

## ORDINANCE # 015

### AN AMENDMENT TO ORDINANCE NO. 007 OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING FOR PLANNED DEVELOPMENT DISTRICT NO. 1 (PDD #1), OUTLINING EXACT DEVELOPMENT, SPECIFIC LAND USAGE, PROVIDING FOR PENALTY AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS** Appendix No. 5 to Ordinance No. 007 provides for a Planned Development District (PDD) in that part of the City located between Highland Drive (CR 125) and Post Oak Road (CR 131) and situated between Hwy 1431 and a line defined by the Northern boundary line of Shady Acres Subdivision, Section two (2), from Post Oak Road (CR131) to the point this boundary line intersects the Eastern boundary of the Highland Haven Subdivision, Section six (6) to its intersection with Highland Drive (CR 125) right-of-way; and

**WHEREAS** Mr. David Clampitt currently owns a 1.31 acre tract developed with a home and a 6.96 acre tract of undeveloped land in the above described area; and

**WHEREAS** Mr. Clampitt has submitted a request for Planned Development District No. 1 (PDD #1) for 8.27 acres which includes all of the 1.31 acre tract and the 6.96 acre tract; and

**WHEREAS** the total acreage exceeds the three (3) acre minimum required for a PDD; and

**WHEREAS** Mr. Clampitt has submitted a written Conceptual Plan, A Development Plan and a plat.

### SUPPLEMENTAL DATA DESCRIBING STANDARDS, SCHEDULES AND OTHER PERTINENT DATA ARE AS FOLLOWS:

#### 1.31 ACRE TRACT

**1. Out-building development on the 1.31 acre residential site as indicated in the Conceptual Plan will exceed that permitted within the Single Family Residential District (A). Development of this tract as proposed by Mr. Clampitt includes:**

- a. One single family residence. **Current status - existing on March 1, 1996.**
- b. One water well house. **Current status - existing on March 1, 1996.**
- c. One dog house. **Current status - existing on March 1, 1996.**
- d. One 8' X 9' storage building. **Current status - existing on March 1, 1996.**
- e. One 30' X 60' shop building with attached 30' X 24' carport. **Current status - existing as of August 15, 1996. Construction was started before March 1, 1996.**
- f. Construct a 24' X 24' carport. **Current status - construction suspended.** The Conceptual Plan indicates that this carport will have a concrete slab, metal roof, metal supports enclosed with brick, and three (3) feet high brick walls on three (3) sides. **A building permit must be obtained before resuming construction of this 24' X 24' carport.** The permit fee for this carport is included in the \$125 fee for PDD #1. **Completion of the carport is projected within six (6) months following the effective date of this ordinance.**
- g. Construct a 12' X 28' wooden deck adjacent to the south side of the residence. **Current Status - not started. A building permit must be obtained for the deck.** The building permit fee is included in the \$125.00 PDD #1 fee. **Completion is projected within six (6) months following the effective date of this ordinance.**
- h. Improve entrance gate and perimeter fencing. **Current status - old fencing has been removed.** The Conceptual indicated that the gate will be a standard ranch type with rock entry posts. The perimeter fence will consist of 1" X 2" mesh wire, five feet in height and decorative metal posts. **A building permit is not required to construct this perimeter fence as herein described.** Completion is projected on or before January 1, 1997.
- i. Construct an internal fence to separate the residence from the open area of the property. **Current status - not started.** Mr. Clampitt has stated that internal fencing will consist of 1" X 2" mesh wire, five feet in height and decorative metal posts. **A building permit is not required to construct the internal fence as herein described.** Completion is projected on or before January 1, 1997.
- j. Construct a 30' X 30' metal storage building. **Current status - construction suspended.** Only one storage building is permitted on a lot zoned as Single Family Residence, District (A.). **This 30' X 30' storage building is hereby authorized as a part of this ordinance provided: (1) Its location, relative to the 1.31 acre property lines conform to that specified in (SECTION III), (B) of Ordinance No. 007; (2) The visible metal used in the outside walls and roof is the same color as used in the 30' X 60' shop building with attached 30' X 24' carport. (3) Roof pitch is the same or greater than that of the 30' X 60' shop building with attached 30' X 24' carport. (4) Wall height does not exceed 10 feet. A building permit will be required before resuming construction.** The building permit fee is included in the \$125.00 PDD #1 fee. **Completion is projected within one (1) year following the effective date of this ordinance.**

#### 2. Landscaping

- a. Mr. Clampitt has stated that Costal Bermuda grass will be planted and grown in all areas of the 1.31 acre tract not being used as drive-ways, lawn areas around the residence, garden plot and or orchard. **Current status - no significant progress.** A permit is not be required for landscaping however; landscaping as proposed above is necessary to prevent erosion and to maintain the beauty of the City. **Failure to plant and to continue to grow Costal Bermuda grass or a similar grass in the areas indicated above will be a violation of this ordinance and subject to penalty.** Mr. Clampitt may plant trees and non-nocuous shrubbery of his choice on this 1.31 acre tract.

