



ORDINANCE #22-0412-02

AN ORDINANCE OF THE CITY OF WHITEHOUSE, TEXAS, AMENDING THE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED BY CREATING PD-2022-01, THE PLANNED DEVELOPMENT DISTRICT GRANTED BY THIS ORDINANCE FOR SINGLE-FAMILY USES FOR THE PROPERTY DESCRIBED AS 69.033 +/- ACRES OF LAND IN THE J.M. DRAPER SURVEY, ABSTRACT NO. A-290 AND THE J.HERRIN SURVEY, ABSTRACT NO A-423, SMITH COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND KNOWN AS HAMILTON MEADOWS SUBDIVISION; APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO EXHIBIT "B", INCLUDING AREA REGULATIONS, GENERAL AND SPECIAL CONSDITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Whitehouse and the City Council of the City of Whitehouse, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, 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 situated in the affected area and in the vicinity thereof, and the City Council of the City of Whitehouse is of the opinion and finds that said zoning change should be granted and that the Zoning Ordinance and Map should be amended; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITEHOUSE, TEXAS:

SECTION 1. That the Zoning Ordinance and Map of the City of Whitehouse, Texas, be, and the same are hereby, amended so as to amend the Planned Development District (PD-2022-01) for the property described as 69.033 +/- acres of land in the J. M. Draper survey, abstract no. A-290 and the J. Herrin survey, abstract no A-423 known as Hamilton Meadows Subdivision, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

SECTION 2. That the planned development standards and final development plan for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Ordinance 19-0226-02 of the City of Whitehouse, Texas.

SECTION 3. That the granting of this Planned Development District amendment is subject to the following area regulations, general and special conditions:

- a. That the Planned Development will be constructed in accordance with the final Development Plan attached hereto and approved as required by Section 3 of Ordinance 19-0226-02 of the City of Whitehouse, Texas;
- b. That the Planned Development will be constructed in accordance with the planned development standards shown on the final development plan and incorporated in Exhibit "B"

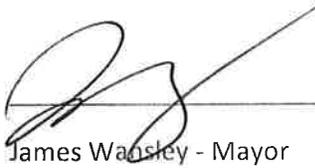
SECTION 4. That all ordinance of the City of Whitehouse in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance and May as a whole.

SECTION 6. That any person, firm or corporation violating any provisions of this ordinance or the Comprehensive zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Whitehouse, Texas shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a sperate offense.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Whitehouse, Texas, on the 12th day of April 2022.



James Wansley - Mayor

Attested by:



Susan Hargis - City Secretary



EXHIBIT "A"
LEGAL DESCRIPTION

1595 E. Grande Blvd.
Tyler, TX. 75703
903.534.0174 Ph.
903.594.8060 Fax
www.stangercorp.com
TBPLS Firm No.: 10025700

METES AND BOUNDS DESCRIPTION OF 69.033 ACRES OF LAND

BEING 69.033 acres of land situated in the James M. Draper Survey, Abstract 290 and the Jacob Herrin Survey, Abstract 423, Smith County, Texas, and being all of that certain called 71.62 acre tract as described in a deed from Jeannette C. Wilson & Nell Louise Crutchfield to William Thomas Sparrow, as recorded in Volume 1631, Page 658, less and except a called 1.000 acre tract described in Volume 7177, Page 132 and less and except a called 1.544 acre tract described in Volume 7177, Page 324 of the Deed Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod (found) at the northeast corner of the herein described tract and being the southeast corner of a called 18.642 acre tract as described in instrument No.20190100028890 and being in the southwest right of way line of FM Road 346 and being in a curve to the Right;

THENCE with said southwest right of way line of FM Road 346 and with said curve to the Right having a Delta of 01°09'22", a Radius of 22,978.28 feet, a Chord which bears S 48°32'43" E a distance of 463.68 and an arc length of 463.69 feet to a Type II right of way monument (found) for corner;

THENCE with said southwest right of way line of FM Road 346, S 49°07'24" E a distance of 188.61 feet to a Type II right of way monument (found) for corner and being in a curve to the Right;

THENCE with said southwest right of way line of FM Road 346 and with said curve to the Right having a Delta of 21°00'04", a Radius of 1577.01 feet, a Chord which bears S 38°37'22" E a distance of 574.81 and an arc length of 578.04 feet to a ½" Iron Rod (found) for the most easterly southeast corner of the herein described tract, and being the northeast corner of a called 1.000 acre tract described in Volume 7177, Page 132 and being in the southwest right of way line FM Road 346;

THENCE N 89°36'22" W a distance of 364.77 feet with the north boundary line of said 1.000 acre tract to a ½" iron rod (found) for the Northwest corner of said 1.000 acre tract and also being an interior corner of the herein described tract;

THENCE S 22°39'40" E a distance of 363.56 feet with the west boundary line of said 1.000 acre tract and the west boundary line of a called 0.543 acre tract described in Volume 6986, Page 254 and the west boundary line of a called 1.451 acre tract described in Volume 5705, Page 235 and with the most easterly southeast boundary line of said called 71.62 acre tract to a ½" iron rod (found) for the most southerly southeast corner of said 71.62 acre tract and being in the north boundary line of Lot 2 of the McGill Subdivision as shown in Cabinet "C" Slide 144D;

THENCE N 89°51'34" W a distance of 477.73 feet with the north boundary line of said Lot 2 of McGill Subdivision and the north boundary line of a called 7.716 acre tract as described in Volume 3677, Page 571 and with the most southerly south boundary line of said 71.62 acre tract to a 1/2" iron rod (found) for the northwest corner of said 7.716 acre tract and being the northeast corner of a called 8.00 acre tract described in Volume 2408, Page 726 and being the most northerly southeast corner of Lot 1-C of the Raspberry Acres Subdivision as shown on final re-plat Cabinet "F" Slide 76C and being a corner of said 71.62 acre tract;

THENCE N 00°15'02" E a distance of 175.73 feet with the east boundary line of said Lot 1-C of Raspberry Acres Subdivision to a ½" iron rod found for the northeast corner of said Lot 1-C of Raspberry Subdivision and being an interior corner of said 71.62 acre tract;

THENCE N 89°32'51" W a distance of 2461.30 feet with the north boundary line of said Lot 1-C of Raspberry Acres Subdivision and the north boundary line of Lot 2 of Raspberry Subdivision as recorded in Cabinet "F" Slide 76B and the north boundary line of a called 20.097 acre tract described in instrument 20180100034732 and the south boundary line of said 71.62

acre tract to a 1/2" iron rod (found) for the northwest corner of said 20.097 acre tract and being the southwest corner of said 71.62 acre tract and being in the east boundary line of a called 6.570 acre tract described in instrument 20200100034947;

THENCE N 00°50'17" W a distance of 1059.04 feet with the east boundary line of said 6.570 acre tract and the east boundary line of a 0.23 acre tract being the remainder of a called 21.14 acre tract as described in Volume 1802, Page 92 to a 1/2" iron rod (found) for the northwest corner of said 71.62 acre tract and being in the south boundary line of lot 20 of the Rushing Meadows Unit 2 Subdivision as shown in Cabinet "D", Slide 156-C;

THENCE S 89°54'13" E a distance of 2329.44 feet with the south boundary line of said Lot 20 of the Rushing Meadows Unit 2 Subdivision and with the south boundary line of Madison Village Phase 1 subdivision as shown in Cabinet "F", Slide 171D and with the south boundary line of the remainder of a called 16.518 acre tract described in instrument 20180100046418 and with the south boundary line of said called 18.642 acre tract as described in instrument 20190100028890 and with the north boundary line of said 71.62 acre tract back to the place of beginning and containing 69.033 acres of land.

Bearings are based on the monumented south boundary line of that certain called 71.62 of an acre tract as recorded in Volume 1631, Page 658 of the Deed Records of Smith County, Texas.

See Plat of Survey prepared even date.

I, John R. Nowlin, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made on the ground, under my supervision, during the month of July, 2021.

GIVEN UNDER MY HAND AND SEAL, this the 28th day of July, 2021.


John R. Nowlin
Registered Professional Land Surveyor
State of Texas No. 4898

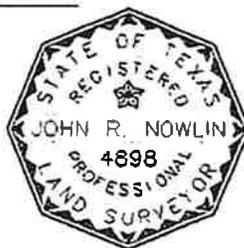


EXHIBIT "B"

PLANNED DEVELOPMENT STANDARDS

HAMILTON MEADOWS SUBDIVISION – 69-033 +/- ACRES

That the granting of this Planned Development District is subject to the following area regulations, general and special conditions:

- a. That the Planned Development will be constructed in accordance with the final Development Plan attached hereto and approved as required by the Zoning Ordinance;
- b. That the Planned development will be constructed in accordance with the development standards shown on the final development plan as well as the following additional development guidelines:
 1. Permitted Uses: The single-family residential development is intended to accommodate single family detached units as outlined herein and all uses as permitted in the Residential – Medium Zoning District in accordance with the Zoning Ordinance, as amended.
 2. Requirements:
 - a. Front Yard:
 - i. Eastern Section: Minimum fifteen feet (15’).
 - ii. Middle Section: Minimum twenty feet (20’).
 - iii. Western Section: Minimum twenty feet (20’).
 - b. Side Yard: Minimum side yard shall be six feet (6’). Lots abutting a street shall have a minimum side yard of twelve feet (12’) on the street side.
 - c. Rear Yard:
 - i. Eastern Section: Minimum fifteen feet (15’).
 - ii. Middle Section: Minimum twenty feet (20’).
 - iii. Western Section: Minimum twenty feet (20’).
 - d. Lot Area:
 - i. Eastern Section: No building shall be constructed on any lot less than three thousand, nine hundred (3,900) square feet.
 - ii. Middle Section: No building shall be constructed on any lot less than six thousand six hundred (6,600) square feet.
 - iii. Western Section: No building shall be constructed on any lot less than five thousand two hundred (5,200) square feet.
 - e. Average Lot Area: Average lot area shall be at least five thousand, three hundred forty nine (5,349) square feet.
 - f. Lot Depth:
 - i. Eastern Section: Minimum one hundred feet (83’).
 - ii. Middle Section: Minimum one hundred ten feet (110’).
 - iii. Western Section: Minimum eighty-three feet (100’).
 - g. Lot Width:
 - i. Eastern Section: Minimum fifty-two feet (47’).
 - ii. Middle Section: Minimum sixty feet (60’).
 - iii. Western Section: Minimum forty-seven feet (52’).
 - h. Minimum Dwelling Size:
 - i. Eastern Section: For dwellings constructed within this area of the planned development district, the floor area shall not be less than 1400 square feet.
 - ii. Middle Section: For dwellings constructed within this area of the planned development district, the floor area shall not be less than 1600 square feet.

- iii. Western Section: For dwellings constructed within this area of the planned development district, the floor area shall not be less than 1400 square feet.
 - i. Lot Coverage: In no case shall more than forty-five percent (45%) of the total lot area be covered by the combined area of the dwelling and accessory building. Only one (1) accessory building per lot is allowed.
- 3. **Parking Requirements:** A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. As a part of the above parking requirements, an enclosed garage shall be provided for each dwelling unit in the middle and western sections. The enclosed garage area shall be of sufficient size to accommodate two cars or a garage space of at least eighteen (18') by twenty feet (20'). The eastern section shall have a single car garage.
- 4. **Building Materials:** All dwelling units shall be constructed of masonry or of a glass building material of the kind usually used for outside wall construction, to the extent of at least 70% of the entire home. Materials for garage construction shall be the same as for the main structure.
- 5. **Additional Requirements:**
 - a. The development will consist of approximately 317 +/- lots. Overall street and lot layout may be modified to a minor degree at the time of final engineering (either per City Requirements or by the applicant).
 - b. Home fencing of back yards shall be required and shall be constructed of wood, wrought iron, or masonry. Fencing along the entrance and around the eastern section will have masonry columns.
 - c. The homebuilder shall plant one (1) – one inch (1") caliper tree in the front yard of each lot during home construction, measurements as defined by the Texas Association of Nurserymen, Guides and Standards except corner lots shall have three (3) – one inch (1") caliper trees. (Tree list can be found in the landscaping section of the Zoning Ordinance.)
 - d. A Homeowner's Association (HOA) will be established for this addition that shall establish a plan for permanent care, replacement, and maintenance of any living buffer, plants or common areas or commonly owned facilities, walls entryway features and plants within any landscape setback zone or other land use controls. The open areas and creek area of Hamilton Meadows (including areas previously know as Hamilton Park, Unit 2) shall be included in this HOA.
 - e. The roof pitch of homes shall be
 - i. Eastern Section: 6:12
 - ii. Middle Section: 8:12.
 - iii. Western Section: 6:12minimum and the roof shingles shall be of a 30-year rating.
 - f. Cluster mailboxes are required and shall be noted on the plans prior to construction.
 - g. Sidewalks are required along both sides of all streets
 - h. Varying front home elevations other than just the type of windows used. No two homes should have the same front elevation if located directly or diagonally across the street from each other or locate[d] on either side of a home on the same side of the street.
 - i. If detention ponds are built, the landscape plan must be approved by the City Council. The landscape plan shall include native plants, trees, park benches, trails or sidewalks and appropriate plantings at the base of the pond. The City Engineer may also require a water aerating system.
- 6. **Unlisted Development Standards:** Any development standards not listed herein shall be governed by the R-M development standards in the Zoning Ordinance, as amended, and by any other applicable City Codes and Ordinances pertaining to single-family developments.