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Ordinance No. 2002-108

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, THAT BEING ORDINANCE NO. 2001-64, AS HERETOFORE AMENDED, BY PROVIDING A CHANGE IN ZONING CLASSIFICATION FROM MF (MULTI-FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT FOR MULTI-FAMILY RESIDENTIAL) ON LAND OUT OF ABSTRACT 435, MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR IMMEDIATE EFFECT.

WHEREAS, a request for a change in zoning classification was duly filed with the City of Cedar Hill, Texas, concerning the hereinafter described property and was assigned case number 2002-10, and

WHEREAS, due notice of hearing was made in the time and manner prescribed by law and the Planning and Zoning Commission of the City of Cedar Hill, Texas, duly convened and conducted a public hearing for the purpose of assessing a zoning classification change on the hereinafter described property and rendered a recommendation; and

WHEREAS, an additional opportunity for all interested persons to be heard was provided by the City Council of the City of Cedar Hill, Texas, at an open meeting, with proper notices posted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:

SECTION 1. PROPERTY DESCRIPTION - This ordinance pertains only to approximately 33.469-acres of land out of Abstract 435, Dallas County, generally located south and east of Pleasant Run Road and Joe Wilson Road. Said land being more particularly described by the boundary description and sketch attached hereto as "Exhibit B".

SECTION 2. CHANGE IN ZONING CLASSIFICATION - The zoning classification on the hereinabove described property is hereby changed from MF- Multi-Family Residential to PD-Planned Development for Multi-Family Residential subject to the Development Standards specified in "Exhibit A".

SECTION 3. PURPOSE AND INTENT - The purpose and intent of this planned development district is to provide for development of attach residential structures within a gated community and to provide a transitional buffer between low density housing and intensive non-residential uses.

SECTION 4. DEVELOPMENT PLAN – Development of this property shall be generally consistent with the attached development plan labeled herein as “**Exhibit C**”.

SECTION 5. SITE PLAN – a Site Plan shall be submitted to and approved by the Planning and Zoning Commission before or concurrent with the approval of a final plat of the property within the Planned Development. Said site plan shall be consistent with the approved development plan labeled herein as Exhibit “C” and the development standards set forth in **Exhibit “A”**. The Planning and Zoning Commission shall approve the site plan if said site plans consistent with the development plan (**Exhibit “C”**) and the standards, restrictions, and special conditions set forth in the approved development standards (**Exhibit “A”**). The site plan shall conform to the requirements of Sec 2.6 in the zoning code.

SECTION 6. AUTHORIZED LAND USES – Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance entitled *MF-Multi-Family Residential District*, ORDINANCE 2000-64, of the Cedar Hill City Code, as amended.

SECTION 7. MAXIMUM DENSITY – The maximum dwelling unit density within this Planned Development District shall not exceed eighteen (18) dwelling units per acre calculated on the total 33.469-acres planned development.

SECTION 8. DEVELOPMENT STANDARDS – Use and construction of the subject property shall comply with all standards, restrictions, and special conditions contained in the Development Standards, herein labeled as **Exhibit “A”** attached hereto.

SECTION 9. CURRENT ZONING STANDARDS – Except for the standards specifically stated in Exhibit “A” contained herein, all zoning standards of the City of Cedar Hill Zoning Ordinance, ORDINANCE 2000-64, of the Cedar Hill City Code, as amended, should apply to this Planned Development.

SECTION 10. TRAFFIC IMPACT ANALYSIS – No Traffic Impact Analysis shall be required provided a deceleration lane and ROW for the deceleration lane is provided along Pleasant Run Road or unless required by the Director of Public Works.

SECTION 11. OPEN SPACE – Open space shall be provided as specified in the Development Standards (**Exhibit “A”**) and as shown on the attached development plan (**Exhibit “B”**).

SECTION 12. AMENITIES – amenities shall be provided as specified in the Development Standards (**Exhibit “A”**) and shown on the attached development plan (**Exhibit “C”**).

SECTION 13. ADDITIONAL CONDITIONS – No additional conditions shall be required with this Planned Development provided the subject property is developed in accordance with the development plan and the standards contained herein.

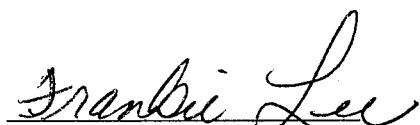
SECTION 14. EFFECTIVE DATE - The zoning classification of this “PD-MF” Planned Development for Multi-Family residential district will take immediate effect after the passage of this Ordinance by the City Council of the City of Cedar Hill, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Cedar Hill, Texas, on this the 28th day of May, 2002.



Rob Franke, Mayor

ATTEST:



Frankie Lee
Frankie Lee, City Secretary

EXHIBIT A **DEVELOPMENT STANDARDS**

The following use regulations and development standards shall apply to this planned development district.

Definitions:

Unless otherwise stated, the definitions contained in Section 5.8, City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended, apply to this ordinance.

Interpretations:

- (1) Unless otherwise stated, all references to code articles, divisions, or sections in this ordinance refer to articles, divisions, or sections in the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64 of the Cedar Hill City Code, as amended.
- (2) All attached exhibits are part of this ordinance.
- (3) Section 6.1, "Interpretations" applies to this ordinance.
- (4) For purposes of determining the applicability of regulations in this ordinance and in the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64 of the Cedar Hill City Code, as amended, this district is considered to be a residential district.
- (5) In the event of a conflict between this planned development ordinance and the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64 as amended, this ordinance shall govern.

Dwelling Unit Density:

Maximum Density.....18units per acre
(calculated on total planned development acreage).

Minimum Lot Area:

Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

Minimum Lot Width:

Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

Minimum Lot Depth:

Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

Building Separation:

The minimum building separation for buildings containing dwelling units shall be 25 feet.

Lot Coverage:

Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

Exterior Masonry:

Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

Living Unit Mix:

Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

Minimum Living Area:**Minimum Living Area**

One Bedroom.....	650 square feet
Two Bedroom.....	900 square feet
Three or More Bedrooms.....	1100 square feet

Open Space:

Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

Landscaping and Screening:

Unless otherwise noted, the landscaping requirements set forth in Section 5.2 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64 of the Cedar Hill City Code, as amended, apply to this planned development district. For additional landscape regulations, refer to the specific landscape requirements for Area I and Area II contained within this planned development ordinance.

Area I Development Standards:

Development of Area I shall comply with the attached development plan and the following standards.

Yard, Lot and Space Regulations:**a. Front Yard:**

Refer to Section 3.10 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

b. Side Yard:

Minimum Side Yard:.....15 feet, or 90 feet when building is in excess of one story and adjacent to single family zoning.

Rear Yard:

Minimum Rear Yard.....15 feet, or 90 feet when building is in excess of one story and adjacent to single family zoning

Height Restrictions:

Maximum Height.....3 stories, except one story for any building that is within 90 feet of a single family zoning district.

Off Street Parking:

Two parking spaces per dwelling unit shall be provided of which 50% shall be covered parking spaces. Covered parking spaces may include, but are not limited to carports, garages, or other approved covering.

Landscaping:

Unless noted otherwise, provisions contained in Section 5.2, Landscape Requirements, of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended shall apply.

Landscaping for Area I shall comply with the attached landscape plan and the following:

Screening of Residential Adjacency:

Screening:

Refer to Section 5.3 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended.

Additional Landscaping Requirements:

Residential Adjacency Landscape Buffer:

When a side or rear yard is adjacent to a single-family district, a minimum fifteen (15) foot landscape buffer strip shall be provided adjacent to and along the property line which is adjacent to the residential district. Such buffer strip shall include a minimum of one large canopy tree, as defined, for every fifty (50) lineal feet of adjacency. Such trees shall be a minimum of four (4) caliper inch trunk diameter and shall not be less than fifteen (15) feet in height. Such trees shall be planted within ten (10) feet of the property line.

