

ORDINANCE NO. 2001-08-094

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 243.9 ACRE TRACT LOCATED ON THE SOUTH SIDE OF FUTURE BLOOMDALE ROAD, AND ON THE NORTH SIDE OF FUTURE WILMETH ROAD, IS HEREBY REZONED FROM "AG" – AGRICULTURAL DISTRICT AND "PD" – PLANNED DEVELOPMENT DISTRICT (ORDINANCE NO. 1703), TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY ALLOWING SINGLE FAMILY RESIDENTIAL USES AND COMMERCIAL USES; 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 243.9 acre tract located on the south side of future Bloomdale Road, and on the north side of future Wilmeth Road, from "AG" – Agricultural District and "PD" – Planned Development District (Ordinance No. 1703), to "PD" – Planned Development District, generally allowing single family residential uses and commercial uses; 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 243.9 acre tract located on the south side of future Bloomdale Road, and on the north side of future Wilmeth Road, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from its present classification of "AG" – Agricultural District and "PD" – Planned Development District (Ordinance No. 1703) to "PD – Planned Development District allowing single family residential uses and commercial uses.

Section 2. The tracts comprising the property herein rezoned and designated as on the "Zoning Exhibit" of the property attached hereto as Exhibit "B," shall be developed according to the respective regulations specified for each said district in Section 3 hereof. 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 the Zoning Exhibit.

Section 3. Use and development of the subject property shall conform to the development standards listed below:

1. The subject property contain a maximum of 903 residential lots; if a school and park tract are developed

within the subject property, then the maximum number of allowed lots be 978.

2. The average lot size for residential uses within the subject property be 5,750 square feet.
3. The subject property contain a minimum of 13 acres of open space.
4. A general development plan be submitted for approval, prior to the platting of the first lot within the subject property.
5. Each Neighborhood as shown on Exhibit "B" shall include a mix of lot sizes as shown on Exhibit "C." The lots designated as "SF-1" of Exhibit "C" shall develop according to the regulations of Section 41-87 "RS-72" – Single Family Residence District of the Zoning Ordinance No. 1270, except as follows:
 - a. Minimum side yard: 5 feet
 - b. Maximum lot coverage: 50 percent
6. The lots designated as "SF-2" on Exhibit "C" shall develop according to the regulations of Section 41-67 "RS-60" – Single Family Residence District of the Zoning Ordinance No. 1270, except as follows:
 - a. Minimum lot area: 5,500 square feet
 - b. Minimum front yard: 20 feet
 - c. Minimum rear yard: 20 feet
 - d. Maximum lot coverage: 50 percent
 - e. Maximum floor area ratio: None.
7. The tracts designated for "Commercial" uses develop according to the regulations of Section 41-76 "C" – Planned Center District.

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.

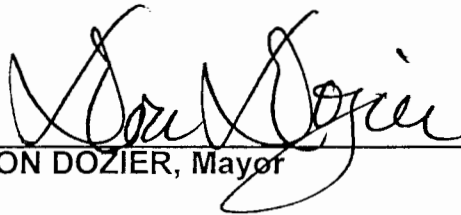
Section 6.

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.

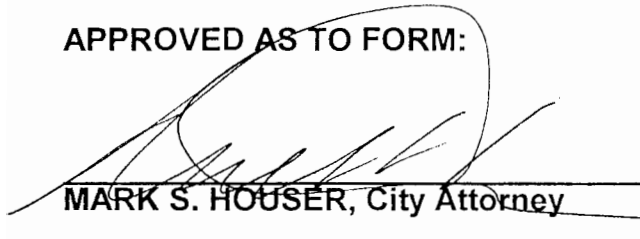
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 27th DAY OF AUGUST, 2001.


DON DOZIER, Mayor

ATTEST:


