

ORDINANCE NO. 2019-____(O)

AN ORDINANCE AMENDING CHAPTER 113 OF THE CITY OF WINDCREST'S CODE OF ORDINANCES – ZONING, PLANNING AND ZONING COMMISSION, BOARD OF ADJUSTMENT, BY CREATING AN M-1 ZONE FOR MUNICIPAL GREENSPACE DISTRICT, AND AMENDING THE CITY'S ZONING MAP TO REFLECT THE APPLICATION OF THE AREAS SUBJECT TO THE NEW ZONING DISTRICT

WHEREAS, the City Council of Windcrest has determined a need to protect certain areas for environmental purposes; and

WHEREAS, the City Council believes such areas as retention ponds, city parks, the golf course, and areas by and along the golf course should be maintained as greenspaces or for public use greenspace and compatible uses for public purposes; and

WHEREAS, the City Council has determined the need for a new type of zoning district and to clarify the use of such areas to maintain the natural beauty of the City; and

WHEREAS, the City Council has determined the new zoning classification does not prohibit any current uses of the designated areas, but preserves the current uses and compatible associated uses, and allows certain public uses; and

WHEREAS, the City Council finds it is for the health, safety, welfare and the benefit of the public to create the zoning classification and to amend the City's zoning map to reflect the change.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that this ordinance is hereby adopted, the below listed sections of Chapter 113 of the City of Windcrest Code of Ordinances are hereby amended as indicated, and the zoning map of the City is hereby amended by the attached map to reflect the areas subject to the M-1 zoning regulations as indicated:

I.

Amendments to Chapter 113

Sec. 113-81. - Districts

For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, residence or other purposes, the City of Windcrest, Texas, is hereby divided into districts of which there shall be classes in number, and which shall be known as:

"R-1" One-Family Dwelling District

"R-2" Duplex and Apartment District

"O-1" Professional Office District

"B-1" Neighborhood Business District

"B-2" Business District

"B-3" Business District

"M-1" Municipal Greenspace District

Sec. 113-252. – M-1 Municipal Greenspace District Use Regulations.

The following regulations shall apply to the "M-1" Municipal Greenspace District:

- (1) Land designated as an M-1 zone shall be primarily used as a greenspace or open space area, and allows uses including public parks, public playgrounds, public swimming pools, public or private golf courses, public tennis courts, public recreation and community buildings, and associated pro and concession facilities.
- (2) Only municipally owned buildings and structures are permitted in the M-1 zoning district absent a special use permit. Buildings and structures which were in existence prior to the enactment of this zoning classification shall be considered legal non-conforming structures. Municipally owned buildings may be used for municipal services and purposes but may include recreational facilities owned by the City as well.
- (3) The purpose of this zoning district is to help preserve the area as greenspace or an open area, but to also allow the best use of the area for municipal parks, recreation, or other municipal services. Any municipal service is permitted in this district including municipal buildings, public libraries or museums, police and fire stations, and public parking facilities. However, no municipal buildings or services shall be placed which cause any tract of land to be reduced to less than sixty percent (60%) of open grass, waterway, or wooded area. No public building may be erected to a height exceeding thirty-five (35) feet.

II.

Zoning Map Change

The zoning map for the City of Windcrest is hereby amended to incorporate the above zones, and the amended map, which is attached hereto as Exhibit A, is adopted as the new zoning map for the City of Windcrest.

III.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest Code of Ordinances except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed and this Ordinance controls.

IV.

SEVERABILITY

That it is hereby declared to be the intent of the City Council for the City of Windcrest 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 should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

V.

PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

ANY SECTIONS OF CHAPTER 113 WHICH WERE NOT DESIGNATED IN THIS ORDINANCE SHALL NOT BE CONSIDERED AMENDED, REPEALED, OR ADJUSTED AND REMAIN IN FULL FORCE AND EFFECT AS WRITTEN.

ANY SECTIONS OF CHAPTER 113 EXPRESSLY LISTED IN THIS ORDINANCE SHALL BE CONSIDERED AMENDED AS INDICATED ABOVE AND ANY PROVISION OF EACH SECTION WHICH IS INCONSISTENT WITH THE AMENDMENT IS CONSIDERED REPEALED TO THE EXTENT OF THE INCONSISTENCY.

THESE AMENDMENTS ARE TO BE CONSTRUED CONSISTENT WITH SECTION 1-3 OF THE WINDCREST CODE OF ORDINANCES.

DULY PASSED ON FIRST READING, on the _____ day of _____, 20__ at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

DULY PASSED AND APPROVED, on the _____ day of _____, 20__ at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney