

CITY OF WILLOW PARK, TEXAS

ORDINANCE NO. 740-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A CHANGE IN ZONING TO PD PLANNED DEVELOPMENT ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 140.3 ACRES OF LAND LOCATED IN THE A. MCCARVER SURVEY, ABSTRACT NO. 910, THE W. FRANKLIN SURVEY, ABSTRACT NO. 468, THE I. HENDLEY SURVEY, ABSTRACT NO. 619, THE M. EDWARDS SURVEY, ABSTRACT NO. 1955, AND THE J. FROMAN SURVEY, ABSTRACT NO. 471, ALL IN PARKER COUNTY AND THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and

WHEREAS, pursuant to Chapter 211 TEXAS LOCAL GOVERNMENT CODE, the City of Willow Park has the authority to adopt comprehensive zoning plans and to amend said plans for the purposes of promoting the health, safety and welfare of the City; and

WHEREAS, the owner of that certain 140.3 acre tract of land described on Exhibit "A" attached hereto has applied for a change in zoning to "PD" Planned Development District consistent with the development standards and Site Plan attached hereto as Exhibit "B" and "C" respectively; and

WHEREAS, a public hearing on the zoning change was held by the Planning and Zoning Commission of the City of Willow Park and a final report for recommendations was submitted to the governing body of the

City; and

WHEREAS, the City of Willow Park held a public hearing subsequent to that of the Planning and Zoning Commission and subsequent to receiving the final report and recommendations of the Planning and Zoning Commission with respect to the application for a zoning change; and

WHEREAS, the City Council finds that the change is consistent with surrounding zoning as shown in the Comprehensive Plan; and

WHEREAS, all requirements concerning notice to adjacent property owners, publication and other procedural requirements have been complied with in accordance with Chapter 211, TEXAS LOCAL GOVERNMENT CODE; and

WHEREAS, the City of Willow Park, Texas does hereby deem it advisable and in the public interest to grant the requested zoning classification: "PD Planned Development District" zoning district classification set forth herein; and

WHEREAS, the City of Willow Park has adopted a Comprehensive Plan for the long range development of the municipality and inclusion of the planned development district described herein is consistent with that long range plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, THAT:

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. LAND USE PERMITTED

The zoning district classification and use designation of the Property described in Exhibit "A" is hereby changed to "PD Planned Development District" zoning district classification and use allowing the use and development of the Property described in Exhibit "A" in accordance with the development standards on Exhibit "B" and the Site Plan on Exhibit "C". Exhibit "A", Exhibit "B", and Exhibit "C" are attached hereto and incorporated herein for all purposes.

SECTION 3. MAP AMENDMENT

The City Secretary is hereby directed to amend the official zoning map to reflect the adoption of the zoning approved herein consistent with markings as specified by Municipal Code of Ordinances of the City of Willow Park.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by any court,

such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this Ordinance are severable.

SECTION 5. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 6. PUBLICATION

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park the caption and the effective date of this Ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Willow Park and after publication as required by law.

PASSED AND ADOPTED this 25th day of October, 2016

/s/

Mayor

ATTEST:

/s/

City Secretary

APPROVED AS TO FORM:

/s/

City Attorney

Exhibit B
PD Development Standards

1. Definitions.

- a. Accessory use means any use that is customarily incidental to the primary use of the property on which it is located. An accessory use may include accessory buildings and structures. Amenity centers and clubhouses are accessory uses to single family detached development, and may be located on separate platted lots. No accessory use shall be construed as allowing articles or material to be in the open or on the outside of the building.
- b. Site Plan means the Site Plan attached as Exhibit C, as amended in accordance with Section 3.
- c. Event center means a facility that may include some or all of the following types of uses: event space for weddings, meetings, parties, and other types of events; meeting rooms; game courts; fitness center/gym; swimming pools; athletic fields and facilities; childcare, dining; catering kitchen; spa facilities and services; and other similar uses.
- d. Property means the property depicted and described on Exhibit A.
- e. Public parking means parking available to the public that may be used to satisfy the parking requirement for a use located within or outside of the boundaries of this planned development district. Public parking may also provide excess parking that is not required by the Zoning Ordinance.
- f. Townhome means a single family dwelling unit horizontally attached to another dwelling unit by a common wall. Townhomes may be located on the same platted lot or on separate platted lots. The term townhome does not include a dwelling unit located above another dwelling unit. Townhomes are not included in the definition of a multi-family dwelling.
- g. Zoning Ordinance means the comprehensive zoning ordinance of the City of Willow Park attached as Exhibit D.

2. Applicable Regulations. Development and use of the Property shall comply with the Zoning Ordinance, as amended by Ordinance No. ____ establishing these planned development district zoning regulations. In the event of a conflict between the Zoning Ordinance or any other City ordinance, rule, or regulation and these planned development district zoning regulations, these planned development district zoning regulations shall control. With the exception of the Zoning Ordinance and these planned development district zoning regulations, no other zoning regulations shall apply to the development or use of the Property.

3. Site Plan; Future Approvals.

- a. Development and use of the Property shall comply with the Site Plan.
 - b. The Site Plan may be amended from time to time provided each planning area shown on the Site Plan maintains roadway contiguity as shown on the original Site Plan attached as Exhibit C. City approval of a plat confirms the Site Plan amendment. Once the city approves the plat, the Site Plan attached as Exhibit C is automatically amended consistent with the approved plat.
 - c. Any revision to the Site Plan that does not meet the requirements of Section 3(b) shall constitute a zoning amendment that requires compliance with the procedures for a change in zoning.
 - d. When the Site Plan is amended pursuant to Section 3(b), the developer shall file a copy of the updated Site Plan that includes the date of the amendment with the Community Development Department and the City Secretary, and a copy of the amended plan shall be included in the City's official files for this planned development district.
 - e. With the exception of amended Site Plans, which shall be governed exclusively by Sections 3(b)-(d), there shall be no requirements for approval of site plans, concept plans, or development plans referenced in the Zoning Ordinance. The Building Official shall issue a building permit if the permit application demonstrates compliance with these planned development district zoning regulations.
4. Base Zoning Districts. Each planning area shown on the Site Plan shall have a base zoning district as follows:
- a. The base zoning district for the single family (SF) planning area shall be "R-5" Single-Family High Density District.
 - b. The base zoning district for the commercial (C) planning area shall be "C" Commercial District.
 - c. The base zoning district for the event center (EC) planning area shall be "C" Commercial District.
 - d. The base zoning district for the public parking (P) planning area shall be "C" Commercial District.
 - e. The base zoning district for the multi-family (MF) planning area shall be the "R-3" Multifamily District.
 - f. The base zoning district for the townhome (TH) planning area shall be "R-5" Single Family High Density District.
 - g. The base zoning district for the treatment plant (TP) planning area shall be "C" Commercial District, until ownership is transferred to the City.

- Medical supplies
 - Movie Theater
 - Musical instrument sales and supplies
 - Optometry facility
 - Personal services
 - Pet shop and related sales
 - Photograph, portrait, camera shops and photo-finishing
 - Physical therapy facility
 - Professional offices (engineering, accounting, attorney, insurance, and other)
 - Public parking
 - Radio and television sales and servicing
 - Real estate offices
 - Restaurants, cafes, cafeterias, delicatessen (with or without drive-thru windows or drive-ins)
 - Retail stores (no limitation on type or size)
 - Services, personal (salons, spas, licensed massage providers, and similar service uses)
 - Service stations (no repair work)
 - Shoe repair
 - Small animal hospital with no outside kennels
 - Tailor, clothing or apparel shops
 - Temporary concrete or asphalt batch plant during construction on the Property
 - Temporary construction offices and trailers
 - Temporary sales or leasing offices
 - Theater
- c. In the event center (EC) planning area, the following uses are permitted by right: an event center, public parking, and accessory uses.
- d. In the public parking (P) planning area, the following use is permitted by right: public parking, food trucks, and outdoor dining areas.
- e. In the multi-family (MF) planning area, the following uses are permitted by right: multi-family, single family detached homes and accessory uses. A maximum of 208 multi-family dwelling units are permitted in the multi-family (MF) planning area.
- f. In the townhome (TH) planning area, the following uses are permitted by right: townhomes, single family detached homes, and accessory uses. A maximum of 110 townhomes are permitted in the townhome (TH) planning area.
- g. In the treatment plant (TP) planning area, the following uses are permitted by right: a public wastewater treatment plant, public parking, food trucks and outdoor dining areas, and accessory uses.

- h. The base zoning district for the greenbelt (GB) planning area shall be "FP" Flood Plain District.

5. Permitted Uses.

- a. In the single family (SF) planning area, the following uses are permitted by right: single family detached homes and accessory uses.
- b. In the commercial (C) planning area, the following uses are permitted by right:
- Accessory uses.
 - Amphitheater
 - Antique shops
 - Assisted living or skilled nursing facility
 - Athletic facility, which may include athletic fields for football, soccer, baseball, and other sports
 - Bakeries
 - Banks, financial institutions
 - Barber and beauty shops
 - Bicycle sales and service
 - Book and stationery stores, newsstands
 - Business college and private school facilities
 - Caterer or wedding service
 - Cigar or tobacco stores
 - Cleaning, pressing and laundry collection
 - Confectioner stores
 - Copy center
 - Custom dressmaking or millinery shops
 - Day care nursery or pre-school
 - Drug stores, health product stores
 - Dry good, variety, notion stores
 - Event center
 - Express offices
 - Fitness center, gym
 - Florist, jewelry, and gift shops
 - Grocery stores, vegetable and meat markets
 - Hardware store
 - Health and medical products for personal use
 - Horse stables
 - Hotel and/ or motel
 - Household and office furniture
 - Imaging or x-ray center
 - Laboratory test facilities
 - Lodge & Civic clubs
 - Medical provider offices (doctor, dentist, vision, chiropractic, and other)

- h. In the greenbelt (GB) planning area, the following uses are permitted by right: open space (passive or active), including horseback riding, hike and bike trails, parks, accessory uses, public parking, and food trucks and outdoor dining areas.
6. Development Standards. Development of the Property shall be subject to the development standards for the applicable base zoning district, as set forth in the Zoning Ordinance, except as follows:
- a. Single family detached homes may be developed pursuant to the following standards that shall be the exclusive lot size, density, setback, building height, lot coverage, and living area requirements for a single family detached home:
 - i. Minimum lot size: 5,000 square feet
 - ii. Minimum front yard setback: 15 feet. A corner lot shall be deemed have one front yard, which shall be the yard with the least street frontage.
 - iii. Minimum side yard setback: 5
 - iv. Minimum rear yard setback: 20
 - v. Maximum lot coverage: 45 percent (includes the footprint of all enclosed buildings on a lot)
 - vi. Maximum building height: 35 feet and two stories
 - vii. Maximum number of single family detached homes within the Property: 97
 - viii. Minimum gross living area per dwelling unit: 2,200 square feet
 - ix. Two car front entry garages are permitted.
 - b. Townhomes may be developed pursuant to the following standards that shall be the exclusive lot size, setback, building height, density, lot coverage, living area, and exterior construction and design requirements for a townhome:
 - i. Minimum lot size: 1,600 square feet
 - ii. Minimum front yard setback: 10 feet. A corner lot shall be deemed have one front yard, which shall be the yard with the least street frontage.
 - iii. Minimum side yard setback: none, except a minimum five foot side setback is required on a corner side yard that abuts a street
 - iv. Minimum rear yard setback: none
 - v. Minimum setback from the boundary of the townhome (TH) planning area: 20 feet

- vi. Maximum lot coverage: none
 - vii. Maximum building height: 35 feet and two stories unless sprinklers installed throughout the structure then 50 feet and three stories
 - viii. Maximum density: ten dwelling units per gross acre
 - ix. Minimum gross living area per dwelling unit: 1,200 square feet
 - x. Exterior construction and design regulations: Minimum standard masonry construction: 85% of exterior cladding of the structure. Masonry construction shall include all construction of a minimum of two different coordinated stone and/or brick materials, defined as follows: (a) Stone material. Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock or other hard and durable naturally occurring all-weather stone. Cut stone and dimensioned stone techniques are acceptable. (b) Brick material. Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specifications for Face Brick (Solid Masonry Unit Made of Clay or Shale) and be Severe Weather (SW) grade and type FBA or FB S or better. Unfired or underfired clay, sand or shale brick are not allowed.
- c. Single family detached homes shall have a minimum roof pitch of 3:12.
 - d. Single family detached homes shall be subject to the following:
 - i. The front elevation of each residence shall be 75 percent masonry, exclusive of doors, windows, dormers, and other architectural elements. Each side and rear elevations of a residence shall be at least 50 percent masonry, exclusive of doors, windows, dormers, and other architectural elements, except that a side elevation abutting a side street shall be at least 75 percent masonry, exclusive of doors, windows, dormers, and other architectural elements. For purposes of this paragraph, masonry means stucco, EIFS, brick, and stone.
 - e. Single family detached homes with the same floor plan and architectural front elevation must have at least three lots of separation between them on the same side of the street and must not be directly across the street from each other.
 - f. Front and rear yard setbacks in the commercial (C) planning area and the event center (EC) planning area shall be a minimum of 20 feet.
 - g. The front yard setback shall apply based on the zoning of the lot, regardless of whether property along a block face is split by two or more zoning districts that require different front yard setbacks.
 - h. Building lines shall not be required on plats.

7. Development Matrix. With each plat approval and building permit issuance, the developer shall submit an updated matrix that tracks the total number of single family detached homes, townhomes, and multi-family dwelling units to establish ongoing compliance with the requirements of these planned development district zoning regulations.
8. Overlay Districts. No overlay zoning district regulations shall apply to the Property, including, but not limited to, the I-20 overlay district regulations.
9. Landscaping. The City Manager may approve an alternative landscape plan for a platted lot provided the alternative plan meets or exceeds the total amount of landscaping required by the Zoning Ordinance for that lot.
10. Signs. The City Manager may approve an alternative sign plan for a platted lot provided the alternative plan meets the spirit and intent of the City's sign ordinance.
11. Fencing. Perimeter fencing is not required.
12. Parking. Required parking spaces may be located at any location within the Property, including within the floodplain. Required parking spaces are not required to be located on the same platted lot as the use that the parking serves but must be adjacent to or accessible from the use that the parking serves. Each townhome shall include a minimum of two parking spaces in an attached garage. For multi-family uses, a minimum of ten percent of the dwelling units shall have a garage, which shall count towards any covered parking requirements.
13. Sidewalks. Public sidewalks shall be constructed adjacent to all public roadways within the Property at the time a builder constructs a building on the adjacent private lot. In residential areas, sidewalks are required on only one side of the street. Sidewalks shall be located within the public right-of-way and maintained by the City. Sidewalks shall be a minimum of five feet in width with 4-inch thick concrete and otherwise constructed in accordance with the City's standard specifications.
14. Hike and Bike Trail; Open Space.
 - a. A hike and bike trail that is a minimum of three feet in width and a maximum of 11 feet in width shall be constructed within the greenbelt (GB) planning area shown on the Site Plan. The trail shall be constructed of crushed granite, hot mix asphaltic, concrete, or other material approved by the City. Construction of the trail shall be phased with the development, and shown on each final plat. At the developer's written request and after a final plat for at least 80 percent of the Property has been recorded, the developer will dedicate by separate instrument some or all of the greenbelt (GB) planning area shown on the Site Plan, including the hike and bike trail and public parking areas, and City will accept and maintain the dedicated area and improvements. The dedicated area may, at the developer's option, include lakes.

- b. With the exception of the areas referenced in Section 14(a) that will be dedicated to the City, all other open space designed on a recorded final plat shall be privately owned and maintained by a property owners association.
 - c. There are no park land dedication, park fee, or open space requirements applicable to this Property.
- 15. Storm Water. Storm water from the Property shall be discharged directly into the Clear Fork of the Trinity River. Storm water detention and retention are not required for the development of the Property so long as the Property is in compliance with all applicable storm water regulations.
- 16. Streets.
 - a. Private street improvements will be designed to standards approved by an engineer licensed by the State of Texas.
 - b. All street and driveway connections to the I-20 service road are exclusively within the jurisdiction of the Texas Department of Transportation, and TxDOT shall be responsible for all permitting and regulatory control over such connections.

TRACT DESCRIPTION

BEING A 140.301 ACRE TRACT OF LAND BEING CALLED OUT OF THE A. MCCARVER SURVEY, ABSTRACT No. 910, THE W. FRANKLIN SURVEY, ABSTRACT No. 458, THE I. HENDLEY SURVEY, ABSTRACT No. 619, THE M. EDWARDS SURVEY, ABSTRACT No. 1955, AND THE J. FROMAN SURVEY, ABSTRACT No. 471, ALL IN PARKER COUNTY, TEXAS; AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF KINGS GATE ROAD, FOR THE MOST SOUTHEAST AND BEGINNING CORNER OF THIS TRACT;

THENCE TO POINTS FOR CORNERS THE FOLLOWING COURSES AND DISTANCES:

South 39°19'35" West, 1,594.92 feet
North 66°55'33" West, 356.22 feet
North 35°07'07" West, 75.46 feet
North 20°44'43" West, 161.89 feet
North 6°39'20" West, 341.87 feet
North 46°37'02" West, 59.97 feet
North 76°48'22" West, 302.35 feet
North 38°32'03" West, 210.00 feet
North 20°14'28" West, 205.06 feet
North 22°27'19" East, 75.76 feet
North 19°06'55" East, 68.26 feet
North 52°26'00" West, 289.92 feet
North 15°54'04" East, 242.57 feet
North 7°58'02" West, 123.34 feet
North 50°46'27" West, 215.39 feet
North 0°10'48" East, 261.71 feet
North 23°12'58" West, 280.36 feet
North 37°51'23" West, 465.27 feet
North 83°42'14" West, 303.51 feet
North 35°45'42" West, 227.04 feet
North 42°04'53" West, 178.63 feet
North 72°34'22" West, 133.71 feet
South 70°41'01" West, 225.01 feet
North 49°22'02" West, 181.64 feet
North 10°09'20" East, 179.00 feet
North 64°00'18" West, 213.66 feet
North 36°10'11" West, 169.13 feet
North 24°54'49" West, 338.85 feet
North 14°08'29" East, 57.57 feet
North 89°46'40" East, 32.53 feet
North 11°36'52" West, 173.16 feet
North 16°17'07" East, 95.77 feet
South 50°16'28" East, 407.31 feet
North 89°42'50" East, 780.91 feet
North 0°17'38" West, 365.04 feet
South 89°58'56" East, 857.93 feet
South 15°53'32" West, 875.75 feet
South 89°52'28" East, 230.00 feet
South 0°48'52" West, 322.30 feet
North 89°55'32" East, 425.00 feet
South 0°37'35" East, 538.20 feet
North 87°55'01" East, 758.00 feet
South 7°25'22" West, 473.88 feet
South 26°31'49" East, 120.95 feet
North 62°36'07" East, 691.04 feet
South 35°01'38" East, 288.36 feet
South 44°36'33" West, 363.88 feet
South 20°01'39" West, 285.41 feet
South 12°53'49" East, 180.17 feet
South 30°23'58" East, 244.61 feet
South 43°10'50" East, 181.51 feet
North 85°58'58" East, 205.15 feet
South 87°23'04" East, 126.42 feet
South 0°36'36" East, 183.34 feet TO THE POINT OF BEGINNING, BEING A 140.301 ACRE TRACT OF LAND.

EXHIBIT B
(SHEET 3 of 3)

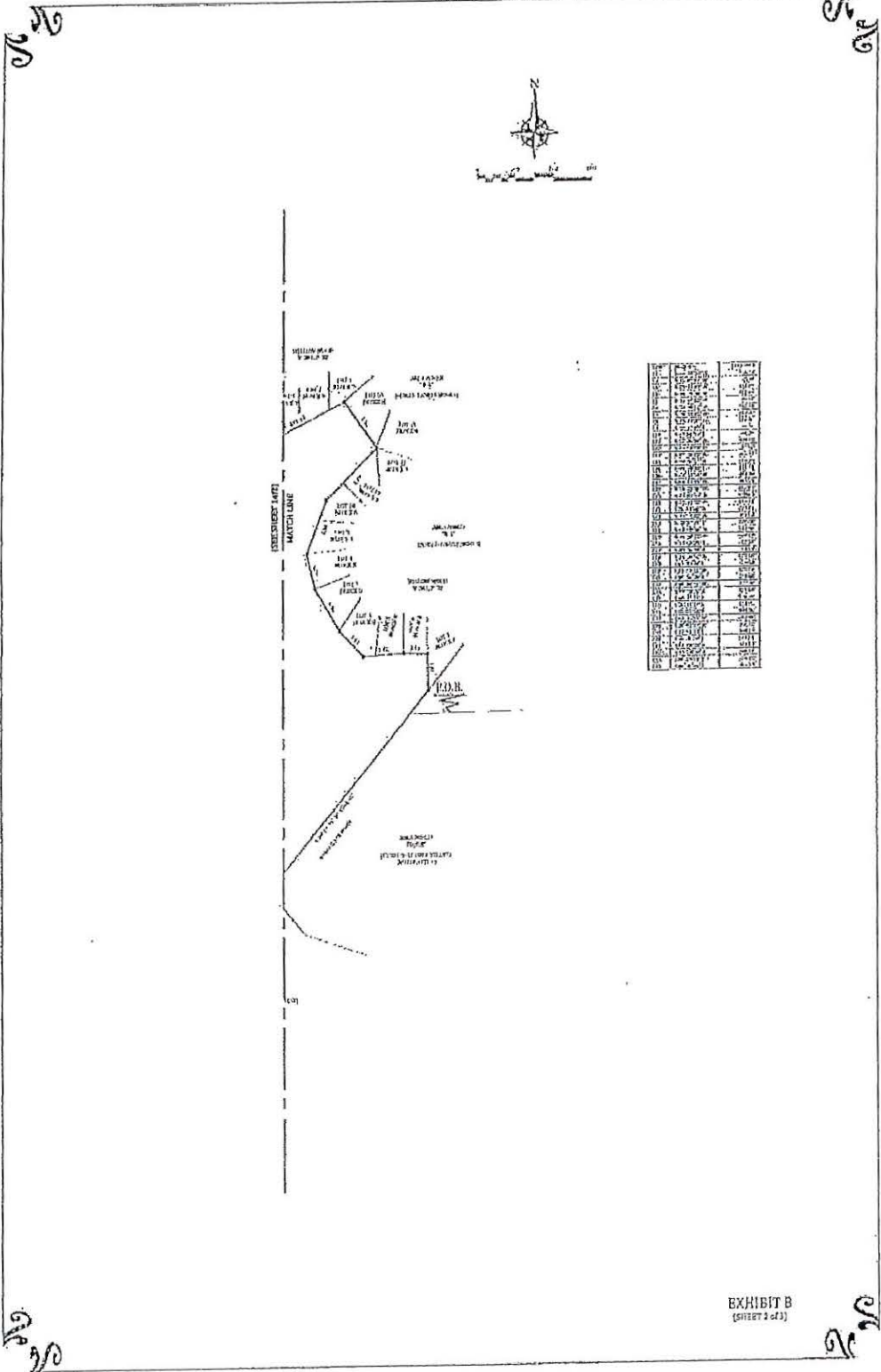
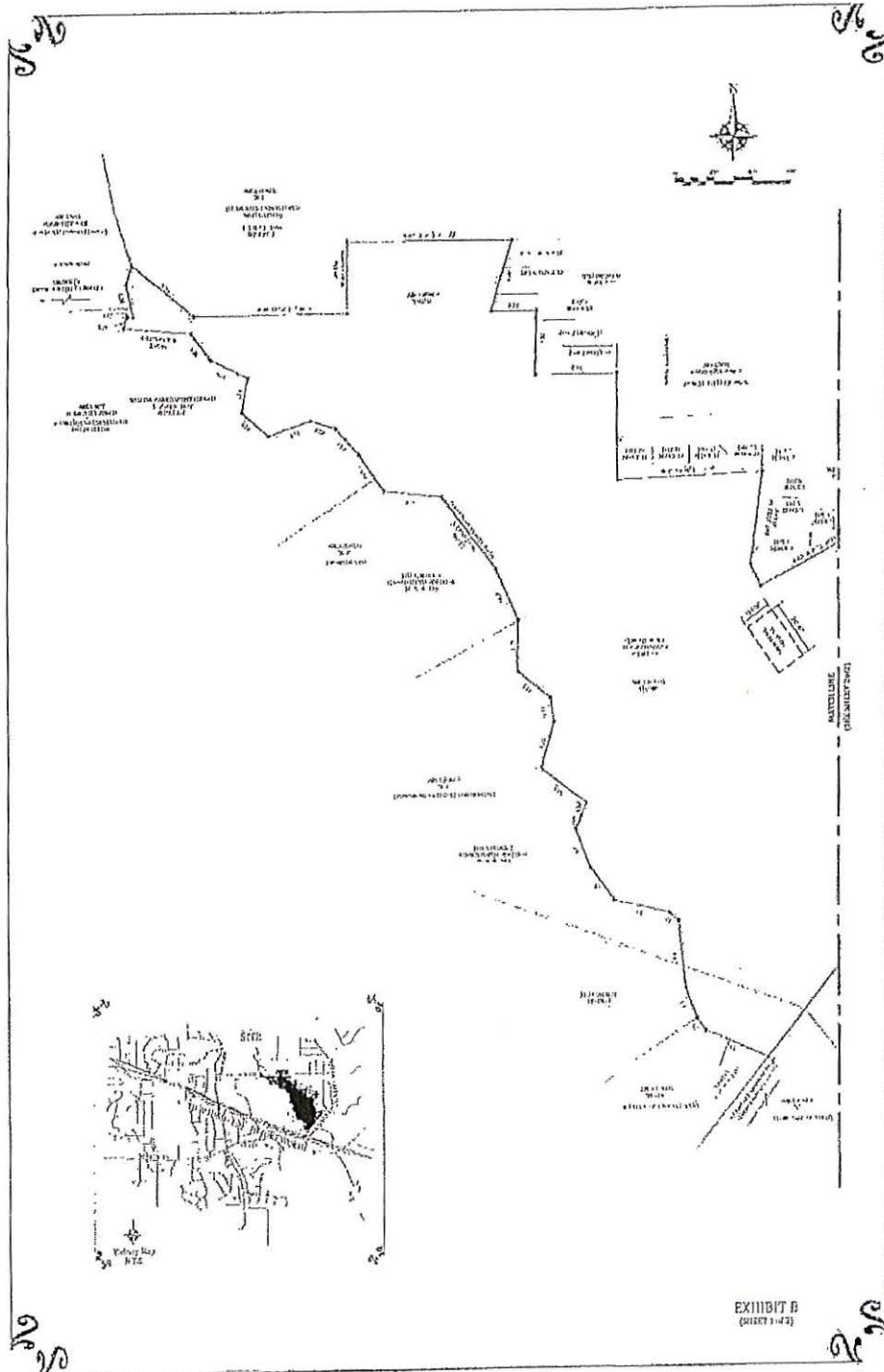


EXHIBIT B
(SHEET 2 of 3)

Exhibit A
Description of Property



The Willow Park City Council in acting on Ordinance No. 740-16, did on the 25th day of October 2016 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
Daniel Houge, Place 1	_____✓_____	_____
Gene Martin, Place 2	_____✓_____	_____
Greg Runnebaum, Place 3	_____✓_____	_____
John Gholson, Place 4	_____✓_____	_____
Marcy Galle, Place 5	_____✓_____	_____

Exhibit D
Copy of Zoning Ordinance

