

ORDINANCE No. 2010-112

AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE OF THE CITY OF ROANOKE, TEXAS, BY ZONING THE FOLLOWING PROPERTY, TO WIT: APPROXIMATELY 14.077 ACRE TRACT OF LAND IN THE W.D. BEALL SURVEY, ABSTRACT NO. 82, CITY OF ROANOKE, DENTON COUNTY, TEXAS "PLANNED DEVELOPMENT DISTRICT"; PRESCRIBING THE PERMISSIBLE USES THEREOF; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE; AND REPEALING ORDINANCE NO. 2005-137 IN FULL.

WHEREAS, a public hearing was held before the Planning & Zoning Commission and the City Council of the City of Roanoke, Texas, after due notice thereof was had in accordance with the Zoning Ordinance of the City of Roanoke, Texas; and

WHEREAS, at such public hearings all persons having any interest in doing so were afforded an opportunity to be heard concerning the rezoning of the property hereinafter described as requested by the applicant.

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

Section 1:

The basic Zoning Ordinance of the City of Roanoke be and the same is hereby amended insofar as the property being more particularly described in ***Exhibit A thru Exhibit D*** and depicted on ***Exhibit E*** attached hereto and incorporated herein as though fully set out, shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said Ordinance generally, and the Zoning Map and Plat be and are hereby amended and corrected so that said property consisting of approximately 14.077 acres in the W.D. Beall Survey, Abstract No. 82, City of Roanoke, Denton County, Texas, shall be zoned Planned Development District.

Section 2:

The property shall be developed in strict accordance with the allowable land uses for the property being more particularly described in ***Exhibit A thru Exhibit D***, and depicted on ***Exhibit E*** attached hereto and incorporated herein as though fully set out.

Section 3:

The terms of the Planned Development for the subject property are attached hereto as ***Exhibit F*** and incorporated herein as though fully set out, and shall become a part of the zoning regulations of the City of Roanoke.

Section 4:

The City Secretary is directed to engross and enroll this ordinance in the Code of Ordinances of the City of Roanoke and to reflect this change of zoning on the official zoning map of the City of Roanoke, Texas.

Section 5: PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 6: SAVINGS CLAUSE

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

Section 7: CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Roanoke, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 8: SEVERABILITY CLAUSE

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

Section 9: EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Roanoke, Texas, on this the 24th day of August, 2010.



ATTEST:

April S. Hill
April S. Hill, City Secretary

APPROVED:

Carl E. Gierisch, Jr.
Carl E. Gierisch, Jr., Mayor

APPROVED AS TO FORM:

Jeff Moore
Jeff Moore, City Attorney

EXHIBIT "A"
DESCRIPTION

BEING all that certain tract of land situated in the W. D. Beall Survey Abstract Number 82, City of Roanoke, Denton County, Texas, described in the deed from Lattimore Materials Company L.P. to Jeffery S. Ryan recorded under Clerk's File Number 2008-134568 of the Real Property Records of Denton County, Texas; the subject tract being more particularly described as follows (Bearings basis is the West line of said Ryan tract):

BEGINNING for the North corner of the tract being described herein at an concrete Corps of Engineer monument with a brass cap stamped "F-17 1963" at the North corner of said Ryan on the East right-of-way line of the Texas & Pacific Railroad;

THENCE South 60 Degrees 44 Minutes 06 Seconds East partially along a wire fence with the Northeast line of said Ryan tract, a distance of 614.83 feet to a broken concrete right-of-way monument found in a fence on the East line of said Ryan tract and the West right-of-way of U.S. Highway 377;

THENCE Southwesterly with the West right-of-way of U.S. Highway 377 and the East line of said Ryan tract along the arc of a curve to the right having a radius of 6,815.50 feet, an arc length of 999.34 feet (chord bearing South 26 Degrees 54 Minutes 38 Seconds West a distance of 998.44 feet) to a concrete right-of-way monument found at a flare in the West right-of-way of U.S. Highway 377 from which a concrete Corps of Engineers monument with a brass cap stamped "F-15 1963" bears South 64 Degrees East a distance of 0.6 feet;

