

## **ORDINANCE NO. 1060-2015**

AN ORDINANCE AMENDING ARTICLE 14.03 "ZONING AND SIGN ORDINANCES" BY REVISING ARTICLE 14.03 (A) "ZONING ORDINANCE" AND 14.03 (B) "SIGN ORDINANCES" OF THE RIVER OAKS CODE OF ORDINANCES; AMENDING THE ZONING ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS, BEING EXHIBIT A OF CHAPTER 14 OF THE CODE OF ORDINANCES, BY REVISING OR ADDING THE DEFINITIONS OF BREEZEWAY, CARPORT, DRIVEWAY, HARD SURFACE, MASONRY CONSTRUCTION, PORCH AND ZONING ADMINISTRATOR ; AMENDING SECTION 20 "PARKING AND VEHICULAR CIRCULATION REQUIREMENTS" BY REVISING SECTION 20 D "GENERAL REQUIREMENTS", # 14b, REGARDING PARKING OF MAJOR RECREATIONAL VEHICLES; AMENDING SECTION 20 "PARKING AND VEHICULAR CIRCULATION REQUIREMENTS" BY REVISING SECTION 20 D "GENERAL REQUIREMENTS", # 17c, REGARDING PARKING SURFACE IN SINGLE-FAMILY ZONING DISTRICTS; AMENDING SECTION 20 "PARKING AND VEHICULAR CIRCULATION REQUIREMENTS" BY REVISING SECTION 20 D "GENERAL REQUIREMENTS", # 17d REGARDING PARKING SURFACES FOR A USE OTHER THAN A SINGLE-FAMILY USE; AMENDING SECTION 21 "FENCE REGULATIONS" BY REVISING SECTION 21 B "GENERAL REQUIREMENTS" IN THAT A FENCE SHALL BE CONSTRUCTED OF CODE APPROVED MATERIAL; AMENDING SECTION 21 "FENCE REGULATIONS" SPECIFICALLY IN SECTION 21.C "USE REGULATIONS" # 3 "PLACEMENT OF FENCES" UNDER 3.a "FRONT YARD" REGARDING APPROVAL BY THE BUILDING OFFICIAL OF FENCES CONSTRUCTED OF DECORATIVE WROUGHT IRON IN RESIDENTIAL AND MULTI-FAMILY ZONING DISTRICTS; AMENDING SECTION 21 "FENCE REGULATIONS" SPECIFICALLY IN SECTION 21.C "USE REGULATIONS" # 5 "SCREENING FOR RESIDENTIAL ADJACENCIES AND DUMPSTERS" SPECIFICALLY IN 21.C.5b; AMEND SECTION 22 "ACCESSORY USES" SPECIFICALLY IN SECTION 22.A "AUTHORIZED ACCESSORY USES" #2 "ACCESSORY BUILDINGS" UNDER 2.b IN THAT THE ACCESSORY BUILDING MAY NOT EXCEED THE SIZE OF THE PRINCIPLE STRUCTURE ON ANY INDIVIDUALLY PLATTED RESIDENTIAL LOT; AMENDING SECTION 22 "ACCESSORY USES" SPECIFICALLY IN SECTION 22.A "AUTHORIZED ACCESSORY USES" #2 "ACCESSORY BUILDINGS" INCORPORATING 2.d REQUIRING THAT AN APPROVED SITE PLAN PURSUANT TO SECTION 25 OF THE COMPREHENSIVE ZONING ORDINANCE AS A CONDITION FOR APPROVAL OF ACCESSORY BUILDINGS IN ANY COMMERCIAL, INDUSTRIAL, MULTI-FAMILY AND PLANNED ZONING DISTRICTS; AMENDING SECTION 22 "ACCESSORY USES" IN SECTION 22.A "AUTHORIZED ACCESSORY USES" # 7 IN THAT THE DESIGN AND NUMBER OF GASOLINE DELIVERY STATIONS OR PUMPS BE PRE-APPROVED BY THE CITY'S FIRE INSPECTOR; AMENDING SECTION 22 "ACCESSORY USES" IN SECTION 22.A "AUTHORIZED ACCESSORY USES" # 19.5 REGARDING NON-CONFORMING ACCESSORY BUILDINGS USED FOR RESIDENTIAL HUMAN OCCUPATION; AMENDING SECTION 25 "SITE PLANS REQUIRED FOR MULTI-FAMILY, COMMERCIAL, INDUSTRIAL, PLANNED DISTRICTS AND ZONE CHANGES" INCORPORATING IN SECTION 25 B "APPLICATION" # 4 THE REQUIREMENT TO SUBMIT A SITE PLAN FOR APPROVAL OF ACCESSORY BUILDINGS TO BE CONSTRUCTED AND EXPANSIONS IN EXCESS OF 25% OF THE ACCESSORY BUILDING SIZE IN ALL MULTI-FAMILY, COMMERCIAL, INDUSTRIAL AND PLANNED ZONING DISTRICTS; AMENDING SECTION 27A "LANDSCAPING REQUIREMENTS" BY REVISING SECTION 27A.G "NONCONFORMING USES AND STRUCTURES" SUBJECT TO THE PROVISIONS ESTABLISHED IN SECTION 28 OF THE ZONING ORDINANCE AS A LEGAL NONCONFORMING USE; AMENDING SECTION 28 "NONCONFORMITIES" SPECIFICALLY IN SECTION 28D "NONCONFORMING STRUCTURES" # 1 "ALTERATION IN SIZE OF STRUCTURE"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

