ORDINANCE NO. 2016-11-02

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE 2002-09-05 ADOPTING ZONING REGULATIONS, PROVIDING FOR CONTROLS, ADMINISTRATION AND ENFORCEMENT, CHANGES AND AMENDMENTS, ESTABLISHING DISTRICTS, BOUNDARIES AND ZONING MAP, SPECIFIC USE PERMITS, TEMPORARY, NEW AND UNLISTED USES, NON-CONFORMING USES, SITE PLAN APPROVAL, VARIOUS DISTRICT REGULATIONS, HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS, PARKING AND OFF-STREET LOADING REGULATIONS, FENCE, WALL AND SCREENING REQUIREMENTS, LIGHTING AND GLARE REGULATIONS, ACCESSORY BUILDING USES, PERFORMANCE STANDARDS, LANDSCAPE REQUIREMENTS, COMMUNICATIONS ANTENNAS, SUPPORT STRUCTURES AND TOWERS, OPEN STORAGE AND OUTDOOR DISPLAY, BOARD OF ADJUSTMENT, BUILDING PERMITS AND AGREEMENTS, PROVIDING FOR FEES AND A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AN EFFECTIVE DATE, AND PROVIDING FOR THE PUBLICATION OF THE CAPTION THEREOF.

WHEREAS, notice of a public hearing on the proposed Zoning Ordinance was published in accordance with the Texas Local Government Code;

WHEREAS, a public hearing was conducted to allow all interested parties to comment for or against the provisions contained in the proposed Zoning Ordinance;

WHEREAS, the City Council finds that the regulations adopted herein meet the requirements of Chapter 211 of the Texas Local Government Code for the protection of the citizens of Weston.

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

Section 1
Adoption

The Zoning Ordinance and the Zoning Map attached hereto and included herein for all purposes, is hereby adopted by the Weston City Council.

Section 2
Effective Date

This Ordinance shall be in force and effect from and after its passage on the date shown below.

Section 3
Penalty Clause

The designated representative of the City may cite any person who violates any provision of this Ordinance and, if convicted in municipal court, shall be fined not more than Two Thousand Dollars ($2,000.00) and each and every day the provisions of this Ordinance are violated shall constitute a separate offense.

Section 4
Conflicts

All ordinances and provisions of the City of Weston, Texas, that are in conflict with this Ordinance shall be and the same are hereby retained in full force and effect.

Section 5
Severability

It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be deemed severable and, should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing.

Section 6
Publication

In accordance with section 52.011 of the Texas Local Government Code, the caption of this Ordinance shall be published in every issue of the official newspaper of the City for a period of ten (10) days but not more than twice during the said ten (10) day period.

PASSED AND APPROVED by Council this, the 8th day of November, 2015.

APPROVE

Patti Harrington

Patti Harrington, Mayor

ATTEST

Susan M Coffer

Susan Coffer, City Secretary

CITY OF WESTON ★ TEXAS ★ COLLIN COUNTY

WESTON
TEXAS

Oldest City in Collin County

Zoning Regulations

WESTON
TEXAS
Oldest City in Collin County

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ARTICLE I. GENERAL

Section 1
Short Title

This Ordinance may be known as and referred to as the "Zoning Ordinance" of the City of Weston, Texas.

Section 2
Purpose

It is the purpose of this Ordinance to lessen congestion in 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 overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, all in accordance with the Comprehensive Plan for the City.

Section 3
Authority

This Zoning Ordinance is adopted under the authority of V.T.C.A., Local Government Code Chapter 211, which is hereby made a part of these regulations.

Section 4
Jurisdiction

This Ordinance shall govern any and all buildings, structures, and land located within the corporate limits of the City of Weston, and shall further apply to any and all legal annexations of land or additions made to the City subsequent to the adoption of this Ordinance.

Section 5
Compliance Required

All land, buildings, structures or appurtenances thereon located within the City of Weston, Texas, which are hereafter occupied, used, erected, altered, removed, demolished or converted shall be used, removed, placed and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

Section 6
Definitions

A. For the purpose of this Ordinance, certain words and terms are hereby defined. Words used in the singular shall include the plural and the plural include the singular, the word "shall" is mandatory and not discretionary, the word "building" shall include the word "structure," the word "lot" shall include the word "plot," and the term "used for" shall include the meaning "designed for" or "intended for." Such words and terms are as follows:

1. *Accessory building or use*: One which:

   a) Is subordinate to and serves a principal building or building use; and

   b) Is subordinate in area, extent, or purpose to the principal building or principal use served; and

   c) Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and

   d) Is located on the same building lot as the principal use served.

2. *Accessory Dwelling*: A self-contained dwelling unit created either by converting part of or adding on to an existing single family structure, whether attached or detached, or by building a separate apartment onto or along with a home on a single family lot. The use of the accessory dwelling is incidental to the main residence. Both the principal dwelling and the accessory dwelling must contain cooking, eating, sleeping, and sanitary facilities. The accessory dwelling must have a separate outside entrance.

3. *Alley*: A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

4. *Amusement, commercial (indoor)*: An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

5. *Amusement, commercial (outdoor)*: Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range, and a miniature golf course.

6. *Antique shop*: An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.

7. *Apartment*: A dwelling unit in an apartment building.

8. *Apartment building*: An "apartment building" is a building or any portion thereof, which contains three or more dwelling units, located in the same building lot. An apartment building is a multifamily dwelling.

9. *Area of the lot*: The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

10. *Assisted living facility, nursing home, or rest home:* A private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury.

11. *Auto laundry:* A building, or portion thereof containing facilities for washing automobiles using automated methods including chain conveyor, blower, steam cleaning device, or other mechanical devices. A self-service type of carwash is an auto laundry.

12. *Awning*: A roof-like cover of a temporary nature that projects from the wall of a building. This cover can be either temporary or permanent. *Rev (O-2019-02-03)*

13. *Basement*: A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

14. *Bay*: An opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.

15. *Bay Door*: An oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.

16. *Block*: An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street.

17. *Board*: Board of Adjustment as provided for in Section 103.

18. *Boardinghouse or roominghouse*: A building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.

19. *Build*: To erect, convert, enlarge, reconstruct, or alter a building or structure.

20. *Buildable area*: The area of the building site left to be built upon after any floodplain, easements, yards, and other unbuildable areas are deducted.

21. *Building*: Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

22. *Building ends:* Those sides of a building having the least dimensions as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwelling, a "building end" shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

23. *City Building Official:* Administrative official charged with the responsibility of issuing permits and enforcing the zoning and building ordinances.

24. *Building site:* A single tract of land located within a single block which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building site" may be

subsequently subdivided into two or more "building sites," and a number of "building sites" may be cumulated into one "building site," subject to the provisions of this Ordinance and the City's Subdivision Regulations.

25. *Certificate of occupancy:* An official certificate issued by the City through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

26. *Church or rectory:* A place of worship and religious training of recognized religions including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel. Church or rectory shall also include church-operated preschools if the church is situated on a legally conforming lot under applicable subdivision or zoning controls. Church-operated day care facilities and preschools shall require a Specific Use Permit exclusive of any Specific Use Permit required of the church or rectory use.

27. *City:* The City of Weston, Texas.

28. *City Council:* The governing and legislative body of the City of Weston, Texas.

29. *Cleaning shop and pressing (small shop and pickup):* A custom cleaning shop not exceeding 3,000 square feet in floor area, or a pickup station for laundry or cleaning where the work is performed other than on the premises.

30. *Clinic:* A group of offices for one or more physicians, surgeons, or dentists to treat sick or injured outpatients who do not remain overnight.

31. *Country club:* An area of 25 acres or more containing a golf course and clubhouse which is available to a specific recorded membership. Such a club may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.

32. *Court:* An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

33. *Coverage:* The percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of three feet from the walls of a building shall be excluded from coverage computations.

34. *Day care for children:* A facility providing care, training, education, custody, treatment or supervision for four or more children for all or part of the 24-hour day and licensed by the Texas Department of Human Services. No portion of the day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials. Site plan approval by the Planning and Zoning Commission shall be required for all day care center sites.

35. *Development or to develop:* Includes the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

36. *District:* A zoning district which is a part of the City wherein regulation of this Ordinance is uniform.

37. *Dock:* A place for the loading or unloading of goods, materials, or merchandise, with or without a platform.

38. *Dwelling*: A building or portion thereof designed and used exclusively for residential occupancy, including one- and two-family dwellings but not including hotels, motels or lodging houses.

39. *Dwelling unit:* A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

40. Extended-stay hotels/motels (residence hotels). A multi-unit, extended-stay lodging facility consisting of efficiency units or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this chapter. *Rev (O-2019-02-03)*

41. *Farm, orchard or truck garden:* An area of three acres or more which is used for growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry, and farm animals, such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

42. *Family:* Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

43. *Field office (temporary):* A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment and subject to a temporary permit issued by the City Building Official and subject to discontinuance at the order of the City Building Official.

44. *Floor area:* The total square feet of floor space within the outside dimensions of a building including each floor level.

45. *Floor area ratio (FAR):* The ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

46. *Fraternal organization, lodge or civic club:* A society or association organized for the pursuit of some common objective by working together in a brotherly union.

47. *Fueling station or gasoline station:* A retail fuel sales facility with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.

48. *Garage, auto repair:* A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

49. *Height:* The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roofs surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevators, bulkheads, penthouse, tanks, water towers, radio towers, ornamental cupolas, domes and spires, and parapet walls not exceeding ten feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

50. *Home occupation:* A business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.

51. *Hospital:* A legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

52. Hotel, full service. A building designed for the overnight or temporary lodging accommodations for travelers, having guestrooms or suites for compensation on a daily rate to the general public and providing services and amenities beyond basic linen, maid service and the use of furnishing, such as restaurants, bars, conference rooms, reception areas and recreational facilities. *Rev (O-2019-02-03)*

53. Hotel, limited service. A building designed for the temporary overnight or temporary lodging accommodations for travelers containing six (6) or more guest rooms, suites or units for compensation on a daily rate providing basic hotel services such as linen, maid service and the use of furnishings. *Rev (O-2019-02-03)*

54. *Household appliance sales:* To include the sale and service of the following, but not necessarily limited to, radio, TV, refrigerators, etc.

55. *Junk or salvage yard:* A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes an automobile wrecking yard and automobile parts yard. A "junkyard" does not include such uses conducted entirely within an enclosed building.

56. *Legal height:* The maximum height of a building permitted by any ordinance restricting the height of structures.

57. *Livestock auction:* Barns, pens and sheds for the temporary holding and sale of livestock.

58. *Living Plant Screen:* Foliage of an acceptable type and of a density that will not permit through-passage, and exhibits the same year-round screening characteristics as a screening device.

59. *Loading space:* A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having minimum dimensions of 12 by 60 feet for industrial and warehouse uses and 12 by 35 feet for commercial and institutional uses with a vertical clearance of at least 14 feet,

together with access and maneuvering areas provided on the same building lot as the principal use for which the loading space is intended.

60. *Lot:* Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this Ordinance and having its principal frontage upon a public street or officially approved place.

    a) *Lot area:* The area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.

    b) *Lot area per dwelling unit*: The lot area required for each dwelling unit located on a building lot.

    c) *Lot, corner:* A building lot situated at the intersection of two streets, the interior angle of such intersection not to exceed 135 degrees.

    d) *Lot coverage:* The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross sectional area of a building.

    e) *Lot depth:* The mean horizontal distance between the front lot line and the rear lot line of a building lot measured at the respective midpoints of the front lot line and rear lot line within the lot boundary.

    f) *Lot interior:* A building lot other than a corner lot.

    g) *Lot line, front:* The boundary of a building lot which is the line of an existing or dedicated street, or a private street lot within a private street development. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

    h) *Lot line, side:* The boundary of a building lot which is not a front lot line or a rear lot line.

    i) *Lot line, rear:* The boundary of a building lot which is most distant from and is, or is most nearly, parallel to the front lot line.

    j) *Lot of record:* An area of land designated as a lot on a plat of a subdivision recorded, pursuant to statutes of the State of Texas, with the county clerk of Collin County, Texas, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk.

    k) *Lot width:* The width of a lot at the front building line.

61. *Main building:* The building or buildings on a lot which are occupied by the primary use.

62. *Mobile home dwelling:* A dwelling unit designed as a house trailer or mobile home which is made immobile and used as a temporary or permanent dwelling or as part of a permanent dwelling, but not including pickup campers or travel trailers used temporarily for camping or outings.

63. *Mobile home park:* A tract of land designed or being used to accommodate one or more transient portable dwelling units designed to be moved on wheels from location to location by automobile, truck or similar prime mover.

64. *Mobile home subdivision:* A tract of land subdivided into lots which are designed as permanent sites for mobile or relocatable homes and which are served by separate utilities, have dedicated street access on a legally filed plat, and are capable of being conveyed as separate lots.

65. Motel. A building designed for the temporary overnight or temporary lodging accommodations for travelers containing six (6) or more guest rooms, suites or units for compensation on a daily rate providing basic hotel services such as linen, maid service and the use of furnishings. Motels are distinguished from hotels in that motel rooms have direct access from the outside into each room. *Rev (O-2019-02-03)*

66. *Multiple-family dwelling (apartment):* Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

67. *Multiple family dwelling, senior (senior apartment)*: Any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot. This use shall also be subject to the following requirements:

    a) At least one person 55 years of age or older shall reside in at least 80 percent of the senior multi-family residential development's dwelling units;

b) Prior to the issuance of a certificate of occupancy, each senior multi-family residential development shall adopt a series of deed restrictions and covenants, subject to review and approval by the City Attorney, establishing the development's intent to operate as a senior multi-family residential development in accordance with the requirements established herein and any other applicable law or regulation.

c) At least once every two years, each senior multi-family residential development shall provide to the City a certified affidavit demonstrating that the requirements established herein as well as the requirements of the Fair Housing Act continue to be satisfied.

d) Failure to completely adhere to the requirements herein shall be deemed a violation of this section and may result in the revocation of the development's Certificate of Occupancy or other penalties as detailed in Article IV Section 112.

68. *Museum, library or art gallery (public):* An institution for the collection, display and distribution of books, objects of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

69. *Nonconforming use:* A building, structure or use of land lawfully occupied at the time of the effective date of the ordinance from which this section derives or amendments thereto, or which was subsequently annexed to the City and which does not conform to the use regulations of the district in which it is situated.

70. *Occupancy:* The use or intended use of the land or buildings by proprietors or tenants.

71. *Off-street parking:* Parking spaces provided in accordance with the requirements specified by this section and located on the lot or tract occupied by the main use.

72. *Open area:* A part of a building lot, including courts or yards, which:

a) Is open and unobstructed from its lowest level to the sky; and

b) Is accessible to all residents upon a building lot; and

c) Is not part of the roof of that portion of the building containing dwelling units.

73. *Open space:* An area or tract of undeveloped land which is intended to remain generally in its natural state, except for those uses allowed under the provisions of this Ordinance.

74. *Open storage:* The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

75. *Outdoor display:* The placement of articles for sale in an uncovered area on private property.

76. *Park or playground (public):* An open recreation facility or park owned and operated by a public agency such as the municipal department of parks and recreation or school board and available to the general public.

77. *Parking lot, truck:* Any area, used for the parking or storage of trucks or trailers larger than three-fourths ton in size.

78. *Parking space:* An enclosed or unenclosed all-weather surface meeting size requirements of this ordinance not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street or alley permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use (see appendix, Illustration 13).

79. *Performance standards:* Those standards or criteria by which qualitative and quantitative measures are derived for the regulation of industrial uses and activities. The following definitions are applicable to performance standards:

a) Atmosphere: The air that envelops or surrounds the earth. Where air contaminants are emitted into a building not designed specifically as air pollution control equipment, such emission into the building shall be considered emission into the atmosphere.

b) Atmospheric pollution: The discharging from stacks, open storage, chimneys, exhausts, vents, ducts, openings, or open fires of such air contaminants as visible emissions, Sulphur dioxide, particulate matter, hydrocarbons, fumes or similar material or gases.

c) Background noise: Noise from all sources other than that under specific consideration including traffic operating on public thoroughfares.

d) Combustion: The rapid exothermic reaction of any material with oxygen.

e) Decibel: A unit of measurement of sound pressure.

f) Emission: The act of passing into the atmosphere an air contaminant or a gas stream which contains or may contain an air contaminant or the material so passed into the atmosphere.

g) Emission point: The location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

h) Exhaust gas volume: The total volume of gas emitted from an emission point.

i) Frequency: The number of times per second a vibration or sound wave oscillates.

j) Octave band: A term denoting all the frequencies between any given frequency and double that frequency.

k) Octave band filter: An electrical frequency analyzer designed according to the standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

l) Odor threshold: The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the odor threshold is prescribed by ASTMD 1391-57, Standard Method for Measuring Odor in Atmosphere.

m) Operation: Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or chemical or physical properties of a material. The following are given as examples, without limitation of the generality of the foregoing: heat transfer, calcination, double decomposition fermentation, pyrolysis, electrolysis, combustion material handling, evaporation mixing, absorption, filtration, fluidization, screening, crushing, grinding, demolishing, shoveling, bagging, etc.

n) Particulate matter: Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.

o) Person or operation: Any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner or any state or local governmental agency or public district or any officer or employee thereof. It includes the owner, lessor, lessee, tenant, licensee, manager and operator, or any of such, of any emission point or any source operation which may constitute a source of atmospheric pollution related thereto, or any interest in such emission point or operation source.

p) ppm (vol): Parts per million by volume.

q) Smoke: The visible discharge of particulate matter from a chimney, vent exhaust or combustion process.

r) Toxic and noxious matter: Any solid, liquid, or gaseous matter which is present in sufficient quantities to endanger health, safety and comfort of persons in the vicinity or which may cause injury or damage to property.

s) Vibration: A periodic displacement of the earth measured in inches.

80. *Personal service:* Barbershop, beauty shop, tailor, dressmaker, shoe shop or similar shop offering custom service.

81. *Planning and Zoning Commission:* If created, is an advisory body to the City Council and is authorized to recommend changes in this Zoning Ordinance. In the absence of a Planning and Zoning Commission, the City Council acts as the same.

82. *Playfield or stadium (public):* An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.

83. *Private club:* An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of V.T.C.A., Alcoholic Beverage Code § 32.01 et seq., as it pertains to the operation of private clubs. Private clubs shall be restricted to: (1) contiguous planned center or general business zoning districts collectively comprising two acres or more; or (2) Planned Development district of two acres or more when operated in conjunction with a hotel, motel, or country club as defined under the comprehensive Zoning Ordinance.

a) All Specific Use Permits issued for the operation of private clubs shall be conditioned that: (1) fifty percent (50%) of the gross receipts be derived from the sale of food, subject to an annual audit provided at the expense of the permittee for review by the City Council; (2) the permitted premises contain a minimum of one hundred (100) dining seats allowing a minimum area of twelve (12) square feet of dining area per dining chair; (3) the permittee comply with the provisions of the alcoholic beverage code and receive a private club permit from the State of Texas within six months from the date of issuance of the Specific Use Permit by the City Council, each such limitation in time being subject to review and possible extension by the City Council; and (4) such other conditions and restrictions which the City Council determines, at the time of granting the Specific Use Permit, are necessary to protect and provide for the health, safety, and general welfare of the community. The City Council may revoke a Specific Use Permit granted hereunder if it finds that any of the conditions imposed at the time of granting the permits are not met, or thereafter cease to exist. The City Council may deny a Specific Use Permit for the operation of a private club if it should affirmatively determine that issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, or general welfare of the City and its inhabitants.

84. *Public building, shop or yard of local, state, federal government:* Facilities such as office buildings, maintenance yards or shops required by branches of local, state or federal government for service to an area such as highway department yard or city service center.

85. *Radio, television, communications, or microwave towers:* Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television. In any event, the use as a communications, microwave, radio, or television tower in a given zone is still subject to the height, setback, and other requirements, etc., as per the requirements of Section 88 and the zoning district requirement in which the tower is located.

86. *Recreation area:* A "recreation area" is a privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.

87. *Recreation center (public):* A building or complex of buildings housing community recreation facilities owned, operated or leased for operation by the City of Weston and may include swimming pools, tennis and other indoor or outdoor athletic facilities.

88. *Rest home or nursing home:* A "rest home" or "nursing home" is a private facility for the care of children or the aged or infirm or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.

89. *Residence:* Same as "dwelling"; also when used with district an area of residential regulations.

90. *Restaurant or cafeteria (indoor service):* An establishment serving food to the general public in specific, designated indoor dining areas and outdoor seating areas and where food is not served to or eaten in automobiles on the premises.

91. *Restaurant or cafeteria (including outdoor service):* An establishment where primarily prepared food or drink is served to or consumed by customers in motor vehicles, and specified as one of the following categories:

    a) Restaurant or cafeteria (including drive-through window): An establishment where customers are served prepared food or drink at a drive-through window for off-premise consumption, and where consumption in vehicles on the premises is neither encouraged nor permitted.

    b) Restaurant or cafeteria (drive-in service): An eating establishment where consumption of food or drink in vehicles on the premises is either encouraged or permitted.

92. *Screening device:* A barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from any height between ground level and seven feet above ground level.

93. *School, business or trade:* A business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school or commercial art school.

94. *School, public or denominational:* A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or business schools.

95. *Servant's quarters:* An accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.

96. *Service station:* Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

97. *Single-family dwelling (attached):* A dwelling unit which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a platted separate lot, delineated by front, side and rear lot lines and is served by separate utility connections and meters as a single-family dwelling.

98. *Single-family dwelling (detached):* A dwelling unit designed and constructed for occupancy and occupied by not more than one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied only by one family.

99. *Stable, commercial:* A stable and related open pasture where horses are quartered for owners on a fee basis. No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.

100. *Story:* The height between the succeeding floors of a building or from the top floor to the roof. The standard height of a story is 11 feet six inches.

101. *Street:* Any thoroughfares or public driveways, other than an alley, which has been dedicated or deeded to the public for public use.

102. *Street line:* A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line.

103. *Structural alterations:* Any change in the supporting member of a building, such as a bearing wall, column, beam or girder.

104. *Structure:* Same as "building."

105. *Swim or tennis club:* A private recreational club with restricted membership, usually of less area than a country club but including a clubhouse and a swimming pool or tennis courts and similar recreational facilities one of which are available to the general public.

106. *Swimming pool (private):* A swimming pool constructed for the exclusive use of the residents of a one-family, two-family, or multiple-family dwelling and located and fenced in accordance with the regulations of the City of Weston. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

107. *Thoroughfare:* Same as "street."

108. *Tires, batteries and accessories:* Any retail operation wherein the sale and/or installation of tires, batteries, brakes and other related minor parts or accessories not listed as a separate use in this Ordinance is carried on; specifically intended not to include heavy automotive repair, upholstery and muffler installation, automotive tune-up, automotive salvage or painting, used part sales or storage, tire retreading or recapping.

109. *Two-family dwelling:* A single structure designed and constructed with two dwelling units under a single roof for occupancy by two families.

110. *Use:* The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this Ordinance.

111. *Variance:* An adjustment in the application of the specific regulations of this Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

112. *Yard:* A yard is an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

    a) *Yard, front:* An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located (see appendix, illustrations 3 and 5).

b) *Yard, rear:* An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated (see appendix, illustration 3).

c) *Yard, side:* An open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line (see appendix, illustrations 3 and 4).

113. *Zoning district map:* The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this Zoning Ordinance.

Section 7
Zoning Districts Established

The City of Weston, Texas is hereby divided into 27 zoning districts. The regulations as set out herein are uniform throughout each district. The zoning districts established shall be known as:

Abbreviation	Zoning District Designation
AG	Agricultural District (ten acres per unit)
RED-1	Residential Estates District (one acre per unit)
RED-2	Residential Estates District (two acres per unit)
RS 120	Single-Family Residence District (12,000 square feet per unit)
RS 84	Single-Family Residence District (8,400 square feet per unit)
RS 60	Single-Family Residence District (6,000 square feet per unit)
SRR	Special Revitalization District *Rev (O-2018-03-03)*
RD 30	Duplex Residence District (3,000 square feet per unit)
RG 25	General Residence District (2,500 square feet per unit)
RG 15	General Residence District (1,500 square feet per unit)
MP	Mobile Home Park District
BN	Neighborhood Business District
BG	General Business District
C	Planned Center District
O	Office District
ML	Light Manufacturing District
MH	Heavy Manufacturing District
GC	Governmental Complex District
PD	Planned Development District
FP	Floodplain District (prefix)
M	Modular Housing District (suffix)
RS-72	Single-Family Residence District (7,200 square feet per lot)
MF-1	Multiple Family Residential – Low Density District
MF-2	Multiple Family Residential – Medium Density District
MF-3	Multiple Family Residential – Medium-High Density District
O-1	Neighborhood Office District
NC	Neighborhood Convenience District
BC	Commercial Business District

Section 8
Zoning District Map

A. The boundaries of the zoning districts set out herein are delineated upon the zoning district map of the City of Weston, said map being a part of this Ordinance fully as if the same were set forth herein in detail.

B. Three original, official and identical copies of the zoning district map are hereby adopted bearing the signature of the mayor and attestation of the City Secretary and shall be filed and maintained as follows:

1. One copy shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.
2. One copy shall be filed with the City Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits, certificates of occupancy and compliance and for enforcing this Zoning Ordinance.
3. One copy shall be filed with the Planning and Zoning Commission for reference purposes and shall be maintained up-to-date by posting thereon all changes and subsequent amendments.
4. It shall be the duty of the City Secretary to keep the official zoning district map current and the copies thereof, herein provided for, by entering on such maps any changes which the City Council may from time to time order by amendments to this Zoning Ordinance and map.
5. The City Secretary, upon the adoption of the ordinance from which this chapter derives, shall affix a certificate identifying the map in his office as the official zoning map of the City. He shall likewise officially identify the copies directed to be kept by the Planning and Zoning Commission and in the office of the City Building Official. All amendments of the map shall be made immediately after their enactment and the date of the change shall be noted on the certificate.
6. Reproductions for information purposes may, from time to time, be made of the official zoning district maps.

Section 9
Zoning District Boundaries

A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are indicated as approximately following or parallel to a drainage course or other prominent physical feature, such drainage course, other prominent physical feature or parallel line shall be construed to be said boundaries.
4. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale of said zoning map.
5. Where district boundaries are so indicated that they are approximately perpendicular to the centerline or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said street, highways, or drainage courses.
6. If unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.
7. In the case of a district boundary line dividing a lot into two parts the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.
8. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
9. Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

Section 10-19
Reserved

ARTICLE II. SPECIAL PROVISIONS

Section 20
Newly Annexed Territory

A. All territory hereafter annexed to the City of Weston shall be temporarily classified as AG, agricultural district, until permanent zoning is established by the City Council of the City of Weston. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

B. In any area temporarily classified as AG, Agricultural District:

1. No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or add to any building or structure or cause the same to be done in any newly annexed territory to the City of Weston without first applying for and obtaining a building permit or certificate of occupancy therefore from the City Building Official or designated representative as may be required herein.

2. No permit for the construction of a building or use of land shall be issued by the City Building Official other than a permit which will allow the construction of a building permitted in AG, unless and until such territory has been classified in a zoning district other than AG by the City Council in the manner provided by law except as provided in Subsection 3 following.

3. An application for a Special Use Permit may be submitted for any use other than that specified in Subsection 2 above.

Section 21
Platting Property

A. The Planning and Zoning Commission shall not approve any plat of any subdivision within the City Limits until the area covered by the proposed plat shall have been permanently zoned by the City Council of the City of Weston.

B. The Planning and Zoning Commission shall be advised by city staff regarding a proposed annexation, and it may at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and at the same time consider any plat of any subdivision within the area or tract to be annexed, and make a recommendation on both matters to the City Council so that the City Council may, if it desires, act on the matter of permanent zoning, platting, and annexation at the same time.

Section 22
Creation of Building Site

A. No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following:

1. The lot or tract is part of a plat of record, properly approved by the City Council after recommendation by the Planning and Zoning Commission and filed in the plat records of Collin County.

2. The site plot or tract is all or part of a site plan officially approved by the City Council in a Planned Development district after recommendation by the Planning and Zoning Commission, which site plan provides all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including the designation of building areas and such easements, alleys and streets have been required and properly dedicated and the necessary public improvements provided.

3. The plot, tract, or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this chapter derives or prior to annexation to the City of Weston, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this chapter may be issued on each such original separately owned parcel without first complying with either Subsection 1 or Subsection 2 preceding.

Section 23
Completion of Buildings

A. Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction, or designated use of any building which shall be completed in its entirety within one year from the date of the passage of the ordinance from which this chapter derives, provided such building was authorized by building permit before the passage of the ordinance from which this chapter derives and further

provided construction shall have been started within 90 days of the passage of the ordinance from which this chapter derives.

B. Commitments made by the City with reference to construction of public utility buildings and facilities necessary for the anticipated expansion of the City made prior to the passage of the ordinance from which this chapter derives shall be observed.

Section 24
Nonconforming Uses

A. A nonconforming status shall exist under the following provisions of this chapter:

1. When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to September 14, 1973, and has been operating since without discontinuance.

2. When on the effective date of the ordinance from which this chapter derives, the use or structure was in existence and lawfully constructed, located and operating in accordance with the prior Zoning Ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which such use or structure is located.

3. When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence at the time of annexation to the City of Weston and has since been in regular and continuous use.

4. Single-family or two-family dwellings constructed prior to the effective date of the ordinance from which this chapter derives which do not provide off-street parking as required in Section 81 shall be considered conforming in regard to parking.

5. Existing residences located in the MP, O, ML, MH, AP and GC districts may be improved, maintained, or rebuilt as conforming structures.

B. Any nonconforming use of land or structures may be continued for definite periods of time subject to such regulations as the Board of Adjustment may require for immediate preservation of the adjoining property prior to the ultimate removal of the nonconforming use. The City Building Official may not grant a change of occupancy from one nonconforming use to another unless the use is within the same, or higher or more restricted classification as the original nonconforming use. In the event a nonconforming use of a building may be changed to another nonconforming use of more restricted classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.

C. If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this chapter. In the case of partial destruction of a nonconforming use not exceeding 50 percent of its reasonable value, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded beyond the lot on which it is located.

D. No nonconforming use may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of the ordinance from which this chapter derives except to provide off-street parking or off-street loading space upon approval of the Board of Adjustment.

E. Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall be in conformance to this chapter. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for or which remains vacant for a period of six months shall be considered to have been abandoned.

Section 25
Specific Use Permits

A. The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, authorize the granting of a Specific Use Permit for those uses indicated by "S" in the Appendix A, Schedule of Uses, according to the following criteria:

1. All applications for Specific Use Permits shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet.

2. In recommending that a Specific Use Permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of building.

3. Every Specific Use Permit granted under these provisions shall be considered as an amendment to the Zoning Ordinance as applicable to such property under consideration so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the Specific Use Permit is voluntarily vacated for a period in excess of 90 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate Specific Use Permit is granted for continuation of the same.

4. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such Specific Use Permit; and such conditions are not precedent to the granting of a Specific Use Permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

5. No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission.

6. A building permit shall be applied for and secured within six months from the time of granting the Specific Use Permit, provided, however, that the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission, except in the case of a private street development which shall have no limit regarding the application and securing of a building permit.

