# **ORDINANCE NO. 1346-2022**

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RIVER OAKS AS AMENDED BY ORDINANCE NO, 1331-2021 BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY BEING RIVER OAKS DENTAL IN BLOCK 1, LOTS 2 & 3 OTHERWISE KNOWN AS 5308 & 5312 BLACK OAK LN. AND BEING APPROXIMATELY 0.566 ACRES OF LAND FROM A "PD" PLANNED DEVELOPMENT ZONING DISTRICT CREATED PURSUANT TO ORDINANCE # 1338-2022 TO AN AMENDED "PD" PLANNED DEVELOPMENT ZONING DISTRICT FOR A REDESIGNED TOWNHOME DEVELOPMENT REPEALING THE FORMER ORDINANCE # 1338-2022 AND ADOPTING ORDINANCE # 1346-2022 IN ORDER TO DEVELOP THE PROPERTY FOR 7 TOWNHOMES EITHER TWO-FAMILY ATTACHED OR SINGLE-FAMILY DETACHED NOT EXCEEDING 2300 SQUARE FEET PER UNIT IN TOTAL BUILDING SIZE. (ZONING CASE # PZ 2022-0001 RZ-R2); 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 and as amended by Ordinance # 1331-2021 as the Comprehensive Zoning Ordinance of the City of River Oaks; and

WHEREAS, the property being considered for rezoning is located in the River Oaks Dental Addition being Block 1, Lots 2 & 3 otherwise known as 5308 & 5312 Black Oak Lane and containing approximately 0.566 acres of land within a "PD" Planned Development zoning district pursuant to Ordinance # 1338-2022 as adopted on March 22, 2022 without having on record a concept plan for planned development and is most recently being recommended best suited for Planned Development Zoning; and

WHEREAS, the adjacent properties to 5308 & 5312 Black Oak on the west side of the property on Black Oak Lane and along Hallum Street are all located within the "R-4" Single-Family Zoning District and to north of the same area there is an "R-6" "Two Family District" for duplexes on Cody Court, so rezoning the property to "PD" Planned Development does not create spot zoning and is compatible with the existing land use not in conflict with public interest; and

ZONING CASE # PZ-2022-0001-RZ-R2 PD TO PD-R (AMENDED) MAY 24, 2022 WHEREAS, the record owners of the property described as being River Oaks Dental in Block 1,

Lots 2 & 3 otherwise known as 5308 & 5312 Black Oak Lane have made application to redesign the

development from being (1) triplex townhome and (3) two-family (duplex) townhomes for a total of 7

units to (3) two-family and (1) single-family townhomes that shall not exceeding 2,300 square feet in

total building size; 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 RIVER OAKS DENTAL IN BLOCK 1, LOTS 2 & 3 OTHERWISE KNOWN AS 5308 &

5312 BLACK OAK LN. from a "PD" Planned Development Zoning District and create a "PD-R" Planned

Development Zoning District (Zoning Case # PZ-2022-0001-RZ-R2) on the property as herein described

being approximately <u>0.566 acres</u> 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 May 16, 2022 recommending approval of the application as requested by ROFD Real Estate

Investments under Zoning Case # PZ-2022-0001-RZ-R2 as submitted; and

WHEREAS, the City Council following the May 24, 2022 Public Hearing that legally met all

publication and notification requirements under law, approved this ordinance that will rezone the before-

mentioned property to a "PD-R" 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 and is amended by Ordinance # 1331-

2021 is hereby amended by rezoning property containing approximately 0.566 acres of land, located

ZONING CASE # PZ-2022-0001-RZ-R2 PD TO PD-R (AMENDED)

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within the River Oaks Family Dental Addition and being more fully described as:

RIVER OAKS DENTAL IN BLOCK 1, LOTS 2 & 3 OTHERWISE KNOWN AS 5308 & 5312 BLACK OAK LN. WITHOUT A CONCEPT PLAN FOR FUTURE DEVELOPMENT AS AN AMENDED "PD-R" PLANNED DEVELOPMENT ZONING DISTRICT AND IS WITH THE ADOPTION OF THIS ORDINANCE BEING REZONED (Zoning Case # PZ-2022-0001-RZ-R2)

from a "PD" Planned Development District to an amended "PD-R" Planned Development Zoning District as deemed by the City Council to be Land best suited for multi-family type usage for townhomes and is otherwise specified in the River Oaks Zoning Ordinance as adopted and amended, in Section 18-"PD" Planned Development District of the River Oaks Comprehensive Zoning Ordinance with the following additional requirements and restrictions:

- **Permitted Use.** Multi-Family Family Usage as a Townhome Development 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. For the purpose of this Ordinance, this planned development district is a townhome development construed to be either 2 family (Building B-1, B-2 and B-3 of the plans) attached and/or detached Single-family (Building A of the plans).
- **Platting:** Block 1, Lots 2 & 3 in the River Oaks Dental Addition shall be replatted and filed of record in Tarrant County, Texas from the existing 2 separately platted lots to be a single lot of record through the platting process known as amending the plat.
- **Site Plan.** The development will be exclusive for a maximum of 7 multi-family units that are located on the property as being Buildings A, B-1, B-2 and B-3. Building A would be a single family stand-alone two-story townhome that is a minimum of 1,814 total building square feet. Buildings B-1, B-2 & B-3 are 3 separate individual sets of two-story duplexes (two family) living units. The square foot breakdown for Buildings A, B-1, B-2 & B-3 are as follows:

**<u>Building A:</u>** Single-family two-story townhome living unit totaling 1,814 building square feet separated from Building B-1 on the lot by 10-feet.

• **Building A** is a total of 1,814 building square feet; first floor has a kitchen, Great Room with a powder and utility room that is 624 square feet and the second floor has 3 bedrooms and two baths with a loft, stairway and walk-in-closet that equals 836 square feet for a total livable area of 1,460 square feet. The single-car Garage is 306 square feet with a covered porch of 48 square feet that when added together with the total livable area of 1,460 square feet makes up 1,814 building square feet.

**<u>Buildings B-1, B-2 & B-3:</u>** Two-Family - two-story townhome living units separated between each building on the lot by 10-feet.

• **Building B-1** has a floor plan that is 2,088 total building square feet for one unit and 2,092 square feet for the other unit; first floor has a kitchen, dining room, foyer and utility room with a powder room that is 710 square feet for both units and the second floor has 3 bedrooms, two baths with a loft, stairway and walk in closet that equals 924 square feet for a total livable area of 1,634 square feet. The double car garage is 410 square feet with a covered porch of 44 square feet on one side and 48 square feet on the other side that when added together with the livable area of 1,634 square feet makes up the total building square feet on one side of the duplex to be 2,088 square feet and on the other side to be 2,092 square feet.

- **Building B-2** has the exact same floor plan as Building B-1 that is 2,088 total building square feet for one unit and 2,092 square feet for the other unit; first floor has a kitchen, dining room, foyer and utility room with a powder room that is 710 square feet for both units and the second floor has 3 bedrooms, two baths with a loft, stairway and walk in closet that equals 924 square feet for a total livable area of 1,634 square feet. The double car garage is 410 square feet with a covered porch of 44 square feet on one side and 48 square feet on the other side that when added together with the livable area of 1,634 square feet makes up the total building square feet on one side of the duplex to be 2,088 square feet and on the other side to be 2,092 square feet.
- **Building B-3** has the exact same floor plan as Buildings B-1 & B-2 that is 2,088 total building square feet for one unit and 2,092 square feet for the other unit; first floor has a kitchen, dining room, foyer and utility room with a powder room that is 710 square feet for both units and the second floor has 3 bedrooms, two baths with a loft, stairway and walk in closet that equals 924 square feet for a total livable area of 1,634 square feet. The double car garage is 410 square feet with a covered porch of 44 square feet on one side and 48 square feet on the other side that when added together with the livable area of 1,634 square feet makes up the total building square feet on one side of the duplex to be 2,088 square feet and on the other side to be 2,092 square feet.
- **Design:** The exterior construction shall be of an approved masonry product including but not limited to brick, stone or concrete in accordance to the most recently adopted International Building Code of the City unless otherwise provided for in the approved construction plans as attached herein as Exhibit A.
- **Fire Wall:** Two-hour fire wall between each unit from foundation to roof decking as required for and as provided for in the International Building and Fire Codes as adopted and as amended by the City of River Oaks.
- **Amenities** Amenities including fencing and/or landscaping must be properly permitted and kept properly maintained up to code.
- **Lighting:** Lights provided to illuminate shall be designed to reflect away from any residential property.
- **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 or commercial properties.
- **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.
- **10. Front Yard** There shall be a front yard of not less than 30 feet measured from the prevailing edge of the street line.
- **11.** <u>Side Yard</u>- There shall be a side yard setback requirement on the west side of the property not less than 10 feet measured from the property line. There shall also be a side yard setback of 14-feet on the east side measured from the property line.
- **12. Rear Yard** There shall be a rear yard of not less than 20 feet.
- **Parking surfaces** 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:

Drive approaches shall be constructed of concrete, a minimum of six (6) inches thick, minimum

strength of 3000 psi and reinforced  $6 \times 6$  welded wire fabric or number 3 reinforcement bar on 24-inch centers both ways that provides parking behind the street curb on the individual properties sufficient enough to maintain up to 2 parking spaces in front of the garage.

