

ORDINANCE NO. 2005-01-004

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 24.40 ACRE TRACT, LOCATED ON THE EAST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET) AND APPROXIMATELY 330 FEET NORTH OF PLATEAU DRIVE IS HEREBY REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR RETAIL, OFFICE, AND LIGHT MANUFACTURING USES; 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 24.40 acre tract located on the east side of State Highway 5 (McDonald Street) and approximately 330 feet north of Plateau Drive, from "AG" – Agricultural District, to "PD" – Planned Development District, generally for retail, office, and light manufacturing uses 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. 1270 is hereby amended so that an approximately 24.40 acre tract located on the east side of State Highway 5 (McDonald Street) and approximately 330 feet north of Plateau Drive, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "AG" – Agricultural District, to "PD" – Planned Development District, generally for retail, office, and light manufacturing uses.

Section 2. Use and Development of the subject property shall conform to the "O" – Office District Regulations as set forth in Section 41-83 of the Zoning Ordinance, except as follows:

- i. The maximum height for buildings in all zones is limited to two stories and thirty-five feet (35').
 - ii. Minimum front yard for all zones be thirty feet (30').
 - iii. Minimum side at corner for all zones be twenty five feet (25').
1. The subject property shall be zoned according to the attached zoning exhibit "B".
 2. Zone 1 shall develop subject to the "O" – Office District regulations as set forth in Section 41-83 of the Zoning Ordinance with the following exceptions:
 - i. All "BG" – General Business District uses be allowed additionally.
 - ii. Showrooms be an allowed use.

- iii. A ten foot (10') landscape buffer be provided along the south property line of Zone 1, with one (1) large tree (minimum of 3" in caliper and 7' in height at time of planting) planted every 40' feet.
- 3. Zone 2 and Zone 4 shall develop subject to the "O" – Office District regulations as set forth in Section 41-83 of the Zoning Ordinance with the following exceptions:
 - i. All "BG" – General Business District uses be allowed additionally, except the following:
 - (a) Motor vehicle fuel sales
 - (b) Residential uses
 - (c) Rest Home / Nursing Home
 - (d) Hotel / Motel
 - ii. All "ML" – Light Manufacturing Uses be allowed additionally, except the following:
 - (a) Amusement (Outdoor)
 - (b) Carnival
 - (c) Cemetery
 - (d) Circus
 - (e) Daycare for children
 - (f) Dirt or topsoil extraction
 - (g) Electrical generating plant
 - (h) Fairgrounds or rodeo
 - (i) Food processing
 - (j) Forestry or mining uses
 - (k) Heavy machinery sales and storage
 - (l) Industrial and manufacturing plants
 - (m) Kennel, animal boarding (outside runs)
 - (n) Livestock auction
 - (o) Motor freight terminal
 - (p) Parking lot (truck)
 - (q) Plastic products manufacture
 - (r) Railroad freight station
 - (s) Railroad team track
 - (t) Sand or gravel mining or storage
 - (u) Sanitary landfill
 - (v) Soft drink bottling plant
 - (w) Stable, commercial
 - (x) Theatre (Outdoor)
 - (y) Truck sales or repair
 - (z) Truck storage
 - (aa) Veterinarian (with outside runs)
 - (bb) Water treatment plant
 - iii. Food distribution uses be an additional allowed use.
 - iv. No rear loading docks shall be allowed adjacent to residential uses.
 - v. Architectural Standards for all buildings in Zone 2 and Zone 4 adjacent to residential areas shall be based on non-residential uses in non-industrial districts scoring criteria.
 - vi. A ten foot (10') landscape buffer be provided along the south property line of Zone 2 where adjacent to non-residential uses, with one (1) large tree (minimum of 3" in caliper and 7' in height at time of planting) planted every 40' feet.
 - vii. A ten foot (10') landscape buffer be provided along the south property line of Zone 2 where adjacent to residential uses, with one (1) large tree (minimum of 3" in caliper and 7' in height at time of planting) planted every 30' feet.
 - viii. A ten foot (10') landscape buffer be provided along the north property line of Zone 4 where adjacent to residential uses, with one (1) large tree (minimum of 3" in caliper and 7' in height at time of planting) planted every 30' feet.

- ix. A living screen of evergreen shrubs acceptable for six foot (6') screening be allowed as the screening device between the adjacent residential uses and Zones 2 and 4.
4. Zone 3 shall develop subject to the "O" – Office District regulations as set forth in Section 41-83 of the Zoning Ordinance with the following exceptions:
- i. All "BG" – General Business District uses be allowed additionally, except the following:
 - (a) Motor vehicle fuel sales
 - (b) Residential uses
 - (c) Rest Home / Nursing Home
 - (d) Hotel / Motel
 - ii. All "ML" – Light Manufacturing Uses be allowed additionally, except the following:
 - (a) Amusement (Outdoor)
 - (b) Carnival
 - (c) Cemetery
 - (d) Circus
 - (e) Daycare for children
 - (f) Dirt or topsoil extraction
 - (g) Electrical generating plant
 - (h) Fairgrounds or rodeo
 - (i) Forestry or mining uses
 - (j) Kennel, animal boarding (outside runs)
 - (k) Livestock auction
 - (l) Motor freight terminal
 - (m) Parking lot (truck)
 - (n) Railroad freight station
 - (o) Railroad team track
 - (p) Sand or gravel mining or storage
 - (q) Sanitary landfill
 - (r) Stable, commercial
 - (s) Theatre (Outdoor)
 - (t) Veterinarian (with outside runs)
 - (u) Water treatment plant
 - iii. Aeronautical assembly, wiring harness assembly, and related instrumentation and electrical component manufacturing uses be an additional allowed use.
 - iv. One (1) cellular telecommunications tower be allowed to locate within Zone 3.
 - (a) The maximum height of cellular telecommunications tower be seventy-five feet (75'), subject to requirements by virtue of aircraft approach and turning zone height restrictions imposed by the F.A.A.
 - (b) The cellular telecommunications tower be a minimum distance of two hundred feet (200') from the adjacent residential properties.
 - (c) A specific use permit will not be required in order to develop a cellular telecommunications tower, however the development of a tower will be required to receive approval through the site plan process.

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.

The developer shall provide language in the deeds for notice (acceptable to the city attorney) to any residential lot

purchaser, which adequately notifies purchasers of the existence of a private airport in the vicinity. An updated, scaled map shall be provided in conjunction with said notice.

Section 5. 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.

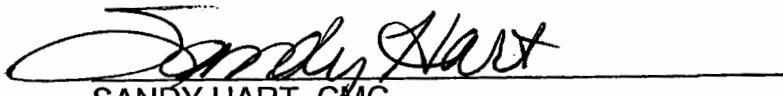
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 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.

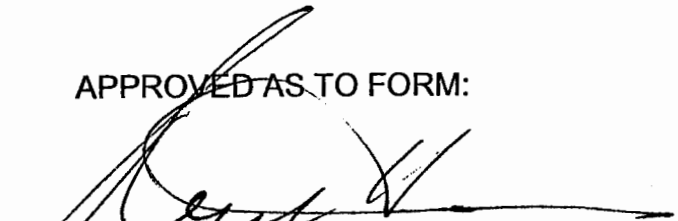
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 4th DAY OF JANUARY, 2005.


BILL WHIFFIELD, Mayor

CORRECTLY ENROLLED:


SANDY HART, CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:

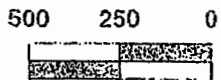

MARK S. HOUSER, City Attorney

CITY OF MCKINNEY
Location Map

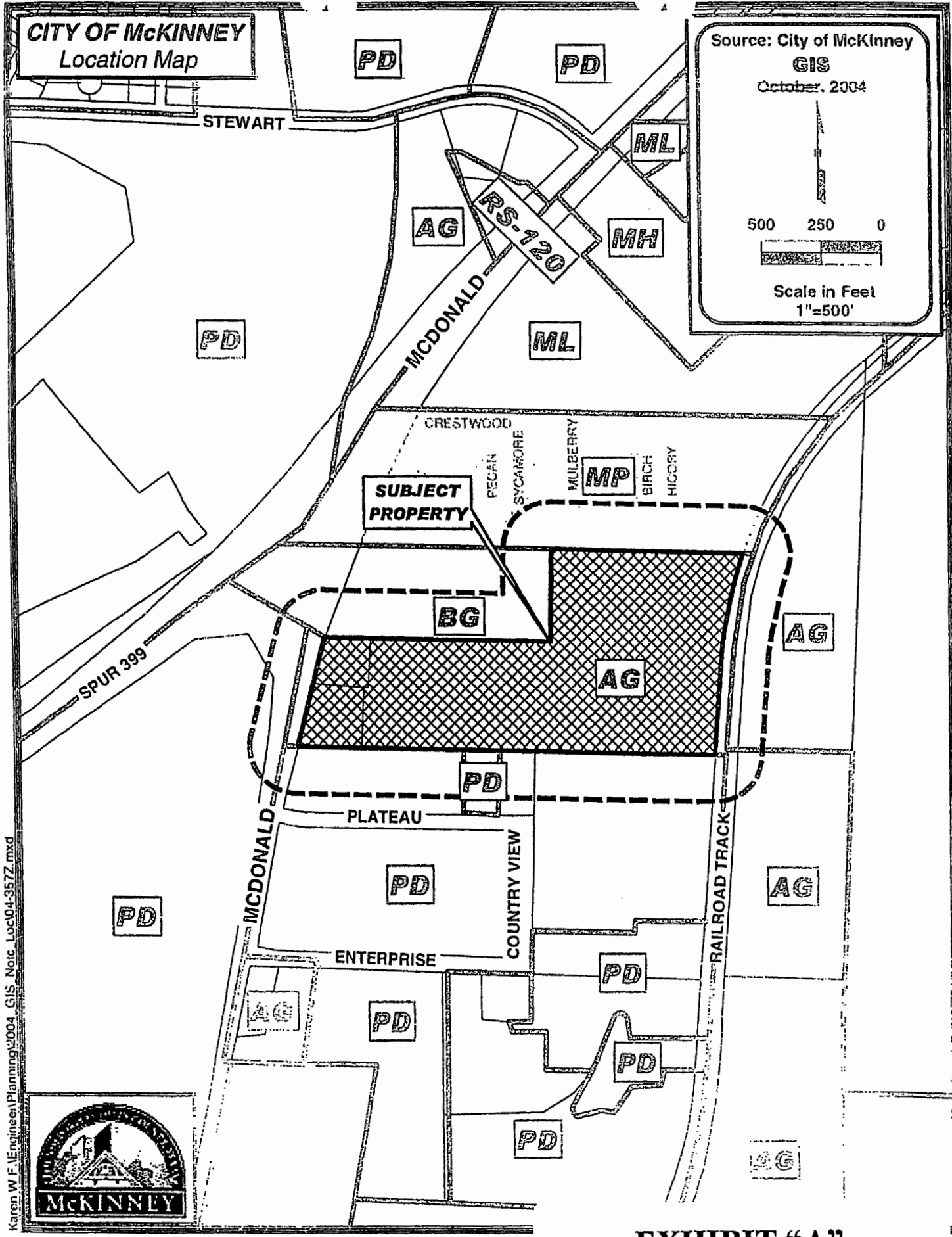
Source: City of McKinney

GIS

October, 2004



Scale in Feet
1"=500'



