

ORDINANCE 2019-02-03

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE NUMBER 2016-11-02, ZONING ORDINANCE SECTION 6 DEFINITIONS; SECTION 85 ACCESSORY BUILDINGS AND USES; SECTION 100 ADMINISTRATION OFFICIAL; SECTION 102 CHANGES AND AMENDMENTS; SECTION 103 BOARD OF ADJUSTMENTS; PROVIDING FOR A PENALTY FOR OFFENSES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING CUMULATIVE REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has previously adopted the Zoning Ordinance 2002-09-05 for the orderly development of land and the general protection of the general health and welfare of the citizens of Weston; and

WHEREAS, City Council has previously adopted Ordinance No. 2016-11-02, 2017-0301 and 2018-03-03 and

WHEREAS, the City Council now desires to amend said ordinance as is normal and customary; and

WHEREAS, the City Council has determined that this amendment is in the best interest of the public health, safety and general welfare of the City of Weston;

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

SECTION 1 AMENDMENT

1. Section 6 [Definitions] of Ordinance 2016-11-02 is hereby amended to include the following definitions:
 - ~~“12. Awning: A roof-like cover of a temporary nature that projects from the wall of a building. This cover can be either temporary or permanent.”~~
 40. Extended-stay hotels/motels (residence hotels). A multi-unit, extended-stay lodging facility consisting of efficiency units or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this chapter.
 52. Hotel or motel: A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of 12 individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture. Hotel, full service. A building designed for the overnight or temporary lodging accommodations for travelers, having guestrooms or suites for compensation on a daily rate to the general public and providing services and amenities beyond basic linen, maid service and the use of furnishing, such as restaurants, bars, conference rooms, reception areas and recreational facilities.
 53. Hotel, limited service. A building designed for the temporary overnight or temporary lodging accommodations for travelers containing six (6) or more guest rooms, suites or units for compensation on a daily rate providing basic hotel services such as linen, maid service and the use of furnishings.
 65. Motel. A building designed for the temporary overnight or temporary lodging accommodations for travelers containing six (6) or more guest rooms, suites or units for compensation on a daily rate providing basic hotel services such as linen, maid service and the use of furnishings. Motels are distinguished from hotels in that motel rooms have direct access from the outside into each room.”
2. Section 85 [Accessory Building and Uses] of Ordinance 2016-11-02 is hereby amended as follows:
 - ~~“7. No accessory building shall be used for commercial purposes.”~~

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Section 102 [Changes and Amendments] of Ordinance 2016-11-02 is hereby amended as follows:

"A. 2. b) 1) ~~The City Planner~~ Director of Development Services shall have the authority to determine if the posting of the subject property met the intent of the requirements contained herein.

A. 2. b) 3)(c) ~~Failure to maintain the sign during the process shall not result in the postponement of the zoning change consideration so long as the applicant attempted to replace damaged or missing signs upon notification.~~

A. 2. b) 4)(a) ~~All required zoning change signs shall be official City of Weston signs~~ All required zoning change signs shall be provided by the applicant per the sign design specifications.

~~(1) Zoning change signs shall be obtained from the City of Weston."~~

3. Section 103 [Board of Adjustment] of Ordinance 2016-11-02 is hereby amended as follows:

~~"The City Council shall serve as the Board of Adjustment until one is established~~ Mayor shall appoint and the City Council shall confirm a Board of Adjustments composed of five (5) members of citizens of the City of Weston .

1. Appointments will serve at the pleasure of City Council

2. The Mayor shall appoint the Chair of the Board for the initial Board appointment.

3. he Mayor shall appoint a Vice-Chair of the Board of Adjustments for the initial Board appointment

4. After which, the Board of Adjustments, will nominate and vote for, by a simple majority, a Chair and a Vice Chair.

5. The Chair of the Board of Adjustments will be voted upon each year and will preside over all meetings which will be conducted according to the State of Texas Open Meetings Act and associated rules and regulations.'

~~B. When a Board of Adjustment is established, The Board of Adjustments shall be established it will be in accordance with the provisions of V.T.C.A., Local Government Code § 211.008 et seq., regarding the zoning of cities and with the powers and duties as provided in said statutes.~~

B. 3. b) Appeals based on error. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the ~~City Building Official Development Services Director or its Assignee~~ in the enforcement of this chapter.

B. 3. d) Variances. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship (except that hardships of an economic nature may not qualify for variance relief solely on the basis of the economic hardship), and so that the spirit of this chapter shall be observed and substantial justice done, including the following:"

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), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

SECTION 3 PUBLICATION CLAUSE

The City Secretary is hereby directed to publish the caption of this Ordinance 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

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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.

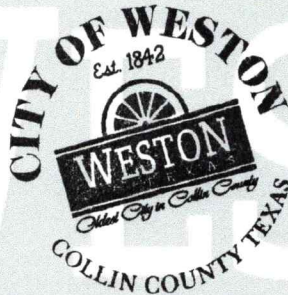
**SECTION 6
SAVINGS CLAUSE**

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 12th day of February, 2019.



APPROVE

Patti Harrington

Patti Harrington, Mayor

ATTEST

Susan M. Coffey

Susan Coffey, City Secretary

WESTON TEXAS

Oldest City in Collin County