

ORDINANCE O2024-47

AN ORDINANCE OF THE CITY OF WEATHERFORD, TEXAS, AMENDING THE ZONING DISTRICT BOUNDARIES OF THE ZONING DISTRICT MAP OF THE CITY OF WEATHERFORD, TEXAS, CONCERNING CERTAIN PARCELS OR TRACTS OF LAND AT 116 WHEELER STREET, IDENTIFIED AS BEING AN APPROXIMATE 0.86-ACRE TRACT OF LAND SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF WEATHERFORD, TEXAS; HERETOFORE ZONED (CN) CENTRAL NEIGHBORHOOD SHALL HENCEFORTH BE ZONED (CN) CENTRAL NEIGHBORHOOD WITH A CONDITIONAL USE PERMIT FOR A FUNERAL HOME USE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weatherford, Texas, ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City adopted the Zoning Ordinance of the City, codified as Chapter 12 of the Official Code of the City of Weatherford (the "City Code"), which Zoning Ordinance regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, Section 12-2-104 of the Zoning Ordinance requires the issuance of a conditional use permit to use or develop property within the City for any use designated as a conditional use in the zoning district which the property is located; and

WHEREAS, the owner of the property described herein (the "Property") filed an application seeking a conditional use permit as reflected herein; and

WHEREAS, the Planning and Zoning Commission of the City held a public hearing on December 11, 2024 and the City Council of the City held a public hearing on December 17, 2024 with respect to the conditional use permit described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code and all other laws dealing with notice, publication and procedural requirements for the rezoning of the Property; and

WHEREAS, the City Council of the City, after thorough study, has determined that the Zoning District Map of the City and the Zoning District Boundaries shown thereon should be changed and amended as described herein; and

WHEREAS, the City Council of the City now desires to record said authorized changes in the Zoning District Map by passage of this Ordinance amending said map

and directing the Department of Development and Neighborhood Services to make appropriate changes in the one (1) copy of the original Zoning District Map on file in the office of the City Secretary and all other copies of maps purporting to be copies of the current Zoning District Map of the City, as provided for in Title XII, Chapter 2, Section 12-2-101, of the City Code.

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

SECTION 1: The Zoning District Map of the City, is hereby amended by changing the zoning district boundaries as herein indicated on the hereinafter described tracts or parcels of land within the corporate limits of the City:

PREVIOUS ZONING
DISTRICT DESIGNATION

CN Central Neighborhood

AMENDED ZONING
DISTRICT DESIGNATION

**CN Central Neighborhood with a
conditional use permit for a Funeral
Home use**

for the approximate 0.86- acre tract of land more particularly described in the attached **Exhibit 'A' Property Description**, incorporated herein.

SECTION 2: The conditional use permit as herein established has been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community.

SECTION 3: The proposed floor plan and signage for the Property, attached hereto as Exhibits "B" and "C" respectively, and incorporated herein, are hereby approved.

SECTION 4: The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in the proposed floor plan and signage attached as Exhibits "B" and "C". The use of the Property shall be governed by the Base Zoning regulations attached hereto as Exhibit "D," as modified by the conditions of approval for the conditional use permit attached hereto as Exhibit "E" and incorporated herein, and all other applicable regulations and ordinances of the City. Any further amendments to the permitted standards and regulations regarding the Property or conditional use permit shall require public hearings and approval by the Planning and Zoning Commission and the City Council in compliance with all requirements of Texas Local Government Code Chapter 211.

SECTION 5: The Department of Development and Neighborhood Services is hereby instructed to change the one (1) copy of the Zoning District Map on file in the office of the City Secretary and all other copies of maps purporting to be copies of the current Zoning District Map of the City of Weatherford, Texas, to show the changes set forth herein.

SECTION 6: This Ordinance shall be cumulative of all provisions of ordinances and of the City Code, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 7: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 8: Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9: All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10: The City Secretary is hereby directed to publish in the official newspaper of the City, the caption and penalty clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 11: This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 17TH DAY OF DECEMBER, 2024.

CITY OF WEATHERFORD, TEXAS

Paul Paschall, Mayor

ATTEST:

Andrea McDonald, City Secretary

APPROVED AS TO FORM:

