

ORDINANCE NO. 2000-11-092

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 920.001 ACRE TRACT LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), ON THE EAST SIDE OF CUSTER ROAD (F.M. 2478), AND GENERALLY ON THE NORTH SIDE OF VIRGINIA PARKWAY, IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY ALLOWING SINGLE FAMILY RESIDENTIAL USES, MULTIPLE FAMILY RESIDENTIAL USES, OFFICE USES, RETAIL USES, AND OPEN SPACE; 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 920.001 acre tract located on the south side of U.S. Highway 380 (University Drive), on the east side of Custer Road (F.M. 2478), and Generally on the north side of Virginia Parkway, from "PD" – Planned Development District, to "PD" – Planned Development District, generally allowing single family residential uses, multiple family residential uses, office uses, retail uses, and open space; 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, THAT:

Section 1. Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that an approximately 920.001 acre tract located on the south side of U.S. Highway 380 (University Drive), on the east side of Custer Road (F.M. 2478), and generally on the north side of Virginia Parkway, in the City of McKinney, Collin County, Texas, which is depicted in Exhibit "A" attached hereto, is hereby rezoned from its present classification of "PD" – Planned Development District to "PD – Planned Development District allowing single family residential uses, multiple family residential uses, office uses, retail uses, and open space.

Section 2. The tracts comprising the property herein rezoned shall be developed according to the respective regulations specified for each said district in Exhibit "B" attached hereto, and as shown on Exhibit "C". The boundaries of each district are approximate. Final boundaries will be determined by the locations of streets, alleys and other plat lines when the areas are platted in a manner conforming substantially to the tract boundaries and areas shown on Exhibit "C."

Section 4. 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 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 \$2000.00, 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.

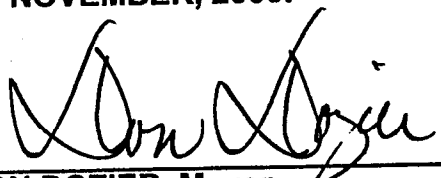
Section 6.

That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, 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.

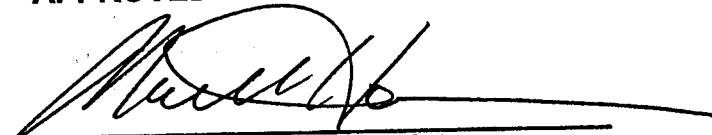
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7TH DAY OF NOVEMBER, 2000.


DON DOZIER, Mayor

ATTEST:


