CHAPTER 14

ZONING

ARTICLE 14.01 GENERAL PROVISIONS*

(Reserved)

ARTICLE 14.02 ZONING ORDINANCE

Sec. 14.02.001 Adopted

The zoning ordinance, Ordinance 09-03, adopted by the town on October 28, 2009, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

EXHIBIT A

ZONING ORDINANCE

ORDINANCE NO. 09-03

AN ORDINANCE AMENDING AND RESTATING THE ORDINANCE ADOPTED BY THE COMMISSIONERS OF WESTOVER HILLS ON APRIL 4, 1944, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND RESIDENCES AND FOR SAID PURPOSE DECLARING ALL OF THE LAND IN THE TOWN OF WESTOVER HILLS TO BE ONE DISTRICT; PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS; AND NAMING AN EFFECTIVE DATE.

WHEREAS, on April 4, 1944, the Council of the Town of Westover Hills adopted an ordinance regulating the construction and use of buildings and structures within the city limits of Westover Hills which ordinance has been amended December 20, 1977, July 9, 1992, May 21, 1997 and July 20, 1999; and

WHEREAS, all of the lots located within the Town of Westover Hills are subject to dedications regulating the construction and use of buildings thereon which dedications are similar but not identical; and

WHEREAS, the Town Council has determined that it is necessary and advisable to amend and restate the provisions of its original ordinance, as amended, regulating the construction and use of buildings and structures in order that all structures hereafter erected or structurally altered shall conform to the following requirements for the preservation of the integrity of the property and use of the land throughout the Town of Westover Hills:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTOVER HILLS, TEXAS that:

I.
DISTRICT

In order to restrict the use of lands and regulate the construction of houses and buildings erected or structurally altered thereon; to regulate and determine the area of yards and other open space in order to prevent overcrowding of land; to conserve the value of property; to maintain integrity, symmetry and openness between and among houses; to facilitate adequate provisions for water, sewer and other utilities; and to regulate and limit the density of population in the district, which district is comprised of all the lands within the limits of the Town of Westover Hills, according to the map or plat of the Town of Westover Hills, as attached hereto and made a part hereof, the same is hereby designated as a district. (Ordinance 09-03, sec. I, adopted 10/28/09)

II.
DEFINITIONS

Accessory Building: A subordinate building or portion of the main building, the use of which is clearly incidental to that of the main building.

Building: A structure having a roof supported by columns or walls.

Dwelling, Single-Family: A detached building designed for or occupied exclusively by one family.

Family: One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or sorority house.

Frontage: All property abutting on one side of a street measured along the street line.

Garage: An accessory building with capacity for one or more vehicles for storage only, or a part of the main building used as a garage for the storage of one or more vehicles, either of which must be for the purpose of use in connection with the main residence building.

Lot: The area defined as a lot on the plats of record in the office of the County Clerk of Tarrant County, Texas.

Lot Lines: The lines bounding a lot as defined and set out on the plats of record in the office of the County Clerk of Tarrant County, Texas wherein the lot lines for the Town of Westover Hills have been indicated and fixed.

Residence: A building used as a home.

(Ordinance 09-03, sec. II, adopted 10/28/09)

III.
USE RESTRICTIONS

No building shall be erected, reconstructed or structurally altered, nor shall any land, lot or building be used for any purpose, other than as permitted in the district in which such building, land or lot is situated.

No lot shall be used and no structure shall be erected thereon except a private, single-family residence and accessory buildings as are customarily appurtenant and no such residence shall be used to conduct any type of business.

There shall not be erected on any one lot more than one private, single-family residence.

All buildings shall be of such size and design to conform with the parameters and restrictions on development of the land in the district as described in Article I of this Ordinance.

(Ordinance 09-03, sec. III, adopted 10/28/09)

IV.
NONCONFORMING USES

The Town of Westover Hills having been improved and conserved as a residential district only, where it was contemplated that single-family dwellings only would be erected or so used, all buildings erected, reconstructed, or structurally altered in the Town of Westover Hills shall be private, single-family dwellings except for those municipal buildings or buildings for the operation of utilities and city maintenance previously approved by the Town Council.

Any preexisting, nonconforming structure is hereby approved which approval is not and shall not be construed as waiving any term, provision or condition of any prior ordinance, this ordinance or applicable dedications.

(Ordinance 09-03, sec. IV, adopted 10/28/09)

V.
BUILDING RESTRICTIONS

No dwelling shall be erected or structurally altered with less than two stories in height, save and except that one-story residence buildings may be erected on sloping lots where the Town Council may deem advisable and authorize same by special permit. No dwelling shall exceed three stories in height above street level.

No dwelling shall be constructed without walls of brick or brick veneer, stone or stone veneer or other material approved by the Town Council.

Roofing materials and the color thereof shall be approved by the Town Council or its designee except that composition asphalt shingles shall in no case be permitted.

No dwelling shall be constructed on a lot with less than one hundred feet of frontage nor be located at a distance less than sixty feet from the front property line, nor less than fifteen feet from either of the side property lines, nor less than twenty feet from the back property line.

For those lots platted with building lines, no building shall be constructed on any lot nearer to the adjoining street or streets than the building lines and in no event shall the building line be changed so as to bring it more than fifteen feet nearer any adjoining street.

No dwelling shall occupy less than 3,000 square feet exclusive of garages and porches.

No dwelling shall occupy more than 75% of the width of the lot on which it is erected, such width to be measured along the building line nearest the respective street on which the lot fronts.

No dwelling, including porches and attached garages, shall be less than sixty feet in width.

(Ordinance 09-03, sec. V, adopted 10/28/09)

VI.
GARAGES AND ACCESSORY BUILDINGS

Each lot shall have an enclosed garage for not less than two nor more than four vehicles and shall be constructed and maintained in accordance with the other provisions hereof.