THENCE South 83 Degrees 06 Minutes 13 Seconds West with the South line of said Ryan tract and the flare in the West right-of-way of U.S. Highway 377 a distance of 98.02 feet to a concrete right-of-way monument at the Southwest corner of the said Ryan tract and an angle point in the East line of Lot 1, Block 1, Lattimore Addition as shown by the plat thereof recorded in Cabinet M, Page 270 of the Plat Records of Denton County, Texas;

THENCE North 00 Degrees 41 Minutes 38 Seconds East with the West line of said Ryan tract and the East line of the said Lot 1, Block 1 a distance of 149.39 feet to a 1/2 inch iron rod found bent (reset with a 1/2 inch iron rod with a yellow plastic cap stamped "COLEMAN RPLS 4001") at the Northeast corner thereof;

THENCE North 60 Degrees 00 Minutes 13 Seconds West with the South line of said Ryan tract and the North line of Lot 1, Block 1 a distance of 514.35 feet to a 5/8 inch iron rod found in the East right-of-way line of the said Texas & Pacific Railroad;

THENCE North 29 Degrees 49 Minutes 50 Seconds East partially along a wire fence with the said East right-of-way of the Railroad and the West line of said Ryan, a distance of 917.72 feet to the POINT OF BEGINNING and enclosing 14.077 acres of land.

EXHIBIT "B"
DESCRIPTION TRACT "A"
(Existing Zoning "PD" and "BP")
(Proposed Zoning "PD")

BEING a portion of that certain tract of land situated in the W. D. Beall Survey Abstract Number 82, City of Roanoke, Denton County, Texas, described in the deed from Lattimore Materials Company L.P. to Jeffery S. Ryan recorded under Clerk's File Number 2008-134568 of the Real Property Records of Denton County, Texas; the subject tract being more particularly described as follows (Bearings basis is the West line of said Ryan tract):

BEGINNING at a concrete right-of-way monument found at a flare in the West right-of-way of U.S. Highway 377 from which a concrete Corps of Engineers monument with a brass cap stamped "F-15 1963" bears South 64 Degrees East a distance of 0.6 feet;

THENCE South 83 Degrees 06 Minutes 13 Seconds West with the South line of said Ryan tract and the flare in the West right-of-way of U.S. Highway 377 a distance of 98.02 feet to a concrete right-of-way monument at the Southwest corner of the said Ryan tract and an angle point in the East line of Lot 1, Block 1, Lattimore Addition as shown by the plat thereof recorded in Cabinet M, Page 270 of the Plat Records of Denton County, Texas;

THENCE North 00 Degrees 41 Minutes 38 Seconds East with the West line of said Ryan tract and the East line of the said Lot 1, Block 1 a distance of 149.39 feet to a 1/2 inch iron rod found bent (reset with a 1/2 inch iron rod with a yellow plastic cap stamped "COLEMAN RPLS 4001") at the Northeast corner thereof;

THENCE North 60 Degrees 00 Minutes 13 Seconds West with the South line of said Ryan tract and the North line of Lot 1, Block 1 a distance of 250.69 feet;

THENCE North 29 Degrees 59 Minutes 47 Seconds East, leaving said south line, a distance of 301.53 feet;

THENCE South 60 Degrees 00 Minutes 13 Seconds East, a distance of 219.70 feet;

THENCE South 29 Degrees 59 Minutes 47 Seconds West, a distance of 15.00 feet;

THENCE South 60 Degrees 00 Minutes 13 Seconds East, a distance of 180.06 feet to a point in the East line of said Ryan tract and the West right-of-way of U.S. Highway 377;

THENCE Southwesterly with the West right-of-way of U.S. Highway 377 and the East line of said Ryan tract along the arc of a curve to the right having a radius of 6,815.50 feet, an arc length of 358.01 feet (chord bearing South 29 Degrees 36 Minutes 22 Seconds West a distance of 357.97 feet to the POINT OF BEGINNING and enclosing 3.015 acres of land.

EXHIBIT "C"
DESCRIPTION TRACT "B"
(Existing Zoning "PD" and "BP")
(Proposed Zoning "PD")

BEING a portion of that certain tract of land situated in the W. D. Beall Survey Abstract Number 82, City of Roanoke, Denton County, Texas, described in the deed from Lattimore Materials Company L.P. to Jeffery S. Ryan recorded under Clerk's File Number 2008-134568 of the Real Property Records of Denton County, Texas; the subject tract being more particularly described as follows (Bearings basis is the West line of said Ryan tract):

BEGINNING at a broken concrete right-of-way monument found in a fence on the East line of said Ryan tract and the West right-of-way of U.S. Highway 377;

THENCE Southwesterly with the West right-of-way of U.S. Highway 377 and the East line of said Ryan tract, along the arc of a curve to the right having a radius of 6,815.50 feet, an arc length of 641.33 feet (chord bearing South 25 Degrees 24 Minutes 20 Seconds West a distance of 641.09 feet);

THENCE North 60 Degrees 00 Minutes 13 Seconds West, leaving the West right-of-way of U.S. Highway 377 and the East line of said Ryan tract, a distance of 180.06 feet;

THENCE North 29 Degrees 59 Minutes 47 Seconds East, a distance of 15.00 feet;

THENCE North 60 Degrees 00 Minutes 13 Seconds West, a distance of 219.70 feet;

THENCE North 29 Degrees 59 Minutes 47 Seconds East, a distance of 373.53 feet;

THENCE North 60 Degrees 00 Minutes 13 Seconds West, a distance of 144.62 feet;

THENCE North 29 Degrees 59 Minutes 47 Seconds East, a distance of 244.21 feet to a point in the Northeast line of said Ryan tract;

THENCE South 60 Degrees 44 Minutes 06 Seconds East partially along a wire fence with the Northeast line of said Ryan tract, a distance of 493.13 feet to the POINT OF BEGINNING and enclosing 6.283 acres of land.

EXHIBIT "D"
DESCRIPTION TRACT "C"
(Existing Zoning "BP")
(Proposed Zoning "PD")

BEING a portion of that certain tract of land situated in the W. D. Beall Survey Abstract Number 82, City of Roanoke, Denton County, Texas, described in the deed from Lattimore Materials Company L.P. to Jeffery S. Ryan recorded under Clerk's File Number 2008-134568 of the Real Property Records of Denton County, Texas; the subject tract being more particularly described as follows (Bearings basis is the West line of said Ryan tract):

BEGINNING for the North corner of the tract being described herein at an concrete Corps of Engineer monument with a brass cap stamped "F-17 1963" at the North corner of said Ryan on the East right-of-way line of the Texas & Pacific Railroad;

THENCE South 60 Degrees 44 Minutes 06 Seconds East partially along a wire fence with the Northeast line of said Ryan tract, a distance of 121.70 feet;

THENCE South 29 Degrees 59 Minutes 47 Seconds West, leaving said Northeast line, a distance of 244.21 feet;

THENCE South 60 Degrees 00 Minutes 13 Seconds East, a distance of 144.62 feet;

THENCE South 29 Degrees 59 Minutes 47 Seconds West, a distance of 675.06 feet to a point in the South line of said Ryan tract and the North line of Lot 1, Block 1, Lattimore Addition as shown by the plat thereof recorded in Cabinet M, Page 270 of the Plat Records of Denton County, Texas;

THENCE North 60 Degrees 00 Minutes 13 Seconds West with the South line of said Ryan tract and the North line of Lot 1, Block 1 a distance of 263.66 feet to a 5/8 inch iron rod found in the East right-of-way line of the said Texas & Pacific Railroad;

THENCE North 29 Degrees 49 Minutes 50 Seconds East partially along a wire fence with the said East right-of-way of the Railroad and the West line of said Ryan, a distance of 917.72 feet to the PLACE OF BEGINNING and enclosing 4.779 acres of land.

EXHIBIT F

Planned Development Allowed Uses

DEVELOPMENT STANDARDS

BOBCAT CORNER'S

Roanoke, Texas

PLANNED DEVELOPMENT ZONING

14.077 ACRES

BOBCAT CORNER'S
ROANOKE, TEXAS
DEVELOPMENT STANDARDS

The development of the land described in Exhibit "A" consisting of 14.077 acres of land shall be in accordance with the Code of Ordinances of the City of Roanoke, Texas, (Ordinance No. 85-116 as amended by 97-127 & 97-128), all other applicable ordinances and regulations of the City of Roanoke, and the following Development Standards, conditions and requirements:

A. Purpose: Development Standards, Uses Within Individual Tracts:

This Planned Development is designed to accommodate office, commercial and retail uses. For development purposes, the Land is divided into two (3) tracts shown on Exhibit "E" attached hereto, and the use and development of each of the tracts shall be in accordance with the following:

1. Tracts A, B, & C:

A. Size of Tracts:

Tract A shall contain 3.015 acres.
Tract B shall contain 6.283 acres.
Tract C shall contain 4.779 acres.

B. Uses Generally:

In the development and use of Tracts A, B, & C, no land shall be used and no building or structure shall be installed, erected or converted to any use other than the following:

Permitted Uses:

RETAIL & COMMERCIAL

Antique Shops	Seafood Shops
Art Galleries	Specialty Gifts
Art Studio	Specialty Neighborhood Services
Art Supply Stores	Stationery/Card and Party Stores
Arts/Crafts and Hobby Shops	Wearing Apparel and Shoe Shops
Bakers (Retail Sales Only)	Weight Reduction Services
Barber/Beauty and Nail Shops and Supplies	Confectionery Shops
Book Stores	Dairy Shops
Boutiques	Dance Studio
Butcher Shops Computer/Electronic Sales and Services Store	Department Store
Hardware Stores	Drug Stores/Apothecary and Pharmacy
Health and Athletic Services	Dry Cleaner (Pick up Only)
Health Food Shops	Duplication/Mail Services
Hotel/Motel	Educational Services
Household Furnishing And Fixtures	Electric Goods and Fixtures
Ice Cream Shops	Fabric and Knit Shops
Jewelry and Watch Store	Florist (Retail Only – No Flower or Plant Raising – No Outside Displays)
Music/Video Stores	Single-bay Car Wash
Office Supply	
Photography Studio and Processing	
Printing/Publishing and Engraving	
Private Health Clubs	
Restaurant with Alcoholic Beverage Sales	
Restaurant/Cafeteria or Café	

Office

Accounting Offices
Administrative/Executive/
Editorial Offices
Architectural/Engineering
Planning Offices
Attorneys Offices
Banks/Savings and
Governmental Uses
Insurance Offices
Medical/Dental/
Chiropractic
Optometry, etc.
Interior Decorator
Institutions

General Business
Mortgage Companies
Loans or Other
Financial
Personal or Family
Counselor
Physician or Dentists
Offices
Public Secretary
Real Estate Offices
Title Companies

Exception:

Tract C shall be allowed the addition use of:

Gun Range (Indoor) Stations and Sporting Goods Stores.

C. Specific Exclusions for Permitted Uses:

Notwithstanding the permitted uses listed above: (1) no convenience store or grocery store may make sales through a drive-up or a drive-thru window, (2) no business shall obtain more than fifty percent (50%) of its gross revenues from the sale of "alcoholic beverages" (as defined in section 1.04(1) of the Texas Alcoholic Beverage Code) for off-premises consumption, and (3) no business shall sell "distilled spirits" (as defined in the 1997 Texas Alcoholic Beverage Code) for off-premises consumption.

D. Accessory Buildings and Uses:

Accessory buildings and uses customarily incident to any of the above uses are permitted. No accessory use shall be construed to permit the keeping of articles, goods or materials in the open or exposed to the public view.

E. Customary Incidental Uses:

Sales of beer and/or wine only for off-premises consumption only, shall be considered a customarily incidental use in this district, but not in any residential district or:

- i. Private club dispensing alcoholic beverages to its members under the Texas Liquor Control Act, Article 666-15e, U.A.T.S. and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, all of which are adopted hereby and made a part hereof for all purposes, and which has secured a special use permit under the Code of Ordinances of the City as stipulated under section 9G of Ordinance #85-116.
- ii. No private club may be located within three hundred (300) feet of any church, school, hospital, park, playground, or publicly owned building, the measurements to be along the property lines of the street fronts and from front door to front door and in direct line across intersections where they occur.
- iii. All vehicular access to property used for a private club must be from streets of minimum width.
- iv. All property used for a private club must be located one hundred (100) feet from any single family residence existing when the use for a special use permit is requested. If the property is within two hundred fifty (250) feet of any single family residence existing at the time the permit is requested, the owner(s) of such residence shall be notified of the application. Should written protest be filed by such owner(s) with the City Manager's Office, no special use permit shall be granted for any property within two hundred fifty (250) feet of such residence. Measurement shall be determined as in paragraph b) above.
- v. All property used for a private club must be located further than one hundred (100) feet from any duplex or multi-family residential units existing at the time the special use permit is requested. Measurement shall be determined as in paragraph b) above.

