

ORDINANCE NO. ~~1021~~ 1036

**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, MULTI-FAMILY, AND NEIGHBORHOOD SERVICES USES FOR THE PROPERTY DESCRIBED 102.029 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, KAUFMAN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED; APPROVING A PRELIMINARY PLAN ATTACHED AS EXHIBIT "B"; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

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

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

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Forney, Texas, be, and the same are hereby, amended so as to grant a Planned Development District for the property described as 102.029 acres, more or less, in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**SECTION 2.** That the preliminary plan for this Planned Development District is attached hereto as Exhibit "B", and the same is hereby approved for said Planned Development District as required by Section XX, E1, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

**SECTION 3.** That the granting of this Planned Development District is subject to the following special conditions:

a. That the Planned Development will be constructed in accordance with the preliminary plan attached hereto and the final Development Plan to be submitted, reviewed, and approved as required by Section XX of the zoning ordinance. Upon approval by the City Council, the final Development Plan shall become an exhibit to this ordinance by reference;

b. That the Planned Development will be constructed in accordance with the development standards shown on the preliminary plan ("Zoning Exhibit", dated \_\_\_\_\_) as well as the following additional development guidelines:

(1) The maximum number of lots permitted shall be 243, the average lot size shall be 7,500 square feet, with a minimum lot size of 6,820 square feet; lots shall have a minimum width of sixty-two feet (62') (measured at the front building line) and a minimum lot depth of one hundred ten feet (110')

(2) Interior side yards shall maintain a setback of six feet (6'); corner lots shall have a minimum side yard on the street side of fifteen feet (15'), except when abutting arterials, when they shall have a minimum side yard of twenty feet (20');

(3) Lots shall have a minimum front yard setback of twenty-five feet (25') and a minimum rear yard setback of twenty feet (20'); key corner lots shall observe a front yard setback on both street frontages;

(4) Maximum lot coverage for the single family lots shall be forty-five per cent (45%) of the area of the lot; the minimum house size shall be seventeen hundred (1,700) square feet;

(5) Exterior wall covering shall be not less than eighty per cent (80%) masonry on the first floor;

(6) Twenty-two acres shall be dedicated to the City of Forney for public park uses, subject to Park Board approval of exact location and use;

(7) There shall be a maximum of twelve (12) acres developed for multi-family uses in accordance with the MF-15 zoning district standards and three (3) acres for neighborhood services uses in accordance with the Neighborhood Services zoning district standards;

(8) Gasoline sales shall be permitted in the neighborhood service area;

(9) Home fencing shall be required on the rear of each lot; the City Manager may authorize use of an alternative screening wall material, consistent with the development and architecture in the neighborhood, for buffering and screening between neighborhood services, multi-family, and single-family uses, and special fencing, as approved by the City Manager, shall be provided along the North property line;

(10) Use of dimensional shingles shall be required; four foot standard sidewalks shall be provided; two (2) three inch (3") caliper trees shall be planted in each front yard;

(11) Use of a uniform design for mailboxes or dual mailboxes shall be required;

(12) Exact alignment of the road system in the development shall be determined in the final Development Plan;

(13) The developer shall be required to organize a Homeowners Association for the development; documents establishing the Association shall be subject to approval by the City Attorney; the Association shall be operated by the property owners to fulfill the requirements of this Planned Development District for

(a) common area maintenance

(b) dedication of a five feet (5') wide greenbelt/trail,

(14) Except as otherwise required or permitted in this ordinance, the Area Regulations for the Single-Family 6, Multi-Family-15, and Neighborhood Services districts shall apply to those uses in this development.

c. That the final Development Plan required hereby shall conform to the approved preliminary plan and be approved by the City Council prior to the issuance of any permit or certificate necessary to proceed with accomplishment of the plan.

