

ORDINANCE 2021-05-01

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE 2016-03-02, THE CITY'S SUBDIVISION REGULATIONS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO-HUNDRED DOLLARS (\$200) PER DAY, PROVIDING FOR CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code Chapter 212 Section 002 states that "the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality"; and

WHEREAS, City Council has previously adopted Ordinance No. 2017-02-01, 2018-07-02, 2019-05-01, 2019-08-02, 2019-09-01, 2020-03-01, 2020-07-02 and 2021-03-01; and

WHEREAS, the City of Weston adopted an ordinance which adopts a Future Land Use Plan for the City; and

WHEREAS, the City of Weston now wishes to implement certain development regulations to insure orderly growth.

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

SECTION 1 AMENDMENTS

1. Ordinance 2016-03-02, Section 7 Annexation, is hereby deleted in its entirety.

~~"A. If the property is not within the City limits of Weston and the subdivision contains three or more lots, the owner shall petition the City for annexation through lawful annexation proceedings so as to qualify the subdivision to receive city services, when available, and to afford zoning protection. The City Council shall consider the request for annexation within 120 days of submittal. After such time, said request is null and void, unless other provisions are made in the facilities agreement governing the development, or unless the annexation proceedings are under consideration."~~

2. Ordinance 2016-03-02, Section 46 Lots, is hereby amended to read as follows:

~~"A. Lot dimensions shall be determined by the appropriate zoning classification. For subdivisions not within the City limits, lot dimensions are determined as follows:~~

- ~~1. Use. All lots shown on the plat shall be for be developed in accordance with zoning district Residential Estate District 2 (RED2) as described in the City of Weston Zoning Regulations Rev (O-2021-03-01).~~
- ~~2. Lot size. The minimum lot size shall be 87,120 square feet, unless prohibited due to inadequate services. Rev (O-2021-03-01)~~
- ~~3. Lot width. The lot width shall be the direct distance across the lot measured at the points the building line intersects the side lot lines. The minimum lot width shall be 500 feet; minimum corner lot width shall be 300 feet.~~
- ~~4. Lot depth. The lot depth shall be the average of the length of the two side lot lines. The minimum lot depth shall be 500 feet Rev (O-2021-03-01)~~
- ~~5. Lots on thoroughfares. Where, in the judgment of the commission, access cannot be provided from a siding street or alley, lots facing on thoroughfares shall be at least twenty feet deeper and twenty feet wider than the average of lots facing on the adjacent local streets.~~
- ~~6. Lots on drainage easements. Minimum usable lot depths for lots backing on natural drainage easements shall not be less than 25 feet measured between front lot line and easement.~~
- ~~7. Lot shape. Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed $1\frac{1}{2}$ to one.~~
- ~~8. Lot facing.~~
 - ~~a) Each lot shall be provided with adequate access to an existing or proposed street by frontage on such street.~~
 - ~~b) Double frontage lots are prohibited except where backing on thoroughfares.~~

~~c) Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing facing lots at right angles to each other should be avoided.~~

~~9. Lot lines. Side lot lines should be perpendicular or radial to street frontage and the following note may be used in lieu of bearings: "All side lot lines are perpendicular or radial to street frontage unless otherwise noted."~~

~~10. Lot numbering. All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall Preliminary Plat and Concept Plan."~~

3. Ordinance 2016-03-02, Section 48 Building Lines, is hereby amended to read as follows:

"A. The building line is a line beyond which buildings must be set back from a street right-of-way line or property line.

1. For subdivisions within the City limits, building lines shall be determined by the appropriate zoning classification.

~~2. For subdivisions not within the City limits, building lines shall be determined as follows:~~

~~a) Front street. The front building line shall not be less than one hundred (100) feet from the front property line. Rev (O-2021-03-01)~~

~~b) Side street. The building line on the side of corner lots shall not be less than fifty (50) feet from the side property line. Where the side of a corner lot is across the street from or adjacent to the front of other lots, the side building line of the corner lot shall be the same distance from the street as the front building line of the opposite or adjacent lots. Rev (O-2021-03-01)~~

~~c) Side lot lines. The side building line shall not be less than fifty (50) feet from the side property line. Rev (O-2021-03-01)~~

~~d) Rear lot lines. The rear building line shall not be less than one hundred (100) feet from the rear property line. Rev (O-2021-03-01)~~

~~3-2. For all subdivisions, whether within the City limits or outside the City limits, a minimum 20 foot wide common area shall be provided between all proposed or existing residential uses adjacent to any proposed or existing street with an ultimate right-of-way width of 80 feet or greater unless said street provides the only frontage for that lot. A variance may be granted to this width requirement where unique circumstances exist."~~

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-hundred dollars (\$200.00), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

SECTION 3 PUBLICATION IN OFFICIAL NEWSPAPER

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.

