

ORDINANCE NO. 2012-03-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 65.24 ACRE PROPERTY, LOCATED ON THE WEST SIDE OF McDONALD STREET AND APPROXIMATELY 1,400 FEET NORTH OF WILMETH ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USES AND TO MODIFY THE DEVELOPMENT STANDARDS; 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 65.24 acre property, located on the west side of McDonald Street and approximately 1,300 feet north of Wilmeth Road, which is more fully depicted on Exhibit A, attached hereto, is rezoned from "AG" – Agricultural District to "PD" – Planned Development District, generally to allow for single family residential uses and to modify the development standards; 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, and as amended, is hereby amended in order to rezone an approximately 65.24 acre property, located on the west side of McDonald Street and approximately 1,300 feet north of Wilmeth Road, is rezoned from "AG" – Agricultural District to "PD" – Planned Development District.
- Section 2. The use and development of the subject property shall conform to the regulations of Section 146-73 ("RS 60" – Single Family Residence District) of the Zoning Ordinance, and as amended, except as follows:
- a. The subject property shall generally develop in accordance with the attached Zoning Exhibit (Exhibit B).
 - b. The subject property shall be subject to the attached development regulations (Exhibit C).
- 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 6TH DAY OF MARCH, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

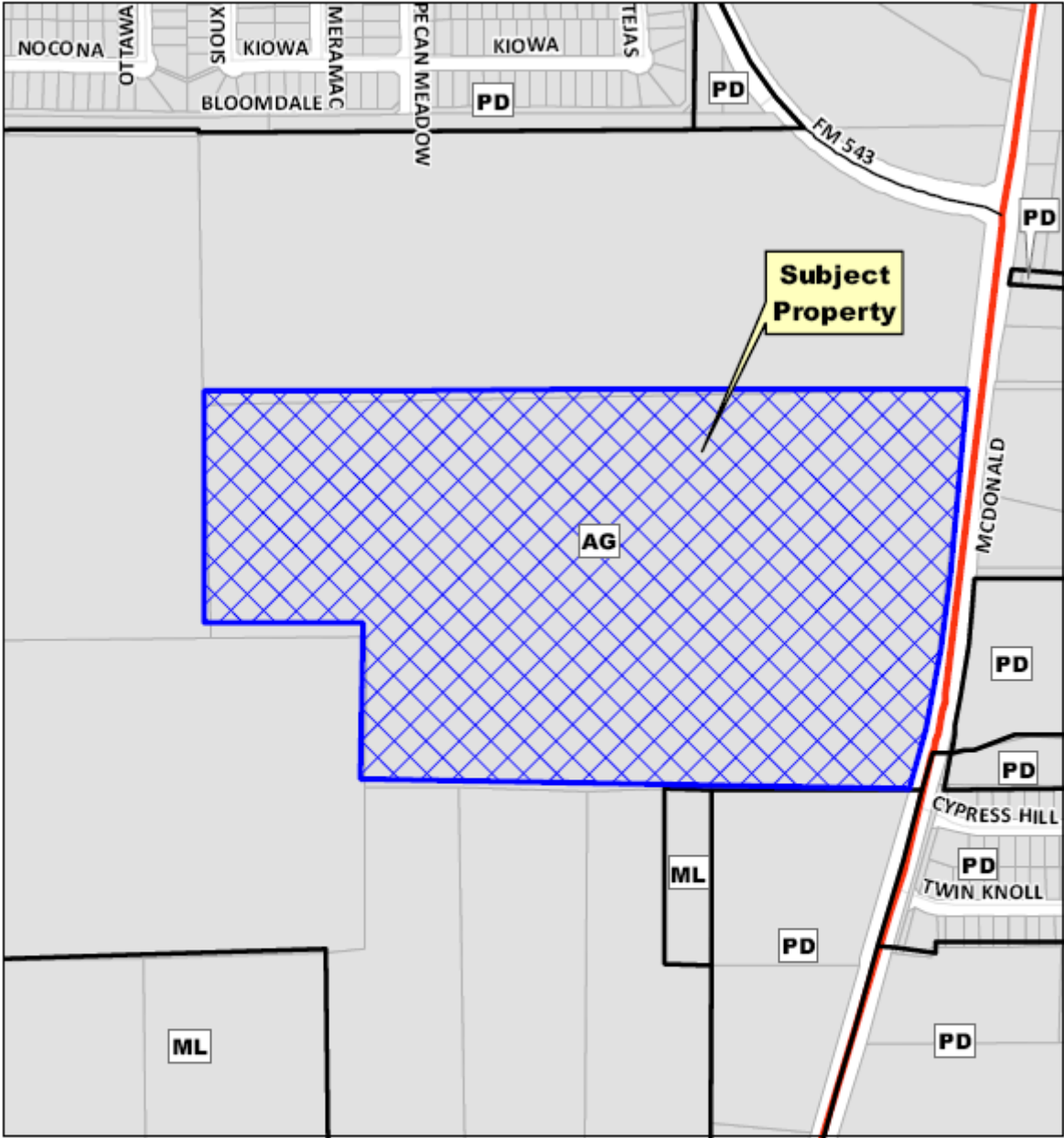
CORRECTLY ENROLLED:

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

DATE: _____

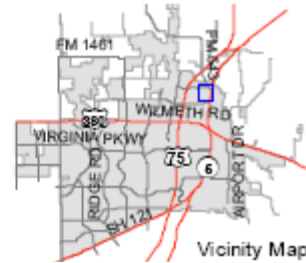
APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



Location Map

Case: 11-191Z



Vicinity Map

EXHIBIT A

DEVELOPMENT REGULATIONS:

All Homes/Lots shall feature:

- 1) An automated irrigation system and sod in Front, Side and Rear Yards;
- 2) Each House shall have a 30 square feet or larger front entry, or connected wrap-around two or more sides, or pitched cover incorporated into roof lines of house;
- 3) Lighted house number stone plaque with number beside main entry of house;
- 4) Houses with a chimney will be required to enclosed with masonry matching exterior walls, masonry stucco or hardy board and capped ;
- 5) Each home shall have a masonry mailbox, however, two houses may use one box pared at the lot line;
- 6) Each lot will have at least three 4" caliper canopy trees or larger; and
- 7) All single family residential units shall have a minimum of 80% of the exterior façade composed of kiln-fired clay brick or stone laid masonry units or masonry stucco with 20% stone or decorative brick accent, excluding windows, doors and other opening. Dormers, second story walls or other elements supported by roof structure may be composite materials as having the same durability as masonry or stone and when offset at least 2 feet from the first floor exterior wall. Wood, vinyl siding and EIFS materials shall not be used for exterior walls.

The Community shall feature:

- 1) An entry feature and screening wall along Hwy 5 that shall be faced with brick and/or two or more different type/color of stone;
- 2) Repetition of elevation shall be described as 5 lots skipped on same side of street before repeating same elevation, 2 lots skipped opposite side of street before repeating same elevation;
- 3) Street lights shall be upgraded decorative poles with historical lanterns; and
- 4) See the attached Zoning Exhibit for additional required features:
 - At least 10 Acres of Open Space,
 - 3,300 L.F. of Hike & Bike Trail,
 - Children's Tot Lot,
 - Pavilion/Gazebo,
 - At Least 4 Park Benches, and
 - Brick Pavers at Main Entry Way and each Trail Crossing.

END OF DEVELOPMENT REGULATIONS

EXHIBIT C