

ORDINANCE NO. 2013-08-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2006-02-018 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 24.07 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF CUSTER ROAD AND APPROXIMATELY 300 FEET NORTH OF COLLIN MCKINNEY PARKWAY, 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 24.07 acre property, located on the east side of Custer Road and approximately 300 feet north of Collin McKinney Parkway, which is more fully depicted on Exhibits “A” and “B”, attached hereto, 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. 2006-02-018 is hereby amended in order to rezone an approximately 24.07 acre property, located on the east side of Custer Road and approximately 300 feet north of Collin McKinney Parkway, which is more fully depicted on Exhibits “A” and “B”, attached hereto, 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.

Section 2. Use and development of the subject property, more fully depicted on Exhibits “A” and “B”, shall develop in accordance “PD” – Planned Development District Ordinance No. 2006-02-018, and as amended, except as follows:

- a. The subject property shall develop in accordance with either the Single Family Detached, Standard Lot with Front Access or the Single Family Detached, Small Lot requirements of the Neighborhood Zone as specified in the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:
 - i. Front porches on residential buildings shall not be required.
 - ii. Finished floor elevations of at least two (2) feet above finished surface grade of the lot at the front door shall not be required.

- iii. The front face of an attached garage shall be set back no less than five (5) feet from the front façade of the house.
- iv. Side yard at corner setbacks shall be no closer to the street than the front build-to-line.
- v. The minimum side yard setbacks for all Single Family Detached, Small Lots shall be five (5) feet. A zero foot side yard on one side of the lot may also be permitted as long as a minimum of ten (10) feet of side yard has been provided on the opposite side. A minimum of ten (10) feet of separation shall be provided between buildings.
- vi. There shall be no lot coverage maximum on the subject property.

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 5TH DAY OF AUGUST, 2013.

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