

ORDINANCE NO. 04-2018-328

AN ORDINANCE OF THE CITY OF CROWLEY, TEXAS AMENDING CHAPTER 106 "ZONING" ARTICLE III "DISTRICTS AND DISTRICT REGULATIONS" DIVISION 9 "MF MULTIFAMILY RESIDENTIAL DISTRICT" OF THE CITY OF CROWLEY CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crowley, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Crowley heretofore adopted Chapter 106 of the City Code, being the Comprehensive Zoning Ordinance of the City of Crowley (the Zoning Ordinance), which regulates zoning of land as may be best suited to carry out these regulations; and

WHEREAS, the City Council of the City of Crowley deems it advisable and in the public interest to make certain amendments to Article III "Districts and District Regulations", Division 9 "MF Multifamily Residential District" of the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Crowley, Texas and the City Council of the City of Crowley, Texas held public hearings with respect to the Zoning Ordinance amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for amending the Zoning Ordinance.

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

SECTION 1.

That Section 106.549 "Density, area, yard, height and lot coverage requirements" of the Zoning Ordinance is hereby amended to read as follows:

Sec. 106-549. - Density, area, yard, height and lot coverage requirements.

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the MF district, shall conform with the provisions provided in the area requirements for the MF zoning district table.

MF Zoning District Area Requirements

Maximum density	14.0 dwelling units per acre Density may be increased 1/2 unit to 1 unit per acre, up to 16 units per acre, if certain enhancements as stated in this Section are met
Minimum lot area	8,400 square feet
Minimum lot width	30 feet
Minimum lot depth	100 feet
Minimum front yard	25 feet
Minimum side yard	10 feet
Minimum side yard adjacent to street (corner lot)	25 feet (same as front yard)
Minimum rear yard	25 feet
Maximum building height	35 feet
Minimum dwelling size	
Efficiency	600 square feet
1-bedroom unit	750 square feet
2-bedroom unit	1,100 square feet
3-bedroom unit	1,200 square feet
4-bedroom unit	1,500 square feet
Maximum lot coverage	45 percent excluding pools and spas

SECTION 2.

That Section 106-550 "Off-street parking and loading requirements" of the Zoning Ordinance is hereby amended to read as follows:

Section 106-550. - Off-street parking and loading requirements.

Off-street parking and loading requirements pertaining to uses allowed in the MF district shall conform with the provisions of article V of this chapter, off-street parking and loading requirements. Notwithstanding the requirements of article V, no heavy load vehicle shall be parked or stored overnight within any multi-family zoning district. Boats, campers, trailers, and other recreational vehicles shall be prohibited unless oversize parking areas are provided. This parking area shall not be used to meet the minimum parking requirements, and this parking shall not be in view from a public street and must be screened from adjacent residential districts by a fence or wall at least eight feet in height.

A heavy load vehicle is defined as a pickup truck having a manufacturer's Gross Vehicle Weight Rating (GVWR) of greater than fourteen thousand (14,000) pounds; any other self-propelled vehicle having a manufacturer's Gross Vehicle Weight Rating (GVWR) of greater than eleven thousand (11,000) pounds, such as tractor-trailers, buses, box vans, and other similar vehicles; or any towed vehicle with a

manufacturer's Maximum Loaded Trailer Weight (MLTW) greater than eleven thousand (11,000) pounds or more than two (2) axles, such as flatbed trailers, utility trailers, and cargo trailers. Heavy Load Vehicle does not include Recreational Vehicles or Agricultural Vehicles and Equipment. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise. For dispute resolution, the owner shall provide proof of the weight of vehicle.

SECTION 3.

That Section 106-551 "Exterior fire-resistant construction" of the Zoning Ordinance is hereby amended to read as follows:

Sec. 106-551. - Exterior fire-resistant construction.

Exterior fire-resistant construction shall be required on all residential building structures hereafter constructed, erected, reconstructed, enlarged or moved onto any lot or parcel within the city. For the multi-family zoning district, the term "exterior fire-resistant construction" shall mean and consist of a minimum of 85 percent of the total exterior wall surface (exclusive of opening for light, ventilation and access) of residential building structures to be of brick, stone or combination thereof, and further provided no single wall face of any residential building structure shall contain less than 85 percent of its exposed surface of exterior fire-resistant construction material.

