

ORDINANCE NO. 1072

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY GRANTING A PLANNED DEVELOPMENT DISTRICT (PD SF-R6) FOR SINGLE-FAMILY AND RETAIL USES FOR THE PROPERTY DESCRIBED AS 19.87 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND KNOWN AS H & P ADDITION; APPROVING A FINAL DEVELOPMENT PLAN ATTACHED HERETO AS EXHIBIT "B"; APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "C", 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 (PD SF-R6) for the property described as 19.87 acres, more or less, in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, known as H & P Addition, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

SECTION 2. That the granting of this Planned Development District is subject to the following general and special conditions:

a. That the Planned Development will be constructed in accordance with the Final Development Plan attached hereto as Exhibit "B", made a part hereof for all purposes;

b. That the Planned Development will be constructed in accordance with the area regulations and use restrictions contained in the Development Guidelines incorporated in Exhibit "C" attached hereto and made part hereof for all purposes.

SECTION 3 That all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 4. 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 5. 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 6. 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 18 day of February, 2003



APPROVED:

Wilson L. Brown
MAYOR

APPROVED AS TO FORM:

Robert F. Williams
CITY ATTORNEY
(RLD/1-31-03)

ATTEST:

Odessa Moore
CITY SECRETARY

EXHIBIT "c"
DEVELOPMENT GUIDELINES
H & P ADDITION – 19.87 ACRES
(PD SF-R6)

SINGLE FAMILY RESIDENCES

DEFINITION:

Single-family residences are proposed as a form of single-family detached housing. Ownership of these residences would involve the unit as well as the lot. These units shall be one- or two-story structures.

PURPOSE:

To develop the property with medium density housing.

PERMITTED USES:

1. Single-family detached residential units.
2. All uses permitted in the (SF-R6) Single-Family Residential zoning district.
3. Patio/garden homes, and zero-lot-line homes (all detached single-family dwelling units).

CONDITIONAL USES:

- 1 As may be permitted within the SF-R6 zoning district.

REQUIREMENTS:

Height Requirements: No structure shall exceed thirty-five (35) feet or two and a half (2½) stories in height.

Area Requirements:

Front Yard - There shall be a front yard having a depth of not less than twenty-five (25) feet.

Side Yard - Minimum interior side yard shall be six (6) feet.
Lots abutting a side street shall have a minimum of twelve (12) feet setback on the side street.
The minimum side yard for zero-lot-line shall be zero (0) feet on one side of the lot (interior side yard only), and twelve (12) feet on the other side (interior or side street).

Rear Yard - There shall be a rear yard setback of not less than ten (10) feet.

Lot Area - No building shall be constructed or placed on any lot of less than four thousand one hundred and fifty (4,150) square feet.

Lot Depth - The depth of any lot shall not be less than eighty (80) feet.

Lot Width - The minimum lot width shall be forty (40) feet, as measured at the front building line.

Minimum Dwelling Size - The floor area of any dwelling unit shall not be less than one thousand two hundred (1,200) square feet.

Lot Coverage - Maximum of forty percent (40%) of the total lot area may be covered by the combined area of the main building and any accessory buildings.

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

NOTE: As part of the parking requirements, a concrete driveway shall be required for each dwelling unit. The driveway shall be of sufficient size to accommodate one car at a minimum of eight (8) feet width and eighteen (18) feet in depth.

Building Materials - All dwelling units shall be constructed of masonry, stucco or glass building materials of the kind usually used for outside wall construction, to the extent that at least eighty (80) percent of the overall exterior is masonry which is evenly distributed around the whole house.

Additional Requirements:

1. The PD-SF-R6 development will consist of approximately 82± lots.
2. All dwellings shall be required to have an attached garage.
3. Any development standards not specifically listed herein shall be governed by those applicable to the SF-R6 zoning district in the City's Zoning Ordinance (Ordinance 832), Building Code, Code of Ordinances and other applicable ordinances, as may be amended.

**DEVELOPMENT GUIDELINES
H & P ADDITION - _____ ACRES
(PD GR)**

GENERAL RETAIL

DEFINITION:

The General Retail portion of the PD is proposed to provide limited retail, convenience goods and services for persons residing in the surrounding residential areas.

PURPOSE:

To provide the local residents the convenience of retail stores, and to provide the small businesses some office space to conduct their business.

PERMITTED USES:

1. All uses permitted within the GR zoning district.

CONDITIONAL USES:

1. As may be permitted within the GR zoning district.
2. Garden center/plant nursery (may be permitted by CUP only).
3. Used car sales lot (may be permitted by CUP only).

REQUIREMENTS:

Height Requirements: In accordance with GR zoning district standards.

Area Requirements:

Front Yard - There shall be a front yard having a depth of not less than twenty-five (25) feet; all street frontages shall be treated as a front yard.

Rear Yard - There shall be a rear yard having a depth of not less than twenty (20) feet.

Side Yard - There shall be a side yard having a depth of not less than twenty (20) feet.

Lot Area - No building shall be constructed or placed on any lot of less than six thousand (6,000) square feet.

Lot Depth - The depth of any lot shall not be less than one hundred (100) feet.

Lot Width - The minimum lot width shall be sixty (60) feet, and one hundred twenty (120) feet for lots adjacent to Highway 80, as measured at the front building line.

Lot Coverage - In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main building and any accessory buildings.

Parking Requirements - As required by the Zoning Ordinance of the City of Forney, as may be amended.

Building Materials - All buildings shall be constructed of brick or stone, with cast stone, or any combination of these materials, in accordance with GR district.

Landscaping Requirements - In accordance with GR district.

Additional Requirements:

- 1 The development will consist of approximately 6± lots.
2. A solid screening wall constructed of live materials (plants and trees) and/or solid masonry at a minimum height of six feet (6') shall be required along property lines to separate the PD-General Retail district lots and uses from the residential districts to the south and west. Any living screening shall be equipped with an automatic underground sprinkler system, and shall be kept in a living, growing condition at all times.
3. All outside storage of landscape materials shall be screened by a minimum six-foot (6') tall masonry screening wall and shall not be visible from a public street, with the exception of plants, trees and large specimen landscape boulders for display. Landscape materials such as dirt, sand, gravel, mulch and retaining wall timbers and like material shall be within the screened area, and shall not be visible from a public street including U.S. Highway 80 and its frontage roads. The design, orientation and type of screening of any outside storage area (landscape materials, automobiles, etc.) shall be reviewed and approved on the site plan.
4. The building elevations shall conform to the styles presented in the attached exhibits. Exhibit "A" is located in the City, and is an attractive building using stone as the main material. Exhibit "B" is a two-story brick structure – the developer will include cast stone as highlights on the building to be constructed.
5. All signs shall conform to the City of Forney's Sign Ordinance, as may be amended
6. A five-foot wide (5') sidewalk shall be constructed along all public street frontages (including U.S. Highway 80) as each lot is developed.
- 7 Any development standards not specifically listed herein shall be governed by those applicable to the GR zoning district in the City's Zoning Ordinance (Ordinance 832) Building Code, Code of Ordinances and other applicable ordinances, as may be amended.

State of Texas;
County of Kaufman:

All that certain lot tract or parcel of land situated in the John Gregg Survey, Abstract No. 171, City of Forney, Kaufman County, Texas and being all of a called 11.06757 acre tract of land described as Tract 2 and all of a called 8.79456 acre tract of land described as Tract 3, both conveyed to Texhio, Inc. by deed recorded in Volume 721, Page 789, Deed Records, Kaufman County, Texas, described as follows:

BEGINNING at a 5/8 inch yellow capped iron rod found for the East corner of said called 8.78456 acre tract, said point being in the Southwest right-of-way line of U.S. Highway 80, said point also being the North corner of a called 1.8372 acre tract of land conveyed to Anderson-Clayton Brothers Funeral Homes, Inc. by deed recorded in Volume 1118, Page 116, Deed Records, Kaufman County, Texas;