Robert M. Allibon, City Attorney

Exhibit 'A'
Property Description

Location Map

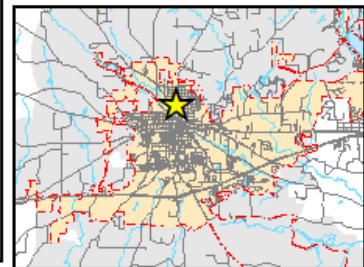
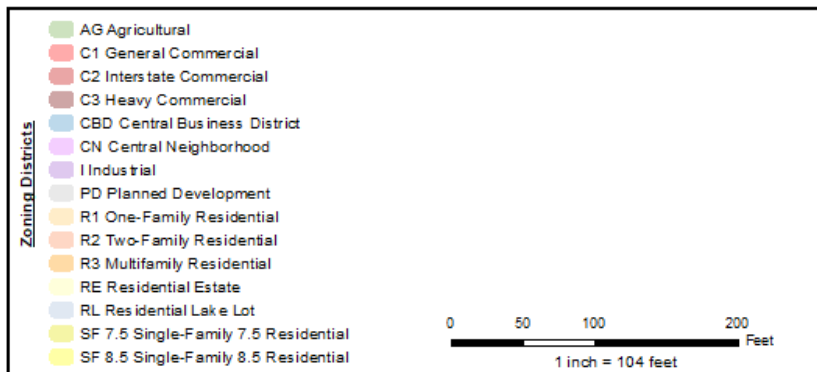
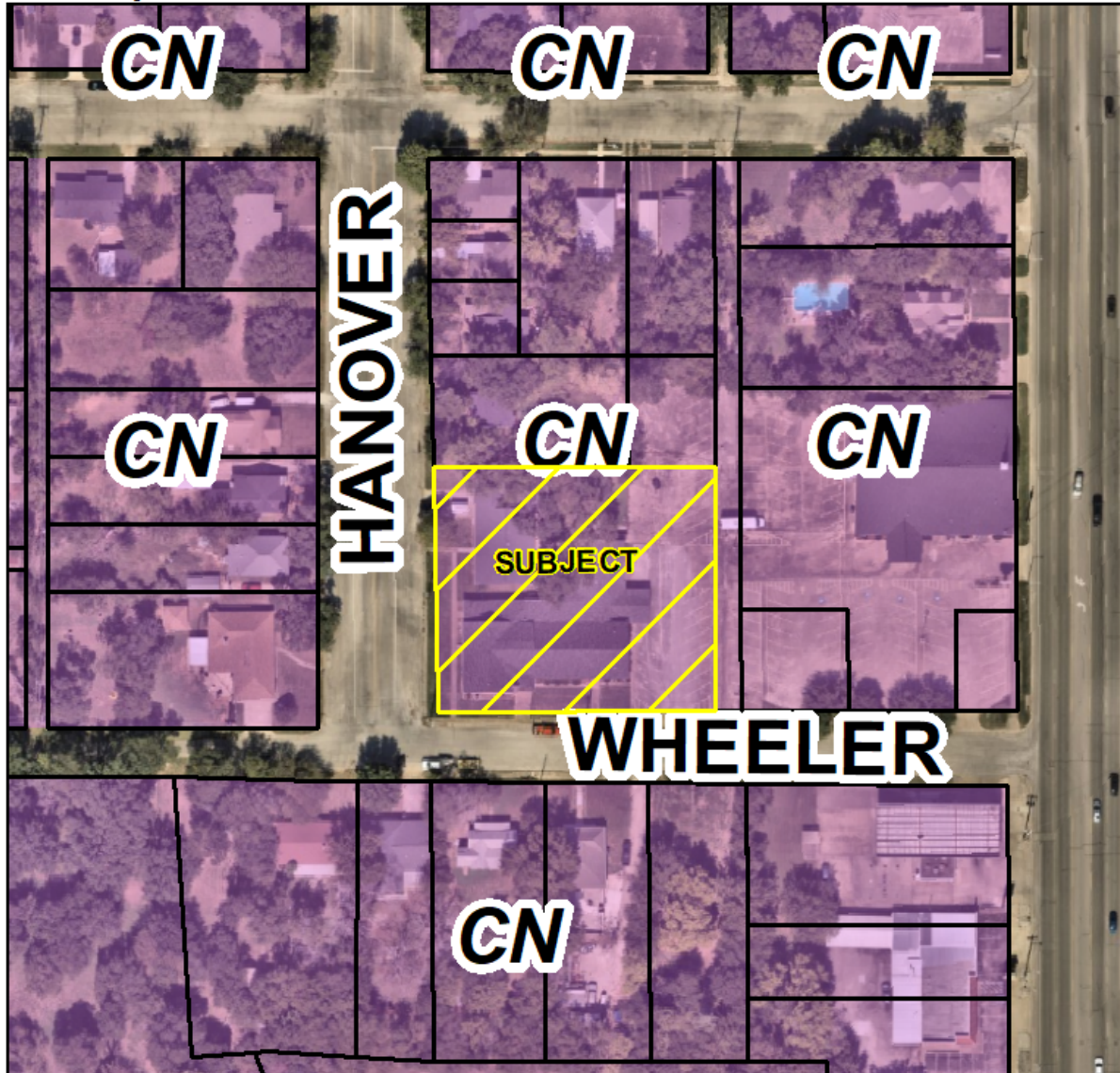


Exhibit 'A'
Property Description

Legal: Approximately 0.86 acres out of a 9.1-acre tract, Lot: 6-9, Blk: 1, Subd: MULKINS
SUBD, "CHURCH OF GOD"

Exhibit 'B'

Proposed Floor Plan



Exhibit 'C'
Proposed Signage



Exhibit 'D'

Base CN Central Neighborhood Zoning

SEC. 12-3-301 "CN" CENTRAL NEIGHBORHOOD

Contents of Section:

- A. Purpose.
- B. Permitted Uses.
- C. Conditional Uses.
- D. Design Standards.
- E. Special Requirements.

