

CITY OF WILLOW PARK
ORDINANCE NUMBER 857-22

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM “R-1” SINGLE FAMILY DISTRICT TO “PD” PLANNED DEVELOPMENT DISTRICT FOR 19.16 ACRES SITUATED IN THE JOHN PHELPS SURVEY, ABSTRACT NO 1046, CITY OF WILLOW PARK, TEXAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas, is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 211 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Red River Development 2020 LLC (Owner) has applied for a change in zoning for 19.16 acres situated in the John Phelps Survey, Abstract No. 1046, (the “Property”) from “R-1” Single Family District to “PD/R-5” Planned Development District, Single Family Medium Density; and.

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code and all other laws dealing with notice, publication and procedural requirements of the rezoning of the Property; and

WHEREAS, the City of Willow Park, Texas does hereby deem it advisable and in the public interest to grant the requested zoning.

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

Section 1. The Zoning Ordinance, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Willow Park, Texas, as shown on the preliminary Zoning Site Plan attached hereto as Exhibit ‘A’, and described by metes and bounds description attached as Exhibit ‘B’, by changing the zoning of said property from R-1 Single Family to PD Planned Development district, including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

Section 2. PD Development Standards

2.0 Planned Development – Single Family

2.01 Purpose: The purpose of this Planned Development District (PD) is to allow for development of standard single family detached housing.

2.02 Requirements: This Planned Development District shall be subject to the requirements of the R-5 Zoning District, except as modified below. The site plan provided shows the general schematic layout of the site and intended uses only. This site plan is subject to change, and

modifications are allowed in the planning and design process, provided that the final site plan matches the characteristic and intent of the plan provided in this ordinance as Exhibit 'A'.

2.03 Permitted Uses: Uses as allowed in the "R-5" zoning are allowed in this Planned Development District.

2.04 Zoning Standards: Standards as defined in the "R-5" zoning are required except as modified below.

- (1) Maximum height. Two (2) stories, but not to exceed thirty (30) feet.
- (2) Minimum lot area. Five thousand (5,000) square feet.
- (3) Maximum family dwelling units. Six (6) dwelling units per acre.
- (4) Minimum gross living area. The following ranges must be followed per each defined subdivision: 50% 1700 - 2000 square feet; 50% greater than 2000 square feet.
- (5) Front yard setback. Twenty (25) feet, from the edge of the sidewalk closest to the residence.
- (6) Rear yard setback. Ten (10) feet.
- (7) Side yard setback. Five (5) feet.
- (8) Maximum lot coverage by structure. Forty-five percent (45%).
- (9) Required parking. Two (2) car attached garage per dwelling unit. Front entrance garages are permitted.
- (10) Required screening. Rear and rear-side yards shall be enclosed with masonry or wooden screening. Screening shall be a minimum of six (6) foot and a maximum of eight (8) foot in height. Wooden screening shall be built with steel reinforced concrete footer which shall be four (4) inches in depth and a minimum six (6) inches wide. Footer shall have drainage holes as necessary. Screening poles shall be metal and set in concrete. All screening shall be uniform throughout individual subdivisions. Developments done in phases shall ensure that screening is complimentary in style and colors.
- (11) Minimum masonry coverage. One hundred percent (100%) below highest top plate. Fireplaces and chimneys must be 100% masonry.
- (12) Landscape requirements. Front and front side yards shall be sodded. The front yard shall have minimum of two (2) trees with minimum three (3) inch trunk diameter as measured twelve (12) inches above the ground and a minimum of six (6) shrubs. Said shrubs shall be a minimum of five (5) gallons at the time of planting. At time of planting, trees shall not be placed nearer than six (6) feet on center.

(13) Architectural relief required. The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.

(14) Repetition of building form.

(A) Repetition of facade. No front building elevation or plan for a primary structure shall be repeated within any three contiguous lots along a street or streets.

(i) “Block Face” means lots taking access from a street that are contiguous to each other and that are not separated by a street.

(ii) The three hundred (300) foot distance along a street shall be measured from the centerline of the street on which the proposed structure faces at a point perpendicular to a the center point of the lot to contain the structure, thence along the centerline of such street or along an intersecting street for a distance of three hundred (300) feet.

(B) Criteria for determining difference in elevation. A front building elevation or elevation plan shall be considered repeated if it is not visually different from another front building elevation or elevation plan. A front building elevation or elevation plan shall be considered visually different if any three (3) of the following five (5) criteria are met:

(i) “Block face” means lots taking access from a street that are contiguous to each other and that are not separated by a street.

(ii) There is a difference in roof pitch of two (2) inches per twelve (12) inches or greater;

(iii) Articulations in the front facade, i.e., the planes that advance or recede from the line of the main facade by three (3) or more feet, vary in height or width by a minimum of fifteen (15) percent;

(iv) The articulation of windows shall vary a minimum of two (2) of the following methods:

a. The aggregate area of windows on the front facade varies by at least fifteen (15) percent;

b. The distance between two (2) or more windows varies by at least ten (10) percent; or

c. The shape of two (2) or more windows varies in width or height or radius by at least fifteen (15) percent.

(v) The size and shape, or mix, or [of] masonry units (i.e. individual bricks or blocks of stone) are noticeably different. "Noticeably different" as specified herein shall mean at least a fifteen (15) percent variance in size, shape or mix.

(C) Variations not considered. Variations in the following characteristics shall not be considered in determining whether a building elevation for a primary structure is dissimilar:

- (i) Color, or
- (ii) Roofing materials.

(D) Determination by building official.

(i) The building official shall have discretion to approve minor variations in the requirements of this section, so long as those variations are consistent with the overall intent of this section.

(ii) The following process shall be used to approve a front building elevation plan:

a. The applicant shall submit a dimensioned rendering of the front building elevation to the building official.

b. The building official shall determine the elevation plan's compliance with this section and issue an elevation plan approval letter or disapproval letter to the applicant.

c. The applicant shall prepare and submit construction plans to the building official, who shall process the plans in accordance with city ordinances and policies.

d. The elevation plan approval letter, if issued, shall remain in effect until the completion of the construction plan approval process and the issuance of the building permit for the proposed structure.

e. Complete construction plans shall be submitted to the building official within thirty (30) calendar days of the date of the approval letter. If construction plans are not submitted within such period, the elevation plan approval expires.

f. Construction plans shall be consistent with the approved elevation plan. If construction plans are inconsistent, consistent plans shall be submitted or a new elevation plan must be approved for the construction plans under the criteria of this section.

(E) Minimum roof pitch required. A minimum 7:12 roof pitch is required for each primary structure.

(F) Minimum overhang required. Each primary structure must be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building facade to the soffit.

(G) Roofing system required. Installed roofing shingles must consist of dimensional shingles with a minimum manufacturer's rating of twenty (20) years. Roofing systems or materials exceeding the standards established herein may be used pursuant to approval by the building official or his designee.

(c) Special regulations.

(1) Portable trailers may be used as offices or storage trailers located within a new sub-development subject to the following provisions:

(A) No more than one (1) trailer per platted subdivision[;]

(B) Trailer must be located at least one hundred fifty (150) feet from any occupied residence[;]

(C) A time limit of one (1) year[.]

(2) All streets shall be constructed of concrete, with curb and gutter and adjacent sidewalks.

(3) Connectivity to adjacent subdivisions or commercial areas must be provided.

(4) Amenity provisions[:]

(A) Pocket parks or subdivision specific green space[;]

(B) Benches in common areas[;]

(C) Enhanced landscaping[;]

(D) Enhanced lighting, where appropriate[;]

(E) Trees planted along streets or roadways[;]

(F) Home owner association shall maintain all common area or common to all amenities[;]

(G) All utilities shall be buried underground[.]

Section 3. Severability Clause. This ordinance shall be cumulative of all provisions of ordinances of the City of Willow Park, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinance, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Willow Park's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. Penalty Clause. Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provision of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED by an affirmative vote of all members of the City Council, this 12th day of April 2022.

APPROVED:



Doyle Moss, Mayor

ATTEST:



Crystal R. Dozier TRMC, City Secretary



Pat Chesser, City Attorney

The Willow Park City Council in acting on Ordinance 857-22, did on the 12 day of April 2022, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss, Mayor	_____	_____	_____
Eric Contreras, Place 1	<u>✓</u>	_____	_____
Chawn Gilliland, Place 2	<u>✓</u>	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	<u>✓</u>	_____	_____
Nathan Crummel, Place 5	<u>✓</u>	_____	_____

EXHIBIT A
PRELIMINARY PD SITE PLAN

R SITE PLAN

Individual platted single family homes that adhere to base R-5 zoning with two variances.



EXHIBIT B
METES AND BOUNDS DESCRIPTION

EXHIBIT "B"

BEING 19.17 acres of land situated in the John H. Phelps Survey, Abstract No 1046, City of Willow Park, Parker County, Texas, and being a portion of a 52.283 acre tract described in deed to D & M, a Texas General Partnership recorded in Volume 1403, Page 1713, Real Property Records, Parker County, Texas, said 19.17 acres more particularly described in metes and bounds as follows:

BEGINNING at the southeast corner of this described tract, a ½ inch rebar rod found in the east line of said 52.283 acre tract, in the west line of that certain tract of land described in deed to Magellan Pipeline Terminals, L.P., recorded in Volume 2563, Page 1768, Real Property Records, Parker County, Texas, and being the northeast corner of HUNTERS GLEN, an Addition to the City of Willow Park, Parker County, Texas, according to the plat of said addition recorded in Plat Cabinet D, Slide 205, Plat Records, Parker County, Texas, and from said point of beginning a found 1/2 inch rebar rod with cap marked "YARGER 5854" in the southerly right-of-way line of Interstate Highway 20, at the northeast corner of said 52.283 acre tract, bears N 00°23'44" W 1478.99 feet;

THENCE S 89°20'29" W 875.48 (N 89°47'55" E 875.61 feet record per Plat), along the north line of said HUNTERS GLEN, to a found 1/2 inch rebar rod in concrete at fence corner in the west line of said 52.283 acre tract, the east line of WILLOW PARK VILLAGE, an addition to said City of Willow Park, according to the plat of said addition recorded in Plat Cabinet C, Slide 344 of said plat records, and said point being at the northwest corner of said HUNTERS GLEN, and the southwest corner of this 19.17 acre tract;

THENCE N 01°30'51" E (N 01°59' E per deed) a distance of 1430.40 feet along the west line of said 52.283 acre tract and the east line of said WILLOW PARK VILLAGE ADDITION, to a 1/2 inch rebar rod with cap marked "YARGER 5854" at the northwest corner of this 19.17 acre tract and the southwest corner of Lot 1, Block 1, EXTREME EXTERIORS ADDITION, City of Willow Park according to the plat of said addition recorded in Plat Cabinet D, Slide 665, Plat Records, Parker County, Texas;

THENCE S 71°54'10" E 299.98 feet (S 71°35'05" E 299.92 feet per deed and N 71°52'50" W 299.24' per plat) along the south line of said Lot 1, Block 1, EXTREME EXTERIORS ADDITION, to a found 1/2 inch rebar rod with cap (marking on cap illegible) at the southeast corner thereof for an interior corner of said 52.283 acre tract and the northerly northeast corner of this 19.17 acre tract, and whence the northeast corner of said Lot 1, Block 1, EXTREME EXTERIORS ADDITION bears N 01°30'59" E 302.91 feet;

THENCE S 01°30'59" W 571.65 feet, over and across said 52.283 acre tract, to a set 1/2 inch rebar rod with cap marked "J&M BOUNDARY", an interior corner of this described tract; THENCE N 89°36'16" E 562.39 feet, over and across said 52.283 acre tract to a set 1/2 inch rebar rod with cap marked "J&M BOUNDARY" in the east line of said 52.283 acre tract and the west line of said Magellan Pipeline Terminals, LP tract, for the southerly northeast corner of this 19.17 acre tract;

THENCE S 00°23'44" E 759.11 feet along said east line of said 52.283 acre tract and said west line of said Magellan Pipeline Terminals, LP tract to the POINT OF BEGINNING and containing a surface area of 19.17 acres (834,908 square feet, more or less) of land.