

ORDINANCE NO. 2002-06-069

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT 58.3 ACRES, LOCATED GENERALLY AT THE NORTHEAST CORNER OF FUTURE WILMETH ROAD AND FUTURE HARDIN BOULEVARD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR MULTI-FAMILY AND GARDEN HOME RESIDENTIAL USES TO "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 owners of approximately 58.3 acres located generally at the northeast corner of future Wilmeth Road and future Hardin Boulevard, which is zoned "PD" – Planned Development District, generally for multi-family and garden home uses have petitioned the City of McKinney to rezone said tract to "PD" – Planned Development District, generally for single family residential uses, made part hereof for all purposes; and,

WHEREAS, after due notice of such requested zoning change 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, the City Council is of the opinion that such zoning change 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 so that approximately 58.3 acres located generally at the northeast corner of future Wilmeth Road and future 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 for single family residential uses.

Section 2. Use and development of the subject property shall conform to the development standards listed below:

1. The subject property contain a maximum of 250 single family residential lots.
2. A minimum of 85 lots shall be designated as "SF-1," and develop according to the regulations of Section 41-87 "RS-72" – Single Family Residence District of Zoning Ordinance No. 1270 and as amended, except as follows:
 - a. Minimum side yard: 5 feet.
 - b. Maximum lot coverage: 50 percent.
3. A maximum of 158 lots shall be designated as "SF-2," to develop according to the regulations of Section 41-67 "RS-60" – Single Family Residence District of Zoning Ordinance 1270 and as amended, 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

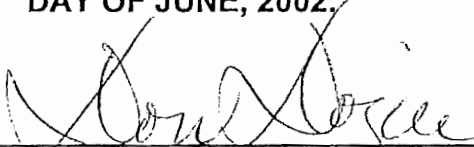
Section 3. No developer or property owner shall acquire any vested interest in this Ordinance. This Ordinance and the subsequent regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

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 \$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 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 18th DAY OF JUNE, 2002.**


DON DOZIER, MAYOR

CORRECTLY ENROLLED:


JENNIFER G. SPROULL, CITY SECRETARY
BEVERLY COVINGTON, DEPUTY CITY SECRETARY

APPROVED AS TO FORM:

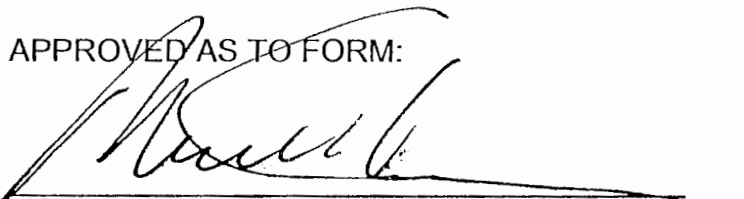

MARK S. HOUSER, CITY ATTORNEY

EXHIBIT "A"