Karen W.F. Engineering/Planning/2004 GIS Note Loc04-357Z.mxd



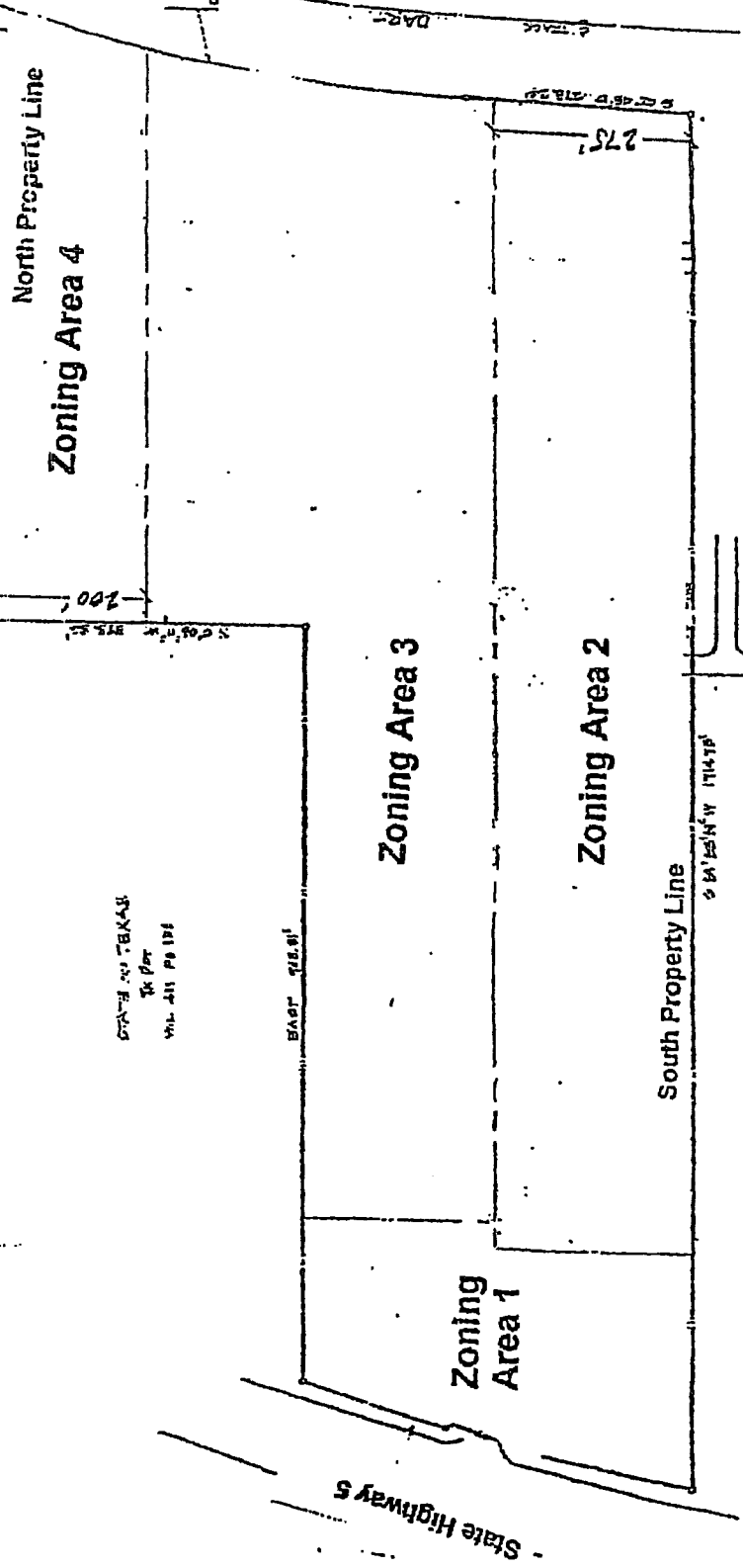
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney and its officials or employees. It is not to be used for any other purpose without the express written consent of the City of McKinney. The City of McKinney makes no warranty, expressed or implied, for the accuracy or completeness of the information shown on this map. The user assumes all liability for any errors or omissions on this map.

EXHIBIT "A"

RECEIVED
DEC - 8 2004

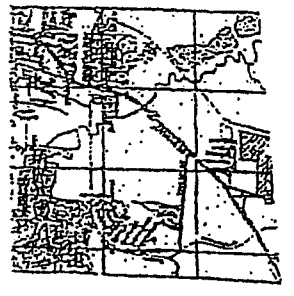
VOL. 6 PG. 61

MANLYN E. SOUTHERN



STATE OF TEXAS
TRUST
VOL. 411 PG. 131

COUNTRY LAKE
VOL. 1 PG. 410



Zoning Area / Plan Exhibit

EXHIBIT "B"