

NOTICE OF PUBLIC HEARING

A Public Hearing is scheduled before **the River Oaks Planning and Zoning Commission** on **Monday, November 20, 2023 at 6:30 P.M.** and a **second Public Hearing** before the **River Oaks City Council** on **Tuesday, November 28, 2023 at 6:00 P.M.** in the City Council Chambers located at 4900 River Oaks Blvd., River Oaks, Texas in order to receive comment and testimony on the proposed text amendments to the Comprehensive Zoning Ordinance # 1331-2021, as amended (Case PZ 2023-0002), as herein provided:

1. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 4 "Definitions" by adding the following definitions:

ART SHOW: an event at which objects such as paintings are shown to the public

AUTOMOTIVE REPAIR GARAGES. means a building, shop or place where vehicular repairs are performed on cars, trucks, vans, motorcycles, heavy equipment, oversized vehicles and any other motor powered equipment when deemed by the Zoning Administrator to be a motorized, self-propelled vehicle including but not limited to tire shops, paint and body shops, transmission shops, muffler shops, and engine overhauling but does not include upholstery shops, tinting shops, glass replacement, automotive parts and express oil changing and lube stations.

CRAFT FAIR: an event where people sell decorative objects that they have made by hand.

FARMER. A person or entity that produces agricultural products including, but not limited to, fruits, vegetables, fungi, grains, fiber, honey, dairy products, meat, poultry, or eggs, by practice of the agricultural arts upon land that the person or entity owns, rents, leases, or to which the person or entity otherwise has access.

FARMERS' MARKET. A designated location used for a recurring event at which a majority of the vendors are farmers or other food producers who sell food directly to consumers. A farmers' market must include at least two vendors who meet the definition of "farmer" and may include vendors who meet the definition of "food producer". In addition, a farmers' market may include vendors who are not "farmers" or "food producers," if "farmers" and "food producers" constitute the majority of vendors who participate in the market throughout the year. Farmers Markets do not include flea markets or selling of poultry, pets and livestock. Farmers markets facilitate personal connections and bonds of mutual benefits between farmers, shoppers, and communities.

FOOD PRODUCER. A person who grew, raised, processed, prepared, manufactured, or otherwise added value to the food product the person is selling. The term does not include a person who only packaged or repackaged a food product.

MARKET. A gathering of people for the purchase and sale of provisions and other commodities.

VEHICLE, OVERSIZED. A road tractor, truck tractor, semitrailer, trailer, dump truck, concrete mixing truck, or any vehicle designed for the transport of more than 15 passengers including the driver."

2. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 14 "C-1" Commercial District - (Neighborhood Retail)"; Section 15 "C-2" Commercial District"; Section 16 "C-3" Commercial District under Sections 14.D, 15.D and 16.D "Development Regulations" specifically under 14.D.1, 15.D.1 and 16.D.1 as follows:

REMOVE: ~~"Masonry Requirements. All exterior building wall construction must be at least 75 percent masonry exclusive of all windows, doors, roofs, and glass construction materials. In calculating the 75% masonry requirement, it shall apply to the new building or new addition being constructed and does not include using the existing walls of other buildings on the lot to help make up the 75%.~~

~~**SPECIAL EXCEPTION PERMITTING:** For applications not meeting the 75% masonry requirement, the Applicant may request in advance a Special Exception Permit from the City Council. Application Forms for a Special Exception Permit must be obtained from the City Secretary. Approval for a Special Exception Permit requires a majority vote of the City Council."~~

3. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 14 "C-1" Commercial District" under Section 14.E "District Restrictions" # 5 "Outside Storage" to now read as follows:

Amend: ~~"Section 14.E.5 "Outside Storage". No outside storage is permitted.~~ Outside Display or retail sales, subject to the following conditions:

- a. The business displaying the merchandise must have a valid **commercial** certificate of occupancy;
 - b. The merchandise must not be left outdoors when the business is closed;
Exception: "With the change in ownership before a new commercial certificate of occupancy will be approved; outside storage areas where merchandise is kept even when closed and visible to the public requires that first a screening device constructed of metal, wood, vinyl, masonry or other code approved screening type materials not less than six feet nor greater than eight feet in height shall be placed around the storage area."
 - c. The total display must not exceed more than fifty (50) percent of the indoor floor area of the business;
 - d. Outside display of items for the purpose of manufacturing or assembly is not permitted."
4. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 15 "C-2" Commercial District" under Section 15.B "Use Regulations" # 5 removing Section 15.B.5 as written and revising it to allow Automobile Laundry (car wash) and steam cleaning to now read as follows:

REMOVE: ~~Section 15.B.5 —Cleaning, dyeing and pressing works; except that Laundry and Washeterias are not permitted.~~

AMEND: Revising Sec. 15 "C-2" "B" "Use Regulations" # 5 allowing "Automobile Laundry (car wash) and steam cleaning" subject to the following restrictions:

- a. All automobile laundry and steam cleaning uses shall be completely within a building having not less than two sides;
- b. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 25 feet from single family residential districts;
- c. The building surfaces shall be faced with masonry, porcelainized steel, baked enamel steel or other material equal in durability and appearance;
- d. The building shall not be less than the required setbacks from single family residential districts;
- e. The building setbacks shall be not less than 30 feet from the property line unless otherwise approved by the City Council; and

- f. Any lights used to illuminate the area shall be directed away from adjacent residential properties.
- g. ***Must provide a certified storm water plan in accordance to the City's Storm Water Master Plan (SWMP).***

5. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 15 "C-2" Commercial District" under Section 15.D "District Restrictions" # 7 "Outside Storage" to now read as follows:

AMEND: ~~"Section 15.D.7 "Outside Storage". No outside display or storage of secondhand or used goods or merchandise is permitted.~~ "Outside Display or retail sales, subject to the following conditions:

- a. The business displaying the merchandise must have a valid **commercial** certificate of occupancy;
- b. The merchandise must not be left outdoors when the business is closed;
Exception: With the change in ownership before a new commercial certificate of occupancy will be approved; outside storage areas where merchandise is kept even when closed and visible to the public requires that first a screening device constructed of metal, wood, vinyl, masonry or other code approved screening type materials not less than six feet nor greater than eight feet in height shall be placed around the storage area.
- c. The total display must not exceed more than fifty (50) percent of the indoor floor area of the business;
- d. Outside display of items for the purpose of manufacturing or assembly is not permitted."

6. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 16 "C-3" Commercial District" under Section 16.B "Use Regulations" # 4 amending the use regulations by removing the following as being a permitted use in a C-3 Commercial Zoning District:

REMOVE: #4 "Automobile Laundry (car wash) and Steam Cleaning" (move back to "C-2" Commercial District in Section 15.B.5)

7. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 16 "C-3" Commercial District" under Section 16.B "Use Regulations" #14 "Pawn Shops" to now read as follows:

AMEND: #14 "Pawn Shops. (with the change in ownership before a new commercial certificate of occupancy will be approved for a Pawn Shop; outside storage areas where merchandise is kept even when closed and when visible to the public requires that first a screening device constructed of metal, wood, vinyl, masonry or other code approved screening type materials not less than six feet nor greater than eight feet in height shall be placed around the storage area.)"

8. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 16 "C-3" Commercial District" under Section 16.B "Use Regulations" #18 "Sales of second-hand merchandise" to now read as follows:

AMEND: Section 16.B.18 "Sales of second-hand merchandise (with ~~no~~ outside display or storage).

9. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Sec. 22.A "Authorized Accessory Uses" revising Section 22.A. # 14 "Outside display or retail sales, subject to the following conditions" by removing the requirement of new and secondhand merchandise to be merchandise traditionally marketed outdoors and establishing an exception to that requirement, revising the outside display of items including increasing the total display area and by adding Community Facilities (CF) zoning district to the districts where permitted to now read as follows:

"District Where Permitted

"C-1," "C-2," "C-3," "P-C", "CF"

Outside display or retail sales, subject to the following conditions:

Outside Display or retail sales, subject to the following conditions:

- a. The business displaying the merchandise must have a valid **commercial** certificate of occupancy;
- ~~b. The merchandise (new or secondhand) must be merchandise traditionally marketed outdoors;~~
- b. The merchandise (new or secondhand) must not be left outdoors when the business is closed; Exception: "With the change in ownership before a new commercial certificate of occupancy will be approved; outside storage areas where merchandise is kept even when closed and visible to the public requires that first a screening device constructed of metal, wood, vinyl, masonry or other code approved screening type materials not less than six feet nor greater than eight feet in height shall be placed around the storage area."
- c. The total display must not exceed more than fifty (50) percent of the indoor floor area of the business;
- d. Outside display of items ~~not for sale or unique to the business~~ for the purpose of manufacturing or assembly is not permitted."

10. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Sec. 22.A "Authorized Accessory Uses" by removing Section 22.A. # 21 as follows:

REMOVE: "Retail uses which are reasonably related to the principal uses within the structure provided:

- ~~a. it is new merchandise that does not exceed 15 percent of the floor area of the building;~~
- ~~b. Merchandise (Second Hand/Used) for resale is not permitted."~~

11. Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 22.A "Authorized Accessory Uses" # 28 revising Section 22.A.28 to now read as follows:

- "28. Farmers' Markets, Craft Fairs and Art Shows approved by Special Permit of the City Council for a specific period of time and when determined to be applicable by the City Council, shall comply with the regulations provided for in Section 19.E "Outside Special Events Permitting."

"C-F," "C-1"
"C-2", "C-3"

For more information contact the Zoning Administrator at 817-626-5421, extension 324.