

TEXT AMENDMENTS APPROVED

ORDINANCE NO. 1158-2017

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 HARD SURFACE, PARKING SPACE BORDERING, DRIVEWAY, AND RIBBON CONCRETE; AMENDING SECTION 11 "R-4" SINGLE FAMILY RESIDENTIAL DISTRICT SPECIFICALLY UNDER SECTION 11.C "DEVELOPMENT REGULATIONS NUMBER 8 "DEPTH OF LOT" PROVIDING EXCEPTION FOR CORNER LOTS; AMENDING SECTIONS 8 "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT, SECTION 9 "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 10 "R-3" SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 11 "R-4" SINGLE FAMILY RESIDENTIAL DISTRICT, AND SECTION 12 "R-5" SINGLE FAMILY RESIDENTIAL DISTRICT SPECIFICALLY UNDER C "DEVELOPMENT REGULATIONS" NUMBER 9 "EXTERIOR CONSTRUCTION" AND ADDING NUMBER 10 "GARAGES/CARPORTS" TO EACH SECTION AND AMENDING SECTION 12A "R-6" TWO FAMILY DISTRICT SPECIFICALLY UNDER C "DEVELOPMENT REGULATIONS" REVISING NUMBER 10 "EXTERIOR CONSTRUCTION" AND ADDING NUMBER 10.A "GARAGE/CARPORT"; AMENDING SECTIONS 14 "C-1" COMMERCIAL DISTRICT, SECTION 15 "C-2" COMMERCIAL DISTRICT AND SECTION 16 "C-3" COMMERCIAL DISTRICT SPECIFICALLY UNDER D "DEVELOPMENT REGULATIONS" NUMBER 1 "MASONRY REQUIREMENTS"; AMENDING SECTION 20.17b "PARKING SURFACE" INCORPORATING BORDERING REQUIREMENTS FOR GRAVEL TYPE EXISTING DRIVEWAYS; 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.

WHEREAS, the City of River Oaks is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the city has adopted a comprehensive zoning ordinance regulating the location and use of buildings, structures, and land for business, industry, residence and other purposes, and now desires to amend said ordinance for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, the Planning and Zoning Commission of the City of River Oaks, Texas held a public hearing on July 17, 2017 and the City Council of the City of River Oaks, Texas held a public hearing on July 25, 2017 continued until August 8, 2017 with respect to the amendments described herein;

WHEREAS, the City of River Oaks, Texas has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the amendments described herein; and

WHEREAS, the City Council has determined that it is in the best interest of the City of River Oaks, Texas to amend said comprehensive zoning ordinance to better address the general health, safety, and welfare of the residents of River Oaks.

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

SECTION 1

That Article 14.03(a) and (b) of the "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances as adopted and as amended are hereby amended to read as follows:

“(a) Zoning ordinance. The comprehensive zoning ordinance, Ordinance 1158-2017, adopted by the city council on August 22, 2017, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of sections and subsections have been retained as enacted. Subsequent amendments are inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance 1158-2017 adopted 8/22/17)

(b) Sign ordinances. Ordinance 600 states in part: “That Ordinance No. 87, passed by the City Council on the 2nd day of December, 1947, together with all amendments thereto, is hereby repealed except as follows: ... 2. All provisions of the Sign Ordinances, Ordinances No. 189 and No. 366.” Ordinance 366 did not pertain to signs, and Ordinance 376 pertaining to signs was subsequently repealed by Ordinance 640-05. Included as exhibit B at the end of this chapter is Ordinance 189 which was adopted as section 8 of zoning Ordinance 87. Ordinance 640-05 as amended has since been codified in the River Oaks Code of Ordinances under Article 3.12 “Signs”. This ordinance has been printed as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering have been retained as enacted. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)”

SECTION 2

That Ordinance No. 1060-2015, passed by the City Council, together with all amendments thereto, is hereby amended by:

- “amending or adding the definitions of “Hard Surface”, “Parking Space Bordering” and “Driveway, Ribbon Concrete”, in Section 4 “Definitions”;
- Amending Section 11 “R-4” single family residential district” specifically under

- section 11.C “Development Regulations number 8 “depth of lot” providing exception for corner lots;
- amending Section 8 “R-1” single-family residential district specifically under C “Development Regulations” number 9 “Exterior Construction” and adding number 10 “Garages/carports”;
- amending Section 9 “R-2” single family residential district specifically under C “Development Regulations” number 9 “Exterior Construction” and adding number 10 “Garages/carports”;
- ,amending Section 10 “R-3” single family residential district specifically under C “Development Regulations” number 9 “Exterior Construction” and adding number 10 “Garages/carports”;
- ,amending Section 11 “R-4” single family residential district specifically under C “Development Regulations” number 9 “Exterior Construction” and adding number 10 “Garages/carports”;
- amending section 12 “R-5” single family residential district specifically under C “Development Regulations” number 9 “Exterior Construction” and adding number 10 “Garages/Carports”;
- amending section 12A “R-6” two family district specifically under C “Development Regulations” revising number 10 “Exterior Construction” and adding number 10.a “Garage/Carport”;
- amending Section 14 “C-1” commercial district, specifically under D “Development Regulations” number 1 “Masonry requirements”;
- amending Section 15 “C-2” commercial district specifically under D “Development Regulations” number 1 “Masonry Requirements”;
- amending Section 16 “C-3” commercial district specifically under D “Development Regulations” number 1 “Masonry Requirements”; and
- amending Section 20.17b “Parking Surface” incorporating bordering requirements for gravel type driveways.

By incorporating such amendments and revisions, the River Oaks Comprehensive Zoning

Ordinance is hereby amended, revised and codified into EXHIBIT A OF CHAPTER 14 OF THE CODE OF ORDINANCES to now read as follows:

CHAPTER 14 ZONING
EXHIBIT A
ZONING ORDINANCE

"SECTION 1-TITLE OF ORDINANCE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of River Oaks, Texas."

SECTION 2-INTERPRETATION AND PURPOSES

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. The zoning regulations and districts as herein established, have been made in accordance with a comprehensive plan, for the purpose of promoting health, safety, morals and the general welfare of the City of River Oaks; they have been designed, among other things to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and pure air; to avoid undue concentration of population, and to facilitate adequate provisions for transportation, water, sewerage, schools, parking areas and other public requirements.

SECTION 3-SCOPE

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, (except as the same may be specifically repealed by the terms of this Ordinance) or with private restrictions placed upon property by

covenant, deed, easement or other private agreement. Where this Ordinance imposes a greater restriction upon land or structures than is imposed or required by other laws, ordinances, deeds, covenants or agreements, the provisions of this Ordinance shall govern.

SECTION 4-DEFINITIONS

For the purpose of this Ordinance, certain terms and words are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the word "shall" is mandatory, and not directory; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."

DRIVEWAY - A hard surface which meets the requirements of Section 20 extending from the pavement in a public street at the property's drive approach to the rear of the principal structure as located on the individually platted lot in order to facilitate a minimum of two parking spaces. At the property owner's discretion, driveways in a residential zoning district may be extended to the rear of the structure between the structure and side property lines of the structure providing the parking surface is a minimum 3½ thick solid poured concrete driveway flatwork rated at a minimum of 2500 p.s.i. and constructed in compliance with the city's most recently adopted building code and/or NCTCOG specifications, whichever is applicable.

DRIVEWAY, RIBBON CONCRETE - Ribbon concrete driveway from street right-of way, which consist of two parallel strips of concrete, mortar-set stone or brick, or solid or turf pavers with an open, unpaved space in between shall be required to be completely filled in with concrete before final approval of a newly constructed carport or garage on the lot. The Carport or Garage shall be placed on solid concrete surface from the street right-of-way to the rear of carport or garage.

***HARD SURFACE** –When pertaining to new construction of a parking surface, a hard surface shall mean a minimum 3½ inches thick solid poured concrete flatwork rated at a minimum of 2500 p.s.i. or compacted 2-inch hot mix asphalt with finished or rolled edges and must be compliant with the City’s most recently adopted building code and/or NCTCOG Specifications, as well as the City of River Oaks Code of Ordinances, whichever is applicable. Furthermore, when pertaining to new parking surfaces within any residentially zoned property in the city, the following requirements shall be met:*

- ***Front Yard or Side Yard Parking Surface:** from the pavement in a public street at the property’s drive approach to the rear of the principal structure as located on the individually platted lot; any new parking surface shall be a continuous minimum 3½ inches thick solid poured concrete flatwork parking surface rated at a minimum of 2500 p.s.i. constructed in accordance to the City’s most recently adopted building code and/or NCTCOG Specifications and the River Oaks Code of Ordinances, whichever is applicable;*
- ***Rear Yard Parking Surface:** from the rear of the principal structure as located on the individually platted lot; any new parking surface constructed shall either be a minimum 3½ inches thick solid poured concrete flatwork rated at a minimum of 2500 p.s.i. or compacted 2-inch hot mix asphalt with finished or rolled edges; both constructed in compliance with either the City’s most recently adopted building code and/or NCTCOG Specifications and the River Oaks Code of Ordinances, whichever is applicable.*

***EXCEPTION:** An existing gravel type driveway that was constructed prior to the effective date of this Ordinance having been (1) approved by the Building Official and (2) shall be MAINTAINED in such a manner that the physical outside edge of the existing driveway is properly maintained and edged or is bordered with a pre-formed, circular, tapered or flat shaped pattern constructed out of concrete, asphalt curbing, brick, rock, metal, decorative rock, railroad ties, treated lumber, rubber and plastic or other suitable material in such a manner as to not alter the natural drainage flow; and (3) existing gravel type driveways are required to be properly maintained prior to being approved for a certificate of occupancy after*

the effective date of this ordinance; and (4) before a substandard house can be approved for occupancy, the driveway from the pavement in a public street at the property's drive approach to the rear of the principal structure as located on the individually platted lot; the parking surface shall be a continuous minimum 3½ inches thick solid poured concrete flatwork parking surface rated at a minimum of 2500 p.s.i. constructed in accordance to the City's most recently adopted building code and/or NCTCOG Specifications and the River Oaks Code of Ordinances, whichever is applicable.

PARKING SURFACE BORDERING: When pertaining to existing driveways means the physical outside edge of the existing driveway properly maintained and edged or is bordered with a pre-formed, circular, tapered or flat shaped pattern constructed out of concrete, asphalt curbing, brick, rock, metal, decorative rock, railroad ties, treated lumber, rubber and plastic or other suitable material in such a manner as to not alter the natural drainage flow.

SECTION 8—"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

C. DEVELOPMENT REGULATIONS

In the "R-1" Single Family District, the following development regulations shall be applicable to all uses:

9. **Exterior Construction** - There shall be a minimum of seventy-five percent (75%) masonry construction for all new construction commenced after the effective date of this section, excluding all windows, doors, roofs, glass construction materials, garage doors and dormers. Newly constructed accessory buildings on corner lots visible to the public right-of-way shall be architecturally compatible to the main structure.
10. **Garages/Carports** –
 - i. **New Construction** (minimum lot size of 10,000 square feet): There shall be at *minimum a two-car garage* constructed in accordance to the most

recently adopted building code for new construction *on minimum lot sizes of 10,000 square feet or more in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

ii. **New Construction (lot sizes under 10,000 square feet):** There shall be at *minimum a one-car garage* constructed in accordance to the most recently adopted building code for new construction *on lot sizes less than 10,000 square feet in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

iii. **Existing Structures:** carport when built integrally to the existing structure shall be of the same construction material and design as that of the principal structure and the roof shall be of the same type material and design as that of the principal structure and carport shall not extend past the front building line for that particular zoning district. A carport when attached to an existing garage must be built integrally, with the same roof pitch as of the garage and be of the same exterior material.

SECTION 9--"R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

C. DEVELOPMENT REGULATIONS

In the "R-2" Single Family District, the following regulations shall be applicable to all uses:

9. **Exterior Construction** - There shall be a minimum of seventy-five percent (75%) masonry construction for all new construction commenced after the

effective date of this section, excluding all windows, doors, roofs, glass construction materials, garage doors and dormers. Newly constructed accessory buildings on corner lots visible to the public right-of-way shall be architecturally compatible to the main structure.

10. Garages/Carports –

i. **New Construction (minimum lot size of 10,000 square feet):** There shall be at *minimum a two-car garage* constructed in accordance to the most recently adopted building code for new construction *on minimum lot sizes of 10,000 square feet or more in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

ii. **New Construction (lot sizes under 10,000 square feet):** There shall be at *minimum a one-car garage* constructed in accordance to the most recently adopted building code for new construction *on lot sizes less than 10,000 square feet in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

iii. **Existing Structures:** carport when built integrally to the existing structure shall be of the same construction material and design as that of the principal structure and the roof shall be of the same type material and design as that of the principal structure and carport shall not extend past the front building line for that particular zoning district. A carport when attached to an existing garage

must be built integrally, with the same roof pitch as of the garage and be of the same exterior material.

SECTION 10-“R-3” SINGLE FAMILY RESIDENTIAL DISTRICT

C. DEVELOPMENT REGULATIONS

In the “R-3” Single Family District, the following development regulations shall be applicable to all uses:

9. **Exterior Construction** - There shall be a minimum of seventy-five percent (75%) masonry construction for all new construction commenced after the effective date of this section, excluding all windows, doors, roofs, glass construction materials, garage doors and dormers. Newly constructed accessory buildings on corner lots visible to the public right-of-way shall be architecturally compatible to the main structure.

10. **Garages/Carports –**

i. **New Construction (minimum lot size of 10,000 square feet):** There shall be at *minimum a two-car garage* constructed in accordance to the most recently adopted building code for new construction *on minimum lot sizes of 10,000 square feet or more in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

ii. **New Construction (lot sizes under 10,000 square feet):** There shall be at *minimum a one-car garage* constructed in accordance to the most recently adopted building code for new construction *on lot sizes less than 10,000*

square feet in any residential zoning district commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

- iii. **Existing Structures:** carport when built integrally to the existing structure shall be of the same construction material and design as that of the principal structure and the roof shall be of the same type material and design as that of the principal structure and carport shall not extend past the front building line for that particular zoning district. A carport when attached to an existing garage must be built integrally, with the same roof pitch as of the garage and be of the same exterior material.

SECTION 11-“R-4” SINGLE FAMILY DISTRICT

C. DEVELOPMENT REGULATIONS

In the “R-4” Single Family District, the following development regulations shall be applicable to all uses:

- 8. **Depth of Lot** - Depth of a lot shall be a minimum of 110 feet except that: **Corner Lots** having two street frontages, the required depth shall in no case be less than 80-foot and then only if the lot meets all other development regulations provided for properties zoned “R-4” Single-Family.
- 9. **Exterior Construction** - There shall be a minimum of seventy-five percent (75%) masonry construction for all new construction commenced after the effective date of this section, excluding all windows, doors, roofs, glass construction materials, garage doors and dormers. Newly constructed

accessory buildings on corner lots visible to the public right-of-way shall be architecturally compatible to the main structure.

10. Garages/Carports –

i. New Construction (minimum lot size of 10,000 square feet): There shall be at *minimum a two-car garage* constructed in accordance to the most recently adopted building code for new construction *on minimum lot sizes of 10,000 square feet or more in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

ii. New Construction (lot sizes under 10,000 square feet): There shall be at *minimum a one-car garage* constructed in accordance to the most recently adopted building code for new construction *on lot sizes less than 10,000 square feet in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

iii. Existing Structures: carport when built integrally to the existing structure shall be of the same construction material and design as that of the principal structure and the roof shall be of the same type material and design as that of the principal structure and carport shall not extend past the front building line for that particular zoning district. A carport when attached to an existing garage must be built integrally, with the same roof pitch as of the garage and be of the same exterior material.

SECTION 12-“R-5” SINGLE FAMILY DISTRICT

C. DEVELOPMENT REGULATIONS

In the “R-5” Single Family District, the following development regulations shall be applicable to all uses:

9. **Exterior Construction** - There shall be a minimum of seventy-five percent (75%) masonry construction for all new construction commenced after the effective date of this section, excluding all windows, doors, roofs, glass construction materials, garage doors and dormers. Newly constructed accessory buildings on corner lots visible to the public right-of-way shall be architecturally compatible to the main structure.

10. **Garages/Carports –**

i. **New Construction (minimum lot size of 10,000 square feet):** There shall be at *minimum a two-car garage* constructed in accordance to the most recently adopted building code for new construction *on minimum lot sizes of 10,000 square feet or more in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

ii. **New Construction (lot sizes under 10,000 square feet):** There shall be at *minimum a one-car garage* constructed in accordance to the most recently adopted building code for new construction *on lot sizes less than 10,000 square feet in any residential zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from

the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

iii. **Existing Structures:** carport when built integrally to the existing structure shall be of the same construction material and design as that of the principal structure and the roof shall be of the same type material and design as that of the principal structure and carport shall not extend past the front building line for that particular zoning district. A carport when attached to an existing garage must be built integrally, with the same roof pitch as of the garage and be of the same exterior material.

SECTION 12A –“R-6” TWO FAMILY DISTRICT

C. DEVELOPMENT REGULATIONS

In the "R-6" Two Family District, the following development regulations shall be applicable to all uses:

10. **Exterior Construction** - There shall be a minimum of seventy-five percent (75%) masonry construction for all new construction commenced after the effective date of this section, excluding all windows, doors, glass construction, garage doors and dormers. Newly constructed accessory buildings on corner lots visible to the public right-of-way shall be architecturally compatible to the main structure.

10A. **Garages or Carports** –

i. **New Construction:** There shall be at *minimum a single-car garage or integrally built carport for each separate dwelling unit* constructed in

accordance to the most recently adopted building code for all new construction *in a Two-Family zoning district* commenced after the effective date of this section whether attached to the principal structure or detached from the principal structure. When detached it must meet the minimum 10-foot separation requirement between buildings as outlined in Section 22 of this ordinance.

- ii. **Existing Uses:** carport when built integrally to the existing structure shall be of the same construction material and design as that of the principal structure and the roof shall be of the same type material and design as that of the principal structure and carport shall not extend past the front building line for that particular zoning district. A carport when attached to an existing garage must be built integrally, with the same roof pitch as of the garage and be of the same exterior material.

SECTION 14-“C-1” COMMERCIAL DISTRICT - (Neighborhood Retail)

D. DEVELOPMENT REGULATIONS

In the “C-1” Commercial District, the following development regulations shall be applicable to all uses:

1. **Masonry Requirements** - All exterior building wall construction must be at least 75 percent masonry exclusive of all windows, doors, roofs, and glass construction materials. *In calculating the 75% masonry requirement, it shall apply to the new building or new addition being constructed and does not include using the existing walls of other buildings on the lot to help make up the 75%.*

SPECIAL EXCEPTION PERMITTING: *For applications not meeting the 75% masonry requirement, the Applicant may request in advance a Special Exception*

Permit from the City Council. Application Forms for a Special Exception Permit must be obtained from the City Secretary. Approval for a Special Exception Permit requires a majority vote of the City Council.

