

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 SO THAT 152.7 ACRES OF LAND IN THE WILLIAM RYAN SURVEY AND THE WILLIAM HEMPHILL SURVEY LOCATED WEST OF U.S. HWY. 75 AND NORTH OF F.M. 720, AND MORE FULLY DESCRIBED HEREIN ARE ZONED PLANNED DEVELOPMENT (COMMERCIAL, TOWNHOUSE, GARDEN HOME AND MULTI-FAMILY); PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR A SITE PLAN; PROVIDING FOR A LANDSCAPE 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.

THAT WHEREAS, the owner or owners of 152.7 acres of land in the William Ryan Survey and the William Hemphill Survey, and more fully described in the attached Exhibit "A", have petitioned the City of McKinney to zone such tract "Planned Development" and,

WHEREAS, after due notice of the requested zoning changes 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, the City Council is of the opinion that such zoning change should be made.

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

SECTION I: That the real estate more fully described in the attached Exhibit A is hereby zoned Planned Development (Commercial, Townhouse, Garden Home and Multi-Family), according to the zoning map attached to this Ordinance and marked Exhibit "C".

SECTION II: That said real estate shall be subject to the Planned Development regulations more fully set forth in the attached Exhibit "B".

SECTION III: That no development or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone, or specific regulations contained herein. This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

SECTION IV: 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 V: 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 VI: 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 17th day of July, 1984.

CORRECTLY ENROLLED:


JENNIFER CRAVENS
CITY SECRETARY

EXHIBIT A

Situated in the City of McKinney, Collin County, Texas, being a part of the William Ryan Survey, Abstract No. 746, and a part of the William Hemphill Survey, Abstract No. 449, being a resurvey of the 156.228 acres of land described in a deed from George P. Cullum, Sr. and Dr. Norman Vincent Peale to Henry S. Miller Company, Trustee, dated December 15, 1969 and recorded in Volume 747, Page 791 of the Collin County Deed Records, being described by metes and bounds as follows:

BEGINNING at an iron pin set at the southwest corner of said 156.228 acre tract, same being the intersection of the center of an old apparently abandoned north-south lane with an established fence from the east; same also being in the west line of said Hemphill Survey;

THENCE Northerly with the center of said lane and with the west line of said 156.228 acre tract as follows:

North 3 deg 13' East, 451.5 feet; North 2 deg 41' East, 539.7 feet;

North 2 deg 14' East, 1378.0 feet to an existing iron pin set;

THENCE Northerly with the center of said lane as follows:

North 26 deg 31' East, 162.9 feet to an existing iron pin;

North 14 deg 27' West, 142.7 feet to an existing iron pin;

North 8 deg 50' East, 87.0 feet to an existing iron pin;

North 7 deg 44' 10" West, 188.37 feet to an existing iron pin;

North 2 deg 12' 32" East, 310.24 feet to an existing iron pin set in

the east line of the residential subdivision of The Village of Eldorado, Phase I, recorded in Cabinet C, Sheet 244 of the Collin County Map & Plat Records;

said iron pin set in a drainage ditch for an angle point;

THENCE Northeasterly with said east line of The Village of Eldorado, Phase I and with a drainage ditch (man made) as follows:

North 35 deg 41' 35" East, 94.96 feet to an iron pin set;

North 69 deg 38' 36" East, 294.79 feet to an iron pin set;

North 46 deg 22' 05" East, 314.48 feet to an iron pin set;

North 60 deg 13' 43" East, 154.05 feet to an iron pin set;

North 27 deg 20' 43" East, 234.43 feet to an iron pin set;

North 30 deg 45' 01" East, 239.22 feet to an existing iron pin set at the north, northwest corner of said 156.228 acre tract for a corner;

THENCE South 87 deg 31' 38" East, 898.0 feet with the north line of said 156.228 acre tract and with the center of said apparently abandoned lane to an existing iron pin set in the west R.O.W. line of U.S. Highway No. 75 for a corner;

