

**CITY OF THE COLONY, TEXAS  
ORDINANCE NO. 2023- 2519**

**GATEWAY OVERLAY DISTRICT AMENDMENT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, APPENDIX A, SECTION 10A, ENTITLED “GATEWAY OVERLAY DISTRICT REGULATIONS,” BY AMENDING SECTION 10A-300 AND EXHIBIT 1, BY REMOVING PROPERTIES EAST OF AND ADJACENT TO ELM STREET AND WEST OF AND ADJACENT TO ELM STREET BETWEEN EASTLAKE HIGHLANDS AND WITT DRIVE FROM THE GATEWAY OVERLAY DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS, Section 211.006(a) of the Texas Local Government Code requires the City of The Colony, Texas, to publish notice of a public hearing concerning a zoning amendment before the 15th day before the date of the public hearing; and**

**WHEREAS, Appendix A, Section 24-101(4) of the Code of Ordinances of the City of The Colony, Texas, provides the following, “A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of The Colony stating the time and place of such hearing which time shall not be earlier than fifteen (15) days the date of publication;” and**

**WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of The Colony, Texas, is of the opinion and finds that said changes should be granted, and that the Code of Ordinances should be amended.**

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

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

**SECTION 2. That Appendix A, Section 10A, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Gateway Overlay District**

**Regulations," is hereby amended by amending Section 10A-300, entitled "District Boundaries," which shall read as follows:**

**"10A-300. District Boundaries.**

**The Gateway Overlay District is defined as the area along the north side of S.H. 121 from the western city limit to the eastern city limit and along Main Street (F.M. 423) from S.H. 121 north to approximately 650 feet south of the Main Street (F.M. 423) bridge over Lake Lewisville (less and except those parcels between East Lake Highlands and Witt Drive beginning approximately 250 feet north of Witt Drive and located west and adjacent to Elm Street, and all those located east and adjacent to Elm Street), and retail/commercial/office areas at South Colony Boulevard and Paige Road and the southwest corner of Kisor Drive and Paige Road (see map on next page). Residential areas have been removed from the Gateway Overlay District. When and if any of the abutting residential district changes to a commercial zoning, the tract will automatically be incorporated into the Gateway Overlay District upon approval of the rezone request."**

**Section 10A-300 *Exhibit 1* is hereby replaced with *Exhibit 1* attached hereto.**

SECTION 3. If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That any person, firm or corporation violating a provision of this Ordinance, upon conviction, is guilty of a misdemeanor and shall be subject to a fine in the sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. That this Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS THE 18<sup>th</sup> day of JULY, 2023.

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/s/Richard Boyer, Mayor  
City of The Colony, Texas

**ATTEST:**

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/s/Tina Stewart, TRMC, CMC, City Secretary

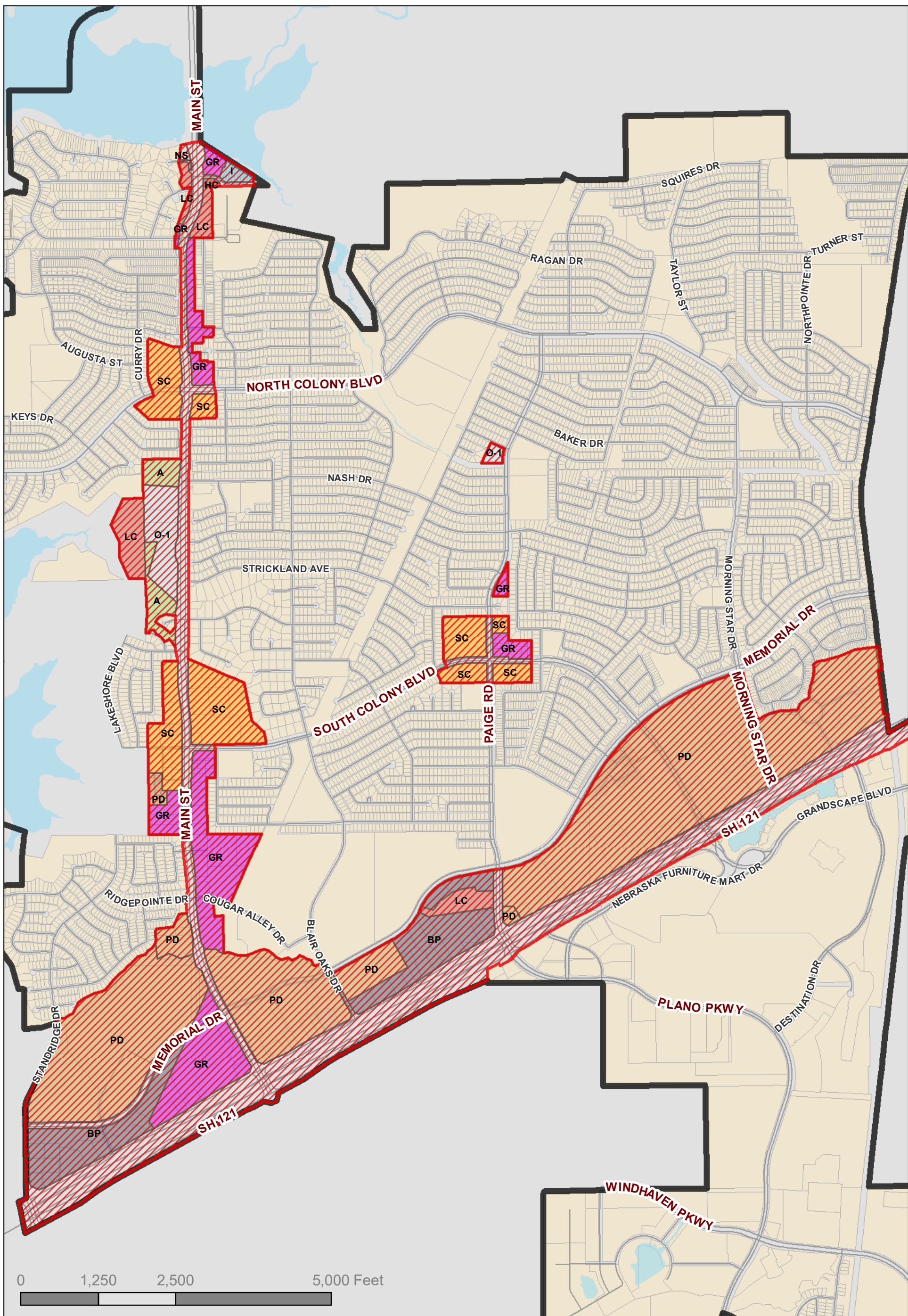
**APPROVED AS TO FORM:**

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/s/Jeffrey L. Moore, City Attorney

*Exhibit 1*

[District Boundaries]



# The Colony Gateway Overlay District

- |                          |                      |                     |
|--------------------------|----------------------|---------------------|
| Gateway Overlay District | Heavy Commercial     | Office District     |
| Agricultural             | Industrial           | Planned Development |
| Business Park            | Light Commercial     | Shopping Center     |
| General Retail           | Neighborhood Service |                     |

Interactive Map



**DISCLAIMER:**  
This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These map products are for illustration purposes only and are not suitable for site-specific decision making. GIS data is subject to constant changes, and may not be complete, accurate or current.

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