

ORDINANCE No. 2014-114

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROANOKE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF ROANOKE, TEXAS, ON APPROXIMATELY 2.237 ACRES OF LAND LOCATED IN THE THOMAS KELLY SURVEY, ABSTRACT NO. 704, AND CONSISTING OF LOTS 1 THROUGH 10, BLOCK A OF THE MARSHALL CREEK SUBDIVISION, AN ADDITION LOCATED WITHIN THE CITY OF ROANOKE, DENTON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND OR DEPICTED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, BY CHANGING THE ZONING ON THE APPROXIMATELY 2.237 ACRES TRACT OR TRACTS OF LAND FROM SINGLE FAMILY (SF-7) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT NO. 2014-114 (PD # 2014-16); PRESCRIBING THE PERMISSIBLE USES; PRESCRIBING THE DEVELOPMENT STANDARDS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission for the City of Roanoke, Texas, has recommended that the official zoning map of the City of Roanoke, Texas, be amended to reflect that the zoning on the approximately 2.237 acres of land, located within the Thomas Kelly Survey, Abstract No. 704, City of Roanoke, Denton County, Texas, and being more particularly described and depicted in *Exhibit A* of this Ordinance, which is attached hereto and incorporated herein for all purposes, be changed from Single Family (SF-7) District to Planned Development District No. 2014-114 (PD # 2014-16), to allow single-family and office uses on said property; and

WHEREAS, the Planning and Zoning Commission of the City of Roanoke, Texas, and the City Council of the City of Roanoke, Texas, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Roanoke, Texas, is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended.

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

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2.

That the approximately 2.237 acres of land, located within the Thomas Kelly Survey, Abstract No. 704, and consisting of Lots 1 through 10, Block A of the Marshall Creek subdivision, an addition located within the City of Roanoke, Denton County, Texas, and being more particularly described and depicted in *Exhibit A* of this Ordinance, which is attached hereto and incorporated herein for all purposes, and presently zoned Single-Family (SF-7) District is changed to Planned Development District No. 2014-114 (PD # 2014-16), with residential and office uses, as more fully described herein.

Section 3.

That the property described in **Exhibit A** of this Ordinance, which is attached hereto and incorporated herein for all purposes, shall be subject to the Development Standards attached hereto as **Exhibit B** of this Ordinance, which is attached hereto and incorporated herein for all purposes.

Section 4. 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 \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 5. 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 6. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. 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 **June, 2014**.

APPROVED:



Carl E. Gierisch, Jr., Mayor

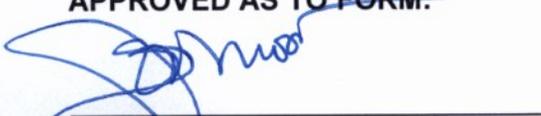


ATTEST:



April S. Hill, City Secretary

APPROVED AS TO FORM:



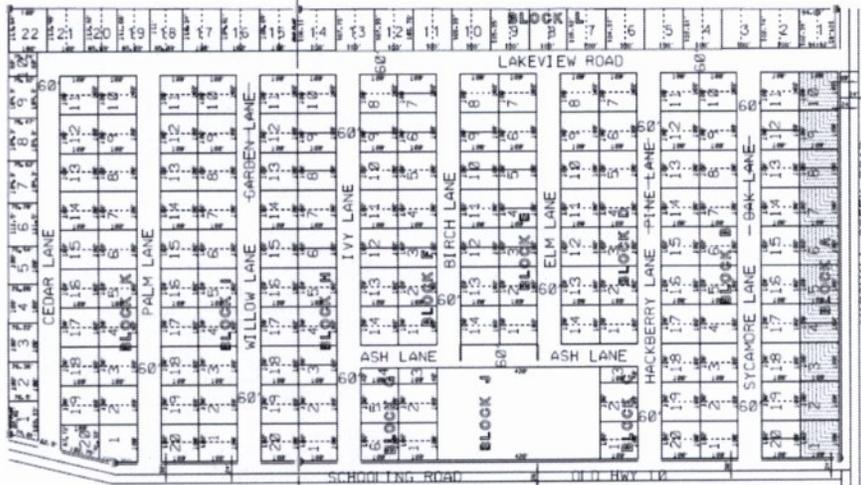
Jeff Moore, City Attorney

Exhibit A

Property Description and Depiction
of the
Approximately 2.237 Acre Tracts of Land

**GREEN ACRE
ESTATES 2ND
SECTION A-704**

**MARSHALL CREEK
VOL/PG 610/257**

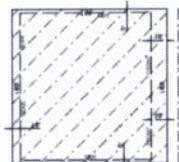


TYPICAL LOT LAYOUT

THOSE LOTS DEPICTED WITH A DASH LINE
BISECTING THE LOTS THAT ARE APPROXIMATELY
100' WIDE AND ARE 100' IN DEPTH CAN BE
SUBDIVIDED INTO TWO 50' WIDE LOTS TO
CREATE A MINIMUM OF 5000 SF LOTS

SET BACK REQUIREMENTS

FRONT - 20 FEET
SIDE - 5 FEET
REAR - 10 FEET



HATCHED LOT LAYOUT

THOSE LOTS SHOWN WITH HATCHING
LOTS 1-10, BLOCK "A"
ARE FOR OFFICE USE ONLY.

