

ORDINANCE NO. 2011-06-___

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 129.23 ACRE PROPERTY, LOCATED ON THE EAST AND WEST SIDES OF RIDGE ROAD AND APPROXIMATELY 1,600 FEET NORTH OF VIRGINIA PARKWAY, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY 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 129.23 acre property, located on the located on the east and west sides of Ridge Road and approximately 1,600 feet north of Virginia Parkway from “PD” – Planned Development District to “PD” – Planned Development District, generally 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 129.23 acre property, located on the located on the east and west sides of Ridge Road and approximately 1,600 feet north of Virginia Parkway, which is more fully depicted on Exhibit A, attached hereto, is hereby rezoned from “PD” – Planned Development District to “PD” – Planned Development District, generally to modify the development standards.

Section 2. Use and development of the subject property (129.23 acres), more fully depicted on Exhibit A, shall conform to the following regulations:

1. Use and development of the subject property (129.23 acres), more fully depicted on the attached Zoning Exhibit (Exhibit B), shall conform to the following regulations:
 - a. Tract A, which is more fully depicted in the attached Zoning Exhibit (Exhibit B), shall develop according to the “RS-72” – Single Family Residence District of the Zoning Ordinance, and as amended, except as follows:
 - i. The maximum building height shall be 2 stories which may not exceed 40’ in height.
 - ii. The minimum front yard shall be 20’.
 - iii. The minimum rear yard shall be 20’.
 - iv. The minimum side yard setback shall be 5’.
 - v. The maximum lot coverage shall be 50%.
 - vi. The tract’s maximum density shall be 3.2 dwelling units per acre.

- b. Tract B, which is more fully depicted in the attached Zoning Exhibit (Exhibit B), shall develop according to the “RS-84” – Single Family Residence District of the Zoning Ordinance, and as amended, except as follows:
 - i. The maximum building height shall be 2 stories which may not exceed 40’ in height.
 - ii. The minimum side yard setback shall be 7’.
 - iii. The maximum lot coverage shall be 50%.
 - iv. There shall be no maximum floor area ratio.
 - v. The tract’s maximum density shall be 3.0 dwelling units per acre.
- c. Tract C, which is more fully depicted in the attached Zoning Exhibit (Exhibit B), shall develop according to the “RS-120” – Single Family Residence District of the Zoning Ordinance, and as amended, except as follows:
 - i. The maximum building height shall be 2 stories which may not exceed 40’ in height.
 - ii. The minimum front yard shall be 25’.
 - iii. The minimum side yard shall be 7’.
 - iv. The maximum lot coverage shall be 50%
 - v. There shall be no maximum floor area ratio.
 - vi. The tract’s maximum density shall be 3.0 dwelling units per acre.
- d. A 30’ wide platted common area, to be maintained by the governing homeowner’s association, shall be required along the entire western boundary line of Tract A.
- e. At least two 20’ wide platted common areas, to be maintained by the governing homeowner’s association, shall be provided within Tract A in order to provide access for maintenance purposes to the required 30’ wide common area from the adjacent local residential street. One common area shall be located in the northwest portion of the proposed development and the other shall be located in the southwest portion of the proposed development.
- f. All land which is identified as being within an Erosion Hazard Setback Easement shall be platted as a common area, to be maintained by the governing homeowner’s association.
- g. A wrought iron fence shall be required along the property line where a proposed single family residential lot abuts a natural area or open space, except when a single family residential lot abuts the 50’ high pressure gas easement.
- h. Where single family residential lots back or side to Habersham Way (a 60’ residential collector roadway) and/or its adjacent open spaces or landscape buffers, a board-on-board wooden fence with masonry columns spaced every 30’ on center shall be provided.
- i. A maximum of 360 detached single family residential lots shall be permitted on the subject property.

- j. The subject property shall generally conform to the attached Zoning Exhibit (Exhibit B), attached hereto.

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 7th DAY OF JUNE, 2011.

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