

ORDINANCE NO. 2004-02-014

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 300.9 ACRE TRACT, GENERALLY LOCATED ON WEST SIDE OF F.M. 1461 (LAKE FOREST DRIVE), ON THE NORTH SIDE OF WILMETH ROAD, AND ON THE SOUTH SIDE OF FUTURE BLOOMDALE ROAD, IS ZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR SINGLE FAMILY AND COMMERCIAL 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 City of McKinney has considered the zoning of an approximately 300.9 acre tract located on the west side of F.M 1461 (Lake Forest Drive), on the north side of Wilmeth Road, and on the south side of future Bloomdale Road, to "PD" – Planned Development District, generally for single family and commercial 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. Ordinance No. 1270 is hereby amended so that an approximately 300.9 acre tract located on the west side of F.M 1461 (Lake Forest Drive), on the north side of Wilmeth Road, and on the south side of future Bloomdale Road, more fully depicted in Exhibit "B", is hereby zoned to "PD" – Planned Development District, generally for single family and commercial uses,

Section 2. Use and development of the subject property shall conform to the development standards listed below:

1. The property shall generally develop according to the attached Exhibit "A".
2. The residential portion of the property shall develop in accordance with the "RS-60", "RS-72", and "RS-84" Single Family Residential District Regulations.
3. The retail portion of the property shall develop in accordance with the "BN" – Neighborhood Business District Regulations.
4. The maximum number of dwelling units is 3.5 dwelling units per acre (997 lots).
5. The mean and median lot size shall be a minimum of 7,200 square feet.

Section 5. 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 6. 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 7. 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 8. 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.

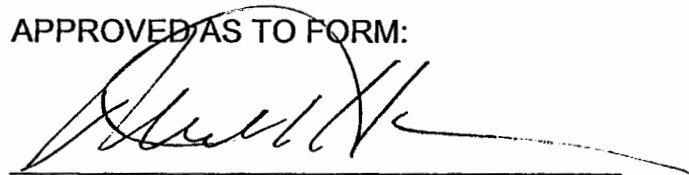
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 3<sup>RD</sup> DAY OF FEBRUARY, 2004.**

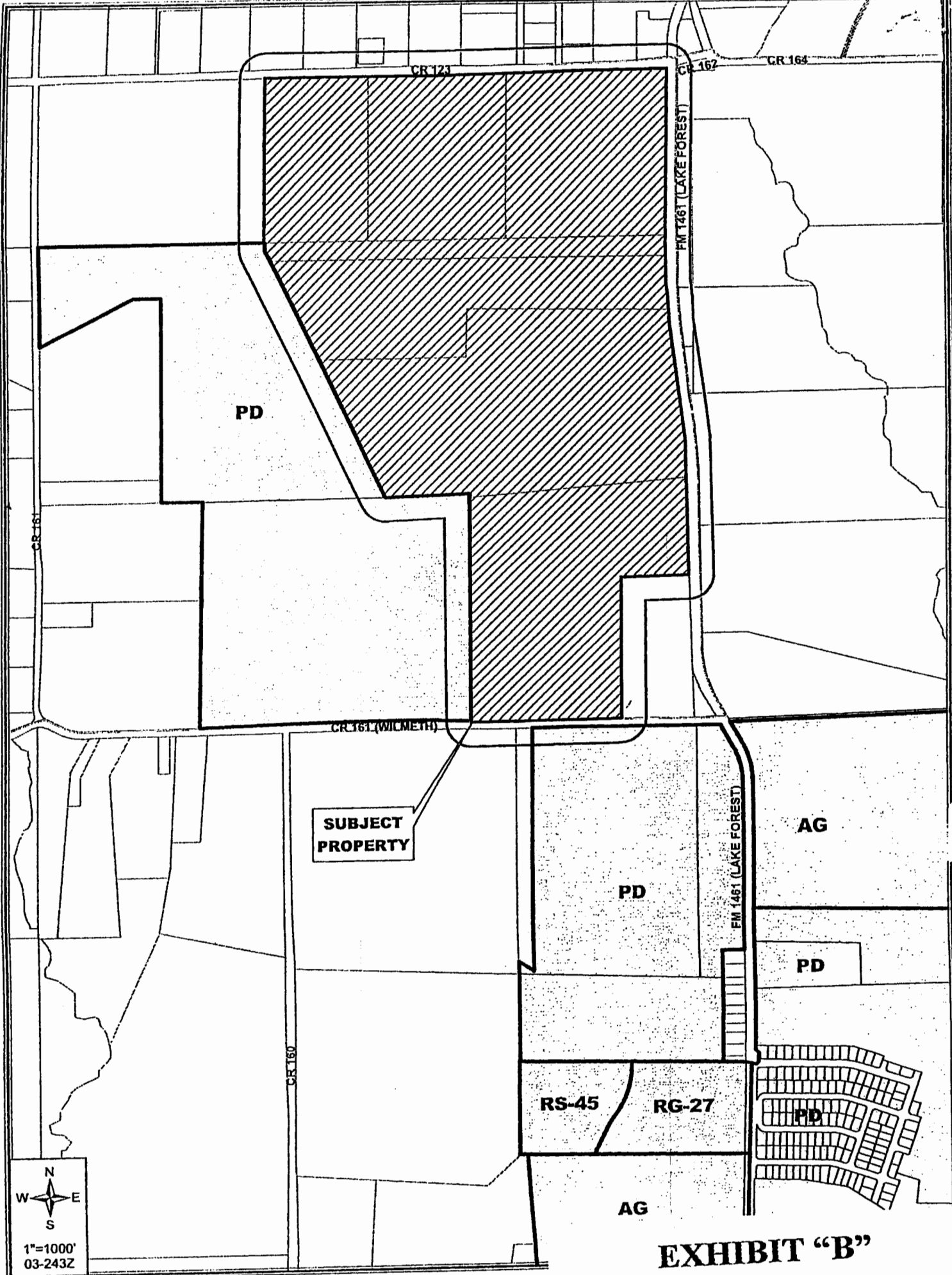
  
BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

  
JENNIFER G. SPROULL, City Secretary  
BEVERLY COVINGTON, Deputy City Secretary

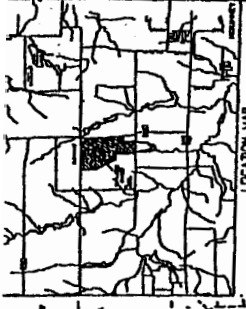
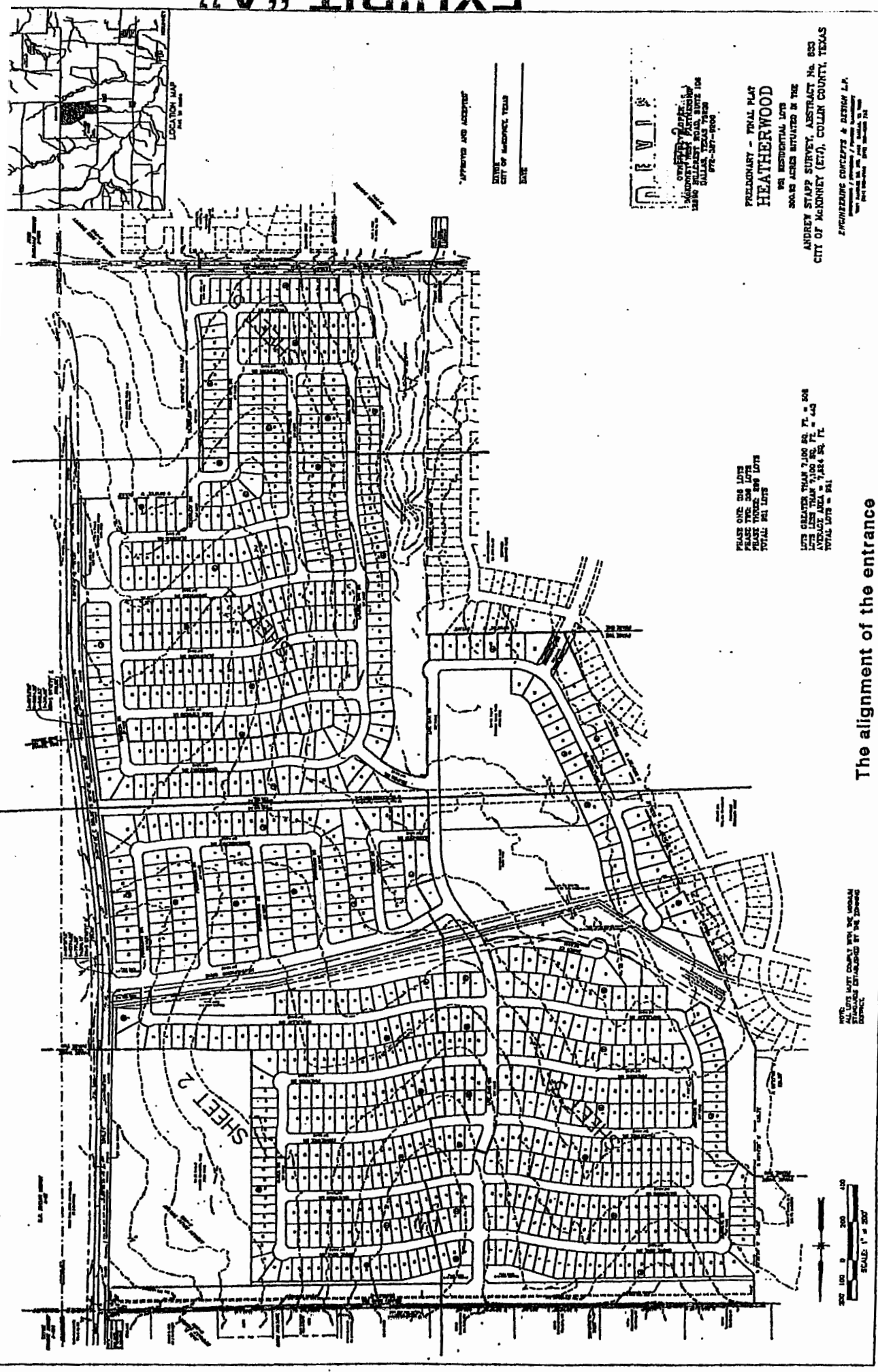
APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney

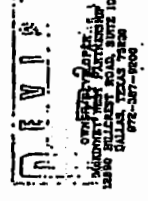


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1"=1000'  
03-243Z

**EXHIBIT "B"**



\*APPROVED AND ACCEPTED  
 CITY OF MCKINNEY, TEXAS  
 DATE \_\_\_\_\_



PRELIMINARY - FINAL PLAT  
**HEATHERWOOD**  
 300+ ACRES SITUATED IN THE  
 ANDREY STAPP SURVEY, ABSTRACT No. 820  
 CITY OF MCKINNEY (ETC), COLLIN COUNTY, TEXAS

PLEASE NOTE: 200 LOTS  
 PLEASE CHECK 200 LOTS  
 TOTAL 200 LOTS

LOTS ORIENTED TOWARD 7,100 SQ. FT. = 200  
 PLEASE CHECK 200 LOTS  
 AVERAGE AREA 7,100 SQ. FT. = 200  
 TOTAL LOTS = 200

NOTE:  
 ALL LOTS MUST COMPLY WITH THE UNIFORM  
 SUBDIVISION ACT AND BE ENCLOSED BY THE DIVISION  
 DISTRICT.



The alignment of the entrance

drive may shift based on comments  
 by City Council, subject to review  
 and approval by the Director of Planning.