

CITY OF MCKINNEY ORDINANCE NO. 1166

AN ORDINANCE ZONING 1164.319 ACRES OF LAND KNOWN AS TIMBER CREEK VILLAGE "PLANNED COMMUNITY DEVELOPMENT"; ADOPTING PLANNED COMMUNITY DEVELOPMENT REGULATIONS FOR THE DEVELOPMENT OF SUCH TRACT; ADOPTING THE PLANNED COMMUNITY DEVELOPMENT SITE PLAN AND THE APPROXIMATE LAND USES SHOWN THEREON; PROVIDING FOR NO VESTED INTEREST IN THE PLANNED COMMUNITY DEVELOPMENT REGULATIONS OR SITE PLAN; PROVIDING FOR AMENDMENT OF THE PLANNED COMMUNITY DEVELOPMENT REGULATIONS AND SITE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owners of 1164.319 acres of land located in the W. D. Thompson, F. C. Wilmeth, Grafton Williams, Esom Harris, E. D. McCoy and William Ryan Surveys, in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to zone such parcel of land "Planned Community Development" as provided for in Ordinance No. 837 of the City of McKinney, a complete legal description of such property being attached hereto and marked Exhibit "A", and made a part hereof for all purposes; and

WHEREAS at the time of the filing for such rezoning, such owners also filed a Planned Community Development Site Plan showing the proposed land uses for such tract and the proposed Planned Community Development Regulations, all as provided for in Ordinance No. 837; and

WHEREAS, the Director of Public Works has reviewed the Planned Community Development Regulations and Site Plan, and has made his recommendations thereon; 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

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of the opinion that such zoning change should be made and that the hereinafter referenced Site Plan and Planned Community Development Regulations should be adopted.

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

SECTION 1: That the real estate, more fully described in the attached Exhibit "A", is hereby zoned Planned Community Development and shall henceforth be known as Timber Creek Village.

SECTION 2: That the Site Plan, bearing for its date the 3rd day of October, 1979, and filed with the City Secretary of the City of McKinney on the 23rd day of October, 1979, and marked Exhibit "B", showing the approximate land use areas for said Planned Community Development, is hereby adopted for the following Principal Permitted Uses, as defined in the Planned Community Development Regulations, and shown on said Site Plan:

A. Residential

Low Density Single Family

High Density Single Family

Multi-Family

B. Private Recreational

C. Public Recreational and Streets

D. Schools

E. Commercial

F. Opportunity Sites

SECTION 3: That the Planned Community Development Regulations, attached hereto and marked Exhibit "C", are hereby adopted

as the regulations covering the development of Timber Creek Village and all development within this Planned Community Development shall be according to these Planned Community Development Regulations and the Planned Community Development Site Plan including, but not limited to all permitted uses, accessory uses, conditional and excluded uses, shown in the Regulations.

SECTION 4: That no developer or property owner shall acquire any vested interest in this ordinance, the Planned Community Development Regulations, the Site Plan, or any ordinance appended to or referenced in the Planned Community Development Regulations. This ordinance, the Site Plan, the Planned Community Development Regulations and any and all ordinances referenced therein may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

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 Timber Creek Village, 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.

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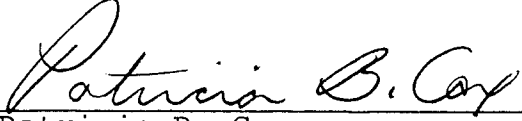
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These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this ordinance, or an action for mandatory injunction to remove any previous violation hereof.

SECTION 7: 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 the 18<sup>th</sup> day of March, 1980.

CORRECTLY ENROLLED:

  
\_\_\_\_\_  
Patricia B. Cox  
City Secretary

PLANNED COMMUNITY DEVELOPMENT REGULATIONS  
TIMBER CREEK VILLAGE  
MCKINNEY, TEXAS

A. GENERAL PLANNING PRECEPTS

1. Preface

The P.C.D. Regulations and the Exhibits attached hereto as set forth in this document shall regulate land use within "Timber Creek Village" as well as specific considerations within individual land use categories. The Planned Community Development Zone in the City of McKinney (Ordinance No. 837) requires a plan showing the major street patterns, land usage, density maximums, and acreages plus a set of development regulations. All of this information is contained within this document. This document shall be appended, by reference, to existing Ordinance No. 725, Zoning Ordinance for the City of McKinney, Texas (1969). It is understood that each phase will be platted and developed according to this document. The P.C.D. Regulations shall prevail should they conflict with any Exhibits attached hereto.

2. Statement of Intent

"Timber Creek Village" is planned as a new community in McKinney, Texas, to serve the needs of a wide variety of new residents in McKinney. Many needs will be served within the "village concept" on which the plan is developed. It will include single family detached homes, single family attached homes, multi-family dwelling units, and, (subject to approval by the City of McKinney) documents providing regulation and maintenance of privately owned "common areas". A broad spectrum of community services and amenities are interrelated with the housing areas to create a well-balanced plan.

The facilities include schools, active and passive park areas, an inter-connecting greenbelt system, a golf course and country club, and a village center. Village center shops, neighborhood convenience centers, and offices will provide necessary commercial facilities and will be made available as they are needed within the community. These elements have been located within the village fabric to maximize their accessibility from all parts of the community. Special emphasis has been placed on the ease and safety of pedestrian and vehicular movement throughout the entire village. Pedestrian trails within this system connect open spaces and link the entire P.C.D. together. Within this system it is possible to travel through most of the P.C.D. without crossing any heavily traveled streets.

