

ORDINANCE No. 2016-103

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROANOKE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING CHAPTER 12, ARTICLE III, DIVISION 15, OF THE CODE OF ORDINANCES, OF THE CITY OF ROANOKE, TEXAS, ENTITLED "OAK STREET CORRIDOR ZONING DISTRICT", BY AMENDING SECTION 12.492 OF THE CODE OF ORDINANCES ENTITLED "SCHEDULE OF USES," BY PROVIDING THAT THE FOLLOWING USES ARE PERMITTED USES WITH A SPECIAL USE PERMIT (SUP) WITHIN THE NEIGHBORHOOD TRANSITION ZONE: RETAIL SALES OR SERVICE, FINANCE, INSURANCE, AND REAL ESTATE ESTABLISHMENTS, OFFICES FOR BUSINESS, PROFESSIONAL, AND TECHNICAL USES FOR NEW CONSTRUCTION, FOOD SERVICE USES SUCH AS FULL-SERVICE RESTAURANTS, ART GALLERIES, ART, ANTIQUE, FURNITURE OR ELECTRONICS STUDIO, FITNESS, RECREATIONAL SPORTS, GYM, OR ATHLETIC CLUBS, BUSINESS ASSOCIATIONS AND PROFESSIONAL MEMBERSHIP ORGANIZATIONS, SOCIAL AND FRATERNAL ORGANIZATIONS, LIVE/WORK UNITS, UPPER FLOOR RESIDENTIAL USES, AND BED AND BREAKFAST ESTABLISHMENTS; BY PROVIDING THAT RESIDENTIAL APARTMENTS AND/OR CONDOMINIUMS AND SINGLE-FAMILY RESIDENTIAL ATTACHED DWELLING UNIT (TOWNHOMES) ARE NOT A PERMITTED USE WITHIN THE NEIGHBORHOOD TRANSITION ZONE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 12.124(b) of the Code of Ordinances of the City of Roanoke, Texas, provides as follows, "[f]or requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries do not require written notification to individual property owners;" and

WHEREAS, Section 12.127(c) of the Code of Ordinances of the City of Roanoke, Texas, provides as follows, "[n]otice of the City Council public hearing for a zoning, rezoning or Zoning Ordinance text amendment request shall be given in the same manner as that for the public hearing before the Planning and Zoning Commission as required in Section 12.124;" and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Roanoke, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of Roanoke, Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Roanoke, Texas, is of the opinion and finds that said changes should be granted and that the Zoning Ordinance should be amended.

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

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2.

That Chapter 12, Article III, Division 15, Section 12.492, Table 1 – Schedule of Uses of the Code of Ordinances of the City of Roanoke, Texas, is hereby amended to read as follows:

“Sec. 12.492. Schedule of Uses.

Due to the emphasis on urban form over land uses in the Oak Street District, general use categories have been identified by areas. Uses not listed in the following schedule, but are substantially similar, may be permitted upon the approval of the City Manager or his or her designee, subject to appeal to the City Council.

Table 1 – Schedule of Uses

Land Use	Oak Street Zone	Neighborhood Transition Zone	Hwy 377 Zone	Civic/Mixed Use Zone
Commercial Uses (Office & Retail Uses)				
▪ Retail Sales or Service with <u>no drive through facility</u> (includes alcohol sales). Excluded from this category are retail sales and services establishments geared towards the automobile, including gasoline service stations.	P	SUP (permitted only at corner sites on the ground floor)	P	P
▪ Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with <u>no drive through facility</u>	P	SUP (permitted only at corner sites on the ground floor)	P	P
▪ Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.	P	P for existing structures SUP for new construction	P	P
▪ Food Service Uses such as full-service restaurants, cafeterias, and snack bars with no drive through facilities including café seating within a public or private sidewalk area with no obstruction of pedestrian circulation	P	SUP (permitted only at corner sites on the ground floor)	P	P
▪ Retail tobacco store	SUP	SUP	NP	NP
Arts, Entertainment, and Recreation Uses				
▪ Art galleries	P	SUP (permitted only at corner sites on the ground floor)	P	P
▪ Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	SUP (permitted only at corner sites on the ground floor)	P	P
▪ Theater, cinema, dance, or music establishment	P	NP	P	P
▪ Museums and other special purpose recreational institutions	P	NP	P	P
▪ Fitness, recreational sports, gym, or athletic club	P	SUP (permitted only at corner sites on the ground floor)	P	P
▪ Parks, greens, plazas, squares, and playgrounds	P	P	P	P
Educational, Public Administration, Health Care and Other Institutional Uses				
▪ Business associations and professional membership organizations	P	SUP (permitted only at corner sites on the ground floor)	P	P
▪ Schools, libraries, and community halls	P	NP	P	P
▪ Civic uses(City Hall, Courthouse, and other public offices and functions)	P	NP	P	P
▪ Social and fraternal organizations	P	SUP	P	P
▪ Social services and philanthropic organizations	P	NP	P	P
▪ Religious Institutions	P	P	P	P
Residential Uses				
▪ Home Occupations	NA	P	NA	NA
▪ Live/Work units	NA	SUP	NA	NA

Land Use	Oak Street Zone	Neighborhood Transition Zone	Hwy 377 Zone	Civic/Mixed Use Zone
▪ Residential Apartments and/or condominiums ¹	P (SUP for first/ground floor)	NP	NP	P (SUP for first/ground floor)
▪ Upper floor residential uses ²	P	SUP	P	P
▪ Single-family residential attached dwelling unit (Townhomes)	NP	NP	NP	P
▪ Single-family residential detached dwelling unit	NP	P	NP	NP
Other Uses				
▪ Model homes for sales and promotion**	NA	P	NP	NA
▪ Any use with on- and off-premise alcohol sales as less than 50% of its gross sales revenue	A	A/C (in conjunction with corner commercial uses only)	A	A
▪ Any use with on- and off-premise alcohol sales as more than 50% of its gross sales revenue	SUP	SUP/C (in conjunction with corner commercial uses only)	SUP	SUP
▪ Full-service hotels	P	NP	P	P
▪ Bed and breakfast establishments	P	SUP	NP	NP
▪ Outdoor Storage	NP	NP	NP	NP
▪ Outdoor Display (within 10 feet of front façade of building only; merchandise must be brought indoors after closing)	P	P	P	P
▪ Parking, surface	P	A	P	P
▪ Parking, structured	P	P	P	P
▪ Sales from kiosks	P	NP	P	P
▪ Any permitted use with a drive through facility	NP	NP	SUP	SUP
▪ Farmer's Market	P	NP	P	P
▪ Veterinary clinic (no outdoor facilities for overnight storage of animals)	P	NP	P	P
P= Permitted by right NP= Not Permitted P/C= Permitted with conditions A= Permitted Accessory Use NA= Not applicable SUP = Permitted with a Specific Use Permit				

Residential density and non-residential floor-to-area ratios are governed by height of buildings, setback lines and parking requirements. All allowed uses are permitted on any floor of a building unless specifically prohibited herein.

- (a) *Accessory Building Uses.* The massing and use of accessory buildings shall comply with those standards in the SF-7, article III, division 6 of this chapter or SFA, article III, division 7 of this chapter.
- (b) *Prohibited Uses.* Uses not specifically enumerated in the District, but are substantially similar, may be permitted upon the approval of the City Manager or his or her designee, subject to appeal to the City Council. All other uses shall be prohibited including but not limited to vehicular services/repair, wholesale, industrial, heavy manufacturing, drive-thru services and warehousing.”

Section 3. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 4. SEVERABILITY CLAUSE

¹Residential uses shall be permitted by right in the upper floors of all buildings, first/ground floor by SUP where noted.

²Residential uses shall be permitted by right in the upper floors of all buildings.

** Model homes are limited to a time period until all the homes are sold in the neighborhood.

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, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.


PASSED, APPROVED AND ADOPTED by the City Council of the City of Roanoke, Texas, on this the 9th day of **February, 2016**.

APPROVED:




Carl E. Gierisch, Jr., Mayor

ATTEST:



April S. Hill, City Secretary

APPROVED AS TO FORM:



Jeff Moore, City Attorney

