

**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 AMENDING EXISTING PLANNED DEVELOPMENT ORDINANCE NO. 1066, TO AMEND THE PLANNED DEVELOPMENT STANDARDS AND CONCEPT PLAN ON APPROXIMATELY 43.875 ACRES IN THE J. LOPEZ SURVEY, ABSTRACT NO. 286, IN THE CITY OF FORNEY, KAUFMAN COUNTY; 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 Chapter 211 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 43.875 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, with a base zoning district of SF-10 – Single-Family Residential-10 District, is hereby amended to PD – Planned Development Overlay District, with a base zoning district of SF-6 – Single-Family Residential-6 District. The Planned Development is identified as Brookeville Estates and is zoned in accordance with the amendments provided in Exhibit "B" (Development) 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 \_\_\_\_\_, 2020.

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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

### FIELD NOTES

**BEING** a tract or parcel of land situated in the Juan Lopez Survey, Abstract No. 286, City of Forney, Kaufman County, Texas, and being known as all of that tract of land described in a Special Warranty Deed to Preston Villages Developers LP, a Texas Limited Partnership, as recorded in Volume 4226, Page 133 of the Official Public Records of Kaufman County, Texas and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod with plastic cap stamped "USA INC. PROP. COR." found for corner at the intersection of the Northeast line of F.M. Highway No. 740 with the center of Redbud Road, said point being the most Westerly corner of the above cited Preston Villages tract and the most Southerly corner of that certain tract of land conveyed to Forney Independent School District as recorded in Volume 3844, Page 549 of the Official Public Records of Kaufman County, Texas

**THENCE** North 45 degrees 06 minutes 28 seconds East along the center of said Redbud Road and along the Northwest line of said Preston Villages tract, a distance of 2282.78 feet to a 1/2" iron rod with plastic cap stamped "USA INC. PROP. COR." found for corner at the most Northerly corner of said Preston Villages tract, said point also being an ell corner of that certain tract of land conveyed to Forney Independent School District as recorded in Volume 5929, Page 337 of the Official Public Records of Kaufman County, Texas;

**THENCE** South 45 degrees 11 minutes 40 seconds East along the Northeast line of said Preston Villages tract and the Southwest line of said Forney ISD tract, passing a 1/2" iron rod found for reference at a distance of 30.00 feet, and continuing along said line for a total distance of 1170.53 feet to a 1/2" iron rod with plastic cap stamped "USA INC. PROP. COR." found for corner at the most Northerly Northeast corner of Brookville Estates Phase 1, an Addition to the City of Forney, Texas, according to the Plat thereof recorded in Cabinet 2, Slide 544 of the Plat Records of Kaufman County, Texas;

**THENCE** in a Southwesterly direction along the Northerly line of said Brookville Estates Phase 1 as follows:

South 44 degrees 48 minutes 20 seconds West a distance of 235.00 feet to a 1/2" iron rod with plastic cap stamped "USA INC. PROP. COR." found for corner;

South 45 degrees 11 minutes 40 seconds East a distance of 45.90 feet to a 1/2" iron rod with plastic cap stamped "USA INC. PROP. COR." found for corner;

South 44 degrees 48 minutes 20 seconds West a distance of 120.00 feet to a 1/2" iron rod with plastic cap stamped "USA INC. PROP. COR." found for corner;

North 45 degrees 11 minutes 40 seconds West a distance of 77.74 feet to a 1/2" iron rod with plastic cap stamped "USA INC. PROP. COR." found for corner;

North 55 degrees 06 minutes 18 seconds West a distance of 53.35 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

North 74 degrees 55 minutes 35 seconds West a distance of 53.35 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 86 degrees 35 minutes 33 seconds West a distance of 57.69 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 83 degrees 18 minutes 22 seconds West a distance of 202.28 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 06 degrees 41 minutes 38 seconds East a distance of 120.00 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 83 degrees 18 minutes 22 seconds West a distance of 17.06 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 06 degrees 41 minutes 38 seconds East a distance of 170.00 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 83 degrees 18 minutes 22 seconds West a distance of 315.00 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 83 degrees 41 minutes 27 seconds West a distance of 55.77 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

North 84 degrees 25 minutes 06 seconds West a distance of 44.72 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

North 67 degrees 49 minutes 53 seconds West a distance of 44.72 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

North 51 degrees 11 minutes 23 seconds West a distance of 45.91 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

North 44 degrees 53 minutes 32 seconds West a distance of 129.00 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 45 degrees 06 minutes 28 seconds West a distance of 120.00 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

