

ORDINANCE NO. 1321-2021

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RIVER OAKS AS AMENDED BY ORDINANCE NO, 1286-2020 BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY BEING LOTS 23B, 24B & 25B IN THE SAINT ELIZABETH'S SUBDIVISION OTHERWISE KNOWN AS 5910 BLACK OAK LANE AND BEING APPROXIMATELY 3.9772 ACRES OF LAND FROM A "CF" COMMUNITY FACILITIES ZONING DISTRICT TO A "PD-R4" PLANNED DEVELOPMENT ZONING DISTRICT PURSUANT TO SECTION 18 MEETING R-4 SINGLE FAMILY BASE DEVELOPMENT REQUIREMENTS PURSUANT TO SECTION 11 OF THE RIVER OAKS ZONING ORDINANCE # 1286-2020 AS AMENDED (ZONING CASE RZ2021-0010-PD-R4); REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; 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, the City of River Oaks has heretofore adopted Ordinance No. 600 as amended by Ordinance # 766-07 as amended by Ordinance # 883-2011 as amended by Ordinance # 920-2012 as amended by Ordinance # 1060-2015 as amended by Ordinance # 1158-2017 as amended by Ordinance # 1286-2020 as the Comprehensive Zoning Ordinance of the City of River Oaks; and

WHEREAS, the property being considered for rezoning in the Saint Elizabeths Subdivision being Lot 23B, 24B and 25B and containing approximately 3.9772 acres of land within a planned development zoning district without having on record a concept plan for future planned development and is most recently being recommended best suited for Single-Family Zoning; and

WHEREAS, the adjacent properties to 5910 Black Oak on the west side of the property on Gillham are all located within the "R-5" Single-Family Zoning District, so rezoning the property to "PD-R-4" Single-Family Zoning is compatible with the existing land use not in conflict with public interest; and

WHEREAS, the City Council of the City of River Oaks does hereby deem it advisable and in the best interest of the city to amend the Comprehensive Zoning Ordinance to change the zoning classification of **LOT 23B, 24B and 25B IN THE SAINT ELIZABETHS SUBDIVISION** from a "CF" Community Facilities Zoning District and create an "PD-R-4" Planned Development Zoning District (Zoning Case # RZ 2021-0010-PD-R4) on the property as herein described being approximately 3.9772

acres of land (the "Subject Property") subject to the conditions and restrictions set forth in this ordinance;
and

WHEREAS, the Planning and Zoning Commission of the City of River Oaks, Texas held a public hearing on July 26, 2021 denying the application under Zoning Case # PZ 2021-0008 RZ as submitted;
and

WHEREAS, the developer revised the plan and City Council of the City of River Oaks, Texas held a public hearing on August 3, 2021 with respect to the zoning change described herein; and

WHEREAS, on August 3, 2021 following the public hearing, motion was made and seconded to approve the development with attachments from the power point being included as an Exhibit to this Ordinance as additional requirements and restrictions in the Planned Development District; and

WHEREAS, the vote was not a super majority vote and was therefore denied and on August 10, 2021 and therefore in compliance with Section 29C of the City's Zoning Ordinance, the City Council designated the denial without prejudice thereby allowing the applicant to reapply; and

WHEREAS, on August 10, 2021 the City Council voted to resend the revised application back to the Planning and Zoning Commission for their recommendation as Zoning Case # RZ2021-0010-PD-R4);
and

WHEREAS, the Planning and Zoning Commission following the August 16, 2021 public hearing, acted by a vote of 3 for to 1 against to recommend to the City Council to approve the rezoning as revised;
and

WHEREAS, the City Council following the August 24th that legally met all publication and notification requirements under law, approved this ordinance that will rezone the before-mentioned property to a PD-R4 Planned Development District as herein stipulated; and

WHEREAS, the City 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 rezoning of the property.

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

SECTION 1.

Ordinance No. 600 as amended by Ordinance # 766-07 as amended by Ordinance # 883-2011 as amended by Ordinance # 920-2012 as amended by Ordinance # 1060-2015 as amended by Ordinance # 1158-2017 as amended by Ordinance # 1286-2020 is hereby amended by rezoning property containing approximately 3.9772 acres of land, located within the Saint Elizabeths Subdivision and being more fully described as:

