

ORDINANCE NO. 94-06-18

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ELDORADO PLANNED COMMUNITY DEVELOPMENT (PCD) REGULATIONS, ORDINANCE NO. 1565, SECTION B-12-(i) TO ALLOW FOR A MEDIUM DENSITY SINGLE-FAMILY CATEGORY, WITHIN THE VILLAGE OF ELDORADO; PROVIDING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF:

WHEREAS, the city staff and property owner has requested the allowing of the creation of a new zoning category within the Eldorado PCD Regulations; and

WHEREAS, said new zoning category will add additional opportunity for housing type variety within the Eldorado PCD; and

WHEREAS, the City Council believes this amendment will not undermine either the design or the concept of the overall Eldorado Master Plan.

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

Section 1. The Eldorado Planned Community Development (PCD) Regulations, Ordinance No. 1565, Section B-12 is amended to include a Sub-Section (i) allowing a Medium Density Single-Family Zoning category.

Section 2. The attached Exhibit "A" shall govern the development of all property so zoned Medium Density Single-Family category within the Eldorado Planned Community Development Regulations, Ordinance No. 1565.

Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction thereof, shall be fined any sum not to exceed \$200.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 5. No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Community Development, or specific regulations contained herein. The Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas in the manner provided by law.

Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7th DAY OF June, 1994.

CORRECTLY ENROLLED:

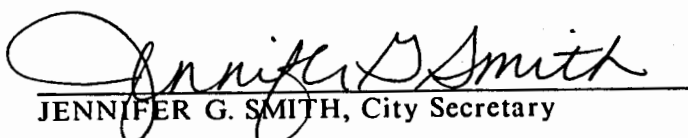

JENNIFER G. SMITH, City Secretary

EXHIBIT "A"

**ADD THE FOLLOWING SUBSECTION TO EXHIBIT "B"
OF THE ELDORADO PLANNED COMMUNITY DEVELOPMENT REGULATIONS,
ORDINANCE NO. 1565, SECTION B-12-(i)**

12. Land Use Intensity

(i) Medium Density Single Family

Intent: The intent of this single family detached dwelling concept is to provide a new, more aesthetic living space adequate to serve a family's needs while maintaining a lot size comparable to other living spaces of similar cost.

Permitted Uses:

Medium Density Single Family Dwellings

Single Family Dwellings (Large Lot)

Single Family Dwellings (Medium Lot)

Single Family Dwellings (Small Lot)

Maximum Net Density: 5 units/acre

Medium Density Single Family:

Minimum Lot Size: 6,000 square feet

Coverage: A maximum of 60% of the lot area including accessory buildings.

Parking: A minimum of two (2) uncovered parking spaces shall be maintained.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

Setbacks: Front Yard: A minimum of ten feet (10'), except the garage shall be a minimum of eighteen feet (18') from the right-of-way.

Side Yard: A minimum of five feet (5').

Side Yard at Corner: A minimum of fifteen feet (15') and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear Yard: A minimum of ten feet (10') from the rear of the property line.

Special Provisions:

- (1)** This Medium Density Single Family district shall only be allowed, upon approval, through the public hearing process before the Planning and Zoning Commission and City Council.
- (2)** As part of said approval, a concept plan shall be submitted for review and approval through the public hearing process, in conjunction with the application for the Medium Density Single Family district.

NO. 1565

AN ORDINANCE AMENDING ORDINANCE NO. 1166 OF THE CITY OF MCKINNEY; REVISING THE SCHEMATIC MASTER PLAN AND PLANNED COMMUNITY DEVELOPMENT REGULATIONS FOR THE VILLAGE OF ELDORADO; PROVIDING FOR AMENDMENTS TO THE PLANNED DEVELOPMENT REGULATIONS AND SCHEMATIC MASTER PLAN; PROVIDING FOR SEVERABILITY, PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

THAT WHEREAS, Ordinance No. 1166 of the City of McKinney, Texas, adopted a Schematic Master Plan and Planned Community Development Regulations for the Village of Eldorado consisting of approximately 1151.705 acres of land in the City of McKinney, Collin County, Texas, and

WHEREAS the developer has filed a request for revisions to the Schematic Master Plan and Planned Community Development Regulations, and

WHEREAS the Director of Public Works has reviewed the Planned Development and Site Plan, and has made his recommendations thereon; and,

WHEREAS, after due notice as required by Ordinance No. 1270, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that the hereinafter revised Schematic Master Plan and Planned Community Development Regulations amendments should be adopted.

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

SECTION I: That the real estate more fully described in the attached Exhibit "A" is the real estate effected by the Schematic Master Plan for the Village of Eldorado in the City of McKinney, Texas.

SECTION II: That the Schematic Master Plan for the Village of Eldorado, attached hereto and marked Exhibit "C", is adopted as the Schematic Master Plan for the Village of Eldorado.

EXHIBIT A

DESCRIPTION

BEING a tract of land situated in the ESSOM HARRIS SURVEY, ABSTRACT NO. 399, the E. D. McCOY SURVEY, ABSTRACT NO. 577, the GRAFTON WILLIAMS SURVEY, ABSTRACT NO. 976, the W. M. RYAN SURVEY, ABSTRACT NO. 981, the E. WHITLEY SURVEY, ABSTRACT NO. 987 and the F.C. WILMETH SURVEY, ABSTRACT NO. 998 in Collin County, Texas, and being the same land conveyed to C. George Comegys, et al, by George Wilkins Comegys by deed recorded in Volume 1030, Page 271 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point in the center of an unused public road, said point being the most Southerly corner of The Village of Eldorado, Phase I, an addition to Collin County according to the plat thereof recorded in Cabinet C Page 287 of the Map Records of Collin County, Texas, an iron rod found for corner;

THENCE S 03°15'36" W, with the center of said public road, 334.18 feet to an iron rod found for corner;

THENCE S 07°11'44" E, along the center of said public road 188.83 feet to an iron rod found for corner;

THENCE S 08°36'01" W, along the center of said public road, 87.94 feet to an iron rod found for corner;

THENCE S 14°44'15" E, along the center of said public road, 140.05 feet to an iron rod found for corner;

THENCE S 25°39'32" W, along the center of said public road, 162.91 feet to an iron rod found for corner;

THENCE S 01°57'30" W, along the center of said public road, 766.72 feet to an iron rod found for corner;

THENCE S 01°49'28" W, along the center of said public road, 901.35 feet to an iron rod found for corner;

THENCE S 02°55'22" W, along the center of said public road, 699.92 feet to an iron rod found for corner;

THENCE S 01°43'44" W, along the center of said public road, 720.82 feet to an iron rod set in a fence line for corner;

THENCE S 89°20'34" W, generally along said fence line, 913.35 feet to an iron rod found for corner;

[3]

THENCE N 60°59'11" E, along the center of said public road, 1514.51 feet to an iron rod found for corner;

THENCE N 61°09'50" E, along the center of said public road, 505.39 feet to an iron rod found for corner;

THENCE N 01°29'17" E, along the center of an unused public road, 294.46 feet to an iron rod found for corner;

THENCE N 03°30'01" E, along the center of said unused public road, 631.09 feet to an iron rod found for corner;

THENCE N 09°11'16" E, along the center of said unused public road, 738.62 feet to an iron rod found for corner;

THENCE N 21°00'27" E, along the center of said unused public road, 155.97 feet to an iron rod found for corner;

THENCE N 46°46'12" E, along the center of said unused public road, 109.87 feet to an iron rod found for corner;

THENCE N 68°03'20" E, along the center of said unused public road, 323.59 feet to an iron rod found for corner;

THENCE N 89°47'35" E, along the center of said unused public road, 238.85 feet to an iron rod found for corner;

THENCE S 73°04'19" E, along the center of said unused public road, 160.00 feet to a point in the center of Wilson Creek;

THENCE Southeasterly, along the meanders of Wilson Creek as follows:

S 64°02'50" W, 85.78 feet;
S 57°00'44" W, 66.65 feet;
S 04°37'11" E, 120.09 feet;
S 48°34'02" E, 115.16 feet;
S 75°08'50" E, 199.33 feet;
S 46°09'52" E, 108.12 feet;
S 71°37'17" E, 83.28 feet;
N 73°18'08" E, 93.03 feet;
N 56°27'01" E, 70.25 feet;
S 38°55'12" E, 88.15 feet;
S 21°48'57" W, 141.43 feet;
S 29°49'06" W, 95.52 feet;
S 40°32'02" E, 51.29 feet;
S 70°09'27" E, 114.32 feet;
N 63°25'45" E, 75.20 feet;
N 32°21'14" E, 84.35 feet;
N 64°52'09" E, 170.46 feet;
N 66°39'51" E, 49.50 feet;
S 52°30'53" E, 53.21 feet;
S 14°19'57" W, 206.96 feet;
S 48°31'26" E, 129.76 feet;
N 72°48'56" E, 207.97 feet;

[5]

THENCE S 04°23'19" E, along the West line of said Highway, 352.51 feet to an iron rod found for corner;

THENCE N 87°51'54" W, along the center of an unused public road, 899.03 feet to a point in the Southeast line of said Village of Eldorado, Phase I, an iron rod set for corner;

THENCE S 30°24'45" W, along the Southwest line of said addition, 239.22 feet to an iron rod set for corner;

THENCE S 61°52'07" W, along the Southwest line of said addition, 234.48 feet to an iron rod set for corner;

THENCE S 28°00'47" W, along the Southwest line of said addition, 154.05 feet to an iron rod set for corner;

THENCE S 59°53'27" W, along the Southwest line of said addition, 186.99 feet to an iron rod set for corner;

THENCE S 46°01'49" W, along the Southwest line of said addition, 314.48 feet to an iron rod set for corner;

THENCE S 69°18'26" W, along the Southwest line of said addition, 294.79 feet to an iron rod set for corner;

THENCE S 35°21'19" W, along the Southwest line of said addition, 69.21 feet to the POINT OF BEGINNING and containing 1151.705 acres of land, save and except the following tracts:

The Village of Eldorado, Phase I at 74.617 acres;
The Village of Eldorado, Phase II at 53.351 acres;
Golf Course, Tract 1 at 111.336 acres;
Golf Course, Tract 2 at 8.238 acres;
Golf Course, Tract 3 at 39.147 acres;
20.014 acre tract,

leaving a net area of 845.002 acres of land, more or less.

I, the undersigned, do hereby certify that this description and the accompanying plat were prepared from an actual and accurate survey made on the ground in the month of May, 1984, and that there are no visible encroachments, conflicts or protrusions, except as shown.

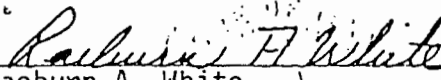

Raeburn A. White
Registered Public Surveyor #1394

EXHIBIT B

TABLE OF CONTENTS

<u>PLANNED COMMUNITY DEVELOPMENT REGULATIONS</u>	<u>PAGE</u>
A. GENERAL PLANNING PRECEPTS	2
1. PREFACE	2
2. STATEMENT OF INTENT	2
3. PROPOSED LAND USES	3
B. SPECIFIC REGULATIONS	7
1. ACCESS TO THE SITE	7
2. THOROUGHFARE STANDARDS	8
3. UTILITIES AND DRAINAGE	10
4. EASEMENTS	11
5. CREATION OF SITES	11
6. SITE PLAN PROVISIONS	12
7. PROVISIONS FOR ARCHITECTURAL AND SITE PLANNING CONTROLS	13
8. FENCING, WALKS AND LANDSCAPING	13
9. SOLID WASTE DISPOSAL	14
10. BUFFERING	15
11. POLLUTION CONTROL	15
12. LAND USE INTENSITY	15
13. MATERIALS OF CONSTRUCTION	32
14. SIGNING AND LIGHTING	33
15. MAINTENANCE	35
16. GENERAL	35
17. DEFINITIONS	35

Many needs will be served within the "village concept" on which the plan is developed. It will include single family detached homes, single family attached homes, multi-family dwelling units, and, (subject to approval by the City of McKinney) documents providing for regulation and maintenance of privately owned "common areas". A broad spectrum of community services and amenities are interrelated with the housing areas to create a well-balanced plan. The proposed facilities include schools, active and passive park areas, an inter-connecting greenbelt system, a golf course and country club, and village commercial centers. Village commercial centers, neighborhood convenience centers, and offices will provide necessary commercial facilities and will be made available as they are needed within the community. These elements have been located within the village fabric to maximize their accessibility from all parts of the community. Special emphasis has been placed on the ease and safety of pedestrian and vehicular movement throughout the entire village. Pedestrian trails within this system will connect open spaces and link the entire P.C.D. together when completed. Within this system it is possible to travel through most of the P.C.D. without crossing any heavily traveled streets.