Interior Landscaping:

Site Trees: One site tree having a minimum caliper of at least two inches shall be provided for every 5,000 square feet of lot area or fraction thereof with a minimum of four trees being provided.

Foundation Planting Strip: A foundation planting strip shall be provided along the foundation of buildings, as designated on the approved landscape plan. The planting area shall be a minimum of two feet in width and shall contain shrubs capable of reaching a height of not less than two feet at maturity. Such foundation planting strip shall extend along at least 50% of the portion of the foundation that faces a street, parking lot or private access road.

Exception: When a private fenced yard is provided for individual dwelling units, foundation planting strips may be modified or eliminated along that portion of the building façade that is within the fenced yard.

Entrance Landscaping: Entrance landscaping shall be provided as shown on the approved landscape plan. A planting strip shall be provided along each side of the entrance driveway. Such planting strip shall be not less than two feet wide and shall contain at least two small or large trees spaced not more than 50 feet apart. Such planting strip shall also contain other evergreen plant materials as designated on the approved landscape plan. Trees and other plant materials greater than three feet in height or capable of reaching a height of three feet or greater shall not be located within a sight visibility triangle as designated on the approved landscape plan. Entrance landscaping shall also include not less than one special landscape architectural feature such as a fountain, waterfall or other approved design element as designated on the approved landscape plan. Such landscape architectural feature may include a monument sign, as defined in the City of Cedar Hill Zoning Ordinance, ORDINANCE NO 2001-64 of the City of Cedar Hill, as amended.

Additional Provisions:

For purposes of this planned development, Paragraph M and Paragraph N of Section 5.2.2 of the City of Cedar Hill Zoning Ordinance, ORDINANCE NO. 2001-64, of the Cedar Hill City Code, as amended shall not apply.

Area II (Phase I) Development Standards

Existing development within Area II (Phase I) shall comply with the attached development plan.

EXHIBIT B
LEGAL DESCRIPTION

AREA I (PHASE II)

Being a tract of land situated in the James Evans Survey, Abstract No. 435, Dallas County, Texas, also being part of the Pacific Southwest Bank, FSB tract as recorded in Volume 94033, Page 6886 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the easterly corner of a corner clip at the intersection of the east line of Joe Wilson Road (a variable width right-of-way) and the south line of Pleasant Run Road (a variable width right-of-way); THENCE S87°26'33"E along said south line, 418.03 feet; THENCE N79°53'10"E continuing along said south line, 46.28 feet; THENCE N90°00'00"E continuing along said south line, 942.95 feet to the place of beginning;

THENCE FROM THE PLACE OF BEGINNING N90°00'00"E continuing along said south line 329.42 feet to a $\frac{1}{2}$ " iron rod found for corner at the northwest corner of a 20.917 acre tract conveyed to Tri-City Municipal Complex as recorded in volume 95159, Page 31060 of the Deed Records of Dallas County, Texas;

THENCE S01°12'22"E along the west line of said 20.917 acre tract, 1249.45 feet to a $\frac{1}{2}$ " iron rod with red FD cap set for corner in the north line of Winding Hollow Addition, Phase 1B, an addition to the City of Cedar Hill, Texas as recorded in Volume 2001086, Page 01351 of the Deed Records of Dallas County, Texas;

THENCE 89°59'44"W along said north line of Winding Hollow Addition, Phase 1A, an addition to the City of Cedar Hill, Texas as recorded in Volume 99199, Page 03373 of the Deed Records of Dallas County, Texas; 988.06 feet to a $\frac{1}{2}$ " iron rod found for corner and the southeast corner of The Legacy of Cedar Hill, an addition to the City of Cedar Hill, Texas;

THENCE N00°00'00"E along the east line of said addition, 578.00 feet to a $\frac{1}{2}$ " iron rod with red FD cap set for corner;

THENCE 89°20'00"E continuing along the addition line, 40.00 feet to a $\frac{1}{2}$ " iron rod found for corner; THENCE N00°00'00"E continuing along said addition line, 134.00 feet to a $\frac{1}{2}$ " iron rod with red FD cap set for corner;

THENCE N89°20'00"E, 610.88 feet to a $\frac{1}{2}$ " iron rod with red FD cap set for corner;

THENCE N02°00'00"W, 530.00 feet to a $\frac{1}{2}$ " iron rod with red FD cap set for corner and the place of beginning and containing 19.977 acres (870,210 square feet) of land.

