

ORDINANCE NO. 2006-06-01

AN ORDINANCE OF THE CITY OF WESTON, TEXAS, CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE CITY OF WESTON AND 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 PAMPHLET FORM; 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, the City Council of the City of Weston heretofore adopted Ordinance 2002-09-05, the Zoning Ordinance of the City of Weston, Texas, as amended, regulating and restricting 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, the owner of a 1.9214 acre tract described as Lot 40 in the Honey Creek Country Estates Subdivision, located at 5291 Pecan Place Drive, Weston, Collin County, Texas has filed an application for a Specific Use Permit to permit the placement of a broadband tower on the property; and

WHEREAS, the City Council of the City of Weston, Texas held a public hearing on June 13, 2006, with respect to the zoning changes 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. Ordinance No. 2002-09-05, as amended, is hereby amended to permit the following specific use on the hereinafter described property and area as shown below: Lot 40 in the Honey Creek Country Estates Subdivision, located at 5291 Pecan Place Drive, Weston, Collin County, Texas. A Specific Use Permit for a broadband tower, as more fully described in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. The Specific Use Permit as herein established has 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 map of the City of Weston is amended and the City Secretary is directed to revise the official zoning map to reflect the approved Specific Use Permit as set forth above.

SECTION 4. The use of the property described above shall be subject to all restrictions, terms and conditions contained in Exhibit "A" as well as the 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 all ordinances of the City of Weston, Texas 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have

been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

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) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

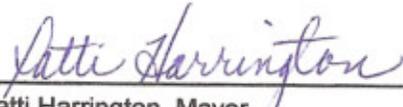
SECTION 8. All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil 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 hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 10. The City Secretary of the City of Weston is hereby directed to publish caption, penalty clause, and effective date clause in the official newspaper at least once within ten (10) days after the passage of this ordinance.

SECTION 11. 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 13th day of June 2006.



Patti Harrington, Mayor

ATTEST:



Susan M Coffey, City Secretary

