

ORDINANCE 2024-04-05

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS AMENDING WESTON'S ZONING ORDINANCE, AS AMENDED, TO REZONE 25± ACRES OF LAND SITUATED IN THE WESTON PIRATES (CWS*) LOT 4, 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, by MCI-DST 1 Trust ("Owner") initiated a request to rezone 25± acres of land, situated in the Weston Pirates (CWS*), Lot 4, Collin County, Texas, more particularly described in Exhibit D, 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 rezone approximately 25± acre tract located near the corner of Chambersville Road and Bourland Road to Planned Development District authorizing minimum residential 4000 square foot single-family lots.

2. The subject property shall develop in accordance the "PD" – Planned Development District, and as amended, except as follows:

- A. The subject property shall develop in accordance with the Exhibit A Concept Plan and Exhibit B Development Regulations.

Exhibit C Zoning Exhibit and Metes and Bounds 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

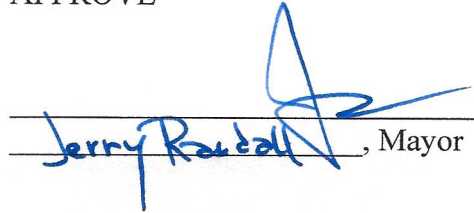
It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court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

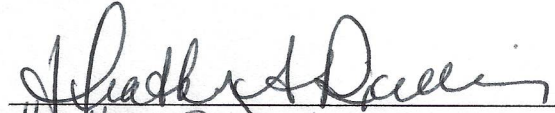
This Ordinance shall become effective from and after its adoption and publication as required by law.

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

APPROVE


_____, Mayor

ATTEST


_____, Mayor Pro Tempore

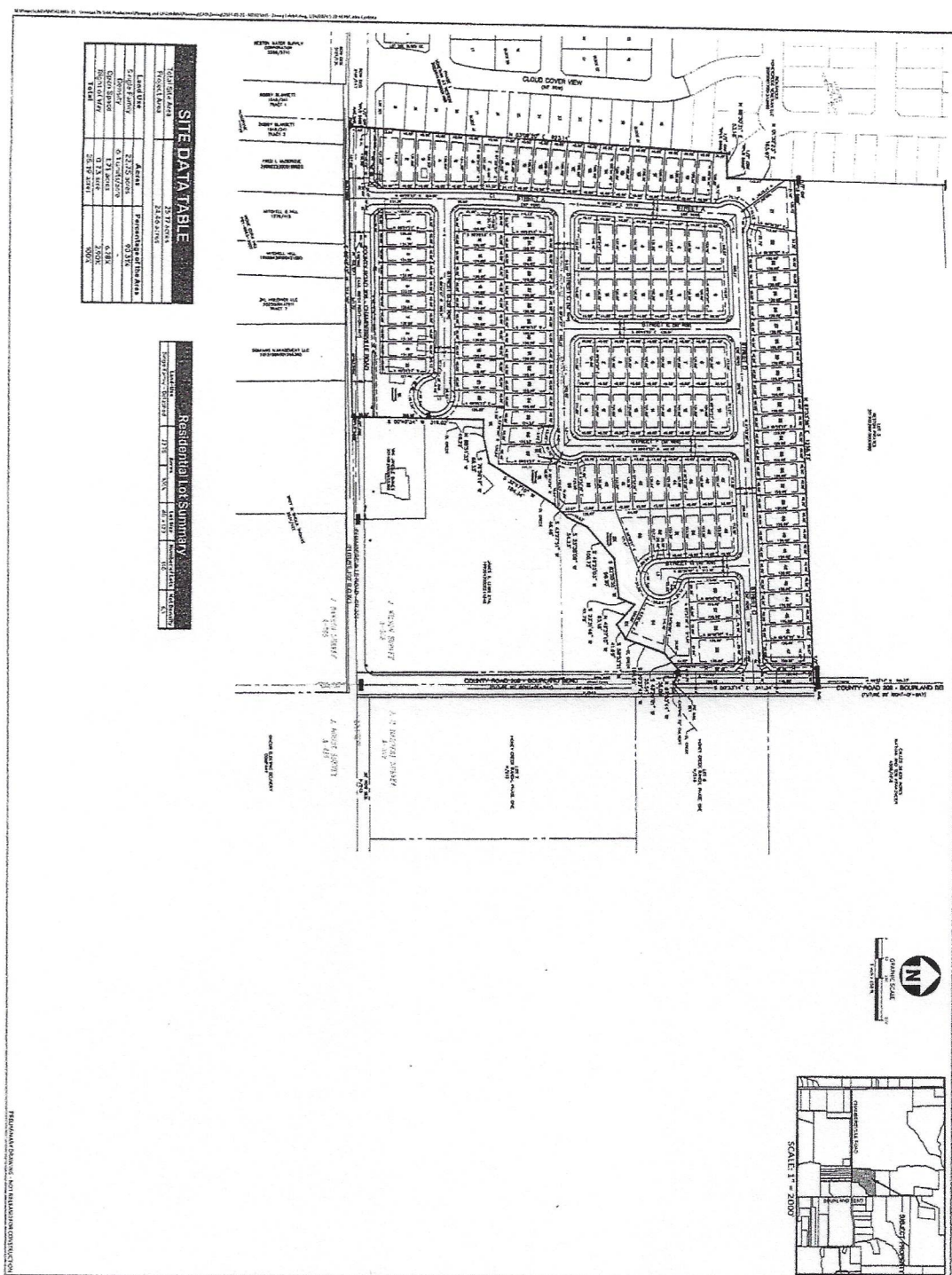


EXHIBIT
A

MCADAMS
The John R. McAdams Company, Inc.
133 Little Drive

phone 977.436.9772
fax 972.436.9715
TELE: 1972.7785.1012/44

CLIENT

2191 CEDAR ST. AUSTIN, TEXAS 78701
DALLAS, TEXAS 75201
214-396-6231
STREET & ALTHOFFER



MEGATEEL
HOME SERVICES

25 - VENETIAN PHASE 5
PLANNED DEVELOPMENT - CONCEPT
PLAN
 CITY OF WESTON, TEXAS 75097

REVISION:

Year	1995	2000	2005
1995	1995	1995	1995
2000	2000	2000	2000
2005	2005	2005	2005

PLAN INFORMATION

PROJECT NO.	PHH02003
DRAWN BY	XUE
CHECKED BY	ASU.
SCALE	100% A1
DATE	01-26-2023

SHEET

2.0

Exhibit "B"
Development Standards (including Architectural Standards)

Regulation Type	Standard
Lot Area – Residential lots within the property shall adhere to the following minimum lot area:	
Type 1	4,000 square feet
Lot Width – Minimum	
Type 1	40 Feet
Lot Depth - Minimum	100 Feet
Max Floor Area Ratio – Maximum square foot of all structures on single residential lot	N/A
Dwelling Size – Minimum measured as air-conditioned square footage	1,500 square feet
Lot coverage for Main House Slab - Maximum	60%
Building Height - Maximum	35 Feet
Building Setback - Minimum	
Front Yard	20 Feet
Side Yard – Corner Lots	15 Feet
Side Yard – Interior Lots	5 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. There shall be no expiration for this Planned Development District, including all exhibits attached hereto. There shall be no expiration for the approved Preliminary Plat and Record Plat.
3. Uses: The following section lists the use regulations for this Planned Development.

- a. Permitted Uses. The following uses shall be permitted:
 - i. Amenity Center/Clubhouse
 - ii. Single-Family detached dwellings
 - iii. Model homes
 - iv. Open Space
 - v. Park or Playground
 - vi. Recreation/Common Areas
 - b. Accessory Uses. The following uses are permitted as accessory uses:
 - i. Home occupations
 - ii. Private garages and parking areas
 - iii. Private swimming pools
 - iv. Real estate/sale signs
 - v. Garage sales
4. Screening Standards: The following screening standards shall apply to the perimeter of the Planned Development property:
- a. A minimum 20 foot landscape buffer shall be provided along County Road 209 (Bourland Bend) and County Road 206 (Chambersville Road).
 - b. A minimum six (6) foot masonry screening device may be provided along County Road 209 (Bourland Bend) and County Road 206 (Chambersville Road).
 - c. No additional screening shall be provided along the western, and northern property lines.
5. Other Provisions:
- a. Site utilities and drainage information shall not be required with this Planned Development. Said information shall be provided with the Preliminary Plat application.
 - b. Studies related to impact on population, schools, and recreation shall not be required.
 - c. Landscape plans shall not be required with this Planned Development. Said plans shall be provided with the Record Plat application. The City's tree preservation ordinance will not be required with this Planned Development.
 - d. Building materials shall comply with international building codes and residential codes. The architectural standards of the City of Weston shall not apply. The architectural standards provided herein are applicable to this planned development.

