

**CITY OF FORNEY, TEXAS**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 88.4 ACRES CURRENTLY ZONED PD – PLANNED DEVELOPMENT OVERLAY DISTRICT, WITH A BASE ZONING DISTRICT DESIGNATED AS SF-11 – SINGLE FAMILY RESIDENTIAL DISTRICT, IN THE J. LOPEZ SURVEY, ABSTRACT NO. 286, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, TO PD – PLANNED DEVELOPMENT OVERLAY DISTRICT, WITH BASE ZONING DISTRICTS DESIGNATED AS SF-6 – SINGLE FAMILY RESIDENTIAL DISTRICT, SFA – SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT (TOWNHOMES), AND NS – NEIGHBORHOOD SERVICE DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Forney (“City Council”), pursuant to Section 217.042 of the Texas Local Government Code, as amended, possesses the power to regulate zoning and development in the City; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Forney; and

**WHEREAS**, the City Council of the City of Forney, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission of the City of Forney and of all testimony and information submitted during said public hearing, has determined that, in the public’s best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, the zoning of the property described herein shall be changed, and that the official zoning map of the City of Forney, Texas, shall be amended to reflect the rezoning of the property described.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS THAT:**

**Section 1. FINDINGS INCORPORATED**

All of the above premises are found to be true and correct legislative and factual determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2. ZONING AMENDED**

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the official zoning map of the City of Forney, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said City of Forney, Texas Comprehensive Zoning Ordinance, Ordinance No. 1085, as

amended ("Zoning Ordinance"), are not amended, but shall remain intact and are hereby ratified, verified, and affirmed, in order to create a change in the zoning classification of the property described herein, as follows:

That zoning for certain tracts of land being 88.4 acres of land in the J. Lopez Survey, Abstract No. 286, and more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"), presently zoned PD – Planned Development Overlay District, is hereby rezoned PD – Planned Development Overlay District, with base zoning districts of SF-6 – Single Family Residential District, SFA – Single Family Attached Residential District (Townhomes), and NS – Neighborhood Service District. The Planned Development shall be identified as Adams Ranch and is zoned in accordance with Exhibit "B" (Development Standards and Permitted Uses) and Exhibit "C" (Concept Plan), attached hereto and incorporated herein by reference as if repeated verbatim.

### **Section 3. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Zoning Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

### **Section 4. SAVINGS CLAUSE**

The Zoning Ordinance shall be and remain in full force and effect save and except as amended by this Ordinance.

### **Section 5. REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

### **Section 6. PENALTY CLAUSE**

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

### **Section 7. EFFECTIVE DATE**

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.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Forney, Texas,  
on this the \_\_\_\_ day of \_\_\_\_\_, 2019.

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**MARY PENN, Mayor**  
**City of Forney**

**ATTEST:**

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**DOROTHY BROOKS, TRMC, CMC, City Secretary**

**APPROVED AS TO FORM:**

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**JON THATCHER, City Attorney**

## **EXHIBIT "A"**

### **DESCRIPTION OF PROPERTY**

**BEING** a tract or parcel of land situated in the Juan Lopez League and Labor Survey, Abstract No. 286, Kaufman County, Texas and being part of that tract of land conveyed from Katherine Adams to Carolyn Joyce Clark & Fred F. Adams, Jr. by deed recorded in Volume 1083, Page 217, Official Public Records of Kaufman County, Texas and being more particularly described as follows:

**BEGINNING** at a P-K nail found for corner in the centerline of Ranch Road at the Southernmost corner of the above cited Adams tract and being the Easternmost corner of a tract of land conveyed to Engle Homes/Texas, Inc. by deed recorded in Volume 2081, Page 21, Official Public Records of Kaufman County, Texas from which a ½ inch iron rod with red plastic cap stamped "USA INC PROP. COR." found bears North 45 degrees 11 minutes 40 seconds West, 30.00 feet;

**THENCE** North 45 degrees 11 minutes 40 seconds West with the Southwest line of said Adams tract for a distance of 1861.11 feet to a ½ inch iron rod with red plastic cap stamped "USA INC PROP. COR." found for corner in the centerline of Redbud Road;

**THENCE** North 45 degrees 14 minutes 45 seconds East along the centerline of said Redbud Road for a distance of 2,068.91 feet to a ½ inch iron rod with red plastic cap stamped "USA INC PROP. COR." set (hereinafter called ½ inch iron rod set) for the Northernmost corner of said Adams tract;

**THENCE** South 45 degrees 15 minutes 26 seconds East, passing a 3/8 inch iron rod found for the Westernmost corner of a tract of land conveyed to Gary & Sue Eddy by deed recorded in Volume 1171, Page 919, Official Public Records of Kaufman County, Texas at a distance of 1012.67 feet, and continuing passing a 3/8 inch iron rod found for the Westernmost corner of a tract of land conveyed to Gary & Sue Eddy by deed recorded in Volume 1015, Page 360, Official Public Records of Kaufman County, Texas at a distance of 1102.62 feet, and continuing passing a ½ inch iron rod found for the Westernmost corner of a tract of land conveyed to Carl & Judith Eudy by deed recorded in Volume 498, Page 469 Official Public Records of Kaufman County, Texas at a distance of 1338.14 feet and continuing passing a 5/8 inch iron pipe found in the Northwest line of the above cited Ranch Road at a distance of 1831.29 feet and continuing for a total distance of 1,861.13 feet to a P-K nail set for corner in the centerline of said Ranch Road;

**THENCE** South 45 degrees 14 minutes 45 seconds West along the centerline of said Ranch Road for a distance of 2070.94 feet to the **POINT OF BEGINNING** and containing 88.435 acres of land.

**BEING** a tract or parcel of land situated in the Juan Lopez League and Labor Survey, Abstract No. 286, Kaufman County, Texas and being part of that tract of land conveyed from Katherine Adams to Carolyn Joyce Clark & Fred F. Adams, Jr. by deed recorded in Volume 1083, Page 217, Official Public Records of Kaufman County, Texas and being more particularly described as follows:

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**THENCE** South 45 degrees 14 minutes 45 seconds West along the centerline of said Ranch Road for a distance of 2070.94 feet to the **POINT OF BEGINNING** and containing 88.435 acres of land.

# **EXHIBIT “B”**

## **PLANNED DEVELOPMENT CONDITIONS**

**DESCRIPTION**

A tract of land comprising approximately 88.4 acres of land being west and adjacent to Ranch Road and approximately 2,300 feet north of FM 740 (Ridgecrest Road). The boundaries of this Planned Development Zoning District are defined in the legal description attached herein as Exhibit “A”.

**PURPOSE AND INTENT**

The purpose of this Planned Development Zoning District is to provide a mixed use development and allow flexibility to the established minimum requirements in the underlying zoning districts described below. The intent is to provide a quality development in an orderly fashion with a variety of lot and house sized and to provide project amenities for the residents of the development.

**GENERAL CONDITIONS**

This Planned Development shall conform to any and all applicable articles and sections of the City of Forney Zoning Ordinance (#1085) and City of Forney Subdivision Ordinance (#1012), except as amended herein. The Base Zoning District for each area of the site is indicated in the table below. Development of this tract shall conform to the special development and lot standards and conditions established within this Planned Development Ordinance.

Any conflict between these standards and the City of Forney adopted Building Code will result in the application of the Building Code requirement.

AREA	BASE ZONING DISTRICT
A	SF-6 – Single-Family Residential
B	SF-6 – Single-Family Residential
C	SFA – Single-Family Attached Residential
D	GR – General Retail

**DEVELOPMENT CONDITIONS**

**AREA A – Base Zoning SF-6 with the following amendments**

**AREA REGULATIONS**

Minimum Lot Area	Six thousand nine hundred (6,800) square feet
Minimum Front Yard	Twenty (20) feet
Minimum Garage Door Setback	Twenty-five (25) feet
Minimum Side Yard	Five (5) feet for interior side yards, fifteen (15) feet for a corner lot
Maximum Lot Coverage	Fifty percent (50%) by main buildings and accessory buildings
Minimum Floor Area per Dwelling Unit	One thousand eight hundred (1,800) square feet total area, but at least twenty-five percent (25%) of the dwelling units in Area A shall have a minimum floor area of one thousand nine hundred (1,900) square feet.

**AREA B – Base Zoning SF-6 with the following amendments**

AREA REGULATIONS

Minimum Lot Area	Five thousand seven hundred fifty (5,750) square feet
Minimum Lot Width	Fifty (50) feet
Minimum Front Yard	Twenty (20) feet
Minimum Garage Door Setback	Twenty-five (25) feet
Minimum Side Yard	Five (5) feet for interior side yards, fifteen (15) feet for a corner lot
Maximum Lot Coverage	Fifty percent (50%) by main buildings and accessory buildings
Minimum Floor Area per Dwelling Unit	One thousand seven hundred (1,700) square feet total area, but at least twenty-five percent (25%) of the dwelling units in Area B shall have a minimum floor area of one thousand eight hundred (1,800) square feet.

**AREA C – Base Zoning SFA with the following amendments**

AREA REGULATIONS

Minimum Lot Area	Two thousand two hundred fifty (2,250) square feet
Maximum Density	Twelve (12) units per gross acres of land area within the area
Minimum Lot Width	Twenty-five (25) feet
Minimum Lot Depth	Ninety (90) feet
Minimum Front Yard	Twenty (20) feet
Minimum Side Yard	Single-family attached dwellings shall not have an interior side yard; however, a minimum fifteen (15) foot side yard is required for a corner lot. The ends of any two adjacent building complexes or rows of buildings shall be at least ten (10) feet apart.
Maximum Lot Coverage	Eighty percent (80%) by main buildings and accessory buildings
Minimum Floor Area per Dwelling Unit	One thousand five hundred (1,500) square feet total area.

SPECIAL REQUIREMENTS

Usable Open Space Requirements	Open space area shown on Exhibit C shall be shared with all residential uses in the development and shall be constructed with the first phase of residential development within the Planned Zoning District, whether in Area A, B, or C.
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Except as provided below, any single-family attached subdivision shall provide useable open space which equals or exceeds twenty percent (20%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for a single-family attached development if

it contains twenty (20) or fewer lots, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than single-family attached homes or is restricted by zoning to not permit single-family attached 70 development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous. Usable open space areas shall be in conformance with Subsections 21.5D and 21.5E.

Alleys

Alleys are prohibited. Each attached dwelling unit shall be front entry.

Private Yard

Each SFA lot shall contain a private yard with not less than two hundred fifty (250) square feet of area (i.e., a back yard or large side yard). Private yards may include a patio cover, gazebo or other similar non-enclosed structure which does not cover more than twenty-five percent (25%) of the area of the private yard, and they may also include a swimming pool, swing set, play fort, or other private leisure amenity.

Gated/secured entrances

Gated/secured entrances shall not be required

#### **AREA D – Base Zoning NS with the following amendments**

Child Care Center (Day Care) (Business) shall be a permitted use in Area D

#### **ADDITIONAL PERMITTED USES – AREAS A – D**

1. Sales and Leasing Offices shall be allowed during the development and marketing of the residential areas. Sales and Leasing Offices shall be removed when 100% of the homes/lots have been sold.
2. Temporary buildings (such as construction trailers) and incidental construction work shall be allowed during construction. Temporary buildings and incidental construction work shall be removed upon completion of each portion of the development.

#### **HOUSING STANDARDS**

- a. Trees - The homebuilder shall plant two (2) three-inch (3”) caliper trees on each single family lot and one (1) three-inch (3”) caliper tree on each townhouse 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.



- b. Fencing:
1. Single-family residential fencing, other than screening fences/walls, shall be built in accordance with the City's fence regulations, as amended. Fences shall be a minimum of six feet (6') in height and a maximum of eight feet (8') in height. Any private fence facing a public street shall have the board (i.e., finished) side of the fence located on the street side of the fence support structure.
  2. A fence shall be required as screening for the storage of a recreation vehicle, travel trailer, boat or similar equipment. The screening fence eight feet (8') in height shall be constructed in accordance with the City's fence regulations. Storage of a recreation vehicle, travel trailer, boat or similar equipment shall be prohibited in driveways.
- d. Roofing - Materials shall be at least 30-year, textured composition roofing or better with a minimum of 5/8" roof decking.
- e. Roof Pitch - The roof pitch of the homes shall be 6:12 minimum.
- f. Garage Doors: - Garage doors may face streets, but garage doors shall be set back a minimum of twenty (20) feet from any street right-of-way line.
- g. Height Requirements - No buildings shall exceed thirty-six (36') feet or 2½ stories in height.
- h. Mailboxes – Cluster units of mailboxes shall be provided for the development if required or preferred by the United States Postal Service.
- i. Any guidelines not listed herein shall be governed by the standard SF-6 & SFA Zoning District in the City's Zoning Ordinance, as amended, and by any other applicable City codes or ordinances.

## **DEVELOPMENT STANDARDS**

1. The development shall have a maximum density of 4.5 dwelling units per acre, or approximately 393 lots.
2. 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 applicant). Modifications may include, but shall not be limited to, reconfiguration of cul-de-sac streets, reducing the number of lots fronting onto collector streets, mitigating lengthy streets and cul-de-sacs, modifying odd-shaped lots such that they will meet lot width and depth minimums, assignment of street names, mitigation of visibility impairments, etc.
3. A ten foot (10') wide Landscape Buffer shall be provided along Ranch Road and Street "A" as depicted on Exhibit C. Developer shall plant one (1) shade tree with a minimum three inch (3") caliper, as measured six inches (6") above the base of the tree, for every fifty feet (50') of road frontage within each Landscape Buffer.
4. An Amenity Center shall be constructed in conjunction with the development of the initial residential lots in phase one of the development. Construction of the amenity

center shall commence prior to the issuance of a building permit for the thirtieth (30<sup>th</sup>) dwelling structure in phase one to allow for the completion and acceptance of the public infrastructure facilities. The Amenity Center and grounds shall include, at a minimum, a swimming pool, cabanas, an enclosed gathering area [minimum two thousand (2,000) square feet] including restrooms and landscaping including trees, shrubs, grass and irrigation.

5. Repetition of Residential Elevations – A minimum of seven (7) platted residential lots must be skipped on either side of the street before building the same residential structure with an identical or nearly identical elevations design. Identical or nearly identical street elevation design means little or no variation in the articulation of the façade, height or width of façade, placement of the primary entrances, porches, number and placement of windows, and other major architectural features. It does not mean similar colors, materials, or small details. This requirement shall apply to all single family residential lots.
6. Entry monumentation and screening concepts at main entrance location shall be provided. Project monumentation shall identify the primary project entry. Monumentation may also identify secondary entries, with the same or a complementary variation of the primary project entry design. Secondary entries may have proportionately smaller monumentation than the primary entry. Monuments may have a maximum height of eight feet (8') unless located within the front yard of a lot where the height shall be limited to 48". The monumentation shall be constructed of stone, brick, concrete block, concrete panel, wrought iron, landscaping, or similar materials, or any combination thereof, complementing the screening and landscaping, and enhancing the project image. All entryway features shall be located within an easement on the corner lot, and shall be maintained by the HOA or the private lot owner.
7. Park land dedication shall be in accordance with the City of Forney Subdivision Ordinance.
8. Screening along residential lots abutting Ranch Road and Street "A" shall be constructed of upgraded, stained cedar wood fencing (minimally), or of another alternative screening material if approved by the City with the preliminary plat. Screening shall be a minimum of six feet (6') in height.
  - a. Screening shall be located adjacent to the street right-of-way line within the Landscape Buffers, placed entirely within the Landscape Buffers, and maintained by the homeowners association.
  - b. Screening fencing shall have a structurally approved masonry column at a maximum spacing of forty feet (40') on center. Columns shall be a maximum height of seven feet (7').
  - c. The location and preliminary design of screening shall be submitted for approval with the preliminary plat. Construction plans for the screening fence/wall are to be included as a part of the public works civil engineering plans prior to final plat approval.
  - d. The entire screening fence along the single family residential lots that abut Ranch Road shall be constructed with the first home that abuts Ranch Road.

