

ORDINANCE NO. 2010-11-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 33.89 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF CUSTER ROAD AND ON THE SOUTH SIDE OF STACY ROAD, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY 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 33.89 acre property, located on the east side of Custer Road and south of Stacy Road, which is more fully depicted on Exhibit A, attached hereto, is rezoned from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay 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 HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 33.89 acre property, located on the east side of Custer Road and south of Stacy Road, is rezoned from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District.

Section 2. Use and development of the subject property shall be subject to the following special ordinance provisions:

a. Use.

i. Multi-family residential uses shall be permitted at a density as reflected on the attached Zoning Exhibit (Exhibit B).

b. Space Limits.

i. Stacy Road and Custer Road Setback: 35 feet.

ii. Southern property line setback: 25 feet.

iii. All other property line setback: 20 feet.

iv. Maximum Height: 35 feet (two stories).

v. Residential Unit Separation: 8 feet from unit foundation to unit foundation, except that the following items may project into the required 8 foot separation:

1. Architectural features may project up to 12 inches;
 2. Roof eaves may project up to 24 inches; and
 3. There shall be no required separation between detached garages and other buildings.
- vi. Residential Unit Placement: Residential dwelling units shall be constructed in the general building pad locations reflected on the attached Zoning Exhibit, while the exact floor plan, elevation, driveway locations, and garage locations shall be determined through the building permit process.
- c. Landscaping. All landscaping requirements of the Zoning Ordinance shall be applicable unless otherwise specified herein.
- i. One canopy tree shall be provided in the front yard of each one unit building pad.
- d. Parking.
- i. Two enclosed parking spaces shall be provided for each unit.
 - ii. Driveways shall be a minimum of 5 feet in length as measured from the edge of the adjacent access drive to the face of the garage. If a driveway less than 18 feet in depth is provided, an additional two 9 feet by 18 feet parking spaces shall be provided on the unit's building pad. There shall be no associated landscaping requirements for these two parking spaces.
- e. Architectural Standards. All Architectural and Site Standards of the Zoning Ordinance shall be applicable unless otherwise specified herein.
- i. The exterior finish on each wall of every multi-family structure shall be a minimum of 65 percent masonry as defined by the Zoning Ordinance.
 - ii. Windows within 150 feet of a property line may orient towards adjacent residential properties.
 - iii. The architectural character of any constructed structure shall generally conform to the attached Architectural Renderings (Exhibit C).
- f. The subject property shall generally conform to the attached Zoning Exhibit (Exhibit B).
- g. The subject property shall be subject to the requirements of the "REC" – Regional Employment Center Overlay District.

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 16th DAY OF NOVEMBER, 2010.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney