

ORDINANCE NO. 09-2017

AN ORDINANCE OF THE CITY OF OAK RIDGE NORTH, TEXAS, PROVIDING RULES AND REGULATIONS OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES WITHIN THE TERRITORIAL LIMITS OF THE CITY OF OAK RIDGE NORTH, TEXAS, AND ESTABLISHING A NEW SECTION 8-E ENTITLED "RC-1 ROBINSON COMMERCIAL DISTRICT" CONTAINED WITHIN APPENDIX A-ZONING OF THE CITY OF OAK RIDGE NORTH, TEXAS, CODE OF ORDINANCES; ESTABLISHING NEW ZONING DISTRICT BOUNDARIES FOR THE RC-1 ROBINSON COMMERCIAL DISTRICT WHICH INCLUDES THE REZONING OF CERTAIN LOTS CURRENTLY ZONED FOR R-1 SINGLE FAMILY RESIDENTIAL USES ACCORDING TO THE OFFICIAL ZONING MAP OF THE CITY OF OAK RIDGE NORTH, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Oak Ridge North, Texas ("City"), is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing the regulation of land use, structures, businesses and related activities; and

WHEREAS, the City Council of the City of Oak Ridge North, Texas ("City Council") is continuously reviewing the requirements of the Zoning Regulations contained within Appendix A-Zoning of the Code of Ordinances; and

WHEREAS, the City Council finds that the rules and regulations governing land use, structures, businesses, and related activities within the territorial limits of the City promotes the health, safety, morals, and general welfare of the City; and

WHEREAS, the City Council finds that the rules and regulations governing land use, structures, businesses and related activities within the territorial limits of the City promotes the safe, orderly, and healthful development of the City; and

WHEREAS, the City Council finds that certain Robinson Road residents presented the City with a rezoning application on or about June 6, 2016, requesting that the City study and take possible action to rezone their specific lots located along the south side of Robinson Road and further requested that the City develop zoning regulations allowing for commercial uses that are appropriate for their proposed rezoning of certain lots which are currently zoned as R-1 Single Family Residential along and located on the south side of Robinson Road between Westwood Road and Maplewood Road (13 lots) and located at the southeast corner of Maplewood and Robinson Road (1 lot); and

WHEREAS, the City Council finds that a notice of joint public hearing of the City Council and the Zoning Commission for May 22, 2017, was properly published on May 6, 2017, in a newspaper of general circulation; and

WHEREAS, the City Council finds that a written notice of the joint public hearing of the City Council and the Planning and Zoning Commission for May 22, 2017, was properly mailed on or about May 8, 2017, in accordance with state law; and

WHEREAS, the City Council finds good cause exists to promulgate additional rules and regulations for a new zoning district for commercial uses to promote the potential new development of more appropriate commercial uses for the thirteen (13) lots located along the south side of Robinson Road between Westwood Road and Maplewood Road and the one (1) lot located at the southeast corner of Maplewood and Robinson Road, and to ensure that such development occurs in a safe, orderly, and healthful way and in a manner that promotes the health, safety, morals, and general welfare of the City; and

WHEREAS, the City Council further finds that good cause exists to rezone those certain lots currently zoned for R-1 Single Family Residential on the Official Zoning Map of the City of Oak Ridge North, Texas to the new RC-1 Robinson Commercial District and the zoning use regulations adopted herein to plan and encourage the future development of a commercial business district that encourages the harmonious use of existing residential structures as viable commercial businesses in accordance with the Comprehensive Plan and until such time that the RC-1 Robinson Commercial District is redeveloped, if ever; and

WHEREAS, the City Council finds that the rules and regulations governing the regulation of land use, structures, businesses and related activities as provided herein is adopted in conformity with the City of Oak Ridge North 2013 Comprehensive Plan, as adopted by Ordinance 33-2013 on June 24, 2013.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE NORTH, TEXAS:

Section 1. The facts and recitations contained in the preamble of this Ordinance are hereby found to be true and correct and incorporated herein for all purposes.

Section 2. This Ordinance shall apply to the following lots within the territorial limits of the City according to the Official Zoning Map of the City of Oak Ridge North, Texas and, unless otherwise prohibited by state law, as to the following properties to create the new RC-1 Robinson Commercial District:

27202 Robinson Road	Oak Ridge North 04, Lot 421
27206 Robinson Road	Oak Ridge North 04, Lot 422
27210 Robinson Road	Oak Ridge North 04, Lot 423
27214 Robinson Road	Oak Ridge North 04, Lot 424
27218 Robinson Road	Oak Ridge North 04, Lot 425
27222 Robinson Road	Oak Ridge North 04, Lot 426

27226 Robinson Road	Oak Ridge North 04, Lot 427
27230 Robinson Road	Oak Ridge North 04, Lot 428
27234 Robinson Road	Oak Ridge North 04, Lot 429
27238 Robinson Road	Oak Ridge North 04, Lot 430
27242 Robinson Road	Oak Ridge North 04, Lot 431
27246 Robinson Road	Oak Ridge North 04, Lot 432
27250 Robinson Road	Oak Ridge North 04, Lot 433
27010 Maplewood Drive	Oak Ridge North 04, Lot 499

Section 3. Appendix A of the Code of Ordinances of the City of Oak Ridge North, entitled "Zoning" is hereby amended (1) to amend certain definitions contained in Section 3, and (2) to add a new Section 8-E entitled "RC-1 Robinson Commercial District."

Appendix A - Zoning

"Sec. 3. – Definitions.

##.* *Office.* An establishment providing executive, management, or administrative services, including executive suites.

##.* *Off-site sales office.* An office where direct sales distribution, manufacturer representatives, and other similar activities occur provided all sales are conducted off-site and storage and deliveries do not exceed the limitations provided in this Appendix A-Zoning.

##.* *Off-site services office.* An office where services are performed at an off-site location.

##.*¹ *Professional services office.* An office for engineers, draftspersons, admin services, and other similar professional services as determined by the City that require a high degree of technical skill, special training or professional license, including, but not limited to, the services of attorneys, accountants, and architects, provided the delivery of client services is performed or otherwise conducted off-site.

Sec. 8-E. RC-1 Robinson Commercial District

A. *Purpose.* The purpose of the RC-1 Robinson Commercial District is to initially integrate appropriate and limited commercial uses with the single family residential buildings and structures currently existing on those lots located on the south side of Robinson Road as designated by the Official Zoning Map of the City of Oak Ridge North.

¹ * "##" denotes that the numerical sequence of the new definitions will be determined upon the City's codification of the ordinance in Municode.

- B. *Establishment.*** The Planning & Zoning Commission recommended and the City Council approved the creation of the RC-1 Robinson Commercial District in response to rezoning requests from residents owning property located on the south side of Robinson Road. The rezoning of the lots located in the RC-1 Robinson Commercial District is consistent with the City of Oak Ridge North 2013 Comprehensive Plan adopted by Ordinance No. 33-2013 on June 24, 2013.
- C. *Location.*** The RC-1 Robinson Commercial District includes all the lots located within the boundary of the RC-1 Robinson Commercial District as shown on the official zoning map of the City of Oak Ridge North, as may be amended. Within the delineated RC-1 Robinson Commercial District, any lot or parcel of land located at least partially within the RC-1 District must follow all land use, development and design standards, and development conditions of this section for the entire lot or parcel.
- D. *Non-Conforming Use.*** Any lot located in the RC-1 District as of the adoption of this ordinance shall be subject to and comply with Section 11, Appendix A–Zoning. However, if upon the adoption of this ordinance the building or structure on said lot is occupied by a person who owns the lot and lives in the building or structure (i.e., lot owner/occupant) as his or her single family dwelling, the person may continue to occupy the building or structure as his or her single family dwelling in conformity with the R-1 Single Family Residential district zoning regulations until such time that the lot is sold or otherwise conveyed to a third-party who is not related to the lot owner/occupant within the first degree of blood or consanguinity. To the extent this subsection conflicts with Section 11, Appendix A-Zoning, this subsection shall control.
- E. *Planned unit development (PUD) required.*** All new development, renovations, or substantial improvements to existing buildings and structures located in the RC-1 Robinson Commercial District as of the date of this Ordinance must proceed as a planned unit development (PUD) in accordance with Section 13, as may be amended, if within any two (2) year period fifty-one percent (51%) or more of the total size of the building or structure that existed as of the date of this ordinance is affected by the proposed new development, renovation, or improvement, or in the alternative, the cost of improvements within any two (2) year period equal fifty-one percent (51%) or more of the appraised value of the building and structures that existed as of the date of this ordinance.
- F. *Permitted Uses.*** Upon a lot converting to the RC-1 Robinson Commercial District regulations, the following uses are permitted if conducted in strict compliance with the standards and conditions of this Section 8-F.
1. Off-site sales office
 2. Off-site service office
 3. Professional service office

4. Any other use is strictly prohibited

F. *Certificate of occupancy standards and conditions.*

1. *Certificate of occupancy.* Any lot owner who desires to convert a lot from an R-1 Single Family Residential use to a RC-1 Robinson Commercial Use shall apply for a certificate of occupancy pursuant to Chapter 14, Article II, Sec. 14-31, as may be amended. All applications for a RC-1 certificate of occupancy must include the submission of a driveway plan, a parking plan, a sign plan, and a lighting plan for review and approval.

2. *Driveways.* In conjunction with any certificate of occupancy application, a lot owner or applicant must submit a driveway plan and any required fee to the Planning & Zoning Commission for initial review and recommendation to City Council for approval. The building inspector shall not issue a RC-1 certificate of occupancy until a driveway plan is approved. All driveway plans must comply with the following restrictions and requirements:

a. The construction of any new circular driveway is prohibited.

b. No new access points or curb cuts are permitted.

c. All driveway plans must preserve at least 50% of the existing front yard as green space.

3. *Parking.* In conjunction with any certificate of occupancy application, a lot owner or applicant must submit a parking plan and any required fee to the Planning & Zoning Commission for initial review and recommendation to City Council for approval. The building inspector shall not issue a RC-1 certificate of occupancy until a parking plan is approved. No person may park, store, or otherwise leave a vehicle in the rear yard of a RC-1 lot that is (1) on an unpaved surface, or (2) closer than eight (8) feet to the rear lot line.

c. All parking plans must preserve at least 50% of the existing front yard as green space.

4. *Signs.* In conjunction with any certificate of occupancy application, a lot owner or applicant must submit an architectural sign plan and any required fee to the Planning & Zoning Commission for initial review and recommendation to City Council for approval. The building inspector shall not issue a RC-1 certificate of occupancy until an architectural sign plan is approved. All sign plans must comply with the following requirements:

a. Only one (1) monument sign per RC-1 lot is permitted

b. Maximum height is three and one-half feet (3.5') from the top of the curb elevation.

- c. Maximum length is six feet (6').
 - d. Sign must be installed beginning exactly four feet (4') from the front ROW.
 - e. Wall signs, window signs, and pylon signs are prohibited.
5. **Lighting.** In conjunction with any certificate of occupancy application, a lot owner or applicant must submit a lighting plan and any required fee to the Planning & Zoning Commission for initial review and recommendation to City Council for approval. The building inspector shall not issue a RC-1 certificate of occupancy until a lighting plan is approved. All lighting plans must comply with the following restrictions:
- a. Any light fixture that produces glare or spill-over lighting (light trespass) onto adjacent property is prohibited.
 - b. Colored lighting is prohibited.

G. Architectural standards and conditions.

- 1. **Roofing.** All buildings or structures shall comply with Chapter 14, Article X of the Code of Ordinances, as may be amended, until such time that the lot is redeveloped pursuant to a planned unit development (PUD).
- 2. **Masonry.** All buildings or structures shall comply with the masonry requirements applicable to the R-1 Single Family Residential District until such time that the lot is redeveloped pursuant to a planned unit development (PUD).
- 3. **Height regulations.** No building shall exceed two and one-half stories or thirty-five feet (35') in height.
- 4. **Detached accessory buildings.** A maximum of two detached accessory buildings permitted on a RC-1 lot, provided the following conditions are met:
 - a. The combined square footage of all detached accessory buildings shall not exceed 500 total square feet.
 - b. All detached accessory buildings shall comply with section 5 of this Appendix A and chapter 14 of the Code of Ordinances, as may be amended.
 - c. All detached accessory buildings shall be constructed in the same architectural style of the main building except for a portable tool or storage shed that is 144 square feet or less in size.
 - d. All detached accessory buildings shall have the same roofing material as the main building except for a portable tool or storage shed that is less than 144 square feet in size.

- e. All portable tool or storage sheds are considered detached accessory buildings for calculating the 500 total square feet allowed for detached accessory buildings permitted on a RC-1 lot.
- f. *Exceptions.* This section 4 does not apply to pergolas, trellises, arbors, gazebos or other similar open-air landscape improvements.

H. Operational standards and conditions.

1. *Accessory buildings.* All accessory buildings constructed on a lot converted to RC-1 use must comply with the applicable commercial building code.
2. *Storage.* Unsheltered or unenclosed storage is strictly prohibited.
3. *Equipment.* The installation, storage, or use of any equipment or machinery not normally found in an office is prohibited.
4. *Garbage; refuse.* An office operating from the RC-1 district shall not generate quantities of trash or recyclables greater than that normally generated by a single-family detached residential home. RC-1 businesses must contract with the City for residential solid waste disposal.
5. *Sales and displays.* Direct on-site sales, retail or wholesale, and the display of goods or products on the premises are prohibited. However, the storage of product samples on site is not prohibited subject to Sec. H.2.
6. *Clients; business hours.* The number of clients or related groups hosted by an office operating from the RC-1 Robinson Commercial District shall not exceed the rate of four (4) per hour. Business hours shall begin no earlier than 7:00 AM and shall extend no later than 8:00 PM.
7. *Service and delivery trucks.* Service trucks or other service vehicles are prohibited between the hours of 8:00 PM and 8:00 AM. Deliveries from vehicles with more than two axles are prohibited.
8. *Vehicles.* The parking of any vehicle with more than two (2) axles on a lot is prohibited. No vehicle or trailer may be parked or stored on a lot except on a paved driveway or paved parking space. Parked vehicles that are visible from an adjacent lot are prohibited.
9. *Noise.* Business-related sounds that are audible outside the building or structure are prohibited.
10. *Nuisances.* The use of noxious, combustible, explosive or other materials that would endanger the health and safety of the occupants and the surrounding residents is prohibited. The creation of noise, odors, vibrations, glare, fumes or electrical interference that is detectable to normal sensory perception outside the building or structure is prohibited.

11. *Buffering and Fencing.* Any lot owner who converts a lot from an R-1 Single Family Residential use to a RC-1 Robinson Commercial Use shall comply with the fence regulations contained in Appendix A, Sec. 10-A. All references to "B-1 neighborhood business district", "B-2 secondary and highway business district" or variations thereof in Appendix A, Sec. 10-A shall be construed to reference RC-1 for the purpose of this Sec. 8-E hereof.

Section 4. The Official Zoning Map of the City of Oak Ridge North, Texas, is hereby amended to reflect the boundaries of the new RC-1 Robinson Commercial District as demonstrated by the preliminary map attached as Exhibit "A" hereto and those specifically designated tracts located thereon and previously zoned for the R-1 Single Family Residential District on the Official Zoning Map of the City of Oak Ridge North, Texas are hereby rezoned to RC-1 and subject to the RC-1 Robinson Commercial District use regulations as adopted herein.

Section 5. Severability.

If any section, sentence, clause or phrase of this Ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Penalties for Violation.

Any person who violates or causes, allows or permits another to violate any of the provisions of this Ordinance shall be punished by a fine of up to two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate offense.

Section 7. Effective Date.

This Ordinance shall be effective when published as required by law.

PASSED, APPROVED, and ADOPTED on this 22nd day of May 2017.



Jim Kuykendall, Mayor

ATTEST:



Laura Calcote, City Secretary