The "Planned Community Development" concept has been utilized to offer innovations in land planning design and a variety of housing types within a carefully controlled community with a protected environment. With this type of development, a human-scale community with a full complement of services and amenities can be developed in which the existing and new residents of the City of McKinney can be proud.

HiDevCo, the developer of "Eldorado", intends that the development be completed within ten (10) years.

3. Proposed Land Uses

"Eldorado" is a 1,151 ± acre Planned Community Development located on the West side of U. S. Highway 75 between County Road 720 on the South and Wilson Creek on the North. It consists of the following land uses which are shown on "Exhibit A" attached:

<u>TYPE</u>	<u>MAXIMUM DENSITY</u>
Low Density Single Family	5 Dwelling units / acre
Large Lot	
Medium Lot	
High Density Single Family	14 Dwelling units / acre
Cluster Homes	
Townhomes	
Multi-Family	26 Dwelling units / acre
Condominiums	
Apartments	

(b.) Private Recreation Areas

To include Eldorado Country Club and Golf Course and other similar facilities as may be appropriate in later phases. These will be located and designed subject to the approval of the Architectural Review Committee and the City of McKinney, and will not disrupt major public pedestrian flow or adversely impact adjacent residential uses.

(c.) Recreation Areas

A complete "Greenbelt" system, including both active and passive elements is proposed throughout the site. This system will be built around existing creeks and will include parks, and extensive trail/bike path system linking the entire site, and will provide a point of potential connection under Route 75 to future park development within McKinney.

(g.) The development of the various land types in paragraphs (a) thru (f) above will be in accordance with "Exhibits A thru F" attached, except as otherwise provided herein.

B. SPECIFIC REGULATIONS

To preserve the existing character of the site as much as possible, and to insure a uniform fabric of development to the project in the future years, the City of McKinney herein establishes the following regulations for the development of "Eldorado".

"Eldorado" shall have an official Schematic Master Plan (Exhibit A) which, together with these written P.C.D. Regulations and Exhibits B thru F appended hereto and made a permanent portion hereof, shall be subject to development in accordance with these documents as defined in the Planned Community Development Zone in the City of McKinney Zoning Ordinance (Exhibit C).

1. Access to the Site

(a.) It is expected that the majority of vehicular traffic entering "Eldorado", either from downtown McKinney or Dallas, will do so via U.S. 75. This will become especially apparent with the completion of the Eldorado Parkway overpass, which will become the primary point of access to "Eldorado" from U.S. 75.

(b.) An internal system of residential and collector streets will then provide access to all areas within "Eldorado".

(c.) Developed in conjunction with this roadway network will be an extensive system of paths and bike trails which will seek to provide pedestrian access throughout the site, and to the greenbelt and park system.

2. Thoroughfare Standards

(a.) The roadway system has been designed to accomodate various types and volumes of vehicular traffic, and all street plans, designs and sections will be approved by the Director of Public Works of the City of McKinney in accordance with the provisions of "Exhibits A thru F" except as otherwise provide herein. It is the general intent of the plan, while providing adequate vehicular circulation, to reduce speed, to reduce pavement widths as much as possible, to disallow on-street parking and to allow no direct access to collector streets from single family lots.

(b.) The following basic internal street types are projected:

(1) Primary Thoroughfares - Primary Thoroughfares will be a minimum four-lane divided median roadway consisting of a 120 foot R.O.W., two 24 foot driving lanes, with turn lanes provided in order to insure a safe smooth flow of traffic. The primary thoroughfares will have parking restricted except for emergency purposes, and shall be constructed of reinforced portland cement concrete with curb and gutter.

(iv) Alternate street sections may be constructed if approved by the City Council at the time of final plat approval of each phase.

(v) Private Drives - Housing types, other than low density single family, will be served by private drives. It is anticipated that these private drives will be subject to the least amount of traffic in the development. There will be a twenty foot (20') emergency maintenance easement maintained to insure emergency vehicular access to these areas at all times. Regulations covering the maintenance of the private drives will be covered in a homeowners' association maintenance agreement subject to the approval of the City of McKinney.

(c.) Exterior Roads

All of the perimeter road at the existing cemetery, and one-half (1/2) of the total R.O.W. of the remaining perimeter road which is on the P.C.D. property, will be developed to the requirements of "Exhibit B" hereof.

3. Utilities and Drainage

(a.) Utilities (water, sewer, gas, electric) will be provided through a joint effort of the developer and the City of McKinney within the normal platting procedure, and in accordance with "Exhibits B, E and F" hereof.

