

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3886 OF THE CITY OF DEER PARK, TEXAS, ADOPTED MARCH 21, 2017, AS AMENDED BY ADDING COMMUNITY SERVICE (CS) ZONING DISTRICT TO THE COMMERCIAL ZONING DISTRICTS, APPENDIX, SECTIONS 2.02.2 AND 7.02.5 AS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING PENALTIES BY A FINE UP TO \$2,000.00 FOR EACH DAYS VIOLATION OF THE PROVISIONS OF SUCH ORDINANCE, AS AMENDED; AND DECLARING AN EMERGENCY.

WHEREAS, a proposal has been made to amend Ordinance 3886 of the City of Deer Park, Texas, adopted March 21, 2017, as amended, by adding Community Service (CS) Zoning District to the Commercial Zoning Districts, Appendix, Sections 2.02.2 and 7.02.5 as attached hereto as Exhibit "A"; and

WHEREAS, the City Council of the City of Deer Park, Texas, has received recommendations from the Planning and Zoning Commission of said City, recommending that such change **BE** made; and

WHEREAS, notice was duly and regularly given of the time and place of a Joint Public Hearing on said proposal as required by said Zoning Ordinance of the City of Deer Park, Texas and by the Statutes of the State of Texas; and, therefore, at the time and place set out in said Notice, all evidence for and against said proposal, and all persons desiring to be heard on said proposal were heard; and

WHEREAS, the City Council of the City of Deer Park, Texas finds that the general comprehensive zoning plan of the City of Deer Park, Texas, as a whole, and the health, safety, morals, convenience, comfort and general welfare of said City, taking into consideration, among other things, the character of the districts affected and their peculiar suitability for the particular purposes permitted therein, would be best subserved for said city, as a whole, under said Ordinance, as herein amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

1. That Ordinance 3886 of the City of Deer Park, Texas, adopted March 21, 2017, **BE** amended by adding Community Service (CS) Zoning District to the Commercial Zoning Districts, Appendix, Sections 2.02.2 and 7.02.5 as attached hereto as Exhibit "A";

2. In the event any part of this Ordinance or the application of the same to any person or circumstances shall, for any reason, be adjudged invalid or held unconstitutional by any court of competent jurisdiction, the same shall not affect, impair or invalidate the remaining portions of this Ordinance, or said Ordinance No. 3886, as amended, as a whole, or any part or provision thereof.

3. Any person or corporation who shall violate any of the provisions of this Ordinance or of said Ordinance No. 3886, as amended, and as amended hereby, or fails to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, or who shall occupy or use any land authorized by the certificate of occupancy applicable to such land or building, shall be guilty of a misdemeanor and shall be liable to a fine not more than \$2,000.00, and each day such violation shall be permitted to exist shall constitute a separate offense.

4. The owner or owners of any building or premises, or part hereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense, and upon conviction thereof shall be fined as herein provided.

5. 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, all as required by Chapter 551, Government Code of the State of Texas.

6. The City Council finds that this Ordinance relates to the immediate preservation of the public peace, health, safety and welfare, so as to relieve congestion in the city, to prevent overcrowding, assure adequate health and protection for the remainder of the city, to provide for proper parking of automobiles, and to insure proper fire and police protection, thereby creating an emergency, for which the Charter requirement providing for the reading of ordinances on three (3) several days should be dispensed

with, and this Ordinance be passed finally on its introduction; and, accordingly, such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the ____ day of _____, 2019 **by a vote of** _____ **“Ayes” and** _____ **“Noes”.**

MAYOR, City of Deer Park, Texas

ATTEST:

City Secretary

APPROVED:

City Attorney

**EXHIBIT “A”
ATTACHMENT**

Page 1

2.02 ZONING DISTRICTS ESTABLISHED

2.02.2

Commercial	OP	Office & Professional District
	NS	Neighborhood Shopping District
	HD	Highway District
	GC	General Commercial District
	MX	Mixed-Use-District
	CS	Community Service
Industrial districts	M1	Industrial Park District
	M2	General Industrial District
	M3	Intensive Industrial District

7.02.5 COMMUNITY SERVICE (CS) DISTRICT

7.02.5.1 *Permitted uses*

7.02.5.11 *Principal uses.* Principal uses permitted in a CS district are limited to those included in the use groups set forth below, subject to the included district regulations.

Detailed lists of permitted uses in the various use groups are set forth in article 12.

<i>Use Groups</i>	<i>District Regulations</i>
Group 1. Agriculture (field crops, etc.)	None
Group 10. Community facilities	Specific use permit by city council, and conditions as indicated in Article 12
Group 11. Community facilities	Same as Group 10
Group 12. Public utility and related facilities	Same as Group 10
Group 14. Medical offices and related facilities	None
Group 15. General offices and related facilities	None
Group 16. Convenience goods and services	None
Group 20. Local consumer services	Conditions as indicated in article 12

7.02.5.12 *Accessory uses.* Accessory uses to any of the above principal uses.

**EXHIBIT “A”
ATTACHMENT**

Page 2

7.02.5.2 ***Bulk and area regulations.*** In a CS district any use of land or any structure shall be subject to the following bulk and area regulations:

Front Yard*	40 feet
Side yard, interior* (adjacent to residential)	10 feet
Side yard, interior* (adjacent to commercial)	5 feet
Side yard, exterior*	10 feet
Side yard, exterior* (corner lot, on thoroughfares)	40 feet
Rear yard*	12 feet
Height	35 feet

*Apply regulations under sections 15-03.3, 15.04.2 and 15.05.03 when abutting a predevelopment or residential district.

7.02.5.3 ***Off-street parking and loading requirements.*** The number of off-street parking spaces required shall be as set forth in article 12 and developed as provided by section 16.09. Off-street loading requirements are set forth in section 16.09.