

ORDINANCE NO. 2013-02-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 13.14 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF WHITE AVENUE AND BOIS D'ARC ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS FOR SINGLE FAMILY 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 13.14 acre property, located on the southwest corner of White Avenue and Bois D'Arc Road, which is more fully depicted on Exhibit "A", attached hereto, from "AG" – Agricultural District to "PD" – Planned Development District, generally to modify the development standards for single family 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. Ordinance No. 1270 is hereby amended in order to rezone an approximately 13.14 acre property, located on the southwest corner of White Avenue and Bois D'Arc Road, from "AG" – Agricultural District to "PD" – Planned Development District.

Section 2. Use and development of the subject property shall conform to the "RS 45" – Single Family Residence District regulations, as set forth in Section 146-74 of the Zoning Ordinance, and as amended, except as follows:

- (a) The subject property shall generally conform to the layout of the proposed zoning exhibit (Zoning Exhibit "B").
- (b) All residential structures on the subject property shall conform to the character of the attached architectural elevations (Zoning Exhibit "C").
- (c) Residents of the proposed development shall be restricted to persons age 55 or older, in conformance with the Fair Housing Act.
- (d) The size and location of open spaces and walking trails shall generally conform to the proposed zoning exhibit (Zoning Exhibit "B").
- (e) The minimum allowed lot depth shall be 82 feet.
- (f) The minimum allowed lot width shall be 65 feet.
- (g) The maximum allowed density shall be 3.7 units per acre.

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 FEBRUARY, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

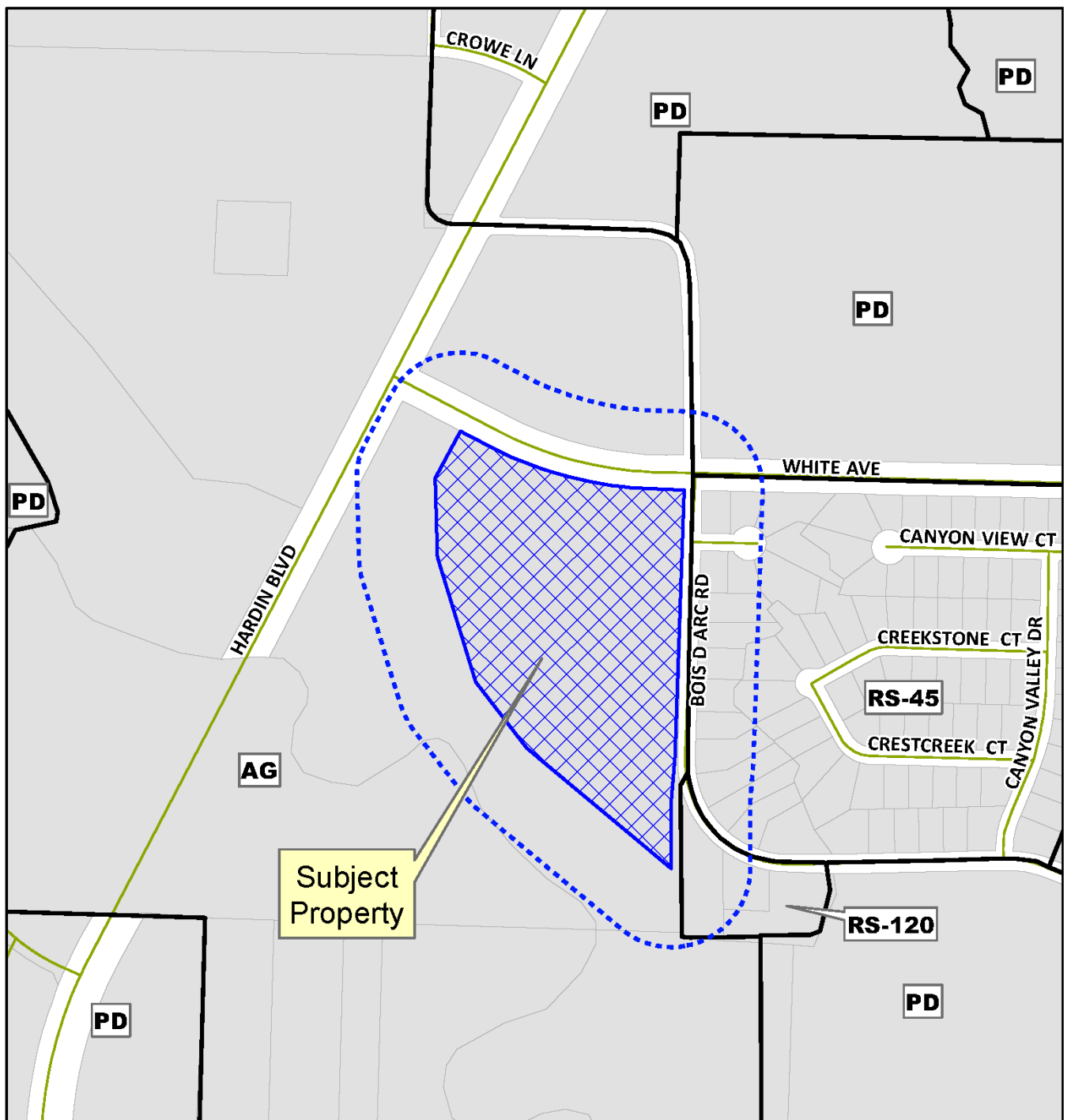
SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Path: S:\MCKGIS\Notification\Projects\201212-229Z.mxd

