

ORDINANCE NO. 02-17

AN ORDINANCE OF THE CITY OF WESTON LAKES, TEXAS ESTABLISHING PERIMETER LANDSCAPING AND SCREENING REQUIREMENTS FOR CERTAIN COMMERCIAL, INDUSTRIAL AND MULTIPLE-FAMILY PROPERTIES ADJACENT TO RESIDENTIAL PROPERTY; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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**WHEREAS**, the City Council of the City of Weston Lakes desires to promote and maintain the aesthetic and natural aspects of its character as it continues to develop; and

**WHEREAS**, the City Council finds it in the best interest of the citizens of Weston Lakes to protect the health, safety and welfare of such citizens and preserve the residential characteristics of the City by requiring commercial, industrial and multiple-family development that is adjacent to residential property to be screened from view from the general public and adjacent residential property; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON LAKES, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct.

Section 2. The City of Weston Lakes, Texas, hereby adopts certain screening requirements for commercial, industrial and multiple-family property located adjacent to single-family residential property, to provide as follows:

- a. Screening Required: When a commercial or industrial use is established on a lot or premises located adjacent to any residential property, or when any multiple-family use is established on a lot or premises adjacent to any single-family residential property, a ten-foot in width landscaped green space buffer strip shall be installed and maintained by the owner, developer or operator of

the commercial, industrial or multiple-family property between it and the adjacent protected property. In addition, an eight-foot-high opaque fence or wall shall be erected and maintained along the common property line. Graduated fences or other variations from the requirements of this Ordinance may be allowed by the City Council of the City, when the safety and general welfare of the public would be better protected by such design. The fence or wall shall be constructed of wood, masonry, or decorative concrete, or any combination thereof. Metal may be used only as a concealed structural element. Alternatively, some types of vegetation may be allowed for such screening, provided plantings are evergreen and dense enough to provide an opaque or substantially opaque screen. Any combination of fencing, earthen berms, and vegetation may be used to comply with the eight-foot screening requirement. Conversely, when a single-family use is established on property adjacent to any commercial, industrial, or multiple-family zoning district, an eight-foot high opaque fence or wall shall be erected and maintained along the property line. The ten-foot buffer strip shall not in this instance be required. All land developed with commercial, industrial or multiple-family residential uses, shall also have a minimum ten (10) foot landscaped open space adjacent to each public or private street right-of-way.

- b. Exceptions: The following uses shall be excepted from the screening requirements required by this Ordinance:
  - i. Property developed with improvements related to the provision of public utilities.
  - ii. Property developed with improvements considered complementary to single-family residential development. For purposes of this Ordinance, improvements considered complementary to single-family residential development are limited to park facilities, club houses and other golf course facilities, and other common recreational areas.

Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

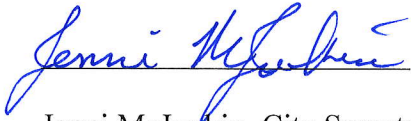
Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or

invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Weston Lakes, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by a vote of 5 "ayes" in favor and 0 "nays" against on this first and final reading on the 11<sup>th</sup> day of October, 2017.

ATTEST:

APPROVED:



Jenni McJunkin, City Secretary



Mary Rose Zdunkewicz, Mayor