

CITY OF WILLOW PARK

ORDINANCE NO. 555-07

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM: "RESIDENTIAL R-1 SINGLE FAMILY" DESIGNATION TO "PD" PLANNED DEVELOPMENT DESIGNATION FOR THAT CERTAIN 12.43 ACRES OF LAND, MORE OR LESS, SITUATED IN THE PLANNED DEVELOPMENT DISTRICT, MORE COMMONLY REFERRED TO AS RANCH HOUSE ROAD ESTATES ADDITION (13 LOTS), A SINGLE FAMILY RESIDENTIAL DEVELOPMENT, PROPOSED FOR WILLOW PARK, TEXAS AS LOCATED IN THE B.B.B. AND C.R.R. CO. SURVEY, ABSTRACT NO. 147 IN THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR A PENALTY A SEVERABILITY CLAUSE AND 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, McInnis Land Consultants and David Pedigo (Developer) have applied for a change in zoning for that certain 12.43 tract of land, more fully described by metes and bounds in Exhibit "A" and depicted in Exhibit "B", both attached hereto, located in the B.B.B. and C.R.R. Co. Survey and more commonly known as Ranch House Road Estates Addition (13 lots) (the "Property") from "Residential R-1 Single Family" zoning to "PD", Planned Development District zoning; and

WHEREAS, a public hearing on the zoning change was held by the Planning and Zoning Commission of the City of Willow Park on January 9, 2007 and a final report for recommendations was submitted to the governing body of the City; and

WHEREAS, the City of Willow Park City Council held a public hearing subsequent to that of the Planning and Zoning Commission on January 16, 2007 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 zoning change is consistent with 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 zoning change to the applicant upon the conditions set forth herein and with the intent that said zoning change be finalized into planned development district zoning, which final plat may be approved by the City Council.

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

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 designation of the Property described in Exhibit "A" is hereby changed from Residential R-1 Single Family to "PD", Planned Development District.

SECTION 3. TERM

The change in zoning district classification and use designation is made expressly contingent upon a

condition subsequent, the execution of a Development Agreement between Developer and the City concerning the terms and conditions of development within the "PD" District reasonably consistent, but not necessarily the same as the standards of similar "PD" Districts granted by the City. If a Development Agreement is not entered into between the Developer and the City 90 days after the adoption of this Ordinance, then this Ordinance shall be null and void and the subject property will retain and revert to its Residential R-1 Single Family zoning designation. Further, construction of the single family development, Ranch House Road Estates Addition, shall commence within six months after the execution of the Development Agreement or the zoning and land use granted herein will expire and become void.

SECTION 4. REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

A. Permitted Uses

The Property shall be developed and used for residential purposes only. A lot common to all owners of lots in the Planned Development shall be designated for and used as a recreational area including equestrian uses or other activities conducive to a rural setting.

B. Streets

All streets within the Planned Development shall be private streets, maintained and owned by the owners of the lots therein or by a Property or Home Owners Association. Construction of the streets will be concrete and otherwise meet the subdivision regulations.

C. Screening and Landscaping

A double sided wood or masonry fence must be provided along the right-of-way at Ranch House Road. All landscaping along Ranch House Road must be in a consistent theme. All existing trees 4" or greater in diameter shall be preserved, replaced or relocated within the Property.

D. Lot Sizes

All residential lots shall be a minimum of 30,000 ft. exclusive of streets and rights of way.

E. Compliance With Other Regulations

The Planned Development must comply with the regulations contained in the City of Willow Park

Code, including Chapter 12 Zoning Regulations and Chapter 9 Subdivisions. The Planned Development must meet the specific standards of Section 12.504 Class II Residential R-1 Single Family District, except as provided herein.

SECTION 5. ASSIGNMENT

The rights established hereunder between the City and the Developer are not assignable or transferable to any other person or entity except upon the express written permission and approval of the governing body of the City.

SECTION 6. COMPREHENSIVE PLAN

Pursuant to §213.003(b) TEX. LOCAL GOVT. CODE, the City does hereby amend the Comprehensive Plan of the City of Willow Park pursuant to this Ordinance and the findings herein and directs the City Secretary to make all required changes thereto.

SECTION 7. MAP AMENDMENT

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

SECTION 8. 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 9. 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 Resolution.

SECTION 10. 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 hereof and the effective date of this ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

SECTION 11. EFFECTIVE DATE

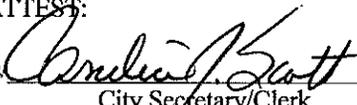
This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City

of Willow Park and after publication as required herein, only if and when the condition subsequent in Section 3 has been met.

PASSED AND ADOPTED this 16th day of January 2007.

/s/  _____
Mayor

ATTEST:

/s/  _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 555-07, did on the 16th day of January 2007 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Brad Johnson, Mayor	_____	_____
Barry K. Tatum, Place 1	_____	_____✓
J. Teresa Welch, Place 2	_____✓	_____
Hale Alderman, Place 3	_____✓	_____
Kenneth Hawkins, Place 4	_____✓	_____
Marvin Glasgow, Place 5	_____✓	_____