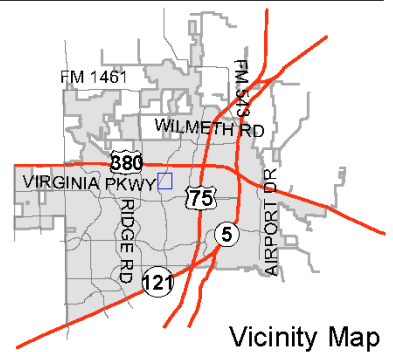


Notification Map

Case: 12-229Z

--- 200' Notification Buffer

EXHIBIT "A"



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

EXHIBIT A

EXHIBIT "C"

FIRE/SIDE

Custom Homes, LLC

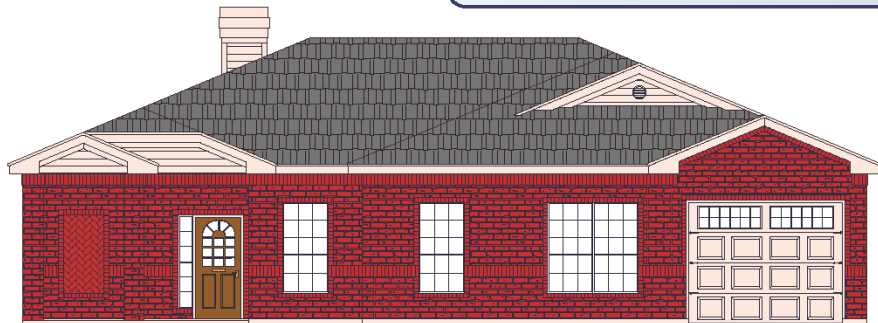
5220 Spring Valley Road Ste: 204
Dallas, TX 75254-2489

(O) 214-338-0031 bill@firesidecustomhomesllc.com (F) 972-347-3867

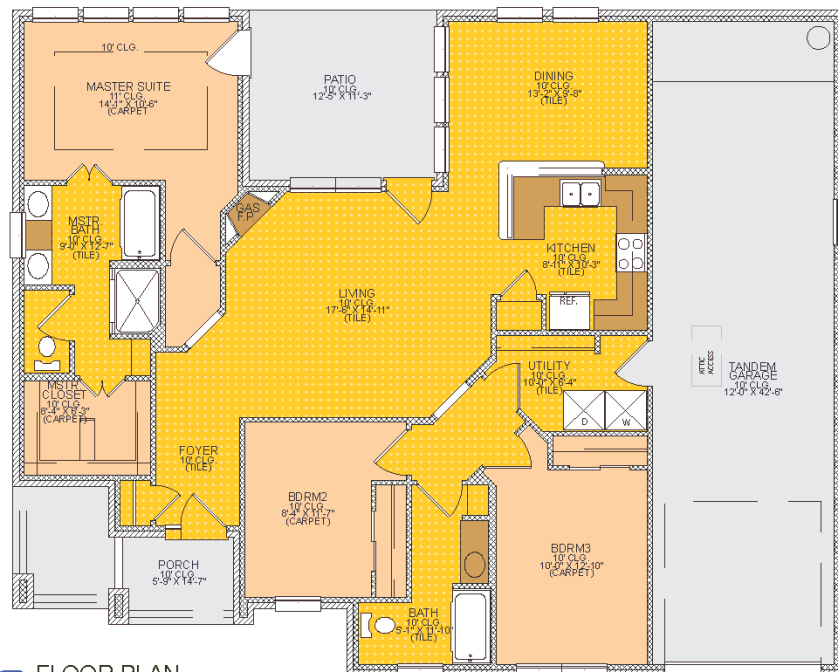
| TABULATIONS | |
|-------------|---------|
| AREAS | SQ. FT. |
| TOTAL A/C | 1,531 |
| GARAGE | 561 |
| PORCH | 98 |
| PATIO | 140 |
| TOTAL AREA | 2,330 |

RECEIVED

By Kathy Wright at 10:51 am, Dec 11, 2012



1 FRONT ELEVATION
SCALE: NTS



2 FLOOR PLAN
SCALE: NTS

The Classic Series: "The Blue Bonnet (D)"

EXHIBIT C

EXHIBIT "C"

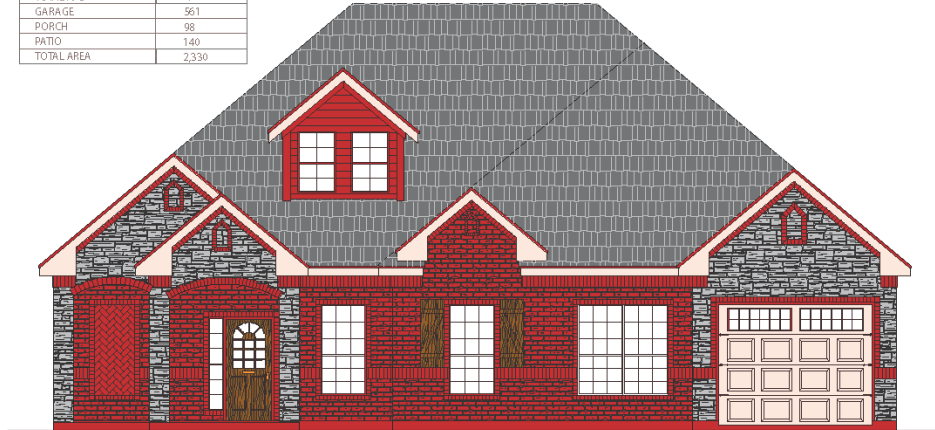
FIRESIDE

Custom Homes, LLC

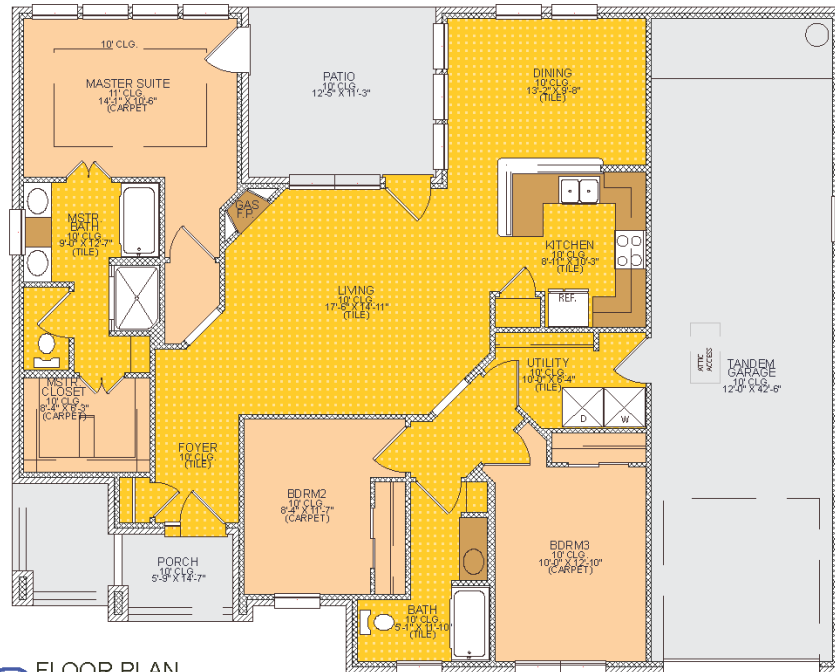
5220 Spring Valley Road Ste: 204
Dallas, TX 75254-2489

(O) 214-338-0031 bill@firesidecustomhomesllc.com (F) 972-347-3867

| TABULATIONS | |
|-------------|---------|
| AREAS | SQ. FT. |
| TOTAL A/C | 1,531 |
| GARAGE | 561 |
| PORCH | 98 |
| PATIO | 140 |
| TOTAL AREA | 2,330 |



1 FRONT ELEVATION
SCALE: NTS



2 FLOOR PLAN
SCALE: NTS

The Heritage Series : "The Blue Bonnet (D)"

RECEIVED
By Kathy Wright at 10:51 am, Dec 11, 2012

EXHIBIT C

EXHIBIT "C"

FIRE/SIDE

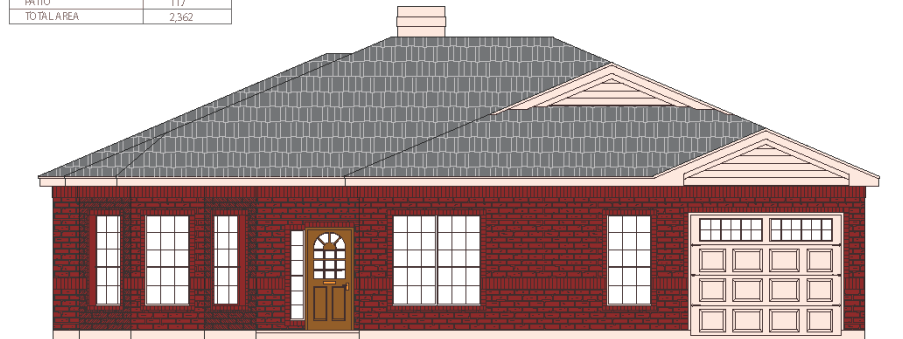
Custom Homes, LLC

5220 Spring Valley Road Ste: 204

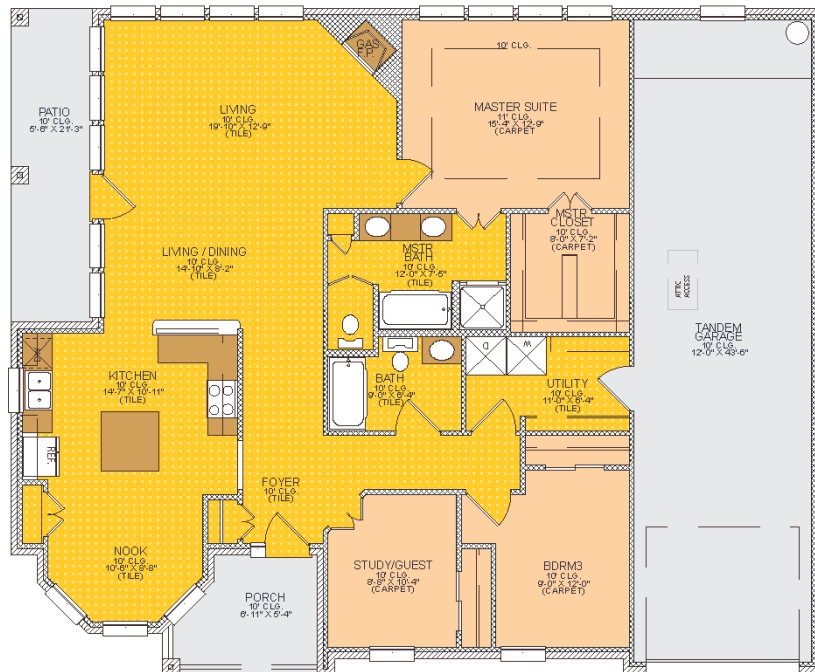
Dallas, TX 75254-2489

(O) 214-338-0031 bill@firesidecustomhomesllc.com (F) 972-347-3867

| AREAS | SQ. FT. |
|------------|---------|
| TOTAL A/C | 1,641 |
| GARAGE | 561 |
| PORCH | 43 |
| PATIO | 117 |
| TOTAL AREA | 2,362 |



1 FRONT ELEVATION
SCALE: NTS



2 FLOOR PLAN
SCALE: NTS

The Classic Series: "The Lone Star (B)"

RECEIVED

By Kathy Wright at 10:52 am, Dec 11, 2012

EXHIBIT C

EXHIBIT "C"

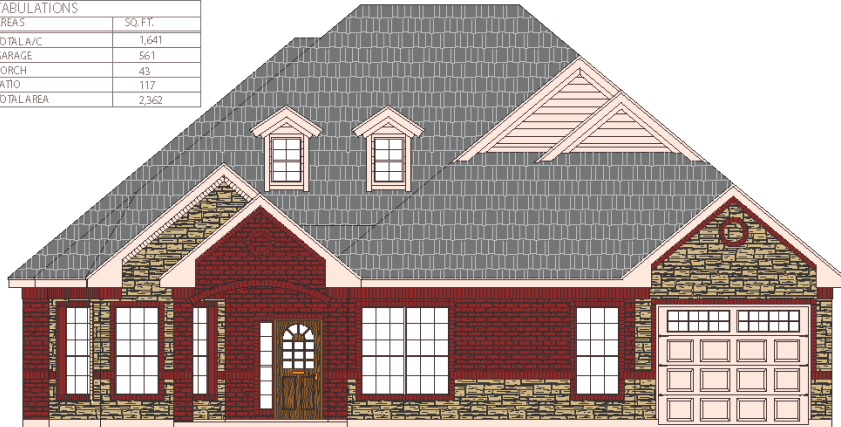
FIRE/SIDE

Custom Homes, LLC

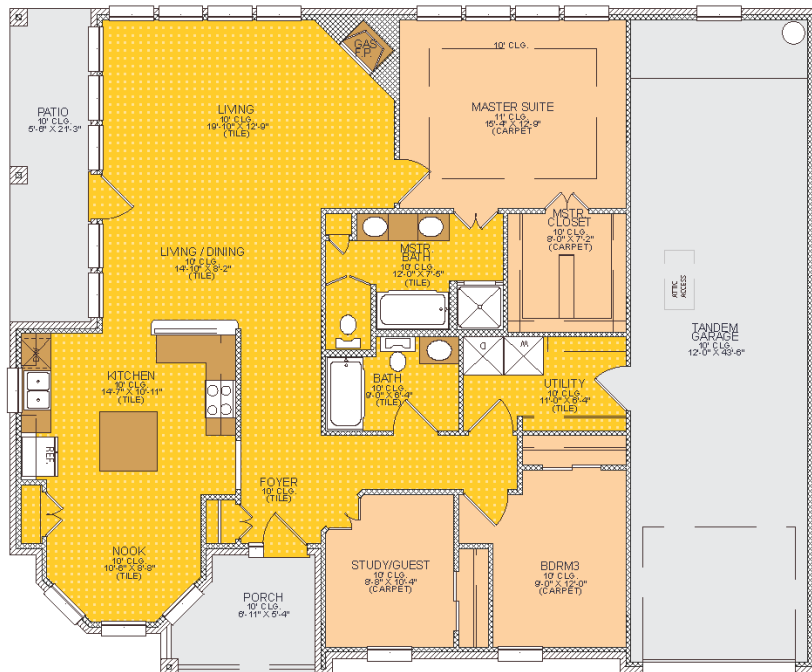
5220 Spring Valley Road Ste: 204
Dallas, TX 75254-2489

(O) 214-338-0031 bill@firesidecustomhomesllc.com (F) 972-347-3867

| TABLATIONS | SQ. FT. |
|------------|---------|
| TOTAL A/C | 1,641 |
| GARAGE | 561 |
| PORCH | 43 |
| PATIO | 117 |
| TOTAL AREA | 2,362 |



1 FRONT ELEVATION
SCALE: NTS



2 FLOOR PLAN
SCALE: NTS

The Heritage Series: "The Lone Star (B)"

RECEIVED

By Kathy Wright at 10:52 am, Dec 11, 2012

EXHIBIT C

EXHIBIT "C"

FIRE/SIDE

Custom Homes, LLC

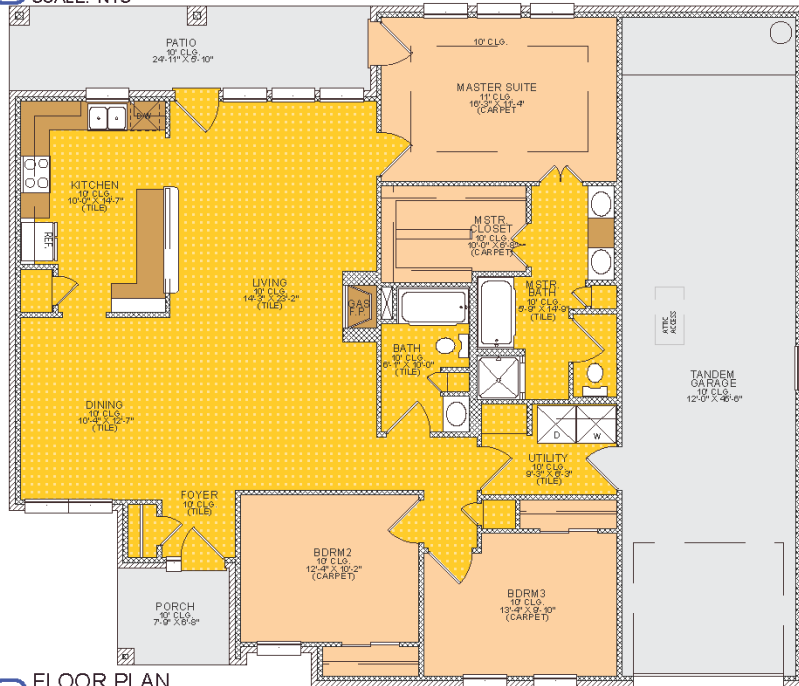
5220 Spring Valley Road Ste: 204
Dallas, TX 75254-2489

(O) 214-338-0031 bill@firesidecustomhomesllc.com (F) 972-347-3867

| TABULATIONS | |
|-------------|---------|
| AREAS | SQ. FT. |
| TOTAL A/C | 1,675 |
| GARAGE | 599 |
| PORCH | 52 |
| PATIO | 145 |
| TOTAL AREA | 2,471 |



1 FRONT ELEVATION
SCALE: NTS



2 FLOOR PLAN
SCALE: NTS

The Classic Series: "The Texas Heritage (B)"

RECEIVED

By Kathy Wright at 10:52 am, Dec 11, 2012

EXHIBIT C

EXHIBIT "C"

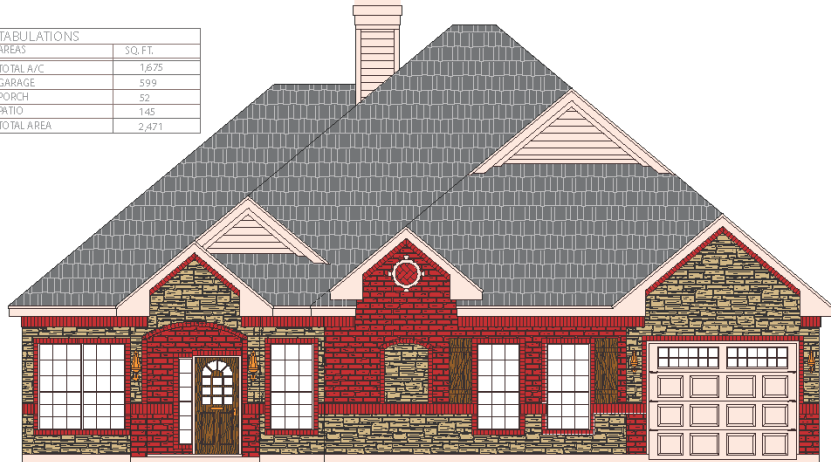
FIRESIDE

Custom Homes, LLC

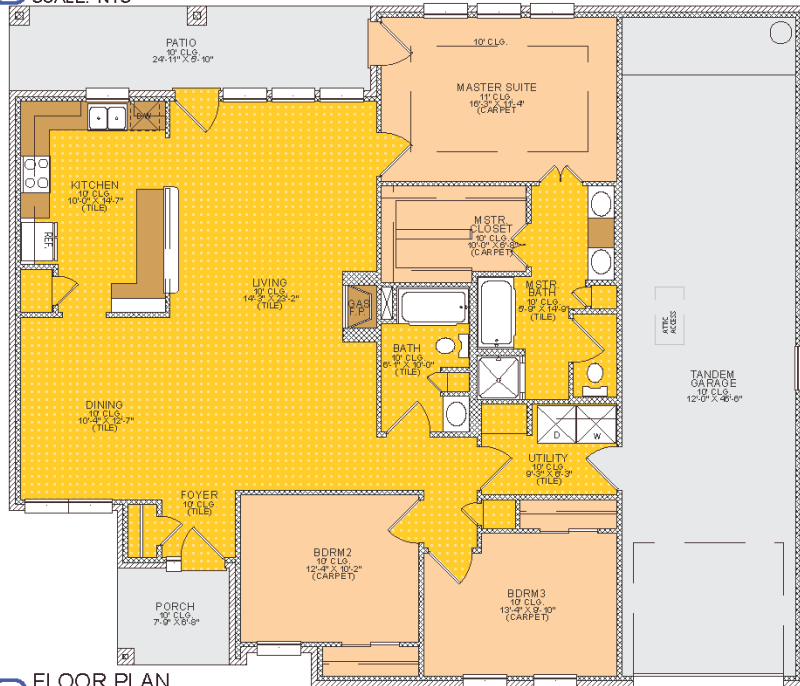
5220 Spring Valley Road Ste: 204
Dallas, TX 75254-2489

(O) 214-338-0031 bill@firesidecustomhomesllc.com (F) 972-347-3867

| TABLATIONS AREAS | SQ. FT. |
|------------------|---------|
| TOTAL A/C | 1,675 |
| GARAGE | 599 |
| PORCH | 52 |
| PATIO | 145 |
| TOTAL AREA | 2,471 |



1 FRONT ELEVATION
SCALE: NTS



The Heritage Series: "The Texas Heritage (B)"

RECEIVED

By Kathy Wright at 10:52 am, Dec 11, 2012

EXHIBIT C

EXHIBIT "C"

FIRE/SIDE

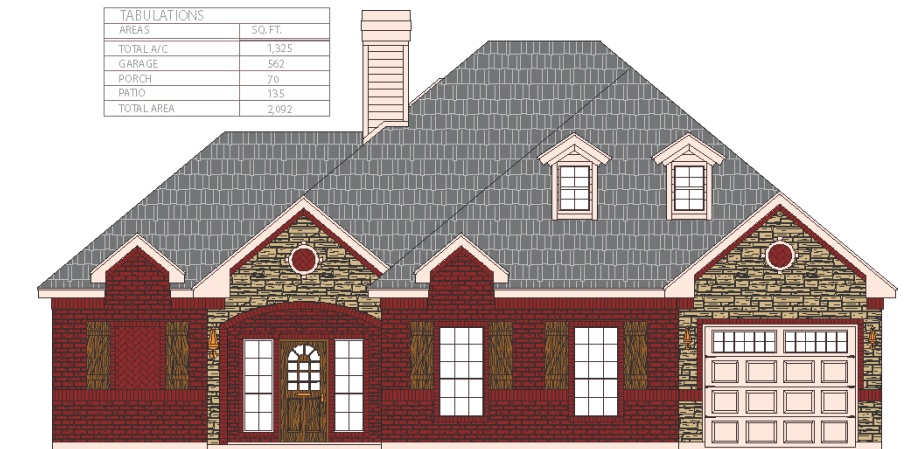
Custom Homes, LLC

5220 Spring Valley Road Ste: 204

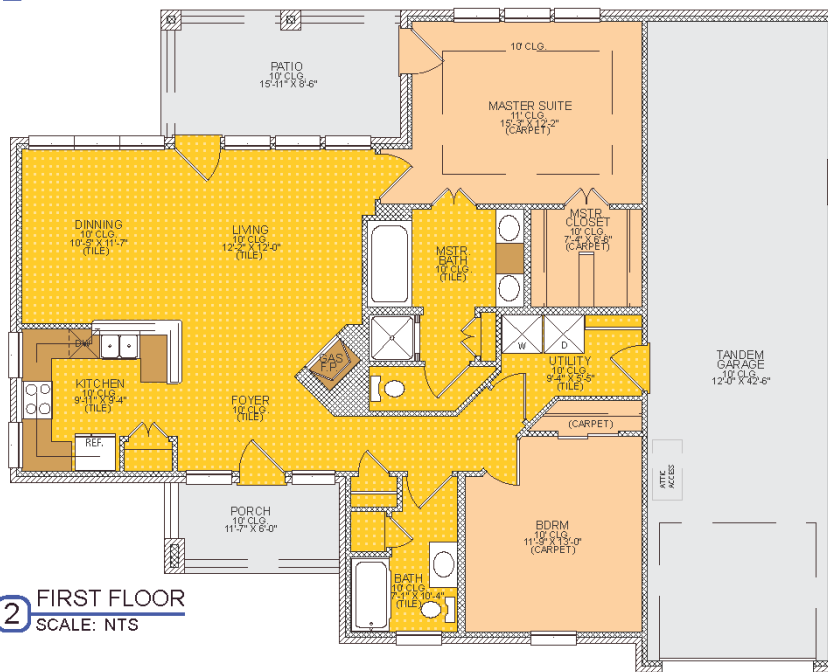
Dallas, TX 75254-2489

(O) 214-338-0031 bill@firesidecustomhomesllc.com (F) 972-347-3867

| TABULATIONS | |
|-------------|---------|
| AREAS | SQ. FT. |
| TOTAL A/C | 1,325 |
| GARAGE | 562 |
| PORCH | 70 |
| PATIO | 135 |
| TOTAL AREA | 2,092 |



1 FRONT ELEVATION
SCALE: NTS



2 FIRST FLOOR
SCALE: NTS

The Heritage Series: "The Yellow Rose (C)"

RECEIVED

By Kathy Wright at 10:53 am, Dec 11, 2012

EXHIBIT C