- e. Section 61 – PD Planned Development District Regulations, Subsection (F.)(3.) shall be applicable at time of Planned Development application.

6. Architectural standards – Single Family Residential

- a. Architectural design. Compliance with architectural design standards shall not be a condition of site plan approval.
- b. Construction materials. The use of unfinished concrete blocks or unfinished tilt wall panels to meet the masonry requirement is prohibited from use unless they are textured. Cementous fiberboard shall be considered a masonry material for the purposes of this planned development. Hardi plank shall be considered a masonry material for the purposes of this planned development.
- c. Masonry requirements – Single Family Residential. All structures shall be constructed with a minimum of 75 percent masonry coverage (excluding the total window area), 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. The remaining 25 percent of exterior finishing materials shall complement the building design and masonry materials used. Homes with rear elevations backing to a thoroughfare as shown on the Concept Plan shall be required to have 100 percent masonry installed on any walls facing the thoroughfare that are directly aligned with the perimeter foundation brick ledge. Any rear facing walls that are over a roof line or other architectural enhancement that would require a “brick on wood” or “brick on steel” engineered design to comply are exempt from this requirement.
- d. 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.
- e. Roof design and materials. Sloped, gabled or pitched roofs visible from a public street shall be made of a minimum of 25-year composite shingles, slate, or pre-finished metal or other quality roofing materials.
- f. 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.

- g. Archways. Archways may be used in conjunction with doorways or windows and shall have an architectural style consistent with the basic design.
- h. Exterior lighting. Lighting fixtures shall be of a design complementary to the building illumination shall be compatible with surrounding development.
- i. 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) in nonresidential and residential developments.
- j. 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 two lots must be skipped on the opposite side of a street before rebuilding the same single family residential unit with an identical (or nearly identical) street elevation design.
 - b. The identical (or nearly identical) floor plan shall not be repeated on neighboring, side by side lots.
- k. Subdivision lighting shall be LED.
- l. 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.
- m. 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.
 - i. The design and placement shall follow the City of Weston Sign Ordinance, except as set forth in this Agreement and attached exhibits.

- ii. 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.
- n. Amenities. Cementitious fiberboard shall be considered a masonry material on all amenity structures.

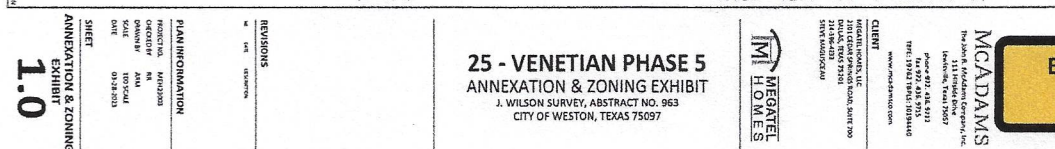


EXHIBIT D

Star #3

Metes and Bounds Description of 25 Acres (Star 3)

BEING all that certain lot, tract, or parcel of land, situated in the J. Wilson Survey, Abstract Number 963, City of Weston, Collin County, Texas, and being all of Lot 4, Weston Pirates, an addition to the City of Weston ETJ, according to the plat thereof, recorded in Instrument Number 20190228010000980, Plat Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a Mag Nail found in asphalt at the southwest corner of said Lot 4, being in the east line of a certain right-of-way dedication to the City of Weston, recorded in Volume 5101, Page 147, Deed Records, Collin County, Texas, and being in County Road 206 (Chambersville Road);

