

ORDINANCE NO. 761  
CITY OF HOWE, TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOWE, TEXAS, AMENDING HOWE'S ZONING ORDINANCE, AS AMENDED, TO REZONE A TRACT OF LAND, CONSISTING OF 468± ACRES OF LAND LOCATED IN THE JOSEPH HAYHURST SURVEY, ABSTRACT NO. 530 AND THE JOHN H. MILLER SURVEY, ABSTRACT NO. 834, GRAYSON COUNTY, TEXAS, IN THE CITY OF HOWE, GRAYSON COUNTY, TEXAS, HERETOFORE TEMPORARILY ZONED AGRICULTURAL DISTRICT (A); PROVIDING THAT THE TRACT IS HEREBY REZONED AS A PLANNED DEVELOPMENT DISTRICT AND PLACED IN THE PLANNED DEVELOPMENT DISTRICT-3 (PD-3) ZONING CLASSIFICATION; DESCRIBING THE TRACT TO BE REZONED; PROVIDING A PENALTY CLAUSE, SAVINGS AND REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Howe, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Howe, Texas ("Howe") to amend Howe's Zoning Ordinance, as amended ("Zoning Ordinance"), as set forth below; and

WHEREAS, Howe Commercial Ltd. previously submitted its requests for the Property to be annexed into the City of Howe, Texas; and

WHEREAS, the City of Howe, Texas, annexed the tracts into the City of Howe, Texas, and said property is currently within the boundary limits of the City of Howe, Texas, and pursuant to the Zoning Ordinance was temporarily classified as A – Agricultural District, until permanent zoning is established by the City Council; and,

WHEREAS, subject to the terms and conditions of the City of Howe and Howe Commercial Ltd. Chapter 380 Economic Development Program and Agreement, Howe Commercial Ltd. has submitted its Planned Development Zoning Application, dated 3-14-2019; and

WHEREAS, Howe Commercial Ltd., the owner of the Property, (hereinafter defined), initiated a request to rezone the land consisting of 468± acres, situated in the Joseph Hayhurst Survey, Abstract No. 530 and the John H. Miller Survey, Abstract No. 834, Grayson County, Texas, more particularly described and depicted in Exhibit A and Exhibit B (B, B1), attached hereto and incorporated herein for all purposes (the "Property"); and

WHEREAS, Applicant has requested that the Zoning Ordinance be amended to rezone the Property, heretofore temporarily zoned Agricultural District (A), by placing it in the Planned Development District-3 (PD-SF-3) zoning classification; and

WHEREAS, the City Council has investigated and determined that the facts contained in the Applicant's request are true and correct; and

WHEREAS, the City Council finds that, subject to the terms and conditions of the City of Howe and Howe Commercial Ltd. Chapter 380 Economic Development Program and Agreement, the Applicant/Owner of the Property have agreed to comply with all provisions of the ordinances of Howe, as they exist, may be amended or in the future arising, including, but not limited to, this Ordinance and the Zoning Ordinance; and

WHEREAS, the City Council further finds that the Applicant and the owner of the Property also have agreed to comply with the additional restrictions and conditions set forth herein, in the Development Standards attached hereto as Exhibit C (C, C1) and incorporated herein for all purposes and in the Concept Plan attached hereto as Exhibit D (D, D1) and incorporated herein for all purposes (collectively, "Additional Conditions"); and

WHEREAS, the Planning and Zoning Commission has submitted a final report to the City Council in support of granting the proposed Planned Development District; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law; public hearings have been held on the proposed rezoning; and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has investigated and determined that it will be advantageous and beneficial to Howe and its citizens to rezone the Property as set forth below; and

WHEREAS, the City Council finds that granting the requested Planned Development District, subject to the following general and special conditions, is in the best interest of the citizens of Howe.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOWE, 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: Amendment to the Zoning Ordinance. The Zoning Ordinance is hereby amended as follows: The zoning designation of the Property, and all streets, roads and alleyways, is hereby rezoned as Planned Development - District-3 (PD-3). The Property is more particularly described in Exhibit A and Exhibit B.

The development plans, standards and uses for the Property shall conform to and comply with the standards, rules and regulations for the development and uses of land within the Planned Development District- 3 (PD-3) zoning classification as set out in Exhibit C (C, C1) and Exhibit D (D, D1), which are incorporated herein and made a part of this ordinance for all purposes. The Planned Development shall be planned and constructed in accordance with the concept plan and land use designations in Exhibit D (D, D1). The permitted uses shall be those shown in Exhibit D as established by the existing Zoning Ordinance. The development of the Property also, subject to the terms and conditions of the City of Howe and Howe Commercial Ltd. Chapter 380 Economic Development Program and Agreement, must comply with the requirements of all applicable ordinances, rules and regulations of Howe, as they currently exist, may be amended or in the future arising. To the extent that any of the exhibits attached hereto are in conflict with the

provisions of this Ordinance or one another, the provisions of this Ordinance, then the provisions of Exhibit C and Exhibit D, shall prevail in that order.

Pursuant to 20.4.3. it is determined that the conceptual plan is sufficient and adequate for purposes of passage of this Ordinance and establishment of the Planned Development District. The requirement for a development plan is waived at this time. The City staff may require a detailed site plan in the future. The information on the concept plan is sufficient to determine the appropriate use of the land and the future detailed site plan will not deviate from it. The concept plan attached as Exhibit D (D, D1) is hereby approved. Such approval does not waive or affect any other procedures including but not limited to site plans, platting requirements, subdivision requirements or other applicable codes, ordinances or procedures.

The official zoning map of the City of Howe, Texas, shall be amended and changed to reflect to reflect the actions taken herein.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to use the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity or corporation to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Howe from filing suit to enjoin the violation. Howe retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7: Repealing/Savings. The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

**EXHIBIT "A"**  
**HILLTOP RANCH LEGAL DESCRIPTION**

BEING A TRACT OF LAND LOCATED IN THE JOSEPH HAYHURST SURVEY, ABSTRACT No. 530 AND THE JOHN H. MILLER SURVEY, ABSTRACT No. 834, GRAYSON COUNTY, TEXAS, BEING ALL OF TRACTS ONE AND TWO OF LAND DESCRIBED IN A DEED TO HOWE COMMERCIAL, LTD., RECORDED IN VOLUME 4046, PAGE 500, DEED RECORDS, GRAYSON COUNTY, TEXAS (D.R.G.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID HOWE TRACT TWO AND IN THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY No. 5 (S.H. 5), AND FROM WHICH A 1/2" IRON ROD FOUND BEARS N 24°17'01" W, 18.68 FEET;

THENCE ALONG THE EAST LINE OF SAID HOWE TRACT TWO AND THE WEST RIGHT-OF-WAY LINE OF SAID S.H. 5 AS FOLLOWS:

- 1) S 19°49'23" E, 113.08 FEET TO POINT AT THE BEGINNING OF A CURVE TO THE LEFT:
- 2) SOUTHEASTERLY, AN ARC LENGTH OF 460.36 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5779.58 FEET, A DELTA ANGLE OF 4°33'50", AND A CHORD BEARING OF S 22°02'08" E, 460.24 FEET TO A POINT;
- 3) S 24°23'23" E, 968.50 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE RIGHT:
- 4) SOUTHEASTERLY, AN ARC LENGTH OF 226.37 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5679.58 FEET, A DELTA ANGLE OF 2°17'01", AND A CHORD BEARING OF S 23°14'53" E, 226.35 FEET TO A POINT;
- 5) S 22°06'22" E, 3924.23 FEET TO THE SOUTHEAST CORNER OF SAID HOWE TRACT TWO;

THENCE ALONG THE SOUTH LINE OF SAID HOWE TRACT TWO AS FOLLOWS:

- 1) S 89°04'19" W, 1125.91 FEET TO A 3/4" IRON PIPE FOUND, SAID IRON PIPE BEING THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO OPAL ANDERSON, RECORDED IN VOLUME 2598, PAGE 482, D.R.G.C.T., AND BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO CLYDE RAY ASKEW AND DOROTHY J. ASKEW REVOCABLE LIVING TRUST, RECORDED IN VOLUME 5137, PAGE 478, D.R.G.C.T.;
- 2) S 88°50'49" W, ALONG THE NORTH LINE OF SAID ASKEW TRACT, AT 1213.91 FEET, PASSING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO HSIUTAO LING, YUN HUA LIN, TZU HSIANG HSU, AND CONNIE L. HSU, RECORDED IN VOLUME 4536, PAGE 179, D.R.G.C.T., CONTINUING ALONG THE NORTH LINE OF SAID LIANG, LIN, AND HSU TRACT, IN ALL A TOTAL DISTANCE OF 1513.88 FEET TO A 3/4" IRON ROD FOUND, SAID IRON ROD BEING THE MOST NORTHERLY NORTHWEST OF SAID LIANG, LIN, AND HSU TRACT;

3) S 88°57'29" W, 1795.46 FEET TO THE SOUTHWEST CORNER OF SAID HOWE TRACT TWO AND THE SOUTHEAST CORNER OF SAID HOWE TRACT ONE;

THENCE S 89°17'02" W, ALONG THE SOUTH LINE OF SAID HOWE TRACT ONE, 645.15 FEET TO THE SOUTHWEST CORNER OF SAID HOWE TRACT ONE AND BEING IN THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 75 (I.H. 75) (A VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A RAILROAD SPIKE FOUND BEARS S 52°24'30" W, 1.41 FEET;

THENCE ALONG THE WEST LINE OF SAID HOWE TRACT ONE AND THE EAST RIGHT-OF-WAY LINE SAID I.H. 75 AS FOLLOWS:

1) N 25°42'58" W, 22.05 FEET TO A POINT;

2) N 41°48'58" W, 180.40 FEET TO A POINT FROM WHICH THE REMAINS OF A CONCRETE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MONUMENT FOUND BEARS S 17°52' E, 0.8 FEET;

3) N 25°42'58"W, 695.20 FEET TO A POINT FROM WHICH THE REMAINS OF A CONCRETE TXDOT MONUMENT FOUND BEARS S 55°25' E, 0.8 FEET;

4) N 28°34'58"W, 801.00 FEET TO A POINT FROM WHICH THE REMAINS OF A CONCRETE TXDOT MONUMENT FOUND BEARS S 21°07' E, 0.7 FEET;

5) N 25°42'57"W, 397.69 FEET TO A 1" IRON PIPE FOUND, SAID IRON PIPE FOUND BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO GEORGE F. MIXON, JR., THE ESTATE OF GEORGE F. MIXON, SR., MAUDE L. DIXON, GEORGE F. MIXON, III, CYNTHIA MIXON BYNUM, & MARJORIE E. MIXON, RECORDED IN VOLUME 1756, PAGE 789, D.R.G.C.T.;

THENCE N 00°57'05"W, DEPARTING THE EAST RIGHT-OF-WAY LINE OF SAID I.H. 75, ALONG A SOUTH LINE OF SAID MIXON TRACT, A DISTANCE OF 195.61 FEET TO A POINT;

THENCE N 89°09'02"E, CONTINUING ALONG A SOUTH LINE OF SAID MIXON TRACT, 1608.51 FEET TO THE SOUTHEAST CORNER OF SAID MIXON TRACT, THE NORTHEAST CORNER OF SAID HOWE TRACT ONE, AND IN THE WEST LINE OF SAID HOWE TRACT TWO;

