

AN ORDINANCE OF THE CITY OF SEVEN POINTS, TEXAS

ORDINANCE NO. 365

AN ORDINANCE OF THE CITY OF SEVEN POINTS, TEXAS AMENDING THE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM RESIDENTIAL-1 OR RESIDENTIAL-2 ("R-1 OR R-2") TO PLANNED DEVELOPMENT DISTRICT - 18 ("PD-18") ON PROPERTY LOCATED SOUTH OF KELLY LANE AND EAST OF HIGHWAY 274 DESCRIBED AS "AB 503 D MUCKLEROY SUR, TR 7A (RE:TR 7B)" OF THE CITY OF SEVEN POINTS, HENDERSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF USE RESTRICTIONS WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT B; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Seven Points, Texas in compliance with the laws of the State of Texas and pursuant to the Zoning Ordinance of the City of Seven Points, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Planned Development-18 should be approved, and in the exercise of legislative discretion have concluded that the Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

SECTION 1. That the Zoning Ordinance and Map of the City of Seven Points, Texas, duly passed by the governing body of the City of Seven Points, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from Residential-1 or Residential-2 ("R-1 or R-2") to Planned Development District - 18 ("PD-18") on 29.32 acres of land located south of Kelly Lane and East of Highway 274 described as "AB 503 D MUCKLEROY SUR, TR 7A (RE:TR 7B)" of the City of Seven

Points, Henderson County, Texas, and being more particularly described in Exhibit A, which is attached hereto and incorporated herein.

SECTION 2. The property shall be developed and used in accordance with the development standards under the Seven Points Zoning Ordinance, ordinances of the City of Seven Points, and development restrictions as established herein, which are attached hereto and incorporated herein as Exhibit B.

SECTION 3. That the development restrictions attached hereto as Exhibit B and made a part hereof for all purposes, are hereby approved.

SECTION 4. That the Zoning Ordinance of the City of Seven Points, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 5. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Seven Points, Texas and the Seven Points Zoning Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such codes, in which event the conflicting provision of such ordinances and such codes are hereby repealed or superseded by this new Ordinance.

SECTION 6. It is hereby declared that it is the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8. All rights and remedies of the City of Seven Points are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or platting that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

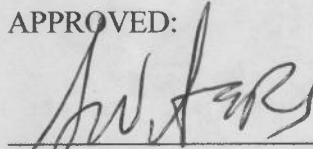
SECTION 9. This ordinance shall be in full force and effect from this and after its passage and publication as required by law, and it is so ordained.

SECTION 10. The Recitals are incorporated herein by reference as if fully recited and made a part of this ordinance for all purposes.

DULY PASSED and approved by the City Council of the City of Seven Points, Texas on this the

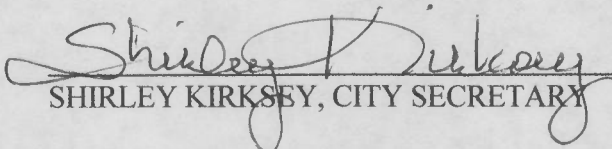
8 day of September, 2022.

APPROVED:



SKIPPY WATERS, MAYOR

ATTEST:



SHIRLEY KIRKSEY, CITY SECRETARY

APPROVED AS TO FORM:

