

**ORDINANCE NO. 2002**

**AN ORDINANCE AMENDING CHAPTER 27 OF THE HURST CODE OF ORDINANCES, THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 27-4 R-1, 27-5 R-1A, 27-6 R-2, 27-7 R-3, AND 27-19 MH REGULATING THE PARKING OF VEHICLES IN THE R-1, R-1A, R-2, R-3, AND MH DWELLING DISTRICTS; CONTAINING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City Council has received recommendations of the Neighborhood Community and Advisory Committee and the Planning and Zoning Commission concerning matters herein dealt with, which recommendations were made after holding a public hearing before said Commission on such matters; and

**WHEREAS**, notice has been published of the time and place of a public hearing held before City Council concerning changes herein made, which public hearing has been duly held; and

**WHEREAS**, the City Council has determined that the amendment to the Comprehensive Zoning Ordinance herein made is in the best interest of the health, safety, and general welfare of the citizens of the City of Hurst;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS;**

**Section 1: THAT the Hurst Code of Ordinances Chapter 27, Zoning, be amended by revising Section 27-4 (e)(6) which shall read as follows:**

**Sec. 27-4 R-1 Dwelling District**

*(e) General conditions.* These regulations govern the location of off-street parking spaces in residential districts and the type of all-weather surface required.

*(6) Parking:*

- (a)* Residential parking as required in table 20-3 shall be provided in a covered area behind the front building line. At least two (2) such spaces shall be covered. Required covered parking shall not be enclosed for residential purposes unless and until additional required covered parking is provided.
- (b)* Applicability.
  - 1. The regulations contained in this article shall apply to any single-family residence, duplex, triplex, townhouse, or upon any property zoned "R-1", "R-1A", "R-2", "R-3", "MH" in the City of Hurst.
  - 2. The regulations contained in this article shall apply to any automobile, truck, bus, motorcycle, motor home, camper, trailer, truck tractor, road tractor, semi-trailer, pole trailer, boat or mobile home, or other such vehicle, collectively referred to as 'vehicles'.
  - 3. An existing property that is currently utilizing a yard area without providing the required all-weather surface or the screening fence shall have six (6) months to comply with the ordinance from the effective date of this ordinance.
  - 4. Existing gravel driveways may continue when bordered by concrete curbing, interlocking brick pavers, steel edging, or other non-wood or non-plastic

borders suitable to the Building Official and when 1 (one) inch diameter or larger gravel is used.

5. All borders shall be installed with 2"-3" inches of edging above grade.
- (c) Exterior yard parking at the front of or at the side of a residence is allowed on paved surfaces. It shall be unlawful for any person to park or to cause, suffer, maintain or allow to be parked upon any property under his control, either as owner or tenant, any vehicle on any unpaved surface in the exterior yard(s).
  - (d) Interior side yard parking is allowed on unpaved surfaces if screened by an approved six (6) foot fence or wall. Unless vehicles are screened from view from any public street by a screening fence, it shall be unlawful for any person to park or to cause, suffer, maintain or allow to be parked any vehicle upon any property under his control, either as owner or tenant, on any unpaved surface in the side yard(s).
  - (e) Rear yard parking is allowed regardless of parking surface if rear yard is screened by an approved six (6) foot fence or wall.
  - (f) The maximum paved area of exterior yards devoted to parking on properties zoned for residential use shall not exceed 50 percent of the exterior yard unless a special exception is granted by the Zoning Board of Adjustment.
  - (g) Siting of required paved exterior yard surfaces must be done so as to comply with the City's ordinances, regulations, and driveway standards.
  - (h) All off-street parking areas and driveways in R-1, R-1A, R-2, R-3, and MH zoned properties shall be paved in accordance with the Residential Driveway Detail specifications to adequately provide an all-weather surface.
  - (i) All paved off-street parking areas shall require a permit.

Section 5: THAT the Hurst Code of Ordinances, is hereby amended by replacing SECTION; 27-5 R-1A (e)(6), 27-6 R-2 (e)(6), 27-7 R-3(e)(6), 27-19 MH(e)(6)

Section 6: That the Hurst Code of Ordinances Section 27-3 Definitions be amended by adding:  
All-Weather Surface: shall mean concrete paving or concrete pavers with base material suitable for vehicle parking.  
Screening fence: shall mean a barrier at least six feet (6') in height of brick, decorative masonry, wood, vinyl or other permanent material, which forms a visual barrier of uniform character, density, and design. For the purposes of this article, a vehicle shall be deemed screened from view when it is behind a screening fence regardless of vehicle height.  
Side yard: An interior yard as defined in this ordinance, which is within the imaginary lines extending perpendicular from the side lot lines on either side of the residence directly to the front corners and the rear corners of the residential structure.  
Rear yard: An interior yard as defined in this ordinance, extending along the full length of the rear lot line and defined by a line parallel to the rear of the residence, which extends directly from the rear corners of the residence to the side lot line(s) excluding paved drives leading to rear entry garages and paved turn arounds built over what would otherwise be a rear yard.

Section 7: THAT any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined an amount not to exceed five hundred dollars (\$500) per day for each violation.

Section 8: THAT it is hereby declared to be the intention of the City Council 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 shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 9: THAT this ordinance shall become effective and shall be in full force and effect from and after the final date of passage and adoption by the City Council of the City of Hurst, Texas and following publication as provided by law.

Section 10: THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this ordinance as an alternative method of publication provided by law.

AND SO IT IS ORDERED.

PASSED on the first reading on the 14<sup>th</sup> day of November, 2006 by a vote of 6 to 0.

PASSED on the second reading on the 28<sup>th</sup> day of November by a vote of 6 to 0.

CITY OF HURST

By: Richard Ward

Richard Ward, Mayor

ATTEST:

Rita Frick  
Rita Frick, City Secretary

Approved as to form and legality:

Paul H. Boyd  
City Attorney