#### 3. Specific use

- a. **Mr. Clampitt is hereby authorized to periodically maintain a maximum of three (3) horses on this 1.31 acre tract.** This specific use authorization to periodically maintain a maximum of three (3) horses terminates immediately upon sale, transfer of ownership by any means, or lease of all or any part of this 1.31 acre tract to a third party. **It is the intent of this Board of Aldermen for the City of Highland Haven, Texas, that this specific use authorization be for the sole benefit and enjoyment of Mr. David A. Clampitt and that this specific use authorization not run with the land.**

#### 6.96 ACRE TRACT

##### 1. Landscaping

- a. **Clear and thin cedar and underbrush, drain-clean-refill existing stock pond. Current status - no significant progress.** A permit is not required from the City of Highland Haven, Texas, for this landscaping this tract. **Approval of this landscaping does not release Mr. Clampitt from the responsibility of obtaining permits, if such be required by law, from other governmental agencies.** This landscaping project is scheduled for completion on or before September 1, 1998.

##### 2. Construction

- a. **Build a game fence around the perimeter of this tract. Current status - not started.** A permit is not required from the City of Highland Haven, Texas, for fencing of this tract.

This game fence project scheduled for completion or before September 1, 1998.

b. **Construct a single family residence. Current Status - not started.** This project will require a zone classification change from PDD #1 to Single Family Residential District (A) zone for the surveyed lot and also require full compliance with Ordinance No. 007. A completion date for this project is not required because all zone classification changes require a public hearing and approval of the Board of Alderman.

**3. Specific use**

a. **Stock this tract with exotic deer and/or antelope. Current status - not started.** Mr. Clampitt is hereby authorized, subject to obtainment of permits that may be required by other governmental agencies, to stock and graze exotic deer and/or antelope on any portion of this 6.96 acre tract that is not being used for residential purposes. **This specific use authorization to graze exotic deer and/or antelope terminates immediately upon sale, transfer of ownership by any means, or lease of all or any part of this 6.96 acre tract, not being used for a residence as contemplated in the preceding paragraph (2), (b.), to a third party. It is the intent of this Board of Aldermen for the City of Highland Haven, Texas, that this specific use authorization be for the sole benefit and enjoyment of Mr. David A. Clampitt and that this specific use authorization not run with the land.** This specific use authorization will require review by the Board of Aldermen, if not being utilized on or before September 1, 1998. This review may result in either termination or extension of this specific use.  
b. **Level site to park office trailers, equipment trailers, and heavy equipment. Current status - not started.** This type of land use is not authorized in Agriculture District (D). **Mr. Clampitt is hereby authorized to clear and level an area in which to park office trailer, equipment trailers and heavy equipment provided this parking site is not in view of traffic utilizing Highland Drive (CR 125). Use of such equipment (office trailer or equipment trailers) as living quarters, temporary living quarters or overnight camping will be a violation of this ordinance. Authorization to park trailers and heavy equipment is not to be conveyed to any other party and does not run with the land.**

**IMPACT**

- a. Access and egress - from Highland Drive (CR 125), Willow Road and Mr. Clampitt's private drive.
- b. Emergency services - immediate unrestricted access via Mr. Clampitt's private drive.
- c. No significant vehicular traffic increase is anticipated to occur from the development specified in the Conceptual plan.
- d. Utilities are adequate to support development specified in the Conceptual plan.
- e. No hazardous material or waste will be stored or used within PDD #1.
- f. No items or things will be manufactured for sale within PDD #1.

**NOW THEREFORE:**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS:

**SECTION 1. AUTHORIZATION**

The Board of Aldermen of the City of Highland Haven, Texas, hereby authorize implementation of this ordinance establishing PDD # 1 as provided by Appendix 5 - - Planned Development District (PDD) of Ordinance No. 007. The Board of Aldermen also waive the requirement for separate public hearings for the Conceptual plan and the Development plan. The Conceptual plan and the Development plan submitted by Mr. David Clampitt, attached hereto, for PDD #1 are hereby approved. **Construction and improvement must be completed as outlined in the Conceptual plan and/or as stated herein above. Any change must be approved by the Zoning Commission and the Board of Aldermen. Changes made without approval will be a violation and subject to penalty as prescribed herein.**

**SECTION 2. APPLICATION**

This ordinance applies to 8.27 acres of land owned by Mr. David Clampitt which is a combination of two tracts of land (1.31 acres and 6.96 acres) both of which are located within the City limits. These tracts when combined are eligible for a Planned Development District (PDD) designation. The location of these two tracts of land is indicated on the attached plat.

**SECTION 3. DEFINITION**

Improvement, development, construction and specific use authorizations as listed and stated herein apply only to Planned Development District No. 1 (PDD #1). Definitions of terms are the same as those that appear in Ordinance No. 007, its amendments and/or attachments.

**SECTION 4. PENALTY.**

Any person, corporation or association violating any provision of this amending ordinance and applicable provision of Ordinance No. 007 will be charged with a misdemeanor, and will be subject to a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00), and each day such violation continues will constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything is in violation of the ordinance, any architect, builder, contractor, agent, person or corporation, employed in connection therewith and who may have assisted in the commission of any such violation, will be charged as a separate offense and upon conviction thereof will be fined as provided above.

**SECTION 5. EFFECTIVE DATE.**

By vote of Aldermen it is determined that this ordinance shall be effective as of the date it is published in the official newspaper which shall be September 24, 1996.

PASSED AND APPROVED THIS 19 day of September 1996.

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John C. Josefy, Mayor

Attest:

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City Secretary

APPROVED AS TO FORM:

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City Attorney