

CITY OF WILLOW PARK

ORDINANCE NO. 712-15

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO CHAPTER 12 “ZONING” ARTICLE 12.500 “USE RESTRICTIONS AND ZONING REGULATIONS”, SECTION 12.511 “CLASS III- BUSINESS ‘C’ COMMERCIAL DISTRICT” AUTHORIZING THE AMENDING A PERMITTED USE, TO WIT: SUBPARAGRAPH A.22; AND, 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 governing body of the City did amend Section 12.511, of Chapter 12 “Zoning” of the Municipal Code of Ordinances by adopting Ordinance No. 665-13 on May 14, 2013 adding a new use category as subparagraph “22.”; and

WHEREAS, the Planning and Zoning Commission of the City of Willow Park conducted public hearings, consistent with §211.006(a), TEX. LOCAL GOVT. CODE, concerning the amendment of zoning regulations, as set forth herein 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” Section §12.511 “CLASS III – Business “C” Commercial District,” Subparagraph A “Use Regulations” is hereby amended as follows:

“12.511 Class III—Business “C” Commercial District

- A. Use Regulations: The 'C' Commercial District will be limited to the following uses, residential uses are not permitted in this district:
1. Any use permitted in Article 12.509 (Local Retail District)
 2. Auditoriums, theaters, moving picture shows, having a seating capacity for not more than one thousand five hundred (1,500) people
 3. Turkish baths and similar massage and health treatment facilities
 4. Bicycles sales and repair shops
 5. Aquariums, bird stores, pet shops, and taxidermist shops
 6. Car washing facilities
 7. Cleaning, dyeing and pressing works; laundry and washateria
 8. Commercial parking areas
 9. Business colleges and private schools operated as a commercial enterprise
 10. Department stores
 11. Small animal hospitals having no outside kennels
 12. Electrical, gas, heating, plumbing appliances and supply sales, repair and installation services when limited to small shops, the principle business of which is a neighborhood service
 13. Hardware, paint and wallpaper, interior decorating stores
 14. Household and office furniture, furnishings and appliances

15. Hotels and motels
16. Golf courses including miniature, driving tees, driving ranges, and 'Pitch n' Putt' courses
17. Lodges and civic clubs
18. Nursery yards or buildings, provided that all incidental equipment and supplies including fertilizer and empty containers are kept within a building
19. Pawnshops
20. Musical instrument sales and supplies
21. Accessory buildings and incidental uses. No accessory use shall be construed as allowing articles or material to be in the open or on the outside of the building.”
22. Diagnostic or treatment healthcare facility or assisted living facility, ~~with Specific Use Permit.”~~

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 14th day of April, 2015.

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 712-15, did on the 14th day of April, 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	_____	_____