

CITY OF WESTON, TEXAS

ORDINANCE NO. 6

AN ORDINANCE PROVIDING FOR ZONING IN THE CITY OF WESTON, TEXAS; DEFINING CERTAIN TERMS; ESTABLISHING A ZONING COMMISSION AND THE PROCEDURE OF SAID COMMITTEE; ZONING CLASSIFICATIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF AND AN EFFECTIVE DATE.

ARTICLE I ESTABLISHMENT OF CONTROLS

SECTION 1-1 SHORT TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Weston, Texas".

SECTION 1-2 INTERPRETATION AND PURPOSES

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare. The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the City; they have been designed among other things:

- to lessen congestion on the streets;
- to secure safety from fire, panic and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the overcrowding of land;
- to avoid undue concentration of population;
- to facilitate the adequate provision of transportation water, sewage, schools, parks and other public requirements; and
- to conserve the value of property and encourage the most appropriate use of land through the City.

It is recognized that this ordinance is of an interim nature and will be amended and expanded upon completion of study and recommendation of the zoning commission.

SECTION 1-3 SCOPE

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except as the same may be specifically repealed by the terms of this ordinance, or with private restrictions placed upon property by covenant, deed, easement or other private agreement. Where this ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by other laws, ordinances, covenants or agreements the provisions of this ordinance shall govern.

ARTICLE II CHANGES AND AMENDMENTS

SECTION 2-1 DECLARATION OF POLICY

The council declares the enactment of this ordinance governing the use and development of land, buildings and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations except

- (a) To correct a manifest error in the regulations or map, or
- (b) To recognize changed or changing conditions in a particular locality, or
- (c) To recognize changes in technology, the style of living, or manner of doing business.

Every proposal to amend this ordinance shall be considered in light of the above declaration of policy and by the purposes enumerated in the preamble to this ordinance.

SECTION 2-2 AUTHORITY TO AMEND ORDINANCE

The council may from time to time after receiving a final report thereon by the Commission and after public hearings required by law, amend, supplement or change the regulations herein provided or the boundaries of the zoning districts. Any amendment, supplement or change may be ordered for consideration by the Council, by initiated by the Commission, or be requested by proposal of affected persons.

SECTION 2-3 COMMISSION INITIATIVE

The Commission on its own motion, or on request of Town Council, may initiate consideration of a change in any district boundary or zoning regulation whenever it finds that public benefit will derive from consideration of such matter.

ARTICLE III ZONING COMMISSION

SECTION 3-1

A. Creation

There is hereby created a Zoning Commission to be composed of three (3) regular members and two (2) alternate members who shall be qualified electors of the City. It is the declared policy of the Council that it will consider for appointment only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, and availability to prepare for and attend meetings.

B. Terms of Office

The terms of one (1) regular and of one (1) alternate member shall expire on October 31 of each odd numbered year and the terms of two (2) regular and of one (1) of the alternate members shall expire on October 31 of each even numbered year. The regular members of the Commission shall be identified by place numbers one (1) through three (3). The odd numbered places shall expire in the odd numbered years and the even numbered places shall expire in the even numbered years. Commission members may be appointed to succeed themselves.

C. Vacancy

Vacancies shall be filled for unexpired terms; no member shall be appointed for a term in excess of two (2) years. A vacancy in a term of office shall occur whenever the Council finds that a member:

- 1) has resigned or has not maintained the qualifications required for appointment, or
- 2) has repeatedly failed to attend properly called meetings of the Commission without just cause, or
- 3) has been guilty of malfeasance or misconduct in office.

D. Organization

The Commission shall hold an organizational meeting in November of each even numbered year and shall elect a chairman and vice-chairman from among its members before proceeding to any other matters of business. The Zoning Official shall be the secretary of the Commission.

The Commission shall meet regularly and shall designate the time and place of its meetings. The Commission shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the state statutes and this ordinance. Newly appointed members shall be installed at the first regular meeting after their appointment.

