

ORDINANCE 2006 - 05

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, BY PROVIDING FOR THE ESTABLISHMENT OF DEER MEADOW PLANNED DEVELOPMENT DISTRICT; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THERWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. That Article 30 titled, Deer Meadow Planned Development District (PD-DM) be added as a supplement to read as follows:

**DEER MEADOW DEVELOPMENT
PLANNED DEVELOPMENT DISTRICT
DEVELOPMENT STANDARDS**

City of Canton, Texas

PLANNED DEVELOPMENT (P.D.)

Description: Approximately 14.25 acres of land being generally south and adjacent to State Highway 243. The boundaries of the Planned Development District are defined in the field notes attached herein as Exhibit "A".

Purpose and Intent: The purpose of this Planned Development Zoning District is to provide a quality development in an orderly fashion.

Procedure: The standards contained herein set forth the conceptual requirements for the development of the district. Following approval of this ordinance, the developer shall prepare, in a phased manner where applicable, detailed site engineering plans, along with a final plat for a specific tract or area to be developed and conforming to the criteria established herein.

GENERAL CONDITIONS

Conformance to All Applicable Articles of the Canton Ordinances, Rules and Regulations:

Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Canton Zoning Ordinance, as they presently exist as the approval date of this ordinance.

DEVELOPMENT CONDITIONS

Permitted Uses:

Single Family

Development Phasing:

The property will be developed in tracts as development market warrants.

Provided Entry Features:

Project point of entry will be identified with a "Deer Meadow" Monument. Entry improvements shall be approved at the time of Building Construction Permitting. The Homeowners Association will maintain the entry.

Streets:

The project will contain two (2) streets being thirty-two feet (32') in width (back of curb to back of curb). Streets may have rolled California Curb, if desired by the developer. The streets will be six inch (6"), three thousand (3000) psi concrete.

Cul-de-Sacs:

The project will contain two (2) cul-de-sacs, one being forty-two foot (42') radius, and the southernmost one will be (50').

Alleys:

Alleys shall not be required within the entire Planned Development District. Front entry or side entry access allowed in all residential districts.

Right-of Way:

Beginning at the project entrance on Hwy 243, the right-of-way will be fifty feet (50') for approximately three hundred sixty feet (360') and widen to sixty feet (60') within the residential area.

Landscaping of Public Right-of-Way:

Parkways along the major circulation streets will be landscaped without trees between the sidewalk and street.

Additional Permitted Uses:

1. Sales and Leasing Offices during the development and marketing of the residential area.
2. Accessory buildings and uses customarily incidental to the permitted uses
3. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.

Planned Development District Standards:

Minimum Lot Width	60 feet
Minimum Lot Depth	100 feet
Minimum Lot Size	7000 sq. ft.
Minimum Dwelling Size *	1500 sq. ft.
Maximum Building Height **	30 feet
Maximum Lot Coverage	80%
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback ***	5 feet
Minimum Rear Yard Setback	20 feet
Minimum Rear and Side Setback For Accessory Structures	6 feet

* Exclusive of Garages, Breezeways, and Porticos

** Accessory Buildings shall conform to the height limitations of the main building

*** 15 feet minimum side yard setback on corner lots, adjacent to a street

Building Standards:

- Minimum 1,500 sq. ft. living space
- Minimum two-car garage with a sixteen-foot (16') wide driveway.
- Minimum 7:12 roof pitches
- Exterior walls shall be constructed of masonry, stone, stucco, or concrete tilt-wall, exclusive of doors and windows. Glass may be used in lieu of masonry, stone, stucco, or concrete tilt-wall.
- Backyard will be fenced with a six-foot (6') tall wooden fence. Metal posts are mandatory for the community perimeter wall.
- Mailboxes will be bricked and placed on property lines. There will be two mailboxes grouped on every other property line.
- Three-foot (3') sidewalks to be built as houses are completed.

Homeowners' Association:

A homeowners' association shall be established to maintain common area improvements specifically identified within this ordinance.

Landscaping:

Residential:

A minimum of one (1) hardwood tree, minimum two-inch (2'') caliper located no closer than ten feet (10') to the street.

The homeowners' association will maintain designated common areas.

Tree Preservation:

The preservation of any existing trees, regardless of specie, shall be credited in the calculation of required tree quantities, in all areas, as follows.

Preserved Tree Calliper Size *	Tree Credits
4" Caliper Tree Preserved	3 Trees
6" Caliper Tree Preserved	4 Trees
8" Caliper Tree Preserved	5 Trees
10" Caliper Tree Preserved	6 Trees
12" Caliper Tree Preserved	7 Trees
14" Caliper Tree Preserved	8 Trees
16" Caliper Tree Preserved	9 Trees
18" Caliper Tree Preserved	10 Trees
18+ " Caliper Tree Preserved	10 Trees plus 1 Tree for every 2" Increase

* Measured at 48" Trunk Height

Tree credits shall be applicable provided a preserved existing tree dripline is within fifty feet (50') of any developed area.

Project landscaping requirements are applicable at the time of Building Construction Permitting and shall be implemented at a horticultural appropriate time, and as construction and development progress allows. All landscaping is the responsibility of each project owner, and not necessarily that of the developer.

Utilities:

- All utilities within the subdivision will be underground.
- An engineered, designed gravity flow sewer system will serve the subdivision.
- Sewer/Water lines will run along property lines and in the street easements. No utilities will run under the street.

Lighting:

- Street lights will be located along the streets and conform to TXU standards

SECTION 2. VIOLATION AND PENALTY

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Canton, Texas, and, upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Each and every day the offense continues shall be deemed to constitute a separate offense.

In addition to the cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance.

SECTION 3. REPEAL OF CONFLICTING ORDINANCE

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

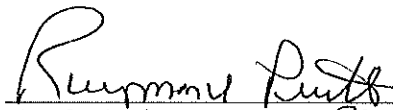
SECTION 4. SEVERABILITY CLAUSE

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

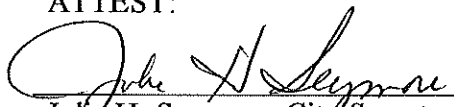
SECTION 5. EFFECTIVE DATE

The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties, and effective date of this ordinance to be published in a newspaper having general circulation in the City of Canton, Texas, prior to its effective date. Following the publication, this ordinance shall be in full force and effect.

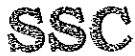
PASSED, ADOPTED AND APPROVED by a majority vote of the City Council of Canton, Texas, on this the 17th day of April, 2006, to attest which we hereunto set our hands and seal.



R. C. Anderson, Mayor *PRO TEM*

ATTEST:


Julie H. Seymore, City Secretary



STANGER SURVEYING COMPANY

100 WEST DALLAS STREET
CANTON, TEXAS 75103

PH: 903-567-5680

FAX: 903-567-6861

**DESCRIPTION FOR A 15.50 ACRE TRACT OF LAND
JESSE STOCKWELL SURVEY, ABSTRACT NO. 760
VAN ZANDT COUNTY, TEXAS**

BEING a 15.50 acre tract of land situated within the corporate limits of the City of Canton, Van Zandt County, Texas, being a part of the Jesse Stockwell Survey, Abstract No. 760, and being a part of that certain called 21.38 acre tract described in a Warranty Deed, dated September 10, 1982, from Karl Jens Hansen, Individually and as Attorney-in-Fact for William Arthur Hamilton, to Cary A. Price, et ux, recorded in Volume 989, Page 481, Deed Records of Van Zandt County, Texas, said 15.50 acre tract of land being more particularly described as follows:

BEGINNING at a railroad rail (found) at a fence corner at the South corner of the above referenced 21.38 acre tract;

THENCE: North 45° 58' 06" West, with the Southwest line of said 21.38 acre tract, a distance of 269.54 feet to a 5/8 inch iron rod (found) for corner at the West corner of same;

THENCE: North 27° 49' 35" East (Bearing Base, per Vol. 989, Pg. 481), with the Northwest line of said 21.38 acre tract, a distance of 1684.55 feet to a 5/8" iron rod (found) for corner at an angle in same and at the Southeast corner of that certain called 2.0 acre tract described in a Deed to A. E. Hardin, et ux, recorded in Volume 853, Page 908, Deed Records of Van Zandt County, Texas;

THENCE: North 06° 45' 00" East, continuing with the Northwest line of said 21.38 acre tract and with the East line of said 2.0 acre tract, a distance of 298.09 feet to a 1/2 inch iron rod (set) for corner at the Northwest corner of said 21.38 acre tract and being located in the South line of State Highway No. 243;

THENCE: South 85° 57' 12" East, with the most Westerly North line of said 21.38 acre tract and with the South line of State Highway No. 243, a distance of 49.17 feet to a point for corner in same, from which a 1/2 inch iron rod (set) for reference bears South 06° 24' 48" West - 0.50 feet;

THENCE: South 06° 24' 48" West, across said 21.38 acre tract, a distance of 400.69 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 10° 32' 24" East, across said 21.38 acre tract, a distance of 137.59 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 06° 12' 17" East, across said 21.38 acre tract, a distance of 175.46 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 19° 24' 41" East, across said 21.38 acre tract, a distance of 457.77 feet to a 1/2 inch iron rod (set) for corner in the Southeast line of same;

THENCE: South 44° 56' 06" West, with the Southeast line of said 21.38 acre tract, a distance of 1172.50 feet back to the **PLACE OF BEGINNING** and containing 15.50 acres of land.

I, Mark D. Bryant, Sr., Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made under my supervision during the month of September, 2000.

See Plat of Survey prepared even date.

A red plastic cap stamped "Stanger" was placed on the above described 1/2 inch iron rods (set).

GIVEN UNDER MY HAND AND SEAL, this the 20th day of September, 2000.

FILE COPY

Mark D. Bryant, Sr.
Registered Professional Land Surveyor
State of Texas No. 4360

J.N. C00231(15.50)

Survey Completed: 9-20-2000





STANGER SURVEYING COMPANY

100 WEST DALLAS STREET
CANTON, TEXAS 75103

PH: 903-567-5680

FAX: 903-567-6861

**JESSE STOCKWELL SURVEY, ABSTRACT NO. 760
VAN ZANDT COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION FOR 1.00 ACRE OF LAND

BEING 1.00 acre of land situated within the corporate limits of the City of Canton, Van Zandt County, Texas, being a part of the Jesse Stockwell Survey, Abstract No. 760, and being a part of that certain called 15.50 acre tract described in a Warranty Deed with Vendor's Lien, dated September 26, 2000, from Cary A. Price and Diane Price to David M. Southerland and wife, Carolyn L. Southerland, recorded in Volume 1584, Page 588 of the Real Records of Van Zandt County, Texas. Said 1.00 acre of land being more particularly described as follows:

BEGINNING 1/2 inch iron rod capped "Stanger" (found) for corner at the most Easterly corner of the above referenced 15.50 acre tract and at the most Southerly corner of that certain called 7.33 acre tract described in a Warranty Deed with Vendor's Lien, dated September 29, 2000, from Cary A. Price and wife, Diane Price to David M. Southerland and wife, Carolyn L. Southerland, recorded in Volume 1585, Page 31 of the Real Records of Van Zandt County, Texas;

THENCE: South 44 deg. 56 min. 06 sec. West (Bearing Base, per Vol. 1584, Pg. 588, R.R.V.Z.C.T.), with the Southeast line of said 15.50 acre tract, a distance of 198.78 feet to a 1/2 inch iron rod (set) for corner in same;

THENCE: North 45 deg. 03 min. 54 sec. West, across said 15.50 acre tract, a distance of 193.68 feet to a 1/2 inch iron rod (set) for corner;

THENCE: North 44 deg. 56 min. 06 sec. East, across said 15.50 acre tract, a distance of 241.73 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 21 deg. 11 min. 04 sec. East, across said 15.50 acre tract, a distance of 34.57 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 46 deg. 16 min. 43 sec. East, across said 15.50 acre tract, a distance of 83.18 feet to a 2 inch steel fence post (found) for corner;

THENCE: South 46 deg. 29 min. 39 sec. East, across said 15.50 acre tract, a distance of 14.21 feet to a 1/2 inch iron rod (set) for corner in the East line of same and in the West line of the above mentioned 7.33 acre tract;

THENCE: South 19 deg. 24 min. 41 sec. East, with the East line of said 15.50 acre tract and with the West line of said 7.33 acre tract, a distance of 71.77 feet back to the **PLACE OF BEGINNING** and containing 1.00 acre of land.

I, Mark D. Bryant, Sr., Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made under my supervision during the month of December, 2004.

A red plastic cap stamped "Stanger" was placed on the above described 1/2 inch iron rods (set).

GIVEN UNDER MY HAND AND SEAL, this the 9th day of December, 2004.

FILE COPY

Mark D. Bryant, Sr.
Registered Professional Land Surveyor
State of Texas No. 4360

J.N. C00231(1.00-R)

Survey Completed: 12-08-2004



SSC

STANGER SURVEYING COMPANY

100 WEST DALLAS STREET
CANTON, TEXAS 75103

PH: 903-567-5680

FAX: 903-567-6861

**JESSE STOCKWELL SURVEY, ABSTRACT NO. 760
VAN ZANDT COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION FOR AN EASEMENT

BEING 1.12 acres of land situated within the corporate limits of the City of Canton, Van Zandt County, Texas, being a part of the Jesse Stockwell Survey, Abstract No. 760, and being a part of that certain called 15.50 acre tract described in a Warranty Deed with Vendor's Lien, dated September 26, 2000, from Cary A. Price and Diane Price to David M. Southerland and wife, Carolyn L. Southerland, recorded in Volume 1584, Page 588 of the Real Records of Van Zandt County, Texas. Said 1.12 acres of land being more particularly described as follows:

BEGINNING at a point for corner at the Northeast corner of the above referenced 15.50 acre tract, at the Northwest corner of that certain called 7.33 acre tract described in a Warranty Deed with Vendor's Lien, dated September 29, 2000, from Cary A. Price and wife, Diane Price to David M. Southerland and wife, Carolyn L. Southerland, recorded in Volume 1585, Page 31 of the Real Records of Van Zandt County, Texas, and being located in the South line of State Highway No. 243, from which a 1/2 inch iron rod capped "Stanger" (found) and used for reference bears South 06 deg. 24 min. 48 sec. West, a distance of 0.50 feet;

THENCE: South 06 deg. 24 min. 48 sec. West, with the East line of said 15.50 acre tract and with the West line of said 7.33 acre tract, a distance of 400.69 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: South 10 deg. 32 min. 24 sec. East, with the East line of said 15.50 acre tract and with the West line of said 7.33 acre tract, a distance of 137.59 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: South 06 deg. 12 min. 17 sec. East, with the East line of said 15.50 acre tract and with the West line of said 7.33 acre tract, a distance of 175.46 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: South 05 deg. 47 min. 06 sec. East, across said 15.50 acre tract, a distance of 97.65 feet to a 2 inch steel fence post (found) for corner;

THENCE: South 10 deg. 02 min. 40 sec. East, across said 15.50 acre tract, a distance of 141.65 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 21 deg. 11 min. 04 sec. East, across said 15.50 acre tract, a distance of 29.94 feet to a 1/2 inch iron rod (set) for corner at the North corner of a 1.00 acre tract surveyed this same date;

THENCE: South 44 deg. 56 min. 06 sec. West, across said 15.50 acre tract and with the Northwest line of said 1.00 acre tract, a distance of 59.66 feet to a 1/2 inch iron rod (set) for corner;

THENCE: North 10 deg. 02 min. 06 sec. West, across said 15.50 acre tract, a distance of 300.21 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: North 06 deg. 12 min. 17 sec. West, across said 15.50 acre tract, a distance of 179.35 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: North 10 deg. 32 min. 24 sec. West, across said 15.50 acre tract, a distance of 148.24 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: North 06 deg. 45 min. 00 sec. East, across said 15.50 acre tract, at 103.16 feet passing a 5/8 inch iron rod (found) at an angle corner of said 15.50 acre tract and the Southeast corner of that certain called 2.0 acre tract described in a Deed to A. E. Hardin, et ux, recorded in Volume 853, Page 908 of the Deed Records of Van Zandt County, Texas, continuing with the most Northerly West line of said 15.50 acre tract and with the East line of said 2.0 acre tract, in all a total distance of 401.25 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner at the Northwest corner of said 15.50 acre tract and being located in the South line of State Highway No. 243;

THENCE: South 85 deg. 57 min. 12 sec. East, with the North line of said 15.50 acre tract and with the South line of State Highway No. 243, a distance of 49.17 feet back to the **PLACE OF BEGINNING** and containing 1.12 acres of land.

I, Mark D. Bryant, Sr., Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made under my supervision during the month of December, 2004.

A red plastic cap stamped "Stanger" was placed on the above described 1/2 inch iron rods (set).

Bearings are based on the record bearing of "S 44°56'06" W" along the monumented Southeast line of the above mentioned 15.50 acre tract, per Vol. 1584, Pg. 588, R.R.V.Z.C.T.

See Plat of Survey prepared even date

GIVEN UNDER MY HAND AND SEAL, this the 9th day of December, 2004.

FILE COPY

Mark D. Bryant, Sr.
Registered Professional Land Surveyor
State of Texas No. 4360

J.N. C00231(1.12-ESMT)

Survey Completed: 12-08-2004

