

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 1533 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS SO THAT 27.344 ACRES OF LAND LOCATED ON THE EAST SIDE OF HIGHWAY 5 ACROSS FROM WILMETH ROAD IS ZONED "PD" - PLANNED DEVELOPMENT DISTRICT FOR "RG-18" - GENERAL RESIDENCE DISTRICT AND "RS-45" SINGLE FAMILY RESIDENCE DISTRICT; PROVIDING REGULATIONS; PROVIDING FOR SITE AND LANDSCAPE PLAN APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owner of 27.344 acres of land located on the east side of Highway 5 across from Wilmeth Road, in the City of McKinney, Collin County, Texas, has petitioned the City of McKinney to zone such parcel of land "PD" - Planned Development District for "RG-18" - General Residence District (25.2434 acres) and "RS-45" Single Family Residence District (2.1005 acres), a complete legal description of such property being attached hereto and marked Exhibit "A," and made a part hereof for all purposes; and

WHEREAS, after due notice of the requested zoning 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 said zoning change should be made

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

Section 1. Planned Development Ordinance Number 1533 in the City of McKinney, is hereby amended so that 27.344 acres of land located on the east side of Highway 5 across from Wilmeth Road, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "B" attached hereto is hereby rezoned from its present classification of Planned Development District Ordinance No. 1533 (including Retail, Office, and Single-Family Districts) to "RG-18" - General Residence District (25.2434 acres) and "RS-45" Single-Family Residential District (2.1005 acres).

Section 2. Development of subject 25.2434 acres of "RG-18" as reflected on Exhibit "B" shall be governed specifically by Section 3.10 of Ordinance No. 1270 with the following exceptions:

- (1) The minimum lot area per dwelling unit shall be 2700 square feet;
- (2) The maximum density is 16 dwelling units/acre; and
- (3) A maximum of 407 multiple family dwelling units shall be allowed.

Section 3. Development of the subject 2.1005 acres of "RS-45" as reflected on Exhibit "B," shall be governed specifically by Section 3.07.5 of Ordinance No. 1270.

Section 4.

A complete site and landscape plan shall be submitted and approved by the Planning and Zoning Commission and City Council for the "RG-18" - General Residence District prior to development.

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 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 7.

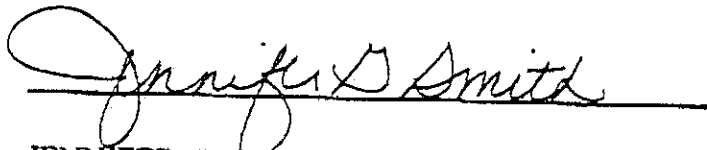
No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas in the manner provided by law.

Section 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 18th DAY OF April, 1995.

CORRECTLY ENROLLED:

A handwritten signature in cursive script, reading "Jennifer G. Smith", written over a horizontal line.

JENNIFER G. SMITH, City Secretary

| Sec. 146-78. - RG 18 - General Residence district.

- (a) *Purpose.* The "RG 18" - General Residence zone was originally designed to provide for moderately high density apartment development and other uses, which have characteristics similar to those found in the operation of apartment houses. Densities in this district are higher than presently considered acceptable in the city. Rezoning to this classification will not generally be considered after January 1, 2000.
- (b) *Permitted uses.* Those uses indicated as being permitted in the "RG 18" - General Residence zone in the schedule of uses shall be allowed.
- (c) *Space limits.* The following space limits shall apply to the "RG 18" - General Residence zone:
- (1) Non-residential uses:
 - a. Minimum lot area: 5,000 square feet.
 - b. Minimum width of lot: 50 feet.
 - c. Minimum depth of lot: 100 feet.
 - d. Maximum height of building: 50 feet.
 - e. Minimum front yard: 15 feet.
 - f. Minimum rear yard: ten feet.
 - g. Minimum side yard: seven feet.
 - h. Minimum side yard at corner: 25 feet.
 - i. Maximum lot coverage: 80 percent.
 - j. Maximum floor area ratio: one to 1.67 (0.6:1.0).
 - (2) Multiple family residential uses:
 - a. Multi-family residential construction in this district shall, except as herein described, shall comply with the space limitations of the "MF-1" - Multi-Family Residential-Low Density District.
 - b. A maximum density of 24 dwelling units per acre shall be allowed.
 - (3) Duplex residential uses:
 - a. Two family residential construction in this district shall comply with the space limitations of the "RD 30" - Duplex Residence District.
 - (4) Single-family residential uses:
 - a. Single family residential construction in this district shall comply with the space limitations of the "RS 60" - Single Family Residence District.
- (d) *Miscellaneous provisions.*
- (1) Off-street parking shall be provided for all uses established in this zone.
 - (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-73; Ord. No. 1270, § 3.10, 12-15-1981; Ord. No. 1512, § 1, 1-5-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2000-01-03, § 1W, 1-4-2000; Ord. No. 2002-08-084, § 1.26, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-05-011, § 2, 5-17-2010; Ord. No. 2010-12-053, § 14, 12-7-2010)

| Sec. 146-79. - MF-1 - Multiple Family Residential-Low Density district.

- (a) *Purpose.* The "MF-1" - Multiple Family Residential-Low Density zone is designed to provide for low density multiple family residential development characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.
- (b) *Permitted uses.* The following uses are permitted in the "MF-1" - Multiple Family Residential-Low Density zone: uses as permitted in the schedule of uses.
- (c) *Space limits.* The following space limits shall apply to the "MF-1" - Multiple Family Residential-Low Density zone:
 - (1) Minimum rear yard: 25 feet; 45 feet where adjacent to single family or duplex residential zones or uses.
 - (2) Minimum side yard: 20 feet; 45 feet where adjacent to single family or duplex residential zones or uses.
 - (3) Maximum lot coverage: 50 percent, including accessory buildings other than covered parking.
 - (4) Single family construction in this district shall comply with the "RS 60" - Single Family Residence zone space limit requirements. Duplex construction in this district shall comply with the "RD 30" - Duplex Residence zone space limit requirements.
 - (5) All other space limits identified as being applicable to the "MF-1" - Multiple Family Residential-Low Density zone in Appendix F of the Zoning Ordinance.
- (d) *Miscellaneous provisions.*
 - (1) The minimum separation of buildings shall conform to the distance requirements as specified in section 146-129(4)c.
 - (2) The keeping of dogs, cats and other household pets is limited to two animals over six months old.

(Code 1982, § 41-74; Ord. No. 2000-01-03, § 1B, 1-4-2000; Ord. No. 2002-08-084, § 135, 8-20-2002; Ord. No. 2003-07-064, § 1, 7-15-2003; Ord. No. 2004-12-124, § 1, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010)