THENCE Southerly with the said west R.O.W. line as follows:

South 3 deg 54' 29" East, 164.89 feet; South 2 deg 18' West 576.92 feet;

South 6 deg 49' West, 657.0 feet; North 89 deg 28' West, 323.68 feet;

South 9 deg 11' West, 130.0 feet; South 33 deg 13' East, 103.2 feet;

South 75 deg 38' East, 221.19 feet; South 12 deg 40' West, 147.22 feet;

South 7 deg 24' West, 1228.9 feet; South 13 deg 55' West, 760.9 feet;

South 17 deg 27' West, 1228.9 feet to an iron pin set at the southeast corner of said 156.228 acre tract for a corner;

THENCE Westerly with the south line of said 156.228 acre tract and with an established fence as follows:

North 87 deg 02' West, 891.6 feet;

North 87 deg 29' West, 251.0 feet;

North 87 deg 14' West 209.0 feet to the PLACE OF BEGINNING and containing 157.2078 acres of land, more or less.

EXHIBIT B

PLANNED DEVELOPMENT DISTRICT

The purpose of this Planned Development District is to establish seven independent zoning districts on 157.2 acres of land located at the intersection of Eldorado Parkway and U.S. Highway 75. Each tract is referenced to the attached plan.

- Tract 1 - Commercial, 44.5 Acres
- Tract 2 - Commercial, 18.9 Acres
- Tract 3 - Single Family (Zero Lot Line), 6.5 Acres
- Tract 4 - Townhome, 12.7 Acres
- Tract 5 - Multifamily, 50.7 Acres
- Tract 6 - Single Family (Zero Lot Line), 18.4 Acres
- Tract 7 - Multifamily, 3.8 Acres

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.

Tract 2 - Commercial

Standards for this Tract shall be the same as set forth for Tract 1 except as follows:

1. Special Provision: Hotel/motel uses may only be located at the intersection of Eldorado Parkway and U.S. Highway 75.
2. Uses Permitted: Uses as set forth in Ordinance 1270 in the schedule of uses for the General Business category, but excluding:
 - (1) Any Residential Use
 - (2) Drive-in Restaurant
 - (3) Golf Course, Par-3 (Commercial)

- (4) Automobile Sales or Repair
- (5) Boat Sales or Repair
- (6) Boat Storage
- (7) Bus Station
- (8) Park Lot (Commercial)
- (9) Trailer, Light Truck, Tool Rental
- (10) Auto Glass, Muffler, or Brake Shop
- (11) Auto Laundry
- (12) Auto Painting or Body Shop
- (13) Auto Parts Sales (Indoor)
- (14) Garage, Auto Repair
- (15) Garage, Parking (Commercial)
- (16) Motorcycle Sales & Service
- (17) Service Station
- (18) Tires, Batteries & Accessories
- (19) Bait Shop
- (20) Frozen Food Lockers
- (21) Pawn Shops
- (22) Cleaning Plant, Laundry
- (23) Creamery, Dairy Products
- (24) Exterminator
- (25) Farm Implement Sales & Service
- (26) Funeral Home & Mortuaries
- (27) Monument Sales
- (28) Plumbing Shop
- (29) School, Business or Trade
- (30) Trailer, Light Truck, Tool Rental
- (31) Upholstery Shop
- (32) Lawnmower Sales & Service
- (33) Under the Commercial Type Uses category, a Radio or TV Broadcast Studio IS allowable IF there is NO Tower present.

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 fifty (50) feet or four (4) stories.

Tract 3 - Single Family

1. Purpose: To provide single family residential building sites which permit construction of zero lot line units which observe a zero side yard set back on a single side.
2. Uses Permitted: Single family detached zero side yard line residential units.
3. Accessory Uses: Uses as permitted in Article III, 3.07, 3 of Ordinance 1270.
4. Specific Use Permit: None specified.
5. Minimum Yard Area: (1) Front yard - a minimum of twenty (20) feet; (2) side yard - zero one side yard with ten (10) feet separation between buildings for interior lots; the side yard adjacent to a street on a corner lot shall be twenty (20) feet; (3) rear yard - a minimum of fifteen (15) feet except that any portion of the structure used for garage or off-set parking purposes shall be a minimum of twenty (20) feet from any alley line.
6. Building Height: Maximum of two stories.
7. Lot Coverage: Maximum of sixty (60) percent.
8. Floor Area Ratio: 1:1 maximum.
9. Parking: In accordance with Article IV, 4.02 of Ordinance 1270.

10. Density: Maximum of 23 units.
11. Lot Depth: Minimum of one hundred (100) feet.
12. Lot Width: Minimum of forty (40) feet.

Tract 4 - Townhome

1. Purpose: To provide for housing units which are attached and constructed as townhomes.
2. Uses Permitted: Attached single family residential units.
3. Accessory Uses: Accessory uses as permitted in Article III, 3.08, 3 of Ordinance 1270.
4. Specific Use Permits: None specified.
5. Minimum Yard Area: (1) Front yard - a minimum of twenty (20) feet; (2) rear yard - a minimum of ten (10) feet or a minimum of twenty (20) feet between buildings; (3) side yard - a minimum of fifteen (15) feet between ends of buildings and a minimum of twenty (20) feet for a side yard adjacent to a street for a corner lot.
6. Building Height: Maximum of two stories.
7. Lot Coverage: Maximum of seventy-five (75) percent.
8. Floor Area Ratio: 2:1 maximum.
9. Parking: In accordance with provisions of Article IV, 4.02 of Ordinance 1270.
10. Density: A maximum of six (6) units per acre.
11. Lot Depth: A minimum of one hundred (100) feet.
12. Lot Width: A minimum of twenty-eight (28) feet.

Tract 5 - Multifamily

1. Purpose: To provide a medium density housing units constructed as multi-family units in conventional two story garden apartment structures.
2. Uses Permitted: Residential units in structures containing three or more units per structure.
3. Accessory Uses: Those uses outlined as permitted accessory use in Article III, 3.09, 3 of Ordinance 1270.
4. Specific Use Permit: None specified.
5. Minimum Yard Areas: (1) There shall be a minimum front yard of twenty-five (25) feet and a minimum side or rear yard for perimeter yards of fifteen (15) feet; (2) building spacing and interior open space areas shall be determined at time of site plan approval; however, buildings or structures shall not be closer than twenty-five (25) feet when opposite buildings have sides or ends parallel.
6. Building Height: Maximum of two stories.
7. Lot Coverage: Maximum of eighty (80) percent.
8. Floor Area Ratio: Maximum of 1:1.67.
9. Parking: In accordance with provisions of Article IV, 4.02 of Ordinance 1270.

10. Density: Maximum of sixteen (16) dwelling units per acre.
11. Miscellaneous: This Tract may also be developed according to the provisions of Tract 4 - Townhome but with a maximum density of ten (10) dwelling units per acre.

Tract 6 - Single Family

Standards for this Tract shall be the same as set forth for Tract 3; except, density shall not exceed 61 units with a maximum of eight units backing the existing Eldorado subdivision.

