

ORDINANCE 202X-XX

AN ORDINANCE AMENDING ORDINANCE NUMBER 2018-02, THE CITY OF WESLACO ZONING ORDINANCE; CODIFIED AS CHAPTER 150, OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO TEXAS THAT:

SECTION I.

Ordinance Number 2018-02 passed and approved on February 6, 2018, as the "Zoning Ordinance" and Codified as Chapter 150, of the Weslaco Code of Ordinances is hereby amended.

SECTION II.

After second and final reading of this Ordinance the Zoning ordinance will be adopted and codified as Chapter 150 of the Weslaco Code of Ordinances and said Chapter shall read as follows:

CHAPTER 150- ZONING ORDINANCE

Section 150-3. - Districts.

(a) For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, and other vacant spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residents, or other purposes, the city is hereby divided into districts, of which there shall be eight classes in number, and which shall be known as:

- 1) R-1 One-family dwelling district.
- 2) RT-1 Townhomes district
- 3) R-2 Duplex, Triplex and Fourplex district.
- 4) R-2-AC Apartment complex district
- 5) R-3 Rural district.
- 6) R-4 Residential one family / narrow lot district
- 7) M-1 Mobile home subdivision district.
- 8) B-1 Neighborhood business district.
- 9) B-2 Secondary highway business district.
- 10) B-3 Central business district.
- 11) B-4 Neighborhood office district.
- 12) I Industrial district.
- 13) Overlay design district.
- 14) Airport hazard zoning district.

Section 150-4.1. – RT-1 Townhomes district.

(1) Use regulations. A building or premises shall be used only for the following purposes:

a. Townhomes and townhouse condominiums

(2) Height regulations. No building shall exceed 2½ stories or 35 feet in height.

(3) Yard regulations.

a. Front yard. The minimum depth of such front yard for a townhome shall be ten feet.

b. Side yards. The minimum depth of such side yard for a townhome shall be zero.

c. Rear yard. The minimum depth of such rear yard for a townhome shall be zero.

(4) Intensity of use.

a. Except as hereinafter provided, all dwellings erected, enlarged, relocated, or reconstructed within the T-1 district shall be located on lots containing the following areas:

1. A lot on which there is erected a townhouse dwelling shall not contain an area of not less than 2,000 square feet.

b. The minimum width of entire lot shall be 20 feet and that the minimum width of a lot located on a cul-de-sac shall be measured at the chord length not the radius.

(5) Lot coverage. Townhomes are exempt from this requirement; however, lots must meet drainage and landscaping regulations under the subdivision ordinance.

(6) Parking. Off-street parking shall be provided consistent with the requirements of the single family dwelling under Chapter 134, Article VI.

(7) Additional use, height and area regulations. Additional use, height, and area regulations shall be as provided in section 150-12.

Section 150-5. - R-2 Duplex, Triplex and Fourplex district.

The following regulations shall apply to the R-2 duplex, triplex and fourplex district:

(1) Use regulations. A building or premises shall be used only for the following purposes:

a. Any use permitted in the R-1 one-family dwelling district.

b. Two-family or duplex dwellings.

d. Boarding, lodging, and rooming houses.

e. Hospitals, except tubercular, liquor, narcotic, insane, feeble-minded, or animal hospitals.

f. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

g. Institution of a religious, educational or philanthropic nature.

h. An apartment house with a minimum of four family units may contain a self-service coin operated laundry so long as the use of said laundry is restricted by the apartment house owner or owners to use by the occupants of said apartment house and is operated as a part of the apartment house and under the supervision of the owner or manager of the apartment house.

(2) Height regulations. No building shall exceed 2½ stories or 35 feet in height.

(3) Yard regulations.

- a. Front yard. There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be 20 feet. The minimum depth of the front yard shall be 15 feet measured at the chord length not the radius, for that part of the front lot line located on the cul-de-sac; except that the minimum front setback for garages located on lots located on a cul-de-sac shall be 20 feet.
- b. Side yards. There shall be a side yard on each side of a building of not less five feet.
- c. Rear yard. The depth of the rear yard shall not be less than 15 feet. Entrances to a garage or enclosed carport shall be a minimum of 20 feet from streets or alleys.

(4) Intensity of use.

- a. Except as hereinafter provided, all dwellings erected, enlarged, relocated, or reconstructed within the R-2 district shall be located on lots containing the following areas:
 1. A lot on which there is erected a single-family/two-family dwelling shall contain an area of not less than 6,000 square feet.
 2. A lot on which there is erected an apartment house or multiple-family dwelling shall contain an area of not less than 1,800 square feet per dwelling unit.
- b. The minimum width of a lot in the R-2 district shall be 50 feet and that the minimum width of a lot located on a cul-de-sac shall be measured at the chord length not the radius.

