

ORDINANCE NO. 1015

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, SO AS TO GRANT A PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY HOMES FOR THE PROPERTY DESCRIBED 103.34 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED; APPROVING A PRELIMINARY PLAN ATTACHED AS EXHIBIT B; PROVIDING SPECIAL CONDITIONS, INCLUDING THE DEVELOPMENT GUIDELINES ATTACHED AS EXHIBIT C; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Forney and the City Council of the City of Forney, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, 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 situated in the affected area and in the vicinity thereof, and the City Council of the City of Forney is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Forney, Texas, be, and the same are hereby, amended so as to grant a Planned Development District for single-family homes, as defined in the SF-6, Single Family Residential District, for the property described as 103.34 acres, more or less, in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

SECTION 2. That the preliminary plan for this Planned Development District is attached hereto as Exhibit "B", and the same is hereby approved for said Planned Development District as

required by Section XX, E1, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 3 That the granting of this Planned Development District is subject to the following special conditions:

- a. That the Planned Development will be constructed in accordance with the preliminary plan attached hereto and the final Development Plan to be submitted, reviewed, and approved as required by Section XX of the zoning ordinance. Upon approval by the City Council, the final Development Plan shall become an exhibit to this ordinance by reference;
- b. That the Planned Development will be constructed in accordance with the Development Guidelines attached hereto as Exhibit "C" and made part hereof for all purposes, the same as if fully copied herein; and
- c. That the final Development Plan required hereby shall conform to the approved preliminary plan and be approved by the City Council prior to the issuance of any permit or certificate necessary to proceed with accomplishment of the plan.

SECTION 4. That all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance and Map as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Forney, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and

each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Forney, Texas, on the 5
day of September, 2000



APPROVED:

Weldon H. Bowen
MAYOR

APPROVED AS TO FORM:

Robert R. Dillard
CITY ATTORNEY
(RLD/8-22-00)

ATTEST:

Odessa Y. Moore
CITY SECRETARY

**LEGAL DESCRIPTION
(103.34 ACRES)**

BEING a 103.34 acre tract of land situated in the John Gregg Survey, Abstract NO 171, Kaufman County, Texas, and being part of that certain 211 4437 acre tract of land described in deed to Petrus Investment, L.P as recorded in Volume 1040, Page 346, Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod found for the intersection of the Southeast right-of-way line of F.M. 740 (60' R.O W) with the Southwest right-of-way line of County Road 223 (60' R.O W), also being the northernmost Northeast corner of said 211 4437 acre tract;

THENCE South 46 degrees 10 minutes 44 seconds East, along the common Southwest line of said County Road 223 and the Northeast line of said 211 4437 acre tract, a distance of 345 00 feet and continuing along the common Southwest line of a 295 78 acre tract of land described in deed to William E. Armentrout as recorded in Volume 1089, Page 338, said deed records, and the Northeast line of said 211 4437 acre tract, in all a distance of 362.00 feet to the POINT OF BEGINNING;

THENCE South 46 degrees 10 minutes 44 seconds East, continuing along the common line of said tracts, a distance of 2555 42 feet to a 1/2 inch iron rod found, said iron rod being the easternmost Northeast corner of a 97 056 acre tract of land described in deed to J.E. Hamblen as recorded in Volume 984, Page 511, said deed records, also being an ell corner of said 211 4437 acre tract;

THENCE South 44 degrees 01 minutes 17 seconds West, along the common Northwest line of said 97.056 acre tract and the Southeast line of said 211 4437 acre tract, a distance of 924.94 feet passing a 5/8 inch iron rod found for the westernmost Northwest corner of said 97 056 acre tract and the easternmost Northeast corner of a 21.98 acre tract of land described in deed to William S. Dawn as recorded in Volume 1293, Page 0110, said deed records, and continuing along the common Northwest line of said 21 98 acre tract and the Southeast line of said 211.4437 acre tract, in all a distance of 1179.34 feet to a 1/2 inch iron pipe found for the westernmost Northwest corner of said 21 98 acre tract and an ell corner of said 211 4437 acre tract;