AREA II (PHASE I)

LOT1, BLOCK 1
LEGACY OF CEDAR HILL

Being a tract of land situated in the John Evans Survey, Abstract No. 435, Dallas County, Texas and being of Lot 1, Block 1, LEGACY OF CEDAR HILL ADDITION, an addition in the City of Cedar Hill, Texas according to the plat thereof recorded in Volume 2000088, Page 66 of the Map Records, Dallas County, Texas and being all of that certain tract of land conveyed to 1999 Legacy Partners, Ltd., a Texas Limited Partnership by deed recorded in Volume 2000091, Page 2947 and part of that

certain tract of land conveyed to Pacific Southwest Bank, FSB by deed recorded in Volume 94033, Page 6886 of Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch capped iron rod found (Espey-Huston) in the East ROW line of Joe Wilson Road (a variable ROW) as described in County of Dallas Right of Way Deed recorded in Volume 96128, Page 3944, Deed Records of Dallas County, Texas also being at the Southwest corner of said Radec Holdings tract and in the Northwest corner of Lot 1, Block A of Winding Hollow Addition, Phase 1A as recorded in Volume 99199, Page 3373, Map Records, Dallas County, Texas, said iron rod being 1232.54 feet from a 1/2 inch capped iron rod found (Espey-Huston) at the South end of a corner clip at the intersection of the East ROW line of Joe Wilson Road with the South ROW line of Pleasant Run Road (a variable ROW);

THENCE N00°08'26"W along the East ROW line of Joe Wilson Road, a distance of 220.25 feet to a 5/8 inch capped iron rod found (Espey-Huston) at the beginning of a curve to the right, having a central angle of 02°47'42", a radius of 1450.00 feet and a chord bearing N01°15'21"E, a distance of 70.73 feet;

THENCE along the East ROW line of Joe Wilson Road and said curve to the right, an arc distance of 70.73 feet to a 5/8 inch capped iron rod found (Espey-Huston) at the end of said curve;

THENCE N02°39'14"E continuing along the East ROW line of Joe Wilson Road, a distance of 411.94 feet to a 5/8 inch capped iron rod found (BHB INC);

THENCE N89°20'00"E leaving the East ROW line of Joe Wilson Road, a distance of 851.06 feet to a 5/8 inch capped iron rod found (BHB INC);

THENCE S00°00'00"W a distance of 34.00 feet to a 5/8 inch capped iron rod found (BHB INC);

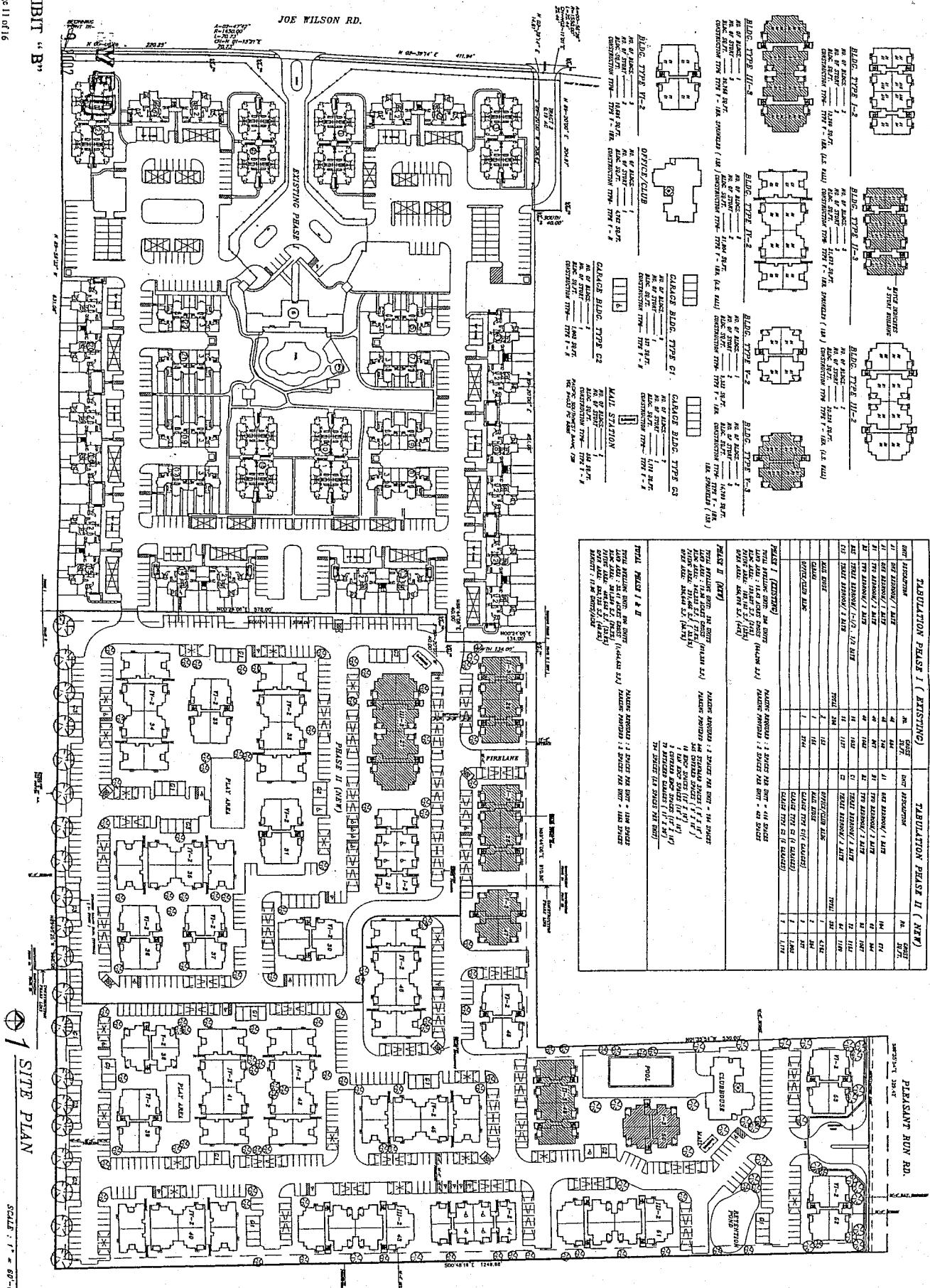
THENCE S89°20'00"W a distance of 40.00 feet to a 5/8 inch capped iron rod found (BHB INC);

THENCE S00°00'00"W a distance of 578.00 feet to a 5/8 inch capped iron rod found (BHB INC) in the South line of said Radec Holdings tract and the North line of said Block A, Winding Hollow Addition, Phase 1A;

THENCE N89°59'32"W along the South line of said Radec Holdings tract and the North line of said Block A, Winding Hollow Addition, Phase 1A, a distance of 831.09 feet to the PLACE OF BEGINNING and containing 588,756 square feet or 13.516 acres of land.

EXHIBIT "B"

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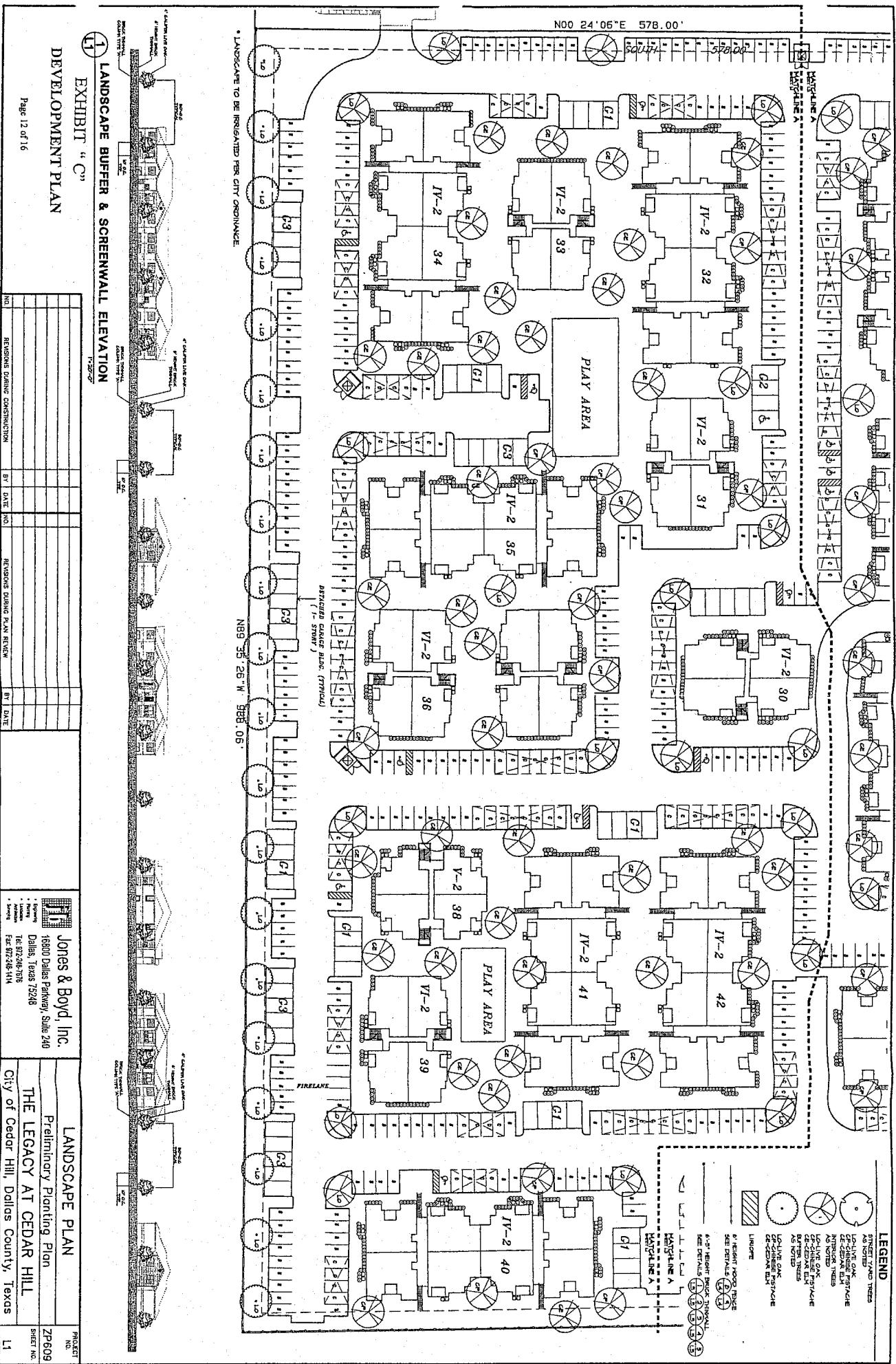
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CLIFFORD WONG
ARCHITECTS, INC.

3737 ALPHA RD.
SUITE 505
DALLAS, TEXAS 75240

3737 ALPINE RD.
SUITE 505
DALLAS, TEXAS 75240

*THE LEGACY OF CEDAR HILL
PHASE II*



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