

ORDINANCE NO. 1113

**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 103.08 ACRES OF LAND MORE OR LESS IN THE MARTHA MUSICK SURVEY, ABSTRACT NUMBER 312, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND KNOWN AS GRAYHAWK SOUTH; APPROVING PLANNED DEVELOPMENT STANDARDS AS EXHIBIT "B"; APPROVING A CONCEPT PLAN ATTACHED HERETO 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 Uses for the property described as 103.08 acres, more or less, in the Martha Musick Survey, Abstract No. 312, in the City of Forney, Kaufman County, Texas, known as Grayhawk South, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

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 are 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.** 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 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 20 day  
of April, 2004.



**CITY OF FORNEY, TEXAS**

Daniel Snowz  
**MAYOR**

**ATTEST:**

Odessa Moore  
**CITY SECRETARY**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**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 Gillum 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.

## EXHIBIT B

### ZONING FILE NO. 04-06

#### FM 548 (Walnut Lane), north of FM 740 PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to provide a higher quality of mixed residential uses that are compatible with the natural characteristics of the land, such as topography, creeks, and floodplain, while still providing the highest and best use for the property based on its location and access to major roadways. This district is intended to be composed of detached single family dwellings together with parks and paseos in order to form a viable and unique neighborhood area.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 1085, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the SF-8 (Single Family Residential) District set forth in Section 19 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
- A. **Concept Plan:** The Concept Plan for this Planned Development District is attached as Exhibit "C", incorporated herein by reference. However, 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 and lot mix locations shown on the Concept Plan shall be allowed based on detailed design and the review and approval process through the City of Forney.
- B. **Preliminary Plat:** A Preliminary Plat (and Preliminary Engineering Plans) for each phase of development shall be submitted to the City of Forney in accordance with the City of Forney Subdivision Ordinance (Ordinance No. 1012) as it exists as of the execution date of this document.
- C. **Final Plat:** A Final Plat (and Engineering Plans) for each phase of development shall be submitted to the City of Forney in accordance with the City of Forney Subdivision Ordinance (Ordinance No. 1012) as it exists as of the execution date of this document.
- V. **Specific Regulations:**
- A. **Permitted Uses:** No uses shall be permitted except for the uses listed under the "SF-8 (Single Family Residential) District" in Section 19 of the Comprehensive Zoning Ordinance and the following uses.
1. Public and private parks, greenbelt areas, paseos, and trails.
  2. Real estate sales offices and model homes during the development and marketing of the residential areas.
  3. Directional signs pertaining to the development.

**B. Area Requirements – R-8.8 Single Family Residential District**

1. Minimum lot area – 10,000 square feet
2. Maximum number of single family detached dwelling units per lot – 1
3. Minimum square footage per dwelling unit – 2,000 square feet
4. Minimum lot width – 80 feet, as measured along the front setback line. Lots located on a cul-de-sac or an eyebrow may have a minimum lot width of seventy (70) feet as measured along the front setback line.
5. Minimum lot depth – 110 feet. Lots located on a cul-de-sac or an eyebrow may have a minimum lot depth of one hundred (100) feet.
6. Minimum depth of front setback – 25 feet. Lots located on a cul-de-sac or an eyebrow may be staggered and shall have a maximum front setback of forty (40) feet.
7. Minimum depth of rear setback – 20 feet
8. Minimum width of side setback:
  - a. Internal lot – 6 feet standard. In lieu of using a standard side setback and in an effort to encourage side and rear entry garages, the Developer may stagger the side setbacks as long as the minimum total side setback distance per lot is twelve (12) feet and the minimum side setback is three (3) feet. In no case shall the minimum separation of houses on adjacent lots be less than ten (10) feet.
  - b. Abutting a public street – 15 feet
  - c. Key lot – 25 feet
9. Maximum lot coverage – 45%
10. Maximum building height – 36 feet or 2 1/2 stories

**C. Area Requirements – R-14.5 Single Family Residential District**

1. Minimum lot area – 14,250 square feet (1/3 acre)
2. Maximum number of single family detached dwelling units per lot – 1
3. Minimum square footage per dwelling unit – 2,200 square feet
4. Minimum lot width – 85 feet, as measured along the front setback line. Lots located on a cul-de-sac or an eyebrow may have a minimum lot width of seventy-five (75) feet as measured along the front setback line.
5. Minimum lot depth – 140 feet. Lots located on a cul-de-sac or an eyebrow may have a minimum lot depth of one hundred and twenty (120) feet.
6. Minimum depth of front setback – 30 feet. Lots located on a cul-de-sac or an eyebrow may be staggered and shall have a maximum front setback of fifty (50) feet.
7. Minimum depth of rear setback – 20 feet
8. Minimum width of side setback:

- a. Internal lot – 6 feet standard. In lieu of using a standard side setback and in an effort to encourage side and rear entry garages, the Developer may stagger the side setbacks as long as the minimum total side setback distance per lot is twelve (12) feet and the minimum side setback is three (3) feet. In no case shall the minimum separation of houses on adjacent lots be less than ten (10) feet.
  - b. Abutting a public street – 15 feet
  - c. Key lot – 25 feet
9. Maximum lot coverage – 40%
  10. Maximum building height – 36 feet or 2 1/2 stories

**D**     Area Requirements – R-22.0 Single Family Residential District

1. Minimum lot area – 22,000 square feet
2. Maximum number of single family detached dwelling units per lot – 1
3. Minimum square footage per dwelling unit – 2,400 square feet
4. Minimum lot width – 100 feet, as measured along the front setback line. Lots located on a cul-de-sac or an eyebrow may have a minimum lot width of eighty (80) feet as measured along the front setback line.
5. Minimum lot depth – 200 feet. Lots located on a cul-de-sac or an eyebrow may have a minimum lot depth of one hundred and fifty (150) feet.
6. Minimum depth of front setback – 35 feet. Lots located on a cul-de-sac or an eyebrow may be staggered and shall have a maximum front setback of fifty (50) feet.
7. Minimum depth of rear setback – 20 feet
8. Minimum width of side setback:
  - a. Internal lot – 10 feet
  - b. Abutting a public street – 15 feet
  - c. Key lot – 25 feet
9. Maximum lot coverage – 40%
10. Maximum building height – 36 feet or 2 1/2 stories

**E.**     Density and Average Lot Size

1. The maximum allowed dwelling units based upon Zone A – 1/2 acre lots (Comp. Plan 2001) shall not exceed 206 units.
2. The average net lot size shall not be less than 15,000 square feet.

**F**     Garage, Parking and Driveway Requirements

1. Off-street parking requirements shall conform to Section 38: "Off-Street Parking and Loading Requirements"

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.

G. Building Criteria

- 1 Exterior building facades on all stories shall consist of a minimum of 90% stone, brick, or other masonry veneer product of finished quality and/or glass materials, windows, and doors. Neither stucco nor concrete block can be used as a part of the 90% calculation. 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.
3. The minimum roof pitch shall be 8:12.
- 4 The minimum roof overhang (soffit) shall be twelve (12) inches.
5. All mailboxes shall be constructed of stone, brick, or other masonry veneer matching the major dwelling unit's building material.