E. Meetings and Quorum

Four (4) members of the Commission shall constitute a quorum for the conduct of business. The members of the Commission shall regularly attend meetings, and public hearings of the Commission and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

SECTION 3-2 DUTIES AND POWERS

The Zoning Commission shall have the powers and exercise the duties of a Commission in Accordance with Article 1011g, Revised Civil Statutes of Texas. Commission members are representatives of the Town and shall have the right to inspection of premises where required in the discharge of their responsibilities under the laws of the State of Texas and the ordinances of this Town. The Commission's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications and to that end shall have the necessary authority to insure continuing compliance with its decision.

A. Interpretation

To render an interpretation of the Zoning regulations or the manner of their application where it is alleged that there is error in any order, requirement, or determination made by the Zoning Official in the administration of such provisions. In reaching its decision the Commission shall establish firm guidelines for future administrative actions on like matters.

B. Special Exception

To decide upon those applications for a special exception use or develop property when the same is authorized under this ordinance subject to Commission approval. In reaching its decision the Commission shall not grant the application if it finds:

- 1) that the use is not specifically permitted under the ordinance, or
- 2) that the locations of proposed activities and improvements are not clearly defined on the site plan filed

by the applicant, or

- 3) that the exception will not be wholly compatible with the use and permitted development of adjacent properties.

C. Variance

To authorize upon appeal in specific cases such variance from the Development Controls set forth in this ordinance as will not be contrary to public interest. In reaching its decision the Commission shall not grant the variance appeal if it finds:

- 1) that literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property, or
- 2) that the situation causing the hardship or difficulty is not unique to the affected property or is self-imposed, or
- 3) that the relief sought will injure the permitted use of adjacent conforming property, or
- 4) that the granting of the variance will not be in harmony with the spirit and purposes of this ordinance.

Any variance granted by the Commission shall terminate automatically (1) when the specified period of use has expired, or (2) when the use ceases to be in full compliance with any condition imposed by the Commission.

ARTICLE IV NON-CONFORMING LOTS, STRUCTURES, AND USES

SECTION 4-1 PURPOSE

For the general public, the Commission and the Board are directed to take note that non-conformities in the use and development of land and buildings are to be avoided or eliminated where now existing, wherever and whenever possible, except when necessary to preserve property rights established prior to the date this ordinance became effective as to the property in question, and when necessary to promote the general welfare and to protect the character of surrounding property. It shall be the responsibility of the Commission and the Board to assist the Council in achieving this goal by advising the Council of their recommendations thereon. As necessary, the Council shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuation or maintenance of any non-conforming use within the City.

SECTION 4-2 NON-CONFORMING LOTS

A. Continuation of Non-Conforming Lots

Subject to all limitations herein set forth, any non-conforming lot may continue without change in boundaries and may be utilized or developed provided that the uses and development are otherwise authorized by this ordinance. No new structure shall be placed thereon except in conformity with the applicable Development Controls of the zoning district in which the lot is located.

B. Discontinuance of Non-Conforming Lots

Any lot which is made conforming by combining with other lots for purpose of sale or development, or by subdividing or re-subdividing, thereafter shall be recognized as a conforming lot and shall comply in full with the provisions of this ordinance.

SECTION 4-3 NON-CONFORMING STRUCTURES

A. Limitation on Regulations

No structure, otherwise in accordance with the provisions of this ordinance or an amendment hereto, shall be rendered or be deemed a non-conforming structure solely for a failure to comply with the provisions of this ordinance or an amendment hereto.

B. Continuation of Non-Conforming Structures

Subject to all limitations herein set forth any non-conforming structures may be occupied and operated and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance established for structures in the district in which the non-conforming structure is located.

ARTICLE V SPECIAL DEVELOPMENT CONTROLS

The regulations and development controls of the various districts shall be modified by and be subject to the following provisions and limitations.

SECTION 5-1 BUILDINGS AND STRUCTURES

A. Lot Requirements

- 1) **Lot Required:** Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one main building on one lot, except as herein provided.
- 2) **Multiple Structures on Lot:** In any district, more than one structure for a permitted Principal Use other than a dwelling, may be erected on a single lot provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.
- 3) **Deficient Lot Area:** Where a lot has less area than herein required and was of record and in separate ownership at the time of the passage of this ordinance, said lot may be occupied by a dwelling for not more than one family.

ARTICLE VI DISTRICT REGULATIONS

SECTION 6-1 DESCRIPTIONS OF ZONING DISTRICTS

A. Working Area Zones

The working area zones consist of those districts in which the primary purpose is the establishment and operation of activities of a commercial or industrial nature. Uses are grouped in terms of their operating characteristics, their functional relationship to one another, and the extent of their service to the neighborhood, the city or the region. Commercial districts provide for offices, personal service establishments, retail sales, intensive business uses and wholesale sales activity. Manufacturing and industrial districts are designed for a wide variety of uses including storage, processing, fabrication, manufacturing, repairing or distribution of products. Regulations insure the grouping of compatible uses with particular attention to building bulk, user demand, transportation needs, and requirements for public services and utilities. Where appropriate, special safeguards are imposed to protect adjacent property in non-compatible zones.

B. Living Area Zones

The living area zones consist of residential districts accommodating housing of various types. District regulations are designed to stabilize and protect the essential characteristics of the districts, to promote and encourage a suitable environment for family life consistent with the density limitations of the zone, and to permit those uses which are necessary to the functioning of a residential community. Density of family units is limited by means of minimum area requirements per dwelling unit. Other regulations provide for yard and open space, limitations on building bulk and for separation between detached buildings.

SECTION 6-2 WORKING AREA DISTRICTS

As an interim measure, the Working Area Zone of the City of Weston shall be defined as the area occupied by existing business institutions and the construction of any new business establishment or addition or alteration of existing business establishments shall be subject to approval of the Zoning Commission and City Council.

SECTION 6-3 AGRICULTURAL HOMESITES DISTRICT

A. Location

As an interim measure all areas of the City of Weston not included in the Working Area Zone shall be considered Agricultural Homesite District.

B. New Construction

New construction shall be restricted to homes of not less than 1400 square feet of floor space in the living area and shall conform to Federal Housing Authority Standards of construction.

C. Accessory Uses

Any use may be established as an accessory use to any permitted principal use provided that such accessory use:

- a) Is customarily incident to and is maintained and operated as a part of the principal use; and
- b) It is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
- c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use.

D. Special Exceptions

The following may be established only when authorized by the Commission under the provisions of Article V. Any accessory use may be permitted without specific Commission approval provided it complies with the provisions of Sub-Section C, above. Other special exceptions shall be permitted as follows:

1. Church, when located on a site of not less than two acres.
2. Club or lodge, private and operated for benefit of members and not for gain.
3. Community Center
4. Kindergarten, pre-school or day care center
5. Nursing and care homes
6. Radio or Television studio
7. Utility buildings and structures; power sub-stations, water tanks and reservoirs, water and sewage treatment plants, storage or maintenance yards.

E. Sewage Disposal Systems

As an interim measure and until an adequate ordinance governing sewage disposal systems becomes effective all newly constructed sewage disposal systems within the City of Weston or its extra-territorial jurisdiction shall conform to the recommendations contained in "Manual of Septic-Tank Practice", Public Health Service Publication No. 526 obtainable from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20201.

F. Lot Size

All new construction of single family Residences and associated farmstead buildings shall be restricted to not less than five (5) acres in area. In instances where existing lots do not conform to this restriction, construction may be permitted upon application to an approval by the Zoning Commission and the City Council.

ARTICLE VII ENFORCEMENT AND PENALTIES

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 less than \$5.00 nor more than \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

DULY PASSED AND APPROVED by the City Council of Weston on the

14 day of Sept., 1973.

Sam Dunlap
Mayor

Alfred J. Desjardis

Kenneth R. Cowan

Marie Perry

Louis L. Carel

Thomas R. Pennington

ATTEST:

Jerry Verzi
City Secretary