

ORDINANCE 2017-02-01

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE 2016-03-02, THE CITY'S SUBDIVISION REGULATIONS, TO INCLUDE PROVISIONS FOR GENERAL DEVELOPMENT PLANS; 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 City Council of the City of Weston, Texas has made a commitment to manage the growth and development pressures of Collin County; and

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, 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; and

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

SECTION 1 AMENDMENT

1. Section 17 of Ordinance 2016-03-02 is hereby amended to read as follows:

"SECTION 17 PLANNED DEVELOPMENT PERMIT AND DEPOSIT

- A. A Planned Development Permit shall be required prior to the clearing, grading, filling, dredging, construction of public streets, utilities or drainage, or other improvements which may affect adjacent properties.
- B. Professional fees for the review of planned developments with their plat applications, concept and site plans, zoning applications, and other land use related permits shall be paid by the applicant to the City. The professional fees shall include, but not necessarily be limited to, engineering, traffic engineering, expenses for related legal fees, land planning and financial analysis in order that the application can be properly evaluated to achieve compliance with the City's regulations. A deposit of **\$5,000.00** shall be paid for the services at the time the initial application is filed. The actual costs will be determined prior to final approval and either an additional sum will be due from the applicant or a reimbursement made if the actual cost is less than the deposit."

2. Section 73 of Ordinance 2016-03-02 is hereby amended to read as follows:

"SECTION 73 DEFINITIONS

[A]3. Residential development for property serving an area of less than one mile in diameter."

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**

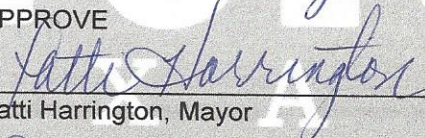
All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinance that has accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending 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 14th day of February, 2017.

APPROVE


Patti Harrington, Mayor

ATTEST


Susan Coffey, City Secretary