H. Landscaping & Screening

- 1 There shall be a minimum fifteen (15) foot landscape buffer along F.M. 548 (Walnut Lane).
2. Unless otherwise approved by the City Council or their designee, the Developer shall construct a minimum six (6) foot high screen wall along FM 548 (Walnut Lane) where single family lots abuts the right-of-way. This screen wall shall be constructed of stone, stucco, brick, concrete block, or any combination thereof. Structural columns shall be of similar as the wall and shall be spaced at a maximum interval of thirty (30) feet. This solid screen wall shall extend two (2) single family lots beyond the FM 548 (Walnut Lane) right-of-way and along the District property line. Construction plans for the screen wall shall be approved by the City of Forney prior to construction.
3. Unless otherwise approved by the City Council or their designee, the Developer shall construct a minimum six (6) foot ornamental metal fence along FM 548 (Walnut Lane) where a Homeowner's Association (HOA) park abuts the right-of-way. Structural columns shall be spaced at a maximum interval of thirty (30) feet and shall be constructed of stone, stucco, brick, concrete, or any combination thereof. A living screen is not required in this situation.
- 4 Entry features may be constructed as part of the screen wall design and shall be of similar materials as the screen wall. The maximum height of any entry feature shall be eight (8) feet.



5. The Developer shall be allowed to construct a divided entry into the site. This entry shall contain a median and 2-25' back-to-back pavement sections. Landscaping and entry features may be installed in this median.
6. The screen wall and entry features shall be contained in the required landscape buffer, in the entry median, or in an easement granted to the HOA for maintenance.
7. For all HOA parks, the Developer shall plant one (1) tree 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 to be planted within twenty (20) feet of the back of curb.
8. Along the Paseo, a minimum of one (1) tree per lot having a minimum two (2) inch caliper diameter, as measured four (4) feet above the base of the tree.
9. Along the Paseo, down-lighting on 10 foot high poles shall be installed at entries intersecting a street. Lights shall be installed at 40 foot intervals and entry features shall be contained in the required landscape buffer, or in an easement granted to the HOA for maintenance.
10. The front yard of each dwelling shall be grassed with a landscape requirement of eight (8) shrubs and two (2) trees having a minimum three (3) inch caliper diameter, as measured four (4) feet above the base of the tree.
11. Unless otherwise approved by the City Council or their designee, all plantings shall be per the City of Forney approved planting list as it exists as of the execution date of this document.
12. Within all HOA areas, the Developer shall install grass and shall maintain a standard underground irrigation system for the following items.
  - a. The minimum fifteen (15) foot landscape buffer along FM 548 (Walnut Lane).
  - b. The Paseos.
  - c. The HOA parks, excluding the floodplain portion of Mustang Creek Park.

I. Fencing

1. Unless otherwise noted in Section N of these Standards or unless otherwise approved by the City Council or their designee, fences constructed for individual single family lots shall have the minimum height of six (6) feet and a maximum height of eight (8) feet. Fences shall be constructed by the respective homebuilder and shall be constructed of wood, ornamental metal, and/or masonry
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.

J. Paseos (Hike & Bike Paths)

1. The Developer shall have the option of constructing a paseo, twenty (20) feet in width, from the subdivision's FM 548 (Walnut Lane) frontage to the proposed Mustang Creek Park.
2. Unless otherwise approved by the City Council or their designee, each paseo shall contain a curvilinear concrete sidewalk with a minimum width of six (6) feet.
3. All fencing along the paseo shall be similar ornamental metal material with a minimum height of four (4) feet, and shall be a consistent height throughout each individual segment of the paseo. The fencing of the first ten (10) feet of all side yards adjacent to the paseos shall also be similar ornamental metal material with an outer ending height of six (6) feet. All paseo fencing shall be constructed by the respective homebuilder
4. The Developer shall install a minimum of three (3) standard park benches in the paseos and/or HOA parks.
5. The Developer shall construct a sidewalk, six (6) feet in width, generally adjacent to the sixty (60) foot right-of-way collector road along the Mustang Creek Park, or around the creek lots, along the entire length of the site. The sidewalk shall serve as the City-required four (4) foot wide sidewalk for this side of the collector road.

K. Sidewalks

1. Sidewalks, four (4) feet in width, shall be built on both sides of all streets within the public right-of-way as per city standards. The developer shall also construct all sidewalks in landscape buffers, HOA parks, and paseos as noted. The homebuilder shall construct all sidewalks adjacent to the respective lot.
2. Handicap ramps shall be constructed by the responsible party at all street intersections. The Engineering plans shall specify that barrier-free curbs be constructed with the streets to allow for installation of the handicap ramps by the responsible party

L. Certificates of Occupancy

If requested so by the Developer, the City of Forney 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 and the installation of applicable franchise utilities. The maximum number of lots with early-released permits shall not exceed fifteen (15) percent of the total number of platted lots proposed with that respective phase.

M. Maintenance of Common Facilities

1. The park shown along and including Mustang Creek may be owned and maintained by either the City of Forney or HOA. Unless approved otherwise by the City Council or their designee, this park shall contain a

minimum of five (5) non-floodplain acres before it can be dedicated as a City of Forney public park.

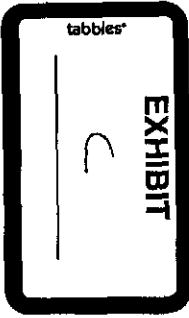
2. All other parks within this district shall be owned and maintained by the HOA. There shall be a minimum of two (2) HOA parks (excluding the Mustang Creek Park) with a total minimum acreage of one (1) acre. Areas of paseos may be included in this minimum acreage.
3. The paseos within this district shall be owned and maintained by the HOA.
4. The minimum fifteen (15) foot landscape buffer along FM 548 (Walnut Lane) shall be owned and maintained by the HOA. The screen wall (or other alternatives as defined in Section L) along FM 548 (Walnut Lane) shall be owned by and maintained by the HOA.
5. The City of Forney shall be under no obligation for ownership and/or maintenance of the above referenced HOA items without prior approval by the City Council or their designee.

**N. General Requirements**

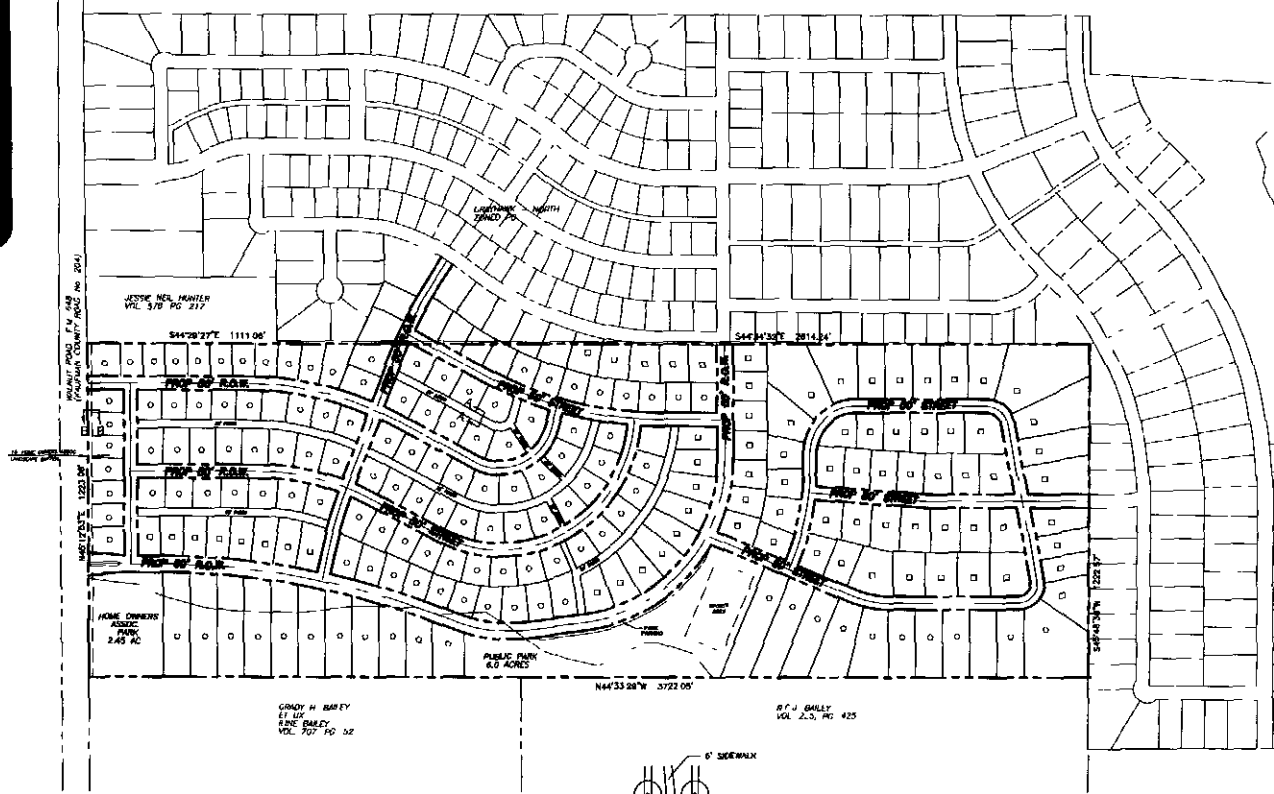
1. A minimum of 40% of the streets shall be curvilinear
2. Driveways shall be constructed of concrete or brick pavers.
3. All dwelling units shall be structurally connected to a permanent, reinforced concrete or pier and beam foundation.
4. All streets in fifty (50) foot rights-of-way shall be a minimum of twenty-seven (27) feet as measured from back of curb to back of curb.
5. Street intersection offsets and maximum block lengths shall be allowed as generally shown on the Concept Plan.
6. Streets should intersect at 90-degree angles as much as possible. In no case shall streets intersect at angles more than 10-degrees more or less than 90-degrees.
7. All private (franchise) utilities shall be located underground.

