

ORDINANCE NO. 1031

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 USES FOR THE PROPERTY DESCRIBED AS 393.103 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, AND THE A. HYER SURVEY, ABSTRACT NO. 203, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND KNOWN AS THE TRAILS OF CHESTNUT MEADOW; APPROVING A PRELIMINARY DEVELOPMENT PLAN ATTACHED AS EXHIBIT "B"; APPROVING EXHIBIT "C" ATTACHED FOR PHASE 2; APPROVING ILLUSTRATION NO. 1, WITH ATTACHMENTS 1, 2, AND 3, ATTACHED DEPICTING LANDSCAPING REQUIREMENTS; PROVIDING DEVELOPMENT STANDARDS, INCLUDING AREA REGULATIONS, GENERAL AND SPECIAL CONDITIONS; 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 the property described as 393 103 acres, more or less, in the John Gregg Survey, Abstract No 171, and the A. Hyer Survey, Abstract No. 203, Kaufman County, Texas, known as the Trails of Chestnut Meadow, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

SECTION 2. That the final development 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, E2, 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 area regulations, general and special conditions:

- a. That the Planned Development will be constructed in accordance with the final Development Plan attached hereto and approved as required by Section XX of the zoning ordinance;
- b. That the Planned Development will be constructed in accordance with the development standards shown on the final development plan as well as the following additional development guidelines:

**PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL
Tract A-1**

1. General Description:

The single-family residential development is intended to accommodate a variety of single family residential uses. Development standards for each of the housing types are outlined within this text.

2. Permitted Uses: Land uses permitted within the residential areas, are as follows.

- a. Residential units as described herein.
- b. Uses permitted as referenced in Section IV (SF-R6)(B) of the City of Forney Zoning Ordinance, Ordinance No. 832, as it currently exists.
- c. Private or public recreation facilities (require Conditional Use Permit).
- d. Churches/rectories, but not including mission tents or revival tents.
- e. Day care centers being located adjacent to and having access only from FM 741 and FM 548 Bypass.

- f. Utility distribution lines and facilities.
- g. Parks, linear greenbelt areas, trails and walkways, playgrounds and neighborhood recreation facilities, swimming pools and tennis courts.
- h. Real estate sales offices and model homes during the development and marketing of the residential areas.
- i. Directional signs pertaining to the development.
- j. Accessory buildings which are not a part of a main building, including one private garage, or accessory buildings which are a part of a main building, including one private garage customarily incidental to the permitted uses.

3. Density: The overall maximum allowed residential units shall not exceed 1,150 units. The number of lots by type are as follows:

R-8.0	550
R-8.4	373
<u>R-8.8</u>	<u>227</u>
Total	1,150

4. Garage, Parking and Driveway Requirements: Garage, parking and driveway requirements for single family development areas shall be as follows:

- a. Two (2) off-street parking spaces shall be provided on the same lot as the main structure. In addition with this requirement, a two (2) car garage shall be provided for each unit. Garage parking shall be behind the front building line. The entrance to any attached or detached garage shall be allowed to face any street. Any garage structure on a corner lot where the garage door is facing a side street shall have a minimum of twenty-five feet (25') from the property line to the closed garage door
- b. No parking space, garage or other automobile storage space or structure shall be used for storage of any heavy load vehicle.

5. Building Materials: The building materials requirements shall be as follows:

- a. A minimum of seventy-five per cent (75%) of the total exterior wall surfaces of all main buildings shall have an exterior finish of stone, brick, or other

masonry veneer. If there is a window or door, including garage doors, that is on a wall with masonry on both sides, then it can count as part of the masonry requirement. If there is wood siding around the window, door or garage door, it counts as wood siding. Regarding gables, if the gable is in front of an attic space, it is exempt from masonry requirement. If the gable is in front of a living space, it is considered into the calculation of masonry

- b. Detached, free-standing garages, whether attached to the main building by a covered walkway or not, shall have a minimum of seventy-five per cent (75%) of the total exterior wall surface be of an exterior finish of stone, brick or other masonry veneer of the same material as the residence.
- c. The minimum roof slope on a house shall be no less than 6 12.
- d. The minimum width of a roof overhang on a house shall be twelve inches (12").
- e. All mailboxes shall have brick posts.

6. **R-8.8 Single Family:** R-8.8 Single Family units are single family, detached housing units, having access and frontage on a public road. Building and area requirements are as follows:

- a. **Minimum Dwelling Size:** The minimum area of the main building, exclusive of garages, breezeways and porticos is as follows:

25% of the dwellings:	1,700 square feet
20% of the dwellings:	1,800 square feet
15% of the dwellings:	1,900 square feet
15% of the dwellings:	2,000 square feet
15% of the dwellings:	2,100 square feet
10% of the dwellings:	2,200 square feet

The above requirements are established for a 30-year mortgage interest rate of 8.0% or lower. Adjustments are to be made in accordance with section 9 "Adjustments to Minimum Dwelling Size."

- b. **Lot Area:** The minimum area of any lot shall be eight thousand eight hundred (8,800) square feet.
- c. **Lot Coverage:** In no case shall more than forty-five per cent (45%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks

and other paved areas shall not be included in determining maximum lot coverage.

- d. **Lot Width:** The minimum width of any lot shall be eighty feet (80') at the front building line.
- e. **Lot Depth:** The minimum depth of any lot shall be one hundred ten feet (110'), except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred feet (100'); provided all other requirements of this section are fulfilled.
- f. **Front Yard:** The minimum depth of the front yard shall be twenty five (25) feet, except for side entry garages which shall have a minimum front yard depth of twenty feet (20'). (Section 4a above)
- g. **Side Yard:** The minimum side yard on each side of the lot shall be five feet (5'). A side yard adjacent to a street shall be a minimum of fifteen feet (15'). The minimum side yard on a key lot shall be the same as the front setback on the adjacent side street.
- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty feet (20') if the rear yard is adjacent to another residential lot, and fifteen feet (15') if adjacent to open space or parks.
- i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories, or thirty-five feet (35').
- j. **Lots Adjacent to Guyton Estates and Yancy McKellar Addition:** Lots adjacent to Guyton Estates and Yancy McKellar Addition shall have a minimum lot size of 14,000 square feet and shall have a Minimum Dwelling Size of 2,000 square feet.

7. **R-8.4 Single Family:** R-8.4 Single Family units are single family detached housing units, having access and frontage on a public road. Building and area requirements are as follows:

- a. **Minimum Dwelling Size:** The minimum area of the main building, exclusive of garages, breezeways and porticos is as follows:

25% of the dwellings:	1,600 square feet
20% of the dwellings:	1,700 square feet

15% of the dwellings:	1,800 square feet
15% of the dwellings:	1,900 square feet
15% of the dwellings:	2,000 square feet
10% of the dwellings:	2,100 square feet

The above requirements are established for a 30-year mortgage interest rate of 8.0% or lower. Adjustments are to be made in accordance with section 9 "Adjustments to Minimum Dwelling Size."

- b. **Lot Area:** The minimum area of any lot shall be eight thousand four hundred (8,400) square feet.
- c. **Lot Coverage:** In no case shall more than forty-five per cent (45%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.
- d. **Lot Width:** The minimum width of any lot shall be seventy feet (70') at the front building line.
- e. **Lot Depth:** The minimum depth of any lot shall be one hundred ten feet (110'), except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred feet (100'); provided all other requirements of this section are fulfilled.
- f. **Front Yard:** The minimum depth of the front yard shall be twenty five feet (25'), except for side entry garages which shall have a minimum front yard depth of twenty feet (20'). Same as 4a above.
- g. **Side Yard:** The minimum side yard for single family detached units shall be five feet (5') on each side of the lot. A side yard adjacent to a street shall be a minimum of fifteen feet (15'). The minimum side yard on a key lot shall be the same as the front yard on the adjacent side street.
- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty feet (20') if the rear yard is adjacent to another residential lot, and fifteen feet (15') if adjacent to open space or parks.
- i. **Maximum Building Height:** Buildings shall be a maximum height of two and one-half (2 ½) stories, not to exceed thirty-five feet (35').

8. **R-8.0 Single Family:** R-8.0 Single Family units may be either single family, detached units or garden homes (homes in which the unit is sided on, or adjacent to, one of the side lot lines), having access and frontage on a public road. Building and area requirements for single family detached units and garden homes are as follows:

- a. **Minimum Dwelling Size:** The minimum area of the main building, exclusive of garages, breezeways and porticos is as follows:

25% of the dwellings:	1,500 square feet
20% of the dwellings:	1,600 square feet
15% of the dwellings:	1,700 square feet
15% of the dwellings:	1,800 square feet
15% of the dwellings:	1,900 square feet
10% of the dwellings:	2,000 square feet

The above requirements are established for a 30-year mortgage interest rate of 8.0% or lower. Adjustments are to be made in accordance with section 9 "Adjustments to Minimum Dwelling Size."

- b. **Lot Area:** The minimum area of any lot shall be eight thousand (8,000) square feet.
- c. **Lot Coverage:** In no case shall more than fifty per cent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.
- d. **Lot Width:** The minimum width of any lot shall be sixty feet (60') at the front building line.
- e. **Lot Depth:** The minimum depth of any lot shall be one hundred ten feet (110'), except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred feet (100'); provided all other requirements of this section are fulfilled.
- f. **Front Yard:** The maximum depth of the front yard shall be twenty five feet (25'), except for the side entry garages which shall have a minimum front yard depth of twenty feet (20'). Same as 4a above.

- g. **Side Yard:** The minimum side yard for single family detached and units shall be five feet (5') on each side of the lot. For garden homes the side yard setbacks shall be zero feet to three feet (3') on one side (the zero side), and seven feet (7') to ten feet (10') on the opposite side. A minimum separation of ten feet (10') is required between structures. A side yard adjacent to a street shall be a minimum of fifteen feet (15'). The minimum side yard on a key lot shall be the same as the front yard on the adjacent side street.
- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty feet (20') if the rear yard is adjacent to another residential lot, and fifteen feet (15') if adjacent to open space or parks.
- i. **Maximum Building Height:** Buildings shall be a maximum height of two and one-half (2 ½) stories, not to exceed thirty-five feet (35').
- j. **Garden Homes:**
 - 1 A maintenance easement to provide access to an adjacent garden home of not less than four feet (4') or more than seven feet (7') in width extending along the entire side lot line shall be established on each lot adjacent to a garden home lot and shown on the final plat.
 - 2. The maintenance easement shall be maintained as an open space. However, the Building Official may approve fences and horizontal construction at grade level, such as a deck not exceeding twelve inches (12") above grade, or paved surfaces in the maintenance easement upon a finding that it does not impede the use of the easement for the maintenance and drainage of the adjoining structure.
 - 3 The number of Garden Home units shall be limited to twenty-five per cent (25%) of the number of R-8.0 lots.

9. **Adjustments to Minimum Dwelling Size:**

The Minimum Dwelling Size requirements as shown for the R-8.8 Single Family, R-8.4 Single Family and R-8.0 Single Family categories defined above are subject to the following:

- a. The interest rate is based upon the Fannie Mae Posted Yields on 30 year Mortgage Commitments (priced at par for delivery within 30 days) as the "Mortgage Interest Rate" as published in the Wall Street Journal.
- b. The Mortgage Interest Rate for the Minimum Dwelling Size requirements as shown above is 8.0% or lower
- c. The Mortgage Interest Rate will be reviewed on January 1st and July 1st of each calendar year, or if on a holiday, the first business day thereafter. In the event the Mortgage Interest Rate published on the above defined dates is from 8.01% to 8.49%, 8.5% to 8.99%, 9.0% to 9.49%, 9.5% or greater, the Minimum Dwelling Size requirement will be adjusted in accordance with the following schedule:

8.01% to 8.49% Interest Rate	8.5% to 8.99% Interest Rate	9.0% to 9.49% Interest Rate	9.5% or greater Interest Rate
1,500	1,450	1,400	1,350
1,600	1,550	1,500	1,450
1,700	1,650	1,600	1,550
1,800	1,750	1,700	1,650
1,900	1,850	1,800	1,750
2,000	1,950	1,900	1,850
2,100	2,050	2,000	1,950
2,200	2,150	2,100	2,050

- d. The date of the contract for the purchase of the home shall be the effective date of any Minimum Dwelling Size adjustment for any specific lot. It shall be the responsibility of the builder to provide the building inspection department with a copy of the fully executed contract for the purchase of a home on a lot, if needed, to substantiate the date on which the contract was written for the issuance of a building permit.
- e. In no event shall the Minimum Dwelling Size be lower than shown for the 9.5% or greater interest rate as shown above.
- f. Within three (3) business days of the Mortgage Interest Rate review date defined in (c) above, it shall be the responsibility of the developer to notify, in writing, the city building inspection department and each builder of the status of the Mortgage Interest Rate.

- g. It shall be the responsibility of each builder to apply for building permits on spec homes at least fourteen (14) days prior to the end of any given six (6) month period in anticipation of any potential Mortgage Interest Rate change.

10. **General Requirements:**

- a. **Curvilinear Streets:** Existing topographic and physical site features allow for curvilinear streets to be constructed within portions of the residential tracts. This does not mandate that all residential streets be curvilinear or that all residential tracts or plats will incorporate the use of curvilinear streets.
- b. **Outside Storage:** Provisions allowing for outside storage within the tract(s) covered by this ordinance are as follows:
1. **Prohibition.** Any person commits an offense if he or she keeps, maintains or stores, outside of a building, on any property zoned for single family use, any personal property which is visible from a public street, or is visible from private property which is under separate ownership, including but not limited to household items, building materials, automotive parts, equipment, etc., without proper screening and located in allowed outside storage areas only. It shall not be a defense to prosecution that such items were covered with a tarp or similar covering.
 2. **Exception.** It is not an offense to keep, store or maintain personal property customarily found outside of a building on property zoned for single family use such as lawn furniture, dog houses, landscape containers, etc.
 3. **Parties Responsible:** The owner (or owners) and persons in control of such residentially zoned property are responsible for violations of the subsection.
- c. **Landscaping Front Yards:** The front yard of each home will be sodded with a landscape package consisting of eight (8) shrubs and one (1) tree having a two inch (2") minimum caliper

11. **PLANNED DEVELOPMENT – GENERAL CONDITIONS**

11.1 **Conformance to the Forney Zoning Ordinance:** Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Forney Comprehensive Zoning Ordinance, Ordinance No 832.

11.2 **Procedures of the Planned Development District:**

a. **Zoning Exhibit:** A zoning exhibit is hereby attached and made a part of the approval for this Planned Development District. This exhibit, indicated as Exhibit "A" sets forth an overall property boundary description.

b. **Development Plan:** The final Development Plan for residential development is hereby attached and made a part of the approval for this Planned Development District. This plan, indicated as Exhibit "B" and attached hereto, shall conform to the requirements of a Development Plan as defined in Section XX. (PD) PLANNED DEVELOPMENT, Section (E)(2) of the above referenced City of Forney Comprehensive Zoning Ordinance. The street layout shown on the Development Plan shall be subject to further review, scrutiny and recommendations by the City's Planner and Engineer at the time of preliminary or final plat submission, review and approval.

c. **Preliminary Plat:**

1 A Preliminary Plat for each phase of development must be submitted to the City of Forney and must be approved in accordance with the City's Subdivision Ordinance No. 1012, as may be amended, in effect at the time of application for preliminary plat approval.

2. If the Preliminary Plat substantially conforms to the final Development Plan as shown on Exhibit "B" for this Planned Development District, the Preliminary Plat shall be deemed to comply with Section 2.4(g), Standards of Approval of said Subdivision Ordinance No. 1012.

d. **Final Plat:**

1 A Final Plat for each phase of development must be submitted to the City of Forney and must be approved in accordance with the City's Subdivision Ordinance No. 1012, as may be amended, in effect at the time of application for final plat approval.

2. Each Final Plat shall conform to the approved Preliminary Plat.
- 3 All Final Plats must be recorded within the county or counties where the property is located.

11.3 General Compliance: Except as amended by these conditions, development of property within this Planned Development must comply with the requirements of all applicable ordinances, rules and regulations of the City of Forney

11.4 Maintenance of Common Facilities: Prior to the issuance of a building permit for the initial phase of development, a property owner's association, membership association or other entity that will be responsible for the improvement and maintenance of all open space areas and any screening fence/wall contained within the area of the development shall be formed. The city shall be under no obligation for operation or maintenance of the above facilities without prior city acceptance and approval.

11.5 Screening Fences/Walls:

- 1 Unless otherwise approved by the City Council or their designee, screening fences/walls shall be provided along of FM 741 and proposed FM 548 adjacent to the development. The screening fence/wall shall be constructed of pvc, fiberglass, stone, stucco, brick, concrete block, concrete, wrought iron or similar materials, or any combination thereof. Any screening fence/wall shall have a masonry column or a column of other structurally approved material at a maximum spacing of thirty feet (30'). The columns are to be of a material compatible with the fence/wall. The location of a screening fence/wall shall be submitted for approval with the Preliminary Plat. Construction plans are to be included as a part of the public works civil engineering plans prior to final plat approval.
2. The screening fence/wall shall be located within an easement granted to the homeowners association for maintenance.
- 3 All screening fences/walls shall be a minimum of six feet (6') in height with columns having a maximum height of seven feet (7'). Entry features may have a maximum height of eight feet (8').
- 4 Materials used in the construction of a screening fence/wall shall be placed in such a manner that will minimize visibility through the fence/wall.

11.6 **Hiking and Jogging Trail/School Access Trail:** A six feet (6') wide concrete hiking and jogging trail/school access trail shall be constructed in the open space as designated on the conceptual plan. The access trail and pedestrian bridge to the school site shall be constructed in such a manner as not to interfere with the drainage of the creek.

11.7 **Street and Public Improvements:** All paved areas, permanent drives, streets, sidewalks, screening walls, utility improvements and drainage structures must be constructed in accordance with standard City of Forney specifications as they exist at the time of final plat approval for each phase of development except for the block lengths which are approved as shown on the attached concept plan.

11.8 **Landscaping Requirements:** Landscaping requirements are as follows:

- a. **Primary Entrances:** Primary entrances as indicated on Attachment 1 shall be landscaped in accordance with Illustration 1
- b. **Open Space Areas:** Open space areas shall include one (1) tree having a minimum caliper of three inches (3") for every fifty feet (50') of frontage along a street to be planted within twenty feet (20') of the back of curb
- c. **Existing Trees:** Any existing tree meeting the minimum caliper requirement as defined below located within the planting areas described above will be credited to the tree planting requirement.
- d. **Landscaping Deviation:** Any deviation from the landscaping requirements of this section 11.8 shall require approval by the City Council.
- e. **Minimum Caliper Requirements:** The caliper of new trees shall be measured twenty-four inches (24") above the ground and have a minimum height of seven feet (7'). The caliper of existing trees shall be measured forty-eight inches (48") above the ground.
- f. **Tree Planting Along FM 741** Trees shall be planted and irrigated along FM 741 as shown on Attachment 2 either as a single tree or in groupings of up to three (3) trees. When a single tree is planted, the tree shall have a minimum caliper of five inches (5"). Trees planted in a grouping shall have a minimum caliper of three inches (3").

11.9 **Fences:** Fence requirements are as follows.

- a. Fences within the single family residential areas other than screening fences/walls as defined in section 11.5 above, may be constructed of wood, pvc, fiberglass, wrought iron and/or masonry and shall be a minimum of six feet (6') in height and a maximum of eight feet (8') in height. Any wood fence facing a public street shall have the board side of the fence located on the street side of the fence support structure.
- b. A fence shall be required as screening for the storage of a recreation vehicle, travel trailer, boat or similar equipment. The screening fence shall be constructed of wood, pvc, fiberglass and/or masonry and shall be a minimum of six feet (6') in height, a maximum of eight feet (8') in height and be in accordance with all applicable city ordinances.
- c. All fences within ten feet (10') of any open space shall be a four feet (4') wrought iron fence.

11.10 Permits and Certificates of Occupancy: The Building Official shall not issue a building permit or a certificate of occupancy for a use in a phase of this Planned Development District until there has been full compliance with these conditions, the construction codes and all other rules and regulations of the City of Forney which are applicable to each phase. However, the Building Official shall have the authority to issue building permits or certificates of occupancy for the construction and use of model homes prior to the completion of development of any respective phase.

11.11 Sidewalks and Handicap Ramps:

- a. Sidewalks along the front or sides of lots and handicap ramps at street intersections shall be constructed by the builder at the time of home construction. The street improvement plans prepared for each phase will provide for the curb to be depressed at the time of street construction allowing for installation of the handicap ramp by the builder.
- b. Sidewalks or handicap ramps at street intersections adjacent to open space areas or entry areas shall be constructed by the developer at the time of development of each respective phase.
- c. The developer shall be responsible for the construction of sidewalks and handicap ramps along FM 741 and proposed FM 548 Bypass in accordance with Section 3.5 of the Subdivision Ordinance adopted July 20, 2000.

11.12 Homeowner Association/Restrictive Covenants:

- a. A homeowners association will be incorporated in the State of Texas by the developer prior to the recording of the Phase 1 final plat.
- b. The restrictive covenants for a phase will be recorded prior to the sale of the first lot in each respective phase.

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.

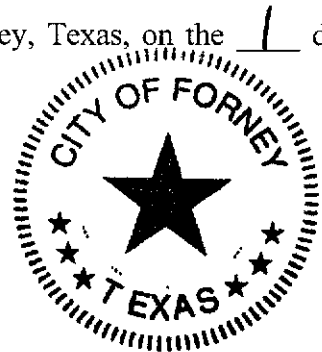
SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared 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 1 day of May, 2001

APPROVED:



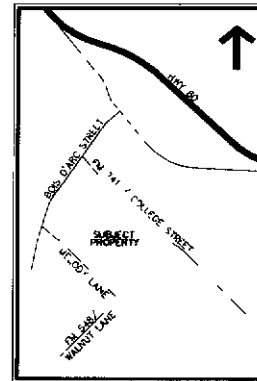
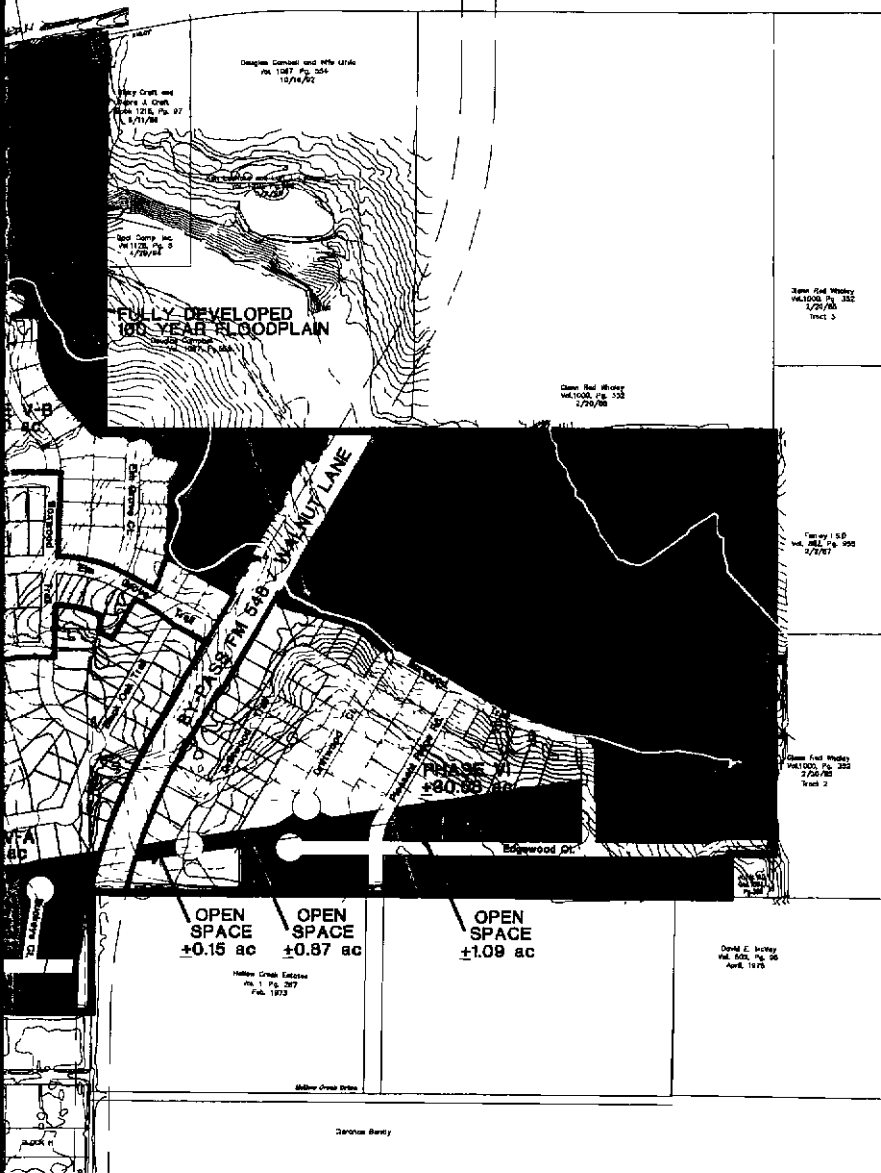


Weldon G. Bowen
MAYOR

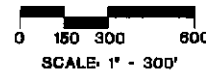
APPROVED AS TO FORM:
Robert G. Dallas
CITY ATTORNEY
(RLD/3-14-01)

ATTEST:
Adessa Moore
CITY SECRETARY

EXHIBIT "B"



VICINITY MAP
NOT TO SCALE



AREAS / DENSITIES:

PHASE	AREA	LOTS	DENSITY
OPEN SPACE	+78.52 ac	-	-
R.O.W. (FM 548)	+5.83 ac	-	-
LAKEWOOD TRAIL	+1.01 ac	-	-
SCHOOL	+12.00 ac	-	-
I	+67.19 ac	218	3.81 u/ac
II	+93.93 ac	252	3.94 u/ac
III	+54.41 ac	213	3.91 u/ac
IV	+58.34 ac	192	3.29 u/ac
V-A	+35.13 ac	129	3.87 u/ac
V-B	+11.50 ac	43	3.74 u/ac
VI	+30.84 ac	103	3.37 u/ac
TOTAL	+393.10 ac G.	1,150	2.93 u/ac
	+311.08 ac N.	1,150	3.70 u/ac

DEVELOPMENT PLAN
FOR:
**THE TRAILS OF
CHESTNUT MEADOW**

+380.14 ACRES

IN THE JOHN GREGG SURVEY ABSTRACT NO. 171
AND IN THE
A. HYER SURVEY ABSTRACT NO. 203
CITY OF FORNEY,
KAUFMAN COUNTY, TEXAS
FEBRUARY 2, 2001

Surveyed by: [Illegible] Surveyor, License No. [Illegible], State of Texas, Commission Expires [Illegible]



QUINER,
GORDON TRUST
c/o THE WEST COMPANY
1920 ABRAMS PRWY., SUITE 325
DALLAS, TEXAS 75214
214-821-1022

DEVELOPER,
HERZOG DEVELOPMENT CORPORATION
9896 SKILLMAN ST., SUITE 210
DALLAS, TEXAS 75243
214-348-1300



**Kimley-Horn
and Associates, Inc.**

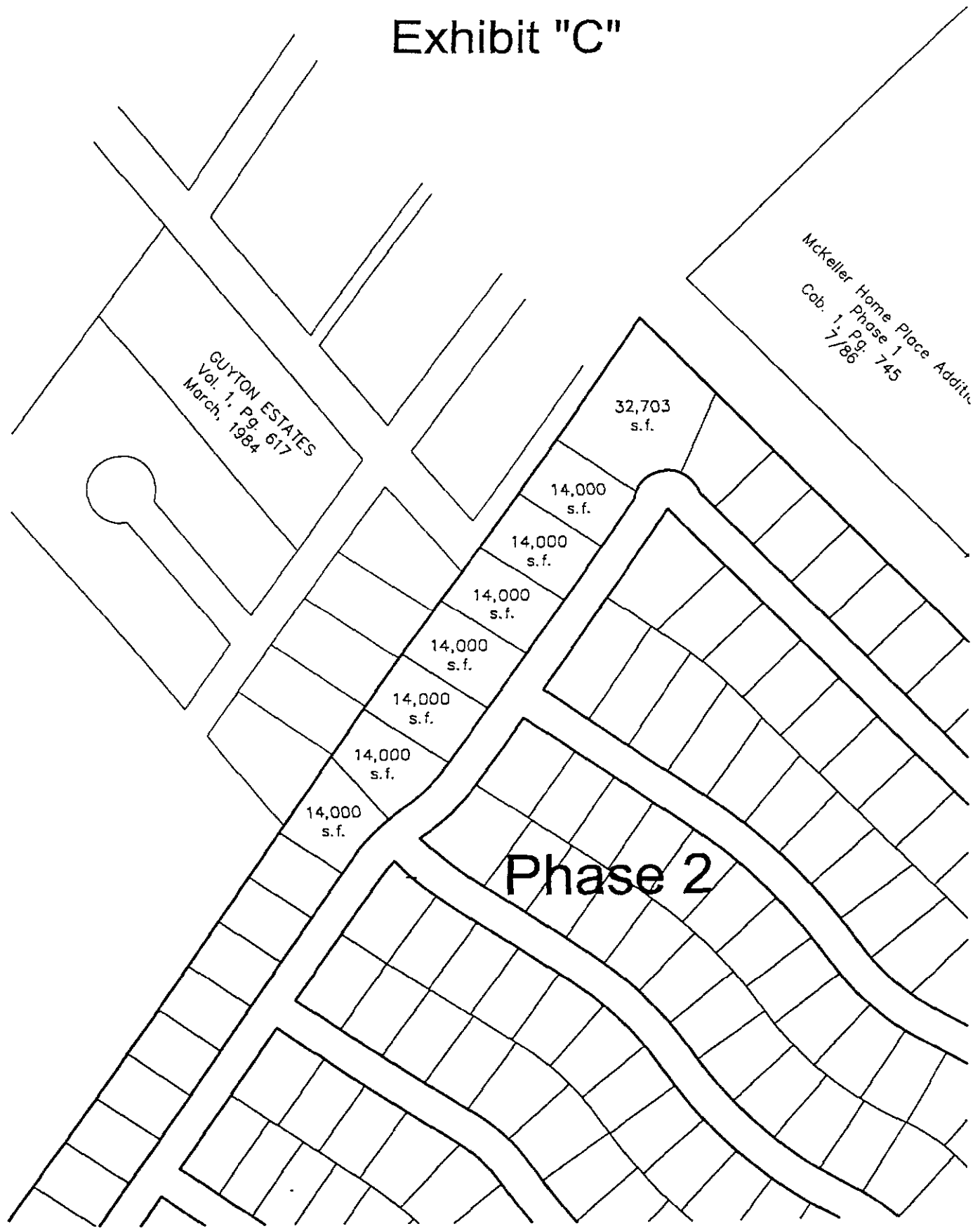
12660 Colt Road, Suite 300
Dallas, Texas 75251

Tel No (972) 770-1300
Fax No (972) 239-3820

TYPICAL LOT SIZES:

TYPE	DIMENSION	AREA
R-8.4	70' X 120'	8,400 sf
R-8.8	80' X 110'	8,800 sf

Exhibit "C"



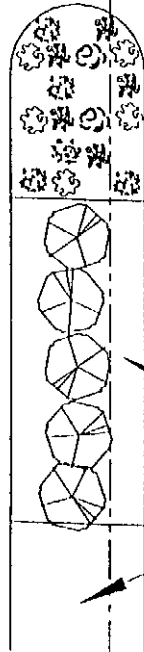
GUYTON ESTATES
Vol. 1, Pg. 617
March, 1984

McKeller Home Place Addit.
Phase 1
Cob. 1, Pg. 745
7/86

Phase 2

Easement for
Entry Monument

Illustration 1 Primary Entrance

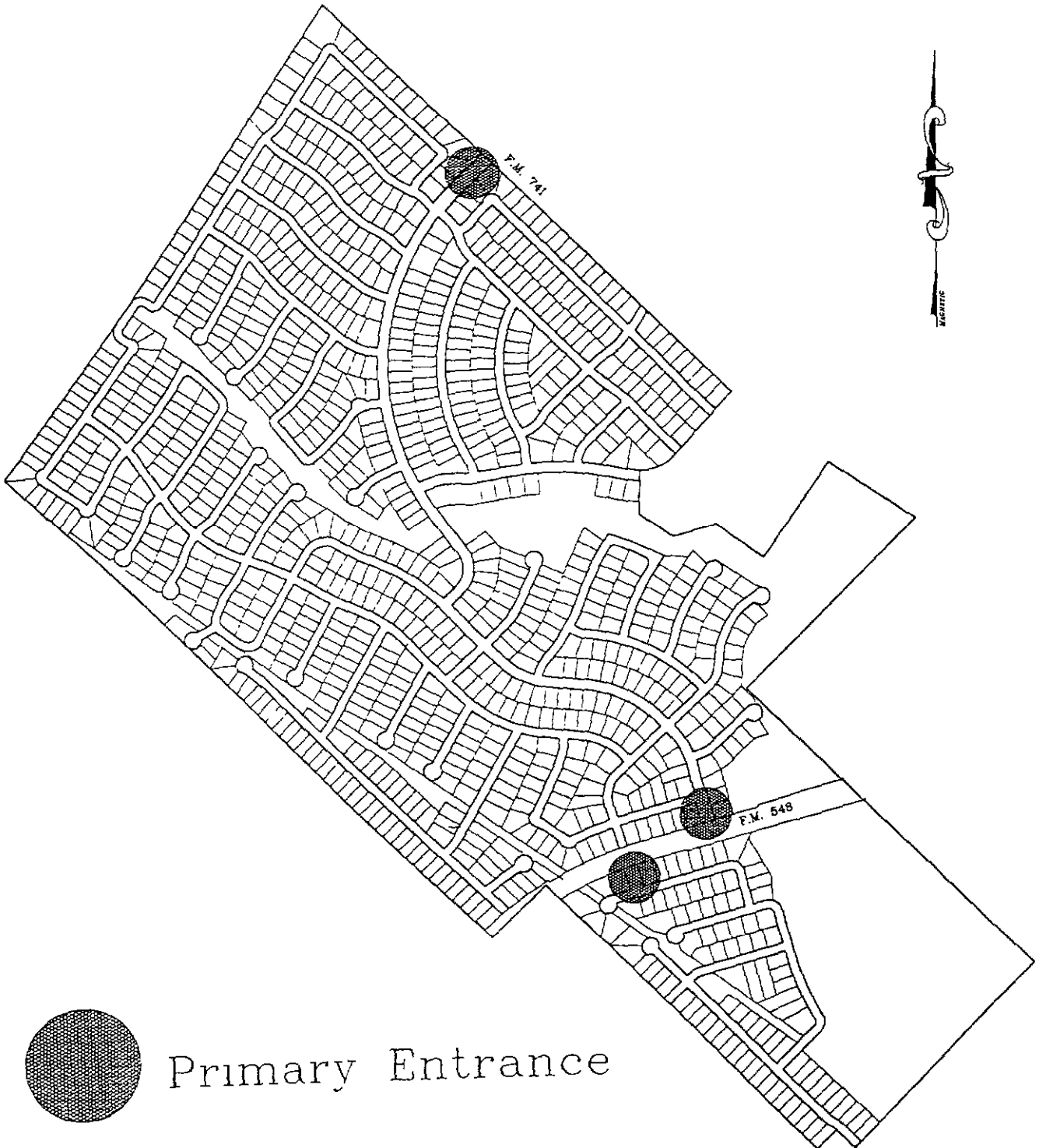


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option

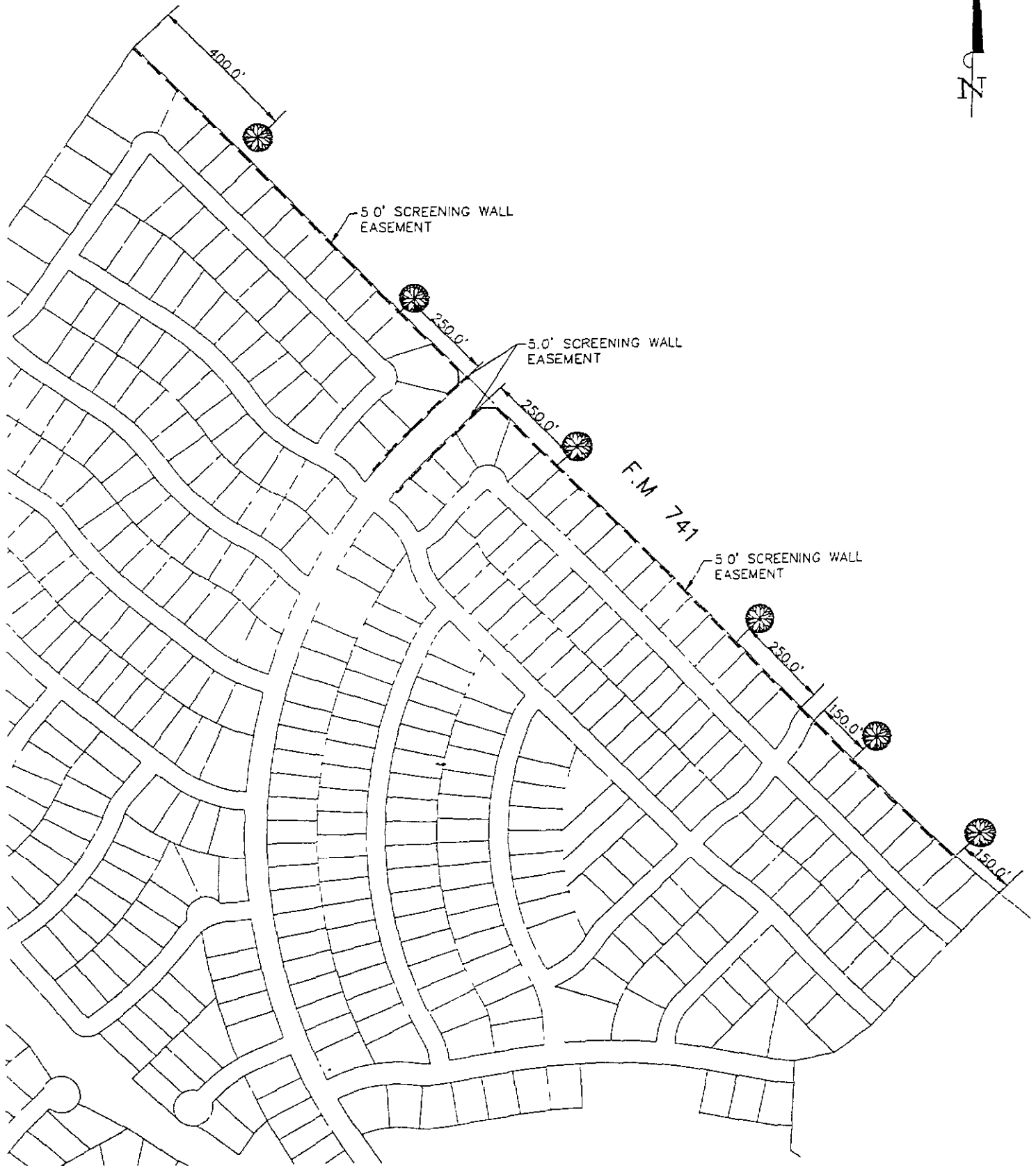
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with g

Grass

Attachment 1



Attachment 2



Metes and Bounds Description

393 103 Acres
John Gregg Survey, Abstract No. 171
A. Hyer Survey, Abstract No. 203
Kaufman County, Texas

BEING a tract of land situated in the John Gregg Survey, Abstract No. 171 and the A. Hyer Survey, Abstract No. 203, Kaufman County, Texas and being a portion of a tract of land conveyed to Gordon Trust by Deed recorded in Volume 1074, Page 389, Deed Records of Kaufman County, Texas (DRKCT) and being more particularly described by metes and bounds as follows (bearings are true north based on G.P.S):

BEGINNING at the west corner of Block D of Colonial Acres Addition, an addition to the County of Kaufman as recorded in Volume 5, Page 1 of the DRKCT,

THENCE in a northwesterly direction along the northeast line of said Colonial Acres Addition as follows:

- North 44°49'19" West, passing at a distance of 25 00 feet an axle found and continuing in all a total distance of 2897.84 feet to a point for corner, a 1/2-inch iron rod found bears South 65°32' East, a distance of 8.4 feet;
- North 46°22'21" West, a distance of 967.90 feet to a point for corner being the south corner of a tract of land conveyed to Forney I.S.D. as recorded in Volume 562, Page 424 of the DRKCT, a 5/8-inch iron rod found bears North 46°22' West, a distance of 26.10 feet;

THENCE in a northeasterly direction leaving said northeast line of Colonial Acres Addition and along the northwest line of said Gordon Trust Tract as follows:

- North 35°16'14" East, a distance of 1254.77 feet to a point for corner being the south corner of a tract of land conveyed to Forney I.S.D. by Deed recorded in Volume 771, Page 578 of the DRKCT,
- North 33°57'16" East, passing at a distance of 1115.17 feet a 1/2-inch iron rod found for the south corner of Guyton Estates, an addition to the County of Kaufman, Texas as recorded in Volume 1, Page 617 of the DRKCT, and continuing in all a total distance of 2025.68 feet to a point for corner on the southwest line of F.M. 741 (a 90-foot wide right-of-way);

THENCE in a southeasterly direction along the southwest line of said F.M. 741 as follows:

- South 44°22'51" East, a distance of 3081.07 feet to the beginning of a curve to the left;
- Along said curve to the left having a central angle of 05°51'41", a radius of 3060.57 feet and an arc length of 313.10 feet to the end of said curve;
- South 50°14'32" East, a distance of 151.20 feet to the beginning of a curve to the left;
- Along said curve to the left having a central angle of 05°05'53", a radius of 1053.14, and an arc length of 93.71 feet to the end of said curve;
- South 55°20'25" East, a distance of 882.69 feet to a 1-inch iron pipe found for the north corner of a tract of land conveyed to Ricky Craft and Debra J. Craft as recorded in Book 1215, Page 97 of the DRKCT,

THENCE South 45°07'37" West leaving said southwest line of F.M. 741 and along a southeast line of said Gordon Trust tract, a distance of 1360.26 feet to a 3/8-inch iron rod found for the west corner of a tract of land conveyed to Douglas Campbell by Deed recorded in Volume 1067, Page 559 of the DRKCT,

THENCE South 44°36'49" East along a northeast line of said Gordon Trust tract, a distance of 2302.52 feet to a 1/2-inch iron rod found for the east corner of said Gordon Trust tract, being on the northwest line of a tract of land conveyed to Forney I.S.D. by Deed recorded in Volume 882, Page 955 of the DRKCT,

THENCE South 44°54'18" West along the southeast line of said Gordon Trust, a distance of 1458.03 feet to the east corner of a tract of land conveyed to North Texas Municipal Water District (N.T.M.W.D.);

THENCE North 44°20'35" West along the northeast line of said N.T.M.W.D. tract, a distance of 150.00 feet to the north corner of said tract;

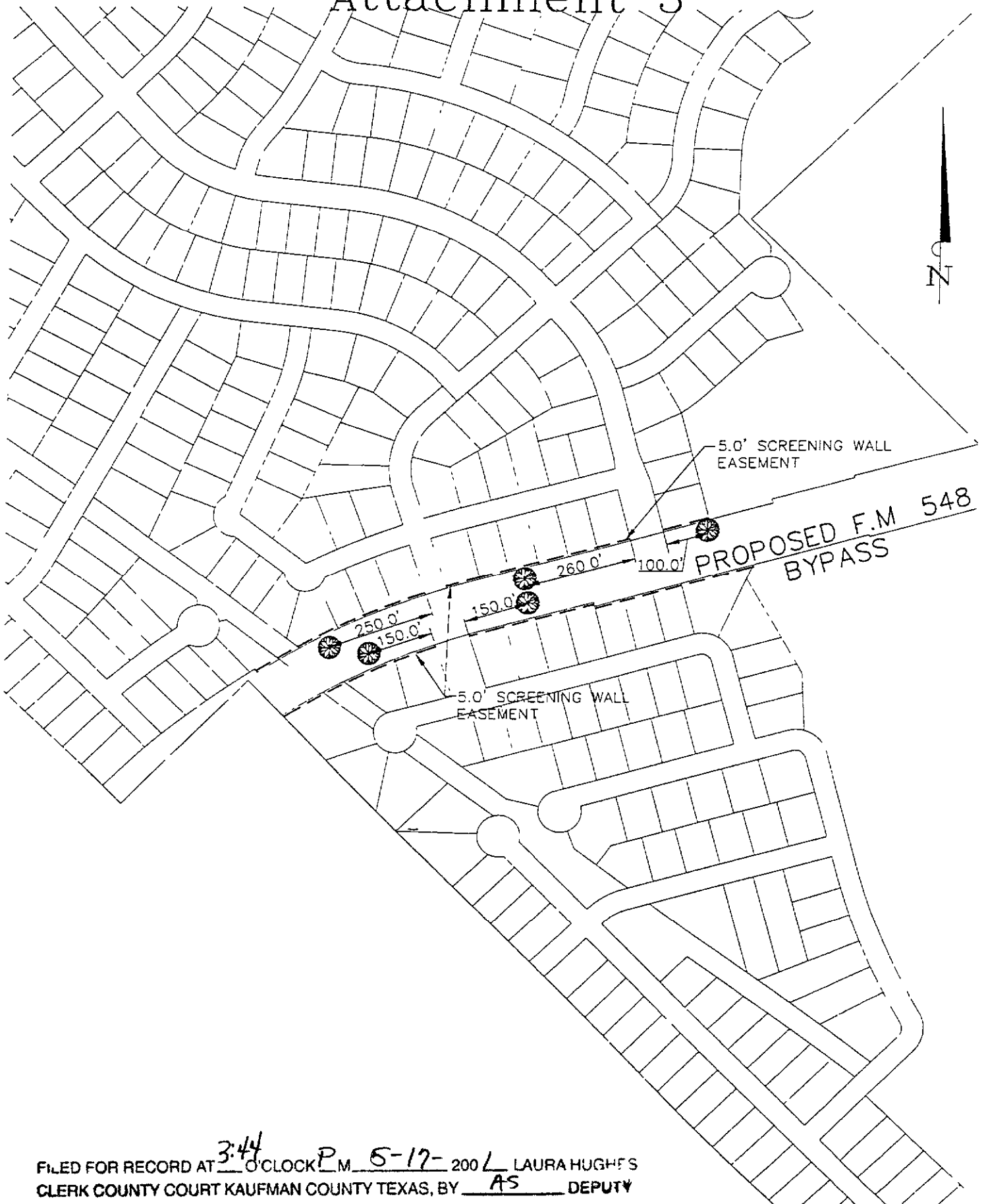
THENCE South 44°54'18" West along the northwest line of said N.T.M.W.D. Tract, a distance of 150.00 feet to a point for corner;

THENCE North 44°20'35" West along a southwest line of said Gordon Trust tract, a distance of 2191.45 feet to a 3/8-inch iron rod found for corner, being the north corner of Hollow Creek Estates, an addition to the County of Kaufman, Texas as recorded in Volume 1, Page 287 of the DRKCT,

THENCE South 45°04'36" West along the north west line of said Hollows Creek Estates, a distance of 418.02 feet to the POINT OF BEGINNING and CONTAINING 393.103 acres of land, more or less.

G:\PROJECTS\Forney\Legal Descriptions\393103.lwp

Attachment 3



FILED FOR RECORD AT 3:44 O'CLOCK P.M. 5-17-200L LAURA HUGHES
CLERK COUNTY COURT KAUFMAN COUNTY TEXAS, BY AS DEPUTY

City of Fort Worth

\$59.00



Public

to

Brown

VOL. 1725 PAGE 24
OFFICIAL PUBLIC RECORDS

RECORDS
COUNTY CLERK OF
KAUFMAN COUNTY TEXAS

Dorcas Hughes



I, Laura H. ... of the County Clerk in
the County of Kaufman
State of Texas, do hereby
certify that this is a true and
correct copy of the original
page of the record as filed on
date as stamped hereon.

INDEXED COMPARED