

ORDINANCE NO. 2015-03-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 TOWNHOME 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 “C”, 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 townhome 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:

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 “C”, 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 townhome 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 Townhouse (rowhouse) dwellings of the REC Neighborhood Zone, except as follows:
 - a. Single family attached residential (townhome) uses shall be the only permitted use on the subject property.
 - b. Development of the subject property shall generally conform to attached Exhibit D – Concept Plan.
 - c. Screening and buffering along Collin McKinney Parkway and McKinney Place Drive shall conform to the attached Exhibit E –

Landscape Plan with regard to screening wall height and material, as well as the number and size of canopy trees. In addition to the masonry wall and canopy trees shown on the exhibit, a minimum of 25% of the length of the screening walls shall provide a bed of shrubs and groundcover.

- d. Garages that are accessed from the front of the lot shall be permitted (alleys shall not be required).
- e. The maximum number of front-entry garage townhomes shall be limited to 50% of the total number of townhome units on the subject property.
- f. For lots where garages are accessed from the front of the lot, the front build-to-line shall be 20 feet. All rear-access garage lots shall adhere to the required build-to line.
- g. Front-entry garage doors shall not be permitted to face towards other front-entry garage doors on the opposite sides of a street.
- h. There shall be no maximum lot area or width.
- i. The minimum lot width shall be 25 feet.
- j. There shall be no minimum side yard setback, except that 10 feet of separation must be maintained between buildings.
- k. The maximum density shall be 8.5 dwelling units per acre.
- l. Signs indicating "Not a Public Street" shall be placed along the shared fire lane adjacent to southern property line. Location and number of signs shall be subject to the review and approval of the City Engineer.
- m. The development shall be subject to attached Exhibit B - Architectural Standards.

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 3rd DAY OF MARCH, 2015.

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