

ORDINANCE NO. 2014-04-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.63 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF CUSTER ROAD AND WESTRIDGE BOULEVARD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT 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 0.63 acre property, located on the northwest corner of Custer Road and Westridge Boulevard, which is more fully depicted on Exhibits "A" and "B", attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify 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. The zoning map is hereby amended so that an approximately 0.63 acre property, located on the northwest corner of Custer Road and Westridge Boulevard, which is more fully depicted on Exhibits "A" and "B", attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards.

Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall develop in accordance with Section 146-85 ("BG" – General Business District) of the City of McKinney Zoning Ordinance, and as amended, except as follows:

A. Prohibited Uses:

1. Residential Uses
2. Auto painting or body shop
3. Automobile trailer, light truck, tool rental
4. Automotive sales
5. Motorcycle, boat (sales, repair, storage)
6. Bait Shop
7. Building material sales or monument sales
8. Bus station
9. Cleaning plant, laundry
10. Creamery (dairy products)
11. Farm implement sales and service
12. Frozen food lockers
13. Funeral homes and mortuaries
14. Halfway house
15. Pawnshops
16. Railroad track or right-of-way
17. Recreational vehicle sales

18. Sexually oriented business

- B. The character of any car wash facility on the subject property shall generally conform to the attached renderings, as shown on "Exhibit C", and shall also be subject to the Architectural and Site Standards section of the Zoning Ordinance.
- C. Canopy trees shall be planted along adjacent street frontage at a rate of one (1) tree per 30 linear feet of street frontage with a minimum caliper of 5" (measured 6" above the ground).
- D. Bays or bay doors in conjunction with a single lane, fully automated car wash shall be permitted to be oriented towards Custer Road.

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 15th DAY OF APRIL, 2014.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney