

CITY OF FORNEY, TEXAS

ORDINANCE NO. 15-04

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 40.854 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" HERETO, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, WHICH LAND IS KNOWN AS STONEBRIAR ESTATES, BY AMENDING ORDINANCE NO. 1214 TO CHANGE THE ZONING FROM PD – PLANNED DEVELOPMENT OVERLAY DISTRICT WITH A BASE ZONING DISTRICT OF SINGLE-FAMILY RESIDENTIAL-6 DISTRICT (SF-6) USES TO PD – PLANNED DEVELOPMENT OVERLAY DISTRICT WITH A BASE ZONING DISTRICT OF SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT (SFA) USES, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE, SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Forney, Texas ("City") is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the Home Rule Charter for the City of Forney, Texas; and

WHEREAS, the City Council of the City of Forney ("City Council"), pursuant to Chapter 211 of the Texas Local Government Code, as amended, possesses the power to regulate zoning and development in the City; and

WHEREAS, a public hearing was held before the Planning & Zoning Commission and a public hearing was held before the City Council, after due notice thereof was had in accordance with the Comprehensive Zoning Ordinance of the City of Forney, Texas ("Zoning Ordinance") regarding the rezoning sought hereby; and

WHEREAS, at such public hearings all persons having any interest in doing so were afforded an opportunity to be heard concerning the proposed zoning change; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council; and

WHEREAS, the City Council further finds and determines that the proposed amendment to the Zoning Ordinance is in the best interest and in support of the health, safety, morals, and general welfare of the citizens of the City of Forney, that the zoning of the property described herein shall be changed, and that the official zoning map of the City of Forney, Texas, shall be amended to reflect the rezoning of the property described;

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

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct legislative and factual determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. ZONING AMENDED

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the official zoning map of the City of Forney, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said Zoning Ordinance are not amended, but shall remain intact and are hereby ratified, verified, and affirmed to create a change in the zoning classification of the property described herein, as follows:

That certain tract of land commonly known as Stonebriar Estates, to be known as Brooklyn Village, located in the John Gregg Survey, Abstract No. 171, in the City of Forney, Kaufman County, Texas, and consisting of approximately 40.854 acres, as more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes ("Property"), presently zoned PD - Planned Development Overlay District with a base zoning district of SF-6 - Single-Family Residential-6 District uses, is hereby rezoned PD - Planned Development Overlay District with a base zoning district of SF-A - Single-Family Attached Residential District uses in accordance with specific requirements in the City's Comprehensive Plan, and in accordance with Exhibit "B" (Development Standards and Permitted Uses) and Exhibit "C" (Concept Plan), attached hereto and incorporated herein by reference as if repeated verbatim for all purposes allowed by law.

Section 3. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 4. SAVINGS CLAUSE

The Comprehensive Zoning Ordinance of the City of Forney, Texas, Ordinance No. 1085, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Exhibit "A"

Description of Property

STATE OF TEXAS §

COUNTY OF KAUFMAN §

WHEREAS Forney 190, LLC, is the sole owner of a tract of land situated in the John Gregg Survey, Abstract No. 171, in the City of Forney, Kaufman County, Texas, being all of a 40.854 acre tract of land conveyed to them in a Warranty Deed, recorded in Volume 4479, Page 203 of the Official Public Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the westerly most corner of said Forney 190, LLC tract being marked by a 5/8" iron rod with cap stamped "Shield Engineering" set;

THENCE N 43°33'58" E, 724.31 feet along the westerly boundary line of said tract to a 5/8 inch iron rod found;

THENCE S 45°31'42" E, 107.68 feet along the boundary line of said tract to a 1/2 inch iron rod found;

THENCE S 84°21'38" E, 69.62 feet along the boundary line of said tract to a 1/2 inch iron rod found;

THENCE N 03°12'19" W, 15.73 feet along the boundary line of said tract to a 5/8 inch iron rod with cap stamped "Shield Engineering" set for the beginning of a curve to the right;

THENCE 86.25 feet along the arc of said curve and along the boundary line of said tract, through a central angle of 24°42'32", whose radius is 200.00 feet, the long chord of which bears N 09°08'57" E, 85.58 feet to a 1/2 inch iron rod found in the southerly right-of-way line of Bowie Street;

THENCE S 68°15'08" E, 50.00 feet along said southerly right-of-way line to a 5/8 inch iron rod with cap stamped "Shield Engineering" set for the beginning of a curve to the left;

THENCE 66.00 feet along the arc of said curve and along the boundary of said Forney 190, LLC tract, through a central angle of 25°12'38", whose radius is 150.00 feet, the long chord of which bears S 09°15'57" W, 65.47 feet to a 5/8 inch iron rod with cap stamped "Shield Engineering" set;

THENCE S 03°25'59" E, 141.54 feet along the boundary of said tract to a 5/8 inch iron rod with cap stamped "Shield Engineering" set;

THENCE S 85°04'15" E, 135.28 feet along the boundary of said tract to a 5/8 inch iron rod with cap stamped "Shield Engineering" set;

THENCE N 15°56'36" W, 40.53 feet along the boundary of said tract to a 5/8 inch iron rod with cap stamped "Shield Engineering" set;

THENCE N 03°24'54" W, 166.83 feet along the boundary of said tract to a point;

THENCE S 84°34'53" E, 71.41 feet along said southerly right-of-way line a 5/8" iron rod with cap stamped "Shield Engineering" set;

THENCE N 86°20'43" E, 265.68 feet along said southerly right-of-way line to a 5/8 inch iron rod with cap stamped "Shield Engineering" set in the northerly boundary line of said Forney 190, LLC tract;

THENCE S 45°40'32" E, 1167.33 feet leaving said right-of-way line and along the northerly boundary line of said Forney 190, LLC tract to a 3/8 inch iron rod found for the easterly most corner of said tract;

THENCE S 43°52'30" W, 1169.36 feet along the easterly boundary line of said tract to a 3/8 inch iron rod found for the southerly most corner of said tract;

THENCE N 46°10'16" W, 295.15 feet along the southerly boundary line of said tract to a 5/8 inch iron rod with cap stamped "Shield Engineering" set;

THENCE N 45°58'30" W, 1340.76 feet along the southerly boundary line of said tract to the POINT OF BEGINNING, and containing 40.854 acres of land, more or less.

EXHIBIT A

Exhibit "B"

Development Standards and Permitted Uses

Stonebriar Estates
Bowie Street, East of FM 740 (Pinson Road)
AMENDED TEXT OF PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of single-family garden homes including alleys with a base zoning of Single-Family Attached Residential District Town homes (SFA) for Minimum Lot Size and Alleys only. All other base zoning requirements will be based on Single-Family 6 (SF-6) zoning including SF-6 uses.
- II. **Statement of Effect:** This Planned Development shall not affect any regulations found in the Comprehensive Zoning Ordinance, Ordinance No. 1085, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the SF-6 (Single Family Residential) District set forth in Section 20 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. Development Plans:

Concept Plan: Development shall be in general conformance with the Concept Plan; however, in the event of conflict between the Concept Plan and the written conditions of this Ordinance, the written conditions shall apply. The Concept Plan shall also serve as the Preliminary Plat.

V. Specific Regulations:

- A. Permitted Uses: No uses shall be permitted except for the uses listed under the "SF-6 (Single Family Residential) District" in Section 37 of the Comprehensive Zoning Ordinance.
- B. Building Height: Buildings shall be a maximum of 36 feet or 2.5 stories in height.
- C. Lot Area: The minimum area of any lot shall be 4,000 square feet. The average lot area – 4,500 square feet. Maximum lot coverage including main buildings and accessory buildings shall not exceed fifty five (55%) percent.
- D. Lot Width: The minimum lot width shall be 40 feet along the front building line except lots within the bulb radius of a cul-de-sac or along the bulb portion of street elbows or eyebrows may use an increased front yard setback of no greater than 5 additional feet.
- E. Lot Depth: The minimum lot depth shall be 96.5 feet with the exception of the following lots which shall have a minimum lot depth of 50 feet: Lot 1, Block A; Lot 4, Block A; Lot 1, Block C; Lot 17, Block C; Lot 1, Block D; Lot 11, Block D.
- F. Setbacks: The following setbacks shall apply:
 - i. Front Yard: 5 feet
 - ii. Side Yard: 5 feet, Side yard adjacent to a street: 10 feet, to Alley: 5 feet
 - iii. Rear yard: 10 feet, Minimum length driveway and garage door setback: 10 feet with the exception of following lots which shall have a minimum rear yard setback of 5 feet: Lot 5, Block A; Lot 11, Block D; Lot 24, Block G; Lot 1, Block H; Lot 2, Block H; Lot 3, Block H; Lot 5, Block H.
 - iv. All A/C units will be placed to the rear of the home.

- G. Minimum Dwelling Unit Size: The minimum dwelling unit size shall be 1,400 square feet of air-conditioned floor area.
- H. Roof Pitch: The minimum roof pitch shall be 6:12, except front porch roofs which may be 4:12..
- I. Roofing Materials: Roofing materials shall be at least 20-year, textured composition (i.e. – dimensional) roofing or better.
- J. Masonry Materials: Building façades may vary between 20% and 55% of masonry material per the façade definitions outlined in the City of Forney's Zoning Application in order to achieve the New England "cottage" style appearance desired. Non-masonry materials, ranging from 80% to 45%, shall be of cement board material. Such material may be "Hardie-Plank" or approved equal fiber board, coated with self-priming, mildew resistant, exterior acrylic paint with a minimum 25 year warranty.

Garage Conversions: All garage modifications and conversions shall be prohibited in this development.

- K. Alleys: The proposed development shall include 10' concrete alley's for rear lot access to proposed dwellings. These alleys shall conform to the City of Forney's subdivision ordinance and design standards.

Trash collection & recycling services shall be prohibited in the alley sections. These services shall be provided in the front of the lots via the proposed street sections only.

Fencing: No fencing shall be allowed within the rear yard setback to increase sight distance for motorists.

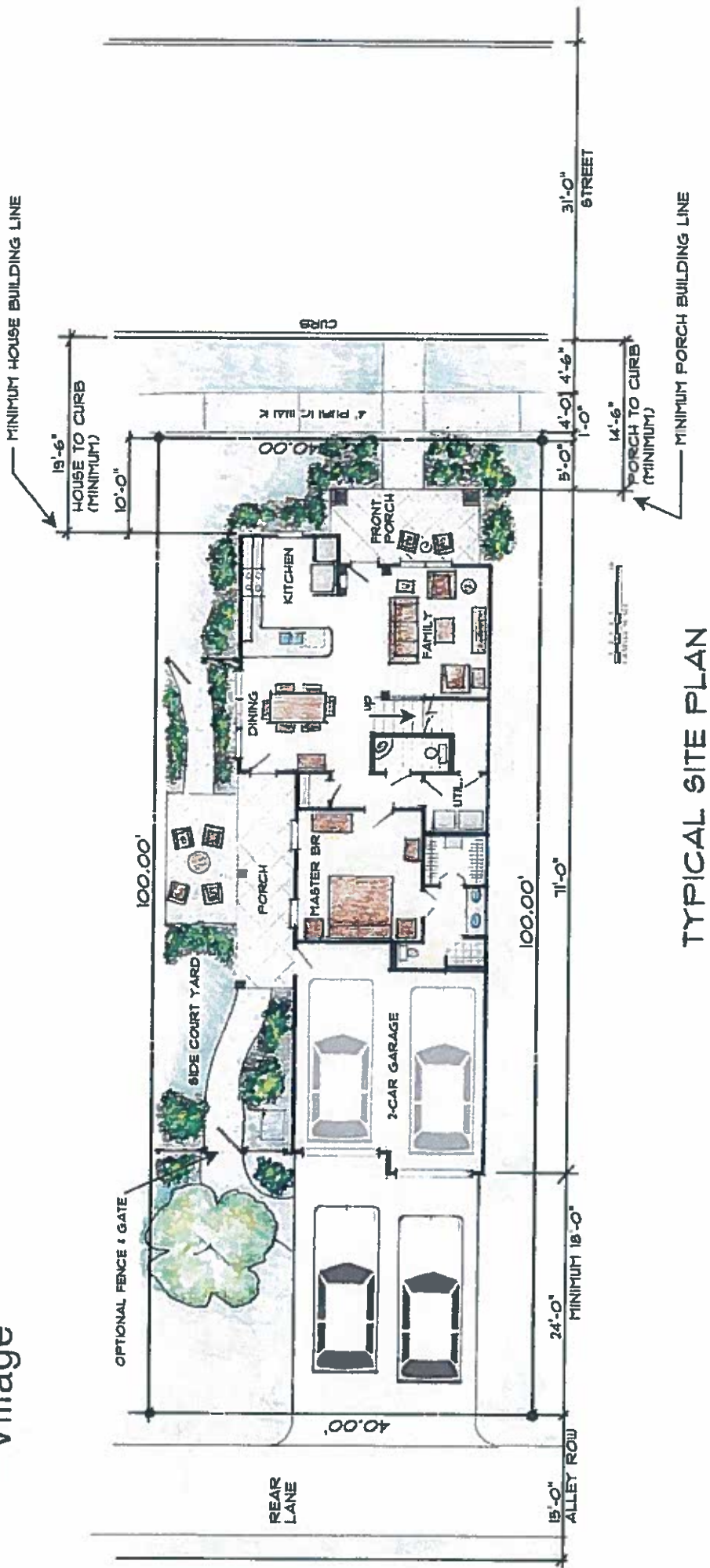
- N. Sidewalks: Both sides of the proposed street sections shall contain 5' sidewalks to provide pedestrian access throughout the community.
- O. Screening: Along Bowie Street, a minimum 6-foot high uniform, precast masonry wall shall be installed. Fence product shall include integral coloring to mitigate future fence maintenance, such as WoodCrete or approved equal.
- P. Each residential lot shall be planted with at least two (2) large shade tree having a minimum caliper of three inches (3") in the front yard. Trees, except very small ornamental trees, shall not be planted between the street curb and the sidewalk (due to maintenance issues).
- Q. Maintenance: All alley ways, drainage easements, and open lot common areas shall be maintained by an established Home Owners Association. This includes all necessary mowing to the non-paved portions of the alley right-of-ways.
- R. Parkland Dedication will consist of the following as recommended by the Parks Board for the City of Forney and as approved by the City Council:
 - i. 2.76 acres of land dedication required with 184 lots
 - ii. 1.089 acres will be dedicated to extend the linear park from the north known as Mustang Creek Park
 - iii. The remaining dedication (approximately 1.671 acres) will consist of \$21,723 as fees in lieu of
 - iv. The eight-foot (8') trail will be connected and extended from the Mustang Creek Park at the Developer's expense as a part of public improvements to Lot 1, Block D. From Lot 1, Block D, to Lot 14, Block D. From Lot 14, Block D, the trail will

remain at six (6) foot to the northeastern tip of Lot 27, Block I, with this portion being built with public improvements and the bridge. The Developer will escrow funds to equal an eight (8) foot trail from the northeastern tip of Lot 28, Block I, to the southeastern tip of Lot 28, Block I.

- S. The area known as Mustang Creek along the eastern (approximately 2.56 acres), central (approximately 5.10 acres), and southern (approximately 2.56 acres) portions of the site, will be owned and maintained by the established HOA. These areas are called out as proposed drainage easements (approximately 10.23 total acres) on the property concept plan and plat.

Exhibit "C"

Concept Plan



TYPICAL SITE PLAN

ORDINANCE NO. 1214

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, SO AS TO AMEND AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL (SF-6) USES FOR THE PROPERTY DESCRIBED AS 40.806 ACRES OF LAND MORE OR LESS IN THE JOHN GREGG SURVEY, ABSTRACT NUMBER 171, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED, AND KNOWN AS STONEBRIAR ESTATES; APPROVING PLANNED DEVELOPMENT STANDARDS AS EXHIBIT "B"; APPROVING A CONCEPT PLAN/PRELIMINARY PLAT ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Forney and the City Council of the City of Forney, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Forney is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Forney, Texas, be, and the same are hereby, amended so as to grant an amendment to an existing Planned Development District for Single-Family (SF-6) Uses for the property described as 40.806 acres, more or less, in the John Gregg Survey, Abstract No. 171, in the City of Forney, Kaufman County, Texas, known as Stonebriar Estates, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

SECTION 2. That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development

District as required by Section 34a.3, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 3. That the concept plan/preliminary plat for this Planned Development District are attached hereto as Exhibit "C", and the same are hereby approved for said Planned Development District as required by Section 34a.3, of the Comprehensive Zoning Ordinance of the City of Forney, Texas.

SECTION 4. That all ordinances of the City of Forney in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance and Map as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Forney, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Forney, Texas, on the 15th day of



CITY OF FORNEY, TEXAS

Donald Brown
MAYOR

ATTEST:

Alessa Moore
CITY SECRETARY

EXHIBIT A
Legal Description

THENCE North 44 deg. 47 min. 13 sec. West at 466.07 feet a 1/2" iron rod with yellow plastic cap stamped "VANNOY" found bears South 45 deg. 12 min. 47 sec. West a distance of 0.97 feet for the north corner of Clements Addition Replat, an addition to the City of Forney, Texas as recorded in Cabinet 2 Page 364 of the Plat Records of Kaufman County, Texas, at 766.67 feet a 1/2" iron rod found bears South 45 deg. 12 min. 47 sec. West a distance of 1.76 feet, at 966.93 feet a 1-1/2" I.D. iron pipe found bears South 45 deg. 12 min. 47 sec. West a distance of 2.70 feet, at 1266.63 feet a 1/2" iron rod found bears South 45 deg. 12 min. 47 sec. West a distance of 2.46 feet and continuing for a total distance of 1340.76 feet to a 1/2" iron rod found for corner;

THENCE North 44 deg. 41 min. 50 sec. East along a northwesterly line of said Tuttle tract a distance of 722.49 feet to a 5/8" iron rod with yellow plastic cap stamped "RPLS 5405" found for corner in the southwest line of said Eastwood Addition Installment One;

THENCE South 43 deg. 50 min. 21 sec. East with said southwest line of Eastwood Addition Installment One a distance of 107.43 feet to a 1/2" iron rod found for corner;

THENCE South 83 deg. 28 min. 47 sec. East with a southerly line of said Eastwood Addition Installment One a distance of 69.50 feet to a 1/2" iron rod found for corner;

THENCE North 02 deg. 09 min. 19 sec. West with an inner easterly line of said Eastwood Addition Installment One a distance of 13.92 feet to a 1/2" iron rod found for corner and being the P.C. of a curve to the right, said curve having a central angle of 25 deg. 13 min. 37 sec., a radius of 200.00 feet, a tangent distance of 44.75 feet and a chord which bears North 10 deg. 11 min. 56 sec. East a distance of 87.35 feet;

THENCE northeasterly with said curve to the right and said Eastwood Addition Installment One an arc distance of 88.06 feet to a 1/2" iron rod found for an ell corner of said Eastwood Addition Installment One and being in the northwesterly right-of-way line of Caladium Drive (50' R.O.W.);

THENCE South 67 deg. 12 min. 08 sec. East with the southwesterly right-of-way line of said Caladium Drive (50' R.O.W) a distance of 50.20 feet to a 1/2" iron rod found leaning for an ell corner of said Eastwood Addition Installment One and being in a northwesterly line of said Everett Addition, said iron rod being in a curve to the left having a central angle of 25 deg. 12 min. 32 sec., a radius of 150.00 feet, a tangent distance of 33.54 feet and a chord which bears South 10 deg. 18 min. 57 sec. West a distance of 65.47 feet;

THENCE southwesterly with said curve to the left and with said Everett Addition an arc distance of 66.00 feet to a 1/2" iron rod found for corner and P.T. of said curve;

THENCE South 02 deg. 22 min. 59 sec. East with a westerly line of said Everett Addition a distance of 141.54 feet to point for corner;

THENCE South 84 deg. 01 min. 15 sec. East across said Everett Addition a distance of 135.28 feet to point for corner;

EXHIBIT A

EXHIBIT A

THENCE North 14 deg. 53 min. 36 sec. West with an easterly line of said Everett Addition a distance of 40.53 feet to a 1/2" iron rod with plastic cap stamped "RPLS 5405" found for corner;

THENCE North 02 deg. 21 min. 54 sec. West a distance of 166.83 feet to the PALCE OF BEGINNING and containing 1,777,528 square feet or 40.808 acres of land, more or less.

EXHIBIT A

Stonebriar Estates
Bowie Street, east of FM 740 (Pinson Road)
AMENDED TEXT of PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of single-family garden homes with a base zoning of Single-Family 6 (SF-6).
- II. **Statement of Effect:** This Planned Development shall not affect any regulations found in the Comprehensive Zoning Ordinance, Ordinance No. 1085, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the SF-6 (Single Family Residential) District set forth in Section 20 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV **Development Plans:**

Concept Plan: Development shall be in general conformance with the Concept Plan; however, in the event of conflict between the Concept Plan and the written conditions of this Ordinance, the written conditions shall apply. The Concept Plan shall also serve as the Preliminary Plat.

V. **Specific Regulations:**

- A. Permitted Uses: No uses shall be permitted except for the uses listed under the "SF-6 (Single Family Residential) District" in Section 20 of the Comprehensive Zoning Ordinance.
- B. Building Height: Buildings shall be a maximum of 36 feet or 2.5 stories in height.
- C. Lot Area: The minimum area of any lot shall be 4,000 square feet. The average lot area - 4950 square feet. Maximum lot coverage including main buildings and accessory buildings shall not exceed fifty (50%) percent.
- D. Lot Width: The minimum lot width shall be 40 feet along the front building line except that lots within the bulb radius of a cul-de-sac or along the bulb portion of street elbows or eyebrows may use an increased front yard setback of no greater than 5 additional feet.
- E. Lot Depth: The minimum lot depth shall be 96.5 feet except that lots along the radius of a cul-de-sac or along street elbows or eyebrows may have a minimum lot depth of 100 feet.

EXHIBIT B

- F. Setbacks: The following setbacks shall apply
- i. Front Yard: 20 feet, Minimum length driveway and garage door setback: 20 feet
 - ii. Side Yard: 5 feet, Side yard adjacent to a street: 10 feet
 - iii. Rear Yard: 5 feet
 - iv. All A/C units will be placed to the rear of the home.
- G. Minimum Dwelling Unit Size: The minimum dwelling unit size shall be 1,350 square feet of air-conditioned floor area. The minimum dwelling size on Lots 1-14, Block A shall be 1500 square feet of air-conditioned floor area.
- H. Roof Pitch: The minimum roof pitch shall be 8:12
- I. Roofing Materials: Roofing materials shall be at least 25 year, textured composition (i.e. – dimensional) roofing or better
- J. Screening: Along Bowie Street, a minimum 6 foot high uniform, stained cedar, board on board with a top cap wood fence with masonry columns at 40 foot centers, with galvanized steel posts at a maximum 10 foot spacing in between the masonry columns and with the finished (i.e. – board) side of the fence facing the street shall be required. The stained cedar fence shall not exceed 60% of the total length of the right-of-way along Bowie Street. The balance of the screening shall be masonry. The fencing will be constructed by the builder as each residential lot is built out.
- K. Each residential lot shall be planted with at least two (2) large shade trees having a minimum caliper of three inches (3") in the front yard. Trees, except very small ornamental trees, shall not be planted between the street curb and the sidewalk (due to maintenance issues).
- L. Parkland Dedication will consist of the following as recommended by the Parks Board for the City of Fomey and as approved by the City Council:
- 2.93 acres of land dedication required with 195 lots.
 - .93 acres will be dedicated to extend the linear park from the north known as Mustang Creek Park.
 - The remaining dedication (approximate 2.00 acres) will consist of \$26,000.00 as fees in lieu of.
 - The eight (8') foot trail will be connected and extended from the Mustang Creek Park at the developer's expense as a part of public improvements to Lot 1, Block D. From Lot 1, Block D to Lot 12, Block D the developer will escrow funds to equal a six (6) foot trail. From Lot 12, Block D the trail will

EXHIBIT B

remain at six (6) foot to the northeastern tip of Lot 28, Block I with this portion being built with public improvements and the bridge. The developer will escrow funds to equal an eight (8) foot trail from the northeastern tip of Lot 28, Block I to the southeastern tip of Lot 28, Block I.

- J. The area known as Mustang Creek along the eastern (approx. 2.85 acres) and southern (approx. 5.69 acres) boundary will be dedicated to the City of Fomey This includes the area called out as drainage easement (approx 2.34 acres) on the property concept plan and plat.

EXHIBIT B

BASE OF BEARINGS:

THE SOUTHEAST LINE OF 25.776 ACRE TRACT, V. 1418
P. 0153 & S.E. LINE OF 71.289 AC. TRACT V. 1070
P. 763, D.B.K.C.T., BETWEEN CONTROLLING MONUMENTS (C.M.)

WVRS STUDY ON 12-08-04 CALLS FOR
FINISHED FLOOR ELEVATION TO BE
MINIMUM OF 2 FEET HIGHER THAN FLOOD LEVEL.

PORTION OF THIS SECTION BY MEANS AND FORCE OF
CITY ORDINANCE AND STATE LAW AND IS
TO BE USED FOR PURPOSES OF UTILITIES AND
BUILDING PERMITS.

ALL EASEMENTS SHOWN HEREON ARE DEPICTED BY THIS PLAT UNLESS
NOTED OTHERWISE BY VOLUME & PAGE NUMBER OF INSTRUMENT RECORDING.

