

CITY OF WILLOW PARK

ORDINANCE NO. 701-15 703-15

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO CHAPTER 12 "ZONING REGULATIONS", ARTICLE 12.500 "USE RESTRICTIONS AND ZONING REGULATIONS", BY AMENDING SECTION 12.505(a) "CLASS II- RESIDENTIAL: 'R-5' SINGLE FAMILY, HIGH DENSITY" ZONING CLASSIFICATION; PROVIDING FOR PUBLICATION AND 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, pursuant to §211.003 TEX LOCAL GOV'T CODE the City may regulate the height, number of stories, size of buildings and other structures including maximum height, maximum 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 GOV'T 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, 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, as follows:

“§12.505(a) CLASS II—Residential: 'R-5' Single Family ~~High~~ Medium Density District

A. Use Regulations: The 'R-5' Single Family ~~High~~ Medium Density District will be limited to the following uses:

1. Application to large parcels of land to be used for the development of single family residential uses which require approval of the Planning and Zoning Commissions and City Council.
2. All homes shall be site-built homes only.

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: ~~ten nine (10,000)~~ (9,000) thousand square feet.
3. Maximum family dwelling units: Six (6) dwelling units per acre.
4. Minimum gross living area: The following ranges must be followed per each defined subdivision: ~~20% 50% 1500— 1700 -2000~~ square feet; ~~30% 1701— 1900 square feet;~~ 50% greater than 1900 2000 square feet.
5. Front yard setback: Twenty-five (25) feet, from the edge of the sidewalk closest to the residence.
6. Rear yard setback: Ten (10) feet.
7. Side yard setback: Ten (10) feet.
8. Maximum lot coverage by structure: Forty-five percent (40%); (45%).
9. Required parking: Two (2) car attached garage per dwelling unit. Front entrance garages require divided garage doors.

Detached garages with alley access are permitted on lots larger than ¼ acre.

10. Required screening: Rear and rear-side yards shall be enclosed with Six (6) foot masonry or wooden screening. Wooden screening shall be built with steel reinforced concrete footer which shall be four (4) inches above grade, four (4) inches below grade and a minimum six (6) inches wide. Footer shall have drainage holes as necessary. Screening poles shall be metal. All screening shall be uniform throughout individual subdivisions. Developments done in phases shall ensure that screening is complimentary in style and colors.
11. Minimum masonry coverage: One hundred percent (100%) below highest top plate. Fireplaces and chimneys must be 100% masonry.
12. Landscape requirements: Front and front side yards shall be sodded. The front yard shall have minimum of two (2) trees with minimum three (3) inch trunk diameter as measured twelve (12) inches above the ground and a minimum of six (6) shrubs. Said shrubs shall be a minimum of five (5) gallons at the time of planting. At time of planting, trees shall not be placed nearer than six (6) feet on center.
13. Architectural Relief Required: The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.
14. Repetition of Building Form:
 - (a) Repetition of Facade: No front building elevation or plan for a primary structure shall be repeated ~~within a block face (including both sides of the street) or within any three hundred (300) feet~~ contiguous lots along a street or streets.
 - i. "Block Face" means lots taking access from a street that are contiguous to each other and that are not separated by a street.
 - ii. The three hundred (300) foot distance along a street shall be measured from the centerline of the street on which the proposed structure faces at a point perpendicular to a the center point of the lot to contain the structure, thence along the centerline of such

street or along an intersecting street for a distance of three hundred (300) feet.

(b) Criteria for Determining Difference in Elevation: A front building elevation or elevation plan shall be considered: repeated if it is not visually different from another front building elevation or elevation plan. A front building elevation or elevation plan shall be considered visually different if any three (3) of the following five (5) criteria are met:

i. "Block Face" means lots taking access from a street that are contiguous to each other and that are not separated by a street.

ii. There is a difference in roof pitch of two (2) inches per twelve (12) inches or greater;

iii. Articulations in the front facade, i.e., the planes that advance or recede from the line of the main facade by three (3) or more feet, vary in height or width by a minimum of fifteen (15) percent;

iv. The articulation of windows shall vary a minimum of two (2) of the following methods:

a. The aggregate area of windows on the front facade varies by at least fifteen (15) percent;

b. The distance between two (2) or more windows varies by at least ten (10) percent; or

c. The shape of two (2) or more windows varies in width or height or radius by at least fifteen (15) percent.

v. The size and shape, or mix, or masonry units (i.e. individual bricks or blocks of stone) are noticeable different. "Noticeable different" as specified herein shall mean at least a fifteen (15) percent variance in size, shape or mix.

(c) Reversal of a Building Plan: A front building elevation plan may be reversed once within a block face (including both sides of the street) or within three hundred (300) feet along a street or streets in order to meet the criteria as specified in (2) (a) and (2) (b) of this section: provided that in such event, criteria (2) (c) and (2) (d) must also be satisfied.

(d) Variations not considered: Variations in the following characteristics shall not be considered in determining whether a building elevation for a primary structure is dissimilar:

- i. Color, or
- ii. Roofing materials.

(e) Determination by Building Official:

i. The Building Official shall have discretion to approve minor variations in the requirements of this section, so long as those variations are consistent with the overall intent of this section.

ii. The following process shall be used to approve a front building elevation plan:

a. The applicant shall submit a dimensioned rendering of the front building elevation to the Building Official.

b. The Building Official shall determine the elevation plan's compliance with this section and issue an elevation plan approval letter or disapproval letter to the applicant.

c. The applicant shall prepare and submit construction plans to the Building Official, who shall process the plans in accordance with City ordinances and policies.

d. The elevation plan approval letter, if issued, shall remain in effect until the completion of the construction plan approval process and the issuance of the building permit for the proposed structure.

e. Complete construction plans shall be submitted to the Building Official within thirty (30) calendar days of the date of the approval

letter. If construction plans are not submitted within such period, the elevation plan approval expires.

f. Construction plans shall be consistent with the approved elevation plan. If construction plans are inconsistent, consistent plans shall be submitted or a new elevation plan must be approved for the construction plans under the criteria of this section.

(f) Minimum Roof Pitch Required: A minimum 7:12 roof pitch is required for each primary structure.

(g) Minimum Overhang Required: Each primary structure must be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building facade to the soffit.

(h) Roofing System Required: Installed roofing shingles must consist of dimensional shingles with a minimum manufacturers rating of twenty (20) years. Roofing systems or materials exceeding the standards established herein may be used pursuant to approval by the Building Official or his designee.

C. Special Regulations:

1. Portable trailers may be used as offices or storage trailers located within a new sub-development subject to the following provisions;
 - (a) No more than one (1) trailer per platted sub-division
 - (b) Trailer must be located at least one hundred fifty (150) feet from any occupied residence
 - (c) A time limit of one (1) year
2. All streets shall be constructed of concrete, with curb and gutter and adjacent sidewalks.
3. Connectivity to adjacent subdivisions or commercial areas must be provided.
4. Amenity provisions
 - (a) Pocket parks or subdivision specific green space
 - (b) Benches in common areas
 - (c) Enhanced landscaping
 - (d) Enhanced lighting, where appropriate
 - (e) Trees planted along streets or roadways

- (f) Home Owner Association shall maintain all common area or common to all amenities
- (g) All utilities shall be buried underground

SECTION 3. SEVERANCE

If for any reason any section, paragraph, subdivision, clause, phrase or provision of the 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 the 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 effective date of this ordinance as required by §52.001 of the LOCAL GOVERNMENT CODE.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after the date of its publication as provided in Section 5 hereof.

PASSED AND APPROVED this 13th day of January, 2015.

/s/ R. C. Neverdousky
Mayor

ATTEST:
/s/ Candice Scott
City Secretary/Clerk

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

The Willow Park City Council in acting on Ordinance No. 701-15 did on the 13th day of January, 2015 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
Brian Thornburg, Place 1	✓ _____	_____
Gene Martin, Place 2	✓ _____	_____
Greg Runnebaum, Place 3	✓ _____	_____
James E. Mullins, Place 4	✓ _____	_____
Tim Griffiths, Place 5	✓ _____	_____