

ORDINANCE NO. 2006-12-01

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 located at the southeast corner of Farm to Market Road 543 and Rigsby Lane and containing approximately 41.33 acres has filed an application to rezone the property to "BN" Neighborhood Business District (15.02 acres) and "RS-60" Single Family Residence District (26.31 acres) and

WHEREAS, the City Council of the City of Weston, Texas, held a public hearing on October 10, 2006 with respect to the zoning change described herein; and

WHEREAS, the City Council finds that the approval of the BN and RS-60 zoning on this site will allow for the operation of neighborhood businesses and single-family residences; 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 hereinafter described property and area:

- a. a 15.02 situated in the James Wilson Survey, Abstract 963, in Collin County, Texas, being part of the called 124-7/8 acres tract described in the deed to Ernest V. Rigsby and wife, Abbie V. Rigsby dated June 3, 1947 and recorded in Volume 380 Page 394 in the Collin County Deed Records, as more particularly described on Exhibit "A" attached hereto and incorporated herein to "BN" Neighborhood Business District as more fully described on the Site Plan attached hereto as Exhibit "C" and incorporated herein.
- b. a 26.31 situated in the James Wilson Survey, Abstract 963, in Collin County, Texas, being part of the called 124-7/8 acres tract described in the deed to Ernest V. Rigsby and wife, Abbie V. Rigsby dated June 3, 1947 and recorded in Volume 380 Page 394 in the Collin County Deed Records, as more particularly described on Exhibit "B" attached hereto and incorporated herein to "RS-60" Single Family Residence District as more fully described on the Site Plan attached hereto as Exhibit "C" and incorporated herein.

SECTION 2. The zoning district 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 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 "C" and the Site Plan is hereby approved. The use of the property shall further conform to the standards and regulations of the BN-Neighborhood Business District and the RS-60-Single Family Residence District, to the extent not modified in the Site Plan, 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.

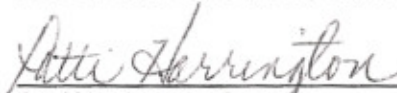
**SECTION 7.** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall 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 12<sup>th</sup> day of December 2006.

  
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Patti Harrington, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan M Coffer, City Secretary





EXHIBIT A  
15.02 Acres  
BN-Neighborhood Business District

A tract or parcel of land situated in the James Wilson Survey, Abstract 963, in Collin County, Texas, being part of the called 124-7/8 acres tract described in the deed to Ernest V. Rigsby and wife, Abbie V. Rigsby dated June 3, 1947 and recorded in Volume 380 Page 394 in the Collin County Deed Records (CCDR), and being more particularly described as follows:

BEGINNING at the northwest corner of said James Wilson Survey, being also the southwest corner of David Howard Survey, Abstract 413, being at the intersection of the center of FM 543 and the center of a gravel road, said point being witnessed by a found ½ inch iron rod which bears South 89°13'36" East, 40.24 feet;

THENCE South 89°13'36" East, 610.41 feet along the north side of said James Wilson Survey to a ½ inch iron rod with GMGEER3258 cap;

THENCE South 00°47'18" West, 210.04 feet to a found 1/2 inch iron rod with a GMGEER3258 cap;

THENCE South 89°16'07" East, 254.96 feet to a found 1/2 inch iron rod with a GMGEER3258 cap;

THENCE South 00°35'46" West, 324.20 feet to a found 1/2 inch iron rod;

THENCE South 00°18'12" East, 377.99 feet to a point for corner;

THENCE South 89°13'36" East, 418.06 feet to a point for corner;

THENCE North 00°59'44" East, 185.61 feet to a found ½ inch iron rod with a GMGEER3258 cap;

THENCE North 89°48'03" West, 456.54 feet to the center of FM 543, said point is witnessed by a ½ inch iron rod with a GMGEER3258 cap which bears South 89°48'03" East 37.83 feet;

THENCE North 00°48'26" East, 730.94 feet along the centerline of FM 543 to the POINT OF BEGINNING and CONTAINING 15.02 acres of land, more or less.

EXHIBIT B  
26.31 Acres  
RS-60-Single Family Residence District

A tract or parcel of land situated in the James Wilson Survey, Abstract 963, in Collin County, Texas, being part of the called 124-7/8 acres tract described in the deed to Ernest V. Rigsby and wife, Abbie V. Rigsby dated June 3, 1947 and recorded in Volume 380 Page 394 in the Collin County Deed Records (CCDR), and being more particularly described as follows:

COMMENCING at the northwest corner of said James Wilson Survey, being also the southwest corner of David Howard Survey, Abstract 413, being at the intersection of the center of FM 543 and the center of a gravel road, said point being witnessed by a found ½ inch iron rod which bears South 89°13'36" East, 40.24 feet;

THENCE South 89°13'36" East, 610.41 feet along the north side of said James Wilson Survey to a ½ inch iron rod with GMGEER3258 cap;

THENCE South 00°47'18" West, 210.04 feet to a found 1/2 inch iron rod with a GMGEER3258 cap;

THENCE South 89°16'07" East, 254.96 feet to a found 1/2 inch iron rod with a GMGEER3258 cap;

THENCE South 00°35'46" West, 324.20 feet to a found 1/2 inch iron rod;

THENCE South 00°18'12" East, 377.99 feet to the POINT OF BEGINNING;

THENCE South 00°18'12" East, 1525.61 feet along a fence to a fence corner post;

THENCE North 89°28'33" west, 903.54 feet along the north side of the called 284.8510 acre tract described in the deed to Westin-Land, Ltd. Recorded in Volume 5984 Page 2819 in the CCDR, and generally along a fence to the center of FM 543, said point is witnessed by a fence corner which bears South 89°28'33" East 34.76 feet;

THENCE North 00°48'26" East, 1062.53 feet along the centerline of FM 543 to a point, said point is witnessed by a found ½ inch iron rod with a GMGEER3258 cap at a wood right-of-way marker which bears South 89°41'14" East 35.89 feet;

THENCE South 89°41'14" East, 454.40 feet to a found 1/2 inch iron rod with a GMGEER3258 cap;

THENCE North 00°59'44" East, 463.09 feet to a point for corner;

THENCE South 89°13'36" East, 418.06 to the POINT OF BEGINNING and CONTAINING 26.31 acres of land, more or less.



ORDINANCE 2006-12-01  
EXHIBIT C