SECTION 15-"C-2" COMMERCIAL DISTRICT

D. DEVELOPMENT REGULATIONS

In the "C-2" Commercial District, the following development regulations shall be applicable to all uses:

1. **Masonry Requirements** - All exterior building wall construction must be at least 75 percent masonry exclusive of all windows, doors, roofs, and glass construction materials. *In calculating the 75% masonry requirement, it shall apply to the new building or new addition being constructed and does not include using the existing walls of other buildings on the lot to help make up the 75%.*

SPECIAL EXCEPTION PERMITTING: For applications not meeting the 75% masonry requirement, the Applicant may request in advance a Special Exception Permit from the City Council. Application Forms for a Special Exception Permit must be obtained from the City Secretary. Approval for a Special Exception Permit requires a majority vote of the City Council.

SECTION 16-"C-3" COMMERCIAL DISTRICT

D. DEVELOPMENT REGULATIONS

In the "C-3" Commercial District, the following development regulations shall be applicable to all uses:

1. **Masonry Requirements** - All exterior building wall construction must be at least 75 percent masonry exclusive of all windows, doors, roofs, and glass construction materials. *In calculating the 75% masonry requirement, it shall apply to the new building or new addition being constructed and does not include using the existing walls of other buildings on the lot to help make up the 75%.*

SPECIAL EXCEPTION PERMITTING: For applications not meeting the 75% masonry requirement, the Applicant may request in advance a Special Exception Permit from the City Council. Application Forms for a Special Exception Permit must be obtained from the City Secretary. Approval for a Special Exception Permit requires a majority vote of the City Council.

SECTION 20-PARKING AND VEHICULAR CIRCULATION REGULATIONS

17. Parking Surface -

- b. Every residential platted lot is required to have a driveway that extends from the pavement in a public street at the property's drive approach to facilitate a minimum of two parking spaces behind the building line and to provide access to a garage, carport or off-street parking pursuant to this section. *An existing gravel type driveway that was constructed prior to the effective date of this Ordinance having been (1) approved by the Building Official and (2) shall be MAINTAINED in such a manner that the physical outside edge of the existing driveway is properly maintained and edged or is bordered with a pre-formed, circular, tapered or flat shaped pattern constructed out of concrete, asphalt curbing, brick, rock, metal, decorative rock, railroad ties, treated lumber, rubber and plastic or other suitable material in such a manner as to not alter the natural drainage flow; and (3) existing gravel type driveways are required to be properly maintained prior to being approved for a certificate of occupancy after the effective date of this ordinance; and (4) before a substandard house*

can be approved for occupancy, the driveway from the pavement in a public street at the property's drive approach to the rear of the principal structure as located on the individually platted lot; the parking surface shall be a continuous minimum 3½ inches thick solid poured concrete flatwork parking surface rated at a minimum of 2500 p.s.i. constructed in accordance to the City's most recently adopted building code and/or NCTCOG Specifications and the River Oaks Code of Ordinances, whichever is applicable.

SECTION 31–SEVERABILITY

- A. It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since they would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.
- B. It is the intent of the City Council that In the event that any provision, clause, sentence, or paragraph of Section 26 or Section 23AG.3 of this Ordinance is invalidated by the valid judgment or decree of a court of competent jurisdiction, that the provisions of Ordinance No. 87 relating to the sale of alcoholic beverages be reinstated and controlling and in full force and effect.

SECTION 32– FEES

See Appendix A Fee Schedule of the Code of Ordinances, City of River Oaks, Texas.

SECTION 33–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.

SECTION 34–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.

SECTION 35–NEWSPAPER PUBLICATION

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

SECTION 36–EFFECTIVE DATE

This ordinance shall be in full force and effect from and after the 31st day of August, 2017, and it is so ordained.

MAYOR

ATTEST:

CITY SECRETARY

Effective:_____