

ORDINANCE NO. 1097

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, SO AS TO GRANT A PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL (PATIO HOME) USES FOR THE PROPERTY DESCRIBED AS 40.806 ACRES OF LAND MORE OR LESS IN THE JOHN GREGG SURVEY, ABSTRACT NUMBER 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND KNOWN AS STONEBRIAR ESTATES; APPROVING PLANNED DEVELOPMENT STANDARDS AS EXHIBIT "B"; APPROVING A CONCEPT PLAN/PRELIMINARY PLAT ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Forney and the City Council of the City of Forney, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Forney is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Forney, Texas, be, and the same are hereby, amended so as to grant a Planned Development District for Single-Family (Patio Home) Uses for the property described as 40.806 acres, more or less, in the John Gregg Survey, Abstract No. 171, in the City of Forney, Kaufman County, Texas, known as Stonebriar 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 34a.3, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

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all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.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 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 3 day
of February, 2004



CITY OF FORNEY, TEXAS

Danell Brown
MAYOR

ATTEST:

Odessa Moore
CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A
Legal Description

THENCE North 44 deg. 47 min. 13 sec. West at 466.07 feet a 1/2" iron rod with yellow plastic cap stamped "VANNOY" found bears South 45 deg. 12 min. 47 sec. West a distance of 0.97 feet for the north corner of Clements Addition Replat, an addition to the City of Forney, Texas as recorded in Cabinet 2 Page 364 of the Plat Records of Kaufman County, Texas, at 766.67 feet a 1/2" iron rod found bears South 45 deg. 12 min. 47 sec. West a distance of 1 76 feet, at 966.93 feet a 1-1/2" I.D iron pipe found bears South 45 deg. 12 min. 47 sec. West a distance of 2.70 feet, at 1266.63 feet a 1/2" iron rod found bears South 45 deg. 12 min. 47 sec. West a distance of 2.46 feet and continuing for a total distance of 1340.76 feet to a 1/2" iron rod found for corner;

THENCE North 44 deg. 41 min. 50 sec. East along a northwesterly line of said Tuttle tract a distance of 722.49 feet to a 5/8" iron rod with yellow plastic cap stamped "RPLS 5405" found for corner in the southwest line of said Eastwood Addition Installment One;

THENCE South 43 deg. 50 min. 21 sec. East with said southwest line of Eastwood Addition Installment One a distance of 107 43 feet to a 1/2" iron rod found for corner;

THENCE South 83 deg. 28 min. 47 sec. East with a southerly line of said Eastwood Addition Installment One a distance of 69.50 feet to a 1/2" iron rod found for corner;

THENCE North 02 deg. 09 min. 19 sec. West with an inner easterly line of said Eastwood Addition Installment One a distance of 13.92 feet to a 1/2" iron rod found for corner and being the P C. of a curve to the right, said curve having a central angle of 25 deg. 13 min. 37 sec., a radius of 200.00 feet, a tangent distance of 44 75 feet and a chord which bears North 10 deg. 11 min. 56 sec. East a distance of 87.35 feet;

THENCE northeasterly with said curve to the right and said Eastwood Addition Installment One an arc distance of 88.06 feet to a 1/2" iron rod found for an ell corner of said Eastwood Addition Installment One and being in the northwesterly right-of-way line of Caladium Drive (50' R.O W);

THENCE South 67 deg. 12 min. 08 sec. East with the southwesterly right-of-way line of said Caladium Drive (50' R.O W) a distance of 50.20 feet to a 1/2" iron rod found leaning for an ell corner of said Eastwood Addition Installment One and being in a northwesterly line of said Everett Addition, said iron rod being in a curve to the left having a central angle of 25 deg. 12 min. 32 sec., a radius of 150.00 feet, a tangent distance of 33.54 feet and a chord which bears South 10 deg. 18 min. 57 sec. West a distance of 65.47 feet;

THENCE southwesterly with said curve to the left and with said Everett Addition an arc distance of 66.00 feet to a 1/2" iron rod found for corner and P T of said curve;

THENCE South 02 deg. 22 min. 59 sec. East with a westerly line of said Everett Addition a distance of 141.54 feet to point for corner;

THENCE South 84 deg. 01 min. 15 sec. East across said Everett Addition a distance of 135.28 feet to point for corner;

EXHIBIT A

THENCE North 14 deg. 53 min. 36 sec. West with an easterly line of said Everett Addition a distance of 40.53 feet to a 1/2" iron rod with plastic cap stamped "RPLS 5405" found for corner;

THENCE North 02 deg. 21 min. 54 sec. West a distance of 166.83 feet to the PALCE OF BEGINNING and containing 1,777,528 square feet or 40.806 acres of land, more or less.

ZONING FILE NO. 04-04

Bowie Street, east of FM 740 (Pinson Road)

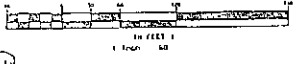
PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of patio homes.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 1085, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the SF-PH (Single Family Patio Home) District set forth in Section 21 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**

Concept Plan: Development shall be in general conformance with the Concept Plan as set forth in Exhibit C; however, in the event of conflict between the Concept Plan and the written conditions of this Ordinance, the written conditions shall apply. The Concept Plan shall also serve as the Preliminary Plat.
- V. **Specific Regulations:**
 - A. Permitted Uses: No uses shall be permitted except for the uses listed under the "SF-PH (Single Family Patio Home) District" in Section 21 of the Comprehensive Zoning Ordinance.
 - B. Building Height: Buildings shall be a maximum of 36 feet or 3 stories in height.
 - C. Lot Area: The minimum area of any lot shall be 3,900 square feet. The average lot area shall be 4,400 square feet.
 - D. Lot Width: The minimum lot width shall be 40 feet along the front building line except that lots within the bulb radius of a cul-de-sac or along the bulb portion of street elbows or eyebrows may use an increased front yard setback of no greater than 5 additional feet.
 - E. Lot Depth: The minimum lot depth shall be 97.5 feet except that lots along the radius of a cul-de-sac or along street elbows or eyebrows may have a minimum lot depth of 100 feet.
 - F. Alleys: Alleys shall be required as shown on the Concept Plan/Preliminary Plat. Alleys shall be waived for lots along the drainage channel, Mustang Creek and all perimeter lots. Alleys shall be constructed to the specifications as listed in Section 3.2 of the City of Forney Subdivision Ordinance (Ordinance No. 1012).

- G. Setbacks: The following setbacks shall apply
- i. Front Yard: 25 feet (15 feet for lots with alleys)
 - ii. Side Yard: 0 feet and 10 feet
 - iii. Rear Yard: 5 feet
- H. Minimum Dwelling Unit Size: The minimum dwelling unit size shall be 1,350 square feet.
- I. Roof Pitch: The minimum roof pitch shall be 8 12.
- J. Roofing Materials: Roofing materials shall be at least 25 year, textured composition (i.e. – dimensional) roofing or better
- K. Entry Feature: A masonry entry feature shall be provided at each village entrance. Details shall be provided at the time of final plat submission.
- L. Screening: Along Bowie Street, a minimum 6 foot high uniform, stained cedar, board on board with a top cap wood fence with masonry columns at 40 foot centers, with galvanized steel posts at a maximum 10 foot spacing in between the masonry columns and with the finished (i.e. – board) side of the fence facing the street shall be required. The stained cedar fence shall not exceed 60% of the total length of the right-of-way along Bowie Street. The balance of the screening shall be masonry. The parkway shall be irrigated and the landscaping shall be comprised of a minimum of three, 3” caliper trees. One tree for every 50 linear feet shall be provided. These trees may be grouped.
- M. Fencing: Fencing along the rear property line for lots along the drainage channel and Mustang Creek shall be a minimum height of 4 feet and shall be constructed of wrought or ornamental iron and shall be uniform for all subject lots.
- N. Homeowners Association: A HOA shall be established to maintain private common area improvements identified with this ordinance and shown on the Concept Plan, including open space areas, street medians, amenity centers, screening fences, fences along the drainage channel and landscaping along Bowie Street.

