

ORDINANCE NO. 2000-11-092

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 920.001 ACRE TRACT LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), ON THE EAST SIDE OF CUSTER ROAD (F.M. 2478), AND GENERALLY ON THE NORTH SIDE OF VIRGINIA PARKWAY, IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY ALLOWING SINGLE FAMILY RESIDENTIAL USES, MULTIPLE FAMILY RESIDENTIAL USES, OFFICE USES, RETAIL USES, AND OPEN SPACE; 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 920.001 acre tract located on the south side of U.S. Highway 380 (University Drive), on the east side of Custer Road (F.M. 2478), and Generally on the north side of Virginia Parkway, from "PD" – Planned Development District, to "PD" – Planned Development District, generally allowing single family residential uses, multiple family residential uses, office uses, retail uses, and open space; 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 920.001 acre tract located on the south side of U.S. Highway 380 (University Drive), on the east side of Custer Road (F.M. 2478), and generally on the north side of Virginia Parkway, in the City of McKinney, Collin County, Texas, which is depicted in Exhibit "A" attached hereto, is hereby rezoned from its present classification of "PD" – Planned Development District to "PD – Planned Development District allowing single family residential uses, multiple family residential uses, office uses, retail uses, and open space.

Section 2. The tracts comprising the property herein rezoned shall be developed according to the respective regulations specified for each said district in Exhibit "B" attached hereto, and as shown on Exhibit "C". 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 Exhibit "C."

Section 4. 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 5.

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.

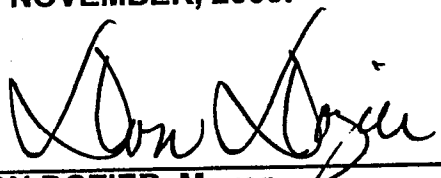
Section 6.

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 7.

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.

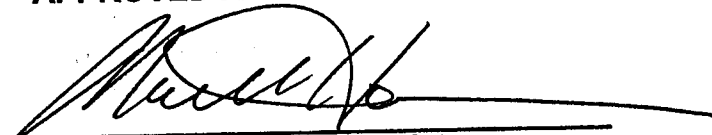
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7TH DAY OF NOVEMBER, 2000.


DON DOZIER, Mayor

ATTEST:


JENNIFER SPROULL, City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

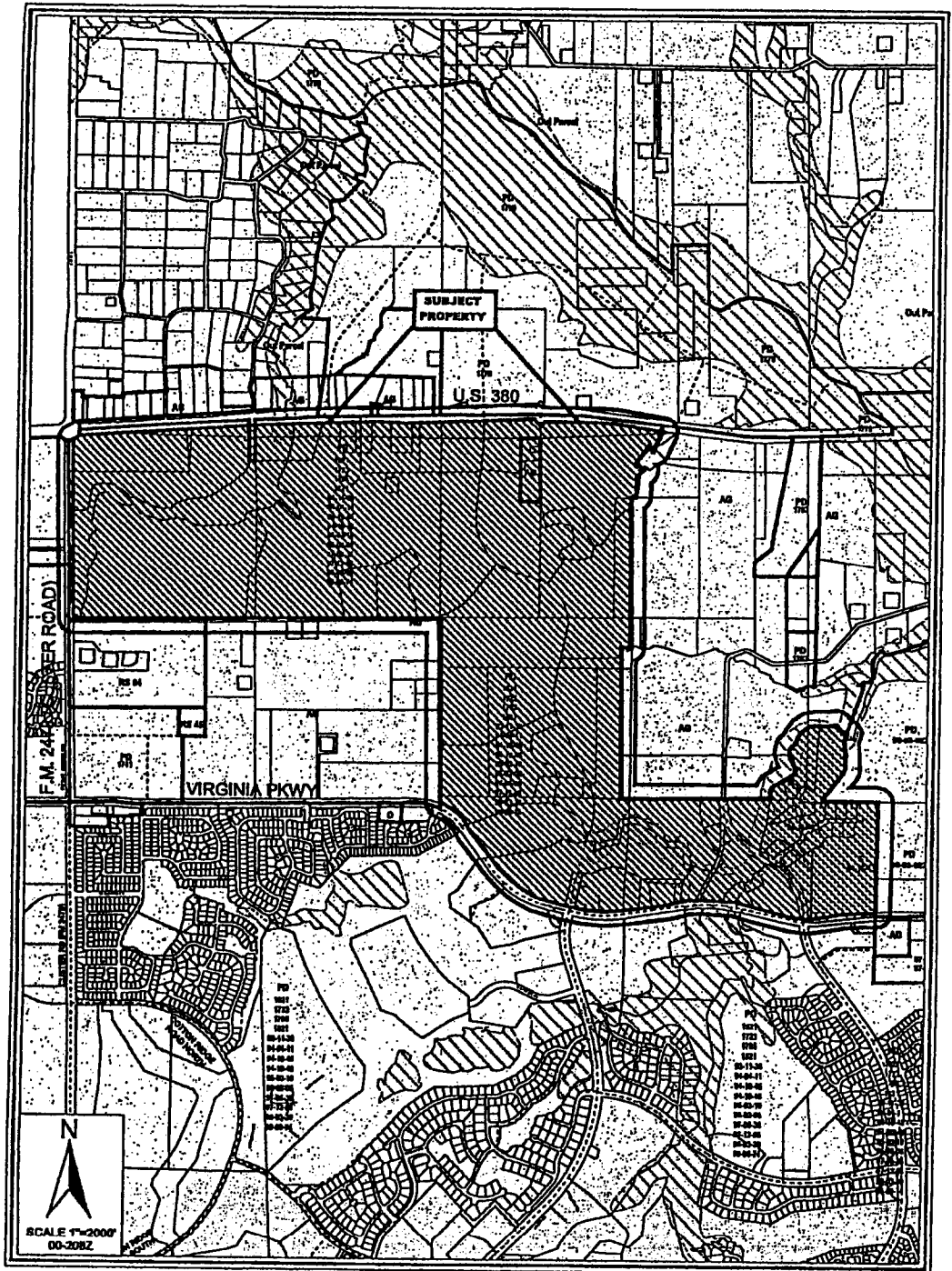


EXHIBIT "A"

PLANNING AREA 5

TRACT NO.	GROSS AC.	ROW AC.	NET AC.	% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Side Yard	Min Rear Yard	Min Corner Side Yard	Max Lot Coverage	Min Side Yard	Min Rear Yard	Min Corner Side Yard	DUAC	MAX NO. D.U.'s	POP/AMT	PROJECTED POPULATION
501	52.45	4.17	48.28	12.31	S-3	4000 SF	35'	67'	35'	20'	20'	20'	15'	80%	15'	20'	15'	5.5	266	3	780
502	23.33	2.27	21.06	5.70	SF-3	4000 SF	35'	67'	35'	20'	20'	20'	15'	80%	15'	20'	15'	5.5	118	3	340
503	17.40	1.36	16.02	4.25	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	3.50	58	3.0	180
504	12.71	0.90	12.71	3.16	MF-1	1800 SF	30'	100'	30'	20'	20'	20'	15'	80%	7'	20'	15'	10.0	250	2	450
505	15.44	1.59	13.85	3.77	R-1	N/A	N/A	N/A	N/A	25'	0'	0'	0'	80%	0'	0'	0'	40 FAR	N/A	N/A	N/A
506	15.13	3.30	11.83	4.43	O-1	N/A	N/A	N/A	120' (6)	25'	0'	0'	0'	80%	0'	0'	0'	75 FAR	N/A	N/A	N/A
507	2.74	0.83	2.11	0.67	O-1	N/A	N/A	N/A	120' (6)	25'	0'	0'	0'	80%	0'	0'	0'	N/A	N.I.C.	N/A	N/A
510	2.82	0.81	2.01	0.64	R-1	N/A	N/A	N/A	35'	25'	0'	0'	0'	80%	0'	0'	0'	75 FAR	N/A	N/A	N/A
511	6.29	1.32	4.97	2.02	O-1	N/A	N/A	N/A	120' (6)	25'	0'	0'	0'	80%	0'	0'	0'	0.9	60	3	180
512	73.36	3.15	70.21	17.91	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	12.0	161	3.0	480
513	6.99	0.44	6.55	1.71	OS	N/A	N/A	N/A	35'	20'	20'	20'	15'	80%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
514	11.38	0.00	11.38	3.27	SFA-3	4000 SF	35'	67'	35'	20'	20'	20'	15'	80%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
515	11.14	1.26	11.86	3.21	OS	N/A	N/A	N/A	35'	20'	20'	20'	15'	80%	N/A	N/A	N/A	18.0	467	2	641
516	26.03	0.11	25.92	6.36	MF-1	1800 SF	30'	100'	30'	20'	20'	20'	15'	80%	7'	20'	15'	5.5	188	3	607
517	31.02	1.30	29.72	7.82	SF-3	4000 SF	35'	67'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	N/A	N/A	N/A	N/A
518	13.71	0.20	13.51	3.36	OS	N/A	N/A	N/A	N/A	25'	0'	0'	0'	80%	5'	20'	15'	4.0	131	3.0	873
519	30.20	2.38	27.82	12.36	SF-2	8000 SF	50'	90'	35'	25'	25'	25'	15'	80%	5'	25'	15'	40 FAR	N/A	N/A	N/A
520	9.91	0.62	9.29	2.42	R-1	N/A	N/A	N/A	35'	25'	0'	0'	0'	80%	0'	0'	0'	75 FAR	N/A	N/A	N/A
521	3.97	0.60	3.37	0.97	O-1	N/A	N/A	N/A	120' (6)	25'	0'	0'	0'	80%	0'	0'	0'	N/A	N/A	N/A	N/A
522	1.50	0.31	1.19	0.37	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
523	1.36	0.53	0.83	0.34	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5.50	51	3.0	150
524	10.72	1.16	9.56	2.62	SF-3	4000 SF	35'	67'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	5.50	176	3.0	457
TOTAL	406.51	27.51	382.00	100.00															1,769		1,507

PLANNING AREA 6

TRACT NO.	GROSS AC.	ROW AC.	NET AC.	% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Side Yard	Min Rear Yard	Min Corner Side Yard	Max Lot Coverage	Min Side Yard	Min Rear Yard	Min Corner Side Yard	DUAC	MAX NO. D.U.'s	POP/AMT	PROJECTED POPULATION
601	17.10	0.39	16.71	3.35	P-1	N/A	N/A	N/A	35'	25'	25'	25'	15'	80%	0'	0'	0'	40 FAR	N/A	N/A	N/A
602	15.36	0.07	15.29	3.01	OS	N/A	N/A	N/A	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	3.50	131	3.0	350
603	37.57	0.00	37.57	7.87	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	N/A	N/A	N/A	N/A
604	40.13	0.51	39.62	7.87	OS	N/A	N/A	N/A	N/A	25'	25'	25'	15'	80%	10% of Lot Width	20'	15'	3.50	229	3.0	607
605	65.36	0.77	64.59	13.00	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	4.0	102	3.0	306
606	39.14	0.72	38.42	7.89	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	3.50	229	3.0	607
607	27.73	2.20	25.53	5.45	SF-2	8000 SF	50'	90'	35'	25'	25'	25'	15'	80%	10% of Lot Width	20'	15'	4.0	102	3.0	306
608	0.95	0.00	0.95	0.13	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	3.50	131	3.0	350
609	22.17	1.78	20.39	4.35	SF-3	4000 SF	35'	67'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	5.50	176	3.0	457
610	40.64	3.33	37.31	7.97	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	3.50	131	3.0	350
611	6.45	0.46	5.99	1.26	OS	N/A	N/A	N/A	35'	20'	20'	20'	15'	80%	N/A	N/A	N/A	5.50	51	3.0	150
612	21.09	1.09	20.00	4.14	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	N/A	N/A	N/A	N/A
613	11.44	1.78	9.66	2.24	OS	N/A	N/A	N/A	N/A	25'	0'	0'	0'	80%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
614	22.05	1.46	21.59	4.48	GC	N/A	N/A	N/A	N/A	25'	0'	0'	0'	80%	N/A	N/A	N/A	40 FAR	N/A	N/A	N/A
615A	60.21	2.34	57.87	11.90	O-1	N/A	N/A	N/A	120' (6)	25'	0'	0'	0'	80%	0'	0'	0'	75 FAR	N/A	N/A	N/A
615B	3.67	1.15	2.52	0.64	O-1	N/A	N/A	N/A	120' (6)	25'	0'	0'	0'	80%	0'	0'	0'	75 FAR	N/A	N/A	N/A
616	36.10	3.09	33.01	11.36	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	3.50	131	3.0	350
617	37.55	0.91	36.64	7.36	SF-1	7200SF	60'	100'	35'	20'	20'	20'	15'	80%	10% of Lot Width	20'	15'	3.50	131	3.0	350
618	1.40	0.04	1.36	0.27	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
619	0.25	0.06	0.22	0.05	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
620	2.56	0.42	2.14	0.50	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
621	11.12	1.12	10.00	2.18	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
622	10.32	0.65	9.67	2.02	ES	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	592.29	24.82	567.47	100.00															1,242		3,726

EXHIBIT "B"

Footnotes:
 (a) Subject may be 10' when adjacent to private recreation open space or 0' when adjacent to lake or water body.
 (b) 25 feet required when abutting any District requiring a rear (side) yard, or when abutting a Golf Course.
 (c) When adjacent to Residential District, the greater rear yard requirement of the two will prevail.
 (d) Required when abutting any zone requiring a side yard.
 *A 6 Month Family up to 200' are permitted.
 *Height may not exceed 35' unless required yards are increased by one foot for each one foot of additional building height.

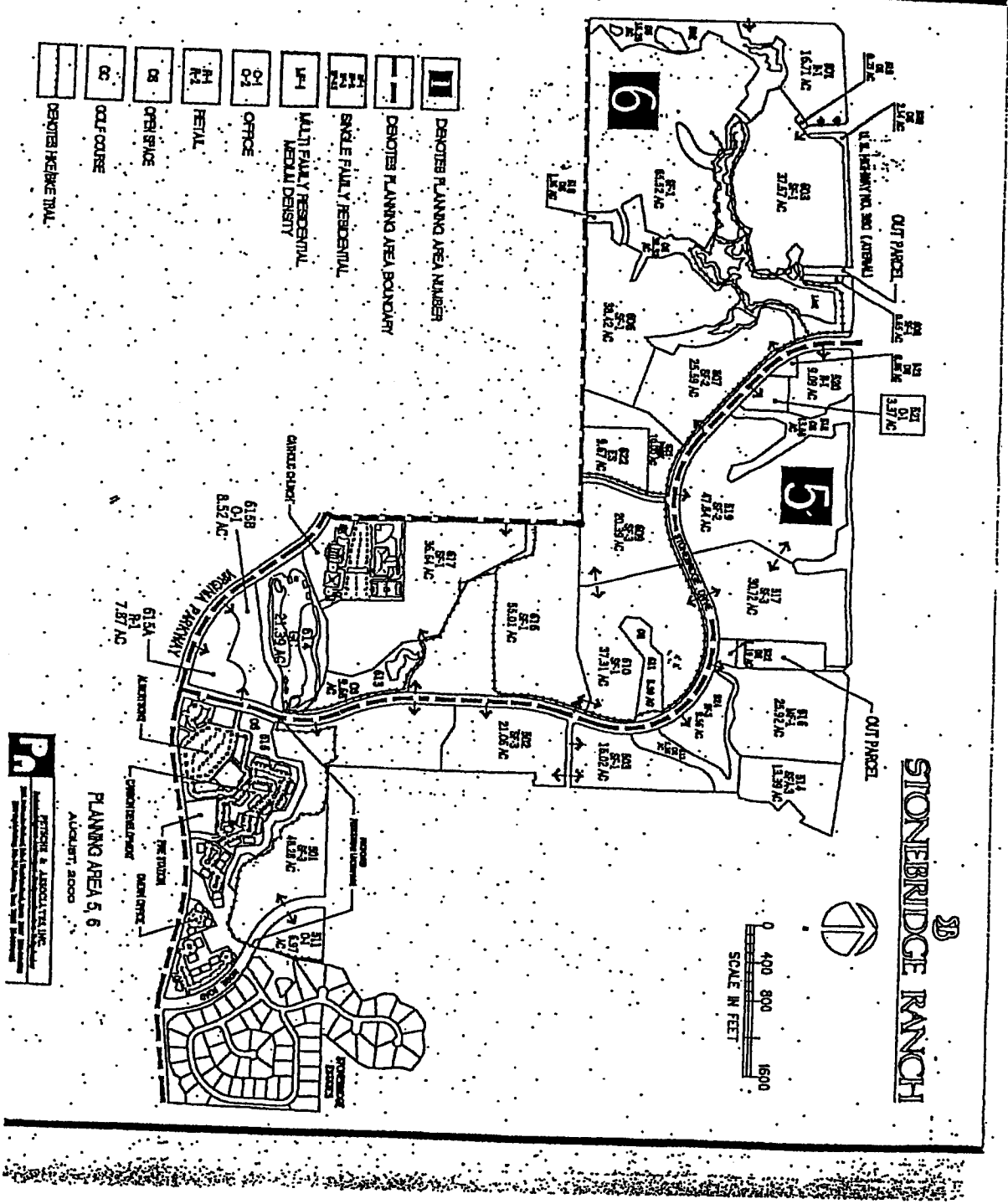


EXHIBIT "C"