_____, CITY ATTORNEY

EXHIBIT A

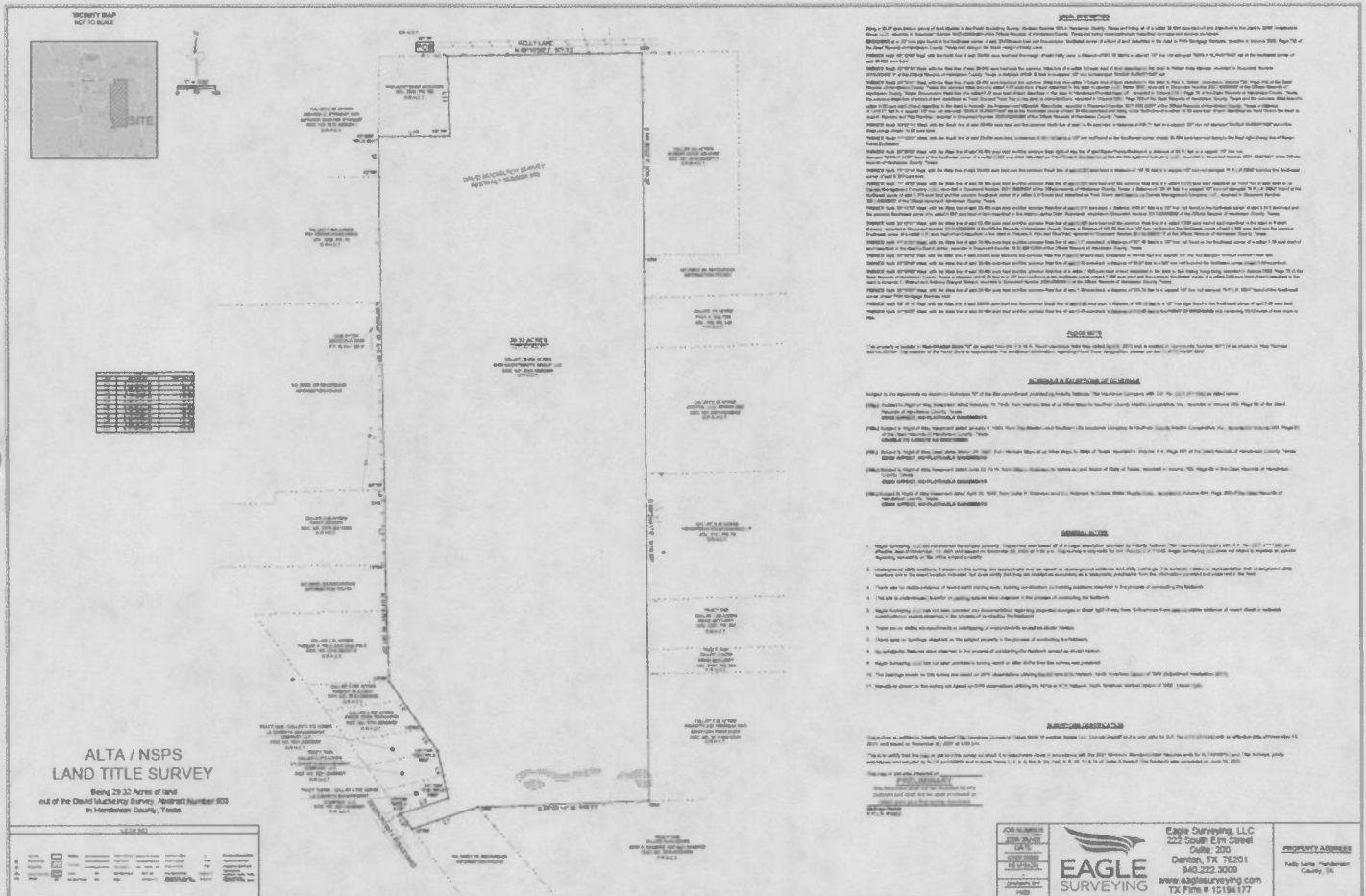


EXHIBIT B

Planned Development District - 18

Development Restrictions

Purpose

The purpose of this district is to provide for a curated, multifamily/residential development with attached and detached housing of various densities. The intent of these regulations is to design a development with common areas and structures in a multi-phase, multifamily development scheme. The structures and dwelling units may resemble garden-style apartments, single family detached homes, duplexes, townhomes, clustered housing, or other high density residential designs, and include typical accessory buildings and amenities.

Base Zoning

Where not amended by this document, the Seven Points Zoning Ordinances shall apply to Planned Development District -18 ("PD-18") as if such property were zoned Multifamily 2 ("MF-2").

Allowed Uses

All uses are prohibited in PD-18 except for residential, multifamily, and their accessory uses.

Height Regulations

The maximum height of any structure shall be 36 feet.

Project Area Regulations

- (1) Maximum density of 18 units per acre on average across all project phases.
- (2) Maximum of 36 connected units in any single building.
- (3) Maximum number of floors in any building of 3.
- (4) Minimum lot area is 7 acres.
- (5) Minimum phase area is 3.5 acres.
- (6) Minimum lot width is 200 linear feet.
- (7) No minimum lot depth.
- (8) Maximum ground coverage (% of lot area with impervious cover) is 65%.
- (9) No minimum building floor space.
- (10) All internal streets are fire lanes and shall be privately owned and maintained. All internal streets (fire lanes) shall be a minimum of 24 feet wide.

Dwelling Area Regulations

- (1) For an efficiency/studio the minimum unit area is 400 square feet.
- (2) For a one-bedroom the minimum unit area is 500 square feet.
- (3) For a two-bedroom, one bath unit the minimum unit area is 700 square feet.

- (4) For a two-bedroom, two bath unit the minimum unit area is 750 square feet.
- (5) For a three-bedroom unit the minimum unit area is 1000 square feet.
- (6) For a four-bedroom unit the minimum unit area is 1200 square feet.
- (7) For patios, decks, porches, or balconies the minimum area per unit on average is 50 square feet.

Yard/Setback Regulations

- (1) All buildings shall be set back a minimum of 25 feet from any public right of way and 25 feet from any adjacent single family residential zoned district. All buildings shall be set back a minimum of 10 feet from any adjacent district not zoned single family residential.
- (2) All buildings shall be separated by a minimum of 5 feet.
- (3) No portion of a building or building projection may encroach into required fire lanes or parking areas.
- (4) Building projections (e.g., balconies, chimneys, etc.) may extend up to six feet into the required setback.

Off-Street Parking

- (1) One parking space per bedroom shall be required up to a maximum of two parking spaces per dwelling unit.
- (2) An additional .1 off-street parking spaces per unit shall be provided for guest parking.
- (3) A minimum of one covered parking space per dwelling unit shall be required. Covered parking shall include carports or garages (attached or detached).
- (4) Except for the required ADA/HC parking spaces and 2-car driveways which shall be a minimum of 16' wide by 20' deep, all parking spaces shall be a minimum of 9' wide by 19' deep (90 degree).

Construction

- (1) May be clad with masonry (defined as brick, stone or stucco), board siding, or any other conventional building materials.
- (2) There shall be no minimum requirements for masonry, glass pane or doors on the elevations of any buildings.
- (3) The roofs of buildings may be clad with composition shingles or any other conventional building material with a minimum pitch of 4/12. In addition, provided parapet walls that are at least 4' tall surround them, buildings may have flat roofs instead of pitched roofs.
- (4) Solar panels and associated equipment may be mounted on the ground or on the roofs of any buildings or on other structures, provided height and setback restrictions are maintained.
- (5) All dumpsters shall have an enclosure with solid doors.
- (6) A civil engineer-designed, on-site storm water system shall be installed so that storm water is directed to underground drainage pipes ultimately leading to a detention pond or ponds on the southern portion of the property.

District Design

- (1) Street/Fire Lane lighting, street sign, and traffic control sign poles shall be provided in quantities and design as required by code.

- (2) Neighborhood entryways shall have enhanced landscaping with irrigation systems.
- (3) Neighborhood entryway signage shall be lighted with either up-lights or with backlit raised lettering.

LANDSCAPE

- (1) *Maintenance.* All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size.
- (2) *General standards.* The following criteria and standards shall apply to landscape materials and installation.
 - a. *Quality.* Plant materials used in conformance with the provisions of this section shall conform to the standards of the American Standard for Nursery Stock, or equal thereto. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 - b. *Trees.* Trees referred to in this section shall be of a species common to this area of Texas and shall have an average spread of crown of greater than 10 feet at maturity. Trees having a lesser average mature crown of 10 feet may be substituted by grouping the same so as to create the equivalent of a 10 feet crown of spread. Trees shall be of a minimum of 2 caliper inches when measured 6 inches above ground.
 - c. *Shrubs and hedges.* Shrubs shall be a minimum of 1 foot in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen, which will be 2 feet high within 1 year after time of planting.
 - d. *Vines.* Vines shall be a minimum of 1 feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified.
 - e. *Ground cover.* Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within 2 years of planting.
 - f. *Lawn grass.* Grass areas may be solid sod, plugged, sprigged or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.
- (3) *Minimum requirements for off-street parking and vehicular use areas.* Both the interior and perimeter of such areas shall be landscaped in accordance to the following criteria. Areas used for parking or vehicular storage, which are under, on, or within buildings are exempt from these standards.
 - a. *Interior landscaping.* A minimum of 10% of the gross parking areas shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking

and/or driveway paving and sidewalks. The following additional criteria shall apply to the interior of parking lots:

- i. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
- ii. There shall be a minimum of 1 tree planted for each 500 square feet or fraction thereof of required interior landscape area.

(4) *Perimeter landscaping and fencing.* All parking lots and vehicular use areas shall be screened from all abutting public rights-of-way with a wall, fence, hedge, berm or other durable landscape barrier. Any living barrier shall be established in a 2-foot minimum width planting strip. Plants and materials used in living barriers shall be at least 12 inches high at the time of planting and shall be of a type and species that will attain a minimum height of 2 feet 1 year after planting. Perimeter landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent properties. Perimeter landscape areas along public rights of way shall contain at least 1 tree for each 25 lineal feet or fraction thereof of perimeter area.

(5) *Landscaping requirements for non-vehicular open space.* In addition to the landscaping of off-street parking and vehicular use areas, all remaining open spaces on any developed lot or parcel shall conform to the following minimum requirements:

- a. Grass, ground cover, shrubs and other landscape materials shall be used to cover all open ground within 10 feet of any building or paving or other use such as storage.
- b. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.

(6) One Tree per 5,000 square feet of non-vehicular open space shall be planted in non-vehicular open space.

(7) *Sight distance and visibility.* Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an access way intersects a public right-of-way or when the subject property abuts the intersection of 2 or more public rights-of-way, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between 3 and 6 feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- a. The areas of property on both sides of the intersection of an access way and a public right-of-way shall have a triangular visibility area with 2 sides of each triangle being 10 feet in length from the point of the intersection and the third side being a line connecting the ends of the other 2 sides.

The areas of property located at a corner formed by the intersection of 2 or more public rights-of-way shall have a triangular visibility area with 2 sides of each triangle being 20 feet in length from the point of the intersection and the third side being a line connecting the ends of the other 2 sides. Landscaping, except required grass and low ground cover, shall not be located closer than 3 feet from the edge of any access way pavement.