

ORDINANCE NO. 2006-02-018

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 01-02-017 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 100 ACRE TRACT LOCATED NORTH OF STATE HIGHWAY 121, EAST OF CUSTER ROAD AND WEST OF ROWLETT CREEK IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT IN ORDER TO REDUCE THE BUILDING HEIGHT REQUIREMENT; 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 100 acre tract located north of State Highway 121, East of Custer Road and West of Rowlett Creek, from "PD" – Planned Development District to "PD" – Planned Development District, in order to reduce the building height requirement, 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. 01-02-017 is hereby amended so that an approximately 100 acre tract located north of State Highway 121, east of Custer Road and west of Rowlett Creek, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned to "PD" – Planned Development District, in order to reduce the building height requirement.

Section 2. Use and development of the subject property shall develop in accordance with Planned Development District Ordinance No. 01-02-017, and as amended by Ordinance Nos. 03-05-050, 04-08-086, and 05-06-066, with the following exceptions:

- (a) The subject property shall be zoned R-8 (as depicted on Exhibit "B").
- (b) All developments in tracts zoned R-8 shall have a minimum of one (1) story and a maximum of (3) stories.

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.

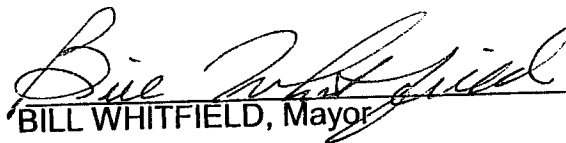
Section 5.

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 THIS 21<sup>st</sup> DAY OF FEBRUARY, 2006.**

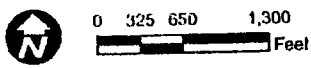
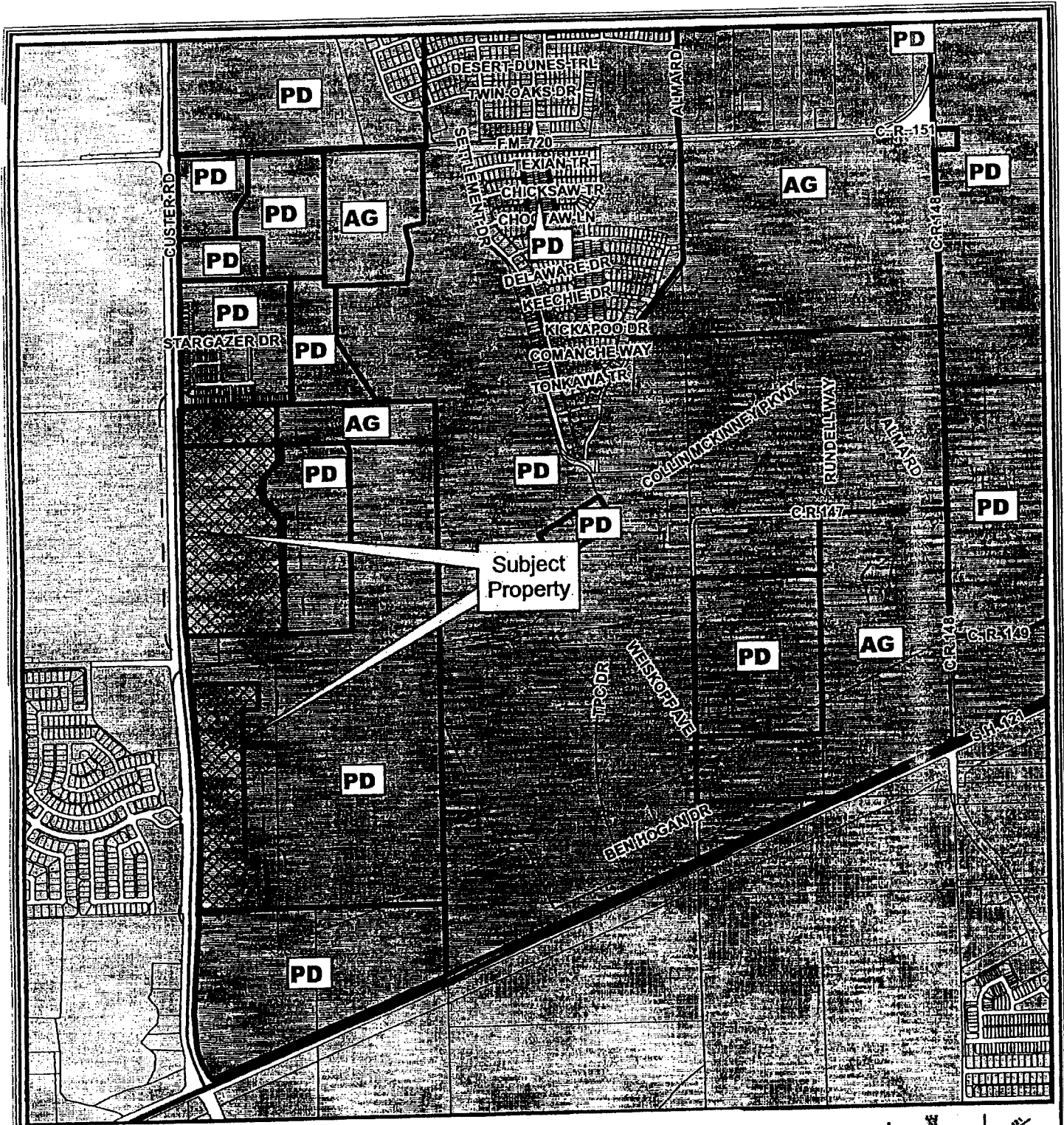
  
BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

  
SANDY HART, CMC  
City Secretary  
BEVERLY COVINGTON  
Deputy City Secretary

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney

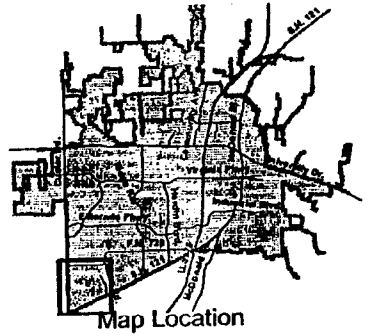


# EXHIBIT "A"

Notice Case #: 05-451Z

R-6018-000-0010-1; R-6018-000-0080-1

--- 200' Notification Buffer



S:\MCKC on\Projects\05-451Z.mxd

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

