

ORDINANCE NO. 2000-09-065

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 181.22 ACRE TRACT LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 121, ON THE SOUTH SIDE OF F.M. 720, APPROXIMATELY 1,000 FEET WEST OF HARDIN BOULEVARD, AND APPROXIMATELY 1,650 FEET EAST OF LAKE FOREST DRIVE, FROM "AG" - AGRICULTURE DISTRICT, TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY ALLOWING SINGLE FAMILY RESIDENTIAL USES AND COMMERCIAL USES; PROVIDING REGULATIONS; 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 181.22 acre tract located on the north side of State Highway 121, on the south side of F.M. 720, approximately 1,000 feet west of Hardin Boulevard and approximately 1,650 feet east of Lake Forest drive, from "AG" - Agricultural District, to "PD" - Planned Development District, generally allowing single family residential uses and commercial 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, THAT:

Section 1. Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that an approximately 181.22 acre tract located on the north side of State Highway 121, on the south side of F.M. 720, approximately 1,000 feet west of Hardin Boulevard and approximately 1,650 feet east of Lake Forest drive, in the City of McKinney, Collin County, Texas, which is depicted in Exhibit "A" attached hereto, is hereby rezoned from its present classification of "AG" - Agricultural District to "PD" - Planned Development District allowing single family residential uses and commercial uses, and the official zoning map shall be amended accordingly and shall serve as an attachment to this zoning.

Section 2. That the development and use of said tract shall conform to the Zoning Exhibit map, marked Exhibit "B" and attached hereto. The boundaries of each district are approximate. Final boundaries will be determined by the locations of streets, alleys and other plat lines when the areas are platted in a manner conforming substantially to the tract boundaries and areas shown on the Zoning Exhibit.

Section 3. The maximum number of residential units on the subject property shall be limited to 425.

Section 4. A school and park site shall be designated on the portion of the subject property designated for single family residential uses.

Section 5.

Use and development of the portion of the property designated for residential uses shall conform to the development standards listed below:

A. "RS-120" – 12.31 acres

This tract shall develop according to the City of McKinney Code of Ordinances Section 41-65 "RS-120" – Single Family Residence District, and as amended.

B. "RS-84" – 6.49 acres

This tract shall develop according to the City of McKinney Code of Ordinances Section 41-66 "RS-84" – Single Family Residence District, and as amended.

C. "RS-60" – 41.07 acres

This tract shall develop according to the City of McKinney Code of Ordinances Section 41-67 "RS-60" – Single Family Residence District and as amended.

D. "RS-45" – 44.99 acres

This tract shall develop according to the City of McKinney Code of Ordinances Section 41.68 "RS-45" – Single Family Residence District and as amended, except as follows,

1. 5' (Five feet) side yards will be allowed on each side of the dwelling units, with a minimum separation of 10' (Ten feet) between structures.

Section 6.

Use and development of the portion of the property designated for commercial uses shall develop according to the City of McKinney Code of Ordinances Section 41-76 "C" – Planned Center District and as amended, except as follows:

- A. Residential uses shall be prohibited.**

Section 7.

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 8.

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 \$2000.00, 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.

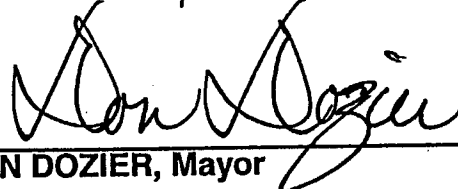
Section 9.

That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, 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 10.

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 5th DAY OF September, 2000.



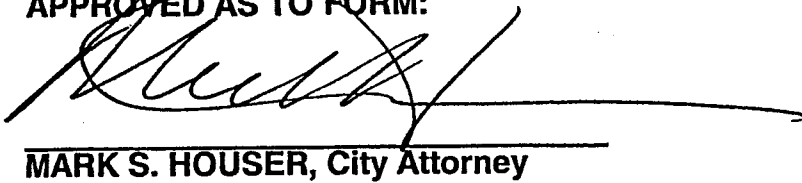
DON DOZIER, Mayor

ATTEST:



JENNIFER SPROULL, City Secretary

APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney

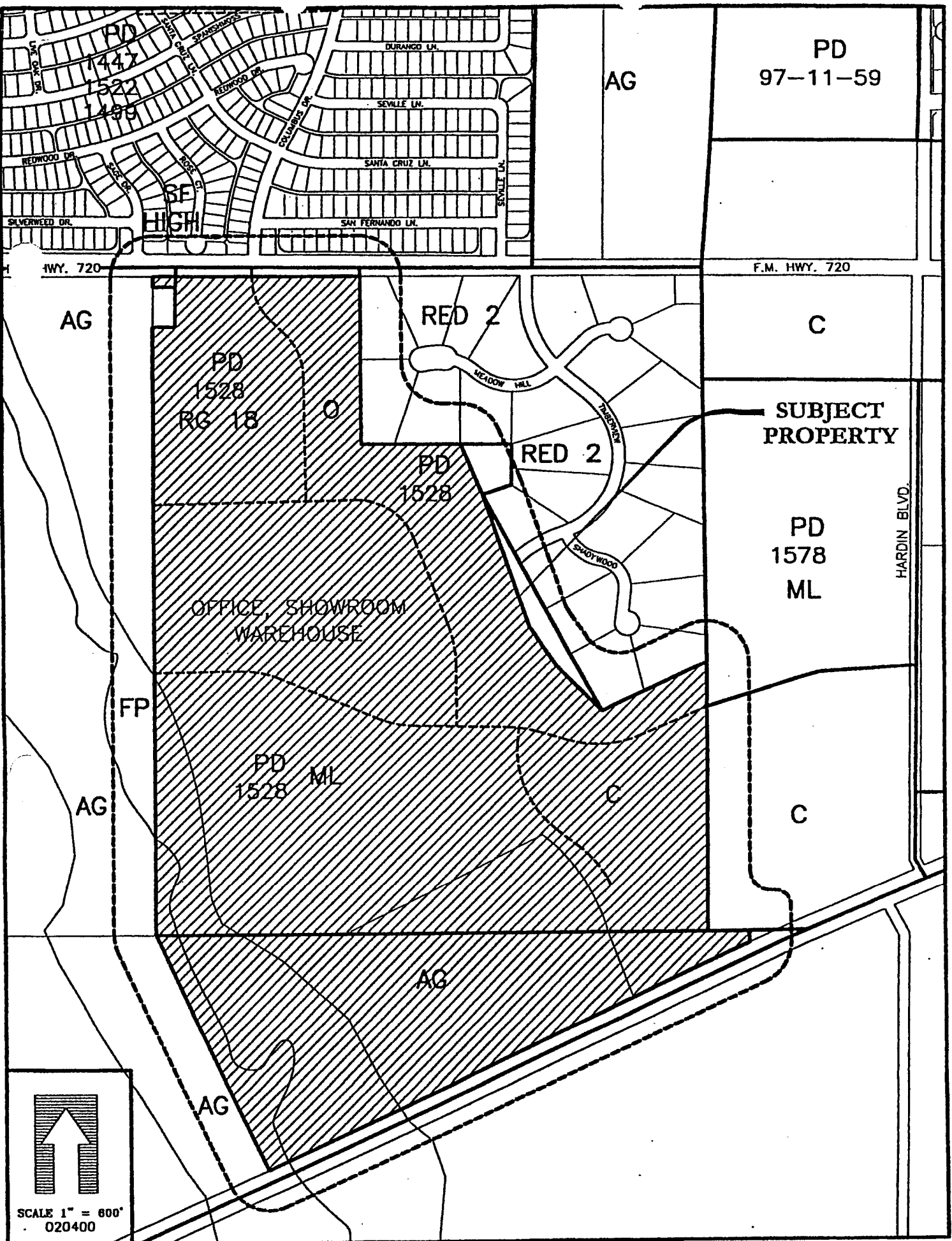
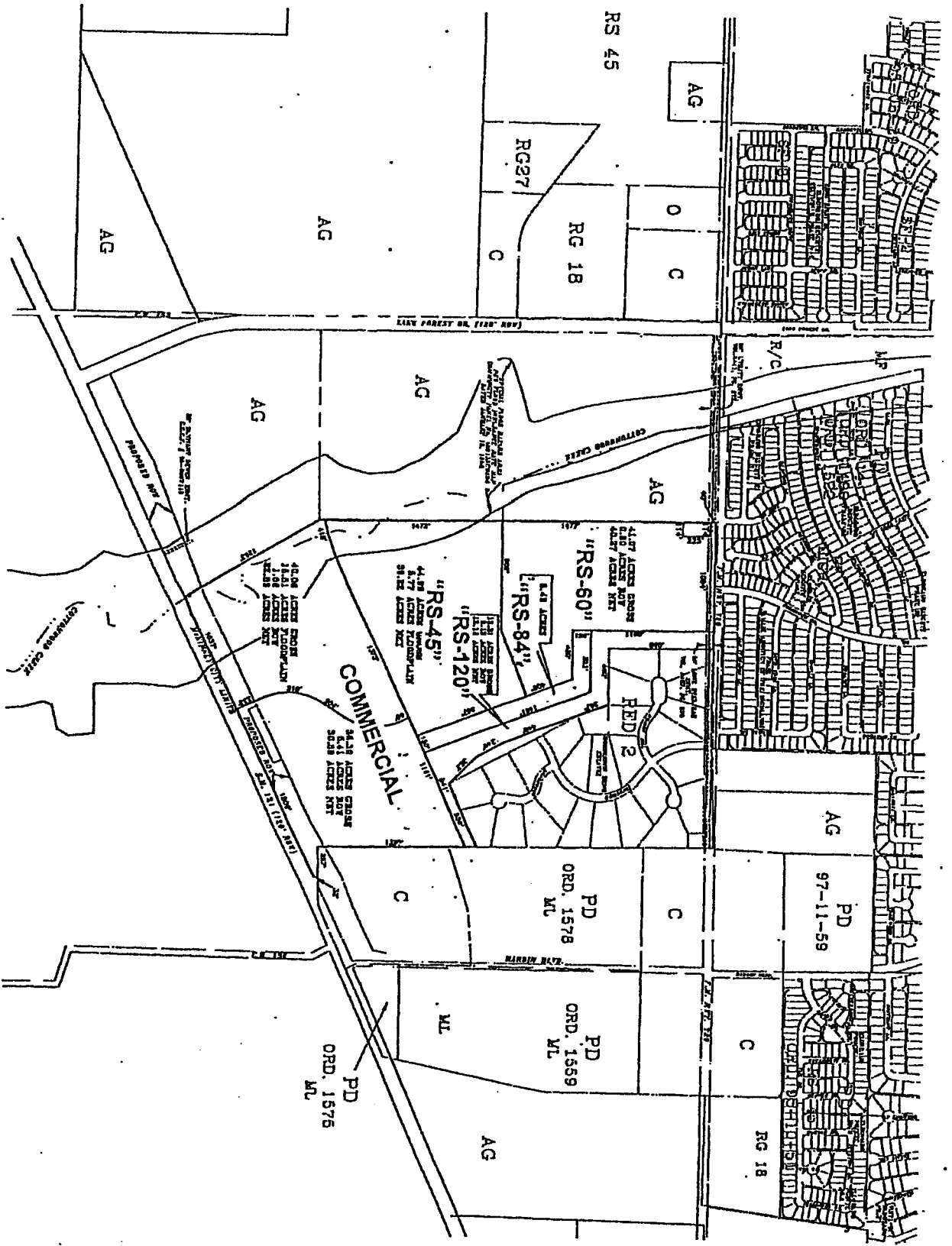


EXHIBIT "A"



D E V I S E D
 JUL 24 2000
 PLANNING

LAND USE EXHIBIT

ASHTON DALLAS RESIDENTIAL, LLC.
 181.22 ACRES
 ESOM HARRIS SURVEY, ABST. No. 400
 GEORGE FITZHUGH SURVEY, ABST No. 321
 MCKINNEY, COLLIN COUNTY, TEXAS

PBSJ
 Planning & Surveying, Inc.
 8009 Quince, 14th District, Dallas, Texas 75246
 Dallas, Texas 75246
 972-340-8800 FAX 972-340-8880
 www.pbsj.com

Sheet No. 3008
 Worksheet 1
 Sheet No. 1 of 1
 and No. 1 Supplement



EXHIBIT "B"