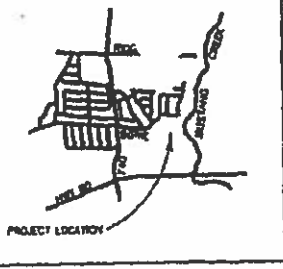
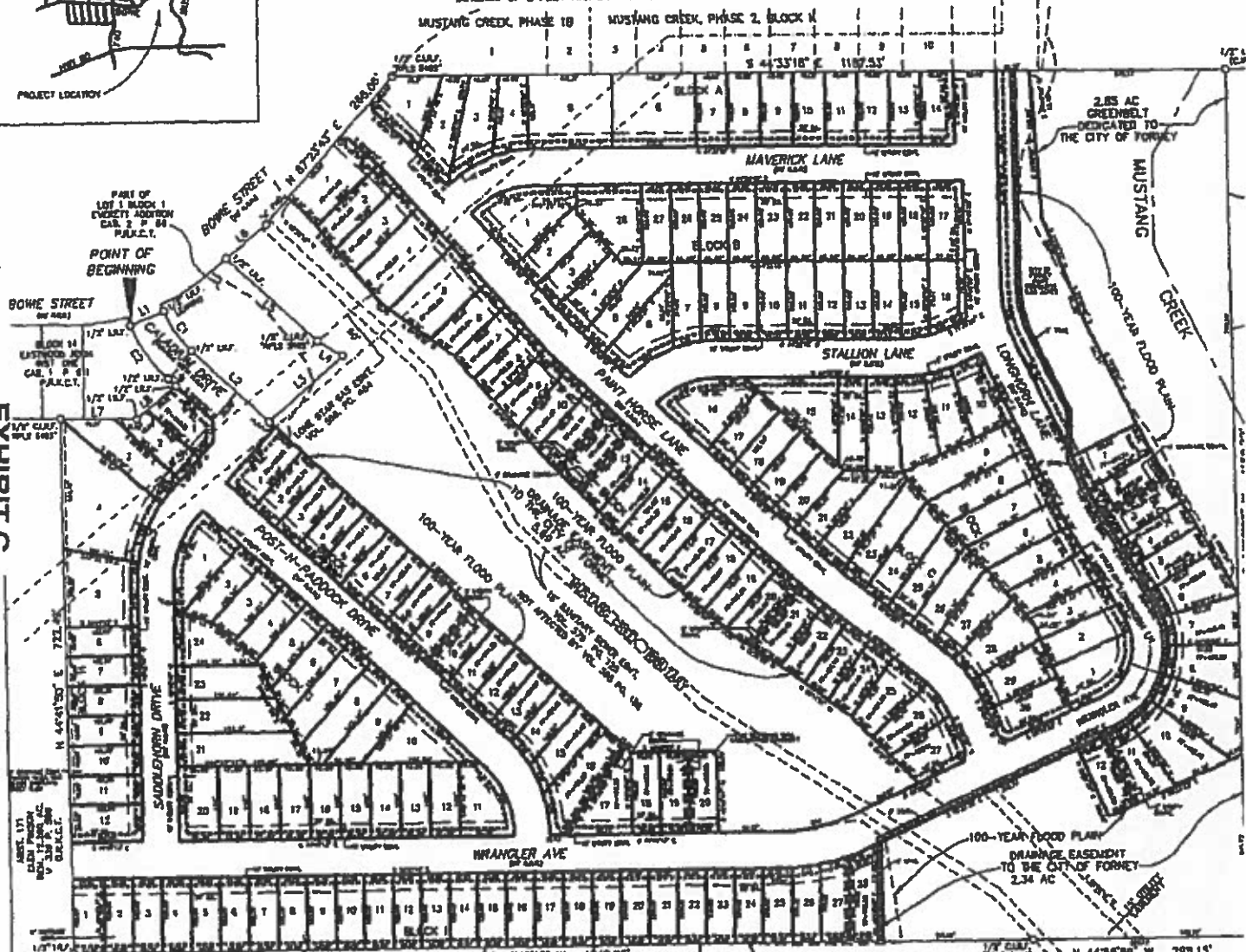


EXHIBIT C



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| <p>ASST. 171 BOWE TRACT V. 021 P. 345 D.B.K.C.T.</p> | <p>ASST. 171 PATIENCE TRAIL, OWNERS OF BOWE TRACT V. 1316 P. 314 D.B.K.C.T.</p> | <p>ASST. 171 THE FARM CO L. 1789 AC. V. 1096 P. 335 D.B.K.C.T.</p> | <p>ASST. 171 NEW HORIZONS, OWNERS OF BOWE TRACT V. 1422 P. 34 D.B.K.C.T.</p> | <p>ASST. 171 BLANK & HANCOCK BANKERS HONORARY TRACT V. 1189 P. 213 D.B.K.C.T.</p> | <p>ASST. 171 PROGRESSIVE LAND AC. V. 1189 P. 213 D.B.K.C.T.</p> | <p>ASST. 171 CLAYTONS HILLS, TRACT V. 142 P. 34 D.B.K.C.T.</p> | <p>OWNER: MAM JOINT VENTURE 777 EAST 15TH STREET PLANO, TEXAS 75074 (972) 422-3085</p> <p>ENGINEER: ERIC L. GAVS ENGINEERING, INC. 428 PRISON ROAD, SUITE C FORNEY, TEXAS 75128 (214) 208-4483</p> | <p>PRELIMINARY PLAT STONEBRIAR ESTATES PLANNED DEVELOPMENT</p> <p>A 185 LOT ADDITION TO THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, BEING 46.808 ACRES OF LAND SITUATED IN THE JOHN CREEK SURVEY, KAUFMAN COUNTY, TEXAS</p> |
|--|---|--|--|---|---|--|--|---|

AREA TABLES

| Block | Area No. | Area | Approx. Area |
|-------|----------|------|--------------|
| 1 | 1 | 1.00 | 1.00 |
| 1 | 2 | 1.00 | 1.00 |
| 1 | 3 | 1.00 | 1.00 |
| 1 | 4 | 1.00 | 1.00 |
| 1 | 5 | 1.00 | 1.00 |
| 1 | 6 | 1.00 | 1.00 |
| 1 | 7 | 1.00 | 1.00 |
| 1 | 8 | 1.00 | 1.00 |
| 1 | 9 | 1.00 | 1.00 |
| 1 | 10 | 1.00 | 1.00 |
| 1 | 11 | 1.00 | 1.00 |
| 1 | 12 | 1.00 | 1.00 |
| 1 | 13 | 1.00 | 1.00 |
| 1 | 14 | 1.00 | 1.00 |
| 1 | 15 | 1.00 | 1.00 |
| 1 | 16 | 1.00 | 1.00 |
| 1 | 17 | 1.00 | 1.00 |
| 1 | 18 | 1.00 | 1.00 |
| 1 | 19 | 1.00 | 1.00 |
| 1 | 20 | 1.00 | 1.00 |
| 1 | 21 | 1.00 | 1.00 |
| 1 | 22 | 1.00 | 1.00 |
| 1 | 23 | 1.00 | 1.00 |
| 1 | 24 | 1.00 | 1.00 |
| 1 | 25 | 1.00 | 1.00 |
| 1 | 26 | 1.00 | 1.00 |
| 1 | 27 | 1.00 | 1.00 |
| 1 | 28 | 1.00 | 1.00 |
| 1 | 29 | 1.00 | 1.00 |
| 1 | 30 | 1.00 | 1.00 |
| 1 | 31 | 1.00 | 1.00 |
| 1 | 32 | 1.00 | 1.00 |
| 1 | 33 | 1.00 | 1.00 |
| 1 | 34 | 1.00 | 1.00 |
| 1 | 35 | 1.00 | 1.00 |
| 1 | 36 | 1.00 | 1.00 |
| 1 | 37 | 1.00 | 1.00 |
| 1 | 38 | 1.00 | 1.00 |
| 1 | 39 | 1.00 | 1.00 |
| 1 | 40 | 1.00 | 1.00 |
| 1 | 41 | 1.00 | 1.00 |
| 1 | 42 | 1.00 | 1.00 |
| 1 | 43 | 1.00 | 1.00 |
| 1 | 44 | 1.00 | 1.00 |
| 1 | 45 | 1.00 | 1.00 |
| 1 | 46 | 1.00 | 1.00 |
| 1 | 47 | 1.00 | 1.00 |
| 1 | 48 | 1.00 | 1.00 |
| 1 | 49 | 1.00 | 1.00 |
| 1 | 50 | 1.00 | 1.00 |
| 1 | 51 | 1.00 | 1.00 |
| 1 | 52 | 1.00 | 1.00 |
| 1 | 53 | 1.00 | 1.00 |
| 1 | 54 | 1.00 | 1.00 |
| 1 | 55 | 1.00 | 1.00 |
| 1 | 56 | 1.00 | 1.00 |
| 1 | 57 | 1.00 | 1.00 |
| 1 | 58 | 1.00 | 1.00 |
| 1 | 59 | 1.00 | 1.00 |
| 1 | 60 | 1.00 | 1.00 |
| 1 | 61 | 1.00 | 1.00 |
| 1 | 62 | 1.00 | 1.00 |
| 1 | 63 | 1.00 | 1.00 |
| 1 | 64 | 1.00 | 1.00 |
| 1 | 65 | 1.00 | 1.00 |
| 1 | 66 | 1.00 | 1.00 |
| 1 | 67 | 1.00 | 1.00 |
| 1 | 68 | 1.00 | 1.00 |
| 1 | 69 | 1.00 | 1.00 |
| 1 | 70 | 1.00 | 1.00 |
| 1 | 71 | 1.00 | 1.00 |
| 1 | 72 | 1.00 | 1.00 |
| 1 | 73 | 1.00 | 1.00 |
| 1 | 74 | 1.00 | 1.00 |
| 1 | 75 | 1.00 | 1.00 |
| 1 | 76 | 1.00 | 1.00 |
| 1 | 77 | 1.00 | 1.00 |
| 1 | 78 | 1.00 | 1.00 |
| 1 | 79 | 1.00 | 1.00 |
| 1 | 80 | 1.00 | 1.00 |
| 1 | 81 | 1.00 | 1.00 |
| 1 | 82 | 1.00 | 1.00 |
| 1 | 83 | 1.00 | 1.00 |
| 1 | 84 | 1.00 | 1.00 |
| 1 | 85 | 1.00 | 1.00 |
| 1 | 86 | 1.00 | 1.00 |
| 1 | 87 | 1.00 | 1.00 |
| 1 | 88 | 1.00 | 1.00 |
| 1 | 89 | 1.00 | 1.00 |
| 1 | 90 | 1.00 | 1.00 |
| 1 | 91 | 1.00 | 1.00 |
| 1 | 92 | 1.00 | 1.00 |
| 1 | 93 | 1.00 | 1.00 |
| 1 | 94 | 1.00 | 1.00 |
| 1 | 95 | 1.00 | 1.00 |
| 1 | 96 | 1.00 | 1.00 |
| 1 | 97 | 1.00 | 1.00 |
| 1 | 98 | 1.00 | 1.00 |
| 1 | 99 | 1.00 | 1.00 |
| 1 | 100 | 1.00 | 1.00 |

| Block | Area No. | Area | Approx. Area |
|-------|----------|------|--------------|
| 2 | 1 | 1.00 | 1.00 |
| 2 | 2 | 1.00 | 1.00 |
| 2 | 3 | 1.00 | 1.00 |
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| 2 | 5 | 1.00 | 1.00 |
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| 2 | 9 | 1.00 | 1.00 |
| 2 | 10 | 1.00 | 1.00 |
| 2 | 11 | 1.00 | 1.00 |
| 2 | 12 | 1.00 | 1.00 |
| 2 | 13 | 1.00 | 1.00 |
| 2 | 14 | 1.00 | 1.00 |
| 2 | 15 | 1.00 | 1.00 |
| 2 | 16 | 1.00 | 1.00 |
| 2 | 17 | 1.00 | 1.00 |
| 2 | 18 | 1.00 | 1.00 |
| 2 | 19 | 1.00 | 1.00 |
| 2 | 20 | 1.00 | 1.00 |
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| 2 | 24 | 1.00 | 1.00 |
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| 2 | 27 | 1.00 | 1.00 |
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| 2 | 30 | 1.00 | 1.00 |
| 2 | 31 | 1.00 | 1.00 |
| 2 | 32 | 1.00 | 1.00 |
| 2 | 33 | 1.00 | 1.00 |
| 2 | 34 | 1.00 | 1.00 |
| 2 | 35 | 1.00 | 1.00 |
| 2 | 36 | 1.00 | 1.00 |
| 2 | 37 | 1.00 | 1.00 |
| 2 | 38 | 1.00 | 1.00 |
| 2 | 39 | 1.00 | 1.00 |
| 2 | 40 | 1.00 | 1.00 |
| 2 | 41 | 1.00 | 1.00 |
| 2 | 42 | 1.00 | 1.00 |
| 2 | 43 | 1.00 | 1.00 |
| 2 | 44 | 1.00 | 1.00 |
| 2 | 45 | 1.00 | 1.00 |
| 2 | 46 | 1.00 | 1.00 |
| 2 | 47 | 1.00 | 1.00 |
| 2 | 48 | 1.00 | 1.00 |
| 2 | 49 | 1.00 | 1.00 |
| 2 | 50 | 1.00 | 1.00 |
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| 2 | 59 | 1.00 | 1.00 |
| 2 | 60 | 1.00 | 1.00 |
| 2 | 61 | 1.00 | 1.00 |
| 2 | 62 | 1.00 | 1.00 |
| 2 | 63 | 1.00 | 1.00 |
| 2 | 64 | 1.00 | 1.00 |
| 2 | 65 | 1.00 | 1.00 |
| 2 | 66 | 1.00 | 1.00 |
| 2 | 67 | 1.00 | 1.00 |
| 2 | 68 | 1.00 | 1.00 |
| 2 | 69 | 1.00 | 1.00 |
| 2 | 70 | 1.00 | 1.00 |
| 2 | 71 | 1.00 | 1.00 |
| 2 | 72 | 1.00 | 1.00 |
| 2 | 73 | 1.00 | 1.00 |
| 2 | 74 | 1.00 | 1.00 |
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| 2 | 78 | 1.00 | 1.00 |
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| 2 | 80 | 1.00 | 1.00 |
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| 2 | 82 | 1.00 | 1.00 |
| 2 | 83 | 1.00 | 1.00 |
| 2 | 84 | 1.00 | 1.00 |
| 2 | 85 | 1.00 | 1.00 |
| 2 | 86 | 1.00 | 1.00 |
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| 2 | 91 | 1.00 | 1.00 |
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| 2 | 93 | 1.00 | 1.00 |
| 2 | 94 | 1.00 | 1.00 |
| 2 | 95 | 1.00 | 1.00 |
| 2 | 96 | 1.00 | 1.00 |
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| 2 | 99 | 1.00 | 1.00 |
| 2 | 100 | 1.00 | 1.00 |

| Block | Area No. | Area | Approx. Area |
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| 3 | 1 | 1.00 | 1.00 |
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| 3 | 6 | 1.00 | 1.00 |
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| 3 | 10 | 1.00 | 1.00 |
| 3 | 11 | 1.00 | 1.00 |
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| 3 | 68 | 1.00 | 1.00 |
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| 3 | 95 | 1.00 | 1.00 |
| 3 | 96 | 1.00 | 1.00 |
| 3 | 97 | 1.00 | 1.00 |
| 3 | 98 | 1.00 | 1.00 |
| 3 | 99 | 1.00 | 1.00 |
| 3 | 100 | 1.00 | 1.00 |

PRELIMINARY PLAT

| | |
|-----------|--------------------|
| DATE | 1974 |
| BY | STONEBRIAR ESTATES |
| FOR | STONEBRIAR ESTATES |
| APPROVED | |
| NOTARIZED | |

PRELIMINARY PLAT
STONEBRIAR ESTATES
 AN ADDITION TO THE CITY OF FORTNEY,
 KAUFMAN COUNTY, TEXAS.
 BEING 40.00 ACRES OF LAND
 SURVEYED BY THE JOHN OWEN SURVEY,
 KAUFMAN COUNTY, TEXAS.

OWNER:
 STONEBRIAR ESTATES
 104 SOUTH STREET
 PLANO, TEXAS 75074
 (972) 472-3263

SURVEYOR:
 GULLAS HARRIS & PUGH
 104 SOUTH STREET
 PLANO, TEXAS 75074
 (972) 549-0281

THIS PLAT FILED BY RECORDS OR
 MAY BE OBTAINED FROM THE
 CLERK OF THE DISTRICT COURT OF KAUFMAN
 COUNTY, TEXAS.

