

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2019-13**

AN ORDINANCE OF THE TOWN OF ARGYLE, TEXAS, PROVIDING FOR A PLANNED DEVELOPMENT AMENDMENT TO ORDINANCE NO. 2015-21 FOR THE LAKES OF ARGYLE, A PROPOSED 139-LOT RESIDENTIAL SUBDIVISION ZONED PD SF-12 (PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL MINIMUM 12,000 SQUARE-FOOT LOTS); BEING A 111.36 ACRE TRACT OF LAND, LEGALLY DESCRIBED AS LOTS 1-41, BLOCK A; LOT 1, BLOCK B; LOTS 1-2, BLOCK C; LOTS 1-14, BLOCK D; LOT 1, BLOCK E; LOTS 1-24, BLOCK F; LOT 1, BLOCK G; LOT 1, BLOCK H; LOTS 1-14, BLOCK J; LOTS 1-12, BLOCK K; LOT 1, BLOCK L; LOT 1, BLOCK M; LOTS 1-17, BLOCK N; LOT 1, BLOCK P; LOTS 1-21, BLOCK Q; LOT 1, BLOCK R; AND LOT 1, BLOCK S, LAKES OF ARGYLE ADDITION; AND BEING LOCATED ON THE WEST SIDE OF US HIGHWAY 377 AND THE UNION PACIFIC RAILROAD, SOUTH OF OLD JUSTIN ROAD AND NORTH OF HARPOLE ROAD WEST, LOCATED IN THE TOWN OF ARGYLE, DENTON COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Argyle, applicant; and The Lakes of Argyle, LLC, Southgate Homes, and Our County Homes, the property owners have applied for a Planned Development Amendment to Ordinance No. 2015-21 for the Lakes of Argyle, a proposed 139-lot residential subdivision zoned PD SF-12 (Planned Development-Single Family Residential minimum 12,000 square-foot lots); being a 111.40 acre tract of land, legally described as Lots 1-41, Block A; Lot 1, Block B; Lots 1-2, Block C; Lots 1-14, Block D; Lot 1, Block E; Lots 1-24, Block F; Lot 1, Block G; Lot 1, Block H; Lots 1-14, Block J; Lots 1-12, Block K; Lot 1, Block L; Lot 1, Block M; Lots 1-17, Block N; Lot 1, Block P; Lots 1-21, Block Q; Lot 1, Block R; and Lot 1, Block S, Lakes of Argyle Addition; and being located on the west side of US Highway 377 and the Union Pacific Railroad, south of Old Justin Road and north of Harpole Road West, located in the Town of Argyle, Denton County, Texas; and

WHEREAS, the Town of Argyle deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Town, to enact a comprehensive zoning ordinance; and

WHEREAS, the Town Council has appointed a Planning and Zoning Commission to make recommendations on requested changes to the boundaries of the various original zoning districts along with appropriate regulations to be enforced therein; and

WHEREAS, Article III, Zoning, of the Town Development Standards, divides the Town into districts and contains regulations pertaining to such districts in accordance with a comprehensive plan and is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare;

to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and

WHEREAS, the Planning and Zoning Commission of the Town of Argyle and the Town of Argyle Town Council, in full compliance with State Law with reference to changes to zoning classifications under the Town Development Standards and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the Town of Argyle is of the opinion that said planned development zoning change should be granted, as set forth herein; and

WHEREAS, the Town Council finds that the planned development zoning change is consistent with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

SECTION 1. All matters stated hereinabove are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. The Planned Development Amendment to Ordinance No. 2015-21 for the Lakes of Argyle, a proposed 139-lot residential subdivision zoned PD SF-12 (Planned Development-Single Family Residential minimum 12,000 square-foot lots) is hereby approved with the following condition:

1. Ordinance 2015-21, Exhibit A, Section E. Exterior Materials shall be amended to read as "all homes shall be finished with a minimum of 80% masonry materials, including cementitious siding (i.e. Hardiplank), exclusive of doors and windows."

SECTION 3. All land shall be used only in the manner and for the purposes provided by the Town Development Standards of the Town of Argyle as heretofore amended, and as amended herein.

SECTION 4. That 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 Town Development Standards of the Town of Argyle, and upon conviction shall be

punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.


SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. In addition to and accumulative of all other penalties, the Town shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. It has been found that there has been a change in conditions in the above described property; therefore; it is now necessary that the zoning be amended in order to permit its proper development and in order to protect the public interest, comfort and general welfare, this ordinance shall take effect immediately from and after its passage.

DULY PASSED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, on this the 28th day of May, 2019.

APPROVED:

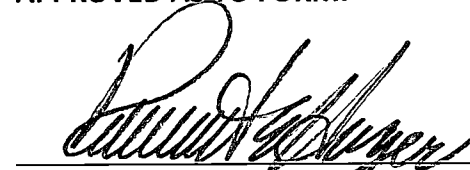

Donald Moser, Mayor



ATTEST:


Erika McComis, Town Secretary

APPROVED AS TO FORM:


Robert Hager, Town Attorney