

City of Cottonwood Shores

ORDINANCE 14020

**AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS,
RENUMBERING ORDINANCE 042888-1A INTO CHAPTER 14 - ZONING,
PROVIDING FOR THE ZONING OF PROPERTY WITHIN THE CITY
JURISDICTION.**

WHEREAS: The City of Cottonwood Shores, Texas desires to provide for the orderly growth and development of the city for the protection and well-being of the citizens. Such orderly growth requires that certain restrictions be placed on the land use within its jurisdiction.

NOW THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS:

SECTION 1: AUTHORIZATION

The Mayor, or his designate, is hereby authorized and directed to implement the applicable provisions of this ordinance upon his determination that such implementation is necessary to protect the public welfare.

SECTION 2: DEFINITIONS

The term “person” shall be defined as any individual, corporation, organization, governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

The term “residential” shall be defined as any single or two family dwelling. It shall not include multiple dwelling units such as apartment houses, condominiums, or town houses.

The term “commercial” shall be defined as any retail or wholesale service or sales facility which regularly and actively caters to the public on its premises, or any warehouse or storage facility connected with such activity. The term “commercial” shall also apply to any multi-family dwelling, including apartment houses, condominiums, or town houses.

The term “commercial” shall not apply to the incidental use of a residential dwelling for occasional commercial activity, provided such activity is not routinely promoted to the public.

SECTION 3: APPLICATION

All properties within the boundaries of the City of Cottonwood Shores, Texas are to be used for residential purposes only. The following exceptions shall apply:

1. Those areas dedicated or designated as recreational facilities; such as parks, playgrounds, or community centers. Upon abandonment of such use, the status of these areas shall revert to residential zoning.
2. Those areas required for the common welfare of the citizens, including water distribution facilities, fire halls, police stations, schools and city offices. Upon abandonment of such use, these areas shall revert to residential zoning.
3. All lots between State Farm to Market road 2147 and Cottonwood Drive, east of the Bluffview addition of Cottonwood Shores' subdivision shall be zoned commercial. However, the City shall have the right to refuse permission to operate any commercial operation deemed by the City Council to be objectionable to the citizens, or which would be a potential health hazard.
4. The City Council shall have the authority to change the zoning regulations of any lot or area within the jurisdiction of the City.
5. Any property outside the City limits of the City, but within its jurisdiction, which is being used for commercial activity at the time of enactment of this ordinance shall be zoned commercial. However, upon cessation of such business activity, the zoning shall revert to residential. The City Council must be petitioned for a zoning change before that property may again be used for commercial activity.

SECTION 4. CLOSING PROVISIONS

1. Construction.

- (a) The terms and provisions of this Ordinance shall not be construed in a manner to conflict with Chapter 211 of the Texas Local Government Code and if any term or provision of this Ordinance shall appear to conflict with any term, provision or condition of Chapter 211, such Ordinance term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this Ordinance.

2. Amendment and Repeal.

- (a) All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

3. Severability.

- (a) If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

4. Effective Date.

- (a) This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code.

5. Open Meetings.


- (a) It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

6. Penalty.

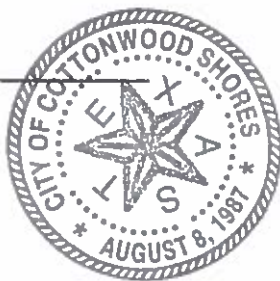
- (a) Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

ORIGINAL ORDINANCE PASSED APRIL 28, 1988.

CODIFIED ORDINANCE PASSED AND APPROVED BY THE CITY COUNCIL OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT, AT A MEETING ON THE 16TH DAY OF FEBRUARY, 2017, WITH 4 VOTES IN FAVOR, 0 VOTES AGAINST AND 0 ABSTENTIONS.



Mayor Donald Orr



Attest:



Sheila C. Moore
City Administrator/City Secretary

AN ORDINANCE 042888-1A

OF THE CITY OF COTTONWOOD SHORES, TEXAS PROVIDING FOR THE ZONING OF PROPERTY WITHIN THE CITY JURISDICTION.

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This ordinance shall apply equally to all persons, corporations, or associations, or other entity owning property within the jurisdiction of the City of Cottonwood Shores.

SECTION 4: DATE OF IMPLEMENTATION

This ordinance shall become effective immediately upon passage by the City Council of the City of Cottonwood Shores.

SECTION 5: PENALTY

Any person, corporation, or association violating any provision of this ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed ~~200~~ dollars (~~500~~). Each day of violation shall be deemed a separate offense, and shall be punished accordingly. Provided, however, compliance may be further sought through injunctive relief in the District Court.

PASSED AND APPROVED:

DATE: 042888-1A

Lucy M. Jones

Delmar Leming
DELMAR "Dutch" LEMING,
MAYOR,
CITY OF COTTONWOOD SHORES