THENCE South 43 degrees 50 minutes 38 seconds West along the Southeast line of said called 8.78456 acre tract 430.73 feet to a 5/8 inch iron rod found for corner, said point being the West corner of said Anderson-Clayton Brothers Funeral Homes, Inc. tract;

THENCE South 43 degrees 40 minutes 13 seconds West continuing along the Southeast line of said Texhio tracts, 1204.93 feet to an iron pipe found for corner, said point being the South corner of the called 11.6757 acre tract, said point also being in the Northeast line of Kaufman Street;

THENCE North 46 degrees 02 minutes 23 seconds West along said Northeast line 612.27 feet to a 1/2 inch iron rod found for the West corner of said called 11.06757 acre tract, said point being the most Southwesterly South corner of Park Creek Estates, an addition to the City of Forney, Texas recorded in Cabinet 1, Page 557, Plat Records, Kaufman County, Texas, said point also being in the Southeast right-of-way line of Parkway Drive;

THENCE along the Southeasterly line of said Park Creek Estates, the following course and distances:

North 44 degrees 13 minutes 13 seconds East along said right-of-way line 61.43 feet to a 1/2 inch iron rod found for corner, said point being the beginning of a curve to the right having a radius of 19.0 feet, a central angle of 89 degrees 44 minutes 18 seconds and a chord bearing of North 89 degrees 05 minutes 22 seconds East, 26.81 feet;

Easterly along said curve to the right an arc length of 29.76 feet to a 1/2 inch iron rod set for corner the end of said curve, said point being the end of Park Creek Drive as paved;

North 32 degrees 40 minutes 32 seconds East, 30.51 feet to a 1/2 inch Iron Rod Set for corner;

North 45 degrees 42 minutes 09 seconds West, 16.28 feet to a 1/2 inch Iron Rod Set for corner, the South corner of Lot 1, Block B of said addition;

North 44 degrees 33 minutes 33 seconds East along the Southeast line of Lots 1 through 12, Block B, 626.01 feet to a 1/2 inch Iron Rod Set for corner, the East corner of said Lot 12, said point being in the Southwest line of Parkview Drive;

South 45 degrees 42 minutes 09 seconds East along said Southwest line, 64.41 feet to a 1/2 inch Iron Rod Set for corner, said point being the beginning of a curve to the to the right having a radius of 19.0 feet, a central angle of 90



degrees 15 minutes 42 seconds and a chord bearing of South 00 degrees 34 minutes 18 seconds East, 26.93 feet;

Southerly along said curve to the right, an arc length of 29.93 feet to a ½ inch Iron Rod Set for corner, the end of said curve, said point being the end of Central Avenue as paved;

South 53 degrees 37 minutes 02 seconds East, 30.31 feet to a ½ inch iron rod set for corner, said point being the beginning of a curve to the right having a radius of 19.0 feet, a central angle of 89 degrees 44 minutes 39 seconds and a chord bearing of South 87 degrees 18 minutes 25 seconds East, 26.81 feet;

Southeasterly along said curve to the right, an arc length of 29.76 feet to a ½ inch iron rod set for corner, the end of said curve, said point being the end of Parkview Drive, as paved;

North 55 degrees 10 minutes 08 seconds East, 31.13 feet to a ½ inch iron rod set for corner, said point being the beginning of a curve to the right having a radius of 19.0 feet, a central angle of 90 degrees 07 minutes 40 seconds and a chord bearing of North 02 degrees 21 minutes 16 seconds East, 26.9 feet;

Northeasterly along said curve to the right an arc length of 29.89 feet to a ½ inch iron rod set for corner, the end of said curve, said point being in the Southeast line of Central Avenue;

North 44 degrees 33 minutes 33 seconds East along said Southeast line, 122.0 feet to a ½ inch iron rod set for corner, said point being the beginning of a curve to the right having a radius of 19.0 feet, a central angle of 89 degrees 44 minutes 18 seconds and a chord bearing of North 89 degrees 57 minutes 05 seconds East, 26.81 feet;

Easterly along said curve to the right an arc length of 29.76 feet to a ½ inch iron rod set for corner, said point being the end of Ross Creek Drive, as paved;

North 44 degrees 19 minutes 14 seconds East, 38.0 feet to a ½ inch iron rod set for corner, said point being in the Southwest line of Lot 7, Block E of said addition;

South 45 degrees 42 minutes 09 seconds East along said Southwest line, 49 13 feet to a ½ inch iron rod set for corner, the South corner of said Lot 7;

North 44 degrees 33 minutes 33 seconds East along the Southeast line of said Lot 7, 80.0 feet to a ½ inch iron rod set for corner, said point being in the Southwest line of Lot 6;

South 45 degrees 42 minutes 09 seconds East along said Southwest line, 68.22 feet to a ½ inch iron rod set for the South corner of said Lot 6;

North 19 degrees 40 minutes 56 seconds East along the Easterly line of Lots 4 through 6, Block E, 256.21 feet to a ½ inch iron rod set for corner, from which a 5/8 inch iron rod found for the East corner of Lot 4 bears South 19 degrees 40 minutes 56 seconds West, 4.31 feet;

North 18 degrees 04 minutes 59 seconds East along the Easterly line of Lots 1 through 3, Block E, 176.03 feet to a point for corner in a manhole at an angle

point, from which a 1/2 inch iron rod found for the Northeast corner of Lot 2 bears South 18 degrees 04 minutes 59 seconds West, 28.15 feet;

North 41 degrees 35 minutes 55 seconds West continuing along the Easterly line of said Lot 1, 43.76 feet to a 5/8 inch iron rod found for the Northeast corner of same, said point being in the Southeasterly line of Park Creek Avenue;

North 69 degrees 26 minutes 09 seconds East along said Southeast line 106.0 feet to a 5/8 inch iron rod found for corner, said point being the West corner of Lot 1, Block I of said addition;

South 16 degrees 49 minutes 42 seconds East (directional control) along the Southwest line of said Lot 1, Block I, 84.41 feet to a 5/8 inch yellow capped iron rod found for the South corner of same;

North 66 degrees 14 minutes 19 seconds East along the Southeast line of said Lot 1, 78.15 feet to a 5/8 inch yellow capped iron rod found for corner, the East corner of same, said point being the end of Scenic drive, as paved;

North 47 degrees 39 minutes 22 seconds East, 31.65 feet to a 5/8 inch yellow capped iron rod found for corner, said point being the South corner of Lot 1, Block J of said addition;

North 63 degrees 35 minutes 05 seconds East along the Southeast line of said Lot 1, 94.98 feet to a 5/8 inch yellow capped iron rod found for corner the East corner of same, said point being in the Southwest right-of-way line of U.S. Highway 80;

THENCE South 48 degrees 40 minutes 34 seconds East along said right-of-way line and the Northeast line of the called 8.78456 acre tract, 463.18 feet to the Place of BEGINNING and containing 19.87 acres of land.

*** FILED FOR RECORD ***
Kaufman County, Texas
Inst #10631 V 1772 P 197
07/11/2001 02:42pm



NOTES

1. This plan is a special use of the zoning and may be amended at any time.
 2. The zoning is subject to the zoning ordinance and all other applicable laws and regulations.
 3. The zoning is subject to the zoning ordinance and all other applicable laws and regulations.
 4. The zoning is subject to the zoning ordinance and all other applicable laws and regulations.
- A copy of the zoning ordinance is available at the Planning Department, 1000 North Main Street, Dallas, Texas 75202-4991.
- The zoning is subject to the zoning ordinance and all other applicable laws and regulations.

PLANNING DEPARTMENT
 1000 NORTH MAIN STREET
 DALLAS, TEXAS 75202-4991
 PHONE: (214) 670-1234
 FAX: (214) 670-1234
 WWW: www.dallasplanning.com