7. No building, premises, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alterations, or change.

8. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such Specific Use Permit.

9. When the City Council authorizes granting of a Specific Use Permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.

10. All Specific Use Permits issued by the City of Weston, Texas, shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property.

11. That payment for a Specific Use Permit has been made to the City in accordance with the current City Fee Schedule.

12. Special Specific Use Permit regulations and considerations

    a) Auto laundry. In the BN neighborhood business district, a Specific Use Permit may be approved to allow an auto laundry only in connection with an auto fuel sales facility. The auto laundry shall be limited to a fully automated facility which will accommodate only one vehicle at a time. The location and orientation of the facility on the site and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate, in determining whether the permit should be approved.

    b) Bed and Breakfast Facility

        1) A Specific Use Permit may be approved to allow a Bed and Breakfast facility in the following districts: AG, RED-1, RED-2, RS-120, RS-84, RS-72, RS-60, RS-45, RD-30, RG-27, RG-25, RG-18, MF-1, MF-2, MF-3, NC, BN, BG, O-1, SF-12, SF-10, SF-8, SF-72, SF-5, DR, and TH.

        2) No individual property owner shall use his residence as a bed and breakfast facility, as that term is defined herein, without first having received a Specific Use Permit from the City Council.

3) A bed and breakfast facility is defined as an owner-occupied private home, which offers lodging for paying guests, and which serves breakfast to these guests and which contains one or more guest bedrooms.

4) All bed and breakfast facilities must be owner-occupied and managed at all times.

5) The maximum length of stay for any guest shall be 14 consecutive days in any one calendar month.

6) The maximum number of bedrooms that may be rented is five, unless the City Council specifically finds that the structure and tract on which it is located is of sufficient size to permit more bedrooms and that the same will not adversely impact the surrounding properties.

7) No cooking facilities shall be permitted in any of the bedrooms.

8) One attached sign shall be permitted on the premises. Such signs shall not exceed two square feet in area, shall not include the word "hotel" or "motel", and shall be displayed in accordance with the City of Weston Sign Ordinance 2002-02-01.

9) Off-street parking shall be provided equal to one parking space per guest bedroom and shall be screened from all streets. No parking shall be permitted in the front yard area.

10) The facilities shall meet all of the minimum requirements of the City-county health department and shall conform in all respects to the requirements of the fire code, building code, electrical code and plumbing code.

11) All such facilities shall be responsible for the collection of the City hotel/motel tax.

12) All city-county health officers, building inspectors, the fire marshal and his assistants, and other code enforcement officials of the City shall have the right to go on any premises for which a specific use permit for a bed and breakfast facility has been issued during normal business hours for the purpose of verifying compliance with this Ordinance and all other applicable ordinances of the City.

c) Service Station. In the BN neighborhood business district, a Specific Use Permit may be approved to allow motor vehicle fuel sales with facilities to fuel more than four vehicles at one time or a gasoline service station which does not conduct major automotive repairs, body and fender work, or automobile painting, provided all uses and waste materials are kept within a solid enclosure so that the contents are not visible from the street or other properties, and provided no stock of goods is displayed out of doors with the exception of lubricants and additives for frequent sale, and provided no lighting is constructed to shine on neighboring properties used for residential purposes. A maximum of two brand identification signs shall be allowed if their only illumination is non-flashing and shall not contain a rotating, oscillating, revolving beam, beacon of light, or a digital sign. They may be installed at the property line. In determining whether a Specific Use Permit should be approved to allow this use in a district where such permit would be required, the number of fueling stations, the range of automotive services to be provided and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate.

Section 26
Temporary Uses

A. The following temporary uses may be allowed under the conditions and for the time specified upon proper application and review by the zoning administrator:

1. A temporary building may be used as an office incidental to construction work if such building is located upon the same property as the site under construction, contains no living quarters, and provides for no uses not incidental to construction on the premises. Such buildings shall be removed within 30 days following final acceptance of the construction by the City.

2. A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any other subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six months possible provided construction remains continuous and no more than ten lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.

3. Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.

4. Temporary sales of seasonal products such as firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.

5. The zoning administrator, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this section. The zoning administrator shall have the right to revoke any temporary use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such use; after which revocation or denial such temporary use shall immediately cease and shall be removed within ten days of notification of such finding.

Section 27
New and Unlisted Uses

A. It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Weston. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The zoning administrator shall refer the question of any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.

3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve or deny the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.

Section 28
Site Plan Approval

A. Conceptual site plans. Prior to any subdivision of property in any retail district, a conceptual site plan representing the general site assessment of the property shall be approved by the Planning and Zoning Commission.

1. The conceptual site plan shall include all the land that existed in single ownership at the time of initial zoning, or at the time this provision became effective, whichever is later.

2. Conceptual site plan requirements. The conceptual site plan shall include sufficient information to adequately assess the functionality of the proposed subdivision and its impact on surrounding properties and circulation systems, including but not limited to:

   a) Basic mapping details, such as site boundaries and dimensions, site acreage, location map, north arrow, scale, title block, etc.;

   b) Access to the site and interior site circulation;

   c) Proposed lot layout;

   d) Other items which may negatively impact adjacent property, such as general parking arrangement, delivery truck/dock locations, medians or traffic control devices, and/or median breaks.

   e) Conceptual site plan approval process. Conceptual site plans shall be considered by the Planning and Zoning Commission after a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary. The Planning and Zoning Commission shall approve the

conceptual site plan, approve the conceptual site plan with conditions, or disapprove the conceptual site plan.

f) Any development or subdivision of the property shall generally be consistent with the conceptual site plan as approved or amended. No plat, building permit, or certificate of occupancy shall be issued for the property unless all construction and development generally conforms to the conceptual site plan.

g) Expiration. A conceptual site plan shall expire five (5) years after its approval or amendment date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed.

B. Site Plans.

1. Approval of a site plan shall be required for all development proposals involving the following:

a) A Specific Use Permit

b) Multiple family project

c) Shopping centers

d) Mobile home parks

e) Principal permitted uses in all zoning districts unless otherwise exempted

f) Any development where more than one main building or primary use is proposed on a single lot, building site, or tract

g) A Planned Development

2. Except for site plans exempted paragraph under 4c) below, site or development plans for Specific Use Permits and for Planned Developments shall become a permanent part of the zoning regulations for the proposed development, and any site plan or any significant change to such a site plan previously approved shall be considered as an amendment to this section.

3. Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted to the City Planner for initiation of the review and approval process through City Council, Planning And Zoning Commission, and/or planning staff, as appropriate, along with ten (10) copies of the plan or the number deemed necessary by the City to complete the required reviews or memorandums. Site or development plans shall include the following information:

a) General.

Applicant‘s name, address, and phone number;
Development location (include subdivision, lot number, and address);
Proposed use or uses (letter of intent required);
Zoning district (attach copy of ordinance governing subject property);
Lot area (net and gross);
Lot coverage;
Location of all existing buildings or structures on lot;
Building size and total floor area (separated by use);
Adjacent land uses and improvements;
Location of hazardous chemical storage;
Sign locations;
Scale: one inch (1”) equals twenty feet (20’), thirty feet (30’) or forty feet (40’);
Location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);
Easements;
Location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
Location of areas of major tree cover;
Required landscape areas;
Additional information as deemed necessary to adequately evaluate the site or development plan.

b) Site circulation and parking.

Drive approach dimensions and radii;
Delineation and width of internal circulation roadways;
Distances between driveways and intersecting streets;

Number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;
Parking dimensions;
Stacking spaces and drive-through lane location;
Location of curb stops relative to front of parking stall. Note: Wheel stops are not permitted in lieu of curbs;
Handicapped ramps (required at all intersections);
Building entrances;
Sidewalk dimensions;
Fire lanes meeting fire code standards;
Delivery truck docks;
Sanitation container locations;
Medians, islands, barriers, and channelization;
Width of adjacent streets, alleys, or other access abutting property;
Length, width, and taper of turn bays.

c) Utilities.

Existing and proposed water mains (include size and valve locations);
Water meter size and location;
Existing and proposed sewer mains (include size, manholes and cleanout);
Sewer service size (provide cleanout at property line);
Existing and proposed utility easements;
Existing and proposed fire hydrants (include any nearby off-site hydrants);
Existing and proposed fire lines and appurtenances;
Location and size of irrigation meters;
Location and size of grease and sand traps;
Location and size of sampling pits;
Location and type of pretreatment.

d) Drainage.

Existing and proposed elevation at critical points;
Drainage area map (if site over one acre);
On-site collection system;
One hundred (100) year flood elevation (if in flood-prone area);
Existing and proposed contours at two-foot (2') intervals;
Existing and proposed drainage structures (include size and type);
Existing and proposed culverts (use six-to-one sloped headwall);
Direction of surface drainage (must be discharged into existing waterway or public right-of-way).

e) Lighting plan. Where site lighting is required or proposed, a lighting plan shall be submitted along with a statement of compliance by a qualified lighting expert, such as an engineer, architect, landscape architect, lighting manufacturer's representative, or lighting contractor.

f) Landscape Plan. A conceptual or generalized landscape plan in conformance with Section 87 shall be submitted along with the site plan. A combined site plan/landscape plan may be acceptable if all information required is easily identified.

4. Site plan approval process. For those site plans not requiring City Council approval, the City Planner shall review the proposed site plan, and shall submit to the Planning and Zoning Commission a recommendation of approval, approval with conditions, or disapproval. Prior to consideration of a site plan, the Planning and Zoning Commission shall hold a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary.

a) Approval of site plans for all specific use permits or for planned developments greater than one acre. If recommended for approval by a majority vote of the Planning and Zoning Commission, the site plan shall be forwarded to the City Council for a second public hearing. After the public hearing, the City Council shall approve the site plan, approve the site plan with conditions, or disapprove the site plan.

b) Approval of all other site plans greater than one (1) acre. The site plan shall be deemed approved by the City if approved by a majority vote of the Planning and Zoning Commission. The Planning and Zoning Commission shall approve the site plan, approve the site plan with conditions, or disapprove the site plan. If the Planning and Zoning Commission disapproves the site plan, or if the applicant is not in agreement with conditions of approval, the applicant may, within twenty-one (21) days of Commission action, request that the site plan be placed on the City Council's agenda for public hearing and

consideration; otherwise, the site plan shall be deemed to be withdrawn. The City Council shall have final approval or disapproval authority on all site plans which are so appealed.

c) Exemptions. In the case of a site one net acre or less in area and in all applications involving one- and two-family residences, site or development approval may be processed directly through the planning department. Within 28 days of submission of the site plan to the Planning Department, the plan shall be reviewed and comments returned to the applicant. At the discretion of the City Planner, any site plan may be forwarded to the Planning and Zoning Commission for approval according to the procedures in paragraph (1) or paragraph (2) above, in lieu of staff review.

C. City Council, Planning and Zoning Commission, and Staff consideration shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, protective screening and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the City of Weston.

D. If during the course of considering the site plan, conceptual site plan, or landscape plan, the Planning and Zoning Commission is of the opinion that a proper recommendation cannot be made without additional information, the Planning and Zoning Commission is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the information for the Planning and Zoning Commission's consideration.

E. Expiration. A site plan shall expire two (2) years after its approval or amendment date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Expiration shall not apply to site plans submitted for a Planned Development or Specific Use Permit.

F. It shall be unlawful to issue a building permit prior to the approval of the site plan by the City Council, Planning and Zoning Commission and/or Planning Division, as appropriate. No building permit shall be issued except in conformity with the approved site plan, including all conditions of approval.

G. Inspections, Revisions, and Continued Compliance. During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed.

1. In the event that changes to the approved site plan are proposed, the City Planner shall have the authority to require that a revised site plan be submitted to the City for review and approval.

2. It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The City Planner shall have the authority to interpret conformance to an approved site plan, provided that such interpretations do not materially affect access, circulation, general building location on the site, or any conditions specifically attached as part of a Planning and Zoning Commission. The City Planner shall only approve minor changes, which substantially conform to the approved site plan, and with all applicable City regulations.

a) Examples of revisions which may be approved by the City Planner include:

13) minor dimension and location adjustments;

14) minor changes in the number of parking spaces, provided that minimum parking requirements are met;

15) adjustments to sanitation container location;

16) minor revisions to approved elevations; and

17) substitution of similar materials on an approved landscape plan.

b) Examples of revisions which may not be approved by the City Planner include:

1) major changes to type of screening materials;

2) significant alterations to the building footprint;

3) specific conditions of approval; and

4) any changes that may negatively impact adjacent properties.

If, in the judgment of the City Planner, the proposed revisions exceed Staff's approval authority, the revised site plan shall be forwarded to the Planning and Zoning Commission for consideration according to the procedures for site plan approval. If proposed revisions to the site plan have not been approved by the City Planner within thirty (30) days of their final submission, they shall be scheduled for consideration by the Planning and Zoning Commission upon request by the applicant.

c) The certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.

d) Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this ordinance.

3. For the purpose of assisting in-process planning, a preliminary site plan may be submitted for Planning and Zoning Commission and Planning Division consideration. Such preliminary site plan may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity and titled "Preliminary Site Plan." The approval of a preliminary site plan will not imply approval of all elements of a site plan. It shall be unlawful to issue any building permit on a preliminary site plan.

Section 29-39
Reserved

Section 40
Use and areas

A. All land, buildings, structures, or appurtenances thereon located within the City of Weston, Texas, which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished, or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

B. Land and buildings in each of the following zoning districts may be used for any of the listed uses but no land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished, or converted, or which is arranged or designed to be used or is used for other than those uses specified for the zoning district in which it is located and as set forth in the Appendix A, Schedule of Uses.

Section 41
AG
Agricultural District Regulations

A. Purpose. This zone is designed to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use, land suited to eventual development in other uses pending proper timing for practical and economical provisions of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City preserved. A change of zoning from AG to any other classification shall be in accordance with planning practices established by the commission.

B. Principal permitted uses.

1. Residential buildings containing not more than two dwelling units. *Rev (O-2017-02-03)*
2. 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.
3. Ranch and farm dwellings pertaining to agricultural operations.
4. Parks and recreation areas operated by the City of Weston.
5. Riding academies.
6. Country clubs as defined herein, when located on a lot of at least 25 acres.
7. Recreational camps operated by public, charitable or religious organizations.
8. 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.
9. Railroad through or spur tracks, but no sidings or other terminal type facilities and no service repair or administrative facilities.
10. Greenhouses.

C. Permitted accessory uses.

1. Living quarters for persons regularly employed on the premises; but not including labor camps or dwellings for transient labor.
2. Guest houses, not rented or otherwise conducted as a business.
3. Home occupations.
4. Offices incidental to and necessary for conducting a permitted use.
5. Private garages, stables and barns.
6. Roadside stands not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises.
7. Nameplates and non-illuminated signs not to exceed 20 square feet in area identifying the premises, but not containing over 20 percent brand advertising.
8. The keeping of not more than two roomers or boarders.

9. Other accessory uses and buildings customarily appurtenant to a permitted use.

D. Specific Use Permits.

1. Quarters for transient labor.
2. Cemeteries, crematories, mausoleums, columbariums.
3. Commercial mines, quarries and sand and gravel pits.
4. Par-3 golf course.
5. Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural or public service type including colleges.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking space shall be provided for all uses established in this zone.
2. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 42
RED-1
Residential Estates District Regulations

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

B. Principal permitted uses.

1. Single-family detached dwellings.
2. Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
3. Parks and recreation areas operated by the City of Weston.

C. Permitted accessory uses.

1. Living quarters for persons regularly employed on the premises; but not including accommodations for transient labor.
2. Guest houses, not containing cooking facilities, and not rented or otherwise conducted as a business when located in a portion of the site other than a required yard space.
3. Home occupations.
4. Private garages and parking areas.
5. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.
6. 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 horse or other equine shall be kept on a lot of less than one acre in area and two horses, or other equines, may be kept on an acre, but for each additional horse or other equine above two kept there shall be an additional 20,000 square feet in lot area.
7. The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length shall be permitted in the rear yard.
8. The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.
9. Real estate lease or sales signs relating to the property on which the sign is located.
10. Railroad through or spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.

D. Specific Use Permits.

1. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.

2. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a permanent structure and on a site of at least two acres.

3. Utility substations when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides, and after a showing before the Board of Adjustment that technical considerations necessary to the functioning of said utility requires the location of the facility in this zone. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

4. Public and quasi-public buildings for cultural use.

5. Country clubs as defined herein.

6. Private street developments.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking space shall be provided for all uses established in this zone.

2. Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

Section 43
RED-2
Residential Estates District Regulations

A. Purpose. This district is designed to promote and encourage a suitable environment for family life on large parcels of land. The RED-2 classification is to be used for only suburban single-family homes and the community services and facilities appurtenant thereto.

B. 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-2 zone.

C. 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-2 zone.

D. 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-2 zone.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking space shall be provided for all uses established in this zone.

2. Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

Section 44
RS 120
Single-Family Residence District Regulations

A. Purpose. This zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life environment on relatively ample lots.

B. 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 RS 120 zone.

C. 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 RS 120 zone, except uses in paragraphs (3)(a), (3)(b), and (3)(f) shall not be permitted.

D. 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 RS 120 zone.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking shall be provided for all uses established in this zone.

2. Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

Section 45
RS 84
Single-Family Residence District Regulations

A. Purpose. This zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.

B. Principal permitted uses.

1. Single-family detached dwellings.

2. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.

3. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure and on a site of at least two acres.

4. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

5. Public and quasi-public buildings for cultural use.

6. Country clubs as defined herein.

7. Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation.

8. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.

9. Parks and recreation areas operated by the City of Weston.

C. Permitted accessory uses.

1. Home occupations.

2. Private garage and parking areas.

3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests and subject to any other regulations or ordinances of the City of Weston.

4. The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard.

5. The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.

6. Real estate lease or sale signs relating to the property on which the sign is located.

7. Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.

D. Specific Use Permits.

1. Private street developments under Chapter VII.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking shall be provided for all uses established in this zone.

2. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 46
RS 72
Single-Family Residence District Regulations

A. Purpose. This zone is designed to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.

B. Permitted Uses. Uses as permitted under Appendix A, Schedule of Uses.

C. Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted under Appendix A, Schedule of Uses.

D. Specific Use Permits. Uses as allowed by Specific Use Permit as permitted under Appendix A, Schedule of Uses. See also Section 25.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking shall be provided for all uses established in this zone.

2. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 47
RS 60
Single-Family Residence District Regulations

A. Purpose. This zone is designed to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.

B. Principal permitted uses.

1. Single-family detached dwellings.

2. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five acres, and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

3. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure and on a site of at least two acres.

4. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

5. Public and quasi-public buildings for cultural use.

6. Country clubs as defined herein.

7. Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation.

8. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.

9. Parks and recreation areas operated by the City of Weston.

C. Permitted accessory uses.

1. Home occupations.

2. Private garages and parking areas.

3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests and subject to any other regulations or ordinances of the City of Weston.

4. The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard.

5. The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.

6. Real estate lease or sale signs relating to the property on which the sign is located.

7. Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.

D. Specific Use Permits.

1. Private street developments under Chapter VII.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Minimum side yard: Five feet for lot widths of 60 feet or less.

2. Off-street parking shall be provided for all uses established in this zone.

3. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 48
SRR
Special Revitalization District Regulations

A. Purpose. This zone is designed to recognize and guide development in the “downtown” Weston area. The existing homes are situated on a grid pattern indicative of most early 1900s settlements.

B. Principal permitted uses.

1. Single family detached dwellings.

2. Home occupations

3. Non-residential uses as determined by Development Services.

C. Permitted accessory uses. None.

D. Special Permit Uses. None.

E. Space Limits. New development in the SRR shall follow similar setbacks as found in the existing residential community. New residential development shall be compatible in floor-to-area ratios. New non-residential development shall be constructed on build-to- lines with no side yard or rear yard setbacks.

F. Other provisions

1. Only one residential unit or one non-residential building shall be permitted on one platted zoning lot.

2. Permitted non-residential units shall be limited to non-residential uses on the ground floor and limited to residential uses on floors above the ground floor as determined by Development Services.

3. Architectural consistency shall be critical for new development in the SRR zone.

4. The non-residential development area is intended to be a mix of uses typical of a downtown.

5. Off-street parking with a minimum of two uncovered parking spaces per development shall be provided, or as approved by Development Services Director, for all uses established in this zone.

6. Must have 10 feet between residential buildings.

Rev (O-2018-03-03)

Section 49
RD 30
Duplex Residence District Regulations

A. Purpose. This zone is designed to provide suitable family life for one- and two-family dwelling areas on lots of moderate size.

B. Principal permitted uses.

1. Residential buildings containing not more than two dwelling units.

2. Public, parochial and private schools and colleges offering courses of general instruction, and children's homes, any and each of which shall be located on sites of at least three acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.

3. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a permanent structure.

4. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

5. Public and quasi-public buildings for cultural use.

6. Country clubs as defined herein.

7. Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation.

8. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities.

9. Parks and recreation areas operated by the City of Weston.

C. Permitted accessory uses.

1. Home occupations.

2. Private garages and parking areas.

3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests and subject to any other regulations or ordinances of the City of Weston.

4. Signs not to exceed two square feet in area identifying the premises and occupant, but not including advertising matter.

5. The keeping of dogs, cats and other household pets, but limited to two animals over six months old.

6. Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed.

7. The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length shall be permitted in the rear yard.

8. The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.

9. Real estate lease or sale signs relating to the property on which the sign is located.

10. Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.

D. Specific Use Permits.

1. Fraternity and sorority houses when directly associated with a college or university.

2. Nonprofit community buildings and social welfare establishments other than those providing living accommodations.

3. Par-3 golf courses.

4. Private street developments under Chapter VII.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking shall be provided for all uses established in this zone.

2. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

3. Go to RS 60 if single-family residence.

Section 50
RG 27
General Residence Townhome Regulations

A. Purpose. This zone is designed to provide for a medium density residential environment of attached townhome units.

B. Principal permitted uses.

1. Residential buildings containing townhome units.
2. Other uses as allowed in the RD 30 zone.

C. Permitted accessory uses.

1. Same as allowed in the RD 30 zone.

D. Specific Use Permit.

1. Same as allowed in the RD 30 zone.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Minimum side yard: 14 feet between ends of buildings
2. Rear entry off-street parking shall be provided for all uses established in this zone.
3. Site plan approval at the Planning and Zoning Commission shall be required prior to development.

Section 51
RG 25
General Residence District Regulations

A. Purpose. This zone is designed to provide for a medium density residential environment allowing some latitude to the designers as to form but limiting the overall intensity of use of the land. Lot area requirements are modified to meet existing lot situations in a large part of the City.

B. Principal permitted uses.

1. Residential buildings containing not more than four dwelling units.
2. Public, parochial and private schools and colleges offering courses of general instruction and children's homes any and each of which shall be located on sites of at least three acres, and including convents, monasteries, dormitories and related living structures when located on the same site as the school or college.
3. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a permanent structure.
4. Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.
5. Public and quasi-public buildings for cultural use.
6. Country clubs as defined herein.
7. Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises except as provided for as a permitted home occupation.
8. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities.
9. Parks and recreation areas operated by the City of Weston.

C. Permitted accessory uses.

1. Home occupations.
2. Private garages and parking areas.

3. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests and subject to any other regulations or ordinances of the City of Weston.

4. Signs not to exceed four square feet in area identifying the premises and occupant, but not including advertising matter.

5. The keeping of dogs, cats and other household pets, but limited to two animals over six months old.

6. Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed.

7. The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length.

8. The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard.

9. Real estate lease or sale signs relating to the property on which the sign is located.

10. Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.

D. Specific Use Permits.

1. Fraternity and sorority houses when directly associated with a college or university.

2. Buildings of nonprofit community organizations and social welfare establishments other than those providing living accommodations.

3. Par-3 golf courses.

4. Private street developments under Chapter VII.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking shall be provided for all uses established in this zone.

2. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 52
RG 18
General Residence District Regulations

A. Purpose. This zone was originally designed to provide for moderately high density apartment development and other uses which have characteristics similar to those found in the operation of apartment houses. Densities in this district are higher than presently considered acceptable in Weston. Rezoning to this classification will not generally be considered after January 1, 2000.

B. Principal permitted uses.

1. Any principal permitted use allowed in the RG 25 zone, except that residential buildings containing three or four dwelling units are permitted to conform to the rules and regulations of the RG 25 zone.

2. Multiple dwellings of more than four units conforming to the space limits of this zone.

3. Hospitals and rest homes, nursing homes.

4. Roominghouses and boardinghouses.

5. Apartment hotels.

6. Fraternity houses, sorority houses, lodges and similar establishments, but specifically excluding those establishments which have a name or legal basis as the aforesaid, but are in fact operated as a business enterprise, and also excluding concessions associated with the aforesaid which are operated as a business enterprise.

7. The offices of one or more professional persons engaged in activities which generate a limited amount of contact with the general public, but including medical clinics, offices of lawyers, accountants, architects, planners, engineers and similar professions.

8. Buildings of nonprofit community organizations and social welfare establishments.

C. Permitted accessory uses. Any permitted accessory use allowed in the RG 25 zone when established according to the rules and regulations of the RG 25 zone.

D. Specific Use Permits.

1. Office buildings for the conduct of the administrative business of a single company when such business does not deal with the public directly from the site of such office building.

2. Mortuaries, funeral homes and funeral chapels.

3. Private street developments under Chapter VII.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Minimum lot area exceptions: residential buildings containing one dwelling unit shall have a minimum lot area of 5,000 square feet and residential buildings containing two, three, or four dwelling units shall have a minimum lot area of 2,500 square feet per dwelling unit.

2. Maximum density: 24 dwelling units per acre.

3. Off-street parking shall be provided for all uses established in this zone.

4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 53
MP
Mobile Home Park District Regulations

A. Purpose. This zone is designed to provide for mobile home parks.

B. Principal permitted uses. Mobile home parks authorized and licensed by the City of Weston for the parking and occupancy of mobile dwellings.

C. Permitted accessory uses. Such uses are normally accessory to a mobile home park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, laundry facilities and storage facilities for use of the residents of the mobile home park, and open recreation areas.

D. Specific Use Permits. No Specific Use Permits.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Not to exceed an average of eight spaces per gross acre in park.

2. Minimum zoning lot is three acres

3. Type of materials. M zone construction shall have a facade of fire-resistant materials.

4. Off-street parking shall be provided for all uses established in this zone.

5. Mobile homes shall be located only within approved mobile home parks.

6. The entire mobile home park shall be treated as one zoning lot, except that when uses other than those normally included or required by ordinance within a mobile home park are established within the boundaries of a mobile home park then a separate zoning lot shall be designated for said other use.

7. Mobile homes shall be tied down in a manner approved by the City Building Official.

Section 54
BN
Neighborhood Business District Regulations

A. Purpose. This zone is designed to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity.

B. Principal permitted uses.

1. Any principal permitted use allowed in the RG 18 zone when established according to the rules and conditions of the RG 18 zone, except as herein modified.

2. Refer to the Appendix A, Schedule of Uses.

3. Motor vehicle fuel sales only with facilities to fuel not more than four vehicles at one time (not a gasoline service station) which does not conduct any type of automotive repairs or servicing, provided no stock of goods is displayed out of doors with the exception of lubricants and additives for frequent sale, and provided no lighting is constructed to shine on neighboring properties used for residential purposes. A maximum of two brand identification signs shall be allowed if their only illumination is non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light. Such signs may be installed at the property line and shall conform to the City of Weston Sign Ordinance. (See Section 25 for regulations regarding Specific Use Permit approval of facilities to fuel more than four vehicles at one time.

C. Permitted accessory uses.

1. Accessory uses for residential development shall include those listed under the RG 25 zone and shall be established and conducted in accordance with the regulations of that zone.

2. See schedule of accessory, utility and incidental uses.

3. All signs shall be flat against the wall of the building with all parts of the sign within 18 inches of the face of the building or on the roof within the height limit and shall not be illuminated so as to shine on nearby residential properties, except as otherwise provided herein. Illumination shall be non-flashing and shall not contain a rotating, oscillating, revolving beam, beacon of light, or digital lighting.

D. Specific Use Permits. A Specific Use Permit is required for the construction of a multifamily dwelling in the BN district.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Minimum lot widths include parking & landscaping areas

2. Maximum building height includes roof signs & pylons

3. Off-street parking and loading shall be provided for all uses established in this zone. The required corner side yard adjacent to the building may be used for the parking of automobiles.

4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. No business shall be constructed on a zoning lot occupied by a residence.

5. This district is intended to permit the development of unified shopping centers, whether single or multiple ownership. It is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district. Prior to any subdivision of a BN district, a conceptual site plan for development of the center, which shall include all the land that existed in single ownership at the time of initial zoning as a BN district, or at the time this provision became effective, whichever is later, shall be submitted and approved, according to Section 28 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

Section 55
BG
General Business District Regulations

A. Purpose. To provide for a wide range of retail and service establishments.

B. Principal permitted uses.

1. Any use permitted in the BN zone; except multifamily and single-family attached units.

C. Permitted accessory uses. Any permitted accessory use allowed in the BN zone under the conditions specified for that zone.

D. Specific Use Permits.

1. Private clubs.

2. The City may allow residential and mixed business and residential structures to conform with the space limits of the RG 18 zone or any other zone requiring more lot area per dwelling unit, upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when said mixed occupancy building is specifically designed and constructed for such mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Residential structures shall conform to the provisions of the RG 18 zone, except as may be modified by the City in accordance with the specific use provisions of this zone.

2. Off-street parking and loading shall be provided for all uses established in this zone.

3. Maximum lot coverage includes accessory buildings, loading docks, incinerators and vending devices.

4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

5. This district is intended to permit the development of unified shopping centers, whether single or multiple ownership. It is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district. Prior to any subdivision of a BG district, a conceptual site plan for development of the center, which shall include all the land that existed in single ownership at the time of initial zoning as a BG district, or at the time this provision became effective, whichever is later, shall be submitted and approved, according to Section 28 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

Section 56
C
Planned Center District Regulations

A. Purpose. This district provides for medium-intensity concentrations of shopping and related commercial activities.

B. Principal permitted uses.

1. Any use permitted in district BN.

2. Banks and financial institutions.

3. Funeral homes and mortuaries.

4. Food stores.

5. Business or commercial schools.

6. Theater, indoor.

7. Household appliance sales and repair.

8. Automotive parts and tires sales, including indoor installations and minor repair, but not including repair garages, muffler or transmission shops, seat cover shops, or body repair shops.

9. Greenhouses or plant nurseries with outside storage or display.

10. Restaurant or cafeteria (including drive-through window).

11. Commercial amusements, indoor.

12. Clothing, shoe, and department stores.

13. Tennis or swim club.

14. Animal hospital or veterinary clinic for small animals, without outside runs.

15. Uses similar to the above mentioned permitted uses, provided activities conducted observe the requirements of all city ordinances.

C. Permitted accessory uses. Any permitted accessory use allowed in the BN zone under the conditions specified for that zone.

D. Specific Use Permits. A Specific Use Permit is required for the construction of a multifamily dwelling in the planned center district.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Special provisions.

1. The entire parcel of land in the C planned center zone shall be considered as one zoning lot in arranging buildings and other facilities.

2. The commission and the council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of the nearby neighborhood residential properties and in the event of conflict between the maintenance of such values and the proposed development, shall weigh the equities between the two using the criterion of community service and maintaining the concept of the zoning plan in assessing the position of the proposed development.

3. The commission may also request a market analysis to substantiate the necessity, size and location of the proposed development.

4. Proponents of a rezoning to C planned center zoning shall submit a site plan of the proposed development as an exhibit accompanying the request for a change of zone.

5. The site plan shall become an exhibit accompanying the change of zone amendment if such amendment is passed. Such site plan shall be filed of record in the City offices specified for recording Zoning Ordinance.

6. The commission shall initiate change of zone amendment as set forth in this chapter.

7. A public hearing shall be held on any site plan required as a condition of a planned center district when such plan is submitted or whenever significant changes are proposed in such plan, and the public hearing shall be subject to the same procedure of notice as is specified for amending this Zoning Ordinance.

8. It is intended that a planned center zone be designated to carry out the objectives and planning practices established by the commission for development of the City and particularly the development of unified planned business centers, whether in single or multiple ownership, and to be so developed within a reasonable time. The district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district. The intent of the district shall be considered in determining whether any tract shall be zoned as a planned center district and its associated site plan approved. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

9. It is hereby declared that the holding for speculative purposes of undeveloped land zoned as a planned center is contrary to the purposes of the district and the planning practices of the City. The proponents of the planned center shall begin to construct the center as approved within three years of the recording of the ordinance designating the land in the C planned center zone. If such construction is not commenced and pursued in an orderly manner toward completion, the commission may initiate action to abolish the zoning or reduce the size of the tract to fit the scope of the actual development.

10. It is recognized that exigencies of development and construction may require minor changes in the detail of an originally proposed plan. The commission is therefore authorized to grant changes from the original plan as it appears of record with the zoning amendment, provided said changes do not materially affect the basic design or negate any special features which were designed to facilitate traffic or preserve neighborhood amenities.

11. Business development substantially completed may be designated as C planned center zones. The commission and council may zone an area for C Planned Center Zone in advance of plans for development if they determine that said center is contemplated in the planning practices of the City. Prior to any subdivision of such a planned center district, a site plan for development of the center, which shall include all the land that existed in single ownership at the time of initial zoning as a planned center district, or at the time this provision became effective, whichever is the later, shall be submitted and approved as provided in Section 28 herein, with consideration being given to the statement of intended development in paragraph 8. hereof. Thenceforth, any development or subdivision of the property shall be consistent with an approved site plan, as originally approved or as may be subsequently amended and approved.

Section 57
O
Office District Regulations

A. Purpose. This district provides for office buildings with attendant retail and service uses intended primarily for occupants of such office buildings.

B. Principal permitted uses.

1. Professional and administrative offices where services are provided only and no chattels or goods are offered for sale on the premises, including but not limited to doctors, dentists, attorneys, architects, engineers, insurance, real estate, travel agents, and similar offices.

2. Business or commercial school, institutions of education, government, and religious buildings.

3. Clinics, medical and dental.

4. Banks and other financial institutions.

5. Research or scientific laboratories of primarily office nature.

C. Permitted accessory uses.

1. The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public.

2. Drive-in facilities for banks or financial institutions.

3. Accessory buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of odor, smoke, dust, noise, vibration, or similar nuisance.

D. Specific Use Permits. None.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking and loading shall be provided for all uses established in this zone.

2. Height may be increased by two feet for each one foot that all required yards are increased.

Section 58
ML
Light Manufacturing District Regulations

A. Purpose. This zone provides for a wide range of commercial and industrial uses, all of which shall be comparatively nuisance-free. The zone specifically excludes residences on the theory that the mixture of residential use, and public services and facilities for residences with those for industry is contrary to the purposes of these regulations irrespective of whether the industry is encroaching on a living area or a living area is encroaching on an industrial area.

B. Principal permitted uses.

1. Any use allowed in the BG zone, except that all dwellings and other types of living accommodations shall be prohibited save that one quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use occupying more than 20,000 square feet of lot area.

2. Agriculture, including the raising of field crops, horticulture and animal husbandry.

3. Refer to the Appendix A, Schedule of Uses.

C. Specifically excluded uses. The following uses are hereby declared incompatible with the purpose of the ML zone and are hereby expressly excluded;

1. Dwellings except caretakers' and watchmen's quarters as set forth herein.

2. Public, parochial and private schools and colleges, except trade schools.

3. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings.

4. Motels, hotels and mobile home parks.

5. Any use not enumerated as permitted in this zone but which is specifically provided for in another zone or zones.

D. Permitted accessory use.

1. Any accessory use normally appurtenant to a permitted use shall be allowed.

2. Recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Off-street parking and loading shall be provided for all uses established in this zone. Parking is allowed in the required front yard setback, provided said parking shall only be permitted in the area five feet to 25 feet from the street with the initial five feet adjacent to the street requiring landscaping.

Section 59
MH
Heavy Manufacturing District Regulations

A. Purpose. This zone provides for the widest range of industrial operations permitted in the City. It is the zone for location of those industries which have not reached a technical stage in processing which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance-free manner.

B. Principal permitted uses.

1. Any use permitted in the ML zone.

2. Refer to the Appendix A, Schedule of Uses.

C. Specifically excluded uses. The following uses are hereby declared incompatible with the purpose of the MH zone and are hereby expressly excluded.

1. Dwellings except caretakers' and watchmen's quarters as set forth in the provisions of the ML zone.

2. Schools and colleges, except trade schools.

3. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted.

D. Motels, hotels and mobile home parks.

E. Permitted accessory uses.

1. Any accessory use normally appurtenant to a permitted use shall be allowed.

2. Recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the Board of Adjustment.

F. Space limits as listed in Appendix B, Schedule of Space Limits.

G. Other provisions

1. Off-street parking and loading shall be provided for all uses established in this zone.

Section 60

GC
Governmental Complex District Regulations

A. Purpose. This zone is designed to provide standards which are conducive to the creation of a high quality environment for central governmental facilities and to contribute to the efficiency of governmental services provided the citizens of the area.

B. Principal permitted uses.

1. Any building or structure of the municipal, county or federal government, a school district or any other governmental entity servicing the citizens of Weston or Collin County including but not limited to municipal office building, public safety facilities, courthouses, a jail, library, fire station, auditorium or similar governmental facility.

2. Offices of public or quasi-public organizations established to serve one or more segments of the population of the area, and privately owned buildings that provide office space for professional type uses only, but excluding any retail or wholesale occupancies.

3. Organizations established for and functioning to provide service to the public in general or to a significant segment of the public including but not limited to offices for Boy Scouts, YWCA, veterans, lodges, historical society and chamber of commerce.

4. Service activities involving consultation, diagnosis, treatment, creative design endeavors and advisory services but not involving the direct sale of commodities, including but not limited to attorneys, doctors, engineers, architects, decorators, and auditors.

C. Permitted accessory uses.

1. Off-street parking and loading areas in lots or structures related to governmental activity or the requirements of adjacent business areas.

2. Any accessory use related to the governmental and permitted private functions located in the zone including communication towers, drive-in customer service and similar facilities for these governmental and other permitted functions.

3. Signs shall be allowed in the GC zone providing identification or directional information to buildings or land areas if such signs are in conformance with the current sign ordinance of the City of Weston as it now stands or may hereafter be amended.

D. Specific Use Permits. No Specific Use Permits in this zone.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

1. The space limits shall be established by an overall governmental complex plan except as follows:

a) Buildings and structures may be erected to any legal height not restricted by other laws or ordinances.

b) Where the GC zone is not bounded by a public street, no building or structure shall be erected nearer than 20 feet to a bounding private or governmental line except such restriction shall not apply to parking structures not to exceed two stories in height.

F. Types of materials. Types of materials and construction of any building or structure in the GC District shall be in accordance with Types I, II, III, or IV construction of the City of Weston Building Code, provided also that all exterior walls shall be of standard masonry construction, and shall meet the fire resistive requirements specified in the building code and the Zoning Ordinance for that particular building.

G. Other provisions

1. Off-street parking shall be provided in accordance with a site plan approved for all or a portion of a GC zone prior to the beginning of construction. Off-street parking may be provided for the common use of all occupants, and shall be surfaced with concrete or asphalt materials.

2. Off-street parking for privately owned buildings shall be provided for at the rate of one space per each 300 square feet of office space.

3. Off-street parking for public or quasi-public buildings shall be provided for at the rate of one space per 400 square feet of office space or in case of assembly area one space provided for each four seats within the seating area.

4. The entire GC zone including internal streets may be considered as a single zoning lot in computing density, coverage and related space standards, regardless of ownership.

Section 61
PD Planned Development District Regulations

A. Purpose. It is the intended purpose of this zoning district to provide for the unified and coordinated development of parcels or tracts of primarily vacant land. Certain freedom of choice as to intended land use shall be permitted, provided that the special requirements which may apply are complied with and that the intended uses are not in conflict with the general purpose and intent of either this chapter or the comprehensive plan for the City.

B. Policy. As it is in the public interest to conserve the supply of water within the City, it shall be the policy of the City to invite and view with favor those designs of subdivisions or other developments which may be shown to minimize the outside use of water for irrigation of lawns or other purposes. Such designs may include smaller lawn areas, clustering of buildings around common lawn areas, landscaping requiring low water maintenance, retention of areas in their natural state, or other such designs.

C. Use regulations. A building or premises in this zoning district may be used for any use allowed in any district contained in this chapter, except those uses specifically prohibited by this chapter, provided that it can be shown

that any and all uses shall be in general conformance with the purpose and intent of the comprehensive plan of the City. Consideration of private street developments shall be allowed through the Specific Use Permit process under Section 25, Specific Use Permits.

D. Height lot and yard requirements. The height, lot, and yard requirements shall conform to those requirements of the appropriate Subsections of this chapter for the appropriate intended use, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this chapter, and will not adversely affect nearby properties.

E. Area requirements. For the purposes of this chapter, the entire tract to be zoned PD may be considered as one building lot, or separate areas intended for separate land uses may be considered as separate building lots. Area requirements shall conform to those regulations for the appropriate intended use, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this chapter, and will not adversely affect nearby properties.

F. Special conditions. The following special conditions shall apply to uses located in this zoning district:

1. All requirements of the City of Weston Subdivision Regulations pertaining to procedure, plan, and design criteria among others shall be complied with, except for height, lot, yard, and area requirements as designated in this chapter.

2. Prior to beginning development within a Planned Development district established in accordance with this section, the City shall require a site plan of the development. Such site plan shall be submitted to the Planning and Zoning Commission for review and approval. The Planning and Zoning Commission shall present the approved site plan to the City Council with its recommendation for the Planned Development. Such site plan shall, upon approval, be filed as part of the ordinance, prior to the issuance of any building permits in a Planned Development district. Such required plan shall set forth the requirements for ingress and egress to the property, public or private streets or drives, adequate right-of-way to conform to the thoroughfare plan of the City, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences, landscaping, building locations, recreation areas, and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property, including varying the uses allowed, and their locations, within the district.

3. In addition to the site plan, the owner shall provide such other sketches, diagrams, and calculations necessary to determine whether the proposed development conforms with the provisions of the district and to determine the effect of the proposed development on population densities, streets, utilities, schools, recreation, and other community facilities in the area. Such site plans, sketches, diagrams, and calculations shall become a part of the amendment for the PD district and shall form the basis for issuance of a building permit on conformity therewith.

4. Every Planned Development district approved under the provisions of this chapter shall be considered as an amendment to the chapter as applicable to the property involved. In approving the Planned Development district, the City Council may impose conditions relative to the standard of development and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the Planned Development district and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

5. All Planned Development districts approved in accordance with the provisions of this chapter in its original form or by subsequent amendments thereto shall be referenced on the zoning district map and a list of such Planned Development districts together with the category of uses permitted therein shall be maintained in the appendix of this chapter.

6. A public hearing shall be held on any site plan and required as a condition of a Planned Development district, except as exempted under Section 28, Site Plan Approval. When such plan is submitted or whenever significant changes are proposed in such plan, the public hearing shall be subject to the same procedure of notice as is specified for amending the Zoning Ordinance.

G. Common areas and homeowners' associations. In the event that common areas are to be a part of the PD zone they shall be shown on the site plan described herein and the common areas shall be shown on the final plat described in City of Weston Subdivision Ordinance along with an adequate form for dedication thereof. This dedication form shall accomplish the following purposes:

1. Save the title to common area properties for the benefit of the homeowners' association.

2. Express a definite undertaking by the developer to convey the common properties to the homeowners' association.

3. Tie the covenants and homeowners' use provisions to the plat so that collection of fees and denying use is legally supportable.

H. Prior to recording the plat, the developer shall (a) create an incorporated nonprofit homeowners' association and (b) record covenants which automatically make every lot owner a member of the association, give him the right to use the common property, and establish his voting rights and his obligations to pay assessments.

I. The homeowners' association's restrictive covenants shall provide for continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the homeowners without using public funds. Membership in the homeowner's association shall run with the title to each lot. That is, membership in the homeowners' association is not voluntary and its primary source of operating funds is a periodic assessment levied against each parcel of land within the development under recorded covenants which shall be incorporated into each deed and which shall run with the land to bind each and every owner of it and which are enforceable as a lien against the land.

J. The Chapters of Incorporation of the Homeowners' Association, its bylaws and the restrictive covenants shall be presented to the Planning and Zoning Commission and the City Council for approval as a part of the final plat required by chapter 40, subdivisions, and shall be recorded as a part thereof.

K. In the approval of the above documents the City Council shall determine that the proper legal position is ensured and that the proposed homeowners' association will function properly both during and after the time in which the developer is active in the PD zone.

Section 62
FP Floodplain District Regulations

A. Purpose. This district designation may be appended to any other district, and is intended to protect the land owner, land user, and the general public against the hazards incurred in the occupancy of land which is subjected to the potential of flooding conditions within the 100-year floodplain of any stream, river, lake, or watercourse.

B. Use regulations. Land, buildings, and premises shall be used only for the following purposes:

1. All general and special agricultural, farming, ranching, stock and poultry raising, dairy, and related uses, so long as same do not cause a hazard to health by reason of unsanitary conditions; and are not offensive by reason of odors, dust, fumes, noise, or vibration; and are not detrimental to the public welfare; and in no case shall poultry or livestock be kept nearer than 100 feet from any property line within or abutting any property zoned for residential purposes.

2. All general and special forestry and mining uses and other related uses so long as same are not offensive by reason of odors, dust, fumes, noise, vibration, unsightly conditions, or despoliation, and are not otherwise detrimental to the public welfare.

3. Public parks, recreation areas, and open spaces.

4. Country clubs or golf courses, including golf driving ranges if allowed within such zoning district.

5. Parking lots and parking areas incidental to any adjacent main use permitted within such zoning district.

6. All types of public utilities, including those requiring a Specific Use Permit provided under Section 25.

C. Special conditions. The following special conditions shall apply to uses located in any zoning district to which the FP designation has been appended:

1. No building or structure shall be erected in that portion of any district designated with a floodplain, FP, prefix until, and unless, such building or structure has been approved by the City engineer, who will ascertain that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard or obstacle to, the movement of floodwaters and that such construction would not endanger the value and safety of other property or the public health and welfare.

2. Any dump, excavation, storage, filling or mining operation within that portion of a district having a floodplain, FP, prefix shall be approved in writing by the City engineer before such operation is begun.

3. An area may be removed from the floodplain, FP, prefix designation when by the provision of drainage works, grading, flood protection or specific drainage study, it is determined by the City engineer that the flood hazard has been alleviated. Removal of the floodplain, FP, prefix shall be accomplished by resolution of the City Council after written notification from the City engineer advising of the removal of the flood hazard.

4. Any land which may remain within a floodway after the provision of drainage works, grading, flood protection, or specific drainage study shall be dedicated as a drainageway or public open space or for other use as may be approved by City Council, in accordance with City of Weston Subdivision Ordinance.

5. The fact that land is, or is not, within a district having a floodplain, FP, prefix shall not be interpreted as assurance that such land or area is, or is not, subject to periodic local flooding.

Section 63

MF-1
Multiple-Family Residential--Low Density District Regulations

A. Purpose. This district is to provide for low density multiple-family residential development characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.

B. Permitted uses. Uses as permitted under Appendix A, Schedule of Uses.

C. Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted under Appendix A, Schedule of Uses.

D. Specific Use Permits. Uses as allowed by Specific Use Permit as permitted under Appendix A, Schedule of Uses. See also Section 25.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Single family construction in this district shall comply with the RS-60 space limit requirements. Duplex construction in this district shall comply with the RD-30 space limit requirements.

2. Max Density - Twelve (12) dwelling units per acre

3. The minimum separation of buildings shall conform to the distance requirements as specified under Side Yards, Section 80.

4. The keeping of dogs, cats and other household pets is limited to two animals over six months old.

Section 64
MF-2
Multiple-Family Residential--Medium Density District Regulations

A. Purpose. This district is to provide for medium density multiple-family residential development characterized by smaller scale buildings and more open space than higher density districts. This district should not be located with direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.

B. Permitted uses. Uses as permitted under Appendix A, Schedule of Uses.

C. Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted under Appendix A, Schedule of Uses.

D. Specific Use Permits. Uses as allowed by Specific Use Permit as permitted under Appendix A, Schedule of Uses. See also Section 25.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Max Density - Sixteen (16) dwelling units per acre

2. Single family construction in this district shall comply with the RS-60 space limit requirements. Duplex construction in this district shall comply with the RD-30 space limit requirements.

3. The minimum separation of buildings shall conform to the distance requirements as specified under Side Yards, Section 80.

4. The keeping of dogs, cats and other household pets is limited to two animals over six months old.

Section 65
MF-3
Multiple-Family Residential--Medium-High Density District Regulations

A. Purpose. This district is to provide for moderately high density multiple-family residential development characterized by smaller scale buildings and more open space. This district is appropriately located with direct access to major thoroughfares. This district permits three story apartments, fourplexes, and duplexes.

B. Permitted Uses. Uses as permitted under Appendix A, Schedule of Uses.

C. Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted under Appendix A, Schedule of Uses.

D. Specific Use Permits. Uses as allowed by Specific Use Permit as permitted under Appendix A, Schedule of Uses. See also Section 25.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions

1. Single family construction in this district shall comply with the RS-60 space limit requirements. Duplex construction in this district shall comply with the RD-30 space limit requirements.

2. Max Density - Twenty (20) dwelling units per acre

3. The minimum separation of buildings shall conform to the distance requirements as specified under Side Yards, Section 80.

4. The keeping of dogs, cats and other household pets is limited to two animals over six months old.

Section 66
O-1
Neighborhood Office District Regulations

A. Purpose. This district is to provide for a low intensity office uses which are appropriately located at intersections of thoroughfares and which can be in close proximity to adjacent residential neighborhood areas.

B. Permitted Uses. Uses as permitted under Appendix A, Schedule of Uses.

C. Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted under Appendix A, Schedule of Uses.

D. Specific Use Permits. Uses as allowed by Specific Use Permit as permitted under Appendix A, Schedule of Uses. See also Section 25.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Signs and Illumination.

1. All signs shall comply with the provisions of Chapter 38.

2. No free standing signs (ground or pole signs) shall be permitted.

3. All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.

4. All signs shall be oriented so as to face a public street.

5. No sign shall be illuminated so as to shine on nearby residential properties.

Section 67
NC
Neighborhood Convenience District Regulations

A. Purpose. This district is to provide for a limited range of service and light retail land uses in small districts up to two (2) acres in size which are appropriately located at intersections of thoroughfares to serve the immediately adjacent residential neighborhood area. This district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district.

B. Permitted Uses. Uses as permitted under Appendix A, Schedule of Uses.

C. Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted under Appendix A, Schedule of Uses.

D. Specific Use Permits. Uses as allowed by Specific Use Permit in the Appendix A, Schedule of Uses. See also Section 25.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Signs and Illumination.

1. Signs shall comply with the provisions of the City of Weston Sign Ordinance.
2. The number of signs shall be limited to two, or the maximum allowable under Chapter 38, whichever is less.
3. No free standing signs (ground or pole signs) shall be permitted.
4. All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.
5. All signs shall be oriented so as to face a public street.
6. No sign shall be illuminated so as to shine on nearby residential properties.
7. Any illumination shall be non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

Section 68
BC
Commercial Business District Regulations

A. Purpose. This district is to provide for commercial land uses which can be more intensive than those permitted within a retail district. This district is not intended to be established along highly visible thoroughfares nor adjacent to residential properties due to the intensive nature of the permitted uses, although access onto a four lane or greater thoroughfare is a requirement for this district. Generally, this district would be appropriate only for properties on arterial roadways with an adjacent future land use plan designation of Industrial. This district allows on-site storage either inside or outside of the main structure, and some assembly is permitted within this district. This district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district.

B. Permitted Uses. Uses as permitted under Appendix A, Schedule of Uses.

C. Permitted accessory uses. Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted under Appendix A, Schedule of Uses.

D. Specific Use Permits. Uses as allowed by Specific Use Permit in the Appendix A, Schedule of Uses. See also Section 25.

E. Space limits as listed in Appendix B, Schedule of Space Limits.

F. Other provisions None.

Section 69
WTC
Weston Town Center District Regulations

A. Purpose. The Weston Town Center district is intended to allow both commercial and residential uses in buildings which match the character and style of the historic downtown. Buildings within the district should be located close to the street and multi-story.

B. Permitted Uses.

C. Space Limits as listed in Appendix B, Schedule of Space Limits.

D. Other Provisions.

1. Minimum building height: 20 feet or two stories for the main building, 10 feet for accessory structures.
2. Buildings are not allowed within visibility triangles
3. Single story main buildings are allowed only by specific use permit.
4. Maximum front yard: 10 feet.

5. Minimum floor area ratio: One and one-half gross floor area to one lot area (1.5:1.0)

E. Parking.

1. Off-site parking spaces required must be located within seven hundred fifty (750) feet of the use.

2. Off-street loading.

3. Uses within the district are not required to provide off-street loading spaces.

4. Loading spaces that are provided must be screened in accordance with the screening requirements of Section 83.

F. Landscaping Requirements.

1. Properties used for non-residential uses or a combination of residential and non-residential uses shall provide landscaping on site.

2. Landscaping can be provided with planters, either freestanding or incorporated into a structure, subject to review and approval as part of a site plan for development.

3. No other provision of Section 87 regarding landscaping will apply in this district.

G. Site Plan Approval Process.

1. Site plans must be reviewed and approved by City Council concurrently with a zoning request.

Section 70-79
Reserved

Section 80
Height and Area Exceptions and Minimum Distances Between Specific Uses

A. The following exceptions and special regulations of height and areas of yards, and minimum distances between specific uses, shall apply in all applicable districts:

B. Height.

1. In the districts where the height of buildings is restricted to two (2) or two and one-half (2½) or three (3) stories, cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed forty feet (40') above the average grade line of the building. Water standpipes and tanks, church steeples, domes, spires, school buildings, and institutional buildings may be erected to exceed three stories in height, provided that one additional foot shall be added to the width and depth of the front, side, and rear yards for each foot that such structures exceed the required height.

2. No structure may be erected to a height in excess of that permitted by the regulations of such airfield Zoning Ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.

3. In any district where churches are allowed, the maximum height of the primary church structure may exceed the standard maximum height of the district, provided that:

   a) The maximum height of the primary church structure shall be seventy-five (75) feet, and

   b) The standard minimum setback for the district for the church property shall be increased by three (3) feet for each additional one (1) foot of building height in excess of the standard maximum height of the district, and

   c) The minimum setback shall be fifty (50) feet, and

   d) The first twenty five (25) feet from all property lines shall be reserved as a landscape buffer, with evergreen trees planted a minimum of every forty (40) feet.

C. Front yards.

1. Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

2. Where a building line has been established by plat or ordinance approved by the Planning and Zoning Commission and the City Council prior to the effective date of this ordinance and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by the ordinance or plat.

3. Where a building line has been established by plat or ordinance approved by the Planning And Zoning Commission and/or the City Council after the effective date of this ordinance and such building line requires a greater front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by the plat.

4. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, support of a carport, or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four feet (4') and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than twenty inches (20") above the average grade of the yard.

5. Where lots have doubled frontage, running through from one street to another, a required front yard shall be provided on both streets unless a rear yard building line for accessory buildings has been established along one frontage on the plat or by ordinance, and identified as such, or a rear line screening area has been identified by a common area or easement, along one frontage on the plat, in which event only one required front yard need be observed (see appendix, Illustration 6).

6. Gasoline pump islands and other surface transfer of fuel points, such as fuel storage tank filling points, must be a minimum of eighteen feet (18') from public rights-of-way lines, a minimum of fifty feet (50') from residentially zoned properties, and a minimum of eighteen feet (18') from any other property line.

7. Where no front yard is required, all stairs, eaves, roofs, and similar building extensions shall be located behind the front street right-of-way line or property line.

8. Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four feet, provided, however, that no supporting structure for such extensions may be located within the required front yard.

9. Where a future right-of-way line has been established for future widening or opening of a street upon which a lot abuts, then the width of a front, side, or rear yard shall be measured from the future right-of-way line of the street.

10. The open space in a required front yard of single family, duplex, or townhome districts shall not be diminished by paving with concrete, asphaltic concrete, or other similar smooth surfacing material, except in compliance with the following conditions:

D. Paving will be allowed for:

1. Sidewalks not more than six feet (6') in width

2. A driveway to the street not more than twenty feet (20') in width or the width of the garage or carport to which it provides access, whichever is greater; and

3. A loop driveway, from the street and returning to the street or alley, of not more than twenty feet (20') in width.

4. Total pavement area shall not exceed seventy-five percent (75%) of the required front yard.

5. Where any legally existing lot or parcel has no access to a public or private street, and where the lot or parcel fronts on an existing alley, a front yard of not less than one-half (½) the required front yard shall be observed.

E. Corner lots.

1. On a corner lot used for single family, two-family or mobile home dwellings platted after the effective date of City of Weston Zoning Ordinance 2002-09-05, both street exposures shall be treated as front yards, except where the corner lot is on a block face with no lots fronting on that street. In such cases, the street exposure shall be treated as a side yard, provided that a side yard of not less than fifteen feet (15') shall be observed.

2. Front yards of lots with more than one frontage shall front the same street as the interior lots within the same block. For purposes of this requirement, an interior lot is one which adjoins a street (public or private) on only one side.

3. Where none of these conditions establish a specific street frontage as the front of the lot, the property owner, in the initial development of the property, may observe the front yard adjacent to the street frontage of his choosing. Henceforth, the front yard so observed shall not be reduced below the requirements of this ordinance.

F. Side yards.

1. Every part of the required side yard shall be open and unobstructed except for accessory buildings as permitted herein, and the ordinary projections of window sills, belt courses, and other architectural features projecting not to exceed twelve inches (12”) into the required side yard, and roof eaves projecting not to exceed twenty-four inches (24”) into the required side yard.

2. Where a future right-of-way line has been established for future widening or opening of a street upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

3. Within all multiple family developments, the following minimum distances between buildings shall be observed:

Building Orientation	Minimum Separation
Front to Front	40’
Front to Rear	40’
Rear to Rear	20’
Side to Side	10’
Side to Front	20’
Side to Rear	10’

4. No complex of attached one-family dwellings shall exceed two hundred (200) feet in length.

G. Minimum distances between specific uses.

1. No portion of a day care center site may be located within three hundred (300) feet of gasoline pumps or any other storage area for explosive materials.

2. A private club shall be prohibited within three hundred feet (300') of the property line of any church, public or parochial school, hospital, extended care facility, or publicly owned park, except that the prohibition will not apply to property located within three hundred feet (300') of publicly owned parks if the City Council affirmatively finds that issuance of the Specific Use Permit would not be detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood. The 300-foot distance shall be determined by a measurement on the ground from the front door of the premises to be permitted to the nearest property line of the said church, public or parochial school, hospital, or publicly owned park.

Section 81
Vehicle Parking

A. In all districts there shall be provided at the time any building or structure is erected or structurally altered, except as provided under Rules for computing number of parking spaces, Section 81, off-street parking spaces in accordance with the following requirements:

B. Parking requirements.

Amusement (Indoor):	One (1) parking space for each one hundred (100) square feet of gross floor area for uses not listed below.
Amusement center	One (1) parking space for every fifty (50) square feet.
Bingo parlors	One (1) parking space for every three (3) seats or one (1) for every one hundred (100) square feet, whichever is greater.
Bowling alley	Six (6) parking spaces for each alley.
Racquetball or handball courts	Three (3) parking spaces for each court.
Indoor tennis courts	Six (6) parking spaces for each court.
Gymnasium, skating rinks, martial art schools	One (1) parking space for every two hundred (200) square feet or one (1) for every three (3) seats, whichever is greater.
Indoor jogging or running tracks	One (1) parking space for every 100 linear feet.
Swimming pool	One (1) parking space for every one hundred (100) square feet of water surface plus deck area.
Theatres and auditoriums, including motion picture theaters	One (1) parking space for every four (4) seats.
Weight lifting or exercise areas	One parking space for every one hundred (100) square feet.
Areas for subsidiary uses not listed, such as restaurants, offices, etc.	Calculate required parking for each subsidiary use in addition to the minimum standards for other uses.
Amusement (Outdoor):	
Areas with fixed seating or bleachers	One parking space for every four (4) seats for fixed seating or for every six (6) linear feet of benches for bleacher seating.
Golf course	Five (5) parking spaces per hole, plus requirements for retail parking, office parking, country club parking, and other uses as applicable.
Golf driving range	One and a half (1½) parking spaces per driving tee.
Soccer, football, baseball, or other play fields with no fixed seating	Fifty (50) parking spaces per field.
Tennis courts, basketball courts, or similar recreation courts with no fixed seating	Six (6) parking spaces per court.

Neighborhood Pool	One (1) parking space per two hundred (200) square feet of pool surface area (not including wading pools or whirlpool baths) and one (1) space per two hundred (200) square feet of building area in accessory structures excess of one thousand (1,000) square feet.
Assisted living facility	One (1) parking space per one and one-half (1½) dwelling units.
Bank, Savings and Loan, or similar institution	One (1) parking space for every three hundred (300) square feet; plus five (5) stacking spaces per drive-through teller or ATM station.
Bed & Breakfast facility	One (1) parking space for every guest room; plus spaces required for residential use.
Car Wash (full service)	One (1) parking space for every two hundred (200) square feet of floor area; plus seven (7) stacking spaces for each wash, vacuum, or gas pump lane.
Car Wash (self-serve)	One (1) parking space for each bay or stall (in addition to washing areas or stalls); plus three (3) stacking spaces for each wash bay if automated drive-through; or two (2) stacking spaces for each wash bay if wand-type.
Church or other place of worship	One (1) parking space for each three (3) seats in the main auditorium.
College or University	Ten (10) per classroom.
Community center, library, museum, or art gallery	Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
Contractor's yard	One (1) parking space for every 5,000 square feet of lot area, with a minimum of five (5) spaces.
Convenience store (with or without gas pumps)	One parking space for every two hundred (200) square feet of floor area, with a minimum of five (5) parking spaces. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Day nursery or day care center	One (1) parking space for every eight (8) pupils, based on design capacity.
Dwellings, duplex	Two (2) for every unit, including one (1) covered or enclosed space.
Dwellings, multiple family	One (1) covered parking space for each dwelling unit, plus one-half (½) space for each bedroom in all dwelling units. If a fully enclosed space is provided in-lieu-of the covered space, an additional one-half (½) parking space per unit shall be provided, OR, a twenty-foot (20') long driveway in front of the garage door shall be provided.
Dwellings, single family attached	Two (2) parking spaces for each unit, including two (2) covered or enclosed spaces.
Dwellings, single family detached	Two (2) parking spaces for each unit, including two (2) covered or enclosed spaces, except that if a dwelling is constructed under a program for affordable housing sponsored by the City of Weston or sponsored by a non-profit corporation approved by the City of Weston, two parking spaces must be provided for each unit, including a minimum of one (1) covered or enclosed space.
Flea market	One (1) parking space for every two hundred (200) square feet.

Fraternity, sorority, or dormitory	One (1) parking space for each two (2) beds.
Fueling station or gasoline station (no ancillary services)	One (1) parking space for every four (4) pumping stations. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Furniture or appliance store, hardware store, wholesale establishments	One (1) parking space for every four hundred (400) square feet.
Health club, health spa or exercise club	One (1) parking space for every one hundred fifty (150) square feet.
Hospital	One (1) space for each bed.
Hotel/motel or residence hotel	One (1) parking space for each sleeping room without a kitchen; one and one-half (1½) parking spaces for each sleeping room with a kitchen; plus one (1) parking space for every two hundred (200) square feet of restaurant, retail, conference, or office area.
Industrial and manufacturing uses	One (1) parking space for every 1,000 square feet.
Lodge, fraternal organization, country club or golf club	One parking space for each two hundred (200) square feet of floor area.
Lumber yard	One (1) parking space for every four hundred (400) square feet of floor area, plus one (1) parking space for every 1,000 square feet of warehouse.
Machinery or heavy equipment sales	One (1) parking space for every four hundred (400) square feet of gross floor area.
Mini-warehouse (self-storage)	Four (4) parking spaces. A twelve-foot (12') wide loading zone shall be constructed in front of all access areas for each unit, and shall not conflict with required fire lanes. A single loading zone may accommodate units on both sides of fire lane.
Mobile home or mobile home park	Two (2) spaces for each mobile home plus additional spaces as required herein for accessory uses.
Mortuary or funeral home	One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
Motor vehicle / automobile sales and new or used car lots	One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, plus one (1) parking space for each 1,000 square feet of outdoor display area, in addition to spaces calculated for office and repair areas at their respective rates.
Motor vehicle / automobile repair and service (with or without gasoline sales)	Two (2) parking spaces for each service bay with a minimum of five (5) spaces, plus parking requirements for office and overnight storage of vehicle. For quick lube or similar services, three stacking spaces for each service bay shall also be provided. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Nursing home, skilled nursing facility, convalescent home	One (1) parking space for every four (4) beds.
Office, business or professional	One (1) parking space for each three hundred (300) square feet.
Office, medical, dental, or similar health services	One (1) parking space for each two hundred (200) square feet of floor area.
Race track, horses or dogs	One (1) parking space for each four (4) seats.
Research and Testing Lab	One (1) parking space for each four hundred (400) square feet
Restaurant, private club, nightclub, café, or similar recreational or amusement establishment	One (1) parking space for each one hundred (100) square feet of floor area, plus six (6) stacking spaces behind the order window of the drive-through.

Retail store or personal service establishment, except as otherwise specified herein	One (1) parking space for every two hundred (200) square feet of floor area.
Retirement home (independent living):	One (1) parking space for each dwelling unit.
Rooming or boarding house	One (1) parking space for each sleeping room.
School, elementary	Two and one-half (2½) parking spaces for each classroom.
School, high	Eight (8) parking spaces for each classroom, plus one (1) parking space for each four (4) seats in the main auditorium. Additional parking need not be provided for other ancillary uses, such as swimming pools or practice fields, solely used by students and staff. The number of parking spaces required for stadiums or facilities used jointly by the public outside of regular school hours may be reduced by the number of spaces provided on site for use during regular school hours.
School, junior high or middle	Two and one-half (2½) parking spaces for each classroom, plus one (1) parking space for each four (4) seats in the auditorium. Additional parking need not be provided for other ancillary uses, such as swimming pools or practice fields, solely used by students and staff. The number of parking spaces required for stadiums or facilities used jointly by the public outside of regular school hours may be reduced by the number of spaces provided on site for use during regular school hours.
Truck stops	One (1) parking space for each 10,000 square feet of site area, plus one (1) vehicle space for each two hundred (200) square feet of building area.
Veterinarian clinic	One (1) parking space for each three hundred (300) square feet of floor space.
Warehouse type uses	One (1) parking space for each 4,000 square feet.

C. Rules for computing number of parking spaces. In computing the number of parking spaces required for each of the above uses the following rules shall govern:

1. "Floor area" shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
4. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever any building is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
5. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

D. Shared parking spaces. Under specific circumstances listed below, a limited number of parking spaces may be applied toward parking space requirements for two different uses. Proposed shared parking arrangements shall be considered during the site planning process.

1. Not more than fifty percent (50%) of the parking spaces required for:
   a) Theaters, bowling alleys, dance halls, nightclubs, cafes, church or school auditoriums, or similar uses may be provided and used jointly by;
   b) Uses not normally open, used or operated during the same hours as those listed in (1) above.

E. Location of parking spaces. All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

1. Required parking spaces for non-residential uses not located on the same lot with the building or use served may be located on another lot located no more than five hundred feet (500') from such building or use. Where no parking lot or building is being constructed, staff may approve such off-site parking arrangements. If the proposed off-site parking proposal is related to or includes construction of a building or parking lot, proposed off-site parking arrangements shall be considered during the site plan process.

F. Parking agreements required. For any shared parking arrangement or off-site parking arrangement described above, written agreements ensuring retention of such parking spaces for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

1. A permanent easement for shared or off-site parking facilities shall be dedicated and recorded as a condition of such use.

2. A long-term remote parking agreement shall be provided.

G. Parking design, pavement, and maintenance. All off-street parking facilities, whether provided as required by this chapter, or provided in excess of these requirements, or otherwise provided, shall comply with the minimum requirements for parking and maneuvering space herein specified.

1. Minimum dimensions for off-street parking.

a) Standard space: Ten feet (10') by eighteen feet (18').

b) Parallel space: Eight feet (8') by twenty-two feet (22').

c) Drive aisles: Twenty-four feet (24').

d) See appendix, Illustration 13, for maneuvering areas and overhang allowances for ninety degree (90°), sixty degree (60°), and forty-five degree (45°) angle parking.

2. Maneuvering.

a) All maneuvering of vehicles shall take place on site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.

b) When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

3. Residential uses (except multiple family)

a) Required parking spaces for new construction of single family, duplex, townhome, and mobile home dwelling units shall be provided on a paved concrete surface if the adjacent street is concrete. All driveways to the required spaces shall be paved with concrete, except in "AG" – Agricultural District and "RED" - Residential Estate Districts.

b) Required parking spaces for new construction of single family, duplex, townhome, and mobile home dwelling units shall be provided on a paved asphalt or concrete surface if located on a street other than one constructed of concrete. On such streets, all driveways to the required spaces shall be paved with asphalt or concrete, except in "AG" – Agricultural District and "RED" - Residential Estate Districts.

c) If a dwelling unit is reconstructed or rehabilitated and construction of a new driveway would otherwise be required, lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981) shall not be required to construct a new driveway.

d) At any time a residential driveway is reconstructed or replaced, the pavement surface shall be as follows:

Existing Surface	New Surface
Dirt or gravel	Gravel, asphalt, or concrete
Asphalt	Asphalt or concrete
Concrete	Concrete

e) If no enclosed parking spaces are provided, a minimum forty-eight (48) square foot enclosed storage space with outdoor access shall be provided per unit.

4. Non-residential and multiple family uses.

a) All required off-street parking, maneuvering, and loading areas shall be paved with concrete or asphaltic material in accordance with parking lot requirements in the City's design standards, except

where another surface is approved through the site plan process for special loading/unloading operations such as storage or use of tracked equipment.

b) Parking spaces shall be clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods.

c) Barriers shall be installed to prevent overhang of vehicles into required landscape areas, rights-of-way, pedestrian ways, and private property.

d) For safety and firefighting purposes, cross access between parking areas of adjacent non-residential parcels shall be provided.

e) Fire lanes shall be provided as required by the adopted Fire Code of the City, and shall be adequately reinforced to withstand heavy vehicle loading.

f) Refuse facilities shall be located so as to facilitate pickup by refuse collection agencies. Sanitation containers shall not be located in a designated parking space or loading area. Reinforced concrete pavement shall be provided for refuse facilities and their approaches for loading and unloading.

g) No parking area shall be used for repair, storage, dismantling, or servicing of vehicles or equipment.

h) No parking or loading area shall be used for storage of inventory, materials, display, sanitation containers, supplies, or for any other use, except as approved through the site plan process or through the issuance of a temporary use permit. Under no circumstances shall a required parking space be used for any purpose other than parking.

i) All off-street parking areas shall be kept free of litter, trash, debris, vehicle repair operations, display, and advertising uses.

j) The property owner shall be responsible for adequately maintaining all parking facilities, including paving, striping, elimination of debris, and correction of use violations.

k) At no time after initial approval of the parking area layout, can changes be made to the location or number of provided spaces, unless approved by the City Planner or through the site plan process.

H. Parking prohibitions.

1. No parking space, garage, carport, or other vehicle storage space or structure located on private property in a residential zone shall be used for the storage of any truck, truck trailer, or van with a manufacturer‘s rated capacity exceeding one (1) ton, or any tractor, tractor trailer, farm trailer, or other agricultural equipment.

2. It shall be unlawful for any person to park or permit to remain parked on a public street within the City any truck, truck trailer, or van with a manufacturer’s rated capacity exceeding one (1) ton, or any tractor, tractor trailer, farm trailer, or other agricultural equipment, between the hours of 6:00 p.m. and 7:00 a.m., except when said motor vehicles, trailers, or equipment are engaged in loading or unloading.

3. No boat, trailer, “camper trailer,” motor home or other such recreational vehicle shall be parked or stored within the required front yard, except as may be permitted in the ML or MH districts. For new construction in single-family residential districts, two family residential districts, and multiple-family residential districts, the parking or storage of such vehicles is limited to the rear yard only, and is limited to a maximum of one pleasure boat and one unoccupied trailer or motor home designed for recreational use not to exceed 24 feet in length. This restriction shall not apply to the storage of a boat or other vehicle in a fully enclosed building.

I. Parking Prohibitions on Unsurfaced Areas.

1. No car, truck, or other vehicle shall be parked on an unsurfaced area of the front yard. This provision shall not apply to those lots platted prior to the effective date of Ordinance 2002-09-05.

2. For lots platted prior to the effective date of Ordinance 2002-09-05, no car truck, or other vehicle shall be parked on an unsurfaced area of the front yard if the lot has a concrete, asphalt, or gravel driveway.

3. If a concrete, asphalt, or gravel driveway does exist for a lot platted prior to the effective date of Ordinance 2002-09-05 and unique circumstances prevent strict adherence with item (2) above, the City Building Official may consider an exception to the provisions of item (2). The applicant shall prove that the exception from the zoning regulations is warranted under the circumstances presented. The City Building Official my approve the exception with conditions to limit the number of vehicles to be parked on an unsurfaced area, the area to be parked on, etc. The decision of the City Building Official may be appealed to the Board of Adjustment. The exception may be granted if the City Building Official or his designee finds that:

a) Unique circumstances exist on the property, such as substandard lot size, size or location of existing structures, trees or topographical features which make the application of item (2) unduly burdensome, and

b) The exception will have no adverse impact on current or future development, and

c) The exception will have no adverse impact on the public health, safety, and general welfare, and

d) A financial hardship shall not be considered a hardship for granting an exception.

Section 82
Off-Street Loading

A. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space(s) in accordance with the following requirements:

1. For retail, commercial, sales, service, or industrial use buildings and establishments, off-street loading facilities shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area	Minimum Required Spaces or Berths
0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2
40,000 to 65,000	3
65,000 to 100,000	4
Each additional 50,000	1 additional

2. For hotels, office buildings, restaurants, and similar establishments, off-street loading facilities shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area	Minimum Required Spaces or Berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 additional

3. Each required loading space shall meet the following minimum size requirements:

   a) Twelve feet (12’) by sixty feet (60’) for industrial or warehouse uses

   b) Twelve feet (12’) by thirty-five feet (35’) for commercial and institutional uses.

   c) Fourteen feet (14’) minimum vertical clearance.

4. Access and maneuvering areas shall be provided on the same building lot as the principal use for which the loading space is intended.

5. Distance from property lines.

   a) Any loading dock or structure facing any street shall be a minimum of two hundred feet (200’) from the right-of-way line.

   b) All loading facilities shall either

      1) be set back a minimum distance of seventy-five feet (75’) from any front or side property line or from any adjacent residential use, or

2) be set back a minimum distance of forty-five feet (45') from any front or side property line or from any adjacent residential district. The loading dock shall be screened as follows:

(a) An eight foot (8') masonry wall atop a three foot (3') berm shall be required.

(b) Evergreen trees shall be planted 20' on center screening the loading dock from any adjoining residential use or district.

(c) The wall, evergreen trees, and berm shall be located in a twenty foot (20') wide landscape strip."

6. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or districts shall be designed and constructed so as to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.

7. If unique site circumstances prevent strict adherence with items (5) or (6) above, the Planning and Zoning Commission may consider a variance to the provisions of items (5) and/or (6), provided that sufficient screening and buffering is provided to mitigate the impact of the loading areas on surrounding properties. The applicant shall prove that the variance from the zoning regulations is warranted under the circumstances presented. A variance may be granted if the Planning and Zoning Commission finds that:

a) Unique circumstances exist on the property that make application of items (5) and/or (6) unduly burdensome on the applicant, and

b) The variance will have no adverse impact on current or future development, and

c) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses, and

d) The variance will have no adverse impact on the public health, safety, and general welfare, and

B. A financial hardship shall not be considered a basis for the granting of a variance.

Section 83
Fences, Walls, and Screening

A. Where a screening device is required as provided herein, the following standards shall be observed:

B. Fences

1. Refer to City of Weston Fence Ordinance, which establishes minimum construction, location, and maintenance requirements for all fences in the City of Weston.

C. Screening device. A screening device shall be erected or placed in all locations and in accordance with all provisions specified below:

1. A screening device required under this section shall meet the following minimum requirements:

a) Minimum height of screening device:

1) Garbage, trash or refuse container screening: 7'0"

2) Screening of outdoor storage: 7'0"

3) All other required screening: 6'0"

b) Maximum height of screening device

1) "ML", "MH" and Industrial "PD" Districts: 10'0"

2) All other Districts: 8'4"

c) Materials:

1) Brick masonry, stone masonry, or other architectural masonry finish, or,

2) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of twenty feet (20') on center with structural supports spaced every ten feet (10'), and with sufficient evergreen landscaping to create a screening effect, or,

3) Living plant screen, upon approval by the Planning and Zoning Commission through the site plan process, or,

4) Alternate equivalent screening, upon approval by the Planning and Zoning Commission through the site plan process.

2. All required screening devices must be equally finished on both sides.

3. All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.

4. If a living plant screen is approved by the Planning and Zoning Commission, the plant materials must be a minimum of three feet (3') at time of planting.

5. Prior to the issuance of an occupancy permit, all approved screening devices must be in place.

6. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the City Building Official for failure to adequately maintain such screening device.

D. Applicability. Screening devices shall be placed and maintained in the following locations:

1. Along any property line or district boundary between any single family detached or attached or any two-family use and any multiple family, mobile home park, or non-residential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.

2. Along any property line or district boundary between any multiple family use and any non-residential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.

3. All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot (1') below the top of the screening wall or visual barrier.

4. Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided. Garbage, trash, or refuse containers shall not be located in front of the main building unless no other option is available. Gates shall be kept closed except when in use for access. Sanitation containers shall also meet the screening and landscaping requirements as defined in Section 87, Landscaping.

5. All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.

6. Loading docks or structures, bays, bay doors, and loading spaces shall be screened from view from the public right-of-way and from adjacent residential property. Bays in any retail district or retail "PD" - Planned Development shall be oriented away from the street frontage.

7. Display of new vehicles, or used vehicles not defined as junked vehicles as defined in City of Weston Ordinance 2015-05-02, need not be screened if they are, in the opinion of the City Building Official, maintained in a neat and orderly manner.

8. Landscaping standards for parking lots shall also apply to vehicle display lots, except that minimum screening height for vehicle display lots shall be one and one-half feet (1½').

9. Mechanical and heating and air conditioning equipment in non-residential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential property.

10. At motor vehicle service or repair facilities, vehicles awaiting repair for more than twenty-four (24) hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property.

11. Parking lots shall meet screening and landscaping requirements as defined in Section 87, Landscaping.

12. Variances. In the case of a required site plan approval, a variance to the provisions of this section may be allowed by the Planning and Zoning Commission, or additional provisions required, as a part of such site plan approval. The applicant shall prove that the variance from the zoning regulations is warranted under the circumstances presented. A variance may be granted if the Planning and Zoning Commission finds that:

a) Unique circumstances exist on the property that make application of specific items in this section unduly burdensome on the applicant, and

b) The variance will have no adverse impact on current or future development, and

c) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses, and

d) The variance will have no adverse impact on the public health, safety and general welfare, and

e) A financial hardship shall not be considered a basis for the granting of a variance.

Section 84
Lighting and Glare Regulations

A. Purpose. Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

B. Nonresidential site lighting and glare standards.

1. All uses shall be constructed and operated so as not to produces obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination or reflective surface of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Each light pole shall be placed on the site a setback from all adjacent residential property equal to its height. All outside lights shall be made up of a light source so selected that the light beam is controlled and not directed across any bounding property line above a height of three feet, except that alternative lighting fixtures, conforming to all other regulations of this section, may be allowed through specific consideration of an alternative fixture type and its approval as part of a site plan, according to Section 28, hereof.

2. All off-street parking areas for nonresidential uses in nonresidential districts which are used after dark shall be illuminated during the period beginning not later than one-half hour after sunset and continuing at least throughout the hours of business operation. Lighting within uncovered parking areas shall meet the following minimum requirements and maximum limits. Limits for covered parking shall be as specified on an approved site plan.

a) Illuminance.

1) In parking areas used by the public after dark, minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third of the average, whichever is greater. In areas used by employees, members of an organization or church congregation and like persons, minimum at any point on the parking area surface to be at least 0.2 foot candles initial.

2) Illumination shall not exceed an average of one foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

b) Height.

1) On tracts or lots over three acres in size, the maximum height for poles with lights is 30 feet.

2) On tracts or lots less than three acres, the maximum height of poles with lights is 20 feet.

3) Special lighting or lighting higher than 30 feet may be approved as specifically noted on a site plan.

c) Color rendition. The quality of the light source shall be a minimum of 55 CRI (color reading index) as indicated by the lamp manufacturing.

C. Residential lighting and glare standards. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Direct lighting over ten feet in height is shielded from adjacent property.

2. No light source shall exceed thirty feet in height. Street lights and other traffic safety lighting are exempt from this standard.

3. Lighting shall not directly shine on adjacent dwellings.

D. Luminaries. Light sources shall be of a down-light type and/or indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and

boundary streets. Bare bulbs above 75 watts and strings of lamps are prohibited except for temporary lighting as provided in paragraph E herein.

E. Special or temporary lighting: Low wattage. Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of 45 days for each holiday used.

Section 85
Accessory Buildings and Uses

A. Area Regulations. The following area regulations shall be observed for all new construction of accessory buildings or accessory structures in all residential, multiple family, or mobile home districts:

1. Front yard. Attached accessory buildings or structures shall have the same front yard as that of the main building. Side yard.

   a) There shall be a side yard for any detached accessory building of not less than three feet (3') from any side lot line when such detached accessory building is located in the rear of the lot (the rear of a line connecting the midpoints on the two opposite side lot lines of any lot, tract or plot), and when the detached accessory building is a minimum distance of ten feet (10') from the main structure.

   b) When a detached accessory building is located in front of the line connecting the two midpoints of the opposite side lot lines as herein described, or is closer than ten (10) feet from the main structure, such accessory building shall observe the same side yard as specified for the main building.

   c) If an accessory structure is adjacent to a side street, the side yard for the accessory structure must be a minimum of fifteen feet (15') from the side property line.

2. Rear yard.

   a) There shall be a rear yard for accessory buildings not less than three feet (3') from any lot line, alley line, or easement line, except that if no alley exists, the rear yard shall not be less than ten feet (10') as measured from the rear lot line. Where apartments are permitted, the main building and all accessory buildings shall not cover more than fifty percent (50%) of the rear of the lot (that portion of the lot lying to the rear of a line erected adjoining the midpoint of one side lot line with the midpoint of the opposite side lot line).

   b) Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of twenty feet (20') to facilitate access without interference with the use of the street or alley by other vehicles or persons.

   c) Detached accessory buildings or structures shall be located in the area defined as the rear yard.

3. Air-conditioning equipment. Air-conditioning compressors, cooling towers, and similar accessory structures shall observe all front, side, or rear yards specified for accessory buildings. When such accessory structures are located in the side yard or that portion of a lot herein designated as the rear of the lot, the minimum side yard shall be three feet (3').

4. Swimming pools. All swimming pools shall be located behind the front yard or front building line and in no case shall the pool proper be nearer than five feet (5') to any bounding property line of the lot or tract on which it is situated.

5. No accessory building, other than an allowed accessory dwelling, shall be rented or leased.

6. *Rev (O-2019-02-03)*No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.

7. No accessory building shall exceed 200 square feet in area, except:

   a) Detached garages are limited to 500 square feet in area, and

   b) Accessory dwellings are limited to 600 square feet in area.

8. No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.

9. Accessory dwellings, where allowed as an accessory use, shall meet the following requirements:

   a) An accessory dwelling may not be located on a lot less than 12,000 square feet in area.

   b) An accessory dwelling must be behind the front building line, and must observe the same setbacks as the main structure.

c) An accessory dwelling shall be constructed of the same exterior materials as the main structure.

d) An accessory dwelling may not be sold separately from the main structure.

e) An accessory dwelling shall not have a separate electric meter.

B. Allowed Accessory Uses. Allowed accessory uses for zoning districts are listed in Appendix A, Schedule of Uses

C. Home Occupations. A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.

1. Home occupations shall be conducted entirely within the main building.

2. Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.

a) No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, or outside storage of materials or equipment.

b) The home occupation shall not have a separate entrance.

c) Not more than two (2) patron or business related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles.

d) A maximum of one (1) commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked in the street.

e) The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of one and one-half (1½) tons.

f) The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.

3. The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.

4. The home occupation shall employ no more than one individual who is not an occupant of the residence.

5. The address of the home occupation shall not be included in any classified advertisement, yellow pages listing, or other advertisement.

6. The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed below.

7. The home occupation shall not accept clients or customers before 8:00 a.m. or after 9:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations.

8. Uses allowed as home occupations:

a) Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession

b) Office of a salesman or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises

c) Author, artist, sculptor

d) Dressmaker, seamstress, tailor, milliner

e) Music/dance teacher, tutoring, or similar instruction, provided that no more than three (3) pupils may be present at any one time

f) Swimming lessons or water safety instruction, provided that a maximum of six (6) pupils may be present at any one time

g) Home crafts, such as weaving, model making, etc.

h) Repair shop for small electrical appliances, cameras, watches, or other small items, provided that items can carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed

i) Food preparation such as cake decorating, catering, etc., provided that no on-premise consumption by customers is allowed, and provided that the business is in full compliance with all health regulations

j) Day care: Registered family home in compliance with state law, with a maximum of six (6) children at any one time

k) Barber shop, beauty salon, or manicure studio, provided that no more than one (1) customer is served at any one time.

l) Community homes and other residential care facilities as defined by state law and as amended, provided such facilities meet all statutory requirements, establish proof of licensing, and obtain acceptance of facilities by the Fire Marshal.

9. Uses prohibited as home occupations:

a) Animal hospitals, commercial stables, kennels

b) Bed and breakfast inn, boarding or rooming house

c) Day care center with more than six (6)children

d) Schooling or instruction with more than one pupil (except as noted above)

e) Restaurants or on premise food/beverage consumption of any kind

f) Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine, or other repair shops except as specifically listed above.

g) Cabinetry, metal work, or welding shop

h) Office for doctor, dentist, veterinarian, or other medical-related profession

i) On-premise retail or wholesale sales of any kind, except home craft items produced entirely on premises, and except garage sales as provided for within Chapter 16 of the Weston Code of Ordinances

j) Commercial clothing laundering or cleaning

k) Mortuaries or funeral homes

l) Trailer, vehicle, tool, or equipment rental

m) Antique, gift, or specialty shop

n) Any use defined by Building Code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.

10. The City Planner shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The City Planner shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein. If the applicant disagrees with the determination of the City Planner, the applicant may request that the use be evaluated by the City Council.

11. Any home occupation that was legally in existence as of the effective date of this ordinance and that is not in full conformity with these provisions shall be deemed a legal non-conforming use, subject to provisions of Section 24.

D. Permanent Makeup Facilities. A permanent makeup facility shall be allowed in conjunction with a doctors office or beauty shop, and shall meet the following standards.

1. Permanent makeup is limited to parts of the body from the neck up, and is generally for cosmetic or reconstructive purposes.

2. The permanent makeup use shall be subordinate to the principal use in terms of area of the building served, extent of services provided, and be in keeping with the purpose of the doctor's office or beauty shop.

3. The permanent makeup use shall not be allowed to maintain hours of operation in excess of the principal use.

4. Access to the area where the permanent makeup procedure is performed must be through the main entrance of the principal use.

Section 86
Performance Standards

A. All uses in all districts shall conform in operation, location, and construction to the performance standards hereinafter specified.

1. Noise. At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table:

   a) Octave band frequencies.

Octave Band (cycles per second)	Maximum Permitted Sound Pressure Level (decibels)
20—75	86
75—150	76
150—300	70
300—600	65
600—1,200	63
1,200—2,400	58
2,400—4,800	55
4,800—10,000	53

   b) Corrections. The following corrections shall be made to the table of octave band, decibel limits in determining compliance with the noise level standards:

Type of Operation or Character of Noise	Correction in Decibels
Noise source operates less than 20% of any one-hour period	Plus 5*
Noise source operates less than 5% of any one-hour period	Plus 10*
Noise source operates less than 1% of any one-hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5
Noise present at night	Minus 7

   *Apply one correction only.

   c) Daytime shall refer to the hours between 6:00 a.m. and 9:00 p.m. on any given day.

   d) Bounding property line shall be interpreted as being at the far side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

   e) Measurement of noise shall be made with a sound level meter or octave band analyzer meeting the standards prescribed by the American Standards Association.

   f) Exemptions. The following uses and activities shall be exempt from the noise level regulations herein specified.

      1) Noises not directly under control of the property user.

      2) Noises emanating from construction and maintenance activities during daytime hours.

      3) Noises of safety signals, warning devices, and emergency pressure relief valves.

      4) Transient noise of moving sources such as automobiles, trucks, airplanes, and railroads.

2. Smoke and particulate matter. No operation or use in any district shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Smoke Chart, or in violation of the standards specified by the Texas Air Control Board Regulations for the Control of Air Pollution as published by the Texas State Department of Health or as such regulations may be amended.

b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in Subsection (a) above except that when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, the standards in 1. above shall not apply.

c) The open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter, or which involve dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing, or storage or sandblasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air.

3. Odorous matter.

a) No use shall be located or operated in any district which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.

b) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by the American Society for Testing Materials A.S.T.M.D. 1391-78 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of A.S.T.M.D. 1391-78 is hereby incorporated by reference.

4. Fire and explosive hazard material.

a) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in any district except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesalers may be permitted when approved by the fire department.

b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the adopted fire codes and building codes of the City.

5. Toxic and noxious matter. No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten percent (10%) of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by OSHA's Permissible Exposure Limits, a copy of which is hereby incorporated by reference and is on file in the office of the chief building inspector of the City.

6. Vibration. No operation or use shall at any time create earthborne vibration which, when measured at the bounding property line of the source of operation, exceeds the limits of displacement set forth in the following table in the frequency ranges specified.

Frequency (cycles per second)	Displacement (inches)
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

7. Waste materials. No use or operation shall discharge into the open, onto the ground, or into any drainageway, open pit, or pond any waste materials, liquids, residue, or by-products for storage, decomposition, disposal, or fill, unless approved by the City Building Official.

8. Allowable construction hours. Allowable construction hours in all zoning districts shall be as follows:

8:00 a.m. to 8:00 p.m. Monday through Friday;

8:00 a.m. to 5:00 p.m. Saturday;

1:00 p.m. to 5:00 p.m. Sunday.

Section 87
Landscape Requirements

A. Purpose. Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. Therefore, landscaping is hereafter required of new development.

B. Scope and Enforcement.

1. The provisions of this section shall be administered by the City Planner or designee. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction or any existing development which is altered by increasing the floor area by thirty percent (30%) or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions.

2. All uses which are a conversion or change in use requiring the expansion of or significant improvements to meet parking standards shall upgrade landscaping on the site and meet these requirements to the extent practical.

3. If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria as approved on the landscape plan, the Building Official shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner(s), tenant(s), and/or agent(s) shall make reasonable progress within thirty (30) days from date of said notice and shall have ninety (90) days to completely restore the landscaping as required. A thirty (30) day extension may be granted by the Building Official if a hardship due to extreme seasonal conditions can be demonstrated by the owner(s), tenant(s), and/or agent(s). If the landscaping is not restored within the allotted time, such person shall be held in violation of this ordinance.

C. Permits.

1. No permits shall be issued for building, paving, grading, or construction until a detailed landscape plan is submitted and approved by the City Planner or designee. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan and a reproducible mylar copy of the landscaping as installed shall be provided to the planning department for permanent filing.

2. In any case in which a certificate of occupancy is sought at a season of the year in which the City Planner determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued, if a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscape plan shall be installed within six (6) months of the date of issuance of the temporary certificate of occupancy or the site shall be deemed to be in violation of this ordinance and the temporary certificate of occupancy shall be revoked.

D. Landscape Plan.

1. A landscape plan shall be shown as part of the site plan as required in Section 87. Prior to the issuance of a building, paving, grading, or construction permit for any new use, a final landscape plan shall be submitted to the Planning Division. The City Planner or designee shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations and the approved site plan. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

2. Landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g. landscape architect, landscape contractor, landscape designer, etc.). Conceptual and final landscape plans shall contain the minimum following information:

a) Minimum scale of one inch (1") equals forty feet (40');

b) Location, size, and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees);

c) Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other

landscape features (except that location of plants and landscaping materials may be generalized on a conceptual landscape plan);

d) Species, size, spacing, and quantities of all plant material to be used in a tabular form (except that conceptual landscape plans may provide general plant types in-lieu-of species);

e) Affidavit on the plan stating that irrigation, sprinkler, or water systems, including placement of water sources, shall be provided;

f) Person(s) responsible for the preparation of the landscape plan, including affidavit of their qualifications to prepare said plan;

g) Mark indicating North;

h) Date of the landscape plan, including any revision dates;

i) Planting details (not required on conceptual landscape plans);

j) Percentage of total site in permanent landscaping;

k) Percentage of street yard in permanent landscaping;

l) Dimensions of all landscape areas;

m) Number of required trees and number of trees provided;

n) Location of all existing and planned overhead and underground utilities shall be shown on the landscape plan (or on an accompanying utility plan drawn at the same scale, if necessary for clarity).

E. General Standards.

F. The following criteria and standards shall apply to landscape materials and installation:

1. Required landscaped open areas shall be completely covered with living plant material. Non-living landscaping materials such as wood chips and gravel may be used only under trees, shrubs, and other plants.

2. Plant materials shall conform to the standards of the approved plant list for the City of Weston (see Appendix: “Approved Plant List”). Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pest and insects.

a) To promote prudent use of the City’s water resources and reduce the need for additional water system infrastructure, additional water resources and water purification systems, and to help insure viability of required plantings during periods of drought, required landscaping shall comply, where feasible, with the following requirements designed to reduce water usage.

b) Required plant materials shall be selected from those identified as xeriscape plants on the Approved Plant List.

c) Where specific conditions reduce the likelihood that any of these plant materials will survive, other plants on the list may be substituted.

d) Other plants not on the list may be substituted at the discretion of the City Planner. The applicant may be required to provide substantiation as to the hardiness, adaptability, and water demands of the plant when used in this area.

e) For maximum reduction in water usage, xeriscape plants should not be interspersed in plant massings with plants requiring higher water usage.

f) Applicants should design irrigation systems and watering schedules which supply the appropriate amount of water without overwatering.

3. Ornamental trees shall have a minimum spread of crown of greater than fifteen feet (15') at maturity. Ornamental trees having a minimum mature crown of less than fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') of crown width. Canopy trees shall have a minimum spread of crown of twenty-five feet (25’) at maturity.

4. Large trees shall be a minimum of three inches (3") in caliper as measured twenty-four inches (24") above the ground and seven feet (7') in height at time of planting.

5. Small trees shall be a minimum of one inch (1") in caliper as measured twenty-four inches (24") above the ground and five feet (5') in height.

6. Shrubs not of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting.

7. Hedges, where installed for buffering purposes required by this section, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet (3') high within two (2) years after time of planting.

8. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any parking space.

9. Evergreen vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening and/or buffering requirements, as set forth herein and as approved by the City Planner.

10. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with complete coverage within a six (6) month period of time from planting, and shall be re-established, if necessary, to ensure grass coverage of all areas.

11. Ground covers used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.

12. All required landscaped open space shall be provided with an automatic underground irrigation system, except for required landscaping in single family or two family development. Said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator after receiving a permit, as may be required under the construction code.Earthen berms shall have side slopes not to exceed 3:1 (three feet (3') of horizontal distance for each one foot (1') of height). All berms shall contain necessary drainage provisions, as may be required by the City Engineer.

13. No tree shall be planted closer than four feet (4’) to a right-of-way line nor closer than eight feet (8’) to a public utility line (water or sewer), unless no other alternative is available. Further, a landscaping area in which trees are to be provided shall not conflict with a utility easement, unless no alternative is available.

14. No tree which has a mature height of twenty-five feet (25’) or greater shall be planted beneath an existing or proposed overhead utility line.

G. Minimum Landscaping Requirements.

1. For all non-residential and multiple-family at least fifteen percent (15%) of the street yard shall be permanent landscape area The street yard shall be defined as the area between the front property line and the minimum front set back line

2. For all non-residential and multiple-family parcels located at the intersection of two dedicated public streets (rights-of-way), a six hundred (600) square foot landscape area shall be provided at the intersection corner, which can be counted toward the fifteen percent (15%) requirement.

3. For all non-residential and multiple-family parcels, a minimum of ten percent (10%) of the entire site shall be devoted to living landscape which shall include grass, ground cover, plants, shrubs, or trees.

4. Landscape setbacks on street rights-of-way other than major thoroughfares.

   a) For all non-residential and multiple-family parcels, a minimum ten-foot (10') landscape buffer adjacent to the right-of-way of any street other than a major thoroughfare is required. If the lot is a corner lot, all frontages shall be required to observe the ten-foot (10') buffer. Slight variances may be allowed to the minimum ten- foot (10') landscape buffer in unusual circumstances, as approved on the site plan.

5. Landscape setbacks on major thoroughfares.

   a) For non-residential and multiple-family parcels, a minimum twenty-foot (20’) landscape buffer adjacent to the right-of-way of any major thoroughfare is required. If the lot is a corner lot, all frontages shall be required to observe the twenty-foot (20’) buffer. For the purposes of this section, a major thoroughfare is any proposed or existing thoroughfare with an ultimate right-of-way width of 60 feet or greater.

6. If unique circumstances exist which prevent strict adherence with this requirement, the City Council may consider a granting of a variance during the site plan approval process to reduce the minimum twenty-foot (20’) landscape buffer to a minimum of ten feet (10’), provided that site design considerations have been incorporated to mitigate the impact of the variance. Unusual circumstances include, but are not limited to: insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A variance may be granted if:

a) Unique circumstances exist on the property that make application of this item unduly burdensome on the applicant, and

b) The variance will have no adverse impact on current or future development, and

c) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses, and

d) The variance will have no adverse impact on the public health, safety and general welfare, and

e) A financial hardship shall not be considered a basis for the granting of a variance.

7. For all non-residential and multiple-family parcels, developers shall be required to plant one (1) large tree (minimum of 3" caliper and seven feet (7') high at time of planting) per forty (40) linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered to facilitate site design.

8. Landscape areas within parking lots should generally be at least one (1) parking space in size (180 square feet).

9. No landscape area counting toward minimum landscaping requirements shall be less than twenty-five (25) square feet in area or less than five feet (5') in width.

10. For all non-residential and multiple-family parcels, internal landscape areas shall:

    a) equal a total of at least eight (8) square feet per parking space;

    b) have a landscaped area with at least one (1) tree within sixty-five feet (65') of every parking space;

    c) have a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces.

11. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of each parking row, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

12. All existing trees which are to be considered for credit shall be provided with a permeable surface (a surface which does not impede the absorption of water) within a minimum five foot (5') radius from the trunk of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum two and one-half foot (2½') radius from the trunk of the tree.

13. At least seventy-five percent (75%) of the frontage of parking lots, adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet (3'), an earthen berm of a minimum height of three feet (3'), a low masonry wall of a minimum height of three feet (3'), or a combination of the above with a minimum combined height of three feet (3'). A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.

14. A minimum of fifty percent (50%) of the total trees required for the property shall be large (minimum 3" caliper, 7' in height at time of planting) canopy trees as specified on the approved plant list (see Appendix: "Approved Plant List").

15. Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with city regulations. Shared drives shall be allowed through perimeter landscape areas.

16. For all non-residential and multi-family parcels, whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet (5') shall be maintained between the edge of the parking area and the adjacent property line.

17. Whenever a non-residential use, mobile home use, or multiple family use is adjacent to a property used or zoned for single family or duplex residential use, the more intensive land use shall provide a landscaped area of at least ten feet (10') in width along the common property line planted with one large tree (minimum 3" in caliper and 7' in height at time of planting) for each forty (40) linear feet or portion thereof of adjacent exposure.

18. Evergreen shrubs (acceptable for 6' screening) shall be provided around dumpster screening wall, and the plant materials must be a minimum of three feet (3') in height at the time of planting, unless not visible from public right-of-way or a public use area.

19. For all single family and duplex parcels, builders shall be required to plant two (2) large trees (minimum of 3" caliper and seven feet (7') high at time of planting) per lot prior to obtaining a certificate of occupancy. At

least one of the trees shall be located in the front yard. Existing Quality Trees of at least 3” caliper size located on the lot shall count to meet this standard if appropriate tree protection measures have been followed.

H. Tree Preservation.

1. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this section for that area within which they are located, according to the following table:

Caliper of Existing Tree	Credit Against Tree Requirement
6" to 8"	2 trees
9" to 15"	3 trees
16” to 30”	4 trees
31" to 46"	5 trees
47" or more	8 trees

For purposes of this section, caliper measurement shall be taken at a height of 24” above the ground, and shall be rounded to the nearest whole number.

2. Existing trees may receive credit if they are not on the City's approved plant material list but approved by the City Planner or designee; however, trees must be located within the landscape area to which credit is applied.

3. Any tree preservation proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan. The species, size, and exact location shall be shown on the final landscape plan.

4. During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This is not intended to prohibit the normal construction required within parking lots.

5. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

I. Sight Distance and Visibility.

1. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two (2) or more streets or driveways occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between two feet (2’) and six feet (6’). Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas shall comply with the sight triangle illustrations in this Ordinance (See Illustration #9).

2. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the City Planner, the requirements set forth herein may be modified to eliminate the conflict.

J. Maintenance.

1. The owner(s), tenant(s), and/or their agent(s), if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to:

a) mowing (of grass of six inches (6") or higher);

b) edging;

c) pruning;

d) fertilizing;

e) watering;

f) weeding; and

g) other such activities common to the maintenance of landscaping.

2. Landscape areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

3. Plant materials used to meet minimum required landscaping provisions which die or are removed for any reason shall be replaced with plant material of similar variety and size, within ninety (90) days.

a) 1. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with trees of similar variety having a minimum trunk diameter of three inches (3") measured twenty-four inches (24") above the ground.

b) 2. If any tree which was preserved and used as a credit toward landscaping requirements is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of three inches (3") measured twenty-four inches (24") above the ground.

c) 3. A time extension may be granted by the City Planner if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or his agent.

Section 88
Communications Antennas, Satellite Dishes and Support Structures/Towers

A. Purpose. To establish guidelines for the siting of communications antennas, satellite dishes and support structures/towers.

B. Intent.

1. Encourage the location of towers in non-residential areas,

2. Minimize the total number of towers throughout the community,

3. Encourage the joint use (co-location) of new and existing towers,

4. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

C. All communication antennas, antenna support structures, satellite dishes and other similar antennas shall comply with the following:

1. All municipally owned antennas, antenna support structures, and satellite dishes shall be permitted in any district (e.g., public safety communications, etc.).

2. Antennas (amateur or commercial) shall comply with all regulations of the Federal Communications Commission (FCC). Additionally, the regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

D. Antennas and antenna support structures shall also comply with the following:

1. Residential zoning districts ("RED-1", "RED-2", "RS-120", "RS-84", "RS-72", "RS-60", "RS-45", "RD-30", "RG-27", "RG-25", "RG-18", "MF-1", "MF-2", "MF-3", "MP" and "PD"). Commercial antennas and antenna support structures are allowed only as follows:

a) A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure, provided that the antenna does not extend more than ten feet (10') above the height of said structure.

b) A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.

c) All commercial signs, flags, lights, and attachments shall be prohibited on any antenna or antenna support structure, unless required for communications operations, structural stability, or as required for flight visibility by the FCC and the Federal Aviation Administration (FAA).

d) No commercial antenna support structure shall exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.

2. Industrial Districts ("ML", "MH", and "PD"). Commercial antennas and antenna support structures are permitted by right as follows:

a) Commercial antenna support structures must meet the setback requirements as follows:

1) No antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side, or rear yards.

2) No antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure.

(a) Setback/distance shall be measured as the shortest possible distance from the structure to the closest point of a residential district boundary line or residential dwelling.

(b) The additional setback requirements shall not apply to antennas that meet the requirements as provided for in b) and c), below.

b) A commercial antenna support structures shall be limited in height to a maximum height of 175 feet.

c) A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure, provided that the antenna does not extend more than ten feet (10') above the height of said structure.

d) A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.

e) All commercial signs, flags, lights, and attachments shall be prohibited on any antenna or antenna support structure, unless required for communications operations, structural stability, or as required for flight visibility by the FAA and FCC.

f) No commercial antenna support structure shall exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.

3. Non-residential zoning districts except the ML and MH districts (AG, NC, BN, BG, C, O-1, O, BC, and PD). Commercial antennas and antenna support structures are permitted by Specific Use Permit, except as provided for in sub-sections (4.), (5.) and (6.), below, which may be allowed without a Specific Use Permit. All Commercial antennas in these districts shall comply with the following:

a) Commercial antenna support structures must meet the setback requirements as follows:

1) No antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side, or rear yards.

2) No antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure.

(a) Setback/distance shall be measured as the shortest possible distance from the structure to the closest point of a residential district boundary line or residential dwelling.

(b) The additional setback requirements shall not apply to antennas that meet the requirements as provided for in sub-sections (5.), (6.) and (7.), below.

b) A commercial antenna support structures may be increased in height beyond the height limits of the zoning district if located at least a distance from any property line equal to three times the height of the support structure, notwithstanding that the maximum height permitted being 125 feet.

c) All commercial signs, flags, lights, and attachments shall be prohibited on any antenna or antenna support structure, unless required for communications operations, structural stability, or as required for flight visibility by the FAA and FCC.

d) No commercial antenna support structure shall exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.

e) A commercial antenna shall be permitted on the roof of a building, as long as it does not extend more than ten feet (10') above the roof of the building and conforms to the maximum building height of the zoning district.

f) A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure, provided that the antenna does not extend more than ten feet (10') above the height of said structure.

g) A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.

E. Co-location of antennas and antenna support structures shall be required. No new antennas and antenna support structures shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meets the applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

4. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

5. Any proposed commercial wireless telecommunications service tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least three (3) additional users if the tower is over one hundred feet (100') in height or for at least two (2) additional users if the tower is over fifty (50') feet in height. Towers must be designed to allow for future rearrangements of antennas upon the tower and to accept antennas mounted at varying heights.

F. Satellite dishes, parabolic antennas, and other similar antennas shall also comply with the following:

1. In single family and duplex residential districts, the following regulations shall apply:

a) All (any size) satellite dishes, parabolic antennas, and other similar antennas shall be prohibited within the front yard and side yard at corner setback areas.

b) Satellite dishes, parabolic antennas, and other similar antennas greater than three feet (3') shall not exceed twelve feet (12') in diameter, shall be allowed only in the rear half of a lot, shall observe accessory building setbacks, and shall be required to receive a permit from the Building Official.

c) Satellite dishes shall be permitted on the roof of a building provided they do not exceed three feet (3') in diameter and do not extend more than ten feet (10') above the roof of the building.

d) Only one (1) satellite dish, parabolic antenna, or other similar antenna shall be permitted per dwelling unit.

2. In all zoning districts except single family and duplex districts, the following regulations shall apply:

a) All (any size) satellite dishes, parabolic antennas, and other similar antennas shall be allowed only in the rear half of a lot, and shall observe accessory building setbacks.

b) Satellite dishes, parabolic antennas, and other similar antennas shall be permitted on the roof of a building, provided they do not exceed three feet (3') in diameter and do not extend more than ten feet (10') above the roof of the building.

c) Satellite dishes over three feet (3') in diameter, but not exceeding twelve feet (12') in diameter, may be mounted on the roof of a structure provided a letter affirming its structural stability is written by a registered architect or engineer and submitted to the Building Official. Roof-mounted satellite dishes may not extend more than twelve feet (12') above the roof of the building. Roof-mounted satellite dishes that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.

d) Only one (1) satellite dish, parabolic antenna, or other similar antenna shall be permitted per primary structure, unless specifically required for business needs and approved through the site plan process.

Section 89
Open Storage and Outdoor Display

A. Open storage

1. Open storage is allowed only in those districts identified in the Schedule of Uses in the Appendix.
2. In other non-residential areas, such storage shall be allowed under the following conditions:
   a) The storage area must be attached to a wall of the principal building and cannot exceed 10% of the building.
   b) The storage area shall be enclosed by a solid masonry wall not less than eight feet (8') in height, abutting the principal building.
   c) Wall openings shall not exceed sixteen feet (16') in width. The total of all openings shall not exceed twenty feet (20') in width.
   d) All gates and doors shall provide an opaque screen.
   e) No materials shall be stacked within one foot (1') of the top of the enclosure wall, or be visible from outside.
3. No open storage shall be located in front of the main building.
4. No open storage use shall constitute a wrecking, junk, or salvage yard, except when such use is approved with development and operation standards within an MH district.
5. All open storage areas shall be screened according to the screening requirements of Section 83.
6. Boat Storage or Truck Storage in districts where allowed need only be screened to a height of six feet (6').

B. Outdoor display. Outdoor display of goods, wares, or merchandise shall be prohibited, except as follows:

1. Display of new or used vehicles, lawn and garden equipment, and construction or agricultural equipment for sale in districts where allowed, shall be allowed if approved through the site plan process and maintained in an orderly manner.
2. Sidewalk sales of merchandise normally sold within doors at the business location shall be allowed in retail districts. Such sales shall be limited to sixteen (16) hours per day. All items shall be brought indoors at least eight (8) hours per day.
3. Temporary seasonal sales as allowed under Section 26 shall be allowed as outdoor display.
4. Restaurants shall be allowed outside seating and service, if approved through the site plan process.
5. In non-residential areas, outdoor displays not meeting requirements (a) through (d) above shall be allowed under the following conditions:
   a) The display area must be attached to a wall of the principal building and cannot exceed ten percent (10%) of the building.
   b) The display area shall be enclosed by a solid masonry wall not less than eight feet (8') in height, abutting the principal building.
   c) Wall openings shall not exceed sixteen feet (16') in width. The total of all openings shall not exceed twenty feet (20') in width.
   d) All gates and doors shall provide an opaque screen
   e) No materials shall be stacked within one foot (1') of the top of the enclosure wall, or be visible from outside.
6. Outdoor display shall not restrict pedestrian nor vehicular access.
7. Goods shall not be displayed in required parking areas.

Section 90
Architectural and Site Standards

A. Purpose. To set minimum standards for the appearance of non-residential and multi-family buildings and corresponding site elements which are recognized as enhancing property values and are in the interest of the general welfare of the City.

B. Scope and Enforcement.

1. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to the following:

   a) All construction, except:

      1) Provisions of this chapter shall not apply to single-family or two family (duplex) residential construction.

   b) Development applications shall not be subject to Section 90, Architectural and Site Standards, if:

      1) A site plan for the project was approved prior to the adoption and publication of this section, and

      2) The site plan has not expired, and

      3) A building permit has been issued and construction is underway within two years of the effective date of this section.

   c) Buildings constructed prior to the effective date of this section which meet any of the following criteria:

      1) Portions of a building proposed to be added to any existing non-residential or multi-family structure which will increase the originally approved floor area by fifty percent (50%) or more, either by a single expansion or by the cumulative effect of a series of expansions.

      2) Reconstruction of a non-residential or multi-family building due to damage of any kind that necessitates improving, rehabilitating, or reconstructing fifty percent (50%) of the original structure or by the cumulative effect of a series of reconstructive activities.

   d) Buildings constructed after the effective date of this section shall at all times comply with those provisions of this section in force at the time of the building permit application. Where a change is proposed in the use of a building permitted after the effective date of this section such that additional architectural and site standards must be met:

      1) If a certificate of occupancy has previously been issued for the building, the additional provisions of this section shall be waived. For example, a previously occupied single family residence may be converted to a multi-family residence without meeting the provisions of C.2.c)1), Multi-family projects. All other sections of this ordinance and all other applicable ordinances must be complied with.

      2) If a certificate of occupancy has never been issued for the building, all provisions of this section must be met prior to issuance of a certificate of occupancy. For example, a metal and masonry warehouse in an industrial district which has never been issued a certificate of occupancy for that use may not be converted to a retail store unless provisions of paragraph C.2.c)3), Other uses in industrial districts, have been complied with.

      3) Upon request by an applicant, the Planning and Zoning Commission may approve a waiver of all or part of the provisions of Section 90, Architectural and Site Standards. Prior to consideration of the waiver, a public hearing shall be held, with notice given according to the procedure for a change in a zoning district location or boundary. The applicant may appeal the decision of the Planning and Zoning Commission to the City Council. Prior to consideration of the waiver by the City Council, a public hearing shall be held, with notice given according to the procedure for a change in a zoning district location or boundary.

2. Limited waivers for expansion or reconstruction. If compliance with these standards is required by the provisions of paragraphs B.1.c) or B.1.d) above, the City Planner 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, or if the total number of points required cannot be achieved due to existing site limitations.

      1) The applicant shall submit detailed information to the City Planner as required in paragraph C.2.a)1) regarding Meritorious Exceptions.

2) The City Planner may, for any reason, refer the request for a waiver to the Planning and Zoning Commission for a decision according to procedures outlined in paragraph C.2.a).2).

3) The applicant may appeal the decision of the City Planner to the Planning and Zoning Commission and City Council according to the procedures outlined in paragraph C.2.a) regarding Meritorious Exceptions.

3. Conflicts with Planned Development District ordinances. Where provisions of a Planned Development District ordinance specify architectural or site elements 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, and full points shall be awarded for the associated category. For example, if a Planned Development District requires 100% stucco finishing, forty (40) points would be awarded for exterior finish.

4. Conflicts with other ordinances. All applicable provisions of the Zoning Ordinance, Subdivision Ordinance, Building Codes, and other ordinances shall apply. Where provisions of the Zoning Ordinance or other ordinances conflict with this section, the more restrictive provision shall control.

5. Meritorious exception. It is not the intent of this chapter to discourage innovation. An architectural and site design that does not conform with the specific requirements of this chapter, but which has merit by making a positive contribution to the visual environment and which is appropriate to the site and use, may be submitted for consideration as a Meritorious Exception. Such proposals shall be fairly and seriously considered by the Planning and Zoning Commission through the approval process outlined in paragraph C.2.a).2).

6. Variances. When a property owner can show that a strict application of the terms of this section relating to architectural or site standards will impose upon him unusual and practical difficulties or particular hardship, including instances where an applicant has previously built in strict conformance with approved architectural and site standards plans and such approval was erroneously granted by the City Building Official or designee, variance from the strict application of this section may be granted by the Board of Adjustment, provided that:

   a) The variance requested is in harmony with the general purpose and intent, and

   b) The board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty, and

   c) The board is satisfied that there will be no adverse impact on surrounding property.

7. Administrative Official.

   a) The provisions of this section shall be administered by the City Building Official or designee.

8. Permitting and Occupancy

   a) No development permit of any kind shall be issued for any development subject to the provisions of this section until an architectural and site standards plan which meets or exceeds the standards set forth herein has been approved by the City Building Official or designee according to the procedure in paragraph (3)(b).

   b) A certificate of occupancy shall not be issued for any development which is required to meet the provisions of this section unless it is constructed in accordance with the approved architectural and site standards plan.

9. Non-compliance. If at any time after the issuance of a certificate of occupancy the building exterior or site is altered in such a manner as to modify any element of the approved architectural and site standards plan, the City Building Official shall issue a notice of noncompliance to the owner, citing the violation and describing action required to comply with this section.

   a) The owner(s), tenant(s), and/or agent(s) shall, within thirty (30) days of said notice:

      1) Submit revised plans which meet standards outlined in this chapter, or

      2) Make reasonable progress toward restoring the building and site to its approved form, or, if no progress can be made within thirty (30) days due to weather or other factors, receive a waiver from the City Building Official for this requirement.

      3) If, within ninety (90) days of the date of notice of non-compliance, full restoration in compliance with original or revised and approved plans has not been made, the owner(s), tenant(s), and/or agent(s) shall be held in violation of this ordinance.

C. Architectural and Site Elements Standards Application and Approval.

1. Application.

a) Along with submission of application for any building permit necessary for the development or redevelopment of property subject to the provisions of this section, sufficient information shall also be submitted to evaluate the architectural and site standards criteria outlined in paragraph (3)(c) and (4) below, as applicable. The information shall include:

1) Calculation of points to be awarded for the project, on a scoring sheet provided by the City Building Official, and including an original signature of the architect or other designer certifying its accuracy and completeness (calculation of points is not required for multi-family projects or for industrial uses proposed in an industrial zone),

2) Site plan showing building footprint and all site elements for which points are to be awarded, in sufficient detail to demonstrate compliance with paragraph (3)(c) and (4) below, as applicable,

3) Color elevations with finishing materials indicated,

4) Color samples for all items for which points are to be awarded based on color, and

5) All other information necessary to demonstrate compliance with the evaluation criteria as indicated on the scoring sheet.

6) A certification that the proposed development meets or exceeds the required minimum score.

b) If the applicant has not submitted sufficient information to demonstrate conformance with the required standards, the application may be found to be administratively incomplete and the application may be reserved for consideration until complete information is submitted.

2. Approval Process. The architectural and site standards elements shall be reviewed and approved by a designee of the City Building Official unless otherwise noted below:

a) Meritorious Exception.

1) An applicant for a meritorious exception shall submit:

(a) all items required for Architectural and Site Standards Application, and

(b) a written description of the nature of the meritorious exception and the compelling reasons that prevent the applicant from meeting the minimum standards set forth herein, and

(c) color renderings of all elevations.

2) The application for a Meritorious Exception shall be reviewed by staff and a report of findings shall be prepared and submitted to the Planning and Zoning Commission. Prior to consideration of an application for a meritorious exception, the Planning and Zoning Commission shall hold a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary. In considering the request, the Planning and Zoning Commission shall consider the following factors in determining the extent of any exception granted:

(a) the extent to which the application meets other specific standards of this chapter; and

(b) the extent to which the application meets the spirit and intent of this chapter through the use of building materials, colors, and façade design to create a building of exceptional quality and appearance; and

(c) the positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project which could be built in conformance with standards of this ordinance; and

(d) the extent to which the proposed project accomplishes City goals as stated in the Comprehensive plan or other approved document.

3) A meritorious exception shall not be granted to serve as a convenience to the applicant, or for reasons related to economic hardship. An applicant may appeal the decision of the Planning and Zoning Commission to the City Council. Prior to consideration of the appeal, a public hearing shall be held, with notice given according to the procedure for a change in a zoning district location or boundary.

b) Appeal of interpretation. The applicant may appeal an interpretation of this chapter in the following manner:

1) The applicant shall submit a written request to the City Building Official for an appeal of interpretation.

2) The City Building Official and the City Planner shall review the matter appealed and all related documentation submitted as part of the Architectural and Site Standards application. The applicant may be requested to submit additional information in support of his appeal. The City Building Official and the City Planner shall provide the Director of Development Services with a written recommendation.

3) After reviewing request for appeal of interpretation, the written recommendations of the City Building Official and the City Planner, and related documentation, the Director of Development Services shall issue a final staff approval or denial. If the Director of Development Services denies the appeal, the applicant may appeal the decision to the Board of Adjustment in accordance with Section 103.

c) Standards for Approval. The designated approval authority or authorities shall evaluate the architectural and site standards plan in accordance with the following criteria.

1) Multi-family projects. Multi-family projects shall not be required to achieve a minimum point score, and shall be approved if all the following criteria are met:

(a) All buildings, including covered parking, shall have a pitched roof with a 4:12 minimum pitch.

(b) Exterior finish on each side of every multi-family structure shall be a minimum of 75% brick, stone, or synthetic stone materials, with the remaining 25% of each side being wood lap siding, vinyl siding, stucco, cast concrete modular siding, or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited. Area of exterior finish shall be calculated exclusive of doors and windows.

(c) All covered parking shall be of similar and conforming architectural design and materials at the main multi-family structures.

(d) All parking areas shall be screened from view from public thoroughfares by one or more of the following:

(a) Building walls,

(1) Earthen berms,

(2) Masonry screening fence complying with standards of Section 83, or

(3) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of fifty feet (50') on center with structural supports spaced a minimum of ten feet (10') on center, and with sufficient evergreen landscaping to create a screening effect.

(b) All paving for drives, fire lanes, and parking shall be concrete.

(c) Only monument signs shall be permitted.

(d) Height of buildings on the perimeter of the property shall be limited to two (2) stories. In addition, any building three stories or greater in height must be set back from adjacent residential property at least two feet for every one foot of building height.

(e) Exterior stairways shall be covered with a roof, roof overhang, or porch.

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 not be required to meet a minimum number of points, and shall be approved if all of the following criteria are met.

(a) One hundred percent (100%) of each exterior wall surface (excluding doors, windows, and trim) facing a public street shall be finished with brick, stone, synthetic stone, stucco, EIFS, architectural CMU, or architecturally finished concrete tilt-wall construction.

(b) Other walls may have a metal exterior.

(c) Exterior wall area shall be calculated exclusive of doors and windows.

(d) Any building three stories or greater in height must be set back from adjacent residential property at least two feet for every one foot of building height.

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 not be required to meet a minimum number of points, and shall be approved if the following criteria are met:

(e) One hundred percent (100%) of each exterior wall facing a public street shall be finished with brick, stone, synthetic stone, stucco, EIFS, architectural CMU, or architecturally finished concrete tilt-wall construction.

(f) No walls shall have a metal exterior.

(g) Area of exterior wall shall be calculated exclusive of doors and windows.

4) Other non-residential uses in non-industrial districts. Non-residential projects, except as noted in (2) and (3) above, which meet or exceed eighty-five (85) points shall be approved. Scores shall be calculated according to the scoring criteria in paragraph (5).

3. Scoring Criteria.

a) Exterior Finishing Materials. Points towards the required minimum score shall be allocated as indicated below:

1) For all non-residential uses in non-industrial districts, except as exempted under (10) below, at least fifty percent (50%) of each wall shall be covered with a masonry finishing material as defined herein.

2) If less than sixty percent (60%) of each exterior wall shall be covered with a masonry finishing material as defined herein, zero (0) points shall be awarded.

3) If at least sixty percent (60%) but less than seventy-five percent (75%) of each exterior wall shall be covered with a masonry finishing material as defined herein, ten (10) points shall be awarded.

4) If at least seventy--five percent (75%) but less than eighty-five percent (85%) of each exterior wall shall be covered with a masonry finishing material as defined herein; twenty (20) points shall be awarded.

5) If at least eighty-five percent (85%) but less than one-hundred percent (100%) of each exterior wall shall be covered with a masonry finishing material as defined herein, thirty (30) points shall be awarded.

6) If one-hundred percent (100%) of each exterior wall shall be covered with a masonry finishing material as defined herein, forty (40) points shall be awarded.

7) Acceptable masonry finishing materials are brick, stone, or synthetic stone materials, including but not limited to slate, flagstone, granite, limestone and marble.

8) The balance of any exterior finishing material shall be stucco, EIFS, architectural concrete masonry units (CMU), or concrete tilt wall construction.

9) 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.

10) 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 without reducing points awarded for exterior finish.

(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.

11) Windows and doors shall be excluded from calculation of area.

b) Exterior Color. Twenty (20) points shall be awarded towards the required minimum score if all the following standards are met.

1) At least 90% of total exterior building surfaces (exclusive of glass) shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earthtone 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.

2) No more than 10% of the total exterior building surface (exclusive of glass) shall be bright, reflective, pure tone primary or secondary colors used as accent colors on door and window frames, moldings, cornices, canopies, awnings, etc. Examples of acceptable accent colors include but are not limited to red, orange, gold, royal blue, violet, or green. Subtle variations of such colors shall also be permitted.

3) No high intensity colors, neon colors or fluorescent colors shall be used on exterior surfaces of the building.

4) No more than one color shall be used for visible roof surfaces, however, if more than one type of roofing material is used, the materials shall be varying hues of the same color.

5) No more than six colors shall be used; however, natural, unaltered materials such as brick or stone used on the building shall not be counted toward the maximum number of colors allowed. Colors on the following surfaces shall be counted towards the total:

(a) all painted, stained, varnished, or shellacked surfaces,

(b) integrally colored surface materials such as concrete block, stucco, plaster, or EIFS,

(c) glazed surfaces on materials such as brick, concrete block, or ceramic tile,

(d) roofing materials,

(e) canopies and awnings,

(f) colored glazing other than clear, bronze or gray,

(g) pre-finished materials such as metal trim or aluminum doors, window or storefront entry systems,

(h) any finishing material that has been covered, treated, affected or altered, partially or entirely, with any substance which changes enhances, or alters the natural state of the material.

c) Building Massing. Fifteen (15) points shall be awarded towards the required minimum score if all of the following standards for the applicable building are met.

1) For buildings with more than ten thousand (10,000) square feet of gross floor area (GFA), there shall be at least one major offset on each elevation fronting on a public right-of-way.

(a) The offset shall be either a projection from the primary façade or a recess in the primary façade.

(b) The offset shall be the full height of the wall. The depth of the offset shall be a minimum of three percent (3%) of the length of the elevation.

(c) The length of the offset shall be a minimum of twenty percent (20%) of the length of the elevation.

2) For buildings up to ten thousand (10,000) square feet of gross floor area (GFA), there shall be at least one major offset on each elevation fronting on a public right-of-way.

(a) The offset may be either a projection from the primary façade or a recess in the primary façade.

(b) The offset shall be the full height of the wall.

(c) The depth of the offset shall be a minimum of three (3) feet

(d) The length of the offset shall be a minimum of twenty percent (20%) of the length of the elevation.

3) For multiple story buildings, one or more upper story setbacks of at least four (4) feet may be substituted for offsets described in (4)(c)(1) or (4)(c)(2) above, but such substitution shall be allowed only on a single elevation fronting a public right-of-way.

d) Roof treatment. Fifteen (15) points shall be awarded towards the required minimum score if the requirements of (1), (2) and (3) below are met.

1) The entire building complies with all color standards in paragraph (4)(b) above.

2) A roof treatment incorporating all of the elements listed in (a), (b), or (c) below shall be utilized:

(a) A pitched roof of any style, including but not limited to hipped, gabled or shed roofs shall be acceptable. Roof must cover one hundred percent (100%) of the total roof area, excluding porches and porte-cocheres. The roof shall have a minimum pitch of three (3) feet of vertical deflection (rise) for every twelve (12) feet of horizontal deflection (run) (3:12 pitch). No flat roof line shall be visible.

(b) A partial pitched roof of any style, including but not limited to a false mansard shall be acceptable. Roof shall be constructed around entire perimeter of a building so that no flat roof shall be visible. The roof shall have a minimum pitch of six (6) feet of vertical deflection (rise) for every twelve (12) feet of horizontal deflection (run) (6:12 pitch).

(c) A parapet wall shall be acceptable if constructed around the entire perimeter of a building so that no flat roof shall be visible.

3) All rooftop mechanical equipment shall be completely screened by the roof or a parapet wall.

4) Standing seam metal roofs which meet all the criteria of (1), (2), and (3) above shall be acceptable.

e) Minor façade offsets. Five points (5 pts.) shall be awarded towards the required minimum score if all of the standards of either 1) or 2) below are met.

1) Structural or ornamental minor façade offsets of a minimum one (1) foot deep and a minimum two (2) feet wide shall be constructed.

(a) the offsets shall be present on at least two (2) elevations; and,

(b) the combined width of the offsets shall be at least twenty percent (20%) but no greater than fifty percent (50%) of the total length of that elevation; and,

(c) the height of such offsets shall be equal to or greater than seventy-five percent (75%) of each elevation.

2) Structural or ornamental minor façade offsets of a minimum of three inches (3”) deep and a minimum of twelve inches (12”) wide shall be constructed.

(a) The offsets shall be spaced at a maximum of twenty foot (20’) centers; and,

(b) The height of such offsets shall be equal to or greater than seventy-five percent (75%) of each elevation.

3) For multi-story buildings, a minor façade setback of at least three inches (3”) deep may be substituted for minor offsets described in 1) or 2) above, on no more than one elevation fronting on a public right-of-way.

f) Overhang Enhancements. Five points (5 pts.) shall be awarded towards the required minimum score if all of the following standards are met.

1) The entire building complies with all color standards in paragraph (4)(b) above, and,

2) One of the following two criteria must be met:

(a) Overhang of either a pitched roof or partial pitched roof, as defined in 4(d) above, shall extend a minimum of four feet (4') beyond primary facade; or

(b) A covered porch shall extend a minimum of six feet (6') deep beyond primary façade. This covered porch shall be an uninterrupted length of at least twelve feet (12').

g) Landscape Enhancements. Two points (2 pts.) per item below, up to a maximum of five points (5 pts.), shall be awarded towards the required minimum score as follows.

1) One large tree shall be planted per thirty (30) linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered to facilitate site design.

2) One large tree shall be planted per thirty (30) linear feet, or portion thereof, within a 10' landscaped area adjacent to residential property.

3) One large tree shall be planted per thirty (30) linear feet, or portion thereof, along major interior circulation drives.

4) A landscaped area of at least twenty feet (20') in width shall be provided along the common property line with a residential property.

5) Minimum size for large trees planted along rights-of-way shall be 4" caliper at 24" above ground.

6) Minimum size for large trees planted along residential boundaries shall be 4" caliper at 24" above ground.

7) Minimum size for large trees planted along major interior circulation drives shall be 4" caliper at 24" above ground.

h) Height. Slope Standards.

1) For multi-story buildings proposed to be constructed on property adjacent to a residential district,

(a) Five points (5 pts.) shall be awarded towards the required minimum score if, for each foot of building height, three feet of setback is provided from all common property lines with residential districts, or

(b) Three points (3 pts.) shall be awarded towards the required minimum score if, for each foot of building height, two feet of setback is provided from all common property lines with residential districts.

2) For all other properties, five points (5 pts.) shall be awarded towards the required minimum score if none of the property lines form common boundaries with residential districts.

3) For all buildings three stories or more in height constructed on property adjacent to a residential district, a setback equal to or greater than that described in (4)(h)(1)(b) above shall be required, regardless of whether the points are needed to achieve the minimum score for the project.

i) Doors and Windows. No points shall be awarded for doors and windows unless all elevations visible from a public right of way comply with paragraph (1) below. The total points awarded for this category shall not exceed three points (3 pts.). Three points (3 pts.) shall be awarded if:

1) Doors and windows 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, and

2) The entire building complies with all color standards in paragraph (4)(b) above.

j) Exterior glass. Three points (3 pts.) shall be awarded if:

1) 1. The maximum reflectivity of all exterior glass is less than or equal to twenty-seven percent (27%), and

2) The entire building complies with all color standards in paragraph (4)(b) above.

k) Porte-cocheres, canopies and awnings. Three points (3 pts.) shall be awarded if all items below are satisfied:

1) A comprehensive awning plan shall be submitted. The plan shall include color renderings and sufficient canopies and/or awnings to significantly alter the appearance of the structure by creating shadows and changes in planes. The awning plan shall indicate:

(a) a porte-cochere or canopy (column supported or wall and column supported), and/or

(b) wall-supported awnings of minimum three feet depth for doors and/or windows.

2) The entire building shall comply with all color standards in paragraph (4)(b) above.

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. One point (1 pt.) shall be awarded, up to a cumulative total of three points (3 pts.), for each of the following categories:

1) Cast stone, limestone, or other decorative masonry headers and sills at all windows and doors.

2) Corbeled brickwork for decorative effect on pilasters, cornices, and other architectural detailing

3) Patterned brickwork of varying types or natural shades.

4) Decorative exposed columns, beams or other structural members.

5) Applied ornamentation such as cornices, medallions, or similar detailing

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. One point (1 point) shall be awarded, up to a cumulative total of two points (2 pts.) for each of the following categories:

1) Decorative or ornamental wall mounted fixtures on building facades.

2) Decorative, ornamental or historical pole mounted fixtures along pedestrian circulation routes.

3) Decorative base treatment such as stone or brick on vehicular circulation or parking area light standards in lieu of painted concrete base.

4) Light standards for vehicular circulation or parking areas situated in landscaped islands in lieu of exposed, freestanding fixtures within the parking areas.

n) Decorative pavers. One point (1 pt.) shall be awarded, up to a cumulative total of two points (2 pts.) for each of the following categories:

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. Points will be awarded only when area surfaced with pavers equals or exceeds one percent (1%) of the total concrete vehicular paving area within the subject property boundary, including parking, circulation drives, and fire lanes.

o) Curvilinear sidewalks. Two points (2 points) shall be awarded if sidewalks within the public right of way adjacent to the property are 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 or removal of trees or are required to align with existing sidewalks at property boundaries.

p) Enhanced Signage Plan. Two points (2 points) shall be awarded for a signage plan that meets all the following criteria:

1) Total number of attached signs, hanging signs, projecting signs, and other signs affixed to the building shall be limited to seventy-five percent (75%) of the maximum number allowed for the use by the City of Weston sign ordinance.

2) Total area of all attached signs, hanging signs, projecting signs, and other signs affixed to the building signs shall be limited to seventy-five percent (75%) of the maximum area allowed for the use by the sign ordinance.

3) All detached ground signs shall be framed, and finish materials used on the sign frame shall match exterior finishing materials of the primary structure.

4) No internally illuminated framed signs shall be used.

5) No pole signs, billboards, or non-premise signs shall be used.

D. Exemption.

1. The owner (or agent of the owner) of a residential or commercial building may claim an exemption to the application of a building product regulation or material standard found in this Zoning Ordinance by demonstrating that the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

2. The owner (or agent of the owner) of a residential or commercial building may claim an exemption to the application of a more stringent building product regulation, material standard or aesthetic method found in this Zoning Ordinance by demonstrating that the building product, material or aesthetic method approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building, is less stringent than is required in this Zoning Ordinance.

3. For the purposes of this paragraph D. "national model code" has the meaning assigned by Section 214.217, Local Government Code.

4. The exemptions established above do not apply to a residential or commercial building located in a place or area designated before April 1, 2019 for its historical, cultural, or architectural importance and significance by the City Council. *Rev* (O-2019-10-03)

Section 91
Tree Preservation

A. Purpose. To promote tree preservation through site design and by controlling indiscriminate removal of trees; and to contribute to the long-term viability of existing trees through their protection during construction or land disturbing activities; while balancing rights of property owners with the interests of the community. This section is specifically intended to:

1. Prohibit indiscriminate clear-cutting.

2. Protect and increase the value of residential and commercial properties within the City.

3. Maintain and enhance a positive image to attract new residences and business enterprises to the City.

4. Protect healthy quality trees and promote the natural ecological, environmental and aesthetic qualities of the City.

B. Scope and Administration

1. Applicability. Provisions of this section shall apply to all new and existing development as stated herein. The following shall be exempt from tree preservation and replacement requirements:

a) Major drainage structures, including detention and retention basins, and including transitional slopes at the maximum slope allowed by the City's stormwater ordinance.

b) Golf courses,

c) Hike/bike trails,

d) Sports fields open for public use, such as soccer, baseball, football and the like,

e) Critical alteration of any protected tree by a utility company in order to maintain appropriate existing utility service,

f) Construction of utilities or public infrastructure.

2. Conflicts with other ordinances. All applicable provisions of the Comprehensive Zoning Ordinance, Subdivision Ordinance, Stormwater Ordinance, Building Codes and other ordinances, as they exist or as amended, shall apply. The provisions of this ordinance are not intended to modify or amend the site plan requirements of the Comprehensive Zoning Ordinance with regard to the placement of building pads, roadways, easements, utilities, pedestrian ways or other buildable areas; such placement in any application shall be left to the sole discretion of the applicant so long as the same conform to the applicable requirements of the Comprehensive Zoning Ordinance. Notwithstanding the foregoing, nothing herein shall confer any vested rights on any property subject to this ordinance. Where the provisions of other ordinances conflict with this section, this section shall control.

3. Administrative official. Provisions of this section shall be administered by the landscape administrator or designee.

C. Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and terms used in this section, but not defined in this section, shall have the meanings contained in the Zoning Ordinance or other ordinances of the City.

1. *Building Pad* The actual base area of a building and an area not to exceed six feet (6') around the foundation necessary for construction and grade transitions.

2. *Caliper* The diameter measurement of a tree trunk. Caliper of the trunk shall be measured six inches above the ground for trees up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

3. *Clear-Cutting* The removal of ten (10) or more protected trees from a property within a ninety (90) day period.

4. *Critically Alter, Critical Alteration* Uprooting or severing the main trunk of a tree, or any act which causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to damage inflicted upon the root system of a tree by machinery, storage of materials, or the compaction of soil above the root system of a tree; a change in the natural grade above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of non-permeable pavement over the root system of a tree; or trenching within the primary root zone. Additionally, a tree may be considered critically altered if more than 25% of the primary root zone is altered or disturbed at natural grade, or more than 25% of the canopy is removed.

5. *Cut/Fill* Areas where the natural ground level has been excavated (cut) or where fill material has been brought in.

6. *Diameter at breast height (DBH)* Diameter-at-breast-height is tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

7. *Determination of exemption* A determination made by the landscape administrator or his designee that no tree permit or tree preservation is required for the site.

8. *Drip Line* Whichever is greater - (1) a vertical line running through the outermost portion of the canopy of a tree and extending to the ground, or (2) if the tree is damaged or deformed, a circular area with a radius equal to two feet (2') per inch of caliper.

9. *Erosion Hazard Setback* The area along a drainage channel designated as an erosion setback under the City of Weston stormwater ordinance.

10. *Exemption Area* An area which is clearly exempt from all tree replacement and tree protection requirements of this section, as approved by the landscape administrator.

11. *FEMA 100-year flood plain* The area designated as being within the one-hundred year flood plain on the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) as of the effective date of this section. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year flood plain boundary after the effective date of this section due to filling of the flood plain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement or protection requirements apply.

12. *Grubbing* Excavating or removing a significant part of the root system.

13. *Landscape Administrator* The person appointed by the Mayor to administer City ordinances related to tree preservation, or the person's designated representative.

14. *Municipal and Public Domain Property* Property in which title is held in the name of a governmental entity. Examples of this include City buildings, Collin county property, public parks, Corps of Engineers property, State of Texas right-of-way, libraries, fire stations, water tower sites or similar properties.

15. *Non-Disturbance Area* An area in which no development activity or vehicular traffic associated with the construction or development of land occurs.

16. *NRCS Lake Tree Preservation Zone* the area within an elevation two feet (2') above the emergency spillway elevation of any NRCS lake.

17. *Owner* Any person with an interest in land, or a lessee, agent, employee, or other person acting on behalf of the Owner.

18. *Pruning* The removal of dead, injured or diseased limbs or roots to maintain plant health or the removal of limbs or roots to control or direct vegetative growth.

19. *Protected Tree* A quality tree with a trunk six inches (6”) or greater in caliper at four feet six inches (4’ 6”) above the ground. The caliper of a multi-trunk protected tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

20. *Protective Fencing* Chain link fencing, orange vinyl construction fencing or other fencing at least four feet high and supported at a maximum of ten-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of a highly visible material.

21. *Quality Tree* A tree species which typically has significant positive characteristics worthy of preservation, as listed in this section. (See Appendix D.)

22. *Root zone, primary* The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line. (See Appendix B.)

23. *Tree* Any self-supporting woody plant which will attain a trunk caliper of two inches or more when measured at a point four and one-half feet above ground level and normally an overall height of at least 15 feet with a canopy of at least 15’ in caliper at maturity. A tree may have one main stem or trunk or several stems or trunks.

24. *Tree Board* A board appointed by the City Council to carry out the duties and responsibilities set forth in this section. The Planning and Zoning Commission shall constitute the Tree Board unless the City Council appoints a separate tree board.

25. *Tree Protection Sign* A sign describing prohibited conduct detrimental to trees and meeting specifications of the City's building official to be posted on the site upon approval of a tree permit.

26. *Tree Survey* A plan drawing that identifies the location of trees and contains the information set forth in Appendix C hereto. The tree survey shall be prepared by an arborist, a licensed surveyor, a licensed landscape architect, or other qualified person approved by the Landscape Administrator. For projects of limited scope, the Landscape Administrator may approve a tree survey prepared by a non-professional if complete and accurate information is provided.

27. *Tree Topping* The severe cutting back of limbs to stubs larger than three inches in caliper within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

28. *Utility Company, Franchise Utility, or Public Utility* A company or entity, or agent for a company or entity, that provides a utility service such as the provision of gas, electric, cable, or telephone service within the City.

D. Permits.

1. Permit required. A tree permit shall be obtained from the Landscape Administrator or his designee before critically altering any protected tree, except under any of the following circumstances:

   a) The protected tree endangers the public health, welfare or safety and immediate alteration is required.

   b) The tree has disrupted a public utility service due to a tornado, storm, flood or other act of God. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service.

   c) The tree is located on the property of a licensed plant or tree nursery which has trees planted and growing on the premises for the sale or intended sale to the general public in the ordinary course of the nursery’s business.

   d) The tree is located on a lot of record on which a single family or duplex residence legally exists as the primary use, except that areas of such lots within a FEMA one-hundred year flood plain, NRCS lake tree preservation zone, erosion hazard setback zone, or for protected trees 27” caliper or greater in size shall not be exempt.

   e) The tree is dead, unless the tree was required under a landscape plan or was a required replacement tree under this section.

2. Permit types:

   a) Limited purpose tree permit.

      1) A limited purpose tree permit shall be approved prior to the critical alteration of one or more trees on any site where the removal of trees is not related to a construction project which requires issuance of a building permit or development permit. This shall include alteration of trees for

agricultural purposes. A limited purpose tree permit shall become void 180 days after the issuance date.

b) Construction tree permit.

1) Prior to construction of a subdivision or public improvements. An application for a construction tree permit shall be submitted concurrent with a preliminary/preliminary-final plat, and shall be approved prior to issuance of a development permit. A construction tree permit shall not be required prior to construction of a subdivision or public improvements if an application for a preliminary plat or preliminary-final plat has been filed prior to the effective date of this section.

2) Prior to construction of a building other than a single family or duplex residence. An application for a construction tree permit shall be submitted concurrent with a detailed site plan, and shall be approved prior to issuance of a building permit. A construction tree permit shall not be required prior to construction of such a building if an application for a site plan has been filed prior to the effective date of this section.

3) Prior to construction of a single family or duplex residence on any lot containing a FEMA 100 year flood plain, NRCS lake tree preservation zone or erosion hazard setback zone. An application for a construction tree permit shall be submitted concurrent with the application for a building permit, and shall be approved prior to issuance of a building permit. A construction tree permit shall not be required prior to construction of a single family or duplex residence if an application for a building permit has been filed prior to the effective date of this section.

4) Prior to construction of a single family or duplex residence on a lot larger than 20,000 square feet but not containing a FEMA 100 year flood plain, NRCS lake tree preservation zone, or erosion hazard setback zone. An application for a construction tree permit shall be submitted concurrent with the application for a building permit, and shall be approved prior to issuance of a building permit. A construction tree permit shall not be required prior to construction of a single family or duplex residence if an application for a building permit has been filed prior to the effective date of this section.

5) Authorization to critically alter trees on the site shall be limited to those trees identified and approved for critical alteration as shown on documentation submitted for the construction tree permit.

6) A construction tree permit shall be valid for the period of the site plan, development permit, or building permit's validity, or a maximum of two years, whichever is less.

E. Tree Preservation Permit Submittal and Review.

1. Submittal requirements. The Landscape Administrator shall establish administrative procedures necessary to implement and enforce this section.

1) Required Documents. An application for a tree permit shall include: Completed application form.

2) Tree survey at same scale as site plan or preliminary plat/preliminary-final plat with building pad, pavement areas, and other construction features which will disturb the land indicated. The tree survey shall include all information indicated in Appendix C. In specific situations, tree survey requirements may be reduced as follows:

(a) Non-Disturbance Areas. The Landscape Administrator may approve a non-disturbance area to be designated on the tree survey. The non-disturbance area is an area in which no construction will occur. Trees within the non-disturbance area are not required to be individually identified on the tree survey unless they will be used as credits.

(b) Proposed Exemption Area. The Landscape Administrator may approve a proposed exemption area to be designated on the tree survey. The Proposed Exemption Area corresponds to areas of the site specifically exempted from tree replacement and protection requirements of this section. Trees within the proposed exemption area are not required to be individually identified on the tree survey unless they will used as credits.

(c) Aerial Photograph. For property containing large, heavily wooded areas, the Landscape Administrator may, in lieu of a tree survey, authorize the submittal of an aerial photograph accompanied by a transparent plan of the development at the same scale as the photograph, showing all non-disturbance areas and proposed exemption areas where no trees will be critically altered, provided that a tree survey of all other areas is submitted to the Landscape Administrator prior to any grading or construction. The Landscape

Administrator may approve the submission of photographs in phases for a multi-phased project.

(d) Affidavit of No Protected Trees. If a property contains no protected tree species, the applicant may submit an Affidavit of No Protected Trees in lieu of a tree survey. This affidavit shall act in lieu of a tree survey upon a determination by the Landscape Administrator that no protected trees exist on the site. After the expiration of 10 business days after the submittal, the affidavit shall satisfy the requirements of this section unless, within said 10 business days, the affidavit is denied by the Landscape Administrator due to a determination that the property contains protected trees or the trees on the site cannot be affirmatively identified as non-protected trees by the Landscape Administrator.

3) A tree preservation plan shall be submitted showing major site construction features, existing trees to remain, trees being removed, and replacement trees with type, location, number and size of replacement trees indicated (see Appendix B). The tree preservation plan information may be included on the tree survey if all information can be clearly delineated.

c) Fees. At the time a tree permit application is submitted, an applicant shall pay a fee to the City of Weston in the amount specified by City Council in the City's fee schedule. The following shall be exempt from payment of tree permit fees:

1) City of Weston. When critically altering any protected tree not exempt from tree permit requirements, the City is exempt from the tree permit fee, but must obtain a tree permit and comply with all tree replacement and tree protection procedures as listed in this section. Protected trees proposed to be critically altered must be shown on construction plans approved by the Landscape Administrator.

2) Damaged or dangerous tree. An applicant is exempt from the tree permit fee if critically altering a damaged or dangerous tree pursuant to Subsection (4)(a).

2. Review of application.

a) Tree permit applications. The Landscape Administrator shall grant a tree permit provided the requirements of this section are met. Limited purpose tree permits shall be approved within three business days after complete permit information is provided by the applicant.

b) Grievances. An applicant aggrieved by a decision of the Landscape Administrator may appeal the decision to the Board of Adjustment for an interpretation as provided for in Section 103.

c) Waivers. An application for a waiver to the terms of Section 91 Tree Preservation may be made. The application for a waiver shall be reviewed by the Tree Board, and a recommendation for approval or denial shall be forwarded to the City Council. The decision of the City Council shall be final. No public hearing shall be required. The Tree Board and City Council shall consider the following factors in determining whether a waiver should be granted:

1) The literal enforcement cannot be accomplished, and

2) The extent to which the application meets other standards of this section, and

3) The positive or negative impact of the proposed project on surrounding properties, and

4) The extent to which the waiver would be mitigated by other proposed or existing landscaping.

d) Nonsubstantive changes. The Landscape Administrator shall be authorized to work with owners, developers, and builders to make non-substantive changes, within the scope of this section, to plans, permits and other requirements after approval by staff, City Council or the Tree Board, as appropriate. These changes are intended to provide the greatest reasonable protection toward achieving the purposes of this section.

e) Posting tree protection sign. After the tree permit is issued, the permit holder shall post a tree protection sign at each entrance to the property upon which one or more trees is situated, and at any other location designated by the Landscape Administrator.

F. Standards.

1. Clear cutting. Clear-cutting is prohibited unless specifically authorized by a limited purpose tree permit or a construction tree permit.

2. New development.

a) Residential development.

1) Construction of a single family or duplex residential subdivision in which more than half of the lots are smaller than 20,000 sq. ft.

(a) Protected trees located in a FEMA one-hundred year flood plain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this section.

(b) In cases other than (6)(b)(i)(1)(a) above, all protected trees 27" in caliper or greater shall be subject to tree preservation and replacement requirements except where protected trees must be critically altered to:

(1) Install and maintain any utility lines,

(2) Construct public improvements at the minimum required width only,

(3) Construct streets at the minimum required width only,

(4) Construct alleys within the dedicated R.O.W at the minimum required width only,

(5) Provide any required easement up to the minimum width needed to accommodate the required service,

(6) Grade a building pad delineated on construction plans,

(7) Construct any hike/bike trails,

(8) Construct any portions of a golf course, park playing field, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings, or

(9) Achieve cut and fill drainage as designed in master drainage construction plan, including detention or retention ponds. Transitional slopes to the original grade which are less steep than the original grade which are less steep than the maximum allowed slope shall not be exempt.

(c) All other areas of the subdivision shall be exempt from tree replacement and tree protection requirements of this section.

2) Construction of a single family or duplex residential subdivision in which half or more of the lots are 20,000 sq. ft. or larger

(a) Protected trees located in a FEMA one-hundred year flood plain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this section.

(b) In cases other than (6)(b)(i)(2)(a) above, protected trees shall be exempt from the tree replacement and tree protection requirements of this section in specific areas of the subdivision where protected trees must be critically altered to:

(1) Install and maintain any utility lines,

(2) Construct public improvements at the minimum required width only,

(3) Construct streets at the minimum required width only,

(4) Construct alleys within the dedicated R.O.W at the minimum required width only,

(5) Provide any required easement up to the minimum width needed to accommodate the required service,

(6) Grade a building pad delineated on construction plans,

(7) Construct any hike/bike trails,

(8) Construct any portions of a golf course, park playing field, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings, or

(9) Achieve cut and fill drainage as designed in master drainage construction plan, including detention or retention ponds. Transitional slopes to the original grade which is less steep than the maximum allowed slope shall not be exempt.

3) Construction of a single family or duplex residence on a single lot smaller than 20,000 square feet.

(a) Protected trees located in a FEMA one-hundred year flood plain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this section.

(b) In cases other than (6)(b)(i)(3)(a) above, all protected trees 27" in caliper or greater shall be subject to tree preservation and replacement requirements except where protected trees must be critically altered for a:.

(1) Building pad site

(2) Driveway

(3) Sidewalk at the minimum required width only

(4) Patio

(5) Septic tank or lateral lines

(6) Pool and associated deck area

(7) Fences

(8) Ancillary features normally associated with residential construction

(c) All other areas of the lot shall be exempt from tree protection and tree replacement requirements of this section.

4) Construction of a single family or duplex residence on a single lot 20,000 square feet or larger.

(a) Protected trees located in a FEMA one-hundred year flood plain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this section.

(b) In cases other than (6)(b)(i)(4)(a) above, protected trees shall be exempt from the tree replacement and tree protection requirements of this section in specific areas of the lot where protected trees must be critically altered for a:

(1) Building pad site,

(2) Driveway,

(3) Sidewalk at the minimum required width only,

(4) Patio,

(5) Septic tank and lateral lines,

(6) Pool and associated deck area,

(7) Fence, or

(8) Ancillary feature normally associated with residential construction.

(c) All other areas of the lot shall be subject to both tree replacement and tree protection requirements, and all other provisions of this section.

5) Multi-family development.

(a) Protected trees located in a FEMA one-hundred year flood plain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this section.

(b) In cases other than (6)(b)(i)(5)(a) above, protected trees shall be exempt from the tree replacement and tree protection requirements of this section in specific areas of the development where protected trees must be critically altered to:

(1) Install and maintain any utility lines,

(2) Dedicate public R.O.W.,

(3) Construct any public or private streets at the minimum required width only,

(4) Provide any required easement up to the minimum width needed to accommodate the required service,

(5) Construct any fire lanes at the minimum required width only,

(6) Construct any sidewalks,

(7) Construct swimming pools,

(8) Construct required parking,

(9) Install a building pad site,

(10) Construct any hike/bike trails,

(11) Construct any portions of a golf course, park playing field, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings, or

(12) Achieve cut and fill drainage as designed in master drainage construction plan, including required detention or retention ponds. Transitional slopes to the original grade which are less steep than the maximum allowed slope shall not be exempt.

(c) All other areas of the development shall be subject to both tree replacement and tree protection requirements, and all other provisions of this section.

6) Non-residential development.

(a) Protected trees located in a FEMA one-hundred year flood plain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this section.

(b) In cases other than (6)(b)(i)(6)(a) above, protected trees shall be exempted from the tree replacement and tree protection requirements of this section in specific areas of the development where protected trees must be critically altered to:

(1) Install and maintain any utility lines,

(2) Dedicate public R.O.W.,

(3) Construct any public or private streets at the minimum required width only,

(4) Provide any required easement up to the minimum width needed to accommodate the required service,

(5) Construct any fire lanes at the minimum required width only,

(6) Construct any sidewalks at the minimum required width only,

(7) Construct swimming pools,

(8) Construct required parking at the minimum required width only,

(9) Install a building pad site,

(10) Construct any hike/bike trails,

(11) Construct any portions of a golf course, park playing field, or school playing field, but not including buildings, additional parking, club houses, or ancillary buildings,

(12) Achieve cut and fill drainage as designed in master drainage construction plan, including required detention or retention ponds. Transitional slopes to the original grade which are less steep than the maximum allowed slope shall not be exempt.

(c) All other areas of the development shall be subject to both tree replacement and tree protection requirements, and all other provisions of this section, except that tree replacement in areas reclaimed from the flood plain and used for non-residential development shall be limited to one three inch (3”) caliper tree for each protected tree removed.

3. Existing Development.

a) Single Family or Duplex Residential Development.

1) All protected trees 27” in caliper or greater shall be subject to tree preservation requirements regardless of location.

2) For existing single family and existing duplex residential development only, tree replacement requirements shall be limited to replanting of one three inch (3”) caliper tree for each 27” caliper or greater protected tree removed.

b) Other Existing Development.

1) Tree preservation and replacement requirements shall apply, except that additions or redevelopment shall be allowed the same exemptions as for new non-residential or multi-family development, as applicable.

4. Demolition. The Landscape Administrator may issue a limited purpose tree permit to allow critical alteration of a protected tree if such critical alteration is necessary to allow demolition of a structure. The protected tree covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.

5. Selective thinning. The Landscape Administrator may issue a limited purpose tree permit for selective thinning of certain protected trees from a densely forested area. The Landscape Administrator will, as part of the tree permit review process, determine whether the selective thinning proposed will be performed in a professionally accepted manner that will enhance the likelihood of survival for the remaining trees. If the Landscape Administrator issues a permit for selective thinning, the protected trees covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.

6. Diseased trees. Upon issuance of a limited purpose tree permit, a diseased protected tree may be critically altered to reduce the chances of spreading the disease to adjacent healthy trees. If the Landscape Administrator issues a limited purpose tree permit for such purpose, the protected trees covered by the permit shall be exempt from the tree replacement and protection requirements of this section.

7. Ground level cuts. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree. Stump grinding in such situations is allowed with the approval of the Landscape Administrator.

8. Removal of underbrush. Removal of underbrush, not including grubbing under drip lines, shall not require a tree permit.

9. Grubbing under drip lines. The Landscape Administrator shall issue a limited purpose tree permit allowing the clearing and grubbing of brush located within or under the drip lines of protected trees.

G. Tree Replacement.

1. Unless specifically exempted, the following tree replacement procedures shall apply to any person who critically alters a protected tree for which a permit is required. Replacement trees shall be in addition to trees required under the Landscape section of the Zoning Ordinance.

a) The protected tree shall be replaced with a quality tree or trees as approved on the tree preservation plan.

1) Size and Number. A sufficient number of trees shall be planted to equal or exceed, in caliper, the caliper of each tree critically altered, measured at four feet six inches (4’ 6”) above ground level. Each replacement tree shall be a minimum of three inches (3") caliper at one foot above ground level, and seven feet (7’) in height when planted. The following formula shall be used to calculate the number of trees to be replaced:

Caliper of Critically Altered Tree	Replacement Ratio (in inches of caliper)	Minimum Caliper of Replacement Tree	Examples
6” – 16”	1:1	3”	If a 15” diam. Tree is critically altered, replace with: -five 3” trees, or -four 4” trees, or -three 5” trees, or -three 6” trees
> 16”	2:1	6”	If a 22” diam. Tree is critically altered, replace

with:

-eight 6” trees, or

-five 9” trees, or

-four 11” trees

2) Credits. When any quality tree of 3” or more in caliper is preserved that would otherwise have been exempt, credits toward the total inches of caliper of replacement trees required for the development site will be given as per the following formula. Credits shall not reduce the minimum size of any replacement tree planted.

Caliper of Preserved Exempt Tree	Credit Against Tree Replacement Requirements	Examples
3” – 16”	Equal to caliper of preserved tree	One protected, exempt, 14” tree is preserved; developer receives a replacement credit of 14”. If he has critically altered a 22” caliper tree requiring replacement, the total replacement requirement would be reduced by 14”, and eight inches total caliper replacement would be required. This could be achieved by: -Two 6” caliper trees, or -One 8” caliper tree
> 16”	Twice the caliper of preserved tree	One protected, exempt, 18” caliper tree is preserved; developer receives a replacement credit of 36”. If he has critically altered six 8” trees requiring replacement, the total replacement requirement would be reduced by 36”, and replacement of 12” total caliper would be required. This could be achieved by any of the following: -four 3” caliper trees -three 4” caliper trees -three 5” caliper trees -two 6” caliper trees

3) Location. Each replacement tree shall be planted on the same property as the tree that was critically altered. However, if the landscape administrator deems that the replacement tree cannot be planted on the same property in accordance with accepted arborists' standards, the Landscape Administrator may, as part of the City’s Reforestation Plan, allow the following:

(a) Replacement on public property, or

(b) replacement on private property if also approved by the City Building Official, or

(c) Require payment to the Reforestation Fund in accordance with Subsection (7)(a)(iii) below.

4) Responsibility to replace trees. The requirement to replace trees shall apply to both the person altering a protected tree and the owner of the property.

5) Replacement of dead trees. A replacement tree planted on the same property as the critically altered tree must be replaced if it dies. This requirement applies to the owner of the property.

b) Scheduling of replacement trees. Replacement trees shall normally be planted within ninety (90) days of critical alteration. If replacement trees cannot be planted within ninety (90) days of critical alteration, the Landscape Administrator may approve a delay in replacement of up to six months after the date of critical alteration. The Landscape Administrator may require the applicant to furnish the City a cash deposit or surety bond in the approximate amount of the cost to replace the trees.

c) Reforestation Fund. If an applicant cannot replace trees on the same property, and if the Landscape Administer does not approve replanting on an alternate site, the application shall make a payment into the Reforestation Fund.

1) The amount of payment required for each replacement tree shall be calculated based on a schedule published and reviewed annually by the Landscape Administrator which sets forth the average cost of a quality tree added to the average cost of planting a tree.

2) It shall be the responsibility of the Landscape Administrator to develop and administer a written plan for the planting, growing, replanting, and appropriate irrigation of trees on all municipal and public domain property. The Tree Board shall present the plan to the Council and, when adopted by the Council, the plan shall represent the Reforestation Plan for the City.

3) Reforestation funds shall be expended only for purchasing, planting, growing and/or irrigating trees as per the City's Reforestation Plan as it exists. Reforestation funds shall not be used for routine maintenance.

4) Funds paid into the Reforestation Fund shall be spent within three (3) years of payment or shall be returned to the payer.

5) The Landscape Administrator shall submit periodic reports to the City Council of the deposits and disbursements from the Reforestation Fund.

d) For existing single family and existing duplex residential development only, tree replacement requirements shall be limited to replanting of one three inch (3") caliper tree for each 27" caliper or larger protected tree removed.

H. Tree Protection.

I. The following procedures shall apply to any protected tree for which a permit is required, unless specifically exempted.

1. Construction plan requirements. All construction plans shall indicate tree protection measures.

2. Prohibited activities in primary root zone. The following activities are prohibited within the limits of the primary root zone of any protected tree subject to the requirements of this section.

a) Material storage. No materials intended for use in construction or waste materials shall be placed within the limits of the primary root zone of any protected tree.

b) Equipment cleaning/liquid disposal. No cleaning or other liquids shall be deposited or allowed to flow overland within the limits of the primary root zone of a protected tree. This includes, but is not limited to paint, oil, solvents, asphalt, concrete, mortar or similar materials.

c) Tree attachments. No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.

d) Construction equipment/vehicular traffic. Unless otherwise approved by the Landscape Administrator, no vehicular and/or construction equipment traffic or parking shall take place within the limits of the primary root zone of any protected tree other than on existing street pavement. This restriction does not apply to single incident access within the primary root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service, or routine mowing operations. No heavy equipment, including but not limited to trucks, tractors, trailers, bulldozers, and bobcat tractors, shall be allowed inside the drip-line of any protected tree on any construction site without the specific approval of the Landscape Administrator.

e) Grade changes. Unless specifically allowed by this section, no grade changes shall be allowed within the limits of the primary root zone of any protected tree unless the Landscape Administrator and/or the City Engineer approves adequate construction methods.

f) Impervious paving near non-exempt trees. Unless a health, safety and welfare issue arises due to access and circulation requirements, no paving with asphalt, concrete or other impervious materials may be placed within seventy-five percent (75%) of the limits of the primary root zone of a protected tree except as otherwise allowed in this section.

g) Impervious paving near exempt, preserved trees. For any exempt tree that is being preserved:

1) No paving with asphalt, concrete or other impervious materials may be placed within a five foot (5') radius of the trunk, and

2) A total of four hundred (400) square feet of area on the primary root zone shall be kept free of impervious materials. This pervious area may be in the shape of a circle, rectangle, or other shape, and shall include and be contiguous with the area within a 5' radius of the trunk.

3. Protective measures required prior to construction. Prior to construction, the contractor or subcontractor shall construct and maintain, for each protected tree on a construction site, a protective fence and where necessary, bark protection. All protective measures shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed.

4. Construction methods.

a) Boring. Boring of utilities under protected trees shall be required in those circumstances where it is not possible to trench around the primary root zone of the protected tree. When required, the length of the bore shall be the width of the primary root zone at a minimum and shall be a minimum depth of 48 inches.

b) Grade Change. The Landscape Administrator may approve a grade change within the primary root zone of a protected tree as per this section and/or the City Engineer.

c) Trenching. All trenching shall be designed to avoid trenching across the primary root zone of any protected tree, unless otherwise approved by the Landscape Administrator. Mechanical trenching within the primary root zone shall not be allowed. Trenching by hand shall not critically alter the root system. The placement of irrigation systems and underground utility lines such as electric, phone, gas, etc., shall be located outside of the primary root zone of protected trees. The minimum required single head supply line for irrigation systems is allowed to extend into the primary root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the primary root zone.

d) Root pruning. All roots two inches or larger in caliper which are exposed as a result of trenching or other excavation shall be cut off square.

J. Tree Planting.

1. In addition to the tree preservation and tree replacement provisions of this section, all applicable tree planting requirements of the landscape section of the City of Weston Zoning Ordinance shall apply.

2. Selection and planting of all replacement trees shall be done in compliance with the landscape section of the City of Weston Zoning Ordinance.

K. Enforcement.

1. Development agreement. The City shall not approve a development agreement unless it provides that all construction activities shall meet the requirements of this section.

2. Building permit or development permit.

a) No building permit or development permit shall be issued unless:

1) a construction tree permit has been approved, or

2) an Affidavit of No Protected Trees has been submitted and approved, or

3) a Determination of Exemption has been made by the landscape administrator or his designee.

b) No building permit or development permit shall be issued unless the applicant signs an application or permit request which says that all construction activities shall meet the requirements of this section. The Building Official shall make available to the applicant:

1) a copy of the Tree Preservation Ordinance or a condensed summary of the relevant aspects pertaining to the type of permit requested; and

2) specifications for tree protection sign(s).

3. Acceptance of improvements. The City may refuse to accept any public improvements until the person pays all penalties for violations of this section; provided, however, that acceptance of public improvements shall be authorized before all trees shall be replaced if, with the Landscape Administrator's approval, the person furnishes the City with a cash deposit or surety bond in the approximate amount of the cost to replace the tree.

4. Certificate of Occupancy. No Certificate of Occupancy (C.O.) shall be issued until any and all penalties for violations of this section have been paid to the City. No C.O. shall be issued until all required replacement trees have been planted or appropriate payments have been made to the Reforestation Fund; provided, however, that a C.O. may be granted before all trees have been replaced if, with the Landscape Administrator's approval, the person furnishes the City with a cash deposit or surety bond in the approximate amount of the cost to replace the tree.

L. Violations.

1. A person commits an offense if the person critically alters a protected tree not meeting an exception listed in this section without first obtaining a tree permit from the City.

2. A person commits an offense if the person critically alters a tree in violation of a tree permit.

3. Any person who violates Subsection (11)(a) by critically altering a protected tree without first obtaining a tree permit from the City, or Subsection (11)(b) by critically altering a tree in violation of the permit, or Subsection (7) by failing to follow the tree replacement procedures, shall be guilty of a misdemeanor and upon conviction shall be fined One Hundred Dollars ($100.00) per caliper inch of the tree(s) critically altered, not to exceed Five Hundred Dollars ($500.00) per incident. The unlawful critical alteration of each protected tree shall be considered a separate incident and each incident subject the violator to the maximum penalty set forth herein for each tree.

4. Any person, firm, corporation, agent or employee thereof who violates any provisions of this section other than those listed in above shall be guilty of a misdemeanor and upon conviction hereof shall be fined not to exceed Five Hundred Dollars ($500.00) for each incident. The unlawful critical alteration of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty set forth herein for each tree.

5. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section."

Section 92-99
Reserved

ARTICLE V. ADMINISTRATION

Section 100
Administrative Official

A. The provisions of this chapter shall be administered and enforced by the City Building Official.

B. The City Building Official or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter.

C. Whenever any construction work is being done contrary to the provisions of this chapter, the City Building Official may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the City Building Official to proceed with the work.

Section 101
Planning and Zoning Commission

A. The City Council shall act as the Planning and Zoning Commission in the event the Commission has not been appointed.

B. The duly appointed Planning and Zoning Commission shall have the following authority and responsibilities under the provisions of this chapter.

1. The Planning and Zoning Commission shall consider, and may grant or deny, approval of any site plan required by this chapter, as provided in Section 28, Site Plan Approval.

2. The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council, prior to any consideration by the City Council, on any of the following:

   a) Any change or amendment to any of the provisions or regulations contained in this chapter.

   b) Any change or amendment to the zoning districts map, or any change in any zoning district boundary.

   c) Any request for Specific Use Permit.

   d) Any request for a Planned Development PD or a Planned Center District.

3. The Planning and Zoning Commission shall, either on its own initiative or by direction of the City Council, or at the request of any person having a proprietary interest in any property, schedule and hold a public hearing on any proposed change or amendment to this chapter as provided herein.

4. The Planning and Zoning Commission shall have no authority to change any provisions of this chapter; nor grant any Specific Use Permit; nor change any zoning district boundary; nor grant any variance or exception to the provisions of this chapter, except as a part of a site plan approval as provided in Section 28.

Section 102
Changes and Amendments

A. Under the provisions of V.T.C.A., Local Government Code Chapter 211, the City Council may, from time to time, amend, supplement, or change, by Ordinance, the boundaries of the districts or the regulations herein established.

1. Submission to Planning and Zoning Commission. Before taking any action on any proposed amendment, supplement, or change in the ordinance, the City Council shall submit the proposed revision to the Planning and Zoning Commission for its review, recommendation, and report.

2. Public hearing and notice. Prior to making its report to the City Council, the planning and zoning commission shall hold at least one public hearing thereon.

   a) Written notice of all public hearings on proposed changes shall be sent to all owners of property, or to the person rendering the same for city taxes, located within 200 feet of any property affected thereby, not less than ten days before such hearing is held. Such notice may be served by using the last known address as shown on the last approved city tax roll and depositing the notice, properly addressed and postage paid, into the United States mail.

   b) Requirement to Post Zoning Change Signs. All zoning changes or amendments, including zoning, rezoning, amendments to Planned Developments, Specific Use Permits, and the like, although

specifically exempting site plan approval for site plans within a “PD” unless part of an SUP approval that requires a site plan, shall be required to have an official sign posted prior to Planning and Zoning Commission consideration and the sign maintained throughout the zoning change process.

1) The Director of Development Services shall have the authority to determine if the posting of the subject property met the intent of the requirements contained herein. *Rev (O-2019-02-03)*

2) Process. The following process requirements shall apply to the posting of a zoning change sign:

(a) The applicant shall be responsible for posting the required number of notification signs on the subject property at least seven (7) days prior to the Planning and Zoning Commission consideration of the application and for maintaining the required signs throughout the zoning change process.

(b) Failure to post the sign at least seven (7) days prior to the Planning and Zoning Commission public hearing shall result in the postponement of the zoning change consideration by the Commission. The applicant shall be subject to an additional fee to republish and/or renotify due to such postponement.

(c) The applicant shall furnish an affidavit to the City of Weston by 12:00 P.M. (Noon) on the day the public hearing is scheduled certifying that the required sign was posted on the subject property on or before the seventh (7th) day prior to said Public Hearing and that it was maintained on the subject property in a manner consistent with the requirements contained herein prior to the Public Hearing at which the application is to be considered.

3) Maintenance of zoning change signs.

(a) The applicant shall be responsible for maintaining the sign on the subject property throughout the zoning change process. The City of Weston is not responsible for monitoring the required zoning change signs.

(b) Should the City of Weston discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the City of Weston shall contact the applicant to investigate and, if needed, correct the situation. An affidavit from the applicant certifying that the applicant has corrected the posting shall indicate that the intent of the posting requirement was met.

(c) The applicant shall be responsible for removing the sign from the subject property and returning it to City Hall within two (2) weeks of the final action by the City of Weston. *Rev (O-2019-02-03)*

4) Sign locations.

(a) All required signs shall be posted in unobstructed view on private property and in a manner in which they can be clearly read from the public right-of-way. *Rev (O-2019-02-03)*

(b) On tracts of land with frontage on public right-of-way greater than 250 feet, additional signs shall be posted so that each sign is no greater than approximately 200 feet apart.

(c) On corner lots, a single sign may be posted at the intersection of the two streets if the frontage on either street does not exceed 250 feet.

c) Notice of hearings on proposed changes in zoning regulations affecting the City in general shall be accomplished by one publication one time in a newspaper of general circulation in the City stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication.

3. Commission report.

a) The commission, after the public hearing is closed, shall prepare its report on the requested change stating its findings, its evaluation of the request and of the relationship of the request to the adopted city plan, and its recommendation thereon. The commission may defer its report for not more than 90 days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the commission shall consider the following factors:

1) Whether the uses permitted by the proposed change would be appropriate in the area concerned;

2) Whether adequate public school facilities and other public services exist or can be provided to serve the needs of additional residences likely to be constructed as a result of such change, and the consequences of such change;

3) Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers to the area;

4) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

5) The recent rate at which land is being developed in the proposed zoning district, particularly in the vicinity of the proposed change;

6) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

4. Council hearing.

a) A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change to the ordinance. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the City, stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication.

5. Negative recommendations; written protest procedures.

a) An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths of all members of the council:

1) If the commission recommends denial of the proposed change, or

2) If a written, signed protest is filed by owners of at least 20 percent of either:

(a) The area of the lots or land covered by the proposed change; or

(b) The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

b) Written protest procedures.

1) Form of protest:

(a) A protest must be in writing and, at a minimum, contain the following information:

(1) A description of the zoning case at issue.

(2) The names of all persons protesting the proposed change in zoning district classification or boundary.

(3) A description of the area of lots or land owned by the protesting parties that is either covered by the proposed change or located within 200 feet of the area covered by the proposed change.

(4) The mailing addresses of all persons signing the protest.

(5) The date and time of its execution.

(b) The protest must bear the original signatures of all persons required to sign under subparagraph 3. and acknowledged under subparagraph 4.

c) Required signatures.

1) A protest must be signed by the owner of the property in question, or by a person authorized by power of attorney to sign the protest on behalf of the owner. In the case of non-community property owned by two or more persons, the signature by any one owner of the property, or by a person authorized by power of attorney to sign the protest on behalf of any one owner, binds the entire property to the protest. In the case of community property, the written protest of one spouse will bind the property in its entirety.

2) In the case of property owned by a corporation, the protest must be signed by the president, a vice-president, or by an attorney-in-fact authorized to sign the protest on behalf of the corporation. In the case of property owned by a general or limited partnership, the protest must

be signed by a general partner or by an attorney-in-fact authorized to sign the protest on behalf of the partnership.

3) Lots or land subject to a condominium regime are presumed to be commonly owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, the written protest must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

d) When signatures must be acknowledged by a notary public.

1) Except as otherwise provided in subparagraphs 2. and 3., all signatures on a written protest, whether by petition or letter, must be acknowledged before a notary public as provided herein. The notary requirement is fulfilled if the person who obtains the signature(s) signs a certification (known as a jurat) stating:

(a) that he/she witnessed those signatures, and

(b) that the signatory represented his/her authority to sign the petition.

2) The City shall be required to forward to the owners entitled to notice hereunder, in addition to the required notice, a reply form for the lodging of protests. A signature on an original reply form sent by the City to the mailing address of the property owner need not acknowledged before a notary public.

3) A signature on a protest delivered in person by the person signing need not be acknowledged before a notary public if its reliability is otherwise established to the satisfaction of the City Secretary. In such a case, a summary of the evidence of reliability considered by the City Secretary must be endorsed on the protest by the City Secretary.

e) Filing deadline.

1) A written protest must be filed with the City Secretary before 5:00 p.m. of the fourth working day immediately preceding the date advertised for the second public hearing in the statutory notice published in the official newspaper of the City. For example, a written protest must be received by 5:00 p.m., on the Wednesday prior to a regularly scheduled Tuesday council meeting. A protest sent through the mail must be received by the City Secretary before the deadline.

2) Before the public hearing on the case, the filing deadline is automatically extended whenever the public hearing is re-advertised in the official newspaper of the City pursuant to statutory notice requirements.

3) After the public hearing has begun, the filing deadline may only be extended by calling a subsequent public hearing and advertising that public hearing in the official newspaper of the City pursuant to statutory notice requirements or if the item is tabled or continued. In such a case, the new filing deadline is noon of the second working day immediately preceding the newly advertised public hearing date or the date to which the item is tabled or continued.

f) Withdrawal of protests once filed. A protest, once filed, remains in effect unless withdrawn in accordance herewith, irrespective of any amendments made to the zoning proposal. Withdrawals of protests filed must be in writing and filed with the City Secretary before the filing deadline. The provisions of this Subsection governing the form and filing of protests apply equally to withdrawals.

g) Presumptions of validity.

1) In all cases where a protest has been properly signed pursuant to this Subsection, the City shall presume that the signatures appearing on the protest are authentic and that the persons or officers whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented.

2) The City Attorney may advise the City Council that the presumption in subparagraph 1 should not be followed in a specific case based on evidence presented.

h) Conflicting instruments. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.

6. Limitation on resubmission of petition. No amendment, supplement, change, or repeal of any section of this chapter which has been legally rejected by both the Planning and Zoning Commission and the City Council shall be again considered either by the Planning and Zoning Commission on an appeal or petition by an appellant or application before the expiration of one year from the date of the original action.

Section 103
Board of Adjustment

A. The Mayor shall appoint and the City Council shall confirm a Board of Adjustments composed of five (5) members of citizens of the City of Weston.

1. Appointments will serve at the pleasure of City Council

2. The Mayor shall appoint the Chair of the Board for the initial Board appointment.

3. The Mayor shall appoint a Vice-Chair of the Board of Adjustments for the initial Board appointment

4. After which, the Board of Adjustments, will nominate and vote for, by a simple majority, a Chair and a Vice Chair.

5. The Chair of the Board of Adjustments will be voted upon each year and will preside over all meetings which will be conducted according to the State of Texas Open Meetings Act and associated rules and regulations. *Rev (O-2019-02-03)*

B. The Board of Adjustment shall be established in accordance with the provisions of V.T.C.A., Local Government Code § 211.008 et seq., regarding the zoning of cities and with the powers and duties as provided in said statutes. *Rev (O-2019-02-03)*

1. Organization.

a) Membership. The Board shall consist of five citizens, each to be appointed or reappointed by the Mayor and confirmed by the City Council, for staggered terms of two years respectively. In addition, two alternate members shall be appointed to serve in the absence of any regularly appointed member. Each member of the board shall be removable for just cause by city council upon written charges and after public hearings. Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman, who shall serve for a period of one year or until his successor is elected.

b) Meetings. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine.

c) Hearings. The hearings of the Board of Adjustment shall be public. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four members of the board.

d) Rules and regulations. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The Board of Adjustment shall act by resolution. Approval of any request shall require four affirmative votes. Any request not approved by affirmative vote of four or more members shall be considered denied. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the City Building Official, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

2. Appeals.

a) Procedure. Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the City. The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

b) Stay of proceedings. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only be a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.

c) Notice of hearing on appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, shall give public notice of the hearing, and shall mail notices of such hearing to the petitioner and to the owners of property lying within 200 feet or less of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the City. Depositing of such written notice in the mail, postage-paid, shall be deemed sufficient compliance therewith.

d) Decision by Board. The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

3. Powers and Duties of Board.

a) Subpoena witnesses, etc. The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

b) Appeals based on error. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Development Services Director or it's Assignee in the enforcement of this chapter. *Rev (O-2019-02-03)*

c) Special exceptions. The Board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass as follows or elsewhere in this chapter.

1) Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.

2) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

3) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this section is derived.

4) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

5) Waive or reduce the parking and loading requirements in any of the districts, whenever the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

d) Variances. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship (except that hardships of an economic nature may not qualify for variance relief solely on the basis of the economic hardship), and so that the spirit of this chapter shall be observed and substantial justice done, including the following: *Rev (O-2019-02-03)*

1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

2) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of this chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this chapter, and at the same time, the surrounding property will be properly protected.

e) Changes. The Board shall have no authority to change any provisions of this chapter and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

Section 104-109
Reserved

ARTICLE VI. ENFORCEMENT

Section 110
Building Permits

A. All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale showing:

1. The actual shape and dimensions of the lot to be built upon.
2. The exact sizes and locations on the lot of the buildings and accessory buildings then existing.
3. The lines within which the proposed building and structure shall be erected or altered.
4. The existing and intended use of each building or part of building.
5. The number of families or dwelling units the building is designed to accommodate.
6. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter.

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

C. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified registered surveyor or be based on a subdivision plat properly approved by and filed with the City, and the lot shall be staked out on the ground before construction is started.

Section 111
Permits and Agreements

A. This chapter is not intended to abrogate or annul:

1. Any permits issued before the effective date of the ordinance from which this section is derived.
2. Any easement, covenant or any other private agreement.

Section 112
Certificate of Occupancy

A. No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used nor shall any basic change of use in land or structure be made until a certificate of occupancy and compliance shall have been issued by the City Building Official stating that the building or proposed use of land or building complies with the provisions of this chapter and the City Building and Fire Codes.

1. Requirement. A certificate of occupancy shall be required for any of the following:
   a) Occupancy and use of a building hereafter erected or structurally altered.
   b) Change in use of an existing building to a use of different classification.
   c) Occupancy and use of vacant land, except agricultural use.
   d) Change in the use of land to a use of a different classification.
   e) Any change in the use of a nonconforming use.
   f) No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the City Building Official.
2. Procedure for new or altered buildings. Preliminary application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. If the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter and the City Building and Fire Codes, the certificate of occupancy therefor shall be issued within three working days after a final request for the certificate of occupancy has been made.
3. Procedure for vacant land or a change in use. Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to the City Building Official. If the proposed use is in conformity with the

provisions of this chapter and the City Building and Fire Codes, the certificate of occupancy therefor shall be issued within three working days after the application for same has been made.

4. Contents. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all certificates of occupancy shall be kept in file in the office of the City Building Official or his agent, and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

5. Temporary certificate. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the City Building Official for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this chapter.

6. Fire marshal review of certificate of occupancy. The fire marshal or his designated representative shall recommend approval or disapproval of each certificate of occupancy within three working days after a final request for the same has been made to the building official. The City Building Official shall notify the fire marshal of the final request for a certificate of occupancy on the same day as the request is received.

7. Revocation of certificate of occupancy. Issuance of the certificate of occupancy does not relieve an applicant of conformance to this chapter and all City Building and Fire Codes of Weston. If a violation of said codes is discovered after issuance of a certificate of occupancy, the same may be revoked by the City Building Official until the violation is corrected, or a citation may be issued as provided for in the codes for each day the violation is continued, or both.

Section 113
Filing Fees and Charges

A. The fees and charges shall be paid to the City when any application, petition, or appeal is tendered to the Planning and Zoning Commission or any other authorized board, agency, or official of the City. Each of the fees and charges provided shall be paid in advance, and no action of the commission, council, or any other board, agency, or official of the City shall be valid until the fees and charges shall have been paid to the City.

B. Except as hereinbefore provided, these fees and charges shall be paid on all applications, petitions, and appeals, regardless of the action taken by the commission or any other board, agency, or official of the City, and whether the application, petition, or appeal is approved or denied by the City Council. Such fees and charges shall not, however, be charged or paid for any amendment, change, or other action initiated by the City.

1. Building permits. Fees and charges for building permits shall be in accordance with the Fee Schedule otherwise adopted or in use by the City.

2. Certificate of Occupancy. Fees and charges for certificates of occupancy shall be in accordance with the Fee Schedule otherwise adopted or in use by the City.

3. Temporary Use Permit. For such temporary uses as may be permitted or granted by the City Council, $25.00 per permit or extension of permit.

Section 114
Penalty

A. Any person, firm or corporation who shall violate any of the provisions of this chapter or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed $2,000.00, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

Section 115-119
Reserved

ARTICLE VII. PRIVATE STREET REGULATIONS

Section 120
Intent and Purpose

A. It is the intent of these private street regulations:

1. To allow private street developments to occur within the City on a limited and restrictive basis;
2. To provide for private street developments as one type of residential development mechanism to allow the City to continue to be competitive in the development market; and
3. To provide a broader variety of residential areas to meet the needs of the residents of the City.

B. There shall be no required or maximum acreage size and/or number of lots within private street developments. However, minimums and maximums will be evaluated on a case-by-case basis through the specific use permit process.

C. The location of each private street development will be subject to the approval of the City Council, through the specific use permit process, on a case-by-case basis, based on, among other matters, the criteria described in this Ordinance. An applicant who meets the stated criteria will not be entitled to the specific use permit as a matter of right, but shall only obtain approval for the specific use permit at the sole discretion of the City Council.

Section 121
Administrative Procedure

A. In order to qualify for consideration of a specific use permit for private streets, the applicant must satisfy the criteria set forth below.

1. Zoning Ordinance. All applications for private street developments shall be processed through the specific use permit or planned development district procedure as specified herein and as stated within Section 25 and as such chapter may be hereafter amended.
2. Subdivision Ordinance. All applications for private street development shall also be processed through this chapter, and as such chapter may be hereafter amended.
3. Board of Adjustment. Denial of approval of any private street development specific use permit by the City Council shall be final and shall not be appealable to the Board of Adjustment.

Section 122
Guidelines for Development

A. The proposed development shall be evaluated with respect to the following guidelines as part of the review and approval process for all private street developments. Subsections 1, 2, and 3 of this section are mandatory and are requirements for all private street developments. Subsections 4 through 7 of this section, while they are recommended guidelines, the degree to which each is satisfied should be reviewed by staff, the planning and zoning commission, and city council, as a part of the determination of the merits of any individual proposed private street development.

1. The area shall be within the corporate limits of the City.
2. The development plan shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or adequate access to any adjoining tract.
3. Area shall not disrupt an existing or proposed city public pedestrian pathway, hike and bike trail or park.
4. If the area is intended for residential use (may be an existing or proposed residential development), it should be zoned solely as a residential zoning district (that is, a zoning district the stated purpose of which is to provide for primarily residential uses), except in the case of a PD (planned development) zoning district, in which case the area should be designated solely for residential use.
5. The area should be bounded on all sides by natural barriers, manmade barriers such as a greenbelt, hike and bike trail, golf course or park, screening walls, or collector roadways.
6. Except where substantial existing natural or manmade barriers would render the requirement unreasonable, each such development should have direct access to a two-lane collector street, in addition to any access to one or more arterial streets that may be proposed. Any private street development of such limited size that it

does not require direct collector street access for appropriate traffic service may instead have access to a collector street within the neighborhood by way of another local street.

7. The proposed private street subdivision should not result in an overconcentration of such developments, to the extent of dominating the neighborhood development pattern.

Section 123
General Requirements

A. The private street system must comply with design standards of this chapter. All references in this chapter to "public right-of-way" shall apply to private street lots.

B. The private street system must provide access for emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and government employees in pursuit of their official duties.

C. The type of gate or controlled access mechanism is subject to the approval of the City's Fire Marshal.

D. If the private street development is designated solely for residential use, the specific use permit shall be subject to termination by the City Council through applicable procedures, at such time as the development ceases to be used solely for residential purposes.

Section 124
Specific Requirements

A. *Required wording on plat.* Each private street development plat shall contain the following wording on the face of the plat:

"The streets have not been dedicated to the public for public access nor been accepted by the City as public improvements, and the streets shall be maintained by the property owners association within the subdivision. The streets shall always be open to emergency vehicles, public and private utility service personnel, the U.S. Postal Service and governmental employees in pursuit of their official duties."

B. Gate type. The type of gate or controlled access mechanism is subject to the approval of the City fire marshal.

C. Issuance of specific use permit. All approved specific use permits will become effective with the approval of the Record Plat.

D. Public utility and storm sewer easement. Private streets shall be located in a public utility and storm sewer easement. The width of the easement shall be the same as the required right-of-way width for a public street.

E. Easements. Private street developments shall provide the following easements:

1. Public utility and storm sewer easements containing private streets and public utilities;

2. Additional public utility easements required by public agencies;

3. Pre-existing easements unaffected by the platting process; and

4. Such private service easements, including, but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or convenient.

F. Access. All private street developments shall be required to have a minimum of one point of access to a public street having a right-of-way width of at least 60 feet, unless specifically approved otherwise.

G. Site plan. For each private street development, a site plan shall be submitted and shall conform to Section 28, site plan approval, with the exception of those exemptions listed in Section 28, which shall not apply. In addition to the requirements of Section 28, the following shall be submitted:

1. A rendering of elevation of proposed structures, including description of proposed building materials, roof pitches, signage, and such other items as the City staff might reasonably request (said rendering of elevation of proposed structures does not refer to residential structures, but rather to other structures that are components of the private street development);

2. An illustration of the relationship of the development to the qualifying criteria section of this chapter/policy;

3. An illustration of the fencing, the guard house (if any) and entry way, and the location of any other items within the private street development; and

4. An illustration of the items outside the private street development, such as, but not limited to, entrance area, barriers, perimeter walls, exterior landscaping, and other elements as required by city staff.

H. Impact fees. As applicable, impact fees will be required.

Section 125
Conversion of Public Streets to Private Streets

A. For existing developments to become private:

1. Permit application must contain signatures of all owners of existing lots that would be part of the proposed private street subdivision.

2. An applicant must purchase installed infrastructure and right-of-way from the City, and establish a reserve fund in accordance with Section 127, Reserve Fund.

3. An applicant must conform to all other provisions of this section.

Section 126
Relationship to the City Comprehensive Plan

A. The following components shall be evaluated when reviewing potential private street developments. This evaluation will aid in logical implementation of the current city comprehensive plan.

1. Future land use plan. Impact on land uses, their configuration, and function shall be examined as part of each request for a private street development.

2. The master park plan (MPP) and hike and bike trails plan (HBTP). The proposed private street development shall be evaluated to assess the impact of private streets on access, including ingress and egress, and continuity of the hike/bike/jogging/open space linkage system within the community, as well as the functioning of other MPP and HBTP elements.

3. The Thoroughfare Plan (TP). The proposed private street development will be evaluated to assess its impact on the efficiency, convenience, and safe functioning and implementation of the TP.

Section 127
Property Owners' Association

A. Required. Subdivisions with private streets shall have a property owners' association, the property owners' association shall own and be responsible for the maintenance of private streets and appurtenances. The property owners' association shall provide for the payment of dues and assessments required to maintain the private streets. The property owners' association documents must be acceptable to the City at the time of final plat approval. The approved document must be filed for record contemporaneously with the filing of the record plat.

B. Reserve fund. The property owners' association documents must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant property owners' association infrastructure. This reserve fund shall not be commingled with any other property owners' association fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements. The life expectancy for a subdivision with concrete streets shall be a minimum of 20 years.

1. The property owners' association shall have an annual review performed by a certified public accounting firm verifying the amount in the reserve fund. A copy of this review shall be provided to the City.

2. If the specific use permit is revoked or the private streets converted to public streets, the reserve fund shall become the property of the City.

C. Membership requirements. Every owner of a lot within the private street development shall be a member of the property owners' association.

D. Required disclosures. The property owners' association documents shall address, but shall not be limited to, the following four Subsections:

1. The property owners' association documents must indicate that the streets within the development are private, owned and maintained by the property owners' association and that the City has no obligation to maintain or reconstruct the private streets.

2. The property owners' association documents shall include a statement indicating that the City may, but is not obligated to, inspect private streets, and require repairs necessary to ensure that the same are maintained to City standards.

3. The property owners' association may not be dissolved without the prior written consent of the City.

4. Section 125 of these regulations shall be included in the property owners' association documents, to increase the opportunity for awareness of mandatory conversion of private streets to public streets.

E. Assignment of property owners' association lien rights. The property owners' association declaration shall provide that should the property owners' association fail to carry out its duties as specified in these regulations, the City or its lawful agents shall have the right and ability, after due notice to the property owners' association, to perform the responsibilities of the property owners' association if the property owners' association fails to do so in compliance with any of the provisions of these regulations or of any applicable City codes, regulations or agreements with the City and to assess the property owners' association or the lot owners for all costs incurred by the City in performing said responsibilities if the property owners' association fails to do so, and the City shall further have any and all liens and lien rights granted to the property owners' association to enforce the assessments required by the declaration, and/or to avail itself of any other enforcement actions available to the City pursuant to state or City codes and regulations. No portion of the property owners' association documents pertaining to the maintenance of the private streets may be amended without the written consent of the City.

F. Services not provided. The property owners' association documents shall note that certain City services shall not be provided on private streets. Among the services that will not be provided include: routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. Depending on the characteristics of the proposed development, other services may not be provided.

G. Access required. The property owners' association documents shall contain a provision that requires access to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties.

Section 128
Conversion of Private Streets to Public Streets

A. Voluntary conversion. The City may, but is not obligated to, accept private streets for public access and maintenance. The procedure must conform to all of the following provisions:

1. The property owners' association must submit a petition signed by at least 51 percent of its members (or a greater number of signatures if required by the property owners' association document).

2. All of the infrastructure must be in a condition that is acceptable to the City.

3. All security stations, gates, and other structures not consistent with a public street development must be removed.

4. All monies in the reserve fund must be delivered to the City.

5. The subdivision plat shall be submitted to the City as a replat and upon review and approval, shall be filed with the county clerk to dedicate the streets, public utility easements, storm sewer easements and any other public easements to the City. An ordinance converting the private streets to public streets must be approved by the City Council prior to the filing of said subdivision plat.

6. The property owners' association documents must be modified and refiled to remove requirements specific to private street subdivisions.

B. Mandatory conversion.

1. The City will notify the property owners' association of violations of the private street regulations. Failure to bring the subdivision into compliance with the regulations may cause the City to revoke the specific use permit for the private streets.

2. If the specific use permit is revoked, the City may correct all remaining violations, remove the security stations and unilaterally re-file the subdivision plat thereby dedicating the streets to the public. All monies in the reserve fund will become the property of the City and will be used to offset any costs associated with converting the private streets to public streets. In the event the balance is not sufficient to cover all expenses, the property owners' association and/or the property owners will be responsible for the amount of unpaid work.

Section 129
Design Standards

A. Required. The design and construction of the infrastructure within a private street subdivision shall conform to the same rules, regulations, standards, and specifications established for public subdivisions and as regulated in the Weston Design Standards Manual.

B. Promulgation. The City Engineer is hereby authorized to promulgate rules, regulations, standards, and specifications for the design and construction of improvements unique to a private street subdivision.

C. Filing. The same shall be filed with the City Secretary at least 30 days before they shall become effective.

D. Amendments. An amendment may be made from time to time; provided that the amendment is filed with the City Secretary at least 30 days before it becomes effective.

E. Savings clause. No such rules, regulations, standards or specifications shall conflict with this or any other Ordinance of the City.

F. Structures.

1. Project perimeter fences at project entry access points, entry monuments, and security stations, may be erected within the public utility and storm sewer easement, provided they do not impede the installation, maintenance, repair, or replacement of public utilities and storm sewers within the easement.

2. Where security stations are a part of a larger, multipurpose structure, only that portion of the structure, which functions as a security station, may encroach the building line adjacent to the private street.

Section 130
Maintenance

A. The property owners' association shall be responsible for periodic inspection and maintenance of all infrastructure except utilities (water, sanitary sewer, storm sewer, gas, cable, telephone, and electric lines).

B. The City has no obligation to inspect or maintain a private street.

C. In the event that the property owners' association fails to make repairs required by the City, the City shall have the right, but not the obligation, to cause the repairs to be completed and collect the cost of the same from the property owners' association for said work.

D. If the property owners' association fails to maintain access as required in this Ordinance, the City may enter the subdivision and remove any gate or device, which is a barrier to access, at the sole expense of the property owners' association.

Section 131
Condominium Drives

A. In order to provide for orderly development and provision of services, the City Planner or their designee may approve the creation of named condominium drives as part of a residential condominium project. These drives are not dedicated city streets and maintenance is solely the responsibility of the property owner.

B. If the City Planner does not approve the designation of the drives as condominium drives, the applicant may appeal the decision to city council as part of the plat approval process.

C. Proposed condominium drives shall be located within access/fire lane/utility easements as determined necessary by the City engineer and fire marshal.

D. Condominium drive names shall be approved by the City engineer.

E. Additionally, the City Attorney shall review and approve the condominium documents associated with any proposed development that will include condominium drives.

Section 132
Miscellaneous

A. All references to ordinances shall also refer to all amendments to, substitutions or codifications thereof.

Section 133
Cluster Housing Developments

A. Exceptions. The following listed sections shall not apply to certain private streets, known as motor courts, which provide access to not more than seven dwelling units each and which are within PD planned development districts for individually designed clusters of single family residence lots, and subject to specific development plans for lotting arrangement; access and circulation; parking; landscaping, transition and screening elements:

1. Section 122-5;

2. Section 123-A;

3. Section 124-C;

4. Section 124-E; and

5. Section 129

B. Specific regulations. A development with private motor courts as provided herein shall conform to the following:

1. The development shall be specifically approved through a PD Planned Development District, instead of through a specific use permit within another district, and shall be not more than 12 acres in total area.

2. Public utility and storm sewer easements shall be provided as needed for the development and surrounding area.

3. The City Engineer is hereby authorized to establish rules, regulations, standards, and specifications for the design and construction of improvements unique to the specific private motor court subdivision, during the process of approval of the associated PD Planned Development District or subdivision plat.

4. If a motor court has a paved area less than the usual standard for a local residential street, it shall have access from a street with a pavement width of not less than 31 feet, or such greater width as may be required by the City to provide for anticipated traffic flow or parking needs generated by the cluster housing development.

Appendix A
Schedule of Uses

Type of Use	AG	RED-1	RED-2	RS-120	RS-84	RS-72	RS-60	SRR **	RD-30	RG-27	RG-25	RG-18	MP	BN	BG	C	O	ML	MH	GC	MF-1	MF-2	MF-3	O-1	NC	BC	WTC
Residential Uses																											
Bed and breakfast	S	S	S	S	S	S	S		S	S	S	S		S	S						S	S	S	S	S		N-1
Boarding house or grooming house											P			P	P	P					P	P	P			P	N-1
Dormitories					P	P	P		P	P	P	P		P	P	P					P	P	P			P	N-1
Independent living facility (retirement community)											P	P			S	S	S				P	P	P	S			N-1
Mobile home dwelling													P					P	P								N-1
Mobile home park													P														N-1
Multiple family dwelling (apartment)											P	P		P	P	P					P	P	P				N-1
Multiple family dwelling, senior (senior apartment)											P	P		P	P	P					P	P	P				N-1
Single-family dwelling (attached)										P	P	P		P	S	P					P	P	P				N-1
Single-family dwelling (detached)	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P					P	P	P		P		N-1
Two family dwelling (duplex)	P*								P	P	P	P		P	P	P		P	P		P	P	P		P	P	N-1
Watchman or caretaker quarters	P	P	P																								N-1
Educational and Institutional Uses																											
Assisted living facility, nursing home, or rest home												P		P	P	P	S				P	P	P	S	P		N-1
Cemetery	S																										N-1
Church, rectory, or other places of worship including church-operated day-care facilities and pre-schools	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P	P	N-1
Clinic								P						P	P	P	P							P	P	P	N-1
College or university	S	S	S	S	P	P	P		P	P	P	P		P	P	P					P	P	P			P	N-1
Day-care								P			P	P	P	P	P	P		P									N-1
Fraternal organization, lodge, civic club								P				P		P	P	P		P	P		P	P	P			P	N-1
Halfway house									S	S	S	P		P	P	P					P	P	P			P	N-1
Hospital												P		P	P	P					P	P	P			P	N-1
Museum, library, art gallery (public)	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P			P	N-1
School, business or trade								P							P	P	P	P	P							P	N-1
School, public, private or parochial																											
Accessory, Utility and Incidental Uses																											
Accessory building or use	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1

** Rev (O-2017-02-03)*

*** Rev (O-2018-03-03)*

Use Prohibited

S – Permitted with Special Use Permit

T – Permitted with a Temporary Use Permit

Type of Use	AG	RED-1	RED-2	RS-120	RS-84	RS-72	RS-60	SRR **	RD-30	RG-27	RG-25	RG-18	MP	BN	BG	C	O	ML	MH	GC	MF-1	MF-2	MF-3	O-1	NC	BC	WTC
Electrical generating plant																		P	P								N-1
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P	P	P	P	N-1
Local utility line or utility distribution lines; Telephone exchange (no garage or shop)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Public building (shop or yard)	S																	P	P							P	N-1
Servant's quarters	P	P	P			P																					N-1
Sewage treatment plant																			P								N-1
Utility business office															P	P	P	P	P							P	N-1
Utility shop or yard	S																	P	P							P	N-1
Utility substation or regulating station	P	S	S	S	P	P	P		P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Water storage tank	S	S	S	S	P	P	P		P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Water treatment plant	S																	P	P								N-1
Recreational and Entertainment Uses																											
Amusement, commercial (indoor)															P	P	P	P	P							P	N-1
Amusement, commercial (outdoor)																		P	P								N-1
Carnival or circus (temporary)	T														T	T	T	T	T	T						T	N-1
Country club	S	S	S	S	P	P	P		P	P	P	P		P	P	P	P	P	P		P	P	P			P	N-1
Fitness club, gymnasium, exercise area or similar use														P	P	P		P	P							P	N-1
Golf course (public)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Golf course (private)	S								S	S	S	S			P			P	P		S	S	S			P	N-1
Park or playground (public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Playfield or stadium (public)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Private club															S	S										S	N-1
Recreation area (private)	P					S			S	S	S	P	P	P	P	P	P	P	P		P	P	P	S	P	P	N-1
Recreation center (public)	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Sexually oriented business																			P								N-1
Swim or tennis club	P								S	S	S	P	P	P	P	P	P	P	P		P	P	P			P	N-1
Swimming pool (public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Swimming pool (private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	N-1
Theater (indoor)															P	P	P	P	P							P	N-1

** Rev (O-2017-02-03)*

*** Rev (O-2018-03-03)*

Use Prohibited

S – Permitted with Special Use Permit

T – Permitted with a Temporary Use Permit

Type of Use	AG	RED-1	RED-2	RS-120	RS-84	RS-72	RS-60	SRR **	RD-30	RG-27	RG-25	RG-18	MP	BN	BG	C	O	ML	MH	GC	MF-1	MF-2	MF-3	O-1	NC	BC	WTC
Theater (outdoor)																		P	P							P	N-1
Transportation, Automobile, and Related Uses																											
Airport or landing field, and aircraft hangar																											N-1
Auto painting or body shop															P			P	P							P	N-1
Auto parts sales (indoor)														P	P	P		P	P							P	N-1
Automobile, trailer, light truck, tool rental															P	P		P	P							P	N-1
Automobile, motorcycle, boat (sales, repair, or storage)															P	P		P	P							P	N-1
Bus station															P	P		P	P							P	N-1
Car Wash														S	P	P		P	P							P	N-1
Garage, auto repair															P	P		P	P							P	N-1
Garage or lot, parking (private)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Garage or lot, parking (commercial)															P	P	P	P	P	P						P	N-1
Heliport or helistop	T														T	T	T	T	T	T						T	N-1
Motor freight terminal																		P	P							P	N-1
Parking, incidental to main use	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Parking lot (truck)																		P	P							P	N-1
Private street development		S	S	S	S	S	S		S	S	S	S															N-1
Railroad freight station																		P	P							P	N-1
Railroad team truck																		P	P							P	N-1
Railroad track or right-of-way	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Recreational vehicle sales															P	P		P	P							P	N-1
Service station or motor vehicle fuel sales														P	P	P		P	P							P	N-1
Taxi or shuttle service																		P	P							P	N-1
Tire recapping																			P							P	N-1
Truck Fueling Station																		S	S								
Truck sales, storage, or repair																		P	P							P	N-1
Truck Stop																											
Commercial Type, Retain, and Service Uses																											
Bait shop	P							P							P	P		P	P							P	N-1
Bakery or confectionery (retail)								P						P	P	P		P	P							P	N-1

** Rev (O-2017-02-03)*

*** Rev (O-2018-03-03)*

Use Prohibited

S – Permitted with Special Use Permit

T – Permitted with a Temporary Use Permit

Type of Use	AG	RED-1	RED-2	RS-120	RS-84	RS-72	RS-60	SRR **	RD-30	RG-27	RG-25	RG-18	MP	BN	BG	C	O	ML	MH	GC	MF-1	MF-2	MF-3	O-1	NC	BC	WTC
Bakeries (wholesale)															P			P	P							P	N-1
Banks and financial institutions								P						P	P	P	P	P	P					P	P	P	N-1
Barber or beauty shops								P						P	P	P	P	P	P						P	P	N-1
Building materials sales or monument sales															P	P		P	P							P	N-1
Carpentry or sign shop																		P	P							P	N-1
Cleaning plant (laundry)															P	P		P	P							P	N-1
Cleaning shop and pressing (small shop and pickup)														P	P	P		P	P						P	P	N-1
Department or discount store															P	P		P	P							P	N-1
Drug-store or pharmacy								P						P	P	P		P	P							P	N-1
Exterminator															P	P		P	P							P	N-1
Farmers market	P							P							P	P		P	P							P	N-1
Florist or garden shop								P						P	P	P		P	P							P	N-1
Field office or real estate sales office	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N-1
Food stores, groceries								P						P	P	P		P	P							P	N-1
Frozen food lockers															P	P		P	P							P	N-1
Funeral homes and mortuaries												S			P	P		P	P		S	S	S			P	N-1
Furniture sales															P	P		P	P							P	N-1
Greenhouse or plant nursery															P	P		P	P							P	N-1
Hardware store (paint, plumbing, and related sales)								P						P	P	P		P	P							P	N-1
Heavy machinery sales and storage																		P	P							P	N-1
Hotel or motel															P	P										P	N-1
Household appliance sales														P	P	P		P	P	P						P	N-1
Laboratories (medical, dental, science)															P	P	P	P	P							P	N-1
Mimeograph or letter shop															P	P	P	P	P							P	N-1
Mobile home display and sales																P		P	P							P	N-1
Office building												S		P	P	P	P	P	P	P				P	P	P	N-1
Offices with showrooms																		P	P							P	N-1
Office use	P							P				P	P	P	P	P	P	P	P	P				P	P	P	N-1
Office supplies															P	P	P	P	P						P	P	N-1

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Type of Use	AG	RED-1	RED-2	RS-120	RS-84	RS-72	RS-60	SRR **	RD-30	RG-27	RG-25	RG-18	MP	BN	BG	C	O	ML	MH	GC	MF-1	MF-2	MF-3	O-1	NC	BC	WTC
Paint and related sales														P	P	P		P	P							P	N-1
Pawnshops															P	P		P	P							P	N-1
Personal service														P	P	P	P	P	P						P	P	N-1
Pet store, kennel, animal boarding (no outside runs)														P	P	P		P	P							P	N-1
Pet store, kennel, animal boarding (outside runs)	P																	P	P							P	N-1
Psychic/paranormal readings														P	P	P		P	P							P	N-1
Radio or TV broadcast studio															P	P	P	P	P							P	N-1
Retail store (indoor)								P						P	P	P		P	P						P	P	N-1
Restaurant or cafeteria (carry-out only)								P						P	P	P		P	P						P	P	N-1
Restaurant or cafeteria (indoor service)								P						P	P	P	S	P	P						P	P	N-1
Restaurant or cafeteria (including drive-through window)														S	P	P		P	P							P	N-1
Restaurant or cafeteria (drive-in service)															P	S		P	P							P	N-1
Studios, photo, music, art, health, etc.								P						P	P	P	P	P	P							P	N-1
Tattoo Parlor																		P	P								N-1
Travel agent								P						P	P	P	P	P	P					P	P	P	N-1
Upholstery shop															P	P		P	P							P	N-1
Veterinarian (no outside runs)															P	P		P	P							P	N-1
Veterinarian (with outside runs)	P																	P	P							P	N-1
Wholesale establishments																		P	P							P	N-1
Industrial and Manufacturing Uses																											
Concrete or asphalt batch plant																			P								N-1
Contractor's yard																		P	P							P	N-1
Dirt or topsoil extraction; sand and gravel mining or storage	S							—										S	S								N-1
Fat rendering, animal reduction																			P								N-1
Food processing																		P	P								N-1
Forestry, mining and oil/gas drilling uses	P																	P	P								N-1
Forge plant																			P								N-1
Indoor Gun Range																		S	S								

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Type of Use	AG	RED-1	RED-2	RS-120	RS-84	RS-72	RS-60	SRR **	RD-30	RG-27	RG-25	RG-18	MP	BN	BG	C	O	ML	MH	GC	MF-1	MF-2	MF-3	O-1	NC	BC	WTC
Industrial and manufacturing plants (apparel, drugs and pharmaceuticals, electronic, plastic, or similar products manufacture)																		P	P								N-1
Industrial and manufacturing plants (acid, cement, chemicals, fertilizer, gypsum, lime, paper or pulp, or similar products manufacture)																			P								N-1
Junk or salvage yard																			P								N-1
Machine shop or welding																			P							P	N-1
Metal fabrication																		P	P							P	N-1
Mini-warehouse															S	S		P	P							P	N-1
Open storage																		P	P								N-1
Paper or pulp manufacture																			P								N-1
Printing plant																		P	P								N-1
Refining or storage (petroleum products, gas, butane, propane)																			P								N-1
Sanitary landfill																		P	P								N-1
Smelting of ores or metals																			P								N-1
Soft drink bottling plant																		P	P								N-1
Warehousing																		P	P							P	N-1
Agricultural and Related Uses																											
Agricultural and ranching uses	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P							N-1
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Creamery (dairy products)															P	P		P	P							P	N-1
Fairgrounds or rodeo	S																	P	P	P							N-1
Farm implement sales and service															P	P		P	P							P	N-1
Farm, orchard or truck garden	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1
Hatchery (poultry), egg farm, feed lot	P																	P	P								N-1
Livestock auction	P																	P	P								N-1
Stable, commercial	P																	P	P								N-1
Stable, private	P	P	P																								N-1
Stockyards or slaughterhouse																			P								N-1

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Appendix B
Schedule of Space Limits

District	Min Lot Area	Min Lot Width	Min Lot Depth	Max Bldg Height	Min Front Yard	Min Rear Yard	Min Side Yard	Min Side Yard @ Corner	Max Lot Coverage	Max Floor Area Ratio
AG	10ac	150’	N/A	35’	35’	35’	20’	25’	N/A	
RED-1	1ac	150’	150’	35’	35’	35’	20’	35’	20%	1 to 4
RED-2	2ac	200’	200’	35’	50’	50’	30’	50’	20%	1 to 4
RS 120	12,000 Sq Ft	80’	120’	35’	30’	25’	10’	15’	30%	1 to 3.5
RS 84	8,400 Sq Ft	70’	110’	35’	25’	25’	10’	15’	35%	1 to 3
RS 72	7,200 Sq Ft	60’	100’	35’	20’	25’	6’	15’	40%	None
RS 60	6,000 Sq Ft	50’	100’	35’	25’	25’	5’	15’	40%	1 to 2.5
SRR	N/A	N/A	N/A	35’	N/A	N/A	N/A	N/A	100%	N/A
RD 30	5,000 Sq Ft	50’	100’	35’	25’	25’	7’	15’	40%	1 to 2.5
RG 27	2,700 Sq Ft	25’	100’	35’	20’	20’	14’	15’	50%	1 to 2
RG 25	5,000 Sq Ft	50’	100’	35’	25’	25’	7’	25’	50%	1 to 2
RG 18	1,800 Sq Ft	50’	100’	50’	25’	10’	7’	25’	80%	1 to1.67
MP	3,000 Sq Ft	30’	100’	35’	20’	5’	5’	15’	N/A	N/A
BN	7,500	50’	N/A	25’	25’	20’	5’ [1] [2]	25’	70%	1 to1.67
BG	N/A	N/A	N/A	35’	N/A	10’	5’	15’	95%	2 to 1
C	N/A	N/A	N/A	45’	25’	25’ [2] [3]	15’ [2] [4]	15’	50%	1 to 1.25
O	N/A	N/A	50’	N/A	[5]	25’ [3]	15 [4]	[5]	50%	1 to 1
ML	10,000 Sq Ft	50’	N/A	[6]	25’	N/A	N/A	20’	75%	1 to 1
MH	10,000 Sq Ft	50’	N/A	[6]	20’	N/A	N/A	10’	50%	1 to 1
GC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50%	12 to 1
MF-1	2700 Sq Ft [7]	60’	100’	35’ (2) [8]	35’	25’ [9]	20’ [9]	35’	50% [10]	0.75 to 1.0
MF-2	2700 Sq Ft [7]	60’	100’	35’ (2) [8]	35’	25’ [9]	20’ [8]	35’	50% [10]	0.75 to 1.0
MF-3	2700 Sq Ft [7]	60’	100’	35’ (3) [8]	35’	25’ [9]	20’ [9]	35’	50% [10]	0.75 to 1.0
O	7,000 Sq Ft	60’	100’	25’ (1) [8]	25’	10’ [11]	5’ [10]	25’	50%	0.5 to 1.0
NC	7,000 Sq Ft	60’	100’	25’ (1) [8]	25’	10’ [11]	5’ [10]	25’	40%	0.4 to 1.0
BC	10,000 Sq Ft	80’	100’	35’ (2) [8]	25’	10’ [12]	5 [12]	25’	70%	1 to 1
WTC	N/A	N/A	N/A	50’	N/A	N/A	N/A	N/A	95%	2.5 to 1.0

[1] When abutting residential zone
[2] Zero when abutting a business
[3] When abutting a zone requiring a rear yard
[4] When abutting a zone requiring a side yard
[5] Equal to Right-of-Way width of facing street
[6] Only as limited by floor area ratio, aircraft approach & turning zone
[7] Per unit
[8] Number of stories
[9] 45’ where adjacent to single family or duplex residential
[10] Includes accessory buildings other than covered parking
[11] 25’ where adjacent to residential
[12] 35’ where adjacent to residential

Appendix C
Approved Plant List

A. This list applies only to materials planted or preserved to satisfy requirements of Section 87, Landscape Requirements, of this ordinance. It is not intended to limit or prohibit other plant materials planted or preserved in excess of these requirements.

B. Xeriscape plants (designated as 'X') should be used for all required plantings unless specific conditions dictate otherwise.

C. Additional plant materials may be approved as appropriate. The applicant may be required to submit substantiation of adaptability and water usage for other plants.

	Canopy Trees		
X	Bald Cypress	X	Pecan
	Caddo Maple	X	Red Oak
X	Cedar Elm	X	Shumard Red Oak
X	Chinese Pistachio	X	Texas Ash
X	Chinquapin Oak	X	Thornless Honey Locust
X	Deodar Cedar		
X	Lacebark Elm	The following canopy trees are acceptable only in non-vehicular areas:	
X	Live Oak	X	Bur Oak
	Ornamental Trees		
X	American Smoketree	X	Lacey Oak
X	Aristocrat Pear	X	Mexican Buckeye
X	Austrian Black Pine		Mexican Holly
X	Bradford Pear	X	Mexican Plum
X	Canaert Red Cedar		Purple Plum
X	Chinese Pistachio	X	Redbud
X	Crape Myrtle (large tree form)		Saucer Magnolia
X	Desert Willow	X	Soapberry
X	Eve's Necklace	X	Texas Persimmon
X	Golden Raintree	X	Wax Myrtle
X	Japanese Black Pine	X	Yaupon Holly
	Evergreen Shrubs (acceptable for low screening: 5' or less)		
X	Barberry	X	Grayleaf Cotoneaster
X	Dwarf Abelia	X	Indian Hawthorne
X	Dwarf Burford Holly	X	Japanese Boxwood
X	Dwarf Eleagnus	X	Juniper sp.
X	Dwarf Nandina		
X	Dwarf Yaupon Holly		
	Evergreen Shrubs (acceptable for 6' screening)		
X	Cherry Laurel		Sweet Viburnum
	Cleyera		Waxleaf Ligustrum
X	Eleagnus		Willowleaf Holly
	Nellie R. Stevens Holly	X	Wax Myrtle
X	Russian Olive	X	Yaupon Holly
X	Standard Burford Holly		
	Other Shrubs		
X	Chinese Holly	X	Possumhaw Holly
X	Juniper	X	Texas Sage (Ceniza)
X	Nandina		
	Ground Cover		
X	Ajuga	X	Liriope (Monkey Grass) -x
X	Asian Jasmine -x	X	Mondo Grass
	Honeysuckle	X	Trailing Juniper
X	English Ivy	X	Vinca

Grasses		
Bermuda grass	Cynodon dactylon	Notes
Buffalo grass	Buchloe dactyloides	Good drought tolerance; produces dense turf; poor shade tolerance; seed or sod
St. Augustine	Stenotaphrum secundatum	Excellent drought tolerance; produces thin turf; poor shade tolerance; seeded
Tall fescue	Festuca arundinacea	For xeriscaping, use in shaded areas only; produces dense turf; good shade tolerance; poor drought tolerance; sodded
Zoysia grass	Zoysia spp.	For xeriscaping, use in shaded areas only; under irrigation, remains green year-round; good shade tolerance; poor drought tolerance; seeded

Appendix D
Quality Tree List

Alligator Juniper

American Elm

Arizona Cypress

Austrian Pine

Bald Cypress

Black Jack Oak

Burr Oak

Caddo Maple

Callery Pear

Carolina Buckthorn

Cedar Elm

Cherry Laurel

Chinese Pistachio

Chinquapin Oak

Chittamwood

Crabapple

Crape Myrtle

Dawn Redwood

Eastern Red Cedar

Eldarica Pine

Eve's Necklace

Gingko

Golden Raintree

Hawthorn

Hickory

Lacebark Elm

Live Oak

Mexican Plum

Pecan

Pond Cypress

Possumhaw Holly

Post Oak

Red Maple

Redbud

Rough Leaf Dogwood

Rusty Blackhaw

Saucer Magnolia

Shantung Maple

Shumard Red Oak

Smoketree

Southern Magnolia

Star Magnolia

Sweetgum

Sycamore

Texas Ash

Texas Buckeye

Texas Hickory

Texas Persimmon

Texas Red Oak

Walnut

Water Oak

Western Soapberry

Winged Elm

Yaupon Holly

Appendix E
Tree Survey/Plan Request

A. APPLICATION FEE

B. APPLICATION CONTENTS:

1. One (1) 24” x 36” blueline of the tree preservation survey and plan
2. One (1) 11” x 17” reduction drawing of each
3. Fee
4. Letter of intent
5. Application signed by owner

C. SUBMITTAL DATE:

1. Tuesday, 12 noon, four weeks (28 days) prior to a scheduled Weston City Council Meeting.

D. GENERAL REQUIREMENTS:

1. Applicant’s name, address, phone number, and email address
2. Locator map
3. North arrow
4. Lot area dimensions
5. Scale: no larger than one inch (1”) equals two hundred (200’)
6. Location of all right-of-way and easements (existing and proposed)
7. Location of all buildings, structures, pools, parking, drives, utilities, sidewalks, and other improvements (existing and proposed)
8. Adjacent land uses and zoning
9. Creeks, lakes, and other water features (existing and proposed)
10. Location of FEMA one-hundred year floodplain, Natural Resources Conservation Services (NRCS) lake tree preservation zone, or erosion hazard setback zone
11. Location of areas of major tree cover which are designated as no disturbance areas
12. Indicate the location, species, and size of all trees with a trunk six inches (6”) or greater in caliper at four feet six inches (4’6”) above ground which are not within non disturbance areas. The caliper of multi-trunk trees shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.
13. Additional information as deemed necessary to adequately evaluate the site.