Except where expressly authorized by the dedication of the lot on which a garage may be constructed, no garage shall open upon or face any golf course or open upon or face the street on which the lot fronts and in the case of a corner lot, either street.

No garage shall be erected or maintained nearer than fifteen feet to the side or the back property line of the lot on which it is constructed and no portion shall be located nearer to the street than the main portion of the residence.

No detached garage or accessory building of whatsoever kind shall be constructed on a corner lot without the approval of the Town Council.

No garage or accessory building shall be used as a dwelling or living quarters.

No carport shall be permitted.

Every accessory building (except greenhouses) shall correspond in style and architecture to the dwelling to which it is appurtenant. No accessory building shall exceed in height the dwelling to which it is appurtenant.

Except as provided for below, no accessory building shall be located (a) nearer than fifteen feet (15') to the side or back property line of the lot on which it is constructed, and (b) in the front or side yards of the lot. Notwithstanding the above, an accessory building may be located (x) in the side yard of the lot if the accessory building is not visible from any street or adjoining lot located in Westover Hills, and (y) within the above referenced fifteen feet (15') back property line setback if such back property line is not adjoining a lot located in Westover Hills.

No temporary house, storage building or other detached building shall be constructed or erected upon any lot.

(Ordinance 09-03, sec. VI, adopted 10/28/09; Ordinance 18-01, sec. 2, adopted 3/20/18)

VII.
FENCES, WALLS AND HEDGES

Except as approved by the Town Council, no fence, wall or hedge shall be erected, constructed, structurally altered, grown, or maintained closer to the street than the building setback line from the street.

No fence, wall or hedge shall exceed six and one-half feet in height along the back and along the sides of a lot from the back to the front of the main portion of the dwelling.

No fence, wall or hedge shall exceed four feet in height from the street level along the front of a dwelling and along the sides of a lot from the front to the front of the main portion of the dwelling. All front hedges shall be maintained at a height not to exceed four feet.

No structure, fence, wall, or hedge extending beyond, before or in front of the front portion of any residence shall be constructed in a manner or with materials which shall obstruct the view of the residence from the street.

Gates shall not exceed ten feet in height and shall not be constructed in a manner or with materials which shall obstruct the view of the residence from the street. Columns shall not exceed twelve feet in height.

All fences, walls and gates shall have the decorative, improved or finished side facing the outside of the property.

All boundary fences shall be of metal or masonry construction. Except as approved by the Town Council, no metal fence shall be of chain link construction.

A. Existing Wooden Fence Repair.

1. 50% or less of the total linear feet of an existing fence is repaired or replaced within the same calendar year. An existing wooden fence may be repaired under this paragraph provided that all replacement materials and style shall be the same as the existing fence and installed at the height of the existing/remaining fence.

2. Greater than 50% of the total linear feet of an existing fence is repaired or replaced within the same calendar year. Upon the issuance of a permit (at no charge) by the Town Building Official, an existing wooden fence may be repaired under this paragraph provided that all replacement materials shall be the same as the existing fence, installed at the height of the existing/remaining fence, have the finished side facing out, and a fence cap installed on the top of the entire length of the wooden fence being replaced or repaired.

(Ordinance 09-03, sec. VII, adopted 10/28/09; Ordinance 16-01, sec. 2, adopted 3/15/16)

VIII.
APPROVAL OF PLANS

No building, fence, wall, terrace, or other structure shall be commenced, erected or maintained, nor shall any addition, change or alteration therein be made until plans and specifications, site plans, and lot grading plans therefor or other information satisfactory to the Town Building Official shalt have been submitted to and approved by the Town Building Official. The approval of the Town Building Official shall be required, and is unlimited and absolute, as to the design, configuration, material, color, type of construction, location, and height of any such building, fence, wall, terrace, landscaping, or other structure or addition, change or alteration thereof.

The purpose of the Town in so approving all such Plans and Specifications is not to anywise to limit or constrict the individuality of either the building or the builders, but merely to control the development of the property as a whole to the extent that the owners of lots shall not be damaged by unsightly developments on other lots. (Plat and Dedication (With Restrictions), “Approval of Plans”, 11/2/1928)

Any person aggrieved by a decision of the Town Building Official may appeal such decision to the Town Council if filed in writing with the Town Secretary within ten (10) days of the decision of the Town Building Official. The Town Council, by a majority vote, may authorize a variance to any decision of the Town Building Official and the terms of this Ordinance.

(Ordinance 09-03, sec. VIII, adopted 10/28/09; Ordinance 16-01, sec. 3, adopted 3/15/16; Ordinance 18-01, sec. 3, adopted 3/20/18)

IX.
[IMPLEMENTATION]

The mayor or his designee is hereby authorized and directed to implement the applicable provisions of this Ordinance. (Ordinance 09-03, sec. IX, adopted 10/28/09)

X.
[PROVISIONS CUMULATIVE]

This Ordinance is in addition to and not in lieu of any ordinance adopting building procedures and permits or other residential codes. (Ordinance 09-03, sec. X, adopted 10/28/09)

XI.
[SEVERABILITY; PENALTY]

If any section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Council of the Town of Westover Hills hereby declares that it would have passed this Ordinance, and each section, clause or phrase hereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared invalid or unconstitutional.

Any person, firm or corporation that violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions to this Ordinance shall be subject to a fine up to the maximum amount allowed by state law and each day of violation shall be deemed a separate offense. Provided, further, compliance may be brought through injunctive relief in the district court.

(Ordinance 09-03, sec. XI, adopted 10/28/09; Ordinance adopting Code)