ORDINANCE NO. 2016-10-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF McKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE STREET SUBDIVISION (EMERALD HEIGHTS), APPROXIMATELY 26.63 ACRES, LOCATED APPROXIMATELY 140 FEET SOUTH OF GRAY BRANCH ROAD AND ON THE EAST SIDE OF RIDGE ROAD; 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 owner or owners of an approximately 26.63 acre tract, located approximately 140 feet south of Gray Branch Road and on the east side of Ridge Road, have petitioned the City of McKinney to amend the zoning map of the City of McKinney in order to provide for a Specific Use Permit for a private street subdivision (Emerald Heights), and,

WHEREAS, the owner or owners are willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, 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 such amendment 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 to provide for a Specific Use Permit for a private street subdivision use, comprised of 43 single family detached residential lots on an approximately 26.63 acre tract, located approximately 140 feet south of Gray Branch Road and on the east side of Ridge Road, and as depicted on Exhibits "A", "B", and "C", attached hereto.

Section 2.   Use and development of the subject property shall conform to Article VII (Private Street Regulations) of the Subdivision Ordinance, as well as the zoning district applicable to the property and all other applicable regulations of the City of McKinney, and as amended.

Section 3.   The subject property shall develop in accordance with the attached Concept Plan – Exhibit "C", and Entrance Exhibit – Exhibit "D".

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.   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 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 THE 4th DAY OF OCTOBER, 2016.

CITY OF McKINNEY, TEXAS

_____
BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

_____
MARK S. HOUSER
City Attorney