

ORDINANCE NO. 2004-01-002

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 106.2 ACRE TRACT LOCATED ON THE NORTHEAST CORNER OF COUNTY ROAD 154 (ALMA ROAD) AND COUNTY ROAD 152 (RANCH ROAD) IS HEREBY REZONED FROM "C" – PLANNED CENTER, "O" – OFFICE, "RG-18" – MULTI-FAMILY, AND "RS-45" – RESIDENTIAL USES TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR RESIDENTIAL, MULTI-FAMILY, OFFICE, AND RETAIL 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 a 106.2 acre tract located on the northeast corner of County Road 154 (Alma Road) and County Road 152 (Ranch Road) is hereby rezoned from "C" – Planned Center, "O" – Office, "RG-18" – Multi-Family, and "RS-45" – Residential Uses to "PD" – Planned Development District Generally for Residential, Multi-Family, Office, and Retail 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, THAT:

Section 1. Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that a 106.2 acre tract located on the northeast corner of County Road 154 (Alma Road) and County Road 152 (Ranch Road) is hereby rezoned from "C" – Planned Center, "O" – Office, "RG-18" – Multi-Family, and "RS-45" – Residential Uses to "PD" – Planned Development District Generally for Residential, Multi-Family, Office, and Retail uses.

Section 2. Tract 1 shall conform to the regulations of the "RS - 45" – Residential Zoning District, and as amended.

Tract 2 shall conform to the regulations of the "O" – Office District, and as amended.

Tract 3 shall conform to the regulations of the "C" – Planned Center District, and as amended.

Tract 4 shall conform to the regulations of the "RG – 18" – General Residence District, with the following special ordinance provisions:

- Minimum lot size: 1,500 square feet per unit.

Section 3. The subject property shall develop according to the attached Zoning Exhibit "A".

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.

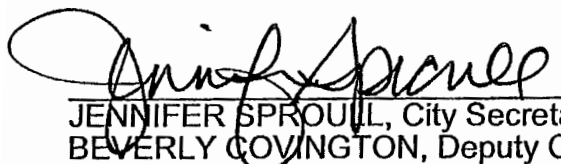
Section 6. That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, 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

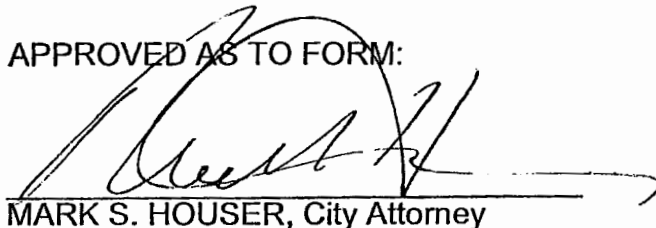
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 6TH DAY OF JANUARY, 2004.


BILL WHITFIELD, Mayor

ATTEST:


JENNIFER SPROULL, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