The "Planned Community Development" concept has been utilized to offer innovations in land planning design and a variety of housing types within a carefully controlled community with a protected environment. With this type of development, a human-scale community with a full complement of services and amenities can be developed in which the existing and new residents of the City of McKinney can be proud.

HiDevCo, the developer of "Timber Creek Village", intends that the development be completed within ten (10) years.

### 3. Proposed Land Uses

"Timber Creek Village" is a 1,180 ± acre Planned Community Development located on the West side of U. S. Highway 75 between County Road 720 on the South and Wilson Creek on the North. It consists of the following land uses which are shown on "Exhibit A" attached:

<u>Land Use</u>	<u>Approximate Acreage</u>	<u>% of Land Area</u>
a. Residential	647 ac.	54.83
Low Density Single Family	407 ac.	
High Density Single Family	132 ac.	
Multi-Family	108 ac.	
b. Private Recreational	191 ac.	16.19
c. Public Recreational and Streets	237 ac.	20.08
d. Schools	43 ac.	3.64
e. Commercial	8 ac.	.68
f. Opportunity Sites	54 ac.	4.58
Total	1180 ac.	100.00

(a.) Residential Areas

Residential uses will consist of single family detached homes, single family attached homes, multi-family dwellings and variations of these types based on market needs. The overall residential development of "Timber Creek Village" on the P.C.D. Site Plan will not exceed a total of 6,000 dwelling units in areas designated "low density single family", "high density single family", or "multi-family" on the Schematic Master Plan dated October 3, 1979 (Exhibit A). Residential densities for the individual housing types will not exceed the following densities:

<u>Type</u>	<u>Maximum Density</u>
Low Density Single Family	5 dwelling units / acre
Large Lot	
Medium Lot	
High Density Single Family	14 dwelling units / acre
Cluster Homes	
Townhomes	
Multi-Family	26 dwelling units / acre
Condominiums	
Apartments	

(b.) Private Recreation Areas

To include "Timber Creek Village" Country Club and Golf Course and other similar facilities as may be appropriate in later phases. These will be located and designed to the approval of the Architectural Review Committee and the City of McKinney, and will not disrupt major public pedestrian flow or adversely impact adjacent residential uses.

(c.) Public Recreation Areas

A complete "Greenbelt" system, including both active and passive elements throughout the site. This system will be built around existing creeks and will include parks, an extensive trail/bike path system linking the entire site, and will provide a point of potential connection under Route 75 to future park development within McKinney. Dedication of land and facilities for public parks will occur as land surrounding or adjacent to the park land is platted. Said dedication shall be subject to City acceptance and approval of proposed facilities thereon by the City.

(d.) Schools

School sites are provided and designed to link directly with parks and the greenbelt system.

(e.) Commercial

The plan provides for a commercial center at the three-point intersection of primary thoroughfares. Commercial centers will include all permitted uses included in Zone BMG of "Exhibit C" attached. In addition, small neighborhood convenience centers will be located as appropriate to future development. Neighborhood convenience centers will include all permitted uses under Zone BN of "Exhibit C" attached.



(f.) Opportunity Sites

Four (4) peripheral sites are provided to meet future needs of "Timber Creek Village". These are generally seen as high intensity use areas and will include all permitted uses under Zone BGM of "Exhibit C" attached. Development of these areas will be appropriately controlled as a buffer for "Timber Creek Village" to Route 75 and to adjacent (anticipated high use) properties. No manufacturing or heavy industrial development of any kind will be allowed.

(g.) The development of the various land types in paragraphs (a) thru (f) above will be in accordance with "Exhibits A thru F" attached, except as otherwise provided herein.

B. SPECIFIC REGULATIONS

To preserve the existing character of the site as much as possible, and to insure a uniform fabric of development to the project in the future years, the City of McKinney herein establishes the following regulations for the development of "Timber Creek Village".

"Timber Creek Village" shall have an official schematic master plan (Exhibit A) which, together with these written P.C.D. Regulations and Exhibits B thru F appended hereto and made a permanent portion hereof, shall be subject to development in accordance with these documents as defined in the Planned Community Development Zone in the City of McKinney Zoning Ordinance (Exhibit C).

1. Access to the Site

(a.) It is expected that the majority of vehicular traffic entering "Timber Creek Village", either from downtown

McKinney or Dallas, will do so via U. S. 75. This will become especially apparent with the completion of the Stewart Road overpass, which will become the primary point of access to "Timber Creek Village" from U. S. 75.

(b.) An internal system of residential and collector streets will then provide access to all areas within "Timber Creek Village".

(c.) Developed in conjunction with this roadway network will be an extensive system of paths and bike trails which will seek to provide pedestrian access throughout the site, and to the greenbelt and park system.

## 2. Thoroughfare Standards

(a.) The roadway system has been designed to accommodate various types and volumes of vehicular traffic, and all street plans, designs and sections will be approved by the Director of Public Works of the City of McKinney in accordance with the provisions of "Exhibits A thru F" except as otherwise provided herein. It is the general intent of the plan, while providing adequate vehicular circulation, to reduce speed, to reduce pavement widths as much as possible, to disallow on-street parking, to allow no direct access to collector streets from single family lots, and to provide a comprehensive street tree planting program.

(b.) The following basic internal street types are projected:

### (i) Primary Thoroughfares

Primary thoroughfares will be a minimum four-lane divided median roadway consisting of a 120 foot R.O.W., two 22 foot driving lanes, with turn lanes provided in order to insure a safe smooth flow of traffic. The primary thoroughfares will have parking restricted except for emergency purposes, and shall be constructed of reinforced portland cement concrete with curb and gutter.

(ii) Secondary Thoroughfares and/or Collector Streets

The secondary system will serve to tie together the clusters of residential areas to the primary system. The collector streets will have a R.O.W. width of sixty-five feet (65') with a thirty-one foot (31') driving lane. On-street parking will be restricted except for emergency purposes and there shall be no direct vehicular access to single family lots. The construction will be of reinforced portland cement concrete with curb and gutter. A thirty-seven foot (37') wide driving lane shall be required where either parking and/or single family lot entrances are permitted.

(iii) Residential Streets

The residential street system will function to serve the residential areas of "Timber Creek Village". These streets are designed to carry relatively low volumes of vehicular traffic at low speeds through the residential areas. These streets will have a fifty foot (50') R.O.W. with a twenty-seven foot (27') driving lane constructed of reinforced portland cement with curb and gutter. On-street parking will not be permitted on streets less than 27' in width except for emergency purposes, or in areas where "integral street parking" is provided. These areas may include a limited number of angled parking stalls within an expanded R.O.W. (to 65').

(iv) Alternate street sections may be constructed if approved by the City Council at the time of final plat approval of each phase.

(v) Private Drives

Housing types, other than low density single family, will be served by private drives. It is anticipated that these private drives will be subject to the least amount of traffic in the development. There will be a twenty foot (20') emergency maintenance easement maintained to insure emergency vehicular access to these areas at all times. Regulations covering the maintenance of the private drives will be covered in a homeowner's association maintenance agreement subject to the approval of the City of McKinney.

(c.) Exterior Roads

All of the perimeter road at the existing cemetery, and one-half ( $\frac{1}{2}$ ) of the total R.O.W. of the remaining perimeter road which is on the P.C.D. property, will be developed to the requirements of "Exhibit B" hereof.

3. Utilities and Drainage

(a.) Utilities (water, sewer, gas, electric) will be provided through a joint effort of the developer and the City of McKinney within the normal platting procedure, and in accordance with "Exhibits B, E and F" hereof.

(b.) All utility lines shall be underground in easements provided by the developer except those required, in unusual circumstances, to be overhead as determined by joint agreement of the developer, the City of McKinney, and the Public Utility Companies.

(c.) Storm drainage will be handled above ground as much as possible in order to assure maximum water recharge to the natural system. Natural drainage patterns and channels will be retained, and where concentrated runoff is felt to foster excessive erosion, appropriate armament will be provided to retard water drainage and to provide an aesthetically pleasing landscape. "Exhibit D" hereof shall control the design and construction of storm drainage.

(d.) Where "Exhibit B" makes reference to specific material types relative to the construction of sewer and water lines, it is agreed that upon approval of the City Council, suitable alternative materials may be used.

4. Easements

Drainage, emergency access, utility, recreation and landscape easements will be provided and will be reviewed with regard to need and to compliance with "Exhibits B and D" hereof.

5. Creation of Sites

(a.) The determination of the location and size of specific sites shown on the schematic master plan and described in Section A-3 (General Regulations) are intended to be approximate in nature and capable of sustaining a reasonable amount of change within the general fabric of "Timber Creek Village" as it has been defined.

(b.) Existing land forms and vegetation, environmental and energy conservation considerations, and the potential internal needs of "Timber Creek Village" and the City of McKinney were all measured to attain what is felt to be the highest and best use of the property.

6. Site Plan Provisions

For all types of development excepting only low density single family development, a site plan shall be submitted to the Planning and Zoning Commission for its review and approval, which site plan shall show that the proposed development is in compliance with the developmental standards, character and intent of this P.C.D. project. The site plan shall contain the following elements and features:

(a.) A scale drawing showing all public streets, private drives and access ways; specific types of land use and housing proposed along with maximum densities, building sites, lots or plots, areas proposed for dedication or parks, parkways, easements, rights of way; points of ingress and egress; and topography.

(b.) Grading Plans, structures, fences, parking, lighting, utilities, drainage, retaining walls, signs, open spaces and any other Engineering plans or details related to site development.

(c.) The minimum yards, setbacks, or spaces proposed.

(d.) Elevations may be required for structures greater than two (2) stories in height.

(e.) Screening and landscape plans.

#### 7. Provisions for Architectural and Site Planning Controls

There will be an Architectural Review Committee established to review all plans for construction of structures and landscaping, including subsequent additions or changes in the development. Decisions of the Architectural Review Committee will be subject to all applicable City of McKinney building codes, these regulations and the protective covenants and restrictions. The composition and duties of the Architectural Review Committee will be defined in the protective covenants and restrictions of the "Timber Creek Village" development. The primary tool to be used by the Architectural Review Committee in making their decisions will be the "Master Plan Notebook" which will be provided by the developer. The "Master Plan Notebook" will provide a comprehensive description of the project, its philosophy and intent; and will review in detail the design criteria to be used in the development and construction of the project.

