

ORDINANCE NO. 2019-10-03

AN ORDINANCE AMENDING ORDINANCE NUMBER 2016-11-02, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, BY AMENDING REGULATIONS CONTAINED IN SECTION 90 OF THE ZONING ORDINANCE GOVERNING ARCHITECTURAL AND SITE STANDARDS IN ACCORDANCE WITH CHAPTER 3000 OF THE TEXAS GOVERNMENT CODE; PROVIDING FOR A QUALIFIED EXEMPTION TO THE APPLICATION OF EXTERIOR MATERIALS STANDARDS FOR COMMERCIAL AND RESIDENTIAL BUILDINGS; 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 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, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, City Council has previously adopted Ordinance Nos. 2017-03-01, 2018-03-03, 2019-02-01, 2019-02-03, and 2019-02-04; and

WHEREAS, on September 1, 2019, House Bill 2439, relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings, became effective; and

WHEREAS, in light of HB 2439, the City Council desires to amend Section 90 of the Zoning Ordinance, governing architectural and site standards in order to provide for a qualified exemption to the application of exterior materials standards for commercial and residential buildings; and

WHEREAS, the City Council of the City of Weston, Texas, held a public hearing on October 8, 2019 with respect to the zoning ordinance amendments described herein; and

WHEREAS, the City Council finds that it will serve the best interest of the citizens of Weston to approve the amendments set forth 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 amendment of the zoning ordinance.

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

SECTION 1 AMENDMENT

1. The Zoning Ordinance of the City of Weston, Texas, as amended, is hereby amended by adding a new paragraph "D." to Section 90, which shall as follows:

"D. Exemption.

1. The owner (or agent of the owner) of a residential or commercial building may claim an exemption to the application of a building product regulation or material standard found in this Zoning Ordinance by demonstrating that the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

2. The owner (or agent of the owner) of a residential or commercial building may claim an exemption to the application of a more stringent building product regulation, material standard or aesthetic method found in this Zoning Ordinance by demonstrating that the building product, material or aesthetic method approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building, is less stringent than is required in this Zoning Ordinance.

3. For the purposes of this paragraph D. "national model code" has the meaning assigned by Section 214.217, Local Government Code.

4. The exemptions established above do not apply to a residential or commercial building located in a place or area designated before April 1, 2019 for its historical, cultural, or architectural importance and significance by the City Council."

SECTION 2
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 provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 3
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, 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 and 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 4
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 5
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 6
PUBLICATION CLAUSE

The City Secretary of the City of Weston is directed to publish the caption, penalty clause, and effective date of this Ordinance in the official City newspaper in accordance with the provisions of Section 52.011 of the Texas Local Government Code.

SECTION 6
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage by the City Council.

PASSED AND APPROVED by Council this 28th day of October, 2019.



APPROVED

Patti Harrington
Patti Harrington, Mayor

ATTEST

Susan M. Coffey
Susan Coffey, City Secretary