

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 85-12-10 AND AMENDING FRISCO'S ZONING ORDINANCE, ORDINANCE NO. 11-04-09, AS AMENDED, TO REZONE A TRACT OF LAND CONSISTING OF 336.3± ACRES, SITUATED IN THE J.W. COX SURVEY, ABSTRACT NO. 160, CITY OF FRISCO, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-6-SINGLE FAMILY-8.5/SINGLE FAMILY-7/MULTIFAMILY-19/RETAIL/COMMERCIAL-1/AGRICULTURAL; PROVIDING THAT THE TRACT IS REZONED AND PLACED IN THE PLANNED DEVELOPMENT-6-SINGLE FAMILY-8.5/SINGLE FAMILY-7/MULTIFAMILY-19/RETAIL/COMMERCIAL-1 ZONING CLASSIFICATION; DESCRIBING THE TRACT TO BE REZONED; PROVIDING A PENALTY CLAUSE, REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") to repeal Ordinance No. 85-12-10, in its entirety, and replace the same with this Ordinance and to amend Frisco's Zoning Ordinance, Ordinance No. 11-04-09, as amended ("Zoning Ordinance") as set forth herein; and

WHEREAS, Frisco ("Applicant") initiated a request to rezone 336.3± acres of land, situated in the J.W. Cox Survey, Abstract No. 160, City of Frisco, Collin County, Texas, and being more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes ("Property"), and depicted in Exhibit A-1, attached hereto and incorporated herein for all purposes; and

WHEREAS, Applicant has requested that Ordinance No. 85-12-10 be repealed in its entirety and that the Zoning Ordinance be amended to rezone the Property, heretofore zoned and classified in the Planned Development-6-Single Family-8.5/Single Family-7/Multifamily-19/Retail/Commercial-1/Agricultural zoning classification, by placing it in the Planned Development-6-Single Family-8.5/Single Family-7/Multifamily-19/Retail/Commercial-1 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 the owner of the Property has agreed to comply with all provisions of the ordinances of Frisco, as they exist, may be amended or in the future arising, including but not limited to, this Ordinance and the Zoning Ordinance. The City Council further finds that the owner of the Property also has agreed to comply with the additional restrictions and conditions set forth herein; the Development Standards set forth in Exhibit B, attached hereto and incorporated herein for all purposes, and in Exhibit C, attached hereto and incorporated herein for all purposes (collectively, "Additional Conditions"); and; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and 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 Frisco and its citizens to rezone the Property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, 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: Repeal of Ordinance No. 85-12-10. Ordinance No. 85-12-10 is hereby repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance, at which time Ordinance No. 85-12-10 shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance No. 85-12-10 occurring before the effective date of this Ordinance.

SECTION 3: 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 contiguous and/or adjacent thereto is hereby rezoned as Planned Development-6-Single Family-8.5/Single Family-7/Multifamily-19/Retail/Commercial-1. The Property, as a whole and the boundaries thereof, is more particularly described in Exhibit A. The general location of the Property is depicted in Exhibit A-1.

The development plans, standards and uses for the Property shall conform to and comply with the Development Standards attached hereto as Exhibit B and Exhibit C, both of which are incorporated herein for all purposes, and all other Additional Conditions. The development of the Property must comply with the requirement of all other applicable ordinances, rules and regulations of Frisco, as they currently exist or may be amended.

SECTION 4: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 5: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to make use of 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 6: 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 upon conviction therefore, shall be fined in a sum 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 Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7: 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. Frisco 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 8: Savings/Repealing Clause. 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 9: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

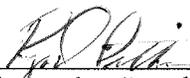
DULY PASSED AND APPROVED BY THE FRISCO CITY COUNCIL on this ____ day of _____, 2015.

Maher Maso, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy, Roeder, Boyd & Hullett P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*

Exhibit A
Legal Description of the Property

Legal Description

BEING a 336.298 acre tract of land situated in the J.W. COX SURVEY, ABSTRACT NO. 160, COLLIN County, Texas and being the same tract of land conveyed to Sam S. Stollenwerck, trustee by Special Warranty Deed recorded in Volume 1820, Page 576, Deed Records, COLLIN County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found at the Northeast corner of that certain tract of land conveyed to Gulf National Corporation by Deed recorded in Volume 1247, Page 457, Deed Records, COLLIN County, Texas, same being in the intersection of the North-South public road known as COLLIN County Road 71 (Coit Road) with an East-West public road known as Eldorado Parkway (COLLIN Road 22);

THENCE South 89 degrees 25 minutes 44 seconds East generally along the center line of said Eldorado Parkway, a distance of 2,769.05 feet to a 5/8 inch iron rod found at the Northwest corner of that certain tract of land conveyed to Carl Rasor as the Second Tract by Deed recorded in Volume 533, Page 128, Deed Records, COLLIN County, Texas;

THENCE South 00 degrees 15 minutes 15 seconds West along the West line of said Carl Rasor tract and the First Tract as conveyed to Rasor in said Deed, passing the Southwest corner of said tract at a distance of 2,871.00 feet and continuing along the West line of the J.T. JOHNSON SURVEY ABSTRACT NO. 490, for a total distance of 5,303.56 feet to a 5/8 inch iron rod found for corner;

THENCE North 89 degrees 49 minutes 22 seconds West along the North line of a tract of land conveyed to Carter Fisher by Deed recorded in Volume 332, Page 546, Deed Records, COLLIN County, Texas, a distance of 2,745.40 feet to a 5/8 inch iron rod found in said COLLIN County Road 71, from which the Southeast corner of said Gulf National Land Corporation tract bears South, a distance of 1.00 foot;

THENCE North 00 degrees 00 minutes 00 seconds West generally along the center of Collin County Road 71 and along the East line of Gulf Land Corporation tract, a distance of 5,322.62 feet to the PLACE OF BEGINNING and CONTAINING 336.298 acres of land, more or less.

SAVE AND EXCEPT that portion conveyed to the City of Frisco in deed filed 01/25/205, recorded in Volume 5841, Page 3399, Land Records, Collin County, Texas.

