

ORDINANCE 2012-12-01

AN ORDINANCE AMENDING ORDINANCE NUMBER 2002-09-05, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF WESTON, TEXAS, BY AMENDING REGULATIONS GOVERNING “RED-2” and “RS-60” ZONING CATEGORIES; DELETING THE “RS-45,” “RG-25” AND “RG-18” ZONING CATEGORIES; REVISING THE PERMITTED PRIMARY USES IN THE “AG” AND THE “RED-1” ZONING CATEGORIES; REVISING THE PERMITTED MATERIAL TYPES IN THE “GC” ZONING CATEGORY; AMENDING FENCES, WALLS, AND SCREENING REQUIREMENTS; AMENDING LIGHTING AND GLARE REGULATIONS; ESTABLISHING REGULATIONS FOR AUTOMOTIVE, RESTAURANT AND CAFETERIA USES; PROVIDING FOR COMPREHENSIVE REVISIONS TO ARCHITECTURAL AND SITE STANDARDS FOR NON-RESIDENTIAL AND MULTI-FAMILY BUILDINGS IN THE CITY; AMENDING REGULATIONS GOVERNING THE CITY’S OPEN SPACE ZONING; PROVIDING FOR OTHER NONSUBSTANTIVE REVISIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, the City Council of the City of Weston, Texas, held a public hearing on

Dec. 11, 2012 with respect to the zoning ordinance amendment described herein; and

WHEREAS, the City Council finds that it will serve the best interest of the citizens of Weston to approve the amendments set forth herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for amendment of the zoning ordinance.

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

SECTION 1.

The Comprehensive Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 6 is hereby amended by changing the abbreviated zoning designation of "RED-2" to "RED-5" and "RS-60" to "RS-75," and by deleting the abbreviated zoning designation "RG-25."

2. Section 62 (2) is hereby amended to read as follows:

"(2) *Principal permitted uses.*

- (a) Agriculture including the raising of field crops, horticulture, animal husbandry subject to rules and regulations of the state sanitarian including feedlots, poultry farms, and kennels.
- (b) Ranch and farm dwellings pertaining to agricultural operations.
- (c) Parks and recreation areas operated by the City of Weston.
- (d) Recreational camps operated by public, charitable or religious organizations.
- (g) Buildings and installations geographically necessary to operate a public utility, but not including general office, material yards or repair shops. Such facilities shall observe yard space rules, but shall not be required to provide the full lot size and lot width requirement.
- (h) Railroad through or spur tracks, but no sidings or other terminal type facilities and no service repair or administrative facilities.
- (i) Greenhouses."

3. Section 63 (3) (a), (f) and (g) are hereby amended to read as follows:

“(a) Attached living quarters for persons regularly employed on the premises; but not including accommodations for transient labor.

* * *

(f) Private stables, corrals and paddocks when located no closer than 20 feet from any property line, no closer than 50 feet from a street line and no closer than 150 feet from any dwelling on adjoining property. No horses, cattle or goats shall be kept on a lot of less than one acre in area and for each additional animal above two kept, there shall be an additional 40,000 square feet in lot area. Supplemental feed must be used to sustain any animals as necessary to maintain natural ground cover to prevent erosion and runoff onto adjacent property.

(g) The parking of one unoccupied trailer designed for recreational use and not to exceed 40 feet in length shall be permitted in the rear yard.”

4. Section 64 is hereby amended to read as follows:

“Sec. 64. RED-5 residential estates district regulations.

(1) *Purpose.* This district is designed to promote and encourage a suitable environment for family life on large parcels of land. The RED-5 classification is to be used for only suburban single-family homes and the community services and facilities appurtenant thereto.

(2) *Principal permitted uses.* The principal permitted uses subject to the same regulations pertaining to such uses permitted in the RED-1 residential estates zone shall be permitted in the RED-5 zone.

(3) *Permitted accessory uses.* The same listing of accessory uses subject to the same regulations pertaining to such uses permitted in the RED-1 residential estates zone shall be permitted in the RED-5 zone.

(4) *Specific Use Permits.* The specific uses and regulations pertaining to such uses permitted in the RED-1 residential estates zone shall be permitted in the RED-5 zone.