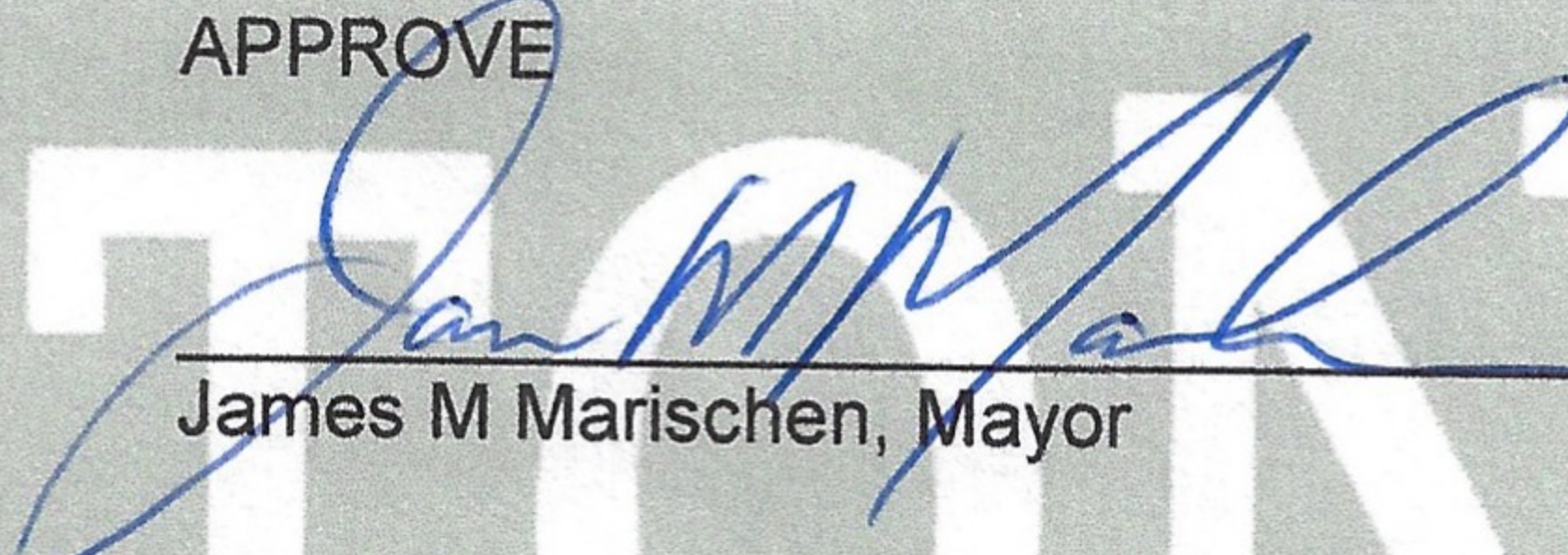
**SECTION 7
EFFECTIVE DATE**

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.

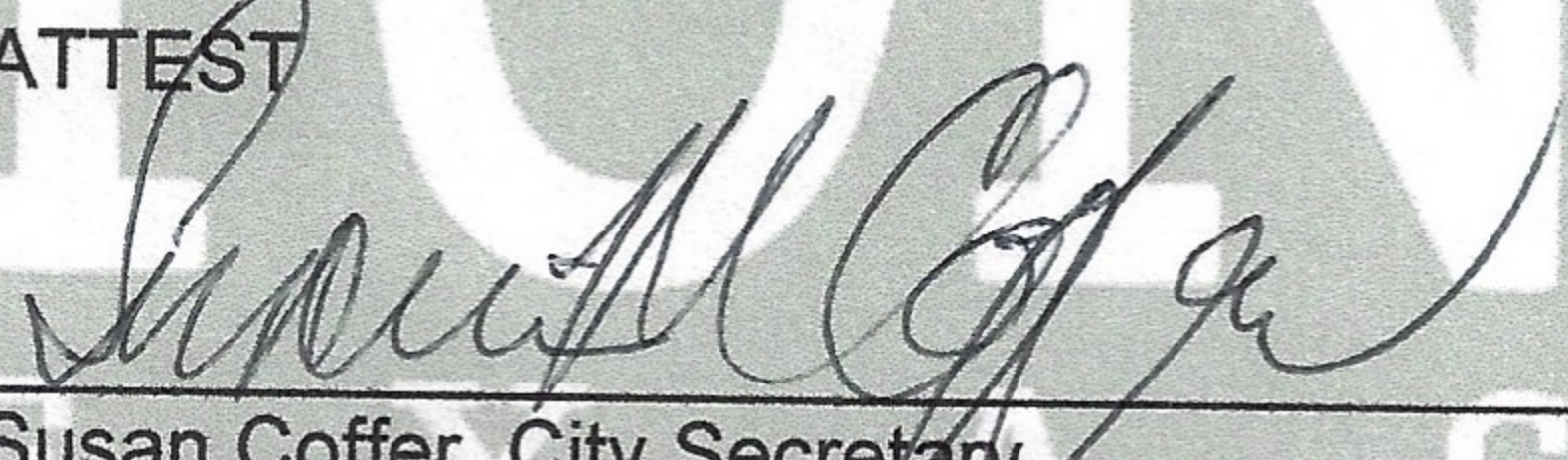
PASSED AND APPROVED by Council this, the 11th day of May, 2021.



APPROVE


James M Marischen, Mayor

ATTEST


Susan Coffer, City Secretary

Oldest City in Collin County