

AN ORDINANCE AMENDING ZONING ORDINANCES NO. 1270 AND 1457 BY CHANGING THE ZONING OF APPROXIMATELY 85.6 ACRES OF LAND IN THE WILLIAM RYAN AND WILLIAM HEMPHILL SURVEYS LOCATED WEST OF U.S. 75 AND NORTH OF F.M. 720 FROM PLANNED DEVELOPMENT DISTRICT TO PLANNED DEVELOPMENT - OFFICE, RS-84, SINGLE FAMILY RESIDENCE, 8400 SQUARE FOOT MINIMUM LOT SIZE; RS-45, SINGLE FAMILY RESIDENCE, 4500 SQUARE FOOT MINIMUM LOT SIZE; RG-18, GENERAL RESIDENCE, 1800 SQUARE FOOT MINIMUM PER UNIT, AND PLANNED CENTER; PROVIDING FOR A SITE PLAN; PROVIDING FOR SPECIAL REGULATIONS; 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 85.6 acres of land in the William Ryan and William Hemphill Surveys, which tract was zoned Planned Development in Ordinance No. 1457, have petitioned the City of McKinney to alter the uses permitted in the Planned Development area of Ordinance No. 1457; and

WHEREAS, after due notice of such requested zoning change 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 85.6 acre tract of land designated on the site plan as Planned Development in Ordinance No. 1457 is hereby rezoned and shall henceforth be Planned Development - Office, RS-84, Single Family Residence, 8400 Square Foot Minimum Lot Size; RS-45, Single Family Residence, 4500 Square Foot Minimum Lot Size; RG-18, General Residence, 1800 Square Foot Minimum Per Unit, and Planned Center, all in accordance with the Zoning Plan attached hereto and marked Exhibit "A".

SECTION II: That Tracts 1 and 2 as shown on the Zoning Plan attached hereto shall be subject to the Planned Development regulations more fully set forth in Exhibit "B" of Ordinance No. 1457.

SECTION III: That the Planned Development Office District as shown on the attached Zoning Plan shall be subject to the restrictions and regulations of Section 3.15 of Ordinance No. 1270 except that the maximum building height shall be 25 feet.

SECTION IV: The lots as shown on the attached Zoning Plan which are adjacent to lots on Forest Creek Drive in the Village of Eldorado shall have not less than 12,000 square feet.

SECTION V: That no developer 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 VI: 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.

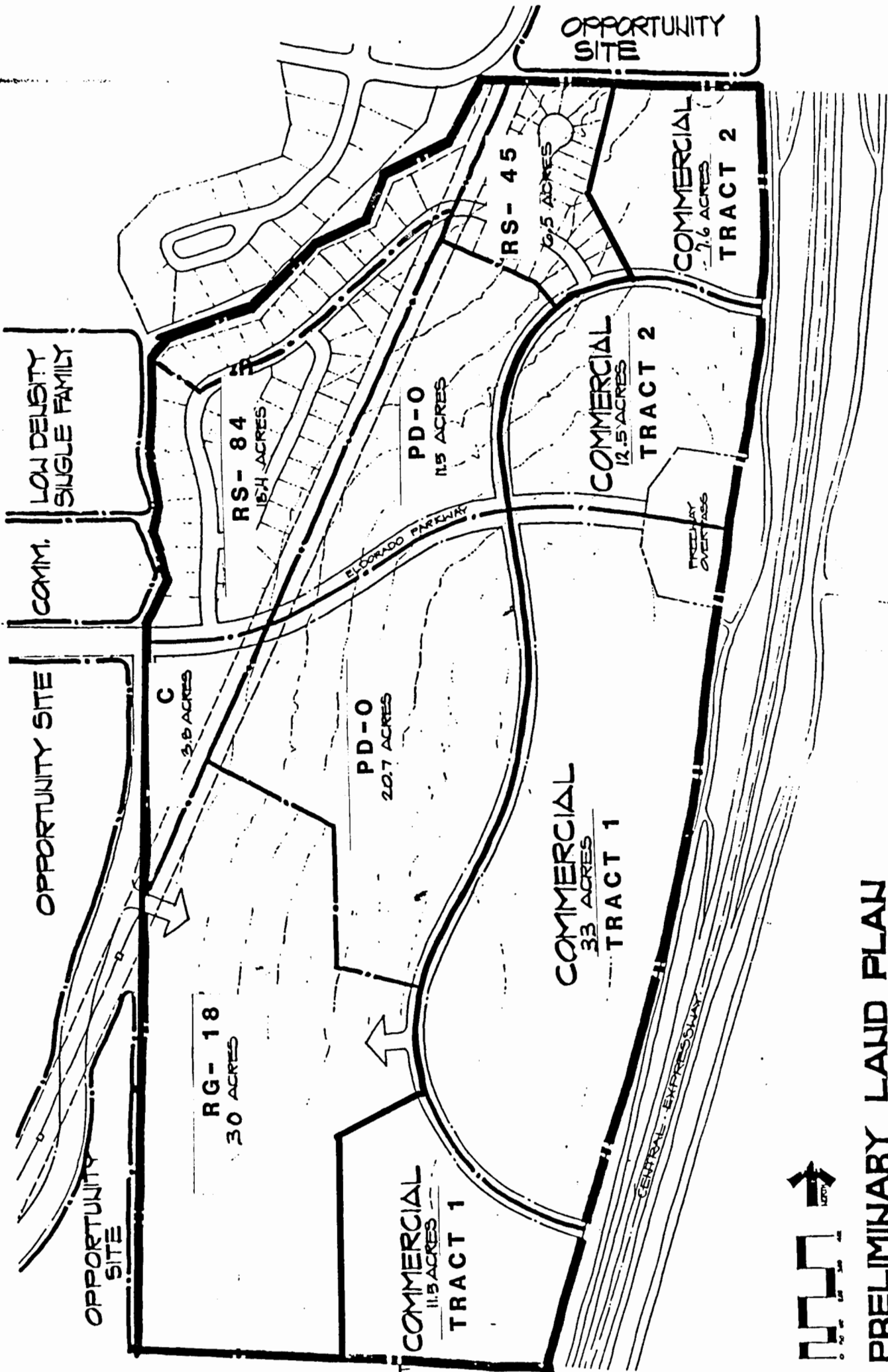
SECTION VII: It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefor, shall be fined any sum not exceeding \$200.00, and each day that such violation shall continue 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 IX: 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 3rd day of September, 1985.

CORRECTLY ENROLLED:


JENNIFER CRAVENS
CITY SECRETARY



SITE DEVELOPMENT DATA

COMMERCIAL	18.4
OFFICE FAMILY	33.0
MULTI-FAMILY	30.0
MEDIUM LOTS	18.4
ZERO LOT-LINE	6.5
TOTAL SITE	135.3



PRELIMINARY LAND PLAN
 CRAIG PROPERTIES
 FERRY BURR & ASSOCIATES, INC.
 JULY 2, 1965

DEVELOPER
 FLAHERTY
 PSK-5

EXHIBIT "B"

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.