

ORDINANCE 2021-03-01

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE 2016-03-02, THE CITY'S SUBDIVISION REGULATIONS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO-HUNDRED DOLLARS (\$200) PER DAY, PROVIDING FOR CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code Chapter 212 Section 002 states that "the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality"; and

WHEREAS, City Council has previously adopted Ordinance No. 2017-02-01, 2018-07-02, 2019-05-01, 2019-08-02, 2019-09-01, 2020-03-01, and 2020-07-02; and

WHEREAS, the City of Weston adopted an ordinance which adopts a Future Land Use Plan for the City; and

WHEREAS, the City of Weston now wishes to implement certain development regulations to insure orderly growth.

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

SECTION 1 AMENDMENTS

1. Ordinance 2016-03-02, Section 35 Preliminary Plat, paragraphs A and B, are hereby amended to read as follows:
"A. The City Council or its designee shall be furnished with ~~40 legible prints~~ six (6) legible prints and one (1) electronic copy of the Preliminary Plat ~~together with 40 copies of~~ and all necessary supporting documents describing the type of development, provision of services, development procedure and timing, and preliminary engineering studies. The Preliminary Plat will not be considered filed with the City Council until and unless the prescribed filing fees have been paid and all staff comments have been addressed so that the Preliminary Plat is found to conform to these regulations. The plan administrator shall send a written notice to the applicant when the Preliminary Plat is found to conform to these regulations. The official filing date for a Preliminary Plat application and all supporting documents filed therewith shall be the date that the Preliminary Plat is found to conform to these regulations.
B. The developer shall ~~attach the~~ obtain a checklist, as described in this Ordinance as Exhibit A, ~~to be furnished by the City. Such checklist shall be attached to the Plat Submittal."~~
2. Ordinance 2016-03-02, Section 36 Record Plat, paragraph B, is hereby amended to read as follows:
"B. The Record Plat shall be submitted to the plan administrator who shall cause the same to be checked and verified as to its conformance with the Preliminary Plat as approved by the City Council and these regulations. ~~40 direct prints~~ six (6) legible prints and one (1) electronic copy of the Record Plat shall be delivered to the plan administrator. No Record Plat may be considered by the City Council until the prescribed filing fees have been paid and all staff comments are met so that the Record Plat is found to conform to these regulations. The plan administrator shall send a written notice to the applicant when the Record Plat is found to conform to these regulations. The official filing date for a Record Plat application and all supporting documents filed therewith shall be the date that the Record Plat is found to conform to these regulations."
3. Ordinance 2016-03-02, Section 36 Record Plat, paragraphs C11 through C15, are hereby amended to read as follows:
"11. Facilities agreement. A facilities agreement, if required, shall be approved by the City Council prior to issuance of a development permit. The executed facilities agreement shall be filed in the records of Collin County by the City Secretary.
~~14-a).~~ Release of covenants. Upon satisfactory completion of the required improvements, the Mayor or designee shall issue release of covenants to the subdivider.
~~15-b).~~ Acceptance of improvements. Following completion and final inspection of improvements, the developer shall provide the City with a statement or affidavit specifying the value of street, drainage, and other general fixed assets and the value of water, sewerage, and other utility assets being dedicated to the City. The Mayor shall accept such improvements in writing and make payments to the developer as specified in the facilities agreement, if applicable."

12. Development Permit. A development permit, as described in Section ~~32~~ 17, shall be issued by the ~~Director of Development Services~~ City Engineer prior to initiation of improvements. Before issuance of a development permit, the developer or his designated representative may be requested to meet with the City Engineer and/or project inspector in a pre-construction conference.

13. Recording of Record Plat. The Record Plat shall be recorded in the map and plat records of the county by the ~~City Secretary~~ applicant within 14 days of execution of a facilities agreement or within 14 days of acceptance of public improvements in subdivisions not requiring a facilities agreement. The plan administrator shall cause prints of the Record Plat to be provided to the affected city offices as they may require. The Record Plat shall not be returned or released to the subdivider until recorded as provided above. The cost of recording the Record Plat shall be paid by the applicant."