F. Limitation of Uses:

Any use not expressly permitted herein or allowed by permit is prohibited.

B. *Area and Building Coverage:*

1. Maximum Building Coverage:

The combined area of all main and accessory buildings shall not exceed 75% of the total buildable area of Tracts A, B, & C.

2. Minimum Building Coverage:

All areas (but in any event at least ten percent (10%) of the total buildable area of all Tracts) not devoted to buildings, walkways, structures or off-street parking area shall be devoted to grass, trees, gardens, shrubs, or other suitable landscape materials.

3. Additional Landscaping Requirements:

All landscaping shall conform to the City of Roanoke landscape ordinance.

Tract A shall provide hardy, evergreen shrubs within a five (5) foot landscape buffer along the entire side and rear lot lines, save and except future cross access driveway locations, in order to achieve a continuous, four (4) foot tall landscape screen at maturity of the shrubs. Shrubs shall be a minimum of two (2) foot tall at the time of planting and shall be planted no more than four (4) feet from center to center.

Tract A shall provide a continuous two (2) foot tall earthen landscape berm with side slopes not to exceed 3:1 along the frontage of Tract A within a 15-foot landscape buffer.

4. Maximum Impervious Area:

The combined area occupied by all buildings, structures, off-street parking and paved areas shall not exceed ninety percent (90%) of the total area of all Tracts.

5. Depth of Front Yard, Feet:

There shall be a front yard building setback having a depth of not less than twenty-five (25) feet. Automobile parking will be permitted in such front yards in accordance with off-street parking requirements, but not to exceed City landscaping plan depth requirements.

6. Depth of Rear Yard, Feet:

There shall be a rear yard building setback having a depth of not less than fifteen (15) feet. Automobile parking will be permitted in such rear yards in accordance with off-street parking requirements, but not to exceed City Landscaping plan depth requirements.

7. Width of Side Yard on Each Side Feet:

A minimum of twenty (20) foot side yard building setbacks shall be required on each side of all Tracts. Tract A shall be allowed a fenced outdoor display area within the side yard setback.

8. Size of Lot:

As necessary to meet requirements.

9. Height:

No building or structure shall exceed five stories in height. No building or structure shall exceed forty five (45) feet in height except when each of the required yards are each increased by one (1) foot for each foot of additional building height above the height regulations.

10. Parking and loading Regulations:

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 9b Ordinance #85-116 of the city of Roanoke, Texas. Handicapped parking, including van accessible spaces, shall be provided according to City standards. Specific parking regulations required for all Tracts shall be determined during the Planned development Site Plan approval process.

11. Outside Display:

Tract A shall be allowed a fenced outdoor display area. The outdoor display area shall not exceed 20,000 SF and shall be fenced with an eight (8) foot tall ornamental iron fence with masonry pilasters at the corners and spaced no more than 30 feet from center to center.

Tract A shall be allowed a permanent outdoor display area within the first 20 feet immediately adjacent to the front of the building and fenced outdoor display area.

Tract A shall be allowed a permanent outdoor display area within the first 15 feet immediately adjacent to the 15-foot landscape buffer along the frontage of the property.

C. *Screening Device Requirements:*

No screening devices are required in this planned development. However, if a developer of a specific tract does wish to install a screening wall or fence the following standards shall apply. A perimeter fence or wall shall be of stone, brick, pierced brick or block, or wrought iron at a maximum of eight (8) feet in height with stone or brick columns.

D. *Building Materials:*

All building materials shall conform to the City of Roanoke's building codes, fire codes and masonry ordinances.

E. *Signage:*

Signage shall meet all of the requirements of the Uniform Sign Regulations of Ordinance #97-121 of the City of Roanoke, Texas.

F. *Underground Utilities:*

Within the lot boundaries of all Tracts, all electric utility lines and wires that will be operated at nominal voltages, all telephone utility lines and wires, all cable television and other communication or utility lines and wires, all terminals and any other facilities and equipment, shall be installed, placed and constructed underground: however, electric transformer and primary switching gear may be pad mounted or placed underground at the preference of the electric company.