SECTION 4.

That Section 106-553 "Landscaping" of the Zoning Ordinance is hereby amended to read as follows:

Sec. 106-553. – Landscaping and open space.

- (1) *Landscaping.* Landscaping shall be in compliance with article VII of this chapter, landscaping and trees.
- (2) *Open Space.* In addition to paved parking and driving areas, a portion of the lot shall be maintained in landscaped open area. Landscaping shall consist of a combination of trees, shrubs, and appropriate ground cover, which may include natural areas maintained for residents to use. The portion to be set aside shall be 1.5 acres per 100 units, to be pro-rated for each fraction of 100 units provided, but providing at least one half (1/2) an acre regardless of number of units. Up to half of the open space dedication may be developed as outdoor recreation space, including, but not limited to, picnic areas, swimming pools, tennis/basketball courts, volleyball courts, and jogging trails.

SECTION 5.

That Section 106-554 "Additional requirements for multi-family districts" and Section 106-555 "Density calculation" are hereby added to Division 9 of the Zoning Ordinance to read as follows:

Sec. 106-554. Additional requirements for multi-family districts.

- (1) *Screening of mechanical equipment.* All floor mounted mechanical, heating, and air conditioning units shall be screened by a three-foot (3') masonry wall and/or live screening, and such screening shall be maintained in good condition.
- (2) *Setback for trash containers.* Trash containers and storage areas for refuse or materials awaiting disposal or recycling shall be setback a minimum of thirty (30) feet from any public right-of-way.

- (3) *Sound Transmission Class and Impact Insulation Class ratings.* All interior walls, partitions, exterior doors, and floor and ceiling assemblies shall have a Field Sound Transmission Class (FSTC) rating of 55 or higher. All windows shall have an FSTC rating of 40 or higher. All floor/ceiling assemblies between dwelling units or between a dwelling unit and a public or service area within a structure shall have a field-tested Impact Insulation Class (IIC) of 50 or higher. Field testing after construction meeting ASTM standards to verify FSTC and IIC is required.

Sec. 106-555. Density calculation.

The maximum density in the MF district shall be fourteen (14) units per acre. One (1) additional unit per acre in excess of the base density is permitted (up to a maximum of sixteen [16] units per acre) for each of the following standards.

1. Units have a field-tested FSTC rating for walls, floor and ceiling assemblies, and exterior doors of 60 or higher.
2. Fifty percent (50%) of the units have a garage (attached or detached).

One half (1/2) additional unit per acre in excess of the base density (up to a maximum of sixteen [16] units per acre) is permitted for each of the following standards.

1. Chimneys and fireplaces on external wall surfaces are constructed of one hundred (100) percent masonry construction.
2. Usable open space exceeds 30 percent of the total lot area. For the purposes of this requirement, usable open space is an outdoor area, excluding parking and other service areas, which is utilized for livable and/or related amenity, such as outdoor living, associated recreation, and/or landscaping, and which is open and unobstructed from its lowest level to the sky except for roof overhangs and architectural projections. Usable open space shall be accessible to, and usable by, all residents residing on the site and includes, but is not limited to, landscaped hike/bike trail, open area recreational facilities, and parks and playgrounds.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Crowley, Texas, and the zoning ordinances as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 7.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 8.

All rights and remedies of the City of Crowley are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10.

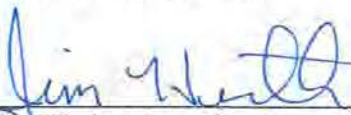
The City Secretary of the City of Crowley is hereby directed to publish in the official newspaper of the City of Crowley, the caption, penalty clause, and effective date clause of this ordinance as authorized by the City Charter and Section 52.013 of the Local Government Code.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

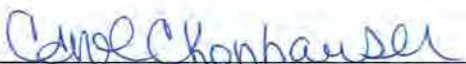
PASSED AND APPROVED this the 19th day of April, 2018.

CITY OF CROWLEY



Jim Hirth, Mayor Pro Tem

ATTEST:



Carol Konhauser, City Secretary

APPROVED AS TO FORM:



Rob Allbon, City Attorney