

ORDINANCE NO. 2014-38

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO, 2001-48, TO AMEND PROVISIONS TO ARTICLE 3 (RESIDENTIAL DISTRICT REGULATIONS), SECTION 3.1; AND ARTICLE 5 (USE REGULATIONS), SECTIONS 5.1 & 5.2 TO CREATE A NEW LOW DENSITY RESIDENTIAL CATEGORY OF SINGLE FAMILY – ESTATES DISTRICT (SF-ED); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Wylie, Texas (“Wylie”) to amend Ordinance No, 2001-48, to add provisions to Article 3 (Residential District Regulations), Section 3.1; and Article 5 (Use Regulations), Sections 5.1 & 5.2, of the Wylie Code of Ordinances as it relates to Low Density Residential uses.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Article 3 (Residential District Regulations), Section 3.1; and Article 5 (Use Regulations), Sections 5.1 & 5.2 Article 3 (Residential District Regulations), Section 3.1; and Article 5 (Use Regulations), Sections 5.1 & 5.2 of the Wylie Code of Ordinances is hereby amended as depicted in Exhibit A (Article 3, Section 3.1 Low Density Residential Districts), Exhibit B (Article 5, Section 5.1 Use Charts), & Exhibit C (Article 5, Section 5.2 Listed Uses) and are included and made a part of this Ordinance.

SECTION 3: Savings/Repealing Clause: Wylie’s Comprehensive Zoning Ordinance No. 2001-48, as amended, shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 4: Severability: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: Penalty Provision: Any person, firm, corporation or entity violating this Ordinance or any provision of Wylie's Comprehensive Zoning Ordinance No. 2001-48, as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Effective Date: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 11th day of November, 2014.

Eric Hogue, Mayor

ATTEST:

Carole Ehrlich, City Secretary

DATE OF PUBLICATION: November 19, 2014, *in the* Wylie News