

ORDINANCE NO. 1212

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 RESIDENTIAL USES FOR THE PROPERTY DESCRIBED AS A 261.00 ACRE TRACT OF LAND, MORE OR LESS, IN THE MARTHA MUSICK SURVEY, ABSTRACT NO. 312, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, WHICH IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND KNOWN AS GRAYHAWK PLANNED DEVELOPMENT DISTRICT; APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "B"; APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT INCLUDING ORDINANCE 1153 AND ORDINANCE 1154; 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 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 residential uses for the property described as a 261.00 acre tract of land, more or less, in the Martha Musick Survey, Abstract No. 312, in the City of Forney, Kaufman County, Texas, which property is more particularly described in Exhibit "A" attached hereto, and known as Grayhawk Planned Development District

said Planned District as required by Section 34a.3, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 3. That the concept plan for this Planned Development District is attached hereto as Exhibit "C", and the same is hereby approved for said Planned Development District as required by Section 34a.4 of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 4. All ordinances of the City of Forney in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof, other than the part so declared to be invalid, illegal or unconstitutional, and such declaration 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 20th day of March,
2007



ATTEST:

Odessa Moore

ODESSA MOORE
CITY SECRETARY

CITY OF FORNEY, TEXAS

Darrell Grooms

DARRELL GROOMS
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT "A"

**ATTACH LEGAL DESCRIPTION OF
TRACT 1 - 157.2 ACRE TRACT AND
TRACT 2 - 100 ACRE TRACT**

EXHIBIT A

Exhibit "A"
Legal Description
157.2-Acre Tract

Being all of that certain tract of land located in the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, described in deed to George W. Sibley on April 12, 2001, and recorded in Volume 1686, Page 189, Deed Records Kaufman County, Texas, and being more fully described as follows:

BEGINNING in a county road and on the northwest line of said Musick Survey, S. 45° W 2504.8 ft. from the north corner, from which an iron rod in fence corner bears S. 44°58' E. 12.4 ft.;

THENCE S. 44°58' E. 3731.2 ft., with fence line and the southwest line of the G. E. Buie 50 acre tract, to an iron rod in fence corner, also on the northwesterly line of R. H. Sowell 200 acres;

THENCE S. 44°39' W. 219.4 ft., with fence and said Sowell's line to an iron pipe in old pipe in old fence corner;

THENCE S. 42°34' E., with fence and Sowell's line, crossing Mustang Creek at 700 ft., continue a total distance of 764.2 ft. to an iron rod in fence corner on the easterly side of Mustang Creek;

THENCE Southerly with fence meanders running with Mustang Creek and the westerly line of W D Costello, Jr., 160 acre tract;

S. 55° 51' W., 93.5 ft.	N. 89° 14' W., 179.9 ft.
S. 22° 50' W., 97.2 ft.	S. 58° 36' W., 48.4 ft.
S. 19° 06' W., 181.6 ft.	S. 11° 49' W., 107.3 ft.
S. 35° 42' W., 183.3 ft.,	S. 65° 35' W., 69.6 ft.,
S. 12° 11' W., 552.0 ft.,	S. 47° 01' E., 171.1 ft.,
S. 54° 28' W., 67.6 ft.,	S. 39° 06' W., 415.4 ft.,
S. 26° 10' W., 118.7 ft.,	S. 09° 39' E., 307.4 ft.,

S. 35° 26' W., 357.5 ft., to an iron rod in fence corner;

THENCE N. 45°04' W., at 87 ft. cross Mustang Creek, continue a total distance of 1652.1 ft., with fence and the northeast line of J. L. Fulghan to an iron rod in fence corner;

THENCE N. 45°24' E., 1479.2 ft., with fence and the southeast line of F.G.J. Bailey and F.G. Chapman to an iron rod in fence corner;

THENCE N. 44°55' W., 2615.2 ft., with fence and F.G. Chapman 100 acres;

THENCE N. 45° E. 236.11 ft. to an iron rod for corner;

THENCE N. 45° W., 1110.7 ft. to the northwest line of the Musick Survey in a county road, from which an iron rod in fence bears S. 44° 55' E. 4 ft.;

THENCE N. 45° E., 971.2 ft. along the northwest line of said Musick Survey to the Place of Beginning and containing 158.358 gross acres of land, more or less,

SAVE AND EXCEPT all of that certain 1.1106-acre tract of land described in deed to the State of Texas, acting by and through the Texas Department of Transportation, on April 25, 2001, and recorded in Volume 1706, Page 61, Deed Records Kaufman County, Texas.