**O. Homeowner's Association**

1. A Homeowner's Association will be incorporated in the State of Texas by the Developer prior to the recording of the Final Plat for the first phase of development.
2. Homeowner's Association Documents (Covenants, Codes, and Restrictions) will be recorded with Kaufman County and delivered to the City of Forney prior to the recording of the Final Plat for the first phase of development.



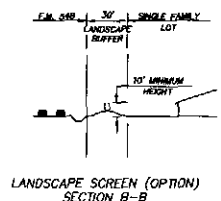
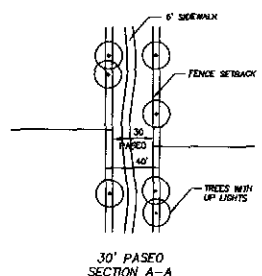
WEST FOUNDATION  
VOL. 441 PG. 197



LOT SUMMARY					
GEOMETRY	TYPE	NET AREA (SQ. FT.)	AREA	TOTAL SQUARE FEET	PERCENTAGE ALLOWED
	R-22.5 (1/2 ACR)	110' x 200'	22,000 SF	22	NA
	R-14.5 (1/2 ACR)	80' x 120' 100' x 100'	14,000 SF	74	NA
	R-8.5	51' x 110'	5,610 SF	108	NA
			208	208	

**NOTES:**

- Setbacks are as follows:  
R-22.5  
Front Yard - 25'  
Rear Yard - 20'  
Side Yard (between) - 10'  
Side Yard (Adjacent to Street) - 15'
- All houses shall be Public.
- Minimum Water Supply will provide or serve the project for water. Sanitary sewer is available for the project at the off-site location.
- All street right-of-ways to be 60' and 60' as shown.
- No Single Family lots are allowed to access Wolcott Road F.M. 542.



OWNER: RUFF ROYAL LULLUM  
P.O. BOX 130  
FOURTH, TX 75126  
DEVELOPER: MAURISTON BUILDINGS  
3100 MONTELEONE AVE. SUITE 200  
DALLAS, TEXAS 75205  
PHONE: (214) 443-6472  
FAX: (214) 527-9861  
CONTACT: MIKE BOGEL