(b.) Existing land forms and vegetation, environmental and energy conservation considerations, and the potential internal needs of "Eldorado" and the City of McKinney were all measured to attain what is felt to be the highest and best use of the property.

6. Site Plan Provisions

For all types of development excepting only low density single family development, a site plan shall be submitted to the Planning and Zonign Commission for its review and approval, which site plan shall show that the proposed development is in compliance with the developmental standards, character and intent of this P.C.D. project. The site plan shall contain the following elements and features:

(a.) A scale drawing showing all public streets, private drives and access ways; specific types of land use and housing proposed along with maximum densities, building sites, lots or plots, areas proposed for dedication or parks, parkways, easements, rights of way; points of ingress and egress; and topography.

(b.) Grading Plans, structures, fences, parking, lighting, utilities, drainage, retaining walls, signs, open spaces and any other Engineering plans or details related to site development.

(c.) The minimum yards, setbacks, or spaces proposed.

(d.) Elevations may be required for structures greater than two (2) stories in height.

(e.) Screening and landscape plans.

(ii) Along residential streets, paths (sidewalks) will be constructed on one side of the street only. These paths will be constructed of reinforced concrete and will have a minimum width of seven feet (7').

(iii) Along collector streets, paths will be constructed within a broad area of the R.O.W. allowing the use of earth mounds, meandering alignment, and complementary landscaping. These will be constructed of reinforced concrete with a minimum width of seven feet (7').

(iv) In greenbelt and park areas, paths will be provided which are more compatible with the natural environment. Primary paths will be constructed to a minimum width of four feet (4') of materials specified on the construction plans approved by the City. Additionally, nature walks, jogging trails and other such trails may be provided of a smaller width and using loose, natural materials.

(v) Any changes in the above design standards must be approved by the City at the time the construction plans are approved.

(c.) Landscaping

(i) Special consideration will be made to ensure a comprehensive landscape plan for "Eldorado".

(ii) An extensive street tree planting program will be initiated by the developer.

(iii) Use of indigenous plant materials will be encouraged and a list of accepted plant materials will be provided.

9. Solid Waste Disposal

(a.) In all areas, provisions for solid waste disposal shall be made in accordance with the City of McKinney Solid Waste Ordinance. The owner shall, in all areas, include provisions for enclosed containers, screened from public view, and in accordance with design standards set forth by the Architectural Review Committee.

(b.) No on-site incineration will be allowed.

Minimizing grading

Minimizing erosion

Maximizing water recharge

Maximizing re-vegetation

Such mitigation will be at the discretion of the Architectural Review Committee and the City of McKinney.

(iii) Parking requirements are referenced in each land use category.

(iv) Where permitted uses refer to land use categories, hereinafter defined, the specific provisions of such land use category shall apply.

(b.) Low Density Single Family

Intent: The single family detached residential categories are for low density single family uses of two types:

Permitted Uses: Single Family Dwellings (Large Lot)
Single Family Dwellings (Medium Lot)
Churches

Maximum net density: 5 units/acre

(i) Large Lot Single Family

Minimum Lot Size: 14,500 square feet

Coverage: Maximum of 35% of the lot area including accessory buildings.

Parking: A minimum of two(2) covered and two(2) uncovered parking spaces, exclusive of the driveway, shall be

except where in the opinion of the Architectural Review Committee this requirement can be waived due to mitigating circumstances.

Building Height: No building or structure shall exceed thirty-five (35') feet in height.

Setbacks: Front Yard - It is intended that front yard setbacks will vary so as to provide design diversity; the minimum shall be twenty-five (25') feet.

Side Yard - These shall vary according to the width of the lot. Minimum (one side) shall in all cases be 10% of the lot width. Total side yard width (sum of two sides) shall be as follows:

Lots 80' to 100' wide	20'
Lots greater than 100' wide	25'

Side Yard on Corner Site - Twenty feet (20') from R.O.W. and no conflict with the required site triangle as described in the Manual of Uniform Traffic Control Devices.

(iii) Churches

Minimum Lot Size: 2 acres

Coverage: The maximum site coverage, including buildings and parking shall be 75%. The remaining 25% shall be open space and landscaped area.

Parking: One off-street space per four (4) seats of seating capacity of the church sanctuary.

Building Height: No building or structure shall exceed thirty-five (35') feet in height, exclusive of the steeple.

Setbacks: For all lots upon which churches are built, minimum

Duplex

Triplex

Quadriplex

Townhomes

Private Recreation Areas

Maximum Net Density: 14 Dwelling Units / acre

(1) Cluster Single Family Dwellings

Coverage: A maximum of 60% of the lot area including accessory buildings. (This figure includes the residential structure plus garages.)

Parking: A minimum of one (2) covered and two (2) uncovered parking spaces per unit shall be maintained.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

Setbacks: (Applies to both principal and accessory use)

Front Yard - For all cluster homes in this P.C.D., minimum setback is eighteen feet (18').

Side Yard - Zero feet (0') on one side or two sides, of a dwelling building (containing one or more dwelling units), provided that a minimum of ten feet (10') is provided on the free side of each building.

Side Yard on Corner Site - Twenty Feet (20') from the street with no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear Yard - Fifteen feet (15') from the rear of the property line.

(iii) Private Recreation Areas

Land Use Controls - Governing Items relating to land use, density, coverage, parking, building heights, accessory uses, setbacks, and landscaping shall be in accordance with applicable land use categories described herein and only with the approval of the Architectural Review Committee.

(d.) Multi-family

Intent - The intent of multi-family development is to provide higher density residential options than that possible in single family residential area. Space within these units is either sold (condominiums) or leased (apartments) and amenities and services provided at a monthly cost more favorable than those possible in single family areas.

Concept- The concept of design in multi-family developments provides more usable common open space within a development of multiple-story buildings. The cost for maintenance of these "common" areas is borne by either a Homeowners' Association (townhomes and condominiums) or within the monthly cost of leasing (apartments).

Setbacks - Where condominiums or accessory buildings front or side on a dedicated street, a minimum setback of eighteen feet (18') will be provided, and there will be no conflicts with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Also, a minimum setback of fifteen feet (15') will be maintained from any landscape easements, rear or side property lines. If rear entry is provided, then the front and rear yard setback requirements shall be reversed.

A minimum separation of fifteen feet (15') between structures shall be provided unless alternative methods of meeting the standards of fire protection are coordinated with and approved by the City.

Accessory Uses - Any structure or accessory to condominium structures shall not exceed a height of twenty-five feet (25'), and shall be sited not less than ten feet (10') from any other building or structure.

(ii) Apartments

Maximum Density - 26 dwelling units/acre

Coverage - The maximum site coverage including accessory buildings shall be 60%.

Accessory Uses - Any structure or accessory to apartment structures shall not exceed a height of twenty-five feet (25') and shall be sited not less than ten feet(10') from any other building or structure.

(iii) Neighborhood Convenience Centers

Permitted Uses - See Section 4101(BN) of "Exhibit C" for permitted uses.

Land Use Controls - Governing itmes relating to land use, density, coverage, parking, building heights, accessory uses, setbacks, and landscaping shall be in general accordance with applicable land use categories described within the BN classification (Section 4101) of "Exhibit C" and only with the approval of the Architectural Review Committee.

(e.) Recreation Areas and Open Space

Intent - These areas are designed to provide a series of inter-connected parks, open spaces, and recreation areas for private use; and to provide for pedestrian and bicycle circulation throughout "Eldorado". It is intended further that these facilities will have a direct relationship to any school sites.

circulation.

Landscape Easement: Landscape buffering.

- | | |
|-----------------|---|
| Accessory Uses | - Any structure or use customary or incidental to the above uses and as approved by the Architectural Review Committee. |
| Density | - N/A |
| Lot Coverage | - N/A |
| Parking | - N/A |
| Building Height | - No building or structure shall exceed thirty-five feet (35') in height. |
| Setbacks | - No structure or equipment shall be located within twenty feet (20') of any property lines or within twenty-five feet (25') of any dedicated street, and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. |
| Landscaping | - Where the natural terrain is disturbed by construction, the developer shall restore it to its natural shape and landscape in order to avoid erosion and to maintain the overall natural character of the site. |

- Land Use Controls - Governing items relating to land use, density, coverage, parking, building heights, accessory uses, setbacks and landscaping shall be in general accordance with applicable land use categories described herein and only with the approval of the Architectural Review Committee.
- Parking - As approved by the Architectural Review Committee, subject to final approval by the City of McKinney.
- Building Height - No building shall exceed thirty-five feet (35') in height.
- Setbacks - No structure housing students shall be located within sixty feet (60') of any property line. No other structure or equipment shall be located within twenty feet (20') of any property line or within twenty-five feet (25') of any dedicated street; and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

(g.) Commercial-

- Intent - The intent of this category is to provide convenient interior commercial facilities in the following types of centers:

Village Commercial

Neighborhood Convenience Center

(shall not exceed two gross acres)

- Permitted Uses - Village Commercial BGM Classification - (Beginning at Section 4501 of Exhibit "C", except as amended herein below.)
- Neighborhood Convenience Center BN

(h.) Opportunity Sites

- | | |
|-------------------|---|
| Intent | - Five (5) peripheral sites have been set aside in order to meet future, as yet undefined, needs of "Eldorado". These are generally seen as high intensity use areas, which will be appropriately controlled and developed as buffer areas for "Eldorado" to Route 75 and other adjacent (high use) properties. |
| Permitted Uses | - Village Commercial
Multi-Family Residential
Private Recreational
Motel |
| Land Use Controls | - Governing items relating to land use, density, coverage, parking, building heights, setbacks and landscaping shall be in general accordance with applicable land use categories described herein and only with the approval of the Architectural Review Committee. |

13. Materials of Construction

Control in the use of building materials will be governed by the

Directional and Informational Signs

Ground Signs

Vehicular Signs (to conform to Federal Manual of Uniform Traffic Control)

Sales and Commercial Signs

Entrance Signs

General -

All lighted signs shall be lighted by a concealed light source. No flashing, blinking, or moving signs shall be allowed in "Eldorado".

All signs must be approved by the Architectural Review Committee and the City of McKinney for harmony with the surrounding architecture and the overall design of the Planned Community Development.

(b.) Lighting

Intent -

The intent of this section is to provide lighting for several purposes: roadway and parking, lot lighting, pathway and pedestrian lighting, landscape lighting, and indirect lighting of informational signs. The lighting system for "Eldorado" will encompass the total range of lighting types in direct conjunction with the graphic system of signage and will be designed for unity and overall clarity throughout the development. Lighting types will include the following:

Roadway Lighting

Pathway Lighting

Landscape Lighting

(b.) Building Height

The distance measured from the natural grade at the lowest point of the building to the highest point of the building.

(c.) Building Height Exceptions

The following appurtenances may exceed the prescribed height restrictions normally required for a use permitted in the zone in which they are constructed: flagpoles, chimneys, cooling towers, elevator bulkheads, belfries, ornamental towers, monuments, cupolas, domes, spires, and other necessary mechanical appurtenances and their protective housing.

(d.) Easements

Easements will be granted for various purposes in the development. They include: utilities, vehicular access, pedestrian access, maintenance and emergency access, storm drainage and landscape easements.

(e.) Gross Leasable Area

Gross leasable area is that area that is usable in any structure for offices, services or merchandising, but not including storage, halls, stairs, bathrooms, or garages.

(f.) Homeowners' Association

An organization responsible for the maintenance of common areas within a designated developmental area as depicted on the Planned Community Development Site Plan (Schematic Master Plan).

(h.) Lot Width

The average lot width from the front line to the rear lot line.

(i.) Parking

Each exterior parking space shall include a minimum length of eighteen feet (18') and a minimum width of nine feet (9') , plus driveway as needed. Parking spaces shall be well drained and provided with an all-weather surface, and access.

Covered Parking: Garage structures enclosed on all sides, with the same exterior architectural treatment and character as the building. These may or may not be attached to the main structure.

Car Ports: A covered parking structure, open on two or more sides which must have the same exterior architectural treatment as the project. These may be detached.

(j.) Required Yards

Front Yards: An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as provided herein and as approved by the Architectural Review Committee.

Side Yards: An open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as provided herein, and as approved by the Architectural Review Committee.

EXHIBITS

Exhibit A - Schematic Master Plan (Planned Community Development Site Plan)

Exhibit B - City of McKinney Ordinance 691 (Subdivision)

Exhibit C - City of McKinney Ordinance 725 and Addendum Ordinance 837 (Zoning)

Exhibit D - City of McKinney Ordinance 895 (Drainage)

Exhibit E - City of McKinney Ordinance 911 (Frisco Water Line)

Exhibit F - City of McKinney Ordinance 1053 (Water & Sewer Pro-Rata)