GRAPHIC SCALE



SF-R6

BLOCK A

MAVERICK (50' R.O.W)

STALLION (50' R.O.W)

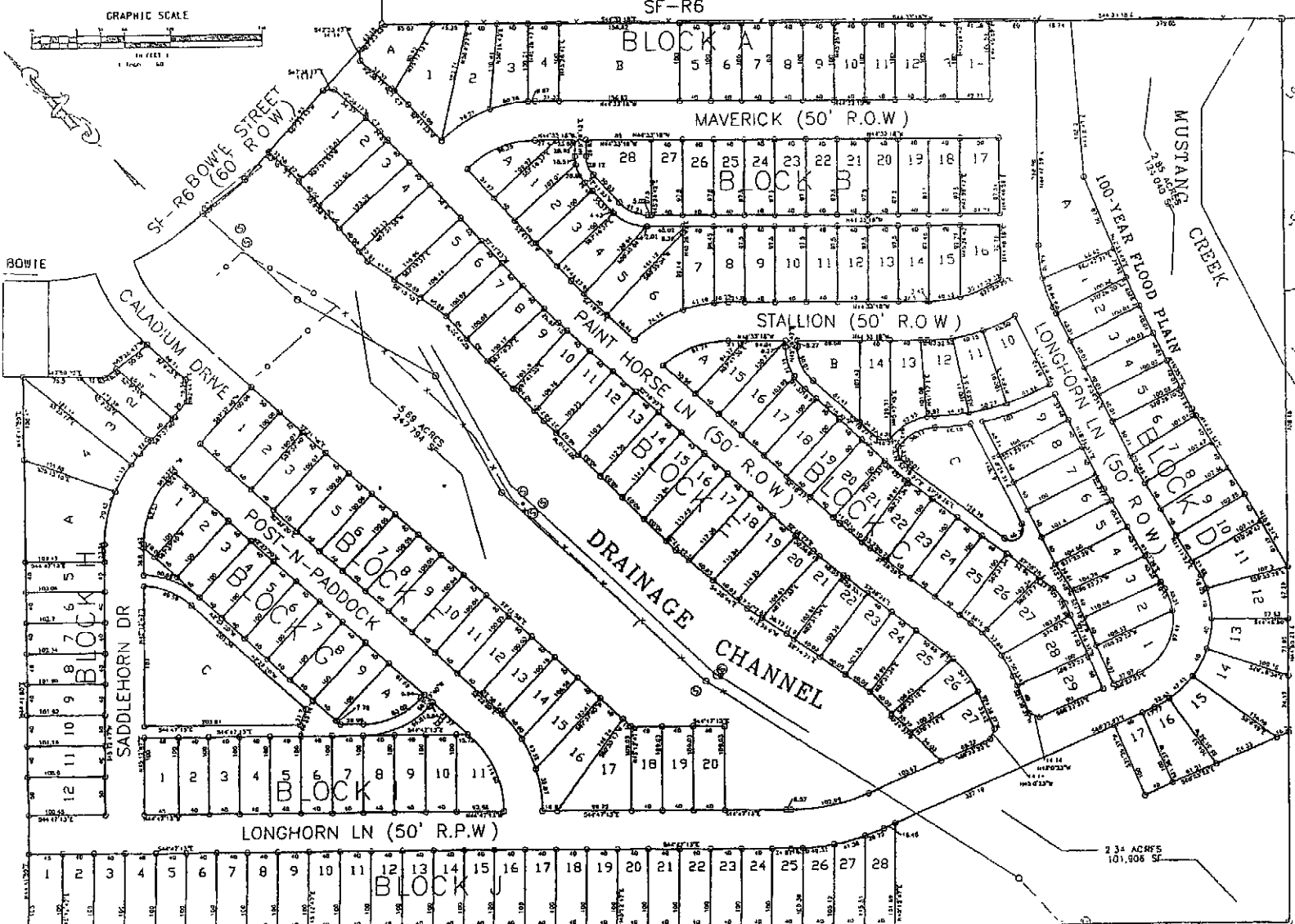
DRAINAGE CHANNEL

LONGHORN LN (50' R.P.W)

2.34 ACRES
101,906 SQ. FT.

PRELIMINARY PLAT

- 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28.
- 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28.
- 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28.



BOWIE

MUSTANG CREEK

100-YEAR FLOOD PLAIN

CALADUM DRIVE

SADDLEHORN DR

POST-N-PADDOCK

PAINT HORSE LN (50' R.O.W)

LONGHORN LN (50' R.O.W)

BLOCK H

1 2 3 4 5 6 7 8 9 10 11 12

BLOCK I

1 2 3 4 5 6 7 8 9 10 11

BLOCK J

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK K

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK L

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK M

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK N

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK O

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK P

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK Q

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK R

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK S

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK T

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK U

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK V

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK W

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK X

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK Y

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK Z

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

BLOCK AA

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20