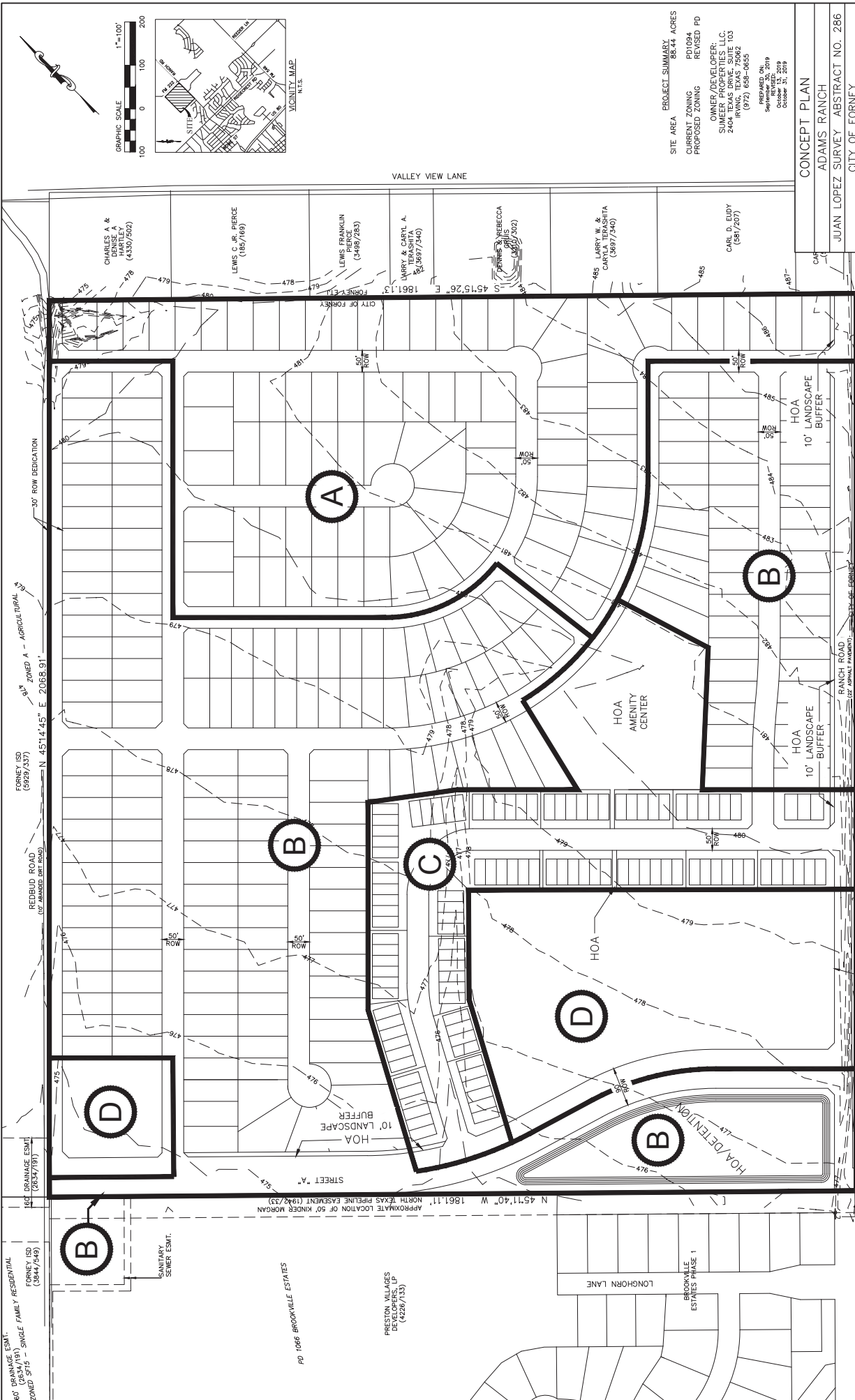
7. At least one street connection shall be provided to the adjacent property to the west.
8. Street names shall be determined at platting.
9. All sidewalks and barrier free ramps within the community shall be four feet (4') wide and built in accordance with City standards. Barrier free ramps shall be located at all street intersections and shall be constructed by the Developer concurrently with street construction. The Developer shall construct all sidewalks that front a common area or lot owned by the Home Owners Association. Sidewalks fronting or siding a residential lot in Areas A and B shall be constructed by the home builder concurrent with home construction. All sidewalks in Area C shall be constructed by the Developer. All sidewalks in Area D shall be constructed concurrent with commercial development.
10. The developer shall also provide decorative street lighting that is acceptable to the City and to the electric utility provider.
11. The developer shall provide decorative paving street patterns (i.e. stamped or dyed concrete) at the Ranch Road primary project entrance, similar to the size, style, and color installed at Brookville Estates entrances.
12. All on-site signage shall be in conformance with the City's Sign Ordinance, as amended.
13. Builder shall be allowed to move in a sales trailer prior to City acceptance of the subdivision for maintenance, subject to the discretion of the City's Building Official and subject to his approval of the trailer's location. Such trailer shall not be placed within any easement, street, or right-of-way.
14. The developer and Contractor shall be allowed to move in a project trailer prior to and during the construction, subject to City approval of location. Such trailer shall not be placed within any easement, street, or right-of-way. Project trailer is defined as a temporary structure to be used by the developer or contractor to coordinate construction activities. Project trailer shall not be used for promotional or marketing purposes.
15. A minimum of 90% of the SFA – Single-Family Attached Residential units will be sold as owner occupied.

