

**ORDINANCE NO. 2013-08-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 84.84 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF CUSTER ROAD AND FUTURE SILVERADO TRAIL, 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 84.84 acre property, located on the southeast corner of Custer Road and Future Silverado Trail, which is more fully depicted on Exhibits “A”, “B” and “C”, 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. 1270 is hereby amended in order to rezone an approximately 84.84 acre property, located on the southeast corner of Custer Road and Future Silverado Trail, which is more fully depicted on Exhibits “A”, “B” and “C”, 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”, “B” and “C” shall develop in accordance with the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:

- a. The tract labeled “SF Detached Standard Lot”, shown on Exhibit “C”, shall develop in accordance with the Single Family Detached, Standard Lot with Front Access 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 façade of the house.
  - iv. Side at corner setback shall be a minimum of ten (10) feet.

- v. There shall be no lot coverage maximum on the subject property.
- b. The tract labeled "Apartment", shown on Exhibit "C", shall develop in accordance with the Apartment Dwelling requirements of the Neighborhood Zone as specified within the "REC" – Regional Employment Center Overlay District, and as amended, except as follows:
  - i. Maximum building height shall be four (4) stories (buildings within 125 feet of a single family zoning district shall be limited two (2) stories).
  - ii. The maximum density shall be twenty-four (24) dwelling units per acre.
  - iii. No less than fifty (50) percent of the units shall have an enclosed parking space.
- c. The tracts labeled "Commercial", shown on Exhibit "C", shall develop in accordance with Section 146-86 "C" – Planned Center District and "REC" – Regional Employment Center Overlay District of the Zoning Ordinance, and as amended.

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 5<sup>TH</sup> DAY OF AUGUST, 2013.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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

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

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney