## ORDINANCE NO. 3908

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE **ORDINANCE** AND MAP. **COMPREHENSIVE** ZONING HERETOFORE AMENDED; BY CHANGING THE ZONING RELATING TO THE USE AND DEVELOPMENT OF A 17.74± ACRE TRACT OF LAND OUT OF THE ROBERT MCCULLOUGH SURVEY NO. 29B, ABST. NO. 928, CITY OF SACHSE, DALLAS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B" ATTACHED HERETO FROM R-8.4 TO PLANNED DEVELOPMENT NO. 36 ("PD-36") GENERALLY FOR SINGLE-FAMILY DETACHED RESIDENTIAL USES; APPROVING DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive Zoning Ordinance should be amended as provided herein;

# NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby further amended by changing the zoning relating to the use and development of a 17.74± acre tract of land out of the Robert McCullough Survey No. 29B, Abst. No. 928, City of Sachse, Dallas County, Texas, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("the Property") from R-8.4 to Planned Development No.36 ("PD-36") subject to the provisions of this Ordinance.

SECTION 2. That the property in Planned Development District No. 36, further described in Exhibits "A" and "B" shall be developed and used only in accordance with the Development Standards and Concept Plan which are attached hereto as Exhibits "C" and "D" and incorporated herein for all purposes.

SECTION 3. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Sachse and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 4. 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 hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction 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 such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. 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.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the 18 day of February, 2019.

**DULY ENROLLED:** 

<u>Michelle Lewis Sirianni, City Secretary</u>

APPROVED AS TO FORM:

## EXHIBIT "A" Description of Property

#### TRACT 1

A 0.34 ACRE TRACT LYING AND BEING SITUATED IN THE ROBERT McCULLOUGH SURVEY NO 29B, ABSTRACT NO 928, DALLAS COUNTY, TEXAS, BEING A PORTION OF A CALLED 6.446 ACRE TRACT DESCRIBED AS "TRACT TWO" IN DOCUMENT NO. 201400324396, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, BEING A PORTION OF A CALLED 10.00 ACRE TRACT CONVEYED TO GARLAND ISD AS RECORDED IN VOLUME 97170, PAGE 2410, DEED RECORDS OF DALLAS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron rod set for the northwest corner of the herein described tract, the northwest corner of said 6.446 Acre Tract, the southwest corner of Lot 4. Block Q. Park Lake Estates. Phase Four, as recorded in Vol. 2001149. Pg. 1835, Map and Plat Records of Dallas County, Texas, a point in the east line of Lot 9. Block C, Cedar Creek Estates, as recorded in Vol. 99076. Pg. 38. Map and Plat Records of Dallas County.

THENCE along the south line of said Park Lake Estates. Phase Four, same being the north line of the herein described tract, the north line of said 6.446 Acre Tract, N 89°31′51″ E, at a distance of 97.56 feet passing a ½" iron rod with yellow cap, a total distance of 138.06 feet (called N 87°06′36″ E, per deed) to a point of reference for the northeast corner of the herein described tract, a point in the westerly R.O.W. line of Rosewood Lane (a Variable Width R.O.W.);

THENCE along said R.O.W. line, same being the east line of the herein described tract, S 38°13'21" W, 8.33 feet (S 38°21'57" W) to a ½" iron rod set for the P.C. of a curve:

THENCE continuing along said R.O.W. line, along and with a curve to the left with the following parameters:

Radius: 600.00 feet

Arc Length: 209.91 feet (210.54 feet) Chord Length: 208.84 feet (209.46 feet)

Chord Bearing: S 27°50'01" W (S 28°18'56" W)

Delta Angle: 20°02'40" (20°06'19")

To a 12" iron rod set for the southeast corner of the herein described tract, the northeast corner of a 3.09 acre tract this day surveyed (called Tract 4):

THENCE along and with the north line of said Tract 4, same being the south line of the herein described tract. S 89°06'43" W. 31.02 feet to a point of reference for the southwest corner of the herein described tract, the southeast corner of Lot 8, said Cedar Creek Estates:

THENCE along and with the east line of said Lot 8, same being the west line of the herein described tract, N 01°18'59" W, 190.62 feet (N 03°21'45" W, 190.62 feet to the POINT OF BEGINNING and containing 0.34 acres, more or less.