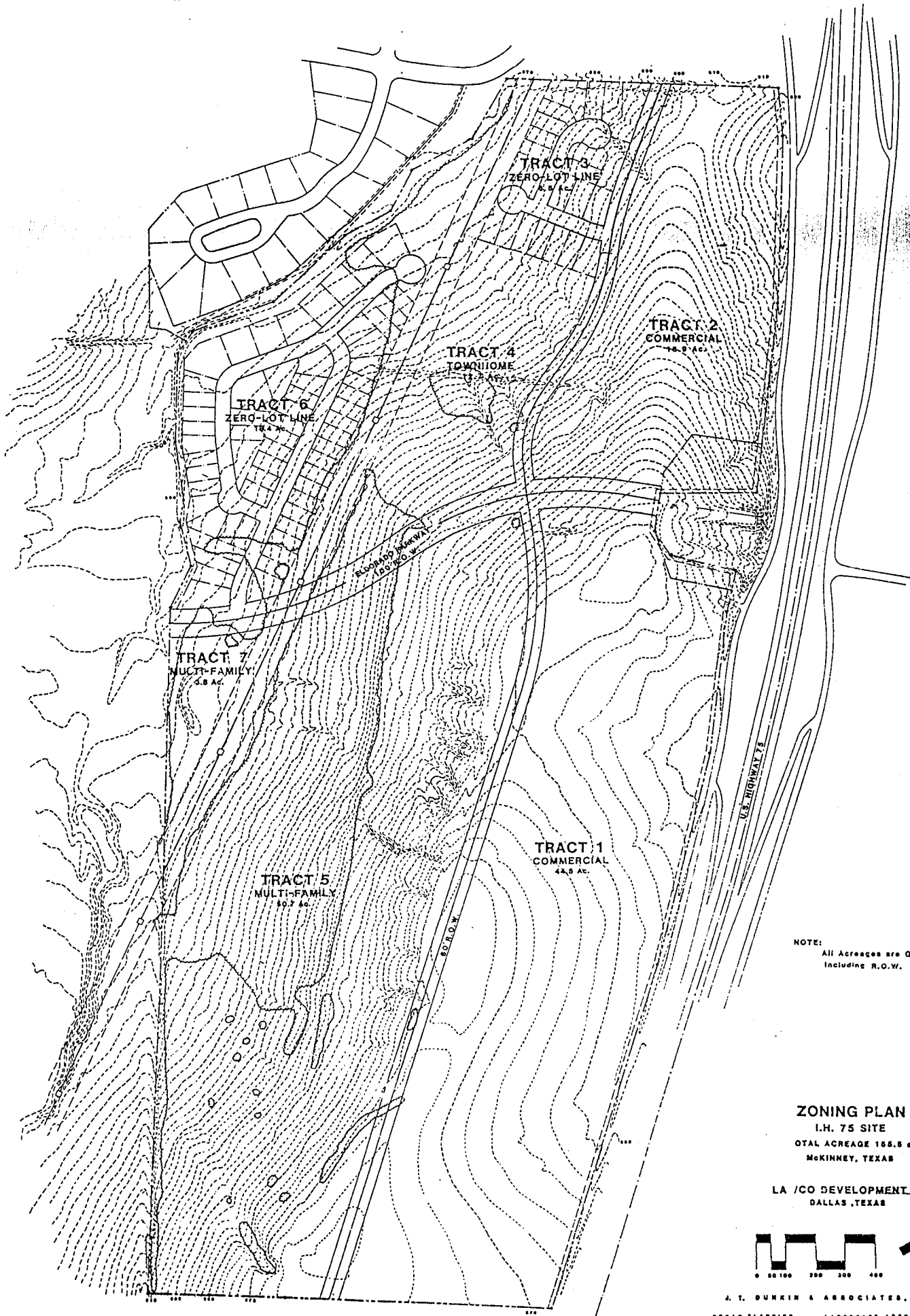
Tract 7 - Multifamily

Standards for this Tract shall be those as set forth for Tract 5.

General Requirements

1. The Developer of the Planned Development shall provide the Eldorado Homeowners Association a copy of each site plan submitted to the City for review. Said copy shall be mailed to an address provided to the Developer and the City by the Association.
2. One-half the combined acreage of Tract 5 and 7 (54.5 acres) shall be developed according to the Townhome regulations and one-half according to the Multi-Family regulations provided in Tract 5 - Multi-Family regulations herein.

EXHIBIT C



NOTE:
All Acres are Gross Acres,
Including R.O.W.

ZONING PLAN
I.H. 75 SITE
TOTAL ACREAGE 188.8 ac.
McKINNEY, TEXAS

LA /CO DEVELOPMENT CO.
DALLAS, TEXAS

