

Ordinance No. 01-2021

Ordinance establishing a Downtown Property Maintenance District and adopting portions of the 2015 International Property Maintenance Code to be applied to said District by amending Chapter 22 of the Code of Ordinances by creating Article XIV; providing a repealer clause; providing for inclusion; providing for severability; and setting an effective date

WHEREAS, City Council has previously determined the redevelopment of downtown was part of the City's long term Strategic Plan; and,

WHEREAS, a volunteer working group of Downtown owners/stakeholders met to develop and finalize Downtown Property Maintenance Code; and,

WHEREAS, this ordinance amendment provides for a Property Maintenance Code for the downtown commercial areas as defined by the Downtown Property Maintenance District; and,

WHEREAS, staff has incorporated the proposals of the volunteer working group to create a Property Maintenance Code; and,

WHEREAS, staff believes this Property Maintenance Code will help increase community life safety as well as beautify downtown as part of the City's long term Strategic Plan; and,

WHEREAS, the City Council concurs with staff's recommendation to amend the Code of Ordinances at Chapter 22, creating Article XIV, Division 1, and Division 2.

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

Chapter 22 of the Wichita Falls Code of Ordinances is hereby amended by the addition of language in creating Article XIV, Division 1, and Division 2 which shall hereafter read as follows:

ARTICLE XIV. – Downtown Property Maintenance District

Division 1 – Boundaries and Map

Sec. 22-731. District Boundaries

(a) The Downtown Property Maintenance District shall include all areas within the boundaries of the following:

Starting at the northeast corner of Broad Street and Wichita River Trail, heading east following the north side of the Wichita River Trail to intersection of the Wichita River Trail and the BSNF railroad;

Continuing South following the west side of the BSNF railroad to the intersection of BSNF railroad and Ohio Avenue to the intersection of Ohio Avenue and 6th Street;

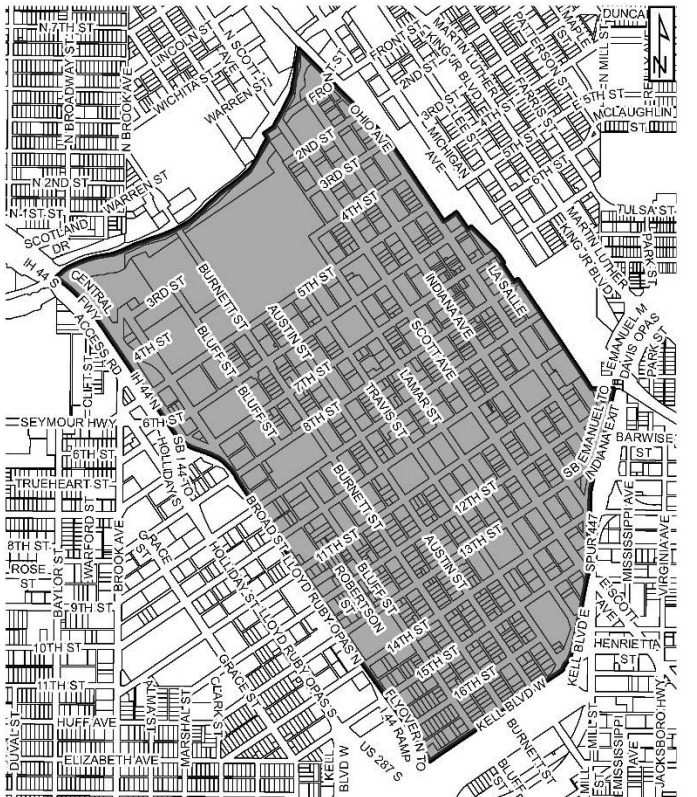
Continuing East along 6th street to the intersection of 6th Street and the alley to the intersection of 7th street and La Salle;

Continuing East along 7th street to the intersection of 7th street and the west side of the BNSF railroad;

Continuing south along the west side of the BNSF railroad to the intersection of the BNSF railroad and Spur 447 Overpass;

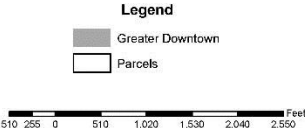
Continuing southeast along the northern side of Spur 447 Overpass as it transitions into Kell Boulevard to the intersection of Kell Boulevard and east side of Central East Freeway;

Continuing north along the east side of Central East Freeway as it transitions into Broad Street to the intersection of Broad Street and the Wichita River Trail.



Downtown Property Maintenance District Map

CITY OF WICHITA FALLS, PLANNING DIVISION
VAP PROJECTED BY: Corrie Hu
DATE PRODUCED: 26 January 2001



Secs. 22-732 – 22-740 Reserved.

Division 2 – Downtown Property Maintenance Code

Sec. 22-741. - Adopted.

The following portions of the 2015 International Property Maintenance Code, published by the International Code Council, are adopted by reference as though they were copied fully in this section:

(a) Chapter 3.

Sec. 22-742. – Applicability

This article shall only apply to Downtown Property Maintenance District, generally described in Division 1, Sec 22-731. This article does not apply to single-family structures, duplexes and accessory structures located on their associated lots within the area.

Sec. 22-743. - Changes, deletions and amendments.

The following changes, deletions and amendments are made to the specified sections in the 2015 International Property Maintenance Code adopted in Section 22-741. Where an adopted section of the 2015 International Property Maintenance Code has not been changed, deleted, or amended by this ordinance, it is adopted as worded in the 2015 International Property Maintenance Code.

The following sections or subsections are deleted in the entirety:

- Section 302.1 Sanitation,
- Section 302.3 Sidewalks and Driveways,
- Section 302.5 Rodent harborage,
- Section 302.6 Exhaust Vents,
- Section 302.8 Motor Vehicles,
- Section 302.9 Defacement of property,
- All of Section 303 Swimming Pools, Spas and Hot tubs,
- Section 304.3 Premises identification,
- Section 304.14 Insect screens,
- Section 304.18 Building security,
- All of Section 305 Interior Structure
- All of Section 306 Component serviceability,
- All of Section 307 Handrails and guardrails,
- All of Section 308 Rubbish and garbage,
- All of Section 309 Pest Elimination.

Sec. 22-744. – Modification Procedure

- (a) Where existing conditions require a modification from the standards and regulations herein contained because of a distinct and unusual condition that does not prevail on other properties located in the Downtown Property Maintenance District, the Director of Development Services, hereinafter Director, may approve a modification from specific standards to permit the equitable treatment of the structure or tract in light of the unusual condition.
- (b) The Director may authorize a modification from these regulations when in his/her opinion deprivation of use of the property will result from requiring strict compliance. The applicant shall have the responsibility of proving that the strict application of this ordinance creates a deprivation of use of property. The following conditions must be present for consideration:
1. There are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his property; and,
 2. The granting of the modification will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and,
 3. The granting of the modification will not have the effect of preventing the orderly subdivision of other properties in the area in accordance with the provisions of City Code; and,
 4. A more appropriate solution exists which is not currently allowed in this chapter; and,
 5. The granting of the modification is harmonious with the engineered design of the infrastructure or structure on adjacent property
- (c) The modification may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare may be secured and substantial justice is done. Economic hardship to the applicant shall not be deemed to constitute a deprivation of use.
- (d) In granting a modification, the Director may require such conditions as will, in his/her judgment, secure substantially the objectives of the standards or requirements so varied or modified and maintain the spirit and intent of the standards herein set forth

Sec. 22-745 – 22-755 Reserved

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

2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. It is the intention of the City Council of the City of Wichita Falls, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Wichita Falls, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

4. Should any word, phrase, paragraph, section or portion of this ordinance or the Code of Ordinances, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

5. This ordinance shall become effective on October 1, 2021.

PASSED AND APPROVED this the 2nd day of February, 2021.



MAYOR

ATTEST:



City Clerk