

ORDINANCE 2024-04-03

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS AMENDING WESTON'S ZONING ORDINANCE, AS AMENDED, TO REZONE 125± ACRES OF LAND SITUATED IN THE WILLIAM CULWELL SURVEY ABSTRACT NO. A0184, COLLIN COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL; PROVIDING THAT THE PROPERTY IS REZONED AND PLACED IN THE PLANNED DEVELOPMENT DISTRICT (PD) ZONING CLASSIFICATION; DESCRIBING THE TRACTS TO BE REZONED; PROVIDING FOR A PENALTY CLAUSE; SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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 has previously adopted a zoning ordinance to provide for the orderly development of land; and

WHEREAS, Honeycreek Venetian, LLC ("Owner") initiated a request to rezone 125± acres of land, situated in the William Culwell Survey, Abstract No. A0184, Collin County, Texas, more particularly described in Exhibit A, attached hereto, and incorporated herein for all purposes (the "Property"); and

WHEREAS, Owners have requested that the Zoning Ordinance be amended to rezone the Property, heretofore zoned Agricultural by placing it in the Planned Development District (PD) zoning classification; and

WHEREAS, all legal notices for rezoning have been given in the manner and form required by law; public hearings have been held on the proposed rezoning; and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has determined that this amendment is in the best interest of the public health, safety, and general welfare.

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

SECTION 1 AMENDMENT

1. The zoning map is hereby amended in order to zone approximately 125± acre tract at the southwest corner of West Street and South Street to Planned Development District authorizing minimum residential one-acre single-family lots.

2. The subject property shall develop in accordance the "PD" – Planned Development District, and as amended, except that the subject property shall develop in accordance with Exhibit A Concept Plan, Exhibit B Zoning Exhibit and Metes and Bound, and Exhibit C Development Regulations are also made a part of this Ordinance.

SECTION 2 UNLAWFUL USE OF PROPERTY

It shall be unlawful for any person, firm, entity or corporation to use the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity or corporation to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance.

SECTION 3 PENALTY

Any person, firm, entity violating any provision of this Ordinance, or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude Weston from filing suit to enjoin the violation. Weston retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4 REPEALING/SAVINGS

The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with the Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5 SEVERABILITY

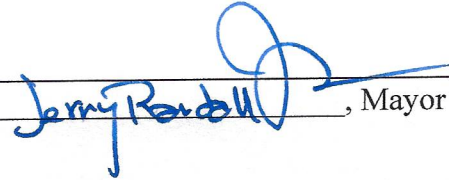
It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court 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
EFFECTIVE DATE

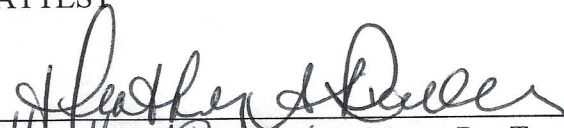
This Ordinance shall become effective from and after its adoption and publication as required by law.

PASSED AND APPROVED by Council this, the 9th day of April, 2024.

