

ORDINANCE NO. 2006-11-133

AN ORDINANCE AMENDING ORDINANCE NO. 2003-05-050, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAN AN APPROXIMATELY 39.22 ACRE PROPERTY (ESTATES AT CRAIG RANCH, PHASE 2), GENERALLY LOCATED APPROXIMATELY 875 FEET EAST OF CUSTER ROAD AND ON BOTH SIDES OF TOUR DRIVE, IS ZONED FROM "PD" – PLANNED DEVELOPMENT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY THE SIDE YARD SETBACKS; 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 rezoning of an approximately 39.22 acre property (Estates at Craig Ranch, Phase 2), generally located approximately 875 feet east of Custer Road and on both sides of Tour Drive, from "PD" – Planned Development and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development and "REC" – Regional Employment Center Overlay District, generally to modify the side yard setbacks, 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. 2003-05-050 is hereby amended in order to modify the side yard setbacks on an approximately 39.22 acre property (Estates at Craig Ranch, Phase 2), generally located approximately 875 feet east of Custer Road and on both sides of Tour Drive, which is more fully depicted on Exhibit "A" attached hereto.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. Use and development of the subject property shall conform to regulations of Planned Development Ordinance number 2003-05-050 and the REC Overlay District, and as amended, except as follows:
 - a. The side yard setbacks shall be 1 foot on one side and 9 foot on the other side for a total of 10 feet between homes.
2. Prior to the issuance of any building permits within the subject property, an amending plat must be filed for recordation to dedicate a 1 foot wide maintenance and exclusive use easement on the proposed 1 foot side yard setback for each lot.

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.

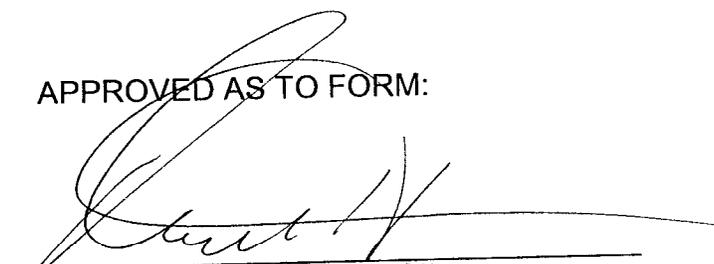
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7th DAY OF NOVEMBER, 2006.


BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:


SANDY HART, CMC, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

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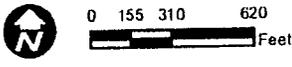
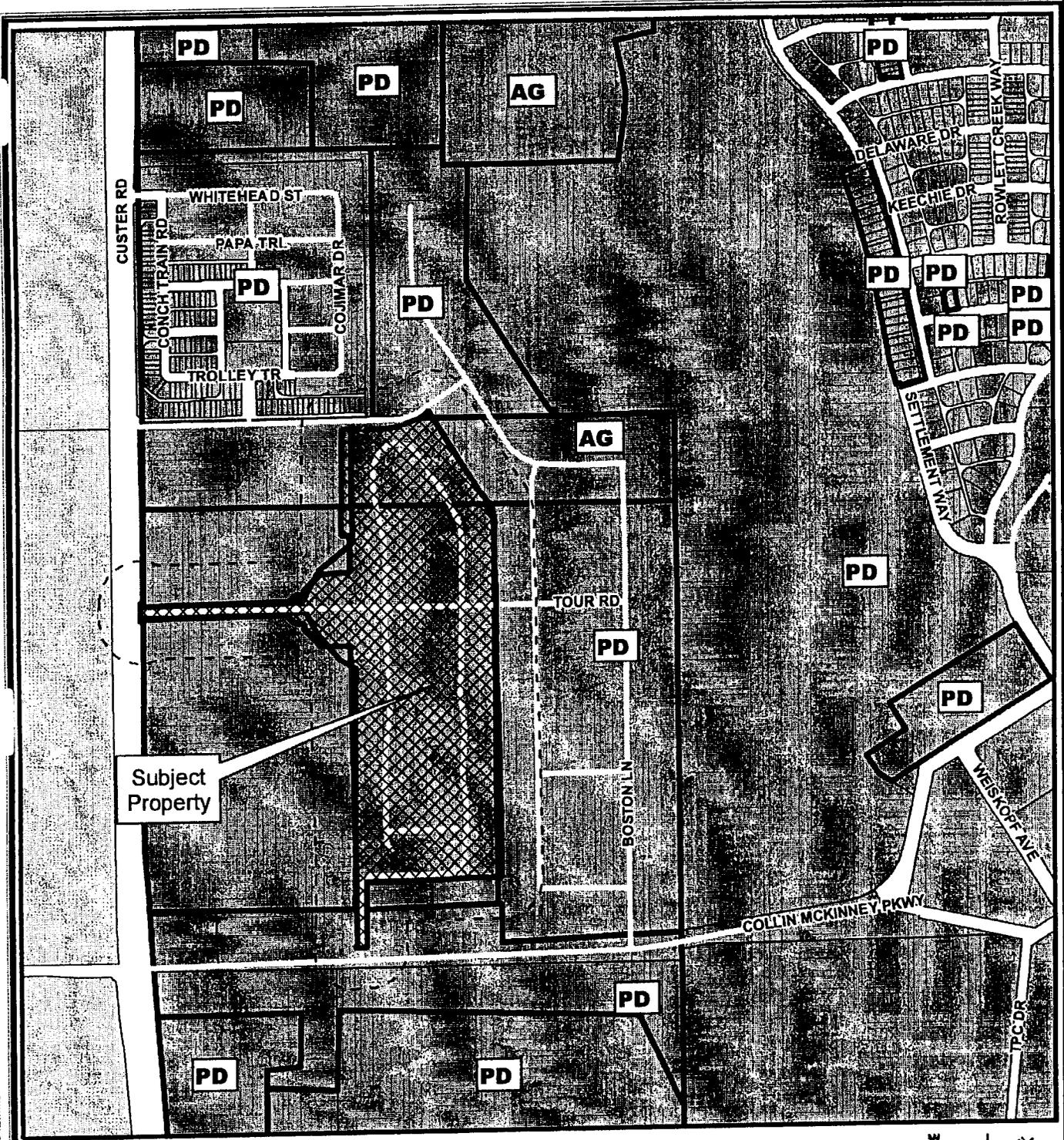
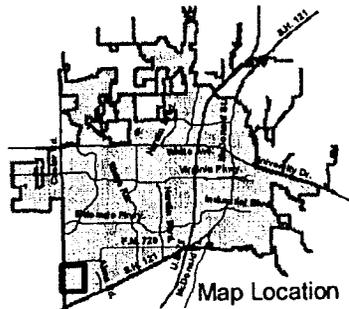


EXHIBIT "A"

Notice Case #: 06-454Z

R-6018-000-0010-1

--- 200' Notification Buffer



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