

ORDINANCE NO. 2023-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO. 2006-04 OF THE CITY OF WYLIE (THE ZONING ORDINANCE, AS AMENDED), ARTICLE 5, USE REGULATIONS AND ARTICLE 7, GENERAL DEVELOPMENT REGULATIONS; AMENDING CERTAIN REGULATIONS RELATING TO CREATE AND DEFINE SMOKE SHOP, SMOKING ESTABLISHMENT, BREWERY, DISTILLERY, AND WINERY USES, UNIFY ALCOHOL RELATED REQUIREMENTS IN THE ZONING ORDINANCE, AND PROVIDE AN APPEAL PROCESS FROM DISTANCE REQUIREMENTS; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; 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 Article 5, Use Regulations and Article 7, General Development Regulations, of Ordinance No. 2006-04, the Zoning Ordinance, as amended, to amend regulations relating to Smoke Shops, Smoking Establishments, Breweries, Distilleries, Wineries, and Alcohol related requirements; and

WHEREAS, the City Council finds that this Ordinance contains textual amendments to the Zoning Ordinance that do not change zoning district boundaries, and therefore, written notice to individual property owners is not legally required; and

WHEREAS, the City Council finds that all legal notices required for amending the Zoning Ordinance have been given in the manner and form set forth by law, public hearings have been held on the proposed amendments and all other requirements of notice have been fulfilled; and

WHEREAS, the City Council finds that it is in the best interests of Wylie and its citizens to amend the Zoning Ordinance as set forth below, and that such amendments are in furtherance of the health, safety, morals and general welfare of the Wylie community and the safe, orderly and healthful development of Wylie.

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

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

SECTION 2: Article 5, Use Regulations and Article 7, General Development Regulations of Wylie’s Zoning Ordinance, Ordinance No. 2006-04, are hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference for all purposes.

SECTION 3: The Zoning 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, 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: 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. The City Council 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: Any person, firm, corporation or entity violating this Ordinance or any provision of Wylie's Zoning Ordinance, as amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand Dollars (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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: 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 13th day of June, 2023.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

DATE OF PUBLICATION: June 21, 2023, in the Wylie News