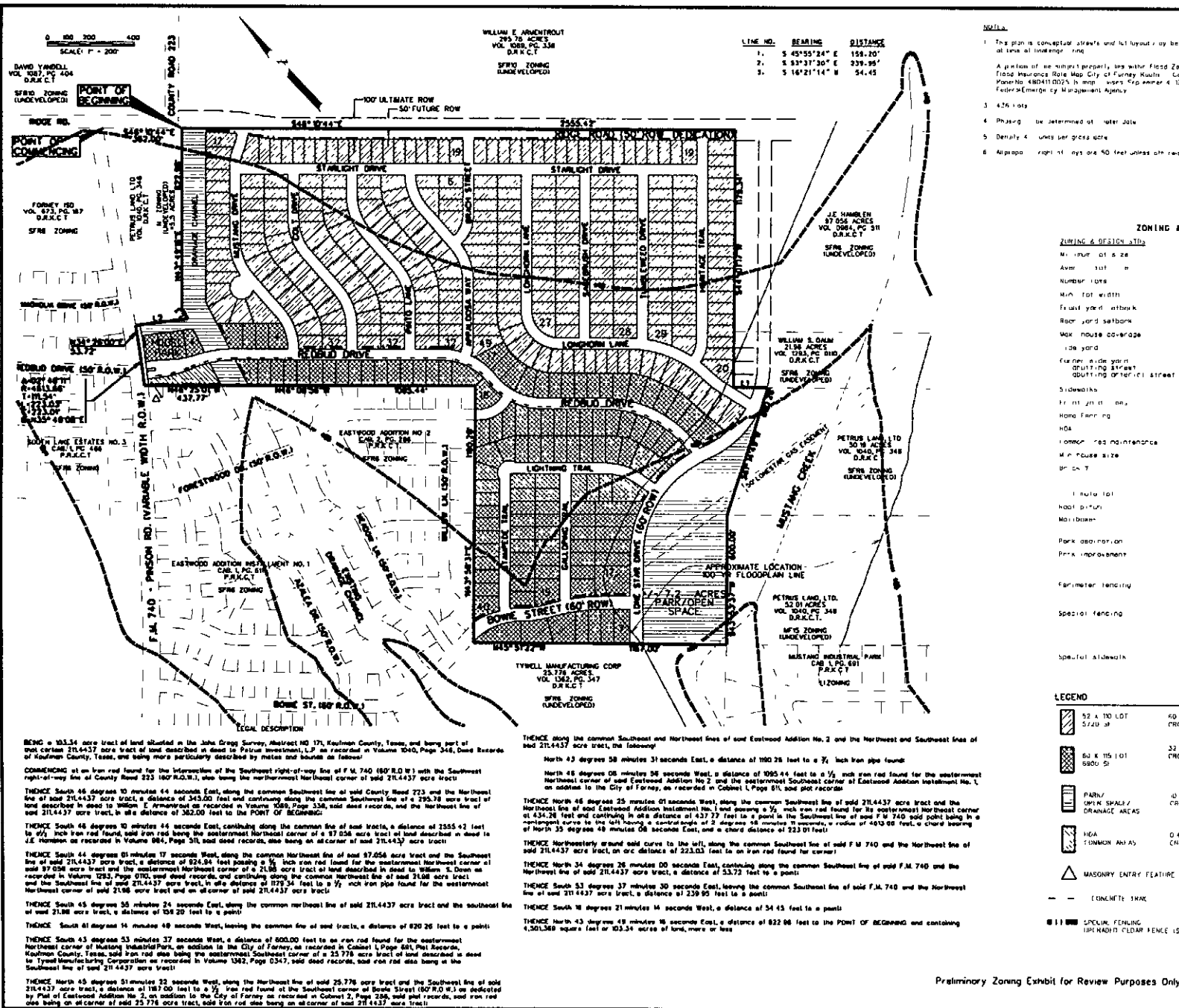
THENCE South 45 degrees 55 minutes 24 seconds East, along the common northeast line of said 211 4437 acre tract and the southeast line of said 21.98 acre tract, a distance of 159.20 feet to a point;

THENCE South 61 degrees 14 minutes 49 seconds West, leaving the common line of said tracts, a distance of 620.26 feet to a point;

THENCE South 43 degrees 53 minutes 37 seconds West, a distance of 600.00 feet to an iron rod found for the easternmost Northeast corner of Mustang Industrial Park, an addition to the City of Forney, as recorded in Cabinet 1, Page 691, Plat Records, Kaufman County, Texas, said iron rod also being the easternmost Southeast corner of a 25 776 acre tract of land described in deed to Tywell Manufacturing Corporation as recorded in Volume 1362, Page 0347, said deed records, said iron rod also being in the Southwest line of said 211 4437 acre tract;

EXHIBIT B

1 of 1



- NOTES:
- The plan is conceptual streets and lot layout only by line of linkage only.
 - A portion of the subject property lies within Flood Zone Flood Insurance Rate Map City of Forney, Kauls, Louisiana No. 480411002-1 in map area 424-000-4-129 Federal Emergency Management Agency.
 - 4.26 lots
 - Phasing to be determined at later date
 - Density 4 units per gross acre
 - Approp. right of way are 50 feet unless otherwise noted.

