

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE CITY OF VAN ALSTYNE, BY AMENDING ARTICLE X, "DESIGN STANDARDS," SECTION 38-260, "LOTS," BY DELETING SUBSECTION (i) OF SECTION 38-260, "LOTS" OF ARTICLE X "DESIGN STANDARDS" OF CHAPTER 38, "SUBDIVISIONS AND LAND DEVELOPMENT," OF THE CODE OF ORDINANCES OF THE CITY OF VAN ALSTYNE, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH VIOLATION; PROVIDING FOR SAVINGS, SEVERABILITY AND REPEAL CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Van Alstyne ("City") is a Home Rule Municipality located in Grayson and Collin Counties created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Van Alstyne ("City Council") adopted Chapter 38 of its Code of Ordinances, the same being the Subdivisions and Land Development ("Subdivision") Ordinance of the City, which sets forth the orderly conveyance of land, including natural resources, and establish municipal control over the character of development; and

WHEREAS, the City Council has considered the proposed amendment to the Subdivision Ordinance and the appropriateness of the amendment

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

SECTION 1. RECITALS INCORPORATED. The findings recited above are incorporated as if fully set forth in the body of this Ordinance.

SECTION 2. FINDINGS. After due deliberations and consideration of the information and materials received, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City of Van Alstyne, Texas, and of the public health, safety, and welfare.

SECTION 3. AMENDMENTS. Section 38-260, "Lots," of Article X, "Design Standards," of Chapter 38, "Subdivisions and Land Development," of the Code of Ordinances of the City of Van Alstyne, Texas, is hereby amended by deleting subsection (i) in its entirety.

~~"(i) Within the City's ETJ, the lot area requirements, including but not limited to the minimum lot width, minimum lot depth, or minimum lot area requirements, shall be in conformance with any requirements of the governing County."~~

SECTION 4. NO VESTED INTEREST/REPEAL. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 5. UNLAWFUL USE OF PROPERTY. It shall be unlawful for any person, firm, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City's Zoning Ordinance and this Ordinance.

SECTION 6. PENALTY. Any person, firm, corporation, or entity violating the Ordinance, or any provision of Van Alstyne's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall not preclude Van Alstyne from filing suit to enjoin the violation. Van Alstyne retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7. SAVINGS/REPEALING CLAUSE. This ordinance, 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 to the extent they are in conflict; 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 ordinances shall remain in full force and effect.

SECTION 8. 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. Van Alstyne 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 9. STATUTORY REFERENCES. Any reference in this Ordinance to state law or a state statute refers to that law or statute as it presently exists or may subsequently be amended.

SECTION 10. PUBLICATION. The City Secretary is hereby directed to publish the caption of this ordinance, which summarizes its purpose and penalty, in accordance with Texas Local Government Code Section 52.013 and the City of Van Alstyne, Texas Charter, Chapter 10.02.

SECTION 11. EFFECTIVE DATE. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS
ON THIS 11TH DAY OF MARCH, 2025.

APPROVED:

ATTEST:

Jim Atchinson, Mayor

Susan Coffey, City Secretary