

ORDINANCE NO. 97-06-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1621; PROVIDING FOR A COMPREHENSIVE REZONING OF STONEBRIDGE RANCH THROUGH THE ADOPTION OF A MASTER GENERAL DEVELOPMENT PLAN; PRESERVING ALL OTHER PORTIONS OF ORDINANCE NO. 1621; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

- WHEREAS, a comprehensive rezoning of Stonebridge Ranch and an amendment to the Zoning and Thoroughfare Plan by substituting a Master General Development Plan has been requested by Westerra Stonebridge, L.P. for the property more specifically depicted on Exhibit "A" attached hereto; and
- WHEREAS, the requested rezoning and amendment was submitted to the Planning and Zoning Commission of the City of McKinney, Texas, for its recommendations to City Council; and
- WHEREAS, public hearings were held by the Planning and Zoning Commission and the City Council, notice of the public hearings having been given in accordance with law, at which all interested citizens were invited to attend and express their views; and
- WHEREAS, the Planning and Zoning Commission recommended approval of the requested rezoning and amendments to the City Council; and
- WHEREAS, the City Council does hereby find and determine that the approval of such rezoning and amendments as recommended by the Planning and Zoning Commission is in the best interest of the public health, safety, morals and general welfare of the City of McKinney, Texas (the "City").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

SECTION 1. REZONE AND SUBSTITUTION OF MASTER GENERAL DEVELOPMENT PLAN FOR ZONING AND THOROUGHFARE PLAN

The Master General Development Plan attached hereto as Exhibit "A" shall replace and be substituted for the Zoning and Thoroughfare Plan as the approved zoning of the depicted tracts until such tracts are rezoned by further action of the City Council under provisions of Ordinance No. 1621. The adoption of the Master General Development Plan shall hereby rezone any tract previously zoned through the original approval of Ordinance No. 1621 and the Zoning and Thoroughfare Plan or any subsequent approval of a General Development Plan for any Planning Area. Any boundaries and uses in any Planning Area previously approved shall be further amended by the Master General Development Plan to be in conformity therewith. All references to the "Zoning and Thoroughfare Plan" in Ordinance No. 1621 shall be amended and hereafter be substituted for the words "Master General Development Plan." The Planning Area tables, attached hereto as Exhibit "B" and made a part hereof, shall be a component of the rezoning and further define the permitted uses on the tracts. If a conflict

exists between the use categories described in Ordinance No. 1621 and this ordinance, and in particular in the Planning Area Tables, this ordinance and said tables shall govern. The development of the property in all Planning Areas shall further be governed by the General Provisions contained in Ordinance No. 1621, by the Table of Maximum Height and Floor Area Ratio (FAR) for Commercial Use Categories, attached hereto as Exhibit "C" and made a part hereof, and by the General Conditions--all Planning Areas, attached hereto as Exhibit "D" and made a part hereof. If a conflict exists between the provisions of Exhibit "C" or "D" hereto and Ordinance No. 1621, the provisions of said Exhibits "C" and "D" shall govern. Notwithstanding any limits shown on Exhibit "B" hereto, the maximum height and floor area of buildings shall be further limited as specified for various use categories on Exhibit "C". Exhibit "C" does not impose any floor area limit on Tracts 109, 204, 507 and 510, whose limits are those specified by Ordinance No. 1621 and the development regulations contained in Exhibit "C" thereto. The FAR--Floor Area Ratio is defined as the ratio of the total gross floor area of one or more structures to the total land area of the lot or tract on which the structure or structures are located. The Master General Development Plan and Planning Area Tables (Exhibits "A" and "B") are hereby approved as the General Development Plan for each Planning Area required by Section II of the development regulations (Exhibit "C" to Ordinance No. 1621).

SECTION 2. AMENDMENT OF SECTION II OF ORDINANCE NO. 1621

Section II of Ordinance No. 1621 shall hereafter read as follows:

"That the Master General Development Plan attached hereto as Exhibit "B", showing the land uses for said Planned Development, and incorporated in the Regulations specified by Exhibit "C" hereto and any subsequent amendments thereto, is hereby adopted for the following Principal Permitted Uses, as defined in the Planned Development Regulations, and shown on the Master General Development Plan.