**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.

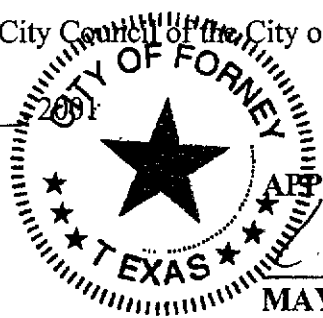
**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not

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 6 day of February 2001



**APPROVED:**  
William H. Bowen  
**MAYOR**

**APPROVED AS TO FORM:**  
Robert L. Gilliam  
**CITY ATTORNEY**  
(RLD/12-16-00)

**ATTEST:**  
Adessa Moore  
**CITY SECRETARY**

LEGAL DESCRIPTION  
TRACT "1"  
4.980 ACRES

BEING A 4.980 ACRE TRACT OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN 102.017 ACRE TRACT OF LAND DESCRIBED IN DEED FROM BETTY LU WILLIAMS (FORMERLY BETTY LU PERRYMAN) TO J.E. HAMBLIN IN VOLUME 500, PAGE 589 AMONG THE DEED RECORDS OF SAID COUNTY AND STATE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2 inch iron pipe found at the intersection of the northwesterly right-of-way line of F.M. 548 (100' ROW) with the northeast line of the JOHN GREGG SURVEY, for the southwest corner of the 295.78 acre tract of land described in deed from Johnny M. Wortham and Sherry Wortham to William E. Armentrout in Volume 1089, Page 338 among the Deed Records of said county and state, said point also being the southeast corner of said 102.017 acre tract and hereof;

THENCE, with said right-of-way line, being common with said 102.017 acre tract

South 45°22'56" West, a distance of 149.07 feet

to a 5/8 inch rebar found for the southwest corner hereof;

THENCE, leaving said right-of-way line and continuing northwesterly across said 102.017 acre tract for the following two (2) courses and distances

1. North 45°02'59" West, a distance of 1451.05 feet to a 5/8 inch rebar found for the northwest corner hereof
2. North 45°22'36" East, a distance of 149.93 feet

to a 5/8 inch rebar found in the westerly line of said 295.78 acre tract, being common with the northeast line of the JOHN GREGG SURVEY said 102.017 acre tract for the northeast corner hereof;

THENCE, with said line

South 45°00'56" East, a distance of 1451.06 feet

to the TRUE POINT OF BEGINNING and containing within said boundaries 4.980 acres of land. The basis of bearings for the hereinabove described tract being the line held between the 3/8 inch rebar found in the northwesterly right-of-way of F.M. 548 for the southwest corner of said 102.017 acre tract and the 1/2 inch iron pipe found for the northwest corner of said 102.017 acre tract. The bearing of said line being North 45°00'00" West as called for in Volume 500, Page 589 among the Deed Records of said county and state.

LEGAL DESCRIPTION  
TRACT "2"  
75.056 ACRES

BEING A 75.056 ACRE TRACT OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 75.071 ACRE TRACT OF LAND (97.056 ACRES - SAVE AND EXCEPT 21.985) DESCRIBED IN DEED FROM FORNEY LAND COMPANY, LTD TO J.E. HAMBLÉN AND DORIS HAMBLÉN IN VOLUME 814, PAGE 195 AMONG THE DEED RECORDS OF SAID COUNTY AND STATE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING at 5/8 inch rebar found in the northwesterly right-of-way line of F.M. 548 (100' ROW), for the southwest corner of said 75.071 acre tract and hereof;

THENCE, with said right-of-way line, being common with said 75.071 acre tract

South 45°22'56" West, a distance of 776.72 feet

to a 5/8 inch rebar found for the southeast corner hereof;

THENCE, leaving said right-of-way line and continuing with the westerly line of said 75.071 acre tract

North 44°59'52" West, a distance of 3765.50 feet

to a 5/8 inch rebar found for the northwest corner of said 75.071 acre tract and hereof, said point being in the south line of the 211 4437 acre tract of land described in deed from Hillwood Holding Corporation to Petrus Land, Ltd. in Volume 1040, Page 346 among the Deed Records of said county and state;

THENCE, with said line

North 45°02'08" East, a distance of 924.60 feet

to a 1/2 inch iron pipe found in the westerly line of the 295.78 acre tract of land described in deed from Johnny M. Wortham and Sherry Wortham to William E. Armentrout in Volume 1089, Page 338 among the Deed Records of said county and state, being common with the northeast line of the JOHN GREGG SURVEY, said point also being the northeast corner of said 75.071 acre tract and hereof;

THENCE, with said line

South 45°00'56" East, a distance of 2320.05 feet

to a 5/8 inch rebar found for the northerly-most, southwest corner of said 75.071 acre tract and hereof;

THENCE, leaving said line and continuing southwesterly with said 75.071 acre tract for the following two (2) courses and distances

