12.1201 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.

12.1202 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. If the applicant has not obtained a building permit within six months, or a Certificate of Occupancy within one year of being granted the permit, the Specific Use Permit shall lapse and become invalid.~~ 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. 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.

6. ~~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.—The applicant is required to display a copy of the Specific Use Permit and Certificate of Occupancy in a location on the premises capable of being viewed by the public.~~

7. 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 (Article 12.900) may be drawn upon as guidance to the Planning and Zoning commission and city council. An approved specific use permit shall be effective for ninety (90) days to two (2) years following date of issuance.

12.1203 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.~~ The City Council may issue a Specific Use Permit with a duration of up to ten (10) years which may be renewed for an additional ten (10) year period if the specific use still conforms to the provisions of this Article or the Permit has not otherwise been revoked or suspended.
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.

12.1204 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.

Convictions of Municipal Code violations or state or local law violations related to the property may also result in revocation of the permit.

12.1205 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 Article 12.900 of this Chapter.)”

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 Willow Park City Council in acting on Ordinance No. ⁶⁷⁰~~668~~-13, did on the 11th day of June, 2013 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Richard Neverdousky, Mayor	_____	_____	_____
Brian Thornburg, Place 1	✓ _____	_____	_____
Gene Martin, Place 2	_____	_____	✓ _____
Amy Podany, Place 3	✓ _____	_____	_____
Dan Stalling, Place 4	✓ _____	_____	_____
Bernard Suchocki, Place 5	✓ _____	_____	_____

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 TEXAS LOCAL GOVERNMENT CODE.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after the date of its publication as directed herein.

PASSED AND ADOPTED this 11th day of June, 2013.

/s/ Richard Neverdousky
Mayor

ATTEST:
/s/ Joel Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:
/s/ [Signature]
City Attorney