4. Ordinance 2016-03-02, Section 46 Lots, paragraphs A.1. through A.5., are hereby amended to read as follows:

"A. Lot dimensions shall be determined by the appropriate zoning classification. For subdivisions not within the City limits, lot dimensions are determined as follows:

1. Use. All lots shown on the plat shall ~~be for single-family Estate residential purposes~~ be developed in accordance with zoning district Residential Estate District 2 (RED2) as described in the City of Weston Zoning Regulations, unless otherwise provided by the zoning district of the area and so noted on the plat.

2. Lot size. ~~The size or area of the lot shall be measured in square feet, and shall conform to the zoning requirements for the area.~~ The minimum lot size shall be ~~40,000~~ 87,120 square feet, ~~unless otherwise provided by the zoning district of the area or unless prohibited due to inadequate services.~~

3. Lot width. The lot width shall be the direct distance across the lot measured at the points the building line intersects the side lot lines. The minimum lot width shall be ~~400~~ 500 feet; ~~minimum corner lot width shall be 300 feet.~~

4. Lot depth. The lot depth shall be the average of the length of the two side lot lines. The minimum lot depth shall be ~~400~~ 500 feet.

5. ~~Corner lots. Corner lots with a width of less than 125 feet are to be at least ten feet wider than the average of interior lots in the block. Corner lots with a width of less than 150 feet adjacent to a thoroughfare are to be at least 25 feet wider than the average of interior lots in the block."~~

5. Ordinance 2016-03-02, Section 48 Building Lines, paragraphs 2.a) through 2.d), are hereby amended to read as follows:

"A. The building line is a line beyond which buildings must be set back from a street right-of-way line or property line.

1. For subdivisions within the City limits, building lines shall be determined by the appropriate zoning classification.

2. For subdivisions not within the City limits, building lines shall be determined as follows:

a) Front street. The front building line shall not be less than ~~fifty (50)~~ one hundred (100) feet from the front property line.

b) Side street. The building line on the side of corner lots shall not be less than ~~twenty-five (25)~~ fifty (50) feet from the side property line. Where the side of a corner lot is across the street from or adjacent to the front of other lots, the side building line of the corner lot shall be the same distance from the street as the front building line of the opposite or adjacent lots.

c) Side lot lines. The side building line shall not be less than ~~twenty-five (25)~~ fifty (50) feet from the side property line.

d) Rear lot lines. The rear building line shall not be less than ~~fifty (50)~~ one hundred (100) from the rear property line."

6. Ordinance 2016-03-02, Section 52 Improvements, paragraphs G through K, are hereby amended to read as follows:

~~"G. Streets. Construction of streets and alleys shall be in conformance with the City of Weston Street Design Standards Manual, by reference NCTCOG Roadway Standards, and as it may be amended."~~

H. Sanitary sewers. Sanitary sewer facilities shall be provided to adequately service the subdivision and conform to the City of Weston Sewer Plan as outlined in Appendix 1, and as it may be amended.

1. Refer to City of Weston Engineering Design Standards Manual for information on requirements for sanitary sewer systems.

2. Refer to Collin County Development Services for information on requirements for On-site Sewer Facilities (OSSF)

~~1. All sewer pipe shall be vitrified clay, PVC or approved equal.~~

~~2. A minimum of eight-inch sewer pipe is required except that six-inch lines will be acceptable in locations where so approved by the City Engineer.~~

~~3. All joints shall be of the pre-molded type conforming to the applicable ASTM standard.~~

~~4. If possible, sewer lines shall be located in the alleys, streets, or easements and shall be five feet to 6¹/₂ feet deep to invert.~~

~~5. Should the subdivision abut and use a sewer main of the City, the developer shall pay to the City of Weston, a pro-rata charge as prescribed by Ordinance for use of same.~~

~~6. Aerobic septic tanks shall be allowed in rural estate developments. However, all improvements shall be designed with the ultimate end in mind that a public sewer system may be constructed; and hence, replace septic tanks at the appropriate time.~~

I. Water. Water systems shall have a sufficient number of outlets and shall be if of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform to the City of Weston Water Plan as outlined in Appendix 2, and as it may be amended. The appropriate water provider (Weston Water Supply Corp., Marilee Special Utility District, and North Collin Special Utility District) must approve the plat in writing.

1. Refer to City of Weston Engineering Design Standards Manual for information on requirements for water systems.

2. Any additional requirements by the individual water company must be adhered to.

~~1. Water mains shall be cement lined, ductile iron pipe AWWA specification C900 or approved equal and shall have a minimum cover of 42 inches and shall be of the mechanical joint or special rubber gasket pipe similar or equal to Tyton as manufactured by U.S. Pipe and Foundry, Bell Tite as manufactured by the Lone Star Steel Company, or Fastite as manufactured by the American Cast Iron Pipe Company~~

~~2. Asbestos cement pipe will be allowed in certain instances for arterial mains provided that pipe and installation is in conformance with standards of City of Weston as set by the City Council. Use of asbestos cement pipe must be approved by the City Engineer.~~

J. Median Landscaping. Landscaping improvements shall be installed within the medians of all proposed and planned or divided roadways within the City limits as shown on the City of Weston Thoroughfare Plan as associated with the City of Weston Future Land Use Plan.

1. All developments or subdivisions abutting or adjacent to a divided roadway, as such road is defined in the Master Thoroughfare Plan or Future Land Use Plan, shall be subject to this section.

2. The subdivider, or developer, or HOA, shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year until the last home is built. However, in the event that the City Engineer, in his sole discretion, determines that construction of improvements is impractical, the subdivider or developer shall pay \$20.00 per linear foot of frontage of roadway in-lieu-of constructing the required improvements. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare. The fee in-lieu-of construction is collected once from each frontage. At the discretion of the City Engineer, the subdivider can install landscaping across the full width of the median, and be reimbursed by the City for the landscaping provided for the additional frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.

3. Standard landscaping is established as follows Landscape improvements shall follow xeriscaping standards to minimize water usage, and native or adapted plants should be used for all required plantings unless specific conditions dictate otherwise.

a) Landscape plans shall incorporate plants from the City's "Approved Plant List" in Appendix C and "Quality Tree List" in Appendix D of the City's Zoning Regulations

~~a) One crape myrtle per 15 linear feet of median, which shall be 30-gallon containerized plants, 8' 10' in height, 5' 6' in width, 3-5 canes with a minimum of one and one-half inch (1 1/2") caliper per cane, full-size specimen;~~

~~b) One canopy tree per 333 linear feet of median, with a minimum of 3 1/2" caliper trunk, and a well-formed canopy that is typical of the species;~~

~~c) Groundcover beds (partially planted) shall cover 50% of medians with turf grass for the remainder, using 14 gauge steel edging to define ground cover beds, and irrigation at the back of curb to uniformly water median interior;~~

d) b) Landscape plans and construction plans shall be subject to review and approval by the City Planner and City Engineer or their designees. The location of landscaping shall conform to the City of Weston Thoroughfare Design Standards.

~~K. 4.~~ The collected fee shall be applied to construction and installation of medians on divided roadways within the adjacent roadway benefit area. Any fees not expended within six years of collection shall be returned to the developer or subdivider.

7. Ordinance 2016-03-02, Section 53 Improvements, Paragraph G., is hereby amended to read as follows:

"G. The following screening alternatives 1 through 4 ~~(a) through (d)~~ are the standard screening requirements. Screening and buffering plans meeting the requirements of one of these options and the related requirements below may be reviewed and approved administratively by staff."

8. Ordinance 2016-03-02, Section 53 Improvements, Paragraph K., is hereby amended to read as follows:

"K. Maintenance. Maintenance of the screening and buffering requirements mentioned herein shall be established prior to Final Plat approval and shall be clearly outlined as part of the facilities agreement or as a condition of Final Plat approval. A homeowners association (HOA) shall be responsible for maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares and shall have an HOA fee to be levied against each property owner within the subdivision. The HOA covenants shall include a provision that if the HOA defaults, the City shall have the rights of the association to either file a lien on property within the subdivision or assess property owners within the subdivision. This shall include the open space common area designated for screening and buffering. ~~The developer shall establish the HOA, which meets the approval of the City attorney, prior to the acceptance of all public improvements. An open space common area, corresponding to the width requirements described in Exhibit "G," shall be provided for this option.~~"

9. Ordinance 2016-03-02, Section 54 Drainage, is hereby deleted in its entirety.

10. Ordinance 2016-03-02, Section 73 Exemptions, Paragraph 3., is hereby deleted in its entirety.

11. Ordinance 2016-03-02, Section 75 General Requirements, Paragraph D, is hereby amended to read as follows:

"D. Factors considered. In making a determination of whether a proposed conveyance of land, money in lieu of land or a combination of both shall be made to meet the requirements of this appendix ordinance, the staff shall recommend what would be in the best interest of the City, based upon relevant factors which may include, but not be limited to, the following:"

12. Ordinance 2016-03-02, Section 88 Guidelines for Development, first paragraph, is hereby amended to read as follows:

"The proposed development shall be evaluated with respect to the following guidelines as part of the review and approval process for all private street developments. Paragraphs ~~464~~ A, B, and C below are mandatory and are requirements for all private street developments. Paragraphs ~~464~~ D through G below, while they are recommended guidelines, and the degree to which each is satisfied should be reviewed by city staff, the Planning and Zoning Commission, and city Council, as a part of the determination of the merits of any individual proposed private street development."

13. Ordinance 2016-03-02, Section 92 Relationship to the City of Weston Future Land Use Plan, paragraph B, is hereby amended to read as follows:

“B. The Master Park Plan (MPP) ([Appendix 3](#)) and Trail System Plan (TSP) ([Appendix 4](#)). The proposed private street development shall be evaluated to assess impact of private streets on access, including ingress and egress, and continuity of the hike/bike/jogging/open space linkage system within the community, as well as the functioning of other MPP and TSP elements.

14. Ordinance 2016-03-02, Section 97 Sunset Review, is hereby deleted in its entirety.
15. Ordinance 2016-03-02, Section 98 Miscellaneous, is hereby deleted in its entirety.
16. Ordinance 2016-03-02, Section 99 Cluster Housing Developments, is hereby deleted in its entirety.
17. Ordinance 2016-03-02, Section 106 Paragraph F Specific Regulations; Expiration, is hereby deleted in its entirety.
18. Ordinance 2016-03-02, Exhibit A Reinforced Concrete Pavement, 4-Lane Divided Thoroughfare, is hereby deleted in its entirety.
19. Ordinance 2016-03-02, Exhibit B Reinforced Concrete Pavement, 6-Lane Divided Thoroughfare, is hereby deleted in its entirety.
20. Ordinance 2016-03-02, Exhibit C Reinforced Concrete Pavement, 2- And 4-Lane Divided Thoroughfare, is hereby deleted in its entirety.
21. Ordinance 2016-03-02, Exhibit D Hotmix Asphaltic Concrete Pavement, 6-Lane Divided Thoroughfare, is hereby deleted in its entirety.
22. Ordinance 2016-03-02, Exhibit E Hotmix Asphaltic Concrete Pavement, 4-Lane Divided Thoroughfare, is hereby deleted in its entirety.
23. Ordinance 2016-03-02, Exhibit F Hotmix Asphaltic Concrete Pavement, 2- And 4-Lane Divided Thoroughfare, is hereby deleted in its entirety.
24. Ordinance 2016-03-02, Exhibit G Screening Requirements, is hereby deleted in its entirety.

WESTON
T E X A S
Oldest City in Collin County

APPENDIX 1
CITY OF WESTON SEWER PLAN

To be incorporated at a later date



APPENDIX 2
CITY OF WESTON WATER PLAN

To be incorporated at a later date



APPENDIX 3
CITY OF WESTON MASTER PARK PLAN

To be incorporated at a later date



APPENDIX 4
CITY OF WESTON TRAIL SYSTEM PLAN

To be incorporated at a later date



**SECTION 2
PENALTY**

Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed two-hundred dollars (\$200.00), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

**SECTION 3
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Weston is hereby directed to publish this ordinance or its caption and penalty in the official City newspaper as required by Section 52.011 of the Texas Local Government Code.

**SECTION 4
CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect

**SECTION 5
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, 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 or 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 6
SAVINGS CLAUSE**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinance that has 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 7
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by Council this, the 9th day of March, 2021.



APPROVE

James M Marischen
James M Marischen, Mayor

ATTEST

Susan D. Coffer
Susan Coffer, City Secretary