

ORDINANCE 09-2935

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, AMENDING THE CITY OF BEDFORD ZONING ORDINANCE, ORDINANCE #2216, AS HERETOFORE AMENDED BY AMENDING SECTION 1.2.B DEFINITIONS AND; AMENDING SECTION 5.10 TEMPORARY USES AND EVENTS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is authorized by Section 211.005, "Districts" of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan; and,

WHEREAS, the City Council of the City of Bedford deems it necessary in order to lessen the congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; and avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and,

WHEREAS, the Planning and Zoning Commission of the City of Bedford initiated proposed changes to the City of Bedford Zoning Ordinance; and,

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Bedford have advertised and mailed notices of public hearings to receive comments on the proposed Zoning Ordinance amendments; and,

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Bedford have after thoughtful deliberation voted to approve these Zoning Ordinance amendments;

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

SECTION 1. That *Section 1.2.B – Definitions* shall be amended to add definitions for Civic Event and Special Event, as follows:

1.2.B DEFINITIONS

Certain terms and words are herewith defined as follows:

EVENT, CIVIC – A public gathering sponsored by a non-profit organization, or special interest agency or group, not including a governmental entity, for the temporal good of the community and shall include any transient amusement enterprise, outdoor temporary gathering, and any similar event, including, but not limited to parades, arts and crafts shows/fairs, weddings and wedding receptions, fundraisers, photographic/promotional activities, block parties, theatrical exhibition, musical performance, public show, entertainment, amusement or other exhibition held on property not owned or controlled by the City of Bedford.

EVENT, SPECIAL - A public gathering sponsored by a for-profit organization for commercial gain or promotion of a product or service and shall include any transient amusement enterprise, outdoor temporary gathering, and any similar event.

SECTION 2. That *Section 5.10 – Temporary Uses and Events* shall be amended as follows:

Section 5.10 Temporary Uses And Events

5.10.A PURPOSE

Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the City. The temporary uses, civic events, and special events hereinafter enumerated shall not be deemed violations of this Ordinance when made under the conditions herein provided.

5.10.B PERMITTED TEMPORARY USES

The permissible temporary uses, the conditions of use and the zoning districts wherein the same shall be permitted and approvals required are:

Zoning Districts Allowed: In All Districts

- (1) Construction Office - Temporary field or construction offices and temporary building material storage areas to be used solely for on- premise construction purposes in connection with the property on which they are erected or within the same platted subdivision may be permitted when approved by the Building Official from the time of approval until the Certificate of Occupancy is issued or a period of two (2) years, whichever is less. An application must be submitted for a "Temporary Construction Office" on forms supplied by the Building Official's Office and shall include a scale drawing showing the location and size of the building(s), all outside storage areas, and proposed construction fencing.
- (2) Public School Districts, Churches, Temples, and Synagogues:
 - a. Classroom, recreation, and administration needs for public school districts may be conducted in temporary buildings on public school district sites when approved by the City Manager or his/her appointed designee. However, the City Manager or his/her appointed designee may at his/her discretion require a recommendation of the Planning and Zoning Commission and approval by the City Council. An application for "Temporary Educational Building" must be submitted on forms supplied by the Building Official's office and shall include a scale drawing showing the location, size, and material of all building(s) proposed and a schedule indicating expected phasing of all temporary structures. Such permit shall

be valid for five (5) years. Temporary structures should be located so that they are screened by the permanent buildings whenever possible.

- b. Classroom, recreation, and administration needs for churches, temples, or synagogues may be conducted in temporary buildings on church, temple, or synagogue sites when approved by a Specific Use Permit amendment by the Planning and Zoning Commission and the City Council. An application for "Temporary Church, Temple, or Synagogue Building" must be submitted in accordance with the provisions for a site plan amendment to a Specific Use Permit. Such approval shall be valid for two (2) years and may be extended for an additional one (1) year period with approval of the City Council. Temporary structures should be located so that they are screened by the permanent buildings whenever possible.
- c. Paper recycling containers may be placed on a temporary basis when approved by the City Manager or his/her appointed designee. However, the City Manager or his/her appointed designee may at his/her discretion require a recommendation of the Planning and Zoning Commission and approval by the City Council. An application for Temporary Newspaper Recycling Container must be submitted on forms supplied by the Building Official's office and shall include a scale drawing showing the location, size and surrounding site features. Containers shall observe all required building setback lines and shall be placed in a visually unobtrusive location. Temporary basis shall be defined as no more than ninety (90) days per calendar year, in increments of no less than ten (10) days and no more than thirty (30) days. There must be a thirty (30) day absence of the paper recycling containers between temporary increments.

Zoning Districts Allowed: In All Residential Districts

- (1) Real Estate Sales Office - Temporary field real estate offices may be permitted in residential subdivisions when approved by the Building Official from the time of approval until the related project is eighty (80) percent complete or a period of two (2) years, whichever is less. Such temporary uses may be located in a "Model Home" or a portable building within the subdivision. An application for a "Temporary Real Estate Sales Office" must be submitted on forms supplied by the Building Official's office and shall include a plat of the subdivision showing the exact location of the proposed Sales Office and the size of the building.

5.10.C CIVIC EVENTS AND SPECIAL EVENTS

Civic events and special events may be conducted within an existing use and ancillary to that use provided it meets the following criteria (Nothing within this section shall regulate or prevent an individual residential property owner from conducting activities normally associated with residential uses, including outdoor parties and gatherings. In addition, such outdoors activities shall be subject to the other regulations and ordinances of the City of Bedford which regulate the orderly conduct within the neighborhood and take into consideration the health, safety, and public welfare of the adjacent property owners):

- (1). The event is carried on for a period of time not exceeding fifteen (15) consecutive days;
- (2) No retail sales conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and Nonprofit Organizations may conduct retail sales for fund-raising purposes in any zoning district;
- (3) Assemblies are carried on out-of-doors, in temporary shelters, or tents;
- (4) A permit is obtained in accordance with the provisions provide herein.

5.10.D CONTENTS OF APPLICATION

An Application for Approval of an Event shall include the following information:

- (1) Brief description of the event.
- (2) Designation of whether it is a Civic Event or Special Event
- (3) Exact Location of where the event is to be held.
- (4) Expected Attendance.
- (5) Anticipated number of automobiles and proposed methods of providing parking for the same.
- (6) Location and construction of any temporary signs to be used in connection with the event.
- (7) Dates and times of commencement and termination of the event.
- (8) Signed certification by the Responsible Party and the record owner of the land that all information provided is true and correct and that all schedules will be strictly adhered to.

5.10.E ADMINISTRATIVE APPROVAL

A request for an event may be approved and issued by the City Manager or his/her designee if the following conditions exist, unless otherwise provided by this ordinance:

- (1) The event is located in either the “S”, ‘L’, ‘H’, OR ‘I’ zoning district; or in the case of a civic event endorsed by a non-profit entity, Independent District, or religious institutution, the event is located in any zoning district.
- (2) There is no property zoned for residential within 50 ft. of the proposed event.
- (3) The event is limited to two (2) days.
- (4) The activities proposed will be limited between the hours of 7 a.m. and 12 p.m. (midnight).
- (5) There are no complaints on record for similar events held by the applicant.

Appeal of the decision by the City Manager or his/her designee may be made to the Zoning Board of Adjustment. A governmental entity is exempted from the required fee for a permit.

5.10.F ZBA APPROVAL

A permit for any event that does not meet the criteria for administrative approval shall be approved by the Zoning Board of Adjustment if the following conditions exist:

- (1) The City Manager or his/her designee determines that approval by the Zoning Board of Adjustments is necessary.

- (2) The event is proposed to last for more than two (2) days.
- (3) The event proposed will extend beyond the hours of 7 a.m. and 12 p.m. (midnight).
- (4) There are complaints on record for similar events held by the applicant.

5.10.G PARADES

Parades shall be regulated in accordance with Chapter 114, Article VIII – Parades, City of Bedford Code of Ordinances.

SECTION 3. That this ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this ordinance. Ordinances or parts thereof in force at the time this ordinance shall take effect and that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance.

SECTION 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance, and the City Council hereby declares it would have passed such remaining portion of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PRESENTED AND PASSED on this 14th day of July 2009, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney