

CITY OF RHOME

ORDINANCE NO. 2008-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RHOME, DELETING THE “R” RETAIL DISTRICT AND CREATING THE “R/NS” RETAIL/NEIGHBORHOOD SERVICES DISTRICT; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICTS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rhome and the governing body of the City of Rhome, in compliance with the laws of the State of Texas and the ordinances of the City of Rhome, have given requisite notices by publication and otherwise, and has held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Rhome should be amended as set out herein.

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

Section 1. Section 23 of the Comprehensive Zoning Ordinance of the City of Rhome is hereby deleted and the following attached Exhibit “A” is hereby substituted.

Section 2. The official zoning map of the City is to be amended to reflect the zoning described herein.

Section 3. Any person, firm or corporation violating any provision of this Ordinance shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

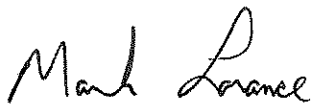
Section 4. If any section or provision of this Ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Zoning Ordinance of the City of Rhome, Texas, and the City Council declares that it would have adopted the valid portions and

applications of the Ordinance without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

Section 5. Any ordinances of the City of Rhome in conflict with the provisions of this Ordinance are repealed to the extent of that conflict.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this 11 day of December, 2008.



MARK LORANCE, MAYOR

ATTEST:



RAMAH BURNS, CITY SECRETARY

APPROVED AS TO FORM:

WALTER W. LEONARD, CITY ATTORNEY

EXHIBIT "A"

R/NS RETAIL/NEIGHBORHOOD SERVICES

23.1 GENERAL PURPOSES AND DESCRIPTION:

The R, Retail District is established to provide locations for various types of general retail trade, business and service uses. These shopping areas should utilize established landscape. The "R" District should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

23.2 PERMITTED USES:

- A. Those uses specified in Section 35 (Use Charts).
- B. Such uses as may be permitted under the provisions of Specific Use Permits, Section 33.

23.3 HEIGHT REQUIREMENTS:

None.

23.4 AREA REQUIREMENTS:

- A. Size of Lot:
 - 1. Minimum Lot Area - Five thousand (5,000) square feet.
 - 2. Minimum Lot Width - Fifty feet (50').
 - 3. Minimum Lot Depth - One hundred feet (100').
- B. Size of Yard:
 - 1. Minimum Front Yard - Twenty-five feet (25').
 - 2. Minimum Side Yard - Five feet (5') adjacent to a street or residential property.

3. Interior Side Yards - When retail uses are platted adjacent to other retail and other nonresidential uses, no side yard is required provided:
 - a. both property owners agree to adjoining buildings;
 - b. adequate fire lanes and circulation is provided on site;
 - c. appropriate building codes can be met.
4. Minimum Rear Yard - Twenty-five feet (25').

C. Maximum Lot Coverage:

Forty percent (40%).

D. Parking Regulations:

As required by Section 37, Off-Street Parking and Loading Requirements.

23.5 CONSTRUCTION STANDARDS:

The exterior of all buildings and structures located in the Retail/Neighborhood Services zoning district shall be constructed of fire resistive materials. A minimum of eighty percent (80%) of the exterior walls, exclusive of doors and windows, shall be constructed of masonry or glass wall construction in accordance with the City's building code and fire prevention code. Building facades which face or side any public street or residential zoning district or otherwise have public exposure shall be constructed entirely of stone, brick or glass wall construction. Other construction methods and materials utilizing architectural design and creativity and/or designs that result in compatibility with surrounding developed properties will be considered subject to approval by the Planning & Zoning and City Council.

A. Exterior Lighting:

All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensue that it does not extend into adjacent properties. Lighting must comply with the City Lighting Ordinance.

B. Landscape Improvements:

1. Purpose:

- a. Promote water conservation.
 - b. Promote energy conservation.
 - c. Encourage planting and preservation of trees and vegetation.
 - d. Increase ground permeability.
 - e. Enhance the aesthetic quality of the City of Rhome.
2. All landscaping must be compliant with the City landscape ordinance.
 3. A Registered Landscape Architect, or a Landscape Designer or Landscape Contractor knowledgeable in plant materials and landscape design shall prepare landscape plans.
 4. A Licensed Irrigator or Landscape Architect shall prepare irrigation plans. Any landscape plan should be based on Landscape Plan Requirements. It is highly recommended that the Texas A&M Agricultural Extension Service Xeriscoope Landscape publication be consulted.
 5. All sprinkler systems shall be designed in such a manner as to prevent water runoff and to eliminate over-spray into adjoining streets, driveways or parking areas.
 6. All landscaping shall be maintained and plant materials shall be kept in a healthy and growing condition.
 7. Drip systems shall be required in confined spaces of four feet (4') or less between paved surfaces.
 8. No tree or shrub shall be placed in such a manner as to create a hazard to vehicular or pedestrian traffic.

23.6 OTHER REGULATIONS:

- A. As established in the Development Standards, Sections 36 through 46.
- B. For site plan requirements see Section 42.
- C. No permanent use of temporary dwellings, such as travel trailers or mobile homes,

may be used for on-site dwelling purposes.

- D. All mechanical, heating and air conditioning equipment shall be screened from public view.
- E. Open storage is prohibited.
- F. Outdoor Storage of Trash Receptacles:

Outdoor storage shall be at the side or rear of the site and shall be totally enclosed by a masonry enclosure.