

ORDINANCE NO. 2013-04-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 3.00 ACRE PROPERTY, LOCATED APPROXIMATELY 2,200 FEET WEST OF INDEPENDENCE PARKWAY AND APPROXIMATELY 2,300 FEET SOUTH OF VIRGINIA PARKWAY, IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL USES; 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 zoning of an approximately 3.00 acre property, located approximately 2,200 feet west of Independence Parkway and approximately 2,300 feet south of Virginia Parkway, which is more fully depicted on Exhibits "A" and "B", attached hereto, to "PD" – Planned Development District, generally for single family residential uses; and,

WHEREAS, after due notice of the requested zoning 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 zone an approximately 3.00 acre property, located approximately 2,200 feet west of Independence Parkway and approximately 2,300 feet south of Virginia Parkway, which is more fully depicted on Exhibits "A" and "B", attached hereto, to "PD" – Planned Development District, generally for single family residential uses.

Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B" shall develop in accordance with Ordinance No. 1270, and as amended, except as follows:

- a. The mean and median lot size shall be 7,200 square feet.
- b. The subject property shall conform to the attached development standards (Exhibit "C").
- c. One hundred (100) percent of each elevation shall be finished with masonry materials, to include brick, stone, or synthetic stone. Walls provided in conjunction with an architectural element which is located above the roof line (example: walls for dormers or chimneys) may only be finished with brick, stone, synthetic stone, stucco, wood lap siding, vinyl siding, cast concrete modular siding (including cementitious fiber siding; i.e., Hardie Board or Hardiplank), or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited. The masonry percentage is to be calculated exclusive of doors and windows.

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 16TH DAY OF APRIL, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

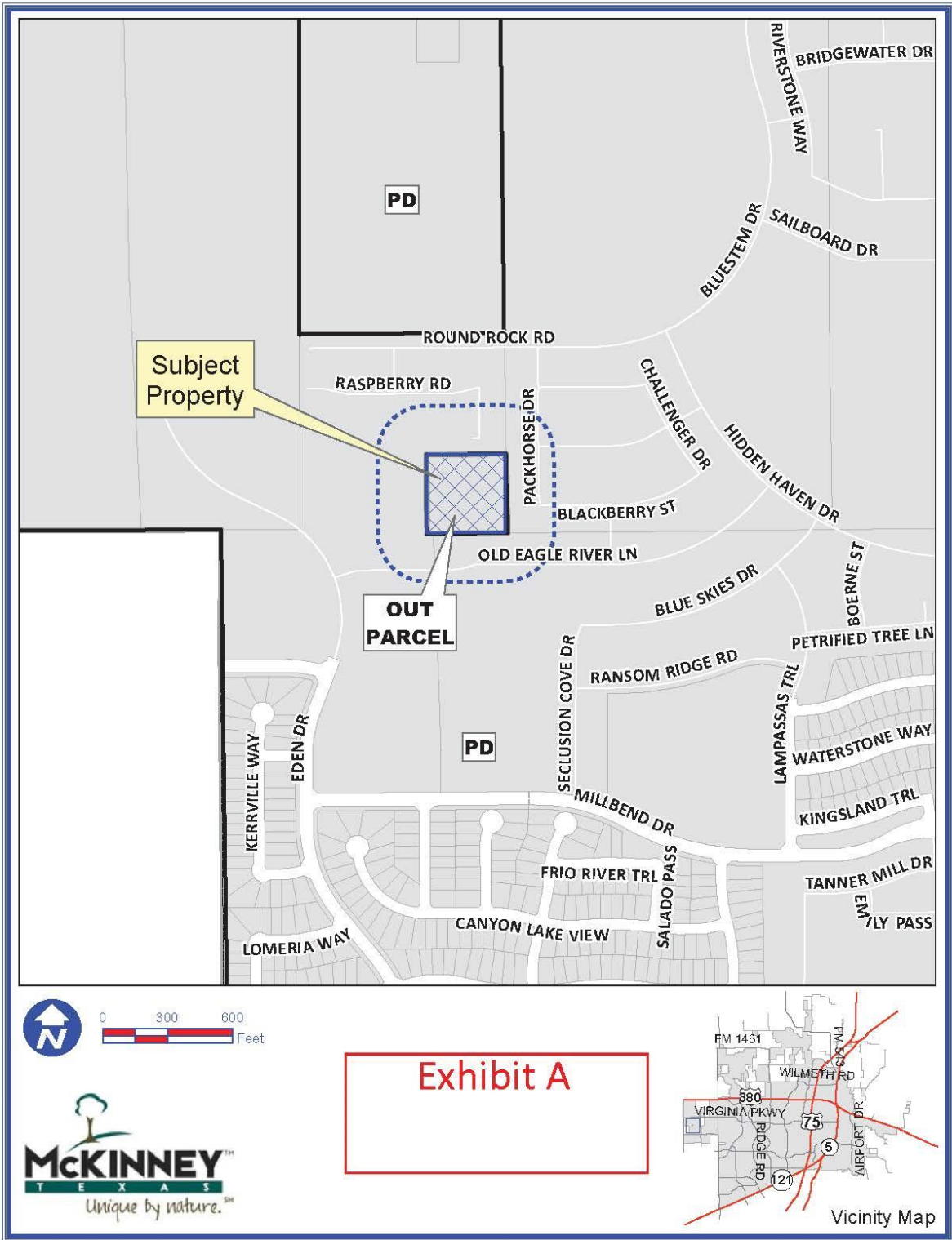
SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A



Path: S:\MCKGIS\Notification\Projects\2013\13-0302.mxd

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else 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.

EXHIBIT B

LEGAL DESCRIPTION

BEING all that tract of land in the City of McKinney, Collin County, Texas, being a part of the Henry Slack Survey, Abstract No. 840 and being all of that called 3 acre tract (Tract Two) of land described in a Warranty Deed to Texas Municipal Power Agency (4/5 interest) and Brazos Electric Power Cooperative (1/5 interest), as recorded in Volume 1205, Page 18 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being further described as follows:

BEGINNING at a five-eighths inch iron rod found for the northeast corner of said 3 acre tract of land, said point being in the south line of a called 333.861 acre tract of land described in a Special Warranty Deed to D.R. Horton - Texas, Ltd. as recorded in Volume 6051, Page 44, (D.R.C.C.T.);

THENCE South 00 degrees 01 minutes 29 seconds West, 361.45 feet with the south line of said 333.861 acre tract of land to a five-eighths inch iron rod found for corner in the north line of a called 159.752 acre tract land described in a Special Warranty Deed to D.R. Horton – Texas, Ltd., as recorded in Volume 6051, Page 29 (D.R.C.C.T.);

THENCE South 89 degrees 45 minutes 19 seconds West, 297.88 feet to a five-eighths inch iron rod found for the northwest corner of said 159.752 acre tract of land, said point being in the south line of said 333.861 acre tract of land;

THENCE continuing with the south line of said 333.861 acre tract of land as follows:
North 89 degrees 11 minutes 20 seconds West, 63.94 feet to a five-eighths inch iron rod found for corner;
North 00 degrees 07 minutes 05 seconds East, 361.31 feet to a one-half inch iron rod found for corner;
North 89 degrees 55 minutes 09 seconds East, 361.22 to the POINT OF BEGINNING and containing 130,820 square feet or 3.003 acres of land.

“This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.”

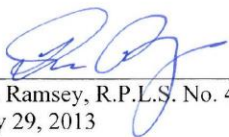

Dan B. Ramsey, R.P.L.S. No. 4172
January 29, 2013



EXHIBIT C

Development Standards

GROSS ACREAGE	3.00
MIN LOT AREA	5500 SF
MIN LOT WIDTH	50'
MIN LOT DEPTH	90'
MAX HEIGHT	35'
MIN FRONT YARD	20'
MIN REAR YARD	20'
MIN SIDE YARD	5'
MAX LOT COVERAGE	60%
MIN CORNER SIDE YARD	15'
MAX DU/AC	3.2*

***The applicant may achieve a density bonus of up to 3.4 dwelling units per acre by incorporating residential design features as found in Section 11: Urban Design (Design for Density) of the City of McKinney Comprehensive Plan**