

ORDINANCE NO. 2012-10-054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1317, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 5.13 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF SKYLINE DRIVE AND UNIVERSITY DRIVE (U.S. HIGHWAY 380), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO CLARIFY THE APPLICABLE 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 5.13 acre property, located on the northwest corner of Skyline Drive and University Drive (U.S. Highway 380), which is more fully depicted on Exhibit A, attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to clarify the applicable regulations; 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. 1317, and as amended, is hereby amended in order to rezone an approximately 5.13 acre property, located on the northwest corner of Skyline Drive and University Drive (U.S. Highway 380), from "PD" – Planned Development District to "PD" – Planned Development District.
- Section 2. The use and development of the subject property shall conform to the requirements of "PD" – Planned Development District Ordinance Number 1317, and as amended by "PD" Ordinance Numbers 1719 and 2009-06-047 and "CC" – Corridor Commercial Overlay District, except as follows:
- a. The Zoning and Subdivision Ordinance amendments contained within Ordinance Numbers 2010-05-011 and 2010-12-053 shall not apply to the subject property.
- 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.

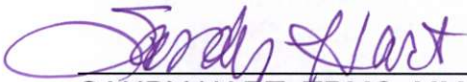
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 16<sup>TH</sup> DAY OF OCTOBER, 2012.**

CITY OF MCKINNEY, TEXAS



BRIAN LOUGHMILLER  
Mayor

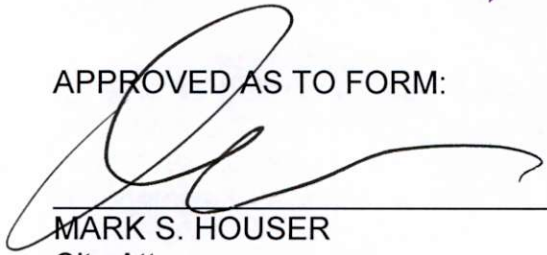
CORRECTLY ENROLLED:



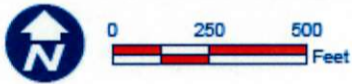
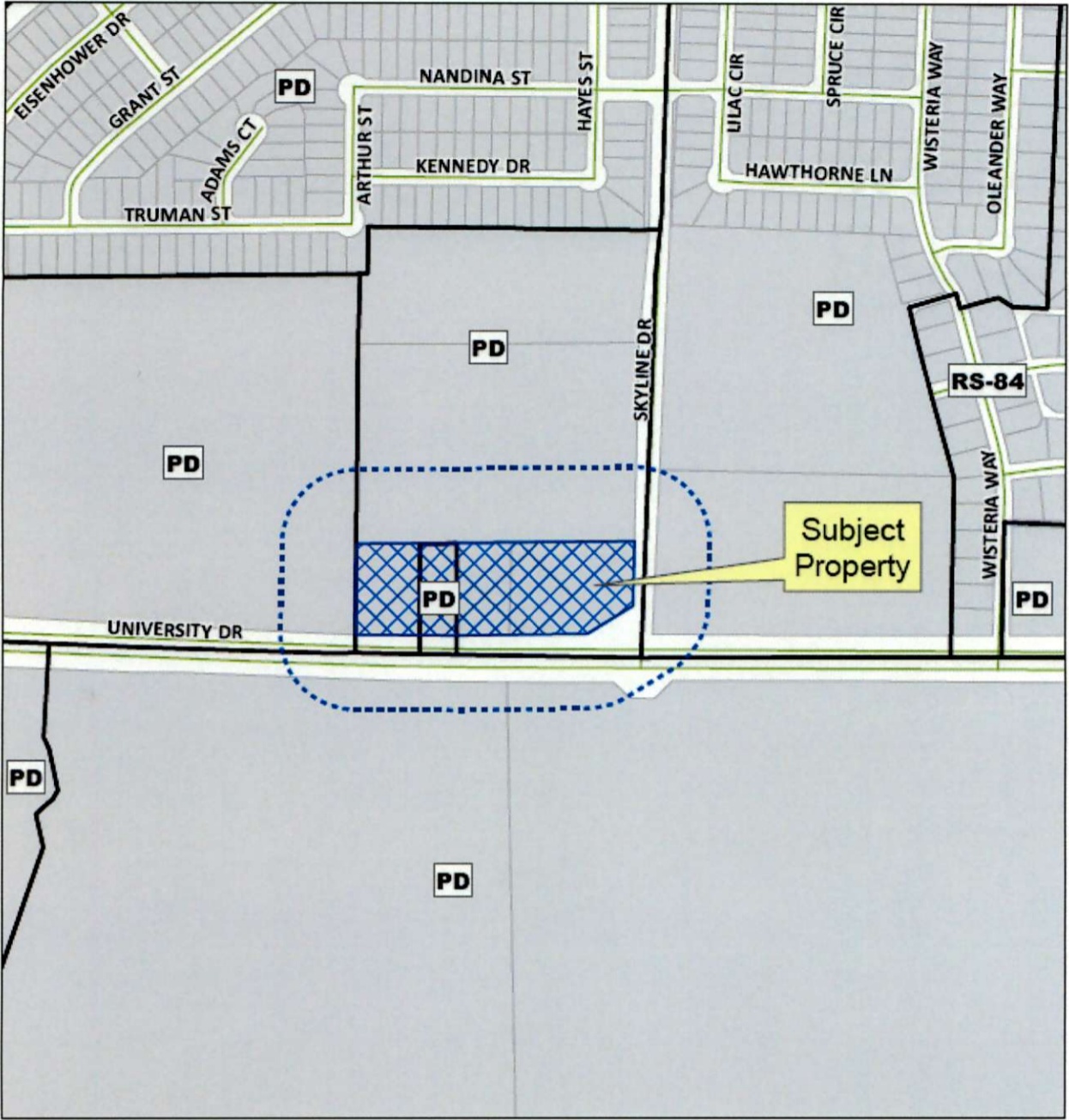
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: October 16, 2012

APPROVED AS TO FORM:



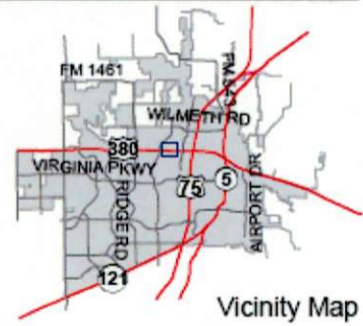
MARK S. HOUSER  
City Attorney



**Notification Map**

Case: 12-174Z

--- 200' Notification Buffer



Vicinity Map

**EXHIBIT A**