

ORDINANCE NO. 2006-03-01

**AN ORDINANCE OF THE CITY OF WESTON, TEXAS GRANTING THE MEMBERS OF THE CITY COUNCIL THE AUTHORITY TO ACT AS THE ZONING BOARD OF ADJUSTMENT PURSUANT TO CHAPTER 211 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Weston, Texas is a Type A general-law municipality located in Colin 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 Ordinance number 2002-09-05, the Zoning Ordinance of the City of Weston, which establishes the Zoning Board of Adjustment ("ZBA") of the City of Weston; and

**WHEREAS**, to date no board members have been appointed to the ZBA; and

**WHEREAS**, without the appointment of members to the ZBA the City has had no mechanism by to adjudicate over such matters as variances, special exceptions, and alleged errors of interpretation by administrative officials; and

**WHEREAS**, Section 211.008(e) of the Texas Local Government Code provides that the governing body of a Type A general law municipality by ordinance may grant the governing body the authority to act a board of adjustment; and

**WHEREAS**, in order to ensure that the functions of the ZBA are performed, the City Council desires to confer on itself the authority to act as the ZBA.

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

**SECTION 1.**

That the members of the City Council of the City of Weston are hereby authorized to act as the Zoning Board of Adjustment of the City. When sitting as the Zoning Board of Adjustment of the City, the members of the City Council shall possess all of the rights and duties of the Zoning Board of Adjustment of the City as set forth in Ordinance number 2002-09-05, the Zoning Ordinance of the City of Weston, as it may be amended, and Chapter 211 of the Texas Local Government Code.

The Mayor is hereby appointed the Chair of the six member Zoning Board of Adjustment of the City and shall preside over all meetings of the Board. The Chair shall be counted for purposes of a quorum and may cast one vote in each case before the Board.

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, 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.

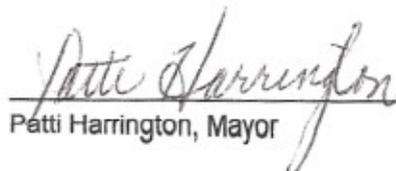
**SECTION 3.**

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.

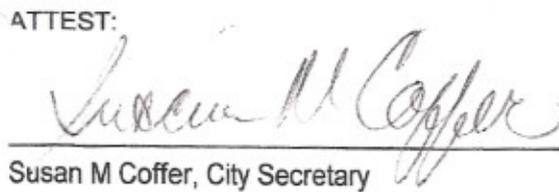
**SECTION 4. EFFECTIVE DATE**

This ordinance shall be effective from and after its passage and adoption by the City Council.

**PASSED AND APPROVED** this the 14<sup>th</sup> day of March 2006.

  
Patti Harrington, Mayor



**ATTEST:**  
  
Susan M Coffey, City Secretary