

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 SO THAT 13 ACRES IN THE GRAFTON WILLIAMS SURVEY LOCATED WEST OF MOUNT OLIVE ROAD AND NORTH OF F.M. 720 IS ZONED PLANNED DEVELOPMENT; PROVIDING FOR A ZONING PLAN; PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR A SITE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

THAT WHEREAS, the owner or owners of 13 acres of land in the Grafton Williams Survey have petitioned the City of McKinney to zone such property as set forth in the caption hereof, and,

WHEREAS, after due notice of the requested zoning changes 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, the City Council is of the opinion that such zoning change should be made.

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

SECTION I: That the real estate more fully described in the attached Exhibit A is zoned Planned Development and the zoning map attached hereto and marked Exhibit B is adopted as the zoning map for this planned development district.

SECTION II: That the planned development regulations contained in the attached Exhibit C are hereby adopted as the development regulations for this planned development district, provided that prior to the development of any property in this planned development district, a site plan and landscape plan shall be submitted to and receive the approval of the City Council of the City of McKinney, Texas.

SECTION III: That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone, or specific regulations contained herein. This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.


SECTION IV: 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 V: 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 therefor, shall be fined any sum not exceeding \$200.00, 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.

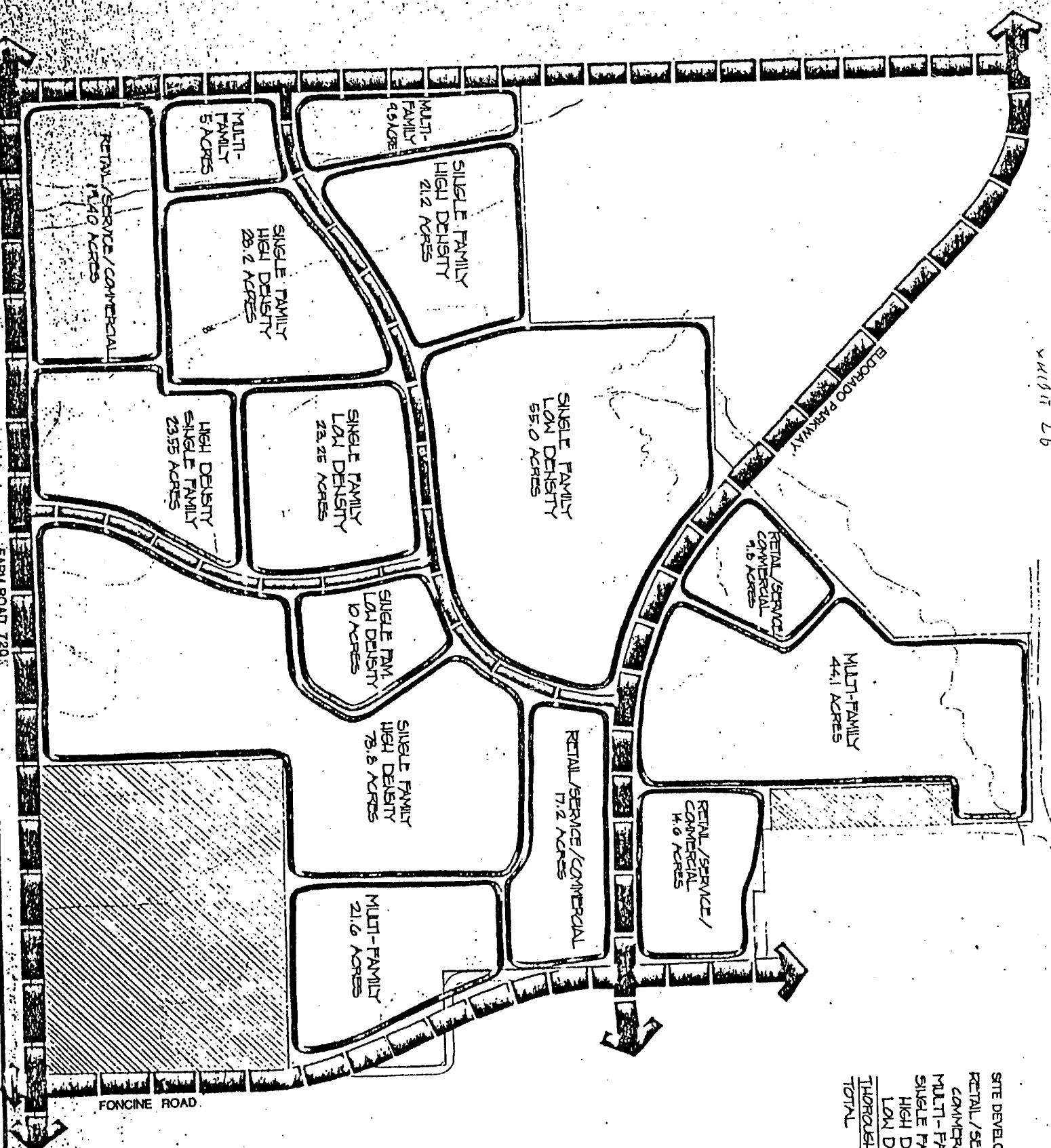
SECTION VI: The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, on this the 18th day of December, 1984.

CORRECTLY ENROLLED:


JENNIFER GRAVENS
CITY SECRETARY

sheet 26



SITE DEVELOPMENT DATA

RETAIL/SERVICE/COMMERCIAL	61.00 AC.
MULTI-FAMILY	80.00 AC.
SINGLE FAMILY	517.5 AC.
LOW DENSITY	80.25 AC.
THOROUGHFARES	16.00 AC.
TOTAL	977.00 AC.

ELDORADO WEST SCHEMATIC MASTER PLAN
 McKinney, TX CBH & Moore



PERRY BLAIR & ASSOCIATES, INC.
 202 DE LUKE DRIVE
 FORT WORTH, TEXAS 76104-1207 817-335-9338



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EXHIBITS

EXHIBIT A - SCHEMATIC MASTER PLAN (PLANNED DEVELOPMENT SITE PLAN)

EXHIBIT B - CITY OF MCKINNEY ORDINANCE 3.20 ("PD" PLANNED DEVELOPMENT DISTRICT REGULATIONS)

PLANNED DEVELOPMENT REGULATIONS

"ELDORADO WEST"

MCKINNEY, TEXAS

A. GENERAL PLANNING PRECEPTS

1. Preface

The P.D. Regulations set forth in this document and the Exhibits attached hereto shall regulate land use within "ELDORADO WEST" as well as specific considerations within individual land use categories. It is understood that each phase will be platted and developed according to this document. The P.D. Regulations shall prevail should they conflict with any Exhibits attached hereto.

2. Statement of Intent

"ELDORADO WEST" is planned as a development that will serve the needs of a wide variety of existing and new residents and businesses within the McKinney area. The developers of "ELDORADO WEST" are attempting to create an array of housing and commercial alternatives that will address the needs of current and prospective residents and businesses for a number years. To accomplish this objective, the development will include a mix of single family detached homes, single family attached homes, multifamily dwelling units and retail service and commercial areas.

3. Proposed Land Uses

"ELDORADO WEST" is a 397 + acre Planned Development located west of U.S. Highway 75 between Farm Road 720 on the south and Foncine Road on the north and bordering the Village of Eldorado on the east. It consists of the following land uses which are shown on "Exhibit A" attached:

Land Use	Approximate Acreage	% of Land Area
a. Residential	320 ac.	80.60
1. Low Density Single Family	88 ac.	
2. High Density Single Family	152 ac.	
3. Multi-family	80 ac.	
b. Retail Service/Commercial	61 ac.	15.37
c. Thoroughfares	16 ac.	4.03
TOTAL	397 acres	100.00%

(a) Residential Areas

Residential uses will consist of single family detached homes, single family attached homes, and multi-family dwellings. The overall residential development of "ELDORADO WEST" will not exceed a total of 3,127 dwelling units.

Residential densities for the individual housing types will not exceed the following densities:

Type	Maximum Density
Low Density Single Family Large lot Medium Lot	5 Dwelling units/acre
High Density Single Family Cluster Homes Townhomes	14 Dwelling units/acre
Multi-Family Condominiums Apartments	24 Dwelling units/acre

(b) Retail Service/Commercial

The plan provides for retail service and commercial areas at the intersection of primary thoroughfares. These areas are designed to meet the future retail and business needs of not only "ELDORADO WEST" but, also, for the Southwestern Sector of McKinney,

B. SPECIFIC REGULATIONS

"ELDORADO WEST" shall have an official schematic master plan (Exhibit A), together with these written P.D. regulations and attached Exhibits and shall be subject to development in accordance with these documents as defined in the Planned Development Zone in the City of McKinney Zoning Ordinance (Exhibit B).

The Developer herein establishes the following regulations for the development of "ELDORADO WEST":

1. Access to the Site

The majority of vehicular traffic entering "ELDORADO WEST" from McKinney, or Dallas will initially do so via Farm Road 720. This, however, will change significantly with the completion of the Eldorado Parkway overpass and the extension of the Parkway to the Eastern boundary of the development.

2. Thoroughfare Standards

The following basic internal street types are projected:

(a) Primary Thoroughfares

There will be one major east-west thoroughfare in this development whose primary function is to provide access to "ELDORADO WEST" via the grade separated interchange proposed at U.S. 75. This major thoroughfare is designated on the City of McKinney Comprehensive Thoroughfare Plan as the extension of Eldorado Parkway. This thoroughfare will be a minimum four-lane divided median roadway consisting of a minimum 100 foot R.O.W., two 24 foot driving lanes, with turn lane provided in order to insure a safe smooth flow of traffic.

(b) Secondary Thoroughfares and/or Collector Streets

The secondary system will serve to tie together the clusters of residential areas to the primary system. The collector streets will have a minimum R.O.W. width of sixty feet (60') with a minimum thirty-seven foot (37') driving lane.

(c) Residential Streets

The residential street system will function to serve the residential areas of "ELDORADO WEST". These streets will be designed to carry relatively low volumes of vehicular traffic at low speeds through the residential areas. These streets will have a fifty foot (50') R.O.W. with a twenty-six foot (26') driving lane.

3. Utilities and Drainage

(a) Utilities (water, sewer, gas, electric) will be provided through a joint effort of the developer and the City of McKinney within the normal platting procedure, and in accordance with a Facilities Agreement (to be prepared).

(b) All utility lines shall be underground in easements provided by the developer except those required, in usual circumstances, to be overhead as determined by joint agreement to the developer, the City of McKinney, and the Public Utility Companies.

(c) Storm drainage will be handled above ground as much as possible in order to assure maximum water recharge to the natural system. Natural drainage patterns and channels will be retained, and where concentrated run-off is felt to foster excessive erosion, appropriate armament will be provided to retard water drainage and to provide an aesthetically pleasing landscape.

4. Easements

Drainage, emergency access, utility, and landscape easements will be provided as needed.

5. Creation of Sites

The determination of the location and size of specific sites shown on the schematic master plan are intended to be approximate in nature.

6. Land Use Intensity

(a) Low Density Single Family

Intent: The single family detached "Low Density" residential category is for single family uses of two types, as well as churches. The low density single family category shall be interchangeable with the high density single family category provided that a minimum of 88 acres of low density single family land is maintained in the overall development.

Permitted Uses:

Single Family Dwellings (large lot)
Single Family Dwellings (medium lot)
Churches

Maximum Net Density: 5 units/acre

(i) Large Lot Single Family

Minimum Lot Size: 8400 square feet

Coverage: Maximum of 40% of the lot area including accessory buildings.

Parking: A minimum of two (2) uncovered parking spaces shall be provided per unit.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

Setbacks: Front Yard - The minimum shall be twenty-five feet (25').

Side Yard - These shall vary according to the width of the lot. Minimum (one side) shall, in all cases, be 10% of lot width. Total side yard width (sum of two sides) shall be twenty feet (20').

Side Yard on Corner Site - Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear Yard - A minimum of twenty feet (20') from the rear property line.

(ii) Medium Lot Single Family

Minimum Lot Size: 6,000 square feet

Coverage: A maximum of 40% of the lot area including accessory buildings.

Parking: A minimum of two (2) uncovered parking spaces shall be provided per unit. However, if rear entry is provided, then one (1) uncovered and one (1) covered parking space shall be acceptable.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

Setbacks: Front Yard - The minimum shall be twenty-five (25').

Side Yard - These shall vary according to the width of the lot. Minimum (one side) shall in all cases be 10% of the lot width. Total side yard width (sum of two sides) shall be fifteen feet (15').

Side Yard on Corner Site - Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear Yard - Minimum of twenty feet (20') from the rear property line.

Note: If rear entry is provided, then the Front and Rear Yard setback requirements may be switched.

(iii) Churches

Minimum Lot Size: Two (2) acres
Coverage: The maximum site coverage, including buildings and parking shall be 75%. The remaining 25% shall be open space and landscaped areas.
Parking: One off-street space per four (4) seats of seating capacity of the church sanctuary.
Building Heights: No building or structure shall exceed thirty-five feet (35') in height, exclusive of the steeple.
Setbacks: For all lots upon which churches are built, minimum setbacks will be as follows:

Front - Thirty-five feet (35')
Side - Fifteen feet (15')
Side Yard on Corner Site - Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.
Rear - Twenty feet (20')

Location: Churches shall be located on streets at least thirty-one feet (31') in width.

(b) High Density Single Family

Intent: The intent of single family attached dwelling concept is to provide a living space adequate to serve a family's needs at a lower cost. By gaining greater efficiency from utility systems, streets and drives, common wall construction (on one or more sides) and increased net densities -- thereby providing smaller lots -- these cost savings may be realized. This concept also makes available the townhome concept of development wherein only the land under each unit is sold, and larger (common) open space adjacent to each unit is provided and maintained as an amenity through the creation of a Homeowner's Association to free the occupants of the normal maintenance of a single family home with a yard.

Permitted Uses:

Single Family Dwellings (large lot)
Single Family Dwellings (medium lot)
Churches
Cluster Single Family Dwellings
Patio Homes
Duplex
Triplex
Quadriplex
Townhomes

Maximum Net Density: 14 Dwelling units/acre

(i) Cluster Single Family Dwellings

Coverage: A maximum of 60% of the lot area including accessory buildings. (This figure includes the residential structure plus garages.)
Parking: A minimum of two (2) uncovered parking spaces shall be maintained. However, if rear entry is provided then one (1) uncovered and one (1) covered parking space shall be acceptable.
Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.
Building Height: No building or structure shall exceed thirty-five feet (35') in height.
Setbacks: Front Yard - For all cluster homes in this P.D., minimum setback is eighteen feet (18').

Side Yard - Zero feet (0') on one or two sides, of a dwelling building (containing one or more dwelling units), provided that a minimum of ten feet (10') is provided on the free side of each building. For detached units, the minimum separation between structures shall be ten feet (10') and shall be achieved through any combination of side yard setbacks that total ten feet (10').

Side Yard on Corner Site - Twenty feet (20') from the street with no conflict with the required sight triangle as described in the Manual of Uniform Traffic Devices.

Rear Yard - Fifteen feet (15') from the rear of the property line.

Note: If rear entry is provided, then the Front and Rear Yard Setback requirements may be switched.

(ii) Townhomes

Coverage: The maximum site coverage including buildings, covered and uncovered parking spaces, shall be 60% of the overall site, the balance to include roads, parks, recreation, and landscaped areas. Individual lot coverage shall be a maximum of 100%.

Parking: A minimum of two (2) offstreet parking spaces per unit shall be provided.

Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.

Building Height: Maximum building height shall not exceed thirty-five feet (35').

Setbacks: Where townhomes or accessory buildings front or side on a dedicated street a minimum setback of eighteen feet (18') from the R.O.W. will be maintained and there shall be no conflicts with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. Also, a minimum setback of fifteen feet (15') will be maintained from any landscape easements or other property lines. The minimum required separation between structures shall be fifteen feet (15').

Accessory Uses: Any structure or use accessory to townhomes shall not exceed a height of twenty five feet (25') and shall be sited not less than ten feet (10') from any other building or structure.

(c) Multi-Family

Intent: The intent of multi-family development is to provide higher density residential options than that possible in single family residential areas. Space within these units is either sold (condominiums) or leased (apartments) and amenities and services are provided at a monthly cost more favorable than those possible in single family areas.

The Concept: The concept of design in multi-family developments provides more usable common open space within a development of multiple story buildings. The cost for maintenance of these "common" areas is borne by either a Homeowner's Association (townhomes and Condominiums) or within the monthly cost of leasing (apartments).

Permitted Uses:

Single Family Dwellings (large lot)
Single Family Dwellings (medium lot)
Churches
Cluster Single Family Dwellings
Townhomes
Condominiums
Apartments

(i) Condominiums

Maximum Density: 20 Dwelling units/acre

Coverage: The maximum site coverage including buildings and covered and uncovered parking, shall be 60% of the overall site.

Parking: A minimum of one (1) covered and one (1) uncovered parking space for each unit shall be provided. Carports will be allowed.

Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.

Building Height: The height of the building shall not exceed thirty five feet (35').

Setbacks: Where condominiums or accessory buildings front or side on a dedicated street, a minimum setback of eighteen feet (18') will be provided, and there will be no conflicts with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. Also, a minimum setback of fifteen feet (15') will be maintained from any landscape easements or other property lines. A minimum separation of fifteen feet (15') between structures shall be provided.

Accessory Uses: Any structure or accessory to condominium structures shall not exceed a height of twenty five feet (25') and shall be sited not less than ten feet (10') from any other building or structure.

(ii) Apartments

Maximum Density: 24 Dwelling units/acre

Coverage: The maximum site coverage including buildings and parking shall be 60%.

Parking: Minimum of one (1) parking space per unit plus 1/2 space per bedroom.

Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.

Building Height: The height of the building shall not exceed thirty-five feet (35').

Setbacks: Where apartments or accessory buildings front or side on a dedicated street, a minimum setback of twenty feet (20') shall be provided, and there will be no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. Also, a minimum setback of fifteen feet (15') will be maintained from any landscape easements or other property lines. A minimum of ten feet (10') between structures.

Accessory Uses: Any structure or accessory to apartment structures shall not exceed a height of twenty-five feet (25') and shall be sited not less than ten feet (10') from any other building or structure.

(d) Retail Service/Commercial

Five sites have been identified to meet future retail and commercial needs within the development and the Southwestern sector of the City of McKinney. The overall acreage developed for Retail-Service use shall be limited to a maximum of forty-five (45) acres. The balance of the land designated Retail-Service/Commercial shall be used for some other type of permitted Commercial (non-retail) development such as office buildings.

Permitted Uses:

Single Family Dwellings (large lots)
Single Family Dwellings (medium lots)
Churches
Cluster Single Family Dwellings
Townhouses
Condominiums
Apartments

All uses permitted under the BN, BG, and C zoning categories of ordinance 1270 as it exists on June 4, 1984.

NOTE: Condominiums and apartments may not be constructed on Retail Service/Commercial land when the tract is adjacent to a developed single family area within ELDORADO WEST.

Lot Coverage: Maximum site coverage including buildings and parking shall be 85%. The remaining 15% shall be landscaped open space.

Parking: As required for uses under the BN, BG, and C zoning categories of Ordinance 1270.

Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.

Building Height: No building shall exceed fifty feet (50') in height, except that the height may be increased by two feet for each one foot that all required yards are increased.

Setbacks: No structure or equipment shall be located within fifteen feet (15') of any property line or within twenty feet (20') of any dedicated street and there shall be no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

7. General

- (a) Items not covered by these P.D. regulations or Exhibits will conform to the City of McKinney ordinances, pertaining to zoning, subdivision regulations, signs, and other standards for development of property.
- (b) Should any portion of the above P.D. regulations be held invalid for any reason, the remaining portions shall not be affected by invalidity and such invalidity shall not effect its application to the development of "ELDORADO WEST" Planned Development.

8. Definitions

- (a) Building Height:
The distance measured from the natural grade at the lowest point of the building to the highest point of the building.
- (b) Building Height Exceptions:
The following appurtenances may exceed the prescribed height restrictions normally required for a use permitted in the zone in which they are constructed: flagpoles, chimneys, cooling towers, elevator bulkheads, belfries, ornamental towers, monuments, cupolas, domes, spires, and other necessary mechanical appurtenances and their protective housing.
- (c) Easements:
Easements will be granted for various purposes in the development. They include: utilities, vehicular access, pedestrian access, maintenance and emergency access, storm drainage, and landscape easements.

(d) Housing Types

Note: Definitions of intent are included in the appropriate sections of these regulations.

(i) Cluster Single Family

The cluster single family home is intended to provide a single family home in a layout designed to cut utility and street costs, etc., by clustering homes on smaller lots with "zero" lot lines and other techniques to lower the total cost of each home while still providing equivalent living space.

(ii) Townhomes

Townhomes are a type of single family, row-house unit intended to provide the resident with full ownership of the structure and the land beneath the structure, while at the same time maximizing the potential for joint ownership and maintenance of common spaces, through a Homeowner's Association. This avails the resident of not having to maintain these common areas and increases the potential for use and development of these areas.

(iii) Condominiums

Condominiums are a concept of multi-family housing, which restricts ownership to the space within the structure. A higher density concept, condominiums imply the opportunity of higher densities through the "stacking" of residential units, and all land is held in common; developed and maintained by a Homeowner's Association.

(e) Lot Width:

The average lot width from the front line to the rear line.

(f) Parking:

Each exterior parking space shall include a minimum length of eighteen feet (18') and a minimum width of eight feet (8'). Except for apartments and condominiums where the minimum width shall be increased to nine feet (9'). Parking spaces shall be well drained and provided with an all-weather surface, and access.

Covered Parking:

Garage structures enclosed on all sides, with the same exterior architectural treatment and character as the building. These may or may not be attached to the main structure.

Car Ports:

A covered parking structure, open on two or more sides which must have the same exterior architectural treatment as the project. These may be detached.

(g) Required Yards:

Front Yards - An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by building or structures from the ground upward.

Side Yards - An open space extending the full width of the zoning lots between the main building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward.

Setbacks - The line parallel to the applicable property line and extending the full length of the lot.

(h) Structure Separation:

For the purpose of determining structure separations, the term structure shall refer only to the main building and shall exclude balconies, overhangs, accessory uses, and chimneys.

EXHIBIT "A"

SITUATED in Collin County, Texas, a part of the Grafton Williams Survey, Abstract No. 976 and being a resurvey of 10 acres described in a Deed recorded in Volume 739, Page 203 of the Collin County Deed Records and said 10 acre tract out of the West portion of a 44.0 acre tract as described in a Deed recorded in Volume 625, Page 551, and being more particularly described by metes and bounds, as follows:

BEGINNING at the Southwest corner of the said 10.00 acre tract of land, said corner being also in the center of F.M. Road #720 said point also being in the Southwest corner of the said 44.0 acre tract;

THENCE North along the West line of said 44.0 acre tract of land and with an established fence line, a distance of 1537.80 feet to an iron stake for corner, said corner being the Northwest corner of said 44.0 acre tract of land;

THENCE South 89 deg. 47 min. East along the North line of said 44.0 acre tract of land, a distance of 283.40 feet to an iron stake for corner in same;

THENCE South and parallel to the West line of said 44.0 acre tract of land, a distance of 1537.80 feet to a point for corner in the center of said F.M. Road #720, and the South line of said 44.0 acre tract of land;

THENCE North 89 deg. 47 min. West along the center of said F.M. Road and the South line of said 44.0 acre tract of land a distance of 283.40 feet to the PLACE OF BEGINNING and CONTAINING 10.0 acres of land.