

**ORDINANCE NO. 98-376**

**AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE GENERAL ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, BEING ORDINANCE NUMBER 77-439, AS HERETOFORE AMENDED, AND PROVIDING A CHANGE OF ZONING CLASSIFICATION FROM "C" COMMERCIAL TO PLANNED DEVELOPMENT DISTRICT FOR R-1.22 SINGLE FAMILY RESIDENTIAL AND ASSISTED LIVING ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ABSTRACT 392 OF DALLAS COUNTY; PROVIDING FOR SPECIAL CONDITIONS AND RESTRICTIONS ON SAID PROPERTY; AND PROVIDING FOR IMMEDIATE EFFECT.**

WHEREAS, a Request for Change in Zoning Classification was duly filed with the City of Cedar Hill, Texas, concerning the hereinafter described property and assigned Project number 98-16; and

WHEREAS, due notice of hearing was made in the time and manner prescribed by law and the Planning and Zoning Commission of the City of Cedar Hill, Texas, duly convened and conducted a public hearing for the purpose of assessing a zoning classification change on the hereinafter described property located in the City of Cedar Hill, Texas; and

WHEREAS, an additional opportunity for all interested persons to be heard was provided by the City Council of the City of Cedar Hill, Texas, at an open meeting, with proper notices posted;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:**


**SECTION 1.** The legal description of the property zoned herein is generally described as approximately 41.35 acres out of abstract 392, Dallas County, and more particularly described by metes and bounds attached hereto as "Exhibit "B".

**SECTION 2.** The zoning classification of "Tract I", as described herein as 28.61 acres, is hereby changed from "C" Commercial to a Planned Development District for R-1.22 single family residential and Assisted Living and the zoning classification of "Tract II", as described herein as 12.74 acres, is hereby changed from "C" Commercial to a Planned Development District for R-1.22 single family residential.

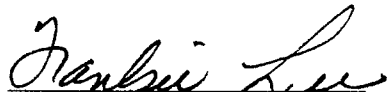
**SECTION 3.** The property zoned herein shall have Special Conditions and Restrictions as set forth in "Exhibit "A" attached hereto. Such restrictions and conditions are hereby officially adopted, approved and ordered as a part of the Planned Development District zoned herein.

**SECTION 4.** The zoning classification of this Planned Development District will take immediate effect after the passage of this Ordinance by the City Council of the City of Cedar Hill, Texas.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Cedar Hill, Texas, this the 23<sup>h</sup> day of June 1998.

  
Rob Franke, Mayor

ATTEST:

  
Frankie Lee, City Secretary

Planned Development District  
For  
Single Family Uses & Assisted Living

Pleasant Run Road East of Highway 67  
Cedar Hill, Texas

EXHIBIT A

(a) Definitions and interpretations.

- (1) This ordinance is incorporated by reference into the Zoning Ordinance, City of Cedar Hill, as amended. In the event of a conflict, this ordinance controls.
- (2) Unless otherwise stated, the definitions and provisions contained in the Zoning Ordinance, City of Cedar Hill, as amended, apply to this ordinance.
- (3) Assisted Living Use: A residential facility principally designed for persons 55 years of age or older and complies with the development guidelines of this ordinance. This use does not include a nursing home, which is licensed by the state as a skilled nursing care facility.
- (3) Unless otherwise stated, all code references are to the Zoning Ordinance, City of Cedar Hill, as amended.
- (4) All attached exhibits are part of this ordinance.

(b) Concept plan. Development of the Property must comply with the attached concept plan, Exhibit B. A general metes and bounds description of each tract within this Planned Development District is part of this ordinance.

(c) Development plan. A detail development plan for each phase of development requires an administrative approval by the planning and zoning commission prior to the issuance of a building permit for development within that phase. A preliminary plat may also be submitted with the development plan. The development plan must be in substantial compliance with the approved concept plan and provisions of this ordinance. Development must comply with the approved development plan. An amendment to a detailed development plan must be approved by the commission, except for minor amendments, which may be approved by the director of planning as specified in Section (d) of this ordinance. If the commission does not approve a development plan or an amendment to a development plan, the applicant may appeal the decision to the council within 10

days of commission action. Each detailed development plan submission must provide a cumulative number of single family units.

(d) Minor amendments.

(1) The director of planning may approve an amendment to the detail development plan that does not:

(A) alter the basic relationship of the proposed development to property adjacent to the Property;

(B) change the uses permitted;

(C) increase the maximum number of single family units and heights;

(D) decrease the minimum floor area for single family units;

(2) An applicant may appeal the decision of the director to the commission.

(e) Stage construction Preliminary and final plats may submitted for each stage of development at any time.

(f) Main uses permitted.

(1) Tract I: All uses allowed in a Residential -1.22 District plus an assisted living use are permitted.

(2) Tract II: All uses allowed in a Residential - 1.22 District are permitted.

(g) Development standards.

Tract I

(1) For all uses allowed in a Residential -1.22 District, the development standards for a Residential -1.22 District apply.

(2) Lots used for single family purposes must be located more than fifty feet from the southern property line unless the lots are screened from the commercial development to the south by a six foot masonry wall.

(2) Unless otherwise provided in this ordinance, an assisted living use must comply with the provisions of an Apartment District.

(i) Central dining room facilities must be provided for all residents. Kitchens are prohibited in each unit.

(ii) No more than 20 units per acre are allowed.

(iii) Required off-street parking is 0.7 spaces per unit, plus one space per 300 square feet of floor area not in a dwelling unit.

(iv) Except as otherwise provided in subparagraphs (v) and (vi), each occupied dwelling unit must have at least one elderly resident.

(v) One dwelling unit may be designated as a caretaker unit whose occupants are not subject to the age restriction of 55 years or older.

vi. An assisted living use can not exceed ten acres.

Tract II:

Unless otherwise stated in this ordinance, the development standards in a Residential – 1.22 District apply.

(h) Additional provisions:

- (1) The entire Property must be maintained in a state of good repair and neat appearance.
- (2) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Cedar Hill.

LEGAL DESCRIPTION  
TRACT I

Being a tract of land situated in the J.W. Darby Survey, Abstract Number 392, City of Cedar Hill, Dallas County, Texas and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the south right-of-way line Pleasant Run Road and the east right-of-way line Clark Road;

THENCE N 89° 45' 33" E, 550.00 feet along the south right-of-way Pleasant Run Road to the POINT OF BEGINNING;

THENCE N 89° 45' 33" E, 516.91 feet continuing along said south right-of-way Pleasant Run Road to the approximate center line of a creek;

THENCE along the approximate center line of said creek the following bearings and distances;

S 25° 10' 46" W, 109.77 feet;

S 06° 52' 17" E, 168.90 feet;

S 14° 09' 25" W, 206.79 feet;

S 10° 38' 26" E, 240.83 feet;

S 50° 25' 31" E, 182.38 feet;

S 06° 39' 33" E, 284.52 feet;

S 17° 55' 40" W, 102.52 feet;

S 19° 58' 59" E, 117.53 feet;

S 22° 58' 52" W, 297.61 feet;

S 03° 25' 00" E, 192.57 feet;

THENCE S 53° 56' 23" W, 165.47 feet departing from said approximate center line of the creek;

THENCE N 45° 40' 25" W, 376.65 feet;

THENCE N 80° 40' 03" W, 410.00 feet;

THENCE S 79° 19' 57" W, 292.00 feet to a point in the east right-of-way line Clark Road;

THENCE N 00° 40' 03" W, 584.42 feet along the east right-of-way Clark Road;

THENCE N 89° 45' 33" E, 550.00 feet departing said Clark Road;

THENCE N 00° 40' 03" W, 513.55 feet;

THENCE N 00° 30' 50" W, 495.69 feet to the POINT OF BEGINNING and containing 1,246,644 square feet or 28.61 acres of land more or less.

**EXHIBIT "B"**

Page 6 of 8 - Ordinance No \_\_\_\_\_

**LEGAL DESCRIPTION  
TRACT II**

Being a tract of land situated in the J.W. Darby survey, Abstract No. 392, City of Cedar Hill, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the south right-of-way line of Pleasant Run Road with the east right-of-way line of Clark Road;

THENCE N 89° 45' 33" E, 550.00 feet along the south line of said Pleasant Run Road;

THENCE S 00° 30' 50" 495.69 feet;

THENCE N 00° 40' 03" W, 513.55 feet;

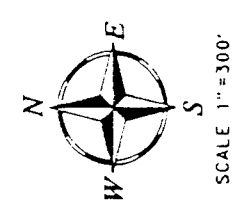
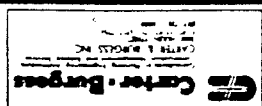
THENCE S89° 45' 33" W, 550.00 feet to the east right-of-way line of said Clark Road;

THENCE N 00° 40' 03" E, 513.55 feet;

THENCE N 00° 30' 50" W, 495.69 feet along the east right-of-way line of said Clark Road to the POINT OF BEGINNING, and containing 12.74 acres of land, more or less.

|             |      |    |       |
|-------------|------|----|-------|
| PROJECT NO. | DATE | BY | SCALE |
|             |      |    |       |
|             |      |    |       |
|             |      |    |       |
|             |      |    |       |

AN EXHIBIT SHOWING 2 TRACTS OF LAND  
 SITUATED IN THE  
 J.W. DARBY SURVEY, ABSTRACT NUMBER 392,  
 CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS.



SCALE 1" = 300'

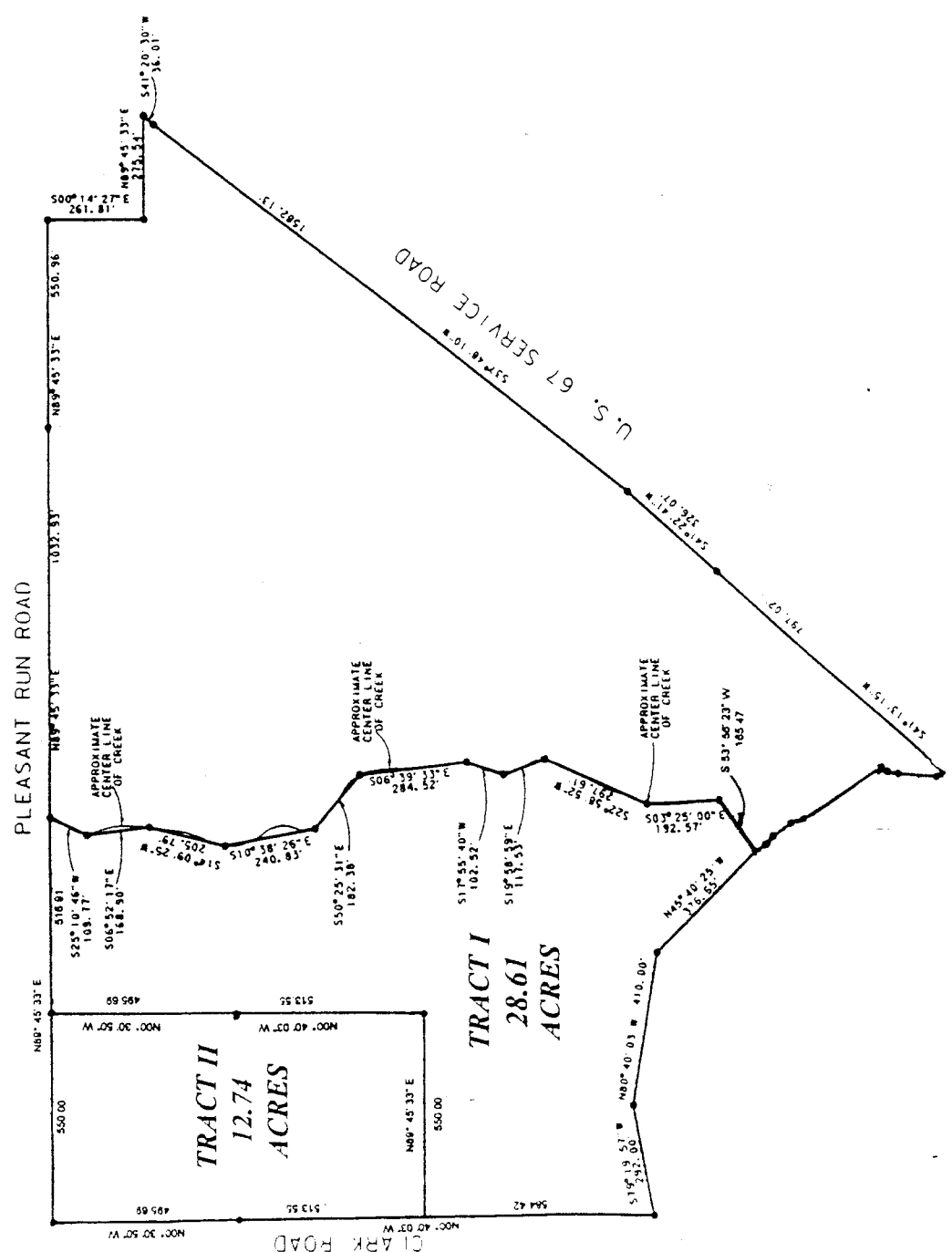


EXHIBIT "B"  
 Page 8 of 8 - Ordinance No \_\_\_\_\_



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**ARTICLE V-D. – R-1.22 - SINGLE FAMILY DWELLING  
DISTRICT REGULATIONS**

(Ord. No. 92-124, 07-28-92)

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**Section I. Use restrictions.**

In R-1.22 Single Family Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than (those specified in the forgoing R-1 zoning district): See Article V, Section 1, supra.

**Section 2. Height Regulations.**

No building shall exceed three (3) stories in height.

**Section 3. Area Regulations.**

- (1) **Front Yard.**
  - (a) There shall be a front yard having a minimum depth of not less than thirty (30) feet, except hereinafter provided in the section on variances and exceptions.
  - (b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
- (2) **Side Yard.** Side yards shall be a minimum of five (5) feet. The side yard of a corner lot adjacent to a street shall be at least ten (10) feet. The side yard of corner lots having adjoining structures fronting on two sides shall be a minimum of thirty (30) feet.
- (3) **Rear Yard.** There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot.
- (4) **Area of the Lot.** The minimum area of the lot shall be ten thousand (10,000) square feet; however, a lot having an area of less than ten thousand (10,000) square feet that was of record prior to passage of this ordinance may be used for any use permitted in this article.
- (5) **Width of lot.** The minimum width of the lot shall be eighty (80) feet. On cul-de-sacs and irregular width lots the building line shall be seventy (70) feet.
- (6) **Minimum Depth of lot.** The minimum depth of the lot shall be one hundred (100) feet. Lots backing up to major thoroughfares shall be a minimum depth of hundred forty (140) feet.
- (7) **Parking Regulations.** Each dwelling unit shall have not less than a two (2) car garage. Garage openings shall be side or rear entry.
- (8) **Area of Dwelling.** Two thousand two hundred (2,200) square feet shall be the minimum living area of the dwelling.
- (9) **Type of Construction.** A minimum of eighty (80%) percent of the exterior of all residential dwellings shall be of masonry and/or glass construction. For nonresidential structures, a minimum of one hundred (100) percent of the exterior of shall be of masonry and/or glass construction. Storage buildings need not comply with the provisions of this subsection.

**Section 4. Enclosure of garages.**

In all residential districts zoned after March 26, 1985 or in districts that were zoned planned development districts with garage requirements, prior to or after March 26, 1985, such garages shall not be enclosed for residential living purposes unless and until they are replaced with separate garages, either attached or detached that meet the requirements of the Comprehensive Zoning Ordinances and Building Code of the City of Cedar Hill.