### **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:**

- (A) That Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances as adopted and as amended is hereby amended to read as follows:
- Amend Article 14.03 "Zoning and Sign Ordinances" by revising Article 14.03 (a) "Zoning Ordinance" incorporating the current Zoning Ordinance and revising Article 14.03 (b) "Sign Ordinances" in that the Sign Code is now provided for in Section 3.12 "Signs" of the River Oaks Code of Ordinances.
- (B) That Ordinance No. 920-2012, passed by the City Council, together with all amendments thereto, is

hereby amended by:

- "amending or adding the definitions of "Breezeway", "Carport", "Driveway", "Hard Surface", "Masonry Construction", "Porch" and "Zoning Administrator" in Section 4 "Definitions";
- amending Section 20 "Parking and Vehicular Circulation Requirements" by revising Section 20 D "General Requirements", # 14b pertaining to the parking of major recreational vehicles in the front yard: *the parking surface in any required front yard shall be on a continuous minimum 3½ inches thick solid concrete parking flatwork surface that meets the minimum pounds per square inch (p.s.i.) requirement of 2500 p.s.i. and is constructed pursuant to the most recently adopted building code compliant with NCTCOG Specifications and the River Oaks Code of Ordinances, whichever is applicable.*
- amending Section 20 "Parking and Vehicular Circulation Requirements" by revising Section 20 D "General Requirements", # 17c requiring that the parking surface after the effective date of this ordinance in any required front yard in single-family zoning district shall be *on a continuous 3½ inches thick solid concrete parking flatwork surface that meets the minimum pounds per square inch (p.s.i.) requirement of 2500 p.s.i. and is constructed pursuant to the most recently adopted building code compliant with NCTCOG Specifications and the River Oaks Code of Ordinances, whichever is applicable;*
- amending Section 20 "Parking and Vehicular Circulation Requirements" by revising Section 20 D "General Requirements", # 17d requiring that *for a use other than a single-family use, the surface of a parking space, maneuvering area for parking, or driveway must consist of concrete, or in the alternative, may consist of hot mix asphalt paving which meets the NCTCOG specifications. The approach shall be a minimum of 10 feet or to the property line and shall be concrete;*
- amending Section 21 "Fence Regulations" by revising Section 21 B "General Requirements" by revising Section 21 B "General Requirements" *A fence shall be constructed of decorative wrought iron, chain link, wood, masonry, or any other code approved material except that solid sheet metal panels shall not be allowed on any property zoned "R-1," "R-2," "R-3," "R-4," "R-5," "R-6," or "MF" unless a specific regulation herein requires that a fence be constructed of a specific material;*
- amending Section 21 "Fence Regulations" specifically in Section 21.C "Use Regulations" # 3 "Placement of Fences" under 3.a "Front Yard in that *fences constructed of wrought iron, ornamental iron, metal except that solid sheet metal siding shall not be permitted, chain link, vinyl or other material that allows the passage of a 1 3/4" sphere are permitted in front of the designated front building line of any property zoned "R-1," "R-2," "R-3," "R-4," "R-5," "R-6," or "MF" may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is at least 50% open and is determined to be architecturally compatible within that particular zoning district by the Building Official;*
- Amending Section 21 "Fence Regulations" specifically in Section 21.C "Use Regulations" # 5 "Screening for Residential Adjacencies and Dumpsters", revising Section 21C.5b requiring approved screening where a lot zoned for commercial uses abuts property zoned for or used for residential uses.
- amending Section 22 "Accessory Uses" specifically in Section 22.A "Authorized Accessory Uses" #2 "Accessory Buildings" under 2.b *in that the accessory building may not exceed the as built single-story foot-print floor plan in square-feet of the principle structure on any individually platted residential lot and must meet all other applicable requirements for accessory buildings;*
- amending Section 22 "Accessory Uses" specifically in Section 22.A "Authorized Accessory Uses" #2 "Accessory Buildings" incorporating 2.d *requiring that an approved site plan pursuant to Section 25 of the Comprehensive Zoning Ordinance as a condition for approval of a building permit application for construction of all Accessory Buildings in any commercial, industrial, Multi-Family and Planned Zoning Districts;*
- amending Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 7 *in that the design and number of gasoline delivery stations or pumps be pre-approved by the City's Fire Inspector;*

- amending Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 19.5 *requiring that existing accessory buildings designed for residential human occupation may be used for human occupation, limited to family members as defined by this Ordinance providing they existed prior to the adoption of the zoning ordinance and are registered as a legal non-conforming structure;*
- amending Section 25 "Site Plans required for Multi-Family, Commercial, Industrial, Planned Districts and Zone Changes" incorporating in Section 25 B "Application" # 4 *in that a person is required to submit a site plan for approval of Accessory Buildings to be constructed and expansions in excess of 25% of the accessory building size in all Multi-Family, commercial, Industrial and Planned Zoning Districts;*
- amending Section 27A "Landscaping Requirements" by revising Section 27A.G "Nonconforming Uses and Structures" *in that all uses that were in existence at the time of the adoption of the Comprehensive Zoning Ordinance as amended which do not meet the landscape requirements will be considered legal nonconforming and will be subject to the provisions established in Section 28 of the Zoning Ordinance as a legal nonconforming use;*
- amending Section 28 "Nonconformities" specifically in Section 28D "Nonconforming Structures" # 1 "Alteration in Size of Structure" *in that no such nonconforming structure may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity except as provided for in section 28 H of the Zoning Ordinance, but any structure or portion thereof may be repaired or altered to decrease its nonconformity or to comply with city building codes."*

#### **PENALTY**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than \$2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **SAVINGS**

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or eight liners that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **NEWSPAPER PUBLICATION**

This ordinance shall be published in one issue of the official newspaper of the City by publishing the caption and the penalty clause in accordance with Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

#### **EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after the 24<sup>TH</sup> day of APRIL, 2015, and it is so ordained.

MAYOR HERMAN D. EARWOOD

ATTEST: MARVIN GREGORY, CITY SECRETARY