

**ORDINANCE NO. 2013-08-01**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2002-09-05, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF WESTON, TEXAS BY CHANGING THE ZONING CLASSIFICATION ON CERTAIN PROPERTY IN THE CITY OF WESTON; REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

**WHEREAS**, the owner of the property known as 407 Chicken Street and containing approximately acres has filed an application to rezone the property; and

**WHEREAS**, the City Council of the City of Weston, Texas, held a public hearing on April 10, 2012 with respect to the zoning change described herein; and

**WHEREAS**, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance, as amended, is hereby amended by rezoning the property shown in Exhibit "A":

**SECTION 2.** The zoning districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community.

**SECTION 3.** The official zoning map of the City of Weston is amended and the City Secretary is directed to revise the official zoning map to reflect the approved zoning as set forth above.

**SECTION 4.** The use of the property described above shall be subject to the restrictions; terms and conditions set forth in the Site Plan attached as Exhibit "A" and the Site Plan is hereby approved and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Weston.

**SECTION 5.** This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 6.** It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

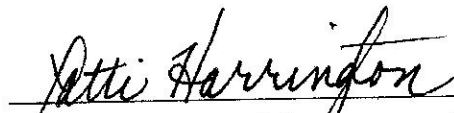
**SECTION 8.** All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both 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 9.** The City Secretary of the City of Weston is directed to publish the caption and penalty clause of this Ordinance in accordance with the provisions of Section 52.011 of the Local Government Code.

**SECTION 10.** This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED** this the 13<sup>th</sup> day of August, 2013.

**APPROVED BY:**

  
Patti Harrington, Mayor

**ATTESTED BY:**

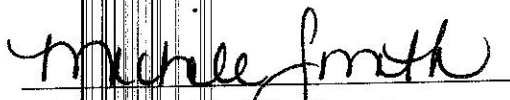
  
Michele Smith, City Secretary



EXHIBIT "A"

BEING situated in Collin County, Texas, in the Town of Weston, a part of the William Culwell Survey, Abstract No. 184, and being a part of the land conveyed to Wade Terrell and wife, Mae Terrell, by D.W. Terrell and wife, Patsy Terrell, by Deed dated June 26, 1963, and recorded in Volume 620, Page 43 of the Deed Records of Collin County, Texas;

BEGINNING at the Southwest corner of the said tract conveyed to Wade Terrell, et ux;

THENCE NORTH 130 feet to the Southwest corner of a tract of land conveyed to George L. Jones and wife, Mary E. Jones by Deed dated January 20, 1964, and recorded in Volume 629, Page 305 of the Deed Records of Collin County, Texas;

THENCE EAST with the South line of the Jones tract 133 feet to the Southeast corner of the Jones tract and being also the Northeast corner of the land herein conveyed;

THENCE SOUTH 130 feet to the Southeast corner of the land conveyed to Wade Terrell, et ux;

THENCE WEST 133 feet to the place of beginning.

**LESS & EXCEPT THE FOLLOWING:**

BEING situated in the William Culwell Survey, Abstract No. 184 in the Town of Weston, Collin County, Texas, and being part of the tract of land that was conveyed to A. Leon White in Deed recorded in Clerk's File No. 95-92787 of the Land Records of Collin County, Texas, being more particularly described by metes and bounds to-wit:

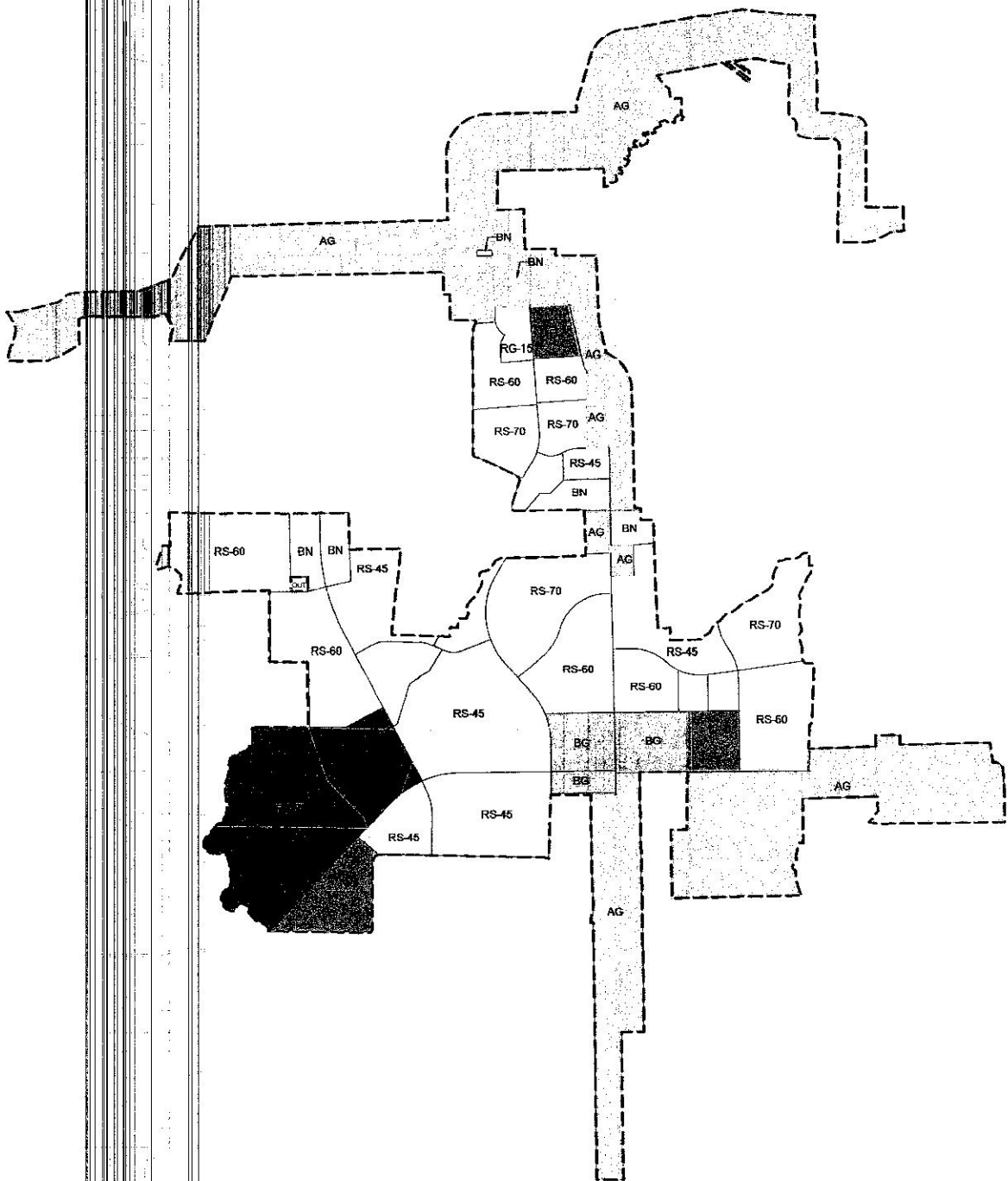
BEGINNING at an iron pin set at the base of a corner post being the Northeast corner of said tract;

THENCE South with the East line of said tract, same being an old fence 69.2 feet to an iron pin set;

THENCE North 89 degrees 45 minutes West 147.5 feet to an iron pin set in the East line of Chicken Street;

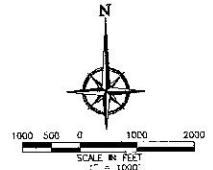
THENCE North with said East line 66 feet to an iron pin set;

THENCE North 89 degrees 00 minutes 25 seconds East with an old fence 147.52 feet to the place of beginning, containing 0.229 acres, more or less.



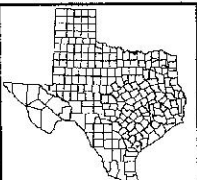
**LEGEND**

	RS-45
	RS-60
	RS-70
	AG
	BN
	BG
	RS-45
	RS-60
	RS-70
	AG
	CITY OF WESTON CITY LIMITS (PERMANENTLY ADJUSTED AUGUST 2011)



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**ZONING MAP**  
CITY OF WESTON  
COLLIN COUNTY, TEXAS

SCALE: 1"=1,000'
DATE: 8/13/2013
MLA JOB#: 14000
SHEET: 1 OF 1
FILE: 014000ZM-10-9-17.dwg