APPROVE


_____, Mayor

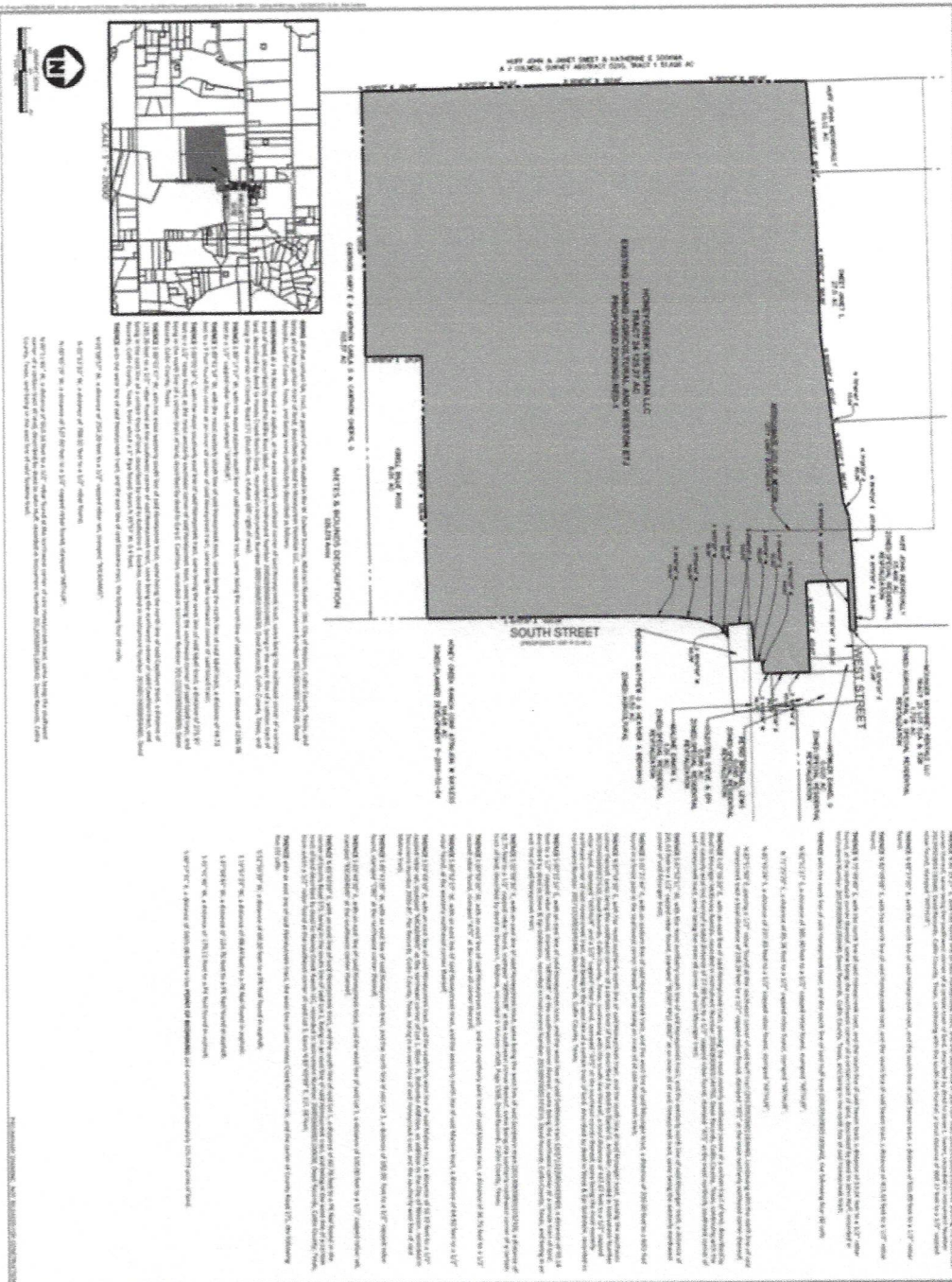
ATTEST



Heather A. Richardson Mayor Pro Tempore

EXHIBIT A





**125 - ESTATES AT VENETIAN
ANNEXATION & ZONING EXHIBIT**
WILLIAM CULWELL SURVEY
CITY OF WESTON, TEXAS 75097



554 pp. 1978.
\$12.95 pb.
0-306-30600-0

CASE 1007

1054-0135(200601)24:1;1-10

1993. *World Bank Development Indicators*. Washington, DC: World Bank.

Phone 800 486-3772

Journal of Management Inquiry 22(1)

The author is indebted to the following:

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Figure 1

EXHIBIT – Solo Page
4860-7914-1550v.2 57279-24

EXHIBIT B

Star #1

METES AND BOUNDS OF THE PROPERTY

Metes and Bounds Description Of 125.273 Acres (Star 1)

BEING all that certain lot, tract, or parcel of land, situated in the W. Culwell Survey, Abstract Number 184, City of Weston, Collin County, Texas, and being all of that certain tract of land, described by deed to Honeycreek Venetian LLC, recorded in Instrument Number 20210825001720410, Official Public Records, Collin County, Texas, and being all that certain tract of land, described in deed to CR171, Partners, LLC, recorded in Instrument Number 20180622000773810, Official Public Records, Collin County, Texas, and being all of those tracts of land, described as First Tract, Second Tract, and a portion of the Third Tract, in deed to Bobeye Jack Minshew and Terrye Louise Hernandez, recorded in Volume 3073, Page 745, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a PK Nail found in asphalt, at the most easterly southeast corner of said Honeycreek tract and said CR171 tract, same being the northeast corner of a certain tract of land, described by deed to Billie Ross Isbell, recorded in Volume 2209, Page 215, Deed Records, Collin County, Texas, being in the west line of a certain tract of land, described by deed to Honey Creek Ranch Corp, recorded in Volume 4768, Page 3562, Deed Records, Collin County, Texas, and being in the approximate center of County Road 171 (commonly known as South Street;

THENCE S 89°17'17" W, with a south line of said Honeycreek tract and said CR171 tract, same being the north line of said Isbell tract, a distance of 1236.98 feet to a 1/2" capped rebar found, stamped "ARTHUR";

THENCE S 89°41'14" W, with a south line of said Honeycreek tract, same being the north line of said Isbell tract, a distance of 44.72 feet to a 1/2" capped rebar set stamped "MCADAMS" at the base of a T Post found at an inner ell corner of said Honeycreek tract, same being the northwest corner of said Isbell tract;

THENCE S 00°05'14" E, with a south line of said Honeycreek tract and said CR171 tract, same being the west line of said Isbell tract, a distance of 271.97 feet to a 1/2" rebar found, at the southwest corner thereof, and being the most westerly southeast corner of said Honeycreek tract, and being in the north line of a certain tract of land, described by deed to Gary E. Cawthon, recorded in Instrument Number 20110321000296800, Official Public Records, Collin County, Texas;

THENCE S 89°41'47" W, with the south line of said Honeycreek tract and said CR171 tract, same being with the north line of said Cawthon tract, a distance of 1283.26 feet to a 1/2" rebar found and a 1" pipe found at the southwest corner of said Honeycreek tract, same being the northwest corner of said Cawthon tract, and being in the east line of a certain tract of land, described by deed

to Katherine E. Sookma, recorded in Instrument Number 20160119000058480, Official Public Records, Collin County, Texas;

THENCE with the west line of said Honeycreek tract and said CR171 tract, and with the east line of said Sookma tract, the following four (4) calls:

N 01°08'57" W, a distance of 254.20 feet to a 1/2" capped rebar set, stamped "MCADAMS";

N 01°33'33" W, a distance of 708.02 feet to a 1/2" rebar found;

N 00°45'19" W, a distance of 527.60 feet to a 1/2" capped rebar found, stamped "ARTHUR";

N 00°11'45" W, a distance of 653.56 feet to a 1/2" rebar found at the northwest corner of said Honeycreek tract and said CR171 tract, same being the southwest corner of a certain tract of land, described by deed to John Huff, recorded in Instrument Number 20120920001183640, Official Public Records, Collin County, Texas, and being in the east line of said Sookma tract;

THENCE N 86°29'27" E, with the north line of said Honeycreek tract and said CR171 tract, and with the south line of said Huff tract, passing the southwest corner of a certain tract of land, described by deed to Janet L. Sweet, recorded in Instrument Number 20120920001183660, Official Public Records, Collin County, Texas, continuing with the south line thereof, a total distance of 660.17 feet to a 1/2" capped rebar found, stamped "ARTHUR";

THENCE N 88°27'02" E, with the north line of said Honeycreek tract and said CR171 tract, and with the south line of said Sweet tract and said Huff tract, a distance of 565.89 feet to a 1/2" rebar found;

THENCE N 82°49'08" E, with the north line of said Honeycreek tract and said CR171 tract, and with the south line of said Sweet tract and said Huff tract, a distance of 415.63 feet to a 1/2" rebar found;

THENCE N 75°49'40" E, with the north line of said Honeycreek tract and said CR171 tract, and with the south line of said Sweet tract and said Huff tract, a distance of 13.04 feet to a 1/2" rebar found, at the southeast corner thereof;

THENCE with the north line of said Honeycreek tract and said CR171 tract, and continuing with the south line of said Huff tract (20120920001183640), the following four (4) calls:

N 82°51'27" E, a distance of 385.90 feet to a 1/2" capped rebar found, stamped "ARTHUR";

N 71°25'20" E, a distance of 85.36 feet to a 1/2" capped rebar found, stamped "ARTHUR";

N 85°43'24" E, a distance of 237.89 feet to a 1/2" capped rebar found, stamped "ARTHUR";

N 87°51'50" E, passing at a distance of 300.37 feet a 1/2" rebar found at the southeast corner of said Huff tract, continuing with the north line of said Honeycreek tract a total distance of 318.39 feet to a 1/2" capped rebar found, stamped "ATS" at the most northerly northeast corner thereof;

THENCE S 02°16'20" E, with an east line of said Honeycreek tract, passing the most northerly northwest corner of that certain tract of land, described in deed to Mounger McKinney Rentals, recorded in Instrument Number 20160830001144750, Official Public Records, Collin County, Texas, continuing with the most a west line thereof a total distance of 27.98 feet to a 1/2" capped rebar found, stamped "ATS" at the most northerly southeast corner of said Honeycreek tract, same being the inner ell corner of said Mounger tract;

THENCE S 87°52'51" W, with the most and east line of said Honeycreek tract and said CR171 tract, and the a north line of said Mounger tract, a distance of 241.63 feet to a 1/2" capped rebar found, stamped "BUSBY RPLS 4967" at an inner ell of said Honeycreek tract, same being the westerly northwest corner of said Mounger tract;

THENCE S 01°21'44" E, with an east line of said Honeycreek tract and said CR171 tract, and with the west line of said Mounger tract, a distance of 200.00 feet to a 60D Nail found in a fence post at the southwest corner thereof, same being an inner ell of said Honeycreek tract;

THENCE N 87°59'10" E, with the most an east line of said Honeycreek tract and said CR171 tract, and the south line of said Mounger tract, passing the southeast corner thereof, same being the southwest corner of a certain tract of land, described by deed to Daniel G. Antwiler, recorded in Instrument Number 20220401000527510, Official Public Records, Collin County, Texas, continuing with the south line thereof, a total distance of 437.67 feet to a 1/2" capped rebar found, stamped "ARTHUR" and a 1/2" capped rebar found, stamped "ATS" at the southeast corner thereof, same being the most easterly northeast corner of said Honercreek tract, and being in the west line of a certain tract of land, described by deed to Steve & Epi Goldstein, recorded in Instrument Number 20171222001691940, Official Public Records, Collin County, Texas;

THENCE S 00°15'14" E, with the east line of said Honeycreek tract and said CR171 tract, and the west line of said Goldstein tract (20171222001691940), a distance of 93.14 feet to a 1/2" capped rebar found, stamped "ARTHUR" at the southwest corner thereof, same being the northwest corner of a certain tract of land, described by deed to Steve & Epi Goldstein, recorded in Instrument Number 20130920001323210, Official Public Records, Collin County, Texas,;

THENCE S 02°00'36" E, with the east line of said Honeycreek tract and said CR171 tract, same being the west line of said Goldstein tract (20130920001323210), a distance of 92.75 feet to a 1/2" capped rebar found, stamped "ARTHUR" at the southwest corner thereof, same being the northerly northwest corner of a certain tract of land, described by deed to Damon L. Malone, recorded in Volume 4569, Page 1308, Deed Records, Collin County, Texas;

THENCE S 00°50'16" W, with the east line of said Honeycreek tract and said CR171 tract, and the west line of said Malone tract, a distance of 36.71 feet to a 1/2" capped rebar found, stamped "ATS" at the inner ell corner thereof;

THENCE S 80°52'17" W, with the east line of said Honeycreek tract and said CR171 tract, and a west line of said Malone tract, a distance of 64.92 feet to a 1/2" rebar found, at the westerly northwest corner thereof;

THENCE S 03°49'10" E, with the east line of said Honeycreek tract and said CR171 tract, and the west line of said Malone tract, a distance of 32.22 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the northeast corner of Lot 1, Block A, Biehunko Addition, an addition to the City of Weston, according to the plat thereof, recorded in Document Number 2020-87, Plat Records, Collin County, Texas;

THENCE S 85°43'09" W, with an east line of said Honeycreek tract and said CR171 tract, and with the north line of said Lot 1, a distance of 182.00 feet to a 1/2" capped rebar found, stamped "CBG" at the northwest corner thereof;

THENCE S 03°49'10" E, with the east line of said Honeycreek tract and said CR171 tract, and the west line of said Lot 1, a distance of 120.00 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the southwest corner thereof;

THENCE N 85°43'09" E, with an east line of said Honeycreek tract and said CR171 tract, and with the south line of said Lot 1, a distance of 60.78 feet to a PK Nail found in the approximate center of said County Road 171, and being in the west line of said Honey Creek Ranch Corp tract, from which a 1/2" rebar found at the southeast corner of said Lot 1, bears N 85°43'09" E, 121.18 feet;

THENCE with the east line of said Honeycreek tract and said CR171 tract, and with the west line of said Honey Creek Ranch tract, and the approximate center of County Road 171, the following five (5) calls:

S 52°56'39" W, a distance of 69.10 feet to a PK Nail found in asphalt;

S 19°57'23" W, a distance of 88.84 feet to a PK Nail found in asphalt;

S 07°04'44" W, a distance of 124.76 feet to a PK Nail found in asphalt;

S 01°41'46" W, a distance of 179.11 feet to a PK Nail found in asphalt;

S 00°17'31" E, a distance of 1021.08 feet to the **POINT OF BEGINNING** and containing approximately 125.273 acres of land.

EXHIBIT C
Development Standards (including Architectural Standards)

Regulation Type	Standard
Lot Area – Residential lots within the property shall adhere to the following minimum lot area:	
	1 Acre
Lot Width – Minimum	150 Feet
Lot Depth - Minimum	100 Feet
Max Floor Area Ratio – Maximum square foot of all structures on single residential lot	N/A
Lot coverage for Main House Slab - Maximum	20%
Building Height - Maximum	35 Feet
Building Setback - Minimum	
Front Yard	30 Feet
Side Yard – Corner Lots	15 Feet
Side Yard – Interior Lots	15 Feet
Rear Yard	20 Feet
Roof Pitch - Minimum	4:12

1. Purpose: This Planned Development is to provide specific development standards that apply to the subject property in order to create a quality development.
2. Administration: Unless otherwise stated herein, the subject property shall be developed in accordance with applicable City of Weston ordinances that are in affect at the time of approval of this Planned Development. The development shall generally comply with the approved Concept Plan. Amendments to this Planned Development shall be approved by the City Administrator, or designee, provided that said amendments do not increase the maximum density allowed per this Planned Development and do not cause a substantial change in character of the proposed development.
3. The subject property shall be developed in accordance with the RED-1 District zoning regulations in effect on the date of this ordinance, except as provided herein and as shown on preliminary or record plats submitted by the developer. Concept and development plan approval is not required, and all development will be approved through the platting process.
4. Street construction in compliance with current City ordinances is required except barrow ditches will be allowed instead of surface drainage pipes for local residential streets with a 50-foot right-of-way.

5. Sanitary sewer will be provided onsite by aerobic septic system in accordance with County ordinances.

6. The City's tree preservation ordinance shall not apply to this Planned Development.

ARCHITECTURAL STANDARDS

These Development standards are intended to provide for a low to medium density single-family residential development within the neighborhood. Except as otherwise provided herein, the rules, regulations and standards applicable within the RED-1, as of the effective date of the Development Agreement, shall apply. Where conflicts between city ordinance and this document occur, this document shall rule.

(a) Compliance with zoning regulations required. All land, buildings, structures or appurtenances thereon located within the City of Weston which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with this agreement.

(b) Building permits prohibited without plat. No permit for the construction or placement of a building or buildings upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the planning and zoning commission and city council and filed in the plat records of county or counties in which the plot or tract is located. Permits for temporary structures such as trailers for use as marketing centers or construction offices may be issued prior to the approval of filing of any plat. Building permits for model homes (three), sales trailers, and construction trailers shall be issued without a plat.

(c) One main building on a lot or tract. Only one main building for one-family or two-family use with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street. Where a lot is used for dwelling purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and districts. Whenever two or more main buildings or portions thereof are placed upon a single lot or tract and such buildings will not face upon a public street, as long as the main dwelling faces a public street. No parking area, storage area or required open space for one building shall be computed as being open space, yard or area requirements for any other dwelling or other use.

(d) Architectural standards—Single Family Residential.

(1) Architectural design. Compliance with architectural design standards shall not be a condition of site plan approval.

(2) Masonry requirements – Single Family Residential. All structures shall be constructed with a minimum of 50 % masonry coverage (excluding the total window area) on the front elevation and 20% minimum on the side elevation, except as noted in this subsection. All permanent structures shall be compatible in architectural style, including the use of brick, Austin stone, cast stone, stucco, textured tilt wall construction, or other textured masonry surfaces, to include

cementitious fiberboard materials. The remaining 25 percent of exterior finishing materials can be comprised of non-masonry materials and shall complement the building design and masonry materials used. Hardi plank shall be considered a masonry material for the purposes of this planned development.

(3) Windows. Windows shall be consistent with the design and construction of the building. Total window area shall meet the current International Energy Conservation Code requirements.

(4) Roof design and materials. Sloped, gabled or pitched roofs visible from a public street shall be made of a minimum of a 25-year composite shingles, slate, or pre-finished metal or other quality roofing materials.

(5) Awnings/canopies. The use of decorative awnings/canopies is permitted, provided all awnings are designed to be compatible with the structure on which they are located. Awnings and canopies shall be of a consistent pattern, size, shape, material and shall be consistent with or complementary to construction of the building and approved with site plan approval in nonresidential developments.

(6) Archways. Archways may be used in conjunction with doorways or windows and shall have an architectural style consistent with the basic design.

(7) Exterior lighting. Lighting fixtures shall be of a design complementary to the building illumination shall be compatible with surrounding development.

(8) Utility equipment and gutters. Utility equipment and gutters shall be constructed of quality materials and consistent with the design and color of the primary structure. Utility equipment access will be underground (e.g., telephone, electric cables).

(9) Screening doors on the enclosure should be finished with a high-quality material and durable finish and shall be consistent with or complementary to construction of the building.

(10) Sign/Monument design. The design of a sign or monument shall complement the architectural design of the nonresidential building. Permitted materials include concrete, stone, tile, metal, brick, split face cement masonry units, or similar materials. Sign shall complement other Developer communities in the City and the City's ETJ.

(a). The design and placement shall follow the City of Weston Sign Ordinance, except as set forth in this Agreement and attached exhibits.

(b) The sign may incorporate LED screens (which shall be dimmed after 10 pm to sunrise), use internal lighting, down lighting, and uplighting that is focused on the sign and not the sky.

(11) Residential repetition of elevation and floor plan. Unless otherwise approved by the zoning administrator, the following residential design standards shall be followed:

a. A minimum of three platted residential lots must be skipped on the same side and one lot must be skipped on the opposite side of a street before rebuilding the same single family residential unit with an identical street elevation design.

b. The identical floor plan shall not be repeated on neighboring, side by side lots or directly across the street.

(12) Subdivision lighting shall be LED.