

ORDINANCE NO. 2006-11-131

AN ORDINANCE AMENDING ORDINANCE NO. 1687, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 85.80 ACRE PROPERTY, GENERALLY LOCATED NORTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ON THE EAST AND WEST SIDES OF HARDIN BOULEVARD, IS ZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO INCREASE THE LOT COVERAGE FOR THE SINGLE-FAMILY TRACT AND DECREASE DENSITY FOR THE MULTI-FAMILY TRACT; 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 85.80 acre property, generally located north of U.S. Highway 380 (University Drive) and on the east and west sides of Hardin Boulevard, is zoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to increase the lot coverage for the single-family tract and decrease density for the multi-family tract, 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. 1687 is hereby amended so that an approximately 85.80 acre property, generally located north of U.S. Highway 380 (University Drive) and on the east and west sides of Hardin Boulevard, 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 increase the lot coverage for the single-family tract and decrease density for the multi-family tract.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. The subject property shall conform to "PD" – Planned Development District Ordinance No. 1687, except as follows:
  - a. The maximum allowed lot coverage of "Tract A", which is more fully depicted on Exhibit "B", shall not exceed 50%.
  - b. The maximum allowed density of "Tract B", which is more fully depicted on Exhibit "B", shall not exceed 20 dwellings 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.

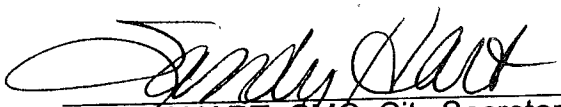
Section 6.

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.

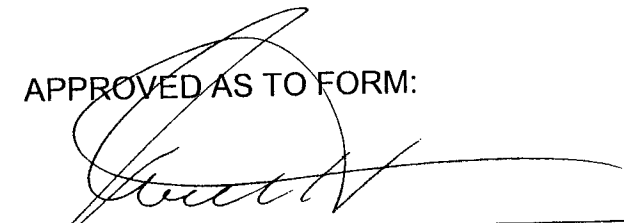
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7<sup>th</sup> DAY OF NOVEMBER, 2006.**

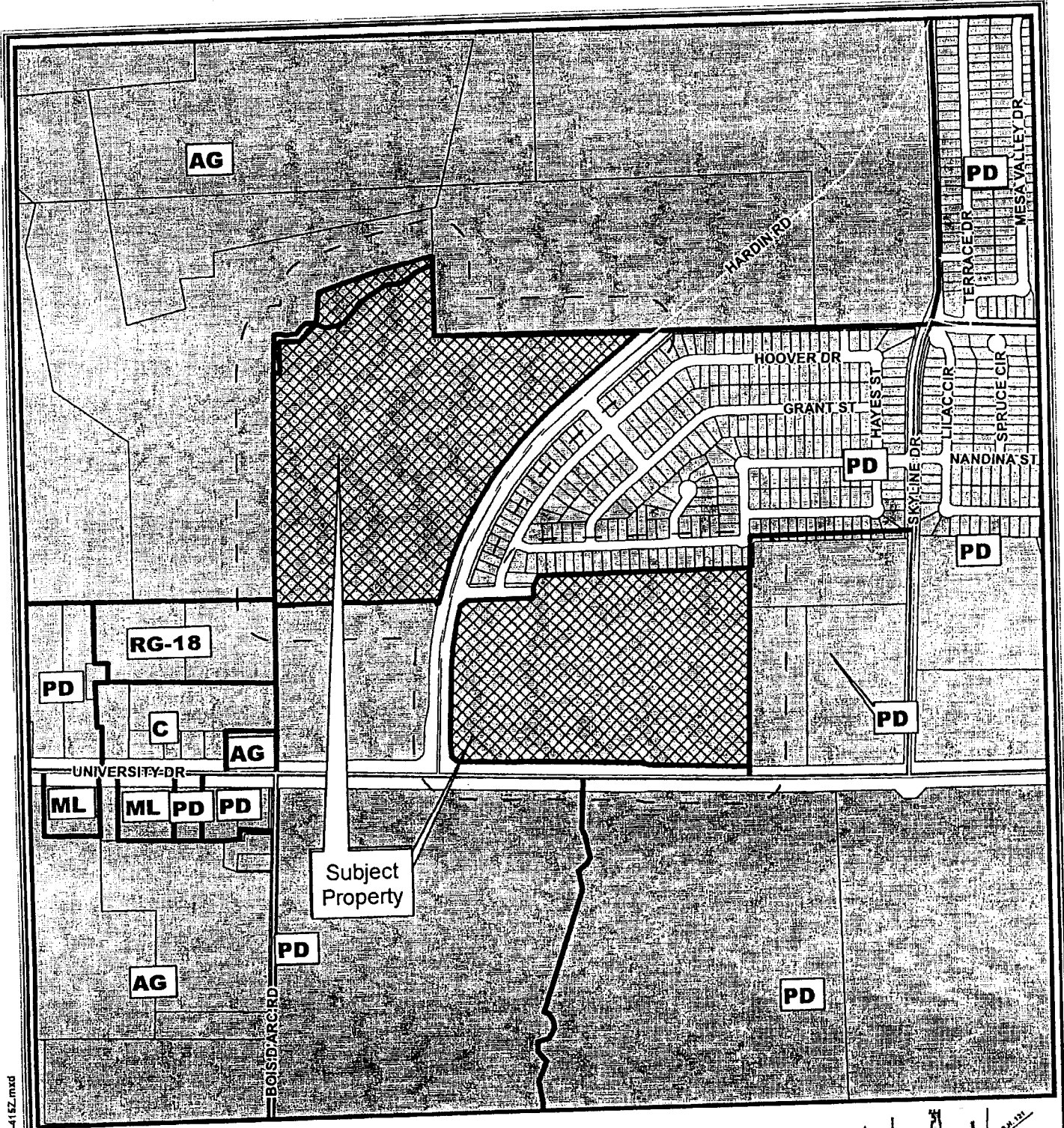
  
BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

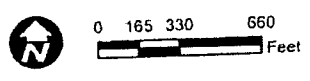
  
SANDY HART, CMC, City Secretary  
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



S:\Notification\Projects\2006\06-415Z.mxd



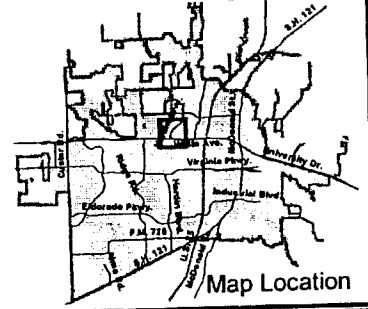
**Notification Case**

Notice Case #: 06-415Z

R-6450-001-0010-1

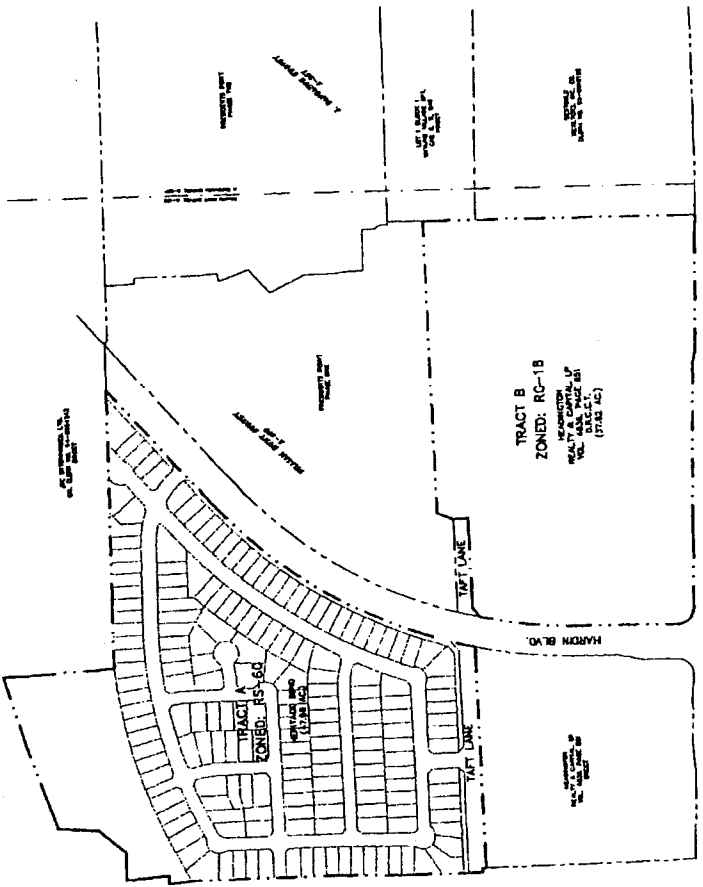
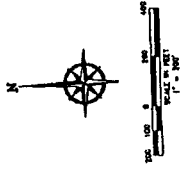
--- 200' Notification Buffer

**EXHIBIT "A"**



DISCLAIMER: This map and information is provided for informational purposes only. It is not intended to be used as a basis for any legal action. The City of McKinney, its officials or employees are not liable for any discrepancies, errors, or variances which may exist.

Any use or reliance on this map by anyone other than the City of McKinney 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.



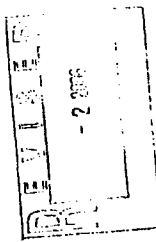
ZONING EXHIBIT  
 PD 1887  
 CASE 108-4152

**HEADINGTON REALTY & CAPITAL TRACTS**

WILLIAM HUNT SURVEY, ABSTRACT No. 456  
 CITY OF ROCKNEY, COLLIN COUNTY, TEXAS  
 PROGRAMME CONCEPT BY HEADINGTON REALTY, L.P.

HEADINGTON REALTY & CAPITAL, L.P.  
 511 N. W. 10th St., Suite 100  
 Dallas, Texas 75201  
 (214) 341-1700

DATE: NOVEMBER 16, 2006  
 SHEET: 1 OF 1



**EXHIBIT "B"**