The "Master Plan Notebook" is a selling tool to be used by the developer and the City of McKinney has no responsibility for the content, interpretation or enforcement of anything contained in the "Master Plan Notebook" and the contents of the "Master Plan Notebook" have no forcible regulations for the development of "Timber Creek Village".

8. Fencing, Walks, and Landscaping

(a.) Fencing

(i) Fencing will generally be discouraged except to insure necessary personal privacy. This is an effort to maximize visibility throughout the site, creating a more effective and uniform sense of community.

(ii) Wooden fences will be encouraged, though combinations of other suitable natural materials (as reviewed by the Architectural Review Committee) will be permitted.

(iii) Fencing will not exceed six feet (6') and will be located in accordance with the requirements of the Manual of Uniform Traffic Control Devices.

(iv) Chain link fencing will not be allowed.

(b.) Walks

(i) The pathway system is designed to be developed in conjunction with the road system. Its purpose is to connect pedestrian traffic within the site with the greenbelt and park system, and in doing so to include a program of landscaping and earth forms where possible which serve to enhance the "streetscape" and overall quality of the project.

(ii) Along residential streets, paths (sidewalks) will be constructed on one side of the street only. These paths will be constructed of reinforced concrete and will have a minimum width of seven feet (7').

(iii) Along collector streets, paths will be constructed within a broad area of the R.O.W. allowing the use of earth mounds, meandering alignment, and complementary landscaping. These will be constructed of reinforced concrete with a minimum width of seven feet (7').

(iv) In greenbelt and park areas, paths will be provided which are more compatible with the natural environment. Primary paths will be constructed to a minimum width of four feet (4') of materials specified on the contract plans approved by the City. Additionally, nature walks, jogging trails and other such trails may be provided of a smaller width and using loose, natural materials.

(c.) Landscaping

(i) Special consideration will be made to ensure a comprehensive landscape plan for "Timber Creek Village". This will be specified in detail within the "Master Plan Notebook".

(ii) An extensive street tree planting program will be initiated by the developer.

(iii) Use of indigenous plant materials will be encouraged and a list of accepted plant materials will be provided within the "Master Plan Notebook".

9. Solid Waste Disposal

(a.) In all areas, provisions for solid waste disposal shall be made in accordance with the City of McKinney Solid Waste Ordinance. The owner shall, in all areas, include provisions for enclosed containers, screened from public view, and in accordance with design standards set forth in the "Master Plan Notebook".

(b.) No on-site incineration will be allowed.



10. Buffering

(a.) In the event conditions arise where buffering is desirable, special provisions consistent with the abutting land uses and in accordance with the "Master Plan Notebook" will be made to meet those conditions.

11. Pollution Control

(a.) There are no land uses within this P.C.D. that will generate prime pollutants. Visual pollution will be controlled by appropriate screening where required and in accordance with the "Master Plan Notebook" and City Ordinances.

(b.) Extreme care will be taken during construction to insure that there will be no cases of runoff which might pollute the waterways or the lakes existing on the site or adjacent thereto.

12. Land Use Intensity

(a.) General

(i). The transfer of densities from one portion of the development to another for the purpose of better land use and open space distribution will be allowed; provided that the overall character and intensity of the development is not altered.

(ii) Response to environmental / energy considerations in the siting of buildings may mitigate compliance with the site development standards outlined in the following sections. These considerations may include the following:

Lot layout limitations

Maximizing solar access

Preservation of existing trees

Minimizing grading

Minimizing erosion

Maximizing water recharge

Maximizing re-vegetation

Such mitigation will be at the discretion of the Architectural Review Committee and the City of McKinney.

(iii) Parking requirements are referenced in each land use category.

(iv) Where permitted uses refer to land use categories, hereinafter defined, the specific provisions of such land use category shall apply.

(b.) Low Density Single Family

Intent: The single family detached residential categories are for low density single family uses of two types:

Permitted Uses:

Single Family Dwellings (Large Lot)

Single Family Dwellings (Medium Lot)

Churches

Maximum net density: 5 units / acre

**(i) Large Lot Single Family**

Minimum Lot Size: 14,500 square feet

Coverage: Maximum of 35% of the lot area including accessory buildings.

Parking: A minimum of two (2) covered and two (2) uncovered parking spaces, exclusive of the driveway, shall be maintained.

Garages: Garage entries shall be rear entry in all cases except where in the opinion of the Architectural Review Committee this requirement can be waived due to mitigating circumstances.

Building Height: No building or structure shall exceed thirty-five (35') feet in height.

Setbacks: Front yard - it is intended that front setbacks will vary so as to provide design diversity; the minimum shall be twenty-five (25') feet.

Side yard - These shall vary according to the width of the lot. Minimum (one side) shall, in all cases, be 10% of lot width. Total side yard width (sum of two sides) shall be as follows:

Lots up to eighty feet (80') wide	20'
Lots 80' to 100' wide	25'
Lots greater than 100' wide	30'

Side yard on corner site - Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear yard - Twenty-five feet (25') from the rear property line.

~~(ii) Medium Lot Single Family~~

Minimum Lot Size: 8,700 square feet

Coverage:

A maximum of 40% of the lot area including accessory buildings.

Parking:

A minimum of two (2) covered and two (2) uncovered parking spaces, exclusive of the driveway, shall be maintained.

Garages:

Garage entries shall be rear entry in all cases except where in the opinion of the Architectural Review Committee this requirement can be waived due to mitigating circumstances.

Building Height:

No building or structure shall exceed thirty-five (35') feet in height.

Setbacks:

Front Yard-It is intended that Front yard setbacks will vary so as to provide design diversity; the minimum shall be twenty-five feet (25').

Side yard-These shall vary according to the width of the lot. Minimum (one side) shall in all cases be 10% of the lot width. Total side yard width (sum of two sides) shall be as follows:

Lots up to 80' wide	20'
Lots 80' to 100' wide	25'
Lots greater than 100' wide	30'

Side yard on corner site-Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control devices.

Rear Yard - Twenty Feet (20') From:  
rear property line.

(iii) Churches

Minimum Lot Size: 2 acres

Coverage:

The maximum site coverage, including buildings and parking shall be 75%. The remaining 25% shall be open space and landscaped areas.

Parking:

One off-street space per four (4) seats of seating capacity of the church sanctuary.

Building Height:

No building or structure shall exceed the thirty-five (35') feet in height, exclusive of the steeple.

Setbacks:

For all lots upon which churches are built, minimum setbacks will be as follows:

Front - Thirty-five feet (35')

Side - Fifteen feet (15')

Side yard on corner site - Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear - Twenty feet (20').

Location: Churches shall be located on streets at least thirty-one (31') feet in width.

(c.) High Density Single Family

Intent: The intent of single family attached dwelling concept is to provide a living space adequate to serve a family's needs at a lower cost. By gaining greater efficiency from utility systems, streets and drives, common wall construction (on one or more sides) and increased net densities, and thereby providing smaller lots, these cost savings may be realized. This concept also makes available the condominium concept of development (Townhomes) wherein only the land under each unit is sold, and larger (common) open space adjacent to each unit is provided and maintained as an amenity through the creation of a Homeowner's Association to free the occupants of the normal maintenance of a single family home with a yard.

Permitted Uses:

Single Family Dwellings (Large Lot)

Single Family Dwellings (Medium Lot)

Churches

Cluster Single Family Dwellings

Patio Homes

Duplex

Triplex

Quadriplex

Townhomes

Private Recreation Areas

Neighborhood Convenience Shops

Maximum Net Density: 14 dwelling units / acre

(i) Cluster Single Family Dwellings

Coverage:

A maximum of 60% of the lot area including accessory buildings. (This figure includes the residential structure plus garages.)

Parking:

A minimum of one (1) covered and two (2) uncovered parking spaces per unit shall be maintained.

Building Height:

No building or structure shall exceed thirty-five feet (35') in height.

Setbacks: (Applies to both principal and accessory use)

Front yard - For all cluster homes in this P.C.D., minimum setback is eighteen feet (18').

Side yard - Zero feet (0') on one side or two sides, of a dwelling building (containing one or more dwelling units), provided that a minimum of ten feet (10') is provided on the free side of each building.

Side yard on corner site - Twenty feet (20') from the street with no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear yard - Fifteen feet (15') from the rear of the property line.

(ii) Townhomes (Medium Density)

Coverage:

The maximum site coverage including buildings, covered and uncovered parking spaces, shall be 60% of the overall site, the balance to include roads, parks, recreation and landscaped areas. Individual lot coverage shall be a maximum of 100%.

Parking:

A minimum of one (1) covered and two (2) uncovered parking spaces per unit shall be provided.

Building Height:

Maximum building height shall not exceed thirty-five feet (35').

Setbacks:

Where townhomes or accessory buildings front or side on a dedicated street, a minimum setback of eighteen feet (18') from the R.O.W. will be maintained and there shall be no conflicts with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. Also, a minimum setback of twenty feet (20') will be maintained from any landscape easements or property lines. The minimum required separation between structures shall be fifteen feet (15').

Accessory Uses:

Any structure or use accessory to townhomes shall not exceed a height of twenty-five feet (25'), and shall be sited not less than ten feet (10') from any other building or structure.

(iii) Private Recreation Areas

Land Use Controls:

Governing items relating to land use, density, coverage, parking, building heights, accessory uses, setbacks, and landscaping shall be in accordance with applicable land use categories described herein and only with the approval of the Architectural Review Committee.

(iv) Neighborhood Convenience Centers

Permitted Uses:

See Section 4101 (BN) of "Exhibit C" for permitted uses.

Land Use Controls:

Governing items relating to land use, density, coverage, parking, building heights, accessory uses, setbacks, and landscaping shall be in general accordance with applicable land use categories described within the BN classification (Section 4101) of "Exhibit C" and only with the approval of the Architectural Review Committee.

(d.) Multi-Family

Intent: The intent of multi-family development is to provide higher density residential options than that possible in single family residential area. Space within these units is either sold (condominiums) or leased (apartments) and amenities and services provided at a monthly cost more favorable than those possible in single family areas.

The Concept: The concept of design in multi-family developments provides more usable common open space within a development of multiple-story buildings. The cost for maintenance of these "common" areas is borne by either a Homeowners Association (townhomes and condominiums) or within the monthly cost of leasing (apartments).



Permitted Uses:

Single Family Dwellings (Large Lot)

Single Family Dwellings (Small Lot)

Churches

Cluster Single Family Dwellings

Townhomes

Private Recreation Areas

Neighborhood Convenience Shops

Condominiums

Apartments

(i) Condominiums

Maximum Density: 20 dwelling units/area

Coverage:

The maximum site coverage including buildings, covered and uncovered parking, shall be 60% of the overall site.

Parking:

A minimum of one (1) covered and one (1) uncovered parking space for each unit shall be provided. Carports will be allowed. One loading space, equal to a standard parking space, shall be provided for each dwelling building and properly designated.

Building Height:

The height of the building shall not exceed thirty-five feet (35').

Setbacks:

Where condominiums or accessory buildings front or side on a dedicated street, a minimum setback of twenty feet (20') will be provided, and there will be no conflicts with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Also, a minimum setback of fifteen feet (15') will be maintained from any landscape easements or property lines.

A minimum separation of fifteen feet (15') between structures shall be provided unless alternative methods of meeting the standards of fire protection are coordinated with and approved by the McKinney Fire Department.

Accessory Uses:

Any structure or accessory to condominium structures shall not exceed a height of twenty-five feet (25'), and shall be sited not less than ten feet (10') from any other building or structure.

(ii) Apartments

Maximum Density: 26 dwelling units/acre

Coverage:

The maximum site coverage including buildings and parking shall be 60%.

Parking:

Minimum of 1.5 parking spaces per dwelling unit shall be provided. One loading space equal to a standard parking space, shall be provided for each dwelling building and properly designated.

Building Height:

The height of the building shall not exceed thirty-five feet (35').

Setbacks:

Where apartments or accessory buildings front or side on a dedicated street, a minimum setback of twenty feet (20') shall be provided, and there will be no conflicts with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. Also, a minimum setback of fifteen feet (15') will be maintained

from any landscape easements or property lines. A minimum of ten feet (10') between structures, unless alternate methods of meeting the standards of fire protection are coordinated with and approved by the McKinney Fire Department.

Accessory Uses:

Any structure or accessory to apartment structures shall not exceed a height of twenty-five feet (25') and shall be sited not less than ten feet (10') from any other building or structure.

(e.) Recreation Areas and Open Space

Intent: These areas are set aside and designed to provide a series of inter-connected parks, open spaces, and recreation areas for both public and private use; and to provide for pedestrian and bicycle circulation throughout "Timber Creek Village". It is intended further that these facilities will have a direct relationship to school sites and will, in fact, be designed to share their common (recreational and parking) needs.

Permitted Uses:

Public Parks - Passive and active facilities which may include paths, rest areas, play fields, picnic areas, swimming pools, tennis courts, play equipment, and other similar uses as may be appropriate to the immediate community which they serve.

Private Recreation Areas - Areas intended to provide special recreation amenities to an exclusive membership. These will be designed and maintained by that membership to the benefit of the aesthetic quality of "Timber Creek Village", and will fall under the jurisdiction and guidance of the "Master Plan Notebook", and the Architectural Review Committee.

Primary Greenbelt System - Major pedestrian/bike system located adjacent to major creeks and including nature walks, rest areas, picnic areas, and direct connections to school sites.

Secondary Greenbelt System Recreation

Easements - Thirty foot (30') easements through privately owned property and to provide pedestrian circulation and buffering.

Greenway along Roadway Connectors - Pedestrian circulation and buffering.

Greenway along Residential Streets - Pedestrian circulation.

Landscape Easement - Landscape buffering.

Accessory Uses:

Any structure or use customary or incidental to the above uses and as approved by the Architectural Review Committee.

Density: N/A

Lot Coverage: N/A

Parking:

A minimum of five (5) off-street parking stalls for every acre of open space used for "active" recreation purposes and as approved by the Architectural Review Committee.

Building Height:

No building or structure shall exceed thirty-five feet (35') in height.

Setbacks:

No structure or equipment shall be located within twenty feet (20') of any property line or within twenty-five feet (25') of any dedicated street, and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Landscaping:

Where the natural terrain is disturbed by construction, the developer shall restore it to its natural shape and landscape in order to avoid erosion and to maintain the overall natural character of the site.

General:

The developer shall be responsible for keeping all parks and open spaces free from construction debris such as cardboard, lime, concrete, stones, rocks, wallboard, roofing and like construction materials. Public parks, along with the improvements therein, may be deeded to the City of McKinney for the City's continued supervision, use and maintenance.

In order to protect these parks and open spaces, the ownership of these areas will be subject to deed restrictions placed upon them by the developers, and approved by the City of McKinney. The developer shall maintain all areas until dedication to the City or to private ownership.

(f.) Schools

Intent: It is the purpose in identifying school sites to identify areas appropriate to the location of elementary school and/or middle school uses within "Timber Creek Village". It is further considered that, due to the location and size of these parcels, compatible uses may also be considered.

Permitted Uses:

Elementary Schools

Middle Schools

Parks

High Density Single Family

Multi-Family

Land Use Controls:

Governing items relating to land use, density, coverage, parking, building heights, accessory uses, setbacks and landscaping shall be in general accordance with applicable land use categories described herein and only with the approval of the Architectural Review Committee.

Parking:

As approved by the Architectural Review Committee, subject to final approval by the City of McKinney.

Building Height:

No building shall exceed thirty-five feet (35') in height.

Setbacks:

No structure housing students shall be located within sixty feet (60') of any property line. No other structure or equipment shall be located within twenty feet (20') of any property line or within twenty-five feet (25') of any dedicated street; and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

(g.) Commercial

The intent of this category is to provide convenient interior commercial facilities in the following types of centers: Village Commercial

Neighborhood Convenience Center (shall not exceed two (2) gross acres

Permitted Uses:

Village Commercial BGM Classification  
(Section 4501) of "Exhibit C"

Neighborhood Convenience Center BN  
Classification (Section 4101) of "Exhibit C"

Lot Coverage:

Maximum site coverage including buildings and parking shall be 85%. The remaining 15% shall be landscaped open space.

Parking: See off-street parking and loading beginning Section 7201 of "Exhibit C".

Building Height:

No building shall exceed thirty-five feet (35') in height.

Setbacks:

No structure or equipment shall be located within fifteen feet (15') of any property line or within twenty feet (20') of any dedicated street and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Landscaping:

Landscaping shall be provided to buffer adjacent properties and the collector streets from the commercial buildings and parking. All services and off-street loading areas shall be screened from public view and adjacent properties, by appropriate means such as screen planting or earth berms as approved by the Architectural Review Committee.

Service Stations:

All service stations shall be designed so that service bays and garage doors are appropriately screened from adjacent collector streets.

All servicing and servicing equipment other than normally carried on a pump island, shall be entirely enclosed within the building.

All undeveloped areas of service stations shall be suitably landscaped and maintained.

(h.) Opportunity Sites

Intent: Four peripheral sites have been set aside in order to meet future, as yet undefined, needs of "Timber Creek Village". These are generally seen as high intensity use areas, which will be appropriately controlled and developed as buffer areas for "Timber Creek Village" to Route 75 and other adjacent (high use) properties.

Permitted Uses:

Village Commercial  
Multi-Family Residential  
Private Recreational  
Motel

Land Use Controls:

Governing items relating to land use, density, coverage, parking, building heights, setbacks and landscaping shall be in general accordance with applicable land use categories described herein and only with the approval of the Architectural Review Committee.

13. Materials of Construction

Control in the use of building materials will be provided by the "Master Plan Notebook" and protective covenants and restrictions which will include the following general items of construction:

Exterior Finishes - Buildings, roofs, terraces, and decks, pavements, etc.

Exterior Colors - Building facades, canopies, pavements, etc.

Walls and Fences - Types of materials, standards of application

Exterior Furnishings - Light fixtures, benches, play equipment, trash enclosures, post boxes, etc.



#### 14. Signing and Lighting

Control in use, location, and design of both signing and lighting shall be as follows and will be provided in detail within the context of the "Master Plan Notebook". This will include the following general categories of signing and lighting.

##### (a.) Signing

Intent: The intent of this section is to provide signing for several purposes: direction, information and identification. The graphics system designed for "Timber Creek Village" will encompass the total range of signing for the development and will be designed for clarity and overall unity throughout the development.

Residential Signs

Wall Signs

Directional and Informational Signs

Ground Signs

Vehicular Signs (to conform to Federal  
Manual of Uniform Traffic  
Control)

Sales and Commercial Signs

Entrance Signs

General:

All lighted signs shall be lighted by a concealed light source. No flashing, blinking, or moving signs shall be allowed in "Timber Creek Village". All signs must be approved by the Architectural Review Committee and the City of McKinney for harmony with the surrounding architecture and the overall design of the Planned Community Development.

##### (b.) Lighting

Intent: The intent of this section is to provide lighting for several purposes: roadway and parking

lot lighting, pathway and pedestrian lighting, landscape lighting, and indirect lighting of informational signs. The lighting system for "Timber Creek Village" will encompass the total range of lighting types in direct conjunction with the graphic system of signage and will be designed for unity and overall clarity throughout the development. Lighting types will include the following:

Roadway Lighting

Pathway Lighting

Landscape Lighting

Indirect Lighting of Signs

General:

All lighting shall be designed and placed in accordance with the "Master Plan Notebook" and approved by the Architectural Review Committee and the City of McKinney.

#### 15. Maintenance

Maintenance of all common areas, dedicated street right-of-ways, landscape and recreational easements will be the responsibility of the property owner, the abutting property owner or the City of McKinney, whichever is applicable.

#### 16. General

(a.) Items not covered by these P.C.D. regulations or Exhibits will conform to the City of McKinney ordinances, pertaining to zoning, subdivision regulations, signs, and other standards for development of property.

(b.) Should any portion of the above P.C.D. regulations be held invalid for any reason, the remaining portions shall not be affected by invalidity and such invalidity shall not affect its application to the development of "Timber Creek Village" Planned Community Development.

17. Definitions

(a.) Architectural Review Committee

A committee of professional and lay people, appointed initially by HiDevCo to carry out the policies of the "Master Plan Notebook" and to assure the continued integrity in the development of "Timber Creek Village".

(b.) Building Height

The distance measured from the natural grade at the lowest point of the building to the highest point of the building.

(c.) Building Height Exceptions

The following appurtenances may exceed the prescribed height restrictions normally required for a use permitted in the zone in which they are constructed: flagpoles, chimneys, cooling towers, elevator bulkheads, belfries, ornamental towers, monuments, cupolas, domes, spires, and other necessary mechanical appurtenances and their protective housing.

(d.) Easements

Easements will be granted for various purposes in the development. They include: utilities, vehicular access, pedestrian access, maintenance and emergency access, storm drainage and landscape easements.

(e.) Gross Leasable Area

Gross leasable area is that area that is usable in any structure for offices, services or merchandising, but not including storage, halls, stairs, bathrooms, or garages.

(f.) Homeowner's Association

An organization responsible for the maintenance of common areas within a designated developmental area as

depicted on the Planned Community Development Site Plan (Schematic Master Plan).

(g.) Housing Types

Note: Definitions of intent are included in the appropriate sections of these regulations and other housing types not covered in these regulations are included in "Exhibit C".

(i) Cluster Single Family

The cluster single family home is intended to provide a single family home in a layout designed to cut utility and street costs, etc., by clustering homes on smaller lots with "zero" lot lines and other techniques to lower the total cost of each home while still providing equivalent living space. There are also additional open space benefits possible.

(ii) Townhomes

Townhomes are a type of single family, row-house unit intended to provide the resident with full ownership of the structure and the land beneath the structure, while at the same time maximizing the potential for joint ownership and maintenance of common spaces, through a Homeowner's Association. This avails the resident of not having to maintain these common areas, and increases the potential for use and development of these areas.

(iii) Condominiums

Condominiums are a concept of multi-family housing, which restricts ownership to the space within the structure. A higher density concept, condominiums imply the opportunity of higher densities through the "stacking" of residential units, and all land is held in common; developed and maintained by a Homeowner's Association.

(h.) Lot Width

The average lot width from the front line to the rear lot line.

(i.) Parking

Each exterior parking space shall include a minimum length of eighteen feet (18') and a minimum width of nine feet (9'), plus driveway as needed.

Parking spaces shall be well drained and provided with an all-weather surface, and access.

Covered Parking:

Garage structures enclosed on all sides, with the same exterior architectural treatment and character as the building. These may or may not be attached to the main structure.

Car Ports:

A covered parking structure, open on two or more sides which must have the same exterior architectural treatment as the project. These may be detached.

(j.) Required Yards

Front Yards:

An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as provided herein and as approved by the Architectural Review Committee.

Side Yards:

An open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as provided herein, and as approved by the Architectural Review Committee.

Exceptions:

Covered walkways, port cocheres, enclosed porches, swimming pools, gazabos, and fences will be allowed as indicated and only with approval from the Architectural Review Committee.

EXHIBITS

- EXHIBIT A - SCHEMATIC MASTER PLAN (PLANNED COMMUNITY  
DEVELOPMENT SITE PLAN
- EXHIBIT B - CITY OF MCKINNEY ORDINANCE 691 (SUBDIVISION)
- EXHIBIT C - CITY OF MCKINNEY ORDINANCE 725 AND ADDENDUM  
ORDINANCE 837 (ZONING)
- EXHIBIT D - CITY OF MCKINNEY ORDINANCE 895 (DRAINAGE)
- EXHIBIT E - CITY OF MCKINNEY ORDINANCE 911 (FRISCO WATER LINE)
- EXHIBIT F - CITY OF MCKINNEY ORDINANCE 1053 WATER & SEWER  
PRO-RATA)

EXHIBIT "C"

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LOW DENSITY SINGLE FAMILY	400 ac.
HIGH DENSITY SINGLE FAMILY	132 ac.
MULTI FAMILY	107 ac.
GOLF/TENNIS CLUB	7 ac.
GOLF COURSE	184 ac.
COMMERCIAL CENTER	8 ac.
SCHOOLS	43 ac.
OPPORTUNITY SITES	53 ac.
GREENBELT & ROADWAYS	246 ac.
<b>TOTAL SITE ACREAGE</b>	<b>1180 ac.</b>

MULTI FAMILY

MULTI FAMILY

HIGH DENSITY  
S.F.

LOW DENSITY  
S.F.

LOW DENSITY  
S.F.

MULTI FAMILY

LOW DENSITY  
S.F.

LOW DENSITY  
S.F.

HIGH DENSITY  
S.F.

LOW DENSITY  
S.F.

HIGH DENSITY  
S.F.

COMMERCIAL  
CENTER

LOW DENSITY  
S.F.

HIGH DENSITY  
S.F.

HIGH DENSITY  
S.F.

LOW DENSITY  
S.F.

LOW DENSITY  
S.F.

HIGH DENSITY  
S.F.

LOW DENSITY  
S.F.

SCHOOL

OPPORTUNITY  
SITE

LAKE

LOW DENSITY  
S.F.

MULTI FAMI

LOW DENS

S.F.

OPPORTUNI

SITE

GOLF/TENNI

CLUB

LOW DENS

S.F.

MULTI FAMI

LOW DENS

S.F.

MULTI FAMI

SCHOOL

MULTI  
FAMILY

HIGH DENSITY  
S.F.

LOW DENSITY  
S.F.

MULTI  
FAMILY

OPPORTUNITY  
SITE

HIGH DENSITY  
S.F.

SCHOOL

LOW DENSITY  
S.F.

HIGH DENSITY  
S.F.

## SCHEMATIC MASTER PLAN

**TIMBER CREEK VILLAGE-McKinney,Tx**  
**HIDEVCO** Developer  
 Perry Burr & Associates Planners & Landscape Architects  
 Doble Associates Consulting Engineers

OCTOBER 3, 1979  
 SCALE: 1"=400'-0"

