

ORDINANCE NO. 2015-05-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 8.12 ACRE PROPERTY, LOCATED APPROXIMATELY 300 FEET SOUTH OF ELDORADO PARKWAY AND ON THE EAST SIDE OF RIDGE ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY ATTACHED RESIDENTIAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney has considered the rezoning of an approximately 8.12 acre property, located approximately 300 feet south of Eldorado Parkway and on the east side of Ridge Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow for single family attached residential uses; and,

WHEREAS, after due notice of the requested rezoning as required by law, 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 change in zoning district should be made.

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

Section 1. The zoning map is hereby amended so that an approximately 8.12 acre property, located approximately 300 feet south of Eldorado Parkway and on the east side of Ridge Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow for single family attached residential uses.

Section 2. The use and development of the subject property shall develop in accordance with Section 146-108 ("TH" - Townhome Residential District) of the Zoning Ordinance, and as amended, except as follows:

1. The subject property shall generally develop in accordance with attached Exhibit "C" - Concept Plan.
2. The minimum lot size shall be reduced from 2,700 square feet to 2,200 square feet.
3. The minimum lot width shall be reduced from 25 feet to 22 feet.
4. The minimum front yard setback shall be reduced from 20 to 10 feet.
5. The minimum side yard at corner setback shall be reduced from 15 feet to 10 feet.
6. Required canopy trees shall be reduced from a minimum of two (2) canopy trees per lot to one (1) canopy tree per lot.
7. All single family residential units shall be 100 percent masonry, with the exception of porch posts and lintels, box or bay windows, dormers, and rooftop screening elements.

8. An entry feature tower shall be constructed at the main entry to the development, and shall be a maximum of 15 feet tall constructed of masonry material except for a cedar fascia and metal roof.
9. Six (6) foot wide sidewalks shall be provided on both sides of all public streets.
10. Rooftop equipment shall be screened using either fiber cement board (hardi plank or hardi board) or architectural metal.

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 therefore, shall be fined any sum not exceeding \$2,000.00, 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 or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) 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 THE 5th DAY OF MAY, 2015.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney