

**ORDINANCE NO. 2015-10-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 30.36 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF MCKINNEY PLACE DRIVE AND COLLIN MCKINNEY PARKWAY, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT, “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW 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 rezoning of an approximately 30.36 acre property, located on the southwest corner of McKinney Place Drive and Collin McKinney Parkway, which is more fully depicted on Exhibits “A” and “B”, attached hereto, from “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District and “CC” – Corridor Commercial Overlay District, generally to allow for single family residential 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. The zoning map is hereby amended so that an approximately 30.36 acre property, located on the southwest corner of McKinney Place Drive and Collin McKinney Parkway, which is more fully depicted on Exhibits “A” and “B”, attached hereto, is rezoned from “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District and “CC” – Corridor Commercial Overlay District, generally to allow for single family residential uses.

Section 2. The subject property shall develop in accordance with the “PD” – Planned Development District, and as amended, except as follows:

1. The subject property shall be developed in accordance with the *Area and bulk regulations* for Single Family Detached, Standard Lot of the REC Neighborhood Zone, except as follows:

- a. Single Family Detached, Small Lots shall be permitted only where said lots directly abut the eastern property lines, as indicated in the attached Exhibit “C” – Small Lot Location.
- b. The maximum total number of dwelling units shall be 142 units, and the maximum number of Single Family Detached Small Lots shall be 60 units.

- c. Garages that are accessed from the front of Single Family Detached Standard Lots shall feature garage doors with a carriage-style design, typically featuring vertical slats, high windows, antiqued hardware, and additional detailing to give the appearance of swinging or sliding doors.
- d. There shall be no maximum lot width or area.
- e. In addition to the requirement of one canopy tree per 50 linear feet within the common area adjacent to Collin McKinney Parkway and McKinney Place Drive as detailed in Section 142-106 (Screening and buffering of certain residential lots adjacent to streets) of the Subdivision Ordinance, an additional canopy tree shall be planted for every 50 linear feet within the common area along Collin McKinney Parkway and McKinney Place Drive.

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 6<sup>th</sup> DAY OF OCTOBER, 2015.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney