

ORDINANCE NO. 2011-02-___

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 238.92 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND COIT ROAD, IS ZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL, RETAIL, ELEMENTARY SCHOOL, AND OPEN SPACE 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 zoning of an approximately 238.92 acre property, located on the southeast corner of U.S. Highway 380 (University Drive) and Coit Road, Planning Area 17, which is more fully depicted on Exhibit A, attached hereto, is zoned "PD" – Planned Development District; 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. Ordinance No. 1270 is hereby amended in order to zone an approximately 238.92 acre property, located on the southeast corner of U.S. Highway 380 (University Drive) and Coit Road, Planning Area 17, which is more fully depicted on Exhibits A and B, attached hereto, is zoned "PD" – Planned Development District.

Section 2. The subject property shall develop according to "PD" – Planned Development District No. 1621, and as amended, except as follows:

1. The subject property shall generally develop according to the attached Zoning Exhibits C, D, and E.
2. The side yard setback for lots within Parcel 1705 shall be a minimum of five feet.
3. The total exterior wall area shall not be less than one-hundred percent (100%) masonry on the front (excluding exterior wall areas built on top of a roof) and all other exterior wall areas shall total no less than seventy-five percent (75%) masonry beneath the top plate line on the sides (including side at corner) and rear of each residence. Masonry shall be defined as brick, stone, or synthetic stone material as provided for in Chapter 146-139 Architectural and Site Standards of the City of McKinney 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 15th DAY OF FEBRUARY, 2011.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney