

ORDINANCE NO. 1042

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 172.13 ACRES OF LAND IN THE JUAN LOPEZ SURVEY, ABSTRACT NO. 286, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND KNOWN AS DIAMOND CREEK EAST; APPROVING A DEVELOPMENT PLAN ATTACHED HERETO EXHIBIT "B"; PROVIDING PLANNED DEVELOPMENT REQUIREMENTS, INCLUDING PERMITTED USES, BUILDING REQUIREMENTS, AREA REQUIREMENTS, AND DEVELOPMENT REQUIREMENTS; 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 172.13 acres, more or less, in the Juan Lopez Survey, Abstract No. 286, Kaufman County, Texas, known as Diamond Creek East, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

SECTION 2. That the 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 conditions:

- a. That the Planned Development will be constructed in accordance with the Development Plan attached hereto as Exhibit B and approved as required by Section XX of the zoning ordinance; and,
- b. That the Planned Development will be constructed in accordance with the planned development requirements shown on Exhibit B: the development plan, including the permitted uses, building requirements; and development requirements sections thereof.

1. Permitted Uses

The single-family residential development is intended to accommodate single family detached units as outlined herein and all uses as permitted in the SF-R10 Single Family Residential District, except a private recreation center or a day care facility which shall only be permitted by issuance of a CUP in accordance with Section XXXI of the zoning ordinance, as amended.

2. Building Requirements

- a. Height Requirements: No buildings shall exceed thirty-five feet (35') or 2 ½ stories in height;
- b. Front Yard: There shall be a front yard having a depth of not less than twenty-five feet (25'). The garage shall be set back a minimum of twenty-five feet (25') from the property line.
- c. Side Yard: Minimum side yard shall be six feet (6'). Lots abutting a street shall have a minimum side yard of fifteen feet (15'). Lots abutting on an arterial street shall have a minimum side yard of twenty feet (20').
- d. Rear Yard: There shall be a rear yard having a depth of not less than ten feet (10').

e. Lot Area: No building shall be constructed on any lot less than eight thousand (8,000) square feet.

f. Average Lot Area: Average lot area shall be at least nine thousand three hundred (9,300) square feet.

g. Lot Depth: The depth of any lot shall not be less than one hundred twenty feet (120').

h. Lot Width: The minimum lot width shall not be less than sixty feet (60') measured at the front building line. Minimum lot frontage on a public street shall not be less than thirty-five feet (35').

i. Minimum Dwelling Size: Not more than twenty-five per cent (25%) of the dwellings constructed within this planned development district may have a floor area of between 1,600 and 1,700 square feet; not more than twenty-five per cent (25%) of the dwellings may have a floor area of between 1,700 and 1,800 square feet; not more than twenty-five per cent (25%) of the dwellings may have a floor area of between 1,800 and 1,900 square feet; and, at least twenty-five per cent (25%) of the dwellings must have a minimum floor area of 1,900 square feet.

j. 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 building and accessory buildings.

3. Parking Requirements

A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. As part of the 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 feet (18') wide by twenty feet (20') deep.

4. 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 per cent (80%) for a one-story home and not less than seventy per cent (70%) of the entire home, if the home is two or more stories. Materials for garage construction shall be the same as for the main structure.

5. Additional Requirements

- a. The development will consist of approximately 500 lots. Overall street and lot layout may be modified to a minor degree at the time of final engineering, either per City Requirements or by the owner.
- b. The homebuilder shall plant two (2) three inch (3") caliper trees on each lot during home construction, measurements as defined by the Texas Association of Nurserymen Guidelines and Standards. Specifications for tree installation shall be American Standard for Nursery Stock, published by the American Association of Nurserymen.
- c. Home fencing of backyards shall be required. Where lots back to the TXU Gas Easement, the rear fence shall consist of wrought or ornamental iron.
- d. A Homeowner's Association (HOA) will be established for this addition to maintain the landscaped beam along Ridge Road and FM 548. and the HOA common areas.
- e. The roofing material shall be rated Class C.
- f. The roof pitch of the homes shall be 6:12.
- g. The style of the mailboxes shall be subject to approval by the City Council at the time of platting.
- h. The developer shall dedicate land along Mustang Creek to the City for park purposes in accordance with Section 4.4 of the Subdivision Ordinance.
- i. The developer will provide masonry entry features at locations shown on the development plan.
- j. The developer will provide a fifty foot (50') wide landscaped strip along Ridge Road and FM 548. Within this strip, a combination of three foot to five foot tall berms and landscaping shall accomplish visual screening from the road for a height of six feet (6') above grade. This area shall be maintained by the Homeowner's Association.
- k. The homebuilder shall provide a stained upgraded cedar wood fencing with masonry columns along Ridge Road and FM 548.
- l. A street connection shall be provided to the adjacent property to the north.

- m. A private recreation center and/or day care center shall only be allowed subject to approval of a Conditional Use Permit (CUP), also known as a special use permit.
- n. Builder will be allowed to move in a sales trailer prior to the City's acceptance of the subdivision for maintenance.
6. Any development standards not listed herein shall be governed by the SF-R10 development standards in the Zoning Ordinance (Ordinance 832), as amended, and by any other applicable City Codes and Ordinances pertaining to single-family developments.

SECTION 2. That all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 3. 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 4. 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 5. 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.

EXHIBIT A

State of Texas:
County of Kaufman:

All that certain lot, tract, or parcel of land being 172.13 acres situated in the Juan Lopez Survey, Abstract No. 286, Kaufman County, Texas, and being part of a called 296.724 acre tract of land conveyed to Johnny and Sherry Wortham recorded in Volume 1089, Page 338, Deed Records, Kaufman County, Texas, and being more fully described as follows:

BEGINNING at a 1-inch iron pipe found for corner in the Southwest line of said Wortham tract and being South 45 degrees 35 minutes 30 seconds East, a distance of 2,590.16 feet and South 45 degrees 12 minutes 04 seconds East, a distance of 1,298.09 feet from the West corner of said tract, said point also being in the Northeast line of a tract of land conveyed to J.E. Hamblin Estate by deed recorded in Volume 984, Page 511, Deed Records, Kaufman County, Texas;

THENCE North 45 degrees 01 minutes 44 seconds East, passing a 1-inch iron pipe found at an ell corner of said Wortham tract at 1,368.92 feet and continuing a total distance of 3,058.38 feet to a 1/2-inch iron rod, set for corner, said point being in the Southwest line of a tract of land conveyed to JMS & Co. as recorded in Volume 921, Page 98, Deed Records, Kaufman County, Texas;

THENCE South 45 degrees 20 minutes 48 seconds East, a distance of 2,066.04 feet along said South line of the JMS & Co. tract and the South line of a tract of land conveyed to Newell as recorded in Volume 988, Page 333, Deed Records, Kaufman County, Texas, to a 1/2-inch iron pipe found for corner;

THENCE South 45 degrees 30 minutes 26 seconds West, a distance of 208.64 feet along the Northwest line of said tract, to a 1/2-inch iron rod set for the West corner of said tract;

THENCE South 44 degrees 36 minutes 25 seconds East, 416.07 feet to a 1/2-inch iron rod found on the present North right-of-way line of Farm Road No. 548;

THENCE South 45 degrees 06 minutes 11 seconds West, 1,775.07 feet to a 1/2-inch iron rod set for corner and South 45 degrees 13 minutes 53 seconds West, 1,074.91 feet with North line of Farm Road No. 548 to a 1/2-inch iron rod set for corner, said point being the East corner of said tract of land conveyed to J.E. Hamblin Estate;

THENCE North 45 degrees 12 minutes 04 seconds West, along the Northeast line of said tract and a fence, 1,023.08 feet to the Place of BEGINNING and containing 172.13 acres of land.

DULY PASSED by the City Council of the City of Forney, Texas, on the 16 day of October, 2001.



APPROVED:

Weldon L. Bowen
MAYOR

APPROVED AS TO FORM:

Robert D. Williams
CITY ATTORNEY
(RLD/10-15-01)

ATTEST:

Adessa Moore
CITY SECRETARY