1. South 45°22'36" West, a distance of 149.93 feet to a 5/8 inch rebar found for an interior ell corner of said 75.071 acre tract and hereof
2. South 45°02'59" East, a distance of 1451.05 feet

to the TRUE POINT OF BEGINNING and containing within said boundaries 75.056 acres of land. The basis of bearings for the hereinabove described tract being the line held between the 3/8 inch rebar found in the northwesterly right-of-way of F.M. 548 for the southwest corner of the 102.017 acre tract of land described in Volume 500, Page 589 among the Deed Records of said county and state and the 1/2 inch iron pipe found for the northwest corner of said 102.017 acre tract. The bearing of said line being North 45°00'00" West as called for in said deed.

LEGAL DESCRIPTION  
TRACT "3"  
21.993 ACRES

BEING A 21.993 ACRE TRACT OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 21.98 ACRE TRACT OF LAND DESCRIBED IN DEED FROM THAD WILSON AND SHERYL SUSETTE WILSON TO WILLIAM STEWART DAUM IN VOLUME 1293, PAGE 110 AMONG THE DEED RECORDS OF SAID COUNTY AND STATE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING at 5/8 inch rebar found in the northwesterly right-of-way line of F.M. 548 (100' ROW), for the southeast corner of said 21.98 acre tract and hereof;

THENCE, with said right-of-way line, being common with said 21.98 acre tract

South 45°22'56" West, a distance of 254.40 feet

to a 3/8 inch rebar found for the southwest corner of said 21.98 acre tract and hereof, said point also being the southeast corner of the 211.4437 acre tract of land described in deed from Hillwood Holding Corporation to Petrus Land, Ltd. in Volume 1040, Page 346 among the Deed Records of said county and state;

THENCE, leaving said right-of-way line and continuing with the westerly line of said 21.98 acre tract, being common with said 211.4437 acre tract

North 45°00'00" West, a distance of 3763.96 feet

to a 1/2 inch iron pipe found for the northwest corner of said 21.98 acre tract and hereof, said point also being an interior ell corner of said 211.4437 acre tract;

THENCE, with the north line of said 21.98 acre tract, being common with said 211.4437 acre tract

North 45°02'08" East, a distance of 254.54 feet

to a 5/8 inch rebar found for the northeast corner of said 21.98 acre tract and hereof;

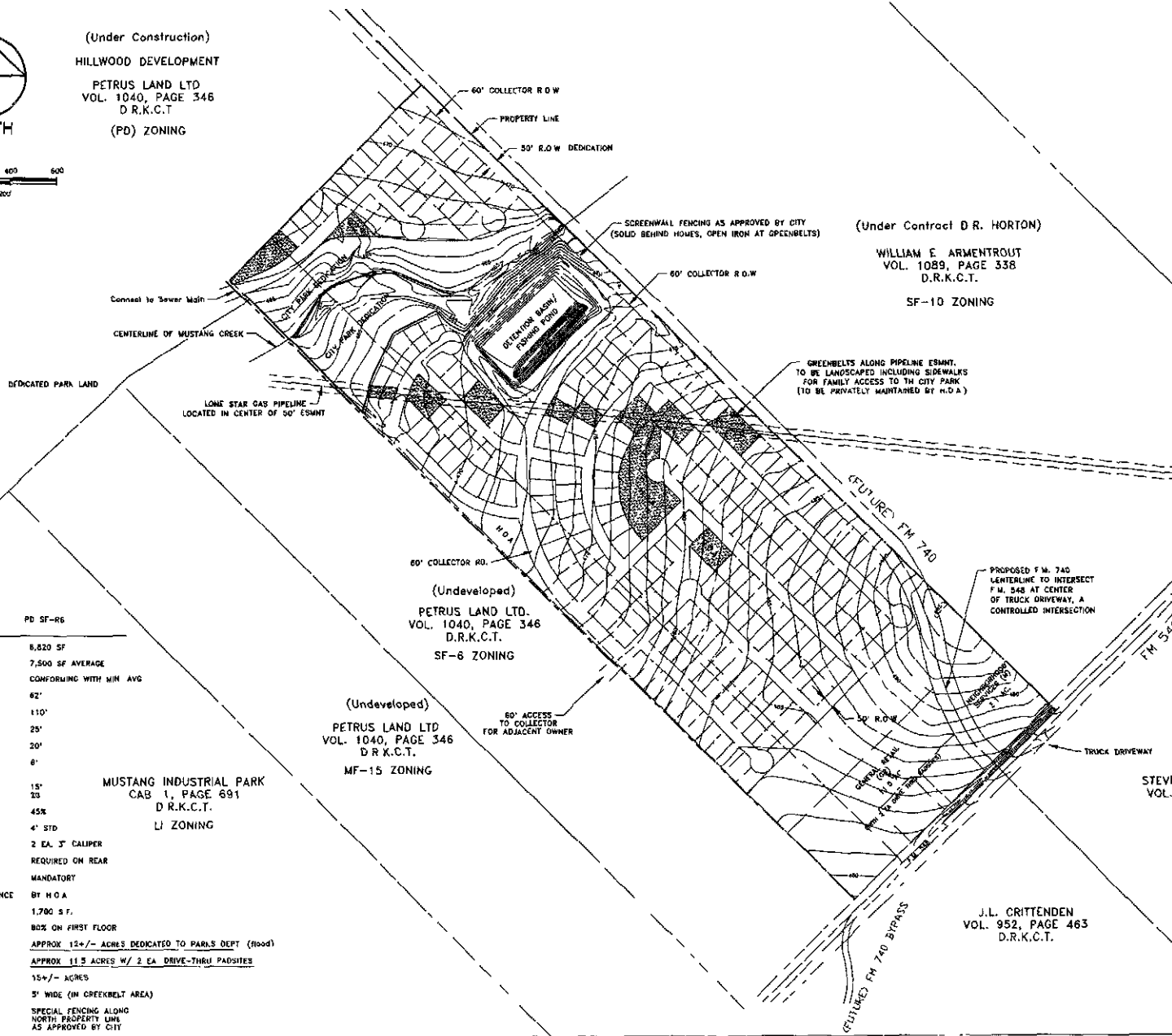
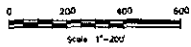
THENCE, with the east line of said 21.98 acre tract

