

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING CHAPTER 20, ZONING ORDINANCE, FOR THE CITY OF COPPERAS COVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Copperas Cove's Planning and Zoning Commission and the City's Planning Consultant extensively studied and reviewed the City's current Zoning Ordinance of the Code of Ordinances; and,

WHEREAS, after review by the Planning and Zoning Commission, the determination was made that it was necessary for the current Zoning Ordinance to be amended for easier utilization and application by citizens, builders, developers, members of the Planning and Zoning Commission and staff, and in the best interest of the City of Copperas Cove; and

WHEREAS, the Planning and Zoning Commission submitted a recommendation to City Council to amend the City's current Zoning Ordinance after conducting a public hearing on November 10, 2014 on the amendments to the Zoning Ordinance to ensure compliance with Texas Local Government Code Chapter 211.007; and

WHEREAS, the City Council conducted two public hearings on the proposed amendments to the current Zoning Ordinance after receiving the recommendation from the Planning and Zoning Commission; and

WHEREAS, the City's Planning and Zoning Commission recommends that the current Zoning Ordinance be amended by City Council; and

WHEREAS, City Council finds that it is in the best interest of the City of Copperas Cove to adopt the amended Zoning Ordinance;

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

SECTION 1.

That the current Zoning Regulations contained in Article I, Sec. 20-7 (Definitions) of the City's Code of Ordinances is hereby amended by adding the definition as follows:

Sec. 20-7

"Zoning Administrator"

The City Manager or his/her designee, acting in the capacity of the administration of this ordinance and interpretation of the requirements herein.

That Article I, Sec. 20-10 of the City's Code of Ordinances is amended by replacing the existing text with the following:

(a) Table of Zoning Designations

| Designation | Description |
|-------------|------------------------------------|
| R-1 | Single-Family Residential District |
| R-2 | Two-Family Residential District |
| R-3 | Multi-Family Residential District |
| R-MH | Manufactured Home District |
| R-CE | Single-Family Country Estates |
| B-1 | Professional Business District |
| B-2 | Local Retail District |
| B-3 | Local Business District |
| B-4 | Business District |
| B-5 | Business District |
| B-OT | Business Old Town District |
| B-RV | Recreational Vehicle Parks |
| B-BP | Business Park |
| AG-1 | Agricultural |
| M-1 | Manufacturing District |
| M-2 | Heavy Manufacturing District |
| PDD | Planned Development District |
| PF | Public Facility |

Note: Notwithstanding the aforementioned revision to the Zoning Designation Table, properties currently zoned B-PC (Private Club and General Business) and B-LS (Public Liquor Sales and General Business) shall retain such designations until such time as said properties are rezoned in the manner prescribed in this Chapter.

That Article II, Sec. 20-15(a)(3)b1i be amended by replacing the existing text with the following:

Planning and zoning commission meeting on the fourth Monday of each month. All meetings shall be held in council chambers, or alternative location should said chambers be unavailable, beginning at 6:00 p.m. and a quorum must be present at each regular meeting in order for the commission to conduct any business.

That Article II, Sec. 20-15(a)(3)b1ii be amended by replacing the existing text with the following:

Board of adjustment meeting on the second Thursday of each month. All meetings shall be held in council chambers, or alternative location should said chambers be unavailable, beginning at 7:00 p.m. and a quorum must be present at each regular meeting in order for the board to conduct any business.

That Article II, Sec. 20-15(b)(5) be amended by replacing the existing text with the following:

Recommendation of denial of rezoning request. If the commission recommends city council deny a rezoning request, city council may only approve such request by a three-fourths (3/4) majority vote of all voting members (present and absent) of council.

That Article IV, Sec. 20-24(f)(3)a., be amended by replacing the existing text with the following:

Markings

With the exception of single-family or two-family residential use, each required off-street parking space and off-street parking area shall be identified by surface markings at least four (4) inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles.

That Article IV, Sec. 20-24(f)(4) be amended by replacing the existing text with the following:

Surfacing, maintenance, and temporary use.

All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses shall be paved with an all-weather surface and kept in a dust-free condition at all times. The use of pervious and/or semi-pervious materials is permitted provided the areas are kept in a dust-free condition at all times. The use of unpaved surfaces for off-street parking may only be permitted in accordance with a temporary use permit, subject to the placement of limitations on the hours and duration of the use, the nature and intensity of the event, the area affected, traffic control, and interim maintenance or erosion control requirements. Application for such permit shall be made to the City Manager, or his/her designee, who shall establish the format and content of such applications, and the conditions necessary to ensure the public interest, safety, and welfare.

That Article IV, Sec. 20-24(g) be amended by replacing the existing language with the following:

Use of required parking spaces.

- (1) Required off-street parking areas.
 - a. Shall be used solely for the parking of motor vehicles, except those listed in subsection b., below as prohibited motor vehicles. For the purposes of this Section the term “motor vehicle” means a vehicle which is:
 - i. Operational and safe to travel on public roads and highways; and
 - ii. Currently registered with the Texas Department of Motor Vehicles; and
 - iii. Has been issued a current certificate of inspection by the Texas Department of Public Safety; and
 - iv. Is included on the owner’s auto insurance policy with coverage that meets or exceeds Texas’ financial responsibility requirement.
 - b. Off-street parking areas shall not be used for any purpose, other than parking of motor vehicles, and by way of example, the storage of trash dumpsters, the display of goods for sale or lease, for motor vehicle repair or service work of any kind, storage of mobile homes, or building materials, or for display or storage of vehicles for lease, sale or rent is specifically prohibited.
- (2) Recreational vehicles shall not be stored on any lot or street other than a residential lot of the owner or a site specifically designed for vehicle parking, and shall not conflict with other code requirements.
- (3) All motor vehicles and motor driven equipment including, but not limited to, recreational vehicles, trailers of all kinds, boats, and special interest vehicles, parked or stored in the front yard or exterior side yard of single family or two family dwelling shall be parked or stored on an all-weather surface which shall be connected to an all-weather surfaced driveway to a street.
- (4) All motor vehicles and other motor driven equipment including recreational vehicles, trailers, boats and special interest vehicles parked or stored in the interior side or rear yard of single family or two family dwellings shall be parked or stored on an all-weather surface, but shall not be required to be connected to an all-weather surfaced driveway to a street or alley.

SECTION 2.

That any ordinances or resolutions or part of ordinances or resolutions in conflict with the provisions of this Zoning Ordinance are hereby repealed to the extent of such conflict.

SECTION 3.

That should any section, clause, or provision of this Zoning Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 4.

That this Zoning Ordinance shall go into effect upon passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Copperas Cove, Texas, on this 6th day of January 2015, at a meeting held in compliance with the Open Meetings Act, Tex. Govt Code §551.001, et.seq., at which meeting a quorum was present and voting.



John Hull, Mayor

ATTEST:



Mariela Attott, City Secretary



APPROVED AS TO FORM:



Denton, Navarro, Rocha,
Bernal, Hyde & Zech, P.C., City Attorney