Exhibit A-1
General Location of the Property

Z15-0010
Planned Development-6

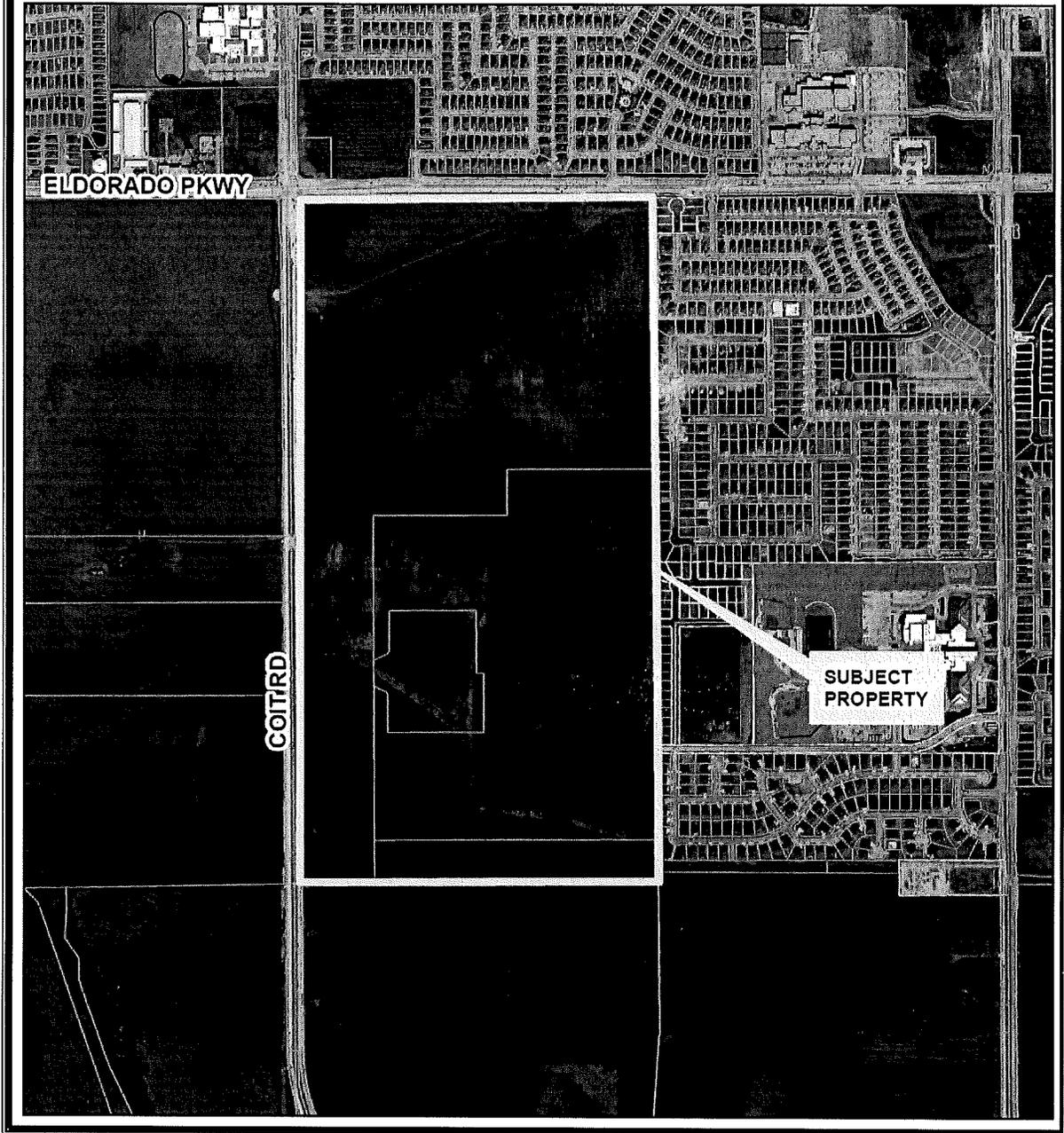


Exhibit B

TRACT 1 - SINGLE-FAMILY RESIDENTIAL DISTRICT 3
(R-3) - 31.5 ACRES

That the zoning designation for the above described 31.5 acre tract be and is hereby zoned Single-Family Residential District 3 (R-3) with a maximum density of 3.68 units per acre. Said tract is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes.

TRACT 2 - SINGLE-FAMILY RESIDENTIAL
DISTRICT 3 (R-3) ON SINGLE-FAMILY RESIDENTIAL
DISTRICT 4 LOT (R-4) - 154.6 ACRES

That the zoning designation for the above described 154.6 acre tract be and is hereby zoned Single-Family Residential District 3 (R-3) with the stipulation that said homes may be constructed on Single-Family Residential District 4 (R-4) Lots and with a maximum density of 5.5 units per acre. Said tract is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes.

TRACT 3 - MULTI-FAMILY RESIDENTIAL DISTRICT 2
(MF-2) - 38.3 ACRES

That the zoning designation for the above-described 38.3 acre tract be and is hereby zoned Multi-Family Residential District 2 (MF-2) with a maximum density of 23.0 units per acre. Said tract is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes.

TRACT 4 - LIGHT RETAIL (LR) - 22.3 ACRES

That the zoning designation for the above described 22.3 acre tract be and is hereby zoned Light Retail (LR). Said tract is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes.

TRACT 5 - LIGHT COMMERCIAL (LC) - 60.2 ACRES

That the zoning designation for the above described 60.2 acre tract be and is hereby zoned Light Commercial (LC). Said tract is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes.

TRACT 6 - SHOPPING CENTER (SC) - 14.6 ACRES

That the zoning designation for the above described 14.6 acre

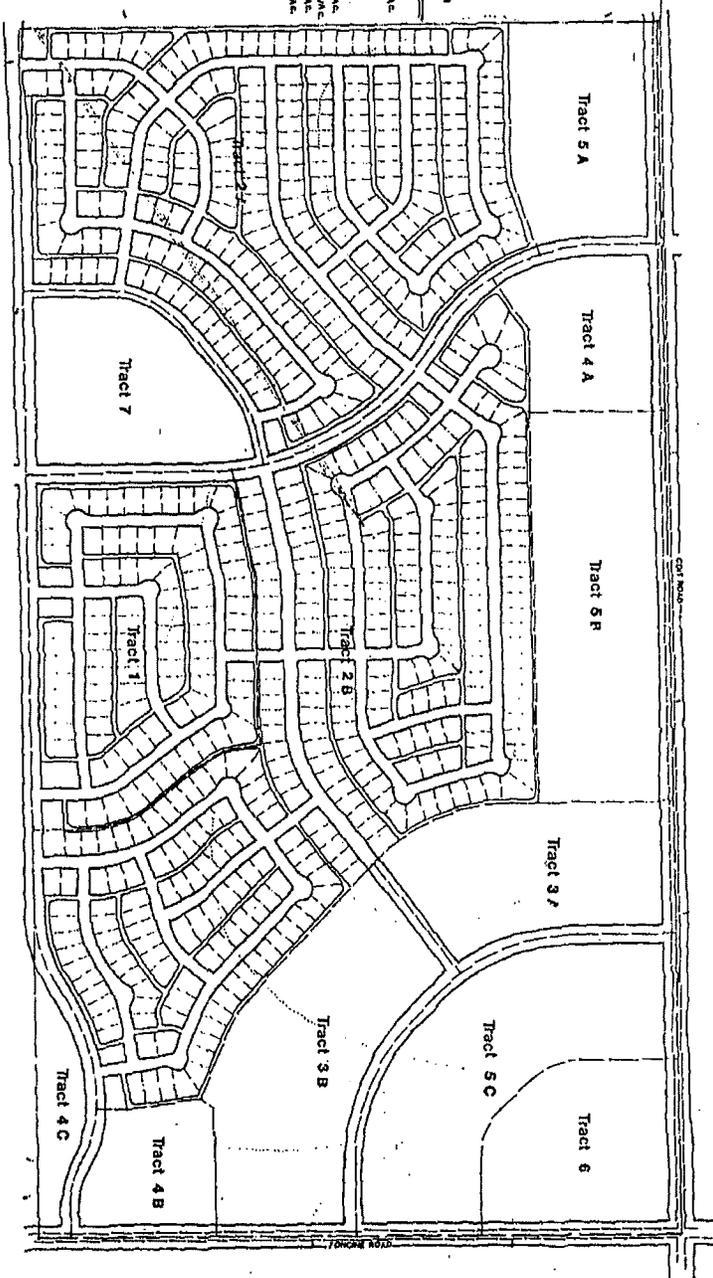
tract be and is hereby zoned Shopping Center (SC). Said tract is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes.

TRACT 7 - SCHOOL/PARK - 14.85 ACRES

That the zoning designation for the above described 14.85 acre tract be and is hereby designated for a School/Park. Said tract is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes.

Exhibit C

Tract No.	Proposed Zoning	Gross Acreage	Net Acreage	Maximum Density
5A	LC	122 AC	122 AC	5.0 U/Ac
2A	R-4	892 AC	888 AC	5.0 U/Ac
7	School/PA	149 AC	1231 AC	
4A	LN	81 AC	81 AC	5.0 U/Ac
5B	LC	251 AC	211 AC	5.0 U/Ac
2B	R-3	315 AC	282 AC	2.0 U/Ac
3A	MF-2	181 AC	142 AC	2.0 U/Ac
3B	LN	282 AC	188 AC	2.0 U/Ac
4B	LN	74 AC	61 AC	5.0 U/Ac
4C	LC	253 AC	200 AC	5.0 U/Ac
5C	LC	148 AC	123 AC	5.0 U/Ac



Development Plan
Frisco, Texas

DATE: 10/24/88
REVISED: 11/19/88