A. **Purpose.** The CN Central Neighborhood district is intended to accommodate a mix of residential and complementary commercial uses in a historic neighborhood environment adjacent to the city's historic downtown district and major commercial corridors. Design standards for the district are intended to regulate development such that historic structures are preserved either as single-family residences or appropriate reuse as neighborhood-serving commercial, and such that new structures are consistent with the community feel. Permitted uses include household living in pre-existing dwellings and offices, retail shops, or restaurants which are sustainable within a limited trade area or as a supplement to nearby corridors. Uses exceeding 7,500 square feet or requiring substantial off-street parking may be approved with a conditional use permit. In the Central Neighborhood district, no building or premises shall be used, configured, erected, or altered except in conformity with the following use, area, and height regulations.

B. Permitted Uses.

Permitted Uses		
A-C	D-G	H-Z
<i>Accessory Building/Structure</i> <i>Accessory Outside Display –</i> <i>against or within 5 ft. of building</i> <i>Amusement, Commercial -</i> <i>indoor</i> <i>Artisan Manufacturing/Small-</i> <i>scale Production</i> <i>Assisted Living/Nursing Facility</i> <i>Bakery</i> <i>Bed and Breakfast Inn</i> <i>Convenience Store – without</i> <i>gasoline sales</i>	<i>Dance/Drama/Music Schools –</i> <i>performing Arts)</i> <i>Domestic Animal Services –</i> <i>indoor only</i> <i>Drinking Establishment –</i> <i>licensed as a Brewpub</i> <i>Drinking Establishment –</i> <i>licensed for retail on-premise</i> <i>consumption</i> <i>Eating Establishment/</i> <i>Restaurant – with no drive-thru</i> <i>service</i> <i>Financial Institution – no motor</i> <i>bank services</i> <i>Food Truck – non-special event</i> <i>General Retail</i> <i>Government Building or Use</i> <i>Gym/Health Club/Martial Arts</i>	<i>Household Living – 2nd story</i> <i>and above</i> <i>Household Living – single-</i> <i>family dwellings existing and</i> <i>occupied prior to August 25,</i> <i>2020</i> <i>Medical Office</i> <i>Office</i> <i>Religious Institution</i> <i>Short-term Rental – 2nd story</i> <i>and above</i>

Exhibit 'D'
Base CN Central Neighborhood Zoning (Cont.)

C. Special Uses

Special Uses		
A-B	C-H	I-Z
<i>Accessory Dwelling Unit</i>		

D. Conditional Uses

Conditional Uses		
A-B	C-H	I-Z
<i>Assisted Living/Nursing Facility</i> <i>Amusement, Commercial – outdoor</i>	<i>Civic Club, Halls and Lodges</i> <i>Contractor Office/Facility – no outside storage including vehicles</i> <i>Day Care</i> <i>Food Truck Court</i> <i>Funeral Home, Mortuary, Crematory</i> <i>Household Living – 1st story</i>	<i>Kiosk</i> <i>Library</i> <i>Market, Open Air</i> <i>Parking Lot or Garage</i> <i>Short-term Rental – 1st story</i> <i>Utility Use except as allowed by State Law.</i> <i>Wedding Chapel</i>

E. Design Standards.

1. *Height Regulations.*
 - a. No structure shall exceed 35 feet in height for the main building.
2. *Area and Yard Regulations.*
 - a. *Size of Lot.*
 1. Minimum lot area—5,000 square feet.
 2. Minimum lot width—50 feet.
 3. Minimum lot depth—100 feet.
 - b. *Size of Yard.*
 1. Minimum front yard—15 feet.
 2. Minimum side yard—5 feet.
 3. Minimum side yard adjacent to a public street—15 feet.
 4. Minimum rear yard—15 feet.
 - c. *Maximum Lot Coverage* —80% including main and accessory buildings.
 - d. *Maximum Floor-Area-Ratio (FAR)* — 0.5:1 commercial, 2:1 total.

Exhibit 'E'
Conditions of Approval for the Conditional Use Permit

1. No temporary signage.
2. If cremation services are added to this location, an additional conditional use permit is required.