**Building Separation:** There shall be a 10-foot open space between Building A & Buildings B-1, B-2 and B-3 that will be covered with native grass and maintained in good condition in accordance with all applicable codes and ordinances as adopted and amended by the City of River Oaks.

# 15. <u>Landscaping Generally-</u>

- a. For every 500 square feet, or fraction thereof, of required landscape area, for every 500 square feet, or fraction thereof, of required landscape area, one (1) tree of three (3) inch caliper or larger is required. Up to fifty percent (50%) of the required number of trees may be replaced by five (5) gallon shrubs at the rate of one (1) tree equals ten (10) shrubs.
- b. For every fifty (50) square feet, or fraction thereof, of required landscape area, one (1) shrub a minimum of five (5) gallons in size is required. Up to 50% (50 percent) of the required number of shrubs may be replaced by three (3) inch caliper trees at the rate of ten (10) shrubs equals one (1) tree.
- c. A minimum of forty (40) percent of all required landscape areas shall be located in the front of the property as approved by the Public Works Director or his designee.
- d. All landscaping plans will accompany Site Approval Plans and will require Public Hearings in accordance with the Local Government Code first before the Planning and Zoning Commission. The Planning and Zoning Commission will make a recommendation to the City Council to approve, modify or deny the Landscape Plan.

# 16. Installation and Maintenance-

- (a) Option: The owner may install a front yard irrigation system with an approved backflow prevention system in accordance to T.C.E.Q. Rules and Regulations and in accordance to the City's Backflow Prevention Ordinance as adopted and as amended.
- (b) 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.
- (c) In addition to all required trees and shrubs all the required landscape area must be covered with grass or live groundcover.
- (d) Landscape areas must be kept free of trash, litter, weeds, and other materials or plants not a part of the landscaping.
- (e) Existing trees should be preserved as much as possible.
- (f) When possible all newly planted trees and shrubs should be native, zero-landscaping plants in order to promote water conservation.
- (g) Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements.

# 17. Landscaping Adjacent to Public Right-of-Way

(a) Landscape area must be covered with grass, trees, shrubs, flowering and non-flowering plants.

- (b) 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.
- (c) Trees and Plants must be kept behind the front property line as approved by the Police Chief in order to avoid traffic hazards.
- 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 dwelling unit be properly connected to the city's water, sewer and municipal drainage system.
- 19. Fencing- All fencing behind the front building line at the point back from where the dwelling unit is located on the property 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 be constructed either of masonry, redwood, cedar or pressure-treated pine. 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.
- **20.** Accessibility Standards- All units, common spaces, and common area grounds must comply with ADA or TAS Accessibility Standards.
- **Maintenance of Common Areas:** A landscape maintenance program be established to maintain all the common areas, such as open space areas and the perimeter fencing and landscaping.
- **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.
- **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 Storm Water Prevention Protection Plan (SWP3) will be required to be submitted and approved by the City prior to commencement of construction.
- **Site Plan Approval:** The City Council finds that plan sheets C101-C105 incorporated herein as Exhibit A to this Ordinance that upon adoption meets the requirements for Site Plan Approval in accordance to Section 25 of the River Oaks Zoning Ordinance and no other Site Plan approval is required for commencement of this development.
- **25.** <u>Certificate of Occupancy Permits</u>: All dwelling units shall obtain an approved Certificate of Occupancy Permit for Human Occupancy within 24-months after the initial building permit issuance unless otherwise extended in writing by the City Council.

### **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. With the adoption of this Ordinance, Ordinance # 1338-2022 as adopted March 22, 2022 is hereby repealed in its entirety.

### **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 as amended by Ordinance # 1331-2021 adopted and became effective on December 12, 2021 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 MAY 2022.

MAYOR JOÉ ÁSHTON

ATTEST:

CITY SECRETARY

# EXHIBIT A ZONING CASE # PZ2022-0001 RZ-R2 RIVER OAKS DENTAL BLOCK 1 LOTS 2-3 "PD-R" PLANNED DEVELOPMENT ZONING DISTRICT



