(5) *Space limits.*

(a) Minimum lot area: Five acres.

(b) Minimum width of lot: 200 feet.

(c) Minimum depth of lot: 200 feet.

- (d) Maximum height of building: 35 feet.
 - (e) Minimum front yard: 50 feet.
 - (f) Minimum rear yard: 50 feet.
 - (g) Minimum side yard: 30 feet.
 - (h) Minimum side yard at corner: 50 feet.
 - (i) Maximum lot coverage: 20 percent.
 - (j) Maximum floor area ratio: One to four (0.25:1.0).
- (6) *Miscellaneous provisions.*
- (a) Off-street parking space shall be provided for all uses established in this zone.
 - (b) Guest houses, not for rent or use as a place of business shall be permitted.”
5. Section 67 is hereby amended by changing the abbreviated zoning designation of “RS-60” to “RS-75” and by amending subsections (5)(a) and (5)(b) to read as follows:
- “(5) Space limits.
- (a) Minimum lot area: 7,500 square feet.
 - (b) Minimum width of lot: 65 feet.
- * * *
6. Section 68 is hereby deleted in its entirety and replaced with the following:
- “Sec. 68. Reserved.”**
7. Sections 71 and 72 are hereby deleted in their entirety and replaced with the following:
- “Secs. 71-72. Reserved.”**
8. Section 81 (6) is hereby amended to read as follows:
- “(6) *Types of materials.* In the GC zone all exterior walls shall be of standard masonry construction and shall meet the fire resistive requirements specified in the building code and the zoning chapter for that particular building.”

9. Section 105 is hereby amended by deleting Subsection (1) and Subparagraph (a) of Subsection (1) in their entirety and renumbering Subsections (2), (3) and (4) as Subsections (1), (2) and (3) respectively.
10. Section 105 (1) (a) 3. c. is hereby amended to read as follows:
 - "c. Living screen, upon approval by the Planning and Zoning Commission through the site plan process, or,"
11. Section 106 (4) (b) is hereby amended by amending the "Requirements for Shielding/Filtration" table by renaming the column entitled "Fixture Lamp Type" to read "Type."
12. A new Section 110 is hereby added to read as follows:

"Sec. 110. Automotive, restaurant and cafeteria (including drive-through window) uses.

- (1) *Structures in Conjunction with any Automotive Use.* For purposes of this Section "Automotive Use" shall include the following uses:
 - (a) All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of two hundred fifty (250) feet from any residential zoning district.
 - (b) No service bay shall face a residential zoning district.
 - (c) An automotive use shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks or any other motor vehicle.
- (2) *Restaurant and Cafeteria (Including Drive-Through Window).* All buildings, structures and outdoor speakers used in conjunction with any drive-through or drive-in restaurant or cafeteria shall be located a minimum of two hundred (200) feet from any residential zoning district.
- (3) *Thoroughfare Exemption.* The requirements listed in this section shall not apply to a drive-through restaurant, drive-in restaurant, and/or an automotive use within two hundred (200) feet of a residential zoning district that is separated from the residential area by an existing or future major thoroughfare identified on the City's Thoroughfare Plan."

13. Section 112 (4) (a) is hereby amended by changing the abbreviated zoning designation of "RED-2" to "RED-5," by changing the abbreviated zoning designation of "RS-60" to "RS-75" and by deleting the reference to the abbreviated zoning designation of "RS-45," "RG-25" and "RG-18."
14. Section 114 is hereby amended as follows:
 - A. Subsection (2) (a) 1. a. is hereby amended to read as follows:
 - "a. Provisions of this chapter shall not apply to single-family or two family (duplex) residential construction located outside of planned development communities."
 - B. Subsection (2) (b) is hereby amended to read as follows:
 - "(b) *Limited waivers for expansion or reconstruction.* If compliance with these standards is required by the provisions of paragraphs (2)(a)(3) or (2)(a)(4) above, the Director of Planning may, upon request by the applicant, authorize a waiver from specific requirements for exterior materials or design, if strict compliance with these standards would result in significantly inconsistent appearance between existing and proposed sections of the building."
 - C. Subsection (2) (c) is hereby amended to read as follows:
 - "(c) *Conflicts with Planned Development District ordinances.* Where provisions of a Planned Development District ordinance specify architectural or site element requirements for a project, provisions of both the Planned Development District and this section shall be complied with. Where a direct conflict between the provisions of the ordinances exists, specific provisions of the Planned Development District ordinance shall control."
 - D. Subsection (3) (a) 1. a. is hereby amended to read as follows:
 - "a. Site plan showing building footprint and all site elements, in sufficient detail to demonstrate compliance with paragraph (3)(c) and (4) below, as applicable."
 - E. Subsection (3) (a) 1. c. is hereby amended to read as follows:
 - "c. Color samples for all items."
 - F. Subsection (3) (c) 2. is hereby amended to read as follows:
 - "2. *Industrial uses in industrial districts.* When a use proposed in an ML District, an MH district, or a Planned Development district designated for an industrial use, is categorized in the Schedule of Uses under

“Industrial and Manufacturing Uses”, or is an accessory office comprising less than 50% of such a principal use, such use shall be approved if all of the following criteria are met.”

G. Subsection (3) (c) 3. is hereby amended to read as follows:

“3. *Other uses in industrial districts.* Other uses proposed in ML or MH districts, or portions of Planned Development districts designated for industrial use, shall be approved if the following criteria are met:

* * *

H. Subsection (4) (a) is hereby amended to read as follows:

“(4) *Other non-residential uses in non-industrial districts.* The required minimum standard for non-residential projects shall be as follows, except as noted in (2) and (3) above:

(a) *Exterior Finishing Materials.*

1. For all non-residential uses in non-industrial districts, except as exempted under (5) below, at least eighty percent (80%) of each wall shall be covered with a masonry finishing material as defined herein.
2. Acceptable masonry finishing materials are brick, stone, or synthetic stone materials, including, but not limited to, slate, flagstone, granite, limestone and marble.
3. The balance of any exterior finishing material shall be stucco, EIFS, architectural concrete masonry units (CMU), or concrete tilt wall construction.
4. Covered parking shall have pitched roofs (4:12 roof pitch or steeper), shall be architecturally similar and conforming to the main structure(s) in design and materials, and have 100% brick, stone or synthetic stone on all exterior surfaces except the roof, fascia, or soffits.
5. If all criteria listed under either (a) or (b) below are satisfied, up to 100% stucco, EIFS, architectural concrete masonry units, or concrete tilt wall may be used on a maximum of one vertical wall.

- a. Residential adjacency:
 - 1. the elevation of the building is adjacent to residential property; and
 - 2. an approved screening device separates the two properties which effectively screens the wall of the building from view of the adjacent residential property, and
 - 3. the area between the building and the screening device is no wider than a standard fire lane, landscape buffer, and a maximum of one single-loaded row of head-in parking.

- b. Non-residential adjacency:
 - 1. the elevation of the proposed building is adjacent to an existing commercial building; and
 - 2. such elevation is not visible from a public right-of-way; and
 - 3. the length of the proposed building is completely screened by the existing building; and
 - 4. the two buildings are separated by no more than the width of a standard fire lane and/or loading area; and
 - 5. the area between the buildings is not intended for general site circulation; and
 - 6. the proposed building is not part of a pad site related to a larger non-residential development; and
 - 7. Windows and doors shall be excluded from calculation of area.

* * *

I. Subsection (4) (b) 1. is hereby amended to read as follows:

“(b) *Exterior Color.* The following requirements shall apply:

1. At least 90% of total exterior building surfaces (exclusive of glass) shall be neutrals, cremes, pastels, or deep, rich, non-reflective natural or earth tone colors (including approved masonry materials). Examples of acceptable colors include but are not limited to burgundy, forest green, navy blue, eggplant, rust, or ochre. Subtle variations of such colors shall also be permitted.

* * *

J. Subsection (4) (c) is hereby amended to read as follows:

“(c) *Building Massing.* The following requirements shall apply:

* * *

K. Subsection (4) (d) is hereby amended to read as follows:

“(d) *Roof treatment.* The following requirements shall apply:

* * *

L. Subsection (4) (e) is hereby amended to read as follows:

“(e) *Minor façade offsets.* The following requirements shall apply:

* * *

M. Subsection (4) (f) is hereby amended to read as follows:

“(f) *Overhang Enhancements.* The following requirements shall apply:

* * *

N. Subsection (4) (g) is hereby amended to read as follows:

“(g) *Landscape Enhancements.* The following requirements shall apply:

* * *

O. Subsection (4) (h) is hereby amended to read as follows:

“(h) *Height; Slope Standards.* For multi-story buildings proposed to be

constructed on property adjacent to a residential district, for each foot of building height, three feet of setback shall be provided from all common property lines with residential districts.”

P. Subsection (4) (i) is hereby amended to read as follows:

“(i) *Doors and Windows for all elevations visible from a public right of way.* Doors and windows shall comprise at least ten percent (10%) but no more than seventy-five percent (75%) of the total surface area of each elevation visible from a public right of way.”

Q. Subsection (4) (j) is hereby amended to read as follows:

“(j) *Exterior glass.* The following requirements shall apply:

* * *

R. Subsection (4) (k) is hereby amended to read as follows:

“(k) *Porte-cocheres, canopies and awnings.* The following requirements shall apply:

* * *

S. Subsection (4) (l) is hereby amended to read as follows:

“(l) *Decorative ornamentation.* A comprehensive ornamentation plan shall be submitted. The plan shall include color renderings and sufficient ornamental features to make a significant impact on the visual interest and decorative enhancement of the structure. The following materials and methods shall be acceptable:

* * *

T. Subsection (4) (m) is hereby amended to read as follows:

“(m) *Decorative light fixtures.* Decorative lighting shall refer only to physical lighting fixture hardware, and shall not refer to decorative or patterned effects of light fixtures. A comprehensive light fixture plan and manufacturer’s cut sheets shall be submitted. The following materials and methods shall be acceptable:

* * *

U. Subsection (4) (n) is hereby amended to read as follows:

“(n) *Decorative pavers.* The following design elements shall apply:

1. Decorative concrete, brick, or stone pavers in lieu of concrete sidewalks, if area surfaced with pavers equals or exceeds five percent (5%) of total paved pedestrian area within the subject property boundary.
2. Decorative concrete, brick, or stone pavers in lieu of concrete paving at vehicular intersections or crosswalks are encouraged."

V. Subsection (4) (o) is hereby amended to read as follows:

"(o) *Curvilinear sidewalks.* Sidewalks within the public right of way adjacent to the property shall be constructed in a curvilinear configuration, with a deflection from the centerline of at least three feet but not more than four feet for every twenty to forty feet of length. Deviations from this standard may be approved by staff where such deviations prevent damage to or removal of trees or are required to align with existing sidewalks at the property boundaries."

W. Subsection (4) (p) is hereby amended to read as follows:

"(p) *Enhanced Signage Plan.* The following requirements shall apply:

* * *

15. Section 116 B. is hereby amended to read as follows:

"B. Location of City Edge Open Space Zones.

1. FM 455 and FM 543, CR 205, 206, 209 and 210. There shall be a landscape zone of 30 feet from the right-of-way.
2. Collin County "Outer Loop". There shall be a landscape zone of 40 feet from the right-of-way."

B. Construction of a single family home is exempt from this Section.

C. It is prohibited to place fill material or construct impervious cover or construct or place any other structure on such person's property or perform any excavation or grading in a manner which alters the flow of surface water across said property and damages any adjacent property.

D. No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the City unless it can be demonstrated by the owner or developer of such property that the proposed development will not result in damage to any adjacent or downstream property. This fact must be certified by a professional engineer's submittal of sufficient data and

calculations according to the City Design Standards.

16. Section 151 is hereby amended by amending the second full paragraph to read as follows:

“* * *

One copy of such plot plans will be returned to the owner when such plans have been approved. A review of as long as two weeks may be required for inspection of plans before a permit is issued.

* * *”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

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 of competent jurisdiction, such unconstitutionality shall not affect any of 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 4.

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 more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Weston is directed to publish the caption, penalty clause, and effective date of this Ordinance in accordance with the provisions of Section 52.011 of the Local Government Code.

SECTION 7.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 11th DAY OF December, 2012.

Satti Harrington
MAYOR

ATTEST:

Kary Loken
CITY SECRETARY

EFFECTIVE: 12-11-12

