



AGENDA

PLANNING AND ZONING

JULY 22, 2021 @ 7:00 P.M.

Notice is hereby given; the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, July 22, 2021, at 7:00 at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

The Planning and Zoning Commission meeting will be open to the public. The City of Parker will provide disposable face masks and hand sanitizer. If you feel uncomfortable attending the meeting in person, please send public comments to the City Secretary at Pgrey@parkertexas.us prior to 3:00 PM the day of the meeting.

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

PUBLIC COMMENTS The Commission invites any person with business before the Commission to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR MAY 12, 2021.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PARKER RANCH PHASE 5 PRELIMINARY PLAT. [MACHADO]
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON WHITESTONE ESTATES PHASE 5 AND 6 PRELIMINARY PLAT. [MACHADO]

ROUTINE ITEMS

4. FUTURE AGENDA ITEMS
5. ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before July 16, 2021, by 5:00 p.m. at the Parker City Hall.

Date Notice Removed

Patti Scott Grey, City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972-442-6811.



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey
Estimated Cost:	Date Prepared: July 16, 2021
Exhibits:	• Proposed Minutes

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR MAY 12, 2021.

SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at PGrey@parkertexas.us prior to the City Council meeting.

POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	07/15/2021
Interim City Attorney:	Scott D. Levine	Date:	07/15/2021
Public Work Director	<i>Gary Machado</i>	Date:	07/16/2021

MINUTES
PLANNING AND ZONING COMMISSION MEETING

May 12, 2021

CALL TO ORDER – Roll Call and Determination of a Quorum

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:05 p.m. There was a quorum. P&Z Commission Alternate Two Crutcher and P&Z Commission Alternate Three Douglas served as voting members for this meeting.

Commissioners Present: Use “√” or “X”, please

x	Chairperson Russell Wright		Alternate Marilyn Kittrell
x	Commissioner Joe Lozano	x	Alternate Larkin Crutcher
x	Commissioner Wei Wei Jeang	x	Alternate JR Douglas
	Commissioner David Leamy		
	Commissioner Jasmat Sutaria		

Staff/Others Present:

x	Public Works Dir. Gary Machado	x	City Attorney Brandon S. Shelby
x	City Secretary Patti Scott Grey		

PLEDGE OF ALLEGIANCE

The pledges were recited.

PUBLIC COMMENTS The Commission invites any person with business before the Commission to speak to the Commission. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No one was present at the meeting for public comments. *[Chairperson Wright read a statement sent by Todd Fecht into the record, during the public hearing.]*

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR April 22, 2021.
MOTION: P&Z Commission Alternate Three Douglas moved to approve the minutes as presented. Commissioner Lozano seconded with Commissioner(s)/Alternate(s) Wright, Lozano, Jeang, Douglas, Crutcher voting for. Motion carried 5-0.
2. PUBLIC HEARING ON ZONING REGULATIONS REVISIONS. *[CITY CODE OF ORDINANCES, CHAPTER 156: ZONING REGULATIONS]*

Chairperson Wright opened the public hearing at 7:09 p.m. for public comments on zoning regulations revisions. He asked that anyone, having a comment, come forward to the lectern, and address the P&Z Commission. No one was present.

Chairperson Wright read one (1) emailed public comment from Todd Fecht, 7234 Moss Ridge, into the minutes. The emailed comment will be attached to tonight's meeting minutes. **(See Exhibit 1 – Todd Fecht's email, dated May 12, 2021.)**

Chairperson Wright then said hearing no additional comments from the public he would close the public hearing at 7:14 p.m. and proceed to the next item on tonight's agenda.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION/DISCUSSION REGARDING PLANNING AND ZONING (P&Z) COMMISSION REVIEW OF PARKERS ZONING REGULATIONS. *[CITY CODE OF ORDINANCES, CHAPTER 156: ZONING REGULATIONS]*

Chairperson Wright began by stating that the recommended changes made by the Planning and Zoning subcommittee were primarily to clarify and eliminate inconsistencies in the language.

City Attorney Shelby explained the process of review and amendment, and where we currently stood. The review was initiated by a subcommittee of the City Council, whose proposed changes and comments were given to the P&Z subcommittee. The P&Z subcommittee made a comprehensive review, considered, incorporated, and adapted the Council subcommittee's changes and comments, and produced its set of proposed changes. The City Attorney then met with the Council subcommittee to reconcile the two sets of changes.

At the April 22 P&Z meeting, it was recognized that a master change document should be prepared that shows the changes to make them easy to comprehend by the public. An Excel spreadsheet was produced by City Attorney Shelby that shows a subset of changes between the original regulations and the Council's reconciled changes. However, this document does not show the changes made to the definitions of the terms, which were extensive, and it also does not show the differences between P&Z's recommendations and the Council's reconciled version.

A discussion ensued regarding the inclusion of "swimming pool" in the definition of Accessory Structure/Accessory Building. The P&Z subcommittee recommended that this term be eliminated from the definition, but the Council subcommittee wanted it to be included in the definition. A difference of opinion developed among the Commissioners/Alternates regarding the inclusion of "swimming pool" in the definition. The Commissioners realized that there may be substantial differences between the Council's reconciled version and P&Z subcommittee's version and there is no easy way to go through them as there is not a comparison document. Such a document would also be informative for the public.

MOTION: Alternate Douglas moved to present the P&Z subcommittee's proposed changes as-is to the City Council for consideration. Commissioner Lozano seconded with Commissioners/Alternates Lozano, Douglas, and Crutcher voting for. Chairperson Wright and Commissioner Jeang voting nay. Motion carried 3-2. **(See Exhibit 2 – P&Z Sub-Committee's proposed changes, dated May 12, 2021.)**

4. ADJOURN

Chairperson Wright adjourned the meeting at 8:39 p.m.

Minutes Approved on ____ day of _____, 2020.

Chairperson Russell Wright

Attest:

Commission Secretary Wei Wei Jeang

Prepared by City Secretary Patti Scott Grey

Patti Grey

From: Todd Fecht FNMG <todd@firstnationalmutualgroup.com>
Sent: Wednesday, May 12, 2021 4:43 PM
To: Patti Grey; Gary Machado
Subject: Fwd: Fecht letter to Parker P&Z May 12, 2021 - May 12, 2021
Attachments: Fecht letter to Parker P&Z May 12 2021 - May 12 2021 - 4-38 PM.pdf

Patty & Gary

I am unable to attend the meeting tonight due to a pre commitment to my lovely bride of 30 years celebrating our anniversary this month.

Would either of you please read my letter into the record when I attended the last meeting a few weeks ago I requested this and no one read it into the record I have a new letter along with my old one I would like very specifically read into the record thank you very much

Thank you for all you do for the city

Todd Fecht
President & CEO
First National Mutual Group, LLC
[12801 Central Expy Suite 1680](#)
[Dallas, TX 75243](#)
Phone [214-673-3992](#) direct
Fax. 972-429-5455
Dallas Corporate office

NOTICE: This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sects. [2510-2521](#) and is legally privileged. This e-mail, and any documents attached, may contain confidential information belonging to the sender which is protected by the work product and/or other privileges. The information is intended only for the use of individuals or entities named above. If you have received the e-mail in error, we would appreciate your immediately notifying us by telephone call to arrange for the return of all copies of the e-mail. You should also delete this transmission from your computer and/or server.

Begin forwarded message:

From: Tricia FNMG <tricia@firstnationalmutualgroup.com>
Date: May 12, 2021 at 4:40:07 PM CDT
To: Todd <todd@firstnationalmutualgroup.com>
Subject: Fecht letter to Parker P&Z May 12, 2021 - May 12, 2021

Scanned with TurboScan.

Sent from my iPhone

Todd Fecht
7234 Moss Ridge
Parker, Texas 75002

May 12, 2021

P&Z Commission
City of Parker
5700 East Parker Road
Parker, Texas 75002

Regarding the documents involving proposed changes to Chapter 156, during the Planning and Zoning public hearing meeting on April 27, 2021, Russell Wright made the following statement starting in the 33rd minute:

"I'd like to see if we have a motion to basically take this document go get a change document / mapping document created so that we have basically the original with the mark ups on it, we have something that shows us what has been changed, and we have the final that shows us what the changes look like, all incorporated."

This motion was then made and passed by the P&Z Commission.

Pursuant to your own motion "all incorporated" would mean the old regs, the changes to the regs, and the new regs, all in one document. This "all incorporated" document needs to be produced for everyone, including P&Z and the public for easy review. It is my understanding that this document does not yet exist as it was not posted 10 days prior to the meeting tonight. If this document, is not ready now then this item, Chapter 156 of the zoning regulations, should be

tabled until the document is ready for P&Z and the public, and both have been given ample time to review, pursuant to the Texas code.

I am also very concerned, from an employment and labor law situation for the city, as I was at the City Council meeting last night, where multiple city employees were there until late in the evening. We are now asking them to come back again tonight, and again tomorrow night after working a full day of work each day.

1. Can we legally do that?
2. Is there any chance we retain people if we treat them like this?

Sincerely,

Todd and Tricia Fecht

Todd Fecht
7234 Moss Ridge
Parker, Texas 75002

April 22, 2021

P&Z Commission
City of Parker
5700 East Parker Road
Parker, Texas 75002

Dear Parker P&Z:

First and foremost, I would like to thank you for serving on the P&Z Commission. I have been a member on many boards, and I understand the significant time commitment incurred without compensation.

By way of background, I have lived in Parker for over twenty years. Before that my wife and I lived in Plano. Fortunately, I have been able to raise my 3 boys in this same house for all their lives. The fact that my boys have been raised in the same home in a wonderful country lifestyle has been instrumental to their progress. After working so hard in a school environment each day, it has been especially important that they have had a place to come home to where they can be outside in open spaces and enjoy hobbies and activities that build their confidence. Our uses on the property are allowed under the city's zoning ordinances.

I am aware that many of the citizens of Parker are big believers in less government is better. Just as our forefathers left the European continent to come to America to have more rights and freedoms, we moved from Plano to Parker to have more rights and freedoms and to obtain the freedom of a country lifestyle. We along with many other Parker citizens are adamantly opposed to any change that would end in the P&Z and the Parker City Council making any additional restrictions or taking away any existing freedoms and rights that we currently have or making changes that would effectively result in the city

government becoming a HOA. We also do not want the city to engage in selective enforcement and/or discrimination.

The problem here is quite simple. What we have is a situation where a miniscule minority of people failed to do proper due diligence and made the mistake of purchasing property in a community that does not support the lifestyle they want to live. There are far more communities with covenants and HOAs that support a country club lifestyle than there are communities that allow people to live a country lifestyle like we have here - without an HOA.

The solution is just as simple. The people who failed to do adequate due diligence and made the error of purchasing property here should sell their property and move to a community that supports the restrictive lifestyle they want to live; or learn to keep quiet and let the rest of us enjoy the freedoms we bought into.

As a result, those who are unhappy living here would presumably end up enjoying life in their new more restrictive community, and as a big plus, a new family that would appreciate the personal freedoms offered by living in Parker, in an area without an HOA, would move in and become a happy member of our community.

Simply put: Why should those of us who did our due diligence in any way pay for the mistakes of those who did not?

I am opposed to any and all changes, known or unknown, in the ordinance that would affect any land usage and/or rights of land usage for anything that citizens of Parker are currently allowed to do, whether the citizen chooses to use that right or not. This includes items in the letter attached, written by Art Anderson at Winstead Law firm, and sent to the city on my behalf on August, 15 2018, but is not limited to just the items in this letter.

The citizens of Parker deserve concise transparency in what P&Z and City Council members are proposing. I requested a redline version so I would know what current rules are, and what the new proposed rules may be. I was basically told to read a 210-page document, (if 300 words per page, is over 60,000 words) which was posted by the city, with no red lines, and compare it to the current ordinances, which is similar in size, to figure out the differences, and thus told, "it's

not our job to tell you the differences." That is an impossible task in my humble opinion. We need a copy of a redline version, one with the line going through every word taken out and the new words they are proposing to put in next to it, from planning and zoning and not modified by any third-party known or unknown.

Again, in the absence of a redline version the only thing I can fundamentally say is, I object to any provisions, known or unknown, to the proposed ordinance changes, which will impact the uses of property as stated in the attached 2018 letter, but not limited to the items in that letter. And would kindly ask P&Z to go back and verify for us that there are no provisions here that would restrict the current land uses and or rights of the citizens of Parker.

With Regards,

A handwritten signature in black ink, appearing to read 'Todd Fecht', with a long horizontal flourish extending to the right.

Todd Fecht

📖 CHAPTER 156: ZONING

Section

General Provisions

[156.01](#) Definitions

[156.02](#) Minimum requirements

Zoning Map; Districts

[156.15](#) Use districts established

[156.16](#) Official zoning map

[156.17](#) Interpretation of district boundaries

[156.18](#) Newly annexed territory

District Uses and Requirements

[156.30](#) Application of regulations

[156.31](#) Agricultural-open space district

[156.32](#) Single-family residential district

[156.33](#) Single-family transitional district

[156.34](#) Manufactured housing district

[156.35](#) Planned residential development district

[156.36](#) Special activities district

[156.37](#) Supplementary ~~district-zoning~~ regulations

Nonconforming, Conditional, and Special Uses

[156.50](#) Nonconforming uses

[156.51](#) Conditional uses

[156.52](#) Special use permits

Administration and Enforcement

[156.65](#) Construction; site plan required

[156.66](#) Administration authority

[156.67](#) Board of Adjustment

[156.68](#) Appeals; Board and Council responsibilities

[156.69](#) Fees, charges, and expenses; establishment

[156.70](#) Amendment

[156.71](#) Planning and Zoning Commission meetings

[156.99](#) Penalty

GENERAL PROVISIONS

📖 § 156.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY DWELLING. An **ACCESSORY BUILDING** that is a separate dwelling for immediate family, ~~servants~~ [hired help](#), or used as guest quarters.

ACCESSORY USE, ACCESSORY STRUCTURE, or ACCESSORY BUILDING. A use or structure which is clearly incidental and secondary to the primary use and which does not change the character thereof, including, but not limited to, stables, barns, ~~swimming pool~~, detached

Commented [RW1]: Remove swimming pool because it is not above ground and doesn't show up from a visual perspective, as would a number of buildings. There are thoughts about coverage included for drainage and runoff, but not sure if this is the original intent.

garages, bathhouses, greenhouses, tool sheds, and portable buildings over 120 square feet floor area.

ADMINISTRATOR. The ~~administrative officer~~ person responsible for administration of ~~this chapter~~ city ordinances; **ORDINANCE ADMINISTRATOR.**

AGRICULTURE. The science and art of farming and ranching; tillage; the cultivation of the ground for purpose of producing ~~vegetables, fruits, and~~ crops, or raising livestock.

ANIMAL LARGE – Any animal whose adult body weight is greater than 500 pounds.

ANIMAL MEDIUM – Any animal whose adult body weight is between 200 and 500 pounds.

ANIMAL SMALL – Any animal whose adult body weight is less than 200 pounds.

BARN. A structure used for shelter of animals or storage of agricultural products or equipment.

~~**BASEMENT.** A story partly underground and having at least 1/2 of its height below the average level of the adjoining ground. A BASEMENT shall be counted as a story if subdivided and used for dwelling purposes.~~

~~**BUFFERYARD**~~ **BUFFER YARD.** A unit of land and any structures such as fences, walls, or berms that may be required between different land uses on adjacent lots to eliminate or minimize conflicts between them. Example: an area of trees or landscaping between larger residential lots in one+ city and smaller residential lots or commercial development in another city.

~~**BUILDABLE AREA.** The maximum amount of allowable space upon which a structure or building may be erected, after meeting the coverage, setback, and other requirements of this chapter.~~

BUILDING. Any structure affixed to the land and built for the support, shelter, or enclosure of persons, animals, ~~chattel~~, or movable property, ~~of any kind, and which is affixed to the land.~~

BUILDING AREA. The **BUILDING AREA** of a lot is the gross-area covered by the buildings or structures when placed on the lot.

BUILDING, HEIGHT OF. The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof's surface.

CITY. The City of Parker, Collin County, Texas.

CITY COUNCIL. The City Council of this city.

COMMISSION. The Planning and Zoning Commission of the city.

COMPREHENSIVE ZONING ORDINANCE. This chapter, and as hereafter amended.

CONCEPT PLAN. The development plan for one+ or more lots ~~on which that are shown~~ shows the existing and proposed conditions of the development, including lot lines; landscaping; open spaces; means of ingress, egress, and circulation; berms, ~~buffer~~ Buffer Yards, and screening devices; surrounding roadways; basic drainage information; and any other information ~~that reasonably may be required in order that~~ so an informed decision can be made by the ~~approving authority~~ City.

CONDITIONAL USE. A use ~~which that~~ requires an application to be filed with the city which is processed in the same manner as a zoning application a variance from an existing ordinance as approved through a formal application process.

CONSTRUCTION PLAN. A plan for new construction or for additions to any structure submitted in application for a building permit.

~~**COVERAGE.** The percentage of a lot that is covered by buildings.~~

~~**CURVILINEAR STREET.** As defined in the subdivision regulations in Chapter 155.~~

Commented [RW2]: Crops is all encompassing

Commented [RW3]: We don't need definitions of animals if they are not used within section 156. Question about if there will be provisions added that reference animals by size. But it might not even be in the scope of this chapter.

Commented [RW4]: Unified development code has it as one word. A unit of land, together with a specified type and amount of planting thereon, and any structure which may be required between land uses to eliminate or minimize conflicts between them

Commented [RW5]: Open Spaces is a defined term.

Commented [RW6]: No need to change.

Commented [RW7]: No need to define this as it is always used in tandem with other words.

Commented [RW8]: Not used in this section, so delete.

DEVELOPMENT. ~~The process of converting land to a new purpose by constructing buildings or making use of its resources. The construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof.~~

ETJ. Extraterritorial jurisdiction.

HOME OCCUPATION. ~~Business-Commercial non-agricultural activity within the home or on the grounds~~ that does not involve more than ~~one~~ other unrelated person, client visitation without appointment, operation of commercial trucks, or signage or outside storage of business-related equipment or materials.

HOME OCCUPATION is defined as business activity within the residence, or any other building, or on the grounds, that does not involve more than 1 other unrelated person, operation of commercial trucks, signage, or visible storage of business related equipment or materials. Business activity is broadly construed to include all non-residential activity, for profit or otherwise, including, but not limited to, retail, commercial, industrial, manufacturing, or similar use.

Commented [RW9]: Leave it alone. Acronym definition. Legal definition.

Commented [RW10]: PERMITTED Home Occupation? Remove redundant definition from within the Ordinance.

Commented [RW11]: Why are we defining this here?

~~**LAND-USE PLANNING MAP/COMPREHENSIVE PLAN.** A plan and associated maps showing the existings and proposed land uses proposed (or existing) within the city and its extraterritorial jurisdiction (ETJ), also known as the PLANNING MAP.~~

LOT COVERAGE. ~~See COVERAGE.~~ Area of a lot covered by buildings usually expressed as a percentage.

LOT, GROSS. Lot size computed by dividing the total acreage of a tract (including street right-of-way, open space, and dedicated easements) by the number of lots.

GROSS (SITE) AREA The total area of a tract of land, including rights-of-way and dedicated easements.

LOT, NET/LOT SIZE. Lot size determined Area enclosed by the metes and bounds of a given lot. Unless stated otherwise, all lot sizes shall be net, not gross.

NOXIOUS. Conduct which generates noise, odor, fumes, vibration, or any other condition, visible, obnoxious, or detrimental to abutting or adjacent properties.

NURSERY. A place where young trees or other plants are propagated for experimental purposes, for transplanting, or for sale.

OCCUPANCY. The purpose for which a building or land is used or intended to be used.

OFFENSIVE TRADE ACTIVITY. Any trade activity prohibited by federal or state law or city ordinance and not customarily carried on in a dwelling unit or accessory building by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling and not authorized by a special use permit.

OFFICER. A person referred to in this chapter by title means the person employed or appointed by the city to that position, or his or her duly authorized representative.

OPEN SPACE. An outdoor area designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities.

PASTURAGE/PASTURE. Land used primarily for the grazing of animal stock.

PERMITTED USE. A use specifically allowed in 1 or more of the various districts without the necessity of obtaining a special use permit.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

SINGLE-FAMILY RESIDENCE. A one 1-family detached dwelling.

Commented [RW12]: Land use planning map not referenced in document so changed to use the terminology used within the document cover

Commented [RW13]: Combined Coverage into this definition

Commented [RW14]: Obvious in its usage (2 places)

Commented [RW15]: Not used in document

Commented [RW16]: Nothing unusual about this word. Mainly used in CoO.

Commented [RW17]: Good as is. Is there some confusion?

Commented [RW18]: It was suggested that landscaping be removed and all replaced with "outdoor activities" but shouldn't landscaped areas be included in open spaces?

Commented [RW19]: Isn't this obvious? Only used as headings, i.e. "permitted uses."

Commented [RW20]: Is there something confusing about the word "repair?" Can it be misused? Seems obvious.

Commented [RW21]: Leave this alone.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between that floor and the ceiling above it.

STORY, HALF. A story under a gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of that story.

STRUCTURE. Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. Anything that is constructed that emanates above the ground, or descends below ground, considered either permanent or temporary.

SUBDIVISION. The division of a lot, tract, or parcel of land situated within the corporate limits or within the city's statutory extraterritorial jurisdiction into two or more parts, lots, or sites for the purpose, whether immediate or future, of sale, division of ownership, or building development, including resubdivision. **SUBDIVISION** of land does not include the division of land for agricultural purposes in parcels or tracts of 25 acres or more.

TREES, REQUIRED. Pecan, Texas Ash, Eastern Red Cedar, Chinese Pistachio, Austrian Pine, Burr Oak, Live Oak, Red Oak, Sycamore, Lacebark Elm. Examples of trees not to be planted in the ~~bufferyard~~ Buffer Yard are: Arizona Ash, Chinese Tallow, Cottonwood, Siberian Elm, Honeylocust, Hackberry, Mimosa, Fruitless Mulberry, Pin Oak, Poplar, Silver Maple, and Italian Cypress.

VARIANCE. A legal modification from city ordinances of the district provisions such as setbacks, height, or area requirements, granted to relieve hardship conditions existing within a single piece of property other than financial and not of the applicant's making.

ZONING MAP. A map of the city showing current zoning upon the land.
(Ord. 483, passed 6-6-2000; Am. Ord. 508, passed 7-10-2001; Am. Ord. 562, passed 2-8-2005)
§ 156.02 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the requirement that is most restrictive or that imposes the higher standards, as determined by the Commission, shall govern.
(Ord. 483, passed 6-6-2000)

ZONING MAP; DISTRICTS

§ 156.15 USE DISTRICTS ESTABLISHED.

The several use districts into which the city is divided are hereby designed and described as follows:

- (A) A-O, agricultural-open space;
- (B) MH, manufactured housing;
- (C) SF, single-family residential;
- (D) SFT, single-family transitional;
- (E) PRD, planned residential development; and
- (F) SA, special activities.

(Ord. 483, passed 6-6-2000)

§ 156.16 OFFICIAL ZONING MAP.

- (A) *Official Zoning Map.*

Commented [RW22]: This definition lines up with the generally accepted industry definition. No change is needed?

Commented [RW23]: Not used within the document

Commented [RW24]: Might have to revisit this later...again! We need to clarify above ground structures and below ground structures later in the document.

Commented [RW25]: We may not need this sentence. Will decide after dinner.

Commented [RW26]: Is this list handled somewhere else? Is this developer specific? The list is not exhaustive. May need to revisit later.

Commented [RW27]: Could we shorten this by removing the hardship clause?

(1) The city is hereby divided into use districts, as shown on the Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary and bearing the seal of the city under the following words: "This is to certify that this is the Zoning Map referred to in Section 1B of Ordinance Number 403 of the city as amended." If, in accordance with the provisions of this chapter, the city's Comprehensive Plan, and Tex. Loc. Gov't Code, Chapter 211, as amended, changes are made in district boundaries or other matter portrayed on the Zoning Map, then the amendment as approved by the City Council shall be reflected on the Zoning Map, which may also be known as the "Zoning Map."

(2) No changes of any nature shall be made in the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided for hereafter. Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Zoning Map, which shall be located in the office of the City Secretary or City Administrator, shall be the final authority as to the current status of land and water areas, buildings, and other structures in the city.

(B) *Replacement of official Zoning Map.*

(1) In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by ordinance, adopt a new Zoning Map, which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof. The new Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the city and date under the following words: "This is to certify that this Zoning Map supersedes and replaces the Zoning Map originally adopted by the city on the day of December 2, 1980."

(2) Unless the prior Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.17 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(A) Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow those center lines;

(B) Boundaries indicated as approximately following plotted lot lines shall be construed as following those lot lines;

(C) Boundaries indicated as approximately following city limits lines shall be construed as following those city limits lines;

(D) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow those center lines;

(E) Boundaries indicated as parallel to or as extensions of features indicated in divisions (A) through (D) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map;

(F) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by divisions (A) through (E) above, the Board shall interpret the district boundaries; and

(G) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(Ord. 483, passed 6-6-2000)

§ 156.18 NEWLY ANNEXED TERRITORY.

Any territory hereafter annexed to the city shall be annexed in accordance with the zoning designation indicated in the current city land use plan. The owner of that territory may apply after annexation for new zoning under the procedures in this chapter.

(Ord. 483, passed 6-6-2000)

DISTRICT USES AND REQUIREMENTS

§ 156.30 APPLICATION OF REGULATIONS.

(A) The regulations set by this chapter within each use district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(B) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with all the regulations herein specified for the district in which it is located.

(C) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building or use for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.31 AGRICULTURAL-OPEN SPACE DISTRICT.

(A) *Purpose; A-O.* The agricultural-open space (A-O) use district includes lands within the corporate limits of the city which are not subdivided and are relatively undeveloped. This use district is designed to promote continued agricultural activities and to provide open space.

(B) *Uses; A-O.*

(1) *Permitted uses.*

- (a) Barn or stable for keeping private animal stock;
- (b) Agriculture;
- (c) Farm;
- (d) Pasture;
- (e) Single-family residence;
- (f) Home Occupation; and
- (g) Accessory Buildings.

(2) *Conditional uses; special use permit required.* ~~The following uses may be applied for by filing a request for a special use permit and upon notice of hearing and receiving approval of the Council in its discretion:~~

The following uses require filing an application for a special use permit, with subsequent hearing by Planning & Zoning Commission after which approval is required by City Council:

Commented [RW28]: Need to revisit. Is this saying two buildings can't point to the same open space to meet their individual requirements?

- (a) Tower structures exceeding 25 feet in height;
- (b) Golf course;
- (c) Accessory Dwelling;
- (d) Rodeo;
- (e) Grain elevator;
- (f) Common stables; and
- (g) Riding academy (private).

(C) *Building setbacks; A-O.* No Structure shall be constructed within 100 feet of any property line.

(D) *Special requirements; A-O.* Any single building Structure constructed within this A-O district shall conform to all area requirements and building regulations as required by the single-family residential district (SF), unless otherwise specified in this classification.

(1) No mobile homes or HUD-Code manufactured homes shall be permitted.

(2) No property qualifies for A-O district unless it has 5-five acres in contiguous tracts under single ownership.

(Ord. 483, passed 6-6-2000) Penalty, see § 156.99

§ 156.32 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose; SF.* The purpose of this classification is to provide for single-family residential development that is most consistent with the general desires of the community.

(B) *Uses; SF.*

(1) *Permitted uses.*

- (a) Single-Ffamily Rresidence;
- (b) Accessory Bbuildings; and
- (c) Home Ooccupation.

(2) *Conditional uses; special use permit required.* The following uses may be applied for by filing a request for a special use permit and upon notice of hearing and receiving approval of the Council in its discretion:
The following uses require filing an application for a special use permit, with subsequent hearing by Planning & Zoning Commission after which approval is required by City Council:

- (a) Accessory Dwelling;
- (b) Boarding and activities involving large animals. ~~Large animal activities; and~~
- ~~(c) Large animals other than horses or cattle on the premises.~~

(C) *Lot size requirements; SF.*

(1) *Minimum lot size.* The minimum lot size shall be 2.0 acres ~~net~~ (87,120 square feet).

(2) *Maximum lot coverage.* The maximum lot coverage by all above ground structures shall be no more than 20%. ~~This is inclusive of all structures.~~ For a 2-acre lot, this is a maximum of 17,424 square feet.

(3) *Nonresidential structures; maximum lot coverage.* No more than 10% of the total lot area may be Accessory bBuildings.

(4) Minimum lot width at front lot line. The minimum lot width at the street frontage of any lot shall be 200 feet for straight streets. On curved streets and cul-de-sacs, the minimum lot width at the front lot line is determined by the effective radius of curvature, R, measured in feet, of the right-of-way boundary as follows. The width (W) shall be at least:

$$W = 70 - (400 / R) \text{ feet}$$

In this formula, R shall be ~~no less~~ greater than or equal to 40 feet.

Commented [RW29]: Should this be different for dwellings?

Commented [RSW30]: Create a table of all the zoning classifications

Commented [RW31]: Might be good to include a simple diagram here.

Commented [RW32]: This is for unplatted subdivisions, as a platted subdivision would be approved however it is platted.

(5) *Minimum lot depth.* The minimum lot depth shall be 300 feet measured from the closest straight line distance between the front property line and the rear property line.

(D) *Buffer ~~Yards~~; SF.* ~~Bufferyards~~Buffer Yards are not required for the single-family zoning classification. ~~If a bufferyard is to be incorporated into the development, the following conditions shall apply.~~

~~(1) The bufferyard setback shall contain at least 1 tree per 20 linear feet in order to calculate the total number of trees. If hardy native or adapted trees currently are growing in the area of this bufferyard setback, retention of these trees is preferred over transplanting new trees in the bufferyard. Each planted tree shall be a native or adapted species and of a variety normally considered hardy for the type of soil contained in the bufferyard. Naturally grouped plantings are recommended. New trees shall be from the required tree list. Tree plantings must be completed and established prior to the city's issuance of a certificate of occupancy.~~

Commented [RW33]: This needs to be moved to the subdivision regulations.

~~(12)~~ The ~~bufferyard~~Buffer Yard shall be included as a part of the property to be maintained by the ~~homeowners~~homeowner's association, or owner of the lot.

(E) *Building setbacks; SF.* The following setbacks are the minimum requirements. Distances indicated are exclusive of public or private motor vehicle easements or rights-of-way.

(1) *Front setback.* The minimum front setback for any structures on the lot shall be 100 feet from the closest point of the front property line. No ~~two~~2 adjacent houses shall have the same front building line. The front building line of all adjacent houses shall vary by at least ~~5~~five feet.

(2) *Side setback.* The minimum side setback shall be 40 feet from the closest point of the side property line.

(3) *Side setback at corner.* The minimum side setback for any structures on a lot located on a corner shall be the same as the front setback on the side closest to the adjacent street. ~~2-acre lots: 100 feet.~~

(4) *Rear setback.* The minimum rear setback for any structures ~~on the lot located on a corner lot~~ shall be 50 feet from the closest point of the rear property line.

(F) *Building regulations; SF.*

(1) *Single-family residence.*

(a) *Minimum living space.* There shall be a minimum of 2,500 square feet of air-conditioned living space.

(b) *Building materials.*

1. *First floor elevation.* Not less than 90% of the exterior materials used on the first floor elevation shall be brick, ~~or~~ stone or approved masonry product, exclusive of doors and windows.

2. *Total elevation.* Not less than 75% of the exterior materials used on the entire elevation, including the first floor elevation, shall be brick, ~~or~~ stone or approved masonry product, excluding doors and windows.

3. *Brick or stone; alternatives.* ~~Portland cement, plaster, or exposed aggregate plaster type finish material~~Approved masonry products for elevations may be permitted in lieu of brick or stone, with the approval of the Building Official that these materials and their application conform to the requirements of the Uniform Building Code, Building Code Handbook~~International Residential Code~~, and other pertinent ordinances in the city.

(c) *Maximum height.*

1. The maximum height for the primary residence shall be ~~two~~ stories above ground level, not to exceed ~~45~~ feet above finished floor elevation, excluding architectural treatment elements.

2. Architectural treatment elements are not to exceed ~~5~~40 feet above finished floor elevation.

(2) ~~Accessory buildings~~ *Buildings*. Refer to § ~~156.37~~(N).

(3) ~~Accessory Dwellings~~. Accessory ~~buildings~~ *Dwellings* to be used for living purposes may be constructed only after the issuance of a special use permit.

(a) *Minimum living space*. There is no minimum living space requirement.

(b) *Building materials*.

~~1. First floor elevation. Not less than 90% of the exterior materials used on the first floor elevation shall be brick or stone, exclusive of doors and windows.~~

~~2. Total elevation. Not less than 75% of the exterior materials used on the entire elevation, including the first floor elevation, shall be brick or stone, excluding doors and windows.~~

~~3. Brick or stone; alternatives. Portland cement, plaster, or exposed aggregate plaster type finish material for elevations may be permitted in lieu of brick or stone, with the approval of the Building Official that these materials and their application conform to the requirements of the Uniform Building Code, Building Code Handbook, and other pertinent ordinances in the city. Same requirements as primary residence.~~

(c) *Maximum height*. The maximum height for any accessory buildings shall be ~~2~~-two stories above ground level, not to exceed the height of the primary residence.

(G) *Garages; SF*. No garage shall open to the front of a lot or to the side street in a corner lot.

~~(H) Trees and drainage; SF.~~

~~(1) Existing trees and drainage. All existing trees and drainage ways shall be noted on the conceptual site plan submitted with the zoning application. Trees to be added or removed shall be designated on the site plan. A separate landscaping plan may be submitted with this conceptual plan.~~

~~(2) Tree plantings. All streets shall have rows of trees, of approved species, planted along street sides outside of the right of way, at an average of 50 feet on center. Non-uniform planting of trees is encouraged.~~

(I) *Fences; SF*.

(1) *General restrictions*.

(a) ~~No~~ fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SF areas, except for lots of ~~2~~-two acres or more.

(b) ~~Fencing in side yard or back yard areas~~ *All perimeter fencing* shall not exceed ~~6~~-six feet, ~~0~~ inches in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.

(c) The 50% open construction requirement for each fence panel is exclusive of columns and posts, which may be constructed of solid material including masonry or metal.

(d) Fencing columns, if used, shall not be more than ~~2~~-two feet square on base, and not more than ~~6~~-six feet in height. The columns shall not be closer together than ~~6~~-six feet center to center.

Commented [RW34]: This should be in subdivision regulations

Commented [RW35]: Discussion about lots that are SF but less than two acres and folks have had to get a variance in order to put up a fence in front. Keep it the way it is and use the variance process.

(2) *Chain link fencing.* Chain link fences may not be used in the front yard. They cannot extend beyond the front building line of the primary dwelling on the lot. They cannot extend into the side setback on the street side of a corner lot. It is preferred that chain link fence be black or green vinyl coated rather than galvanized.

(3) *Privacy fencing.* Privacy fences are permitted around swimming pool areas, subject to the following:

~~(a) The fence must be built with the finished side facing the exterior of the lot; and~~

~~(a)~~ (b) The privacy fence must not be built farther than 30 feet from the side of the pool. The side of the pool is defined as where the water's edge meets the side of the pool, not the outside edge of the pool decking, if any.

(4) *Inspection and maintenance.* When any fence is completed, it must be inspected. The Building Inspection Department shall be notified upon completion of the fence. The Chief Building Official will ~~issue a card of acceptance if the~~ approve the fence ~~if it~~ complies with the provisions of this section, or it will be rejected. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of the fence when installed and accepted as provided herein, and shall be maintained as follows:

(a) The fence shall not be out of vertical alignment more than 20%; and

(b) All damaged, removed, or missing portions of the fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portions of the fence.

(5) *Materials.*

(a) *Permitted materials.* Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, barbed wire, or other materials approved by the Building Official for exterior exposure as fence material.

(b) *Prohibited materials.* Materials prohibited are razor ribbon, sheet metal, corrugated steel and fiberglass panel, plywood, or any other similar material manufactured for other uses.

(6) *Certain locations, construction prohibited.*

(a) *Within easements.* No fence shall be located within any easement except by prior written approval of those agencies having interest in that easement.

(b) *Electric fences.* No fence erected shall be electrically charged in a manner to be dangerous to humans.

(7) *Swimming pool enclosures.* A building permit is required for the construction of all swimming pools, and all pools and their associated safety fences shall be built according to the building code.

(Ord. 483, passed 6-6-2000; Am. Ord. 508, passed 7-10-2001; Am. Ord. 697, passed 8-6-2013) Penalty, see § 156.99

§ 156.33 SINGLE-FAMILY TRANSITIONAL DISTRICT.

(A) *Purpose; SFT.* The purpose of this classification is to provide for the gradual transition from the smaller lot sizes in neighboring cities to the larger lot sizes preferred by most city residents. This classification also provides for a landscaped ~~buffer yard~~ Buffer Yard between cities.

(B) *Uses; SFT.*

(1) *Permitted uses.*

(a) Single-Family ~~residence~~ Residence;

(b) Accessory ~~buildings~~ Buildings; and

Commented [RW36]: Really not enforceable, but we're leaving it in.

Commented [RW37]: Stopped here 9/18/2018

(c) Home ~~Occupation~~Occupation.

(2) Conditional uses; special use permit required. ~~The following uses may be applied for by filing a request for a special use permit and upon notice of hearing and receiving approval of the Council in its discretion.~~

The following uses require filing an application for a special use permit, with subsequent hearing by Planning & Zoning Commission after which approval is required by City Council:

(a) Accessory ~~d~~Dwelling;

(b) Boarding and activities involving large animals. ~~Large animal activities;~~ and

(c) ~~Large animals other than horses or cattle on the premises.~~

(C) Lot size requirements; SFT.

(1) Average lot size. The average lot size shall not be less than 1.5 acres ~~net~~ (65,340 square feet).

(2) Minimum lot size. The minimum lot size shall be 1 acre ~~net~~ (43,560 square feet).

(3) Maximum lot coverage. The maximum lot coverage by all above-ground Structures shall be no more than 20%. ~~This is inclusive of all structures.~~

(a) 1-acre lot: 8,712 square feet maximum;

(b) 1.5-acre lot: 13,068 square feet maximum; and

(c) 2-acre lot: 17,424 square feet maximum.

(4) Nonresidential structures maximum lot coverage. No more than 10% of the total lot area may be ~~accessory~~ Accessory buildingsBuildings.

(5) Special provisional lot sizes.

(a) Minimum lot size ~~on land~~ within the city limits ~~on after~~ January 1, 1999 shall be ~~2-two~~ acres ~~net~~. These lots are included in the average lot size calculation in division paragraph (C)(1) above.

(b) Lots adjacent to platted lots within the city limits on or before January 1, 1999 shall be a minimum of ~~2-two~~ acres ~~net~~ or not less than the smallest adjacent platted lot, whichever is less.

(6) Minimum lot width at front lot line.

(a) 1-acre lot: 100 feet on straight street.

(b) 1.5-acre lot: 150 feet on straight street.

(c) 2-acre lot: 200 feet on straight street.

(d) On curved streets and cul-de-sacs, the minimum width at the front lot line is determined by the effective radius of curvature, R, measured in feet, of the right-of-way boundary as follows. The width shall be at least:

$$W = 70 - (400 / R) \text{ feet}$$

In this formula, R shall be ~~no less greater~~ than or equal to 40 feet.

(7) Minimum lot depth. The minimum lot depth shall be the following indicated distances in feet measured from the closest straight line distance between the front property line and the rear property line.

(a) 1-acre lot: 150 feet;

(b) 1.5-acre lot: 225 feet; and

(c) 2-acre lot: 300 feet.

(D) ~~Buffer yards~~Buffer Yards; SFT. For those lots adjacent to another city or its ETJ in which the adjacent lot areas are (or are expected to be) less than 3/4 acre per lot, the setback requirement shall be modified as follows: An additional side or rear setback of 50 feet, ~~(in addition to the setbacks required above/below)~~, shall be required providing a bufferBuffer Yard to compensate for the differences in lot sizes. This ~~bufferyard~~Buffer Yard setback shall contain

Formatted: Space After: 8 pt, Line spacing: Multiple 1.15 li

Commented [RW38]: Do we really need this date? What significance does it have?

Commented [RW39]: Same question

at least 1 tree per 20 linear feet ~~in order to calculate the total number of trees.~~ If hardy native or adapted trees currently are growing in the area of this ~~bufferyard~~ Buffer Yard setback, retention of these trees is preferred over ~~transplanting~~ planting new trees ~~in the bufferyard.~~ Each planted tree shall be a native or adapted species and of a variety normally considered hardy for the ~~type of soil contained in the bufferyard area.~~ Naturally grouped plantings are recommended. New trees shall be from the required tree list. All ~~bufferyard~~ Buffer Yard plantings must be ~~incorporated into the lot or adjacent area~~ completed prior to a certificate of occupancy being issued for the lot.

Commented [RW40]: Is this really a CO or is it the plat approval process?

(E) *Building setbacks; SFT.* The following setbacks are the minimum requirements. Distances indicated are exclusive of public or private motor vehicle easements or rights-of-way.

(1) *Front setback.* The minimum front setback for any structures on the lot shall be in accordance with the following listed distances, measured in feet from the closest point of the front property line. No ~~2-two~~ adjacent houses shall have the same front building line. The front building line of all adjacent houses shall vary by at least ~~5-five~~ feet.

- (a) 1-acre lot: 50 feet;
- (b) 1.5-acre lot: 75 feet; and
- (c) 2-acre lot: 100 feet.

(2) *Side setback.* The minimum side setback shall be in accordance with the following listed distances, measured in feet from the closest point of the side property line.

- (a) 1-acre lot: 25 feet;
- (b) 1.5-acre lot: 25 feet; and
- (c) 2-acre lot: 40 feet.

(3) *Side setback at corner.* The minimum side setback for any structures on a lot located on a corner shall be the same as the front setback on the side closest to the adjacent street for the same size lot.

- (a) 1-acre lot: 50 feet;
- (b) 1.5-acre lot: 75 feet; and
- (c) 2-acre lot: 75 feet.

(4) *Rear setback.*

- (a) Minimum 1-acre lot: 30 feet;
- (b) Minimum 1.5-acre lot: 50 feet; and
- (c) Minimum 2-acre lot: 50 feet.

(F) *Building regulations; SFT.*

(1) *Single-Ffamily R+esidence.*

(a) *Minimum living space.* There shall be a minimum of 2,500 square feet of air-conditioned space.

(b) *Building materials.*

1. *First floor elevation.* Not less than 90% of the exterior materials used on the first floor elevation shall be brick, ~~or~~ stone or approved masonry product, exclusive of doors and windows.

2. *Total elevation.* Not less than 75% of the exterior materials used on the entire elevation, including the ~~first floor~~ first-floor elevation, shall be brick, ~~or~~ stone, or approved masonry product, excluding doors and windows.

3. *Brick or stone; alternatives.* ~~Portland cement, plaster, or exposed aggregate plaster type finish material~~ Approved masonry products for elevations may be permitted in lieu of brick

or stone, with the approval of the Building Official that these materials and their application conform to the requirements of the [Uniform Building Code](#), [Building Code Handbook](#), [International Residential Code](#), and other pertinent ordinances in the city.

(c) *Maximum height.*

1. The maximum height for the primary residence shall be [2-two](#) stories above ground level, not to exceed [45-35](#) feet above finished floor elevation, excluding architectural treatment elements.

2. Architectural treatment elements are not to exceed [40-50](#) feet above finished floor elevation.

(2) *Accessory ~~buildings~~ Buildings.* Refer to § [156.37](#)(N).

(3) *Accessory ~~Dwellings~~.* Accessory ~~buildings to be used for living purposes~~ [Dwellings](#) may be constructed only after the issuance of a special use permit.

(a) *Minimum living space.* There is no minimum living space requirement.

(b) *Building materials.* [Same requirements as the primary residence.](#)

~~1. First floor elevation. Not less than 90% of the exterior materials used on the first floor elevation shall be brick or stone, exclusive of doors and windows.~~

~~2. Total elevation. Not less than 75% of the exterior materials used on the entire elevation, including the first floor elevation, shall be brick or stone, excluding doors and windows.~~

~~3. Brick or stone; alternatives. Portland cement, plaster, or exposed aggregate plaster type finish material for elevations may be permitted in lieu of brick or stone, with the approval of the Building Official that these materials and their application conform to the requirements of the Uniform Building Code, Building Code Handbook, and other pertinent ordinances in the city.~~

(c) *Maximum height.* The maximum height for any ~~accessory~~ [Accessory buildings](#) shall be [2-two](#) stories above ground level, not to exceed the height of the primary residence.

(G) *Garages; SFT.* No garage shall open to the front of a lot or to the side street in a corner lot.

~~(H) *Trees and drainage; SFT.*~~

~~(1) Existing trees and drainage. All existing trees and drainage ways shall be noted on the conceptual site plan submitted with the zoning application. Trees to be added or removed shall be designated on the site plan. A separate landscaping plan may be submitted with this conceptual plan.~~

~~(2) Tree plantings. All streets shall have rows of trees, of approved species, planted along street sides outside of the right of way, at an average of 50 feet on center. Non-uniform planting of trees is encouraged.~~

(I) *Fences; SFT.*

(1) *General restrictions.*

(a) No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SFT areas, except for lots of [2-two](#) acres or more.

(b) ~~Fencing in side yard or back yard areas~~ [All perimeter fencing](#) shall not exceed 6 feet, ~~0 inches~~ in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.

Commented [RW41]: Need to run this by the fire marshal.

Commented [RW42]: This is part of the subdivision plan.

(c) The 50% open construction requirement for each fence panel is exclusive of columns and posts, which may be constructed of solid material including masonry or metal.

(d) Fencing columns, if used, shall not be more than two feet square on base, and not more than six feet in height. The columns shall not be closer together than six feet center to center.

(2) *Chain link fencing.* Chain link fences may not be used in the front yard. They cannot extend beyond the front building line of the primary dwelling on the lot. They cannot extend into the side setback on the street side of a corner lot. It is preferred that chain link fence be black or green vinyl coated rather than galvanized.

(3) *Privacy fencing.* Privacy fences are permitted around swimming pool areas, subject to the following:

~~(a) The fence must be built with the finished side facing the exterior of the lot; and~~

(b) The privacy fence must not be built farther more than 30 feet from the side of the pool. The side of the pool is defined as where the water's edge meets the side of the pool, not the outside edge of the pool decking, if any.

(4) *Inspection and maintenance.* When any fence is completed, it must be inspected. The Building Inspection Department shall be notified upon completion of the fence. The Chief Building Official will issue a card of acceptance if approve the fence if it complies with the provisions of this section, or it will be rejected. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of the fence when installed and accepted as provided herein, and shall be maintained as follows:

(a) The fence shall not be out of vertical alignment more than 20%; and

(b) All damaged, removed, or missing portions of the fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portions of the fence.

(5) *Materials.*

(a) *Permitted materials.* Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, barbed wire, or other materials approved by the Building Official for exterior exposure as fence material.

(b) *Prohibited materials.* Materials prohibited are razor ribbon, sheet metal, corrugated steel and fiberglass panel, plywood, or any other similar material manufactured for other uses.

(6) *Certain locations, construction prohibited.*

(a) *Within easements.* No fence shall be located within any easement except by prior written approval of those agencies having interest in that easement.

(b) *Electric fences.* No fence erected shall be electrically charged in a manner to be dangerous to humans.

(7) *Swimming pool enclosures.* A building permit is required for the construction of all swimming pools, and all pools and their associated safety fences shall be built according to the building code.

(Ord. 483, passed 6-6-2000; Am. Ord. 508, passed 7-10-2001; Am. Ord. 697, passed 8-6-2013) Penalty, see § 156.99

§ 156.34 MANUFACTURED HOUSING DISTRICT.

(A) *Purpose; MH.*

(1) The manufactured housing district is designated in order to provide an adequately controlled area for the placement of manufactured homes, and to ensure an environment suitable

Commented [RW43]: Stopped here on 9/25/2018

for family living. The terms “HUD-Code manufactured home,” “mobile home,” “manufactured housing,” and “recreational vehicle” as used herein are as defined in Tex. Occupations Code, Ch. 1201 and Tex. Trans. Code, § 522.004(b), as amended.

(2) ~~Any violations of the provisions of the manufactured housing district ordinance passed September 19, 1995 which occurred prior to the date of any amendments to this chapter are not waived or released by those amendments. The provisions of this chapter in effect on the date of any violation of this chapter shall be interpreted as still being in effect on the date any violation is prosecuted. Further, no amendments to this chapter shall waive, accept, or approve any noneconforming use which existed immediately prior to September 19, 1995, the date the preceding manufactured housing district ordinance was enacted.~~ Any nonconforming use on the date this manufactured housing district ordinance was originally passed by the city is a nonconforming use solely for the size of the tract, the number of mobile homes, or manufactured homes, located on the manufactured housing tracts, or the mobile home tracts, on the date this chapter was passed. No additional manufactured housing or mobile homes are permitted without strict compliance with this chapter.

Commented [RW44]: This defines the terms for manufactured housing.

Commented [RW45]: This is where recreational vehicle is defined.

Commented [RW46]: Come back to this

(B) *Principal permitted uses; MH.*

(1) (a) Individually owned manufactured homes and lots in an approved manufactured housing district subdivision; and

(b) Commercial manufactured home parks providing, either on a rental or as an outright sale, lots for placement of manufactured homes with utilities for those manufactured homes.

(2) Supporting service facilities for the exclusive use of the residents will be permitted within the manufactured home park.

(C) *General provisions; MH.*

(1) ~~Mobile homes constructed-manufactured~~ prior to June 15, 1976.

No mobile home manufactured prior to June 15, 1976 may be installed for use or occupancy as a residential dwelling unit within the city, ~~effective the date of this chapter.~~ Any mobile home previously legally permitted and used or occupied as residential dwelling unit within the city is deemed a nonconforming use. A permit for that legal nonconforming use and occupancy shall be granted for a lawful nonconforming mobile home within the city, so long as ~~a~~ the replacement is a HUD- Code manufactured home.

Commented [RW47]: Legal nonconforming means “grandfathered.”

(2) ~~No~~ HUD-Code manufactured homes constructed on or after June 15, 1976.

No HUD-Code manufactured homes (constructed on or after June 15, 1976) shall be permitted in the city as a residential dwelling, or otherwise, unless the installation is within a manufacturing housing district approved by the city. An application to install a new HUD-Code manufactured home for use and occupancy as a residential dwelling is deemed approved and granted unless the city denies the application in writing setting forth the reason for denial, within 45 days of the receipt of the application, ~~setting forth the reason for denial.~~

(3) Recreational vehicles.

No recreational vehicle may be installed, used, or occupied as a residential dwelling within the corporate limits of the city.

(4) *Wastewater requirements.*

All wastewater connections, septic systems, plumbing, and drainage shall meet the highest standards of applicable federal, state, and county regulations ~~adopted above.~~

(5) *Individual manufactured home lots and subdivisions.*

(a) Any individual desiring to place a manufactured home on a lot within the area designated as a manufactured housing district may do so without meeting the requirements of a

Commented [RW48]: Need to add the ability for a construction site to have a temporary mobile home (RV) in some other sections, SF, SFT??

commercial manufactured home park except for structural protection, under the conditions that the manufactured home be placed on a lot of no less than one acre and that all other applicable provisions of the single-family residential district (SF) regulations are met (such as use, setbacks, building code requirements). The conditions set forth for structural protection of manufactured homes in manufactured home parks will apply to individual manufactured home lots.

(b) Individual manufactured home lots and subdivisions shall comply with all requirements of the subdivision regulations in [Chapter 155](#) and the city's other ordinances.

(6) *Commercial manufactured home parks.*

(a) *Site plan required.*

All applications for development of a commercial manufactured home park ~~or within a~~ manufactured housing district subdivision shall be accompanied by a site plan and construction plans (12 copies) drawn to scale, acceptable to the City Engineer, complying with the requirements of [Chapter 155](#) of this code. A preliminary and final plat are required on all commercial manufactured home parks. The boundary survey shall be prepared by a registered professional land surveyor and layout and design shall be prepared by a registered professional engineer. The commercial manufactured home park shall comply with the design and construction requirements of [Chapter 155](#) regarding supporting data, drainage, paving, and utility facilities. The site plan and construction plans shall show:

1. The area and dimensions of the tract of land, with identification of location and boundaries;
2. The number, location, and size of all manufactured home spaces;
3. The location and specifications of sewer lines and riser pipes;
4. The location and specifications of water lines and service connections;
5. The location and details of lighting, electrical, and gas systems;
6. The location and specifications of all buildings constructed or to be constructed within the park;
7. Existing and proposed topography;
8. The location of fire mains, including the size, the hydrants, and any other equipment which may be provided;
9. Proposed pavement section;
10. Proposed storm drainage facilities, with calculations; and
11. Proposed wastewater treatment facilities.

(b) *Park and lot size requirements.*

1. *Minimum park size.* A site to be developed as a manufactured home park shall have a minimum area of 10 acres.

2. *Minimum manufactured home lot size.* Each manufactured home space shall have a minimum area of 1 acre exclusive of any floodplain or easements; however, no manufactured home space shall have dimensions less than 80 feet on the narrow dimension nor 100 feet on the long dimension, not including off-street parking required.

(c) *Temporary hookups.* No temporary hookups will be permitted. Power, water, and sewer service must be supplied to every lot.

(d) *Streets, parking, and traffic.*

1. *Streets.*

a. An internal street system (which shall also be drainage, utility, fire, and emergency access easement) shall provide access to each manufactured home space. This internal street

Commented [RW49]: Stopped here 1/10/2019

system shall comply with requirements of [Chapter 155](#) of this code regarding streets, including construction requirements.

b. Driveways and parking areas are considered private. Maintenance of driveways and parking areas shall be a private responsibility. All other streets shall be dedicated as public.

2. *Tenant parking.* Tenants shall be provided with at least ~~3-three~~ off-street [private](#) parking spaces for each manufactured home space. Each parking space shall be hard surfaced and located so as to eliminate interference with access to parking areas provided for either manufactured homes or for public parking in the manufactured home park.

3. *Visitor and supplemental parking.* In addition to parking spaces required for each manufactured home unit, ~~there shall be provided the park owner shall provide private parking spaces~~ for the manufactured home park: ~~1-one~~ visitor space for every ~~4-four~~ manufactured home spaces; and ~~1-one~~ supplemental parking or vehicle storage space for every ~~2-two~~ manufactured home spaces for the parking or storage of boats, recreational vehicles, and similar vehicles or equipment.

a. These visitor and supplemental spaces may be located anywhere within the manufactured home community, provided that no manufactured home space shall be situated farther than 150 feet from a visitor space.

b. All supplemental parking areas shall be screened by fencing or landscaping.

4. *General parking space size.* Each parking space will be not less than 17 feet by 10 feet.

(e) *Signs.* All signage will comply with [Chapter 153](#) of this code. Private streets shall indicate that they are private.

(f) *Access.*

1. Every manufactured home park shall have at least ~~2-two~~ points of direct access to and from a public street, and each manufactured home space shall have direct access to an internal public street. Where an internal street provides access, the same shall be used as an emergency access easement to allow for the rapid and safe movement of vehicles used for purposes of providing emergency health or public safety services.

2. Each emergency access easement shall have a clear, unobstructed width in compliance with city ordinances on street and road design, shall connect to a dedicated public street, or shall have a turnaround radius with a minimum of at least 40 feet in radius of paving. Corners of intersecting streets shall have sufficient turning area to permit free movement of emergency vehicles.

(g) *Walkways.* Designated, paved walkways will be provided on both sides of roadways or streets.

(h) *Numbering.* Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion according to the city's numbering system. Street signs shall be of a color and size conforming with those on public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

(i) *Intersections.* Street lighting within the manufactured home park shall be provided along all emergency access easements. Light standards shall have a height not to exceed 20 feet and spacing to ensure an average illumination level of not less than 1.0 foot-candles.

(j) *Electric and telephone service.* All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground, except that the system of supply lines for multiple subdivision service by utilities may be

overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below the ground level. Where the underground installation of these facilities is not a standard practice of the utilities involved, the subdivider or developer shall make all arrangements for payments associated with the nonstandard installation.

(k) *Drainage and soil protection.*

1. The ground surface in all parts of a manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for placement of a manufactured home.

2. Exposed ground surfaces in all parts of every manufactured home park shall be paved, covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.

3. No portion of any lot shall be located below the 100-year floodplain. Drainage facilities shall comply with Chapter 155 of this code.

(l) *Fire safety.* Storage and handling of flammable gases and liquids shall be as follows:

~~1. Whenever liquefied petroleum gases are stored or dispensed, their handling and storage shall comply with requirements of the city ordinances as applicable; and~~

12. Wherever liquefied petroleum gases, gasoline, fuel, oil, or other flammable liquids are stored or dispensed, their handling and storage shall comply with requirements of the city ordinances and state regulations.

(m) *Water supply facilities.* Water supply facilities for fire protection service shall meet the minimum requirements of the key rate schedule for a standard city as last adopted by the State Board of Insurance and the minimum requirements of the city.

(n) *Firefighting.*

1. Approaches to all manufactured homes shall be kept clear for firefighting.

2. The owner or agent of a manufactured home park shall be responsible for the instruction of his or her staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. The owner shall provide standard city fire hydrants located within 300 feet of all manufactured home spaces, measured along the driveways or streets.

3. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves, and weeds.

4. The owner or agent of a manufactured home park shall provide an adequate system of collection and safe disposal of rubbish, approved by the Fire Marshal.

(o) *Manufactured home spacing standards.* In order to provide adequate separation of manufactured homes and of other buildings and structures for the purposes of safety against the hazards of fire and explosion, and to promote structural safety in the placement of manufactured homes on their respective sites, the following spacing standards shall apply.

1. The minimum front yard setback shall be 75 feet from the nearest corner of the manufactured home to the front line of the manufactured home space.

2. No manufactured home shall be closer than 75 feet to the outer perimeter property line. If the manufactured housing district is adjacent to a non-manufactured housing district, the setback from the outer perimeter property line shall be at least the setback of the adjacent district, if the setback of the adjacent district is greater than 25 feet.

3. Other structures on each manufactured home space must be placed to the back of the manufactured home space and must be a minimum of 75 feet away from any line of the manufactured home space.

4. The minimum distance between manufactured homes at any point shall be 75 feet.

5. The average vertical clearance height of the manufactured home frame above the finished ground elevation shall not exceed ~~three~~3 feet.

(p) *Landscaping.* The park will provide attractively and esthetically designed and installed screening and landscaping to ensure privacy and suitable environments for manufactured home occupants. The proposed screening and landscape plan shall be submitted for review and approval by the city. Landscaping areas will be not less than 5% of the gross site area.

(q) *Community buildings and service facilities.*

1. *Structural and other requirements for buildings.*

a. Construction of all buildings shall comply with applicable ordinances of the city. All portions of structures shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

b. All rooms containing sanitary or laundry facilities shall:

i. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials or covered with moisture-resistant materials;

ii. Have at least ~~one~~1 window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall not be less than 10% of the floor area served by them; and

iii. Have at least ~~one~~1 window which can be opened easily or have a mechanical device which will adequately ventilate the room.

2. *Sanitary facilities.*

a. Toilets shall be located in separate compartments equipped with self-closing doors. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

b. Hot and cold water shall be furnished in every lavatory, sink, and laundry fixture, and cold water shall be furnished in every water closet and urinal.

3. *Lighting.* Illumination level shall be maintained as follows:

a. General seeing tasks: at least ~~five~~5 foot-candles;

b. Laundry room work area: at least 40 foot-candles;

c. Toilet room in front of mirrors: at least 40 foot-candles;

d. Pedestrian walkways: at least ~~five~~5 foot-candles;

e. Visitor and supplemental parking areas: at least ~~five~~5 foot-candles; and

f. Recreation areas: at least ~~five~~5 foot-candles.

(r) *Storage facilities.* Storage facilities with a minimum size of 200 square feet per manufactured home space shall be provided on the space, or in compounds located within 100 feet of each space. Wherever provided, storage facilities shall be faced with masonry, ~~porcelainized~~porcelainized enamel, baked enamel, steel, or other material equal in fire resistance, durability, and appearance. All storage facilities shall be anchored to a concrete slab.

(s) *Incinerators.* Incinerators will be specifically prohibited. Incineration of trash and garbage will be prohibited.

(t) *Recreational areas.* Every manufactured home park shall have at least ~~one~~1 visibly identifiable recreation area for the benefit and use of its residents. Not less than 5% of the gross

site area of the manufactured home park shall be devoted to recreational facilities. Playground space shall be protected from traffic, thoroughfares, and parking areas. This space shall be maintained in a sanitary condition and free of safety hazards. Lighting must be provided for all recreation areas.

(u) *Water system.*

1. *Supply.*

a. An adequate, safe, and potable supply of water shall be provided by the owner or agent. Connection shall be made to the city water system.

b. The manufactured home park shall have ~~a compound commercial individual~~ water meters ~~for each space provided from by the city, regardless of the distribution of the water within the manufactured home park.~~

2. *Connections.*

a. The water supply system shall be connected by pipes to all manufactured homes, buildings, and other facilities requiring water. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and city regulations and requirements.

b. All water line mains will be ~~eight~~ inches or larger.

c. Individual water riser pipes and connections shall be constructed and maintained in accordance with the city ordinances, as applicable.

(v) *Electrical utilities.*

1. The wiring, fixtures, equipment, and appurtenances of every electrical wiring system shall be installed and maintained in accordance with applicable ordinances and regulations for those systems.

2. Power distribution lines shall be located underground. All power distribution lines, individual electrical connections, and grounding of the manufactured homes and equipment, shall comply with the city ordinances, as applicable.

(w) *Sewage or wastewater facilities.*

1. An approved sewage treatment system shall be provided to meet the minimum city, state, and county requirements. A connection to municipal sanitary sewage service shall be required if access to a sanitary sewer line is available to the site, at the landowner's cost. ~~On-site sewage or wastewater treatment and disposal systems will be approved.~~ Spray effluent shall not be used for any treatment facility.

2. All requirements of the county, city, and the state as to sanitation, water quality preservation, and pollution will be met. Where any such statutes or regulations are in conflict, the more restrictive statute or regulation shall apply, as determined by the Building Inspector of the city, ~~subject to the review and approval of the Mayor.~~ Unless otherwise stated in those regulations, each residential unit within a manufactured housing district shall be connected to either:

a. An approved septic system, either for the individual unit or a group of units, which shall be designed and shall operate to treat an average of 250 gallons of wastewater per day from each unit, and shall further be designed to appropriately treat wastewater discharged at peak times of the days and evenings; or

b. In the event a sanitary sewer line is available for use by a manufactured housing district, all residential units located lawfully within the manufactured housing district shall be connected to the sanitary sewer line.

3. An adequate and safe sewage system shall be provided for conveying sewage to the treatment plant. The sewer system shall be constructed in accordance with applicable local and state health regulations. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of the State Natural Resource Conservation Commission.

4. For sewage or wastewater connections, where public sanitary sewer system is available, all materials used for sewer connections shall be in accordance with the city ordinances, as applicable.

a. Each manufactured home stand shall be provided with at least ~~four~~4-inch diameter sewer riser pipe. The sewer riser pipe shall extend at least ~~four~~4 inches above the ground and shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position.

b. The sewer connection to the manufactured home from the sewer riser pipe and any other sewer connections shall be in accordance with the requirements of the city ordinances, as applicable.

c. Provision shall be made for plugging the sewer riser pipe when no manufactured home occupies the space. Surface drainage shall be diverted away from the riser.

(x) *Fuel supply and storage.*

1. Natural gas piping systems shall be installed underground and maintained in accordance with applicable ordinances and regulations governing those systems. Each manufactured home space provided with piped gas shall have a cap on the outlet when not in use to prevent accidental discharge of gas and shall be in accordance with applicable city ordinances.

2. Liquefied petroleum gas systems shall be installed only if an available natural gas system is more than 1,000 feet from the manufactured home park. The liquefied petroleum gas systems shall be maintained in accordance with applicable ordinances of the city and regulations of the State Railroad Commission pertaining thereto.

(y) *Refuse handling and collections.* The storage, collection, and disposal of refuse shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

1. *Storage facilities.* One or both of the following systems shall be used:

a. If refuse is gathered at the individual manufactured home spaces, it shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located at each manufactured home site. Containers for this use shall be provided by the park in sufficient number and capacity to properly store all refuse; or

b. In lieu of storage at individual sites, centrally located refuse containers, appropriately screened, and having a capacity of 3 cubic yards or larger, may be provided. These containers shall be so designed as to prevent spillage or container deterioration, and to facilitate cleaning around them.

2. *Removal.* Refuse and garbage shall be removed from the park at least once each week. The licensee or agent shall ensure that containers in the park are emptied regularly and are maintained in a usable, sanitary condition.

(z) *Insect and rodent control.* Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests. The growth of brush, weeds, and grass shall be controlled to prevent harborage of noxious

insects or other pests. Parks shall be maintained so as to prevent the growth of noxious weeds detrimental to health. Open areas shall be maintained free of heavy undergrowth.

(aa) *Structural protection; anchorage.* To ensure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each manufactured home shall be provided according to the following schedule.

1. *Ties.* For each manufactured home space designed to accommodate the length of unit shown, frame ties shall be provided in the number indicated. In addition, over-the-unit ties shall be provided as close to each end as possible with straps at stud and rafter locations.

Length	Number of Ties
Up to 30 feet	2 per side
30 to 50 feet	3 per side
50 to 70 feet	4 per side
Over 70 feet	5 per side

2. *Anchors.*

a. Soil tests shall be made to ensure that the following types of anchorage will withstand 3,750 pounds of pull per 10-foot length of manufactured home.

i. Cross-section: auger or dead man, ~~6~~six inches in diameter; arrowhead ~~eight~~8 inches.

ii. Depth: auger or arrowhead ~~4~~four feet; dead man ~~five~~5 feet.

b. Anchor rod shall be at least 5/8 inch in diameter with welded eye at tip, and shall be hooked into concrete when used in dead man anchors.

c. Anchors in slabs shall equal above in pull resistance.

3. *Connectors.* Connectors of the following design minimums shall be used.

a. Galvanized or stainless steel cable: 3/8 inch of ~~7~~seven strands of ~~7~~seven wires each (7 x 7).

b. Galvanized aircraft cable: 1/4 inch ~~7~~seven strands of 19 wires each (7 x 19).

c. Steel strap: 1.25 inch by 0.035 inch galvanized with tensioning device.

d. Cable ends: Secured by ~~2~~two U-bolt clamps.

e. Steel rods: 5/8 inch with ends welded and closed to form an eye.

f. Turnbuckles: 5/8 inch drop forged with closed eyes, or other tensioning devices of equivalent strength.

4. *Piers and footings.* The location and design of piers and footings shall satisfy the following standards.

a. Spaced at 10-foot intervals on both frame rails with end ones no farther than ~~5~~five feet from end of manufactured home.

b. Footings of solid concrete 16 inches by 16 inches by 4 inches (16 x 16 x 4).

c. Piers of standard 8 inches by 8 inches by 16 inches (8 x 8 x 16) of solid concrete.

d. Treated trim shingles may be used for leveling.

e. Pier or footing designs equivalent to the above when approved by the City Engineer.

5. *Permanent structures.* Park buildings, patio awnings, and cabana roofs. All permanent park buildings, patio awnings, and cabana roofs hereafter constructed and all extensions to existing structures shall comply with applicable ordinances of the city.

6. *General application.* These provisions for structural protection shall also apply to individual manufactured home lots.

(bb) *Responsibilities of park management.*

1. *Operation.* The ~~licensee/owner/~~ ~~or his or her~~ agent, of every manufactured home park located within the corporate limits of the city shall operate and maintain the park in compliance with these regulations and with all other applicable ordinances of the city. ~~He or she~~ The owner/agent shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

2. *Information; responsibility for violations.* The ~~licensee or agent~~ owner/agent shall notify park occupants of all applicable provisions of these regulations and inform them of their duties and responsibilities under these regulations. The ~~licensee or agent~~ owner/agent shall bear final responsibility for any violations of the ordinances set forth for manufactured home parks, except as specifically outlined as the responsibility of park occupants.

3. *Registration; information required.* The ~~licensee or agent~~ owner/agent shall maintain a register of park occupancy which shall contain the following information:

- a. The names and addresses of park residents;
- b. Manufactured home registration data including make, length, width, year of manufacture, and identification number;
- c. The location of each manufactured home within the park by space or lot number and street address; and
- d. Dates of arrival and departure.

2. *Information to Tax Assessor-Collector.* The ~~licensee or agent~~ owner/agent shall furnish to the Tax Assessor-Collector that information as required by law for the city, no later than January 10 and July 10 of each year, a list of all manufactured home residents in the park on the last day of the preceding month. The register shall provide information on the make, length, width, year of manufacture, and identification number of the manufactured home, the address or location description of the manufactured home within the park, and information on manufactured homes which have moved out of the park since the last report including the foregoing data plus the departure dates of each manufactured home and, if known, its destination. These lists shall be prepared using forms provided by the Tax Assessor-Collector for the city.

(cc) *Responsibilities of owner.* The owner/~~or~~ agent shall ensure that every occupant of a space in a manufactured home park located within the corporate limits of the city shall maintain his or her manufactured home space, its facilities and equipment, in good repair and in a clean, sanitary condition. ~~He or she~~ The owner shall be responsible for proper placement of ~~his or her~~ the manufactured home in its manufactured home space and proper installation of all utility connections in accordance with the instructions of the park management.

1. *Skirting and additions.* Fire-resistant skirting with the necessary vents, screens, and openings shall be required on all manufactured homes in manufactured home parks and shall be installed within 10 days after ~~em~~placement of the manufactured home. Skirting, porches, awnings, and other additions, when installed, shall be maintained in good repair.

2. *Prohibition of storage under homes.* The use of space immediately underneath a manufactured home for storage shall be prohibited.

(dd) *Inspections.*

1. *Inspections by public officials.* ~~The Mayor or his or her designee and the~~ The Code Enforcement Officer, Fire Marshal or ~~his or her~~ their designee, are ~~hereby~~ authorized and directed to make inspections as ~~are~~ necessary to determine compliance with these regulations.

2. ~~*Authority to inspect.* The Mayor or the Mayor's designee, the Fire Marshal or his or her designee, the Tax Assessor-Collector, and the Water Superintendent shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting or investigating conditions relating to the enforcement of this section. They shall have the power and authority in discharging their official duties to inspect the register containing a record of all residents of the manufactured home park.~~

3. *Access to premises.* It shall be the duty of every occupant of a manufactured home park to give the ~~licensee, his or her agent~~ owner/agent, or authorized employee access to any part of the park at reasonable times for the purpose of making repairs or alterations as ~~are~~ necessary to effect compliance with this section.

(D) *Nonconforming manufactured housing parks; MH.* Any manufactured home park in existence at the time of the addition of the manufactured housing district to the city's zoning regulations (September 19, 1995), which does not meet the regulations as set forth herein, shall not be enlarged in size or number of units in place, extended in land area or number of units, or improved, unless the enlargement, extension, or improvement complies with all regulations contained herein.

(Ord. 483, passed 6-6-2000) Penalty, see § 156.99

§ 156.35 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT.

This zoning classification, PRD or PRD1, is closed and not available for zoning applications.

(Ord. 483, passed 6-6-2000)

§ 156.36 SPECIAL ACTIVITIES DISTRICT.

(A) *Purpose; SA.* The purpose of the special activities district is to provide for tourist-related commercial uses that are integrated through site planning and architectural design guidelines. A site plan shall be required for all land to be zoned special activities district, and shall be approved at the time the district is approved, and attached to the ordinance establishing a special activities district, in accordance with the provisions in division (B)(3). A site plan shall be required for all new construction for land zoned special activities district and shall conform in all respects to the site plan, in accordance with the provisions in division (B)(4). The acreage of a special activities district shall be not less than 175 acres.

(B) *Concept plan; SA.*

(1) *Procedures.* The City Council may, after receiving the report of the Planning and Zoning Commission, approve by ordinance the creation of a special activities district based upon a concept plan prepared in accordance with provisions of this section and processed in accordance with the procedures for establishing zoning districts. The approved plan shall be made part of the ordinance establishing the district. Any amendments to a concept plan must be in harmony with the plan for the entire district and must be approved by the City Council by ordinance. An amendment to a Council approved plan will be considered an amendment to the special activities zoning district and be processed in accordance with zoning amendment procedures. The City Council shall have full legislative discretion in its consideration of any type of plan.

(2) *Criteria.* In determining whether a special activities district should be established and the concept plan should be approved, the Planning and Zoning Commission in making its

recommendations and the City Council in making its decision shall consider the following criteria:

(a) The plan of development is consistent with the future land use policies and map in the city's Comprehensive Plan;

(b) The proposed uses and project design are compatible with existing and planned adjoining uses;

(c) Adequate public facilities, including open space, will be provided in a timely manner to support each phase of the development;

(d) The proposed uses and development standards are consistent with the purposes and standards of these ~~district~~-zoning regulations; and

(e) The proposed timing of the development is consistent with the overall growth and development of the city.

(3) *Designation.* The ordinance establishing a special activities district shall set forth the following provisions. The general site plan shall be incorporated as an exhibit to the ordinance.

(a) A statement as to the purpose and intent of the district;

(b) The general land uses and acreage of each use authorized in the district, by use category, the location of these uses, the residential densities and nonresidential ~~intensities~~ densities associated with phases of the project, in conformance with the approved site plan;

(c) General conditions and standards applicable to development within the district; and

(d) Required dedications or public improvements, if any.

(4) *Site plan.* A site plan shall be required for all new construction, exterior remodeling, or additions to any structure which exceed 10% of either the structure's size or assessed value for tax purposes, in a special activities district. No building permit shall be issued for a development subject to site plan review until that site plan has been approved in accordance with this section.

(a) *Application.* The property owner or designated representative may initiate site plan review by filing an application with the City Administrator and submitting the required review fee and ~~five~~ copies of the site plan and related documents.

(b) *Contents of application.* Applications shall contain drawings to scale to indicate:

1. The location of existing and anticipated new structures on the subject property and adjoining property;

2. Landscaping and fencing, setback areas, uses of landscaping and walls or fences for screening purposes, and landscaping of parking areas, if applicable;

3. The design of ingress and egress to minimize interference with traffic flow on abutting streets;

4. The height of all structures;

5. The proposed uses for all structures;

6. The location and types of all signs including lighting and heights; and

7. The facade elevations of each building, including descriptions of materials and colors for finishes.

(c) *Standards.* The site plan shall conform to ~~the site plan~~, all ~~district~~-zoning regulations, all additional requirements of the ordinance creating the district, and any supplemental or special regulations applicable to the particular use.

(d) *Decision on site plan and appeal.* The City Council shall designate the official responsible for review and action in the ordinance creating the district. The official so designated may approve, approve with conditions, or deny the site plan. Appeals from denial of

administrative site plan shall be to the Zoning Board of Adjustment, and shall be made within 15 days. Procedures governing ~~the~~ appeal shall be in accordance with § 156.68.

(C) *Uses; SA.* The following uses shall be permitted of right or by special use permit in the special activities district.

(1) *Permitted uses.*

(a) The following uses shall be allowed in a special activities district; provided, however, that these uses may be restricted by the City Council in the ordinance creating the district:

1. Hotel;
2. Motel;
3. Bed and breakfast establishments;
4. Retail and service uses:
 - a. Arts and crafts galleries;
 - b. Photography studio;
 - c. Retail shops for clothing and souvenirs, gourmet foods, antiques, or florist shops;

and

d. Cafes, restaurants, and catering facilities, excluding fast food restaurants or drive-throughs.

5. Dinner playhouse;
6. Farmers' market;
7. Conference or events facilities;
8. Indoor or outdoor special events, such as the following: rodeos, livestock exhibitions, and auctions;
9. Tennis club or golf course;
10. Single-family residence for on-site caretaker or staff;
11. Facilities for the mixing of personal care products from natural and raw agricultural products, such as an aloe vera products mixing facility. This use does not include any animal processing, raw material processing, uses which emit odors, or heavy manufacturing or industrial uses; and

12. Private club for the serving of alcoholic beverages, where properly permitted by the State Alcoholic Beverages Commission, and where the facility is not less than 300 feet from a church, public school, or public hospital. Only ~~one~~ private club shall be approved per site plan.

(b) The City Council shall have full legislative discretion in determining whether these uses are appropriate with adjacent land uses, and shall have discretion to impose conditions as may be necessary to protect adjacent land uses and ensure compatibility.

(2) *Conditional uses.* All uses listed as conditional uses in the SF district may be requested in accordance with the provisions of that section.

(3) *Temporary outdoor uses.* The following temporary use may be allowed upon application for and issuance of a special use permit from the City Building Official or other designated official: seasonal fireworks displays. Request for a special use permit for a seasonal fireworks display shall be accompanied by a properly issued permit from the Fire Marshal, and may only be denied in times of drought or when the safety of the public is endangered by the activity. Fireworks displays shall be limited to no more than ~~four~~ per year, including ~~one~~ each for Independence Day weekend and New Year's Eve.

(4) *Prohibited uses.* The following uses shall be prohibited:

(a) Sexually oriented businesses, including adult bookstores, adult theaters, nude modeling or photography studios, adult dancing or entertainment at private clubs; and

(b) Strip commercial development or shopping centers.

(D) *Area and dimensional requirements; SA.*

(1) *Building setbacks.*

(a) Structures shall be set back from existing residential structures on or adjacent to the property zoned as special activities district a minimum of 300 feet, measured from roof overhang to roof overhang. Structures shall be set back 300 feet from any major roadway, including FM 2551, FM 2514, Park Boulevard, and other roads as the city may from time to time designate.

(b) Enclosures such as outdoor or rodeo arenas, riding areas, or similar outdoor uses which do not require the construction of a building, shall be set back 100 feet from all roadways.

(c) Buildings shall have the following setbacks.

Yard	Setback from Roadway	Setback from Buildings
Front yard	300 feet	100 feet
Rear yard	150 feet	50 feet
Side yard	100 feet	50 feet

(d) Building setbacks may be modified by City Council on the site plan, provided that public safety objectives are preserved.

(2) *Height limitations.*

(a) Buildings for hotel use only may be ~~three~~3 stories, not to exceed 35 feet.

(b) Buildings for all other uses shall not exceed ~~four~~one story, or 18 feet.

(c) Where new buildings are constructed on property which has existing buildings on the date the property is zoned special activities district, new construction shall not exceed the height of the existing buildings, or ~~three~~3 stories, whichever is less. In this instance, the City Council may modify the height limitation in division (D)(2)(b) above, if existing buildings are higher than the buildings existing on the property when the district is created.

(E) *Parking regulations; SA.* Off-street parking shall be required for all new construction, based on the following standards.

(1) Where necessary for fire safety purposes, specially designated fire or traffic lanes may be required by the Fire Chief or the Building Official. The designated area shall be kept clear of all parking, storage, and other obstructions at all times.

(2) For parking areas which are hard surfaced, parking areas shall be subdivided into smaller lots. No more than 100 spaces shall be included in a single lot area. Accessible parking shall be provided as required by state and federal standards.

(3) Overflow parking for special events or recreational activities of a short-term, non-permanent nature may be located on grassy areas.

(F) *Design elements; SA.*

(1) *Facade.* Facade treatments and colors shall conform to the following, subject to any exceptions which may be approved by the City Council on the site plan:

(a) Wood materials;

(b) Overhangs and colonnades;

(c) Canopies are required, projecting from colonnades;

(d) All buildings must be constructed in uniform rural style, as that term is defined by the city. No modern or post-modern styles will be permitted. New construction shall be consistent with any existing buildings in the district;

(e) Colors of building materials must be neutrals, earth tones, or as are consistent with adjacent buildings. Any deviation from this standard must be approved by the City Council on the site plan;

(f) Shingle or tile roofs;

(g) Painted metal building materials, stucco, stone, or brick may be allowed where they are provided for in the ordinance establishing the district or on an approved site plan; and

(h) Prohibited building materials, which may not be permitted on a site plan: concrete or concrete block surfaces, ~~or synthetic stucco finishes (such as EIFS).~~

(2) *Sidewalk.* Sidewalks shall be installed in accordance with state or federal statutes.

(3) *Lighting.* Light fixtures located in parking areas must not exceed 15 feet in height, and may not be directed or placed so that the illumination circle falls outside the district boundary; provided, however, that fixtures for outdoor sporting events may not exceed 30 feet in height.

(4) *Signs.* Signs shall meet the following standards.

(a) Monument style signs, constructed of the same or similar materials as other improvements on the property, and no more than ~~5-five~~ feet high from the ground, are permitted in this district. Total size of the sign shall not exceed 32 square feet.

(b) No ~~neon or~~ illumination elements are allowed on sign surfaces; provided, however, that the signs may be backlit ~~or~~ illuminated from a light installed on the ground, and designed to shine upwards only on the face of the sign.

(c) Signs shall be placed only at driveway entrances and shall not be allowed on buildings.

(d) Temporary signs for directions or events shall be permitted in accordance with the regulations contained in § [153.05](#), or as the same may be amended. Illuminated signs, as they are defined in [Chapter 153](#) of this code, are specifically not allowed in this district.

(5) *Loading zones and storage.* All loading and unloading shall be conducted at the rear of any building or structure. Loading zones shall be placed on the property as required by the city's building code. No outdoor storage is allowed, unless approved by City Council on the site plan, and where, due to the nature of the items being stored, it is necessary to keep them outside.

(G) *Landscaping requirements; SA.*

(1) Open space must constitute 40% of the gross area covered by the site plan.

(2) Parking lots shall be landscaped as follows.

(a) Landscaping requirements may be waived or modified by the City Council at the site plan stage if a finding is made that the site plan provides sufficient permeable surfaces and adequately addresses the drainage and visual impacts of impermeable surfaces.

(b) There shall be a minimum of ~~one+~~ tree planted in the parking area for each 400 square feet or fraction thereof of hard surfaced area. Trees shall be a minimum of a 4-inch caliper, and shall be conifers or hardwoods.

(c) The perimeter of all parking areas should be effectively screened to a minimum depth of 15 feet from streets, driveways, drop-off areas, buildings, and open spaces.

(d) An area equal to 15% of the total size of the parking lot must be landscaped and permeable, exclusive of perimeter plantings.

(H) *Manufactured housing limitations; SA.* No mobile homes or HUD-Code manufactured homes shall be permitted.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.37 SUPPLEMENTARY ~~DISTRICT~~ ZONING REGULATIONS.

The following supplementary ~~district zoning~~ regulations are hereby adopted and shall apply in all cases where specified by this section.

(A) *Visibility at intersections in all districts.* On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vehicle drivers' vision at intersections.

(B) *Fences, walls, and hedges.* Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that the fences, walls, or hedges along lot lines at street intersections do not impair visibility at the intersection within an area defined by lines of joining points located 20 feet back from the intersection of all curb lines extended.

(C) *Offensive trade activity.* No offensive trade activity shall be carried on upon any lot, nor shall anything be done which may be or become an annoyance or nuisance. No lot shall be used or maintained as a dumping ground for rubbish.

(D) *Lot maintenance.* In all districts, lots shall be maintained in such a manner as to be free and clear of debris. The following provisions relate only to the height of grass and weeds:

(1) On tracts of land, whether platted or described by metes and bounds, grass and weeds are not permitted to grow to a height in excess of 12 inches unless the vegetation is for agricultural operations and may then exceed 12 inches.

(2) Agricultural operations include the following activities:

- (a) Cultivating the soil (tilling soil in order to better prepare it for planting);
- (b) Producing crops for human food, animal feed, planting seed, or fiber;
- (c) Floriculture (cultivation and management of ornamental and flowering plants);
- (d) Viticulture (the cultivation or culture of grapes especially for wine making);
- (e) Horticulture (growing fruits, vegetables, flowers, or ornamental plants - wildflowers may exceed 12 inches when growing, but shall be mowed to a maximum height of 12 inches after seeding);
- (f) Silviculture (dealing with the development and care of forests);
- (g) Current wildlife management;
- (h) Current raising or keeping livestock or poultry.

(3) Regularly cultivated crops shall not be allowed to grow within the public road right-of-way of any public street or easement but shall be kept mowed. It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property to cut and remove all weeds, brush, or other objectionable or unsightly matter as often as may be necessary; provided that the removing and cutting same at least once in every 30 days shall be deemed a compliance with this chapter; and to use every precaution to prevent the same growing on the premises to become a nuisance.

(E) *Exceptions to height regulations.* The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(F) *Structures to have access.* Every building erected or moved shall be on a lot with direct access on a public street, or with access to a municipally approved street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required on-site parking.

(G) *Yard definitions.* Yards as required in this chapter are open spaces on the lot on which a building is situated and which are open and unobstructed to the sky, except as herein provided.

(1) *Front yard.* A yard facing and abutting a street and extending across the full width of the front of the lot and having a minimum horizontal depth measured from the front property line equal to the depth of the minimum front yard specified for the district in which the lot is located. The required yard line represents the line in front of which no building or structure may be erected. Balconies, decks, and marquees located more than ~~8-eight~~ feet from the ground may project up to ~~6-six~~ feet into the required front yard.

(2) *Rear yard.* A yard extending across the full width of the lot between the side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located. There shall be no intrusion into the rear yard by stairways, balconies, or other building extensions to more than ~~4-four~~ feet.

(3) *Side yard.* A yard located on a lot extending from the required rear yard to the required front yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located.

(H) *Use of major recreational equipment.*

(1) For purposes of these regulations, **MAJOR RECREATIONAL EQUIPMENT** is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings/RVs, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than:

~~(a) 14 days per year, or~~

~~(a)~~ (b) 21 days (consecutive or non-consecutive) in any 30-day period not to exceed a total of 63 days in a 12 month period.

(2) The equipment must be parked or stored on a residential lot or in a location approved for such use.

(I) *Parking and storage of certain vehicles.* Automotive vehicles or trailers bearing license plates or state motor vehicle inspection stickers which are more than ~~3-three~~ months out of date shall not be parked or stored on any residentially designated property except in completely enclosed buildings or covered with protective cloth specifically made for that use.

(J) *Parking of large vehicles.* No vehicle larger than that of a 2-ton capacity shall be parked upon any lot or premises in a residentially zoned district.

(K) *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from ~~1-one~~ district to another district of a different classification, or when boundaries or districts are changed as a result of annexation of new territory or changes in the regulations or restrictions of this chapter, the foregoing provisions shall also apply to any nonconforming uses existing therein which may so become nonconforming.

(L) *Off-street parking.*

(1) *Non-residential.* Off-street parking must be provided for all nonresidential uses in accordance with the following schedule.

(a) Religious facility: ~~1-one~~ space for each ~~4-four~~ fixed seats in the sanctuary or auditorium, or ~~1-one~~ space for each 28 square feet in the sanctuary or auditorium if fixed seats are not provided.

Commented [RW52]: Legal input required to determine what may be appropriate for number of spaces per pew.

(b) School (public or private):

1. One and one-half spaces for each kindergarten/elementary school classroom;
2. Three and one-half spaces for each junior high/middle school classroom; and
3. Nine and one-half spaces for each senior high school classroom.

(c) All other nonresidential uses: ~~4~~one space for each 200 square feet of floor area.

(2) *Residential.*

(a) Passenger vehicles may be parked anywhere behind the front facade of the house, or, if in front of the house, on the driveway, or the entire vehicle shall be within 15 feet of the centerline of the driveway.

(b) Recreational vehicles and equipment (including, but not limited to, recreational vehicles, motor homes, travel trailers, pickup campers, boats and boat trailers, horse or stock trailers, and similar equipment).

1. On lots of ~~2~~two acres or less, must be parked behind the front line of the house, on either an improved or unimproved surface.

2. On lots greater than ~~2~~two acres, may be parked or stored within 50 feet of the front building line of the house, so long as the RVs are not parked within 100 feet of the front property line.

(c) Industrial/commercial vehicles over a GVWR (gross vehicle weight rating) of 10,000 pounds must be parked behind the front line of the house, either on an improved or unimproved surface.

(d) Farm equipment.

1. On lots of ~~2~~two acres or less, must be parked behind the front line of the house, on either an improved or unimproved surface.

2. On lots greater than ~~2~~two acres, may be parked behind the front line of the house, or up to 50 feet in front of the house, but not closer than 100 feet from the front building line, either on an improved or unimproved surface.

(e) Prohibited vehicles. Semi tractors and their trailers.

(M) *Home occupation.*

(1) ~~For purposes of these regulations, HOME OCCUPATION is defined as business activity within the residence, or any other building, or on the grounds, that does not involve more than 1 other unrelated person, operation of commercial trucks, signage, or visible storage of business-related equipment or materials. Business activity is broadly construed to include all non-residential activity, for profit or otherwise, including, but not limited to, retail, commercial, industrial, manufacturing, or similar use.~~

(2) *Home occupation/business.*

(a) No residential structure, and/or lot in any Parker zoning district, except SA - Special Activities, may be used for business purposes, unless and except in cases meeting the strict wording of the home occupation ~~regulation~~definition.

(b) Use of a residential property for a home occupation is allowed only under the following conditions:

1. There shall be not more than ~~one~~4 employee who does not reside permanently at the residence. A person who receives a wage, salary, or percentage of profits related to the home occupation and whose place of work is at the residence shall be considered an **EMPLOYEE**. Staging or gathering of employees at the residence for work assignments away from the residence is not allowed.

2. No signage is permitted for a home occupation (with the exception of state-approved/licensed vineyard).

3. No raw materials, scrap, inventory, equipment, work in progress and/or finished goods may be visible from the street, or adjacent properties.

Commented [RW53]: Stopped here 3/14/2019

Commented [RW54]: Home occupation defined in definitions

4. No building alterations shall be allowed that will alter the residential design or use of the residence or the property.

5. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for home occupation purposes, unless approved by the city Fire Marshal.

6. All home occupations must comply with the city nuisance ordinance.

7. No traffic shall be generated by a home occupation in greater volumes than normally expected for the zoning classification of that neighborhood.

(N) ~~Accessory buildings~~Buildings. ~~ACCESSORY USE, ACCESSORY STRUCTURE, OR ACCESSORY BUILDING~~ is a use or structure which is clearly incidental and secondary to the primary use and which does not change the character thereof, including, but not limited to stables, barns, detached garages, bathhouses, greenhouses, tool sheds, shipping containers and portable buildings over 120 square feet floor area. See Definition

(1) Accessory buildings shall be constructed of materials similar in appearance to the main dwelling or with any of the following exterior materials:

(a) Brick, pre-finished metal, wood siding or simulated wood, masonry products, Portland cement plaster, stucco or exposed aggregate concrete.

(b) Corrugated sheet metal siding and roofing are expressly prohibited.

(2) All construction of accessory buildings requires the issuance of a building permit by the city. All construction shall meet the building code requirements of the city.

(3) Accessory buildings shall be located according to the most restrictive of the following:

(a) In the rear portion of the lot, behind the rear building line of the main dwelling.

(b) If on a corner, no closer to a street than the main dwelling.

(c) In compliance with the setbacks requirement required by the zoning classification or final plat of the lot.

(4) Maximum height.

(a) The maximum height of an accessory building is measured from the peak of the roof of the accessory building to grade level.

(b) The maximum height shall be 40 feet, or the height of the peak of the roof of the main dwelling, whichever is lower.

(c) The maximum height of a sidewall of an accessory building shall not exceed ~~45~~20 feet.

(5) Additional requirements.

(a) The building area of an accessory building shall not exceed the lesser of 2,500 square feet or 3% of the lot area.

(b) The applicant shall submit a fully dimensioned site plan, showing the location and the dimensions of the accessory building, the property lines, easements and all structures within 100 feet of the property line. The sketch shall include a depiction of the size and location of all doors in the accessory building.

(c) Accessory buildings of any size used to shelter animals shall be at least 100 feet from the primary dwelling of adjacent residents on contiguous lots.

(d) No accessory building shall be closer to the front of the lot than the dwelling on an adjacent lot. This rule is waived if the residence on the adjacent lot is at least 200 feet from the proposed accessory building.

Commented [RW55]: Increase to make it easier to have building house RV. Still have 20 feet of roof to play with.

(e) Lots of less than two acres are limited to one accessory building. Lots greater than two acres are limited to one accessory building per acre. An SUP-variance is required for more than two accessory buildings per lot, or one accessory building larger than 2,500 square feet.

(6) Usage and occupancy. Accessory buildings shall not be used for accessory dwellings, unless converted in accordance with all provisions governing accessory dwellings.

(7) A greenhouse is an accessory building, but because of its function, building options are different from other accessory buildings. Greenhouses shall be used only for the purpose of growing plants. Greenhouses exceeding 120 square feet shall be constructed in accordance with the following requirements:

(a) The exterior of a greenhouse must be constructed of fiberglass, glass, carbonite, or other rigid material approved by the Building Inspection Department. Such materials will be mounted in frames of steel, aluminum, cedar, or treated wood, suitable for building purposes, and in accordance with the applicable building code.

(O) *Accessory dwellings.* ACCESSORY DWELLING is a separate dwelling for immediate family, domestic help, farm hands or other permanent help, or used as a guest quarters. See definition

(1) Accessory dwelling regulations. Each single lot may have one accessory dwelling (either attached, or detached).

(2) Detached dwellings.

(a) No detached dwelling may be constructed on less than two acres.

(b) Detached dwellings must be designed, constructed, and used for single family use, not multi-family use.

(c) Detached dwellings may not be larger than 1,000 2500 square feet of living space, or 25% of the living space of the primary residence, whichever area is less.

(d) Detached dwellings require a special use permit (SUP), with annual renewal.

1. Architectural design, features, and construction materials must match the primary dwelling.

2. The detached dwelling must meet all setback and side yard requirements.

3. Detached dwellings shall be located according to the most restrictive of the following:

a. In the rear portion of the lot, behind the rear building line of the main dwelling.

b. If on a corner, no closer to the street than the main dwelling.

c. In compliance with the setbacks requirement required by the zoning classification or final plat of the lot.

4. The ingress and egress to the detached dwelling by vehicle must be shown on the site plan, and any driveway must connect with the main residence driveway.

(3) Attached dwellings. Attached dwellings must meet all requirements set forth above for detached dwellings, and an attached dwelling must also comply with the following:

(a) The attached dwelling may be constructed on a lot of one acre or larger.

(b) The attached dwelling must be architecturally designed and constructed to be incorporated into the structure of the primary residence, connected by an enclosed walkway, or other means of attachment as approved in the SUP for the dwelling.

(c) The front of the attached dwelling must not be located a distance greater than 20 feet from the rear or side of the primary dwelling.

(4) General conditions for accessory dwellings.

(a) No accessory dwelling, either attached or detached, may be rented or leased to third parties by the owners or residents of the primary residence. The owners of the primary residence may not live in the accessory dwelling, and rent to third parties the primary residence.

(b) No portion of a garage, bonus room, cabana, accessory, or any other structure on the property may be used as a dwelling for any person other than the occupants of the primary residence, and their family members of the first or second degree of affinity or consanguinity, other than as a short term (no longer than one month) guest room.

(c) An attached or detached dwelling may be provided, without ~~mental-monetary~~ charge, to domestic or agricultural workers providing services to the residents of the primary residence or for farm and livestock care on the property.

(d) There must be a fire hydrant within 450 feet of a detached dwelling, or an 8-inch water line must be laid.

(P) *Storage units and construction containers.*

(1) Temporary storage units and trash containers.

(a) No shipping containers, PODS, or trash containers may be located on residential lots for more than 30 days. A lot owner may apply to the city for a permit for a longer period of use. The City Administrator or his/her designee may issue a permit for an additional time period, not to exceed 60 days.

(b) Temporary storage units and trash containers must not be in the right-of-way or public easement.

(2) Construction storage and trash containers.

(a) Storage and trash containers, or other containers in use for a permitted construction project, must be removed within 10 days of the project completion or issuance of a CO (certificate of occupancy).

(b) Construction storage units and trash containers must not be in the right-of-way or public easement.

(3) Non-temporary storage units.

(a) Shipping containers, PODS, railroad cars, or transportation storage equipment may not be located on a residential lot in a permanent manner.

(b) Storage sheds of less than ~~426~~ 200 square feet of floor area are allowed on residential properties. Not more than 4 ~~one~~ per acre will be allowed. The shed must be placed behind the rear building line of the principal dwelling, and, on a corner lot, no closer to the street than the main dwelling. Building setbacks do not apply to storage sheds described in this division (P)(3).

(4) Non-temporary trash containers. All non-temporary trash containers require an SUP, must be screened on all 4 ~~four~~ sides, with access on 4 ~~one~~ side, and must be out of the right-of-way and/or city easement.

(5) Portable toilets.

(a) Portable toilets are required for permitted construction projects, and must be removed within 10 days of the project completion or CO.

(b) Portable toilets are allowed on a residential lot for special events of up to 3 ~~three~~ days without a permit.

(c) Portable toilets are allowed on agricultural zoned lots (non-residential) without a permit, but not be placed within 100 feet of the property lines.

(Ord. 483, passed 6-6-2000; Am. Ord. 508, passed 7-10-2001; Am. Ord. 638, passed 2-17-2009; Am. Ord. 653, passed 3-16-2010; Am. Ord. 696, passed 5-21-2013) Penalty, see § 156.99
NONCONFORMING, CONDITIONAL, AND SPECIAL USES

Commented [RW56]: Legal team: Check these references!

§ 156.50 NONCONFORMING USES.

(A) *Existing buildings, structures, and uses.* Except as hereinafter specified, any use, building, or structure existing at the time of the enactment of this chapter may be continued, even though that use, building, or structure may not conform with the provisions of this chapter for the district in which it is located; provided, however, that this section shall not apply to any use, building, or structure established in violation of any ordinance previously in effect in the city, unless that use, building, or structure now conforms with this chapter.

Commented [RW57]: Grandfather clause...when was this?

(B) *Conditional uses.* Any use existing on the effective date of Ord. 242A which is listed as a conditional use in the use district where it is located shall remain a nonconforming use until a special use permit is obtained as provided in this chapter.

Commented [RW58]: Legal team: Check this ordinance

(C) *Alteration of nonconforming uses.* No existing building or premises devoted to a use that is not permitted by this chapter in the use district in which the building or premises is located shall be enlarged or improved, except when required to do so by law or written order, unless the use thereof is changed to a use that is permitted in the district in which the building or premises is located, and except as follows.

(1) When authorized by the City Council in accordance with the provisions of this chapter, the substitution for a nonconforming use of another nonconforming use, or an extension of a nonconforming use, may be made.

(2) Whenever a nonconforming use has been changed to a conforming use, that use shall not thereafter be changed to a nonconforming use.

(3) When authorized by the City Council in accordance with the provisions of this chapter, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by that building, where that extension is necessary and incidental to the existing use of the building and does not exceed 25% of its area of nonconformity, as measured by the square footage of the building or land area.

~~—(4) When authorized by the City Council in accordance with the provisions of this chapter, a nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for that use prior to the date on which that use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.~~

Commented [RW59]: Legal team: Why do we have this?

(D) *Cessation of use of building or land.* For the purposes of the succeeding divisions, a use shall be deemed to have ceased when it has been discontinued for 12 months, whether with the intent to abandon the use or not.

(1) No building or structure which was originally designed for a nonconforming use shall again be put to a nonconforming use, where that use has ceased for ~~6-six~~ months or more.

(2) No building or structure which was not originally designed for a nonconforming use shall again be put to a nonconforming use, where that use has ceased for ~~6-six~~ months or more.

(E) *Construction approved prior to ordinance.* Nothing herein shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this chapter, or any amendment thereto, where construction thereof, conforming with those plans, shall have been started prior to the effective date of this chapter or the amendment, and where that construction shall have been completed in a normal manner within the subsequent ~~6six~~ -month period, with no interruption, except for reasons beyond the builder's control.

(F) *Repair of unsafe buildings.* Nothing in this chapter shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority.

(G) *Nonconforming signs.* All nonconforming signs, billboards, or commercial advertising structures may be continued only for a period of ~~four~~^{one} year from the adoption of this chapter, unless in violation of other ordinances or shorter periods are provided for in other ordinances or code provisions.

(H) *Damage or destruction.*

(1) Any nonconforming structure except a dwelling, which is damaged as measured by the cost to repair as more than 60% of the then appraised value for tax purposes above its foundation, by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, shall not be restored or reconstructed and used as it was before that happening. If the structure is damaged less than 60% of its then appraised value for tax purposes, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event.

(2) Dwellings may be restored or reconstructed provided that the reconstruction or restoration is at least to the same size and quality as the damaged or destroyed dwelling.

(I) *Repairs and maintenance.*

(1) A nonconforming structure may be repaired and maintained as necessary to keep it in sound condition, but no structural alterations shall be made unless required by law or ordinance or unless authorized by the Council.

(2) Except as otherwise provided in this chapter, the total structural repairs and alterations that may be made to a nonconforming structure shall not exceed 50% of its appraised value for tax purposes. This restriction on rebuilding does not apply to accessory dwellings or single-family residences.

(J) *Moving of nonconforming structure or building.* No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district where relocated.

(Ord. 483, passed 6-6-2000) [Penalty. see § 156.99](#)

§ 156.51 CONDITIONAL USES.

(A) The following uses may be permitted in any district when they meet special regulations and conditions prescribed by the Commission and are approved by the City Council through the issuance of a special use permit. Detailed examination of proposed location and use characteristics is necessary to maximize compatibility.

(B) These uses include:

- (1) Community building; meeting or recreational;
- (2) Temporary signs;
- (3) Public library;
- (4) Municipal service facilities and buildings;
- (5) Parks, playfields, and playgrounds;
- (6) Public swimming pool;
- (7) Temporary structure (construction, real estate, and the like);
- (8) Church;
- (9) School; and
- (10) Guest ranches or party pavilions; parking areas.

Commented [RW61]: Is this the complete list?

Commented [RW62]: Are churches really included? How are they zoned? What about City Hall?

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.52 SPECIAL USE PERMITS.

(A) *Purpose.* The purpose of the regulations described by this section is to allow the compatible and orderly development within the city of uses which may be suitable only in certain locations in a designated district if developed in a specific way or only for a limited period of time.

(B) *Requirement.* A special use permit is required for all conditional uses. A special use permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this chapter.

(C) *Approval responsibility.*

(1) The Planning and Zoning Commission shall have the initial responsibility for recommending all special use permits required for the conditional uses.

(2) The City Council shall have the final authority for approval or denial of all special use permits.

(3) The following procedures shall be complied with prior to the approval or denial of any special use permit.

(a) Application concerning special use permits for those uses which are conditional in any district shall be submitted to the Administrator in writing and be automatically referred to the Commission for a public hearing on same. The Administrator shall investigate conditions, arrange hearing notification, and obtain any expert advice needed to achieve agreement between the applicant and the city.

(b) After receiving an application for a special use permit, notification of that request by mail shall be made to all owners of real property located within 200 feet of the property on which application has been made. The names and addresses of the affected parties shall be supplied by the applicant.

(c) After a public hearing, the Commission may recommend an application for a special use permit not be approved, if the proposed use fails to meet ~~four~~^{one} of the criteria set forth in division (E) below. In recommending a special use permit be approved, the Commission, on the basis of recommendations from the Administrator, may impose requirements and conditions with respect to locations, construction, maintenance, and operation, in addition to those expressly stipulated in the ordinance for the particular use, as it deems necessary for the protection of adjacent properties and the public interest.

(d) When application has been denied by the Commission, the applicant may appeal for a hearing before the City Council.

(D) *Appeals from decisions of the Commission.* Any person or persons, jointly or severally, aggrieved by a decision of the Commission, may present the City Council a petition, duly verified, setting forth that the decision is unjust, in whole or in part, specifying the grounds of injustice. The petition shall be presented to the body within 10 days after the final decision of the Commission and not thereafter.

(E) *Prerequisites for approval by City Council.*

(1) No structure or property in any district shall be used for a use listed as a conditional use without first having obtained a special use permit for that use from the City Council.

(2) The City Council, after receipt of report and recommendation of the Commission, may permit a conditional use subject to appropriate conditions and safeguards, when, after public notice and a hearing, the City Council finds:

(a) The proposed use meets all the minimum standards established in this chapter for this type of use;

(b) The proposed use is in harmony with the purpose and intent of this chapter; and

(c) The proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

(3) Each use permitted by the City Council shall be evidenced by a duly adopted ordinance granting the special use permit and containing those conditions as may be prescribed by the City Council.

(4) The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this chapter and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as drainage, trails, and fencing.

(5) Prior to any public hearing before the City Council for a special use permit, notification shall be made by mail to all property owners within 200 feet of the property on which the application was made.

(F) *Application filing procedure.* Application shall be made by the property owner or certified agent thereof to the Administrator on a form prescribed for this purpose by the city. The application shall be accompanied by drawings as provided herein. Granting a special use permit does not exempt the applicant from complying with requirements of [Chapter 151](#) of this code or other code provisions.

(G) *Development and time limits.* Following the issuance of a special use permit, the Building Official shall ensure that if the development is undertaken, it is commenced in compliance with the permit within ~~4~~[one](#) year. If the development is not commenced within ~~4~~[one](#) year of issuance of the applicable special use permit, the special use permit shall expire without notice.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

ADMINISTRATION AND ENFORCEMENT

§ 156.65 CONSTRUCTION; SITE PLAN REQUIRED.

(A) *Requirement.* A site plan shall be required for all new construction, exterior remodeling, or additions to any structure. No building permit shall be issued for a development subject to site plan review until the site plan has been approved in accordance with this section.

(B) *Purpose.* The purpose of the site plan is to ensure compliance with this chapter and to assist in the orderly and harmonious development of the city, to protect and enhance the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions, or alterations thereto without proper attention to site planning and preserving the intent of this chapter.

(C) *Application.* The property owner or designated representative may initiate site plan review by filing an application with the City Administrator, and submitting the required review fee and ~~5~~[five](#) copies of the site plan and related documents.

(D) *Contents of application.* Applications shall contain drawings to scale to indicate:

(1) The location of all structures on the subject property and adjoining property;

(2) Landscaping and fencing, setback areas, uses of landscaping and walls or fences for screening purposes, and landscaping of parking areas;

(3) Design of ingress and egress to minimize interference with traffic flow on abutting streets;

(4) The height of all structures;

(5) The proposed uses for all structures;

(6) The location and types of all signs including lighting and heights; and

(7) The facade elevations of each building, including descriptions of materials and colors for finishes.

(E) *Standards.* The construction plan shall conform to the concept plan, all ~~district-zoning~~ regulations, all additional requirements for the ordinance creating the district, and any supplemental or special regulations applicable to the particular use.

(F) *Decision on site plan and appeal.* The City Council, the Building Official, or other official as may be designated by the City Council, shall review and approve, approve with conditions, or deny the site plan. Appeals from denial of site plan shall be to the Board of Adjustment, made within 15 days. Procedures will be in accordance with § [156.67](#).

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.66 ADMINISTRATION AUTHORITY.

(A) The Building Official, City Planner, City Engineer, City Administrator, or other administrative official of the city shall be designated Administrator by the City Council to administer the provisions of this chapter.

(B) If the Administrator shall find, or if any person files with him or her a complaint in writing alleging that any of the provisions of this chapter are being violated, he or she shall immediately investigate and when necessary give written notice to the person responsible to cease those violations forthwith.

(C) Notice may be delivered in person, by mail, or by certified mail to a violator or to any occupant of property where a violation is occurring.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.67 BOARD OF ADJUSTMENT.

(A) *Establishment.* There is hereby created a Board of Adjustment which shall be organized, appointed, and function as follows.

(B) *Organization.*

(1) The Board of Adjustment shall consist of ~~5-five~~ members who are residents of the city, each to be appointed by resolution of the City Council for a ~~2two~~-year term and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. The City Council may provide for the appointment of ~~2two~~ alternate members of the Board who shall serve in the absence of ~~4-one~~ or more of the regular members when requested to do so by the Mayor or City Secretary, as the case may be. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of ~~4-four~~ members. The alternate members, when appointed, shall serve for a ~~2two~~-year term, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.

(2) The person acting as Ordinance Administrator for the city shall be an ex-officio member of the Board of Adjustment without power of vote, and as an ex-officio member of the Board shall set up and maintain a separate file for each application for appeal and variance received and shall record therein the names and addresses of all persons, firms, and corporations to whom notices are mailed, including the date of mailings and the person by whom the notices were

delivered to the mailing clerk, post office, or mail box, and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the city.

(3) The Board shall forthwith notify in writing the City Council, the Commission, and the City Building Inspector of each decision, interpretation, and variance granted under the provisions of this chapter.

(4) The terms of the Zoning Board of Adjustment members and alternates shall commence December 1 of the ~~two~~-year term, and shall expire on November 30.

(C) Operational procedure.

(1) The Board of Adjustment shall adopt rules to govern its proceedings; provided, however, that the rules are not inconsistent with this chapter or state law. Meetings of the Board shall be held at the call of the chairperson and at other times as the Board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oath and compel the attendance of witnesses.

(2) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(3) Appeals to the Board may be made in writing by any person aggrieved or by any municipal officer, department, or board affected by any decision of the designated Administrator. The appeal shall be filed with the Board by the Administrator within 15 days after the original decision rendered by the Administrator. The appeal shall be accompanied by all papers constituting the record pertaining to that appeal. Formal notice of the appeal shall be issued by the Administrator, this notice to specify the grounds upon which the appeal is made.

(4) Appeal shall stay all proceedings in furtherance of the action appealed from unless the ~~officer~~-Administrator from whom the appeal is taken certified to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In these cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, on notice to the ~~officer~~-Administrator from whom the appeal is taken, and on due cause shown.

(5) Upon notice of appeal being given to the Administrator and before the appeal shall be construed as having been perfected, the applicant must file with the notice of appeal to the Board an amount of money estimated by Administrator to be sufficient to mail and publish all notices required herein, that amount in no case to be less than \$25.

(6) No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of ~~6-six~~ months from the previous ruling by the Board on any appeal to that body unless other property in the immediate vicinity has, within that ~~6-six~~-month period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such a change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the ~~6six~~-month period, but those conditions shall in no ~~wise-way~~ have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. The subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(7) At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal. Any variance granted or authorized by the Board under the provisions of this chapter shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 180 days from the date of the favorable action of the Board, unless the Board shall have in its action approved a longer period of time and has so shown that specific longer period of time in the minutes of its action. If the building permit or certificate of occupancy shall not have been applied for within the 180-day period or extended period as the Board may have specifically granted, then the variance shall be deemed to have been waived and all rights thereunder terminated. This termination and waiver shall be without prejudice to a subsequent appeal, and the subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original appeal.

(D) *Actions of the Board.*

(1) In exercising its powers, the Board of Adjustment may, on conformity with the provisions of the statutes of this state as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such an order, requirement, decision, or determination as ought to be made, and shall have all the powers of the [officer-Administrator](#) from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

(2) The concurring vote of ~~4~~[four](#) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variance in this chapter.

~~(3) Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, or board of the municipality, may present to a court of record (district court) a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 10 days after the filing of the decision in the office of the Board and not thereafter.~~

(E) *Notice of hearing before the Board required.* The Board of Adjustment shall hold a public hearing on all appeals made to it, and written notice of the public hearing shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. This notice shall be given not less than 10 days nor more than 30 days before the date set for the hearing to all above-mentioned owners who have rendered their property for city taxes as the ownership appears on the last city tax roll. The notice may be served by depositing the same, properly addressed and postage paid, in the U.S. post office. Notice shall be given by publishing the same in official publication of the city at least 10 days and not more than 30 days prior to the date set for the hearing, which shall state the time and place of the hearing.

(F) *Authority of the Board.*

(1) A variance is an authorization by the Board of Adjustment granting relief and doing substantial justice in the use of the applicant's property by a property owner where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

(2) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after public notice and public hearing, and subject to

Commented [RW63]: This says you can start a lawsuit and you don't need permission here to do it!

appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use.

(3) (a) A variance may be granted an applicant when the Board finds:

1. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to that land or building and do not apply generally to lands or buildings in the same district or neighborhood, and that those circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land or building;

2. The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

3. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted by the Board is the minimum variance that will accomplish this purpose; and

4. The literal enforcement and strict application of the provisions of this chapter will result in an unnecessary hardship inconsistent with the general provisions and intent of this chapter, and in granting the variance the spirit of the chapter will be preserved and substantial justice done.

(b) The Board may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this chapter under the power and authority herein granted.

(c) In granting any variance under the provisions of this chapter, the Board may designate conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this chapter.

(4) The Board may:

(a) Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter;

(b) Interpret the intent of the Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Zoning Map and none of the rules set forth herein apply;

(c) Initiate on its motion, or cause to be presented by interested property owners, action to bring about the discontinuance of a nonconforming structure or use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter;

(d) Permit the change of occupancy from ~~one~~ nonconforming use to another nonconforming use when the extent of the second nonconforming use is found to be less detrimental to the environment than the first;

(e) Permit the enlargement of a nonconforming use only when the enlargement will not prolong the life of the nonconforming use. A specific period of time for the return to conformity can be required;

(f) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by that building; provided the reconstruction does not, in the judgment of the Board, prevent the return of the property to a conforming use or increase the nonconformity of a nonconforming structure;

(g) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard; and

(h) Permit variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, or off-street loading regulations where the literal enforcement of the provisions of this chapter would result in an unnecessary hardship, and where the variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such a restricted area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standard established by this chapter shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall a modification be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the district.

(G) *Appeals from the Board.* Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment, may seek review by a court of record of that decision, in the manner provided by the laws of this state. (Ord. 483, passed 6-6-2000; Am. Ord. 604, passed 10-10-2006; Am. Ord. 709, passed 2-4-2014) Penalty, see § [156.99](#)

§ 156.68 APPEALS; BOARD AND COUNCIL RESPONSIBILITIES.

(A) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Ordinance Administrator in writing and that these questions shall be presented to the Board only on appeal from the decision of Ordinance Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law.

(B) It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation that may arise. The procedure for deciding those questions are stated herein.

(C) Under this chapter, the City Council shall have only the following duties:

(1) Considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law;

(2) Establishing a schedule of fees and charges as stated in § [156.69](#) below;

(3) Appointing members of a Board and designating an Ordinance Administrator; and

(4) Hearing appeals on and approving or rejecting special use permits.

(Ord. 483, passed 6-6-2000)

§ 156.69 FEES, CHARGES, AND EXPENSES; ESTABLISHMENT.

(A) The City Council shall establish from time to time by resolution or ordinance a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of compliance, appeals, and other such matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Ordinance Administrator and may be altered or amended only by the City Council.

(B) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 483, passed 6-6-2000)

§ 156.70 AMENDMENT.

(A) The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, modified, or repealed upon initiation by the Commission, the City Council, or by a petition of a property owner or owners or their authorized agents, submitted to the City Administrator; provided however, that no such action may be taken until:

(1) The question has been referred to the Commission for consideration and public hearing on the question and its recommendation received; and

(2) A public hearing has been held in relation thereto, before the City Council, at which parties in interest and citizens shall have an opportunity to be heard.

(B) At least 10 days but not more than 30 days prior to the hearings, notice of the time and place of these hearings and description of the proposed change shall be published in a newspaper of general circulation in the city.

(C) When a proposed amendment affects the zoning classification or redistricting of property, the Commission shall give written notice to property owners within a distance of at least 200 feet from the boundaries of the subject property, at least 10 days prior to the hearing date. In case of a written protest against the change, signed by the owners of 20% or more either of the area of the lots or land included in the proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, then the amendments shall not become effective except by the favorable vote of at least 3/4 of all members of the City Council.

(D) The same procedure for notifying property owners as provided in division (C) above shall be followed by the City Council for hearings on proposed amendments that affect the zoning classification, redistricting petitions, and for special use permit applications, except that the City Council may notify all property owners of record within the city, as shown on the current tax roll, by letter at least 10 days before the hearing.

(E) If a petition for redistricting is denied either by the Commission or by the City Council, another petition for reclassification of the same property or any portion thereof shall not be filed within a period of four year from the date of final denial, except with permission of the Commission or upon initiation by the Commission or City Council.

(Ord. 483, passed 6-6-2000)

§ 156.71 PLANNING AND ZONING COMMISSION MEETINGS.

All meetings of the Commission shall be open to the public. The Commission shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record.

(Ord. 483, passed 6-6-2000)

Cross-reference:

Planning and Zoning Commission, see § [150.02](#)

§ 156.99 PENALTY.

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall, upon conviction thereof, be subject to penalties as provided in § [10.99](#) of this code.

(B) (1) Any person, firm, or corporation who violates or fails to comply with the requirements of this chapter or who builds or alters any building in violation of any plan or statement submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000 for each offense. Each day the violation shall be permitted to exist shall constitute a separate offense.

(2) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 483, passed 6-6-2000; Ord. 508, passed 7-10-2001; Am. Ord. 562, passed 2-8-2005; Am. Ord. 737, passed 7-20-2016)

Commented [RW64]: We need to start changing to online, social, whatever other media instead of antiquated newspapers, which only Larkin reads.

Disclaimer:

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Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for Public Works Director Gary Machado
Estimated Cost:	Date Prepared: July 16, 2021
Exhibits:	1. Craig M. Kerkhoff, P.E., C.F.M letter, dated July 19, 2021 2. Development Application 3. Waiver w/Fee receipt 4. Preliminary Plat

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PARKER RANCH ESTATES PHASE 5 PRELIMINARY PLAT. [MACHADO]

SUMMARY

Please review the information provided for Parker Ranch Estates Phase 5 Preliminary Plat, 37 Single Family Residential Lots1, 6-16, Block E; Lots 26, 27X, Block F, Lots 1-10, Block H, Lots 1-9, Block I; and Lots1X, 2-6, Block J; being 85.736 acres situated in the James Bradley Survey, Abstract No. 89, City of Parker, Collin County, Texas.

POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
ACA/CS:	<i>Patti Scott Grey</i>	Date:	07/15/2020
City Attorney:		Date:	
Public Works Director:	<i>Gary Machado</i>	Date:	07/16/2020

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
DEREK B. CHANEY, P.E.
CRAIG M. KERKHOFF, P.E.

July 19, 2021

Mr. Gary Machado
City Administrator
City of Parker
5700 E. Parker Rd.
Parker, Texas 75002

Re: Parker Ranch Estates – Phase 5

Dear Mr. Machado:

As you requested, we have reviewed the Engineering Plans for the Parker Ranch Estates – Phase 5 development prepared by Westwood Professional Services, Inc.

Our review of the Engineering Plans is for general compliance with the City of Parker's development requirements and good engineering practice, and does not relieve the engineer of record of his responsibilities under the Texas Engineering Practice Act.

We offer no further comments for the plans submitted for Phase 5.

We are available to discuss our review comments further at your convenience.

Sincerely,



Craig M. Kerkhoff, P.E., C.F.M.



DEVELOPMENT APPLICATION

City of Parker, Texas

Proposed Name of Subdivision: PARKER RANCH PHASE 5

Plat Approval Requested Filing Fee
\$800 + \$30/Ac x 85.736 Ac = \$3,372.08

- ☒ Preliminary Plat \$800.00 + \$30/acre
☐ Site Plan \$300.00 + \$25/acre
☐ Replat/Amended \$500.00 plus \$15/lot

- ☐ Final Plat \$800.00 + \$30/acre
☐ Minor Plat (5 acres or less) \$500.00 + \$100/lot
☐ Development Plat \$300.00 + \$30/acre

Physical Location of Property: West of Chaparral Rd & Malone Rd.

(Address and General Location – Approximate distance to the nearest existing street corner)

Brief Legal description of Property (must attach accurate metes and bound description to application):
West of Chaparral Rd & Malone Rd.

(Survey/Abstract No. and Tracts: or platted Subdivision Name with Lot/Block)

Acreage: 85.736 Ac Existing # of Lots/Tracts: 37 Lots, 2 HOA Existing Zoning: SFT Ord. 546
(If a PD, include the Ordinance with application)

Property Owner's Name: First Texas Homes, Inc.

Phone Number: 214-613-3400

Applicant/Contact Person: Justin Zuniga

Title: _____

Company Name: First Texas Homes, Inc.

Street/Mailing Address: 500 Crescent Court, Suite 350

City: Dallas

State: TX

Zip: 75201

Phone: 214-613-3400

Fax: _____

Email Address: jzuniga@firsttexashomes.com

Engineering Company: Westwood Professional Services

Contact Person: Matthew Lee, P.E.

Title: Project Manager

Street/Mailing Address: 2740 Dallas Parkway, Suite 280

City: Plano

State: TX

Zip: 75093

Phone: 214-473-4640

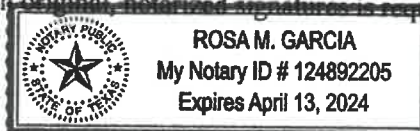
Fax: _____

Email Address: matthew.lee@westwoodps.com

**** READ BEFORE SIGNING BELOW:** If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all Original Signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required.

STATE OF TEXAS)(

COUNTY OF COLLIN)(



BEFORE ME, a Notary Public, on this day personally appeared Justin Zuniga
the undersigned applicant, who, under oath, stated the following "I hereby certify that I am the owner, or duly
authorized agent of the owner, (Proof must be attached, e.g. "Power of Attorney") for the purposes of this
application; that all information submitted herein is true and correct. I understand that submitting this
application does not constitute approval, and incomplete applications will result in delays and possible denial."

Owner / Agent (circle one)

SUBSCRIBED AND SWORN TO before me, this 3rd day of November, 2020.

Notary Public in and for the State of Texas: Rosa M Garcia

Over

WAIVER OF EXPEDITION

I HEREBY WAIVE MY RIGHTS TO APPROVAL THROUGH LACK OF CITY ACTION ON THE ABOVE REFERENCED PLAT WITHIN THE TIME FRAMES SET FORTH IN 212.009, TEXAS LOCAL GOVERNMENT CODE AND I AGREE THE PLAT SUBMITTED WILL BE APPROVED ONLY BY AFFIRMATIVE COUNCIL ACTION.

APPLICANT:


(Signature)

Name: J. ZUNIGA

Title: LAND DEPARTMENT

Phone: 469.446.5135

Address: 500 Crescent Court

Suite 350

Dallas, TX 75201

Date: _____

CITY OF PARKER:

RECEIVED BY:

(Signature)

Name: _____

Title: _____

Date: _____

☒ Corporation; _____ Partnership;
____ Individual; or
____ Other (description)

SUBMITTAL DEADLINES: Twenty eight (28) days prior to the Planning and Zoning Commission Meeting Date. Planning and Zoning Commission meets the second and fourth Thursday of each month.

SUBMISSIONS. Failure to submit all materials (including three sets of bound engineering plans) to the City with this application will result in delays scheduling the agenda date. Submit twelve (12) FOLDED to 8 1/2" X 11" copies of 24" X 36" prints [1"=100' scale] + electronic version in .jpeg, .tiff, or .pdf format. Applicant is to submit a complete copy of this application and drawings to the City Engineer

ALL APPLICATIONS MUST BE COMPLETE BEFORE THEY WILL BE PLACED ON A CITY AGENDA. It is the applicant's responsibility to be familiar with and to comply with, all City submittal requirements in the Zoning and Subdivision Ordinance (www.parkertexas.us), and any separate submittal policies, requirements and/or checklists that may be obtained from City staff)

NOTICE OF PUBLIC RECORDS: The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e. copy) such documents.

SUBMITTAL FEES: All fees are due and payable at the time of application, except inspection, engineering and legal fees, which are due at the time of pre-Construction meeting with the City. No construction shall take place prior to the pre-construction meeting and submission of certified construction cost bid(s) by the contractor(s) and Owner. No hearing will be scheduled nor will any reviews be made until payment of required filing fees has been accomplished. Fees are non-refundable regardless of outcome of request.

City Contact Information:

Public Workers Superintendent
City of Parker, Texas
5700 E. Parker Road * Parker, Texas 75002
Phone 972-442-6811 * Fax 972-442-2894 * www.parkertexas.us

OFFICE USE ONLY This submittal meets the City of Parker's requirements per City ordinances for processing.

Signature _____

Title _____

OFFICIAL SUBMISSION DATE _____

Fees Paid \$ _____ Check # _____ From : _____

P&Z Agenda Date: _____ Action: _____ CC Agenda Date: _____ Action: _____

Current Zoning: _____ Ordinance Number: _____ Date Approved: _____

Staff Comments forwarded to applicant on: _____ Revisions Due no later than: _____

Plans routed for review on _____, to: ☐ Public Works Director

☐ City Engineer

☐ Building Official

☐ Fire Department

Public Hearing Required: ☐ Yes ☐ No

Paper Notice _____ (date)

Written Notice _____ (date)

City of Parker * 5700 E. Parker Road, Parker, Texas 75002 972-442-6811 Fax 972-442-2894 www.parkertexas.us

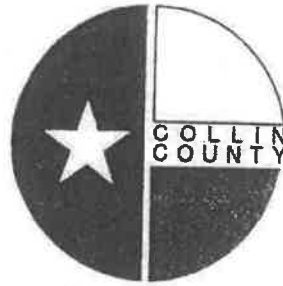
SUBMITTAL REQUIREMENTS:

Failure to submit all materials to the City with complete application will result in delays scheduling the agenda date.

- ☒ Five (5) FOLDED copies of drawing(s) 24" X 36" [1"=100' scale]
- ☒ Twelve (12) FOLDED 11 X 17
- ☒ Three (3) Complete Engineering Plans (if applicable)
- N/A ☐ Three (3) General Tree Survey
- ☒ Property Metes and Bounds on 8 ½ X 11 Sheet
- ☒ Proof of Ownership (Warranty Deed or Tax Certificate)
- ☒ Power of Attorney

The face of the plat shall show the following:

- ☒ Date of preparation
- ☒ Scale of plat
- ☒ North arrow
- ☒ Name and address of:
 - o Applicant
 - o Engineer or Surveyor responsible for preparation of plat
- ☒ Survey and abstract with tract designation
- ☒ Location of major and/or secondary thoroughfares located with or adjacent to the property.
- ☒ Location of existing or platted streets within and adjacent to the existing property
- ☒ Location of existing right-of-ways, utility and/or drainage easements.
- ☒ Vicinity map showing location of tracts by reference to existing streets or highways.
- ☒ Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision. The subdivision boundary shall be construed to include the part of adjacent boundary streets which were previously established by dedication or purchase from the tract being subdivided.
- ☒ Legal description of the property to be subdivided, and metes and bounds description of the subdivision perimeter.
- ☒ Primary control points or descriptions, and ties to such control points to which all dimensions, angels, bearings, block numbers and similar data shall be referred.
- ☒ Names of the owners of contiguous parcels of un-subdivided land, and names of contiguous subdivisions and the County Recorder's book and page number thereof, and the lot patterns of these subdivisions.
- ☒ Location of the city limits lines, the outer border of the City's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
- ☒ If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plan, and oriented the same way, to show the nearest subdivision in each direction; it shall show how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if situated within two thousand (2,000) feet of the proposed subdivision.
- ☒ All other data required by the Zoning and Subdivision Ordinances, available for view at www.parkertexas.us.



January 8, 2004

Development Services

City of Parker
Betty McMenamy, City Administrator
5700 E. Parker Rd.
Parker, TX 75002

Dear Ms. McMenamy:

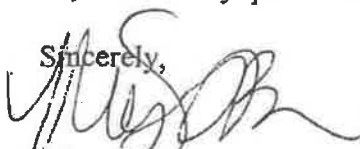
Please let this letter serve as a reminder that every subdivided plat of land that will utilize On-Site Sewage Facilities (OSSFs) for wastewater disposal (in the ETJ as well as within your City limits) **MUST** be signed off by Collin County Development Services, prior to gaining final approval, or the plat is invalid.

The TCEQ regulation section 285.4(c) states that, "Before the permit process for individual OSSFs can begin, persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks or other similar uses and using OSSFs for sewage disposal shall submit planning materials for these developments to the permitting authority." Collin County is the permitting authority for all unincorporated land, ETJ, and in certain city limits (through adoption of an interlocal agreement). "The planning materials shall be prepared by a professional engineer or professional sanitarian and shall include an overall site plan, topographic map, 100-year floodplain map, soil survey, location of water wells, location of easements, and a complete report detailing the types of OSSFs to be considered, and their compatibility with area-wide drainage and groundwater. A comprehensive drainage plan shall also be included in these planning materials. The permitting authority will either approve or deny the planning materials in writing within 45 days of receipt." Collin County charges a \$150.00 fee for subdivision plat review.

Please make sure that the on-site sewage facility review remains part of your city's platting workflow process, so that we can assure that our subdivisions are compliant with state regulations.

If you have any questions please call me at 972-548-5585.

Sincerely,


Misty Brown

Development Services Division Manager

825 N. McDonald St., Ste. 170, McKinney, Texas 75069 • www.co.collin.tx.us
(972) 548-5585 • (972) 424-1460 Ext. 5585 (Metro) • (972) 548-5555 FAX



Public Services & Operations

December 9, 2004

Betty McMenamy, City Administrator
City of Parker
5700 E. Parker Rd
Parker, TX 75002

Re: Request to be present at subdivision hearings.

Dear Mrs. McMenamy

This letter is to request that Collin County be informed of any upcoming preconstruction hearings regarding sub-divisions fronting county roads in your city. Collin County would like to have a representative present at these hearings. Please direct any correspondence to: James Lorange @ 972-548-3712 or jlorance@co.collin.tx.us or Bobby Jones @ 972-548-3743 or bjones@co.collin.tx.us.

Thanks,

Bobby Jones, Utility Construction Inspector

First Texas Homes

CITY OF PARKER

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
11-04-20	PR5.PRELIM	PR5 PRELIM PLAT 37	3372.08	.00	3372.08
CHECK DATE	11-04-20	CHECK NUMBER	297621	TOTAL >	3372.08
				.00	3372.08

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

First Texas Homes500 Crescent Court #350
Dallas, Texas 75201Frost Bank
Dallas, Texas

DATE	CHECK NO.	AMOUNT
November 4, 2020	297621	\$*****3,372.08

Pay: *****Three thousand three hundred seventy-two dollars and 08 cents

PAY
TO THE
ORDER OF
CITY OF PARKER

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈000297621⑈ ⑆114000093⑆

⑈650028215⑈

pick up

Justin Z.



20200714001090270 07/14/2020 02:21:42 PM D1 1/6

AFTER RECORDING RETURN TO:

City of Parker, Texas
5700 E. Parker Road
Parker, Texas 75002

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Effective Date: 07/13 June 2, 2020

Grantor: First Texas Homes, Inc., a Texas corporation

Grantor's Mailing Address: 500 Crescent Court, Suite 350, Dallas, Texas 75201

Grantee: City of Parker, Texas

Grantee's Mailing Address: 5700 E. Parker Road, Parker, Texas 75002

Consideration: Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements): Being a 1.50 acre tract of land located in Parker, Collin County, Texas, as more particularly described on Exhibit A attached hereto and incorporated herein.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Validly-existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2020, and subsequent years; validly-existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; validly existing reservations or exceptions approved in writing by Grantee and described in Schedule B of the Owner Policy for Title Insurance issued to Grantee as part of this transaction; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; and any validly-existing titles or rights asserted by anyone, including but not limited to persons, the public, corporations, governments, or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d)

statutory water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold unto Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

Grantor:

First Texas Homes, Inc.,
a Texas corporation

By: _____

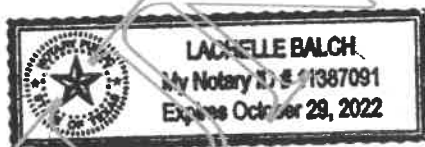
Name: Keith Hardesty

Title: Division President

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on April 30, 2020, by Keith Hardesty, Division President of First Texas Homes, Inc. a Texas corporation



Rachelle Balch
Notary Public, State of Texas

EXHIBIT A

**LEGAL DESCRIPTION
PARKER RANCH PHASE 5
WATER TOWER SITE - 1.500 ACRE
CITY OF PARKER, COLLIN COUNTY, TEXAS**

BEING a 1.500 acre tract of land situated in the James Bradley Survey, Abstract No. 89, City of Parker, Collin County, Texas, and being part of the 204.433 acre tract of land conveyed to First Texas Homes Inc. by deed of record in Instrument No. 20141229001413160 of the Official Public Records of Collin County, Texas, said 1.500 acre tract being more particularly described as follows:

COMMENCING at a 5/8" capped iron rod found in the southeasterly right-of-way line of Lynwood Drive, a 60-foot right-of-way; said point being at the northeast corner of Lot 25, Block F, Parker Ranch Estates Phase 3, an addition to the City of Parker, Collin County, Texas, according to the plat thereof recorded in Volume 2018, Page 222, of the Official Public Records of Collin County, Texas;

THENCE South 21 degrees 22 minutes 41 seconds East, along the northeast line of said Lot 25, Block F, a distance of 298.59 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at the TRUE POINT-OF-BEGINNING;

THENCE departing the said northeast line of Lot 25, Block F, over and across said 204.433 acre tract, the following courses and distances:

North 71 degrees 56 minutes 02 seconds East, a distance of 279.92 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at the beginning of a non-tangent curve to the left;

Along said non-tangent curve to the right having a radius of 1,000.00 feet, and an arc length of 232.53 feet (chord bears South 07 degrees 55 minutes 16 seconds East, 232.01 feet) to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at the end of said curve;

South 01 degrees 15 minutes 34 seconds East, a distance of 63.92 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner in the south line of said 204.433 acre tract and being in the north line of a 150.38 acre tract of land conveyed to Donihoo Farms, LTD. by deed of record in Instrument No. 20150630000791540 of the Official Public Records of Collin County, Texas; said point being South 89 degrees 16 minutes 29 seconds West, a distance of 322.13 feet from a 1/2" capped iron rod found at the southwest corner of a 1.5 acre tract of land conveyed to the City of Parker, by deed of record in Instrument No. 20141218001376850, of said Official Public Records;

THENCE South 89 degrees 16 minutes 29 seconds West, along the said south line of the 204.433 acre tract and the said north line of the 150.38 acre tract, a distance of 217.45 feet to a 5/8" capped iron rod found for corner at the southeast corner of said Lot 25, Block F;

EXHIBIT A

THENCE North 21 degrees 22 minutes 41 seconds West, departing the said south line of the 204.433 acre tract and the said north line of the 150.38 acre tract, along said northeast line of Lot 25, Block F, a distance of 225.14 feet to the POINT-OF-BEGINNING, containing 65,340 square feet or 1.500 acres of land.

BEARINGS FOR THIS DESCRIPTION CITED ARE BASED ON GRID NORTH STATE PLANE COORDINATES OF THE TEXAS COORDINATE SYSTEM NAD83 (CORR96) TEXAS NORTH CENTRAL ZONE (4202), NAVD88.

Date: March 13, 2020

R. Groysman

Roman L. Groysman
Registered Professional Land Surveyor
Texas Registration No. 5864



UNOFFICIAL

UNOFFICIAL

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
07/14/2020 02:21:42 PM
\$46.00 DKITZMILLER
20200714001090270



Stacey Kemp

1403106-MCCB

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 §
 COUNTY OF COLLIN §

THIS SPECIAL WARRANTY DEED (this "Deed") is made as of December 19, 2014, by GRAHAM MORTGAGE CORPORATION ("Grantor"), to FIRST TEXAS HOMES, INC. ("Grantee"), whose address is 500 Crescent Court, Suite 350, Dallas, Texas 75201.

1. Conveyance and Warranty of Title.

Grantor GRANTS, SELLS, and CONVEYS to Grantee, subject to the Permitted Exceptions (as defined below), all of the real property more particularly described on Exhibit A attached hereto and made a part hereof for all purposes, together with (i) the improvements thereon and all of Grantor's rights to appurtenances, easements, adjacent streets and alleys, strips, and gores, (ii) all of Grantor's right, title and interest in and to any personal property located thereon, and (iii) all of Grantor's right, title and interest in and to any warranties, guaranties and other intangible property related to such real property (collectively, the "Property").

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions together with all and singular the rights and appurtenances thereto in anywise belonging, to Grantee, its successors and assigns, forever; and Grantor binds itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

2. Permitted Exceptions.

This Deed is made, and is accepted by Grantee, subject to the restrictions, easements, covenants and encumbrances described on Exhibit B attached hereto and incorporated herein by reference for all purposes (the "Permitted Exceptions").

3. "AS-IS"

EXCEPT AS EXPRESSLY SET FORTH IN THAT CERTAIN CONTRACT OF COMMERCIAL SALE BY AND BETWEEN GRANTOR AND GRANTEE DATED EFFECTIVE JULY 30, 2014 (THE "CONTRACT") AND THE DOCUMENTS DELIVERED AT CLOSING, IT IS UNDERSTOOD AND AGREED THAT GRANTOR IS NOT MAKING AND HAS NOT, AT ANY TIME, MADE ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY, INCLUDING BUT NOT LIMITED TO WARRANTIES OR REPRESENTATIONS AS TO HABITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE (OTHER THAN GRANTOR'S WARRANTY OF TITLE TO BE SET FORTH HEREIN), ZONING, TAX CONSEQUENCES, PHYSICAL OR ENVIRONMENTAL CONDITION, UTILITIES, OPERATING HISTORY OR PROJECTIONS, VALUATION, GOVERNMENTAL APPROVALS, THE COMPLIANCE OF THE PROPERTY WITH GOVERNMENTAL LAWS, THE TRUTH, ACCURACY OR COMPLETENESS OF THE ITEMS DELIVERED TO GRANTEE UNDER THE CONTRACT, OR OF ANY OTHER INFORMATION PROVIDED BY OR ON BEHALF OF GRANTOR TO GRANTEE, OR ANY OTHER MATTER OR THING REGARDING THE PROPERTY. EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT AND THE DOCUMENTS DELIVERED AT CLOSING, GRANTEE ACKNOWLEDGES AND AGREES THAT UPON CLOSING, GRANTOR SHALL SELL AND CONVEY TO GRANTEE AND GRANTEE SHALL ACCEPT THE PROPERTY "AS IS, WHERE IS, WITH ALL FAULTS." GRANTEE WILL NOT RELY ON, AND GRANTOR IS NOT LIABLE FOR OR BOUND BY ANY OTHER EXPRESS OR IMPLIED WARRANTIES, GUARANTIES, STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY OR RELATING THERETO, MADE OR FURNISHED BY GRANTOR OR ANY REAL ESTATE BROKER OR AGENT REPRESENTING OR PURPORTING TO REPRESENT GRANTOR TO WHOMEVER MADE OR GIVEN, DIRECTLY OR INDIRECTLY, VERBALLY, ORALLY OR IN WRITING. GRANTEE REPRESENTS TO GRANTOR THAT GRANTEE HAS CONDUCTED SUCH INVESTIGATIONS OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AS GRANTEE DEEMS NECESSARY TO SATISFY ITSELF AS TO THE CONDITION OF THE PROPERTY AND THE EXISTENCE OR NONEXISTENCE OF CURATIVE ACTIONS TO BE TAKEN WITH RESPECT TO ANY HAZARDOUS OR TOXIC SUBSTANCES ON OR DISCHARGED FROM THE PROPERTY, AND WILL RELY SOLELY UPON SAME AND NOT UPON ANY INFORMATION PROVIDED BY OR ON BEHALF OF GRANTOR OR ITS AGENTS OR EMPLOYEES WITH RESPECT THERETO, EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT OR IN ANY DOCUMENTS DELIVERED AT CLOSING.

[signature page follows]

Page 3

EXHIBIT "A"

Being a 205.9329 acre tract of land situated in the J.S. Bradley Survey, Abstract No. 89 and the J. Snider Survey, Abstract No. 848, in the City of Parker, Collin County, Texas and being a part of a 319.021 acre tract of land conveyed to Graham Mortgage Corporation by deed recorded in Instrument No. 2010080300798510, Official Public Records, Collin County, Texas and a part of a Remainder of a 105.992 acre tract of land conveyed to Graham Mortgage Corporation by deed recorded in Instrument No. 20101116001248230, Official Public Records, Collin County, Texas, said 205.9329 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of a tract of land conveyed as Tract 1 to Allen Independent School District by deed recorded in Instrument No. 20090521000619350, Deed Records, Collin County, Texas from which a 1/2 inch iron rod with red plastic cap stamped "TIPTON" bears South $21^{\circ} 35' 20''$ West, a distance of 0.68 feet, same being on the common northeast corner of the remainder of said Graham 105.992 acre tract on the south line of Bethany Ridge Estates III, Phase A, an addition to the City of Allen according to the plat recorded in Cabinet J, Page 800, Plat Records, Collin County, Texas;

THENCE South $00^{\circ} 23' 20''$ East, along the west line of said Allen Independent School District tract and the common east line of said remainder tract, a distance of 1320.95 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD" found for the southwest corner of said Allen Independent School District tract and the common southeast corner of said remainder tract, same being on the north line of said 319.021 acre tract;

THENCE North $89^{\circ} 16' 48''$ East, along the north line of said 319.021 acre tract and the common south line of said Allen Independent School District tract, a distance of 1815.00 feet to an "X" Cut in concrete found for the northeast corner of said 319.021 acre tract, same being on Malone Road (a 30 foot Right-of-Way) as recorded in Volume 4214, Page 1763 and Volume 4244, Page 3622, Deed Records Collin County, Texas;

THENCE along the east line of said 319.021 acre tract, the following courses and distances:

South $00^{\circ} 23' 13''$ East, a distance of 1661.24 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner;

South $00^{\circ} 16' 51''$ West, a distance of 959.31 feet to a 1/2 inch iron rod with yellow plastic cap found for the southeast corner of said 319.021 acre tract;

THENCE South $89^{\circ} 16' 29''$ West, along the south line of said 319.021 acre tract and the common north line of Parker Estates Associates, on addition to the City of Allen according to the plat recorded in Volume 1901, Page 390, Plat Records, Collin County, Texas, a distance of 2787.53 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner in the north line of said Parker Estates Addition and the common northeast corner of Sycamore Estates, an addition to the City of Allen, according to the plat recorded in Volume 11, Page 59, Plat Records, Collin County, Texas;

THENCE along the west line of said Remainder tract, the following courses and distances:

North 09° 56' 50" West, a distance of 880.07 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner;

North 80° 03' 10" East, a distance of 330.55 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner;

North 09° 56' 50" West a distance of 846.92 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner and the beginning of a tangent curve to the right having a central angle of 09° 13' 31", a radius of 1340.30 feet and a long chord that bears North 05° 20' 05" West, a distance of 215.57 feet;

Along said tangent curve to the right, an arc distance of 215.81 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner;

North 00° 43' 19" West, a distance of 670.83 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner;

South 89° 16' 41" West, a distance of 907.44 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner;

North 00° 41' 20" West, a distance of 275.00 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner;

North 77° 25' 43" West, a distance of 213.14 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner;

South 89° 16' 41" West, a distance of 36.07 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" found for corner and being in the east line of a tract of land conveyed Kimberly Bolin by deed recorded in County Clerk's File No. 20070717000986660, Deed Records, Collin County, Texas;

North 00° 44' 50" West, a distance of 294.19 feet to a 1/2 inch iron rod found for the northeast corner of a 1.137 acre tract of land conveyed to Elizabeth Bolin by deed recorded in County Clerk's File No. 20070717000986670, Deed Records, Collin County, Texas;

North 89° 16' 40" East, a distance of 1491.20 feet to a bent 1/2 inch iron rod found for the southeast corner of a tract of land conveyed to Allen Independent School District by deed recorded in Volume 3914, Page 1347, Deed Records, Collin County, Texas;

THENCE North 00° 42' 53" West along the west line of said 105.992 acre tract and the common east line of said Allen Independent School District tract, a distance of 679.95 feet to a 1/2 inch iron rod with cap stamped "CORWIN" found for the northwest corner of said 105.992 acre tract;

THENCE North 89° 16' 33" East along the north line of said 105.992 acre tract and the common south line of said Bethany Ridge Estates III Phase A, a distance of 634.16 feet the POINT OF BEGINNING and containing 8,970,435 square feet or 205.9329 acres more or less.

