

ORDINANCE NO. 2026-0409-01

AN ORDINANCE OF THE CITY OF WEIMAR, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 14 (ZONING), ARTICLE 14.02; ADDING A DEFINITION OF "VARIANCE" TO § 14.02.007; ADDING § 14.02.009 (VARIANCES) TO ESTABLISH A VARIANCE PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weimar is authorized to adopt and amend zoning regulations pursuant to Chapter 211 of the Texas Local Government Code; and

WHEREAS, the City Council finds it necessary to establish a formal variance process to address unique hardships affecting specific properties; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing and recommended approval of the proposed amendment; and

WHEREAS, the City Council finds that adopting a variance process promotes orderly development and provides clarity in the administration of zoning regulations;

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

SECTION I. Amendment to § 14.02.007 – Definitions

Add the following definition:

Variance.

A variance is a permitted exception to local land-use regulations that allows a property owner to deviate from strict dimensional or use requirements due to unique hardships affecting a specific property. A variance is not a zoning change, but rather a legal modification of district regulations, including but not limited to yards, height, area, walls, fences, or similar provisions. Variances are granted due to peculiar conditions unique to the property and are typically permanent in nature.

SECTION II. Addition of § 14.02.009 – Variances

§ 14.02.009 Variances

(a) Purpose.

The purpose of this section is to allow for compatible and orderly development within the City by permitting reasonable deviations from zoning regulations where strict enforcement would result in unnecessary hardship due to unique conditions of a specific property.

(b) Authority.

The Planning and Zoning Commission shall review and act upon all variance requests in accordance with this section.

(c) Application Requirements.

An application for a variance shall be submitted to the City and shall include, at a minimum:

1. Completed application form signed by the property owner or authorized agent;
2. Legal description and address of the property;
3. Site plan showing existing and proposed improvements;
4. Description of the requested variance and justification;
5. Identification of the specific hardship or unique condition;
6. Application fee as established by the City.

(d) Public Notice and Hearing.

1. A public hearing shall be held by the Planning and Zoning Commission prior to action on a variance request.
2. Notice of the public hearing shall be provided in accordance with the procedures applicable to Conditional Use Permits under § 14.02.002.
3. Property owners within a reasonable distance, as determined by City policy, may be notified.

(e) Review Criteria.

In considering a variance request, the Planning and Zoning Commission shall determine that all of the following conditions are met:

1. **Unique Hardship:** The hardship is unique to the property and not common to other properties in the area;
2. **Not Self-Created:** The hardship was not created by the property owner;
3. **No Special Privilege:** Granting the variance will not confer a special privilege inconsistent with surrounding properties;
4. **Minimum Necessary:** The variance is the minimum necessary to afford relief;
5. **Public Interest:** The variance will not be detrimental to the public health, safety, or welfare;
6. **Zoning Intent:** The variance will not alter the essential character of the zoning district.

(f) Action.

The Planning and Zoning Commission may approve, approve with conditions, or deny a variance request. Any approval shall include written findings demonstrating compliance with the criteria set forth in subsection (e).

(g) Administration.

Variance applications shall follow the general procedures established for Conditional Use Permits under § 14.02.002, unless otherwise provided in this section.

(h) Expiration.

A variance shall expire if a building permit or authorized use has not commenced within twelve (12) months from the date of approval, unless extended by the Planning and Zoning Commission.

SECTION III. Reserved Sections

Sections § 14.02.010 through § 14.02.030 are hereby reserved.

SECTION IV. Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions.

SECTION VI. Effective Date

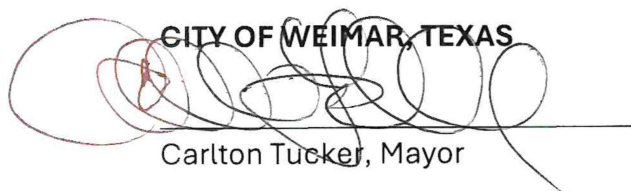
This ordinance shall take effect immediately upon adoption and publication as required by law.

PASSED AND APPROVED this the 9th day of April, 2026.

ATTEST:


Maria Franco, City Secretary




CITY OF WEIMAR, TEXAS
Carlton Tucker, Mayor