(5) Lot coverage. In no case shall more than 65 percent of the total lot area be covered by the combined area of the principal building and all accessory buildings/use or any other impervious surface such as asphalt or concrete.

(6) Parking. Off-street parking shall be provided consistent with the requirements of Chapter 134, Article VI.

(7) Additional use, height and area regulations. Additional use, height, and area regulations shall be as provided in section 150-12.

Section 150-5.1. – R-2-AC Apartment Complex district.

The following regulations shall apply to the R-2-AC apartment complex district:

(1) Use regulations. A building or premises shall be used only for the following purposes:

- a. Any use permitted in the R-2 duplex, triplex and fourplex district.
- b. Apartment houses or multiple-family dwellings.
- c. An apartment house with a minimum of four family units may contain a self-service coin operated laundry so long as the use of said laundry is restricted by the apartment house owner or owners to use by the occupants of said apartment house and is operated as a part of the apartment house and under the supervision of the owner or manager of the apartment house.

(2) Height regulations. No building shall exceed three stories or 45 feet in height.

(3) Yard regulations.

- a. Front yard. There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be 20 feet.
- b. Side yards. There shall be a side yard on each side of a building of not less five feet.
- c. Rear yard. The depth of the rear yard shall not be less than 15 feet.

(4) Intensity of use.

- a. Except as hereinafter provided, all dwellings erected, enlarged, relocated, or reconstructed within the R-2-AC district shall be located on lots containing the following areas:

1. A lot on which there is erected a five plex development shall contain an area of not less than 9,000 square feet.
2. A lot on which there is erected an apartment complex shall contain an area of not less than 1,800 square feet per dwelling unit.

- b. The minimum width of the entire lot for a five plex in the R-2-AC district shall be 75 feet.

(5) Lot coverage. In no case shall more than 65 percent of the total lot area be covered by the combined area of the principal building and all accessory buildings/use or any other impervious surface such as asphalt or concrete.

(6) Parking. Off-street parking shall be provided consistent with the requirements of Chapter 134, Article VI.

(7) Additional use, height and area regulations. Additional use, height, and area regulations shall be as provided in section 150-12.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this ____ day of _____, 2023.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this ____ day of _____, 2023.

CITY OF WESLACO

Adrain Gonzalez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**

ORDINANCE 2023-XX

AN ORDINANCE AMENDING ORDINANCE NUMBER 2013-22, THE CITY OF WESLACO SUBDIVISION ORDINANCE; CODIFIED AS APPENDIX B, ARTICLE I, OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO TEXAS THAT:

SECTION I.

Ordinance Number 2013-22 passed and approved on October 15, 2013 as "Subdivision Ordinance" and Codified as Appendix B, Article I, of the Weslaco Code of Ordinances is hereby amended.

SECTION II.

After second and final reading of this Ordinance the new Subdivision ordinance will be adopted and codified as Appendix B, Article I of the Weslaco Code of Ordinances and said Chapter shall read as follows:

APPENDIX B- SUBDIVISION ORDINANCE ARTICLE I

SECTION 26-29 WATER INSTALLATION

- (a) Water supply and distribution. All subdivisions shall be provided with potable water in a water distribution system approved by the city and connected to the city's water supply or to an entity that is certified to provide such potable water in accordance with the following rules:

(1) All subdivisions shall be provided with a water distribution system approved by the city engineer and connected to the city's water supply if within 1,300 feet of an existing city water line.

(2) Water service by a public water supply approved by the Texas Commission on Environmental Quality (other than the City) may be permitted if the subdivider provides an executed agreement with the retail public utility in substantially the form attached in Appendix A. The agreement must demonstrate that:

- i. The retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years.
- ii. The subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs in accordance with [Sec. 26-30 9 \(a\) \(4\)](#), Assignment of Water Right to City and Cost Participation, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

(3) The developer is responsible for extending a looped waterline to and thru property so as to make it reasonably accessible and cost effective to all adjoining property owners, who shall also be required to meet this requirement. The city commission may grant exceptions to this

requirement after consultation with the city manager, city engineer, public utility director and planning director.

(4) The developer shall provide a water main to the farthest limits of the property so as to make it reasonably accessible and cost effective to adjoining property owners, who shall also be required to meet this requirement.

(5) The developer shall provide no less than a 1-inch service line.

(6) The developer shall indicate on the curb the locations of all water valves and water lines.

(7) The waterlines shall have marking tape indicating the type and size of line below

(8) The tapping sleeve must be of stainless steel and tapping sleeve saddle shall have stainless steel bolts and nuts.

(b) Water line specifications. Water line material and specifications shall be as follows:

(1) Within the city's water CCN, the water line size and the specifications shall meet the standards as specified in the city standards manual and be the greater of an 8-inch C-900 pvc line or such line size as determined by the latest adopted city water distribution master plan. If the subdivision is not within 1,300 feet of a city water line, the subdivision may be served with potable water by a public water supplier; however, the size and type of the water line shall be as per the current city standards manual, as adopted and modified from time to time.