THENCE N 03°08'20" E, with the most southerly west line of said Lot 4, and the east line of said right-of-way dedication, passing at a distance of 43.68 feet, a 1/2" capped rebar found, stamped "RPLS 5686" at the northeast corner thereof, same being the southeast corner of Venetian at Weston, Phase 1, an addition to the City of Weston, according to the plat thereof, recorded in Instrument Number 20220414010001480, Plat Records, Collin County, Texas, continuing with the east line thereof, passing the northeast corner thereof, same being in the east line of a certain tract of land, described by deed to Honeycreek Venetian LLC, recorded in Instrument Number 20200817001333980, Deed Records, Collin County, Texas, continuing with the east line thereof a total distance of 923.14 feet to a 1/2" capped rebar found, stamped "RPLS 5686" at the most southerly northwest corner of said Lot 4;

THENCE N 88°30'31" E, with the most southerly north line of said Lot 4, and the east line of said Honeycreek tract, a distance of 53.18 feet to a 1/2" capped rebar found, stamped "RPLS 5686" at an inner ell corner of said Lot 4;

THENCE N 01°32'23" E, with the most northerly west line of said Lot 4, same being the east line of said Honeycreek tract, a distance of 163.97 feet to a 1/2" capped rebar found, stamped "RPLS 5686" at the most northerly northwest corner of said Lot 4, same being the southwest corner of Lot 3, of said Western Pirates plat, and being in the east line of said Honeycreek tract;

THENCE N 87°33'38" E, with the most northerly north line of said Lot 4, same being the south line of said Lot 3, passing at a distance of 1226.69 feet a 1/2" rebar found (witness), continuing a total distance of 1256.73 feet to a PK Nail found in asphalt at the northeast corner of said Lot 4, same being the southeast corner of said Lot 3, being in the west line of a certain called 59.825 acre tract to Nathan and Teri Franzmeier, recorded in Volume 4508, Page 1918, Deed Records, Collin County, Texas, and being in the center of County Road 209 (Bourland Bend);

THENCE S 00°33'14" E, with the east line of said Lot 4, the center of County Road 209, and the west line of said Franzmeier tract, passing the southwest corner thereof, same being the northwest corner of a certain 30' right-of-way dedication to the City of Weston, recorded in Cabinet H, Page 245, Plat Records, Collin County, Texas, continuing with the west line thereof, a distance of 341.34

feet to a PK Nail set in asphalt at the most easterly southeast corner of said Lot 4, same being the northeast corner of a certain tract of land, described by deed to James A. Lewis ETAL, recorded in Instrument Number 19920420000244840, Deed Records, Collin County, Texas, being in the west line of said 30' right-of-way dedication, and being in the center of County Road 209;

THENCE with a south line of said Lot 4, the north line of said Lewis tract, and the center of a creek the following fourteen (14) calls:

N 67°03'44" W, a distance of 36.00 feet;

S 48°26'01" W, a distance of 55.54 feet;

S 20°27'42" W, a distance of 100.95 feet;

S 58°53'21" W, a distance of 41.69 feet;

N 48°37'10" W, a distance of 65.16 feet;

S 23°31'46" W, a distance of 41.78 feet;

S 82°55'55" W, a distance of 98.20 feet;

S 49°25'03" W, a distance of 100.73 feet;

S 25°38'09" W, a distance of 54.23 feet;

S 43°27'51" W, a distance of 48.46 feet;

S 32°47'10" W, a distance of 184.34 feet;

S 76°59'19" W, a distance of 68.33 feet;

N 88°51'32" W, a distance of 40.22 feet;

S 00°40'34" W, passing the most westerly southwest corner of said Lewis tract, same being the northwest corner of a certain tract of land, described by deed to Viki Janelle Birmes, recorded in Instrument Number 20140626000655390, Deed Records, Collin County, Texas, continuing with the west line thereof, a distance of 319.02 feet to a 1/2" capped rebar found, stamped "RPLS 5686" at the southwest corner of said Birmes tract, same being the most westerly southeast corner of said Lot 4;

THENCE S 88°48'42" W, with a south line of said Lot 4, a distance of 714.76 feet to the POINT OF BEGINNING and containing approximately 25.1940 acres of land.