N 00°45'42"W, ALONG THE WEST LINE OF SAID HOWE TRACT TWO, THE EAST LINE OF SAID MIXON TRACT, AND THE EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED AS LOT 5 TO G. WARD PAXTON FLP II, LTD., RECORDED IN VOLUME 4896, PAGE 246, D.R.G.C.T., 3253.45 FEET TO THE NORTHWEST CORNER OF SAID HOWE TRACT TWO AND BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED AS LOT 8 TO SAID G. WARD PAXTON FLP II, LTD., RECORDED IN VOLUME 4896, PAGE 246, D.R.G.C.T.;

N 89°10'53"E, ALONG THE NORTH LINE OF SAID HOWE TRACT TWO, 2328.21 FEET TO THE PLACE OF BEGINNING AND CONTAINING 468.939 ACRES (20,426,981 SQ. FT.) OF LAND, MORE OR LESS.





ZONING CASE \_\_\_\_\_  
 SINGLE FAMILY LAND USE CHART  
 HILLTOP RANCH  
 EXHIBT "C" - DEVELOPMENT STANDARDS

3/12/2019

PROJECT	HOWE	PROJECT	HOWE	PROJECT	HOWE
LAND USE	BASE	LOT	LOT	LOT	LOT
ZONING	ZONING	WIDTH	WIDTH	DEPTH	DEPTH
HR-SF1	SF1			120'	110'
HR-SF2	SF2			120'	100'
HR-SF3	SF2	50'	60'	120'	100'

PROJECT	PROJECT	HOWE	PROJECT	HOWE	PROJECT
LAND USE	FRONT	FRONT	REAR	REAR	SIDE
ZONING	BL	BL	BL	BL	BL
HR-SF1	25'-20'	25'	25'-20'	30'	7.5'
HR-SF2	25'-20'	25'	25'-20'	30'	5'
HR-SF3	25'-20'	25'	25'-20'	30'	5'

HR-SF3 ZONING - SAME AS HOWE SF2 ZONING WITH EXCEPTIONS AS SHOWN ABOVE

FRONT BUILDING LINE - 25'-20' = 25' TO GARAGE - 20' TO HOUSE

REAR BUILDING LINE - 25'-20' = 25' TO GARAGE - 20' TO HOUSE

SIDE BUILDING LINE ADJACENT TO STREET - 25' TO GARAGE - 20' TO HOUSE

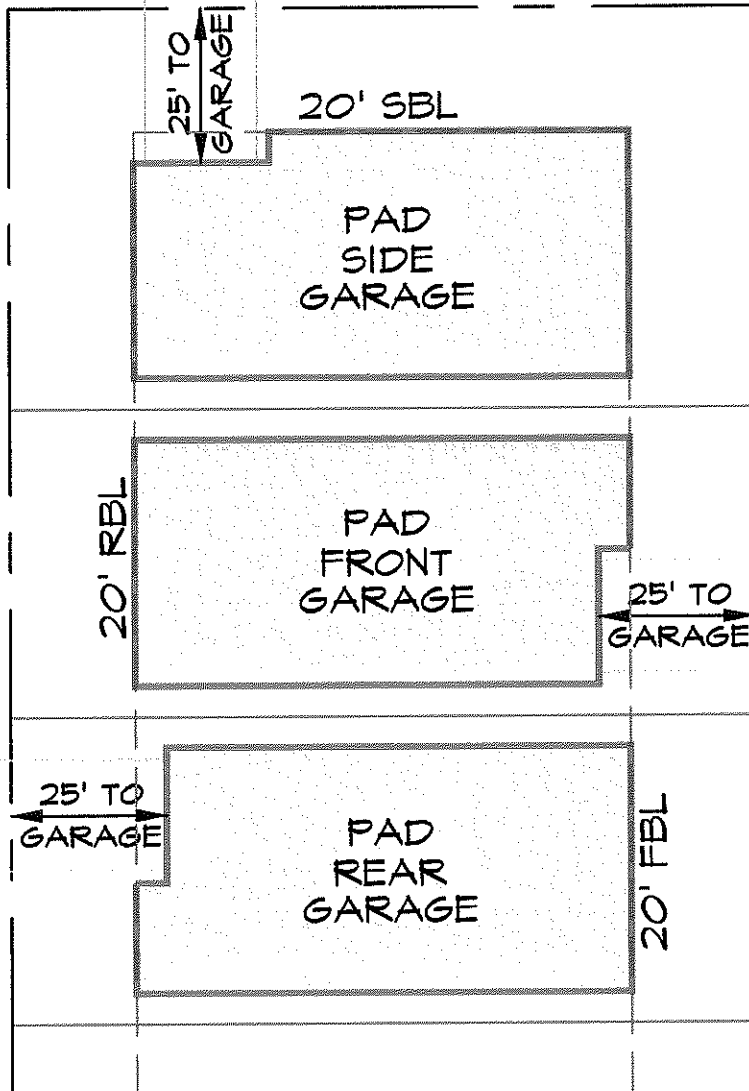
MAXIMUM HEIGHT ON ALL UNITS WILL BE 40'



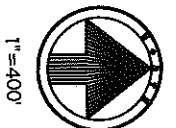
FRONT & REAR B.L.=20'  
EXCEPT AT GARAGE=25'  
INTERIOR SIDE BL=5' OR 7.5'  
ADJACENT TO STREET SIDE BL=20'  
EXCEPT AT GARAGE=25'

50' ROW

ALLEY (IF CONSTRUCTED)



50' ROW



LAND USE DATA

TRACT	ZONING	ACREAGE	MIN LOT	UNITS
1	SF1	72.8	70'	191
2	SF2	123.2	60'	493
3	SF3*	118.7	50'	296
4	SF3*	59.1	50'	296
5	MF	29.1		437
6	CI	14.5		
7	C2	51.5		
TOTAL		468.9		1713
8	CTY	5.0		
9	SD	10.8		

RESIDENTIAL DENSITY:  
 MULTI-FAMILY  
 29.1 ACRES ~ 437 UNITS  
 SINGLE-FAMILY  
 373.8 ACRES ~ 1276 UNITS  
 \* - SF2 ZONING WITH 50' WIDE LOTS



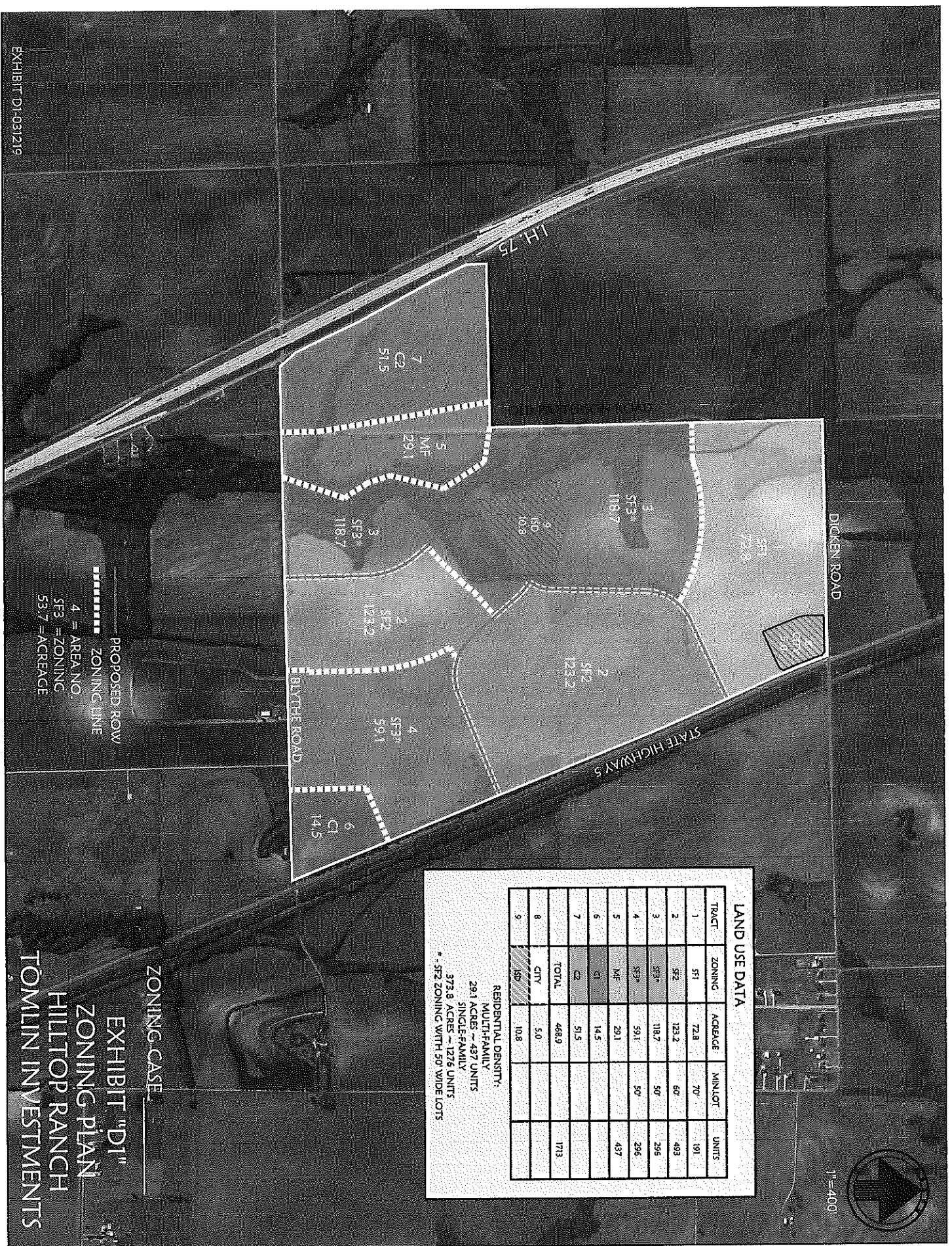
ZONING CASE \_\_\_\_\_

EXHIBIT "D"

ZONING PLAN  
 HILLTOP RANCH  
 TOMLIN INVESTMENTS



1"=400'



### LAND USE DATA

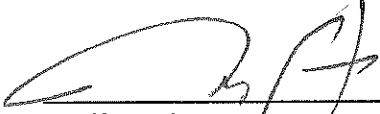
TRACT	ZONING	ACREAGE	MIN LOT	UNITS
1	SF1	72.8	70'	191
2	SF2	123.2	60'	493
3	SF3*	118.7	50'	296
4	SF3*	59.1	50'	296
5	MF	29.1		437
6	C1	14.5		
7	C2	51.5		
TOTAL		468.9		1713
8	C1	5.0		
9	C1	10.8		

RESIDENTIAL DENSITY:  
 MULTI-FAMILY  
 29.1 ACRES ~ 437 UNITS  
 SINGLE-FAMILY  
 373.8 ACRES ~ 1276 UNITS  
 \* - SF3 ZONING WITH 50' WIDE LOTS

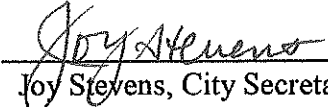
ZONING CASE \_\_\_\_\_

EXHIBIT "D1"  
 ZONING PLAN  
 HILLTOP RANCH  
 TOMLIN INVESTMENTS

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
HOWE, TEXAS on this 21st day of May, 2019.

  
Jeff Stanley, Mayor

ATTESTED TO AND CORRECTLY  
RECORDED:

  
Joy Stevens, City Secretary

Dates of Publication: May 1, 2019