JENNIFER SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

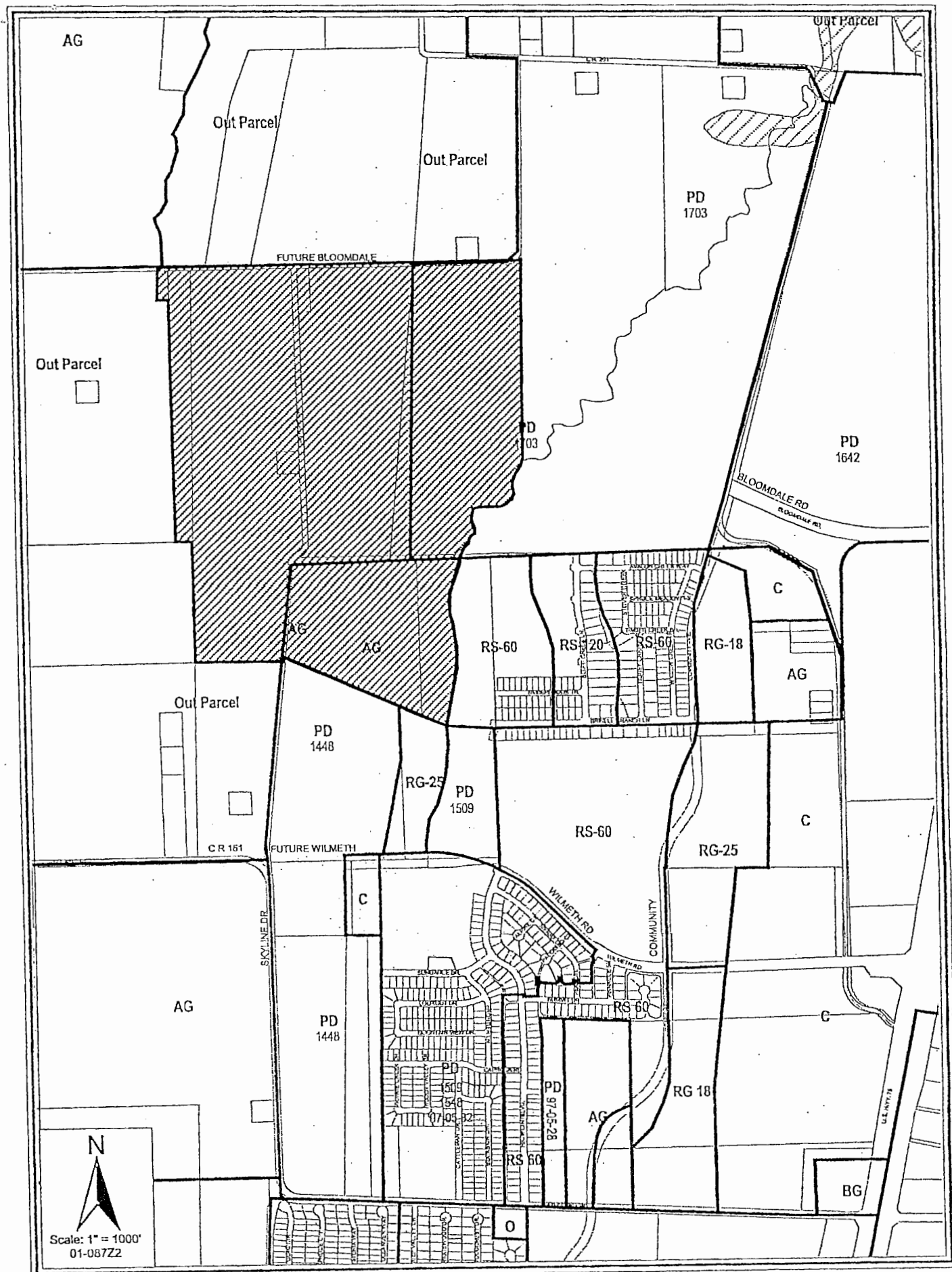
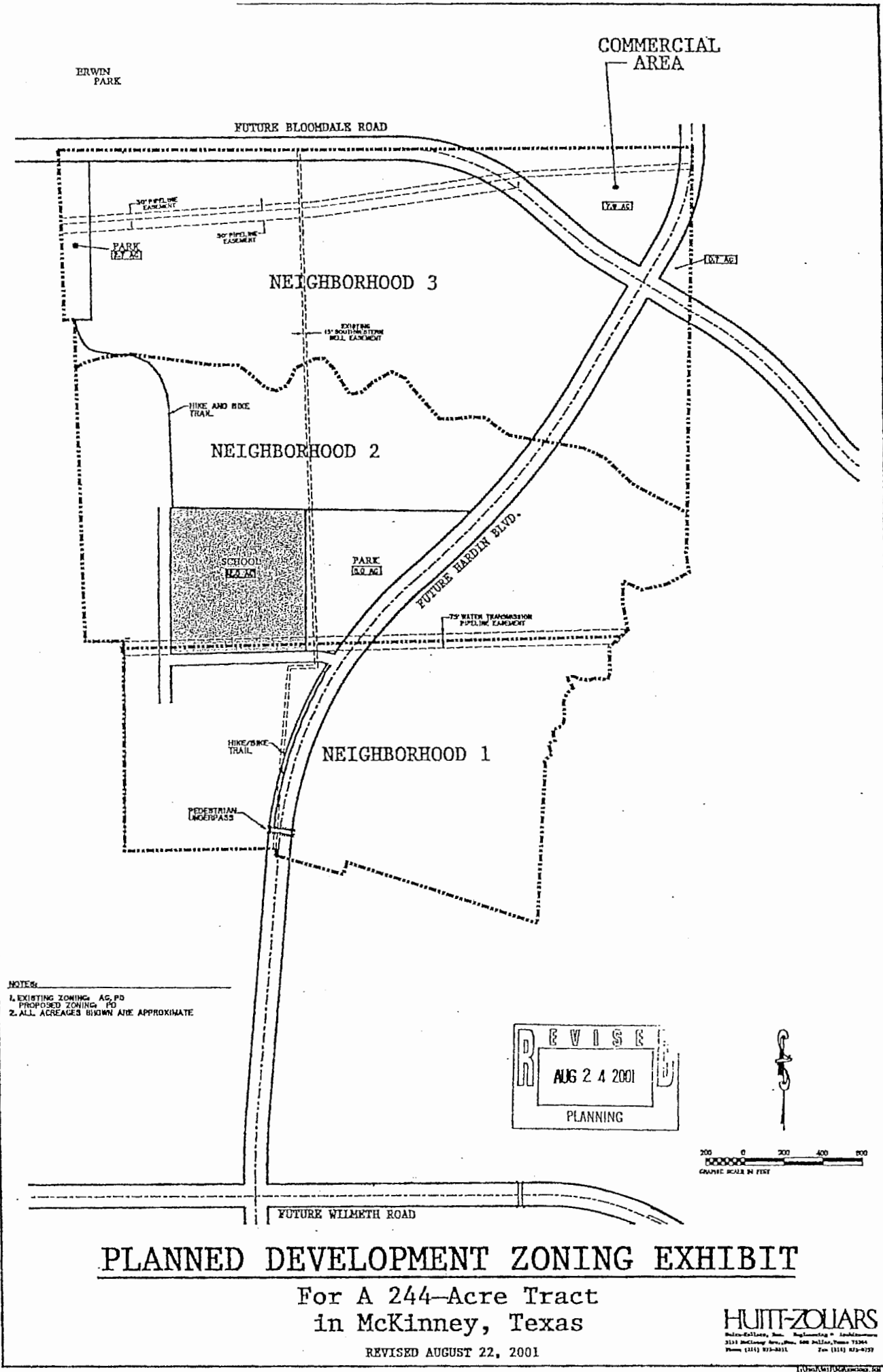
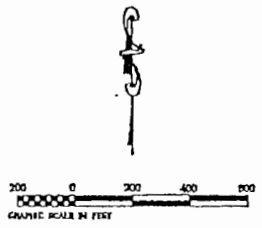


EXHIBIT "A"



NOTES:
 1. EXISTING ZONING: AC, PD
 PROPOSED ZONING: PD
 2. ALL ACRESAGES SHOWN ARE APPROXIMATE

REVISED
 AUG 24 2001
 PLANNING



PLANNED DEVELOPMENT ZONING EXHIBIT

For A 244-Acre Tract
 in McKinney, Texas

REVISED AUGUST 22, 2001

HUTT-ZOLIARS
 2114 McGloery Ave., Suite 400 Dallas, Texas 75244
 Phone (214) 873-8811 Fax (214) 873-8797

EXHIBIT "B"

243.9 Acres in McKinney
 Revised Acreage Tables for
 Revised Planned Development Zoning Exhibit

Acreage Summary Table with School and Park						
Description					Comm	Total
	1	2	2A	3		
C					8.6	8.6
SF-1	10.8	19.8		8.9		39.5
SF-2	42.7	38.3		61.0		142.0
Open Space	4.0	4.0		5.0		13.0
Thoroughfare ROW	3.3	3.9		7.2	3.7	18.1
School & Park	0.8		19.2	2.7		22.7
Total	61.6	66.0	19.2	84.8	12.3	243.9

Acreage Summary Table with School and Park Reverting to SF-2						
Description					Comm	Total
	1	2	2A	3		
C					8.6	8.6
SF-1	10.8	19.8		8.9		39.5
SF-2	43.5	38.3	19.2	61.0		162.0
Open Space	4.0	4.0		5.0		13.0
Thoroughfare ROW	3.3	3.9		7.2	3.7	18.1
School & Park				2.7		2.7
Total	61.6	66.0	19.2	84.8	12.3	243.9

EXHIBIT "C"