

AN ORDINANCE AMENDING ORDINANCE NUMBER 2002-09-05, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF WESTON, TEXAS, BY ADDING A DEFINITION OF "HUD-CODE MANUFACTURED HOME", AND BY PROVIDING THAT A HUD CODE MANUFACTURED HOME MAY BE USED AS A TEMPORARY RESIDENCE IN AN AG, RED-1, RED-2, RS-120, RS-84, RS-60, AND RS-45 DISTRICT DURING CONSTRUCTION OF A PRIMARY RESIDENCE ON THE SAME LOT WHEN A SPECIFIC USE PERMIT IS GRANTED FOR SUCH USE; 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, the City Council of the City of Weston, Texas, held a public hearing on May 8, 2007 with respect to the zoning ordinance amendment described herein; and

WHEREAS, the City Council finds that it will serve the best interest of the citizens of Weston to amend the zoning ordinance to allow a HUD Code manufactured home to be used as a temporary residence in an AG district and in certain residential districts during construction of a primary residence on the same lot when a specific use permit is granted for such use; 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, THAT:

SECTION 1 The Comprehensive Zoning Ordinance, as amended, is hereby amended as follows:

1. Section 40 is amended by adding the following new definition:

(53.1) *HUD –Code manufactured home.*

(A) means a structure:

(1) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;

(2) built on a permanent chassis;

(3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

(4) transportable in one or more sections; and

(5) in the traveling mode, at least eight body feet in width or at least 40 feet in body length or, when erected on site, at least 320 square feet;

(B) includes the plumbing, heating, air conditioning and electrical systems of the home; and

(C) does not include a recreational vehicle as defined by 24.C.F.R. Section 3282.8(g).

2. Section 62, AG agricultural district regulations, is amended by adding the following new subparagraph to paragraph (4), Specific Use Permits:

(f) Use of a HUD Code manufactured home as a temporary residence during construction of a primary residence on the same lot.

3. Section 63, RED-1, residential estates district regulations, is amended by adding the following new subparagraph to paragraph (4), Specific Use Permits:

(g) Use of a HUD Code manufactured home as a temporary residence during construction of a primary residence on the same lot.

4. Section 66, RS 84, single-family residential estates district regulations, is amended by adding the following new subparagraph to paragraph (4), Specific Use Permits:

(b) Use of a HUD Code manufactured home as a temporary residence during construction of a primary residence on the same lot.

5. Section 67, RS 60, single-family residence district regulations, is amended by adding the following new subparagraph to paragraph (4), Specific Use Permits:

(b) Use of a HUD Code manufactured home as a temporary residence during construction of a primary residence on the same lot.

6. Section 68, RS 45, single family residence district regulations-Zero lot line homes, is amended by adding the following new subparagraph to paragraph (4), Specific Use Permits:

(b) Use of a HUD Code manufactured home as a temporary residence during construction of a primary residence on the same lot.

7. The "Schedule of Uses" is amended by (a) inserting the following under the column headed "Type Use" under the Heading "Residential": "HUD Code manufactured home as temporary residence during construction of primary residence"; and (2) by inserting the letter "S" under the columns for the AG, RED-1, RED-2, RS-120, RS-84, RS-60 and RS-45 Districts.

SECTION 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3. 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.

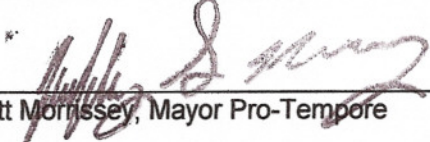
SECTION 4. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5. All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have 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. The City Secretary of the City of Weston is directed to publish the caption, penalty clause, and effective date of this Ordinance in accordance with the provisions of Section 52.011 of the Local Government Code.

SECTION 7. This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this the 12th day of June 2007.



Scott Morrissey, Mayor Pro-Tempore

ATTEST:



Dedra Bates, City Secretary