- A. Low Density Residential
 - SF-1
 - SF-2
 - SF-3
 - SF-3.5
- B. Medium Density Residential
- C. High Density Residential
- D. Retail
- E. Office
- F. Light Manufacturing
- G. Schools
- H. Parks
- I. Lakes
- J. Golf Course
- K. Open Space"

SECTION 3. CONFORMITY WITH COMPREHENSIVE PLAN

That the rezoning of tracts as herein established have been made in accordance with the comprehensive plan for the purposes of promoting health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to

prevent over-crowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewerage, drainage and surface water, parks and other public requirements and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4. ORDINANCE NO. 1621 NOT REPEALED

This ordinance shall not repeal any of the provisions of Ordinance No. 1621 except in those instances where provisions of Ordinance No. 1621 are in direct conflict with the provisions of this ordinance.

SECTION 5. SEVERABILITY

If any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, situation or circumstance is for any reason adjudged invalid, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and application of the Ordinance without the invalid parts, and to this end, the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. PENALTY

Any person violating or failing to comply with any provision of this ordinance shall be fined, upon conviction, in an amount not to exceed Two Thousand Dollars (\$2,000.00), and each day any violation or non-compliance continues shall constitute a separate offense. In addition to any fine, the City may further enforce the provisions hereof through injunction or other appropriate remedy.

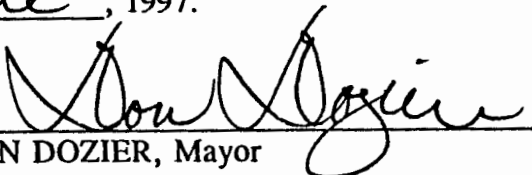
SECTION 7. NO VESTED RIGHTS

No developer or property owner shall acquire any vested interest in this ordinance, the Planned Development Regulations, the Master General Development Plan, or any ordinance appended to or referenced in the Plan Development Regulations. This ordinance, the Master General Development Plan, the Planned Development Regulations and any and all ordinances referenced therein may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

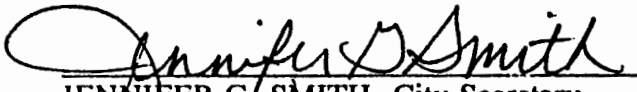
SECTION 8. EFFECTIVE DATE

This ordinance shall become effective from and after the date of its passage, as provided by the laws of the State of Texas, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, this 17th day of June, 1997.


DON DOZIER, Mayor
City of McKinney, Texas

ATTEST:


JENNIFER G. SMITH, City Secretary
City of McKinney, Texas

APPROVED AS TO FORM:

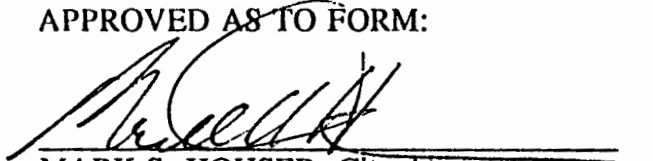

MARK S. HOUSER, City Attorney
City of McKinney, Texas

EXHIBIT "A"

MASTER GENERAL DEVELOPMENT PLAN

EXHIBIT "B"

PLANNING AREA TABLES OF USE REGULATIONS AND DENSITY

EXHIBIT "C"

TABLE OF MAXIMUM HEIGHT AND FLOOR AREA RATIO

**Table of Maximum Height and Floor Area Ratio (FAR)
for Commercial Use Categories**

Zoning Designation (Tract)	Acres	Maximum Height (Ft.)	Maximum FAR	Maximum Resulting Floor Area (SF)
R-1	165.38	35	0.40	2,881,581
R-2*	91.71	65	0.75	2,996,166
O-1	300.84	35	0.50	6,552,295
O-2*	30.00	65	0.75	980,100
ML-1 (816)	25.96	65	1.00	1,130,818
ML-2	138.36	65	0.50	3,013,481
R-1 (109/510)	13.98	35	N/A	N/A
O-1 (204/507)	11.79	35	N/A	N/A
Total	778.02	N/A	N/A	17,554,440

*O-1 Tracts not exceeding the number of acres shown above may be designated O-2 through the usual process of rezoning property, according to the McKinney Zoning Ordinance. With approval of Specific Use Permits, tracts not exceeding 20% of the total land area of the R-2 and O-2 tracts may be developed with a Floor-Area Ratio (FAR) not exceeding one to one (1:1) and a height not exceeding eight (8) stories, with a maximum height of one hundred twenty (120) feet. A specific use permit is also required for the development of a multiple family dwelling in an R-2 District.

EXHIBIT "C"

EXHIBIT "D"

GENERAL CONDITIONS--ALL PLANNING AREAS

GENERAL CONDITIONS - ALL PLANNING AREAS

1. Outside storage or display - In the O-1, O-2, R-1, and R-2 Districts, through the site plan review process, the City may consider whether any use involving outside storage or display is to be allowed and may disapprove the proposed site plan if it determines the location inappropriate for such use.
2. Yards adjacent to streets - For any use other than one or two family use, all yards adjacent to streets shall be considered to be front yards, except when designated otherwise on an approved subdivision plat, and shall conform to the requirements for front yards.
3. Restaurant, drive-in type (definition) - A restaurant, drive-in type, is defined as one having an outside drive through or walk-up window, but where customers are not allowed to eat in vehicles on the premises.
4. Car Wash, One Vehicle - A fully automated care wash for one vehicle at a time is an allowed use when associated with an automobile fuel sales facility, provided the car wash is located no closer than 100' from a single-family tract boundary.
5. Where more than one limitation is specified, the most restrictive applies.
6. ML-1 and ML-2 designated tracts shall not allow retail sales except occupying not more than 10% of the floor area of an office or industrial building when approved through site plan approval. Restaurants shall be allowed.

EXHIBIT "D"

PLANNING AREA 1

Table with columns: TRACT NO., GROSS AC, ROW AC, NET AC, % TRACT, Zoning Classification, and various lot dimensions (Area, Width, Depth, Height, Front Yard, Rear Yard, Side Yard, Lot cover, Side yard). Includes a large 'REVISI D' stamp on the right side and 'APR 30 1997'.

PLANNING AREA 2

Table with columns: TRACT NO., GROSS AC, ROW AC, NET AC, % TRACT, Zoning Classification, and various lot dimensions (Area, Width, Depth, Height, Front Yard, Rear Yard, Side Yard, Lot cover, Side yard). Includes a large 'REVISI D' stamp on the right side and 'APR 30 1997'.

PLANNING AREA 3

Table with columns: TRACT NO., GROSS AC, ROW AC, NET AC, % TRACT, Zoning Classification, and various lot dimensions (Area, Width, Depth, Height, Front Yard, Rear Yard, Side Yard, Lot cover, Side yard). Includes a large 'REVISI D' stamp on the right side and 'APR 30 1997'.

PLANNING AREA 4

Table with columns: TRACT NO., GROSS AC, ROW AC, NET AC, % TRACT, Zoning Classification, and various lot dimensions (Area, Width, Depth, Height, Front Yard, Rear Yard, Side Yard, Lot cover, Side yard). Includes a large 'REVISI D' stamp on the right side and 'APR 30 1997'.

EXHIBIT "B"

PLANNING AREA TABLES OF USE REGULATIONS AND DENSITY

STONEBRIDGE RANCH

REVISED
APR 30 1997
PLANNING

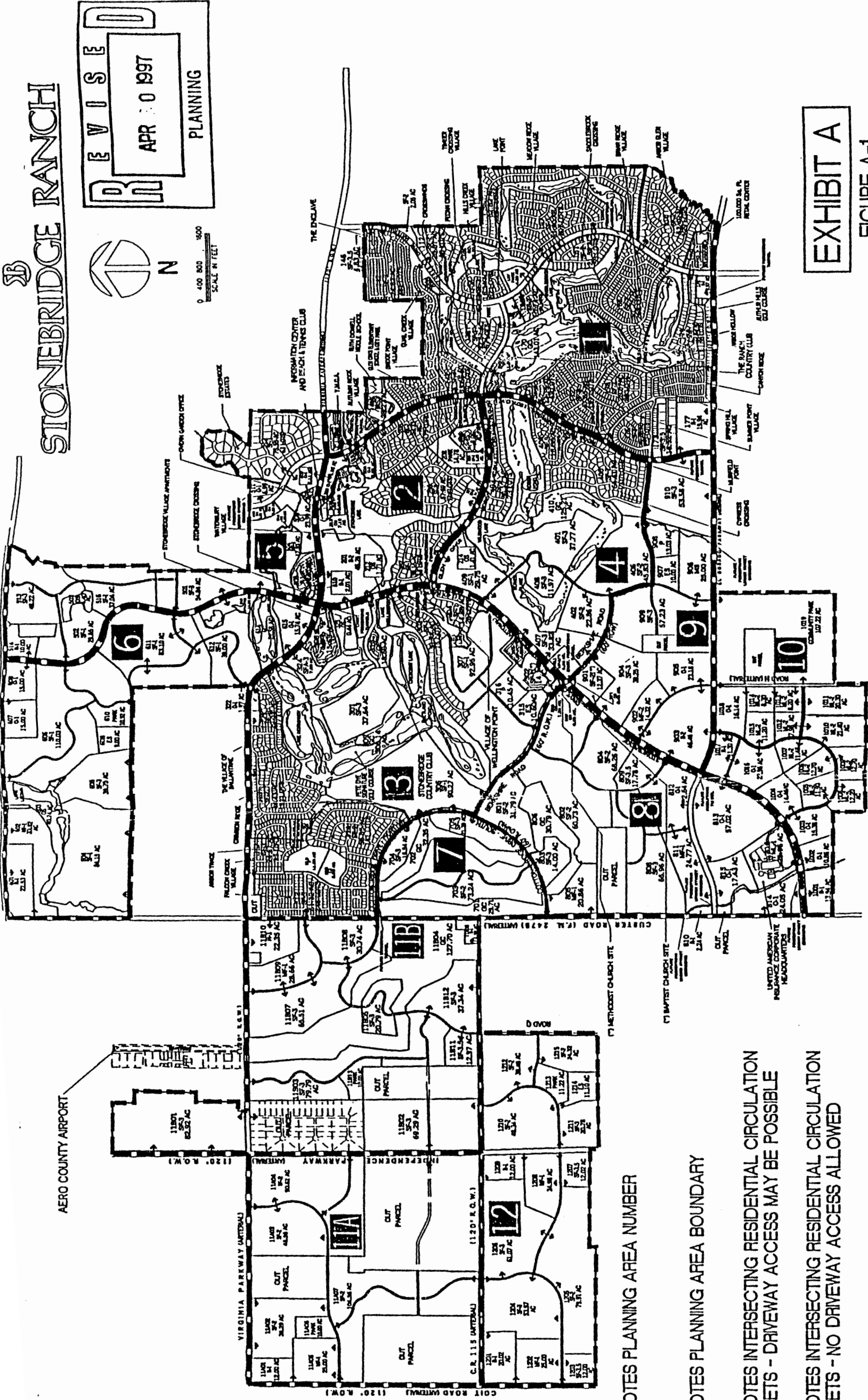


EXHIBIT A

FIGURE A-1
MASTER GENERAL DEVELOPMENT PLAN
 APRIL, 1997


- 1** DENOTES PLANNING AREA NUMBER
- - - DENOTES PLANNING AREA BOUNDARY
- DENOTES INTERSECTING RESIDENTIAL CIRCULATION STREETS - DRIVEWAY ACCESS MAY BE POSSIBLE
- DENOTES INTERSECTING RESIDENTIAL CIRCULATION STREETS - NO DRIVEWAY ACCESS ALLOWED
- DENOTES EXISTING MEDIAN OPENING LOCATIONS
- DENOTES ACCESS POINTS FOR MAJOR PARCEL ENTRIES. ADDITIONAL MINOR ENTRIES MAY BE ADDED AT PLATTING. POSSIBLE MEDIAN LOCATIONS WILL BE DETERMINED AT TIME OF SITE PLAN REVIEW OF INDIVIDUAL TRACTS

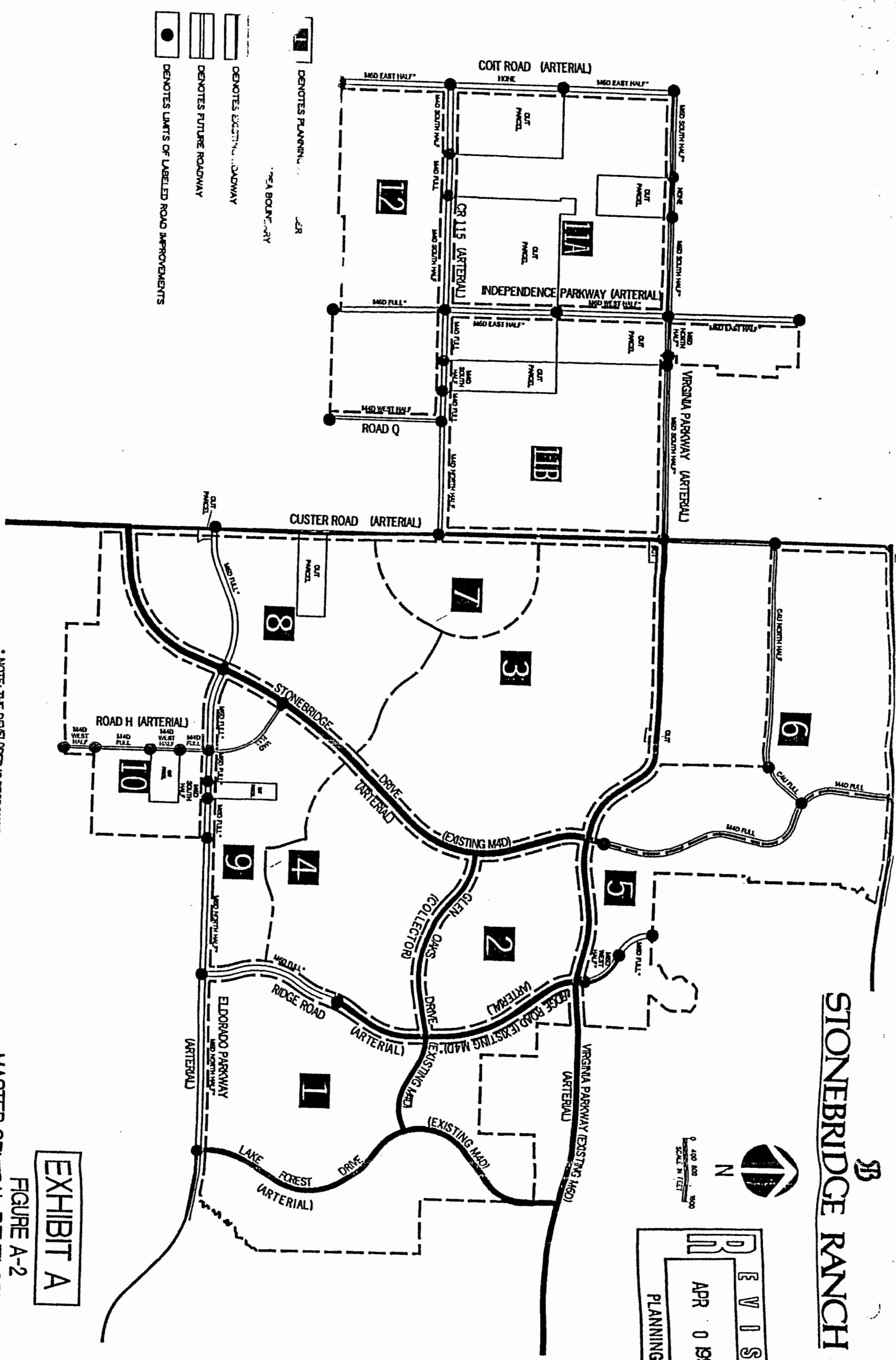
	OFFICE
	LIGHT MANUFACTURING
	RETAIL
	SINGLE FAMILY RESIDENTIAL
	MULTI FAMILY RESIDENTIAL MEDIUM DENSITY
	MULTI FAMILY RESIDENTIAL HIGH DENSITY
	DENOTES HIKE/BIKE TRAIL
	OPEN SPACE
	GOLF COURSE







PETSCHKE & ASSOCIATES, INC.
 Professional Engineer - Land Surveyor - Development Consultant - Traffic Studies
 2541 Metropolitan Boulevard, Suite 4, West Palm Beach, Florida 33407 (407) 543-3800
 5799 Overseas Highway, Suite 7, Miramar, Florida 33050 (305) 743-5768
 1820 Redwood Boulevard, Suite 422, Midtway, Texas 75568 (877) 562-9626

This map is an artist's rendering and is subject to change at the sole discretion of Stonebridge Ranch. The location and density of future developments are based on the information available at the time of this plan review. Stonebridge Ranch, L.P. and its affiliates make no representation of verification as to the accuracy of any information contained herein.

STONEBRIDGE RANCH


 0 400 800 1600
 SCALE IN FEET
REVISION
 APR 0 1997
 PLANNING



-  DENOTES PLANNING ZONER
-  DENOTES PLANNING ZONER
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NOTE: THE DEVELOPER IS RESPONSIBLE ONLY FOR THE CONSTRUCTION OF 4 OF THE ULTIMATE 6 LANES (FULL SECTIONS) AND 2 OF ULTIMATE 3 LANES (HALF SECTIONS) ON ALL MGD THOROUGHFARES.

EXHIBIT A

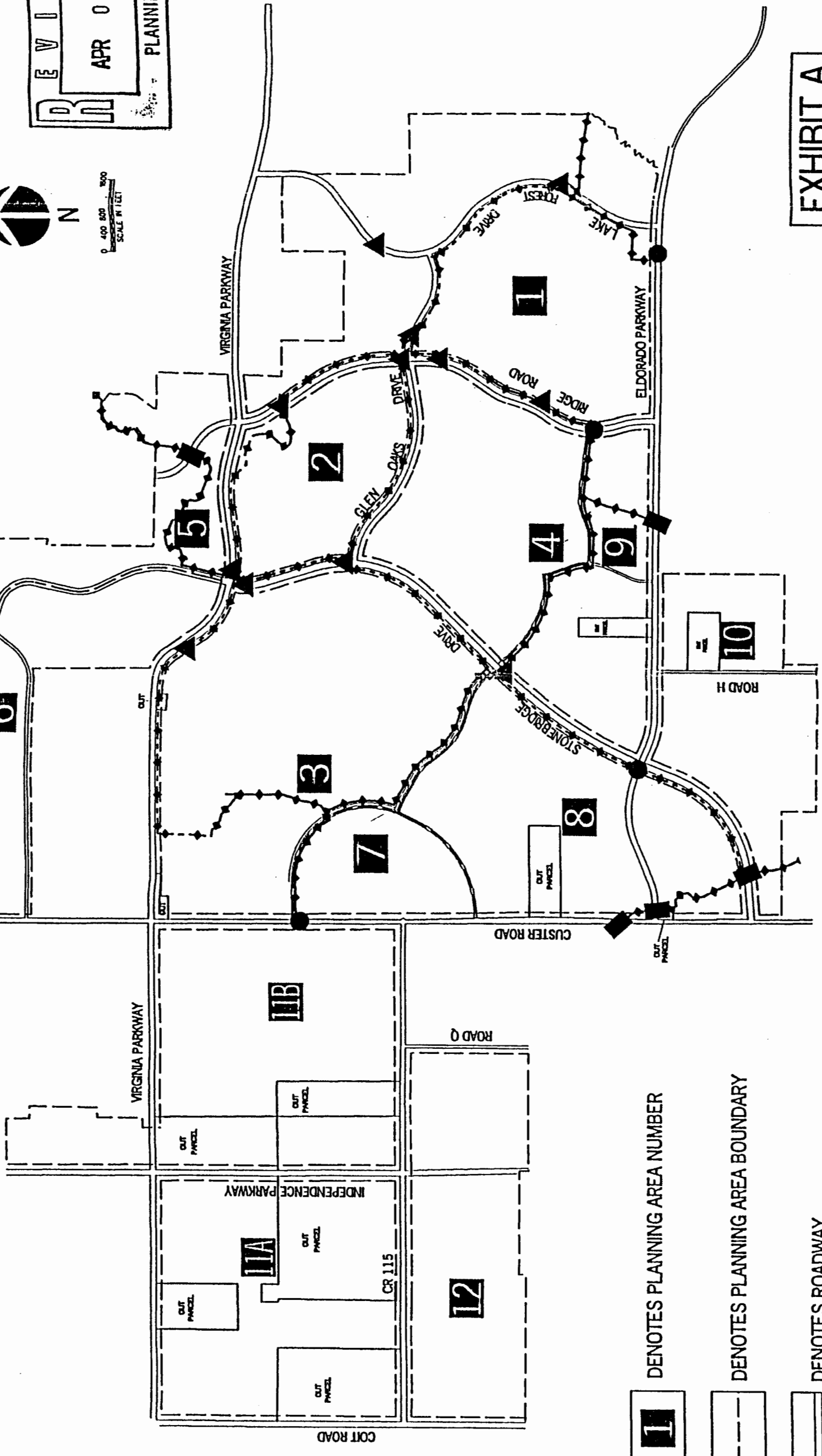
FIGURE A-2
 MASTER GENERAL DEVELOPMENT PLAN
 ROADWAY INFRASTRUCTURE EXHIBIT
 JANUARY 1, 1997



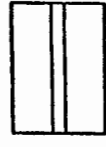
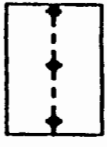
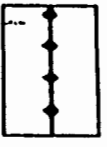
PETSCHKE & ASSOCIATES, INC.
 Professional Engineers, Surveyors, Planners, Architects, and Environmental Scientists
 2001 Highway 100, Suite 6, Wood Park, Texas 78090 (512) 462-5300
 1201 West Loop, Suite 7, Houston, Texas 77020 (713) 745-5788
 1201 West Loop, Suite 402, Houston, Texas 77020 (713) 524-9000

FIGURE A-2

STONEBRIDGE RANCH

REVISION
APR 0 1997
PLANNING



-  DENOTES PLANNING AREA NUMBER
-  DENOTES PLANNING AREA BOUNDARY
-  DENOTES ROADWAY
-  DENOTES EXISTING HIKE & BIKE TRAIL
-  DENOTES PROPOSED HIKE & BIKE TRAIL


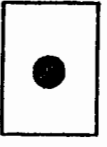
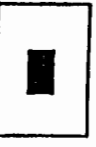
-  DENOTES EXISTING HIKE & BIKE TUNNEL
-  DENOTES PROPOSED HIKE & BIKE TUNNEL
-  DENOTES PROPOSED & EXISTING UNDERSTREET CROSSING USING DRAINAGE STRUCTURE

EXHIBIT A

FIGURE A-3
MASTER GENERAL DEVELOPMENT PLAN
HIKE AND BIKE TRAIL LOCATION EXHIBIT
 MARCH, 1997

PA **PETSCHKE & ASSOCIATES, INC.**
 Professional Engineers - Land Surveyors - Professional Geographers - Planning Services
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 1279 Quince Orchard Highway, Suite 2, Gaithersburg, Maryland 20878 (301) 743-0788
 1820 Industrial Boulevard, Suite 402, Houston, Texas 77059 (972) 562-6628

FIGURE A-3