This document was prepared under 22 TAC §663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EXHIBIT A
Legal Description

BEING a 103.08 acre tract of land out of the MARTHA MUSICK SURVEY, Abstract No. 312 in the County of Kaufman, Texas said tract being the land described in deed to Reef Gllum recorded in Volume 1320, Page 72 of the Deed Records of Kaufman County, Texas and being more particularly described as follows:

COMMENCING at an aluminum TXDOT monument found in the southeast right-of-way line of F.M. 548 (a variable width ROW) and being the southwest line of a 52.35 acre tract of land described in Deed to Calvin Herrin recorded in Volume 761, Page 18 of the Deed records of Kaufman County, Texas, said monument being the northeast corner of a 1.11 acre tract of land described in the deed to the State of Texas recorded in Volume 1691, Page 178 of the Deed Records of Kaufman County, Texas;

THENCE South 45 30'33" West, for a distance of 973.22 feet, with said southeast right - of-way line, to a point for corner; THENCE South 45 30'33" West, for a distance of 237.00 feet, with said southeast right - of-way line, to a POINT OF BEGINNING;

THENCE South 44 29'27" East, leaving said southeast right-of-way and along a fence for a distance of 1111.06 feet, to a 3/4" iron rod found for corner, said point being the Southwest line of the 6 acre tract of land described in deed to Jessie Neil Hunter, Jr. recorded in Volume 578, Page 217 Deed Records of Kaufman County, Texas;

THENCE South 44 27'18" East, for a distance of 2615.43 feet, along a fence to a 5/8" iron rod found, said point being in the southwest line of the 158.02 acre tract of land described in deed to Wilton Davis, Trustee, recorded in Volume 573, Page 430 of the Deed Records of Kaufman County, Texas;

THENCE South 45 48'30" West, for a distance of 1222.57 feet, to a point for corner found;

THENCE North 44 33'29" West, for a distance of 3432.63 feet, along a fence line, to a point for corner, said point being in the northwest line of said 50.38 acre tract of land described in deed to Grady Bailey, recorded in Volume 739, Page 892 of the Deed Records of Kaufman County, Texas;

THENCE North 45 12'53" East a distance of 174.24 feet, to a point for corner;

THENCE North 44 33'29" East a distance of 280.00 feet, to a point for corner, said point being in the southeast right-of-way line of F.M. 548 (a variable width ROW);

THENCE North 45 12'53" East, for a distance of 1048.82 feet, with said southeast right-of-way line of F.M. 548 to the POINT OF BEGINNING and containing 4,490,199.65 square feet or 103.0808 acres of land.

**GRAYHAWK NORTH AND GRAYHAWK SOUTH
PLANNED DEVELOPMENTS AMENDMENT**

**---AN AMENDMENT TO COMBINE THESE TWO (2)
EXISTING PLANNED DEVELOPMENTS TO
CREATE ONE PLANNED DEVELOPMENT
DISTRICT TO BE MORE COMMONLY KNOWN AS
GRAYHAWK PLANNED DEVELOPMENT
DISTRICT---**

MARCH 2007

EXHIBIT "B"

PLANNED DEVELOPMENT CONDITIONS-GRAYHAWK PLANNED DEVELOPMENT DISTRICT

I. General Regulations.

All regulations of the Comprehensive Zoning Ordinance Single Family Residential District ("SF-R6") are included by reference and shall apply, except as otherwise specified by this ordinance. No uses shall be permitted except for the uses listed under the SF-6 and the following uses: open space/greenbelt areas, neighborhood community center, trails, entry monumentation, real estate sales offices/model homes/construction trailers during the development and marketing of the residential areas along with temporary flagpoles on model home lots, accessory dwellings, private park or playground, and directional signs pertaining to the development.

II. Definitions:

- A. Association. The Grayhawk community homeowners' association to be formed for the purpose of enforcing the covenants, conditions and restrictions within the District, and to collect dues and fees for the ownership and maintenance of common areas and to be used for the best interests of the community subject to the governing documents of the Association and applicable law
- B. Comprehensive Zoning Ordinance. Ordinance number 1085 as amended. Subdivision Ordinance number 1012 as amended.
- C. Developer Madison Grayhawk Forney, Ltd., its successors and assigns.
- D. District. The planned development district created in this Ordinance.
- E. Open Space Lot(s). Any lot identified on a Preliminary or Final Plat as a lot to be used as common area by the homeowners or to be dedicated to the City of Forney Any property dedicated to the City of Forney will be identified as such on the final recorded plat after the City Council has accepted that dedication. If land is accepted by the City after the plat is recorded, the dedication may be made by separate instrument.
- F. Property Legal Description attached above as Exhibit "A"

III. Development Plans:

A. Concept Plan: The Concept Plan for this District is attached as Exhibit "C" In the event of conflict between the Concept Plan and the written conditions of this Ordinance, the written conditions shall apply. Development of this District shall be in general conformance with the Concept Plan unless approved otherwise by the City Council or their designee during the Preliminary Plat process. Modifications to the street layout, Open Space Lot locations, lot locations and lot mix shown on the Concept Plan shall be allowed based on detailed engineering design for each phase and the review and approval process through the City of Forney.

B. Lot Development Standards per Section 43 of the Comprehensive Zoning Ordinance 1085 as amended unless other wise indicated below:

Standards	SF-6+	Larger
Lot Area Minimum	7,000 sq ft	12,000 sq ft
Dwelling Units per Lot Maximum	1	1
Dwelling Unit Minimum size	1600 sq ft	2,200 sq ft
Lot Width Minimum	60 ft	80 ft
Lot Depth Minimum	110 ft	140 ft
Front Setback	25 ft	30 ft
Rear Setback	10 ft	10 ft
Side Setback	6 ft	6 ft
Lot Coverage Maximum	45%	40%
Height Maximum Feet/Stories	36 /2.5	36 /2.5

C. Garage, Parking and Driveway Requirements

- 1 Off-street parking requirements shall conform to Section XXVI of the Ordinance: "Off-Street Paved Parking and Loading Regulations", except that, if built, a neighborhood community center shall have off-street parking of 1 space per 350 square feet of enclosed and heated building area, pool area and deck.
2. Each dwelling unit shall provide a minimum two (2) car garage integral to the dwelling unit. Garages shall be allowed to face on any side of the dwelling unit, provided that all other applicable regulations are met. The minimum setback for the garage door frame shall match the applicable setback depth for the respective lot type.
- 3 No parking space, garage or other automobile storage space or structure shall be used for storage of any heavy load vehicle.

D. Building Criteria

- 1 Exterior building facades shall consist of a minimum of 90% stone, brick, cementitious plank, or other masonry veneer product of finished quality and/or glass materials, windows or doors on the first floor, and 75% on all other floors. If there is wood siding around a window, door, or garage door, then it shall count entirely as wood siding.

2. All dwellings shall use a 30-year minimum, dimensional composition shingle, flat pan standing seam metal roofing, or terra cotta or slate tile.
3. The minimum roof pitch shall be 7-12.
4. All mailboxes shall be constructed of stone, brick, or other masonry veneer matching the major dwelling unit's building material.

E. Landscaping & Screening

1. There shall be a minimum fifteen (15) foot landscape buffer lot along F.M. 548 (Walnut Lane) that shall be owned and maintained by the Association. The Concept Plan identifies these lots as Parcels "A" and "C"
2. On all Open Space Lot(s) that front on FM 548 (excluding Parcels "A" and "C" where screen walls will be constructed pursuant to section 3 below), the Developer shall construct a minimum six (6) foot high ornamental metal (aka "wrought iron") fence (4 feet high is permitted if a majority of the fence is placed on an earthen berm of more than 2 feet in average height above grade at the crest of the berm) Structural columns constructed of stone, stucco, brick, concrete, or any combination thereof may be included in the design, along with sections of masonry in the place of the wrought iron. A living screen is permitted but not required. Staff must approve the typical prior to the filing of the first recorded plat.
3. The Developer shall construct a minimum six (6) foot high screen wall of stone, stucco, brick, concrete block, or any combination thereof on Parcels "A" and "C". Structural columns shall be of similar material(s) as the wall and shall be spaced at a maximum interval of fifty (50) feet. The screen wall shall be contained within these parcels or in an easement granted to the Association for maintenance adjacent to these parcels. Staff must approve the typical prior to the filing of the first recorded plat.
4. Entry features may be constructed as part of the screen wall design or wrought iron design (or as a complement to the either) and shall be of similar materials as the screen wall. The maximum height of the entry feature shall be eight (8) feet, however, if a berm is constructed the top of the entry feature, it may exceed eight (8) feet above the grade prior to the building the berm. If built, entry features shall be contained in Parcels A, B C, D, or E, in the right of way entry median(s), or in a combination of some or all of these areas. Staff must approve the typical prior to the filing of the first recorded plat.
5. The Developer shall be allowed to construct divided entries into the Property. If the Developer elects to do so, this entry shall contain a median, which shall contain landscaping, an entry monument and lighting, and two 25' wide (back of curb-to-back of curb) pavement sections at the approval of the City Engineer.
6. The Developer shall plant trees having a minimum two (2) inch caliper diameter, as measured four (4) feet above the base of the tree, for every fifty (50) feet of adjacent roadway frontage on Open Space Lot(s), to be planted within twenty (20) feet of the back of curb, as follows:

- Two (2) trees per 50 feet along the frontage of FM 548 on Open Space parcel(s) that have frontage on FM 548, and
 - One (1) tree per 50 feet along roadway frontage on other Open Space parcel(s).
- 7 Within the following areas (to be maintained by the Association), the Developer shall install a standard underground irrigation system, install grass in disturbed areas after the installation of the irrigation system, and have the Association maintain the irrigation system after the areas containing the system are conveyed to the Association:
 - a. Parcel A,
 - b. The street frontage of Parcel B; and
 - c. Parcel C.
 8. The front yard of each completed dwelling unit shall be grassed with a landscape requirement of eight (8) shrubs and two (2) trees having a minimum two (2) inch caliper diameter, as measured four (4) feet above the base of the tree
 - 9 Unless otherwise approved by the City Council or their designee, all plantings should be native to the natural landscape and drought and disease resistant. Individual homeowners may landscape at will.

F Fencing

1. Fences constructed for individual single family lots shall have the minimum height of six (6) feet and a maximum height of eight (8) feet, and shall be constructed of wood (with the option of metal or wood reinforcing posts). Ornamental metal (aka "wrought iron") a minimum of six (6) feet and maximum eight (8) feet in height is permitted along the rear lot line of residential lots backing up to Parcels B, E, F, I and J (or other future Open Space Lots).

2. 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.

G. Open Space/Common Areas

1 The Developer shall designate the land identified on the Concept Plan as Parcel I within the 100 year floodplain and Parcel J that the Developer may choose not to develop as common area/open space and either convey it to the Association or the City for ownership and maintenance, and limit the remaining undeveloped area to low impact uses such as non-impervious trails, picnic areas and nature study areas. The Developer shall provide public access to this common area/open space through a series of trails, sidewalks, and street crossings in a similar manner as depicted on the Concept Plan.

2. The Developer shall convey the land designated on the Concept Plan as Parcels A, B, and C to the Association.

3 The Developer shall convey the land designated on the Concept Plan as Parcels E and F to the Association.

4 The Developer shall convey any open trails or open space similar to Parcels D, G and H in the Concept Plan to the Association for ownership and maintenance.

5. The screen wall to be constructed in Parcels A and C, and the wrought iron fence in Parcel B fronting on the right of ways shall be owned and maintained by the Association.

6 The acreages for the Open Space Lot parcels in the Concept Plan may be more or less than the actual acreages at the time of conveyance/dedication.

7 Parks dedication – At the recording of each final plat, the Developer shall escrow the park fee of \$200 per residential lot included in the plat being recorded (unless sufficient, acceptable parkland is being dedicated in a given final plat).

H Sidewalks

1 The Developer shall build a sidewalk, six (6) feet in width, on one side of the street within the public right-of-way in roughly the same continuous location as depicted in the Concept Plan as "Sidewalk Trail" as the street sections are (platted and) constructed.

I. General Requirements

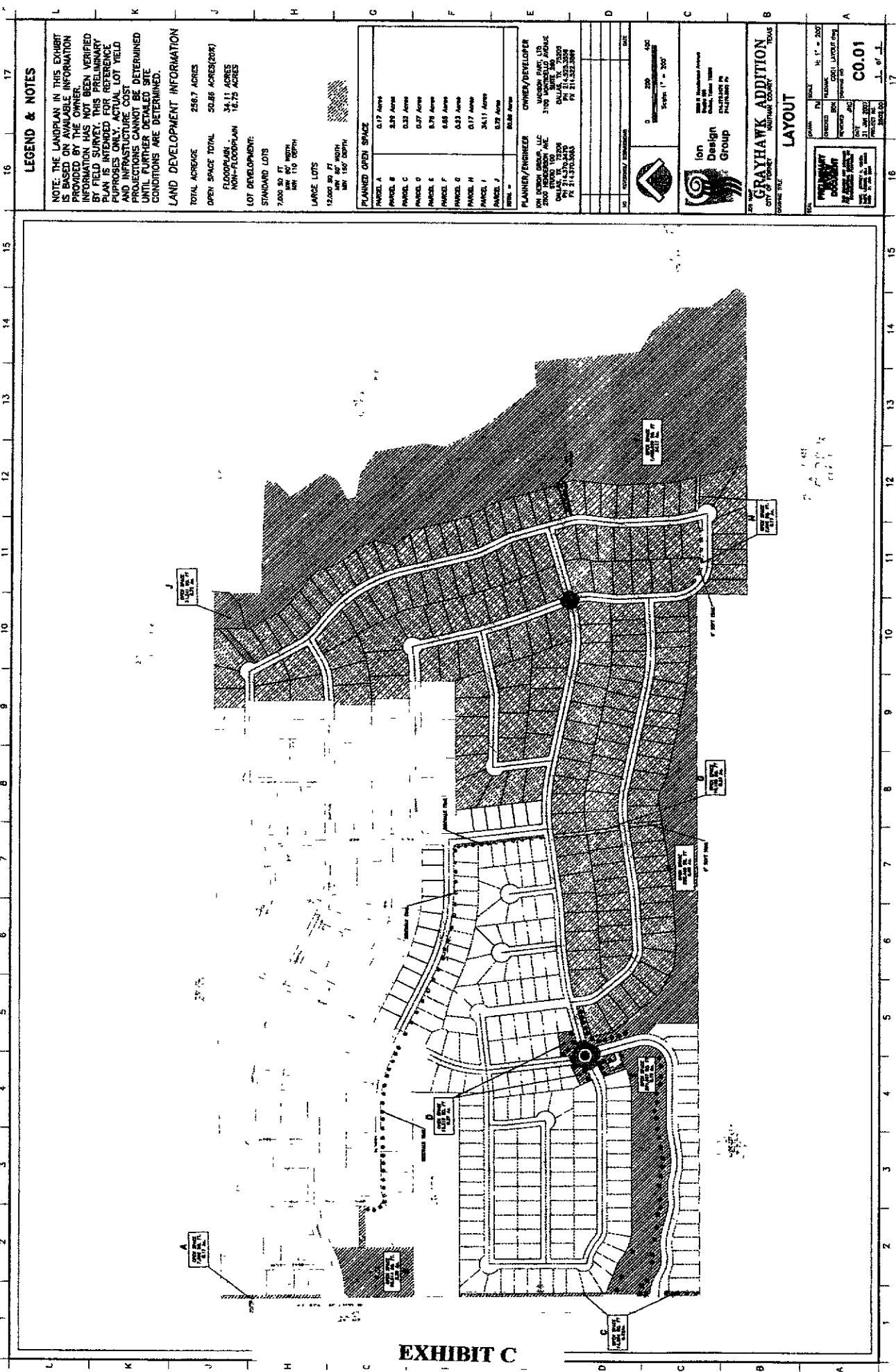
1 A minimum of 40% of the streets shall be curvilinear for the Property as a whole.

2. Driveways shall be constructed of concrete or brick-like pavers.

3 The average lot size shall be 9,000 square feet for the District as a whole.

J Homeowner's Association

A Homeowner's Association will be incorporated in the State of Texas by the Developer, recorded with Kaufman County and delivered to the City of Forney prior to the recording of the Final Plat for Phase One. Deed restrictions shall be recorded by the Developer simultaneous with the recording of the Final Plat for Phase One.



LEGEND & NOTES

NOTE: THE LAYOUT IN THIS EXHIBIT IS BASED ON AVAILABLE INFORMATION PROVIDED BY THE OWNER. INFORMATION HAS NOT BEEN VERIFIED BY FIELD SURVEY. THIS PRELIMINARY PLAN IS INTENDED FOR REFERENCE PURPOSES ONLY. ACTUAL LOT YIELD AND IMPROVEMENTS COSTS AND PROJECTIONS CANNOT BE DETERMINED UNTIL FURTHER DETAILED SITE CONDITIONS ARE DETERMINED.

LAND DEVELOPMENT INFORMATION
 TOTAL ACREAGE 286.7 ACRES
 OPEN SPACE TOTAL 50.86 ACRES (20%)
 FLOODPLAIN 34.11 ACRES
 NON-FLOODPLAIN 14.75 ACRES

LOT DEVELOPMENT:
 STANDARD LOTS
 2,000 SQ FT
 100' WIDE FRONT
 100' TO DEPTH

LARGE LOTS
 12,000 SQ FT WIDTH
 100' TO DEPTH

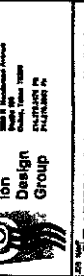
PLANNED OPEN SPACE

PANEL A	0.17 Acres
PANEL B	0.18 Acres
PANEL C	0.18 Acres
PANEL D	0.17 Acres
PANEL E	0.17 Acres
PANEL F	0.18 Acres
PANEL G	0.18 Acres
PANEL H	0.17 Acres
PANEL I	0.17 Acres
PANEL J	0.17 Acres
PANEL K	0.18 Acres

PLANNER/ENGINEER
 ION DESIGN GROUP
 3100 WOODFIELD AVENUE
 SUITE 300
 OAK BROOK, IL 60451
 PH: 708.525.5555
 FAX: 708.525.5897

OWNER/DEVELOPER
 GRAYHAWK ADDITION
 3100 WOODFIELD AVENUE
 SUITE 300
 OAK BROOK, IL 60451
 PH: 708.525.5555
 FAX: 708.525.5897

SCALE: 1" = 200'
 GRAPHIC SCALE: 0, 100, 200, 400 FEET



GRAYHAWK ADDITION
 SUBDIVISION
 ILLINOIS

LAYOUT

DATE	11.14.2007
PROJECT NO.	0801
SCALE	1" = 200'
DATE	11.14.2007
PROJECT NO.	0801
SCALE	1" = 200'

EXHIBIT C