JENNIFER SPROULL, City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

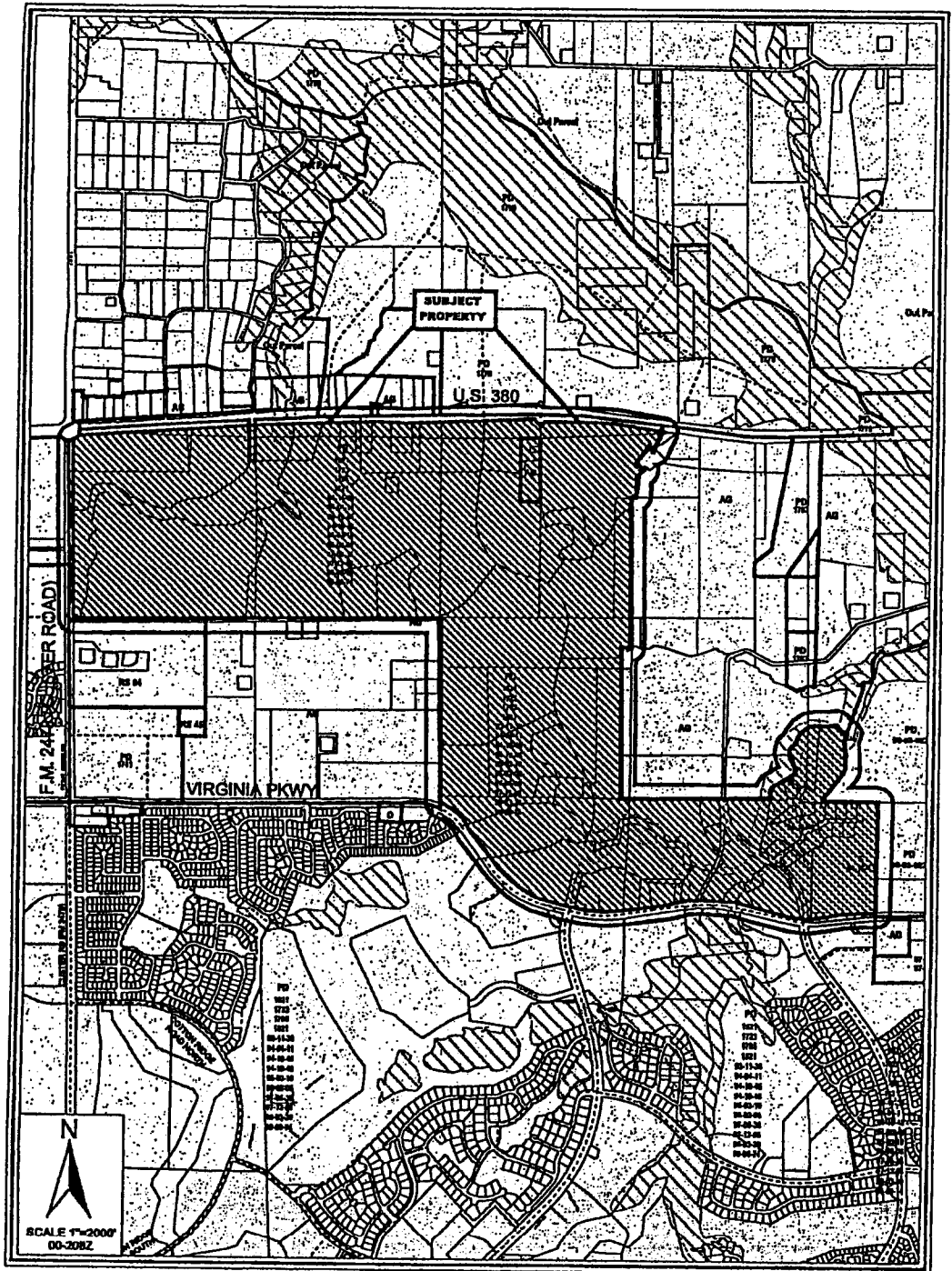


EXHIBIT "A"

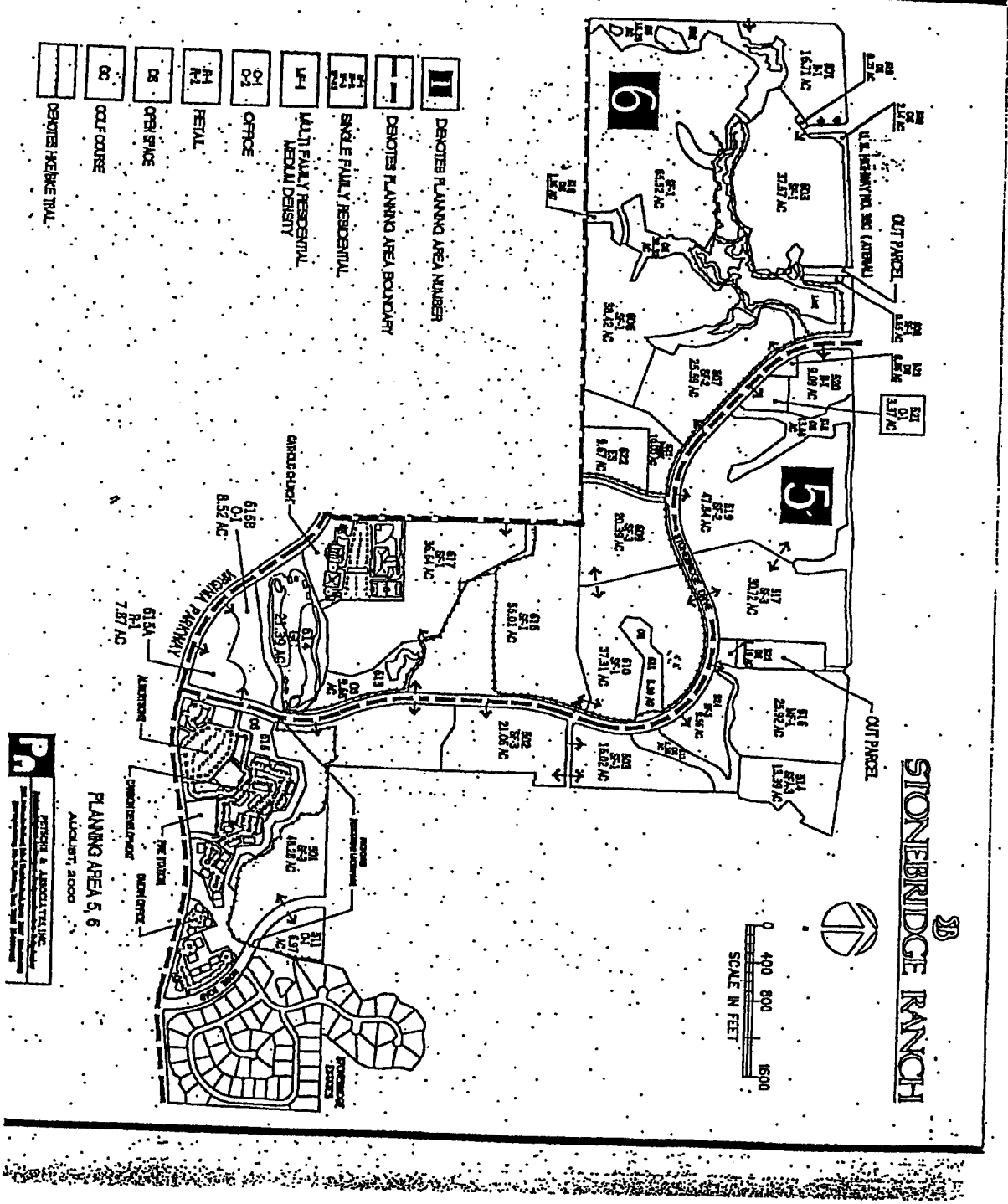


EXHIBIT "C"