

CITY OF TOLAR, TEXAS

ORDINANCE NO. 11-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOLAR, TEXAS, BEING THE TOLAR ZONING ORDINANCE, TO PROVIDING FOR ARTICLE 1 – GENERAL PROVISIONS, PROVIDING FOR ARTICLE 2 – PERMITTED USES; PROVIDING FOR ARTICLE 3 – ZONING DISTRICTS; PROVIDING FOR ARTICLE 4 – SUPPLEMENTARY REGULATIONS; PROVIDING FOR ARTICLE 5 – ADMINISTRATION; PROVIDING FOR ARTICLE 6- DEFINITIONS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tolar is a General Law Municipality located in Hood County, Texas, 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 Tolar has herein adopts **Ordinance No. 11-05**, of the City of Tolar, Texas, being the Zoning Ordinance and Map for the City, which regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication, and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the City Council of the City of Tolar with respect to establishing the initial zoning documents described herein; and

WHEREAS, the City Council deems it in the best interest of the City of Tolar, Texas, to adopt these zoning ordinance regulations and map;

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

SECTION 1

That the zoning text document regulations as prepared by the City of Tolar and assisted by Municipal Planning Resources Group and attached as Exhibit “A” be adopted as the official Zoning Ordinance regulations and Exhibit “B” be adopted as the official Zoning map for the City of Tolar, Texas.

SECTION 2
CUMULATIVE

That 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 3
SAVINGS

That all rights and remedies of the City Of Tolar are expressly saved as to any and all violations of the provisions of any Ordinances affecting land use and zoning 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 4
SEVERABILITY

That it is hereby declared to be the intention of the City Council of The City of Tolar 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 should 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 incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5
PENALTY CLAUSE

Any person, firm, association of persons, corporation, or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6
PUBLICATION CLAUSE

The City Secretary of the City of Tolar, Texas is hereby directed to publish in two issues of the Official newspaper of the City of Tolar, the Caption, Penalty and Effective Date clause of this Ordinance as required by the Texas Local Government Code.

SECTION 7
ENGROSSMENT AND ENROLLMENT

That the City Secretary of the City of Tolar is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Tolar and by filing this Ordinance in the Ordinance records of the City.

SECTION 8
EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage in accordance with the law.

PASSED AND APPROVED by the City Council of the City of Tolar, Texas this 22nd day of August, 2011.

Mayor
City of Tolar, Texas

ATTEST:

City Secretary
City of Tolar, Texas

APPROVED AS TO FORM:

City Attorney
City of Tolar, Texas