North 44 degrees 53 minutes 32 seconds West a distance of 7.01 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 45 degrees 06 minutes 28 seconds West a distance of 170.00 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 44 degrees 53 minutes 32 seconds East a distance of 283.27 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 73 degrees 05 minutes 49 seconds East a distance of 185.26 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 83 degrees 18 minutes 22 seconds West a distance of 1166.13 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner;

South 44 degrees 48 minutes 22 seconds West a distance of 40.00 feet to a ½” iron rod with plastic cap stamped “USA INC. PROP. COR.” found for corner in the Northeast line of F.M. Highway No. 740;

**THENCE** North 45 degrees 11 minutes 38 seconds West along the Northeast line of said highway, a distance of 334.63 feet to the **POINT OF BEGINNING**, and containing 43.875 acres of land.

**EXHIBIT “B”**  
**DEVELOPMENT STANDARDS**

**Description:** The remaining portion of Brookville Estates (Tract 3) comprises approximately 43.875 acres of land being northeast and adjacent to FM 740 (Ridgecrest Road) and approximately 1,100 feet northwest of Ranch Road. The boundaries of this Planned Development Zoning District amendment are defined in the legal description attached herein as Exhibit “A”.

**Purpose and Intent:** The purpose of this Planned Development Zoning District amendment is to provide high quality, single-family detached housing for the remainder of a medium density neighborhood and allow flexibility to the established minimum requirements of the underlying Brookville Estates Planned Development District – Ordinance No. 1066. The intent is to complete this quality development in an orderly fashion.

**Procedure:** The standards contained herein set forth the conceptual requirements for development of this portion the original district. Following approval of this ordinance, the developer shall prepare a development plan, a preliminary plat, and detailed 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**

This Planned Development shall conform to any and all applicable articles and sections of the Planned Development Ordinance No. 1066, City of Forney Zoning Ordinance (#1805), and City of Forney Subdivision Ordinance (#1012), except as amended herein.

The development shall conform with the special development and lot standards and conditions established within this Planned Development Ordinance, and with the SF-8 – Single-Family Residential district of the City’s Zoning Ordinance for anything not specifically covered within this PD Ordinance.

**DEVELOPMENT CONDITIONS – Tract 3**

**Permitted Uses:**

**C. TRACT 3 (43.9 acres)**

1. Single-family detached units as outlined herein
2. All uses permitted in SF-8 – Single-Family Residential district
3. Sales and Leasing Offices shall be allowed during the development and marketing of the residential community. Sales and Leasing Offices shall be removed when 100% of the homes/lots have been sold.
4. 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.

**Development Phasing:**

Tract 3 will be developed in a maximum of two phases.

**Streets:**

The development shall contain public residential streets per the City's construction standards and the overall street configuration shall generally conform to that as shown on the Concept Plan.

**LOT STANDARDS – Tract 3**

1. Lot Setbacks
  - a. Minimum Front Yard – Twenty feet (20'). Garage door(s) shall be set back a minimum of twenty-five feet (25') from any street right-of-way line or side property line.
  - c. Minimum Rear Yard – Fifteen feet (15')
2. Lot Area and Dimension Criteria
  - a. Minimum Lot Area – Seven thousand four hundred (7,400) square feet and an average lot area of at least eight thousand five hundred (8,500) square feet. At least seventy-five percent (75%) of the lots shall be over 8,000 square feet.
  - b. Minimum Lot Depth – One hundred ten feet (110') except at for any lot on the bulb portion of a cul-de-sac or eyebrow street shall be one hundred feet (100').
  - d. Minimum Floor Area per Dwelling Unit – One thousand eight hundred (1,800) square feet of air-conditioned floor area, but at least thirty percent (30%) of the dwelling units shall have a minimum of two thousand (2,000) square feet.
  - e. Maximum Lot Coverage – Fifty percent (50%) by main buildings and accessory buildings
3. Housing Standards
  - d. Roofing – Roofing materials shall be at least 30-year, textured composition roofing or better with a minimum 5/8" roof decking.
  - f. Mailboxes – Cluster units of mailboxes shall be provided for the development if / where required or preferred by the United States Postal Service.
  - g. Garage Doors – Garage doors may face streets, but garage doors shall be set back a minimum of twenty-five feet (25') from any street right-of-way line.

**DEVELOPMENT STANDARDS**

1. This Planned Development shall contain a linear open space system generally following the existing gas main located on the property. Park land dedication or payment of fees in lieu of land dedication for the lots in Tract 3 shall be in accordance with the City of Forney Subdivision Ordinance. The park fees paid shall be used for improvements to the following parks:
  - a. Heritage Hill Park
  - b. Mustang Creek Park
  - c. Park Trials Greenspace
2. Street connections shall not be provided to the Forney ISD property to the west nor to the collector street to the north.





**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 AND COMMERCIAL USES FOR THE PROPERTY DESCRIBED AS 97.64 ACRES OF LAND IN THE JUAN LOPEZ SURVEY, ABSTRACT NO. 286, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, SAID PLANNED DEVELOPMENT TO BE KNOWN AS BROOKVILLE ESTATES; APPROVING DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "B", INCLUDING GENERAL CONDITIONS, LOT STANDARDS AND DEVELOPMENT STANDARDS; APPROVING THE CONCEPT PLAN/LAND STUDY 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 the property described as 97.64 acres, more or less, in the Juan Lopez Survey, Abstract No. 286, in the City of Forney, Kaufman County, Texas, to be known as Brookville Estates, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**SECTION 2.** That the Development Standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development

District as required by Section XX, E2, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

**SECTION 3** That the Planned Development will be constructed in accordance with the Development Standards in Exhibit "B", and the Concept Plan/Land Study attached hereto as Exhibit "C" and approved as the final development plan, as required by Section XX of the zoning ordinance.

**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 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 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 3 day of June, 2002.



APPROVED:

Weldon L. Gowen  
MAYOR

APPROVED AS TO FORM:

Robert L. Hillard  
CITY ATTORNEY  
(RLD/11-20-02)

ATTEST:

Debra M. Cole  
CITY SECRETARY

# Exhibit A

## LEGAL DESCRIPTION

All that certain lot, tract or parcel of land situated in the Juan Lopez Survey, City of Forney, Kaufman County, Texas, and being known as those tracts of land described in a Partition Deed from Walter Yandell & David Yandell to Walter Yandell as recorded in Volume 1087, Page 404 of the Real Property Records of Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod with plastic cap stamped "USA INC PROP COR" set (hereinafter called ½" iron rod set) for corner at the intersection of the Northeast line of F.M. Highway No. 740 with the center of Redbud Road, said point also being the West corner of the above cited Yandell tract;

THENCE N. 45 deg. 06 min. 28 sec. E. along the center of Redbud Road and along the Northwest line of said Yandell tract a distance of 2282.78 feet to a ½" iron rod set for corner at the North corner of said Yandell tract, said point also being the West corner of a called 98.33 acre tract of land described in a Warranty Deed from Katherine Adams to Carolyn Joyce Clark and Fred F Adams, Jr., as recorded in Volume 1083, Page 217 of the Real Property Records of Kaufman County, Texas;

THENCE S 45 deg. 11 min. 40 sec. E. along the Northeast line of said Yandell tract and the Southwest line of said 98.33 acre tract a distance of 1861 11 feet to a P-K nail set for corner in the center of Ranch Road at the East corner of said Yandell tract, said point also being the South corner of said 98.33 acre tract;

THENCE S. 45 deg. 00 min. 00 sec. W (Directional Control Line) along the center of Ranch Road and along the Southeast line of said Yandell tract a distance of 2282.78 feet to a P-K nail set for corner at the South corner of said Yandell tract, said point being a Southeastward extension of the Northeast line of F.M. Highway No. 740;

THENCE N. 45 deg. 11 min. 38 sec. W along the Northeast line of F.M. Highway No. 740 a distance of 1865 40 feet to the POINT OF BEGINNING and containing 97 64 acres of land.

# BROOKVILLE ESTATES

City of Forney, Texas

PLANNED DEVELOPMENT # \_\_\_ -- ORDINANCE # \_\_\_\_\_

## EXHIBIT "B" DEVELOPMENT STANDARDS

**Description:** Two tracts comprising approximately 97.64 acres of land being north and adjacent to F.M. 740 (Ridgecrest Road), west and adjacent to Ranch Road, east and adjacent to Redbud, and south and adjacent to City of Forney City Limits. The boundaries of the Planned Development District are defined in the field notes and location map attached herein as Exhibits "A" & "C"

**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-R10 zoning district, and to provide for a Neighborhood Service Retail corner. 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 and a convenient neighborhood retail services corner.

**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. 832, as adopted on March 3, 1987), as amended.

The development of Tract I (residential portion) shall conform with the special development and lot standards/conditions established within this PD Ordinance, and with the SF-R10 residential district in the City's Zoning Ordinance No. 832, as amended (or with other applicable City codes/ordinances), for anything not specifically covered within this PD Ordinance.

The development of Tract II (neighborhood services portion) shall conform with provisions of the NS district in the City's Zoning Ordinance No. 832, as amended.

**DEVELOPMENT CONDITIONS:****Permitted Uses:**

- A. TRACT 1 (93.9 acres PD-SF-R10)**
1. Single-family detached units as outlined herein.
  2. All uses permitted in the (SF-R10) Single Family Residential District in the City's Zoning Ordinance 832, as amended.
  3. A recreational area (subject to approval of a Conditional Use Permit if private).
- B. TRACT 2 (3.74 acres Neighborhood Services)**
1. All uses permitted in the (N) Neighborhood Services District in the City's Zoning Ordinance 832, as amended.
  2. Storm detention area

**Development Phasing:**

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

**Streets:**

The project shall contain public residential streets per the City's construction standards, and a north/south collector street as shown on the Concept Plan that also meets the City of Forney's construction standards. Streets shall have conventional (i.e., integral) monolithic reinforced concrete curbs per the City's construction standards. The entire section of the monolithic curbs shall be included in the street width described above.

**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-R10 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 feet (20'). On straight street lengths (non-curvilinear), no more than three (3) homes in a row shall have the same setback. There shall be a five foot (5') stagger to twenty-five feet (25') in these cases. Garage door(s) shall be set back a minimum of twenty-five feet (25') from any street right-of-way line or side property line (if a side-swing or J-drive configuration).
- b. Side Yard – Minimum side yard shall be six (6) feet. Lots abutting a residential or collector street shall have a minimum side yard of fifteen (15) feet, and lots abutting an arterial (Ridgcrest or 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 (as shown on the

Concept Plan). 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 and Dimension Criteria:

- a. Lot Area -- The minimum buildable lot shall have an area of seventy-two hundred (7,200) square feet, and the average lot area for the entire development shall be 8,991 square feet or larger. No more than twenty-five percent (25%) of the lots in the total project shall be 8,000 square feet or less, and at least seventy-five percent (75%) of the lots shall be over 8,000 square feet.
- b. Lot Depth -- The depth of any lot shall not be less than one hundred (100) feet for lots located south of the pipeline easement, and the minimum lot depth for lots located north of the pipeline easement shall be one hundred ten (110) feet. The minimum lot depth for any lot on the bulb portion of a cul-de-sac or eyebrow street shall be one hundred (100) feet.
- c. Lot Width -- The minimum lot width shall not be less than sixty (60') feet 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 percent (20%) of the homes in the total project shall have a floor area less than 1,800 square feet and these homes will be more or less equally distributed in each phase of the development. 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 (i.e., at least 30% of the homes in the overall development shall be over 2,000 square feet in size).
- 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.



### 3. Housing Standards:

- a. Building Materials - 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. Regarding gables, 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. 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 - Roofing materials shall be at least 20-year, textured composition (i.e., "dimensional") 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. Mailboxes - The style of the mailboxes shall be coordinated throughout the development, and shall be masonry construction to compliment each individual home.
  - g. 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. At least ten percent (10%) of garage doors in the total project shall be non-front-facing (e.g., J-swing, side-swing or rear entry).
  - h. Height Requirements - No buildings shall exceed thirty-six (36') feet or 2½ stories in height.
4. 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 consist of approximately 303 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 backing onto open space areas or fronting onto collector streets, mitigating lengthy streets and cul-de-sacs, reducing the number of four-way residential street intersections, modifying odd-shaped lots such that they will meet lot width and depth minimums, assignment of street names, mitigation of visibility impairments, etc.
3. This Planned Development shall contain a linear open space system generally following the existing gas main located on the property, as well as a centrally located park site of approximately 1.63 acres to be dedicated to the City of Forney. Since the total amount of park land required for 303 lots is 4.545 acres, park fees shall be paid in lieu of land dedication of the balance 2.915 acres of land, in accordance with Section 4.4 of the City's Subdivision Ordinance, as amended. These park funds shall be used for park and play area improvements within the public park area (or for hike/bike trails leading to it) shown on the Concept Plan for this development.
- 4 Entry monumentation and screening concepts at all main entrance locations are 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. Special monumentation and design features will also be provided (in "wraparound" style) within the landscaped buffer area at Ridgecrest Road and Ranch Road. 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.
- 5 A variable width buffer, from approximately 30' wide to approximately 75' wide, along segments of Ranch Road and Ridgecrest Road shall be provided for irrigated landscaping, screening, and storm detention (with side slopes not to exceed 3:1). Within this buffer, a combination of berms and dense landscaping shall accomplish visual screening from the road for a height of six feet (6') above grade and with at least 90% opacity within three years following installation. These areas shall be maintained by the Homeowner's Association.
6. In areas where a living screen (landscaping) is not utilized, screening shall meet the following standards:
  - a. Screening 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.
  - b. Screening fencing shall have a structurally approved masonry column at a maximum spacing of forty feet (40') on center.

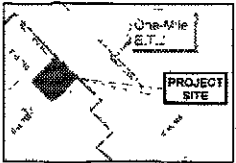
- c. Screening shall be a minimum of six feet (6') in height. Columns shall be a maximum height of seven feet (7').
  - d. Screening shall be located adjacent to the street right-of-way line but entirely on the private lots and within a minimum five-foot (5') wide screening wall maintenance easement granted to the homeowners association for maintenance.
  - e. 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. Contingent upon utility company approval, a five foot (5') wide hard surface walking trail shall be constructed in the gas line easement traversing diagonally across the site, as designated on the conceptual plan.
  8. A street connection shall be provided to the adjacent property to the north and the west.
  9. Street names shall be determined at platting.
  10. On-site development/construction signs shall be in conformance with the City's Sign Ordinance, as amended.
  11. Off-site temporary directional signs shall not exceed three (3) 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.
  12. 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
  13. 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
  14. The developer shall also provide decorative street lighting that is acceptable to the City and to the electric utility provider, and shall provide decorative street paving patterns (i.e., stamped and dyed concrete) at appropriate locations.

**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 "C"**  
**CONCEPT PLAN / LAND STUDY**

(Odessa -- Need to get a reduced 8.5" x 11" copy of the approved concept plan from USA Engineers to attach to the PD Ordinance as Exhibit "C" – also make sure the exhibits are all cited properly in the body of the PD Ordinance. )



VICINITY MAP  
NTS

PROJECT SUMMARY	
PROPOSED ZONING	PLANNED DEVELOPMENT
SIZE (IN ACRES)	97.64 ACRES
NUMBER OF LOTS	299 LOTS
DENSITY	3.08 DU/ACRE
LAND USES	SINGLE FAMILY RESIDENTIAL
	36 MAY ST BLOODS
	2.5 STORES

114 ACRES  
TRACT KCB  
KIRK T WEST  
TO  
ADAM L WEST & KIM WEST  
VOL 1807, PG 722  
O.P.R.K.C.T.

SFR-16 ZONING

FORNEY ETJ

88.53 ACRES  
KATHERINE ADAMS  
TO  
CAROLYN JOYCE CLARK  
& FRED F ADAMS, JR  
VOL 1083, PG 217  
R.P.R.K.C.T.

34.074 ACRES  
E TAYLOR ARMSTRONG ET UA  
TO  
WILLIAM FUMLEY ARMSTRONG  
VOL 1186 PG 374  
O.P.R.K.C.T.

SFR-16 ZONING

97.64 ACRES

WALTER ANDRILL & BERT  
ANDRILL  
VOL 1087 PG 404  
R.P.R.K.C.T.

CURRENT ZONING

SFR-10 ZONING

PROJECT

SCREENW

150 ACRES  
J C OWENS, JR  
TO  
C B OWENS  
VOL 605, PG 17W  
O.P.R.K.C.T.

PD SFR-10 ZONING

GRAPH



CONCEPT PLAN  
BROOKV

97  
JUAN LOPEZ SUAREZ  
CITY  
KAUFMAN

OWNER/DEVELOPER  
WARREN LAND DEVELOPMENT LLC  
1425 CEDAR HILL ROAD  
CEDAR HILL, TEXAS 75104  
(972) 782-4771  
(972) 228-8548 (FAX)

299 LOTS REVISIONS  
NOVEMBER 16, 2012 AUGUST 25, 2012

- LEGEND
- 1" = Power Pole
  - 2" = Storm Sewer marked "S"
  - 3" = Storm Sewer marked "S" 18" DIA
  - 4" = Fire Hydrant
  - 5" = Underground Telephone Manhole
  - 6" = 20' DIA
  - 7" = 30' DIA
  - 8" = 42" DIA
  - 9" = 60" DIA
  - 10" = 72" DIA
  - 11" = 84" DIA
  - 12" = 96" DIA
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3.858 ACRES  
FDY & JACKSON, INC  
TO  
FORNEY INDEPENDENT SCHOOL DISTRICT  
VOL 671, PG 187  
O.P.R.K.C.T.

106.724 ACRES  
JOHN W WORTHAM & SHERRILL WORTHAM  
TO  
WILLIAM E ARMENTROUT  
VOL 1089 PG 338  
R.P.R.K.C.T.

PD SFR-10 ZONING

NS ZONING

MUSTANG OVER

CP 2, PG 101

CP 2, PG 101

CP 2, PG 101

CP 2, PG 101

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