

ORDINANCE NO. 2017-02-03

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING THE CITY'S ZONING REGULATIONS TO CORRECT A SCRIVENER'S ERROR PERTAINING TO ALLOWED USES IN THE AGRICULTURAL (AG) ZONING DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED TWO-THOUSAND DOLLARS (\$2,000) PER DAY, PROVIDING FOR CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has divided the City into districts and has prepared regulations pertaining to such districts in accordance with the Land Use Plan, designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to guide and limit the use of areas subject to periodic flooding in order to protect and promote the public health, safety, and general welfare; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the ordinances of the City establishing zoning districts within the City limits should be flexible to meet the changing needs of the City and its commerce and economy;

WHEREAS, the City Council finds that the regulations adopted herein meet the requirements of Chapter 211 of the Texas Local Government Code for the protection of the citizens of Weston.

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

SECTION 1 AMENDMENT

1. Section 41 of Ordinance 2016-11-02 is hereby amended to read as follows:

**“SECTION 41
AG
Agricultural District Regulations**

B. Principal permitted uses.

1. Residential buildings containing not more than two dwelling units.
2. Agriculture including the raising of field crops, horticulture, animal husbandry subject to rules and regulations of the state sanitarian including feedlots, poultry farms, and kennels.
3. Ranch and farm dwellings pertaining to agricultural operations.
4. Parks and recreation areas operated by the City of Weston.
5. Riding academies.
6. Country clubs as defined herein, when located on a lot of at least 25 acres.
7. Recreational camps operated by public, charitable or religious organizations.
8. Buildings and installations geographically necessary to operate a public utility, but not including general office, material yards or repair shops. Such facilities shall observe yard space rules, but shall not be required to provide the full lot size and lot width requirement.
9. Railroad through or spur tracks, but no sidings or other terminal type facilities and no service repair or administrative facilities.
10. Greenhouses.”

2. Section 41 of Ordinance 2016-11-02 is hereby amended to read as follows:

“Appendix A

Schedule of Uses

Residential Uses

AG

Two family dwelling (duplex) – P (Permitted)”

**SECTION 2
PENALTY**

Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed Two Thousand Dollars (\$2,000.00) and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

**SECTION 3
PUBLICATION**

The City Secretary of the City of Weston is hereby directed to publish this ordinance or its caption and penalty in the official City newspaper as required by Section 52.011 of the Texas Local Government Code.

**SECTION 4
CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect

**SECTION 5
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section 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 phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6
SAVINGS CLAUSE**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinance that has 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 7
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by Council this, the 14th day of February, 2015.

APPROVE

Patti Harrington
Patti Harrington, Mayor

ATTEST

Susan Coffey
Susan Coffey, City Secretary