All set 'A'' iron rods capped with "AMERISURVEYORS" cap Basis of Bearing: Texas North Central NAD 83.

STATE OF TEXAS

October 18, 2018

COUNTY OF COLLIN §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.

Donald Edward Smith, Sr.
Registered Professional Land Surveyor

Registration No. 2465

DOUALD EDWARD SUMM SR.
2465
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#### EXHIBIT "A" continued TRACT 2

A 0 14 ACRE TRACT LYING AND BEING SITUATED IN THE ROBERT McCULLOUGH SURVEY NO. 29B, ABSTRACT NO. 928, DALLAS COUNTY, TEXAS, BEING A PORTION OF A CALLED 6 446 ACRE TRACT DESCRIBED AS "TRACT TWO" IN DOCUMENT NO 201400324396, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, BEING A PORTION OF A CALLED 10.00 ACRE TRACT CONVEYED TO GARLAND ISD AS RECORDED IN VOLUME 97170, PAGE 2410, DEED RECORDS OF DALLAS COUNTY. TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING at a 1/2" iron rod set in the easterly R.O.W. line of Rosewood Lane (a Variable Width R.O.W.) for the north corner of the herein described tract, the northeast corner of said 6.446 Acre Tract, the northwest corner of Lot 1, Block A. Sachse High School Addition, as recorded in Doc. No. 201200155367. Map and Plat Records of Dallas County, Texas:

THENCE along the west line of said Sachse High School Addition, same being the east line of the herein described tract, the east line of said 6.446 Acre Tract, S 03°11'57" W.

138.11 feet (called S 01°07'27" W. per deed) to a ½" iron rod set for the southeast comer of the herein described tract, the northeast corner of a 14.17 acre tract this day surveyed (called Tract 3):

THENCE along and with the north line of said Tract 3, same being the south line of the herein described tract. S 89°06'43" W. 77.86 feet to a ½" iron rod set for the southwest corner of the herein described tract, the northwest corner of said Tract 3, a point in the easterly R.O W. line of Rosewood Lane for the P.C. of a curve:

THENCE along said R.O.W. line, along and with a curve to the right with the following parameters:

Radius: 600.00 feet

Arc Length: 163.81 feet (165.09 feet) Chord Length: 163.30 feet (164.57 feet) Chord Bearing: N 31°35'40" E (N 32°02'22" E) Delta Angle: 15°38'34" (15°45'54")

To the POINT OF BEGINNING and containing 0.14 acres, more or less

All set 1/2" iron rods capped with "AMERISURVEYORS" cap. Basis of Bearing: Texas North Central NAD 83.

STATE OF TEXAS

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October 18, 2018

COUNTY OF COLLIN §

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Donald Edward Smith, Sr Registered Professional Land Surveyor

Registration No 2465

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#### EXHIBIT "A" continued TRACT 3

A 14 17 ACRE TRACT LYING AND BEING SITUATED IN THE ROBERT McCULLOUGH SURVEY NO. 29B, ABSTRACT NO. 92B, DALLAS COUNTY, TEXAS, BEING A PORTION OF A CALLED 6 446 ACRE TRACT DESCRIBED AS "TRACT TWO" IN DOCUMENT NO 201400324396, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, A PORTION OF A CALLED 14 080 ACRE TRACT DESCRIBED AS "TRACT ONE" IN SAID DOCUMENT NO. 201400324396, BEING A PORTION OF A CALLED 65 0273 ACRE TRACT CONVEYED TO GARLAND ISD AS RECORDED IN VOLUME 98011, PAGE 408B, DEED RECORDS OF DALLAS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" iron rod with yellow cap found for the southeast corner of the herein described tract, the southeast corner of said 14.080 Acre Tract, the southwest corner of Lot 1. Block A, Sachse High School Addition, as recorded in Doc. No. 201200155367. Map and Plat Records of Dallas County, Texas, the northeast corner of Lot 18. Block A, Hudson Crossing-Phase 1, as recorded in Vol. 98109, Pg. 93. Map and Plat Records of Dallas County, Texas;

THENCE along the north line of said Hudson Crossing-Phase 1, same being the south line of the herein described tract. S 68°50'03" W, 488.76 feet (called S 66°53'47" W, per deed) to a ½" iron rod set for the southwest corner of the herein described tract, the northwest corner of Lot 23. Block A. Hudson Crossing-Phase 3, as recorded in Vol. 2000149. PG. 1069. Map and Plat Records of Dallas County. Texas, a point in the easterly R.O.W. line of Hudson Drive (an 80° R.O.W.) as described in Doc. No. 201500036225. Official Public Records of Dallas County. Texas:

THENCE along and with said R.O.W. line, same being the west line of the herein described tract, the following courses and distances:

Along a curve to the right with the following parameters:

Radius: 960.00 feet Arc Length: 115.12 feet Chord Length: 115.05 feet Chord Regging: N 40°17' 34" V

Chord Bearing: N 49°17'34" W (N 48°45'06" W)

Delta Angle: 06°52'14" to a 1/2" iron rod set for a P.T.

THENCE N 45°51'26" W. 2.73 feet (N 45°18'58" W. 2.73 feet) to a ½" iron rod set for a P.C.

THENCE along a curve to the right with the following parameters:

Radius: 290.00 feet Arc Length: 103.05 feet Chord Length: 102.51 feet

Chord Bearing: N 56°11'19" W (N 55°29'47" W)

Delta Angle: 20°21'36"

To a 1/2" fron rod set for a P.T.

THENCE N 32°57'21" W, 4.27 feet (N 32°24'53" W, 4.27 feet) to a %" iron rod set for a P C.

THENCE along a curve to the left with the following parameters:

Radius: 290.00 feet Are Length: 65.30 feet Chord Length: 65.16 feet Chord Bearing: N 39°24'24" W (N 38°51'56" W) Delta Angle: 12°54'04" to a ½" iron rod set for a P.T.:

THENCE N 45°51'26" W. 1114.44 feet (N 45°18'58" W. 1114.44 feet) to a 12" iron rod set for a P.C.

THENCE along a curve to the left with the following parameters:

Radius: 290.00 feet Arc Length: 103.05 feet Chord Length: 102.51 feet

Chord Bearing: N 56°11'19" W (N 55°29'47" W)

Delta Angle: 20°21'36" to a point of reference marking the intersection of the easterly R.O.W. line of said Hudson Drive to the easterly R.O.W. line of Rosewood Lane (a Variable Width R.O.W.):

THENCE along the easterly R.O.W. line of said Rosewood Lane. along a curve to the left with the following parameters:

Radius: 885,00 feet Arc Length: 244,30 feet Chord Length: 243,53 feet Chord Bearing: N 13°04'30" E Delta Angle: 15°48'59" To n Wiron rod set for a P T.:

#### EXHIBIT "A" continued

THENCE N 05°10'01" E. 52.44 feet (N 05°39'33" E. 52.44 feet) to a ½" iron rod set for a P.C:

THENCE along a curve to the right with the following parameters:

Radius: 600.00 feet

Arc Length: 194.85 feet (193.71) Chord Length: 193.99 feet (192.87 feet) Chord Bearing: N 14°28'12" E (N 14°54'29" E)

Delta Angle: 18°36'23" (18°36'53")

To a 1/2" iron rod set for the northwest corner of the herein described tract, the southwest corner of a 0-14 acre tract this day surveyed (called Tract 2):

THENCE along the south line of said Tract 2, same being the north line of the herein described tract. N 89°06'43" E. 77 86 feet to a ½" iron rod set for the northeast corner of the herein described tract, a point in the west line of Lot 1. Block A, Sachse High School Addition. as recorded in Doc. No. 201200155367, Map and Plat Records of Dallas County, Texas;

THENCE along the west line of said Sachse High School Addition, same being the east line of the herein described tract. S 03°11'57" W. 450.03 feet (called S 01°07'27" W) to a %" iron rod with yellow cap found for an ell of the herein described tract, the most northerly southwest corner of said Lot 1:

THENCE along the south line of said Lot 1, same being the most southerly north line of the herein described tract, the following courses and distances:

S 82°56'55" E, 393.56 feet (S 84°42'53" E, 393.00 feet) to a  $\frac{1}{2}$ " iron rod found for an angle point:

S 54°31'09" E. 689.77 feet (\$ 56°40'49" E. 690.04 feet) to a point of reference for an angle point, from which a fence corner post is found bearing N 76°22'41" E. 0.88 feet for witness:

THENCE S 43°58'10" E, 562.06 feet (\$ 45°53'57" E, 562.06 feet) to the POINT OF BEGINNING and containing 14.17 acres, more or less

All set 1/2" iron rods capped with "AMERISURVEYORS" cap. Basis of Bearing: Texas North Central NAD 83.

STATE OF TEXAS

October 18, 2018

COUNTY OF COLLIN \$

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision  ${\bf r}$ 

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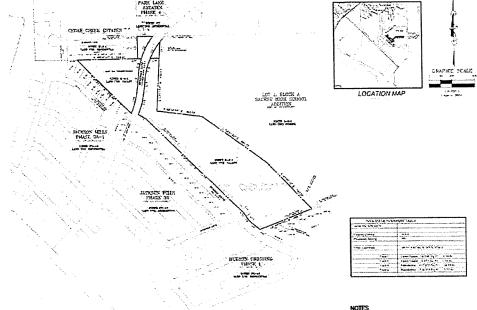
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# **EXHIBIT "C" Development Regulations**

## 1.0 PLANNED DEVELOPMENT DISTRICT

## 1.01 Purpose:

The purpose of this Planned Development District is to provide for flexibility in the combination of allowed uses while insuring proper land use regulations and development standards. Each permitted use is planned and developed as an integral land use unit while providing flexibility in the use and design of land and buildings where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood. While flexibility is given to provide special restrictions, which allow for innovative concepts in land utilization and development not otherwise permitted, procedures are established to insure against misuse of the increased flexibility.

### 2.0 PLANNED DEVELOPMENT- SINGLE FAMILY RESIDENTIAL

## 2.01 General Description:

The district is to be considered as single-family residential. Development standards for each of the lot sizes are outlined within this text. All development within each tract shall be in conformance with the requirements of Chapter 11 of the City of Sachse Zoning Ordinance, and as amended, except as modified below:

- 2.02 Permitted Uses: Land uses permitted within residential areas, indicated on Exhibit "D", are as follows:
  - a. Residential units as described herein.
  - b. Utility distribution lines and facilities.
  - c. Real estate sales offices and model homes during the development and marketing of the residential areas. d. Directional signs pertaining to the development.
  - e. Accessory buildings, which are not a part of a main building customarily incidental to the permitted uses.
  - f. Temporary buildings, temporary signs, and uses incidental to construction work on the premises, which shall be removed upon completion.
- **2.03 Density:** The overall maximum allowed single family residential units shall not exceed 67 units.
- **2.04 Garage, Parking and Driveway Requirements:** Garage, parking and driveway requirements for single family development areas shall be as follows:
  - a. Two (2) off-street parking spaces shall be provided on the same lot as the main structure. In addition to this requirement, a two (2) car garage shall be provided for each unit. Garage parking shall be behind the front building line. The entrance to any attached or detached garage shall be allowed to face any street subject to paragraph 2.04(c) below. Any garage structure shall have a minimum of twenty (20) feet from the property line to the closed garage door.
  - b. No parking space, garage or other automobile storage space or structure shall be used for storage of any heavy load vehicle.
  - c. No driveway entrances shall be allowed to be constructed on the side or rear lot line adjacent to any major thoroughfare (minimum 80' right-of-way to maximum 140' right-of-way).
- **2.05 Building Materials:** The building materials requirements shall be as follows:
  - a. One-hundred percent (100%) of the total exterior wall surfaces of all main buildings shall have an exterior finish of stone, brick, or other masonry veneer. Exception, if the gable is in front of an attic space or over a garage overhead door, it is exempt from the masonry requirement.
  - b. Detached, freestanding garages, whether attached to the main building by a covered walkway or not, shall have one-hundred percent (100%) of the total exterior wall surface be of an exterior finish of stone, brick or other masonry veneer.
- **2.06 R-6.0 Single Family:** R-6.0 Single Family are single family, detached housing units, having access and frontage on a public street. Building and area requirements for single family detached units are as follows:
  - a. **Minimum Dwelling Size:** The minimum area of the main building, exclusive of garages, breezeways and porticos is 1800 square feet.
  - b. Lot Area: The minimum area of any lot shall be six thousand (6,000) square feet.
  - c. **Lot Coverage:** In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings, accessory buildings. Swimming pools, spas, decks, patios, driveways and lead walks shall not be included in determining maximum lot coverage.
  - d. **Lot Width:** The minimum width of any lot shall be fifty (50) feet at the front building line.
  - e. Lot Depth: The minimum depth of any lot shall be one hundred ten (110) feet.
  - f. **Front Yard:** The minimum depth of the front yard shall be twenty (20) feet.
  - g. **Side Yard:** The minimum side yard for single family detached units shall be five (5) feet on each side of the lot. A side yard adjacent to a street shall be a minimum of fifteen (15) feet. The minimum side yard on a key lot shall be the same as the front yard setback on the adjacent side street.
  - h. **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet if the rear yard is adjacent to another residential lot, and fifteen (15) feet if adjacent to an alley, open space or park. If the rear lot line abuts a dedicated alley, the garage drive entry, if provided, must be set back a minimum of twenty (20) feet.
  - i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2½) stories, or thirty five (35) feet.
  - j. Maximum Density: Number of units not to exceed 58.
- **2.07 R-7.2 Single Family:** R-7.2 Single Family units are single family, detached housing units, having access and frontage on a public or private road. Building and area requirements are as follows:
  - a. **Minimum Dwelling Size:** The minimum area of the main building, exclusive of garages, breezeways and porticos is 1800 square feet
  - b. Lot Area: The minimum area of any lot shall be seven thousand two hundred (7,200) square feet.

## **EXHIBIT "C" continued**

- c. **Lot Coverage:** In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings, accessory buildings and driveways. Swimming pools, spas, decks, patios, driveways and lead walks shall not be included in determining maximum lot coverage.
- d. Lot Width: The minimum width of any lot shall be sixty (60) feet at the front building line.
- e. Lot Depth: The minimum depth of any lot shall be one hundred ten (110) feet.
- f. **Front Yard:** The minimum depth of the front yard shall be twenty (20).
- g. **Side Yard:** The minimum side yard on each side of the lot shall be five (5) feet. A side yard adjacent to a street shall be a minimum of fifteen (15) feet.
- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet if the rear yard is adjacent to another residential lot, and fifteen (15) feet if adjacent to an alley, open space or park. If the rear lot line abuts a dedicated alley, the garage drive entry, if provided, must be set back a minimum of twenty (20) feet.
- i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2½) stories, or thirty five (35) feet. j. **Minimum Density**: Shall not be less than 9 units.

## 2.08 General Requirements:

- a. Landscaping and Sodding Of Yards: All lots must comply with the City of Sachse Zoning Ordinance, Section 11, LANDSCAPING AND SCREENING. All yards of each home shall be irrigated. No masonry wall or screening shall be required on lots siding to Hudson Drive.
- b. **Homeowner Association:** A homeowner association will be established prior to the recording of the initial final plat. The homeowners association will be responsible for the maintenance of all common areas deeded to the association and will authorize the City to maintain the common areas in the event the homeowners association fails to do so, with all rights of the homeowners association. The restrictive covenants and homeowner association rules will be submitted to the City for approval by the City Attorney with the submission of the final plat. The restrictive covenants will be recorded prior to the sale of the first lot.

