

CITY OF TIOGA, TEXAS

ORDINANCE NO. 386

AN ORDINANCE OF THE CITY OF TIOGA, TEXAS, AMENDING AS HERETOFORE AMENDED, ITS COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING ON A CERTAIN TRACT OF LAND DESCRIBED AS A 70.422 ACRE TRACT OF LAND LOCATED GENERALLY AT THE CORNER OF FM 922 AND TEXAS STREET, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN, TO DESIGNATE THE PROPERTY AS A PLANNED DEVELOPMENT (PD) ZONING DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PLANNED DEVELOPMENT ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING A CONCEPT PLAN; PROVIDING DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SAVINGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE CITY OF TIOGA TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner/representative of a tract of land (the "Land"), described as a 70.422 acre tract of land located on the corner of FM 922 and Texas Street and being more specifically described in Exhibit "A" attached hereto and incorporated herein, has applied for a zoning change to PD (Planned Development); and

WHEREAS, such application further requested an amendment to the official Zoning District Map of the City in accordance with the zoning ordinance of the City (the "Comprehensive Zoning Ordinance"); and

WHEREAS, all legal notices, requirements and conditions having been complied with, the case to rezone the Land came before the Planning and Zoning Commission; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings

and all other relevant information and materials, the Planning and Zoning Commission of the City has forwarded to the City Council its recommendation regarding the adoption of the amendment to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before City Council at which the City Council considered, among other things, the character of the land and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and does hereby find that the rezoning approved hereby accomplishes such objectives; and

WHEREAS, the City Council has determined that there is a necessity and need for the change in zoning and that the proposed change is consistent with the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS:

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
FINDINGS

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City of Tioga, Texas, and of the public health, safety and welfare.

SECTION 3.
REZONING

The zoning ordinance of the City of Tioga, Texas, the same being the City's Comprehensive Zoning Ordinance, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed:

- A. The zoning on the Land, more particularly described in Exhibit "A", attached hereto and incorporated herein, is hereby designated PD (Planned Development) for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the City. Requirements of this Ordinance are more specifically described and set forth in Exhibits "B" and "C", which are attached hereto and incorporated herein for all purposes and shall apply to the "PD" Planned Development unless otherwise specified in such Exhibits.

1. Concept Plan. A planned concept plan for the Land, and all parts thereof, is attached hereto as Exhibit "B", "Planned Concept" and incorporated herein as if copied in its entirety. Such Planned Concept shall be adhered to in carrying out the development of the land in accordance with this Ordinance, and compliance with each and every part of such plan shall constitute a condition precedent to the issuance of any building permit for the land in this Planned Development District.

2. Development Standards. The development standards for this Planned Development are attached hereto as Exhibit "C", "Development Standards", and are incorporated herein as if copied in their entirety. Such standards and regulations include, but are not limited to, building standards, parking requirements, landscape standards, sign standards, and lighting standards. Such Development Standards shall be adhered to in carrying out the development of the land in accordance with this Ordinance and shall individually and collectively constitute conditions precedent to the granting of any Certificate of Occupancy for all structures within this Planned Development.

SECTION 4.
APPLICABLE REGULATIONS

In all respects the Land shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the City including but not limited to the City's subdivision ordinance, building codes, requirements concerning preliminary and final site plans, and landscape plans in effect at the date of passage of this ordinance.

SECTION 5.
NO VESTED INTEREST

No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development District or in any other specific regulations contained herein.

SECTION 6.
ZONING MAP

The City Secretary is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

SECTION 7.
CUMULATIVE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 8.
SAVINGS

All rights and remedies of the City of Tioga, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.
SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 10.
PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

If the governing body of the City of Tioga determines that a violation of this Ordinance has occurred, the City of Tioga may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 11.
PUBLICATION

The City Secretary of the City of Tioga is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

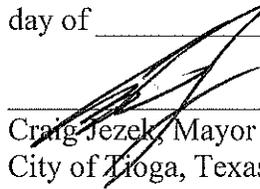
SECTION 12.
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Tioga is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date in the minutes of the City Council and by filing this Ordinance in the ordinance records of the City.

SECTION 13.
EFFECTIVE DATE.

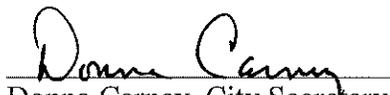
This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Tioga, Texas, this _____ day of _____, 2019.



Craig Jezek, Mayor
City of Tioga, Texas

ATTEST:



Donna Carney, City Secretary
City of Tioga, Texas

{SEAL}

APPROVED AS TO FORM:

Lance Vanzant, City Attorney
City of Tioga, Texas

Exhibit A
Section I
Legal Description for Creekside Crossing

Tract 1

Being a tract of land situated in the Sarah Cross Survey, Abstract No. 210, Grayson County, Texas and being part of a called 85.403-acre tract of land described in Deed to Metallic Land Company, LLC as recorded in Document No. 2017-19915, Official Records, Grayson County, Texas and being more particularly described herein as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap stamped "PLS, INC" (typical) set in the North line of F.M. 922 (a public road) for the Northwest corner of said Metallic tract and the Northwest corner of the herein described tract, also being the Northeast corner of a called 50.043 acre tract of land as described in Deed to Cordell J. Hendricks and Terri A. Hendricks as recorded in Volume 3247, Page 328, Official Records, Grayson County, Texas;

THENCE North 89 degrees 59 minutes 33 seconds East, with the North line of said Metallic tract, a distance of 1,026.30 feet to a 5/8-inch iron rod set in the South line of said F.M. 922 for the Northeast corner of the herein described tract;

THENCE over and across said Metallic tract the following courses and distances:

South 01 degree 50 minutes 50 seconds West, 842.65 feet to a 5/8-inch iron rod set for corner;

South 88 degrees 11 minutes 15 seconds East, a distance of 741.85 feet to a 5/8-inch iron rod set in Texas Street (a public road) and being in the West Right-of-Way of the called Missouri and Pacific Railroad for the Southerly Northeast corner of the herein described tract;

THENCE with the East line of said Metallic tract and along said Texas Street and West line of said Railroad the following courses and distances:

South 04 degrees 49 minutes 22 seconds West, a distance of 790.85 feet to a 1/2-inch iron rod found for corner;

South 15 degrees 22 minutes 27 seconds West, leaving said Railroad and continuing along said Texas Street, a distance of 422.68 feet to a "Mag" spike set for corner;

South 09 degrees 28 minutes 30 seconds West, a distance of 227.18 feet to a 1/2-inch iron rod found for the Southeast corner of said Metallic tract and the Northeast corner of a called 7.004-acre tract of land described in Deed to Sandra May Brown as recorded in Volume 3945, Page 267, said Official Records;

THENCE North 88 degrees 11 minutes 15 seconds West, with the South line of said Metallic tract and the North line of said Brown tract along a relocated fence of a boundary agreement recorded in Volume

2465, Page 199, Deed Records, Grayson County, Texas, a distance of 899.15 feet to a 1/2 inch iron rod found for corner of said Metallic tract and the Northwest corner of said Brown tract, also being the Northeast corner of a called 14.169 acre tract of land described in Deed to James A. Sauer and Mavis C. Sauer as recorded in Volume 4098, Page 317, said Official Records;

THENCE North 88 degrees 16 minutes 13 seconds West, with the South line of said Metallic tract and the North line of said Sauer tract, a distance of 699.02 feet to a 2 inch steel fence corner post found in the East line of a called 38.390 acre tract of land described in Deed to Mavis Sauer as recorded in Volume 3396, Page 255, said Official Records for the Southwest corner of said Metallic tract and the Northwest corner of said Sauer tract;

THENCE North 01 degrees 09 minutes 43 seconds East, with the West line of said Metallic tract and the East line of said 38.390-acre tract, a distance of 410.01 feet to a 2-inch steel fence corner post found for corner of said Metallic tract and the Northeast corner of said 38.390-acre tract, also being the Southeast corner of said Hendricks tract;

THENCE North 02 degrees 04 minutes 14 seconds East, with the West line of said Metallic tract and the East line of said Hendricks tract, a distance of 1271.56 feet to a 1/2-inch capped iron rod found for ell corner of said Metallic tract and the Southwest corner of a called 5.000-acre tract of land as described in Deed to Tioga Cemetery Association as recorded in Volume 1893, Page 595, said Deed Records;

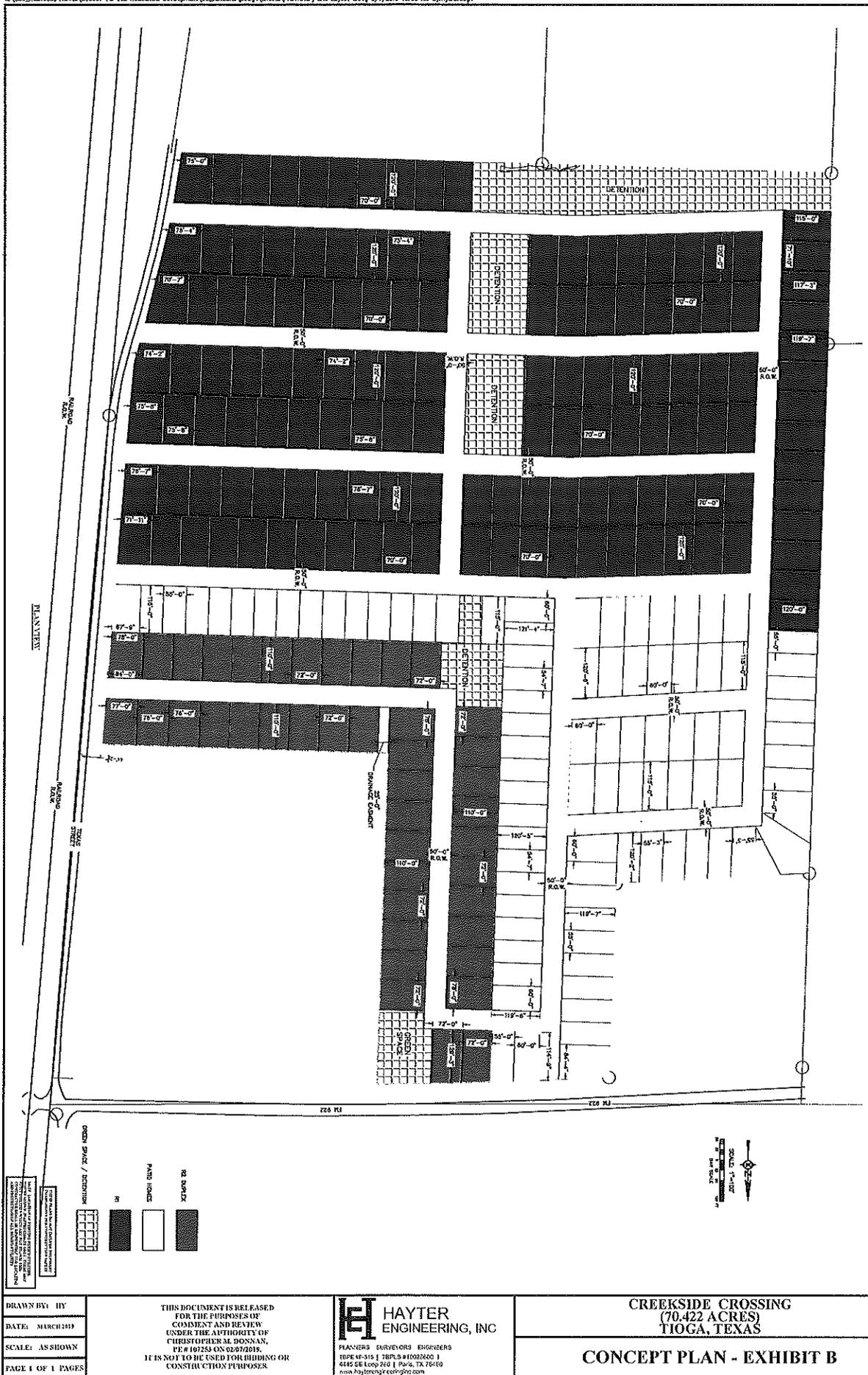
THENCE with the common line between said Metallic tract and said Tioga Cemetery the following courses and distances:

North 86 degrees 53 minutes 20 seconds East, a distance of 468.39 feet to a 1/2-inch capped iron rod found for corner;

North 01 degrees 57 minutes 45 seconds East, a distance of 466.14 feet to a 4-inch pipe fence corner post found for corner;

South 86 degrees 57 minutes 20 seconds West, a distance of 468.78 feet to a 3-inch steel fence corner post found in the East line of said Hendricks tract for ell corner of said Metallic tract and the Northwest corner of said Tioga Cemetery;

THENCE North 01 degrees 53 minutes 48 seconds East, with the West line of said Metallic tract and the East line of said Hendricks tract, a distance of 88.68 feet to the POINT OF BEGINNING and containing, within the metes and bounds herein recited, 70.422 acres of land, more or less.



DRAWN BY: HY
 DATE: MARCH 2019
 SCALE: AS SHOWN
 PAGE 1 OF 1 PAGES

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF COMMENT AND REVIEW UNDER THE AUTHORITY OF CHRISTOPHER AL DONNAN, PE #107253 ON 02/07/2019. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.

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 PLANNERS SURVEYORS ENGINEERS
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 4149 SE Loop 240 | P.O. Box, TX 75410
 www.haytereng.com

CREEKSIDE CROSSING
 (70.422 ACRES)
 TIOGA, TEXAS
CONCEPT PLAN - EXHIBIT B

Exhibit C
Development Standards
for Creekside Crossing

1. Development Plan

- 1.1 General. Planned Development Zoning Exhibit for Creekside Crossing (the Property), attached to these PD Standards and incorporated herein, delineates the boundaries of the planned development district as referred to in Section I of this PD.
- 1.2 Conformance with Planned Development. Development of a phase or tract within the Property must generally comply with the PD Standards and Concept Plan as attached.

2. Applicability and Rules of Construction

- 2.1 Applicability. All development on land located within the boundaries of Creekside Crossing Planned Development District must adhere to the rules and regulations set forth herein. Prior to development within the district, the requirements of development approval as contained in the Planned Development must be satisfied.
- 2.2 Rules of Construction. Except as provided by these PD Standards, development within the Planned Development District is governed by applicable city regulations. In the event of conflict or inconsistency between these PD Standards and the applicable city regulations, the terms and provisions of these PD Standards shall control. In the event a development standard or regulation is not addressed herein, the standards of other city regulations may apply. Local building codes, life safety codes, and other applicable federal, state and local regulations as approved at time of approval of this PD take precedence. The standards set forth in the PD shall govern, and the Planned Development District will not be required to comply with newly adopted rules or regulations that occur after approval of the PD.

3. Development Standards for Single Family Residential (R1) - (136 Lots +/- 5 Lots)

- 3.1 Purpose is to provide suitable areas for the development of single-family residential structures.
- 3.2 Lot Standards for PD-R1 (Detached Single-Family Homes):
 - a) Minimum Lot width of 70'
 - b) Minimum Lot Depth of 110'
 - c) Minimum Lot Area 7,700 square feet
 - d) Front Yard Setback of 25'
 - e) Rear Yard Setback of 25'
 - f) Side Yard Setback of 7'
 - g) Maximum lot coverage, including main building and accessory building, 45%
 - h) Minimum dwelling size 900 square feet
 - i) Maximum Height 2 ½ stories or 35'
(as measured to the midpoint of the pitched roof)
- 3.3 Corner lots shall have a minimum of 15' required on the street side
- 3.4 Minimum parking requirements: 2 parking spaces will be provided as off-street parking. Each lot will have a 2-car garage.

4. Development Standards for Single Family Residential Patio Homes (89 Lots +/- 5 Lots)

- 4.1 Purpose is to provide suitable areas for the development of single-family residential structures.
- 4.2 Lot Standards for PD-Patio Homes (Detached Single-Family Homes):
 - a) Minimum Lot width of 50'
 - b) Minimum Lot Depth of 110'
 - c) Minimum Lot Area 5,500 square feet
 - d) Front Yard Setback of 25'
 - e) Rear Yard Setback of 15'
 - f) Side Yard Setback of 5'
 - g) Maximum lot coverage, including main building and accessory building, 60%
 - h) Minimum dwelling size 900 square feet
 - i) Maximum Height 2 ½ stories or 35'
(as measured to the midpoint of the pitched roof)
- 4.3 Corner lots shall have a minimum of 15' required on the street side
- 4.4 Minimum parking requirements: 2 parking spaces will be provided as off-street parking. Each lot will have a 2-car garage.

5. Development Standards for Duplexes (R2) - (42 Lots 70x110 or 84 Lots 35x110 +/- 2 lots)

- 5.1 Purpose is to provide suitable areas for the development of multi-family residential structures.
- 5.2 Lot Standards for PD-R2 (Multi-Family Duplex Homes):
 - a) Minimum Lot width of 35'
 - b) Minimum Lot Depth of 110'
 - c) Minimum Lot Area 3,850 square feet
 - d) Front Yard Setback of 25'
 - e) Rear Yard Setback of 30'
 - f) Side Yard Setback of 7'
 - g) Maximum lot coverage, including main building and accessory building, 50%
 - h) Minimum dwelling size 300 square feet
 - i) Maximum Height 3 stories or 45'
(as measured to the midpoint of the pitched roof)
- 5.3 Corner lots shall have a minimum of 15' required on the street side
- 5.4 Minimum parking requirements: 2 parking spaces will be provided as off-street parking. Each lot will have a 2-car garage.