LOT 23B, 24B & 25B IN THE SAINT ELIZABETHS SUBDIVISION OTHERWISE KNOWN AS 5910 BLACK OAK LANE AND BEING APPROXIMATELY 3.9772 ACRES OF LAND IN A COMMUNITY FACILITIES ZONING DISTRICT WITHOUT A CONCEPT PLAN FOR FUTURE DEVELOPMENT AS A PLANNED DEVELOPMENT ZONING DISTRICT MEETING R-4 SINGLE-FAMILY BASE DEVELOPMENT REGULATIONS IN SAID PLANNED DEVELOPMENT DISTRICT AND IS WITH THE ADOPTION OF THIS ORDINANCE BEING REZONED (Zoning Case # RZ2021-0010-PD-R4)

from a "CF" Community Facilities Zoning District to an "PD-R-4" Planned Development Zoning District meeting R-4 Single-Family Base Development Regulations as deemed by the City Council to be Land best suited for single-family residential use and is otherwise specified in the River Oaks Zoning Ordinance as adopted and amended, in Section 11-"R-4" Single Family Zoning District of the River Oaks Comprehensive Zoning Ordinance with the following additional requirements and restrictions:

- 1. Permitted Use.** R-4 Single-Family Use approved in accordance with this ordinance as being the only use permitted on the Subject Property and in the event of any conflict or inconsistency between this Planned Development (PD) Ordinance and the Zoning Ordinance, the provisions of this PD Ordinance shall control. *Proof of ownership must be provided or a notarized affidavit from the record owner with his/her authorization for use of property as a Planned Development Zoning District.*
- 2. Site Plan.** The development will be exclusive for a maximum of 20 single-family homes that are a minimum of 2300 square feet of which the 20 Lots (16 interior lots, 2 corner lots & 2 cul-de-sak lots) shall have a minimum building footprint being 40-foot wide by 70-foot long on minimum 50-foot wide lots.
- 3. Single-Family Houses Design:** Must be built in accordance to the most recently adopted International Building Code of the City and must meet or exceed all R-4 Development Requirements as established in the City's Zoning Ordinance and must be built in accordance to the power point presentation from the developer as attached herein to this Ordinance as Exhibit A. Houses shall be a minimum of 2300 square feet of livable area with 2-car garages in substantial conformance with the architectural articulation and quality set forth in the attached exhibit, with high end finish out, as presented.
- 4. Platting-** All 20-lots will be required to be replatted and filed of record in Tarrant County, Texas.
- 5. Amenities-** Amenities including fencing and/or landscaping must be properly permitted and kept

properly maintained up to code.

6. **Lighting:** Lights provided to illuminate any street paved area shall be designed to reflect away from any residential property.
7. **Noise or Vibration:** No noise, odor or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses of adjacent residential properties.
8. **Trash Disposal:** It shall be required that each lot have individual residential garbage service placed in bags or boxes to be collected at the street by the City Sanitation Department.
9. **Front Yard-** There shall be a front yard of not less than 35 feet.
10. **Side Yard-** There shall be side yards of not less than 5 feet where it abuts other lots.
11. **Rear Yard-** There shall be a rear yard of not less than 20 feet.
12. **Parking surfaces and Private Streets-** All parking and street or driving surfaces shall be constructed in accordance with the most recently adopted Standard Specifications for Public Works Construction by the North Central Texas Council of Government and be of concrete as follows:
 - (a) A double 20-foot drive approach shall be constructed of concrete, a minimum of six (6) inches thick, minimum strength of 3000 psi and reinforced 6 x 6 welded wire fabric or number 3 reinforcement bar set on 24-inch centers both ways that provides parking behind the street curb on the individual properties sufficient enough to maintain up to 4 parking spaces in front of the garage.
 - (b) Fire lane widths must be pre-approved by the Fire Chief.
 - (c) An approved cul-de-sak must be constructed on the north end of the property that is 80-wide and meets the provisions in the fire code for emergency apparatus to safely turn around and exit.
 - (d) Street Right-of-Way shall be a minimum of 50-feet in accordance with the city's subdivision ordinance and must be concrete. The paved area of the road will be a minimum of 30-foot wide.
 - (e) Street Egress and Ingress to the property must be designed by a certified traffic engineer to insure vehicular and pedestrian safety.
13. **Sidewalks:** There shall be a 5-foot sidewalk in the street right-of-way behind the curb for pedestrian and bicyclist access that meets the most recently adopted Standard Specifications for Public Works Construction by the North Central Texas Council of Government for sidewalks.
14. **Landscaping Generally-**
 - (a) Landscaping shall be designed to maintain and preserves as many existing trees as possible.
 - (b) Ten percent (10%) of the net area of the property shall be landscaped. The designated landscape areas must be approved by the City Council.

15. **Installation and Maintenance-**
- (a) The owner shall maintain all landscape areas and vegetation in good condition in accordance to all applicable codes and ordinances as adopted and amended by the City of River Oaks.
 - (b) In addition to all required trees and shrubs all the required landscape area must be covered with grass or live groundcover.
 - (c) Landscape areas must be kept free of trash, litter, weeds, and other materials or plants not a part of the landscaping.
 - (d) Existing trees should be preserved as much as possible.
 - (e) When possible all newly planted trees and shrubs should be native, zero-landscaping plants in order to promote water conservation.
 - (f) Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements.
16. **Landscaping Adjacent to Public Right-of-Way**
- (a) An approved sidewalk will be constructed within the street right-of-way in front of all lots and around the cul-de-sac on both sides of the street that meet the provisions established in the most recently adopted Public Works Specifications by the North Central Council of Governments.
 - (b) Landscape area must be covered with grass, trees, shrubs, flowering and non-flowering plants.
 - (c) When Evergreen Shrubs are planted the average density of 5-gallons for each 5 lineal feet cannot exceed the 36" height requirement as provided for in the Zoning Ordinance.
 - (d) Trees and Plants must be kept behind the front property line as approved by the Police Chief in order to avoid traffic hazards.
17. **Utilities-** The Director of Public Works shall issue a determination of completeness in accordance with Article 13 of the City's adopted Subdivision Ordinance. All utilities shall be constructed according to the specifications of the utility companies. When determined applicable, the Developer is responsible to reimburse the City for the costs of the engineered studies and certification. All Plans for Utilities including but are not limited to water, sewer, drainage and streets. It is required that every lot be properly connected to the city's water, sewer and municipal drainage system.
18. **Fencing-** *All fencing behind the front building line at the point back from where the house is located on the lot shall be constructed to a minimum height of six feet (6') that does not create a traffic obstruction as determined by the Police Chief and of a material approved in the City's Building Code. **Fencing that abuts property being used residentially must be of an approved type screening fence** at a height not greater than 8-feet or less than 6-feet **and not create a traffic obstruction as determined by the Police Chief.***
19. **Accessibility Standards-** All units, common spaces, and common area grounds must comply with ADA or TAS Accessibility Standards.

20. **Maintenance of Common Areas:** It is required that a landscape maintenance program be established to maintain all the common areas, such as open space areas and the perimeter fencing and landscaping.
21. **Drainage:** Drainage must meet the requirements of the Texas Water Code and of the City's Storm Water Management Plan. A Storm Water Pollution Prevention Plan shall be provided by the developer prior to commencement of construction that complies with the City's NOI Permit.
22. **Construction Site Stormwater Runoff Control:** Applies to all new construction and developments that impact one-acre or greater and applies to small construction sites that could impact adjacent subdivisions or developments of one-acre or more. Follow BMP Checklist for Construction Site Storm Water Runoff Control in the City's Stormwater Management Plan. A drainage plan will be required to be submitted and approved by the City prior to commencement of construction and before certificate of occupancy permit is issued.
23. **Traffic:** An approved Traffic Plan approved by the City Police Chief.
24. **Site Plan Approval:** An approved Site Plan is required prior to project commencement pursuant to Section 25 of the River Oaks Zoning Ordinance following Public Hearings that are published and notified in accordance to law.
25. **Certificate of Occupancy Permits:** All 20 house shall obtain an approved Certificate of Occupancy Permit for Human Occupancy within 36-months after the initial building permit issuance unless otherwise extended in writing by the City Council.
26. **Performance & Maintenance Bond:** All contractors employed by the Subdivider shall furnish the City a good and sufficient performance bond, in an amount equal to one hundred percent (100%) of the costs of the improvements required, and a good and sufficient two (2) year maintenance bond, in an amount equal to fifty percent (50%) of the costs of the improvements required (*Article 31 "Construction Bonds" of the City's Subdivision Ordinance as adopted and as amended.*)

SECTION 2.

The official zoning map of the City of River Oaks is hereby amended, and the Zoning Administrator is hereafter directed to revise the zoning map to reflect the amendments as set forth above.

SECTION 3.

The use of the property described above shall be subject to all the applicable requirements and regulations contained in the Zoning Ordinance and shall also be subject to the conditions and restrictions set forth in this ordinance. The Council finds and determines that no Concept Plan or land study is required.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of River Oaks, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs,

sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 6.

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 Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of Ordinance No. 600 as amended by Ordinance # 766-07 as amended by Ordinance # 883-2011 as amended by Ordinance 920-2012 as amended by Ordinance # 1060-2015 as amended by Ordinance # 1158-2017 as amended by Ordinance # 1286-2020 adopted and became effective on August 11, 2020 and since was codified into the River Oaks Code of Ordinances in Chapter 14 Exhibit A or of any ordinances governing zoning 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 8.


The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, penalty clause, and effective date clause of this ordinance one (1) time after the adoption of this ordinance in accordance with Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 9.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS THE 24th DAY OF August 2021.


MAYOR JOE ASHTON

ATTEST:

CITY SECRETARY