ZONING & DESIGN

ZONING & DESIGN

| Minimum lot size | Average lot size | Number lots | Min. lot width | Front yard setback | Rear yard setback | Max. house coverage | Min. yard | Curbside wide front | Driveway setback | Driveway offset street | Stairways | Front porch area | Home ramping | HOA | Common area maintenance | Min. house size | Min. lot | 1st floor lot | HOA district | Maintenance | Park observation | Park improvement | Perimeter fencing | Special fencing | Special sidewalk |
|------------------|------------------|-------------|----------------|--------------------|-------------------|---------------------|-----------|---------------------|------------------|------------------------|-----------|------------------|--------------|-----|-------------------------|-----------------|----------|---------------|--------------|-------------|------------------|------------------|-------------------|-----------------|------------------|
| | | | | | | | | | | | | | | | | | | | | | | | | | |

LEGAL DESCRIPTION

BEING a 133.14 acre tract of land situated in the John Craig Survey, Abstract No. 171, Kaufman County, Texas, and being part of that certain 211,437 acre tract of land described in deed to Petrus Land, L.P. as recorded in Volume 1240, Page 348, Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod found for the intersection of the Southeast right-of-way line of F.M. 740 (60' R.O.W.) with the Southwest right-of-way line of County Road 223 (60' R.O.W.), also being the northernmost Northwest corner of said 211,437 acre tract;

THENCE South 46 degrees 10 minutes 44 seconds East, along the common Southwest line of said County Road 223 and the Northwest line of said 211,437 acre tract, a distance of 343.00 feet and continuing along the common Southwest line of a 298.78 acre tract of land described in deed to William E. Armstrong as recorded in Volume 1268, Page 338, said deed records, and the Northwest line of said 211,437 acre tract, in a distance of 382.00 feet to the POINT OF BEGINNING;

THENCE South 46 degrees 10 minutes 44 seconds East, continuing along the common line of said tracts, a distance of 2555.42 feet to a 3/4 inch iron rod found, said iron rod being the easternmost Northwest corner of a 37,056 acre tract of land described in deed to J.E. Harmon as recorded in Volume 084, Page 311, said deed records, also being an old corner of said 211,437 acre tract;

THENCE South 44 degrees 01 minutes 17 seconds West, along the common Northwest line of said 37,056 acre tract and the Southwest line of said 211,437 acre tract, a distance of 224.94 feet passing a 3/4 inch iron rod found for the easternmost Northwest corner of said 37,056 acre tract and the easternmost Northwest corner of a 21.98 acre tract of land described in deed to William S. Down as recorded in Volume 1283, Page 010, said deed records, and continuing along the common Northwest line of said 21.98 acre tract and the Southwest line of said 211,437 acre tract, in a distance of 129.34 feet to a 3/4 inch iron pipe found for the westernmost Northwest corner of said 21.98 acre tract and an old corner of said 211,437 acre tract;

THENCE South 45 degrees 55 minutes 24 seconds East, along the common northeast line of said 211,437 acre tract and the southeast line of said 21.98 acre tract, a distance of 139.20 feet to a point;

THENCE South 61 degrees 14 minutes 48 seconds West, leaving the common line of said tracts, a distance of 820.26 feet to a point;

THENCE South 45 degrees 53 minutes 37 seconds West, a distance of 800.00 feet to an iron rod found for the easternmost Northwest corner of Mustang Industrial Park, an addition to the City of Forney, as recorded in Cabinet L, Page 801, Plat Records, Kaufman County, Texas, said iron rod also being the easternmost Southeast corner of a 25,778 acre tract of land described in deed to Tyndall Manufacturing Corporation as recorded in Volume 1362, Page 0347, said deed records, said iron rod also being in the Southeast line of said 211,437 acre tract;

THENCE North 45 degrees 51 minutes 32 seconds West, along the Northwest line of said 25,778 acre tract and the Southwest line of said 211,437 acre tract, a distance of 181.00 feet to a 3/4 inch iron rod found at the Southeast corner of Block 'B' (60' R.O.W.) as dedicated by Plat of Eastwood Addition No. 2, on addition to the City of Forney as recorded in Cabinet 2, Page 238, said plat records, said iron rod also being an old corner of said 25,778 acre tract, said iron rod also being an old corner of said 211,437 acre tract;

THENCE along the common Southeast and Northwest lines of said Eastwood Addition No. 2 and the Northwest and Southeast lines of said 211,437 acre tract, the following:

North 43 degrees 58 minutes 31 seconds East, a distance of 100.26 feet to a 3/4 inch iron pipe found;

North 46 degrees 08 minutes 56 seconds West, a distance of 1095.44 feet to a 3/4 inch iron rod found for the easternmost Northwest corner of said Eastwood Addition No. 2 and the easternmost Southeast corner of Eastwood Addition Installment No. 1, an addition to the City of Forney, as recorded in Cabinet L, Page 011, said plat records;

THENCE North 46 degrees 25 minutes 01 seconds West, along the common Southwest line of said 211,437 acre tract and the Northwest line of said Eastwood Addition Installment No. 1 and passing a 3/4 inch iron rod found for the eastermost Northwest corner of 434.28 feet and continuing in a distance of 437.79 feet to a point in the Southwest line of said F.M. 740 said point being in a right-angle curve to the left having a central angle of 2 degrees 18 minutes 19 seconds, a radius of 463.88 feet, a chord bearing of North 35 degrees 48 minutes 08 seconds East, and a chord distance of 223.01 feet;

THENCE Northeasterly around said curve to the left, along the common Southwest line of said F.M. 740 and the Northwest line of said 211,437 acre tract, on a chord distance of 223.03 feet to an iron rod found for corner;

THENCE North 34 degrees 26 minutes 00 seconds East, continuing along the common Southwest line of said F.M. 740 and the Northwest line of said 211,437 acre tract, a distance of 53.72 feet to a point;

THENCE South 53 degrees 37 minutes 30 seconds East, leaving the common Southwest line of said F.M. 740 and the Northwest line of said 211,437 acre tract, a distance of 239.90 feet to a point;

THENCE South 18 degrees 21 minutes 14 seconds West, a distance of 34.43 feet to a point;

THENCE North 43 degrees 49 minutes 16 seconds East, a distance of 822.06 feet to the POINT OF BEGINNING and containing 4,201,369 square feet or 103.34 acres of land, more or less.

LEGEND

| | | |
|----------|---|--------------|
| [Symbol] | 52 x 100 LOT | 60.25 ACRES |
| [Symbol] | 52 x 100 LOT | 32.125 ACRES |
| [Symbol] | PARKING SPACES / DRAINAGE AREAS | 0.34 ACRES |
| [Symbol] | HOA COMMON AREAS | 0.40 ACRES |
| [Symbol] | MASONRY ENTRY FEATURE | |
| [Symbol] | ELEMENTAL SHAK | |
| [Symbol] | SPECIAL FENCING (10' NORTH CLEAR FENCE 1ST) | |

Preliminary Zoning Exhibit for Review Purposes Only

DEVELOPMENT GUIDELINES
MUSTANG CREEK SUBDIVISION - 103.34 ACRES (Revised 8/10/00)

SINGLE FAMILY HOMES

DEFINITION

Single Family Homes are proposed as a form of single family detached housing. Ownership of these homes would involve the unit as well as the lot. Typically, these units would be one to two story structures.

PERMITTED USES

- * Single family detached units as outlined herein.

- * All uses permitted in the (SF-R6) Single Family Residential District in Ordinance 832.

REQUIREMENTS

Height Requirements: No buildings shall exceed thirty-five (35) feet or two and a half (2 ½) stories in height.

Area Requirements:

Front Yard - There shall be a front yard having a depth of not less than twenty (20) feet. The garage shall be set back a minimum of twenty two (22) feet from the property line.

Side Yard - Minimum side yard shall be six (6) feet. Lots abutting a street shall have a minimum side yard of fifteen (15) feet. Lots abutting an arterial street shall have a minimum side yard of twenty (20) feet.

Rear Yard - There shall be a rear yard having a depth of not less than fifteen (15) feet.

Lot Area - No building shall be constructed on any lot of less than five thousand seven hundred twenty (5720) square feet. Lots south of proposed Redbud Drive and lots fronting on proposed Redbud Drive shall have a minimum area of six thousand nine hundred (6900) square feet.

Lot Depth - The depth of any lot shall not be less than one hundred ten (110) feet. Lots south of proposed Redbud Drive and lots fronting on proposed Redbud Drive shall have a minimum depth of one hundred fifteen (115) feet. Corner or cul-de-sac lots may have a minimum depth of not less than one hundred (100) feet.

Lot Width - The minimum lot width shall not be less than fifty two (52) feet measured at the front building line. Lots south of proposed Redbud Drive and lots fronting on proposed Redbud Drive shall not be less than sixty (60) feet wide, measured at the front building line. Minimum lot frontage on a public street shall be not less than thirty five (35) feet.

Minimum Dwelling Size - The floor area of any dwelling unit shall not be less than one thousand three hundred (1,300) square feet.

Lot Coverage- In no case shall more than forty-five (45) percent of the total lot area be covered by the combined area of the main building and accessory buildings.

Parking Requirements: A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit.

NOTE. As part of the above parking requirements, an enclosed garage shall be provided for each dwelling unit. This enclosed garage area shall be of sufficient size to accommodate two cars or a garage space of at least eighteen (18) by twenty (20) feet.

Building Materials: All dwelling units shall be constructed of masonry, stucco, or of a glass building material of the kind usually used for outside wall construction, to the extent of at least eighty (80) percent on the first floor, and not less than seventy (70) percent of the entire home if the home is two stories.

Additional Requirements.

The development will consist of approximately 436± lots.

The homebuilder shall plant two (2) - three inch (3") caliper trees on each lot during home construction.

Home fencing of backyards shall be required.

A Homeowner's Association (HOA) will be established for this addition to maintain the special fences along Ridge Road, and Pinson Road, and the HOA common area lot.

The roofing material shall be approximately 200 pounds per square (20 year minimum).

The roof pitch of the homes shall be 6:12 minimum.

The style of the mailboxes shall be coordinated throughout the development.

The developer shall dedicate approximately 7± acres to the City for park land. The developer will install a playground and landscaping near the playground and approximately 1± acre of irrigated area near the playground. The material for the playground equipment shall be City approved.

The developer will provide a masonry entry feature at the intersection of Redbud Drive and Pinson Road.

The developer will provide a stained upgraded cedar fence with 2"x 6" or greater top cap and masonry columns along Ridge Road. This fence shall be maintained by the Homeowner's Association.

The homebuilder shall provide a stained upgraded cedar fence on corner lots adjacent to Redbud Drive and Bowie Street.

A five (5) feet wide concrete sidewalk along Redbud Dive shall be provided by the homebuilder during home construction.

Any guidelines not listed herein shall be governed by the standard SF-R6 Zoning Guidelines in Ordinance 832.

THENCE North 45 degrees 51 minutes 22 seconds West, along the Northeast line of said 25 776 acre tract and the Southwest line of said 211 4437 acre tract, a distance of 1167.00 feet to a 1/2 iron rod found at the Southeast corner of Bowie Street (60' R.O W) as dedicated by Plat of Eastwood Addition No 2, an addition to the City of Forney as recorded in Cabinet 2, Page 286, said plat records, said iron rod also being an ell corner of said 25.776 acre tract, said iron rod also being an ell corner of said 211 4437 acre tract;

THENCE along the common Southeast and Northeast lines of said Eastwood Addition No. 2 and the Northwest and Southwest lines of said 211 4437 acre tract, the following:

North 43 degrees 58 minutes 31 seconds East, a distance of 1190.28 feet to a 3/4 inch iron pipe found;

North 46 degrees 08 minutes 56 seconds West, a distance of 1095 44 feet to a 1/2 inch iron rod found for the easternmost Northeast corner of said Eastwood Addition No.2 and the easternmost Southeast corner of Eastwood Addition Installment No. 1, an addition to the City of Forney, as recorded in Cabinet 1, Page 611, said plat records;

THENCE North 46 degrees 25 minutes 01 seconds West, along the common Southwest line of said 211 4437 acre tract and the Northeast line of said Eastwood Addition Installment No. 1 and passing a 1/2 inch iron rod found for its easternmost Northeast corner at 434.26 feet and continuing in all a distance of 437 77 feet to a point in the Southwest line of said F.M. 740, said point being in a nontangent curve to the left having a central angle of 2 degrees 46 minutes 11 seconds, a radius of 4613.66 feet, a chord bearing of North 35 degrees 49 minutes 08 seconds East, and a chord distance of 223.01 feet;

THENCE Northeasterly around said curve to the left, along the common Southeast line of said F.M. 740 and the Northwest line of said 211 4437 acre tract, an arc distance of 223 03 feet to an iron rod found for corner;

THENCE North 34 degrees 26 minutes 00 seconds East, continuing along the common Southeast line of said F.M. 740 and the Northwest line of said 211 4437 acre tract, a distance of 53 72 feet to a point;

THENCE South 53 degrees 37 minutes 30 seconds East, leaving the common Southeast line of said F.M. 740 and the Northwest line of said 211 4437 acre tract, a distance of 239.95 feet to a point;

THENCE South 16 degrees 21 minutes 14 seconds West, a distance of 54 45 feet to a point;

THENCE North 43 degrees 49 minutes 16 seconds East, a distance of 822.98 feet to the POINT OF BEGINNING and containing 4,501,369 square feet or 103.34 acres of land, more or less.