NO SUBDIVIDING

THOSE LOTS WITH NO DASH LINE
ARE NOT ELIGIBLE TO SUBDIVIDE

2.237 ACRE TRACT

**Lots 1 through 10, Block A, Marshall Creek
Thomas Kelly Survey, Abstract No. 704
City of Roanoke, Denton County, Texas**

DESCRIPTION, of a 2.237 acre tract of land situated in the Thomas Kelly Survey, Abstract No. 704, City of Roanoke, Denton County, Texas; said tract being all of Lots 1 through 10, Block A of Marshall Creek an addition to the City of Roanoke, Texas according to the plat recorded in Volume 610, Page 257, of the Plat Records of Denton County, Texas; said 2.237 acre tract being more particularly described as follows:

BEGINNING, at a point for corner at the intersection of the north line of Marshall Creek Road and the east line of Schooling Road; said point also being the southwest corner of said Lot 1;

THENCE, North 00 degrees, 10 minutes, 30 seconds West, along the said east line of Schooling Road, a distance of 100.00 feet to the northwest corner of said Lot 1;

THENCE North 89 degrees, 54 minutes, 22 seconds East, departing the said east line of Schooling Road and along the north line of said Lots 1 through 10, a distance of 1,000.00 feet to a point for corner at the northeast corner of said Lot 10, said point also being in the west line of Lakeview Drive (a 60-foot right-of-way);

THENCE, South 00 degrees, 10 minutes, 30 seconds East, along the said west line of Lakeview Drive, a distance of 94.92 feet to the southeast corner of said Lot 10; said point also being at the intersection of the said west line of Lakeview Drive and the said north line of Marshall Creek Boulevard;

THENCE South 89 degrees, 36 minutes, 54 seconds West, along the said north line of Marshall Creek Boulevard and along the south line of said Lots 1 through 10, a distance of 1,000.01 feet to the POINT OF BEGINNING;

CONTAINING: 97,460 square feet or 2.237 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Exhibit B

Development Standards

A. DEVELOPMENT STANDARDS:

1. Same as Article 7, of the Comprehensive Zoning Ordinance.

B. ZONING DISTRICTS:

1. **Single Family Housing (PD-SF)**

- (a) **General Purpose and Description**

This Planned Development district is intended to provide for planned residential development of detached, single-family residences on smaller and more compact lots of not less than 5,000 square feet in size

- (b) **Permitted Uses**

Those listed for the SF-7 district in Article VI of the City of Roanoke Comprehensive Zoning Ordinance as "P" or "S" are authorized uses permitted by right or specially permitted uses, respectively. Special uses must be approved utilizing procedures set forth in Article V of the City of Roanoke Comprehensive Zoning Ordinance.

- (c) **Height Regulations**

- (1) **Maximum Height**

- (A) Two and one-half (2 ½) stories, or thirty-five feet (35') for any building/house.
 - (B) One story, or sixteen (16') for other accessory buildings, including detached garages, garden shed, gazebo, etc.
 - (C) Other requirements (see article VII, City of Roanoke Comprehensive Zoning Ordinance)

- (d) **Area Regulations**

- (1) **Size of Lot/Tract**

- (A) Minimum Lot/Tract Area. Five Thousand (5,000) square feet per approved plat.
 - (B) Minimum Lot/Tract Width. Fifty feet (50') per approved

plat.

- (C) Minimum Lot/Tract Depth. One hundred feet (100') per approved plat.

(2) Size of Yards

- (A) Minimum Front Yard. Twenty feet (20') per approved plat.

- (B) Minimum Side Yard. Five feet (5') per approved plat.

- (i) There shall be a minimum side yard setback of five feet (5') on the street side of all corner lots; except those corner lots along the side of the street that other lots may front onto, shall be a minimum side yard setback of twenty feet (20').

- (C) Minimum Rear Yard. Ten feet (10') per approved site plan.

2. Office (PD-O)

(a) General Purpose and Description

The PD-O, Office, District is established to create an appropriate setting for low intensity office and professional uses. This District may be located in close proximity to residential districts. Permitted uses should be compatible with adjacent residential areas by limiting heights to three (3) stories, and shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations. Traffic generated by uses in this District shall not be encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and similar in scale with residential uses and adjacent property.

(b) Permitted Uses

Those uses listed for the O District in Article VI of the City of Roanoke Comprehensive Zoning Ordinance as "P" or "S" are authorized uses permitted by right or specially permitted uses, respectively. Special uses must be approved utilizing procedures set forth in Article VI, the following uses are also permitted in Article V of the City of Roanoke Comprehensive Zoning Ordinance.