## **HOME OWNERS ASSOCIATION**

A Home Owners Association (HOA) shall be established to maintain common area improvements specifically identified within this ordinance and shown on the Concept Plan/Land Study. The Amenity Center and all open space and landscape buffers shall be owned and maintained by the HOA. The HOA shall be established prior to the issuance of any house construction or building permit for the initial phase of development, and the HOA documents (e.g., articles of incorporation, bylaws, CCR's, etc.) shall be reviewed and approved by the City of Forney in accordance with Section 4.3 of the City's Subdivision Ordinance, as amended.

A subsection of the HOA CCR's shall be for Area C (SFA base zoning). All front lawn and landscaping shall be irrigated and maintained by the HOA in Area C.

# EXHIBIT "C"



**PROJECT SUMMARY**  
 SITE AREA 88.44 ACRES  
 CURRENT ZONING PD1094  
 PROPOSED ZONING REVISED PD  
 OWNER/DEVELOPER:  
 SUMMER PROPERTIES, L.L.C.  
 2404 TEXAS DRIVE, SUITE 103  
 IRVING, TEXAS 75062  
 (972) 655-0825  
 PREPARED BY:  
 S&P ENGINEERS, P.C.  
 1000 WEST 19TH STREET, SUITE 100  
 IRVING, TEXAS 75061  
 October 31, 2019

<b>CONCEPT PLAN</b>	
ADAMS RANCH	
JUAN LOPEZ SURVEY ABSTRACT NO. 286	
CITY OF FORNEY	
KAUFMAN COUNTY, TEXAS	
USA JOB NO.	2016010.01



JOSE LEYVA ET AL

JAMES L. & CHARLOTTE R. KICK

RICHARD M. & FABRILA HUMEREZ

DONALD S. & TEMA W. JONES

JOHN A. & KIMBERLY A. ENELL

JOSEPH L. & ROBBIE M. PASQUALE

TIMOTHY R. HALSDORF ETUX (824/733)

PARK TRAIL LTD (2770/435)

160' DRAINAGE ESMT.  
 FORNEY (SD) (3844/549)  
 ZONED S715 - SINGLE FAMILY RESIDENTIAL

160' DRAINAGE ESMT.  
 FORNEY (SD) (5929/337)  
 ZONED A - AGRICULTURAL

REDBUD ROAD (10' WALKED BRT ROAD)

30' ROW DEDICATION

APPROXIMATE LOCATION OF 60" UNDER MORGAN NORTH TEXAS PIPELINE EASEMENT (1982/33)

HOA 10' LANDSCAPE BUFFER

HOA AMENITY CENTER

HOA 10' LANDSCAPE BUFFER

HOA 10' LANDSCAPE BUFFER

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 FORNEY (SD) (3844/549)

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160' DRAINAGE ESMT.  
 FORNEY (SD) (3844/549)

ORDINANCE NO. 1074

**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) FOR SINGLE FAMILY RESIDENTIAL USES FOR THE PROPERTY DESCRIBED AS 88.435 ACRES OF LAND MORE OR LESS IN THE JUAN LOPEZ LEAGUE AND LABOR SURVEY, ABSTRACT NO. 286, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND KNOWN AS ADAMS RANCH; APPROVING PLANNED DEVELOPMENT STANDARDS AS EXHIBIT "C"; APPROVING A CONCEPT PLAN/LAND STUDY ATTACHED HERETO AS EXHIBIT "B"; 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) for the property described as 88.435 acres, more or less, in the Juan Lopez League and Labor Survey, Abstract No. 286, Kaufman County, Texas, known as Adams Ranch, 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 ("PD") will be constructed in accordance with the Development Standards, attached hereto as Exhibit "C" and made a part hereof for all purposes;

b. That the PD will be constructed in accordance with the concept plan and land study incorporated in Exhibit "B" (2 pages), attached hereto and made part hereof for all purposes;

c. That the permitted uses for the development shall be as listed in Exhibit "B" attached hereto and made part hereof for all purposes; and

d. That submission and approval of the detailed PD site plan shall be in accordance with Section 12 of the zoning ordinance. No building permit will be issued for any part of the PD until the detailed site plan and all other engineering/construction plans are first approved as provided by Section 12 of the zoning ordinance.

**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 14 day of December, 2003



**APPROVED:**

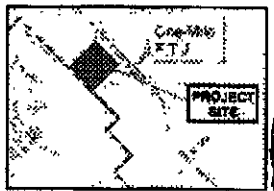
Daniel Groves  
**MAYOR**

**APPROVED AS TO FORM:**

Kurt S. Hillard  
**CITY ATTORNEY**  
(RLD/11-6-03)

**ATTEST:**

Edessa Moore  
**CITY SECRETARY**



VICINITY MAP  
N.T.S.

PROJECT SUMMARY	
PROPOSED ZONING:	PLANNED DEVELOPMENT
SIZE (IN ACRES):	88.435 ACRES
NUMBER OF LOTS:	249 LOTS
DENSITY:	2.82 DU/ACRE
CAND USES:	SINGLE FAMILY RESIDENTIAL
	36 MAX. HT BLDGS
	2.5 STORIES

TCEQ ONLINE SCALED  
FROM STATE DEPT. OF  
HIGHWAYS AND PUBLIC  
TRANSPORTATION MAP  
KAUFMAN COUNTY, TEXAS  
1980

ADAM L WEST & KIM WEST  
VOL. 1207, PG. 772  
O.P.R.K.C.T.  
UNZONED

ADAM L WEST & KIM WEST  
VOL. 1207, PG. 772  
O.P.R.K.C.T.

SFR-16 ZONING

USA, NOKOROP.COM

88.435 ACRES  
KATHERINE ADAMS  
TO:  
CAROLYN JOYCE CLARK  
& FRED F ADAMS, JR.  
VOL. 1083, PG. 217  
O.P.R.K.C.T.  
(VACANT)

ENGLE HOMES/TEXAS, INC  
VOL. 2081, PG. 21  
O.P.R.K.C.T.

CURRENT ZONING:  
PD

BROOKVILLE ESTATES - PHASE 1  
CURRENT ZONING:  
PD

C.B. OWEN'S  
VOL. 605, PG. 179  
O.P.R.K.C.T.

PD SFR-10 ZONING

NOTES:  
PROPOSED WOOD FENCE AND COLUMN  
SCREENING ALONG RANCH ROAD AND  
REDBUD ROAD SHALL BE MAINTAINED BY  
A MANDATORY HOMEOWNERS ASSOCIATION.

DEVELOPER:  
THYSSEN DEVELOPMENT  
1925 CEDAR SPRINGS ROAD  
DALLAS, TEXAS 75201  
(214) 397-1170  
(214) 397-1170 (FAX)

REVISIONS:  
DECEMBER 09, 2003  
NOVEMBER 18, 2003  
OCTOBER 27, 2003  
OCTOBER 02, 2003

249 LOTS

SEPTEMBER 11, 2003

- LEGEND
- = Power Pole
  - = 6" Water Main
  - = 12" Water Main
  - = 18" Water Main
  - = 24" Water Main
  - = 30" Water Main
  - = 36" Water Main
  - = 42" Water Main
  - = 48" Water Main
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  - = 66" Water Main
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  - = 1488" Water Main
  - = 1494" Water Main
  - = 1500" Water Main

tabbles  
EXHIBIT  
B



**ADAMS RANCH  
PLANNED DEVELOPMENT DISTRICT  
DEVELOPMENT STANDARDS  
City of Forney, Texas**



*Per City Council approval – December 2, 2003, and conditions on December 16, 2003  
Per P&Z approval – December 2, 2003  
Per comments received at Parks Board Meeting – November 12, 2003*

**PLANNED DEVELOPMENT # \_\_\_\_\_**

**Description:** A tract comprising approximately 88.4 total acres of land being west and adjacent to Ranch Road, and north of F.M. 740 (Ridgecrest Road) approximately 2300'. This tract is presently in the Forney ETJ. By method of a successful annexation by the City of Forney, this project in its entirety will be within the city limits. The boundaries of the Planned Development District are defined in the legal description and concept plan attached herein as Exhibits "A" and "B"

**Purpose and Intent:** The purpose of this Planned Development Zoning District is to provide high quality, single-family detached housing in a medium density neighborhood and allow flexibility to the established minimum requirements of the underlying SF-11 zoning district. The intent is to provide a quality development in an orderly fashion with a variety of lot and house sizes, as well as project amenities for the development.

**Procedure:** The standards contained herein set forth the conceptual requirements for the development of the district. Following approval of this ordinance, the developer shall prepare a development plan, a preliminary plat and detailed site engineering plans in a phased manner where applicable, along with a final plat for recording a specific tract or area to be developed and conforming to the criteria established herein.

**GENERAL CONDITIONS**

**Conformance to All Applicable Articles of the Forney Ordinances, Rules and Regulations:** Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Forney Zoning Ordinance (Ordinance No. 1085, as adopted on August 19, 2003), as amended.

The development of the tract shall conform with the special development and lot standards/conditions established within this Planned Development Ordinance, and with the SF-11 residential district in the City's Zoning Ordinance No. 1085, as amended (or with other applicable City codes/ordinances), for anything not specifically covered within this PD Ordinance.

## **DEVELOPMENT CONDITIONS:**

### **Permitted Uses:**

- A. Single-family detached units as outlined herein.
- B. All uses permitted by right or may be permitted by CUP, in the (SF-11) Single Family Residential District in the City's Zoning Ordinance 1085, as amended.

### **Development Phasing:**

The property will be developed in at least three residential phases, as the development market warrants.

### **Streets:**

The project shall contain public streets being twenty-seven feet (27') in width (back of curb to back of curb), except for designated north-south and east-west collector streets which shall be 37' in width (back of curb to back of curb), meeting the City of Forney Construction Standards.

### **Alleys:**

Alleys shall not be required within this entire Planned Development District.

### **Additional Permitted Uses:**

- 1 Sales and Leasing Offices during the development and marketing of the residential area, which shall be removed when 100% of the homes/lots have been sold.
2. Accessory buildings and uses customarily incidental to the permitted uses in the SF-11 district
3. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion of construction of the development.

## **LOT STANDARDS:**

### **1. Lot Setbacks:**

- a. Front Yard – There shall be a minimum front yard setback depth of twenty-five feet (25').
- b. Side Yard – Minimum side yard shall be six (6) feet except for those lots abutting the north project property line (Area D) which shall have a minimum side yard of seven and one-half (7.5) feet. Lots abutting a residential or collector street shall have a minimum side yard of fifteen (15) feet, and lots abutting an arterial (Ranch Road) shall have a minimum side yard of twenty (20) feet unless separated from the road by a minimum 30-foot wide landscape buffer area. Key corner lots shall have the same as the front setback on the adjacent side street. A key corner lot is a corner lot backing to the side of an adjacent lot's front yard.
- c. Rear Yard – There shall be a rear yard having a depth of not less than ten (10) feet.

**2. Lot Area:**

- a. The overall average lot area for the residential lots shall be a minimum 10,560 square feet.

**3. Lot Area and Dimension Criteria:**

- a. Lot Area – The minimum buildable lot area shall be as follows:
  - Area A. 9,100 square feet
  - Area B: 8,400 square feet
  - Area C 9,800 square feet
  - Area D:12,000 square feet
- b. Lot Depth – The minimum lot depth shall be as follows:
  - Area A. 130 linear feet
  - Area B: 120 linear feet
  - Area C 140 linear feet
  - Area D: 150 linear feet

The minimum lot depth for lots on a bulb portion of a cul-de-sac or eyebrow street shall be as follows:

- Area A. 120 linear feet
- Area B: 110 linear feet
- Area C. 130 linear feet
- Area D: 140 linear feet

- c. Lot Width – The minimum lot width shall as follows:
  - Area A. 68 linear feet
  - Area B: 68 linear feet
  - Area C. 68 linear feet
  - Area D: 80 linear feet

Minimum lot width shall be measured along the front building line. Minimum lot frontage on a public street shall not be less than thirty-five (35') feet, as measured along the street right-of-way

- d. Minimum Dwelling Size – The minimum house size shall be one thousand five hundred (1,500) square feet, but no more than twenty-five percent (25%) of the homes in the total project shall have a floor area less than 1,800 square feet. At least twenty percent (20%) of the homes in the total project shall have a floor area greater than 2,000 square feet, and at least an additional ten percent (10%) of the homes in the total project shall have a floor area greater than 2,200 square feet
- e. Lot Coverage – In no case shall more than forty-five percent (45%) of the total lot area be covered by the combined area of the main building and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.
- f. 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 with a garage space of at least eighteen (18) feet wide by twenty (20) feet deep.

#### 4. Housing Standards:

##### a. Building Materials:

1. A minimum of eighty percent (80%) of the total combined exterior wall surfaces, and at least seventy percent (70%) of each individual wall surface, of all main buildings shall have an exterior finish of stone, brick or other standard masonry construction material, per the City's Zoning Ordinance, as amended (the use of stucco, EIFS or other similar applied finish shall not qualify as "standard masonry"). The total of exterior wall surfaces shall exclude surface area that is devoted to windows, doors, dormers, garage doors and other fenestration. If there is wood siding around the window, door or garage door, it counts as wood siding. If the gable is in front of an attic space, it is exempt from the masonry requirement. If the gable is in front of a living space, it is considered into the calculation of masonry. The masonry requirement for each house shall be approximately evenly distributed around all facades of the house. Materials for garage construction shall be the same as for the main structure.

- b. Trees - 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. Tree selection shall be from the City's Approved Trees List Ordinance. Specifications for tree installation shall be American Standard for Nursery Stock, published by the American Association of Nurserymen.

##### c. Fencing:

1. Single-family residential fencing, other than screening fences/walls, shall be built in accordance with the City's fence regulations, as amended. Fences shall be a minimum of six feet (6') in height and a maximum of eight feet (8') in height. Any private fence facing a public street shall have the board (i.e., finished) side of the fence located on the street side of the fence support structure.
2. 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 in accordance with the City's fence regulations, as amended, and shall be a minimum of six feet (6') in height and a maximum of eight feet (8') in height.

- d. Roofing Materials shall be at least 25-year, textured composition roofing or better with a minimum of ½" roof decking

- e. Roof Pitch - The roof pitch of the homes shall be 6:12 minimum.

- f. Garage Doors: - Garage doors may face streets, but garage doors shall be set back a minimum of twenty-five (25) feet from any street right-of-way line.

- g. Height Requirements - No buildings shall exceed thirty-six (36') feet or 2 ½ stories in height.

- h. Mailboxes – Cluster units of mailboxes shall be provided for the development if required or preferred by the United States Postal Service. Otherwise, the style of mailboxes shall be coordinated throughout the development, and shall be masonry construction to compliment the each individual home.
5. Any guidelines not listed herein shall be governed by the standard SF-R10 Zoning District in the City's Zoning Ordinance No. 832, as amended, and by any other applicable City codes or ordinances.

#### **DEVELOPMENT STANDARDS:**

- 1 The development shall have a maximum density of 2.83 dwelling units per acre, or approximately 249 lots.
2. 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 applicant). Modifications may include, but shall not be limited to, reconfiguration of cul-de-sac streets, reducing the number of lots fronting onto collector streets, mitigating lengthy streets and cul-de-sacs, modifying odd-shaped lots such that they will meet lot width and depth minimums, assignment of street names, mitigation of visibility impairments, etc.
3. Entry monumentation and screening concepts at main entrance location is proposed as shown on the Concept Plan/Land Study Project monumentation shall identify the primary project entry Monumentation may also identify secondary entries, with the same or a complementary variation of the primary project entry design. Secondary entries may have proportionately smaller monumentation than the primary entry Monuments may have a maximum height of eight feet (8') unless located within the front yard of a lot where the height shall be limited to 48" The monumentation shall be constructed of stone, brick, concrete block, concrete panel, wrought iron, landscaping, or similar materials, or any combination thereof, complementing the screening and landscaping, and enhancing the project image. All entryway features shall be located within an easement on the corner lot, and shall be maintained by the HOA or the private lot owner.
- 4 Park land dedication shall be in accordance with Section 4 4 of the city's subdivision ordinance, as amended. Parks Board consideration and recommendation of park land dedication will be necessary with preliminary platting.
- 5 Screening along residential lots abutting Ranch Road and Redbud shall be constructed of upgraded, stained cedar wood fencing. Wood fencing shall be installed utilizing galvanized metal posts, board-on-board picket construction, and a wood cap. Screening shall be a minimum of six feet (6') in height.
  - a. Screening shall be located adjacent to the street right-of-way line but entirely on the private lots and within a minimum five-foot (5') wide screening wall maintenance easement granted to the homeowners association for maintenance.
  - b. Screening fence along Ranch Road shall have a structurally approved masonry column at a maximum spacing of forty feet (40') on center. Columns shall be a maximum height of seven feet (7'). Masonry columns in screening fence along Redbud are not required.

- c. The location and preliminary design of screening shall be submitted for approval with the preliminary plat. Construction plans for the screening fence/wall are to be included as a part of the public works civil engineering plans prior to final plat approval.
7. At least one street connection shall be provided to the adjacent property to the west.
8. Street names shall be determined at platting.
9. The developer shall also provide decorative street lighting that is acceptable to the City and to the electric utility provider.
10. The developer shall provide decorative paving street patterns (i.e. stamped or dyed concrete) at the Ranch Road primary project entrance, similar to the size, style, and color installed at the Brookville Estates entrances.
11. Driveway access to garages for lots siding to Redbud Road shall be prohibited.
12. All on-site signage shall be in conformance with the City's Sign Ordinance, as amended.
13. Off-site temporary directional signs shall not exceed six (6) square feet in area, and may contain the word "open" and a directional indicator. Such signs may not obstruct vision of traffic or pedestrians, nor be constructed of cardboard. Signs must be kept well-painted and in good condition, and may be utilized only from Friday at 12:00 noon until the following Monday at 12:00 noon.
14. Builder shall be allowed to move in a sales trailer prior to City acceptance of the subdivision for maintenance, subject to the discretion of the City's Building Official and subject to his approval of the trailer's location. Such trailer shall not be placed within any easement, street, or right-of-way
15. The developer and Contractor shall be allowed to move in a project trailer prior to and during the construction, subject to City approval of location. Such trailer shall not be placed within any easement, street, or right-of-way

**Home Owners Association:**

A home owners association shall be established to maintain common area improvements specifically identified within this ordinance and shown on the Concept Plan/Land Study. The association shall be established prior to the issuance of any house construction or building permit for the initial phase of development, and the association documents (e.g., articles of incorporation, bylaws, CCRs, etc.) shall be reviewed and approved by the City in accordance with Section 4.3 of the City's Subdivision Ordinance, as amended.

## Exhibit A

### LEGAL DESCRIPTION

(Adams Ranch)

**BEING** a tract or parcel of land situated in the Juan Lopez League and Labor Survey, Abstract No. 286, Kaufman County, Texas and being part of that tract of land conveyed from Katherine Adams to Carolyn Joyce Clark & Fred F Adams, Jr. by deed recorded in Volume 1083, Page 217, Official Public Records of Kaufman County, Texas and being more particularly described as follows:

**BEGINNING** at a P-K nail found for corner in the centerline of Ranch Road at the Southernmost corner of the above cited Adams tract and being the Easternmost corner of a tract of land conveyed to Engle Homes/Texas, Inc. by deed recorded in Volume 2081, Page 21, Official Public Records of Kaufman County, Texas from which a ½ inch iron rod with red plastic cap stamped "USA INC PROP COR." found bears North 45 degrees 11 minutes 40 seconds West, 30.00 feet;

**THENCE** North 45 degrees 11 minutes 40 seconds West with the Southwest line of said Adams tract for a distance of 1861.11 feet to a ½ inch iron rod with red plastic cap stamped "USA INC PROP COR." found for corner in the centerline of Redbud Road;

**THENCE** North 45 degrees 14 minutes 45 seconds East along the centerline of said Redbud Road for a distance of 2,068.91 feet to a ½ inch iron rod with red plastic cap stamped "USA INC PROP COR." set (hereinafter called ½ inch iron rod set) for the Northernmost corner of said Adams tract;

**THENCE** South 45 degrees 15 minutes 26 seconds East, passing a 3/8 inch iron rod found for the Westernmost corner of a tract of land conveyed to Gary & Sue Eddy by deed recorded in Volume 1171, Page 919, Official Public Records of Kaufman County, Texas at a distance of 1012.67 feet, and continuing passing a 3/8 inch iron rod found for the Westernmost corner of a tract of land conveyed to Gary & Sue Eddy by deed recorded in Volume 1015, Page 360, Official Public Records of Kaufman County, Texas at a distance of 1102.62 feet, and continuing passing a ½ inch iron rod found for the Westernmost corner of a tract of land conveyed to Carl & Judith Eudy by deed recorded in Volume 498, Page 469 Official Public Records of Kaufman County, Texas at a distance of 1338.14 feet and continuing passing a 5/8 inch iron pipe found in the Northwest line of the above cited Ranch Road at a distance of 1831.29 feet and continuing for a total distance of 1,861.13 feet to a P-K nail set for corner in the centerline of said Ranch Road;

**THENCE** South 45 degrees 14 minutes 45 seconds West along the centerline of said Ranch Road for a distance of 2070.94 feet to the **POINT OF BEGINNING** and containing 88.435 acres of land.

# Exhibit B

## CONCEPT PLAN