(2) Outside of the City of Weslaco water CCN, the water line shall be a minimum of an 8-inch water line and shall meet the rural water supplier specifications.

(3) Tapping sleeves will not be accepted on same size lines; a "T" tie-in will be required in these instances.

(c) Fire hydrants. Any subdivision developed within 1,300 feet of an existing city water line shall provide fire hydrants as part of the water distribution system in accordance with specifications provided by the city engineer and the state board of insurance and shall be connected to the city's water distribution system. Subdivisions outside of the City of Weslaco water CCN, and farther than 1,300 feet from an 8-inch water line, shall provide fire hydrants as part of the available water distribution system in accordance with specifications provided by the city engineer and the state board of insurance, said hydrants shall be painted black to identify for the use as fill stations. A developer may apply for a variance to this requirement and if granted the developer shall place in escrow to the city funds for fire hydrants in accordance with city standards.

(1) The city engineer shall calculate present costs for such fire hydrants, including any incidental costs that may be associated with the installation of the fire hydrants, and 115 percent of such amount shall be escrowed with the city. Any funds so escrowed and not expended by the city as provided in this section within 15 years from the date of receipt, shall be returned to the then owners of the property, the subject of this plat, on the last day of such period, with the owners of each lot being entitled to an equal share of the refund. All of the owners of the property must request such refund within one year of entitlement, in writing, or such right shall be barred. In this connection, the city reserves the right to require evidence satisfactory to it that the persons seeking reimbursement are the owners of the property.

(2) Fire hydrants shall meet the specifications as detailed in the city standards manual. Fire hydrants shall be spaced based upon the use of the development and shall meet the minimum spacing requirements as set forth in the currently adopted International Fire Code.

(3) Fire hydrants shall be Muller brand.

SECTION 26-30 ASSIGNMENT OF WATER RIGHT TO CITY AND COST PARTICIPATION

(a) The owner of a subdivision located within the city, or its extraterritorial jurisdiction shall:

(1) If not in a water district, assign water rights to the city for each acre of land being subdivided for use other than agricultural or open space use;

(2) If in a water district with which the city does not have an agreement concerning its transfer of water rights, assign the water rights with such district for the land subdivided for use other than agricultural or open space to the city; and

(3) If in a water district with which the city does have an agreement concerning the transfer of water rights, is excluded from such water district that portion of its land to be subdivided for use other than agricultural or open space. The applicable action must have been taken prior to the plat being given final approval by the city commission.

(4) Property Within the Jurisdiction of Water or Irrigation Districts or Authorities.

a. This subsection applies to properties that are both:

i. Proposed to be served with potable water by the City; and

ii. Located in a district or authority created under Texas Const. Art. III, § 52(b)(1) and (2), or Texas Const. Art. XVI, § 59, which are now existing or hereafter created for the principal purpose of, or principally engaged in, furnishing water for the irrigation of agricultural lands and within the Extraterritorial Jurisdiction or the City limits.

b. Prior to plat approval, the owner of property described in Subsection 4.a., shall :

i. Execute proper documents with the corresponding district or authority to:

1. Exclude such property from the district or authority; and

2. Convert and transfer ownership of the water rights attributable to such property to the City in the amount of one acre-foot of Class A water right for every gross acre developed; and

ii. Pay to such district or authority:

1. All taxes, assessments, and other lawful charges of the district or authority that have accrued on the property, together with all lawful interest and penalties accrued on those taxes, assessments and charges; and

2. The proportionate part of the outstanding bonded indebtedness or indebtedness in connection with a loan from an authorized agency of the United States for which the property is liable, as determined by Tex. Rev. Civ. Stat. Art. 973c, as amended.

(b) All portions of property being subdivided for use other than agricultural or open use shall be required to furnish at least 1¼ acre feet of municipal water rights per acre so subdivided and classified by the state water rights commission as municipal water, regardless of whether or not such land has water rights appurtenant thereto. It shall be sufficient for purposes of this section if

the owner of such subdivided property shall furnish a permanent water supply contract or other permanent sources of water which contract or source shall be satisfactory to the city furnishing at least an equivalent amount of water.

(c) If the property is to be excluded from a water district, it shall be sufficient if the land owner executes a petition for exclusion, executes an irrevocable power of attorney to the city to exclude the land, deposit 125 percent of the estimated amount necessary to pay off any indebtedness with such district and assign such amount to the city, with any excess to be refunded to the owner.

(d) The city commission shall have the right to vary this requirement in case of injustice or to better accomplish the purpose of obtaining sufficient permanent water supply.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this ____ day of _____, 2023.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this ____ day of _____, 2023.

CITY OF WESLACO

David Suarez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**

APPROVED AS TO FORM:

Juan E. Gonzalez, **CITY ATTORNEY**