SAVE AND EXCEPT:

Being a 1.500 acre tract of land situated in the J.S. Bradley Survey, Abstract No. 89, in the City of Parker, Collin County, Texas and being a part of a 319.021 acre tract of land conveyed to Graham Mortgage Corporation by deed recorded in Instrument No. 2010080300798510, Official Public Records, Collin County, Texas, a part of the Remainder of a 105.992 acre tract of land conveyed to Graham Mortgage Corporation by deed recorded in Instrument No. 20101116001248230, Official Public Records, Collin County, Texas, said 1.500 acre tract being more particularly described by metes and bounds as follows:

COMMENCING, at a 1/2 inch capped iron rod found for the southeast corner of said 319.021 acre tract, the southwest corner of Easy Acres Addition, an addition to the City of Parker, Texas, recorded in Volume 6, Page 87, Deed Records Collin County, Texas, situated in the D. Hearn Survey, Abstract No. 427, the northwest corner of Parker Estates, an Addition to the City of Parker, Texas, recorded in Volume 10, Page 28, Plat Records Collin County, Texas, situated in the G. Gunnell Survey, Abstract No. 350, and the northeast corner of Parker Estates Associates recorded in Volume 1901, Page 930, Plat Records Collin County, Texas;

THENCE South 89 Degrees 16 Minutes 29 Seconds West, along the common north line of said Parker Estates Associates tract and the south line of said 319.021 acre tract, a distance of 397.76 feet to the Point of Beginning a 5/8 inch capped iron rod stamped "Westwood PS" set for corner;

THENCE South 89 Degrees 16 Minutes 29 Seconds West, along the common north line of said Parker Estates Associates tract and the south line of said 319.021 acre tract, a distance of 216.00 feet to a 5/8 inch capped iron rod stamped "Westwood PS" set for corner;

THENCE departing said common line, and over and across said 319.021 acre tract the following courses and distances;

North 00 Degrees 43 Minutes 31 Seconds West, a distance of 302.50 feet to a 5/8 inch capped iron rod stamped "Westwood PS" set for corner;

North 89 Degrees 16 Minutes 29 Seconds East, a distance of 216.00 feet to a 5/8 inch capped iron rod stamped "Westwood PS" set for corner;

THENCE South 00 Degrees 43 Minutes 31 Seconds East, a distance of 302.50 feet to the POINT OF BEGINNING and containing 65,340 square feet or 1.500 acres more or less.

Exhibit B

- (1) Easement executed by S. S. Ballew to American Telephone and Telegraph Company, dated December 18, 1928, filed December 19, 1928, recorded in Volume 274, Page 101, of the Deed Records of Collin County, Texas, as noted on survey dated May 14, 2014, prepared by Harry L. Dickens, R.P.L.S. No. 5939.
- (2) Easement executed by Emma Jean Haggard Hall to Pecan Orchard Water Supply Corporation, filed October 13, 1965, recorded in Volume 662, Page 195, of the Deed Records of Collin County, Texas, as noted on survey dated May 14, 2014, prepared by Harry L. Dickens, R.P.L.S. No. 5939.
- (3) Easement executed by Luther Bolin to Pecan Orchard Water Supply Corporation, dated September 30, 1965, filed October 13, 1965, recorded in Volume 662, Page 198, of the Deed Records of Collin County, Texas, as noted on survey dated May 14, 2014, prepared by Harry L. Dickens, R.P.L.S. No. 5939.
- (4) Easement executed by Emma Jean Haggard Hall, Trustee, to North Texas Municipal Water District, dated November 22, 1985, filed May 14, 1986, recorded in Volume 2366, Page 867, of the Real Property Records of Collin County, Texas, as shown on survey dated May 14, 2014, prepared by Harry L. Dickens, R.P.L.S. No. 5939.
- (5) Easement awarded to North Texas Municipal Water District in Judgment entered under Cause No. 219-490-85, filed June 11, 1986, recorded in Volume 2386, Page 541, of the Real Property Records of Collin County, Texas, as shown on survey dated May 14, 2014, prepared by Harry L. Dickens, R.P.L.S. No. 5939.
- (6) Easement executed by Graham Mortgage Corporation to North Texas Municipal Water District, dated April 23, 2014, filed April 25, 2014, recorded under Instrument No. 20140425000401090, of the Real Property Records of Collin County, Texas, as shown on survey dated May 14, 2014, prepared by Harry L. Dickens, R.P.L.S. No. 5939.
- (7) Terms, conditions and provisions of unrecorded Farming Lease by and between Graham Mortgage Corporation (Landlord) and Bill Donihoo (Tenant), dated March 2, 2011, as evidenced by Special Warranty Deed filed January 2, 2014, recorded under Instrument No. 20140102000004300, of the Real Property Records of Collin County, Texas, as noted on survey dated May 14, 2014, prepared by Harry L. Dickens, R.P.L.S. No. 5939.
- (8) Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument filed October 23, 1952, in Volume 460, Page 454, of the Deed Records of Collin County, Texas.
- (9) Terms and conditions of that certain unrecorded Farming Lease by and between Graham Mortgage Corporation (Landlord) and Gerald Lewis (Tenant).

(10) The following as shown on survey dated May 14, 2014, prepared by Harry L. Dickens, R.P.L.S. No. 5939:

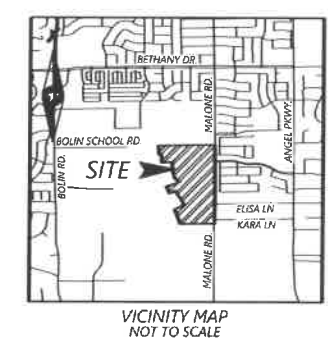
1. That portion of subject property lying within the right of way of Bozeman/Malone Road on the Easterly property line, and within the right of way of Cheyenne Drive along a portion of the North property line.
2. Rights, if any, of third parties with respect to well located near an internal westerly property line.

UNOFFICIAL



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
12/29/2014 02:59:40 PM
\$50.00 CJAMAL
20141229001413160

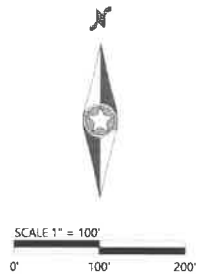
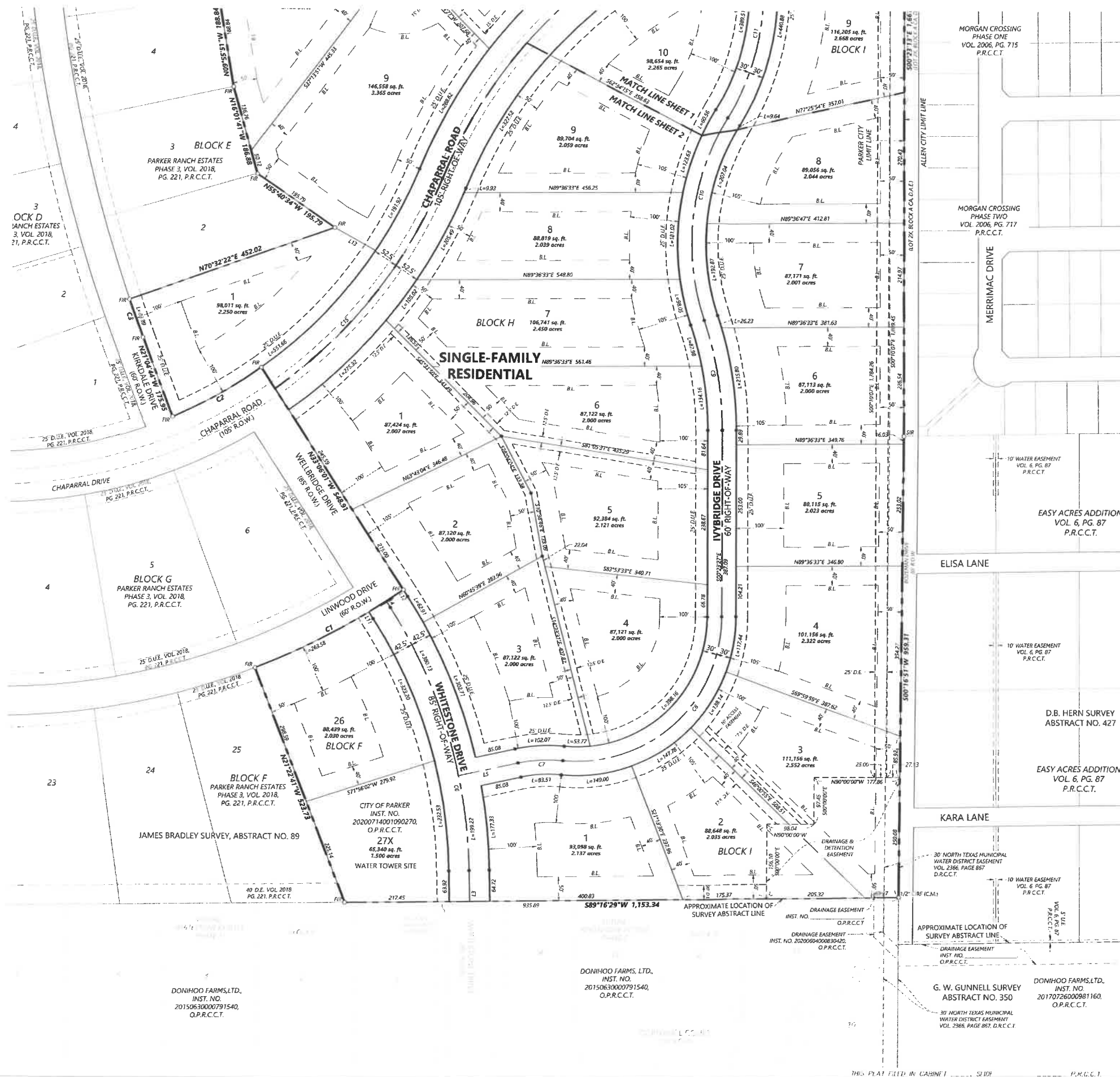
Stacey Kemp



Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	348.59	1496.06	01°32'01"	N 61°56'49" E	347.80
C2	211.50	947.50	01°24'23"	S 60°43'25" W	211.06
C3	83.89	2970.00	00°37'06"	N 20°16'11" W	83.88
C4	159.22	2970.00	00°30'47"	S 05°15'29" E	159.20
C5	314.16	300.00	30°00'00"	N 45°55'30" E	67.00
C6	576.63	1042.50	01°50'22"	N 17°04'48" W	581.92
C7	92.79	300.00	01°43'16"	S 86°39'08" W	92.42
C8	502.15	300.00	06°54'47"	N 47°32'39" E	445.55
C9	232.10	700.00	01°39'52"	N 09°53'20" W	231.04
C10	426.40	487.50	05°17'25"	S 06°15'22" W	421.98
C11	417.25	487.50	04°02'32"	N 07°22'58" E	406.63
C12	314.16	300.00	30°00'00"	S 72°51'47" W	67.00
C13	292.55	1000.00	01°45'43"	N 81°18'51" W	291.51
C14	884.62	1000.00	05°04'16"	S 47°30'06" E	856.23
C15	563.92	1000.00	02°18'32"	N 38°18'31" E	555.47
C16	310.390	250.00	07°59'01"	S 52°53'41" W	306.63

LEGEND	
D.R.C.C.T	DEED RECORDS COLLIN COUNTY, TEXAS
P.R.C.C.T	PLAT RECORDS COLLIN COUNTY, TEXAS
O.P.R.C.C.T	OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
INSTR #	INSTRUMENT NUMBER
A.C.R.L.	ACRES
D.W.	DRAINAGE & UTILITY EASEMENT
R.O.W.	RIGHT OF WAY
VOL, PG.	VOLUME PAGE
B.L.	BUILDING LINE
FIR	5.6" CAPED IRON ROD FOUND WITH YELLOW CA2 STAMPED "WESTWOOD PS"
CRS	IRON ROD FOUND WITH YELLOW CA2
SR	POINT OF TANGENCY - POINT OF CURVATURE
	5.8" CAPED IRON ROD SET WITH YELLOW CA2 STAMPED "WESTWOOD PS"
P.O.B.	PLACE OF BEGINNING
OSSF	ONSET, SEWER FACILITY
D.E.	DRAINAGE EASEMENT

ENGINEER/SURVEYOR
Westwood
Phone (214) 473-4540 2740 Dallas Parkway, Suite 280
Toll Free (888) 937-5150 Plano, TX 75093
[westwoodps.com](http://www.westwoodps.com)
Westwood Professional Services, Inc.
TBPE Firm Reg. No. 11756
TBPLS Firm Reg. No. 10074301



SURVEYOR'S NOTES

1. Basis of bearing is the final plat of Kreymer Estates Phase 1, as recorded in Volume 2013, Page 77-178, and in Doc# 20130502010001260, O.P.R.C.C.T.
2. All exterior corners set are monumented with a 5/8" diameter iron rod with yellow plastic cap stamped "WESTWOOD PS". All interior corners set are monumented with a 1/2" diameter iron rod with yellow plastic cap stamped "WESTWOOD PS".
3. Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
4. According to the Flood Insurance Rate Map (Firm) Community Panel No. 48085C0385.1, Dated June, 2009, the subject tract does not appear to be within the 100 Year Floodplain.

LEGEND

D.R.C.C.T.	DEED RECORDS COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
INSTR. #	INSTRUMENT NUMBER
A.C.	ACRE
D.U.E.	DRAINAGE & UTILITY EASEMENT
R.O.W.	RIGHT OF WAY
VOL. PG.	VOLUME, PAGE
B.L.	BUILDING LINE
FIR	5/8" CAPPED IRON ROD FOUND WITH YELLOW CAP STAMPED "WESTWOOD PS"
CRF	IRON ROD FOUND WITH YELLOW CAP
SIR	POINT OF TANGENCY, POINT OF CURVATURE
P.O.B.	5/8" CAPPED IRON ROD SET WITH YELLOW CAP STAMPED "WESTWOOD PS"
OSST	PLACE OF BEGINNING
D.E.	ON-SITE SEWER FACILITY
	DRAINAGE EASEMENT

PRELIMINARY PLAT
OF
PARKER RANCH ESTATES
PHASE 5

LOTS 1, 6-16, BLOCK E; LOTS 26, 27X, BLOCK F;
LOTS 1-10, BLOCK H; LOTS 1-9, BLOCK I;
AND LOTS 1X, 2-6, BLOCK J;
37 RESIDENTIAL LOTS AND 2 COMMON AREAS
85.736 ACRES
OUT OF THE
JAMES BRADLEY SURVEY, ABSTRACT NO. 89,
IN THE
CITY OF PARKER, COLLIN COUNTY TEXAS
OWNER
FIRST TEXAS HOMES, INC.
500 CRESCENT COURT, SUITE 350
DALLAS, TX 75201

OWNER
CITY OF PARKER
5700 E PARKER ROAD
PARKER, TX 75002
ENGINEER/SURVEYOR

Westwood

Phone: (214) 473-4660 2740 Dallas Parkway, Suite 280
Toll Free: (888) 937-5150 Plano, TX 75093
westwoodps.com

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85.736 ACRES NOVEMBER 03, 2020 JOB NO. 0006535.20 PARKER RANCH ESTATES, PHASE 5

20130502010001260 Parker Ranch Phase 5 preliminary plat

2/3

OWNER'S CERTIFICATE

STATE OF TEXAS)
COUNTY OF COLLIN)

WHEREAS First Texas Homes, Inc. and the City of Parker are the sole owners of an 85.736 acre tract of land situated in the James Bradley Survey, Abstract No. 89, City of Parker, Collin County, Texas, and being a part of the 205.9329 acre tract of land conveyed to First Texas Homes, Inc. by deed of record in Instrument No. 20141229001413160, of the Official Public Records of Collin County, Texas, and being all of a 1.5 acre tract of land conveyed to the City of Parker, by deed of record in Instrument No. 20200714001090270, of the Official Public Records of Collin County, Texas; said 85.736 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found for corner in the north right-of-way line of Keswick Drive, a 60-foot right-of-way, at the southeast corner of Lot 17, Block E, of Parker Ranch Estates Phase 3, an addition to the City of Parker, Collin County, Texas, according to the plat thereof recorded in Volume 2018, Page 221, of the Plat Records of Collin County, Texas;

THENCE North 00 degrees 43 minutes 12 seconds West, along the east line of said Lot 17, Block E, a distance of 300.00 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the northeast corner of said Lot 17, Block E;

THENCE North 89 degrees 16 minutes 46 seconds East, at a distance of 60.36 feet passing a re-entrant corner of said 205.9329 acre tract, and the southwest corner of a 55.031 acre tract of land conveyed to First Texas Homes, Inc., by deed of record in Instrument No. 20181206001491270, of said Official Public Records, continuing along a common line between the said 205.9329 acre tract and the said 55.031 acre tract, a distance of 1,875.36 feet to a cut "X" in concrete found at the southeast corner of said 55.03 acre tract and the easterly northeast corner of said 205.9329 acre tract said point being in the west right-of-way line of Malone Road, a variable width right-of-way;

THENCE South 00 degrees 23 minutes 13 seconds East, departing the said common line between the 205.9329 acre tract and the 55.031 acre tract, along the said west line of Malone Road, continuing along the west line of said Lot 2X, Block A, at a distance of 551.68 feet passing the southwest corner of the south terminus of said Malone Road, and the northwest corner of Lot 2X, Block A, of Morgan Crossing Phase One, an addition to the City of Parker, Collin County, Texas, according to the plat thereof recorded in Volume 2006, Page 715 of said Plat Records, at a distance of 976.22 feet passing the southwest corner of said Lot 2X, Block A, of Morgan Crossing Phase One, Lot 2X, Block A, of Morgan Crossing Phase Two, an addition to the City of Parker, Collin County, Texas, according to the plat thereof recorded in Volume 2006, Page 717, of said Plat Records, continuing along the west line of the said Lot 2X, Block A, Morgan Crossing Phase Two, in all a total distance of 1,661.24 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set at the southwest corner of said Lot 2X, Block A, Morgan Crossing Phase Two, said point being the northwest corner of the north terminus of Bozeman Drive, a 30-foot right-of-way;

THENCE South 00 degrees 16 minutes 51 seconds West, along the west right-of-way line of Bozeman Road, a distance of 959.31 feet to a 1/2" iron rod with a yellow plastic cap found at the southwest corner of the south terminus of said Bozeman Drive, said point being the northeast corner of a tract of land conveyed to Donihoo Farms, Ltd., by deed of record in Instrument No. 20150630000791540, of said Official Public Records and the southeast corner of said 205.9329 acre tract;

THENCE South 89 degrees 16 minutes 29 seconds West, along the common line between the said 205.9329 acre tract and the said Donihoo Farms, Ltd. tract, at a distance of 935.89 feet passing the southeast corner of said City of Parker tract, continuing along the common line between said City of Parker tract and said Donihoo Farms, Ltd. tract, in all a total distance of 1,153.34 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the southwest corner of said City of Parker tract and the southeast corner of Lot 25, Block F, of said Parker Ranch Estates Phase 3;

THENCE North 21 degrees 22 minutes 41 seconds West, departing the said common line between Donihoo Farms, Ltd. and City of Parker tract, along the common line between the said Lot 25, Block F, and the said City of Parker tract, at a distance of 225.14 feet passing the northwest corner of said City of Parker tract, continuing along the east line of said Lot 25, Block F, in all a total distance of 523.73 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the northeast corner of said Lot 25, Block F; said point being in the southerly right-of-way line of Linwood Drive, a 60-foot right-of-way, and a non-tangent curve to the right;

THENCE along the easterly line of said Parker Ranch Estates Phase 3, the following courses and distances:

Along said southerly line of Linwood Drive non-tangent curve to the left having a central angle of 13 degrees 21 minutes 01 second, a radius of 1,496.06 feet, and an arc length of 348.59 feet (chord bears North 61 degrees 56 minutes 49 seconds East, 347.80 feet) to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the intersection of the said southerly line Linwood Drive and the northeast right-of-way line of Wellbridge Drive, an 85-foot right-of-way;

North 33 degrees 06 minutes 01 second West, departing the said southerly line of Linwood Drive, along the northeast right-of-way line of said Wellbridge Drive, a distance of 548.91 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the intersection of the said northeast line of Wellbridge Drive, and the northwest right-of-way line of Chaparral Road, a 105-foot right-of-way; said point being the beginning of a non-tangent curve to the right;

Departing said northeast line of Wellbridge Drive, along said northwest line of Chaparral Road and said non-tangent curve to the right having a central angle of 12 degrees 47 minutes 23 seconds, a radius of 947.50 feet, and an arc length of 211.50 feet (chord bears South 60 degrees 43 minutes 25 seconds West, 211.06 feet) to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the intersection of the said northwest line of Chaparral Road and the northeast right-of-way line of Kirkdale Drive, a 60-foot right-of-way;

North 21 degrees 04 minutes 44 seconds West, departing the said northwest line of Chaparral Drive, along the said northeast line of Kirkdale Drive, a distance of 175.95 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found;

Along said Kirkdale Drive and said tangent curve to the right having a central angle of 01 degrees 37 minutes 06 seconds, a radius of 2,970.00 feet, and an arc length of 83.89 feet (chord bears North 20 degrees 11 seconds West, 83.88 feet) to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the south corner of Lot 2, Block E, of said Parker Ranch Phase 3;

North 70 degrees 32 minutes 22 seconds East, departing the said northeast line of Kirkdale Drive, a distance of 452.02 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the east corner of said Lot 2, Block E;

North 55 degrees 40 minutes 34 seconds West, at a distance of 195.79 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the northeast corner of said Lot 2, Block E and the southeast corner of Lot 3, of said Block E;

North 16 degrees 01 minute 41 seconds West, at a distance of 186.88 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the northeast corner of said Lot 3, Block E and the southeast corner of Lot 4, of said Block E;

North 09 degrees 55 minutes 51 seconds West, at a distance of 188.84 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the northeast corner of said Lot 4, Block E, and the southeast corner of Lot 5, of said Block E;

North 05 degrees 50 minutes 22 seconds West, at a distance of 188.84 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the northeast corner of said Lot 5, Block E;

South 86 degrees 12 minutes 23 seconds West, at a distance of 325.00 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the southwest corner of said Lot 5, Block E; said point being in the said East line of Kirkdale Drive; said point being in a non-tangent curve to the right;

Along said east line of Kirkdale Drive and said non-tangent curve to the right having a central angle of 03 degrees 04 minutes 17 seconds, a radius of 2,970.00 feet, and an arc length of 159.22 feet (chord bears North 02 degrees 15 minutes 29 seconds West, 159.20 feet) to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the end of said curve;

North 00 degrees 43 minutes 20 seconds West, continuing along said east line of Kirkdale Drive, a distance of 108.97 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" found at the intersection of the said east line of Kirkdale Drive, and the said north line of Keswick Drive;

South 85 degrees 16 minutes 48 seconds West, departing the said east line of Kirkdale Drive, a distance of 93.72 feet to the **POINT-OF-BEGINNING**, containing **3,734,650 square feet or 85.736 acres of land**.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, FIRST TEXAS HOMES, INC. and the City of Parker, acting herein by and through its duly authorized officer, do hereby adopt this plat designating the herein above described property as PARKER RANCH ESTATES PHASE 5 an addition to the City of Parker, Texas, and do hereby dedicate, in fee simple, to the public use forever, the streets, alleys, and public use areas shown thereon. The easements, as shown, are hereby dedicated for the purposes as indicated. The Utility and Drainage Easements being hereby dedicated for the mutual use and accommodation of the City of Parker and all public utilities desiring to use or using same. All and any public utility and the City of Parker shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees, or other improvements or growths, which in anyway endanger or interfere with the construction, maintenance or efficiency of its respective systems on said Easements, and the City of Parker and all public utilities shall, at all times, have the full Right of Ingress and Egress to or from and upon said Easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems, without the necessity, at any time or procuring the permission of anyone.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Parker, Texas.

WITNESS MY HAND AT _____, TEXAS this the ____ day of _____, 2020.

CITY OF PARKER

FIRST TEXAS HOMES, INC.

By: _____

By: KEITH HARDESTY

THE STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority, on this day personally appeared Keith Hardesty, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FIRST TEXAS HOMES, INC., and that he executed the same as the act of such limited partnership for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This ____ day of _____, 2020.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

THE STATE OF TEXAS)
COUNTY OF COLLIN)

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Parker, and that he executed the same as the act of such limited partnership for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This ____ day of _____, 2020.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS;

I, Jason B. Armstrong, Registered Professional Land Surveyor for Westwood, PS, do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made in August, 2020, under my direction and supervision, and further certify that all corners are as shown thereon, and that said plat has been prepared in accordance with the platting rules and regulations of the City of Parker, Texas.

Date: This the ____ day of _____, 2020.

Jason B. Armstrong
Registered Professional Land Surveyor No. 5557

THE STATE OF TEXAS)
COUNTY OF COLLIN)

BEFORE ME, the undersigned authority, on this day personally appeared Jason B. Armstrong, whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said WESTWOOD, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2020.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

RECOMMENDED FOR APPROVAL

Chairman, Planning and Zoning Commission
City of Parker, Texas

Date

APPROVED AND ACCEPTED

Mayor, City of Parker, Texas

Date

The undersigned, the City Secretary of the City of Parker, hereby certifies that the foregoing Preliminary map or plat of PARKER RANCH ESTATES PHASE 5 a subdivision or addition to the City of Parker was submitted to the City Council on this ____ day of _____, 2020, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the approval thereof by signing his name herein above subscribed.

WITNESS my hand this ____ day of _____, 2020.

City Secretary
City of Parker, Texas

HEALTH DEPARTMENT CERTIFICATION:

I hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas; that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

REGISTERED SANITARIAN OR DESIGNATED REPRESENTATIVE
COLLIN COUNTY DEVELOPMENT SERVICES

Lot Table																	
Lot #	Total Area (Ac.)	Lot #	Buildable Area(Ac.)	Lot #	Total Area (Ac.)	Lot #	Buildable Area(Ac.)	Lot #	Total Area (Ac.)	Lot #	Buildable Area(Ac.)	Lot #	Total Area (Ac.)	Lot #	Buildable Area(Ac.)	Lot #	Buildable Area(Ac.)
Lot 1 Block E	2.250	Lot 1 Block E	0.417	Lot 26 Block F	2.030	Lot 26 Block F	0.527	Lot 1 Block H	2.007	Lot 1 Block H	0.557	Lot 1 Block I	2.137	Lot 1 Block I	0.573	Lot 2 Block J	1.500
Lot 6 Block E	1.500	Lot 6 Block E	0.461					Lot 2 Block H	2.000	Lot 2 Block H	0.733	Lot 2 Block I	2.035	Lot 2 Block I	0.783	Lot 3 Block J	1.808
Lot 7 Block E	1.747	Lot 7 Block E	0.669					Lot 3 Block H	2.000	Lot 3 Block H	0.495	Lot 3 Block I	2.552	Lot 3 Block I	1.187	Lot 4 Block J	1.730
Lot 8 Block E	2.122	Lot 8 Block E	0.854					Lot 4 Block H	2.000	Lot 4 Block H	0.638	Lot 4 Block I	2.322	Lot 4 Block I	0.966	Lot 5 Block J	1.877
Lot 9 Block E	2.365	Lot 9 Block E	1.774					Lot 5 Block H	2.121	Lot 5 Block H	0.807	Lot 5 Block I	2.023	Lot 5 Block I	0.787	Lot 6 Block J	1.653
Lot 10 Block E	1.700	Lot 10 Block E	0.723					Lot 6 Block H	2.000	Lot 6 Block H	0.684	Lot 6 Block I	2.000	Lot 6 Block I	0.751		
Lot 11 Block E	1.750	Lot 11 Block E	0.868					Lot 7 Block H	2.450	Lot 7 Block H	0.995	Lot 7 Block I	2.001	Lot 7 Block I	0.794		
Lot 12 Block E	2.500	Lot 12 Block E	1.275					Lot 8 Block H	2.039	Lot 8 Block H	0.766	Lot 8 Block I	2.044	Lot 8 Block I	0.795		
Lot 13 Block E	1.500	Lot 13 Block E	0.859					Lot 9 Block H	2.059	Lot 9 Block H	0.869	Lot 9 Block I	2.668	Lot 9 Block I	0.758		
Lot 14 Block E	1.200	Lot 14 Block E	0.627					Lot 10 Block H	2.265	Lot 10 Block H	0.427						
Lot 15 Block E	1.200	Lot 15 Block E	0.627														
Lot 16 Block E	1.200	Lot 16 Block E	0.627														

ENGINEER/SURVEYOR

Westwood

Phone (214) 473-4640 2740 Dallas Parkway, Suite 280
Toll free (888) 937-5150 Plano, TX 75093

Westwood Professional Services, Inc.
TSPS Firm Reg. No. 11756
TSPS Firm Reg. No. 10074301



Agenda Item

Item 1
C'Sec Use Only

Budget Account Code:	Meeting Date: March 12, 2020
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for Public Works Director Gary Machado
Estimated Cost:	Date Prepared: March 2, 2020
Exhibits:	1. Craig M. Kerkhoff, P.E., C.F.M letter, dated July 19, 2021 2. Development Application 3. Waiver w/Fee receipt 4. Preliminary Plat

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON WHITESTONE ESTATES PHASE 5 & 6 PRELIMINARY PLAT. [MACHADO]

SUMMARY

Please review the information provided for Whitestone Estates Phase 5 & 6 Preliminary Plat, 93 Single Family Residential Lots, 2 Common Area Lots, an addition to the City of Parker Part of 344 acre tract of land; being 176.210 acres situated in the George W. Gunnell Survey, Abstract No. 350, City of Parker, Collin County, Texas.

POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
ACA/CS:	<i>Patti Scott Grey</i>	Date:	07/15/2020
City Attorney:		Date:	
Public Works Director:	<i>Gary Machado</i>	Date:	07/16/2020

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
DEREK B. CHANEY, P.E.
CRAIG M. KERKHOFF, P.E.

July 19, 2021

Mr. Gary Machado
City of Parker
5700 E. Parker Rd.
Parker, Texas 75002

Re: Whitestone Estates Phases 5 & 6
Engineering Plans

Dear Mr. Machado:

As you requested, we have reviewed the Preliminary Plat & Engineering Plans for the Whitestone Estates – Phases 5 & 6 development prepared by Dowdy Anderson & Associates.

Our review of the Engineering Plans is for general compliance with the City of Parker's development requirements and good engineering practice, and does not relieve the engineer of record of his responsibilities under the Texas Engineering Practice Act. Listed below are our review comments.

Overall Comments

1. Include a landscape plan, trail system plan and tree survey in the plan set.
 - a. *Response letter indicates that a landscape plan and trail system plan are in the design process. An aerator in the retention pond will be included in the landscape plan. Response letter indicates that a 6-foot trail is now shown on the south side of Belvedere Drive. City to verify acceptance of the proposed trail system and landscape plans.*
2. A LOMR will be required to be approved by FEMA prior to the acceptance of public improvements by the City.
 - a. *Response letter states that the LOMR will be submitted at the completion of the grading activities. Prior to the LOMR submittal, we recommend the resubmittal of the flood study as a pond that was shown within the flood study is not being constructed with this plan set. Response letter states that the pond not being constructed was conceptual only and will be removed with the LOMR submittal to the City for review.*

Paving Details Comments

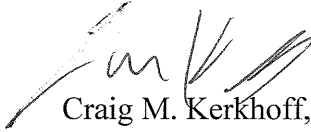
3. Provide an elevation certificate (signed/sealed) by an RPLS for each monument and "X".
 - a. *Response letter states this will be completed after construction of public improvements.*

Paving Plans Comments

4. Still have some areas where drainage channels intersect at a hard angle at a headwall. Erosion issues will occur at these locations. Angle the headwall or revise the grading.
 - a. *Concrete aprons have been added to the areas around the headwalls to address erosion issues. With recent experience on post-construction walk throughs in other developments in Parker, slopes and grades around the intersections/culverts have been an increased area of concern. We recommend cross-sections at the culverts at intersections be submitted prior to the pre-con as an extra measure of due diligence in these areas.*

We are available to discuss further at your convenience.

Sincerely,



Craig M. Kerkhoff, P.E., C.F.M.



DEVELOPMENT APPLICATION

City of Parker, Texas

Date Received

Proposed Name of Subdivision: Whitestone Estates Phase 5-6

Plat Approval Requested	Filing Fee		Filing Fee
☒ Preliminary Plat	<u>\$800.00 + \$30/acre</u>	☐ Final Plat	<u>\$800.00 + \$30/acre</u>
☐ Site Plan	<u>\$300.00 + \$25/acre</u>	☐ Minor Plat (5 acres or less)	<u>\$500.00 + \$100/lot</u>
☐ Replat/Amended	<u>\$500.00 plus \$15/lot</u>	☐ Development Plat	<u>\$300.00 + \$30/acre</u>

Physical Location of Property: East 700' of Whitestone Drive along Belvedere Drive (2500' North of Parker Road and Dublin Intersection) (Address and General Location – Approximate distance to the nearest existing street corner)

Brief Legal description of Property (must attach accurate metes and bound description to application):

(Survey/Abstract No. and Tracts: or platted Subdivision Name with Lot/Block)

Acreage: 176.210 AC Existing # of Lots/Tracts: 2 Tracts Existing ORD. 726 (4/21/2015)
If a PD, include the Ordinance with application)

Property Owner's Name: Donihoo Farms, LTD.

Phone Number: 214-368-0238

Applicant/Contact Person: Stephen L. Sallman

Title: Manager

Company Name: Donihoo Farms, LTD.

Street/Mailing Address: 4040 N Central Expressway, Suite 850 City: Dallas State: Texas Zip: 75204

Phone: 214-368-0238 Fax: 214-368-0812 Email Address: ssallman@warnergroup.com

Engineering Company: Dowdey Anderson & Associates.

Contact Person: Thomas Moss

Title: Project Manager

Street/Mailing Address: 5225 Village Creek Dr., Suite 200 City: Plano State: Texas Zip: 75093

Phone: 972-931-0694 Fax: 972-941-8401 Email Address: tmoss@daa-civil.com

**** READ BEFORE SIGNING BELOW:** If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all Original Signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required.

STATE OF TEXAS §

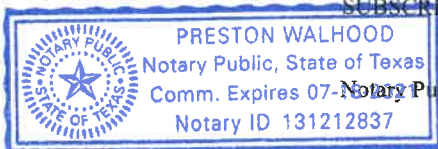
COUNTY OF DALLAS §

BEFORE ME, a Notary Public, on this day personally appeared Stephen L. Sallman, Manager of Donihoo Farms, Ltd. the undersigned applicant, who, under oath, stated the following:

"I hereby certify that I am the owner, ~~or duly authorized agent of the owner,~~ (**Proof must be attached, e.g. "Power of Attorney"**) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

Stephen L. Sallman Mgr.
Owner / Agent (circle one)

SUBSCRIBED AND SWORN TO before me, this 21st day of October, 2020



Notary Public in and for the State of Texas: Preston Walhood

Over

City of Parker * 5700 E. Parker Road, Parker, Texas 75002 972-442-6811 Fax 972-442-2894 www.parkertexas.us

WAIVER OF EXPEDITION

I HEREBY WAIVE MY RIGHTS TO APPROVAL THROUGH LACK OF CITY ACTION ON THE ABOVE REFERENCED PLAT WITHIN THE TIME FRAMES SET FORTH IN 212.009, TEXAS LOCAL GOVERNMENT CODE AND I AGREE THE PLAT SUBMITTED WILL BE APPROVED ONLY BY AFFIRMATIVE COUNCIL ACTION.

APPLICANT:

(Signature)
Name: Stephen L. Sallman
Title: Manager
Phone: 214-3680238
Address: 4040 N. Central Expy
Suite 850
Dallas TX 75204
Date: 10/21/20

CITY OF PARKER:

RECEIVED BY:

(Signature)
Name: _____
Title: _____
Date: _____

____ Corporation; ☒ Partnership;
____ Individual; or
____ Other (description)

SUBMITTAL REQUIREMENTS:

Failure to submit all materials to the City with complete application will result in delays scheduling the agenda date.

- ☒ Five (5) FOLDED copies of drawing(s) 24" X 36" [1"=100' scale]
- ☒ Twelve (12) FOLDED 11 X 17
- ☒ Three (3) Complete Engineering Plans (if applicable)
- ☒ Three (3) General Tree Survey
- ☒ Property Metes and Bounds on 8 1/2 X 11 Sheet
- ☒ Proof of Ownership (Warranty Deed or Tax Certificate)
- ☒ Power of Attorney

The face of the plat shall show the following:

- ☒ Date of preparation
- ☒ Scale of plat
- ☒ North arrow
- ☒ Name and address of:
 - ☒ Applicant
 - ☒ Engineer or Surveyor responsible for preparation of plat
- ☒ Survey and abstract with tract designation
- ☒ Location of major and/or secondary thoroughfares located with or adjacent to the property.
- ☒ Location of existing or platted streets within and adjacent to the existing property
- ☒ Location of existing right-of-ways, utility and/or drainage easements.
- ☒ Vicinity map showing location of tracts by reference to existing streets or highways.
- ☒ Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision. The subdivision boundary shall be construed to include the part of adjacent boundary streets which were previously established by dedication or purchase from the tract being subdivided.
- ☒ Legal description of the property to be subdivided, and metes and bounds description of the subdivision perimeter.
- ☒ Primary control points or descriptions, and ties to such control points to which all dimensions, angels, bearings, block numbers and similar data shall be referred.
- ☒ Names of the owners of contiguous parcels of un-subdivided land, and names of contiguous subdivisions and the County Recorder's book and page number thereof, and the lot patterns of these subdivisions.
- ☒ Location of the city limits lines, the outer border of the City's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
- ☒ If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plan, and oriented the same way, to show the nearest subdivision in each direction; it shall show how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if situated within two thousand (2,000) feet of the proposed subdivision.
- ☒ All other data required by the Zoning and Subdivision Ordinances, available for view at www.parkertexas.us.



**DOWDEY, ANDERSON
& ASSOCIATES, INC.**
CIVIL ENGINEERS

5225 Village Creek Drive, Suite 200
Plano, Texas 75093
Phone 972-931-0694 Fax 972-931-9538

TRANSMITTAL

To:	Community Development	From:	Jennifer Martinson ~ <i>For Gabriel Novak, P.E.</i>
Co:	City of Parker	Date:	November 2, 2020
Address:	5700 E. Parker Rd. Parker, Texas 75002	CC:	File
Phone:	972-442-6811	Via:	<i>Hand Delivery</i>
Re:	Whitestone Estates Phase Five <i>Pre-Plat & Engineering Plans 1st Sub.</i>	Job #:	14038-05

Please find the following items of the above-referenced project:

- 1 ~ Signed & Notarized Application & Checklist
- 5 ~ 24x36 folded copies of the Preliminary Plat
- 12 ~ 11x17 folded copies of the Preliminary Plat
- 3 ~ 24x36 sets of the Engineering Plans
- 1 ~ 8 ½ x 11 copy of the Metes & Bounds
- 2 ~ Special Warranty Deeds
- 1 ~ Ck # 1476 for \$6,110.00 (based on 177 rounded acres)

If you have any questions or comments, please contact Gabe Novak.

Thank you,

Jennifer Martinson
jmartinson@daa-civil.com

Received by: _____

Date received: _____

DONIHOO FARMS, LTD.
4925 GREENVILLE AVE
SUITE #1020
DALLAS, TX 75206
PH. (214)368-0238

PAY TO THE
ORDER OF City of Parker

Six Thousand One Hundred Ten and 00/100*****

\$ **6,110.00

DOLLARS

City of Parker
5700 E. Parker Road
Parker, Texas 75002

MEMO

Prelim Plat Fee

Tamara Winger
AUTHORIZED SIGNATURE

⑆001476⑆ ⑆14000093⑆ 96004387⑆

DONIHOO FARMS, LTD.

City of Parker
CONST DRAW-PH 5/6

1476

10/22/2020

Prelim Plat Fee
(177 Ac x \$30/lot + \$800)
Invoice #102120

6,110.00

DonFarms-Const (Fro Prelim Plat Fee

6,110.00

Photo Safe Deposit®

Details on Back.

CCOPY

1476

FROST
www.frostbank.com

30-9/1140
96
CHECK NUMBER

10/22/2020

LEGAL DESCRIPTION
176.210 ACRES

BEING a tract of land situated in the GEORGE W. GUNNELL SURVEY, ABSTRACT 350, Collin County, Texas, and the HEIRS OF DANIEL B. HEARN SURVEY, ABSTRACT 427, and being all of that tract of land conveyed in Deed to Donihoo Farms, Ltd., according to the document of record filed in Document Number 20170726000981160, Official Public Records, Collin County, Texas, and being part of that tract of land conveyed in Deed to Donihoo Farms, Ltd., according to the document of record filed in Document Number 20150630000791540, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the east line of Lot 3, Block A, WHITESTONE ESTATES, PHASE 1, an Addition to the City of Parker, Collin County, Texas, according to the Plat of record filed in Cabinet 2017, Slide 187, Official Public Records, Collin County, Texas, for the common southwest corner of said Donihoo Farms, Ltd., recorded in Document Number 20170726000981160, and the northwest corner of that tract of land conveyed in Deed to Vijay K. Bhimani and Anu V. Bhimani, according to the document of record filed in Document Number 20070925001326000, Official Public Records, Collin County, Texas;

THENCE With the common west line of said Donihoo Farms, Ltd. tracts, and the east line of said WHITESTONE ESTATES, PHASE 1 Addition, the following courses and distances:

N 00° 08' 09" W, a distance of 725.79 feet to a 1/2" iron rod with a yellow cap stamped "PRECISE LAND SURVEYING" found;

N 00° 11' 11" W, a distance of 1,062.19 feet to a 5/8" iron rod with a yellow cap stamped "WESTWOOD PS" found;

S 68° 38' 49" W, a distance of 159.38 to a 5/8" iron rod with a yellow cap stamped "WESTWOOD PS" found;

N 21° 21' 11" W, a distance of 269.01 to a 5/8" iron rod with a yellow cap stamped "WESTWOOD PS" found;

S 78° 06' 01" W, a distance of 71.85 to a 5/8" iron rod with a yellow cap stamped "WESTWOOD PS" found for the common west corner of said Donihoo Farms, Ltd. tract and the southeast corner of Lot 3, Block D, WHITESTONE ESTATES, PHASE 2, an Addition to the City of Parker, Collin County, Texas, according to the document of record filed in Document Number 20200914010003510, Official Public Records, Collin County, Texas;

THENCE N 20° 47' 14" W, a distance of 401.94 to a 1/2" iron rod with a cap stamped "ONEAL 6570" found in the south line of Lot 8, Block D, of said WHITESTONE ESTATES, PHASE 2 Addition, for the northwest corner of said Donihoo Farms, Ltd., recorded in Document Number 20150630000791540;

THENCE N 89° 13' 56" E, with the common north line of said Donihoo Farms, Ltd. tract and the south line of said WHITESTONE ESTATES, PHASE 2 Addition, a distance of 475.57 to a 1/2" iron rod with a cap stamped "ONEAL 6570" found in the west line of said Donihoo Farms, Ltd., recorded in Document Number 20170726000981160, for the common northeast corner of said of said Donihoo Farms, Ltd., recorded in Document Number 20150630000791540, and the southeast corner of Lot 9, Block D, of said WHITESTONE ESTATES, PHASE 2 Addition;

THENCE N 00° 11' 11" E, with said west line, a distance of 489.70 to a 1/2" iron rod set for the common northwest corner of said Donihoo Farms, Ltd., recorded in Document Number 20170726000981160, and the southwest corner of EASY ACRES ADDITION, an Addition to the City of Parker, Collin County, Texas, according to the Plat of Record filed in Volume 6, Page 87, Map Records, Collin County, Texas;

THENCE N 89° 10' 33" E, with the common north line of said Donihoo Farms, Ltd. tract and the south line of said EASY ACRES ADDITION, a distance of 2,626.04 feet to a 1/2" iron rod set in the west line of Farm to Market Road 2551 a 90' right-of-way, for the common northeast corner of said Donihoo Farms, Ltd. tract and the southeast corner of Lot 1, Block A, of said EASY ACRES ADDITION;

THENCE With the common east line of said Donihoo Farms, Ltd. tract, and the west line of F.M. 2551, the following courses and distances:

S 00° 19' 10" E, a distance of 1,664.15 feet to a 1/2" iron rod found at the beginning of a curve to the left, having a central angle of 12° 17' 09", a radius of 1,954.86 feet and a chord bearing and distance of S 06° 27' 45" E, 418.38 feet;

With said curve to the left, an arc distance of 419.18 feet to a 1/2" iron rod set;

S 00° 12' 06" E, passing at a distance of 511.38 feet, a 1/2" iron rod set for the northwest corner of the tract of land conveyed to T.R Bowen and wife, Tressie Lee Bowen, according to the document of record filed in Document Number 1995-0023383, Official Public Records, Collin County, Texas, and continuing in all for a total distance of 748.18 feet to a 1/2" iron rod with a yellow cap stamped "JE SMITH 3700" found for the common southeast corner of said Donihoo Farms, Ltd. tract and the an interior ell corner of said T.R Bowen and wife, Tressie Lee Bowen tract;

THENCE S 88° 59' 37" W, with the south line of said Donihoo Farms, Ltd. tract, a distance of 2,676.59 feet to the **POINT OF BEGINNING**, and containing 176.210 acres of land, more or less.

SPECIAL WARRANTY DEED
15/ITC/ 1424445 A-COM/CCT with Vendor's Lien

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS

§

COUNTY OF COLLIN

§

§

Date: June 25, 2015

Grantor: Travis Parker Associates, Ltd.,
a Texas limited partnership

Grantor's Address: 3801 North Capital of Texas Highway
Suite E-240-206
Austin, Texas 78746-1482

Grantee: Donihoo Farms, Ltd.,
a Texas limited partnership

Grantee's Address: 4925 Greenville Avenue, Suite 1020
Dallas, Texas 75206

Lender: Frost Bank

Lender's Address: P. O. Box 1600
San Antonio, Texas 78296

Consideration: TEN DOLLARS (\$10.00) cash and other good and valuable consideration, together with the further consideration of the execution and delivery by Grantee of the Note to Lender, further identified below.

Real Property
(including any improvements)
[the "Property" herein]:

All that certain tract or parcel of land being 150.38 acres, more or less, lying and being situated in the City of Parker, Collin County, Texas, a part of the THOMAS ESTES SURVEY, ABSTRACT No. 298, and being and including all that same land conveyed to Parker Estates Associates as evidenced by a deed recorded in Volume 1901, Page 930, of the Collin County Land Records, said tract or parcel of land is described in Exhibit "A" attached hereto.

Reservations From Conveyance & Warranty:

None.

Exceptions to Conveyance & Warranty:

Post-Closing Agreement between Grantor and Grantee, dated of even date herewith, as evidenced by Memorandum of Post-Closing Agreement between Grantor and Grantee recorded in the Collin County Land Records in Collin County, Texas. The Post-Closing Agreement is expressly superior to (a) the Vendor's Lien reserved herein, and (ii) any lien or encumbrance that Grantee may grant on the Property.

Grantee is taking the Property "AS-IS" with any and all latent and patent defects. There is no warranty by Grantor that the Property is fit for a particular purpose. Grantee acknowledges that it is not relying upon the accuracy or completeness of any representation, brochure, rendering, promise, statement, or other assertion or information with respect to the Property made or furnished by or on behalf of, or otherwise attributed to, Grantor or any of its agents, employees, or representatives, any and all such reliance being hereby expressly and unequivocally disclaimed, but is relying solely and exclusively upon its own experience and its independent judgment, evaluation, and examination of the Property. Grantee further unequivocally disclaims (i) the existence of any duty to disclose on the part of Grantor or any of its agents, employees, or representatives and (ii) any reliance by Grantee on the silence or any alleged non-disclosure of Grantor or any of its agents, employees, or representatives. Grantee takes the Property under the express understanding that there are no express or implied warranties (except for limited warranties of title set forth in the conveyance section below). Grantee expressly acknowledges that no promise or agreement which is not herein expressed has been made to it and hereby disclaims any reliance upon any such alleged promise or agreement. This provision was freely negotiated and played an important part in the bargaining process for the Property. Grantee has agreed to disclaim reliance on Grantor and to accept the Property "as-is" with full awareness that the Property's prior uses or other matters could affect its condition, value, suitability, or fitness; and by acceptance of this deed, Grantee confirms that Grantee is hereby assuming all risk associated therewith. Grantee understands that the disclaimers of reliance and other provisions contained herein could limit any legal recourse or remedy Grantee otherwise might have.

In addition, this conveyance is subject to those matters set forth on **Exhibit "B"** attached hereto and incorporated herein.

Vendor's Lien:

It is expressly agreed that a VENDOR'S LIEN in the amount of the "Purchase Price" plus the "Tract 1 Lot Bonus" (each as defined in that certain Agreement of Purchase and Sale between Grantor, as seller, and Grantee, as buyer, dated effective as of October 16, 2014, as amended) (the "Vendor's Lien"), as well as the superior title in and to the Property, is retained against the Property, premises, and improvements until the below-described Note and all interest thereon are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute.

Assignment of Vendor's Lien (3rd-Party Lender Financing):

Lender, at the instance and request of Grantee, advanced and paid in cash to Grantor that portion of the purchase price of the Property as is evidenced by a portion of a note (the "Note") of even date herewith that is in the principal amount of \$6,500,000.00 in partial consideration for the purchase of the Property; THEREFORE, the Vendor's Lien, together with the superior title to the Property, is retained herein for the benefit of Lender and both are hereby TRANSFERRED and ASSIGNED to Lender.

Deed of Trust:

In order to secure the payment of the Note, Grantee has executed and delivered a Deed of Trust conveying title to Dan J. Guarino, Trustee, for the benefit of Lender.

Ad Valorem Taxes:

Ad valorem taxes for the Property for the current year having been prorated between Grantor and Grantee, payment thereof, is assumed by Grantee. Notwithstanding the foregoing, all Rollback and Supplemental Taxes against the Property, for periods before or after the date of this Deed, shall be paid by Grantee (except that if any Rollback and Supplemental Taxes on the Property were triggered before the date of this Deed by acts of Grantor, they shall be paid by Grantor). As used herein, the term "Rollback and Supplemental Taxes" shall mean any assessments or taxes that may be levied or assessed against the Property by a governmental authority for periods prior to or after the date of this Deed resulting from a change in use or ownership of the Property, or a waiver, lapse, or denial of any special tax exemption for the Property.

Conveyance:

Grantor, for the consideration and subject to the Reservations From Conveyance and Warranty and Exceptions to Conveyance and Warranty set forth above, GRANTS, SELLS, and CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, TO HAVE AND HOLD it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, if the claim is by, through or under Grantor, but not otherwise, except as to the Reservations From Conveyance and Warranty and Exceptions to Conveyance and Warranty set forth above.

Terms:

When the context requires, singular nouns and pronouns include the plural; and masculine forms include the feminine.

[Signature page follows]

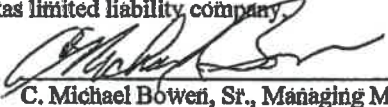


GRANTOR:

Travis Parker Associates, Ltd.,
a Texas limited partnership

By its General Partner:
Travis Ridge Investments, LLC,
a Texas limited liability company.

By:


C. Michael Bowen, Sr., Managing Member

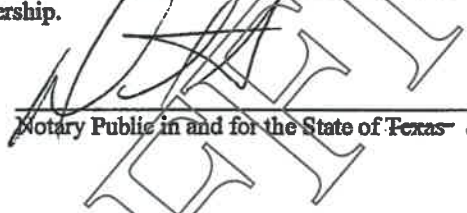
NOTARY ACKNOWLEDGMENT

Colorado
STATE OF ~~TEXAS~~

COUNTY OF Eagle

This instrument was acknowledged before me on June 24, 2015, by C. Michael Bowen, Sr., as Managing Member of Travis Ridge Investments, LLC, a Texas limited liability company, the General Partner of Travis Parker Associates, Ltd., a Texas limited partnership, on behalf of said limited partnership.

DAWN M. STEWART-SHEAFFER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994012137
MY COMMISSION EXPIRES MAY 5, 2019


Notary Public in and for the State of Texas COLORADO

After Recording, Please Return to:
Donihoo Farms, Ltd.,
4925 Greenville Avenue, Suite 1020
Dallas, Texas 75206
Attn: Stephen L. Sallman

EXHIBIT "A"
Legal Description of Property

J.E. SMITH
TEXAS LICENSED SURVEY FIRM No. 101060-00
5269 HWY 377 South, Aubrey, Texas 76227
jesmith@cebridge.net
(940) 365-9289

150.38 ACRE TRACT

W.O. 4069W-14

All that certain tract or parcel of land lying and being situated in the City of Parker, Collin County, Texas, a part of the THOMAS ESTES SURVEY, ABSTRACT NO. 298, and being and including all that same land conveyed to Parker Estates Associates as evidenced by a deed recorded in Volume 1901, page 930 of the Collin County Land Records said tract or parcel of land is herein described as follows; to wit:

BEGINNING at an one-half inch iron rod set (with yellow cap marked "J.E. SMITH 3700" and herein after called an one-half inch iron rod set) for the northeast corner of the said THOMAS ESTES SURVEY, said corner being on the west line of EASY ACRES ADDITION, an addition to Collin County according to the plat thereof recording in Volume 6, page 87 of the Collin County Map Records, said corner also being the southeast corner of a tract described in a deed to Graham Mortgage Corporation as recorded under Clerk's Document No. 20100803000798510;

THENCE with east line of the THOMAS ESTES SURVEY and along an old road, south 01 degrees 18 minutes 21 seconds west 97.68 feet to an one-half inch iron rod found (with cap marked "Precise") for the southwest corner of said EASY ACRES ADDITION and the southeast corner hereof;

THENCE continuing along east line of the THOMAS ESTES SURVEY and with the old road, south 00 degrees 50 minutes 03 seconds west 2111.50 feet to an one-half inch iron rod found (with cap marked "Precise") for the southeast corner hereof, said corner being the northeast corner of a tract described in a deed to Geneva Partners LTD. recorded in Volume 5874, page 2850 of the Collin County Deed Records;

THENCE north ~~89~~ degrees ~~36~~ minutes 13 seconds west at 2715.56 feet passing the northeast corner of a record 3.00 acre tract (described in a deed recorded in Volume 3873, page 413 of the Collin County Land Records) and in all a total distance of 2855.13 feet to an one-half inch iron rod set for the southeast corner of SYCAMORE ESTATES SUBDIVISION (an addition to the City of Parker, according to the plat thereof recorded in Volume 11, page 59 of the Collin County Map Records), said corner being the southwest corner hereof;

THENCE along the east line of said SYCAMORE ESTATES SUBDIVISION, north 01 degrees 42 minutes 07 seconds east 344.20 feet to an one-half inch iron rod found for a re-entrant corner hereof, said corner being the northeast corner of Lot 3, Block A of said SUBDIVISION;

THENCE north 89 degrees 57 minutes 13 seconds west 132.47 feet to an one-half inch iron rod found at the southeast termination corner of Sycamore Lane for ell corner hereof, said corner being a re-entrant corner of said SYCAMORE ESTATES SUBDIVISION;

THENCE continuing with the east line of said SYCAMORE ESTATES SUBDIVISION, north 00 degrees 12 minutes 26 seconds east 1857.59 feet to an one-half inch iron rod set for the northwest corner hereof, said corner being the northeast corner of Lot 7, Block B of said SUBDIVISION;

THENCE south 89 degrees 44 minutes 41 seconds east passing the southeast corner of a tract described in a deed of RVW Sunchase LP described in a deed recorded under Clerk's Document No. 201409160001004670 and in all a total distance of 3003.58 feet to the Place of BEGINNING and containing 150.38 acres of land.

UNOFFICIAL

EXHIBIT "B"
List of Permitted Exceptions

1. Restrictive Covenants contained in Volume 10, Page 28, Plat Records, Collin County, Texas.
2. Water pipeline easement to Pecan Orchard Water Supply recorded in Volume 913, Page 536, Real Property Records, Collin County, Texas, and as shown on the survey prepared by James E. Smith, II, dated October 29, 2014.
3. Water pipeline easement to Pecan Orchard Water Supply recorded in Volume 923, Page 229, Real Property Records, Collin County, Texas, and as shown on the survey prepared by James E. Smith, II, dated October 29, 2014.
4. Waste water transmission facilities easement to North Texas Municipal Water District recorded in Volume 2366, Page 864, Real Property Records, Collin County, Texas, and as shown on the survey prepared by James E. Smith, II, dated October 29, 2014.
5. Ingress and egress rights, if any, associated with roadbed along the east property line of Property as shown on the survey prepared by James E. Smith, II, dated October 29, 2014.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

PAGE 7



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
06/30/2015 09:20:37 AM
\$46.00 BVINCENT
20150630000791540

Stacey Kemp

SPECIAL WARRANTY DEED

with Vendor's Lien 15/ITC/1715886 -COM/LMB

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS
COUNTY OF COLLIN

§
§
§

Date: July 25, 2017

Grantor: Travis Parker Associates, Ltd., a Texas limited partnership, formerly known as Parker Estates Associates, a Texas general partnership

Grantor's Address: 3801 North Capital of Texas Highway
Suite E-240-206
Austin, Texas 78746-1482

Grantee: Donihoo Farms, Ltd.,
a Texas limited partnership

Grantee's Address: 4925 Greenville Avenue, Suite 1020
Dallas, Texas 75206

Lender: Travis Parker Associates, Ltd.,
a Texas limited partnership

Lender's Address: 3801 North Capital of Texas Highway
Suite E-240-206
Austin, Texas 78746-1482

Consideration: TEN DOLLARS (\$10.00) cash and other good and valuable consideration, together with the further consideration of the execution and delivery by Grantee of the Note to Lender, further identified below.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

PAGE 1

Real Property
(including any improvements)
[the "Property" herein]:

All that certain tract or parcel of land being 171.91 acres, more or less, lying and being situated in the City of Parker, Collin County, Texas, a part of the G.W. GUNNELL SURVEY, ABSTRACT No. 350, and being that same land conveyed to Parker Estates Associates by deed recorded in Volume 1909, Page 915, of the Collin County Land Records, said tract or parcel of land designated PARKER ESTATES according to the plat thereof recorded in Cabinet 10, Page 28 of the Collin County Map Records, said tract or parcel of land is described in Exhibit "A" attached hereto.

Reservations From Conveyance & Warranty:

None.

Exceptions to Conveyance & Warranty:

Grantee is taking the Property "AS-IS" with any and all latent and patent defects. There is no warranty by Grantor that the Property is fit for a particular purpose. Grantee acknowledges that it is not relying upon the accuracy or completeness of any representation, brochure, rendering, promise, statement, or other assertion or information with respect to the Property made or furnished by or on behalf of, or otherwise attributed to, Grantor or any of its agents, employees, or representatives, any and all such reliance being hereby expressly and unequivocally disclaimed, but is relying solely and exclusively upon its own experience and its independent judgment, evaluation, and examination of the Property. Grantee further unequivocally disclaims (i) the existence of any duty to disclose on the part of Grantor or any of its agents, employees, or representatives and (ii) any reliance by Grantee on the silence or any alleged non-disclosure of Grantor or any of its agents, employees, or representatives. Grantee takes the Property under the express understanding that there are no express or implied warranties (except for limited warranties of title set forth in the conveyance section below). Grantee expressly acknowledges that no promise or agreement which is not herein expressed has been made to it and hereby disclaims any reliance upon any such alleged promise or agreement. This provision was freely negotiated and played an important part in the bargaining process for the Property. Grantee has agreed to disclaim reliance on Grantor and to accept the Property "as-is" with full awareness that the Property's prior uses or other matters could affect its condition, value, suitability, or fitness; and by acceptance of this Deed, Grantee confirms that Grantee is hereby assuming all risk associated therewith. Grantee understands that the disclaimers of reliance and other provisions contained herein could limit any legal recourse or remedy Grantee otherwise might have.

In addition, this conveyance is subject to those matters set forth on Exhibit "B" attached hereto and incorporated herein.

Vendor's Lien:

It is expressly agreed that a VENDOR'S LIEN, as well as the superior title in and to the Property, is retained against the Property, premises, and improvements until the below-described Note and all interest thereon are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute.

Seller Financing:

Grantee executed a note (the "Note") of even date herewith that is in the principal amount of \$2,474,792.20 for a portion of the purchase price of the Property; THEREFORE, the Vendor's Lien, together with the superior title to the Property, is retained herein for the benefit of Grantor.

Deed of Trust:

In order to secure the payment of the Note, Grantee has executed and delivered a Deed of Trust conveying title to Patrick E. Hudson, Trustee, for the benefit of Lender.

Ad Valorem Taxes:

Ad valorem taxes for the Property for the current year having been prorated between Grantor and Grantee, payment thereof, is assumed by Grantee. Notwithstanding the foregoing, all Rollback and Supplemental Taxes against the Property, for periods before or after the date of this Deed, shall be paid by Grantee (except that if any Rollback and Supplemental Taxes on the Property were triggered before the date of this Deed by acts of Grantor, they shall be paid by Grantor). As used herein, the term "Rollback and Supplemental Taxes" shall mean any assessments or taxes that may be levied or assessed against the Property by a governmental authority for periods prior to or after the date of this Deed resulting from a change in use or ownership of the Property, or a waiver, lapse, or denial of any special tax exemption for the Property.

Conveyance:

Grantor, for the consideration and subject to the Reservations From Conveyance and Warranty and Exceptions to Conveyance and Warranty set forth above, GRANTS, SELLS, and CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, TO HAVE AND HOLD it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, if the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations From Conveyance and Warranty and Exceptions to Conveyance and Warranty set forth above.

Terms:

When the context requires, singular nouns and pronouns include the plural; and masculine forms include the feminine.

GRANTOR:

Travis Parker Associates, Ltd.,
a Texas limited partnership

By: Travis Ridge Investments, LLC,
a Texas limited liability company,
its General Partner

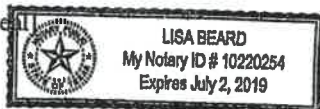
By: 
C. Michael Bowen, Sr., Managing Member

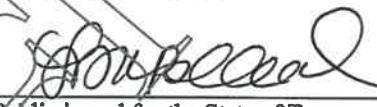
NOTARY ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on July 24, 2017, by C. Michael Bowen, Sr., as Managing Member of Travis Ridge Investments, LLC, a Texas limited liability company, the General Partner of Travis Parker Associates, Ltd., a Texas limited partnership, on behalf of said entities.

[Notary seal]




Notary Public in and for the State of Texas

After Recording, Please Return to:
Donihoo Farms, Ltd.
Attention: Stephen L. Sallman
4925 Greenville Avenue, Suite 1020
Dallas, Texas 75206

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

J.E. SMITH
TEXAS LICENSED SURVEY FIRM No. 101060-00
5269 HWY 377 South, Aubrey, Texas 76227
jesmith@cebridge.net
(940) 365-9289

171.91 ACRE TRACT

W.O.4069E-14

All that certain tract or parcel of land lying and being situated in the City of Parker, Collin County, Texas, a part of the G.W. GUNNELL SURVEY, ABSTRACT No. 350, and being that same land conveyed to Parker Estates Associates by deed recorded in Volume 1909, page 915 of the Collin County Land Records, said tract or parcel of land being designated PARKER ESTATES according to the plat thereof recorded in Cabinet 10, Page 28 of the Collin County Map Records, said tract or parcel of land is herein described as follows: to wit:

BEGINNING at a 3/4 inch iron rod set on the west right-of-way line of F.M. Highway No. 2551 at the southeast corner of EASY ACRES ADDITION, an addition to Collin County according to the plat thereof recorded in Volume 6, page 87 of the Collin County Map Records, said corner being the northeast corner of the premises herein described;

THENCE along the west right-of-way line of said F.M. Highway No. 2551, south 00 degrees 41 minutes 57 seconds west 1664.10 feet to an one-half inch iron rod set (with cap marked "J.E. SMITH 3700" herein after called one-half inch iron rod set) at a point of curvature;

THENCE continuing with the west right-of-way line of said F.M. Highway along a curve to the left subtended by an angle of 12 degrees 17 minutes 20 seconds and a radius 1,954.86 feet (having a chord that bears south 05 degrees 26 minutes 43 seconds east 418.48 feet) an arc length of 419.28 to an one-half inch iron rod set on the east line of said GUNNELL SURVEY;

THENCE leaving the right-of-way of said Highway and along the east line of the G.W. GUNNELL SURVEY, south 00 degrees 48 minutes 47 seconds west passing the northwest corner of a 9.723 acre tract described in a deed recorded under Clerk's Document No. 95-0023382 and in all a total distance of 748.16 feet to an one-half inch iron rod set for the southeast corner hereof;

THENCE south 89 degrees 59 minutes 09 seconds west at 40.7 feet passing a 3/4 inch iron rod found at northeast corner of a tract described in a deed to Vijay K. Bhimani as recorded under Clerk's Document No. 20070925001326000, and in all a total distance of 2676.56 feet to an one-half inch iron rod set on the west line of the GUNNELL SURVEY for southwest corner hereof, said corner being the northwest corner of said Bhimani tract;

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

PAGE 5

THENCE with the west line of GUNNELL SURVEY (common with the east line of the THOMAS ESTES SURVEY, ABSTRACT NO. 298) and along an old road, north 00 degrees 51 minutes 49 seconds east 725.80 feet to an one-half inch iron rod found at the northeast corner of a tract conveyed to Geneva Partners LTD described in a deed recorded in Volume 5874, page 2850 of the Collin County Deed Records, said corner being the southeast corner of a tract described in a deed to Parker Estates Associates recorded in Volume 1901, page 930 of the Collin County Land Records;

THENCE continuing with said old road and the west line of the G.W. GUNNELL SURVEY, north 00 degrees 50 minutes 03 second east 2111.50 feet to an one-half inch iron rod found (with cap marked "PERCISE") at the southwest corner of EASY ACRES ADDITION for the northwest corner hereof;

THENCE south 89 degrees 48 minutes 14 second east a distance of 2626.11 feet to the Place BEGINNING and containing 171.91 acres of land.

EXHIBIT "B"

LIST OF PERMITTED EXCEPTIONS

1. Restrictive covenants contained in Volume 10, Page 28, Plat Records, Collin County, Texas.
2. Building setback lines and/or easements as set forth in instrument recorded in Volume 10, Page 28, Map Records, Collin County, Texas.
3. Easement:
Recorded: Volume 911, Page 89, Real Property Records, Collin County, Texas
To: Pecan Orchard Water District
Purpose: Water line
4. Easement:
Recorded: Volume 4437, Page 2547, Real Property Records, Collin County, Texas
To: City of Parker
Purpose: Utility lines and/or pipes and drainage pipes and/or ditches
5. Easement:
Recorded: Volume 5069, Page 31, Real Property Records, Collin County, Texas
To: City of Parker
Purpose: Utility lines and/or pipes and drainage pipes and/or ditches
6. Easement:
Recorded: Volume 5069, Page 37, Real Property Records, Collin County, Texas
To: City of Parker
Purpose: Utility lines and/or pipes and drainage pipes and/or ditches
7. Easement:
Recorded: Volume 5069, Page 41, Real Property Records, Collin County, Texas
To: City of Parker
Purpose: Utility lines and/or pipes and drainage pipes and/or ditches
8. Easement:
Recorded: Volume 5069, Page 47, Real Property Records, Collin County, Texas
To: City of Parker
Purpose: Utility lines and/or pipes and drainage pipes and/or ditches
9. Terms, conditions, and provisions contained in Easement Agreement for Drainage Facilities:
Recorded: Clerk's File Number 20160120000064580, Official Public Records, Collin County, Texas
Parties: Travis Parker Associates, Ltd. and Donihoo Farms, Ltd.

10. Terms, conditions, and provisions contained in Easement Agreement for Water Facilities:
Recorded: Clerk's File Number 20160825001124170, Official Public Records, Collin
County, Texas
Parties: Travis Parker Associates, Ltd. and City of Parker

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

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Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
07/26/2017 09:00:16 AM
\$54.00 CJAMAL
20170726000981160

Stacey Kemp

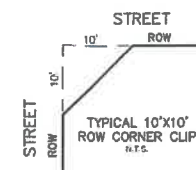


VJAY K. BHIMANI AND
ANU V. BHIMANI
DOC. # 20070925001326000
O.P.R.C.C.T.

NOTES

1. DEVELOPER TO INSTALL ALL SIDEWALKS ALONG R.O.W. FRONTAGE OF HOA LOTS.
2. ALL DEVELOPMENT WILL COMPLY WITH ALL ZONING AND SUBDIVISION ORDINANCE REQUIREMENTS.
3. COMMON AREA LOTS SHALL BE DEDICATED AS LANDSCAPING, TRAILS, AND PEDESTRIAN ACCESS EASEMENTS TO BE OWNED AND MAINTAINED BY THE HOA.
4. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF TOWN ORDINANCE AND STATE LAW AND IS SUBJECT TO A FINE AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
5. BASIS OF BEARINGS DERIVED FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, TEXAS NORTH CENTRAL ZONE, (4202).
6. ALL LOT CORNERS SHALL BE MONUMENTED WITH A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA", UNLESS OTHERWISE NOTED.
7. "X" CUTS SET IN CONCRETE STREET PAVING AT ALL INTERSECTIONS AND POINTS OF CURVATURE.
8. ALL FENCING ADJACENT TO PARKS AND COMMON AREA/OPEN SPACE LOTS SHALL BE ORNAMENTAL METAL.
9. 15,057 ACRES (655,877 SF) OF STREET RIGHT-OF-WAY IS BEING DEDICATED BY FEE SIMPLE TO THE CITY OF PARKER.

- BL = BUILDING LINE
- R.O.W. = RIGHT OF WAY
- SSE = SANITARY SEWER EASEMENT
- WE = WATER EASEMENT
- DE = DRAINAGE EASEMENT
- SWE = SIDEWALK EASEMENT
- HOA = HOME OWNERS ASSOCIATION
- IRF = IRON ROD FOUND
- DUE = DRAINAGE & UTILITY EASEMENT
- WME = WALL & WALL MAINTENANCE EASEMENT
- UE = 10'x10' UTILITY EASEMENT
- CM = CONTROL MONUMENT
- M.R.C.C.T. = MAP RECORDS, COLLIN COUNTY, TEXAS
- D.R.C.C.T. = DEED RECORDS, COLLIN COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
- 1/2" IRON ROD FOUND W/YELLOW PLASTIC CAP STAMPED "DAA" UNLESS OTHERWISE NOTED
- 1/2" IRON ROD SET
- ◇ = DENOTES STREET NAME CHANGE
- ▽ = DENOTES FRONT OF LOT
- * = KEY LOT
- = EASEMENT TO BE ABANDONED BY THIS PLAT



93 RESIDENTIAL LOTS
2 COMMON AREA LOTS
176.210 ACRES
PRELIMINARY PLAT
WHITESTONE ESTATES
PHASES 5 & 6
AN ADDITION TO THE CITY OF PARKER
PART OF 344 ACRE TRACT OF LAND IN THE
GEORGE W. GUNNELL SURVEY,
ABSTRACT NO. 350,
IN THE
CITY OF PARKER
COLLIN COUNTY, TEXAS
OCTOBER 2020 SCALE: 1"=100'
OWNER/DEVELOPER
DONIHOO FARMS, LTD.
4040 N. CENTRAL EXPRESSWAY, SUITE 850
DALLAS, TX, 75204
PH: (214) 368-0238

ENGINEER
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS §
COUNTY OF COLLIN §

BEING a tract of land situated in the GEORGE W. GUNNELL SURVEY, ABSTRACT 350, Collin County, Texas, and the HEIRS OF DANIEL B. HEARN SURVEY, ABSTRACT 427, and being all of that tract of land conveyed in Deed to Donihoo Farms, Ltd., according to the document of record filed in Document Number 20170726000981160, Official Public Records, Collin County, Texas, and being part of that tract of land conveyed in Deed to Donihoo Farms, Ltd., according to the document of record filed in Document Number 20150630000791540, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2"-iron rod found in the east line of Lot 3, Block A, WHITESTONE ESTATES, PHASE 1, an Addition to the City of Parker, Collin County, Texas, according to the Plat of record filed in Cabinet 2017, Slide 187, Official Public Records, Collin County, Texas, for the common southwest corner of said Donihoo Farms, Ltd., recorded in Document Number 20170726000981160, and the northwest corner of that tract of land conveyed in Deed to Vijay K. Bhimani and Anu V. Bhimani, according to the document of record filed in Document Number 20070925001326000, Official Public Records, Collin County, Texas;

THENCE With the common west line of said Donihoo Farms, Ltd. tracts, and the east line of said WHITESTONE ESTATES, PHASE 1 Addition, the following courses and distances:

N 00° 08' 09" W, a distance of 725.79 feet to a 1/2" iron rod with a yellow cap stamped "PRECISE LAND SURVEYING" found;

N 00° 11' 11" W, a distance of 1,062.19 feet to a 5/8" iron rod with a yellow cap stamped "WESTWOOD PS" found;

S 68° 38' 49" W, a distance of 159.38 to a 5/8" iron rod with a yellow cap stamped "WESTWOOD PS" found;

N 21° 21' 11" W, a distance of 269.01 to a 5/8" iron rod with a yellow cap stamped "WESTWOOD PS" found;

S 78° 06' 01" W, a distance of 71.85 to a 5/8" iron rod with a yellow cap stamped "WESTWOOD PS" found for the common west corner of said Donihoo Farms, Ltd. tract and the southeast corner of Lot 3, Block D, WHITESTONE ESTATES, PHASE 2, an Addition to the City of Parker, Collin County, Texas, according to the document of record filed in Document Number 20200914010003510, Official Public Records, Collin County, Texas;

THENCE N 20° 47' 14" W, a distance of 401.94 to a 1/2" iron rod with a cap stamped "ONEAL 6570" found in the south line of Lot 8, Block D, of said WHITESTONE ESTATES, PHASE 2 Addition, for the northwest corner of said Donihoo Farms, Ltd., recorded in Document Number 20150630000791540;

THENCE N 89° 13' 56" E, with the common north line of said Donihoo Farms, Ltd. tract an the south line of said WHITESTONE ESTATES, PHASE 2 Addition, a distance of 475.57 to a 1/2" iron rod with a cap stamped "ONEAL 6570" found in the west line of said Donihoo Farms, Ltd., recorded in Document Number 20170726000981160, for the common northeast corner of said of said Donihoo Farms, Ltd., recorded in Document Number 20150630000791540, and the southeast corner of Lot 9, Block D, of said WHITESTONE ESTATES, PHASE 2 Addition;

THENCE N 00° 11' 11" E, with said west line, a distance of 489.70 to a 1/2" iron rod set for the common northwest corner of said Donihoo Farms, Ltd., recorded in Document Number 20170726000981160, and the southwest corner of EASY ACRES ADDITION, an Addition to the City of Parker, Collin County, Texas, according to the Plat of Record filed in Volume 6, Page 87, Map Records, Collin County, Texas;

THENCE N 89° 10' 33" E, with the common north line of said Donihoo Farms, Ltd. tract and the south line of said EASY ACRES ADDITION, a distance of 2,626.04 feet to a 1/2" iron rod set in the west line of Farm to Market Road 2551 a 90' right-of-way, for the common northeast corner of said Donihoo Farms, Ltd. tract and the southeast corner of Lot 1, Block A, of said EASY ACRES ADDITION;

THENCE With the common east line of said Donihoo Farms, Ltd. tract, and the west line of F.M. 2551, the following courses and distances:

S 00° 19' 10" E, a distance of 1,664.15 feet to a 1/2" iron rod found at the beginning of a curve to the left, having a central angle of 12° 17' 09", a radius of 1,954.86 feet and a chord bearing and distance of S 06° 27' 45" E, 418.38 feet;

With said curve to the left, an arc distance of 419.18 feet to a 1/2" iron rod set;

S 00° 12' 06" E, passing at a distance of 511.38 feet, a 1/2" iron rod set for the northwest corner of the tract of land conveyed to T.R Bowen and wife, Tressie Lee Bowen, according to the document of record filed in Document Number 1995-0023383, Official Public Records, Collin County, Texas, and continuing in all for a total distance of 748.18 feet to a 1/2" iron rod with a yellow cap stamped "E SMITH 3700" found for the common southeast corner of said Donihoo Farms, Ltd. tract and the an interior ell corner of said T.R Bowen and wife, Tressie Lee Bowen tract;

THENCE S 88° 59' 37" W, with the south line of said Donihoo Farms, Ltd. tract, a distance of 2,676.59 feet to the POINT OF BEGINNING, and containing 176.210 acres of land, more or less.

OWNERS CERTIFICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT DONIHOO FARMS, LTD., acting herein by and through its duly authorized officer, does hereby adopt this final plat designating the herein above described property as WHITESTONE ESTATES PHASES 5 & 6, an addition to the City of Parker, Texas, and does hereby dedicate in fee simple, to the public use forever, the streets, alleys and public areas shown thereon. The easements, as shown, are hereby dedicated for the purposes as indicated. The Utility and Drainage Easements being hereby dedicated for the mutual use and accommodation of the City of Parker and all public utilities desiring to use or using same. All and any public utility and the City of Parker shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees, or other improvements or growths, which in anyway endanger or interfere with the construction, maintenance or efficiency of its respective systems on said Easements, and the City of Parker and all public utilities shall, at all times, have the full Right of Ingress and Egress to or from and upon said Easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems, without the necessity, at any time or procuring the permission of anyone.

This final plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Parker, Texas

WITNESS, my hand this the ____ day of _____, 20__

For: DONIHOO FARMS, LTD., a Texas limited partnership
By: DF Advisors, LLC, its general partner

By: Stephan L. Sallman, Manager

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared Stephen L. Sallman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under me and seal of office, this ____ day of _____, 20__

Notary Public in and for the State of Texas

My Commission Expires On:

HEALTH DEPARTMENT CERTIFICATE

I hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

REGISTERED SANITARIAN OR DESIGNATED REPRESENTATIVE
COLLIN COUNTY DEVELOPMENT SERVICES

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, XXXXXXX, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Celina.

"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED, VIEWED, OR RELIED UPON AS A FINAL SURVEY DOCUMENT" (RELEASE DATE 10/14/2020)

XXXXXXXXXXXXXXXXXXXX

Registered Professional Land Surveyor
No. XXXX

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared -----, Registered Professional Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under me and seal of office, this ____ day of _____, 20__

Notary Public in and for the State of Texas

My Commission Expires On:

CITY APPROVAL CERTIFICATE

Recommended for Approval:

Chairman, Planning and Zoning Commission
City of Parker, Texas

Date

Approved and Accepted:

Mayor, City of Parker, Texas

Date

The undersigned, the City Secretary of the City of Parker, hereby certifies that the foregoing final plat of Whitestone Estates, Phase 5, a subdivision or addition to the City of Parker was submitted to the City Council on this ____ day of _____, 2020, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the mayor to note the approval thereof by signing his name herein above subscribed,

Witness by hand this _____ day of _____, 20__

City Secretary
City of Parker, Texas

Date

LOT AREA TABLE			
LOT	BLOCK	AREA (SF)	AREA (AC)
15	A	55898	1.28
16	A	44000	1.01
17	A	44000	1.01
18	A	44000	1.01
19	A	44000	1.01
20	A	44000	1.01
21	A	44012	1.01
22	A	44035	1.01
23	A	54305	1.25
24	A	74082	1.70
25	A	43815	1.01
26	A	43894	1.00
27	A	43911	1.01
28	A	43721	1.00
29	A	43786	1.01
30	A	43821	1.01
31	A	43974	1.01
32	A	43979	1.01
33	A	44000	1.01
34	A	44000	1.01

LOT AREA TABLE			
LOT	BLOCK	AREA (SF)	AREA (AC)
35	A	44000	1.01
36	A	44000	1.01

LOT AREA TABLE			
LOT	BLOCK	AREA (SF)	AREA (AC)
15	D	60850	1.40
16	D	69758	1.60
17	D	67034	1.54
18	D	68510	1.53
19	D	51701	1.19
20	D	62518	1.21
21	D	63592	1.23
22	D	54077	1.24
23	D	53963	1.24
24	D	53260	1.22
25	D	57588	1.32
26	D	85549	1.96
27	D	65474	1.50
28	D	63804	1.34
29	D	67540	1.55

LOT AREA TABLE			
LOT	BLOCK	AREA (SF)	AREA (AC)
1	H	50789	1.17
2	H	48570	1.07
3	H	45401	1.04
4	H	44868	1.03
5	H	44390	1.02
6	H	44585	1.02
7	H	48194	1.04
8	H	46216	1.06
9	H	48448	1.11
10	H	55943	1.28
11	H	51330	1.18
12	H	51330	1.18
13	H	51330	1.18
14	H	51330	1.18
15	H	51330	1.18
16	H	51343	1.18
17	H	67560	1.55

HOA LOT AREA TABLE			
LOT	BLOCK	AREA (SF)	AREA (AC)
1X	A	1785880	40.53
2X	D	520385	11.95

LOT AREA TABLE			
LOT	BLOCK	AREA (SF)	AREA (AC)
1	I	66301	1.52
2	I	47794	1.10
3	I	48177	1.11
4	I	54063	1.24
5	I	55294	1.27
6	I	52346	1.20
7	I	58421	1.27
8	I	54582	1.25
9	I	55112	1.27
10	I	45818	1.05
11	I	47190	1.08
12	I	45412	1.04
13	I	44720	1.03
14	I	47190	1.08
15	I	45818	1.05
16	I	58716	1.35
17	I	56230	1.29
18	I	58185	1.34
19	I	50396	1.16
20	I	44364	1.02

LOT AREA TABLE			
LOT	BLOCK	AREA (SF)	AREA (AC)
21	I	48322	1.11
22	I	47903	1.10
23	I	45818	1.05
24	I	47190	1.08
25	I	44720	1.03
26	I	44720	1.03
27	I	47190	1.08
28	I	45818	1.05
29	I	53378	1.23
30	I	51481	1.18
31	I	50844	1.16
32	I	55842	1.28
33	I	56228	1.29
34	I	49280	1.13
35	I	48155	1.11
36	I	48083	1.10
37	I	45379	1.04
38	I	46838	1.08
39	I	44636	1.02

ROADWAY CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	92°54'34"	250.00'	263.03'	405.39'	N46°16'07"E 362.42'
C2	8°39'10"	9000.00'	623.09'	1046.01'	N89°23'49"E 1044.42'
C3	103°03'13"	250.00'	314.59'	448.66'	N42°24'10"W 391.45'
C4	15°31'26"	500.00'	68.15'	135.47'	N01°21'44"E 135.06'
C5	26°45'48"	500.00'	118.95'	233.55'	N19°46'53"W 231.44'
C6	32°09'24"	500.00'	144.11'	280.62'	N17°05'05"W 278.95'
C7	80°49'13"	50.00'	50.72'	79.28'	N44°24'13"E 71.21'
C8	3°03'27"	1000.00'	26.69'	53.36'	S88°39'27"E 53.36'
C9	6°08'55"	9000.00'	480.74'	960.58'	N89°48'48"E 960.11'
C10	3°03'27"	1000.00'	26.69'	53.36'	N88°17'06"E 53.36'
C11	90°00'00"	50.00'	50.00'	78.54'	N45°11'11"W 70.71'
C12	36°31'39"	250.00'	82.50'	159.38'	N18°27'00"W 156.70'
C13	36°31'39"	250.00'	82.50'	159.38'	N18°27'00"W 158.70'
C14	17°17'41"	300.00'	45.62'	90.55'	N60°00'00"E 90.21'
C15	37°53'02"	300.00'	102.95'	198.38'	N70°17'41"E 194.77'
C16	26°44'07"	1000.00'	237.84'	468.62'	N75°52'08"E 462.40'
C17	26°40'12"	988.50'	234.31'	460.13'	N75°50'11"E 455.98'
C18	61°2'49"	250.00'	13.57'	27.11'	S86°42'25"W 27.10'
C19	15°13'59"	250.00'	33.43'	68.47'	S82°11'50"W 68.27'

LOT CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C20	96°55'28"	50.00'	56.44'	84.58'	S78°35'38"E 74.85'
C21	142°30'14"	50.00'	147.31'	124.36'	N44°24'13"E 94.69'

ROADWAY LINE TABLE		
LINE	BEARING	DISTANCE
T19	S83°36'00"W	21.57'
T20	S74°34'31"W	28.89'
T22	N88°38'50"E	51.31'

LOT LINE TABLE		
LINE	BEARING	LENGTH
T1	S10°00'22"W	13.72'
T2	N48°31'48"W	12.44'
T3	S44°25'35"W	28.41'
T4	S45°34'25"E	28.18'
T5	N37°03'12"E	14.52'
T6	S80°33'42"E	14.42'
T7	S79°21'36"E	14.71'
T8	N42°13'18"E	15.00'
T9	S50°57'54"E	14.09'
T10	S39°40'24"W	13.87'
T11	S50°31'18"E	14.38'
T12	S27°29'15"W	13.49'
T13	N58°59'34"W	13.86'
T14	S44°48'48"W	14.14'
T15	S45°11'11"E	14.14'
T16	S44°48'49"W	14.14'
T17	S45°11'11"E	14.14'
T18	N11°04'08"E	13.44'

93 RESIDENTIAL LOTS
2 COMMON AREA LOTS
176.210 ACRES
PRELIMINARY PLAT
WHITESTONE ESTATES
PHASES 5 & 6
AN ADDITION TO THE CITY OF PARKER
PART OF 344 ACRE TRACT OF LAND IN THE
GEORGE W GUNNELL SURVEY,
ABSTRACT NO. 350,
IN THE
CITY OF PARKER
COLLIN COUNTY, TEXAS
OCTOBER 2020 SCALE: N.T.S.
OWNER/DEVELOPER
DONIHOO FARMS, LTD.
4040 N. CENTRAL EXPRESSWAY, SUITE 850
DALLAS, TX, 75204
PH: (214) 368-0238



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