

ORDINANCE NO. 2012-09-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-01-005 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 40.63 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF COLT LANE AND BERKLEY DRIVE, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 40.63 acre property, located on the northeast corner of Colt Lane and Berkley Drive, which is more fully depicted on Exhibit A, attached hereto, from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, generally to modify the development standards; 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. 2005-01-005 is hereby amended in order to rezone an approximately 40.63 acre property, located on the northeast corner of Colt Lane and Berkley Drive, from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District.

Section 2. Use and development of the subject property shall conform to the regulations of “PD” - Planned Development District Ordinance No. 2005-01-005 and the “REC” - Regional Employment Center Overlay District, and as amended, except as follows:

- a) For homes with front loading garages, a minimum garage setback of 10 feet shall be provided and measured from the front façade of the home, extended porch, or courtyard that conforms to Exhibit B, attached hereto. The Director of Planning may permit minor deviations from Exhibit B, with regard to shrub species, location, and spacing; as follows:
 - i. Podocarpus (spaced at 3'-0" on center)
 - ii. Nellie R. Stevens Holly (spaced at 4'-0" on center)
 - iii. Wax Myrtle (spaced at 6'-0" on center)
 - iv. Cherry Laurel (spaced at 6'-0" on center)

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. 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 5. 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 6. 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 THE 4th DAY OF SEPTEMBER, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

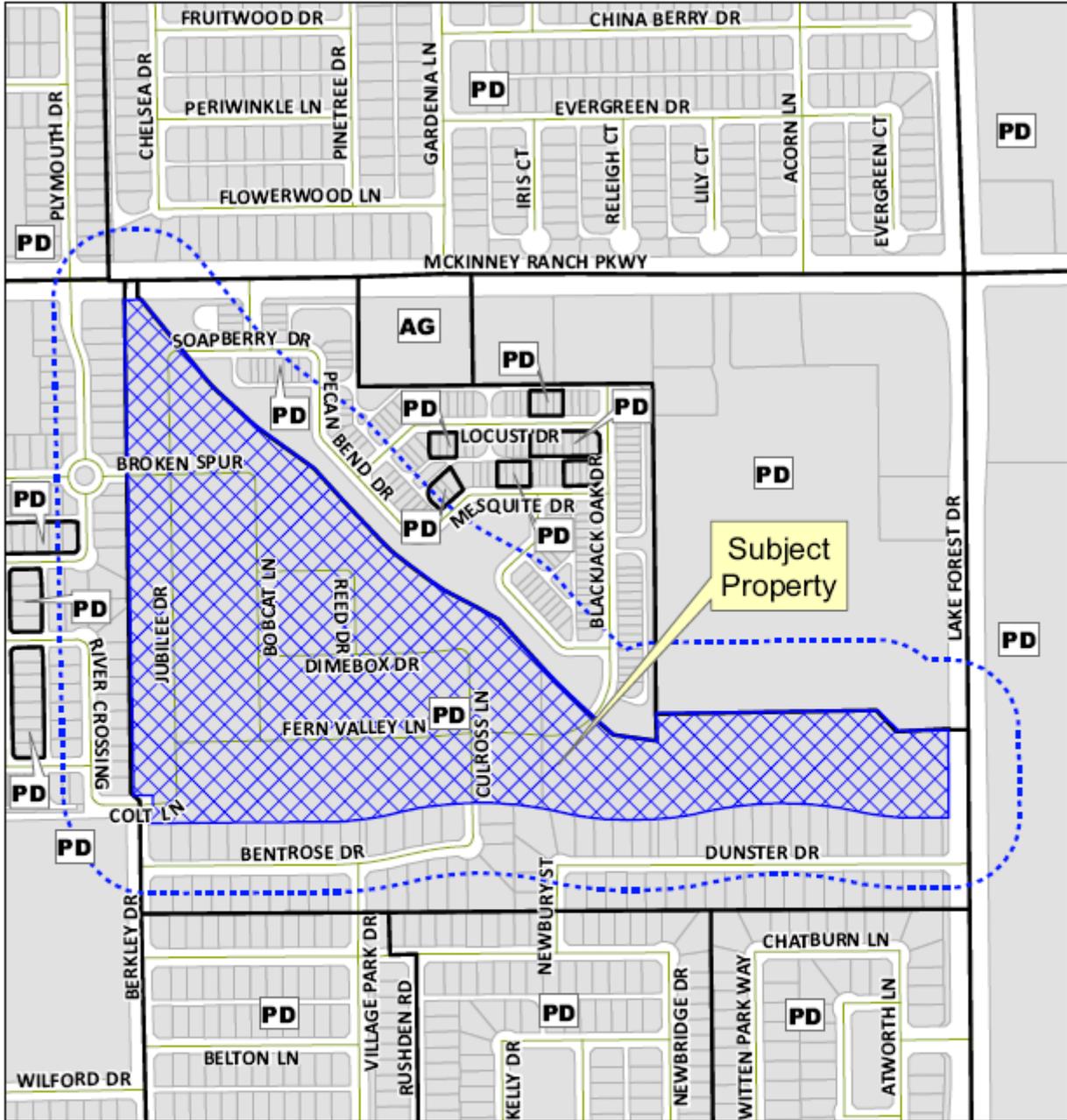
CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

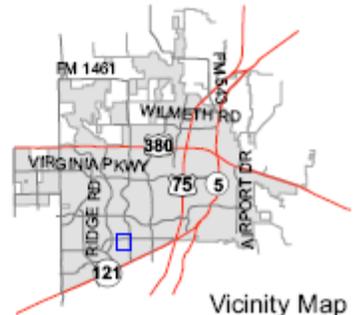
MARK S. HOUSER
City Attorney



Notification Map

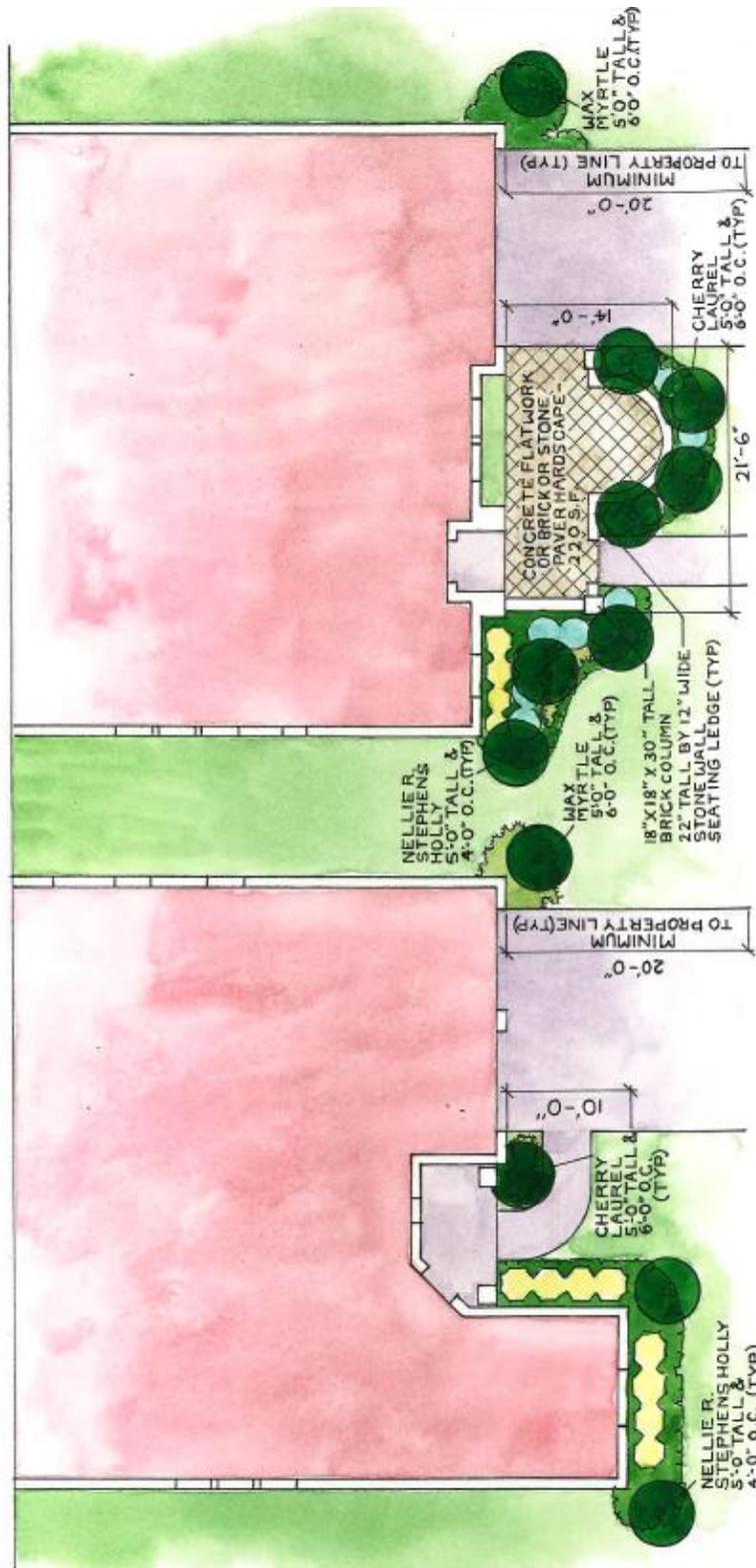
Exhibit A

--- 200' Notification Buffer



Vicinity Map

EXHIBIT A



OPTION 2

OPTION 1

EXHIBIT B



OPTION 4

OPTION 3

EXHIBIT B