South 44°59'52" East, a distance of 3765.50 feet

to the TRUE POINT OF BEGINNING and containing within said boundaries 21.993 acres of land. The basis of bearings for the hereinabove described tract being the line held between the 3/8 inch rebar found in the northwesterly right-of-way of F.M. 548 for the southwest corner of the 102.017 acre tract of land described in Volume 500, Page 589 among the Deed Records of said county and state and the 1/2 inch iron pipe found for the northwest corner of said 102.017 acre tract. The bearing of said line being North 45°00'00" West as called for in said deed.



(Under Construction)  
**HILLWOOD DEVELOPMENT**  
 PETRUS LAND LTD  
 VOL. 1040, PAGE 346  
 D.R.K.C.T.  
 (PD) ZONING



(Under Contract D.R. HORTON)  
 WILLIAM E. ARMENTROUT  
 VOL. 1089, PAGE 338  
 D.R.K.C.T.  
 SF-10 ZONING

ZONING & DESIGN STDS	PD SF-16
MIN LOT SIZE	8,820 SF
AVERAGE LOT SIZE	7,500 SF AVERAGE
NUMBER OF LOTS	CONFORMING WITH MIN AVG
MIN LOT WIDTH	62'
MIN LOT DEPTH	110'
FRONT YARD SETBACK	25'
REAR YARD SETBACK	20'
SIDE YARD SETBACKS	0'
CORNER SIDE YARD ADJUTING STREET, ADJUTING ARTERIAL	15' 20'
MAX HOUSE COVERAGE	45%
SIDEWALKS	4' STD
FRONT YARD TREES	2 EA. 3" CALIPER
HOME FENCING	REQUIRED ON REAR
H.O.A.	MANDATORY
COMMON AREA MAINTENANCE	BY H.O.A.
MIN HOUSE SIZE (AC)	1,700 S.F.
BRICK %	80% ON FIRST FLOOR
PARKS	APPROX 12+/- ACRES DEDICATED TO PARKS DEPT (ROAD)
GEN. RETAIL (R)	APPROX 11.5 ACRES W/ 2 EA DRIVE-THRU PADSIDES
GENERAL RETAIL	15+/- ACRES
GREENBELT/TRAIL	5' WIDE (IN CREEKRELT AREA)
FENCING	SPECIAL FENCING ALONG NORTH PROPERTY LMS AS APPROVED BY CITY