

ORDINANCE NO. 2022-02-026

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 4.14 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF COLLEGE STREET AND HOWELL STREET, IS REZONED FROM "RS-60" - SINGLE FAMILY RESIDENCE DISTRICT, "H" - HISTORIC PRESERVATION OVERLAY DISTRICT, AND "TMN" - TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, "H" - HISTORIC PRESERVATION OVERLAY DISTRICT, AND "TMN" - TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USES AND 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 4.14 acre property, located on the southeast corner of College Street and Howell Street, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, from "RS-60" - Single Family Residence District, "H" - Historic Preservation Overlay District, and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District, "H" - Historic Preservation Overlay District, and "TMN" - Traditional McKinney Neighborhood Overlay District, generally to allow for single family uses, and 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. The zoning map is hereby amended so that an approximately 4.14 acre property, located on the southeast corner of College Street and Howell Street, which is more fully depicted on Exhibits "A," "B," and "C" attached hereto, is rezoned from "RS-60" - Single Family Residence District, "H" - Historic Preservation Overlay District, and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District, "H" - Historic Preservation Overlay District, and "TMN" - Traditional McKinney Neighborhood Overlay District, generally to allow for single family uses, and modify the development standards.

Section 2. The subject property shall develop in accordance with Section 146-94 ("PD" - Planned Development District) of the Zoning Ordinance, and as amended, except as follows:

1. The subject property shall develop in accordance with attached Development Regulations - Exhibit "D".

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, 2022.

CITY OF MCKINNEY, TEXAS



GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:



EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

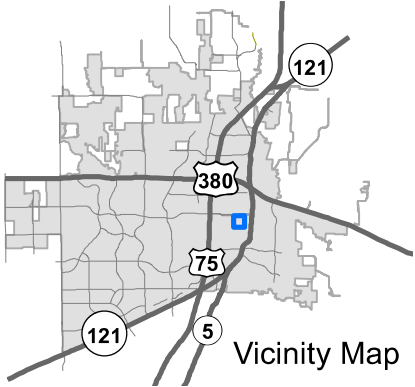
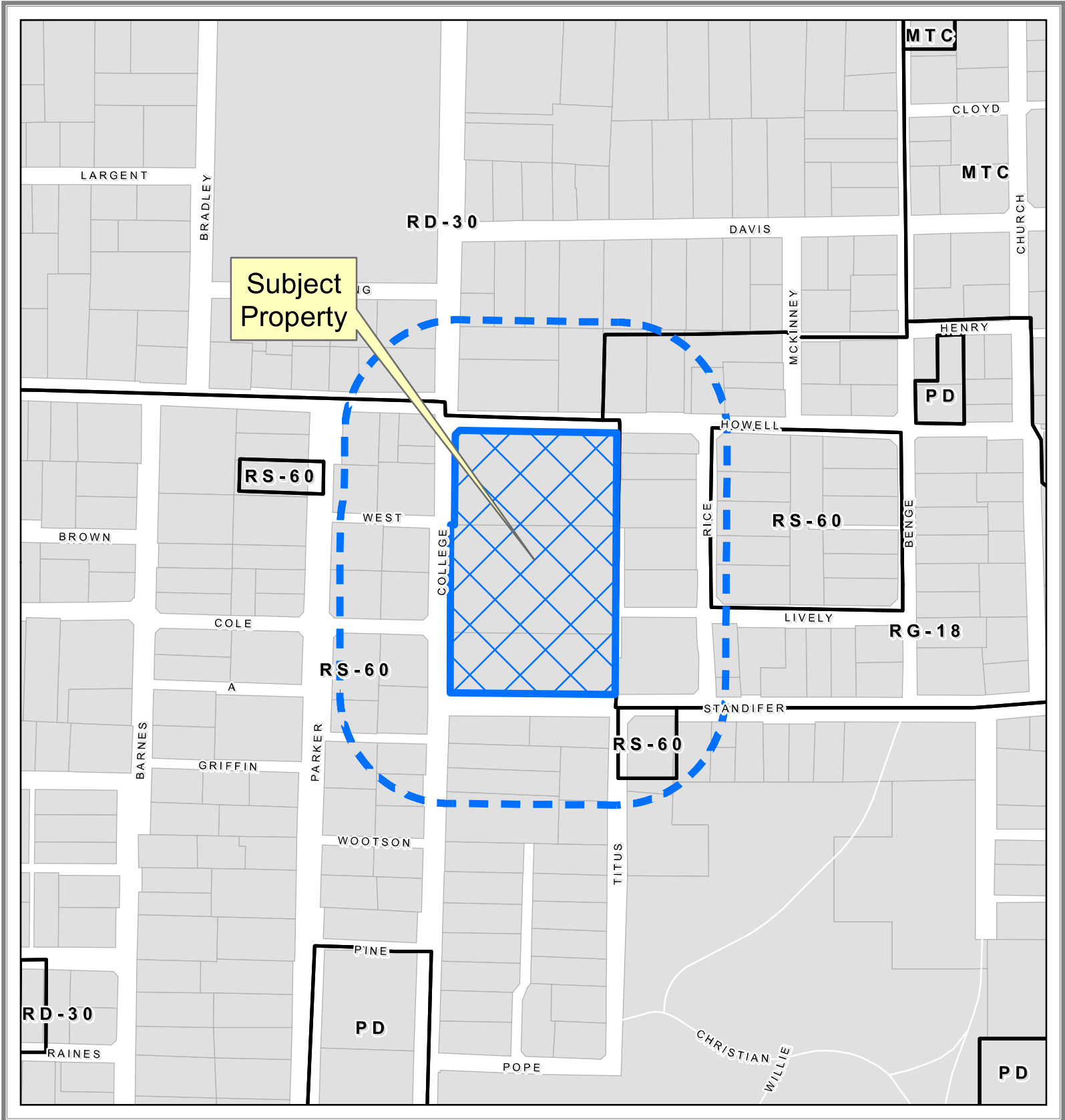
DATE: FEBRUARY 15, 2022

APPROVED AS TO FORM:



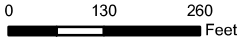
MARK S. HOUSER
City Attorney

EXHIBIT A



Property Owner Notification Map

21-0193Z



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



EXHIBIT B

METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the E. Bradley Survey, Abstract No. 85, City of McKinney, Collin County, Texas, being all of a tract conveyed to the Free Public School, volume by deed recorded in filed in volume 395, page 434 and volume 367, page 96, of the Deed Records, Collin County, Texas (DRCCT), with the subject tract being more particularly described as follows:

BEGINNING at an X found for corner at the southeast corner of a tract conveyed to the City of McKinney as recorded in County Clerks No. 2006101200473190, DRCCT, said X also being in the south right-of-way line of Howell Street (a 40' R.O.W.);

THENCE, S 0°25'26" W, a distance of 541.71 feet:

THENCE, S 89°58'30" W, a distance of 335.00 feet along the north right-of way line of Standifer Street (a 40' R.O.W.);

THENCE, along the east right-of-way line of College Street (40' R.O.W.), the

following: N 0°25'26" E, a distance of 346.18 feet;

N 89°58'30" E, a distance of 8.00

feet; N 0°25'26" E, a distance of

184.15 feet; N 45°30'59" E, a

distance of 21.18 feet;

THENCE, S 89°23'29" E, a distance of 311.99 feet along the south line thereof, to the PLACE OF BEGINNING of said tract containing 180,382 square feet or 4.141 acres of land.

EXHIBIT D

DEVELOPMENT REGULATIONS

The subject property (the “Property”) shall be zoned “PD” – Planned Development District. Use and development of the Property shall conform to the regulations contained herein. All provisions contained in the City’s Zoning Ordinance relating to development within the Property which are not in conflict with the provisions contained herein shall continue to apply to the development of the Property.

1. PERMITTED USES

- 1.1. Single family dwelling (detached)
- 1.2. Accessory building or use
- 1.3. Home occupation
- 1.4. Parking incidental to main use

2. TEMPORARY USES

- 2.1 Field office or real estate sales office

3. SPACE LIMITS

- 3.1. Minimum Lot Area: 6,000 square feet;
- 3.2. Minimum Lot Width: 50’;
- 3.3. Minimum Lot Depth: 100’;
- 3.4. Minimum Front Yard Setback: 25’;
- 3.5. Minimum Rear Yard Setback: 25’;
- 3.6. Minimum Side Yard Setback: 5’;
- 3.7. Minimum Side Yard Setback of Corner Lots: 15’;
- 3.8. Maximum Height of Structure: 35’;
- 3.9. Maximum Lot Coverage: N/A;
- 3.10. Maximum Floor Area Ratio: N/A;
- 3.11. Maximum Density (dwelling units per gross acre): 7

4. SPACE LIMITS FOR ACCESSORY BUILDINGS LESS THAN 500 SQUARE FEET

- 4.1. Minimum Rear Yard Setback: 5’;
- 4.2. Minimum Side Yard Setback: 5’;
- 4.3. Minimum Side Yard Setback of Corner Lots: 15’;
- 4.4. Maximum Height of Structure: 35’;

EXHIBIT D

5. SPACE LIMITS FOR ACCESSORY BUILDINGS 500 SQUARE FEET OR GREATER
 - 5.1. Minimum Rear Yard Setback: 25’;
 - 5.2. Minimum Side Yard Setback: 5’;
 - 5.3. Minimum Side Yard Setback of Corner Lots: 15’;
 - 5.4. Maximum Height of Structure: 35’;
6. ACCESSORY BUILDING LIMITATIONS
 - 6.1. The accessory building shall be located behind the primary structure;
 - 6.2. The accessory building shall not be used for commercial purposes unless approved and permitted as home occupation;
 - 6.3. The accessory building shall not be located in any easement;
 - 6.4. The accessory building shall not be rented or leased;