

ORDINANCE NO. 97-04-17

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; TO MODIFY THAT PART OF AN EXISTING "PD" - PLANNED DEVELOPMENT DISTRICT LOCATED ON THE WEST SIDE OF CRAIG DRIVE AND CENTRAL EXPRESSWAY (U.S. 75), SOUTH OF ELDORADO PARKWAY, FOR DEVELOPMENT IN COMMERCIAL, OFFICE AND MULTIPLE-FAMILY RESIDENTIAL USES; PROVIDING REGULATIONS; 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 of a tract of land on the west side of Craig Drive and Central Expressway (U.S. 75), south of Eldorado Parkway in the City of McKinney, Collin County, Texas, has petitioned the City of McKinney to approve an amendment to the part of a "PD" - Planned Development District, applicable to such tract,

WHEREAS, after due notice of the requested zoning 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, and the City Council is of the opinion that said zoning should be made.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. That planned development district regulations previously adopted by Ordinances 1457, 1589, and 94-05-16 shall no longer be applicable to the areas shown by crosshatching on the Preliminary Land Plan (Revised 03/03/97) attached hereto as Exhibit "A" and made a part hereof for all purposes, and henceforth said area shall be zoned "PD" - Planned Development District and shall be subject to the Planned Development Regulations for "Eldorado Park Addition" contained herein.

Section 2. That the 6.0 acre tract designated as "COMMERCIAL" by said Exhibit "A" shall be subject to the restrictions and regulations of the "BG" General Business District of Ordinance 1270, except as otherwise set forth in Exhibit "B" attached hereto and made a part hereof for all purposes.


Section 3. That the 16.9 acre tract designated as "PD-O" by said Exhibit "A" shall be subject to the restrictions and regulations of Section 3.15, "O" Office District Regulations, of Ordinance 1270, except as follows:

- (A) 70 foot front yard setbacks along both sides of Eldorado Parkway, to allow for a ten foot landscape easement and a 60 foot double-sided parking area;
- (B) 30 foot front yard setback along Craig Drive; and
- (C) 25 foot maximum building height plus a pitched roof.

Section 4. That the 37.133 acre tract designated as "MULTI-FAMILY" by said Exhibit "A" shall be subject to the restrictions and regulations of the "RG-18" General Residence District of Ordinance 1270 except that the required land area for each dwelling shall be 2400 square feet.

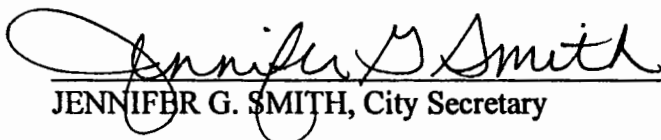
- Section 5. A site plan and landscape plan shall be approved for any development within this Planned Development District prior to commencement of its development.
- Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason 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 therefor, shall be fined any sum not exceeding \$200.00, 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, the Planned Development, 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 THIS 15th DAY OF April, 1997.



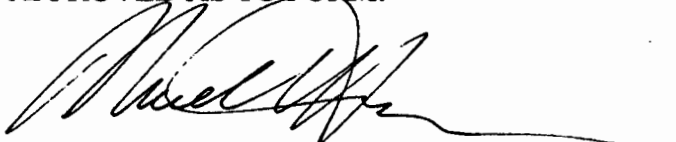
JOHN E. GAY, Mayor

CORRECTLY ENROLLED:



JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney

EXHIBIT B

PLANNED DEVELOPMENT DISTRICT

Tract 1 - Commercial

1. Purpose: To provide retail services, office and commercial uses for adjacent residential areas and highway users.
2. Uses Permitted: Uses as set forth in Ordinance 1270 in the schedule of uses for the General Business category, but excluding any residential use.
3. Accessory Uses: Accessory uses normally associated with any main use shall be permitted.
4. Special Use Permit: Private clubs shall be permitted when approved as a special use permit.
5. Minimum Yard Areas: (1) Front yard - a minimum of twenty-five (25) feet shall be observed as measured from any street right-of-way line; (2) no rear or side yard shall be required except as hereafter established on an approved site plan; (3) there is no requirement of minimum lot width or depth.
6. Building Height: A height of thirty-five (35) feet shall be observed; except that the building height may be increased by one (1) foot for each additional one (1) foot setback from the front building line or property line to a maximum height of seventy-five (75) feet, or six (6) stories.
7. Lot Coverage: A maximum of fifty (50) percent of the lot area.
8. Floor Area Ratio: 2:1 maximum.
9. Parking: In accordance with provisions of Article IV, 4.02 of Ordinance 1270.