

ORDINANCE NO. 2013-02-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 15.56 ACRE PROPERTY, LOCATED APPROXIMATELY 350 FEET NORTH OF POWER HOUSE DRIVE AND ON THE EAST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET), IS REZONED FROM “ML” – LIGHT MANUFACTURING DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND ALLOW FOR A HOMELESS SHELTER AND RELATED USES; 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 15.56 acre property, located approximately 350 feet north of Power House Drive and on the east side of State Highway 5 (McDonald Street), which is more fully depicted on Exhibit A, attached hereto, from “ML” – Light Manufacturing District to “PD” – Planned Development District, generally to modify the development standards and allow for a homeless shelter and related 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:

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 15.56 acre property, located approximately 350 feet north of Power House Drive and on the east side of State Highway 5 (McDonald Street), which is more fully depicted on Exhibit A, attached hereto, from “ML” – Light Manufacturing District to “PD” – Planned Development District, generally to modify the development standards and allow for a homeless shelter and related uses.

Section 2. Use and development of the subject property, more fully depicted on Exhibits “A” and “B”, shall develop in accordance with Section 146-90 (“ML” – Light Manufacturing District) of the Zoning Ordinance, and as amended, except as follows:

- a. Homeless shelter uses shall be permitted on the subject property.
- b. Parking for a homeless shelter shall be provided at a ratio of one parking space per dwelling unit.
- c. No screening shall be required between homeless shelter, daycare, or retail uses on the subject property and adjacent properties.
- d. Any non-industrial uses developed on the subject property shall be subject to the “other non-residential uses in non-industrial districts” standards as specified in Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended.
- e. One canopy tree shall be provided for every 30 linear feet along State Highway 5 (McDonald Street) and may be clustered to enhance visibility of retail uses.

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 19TH DAY OF FEBRUARY, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

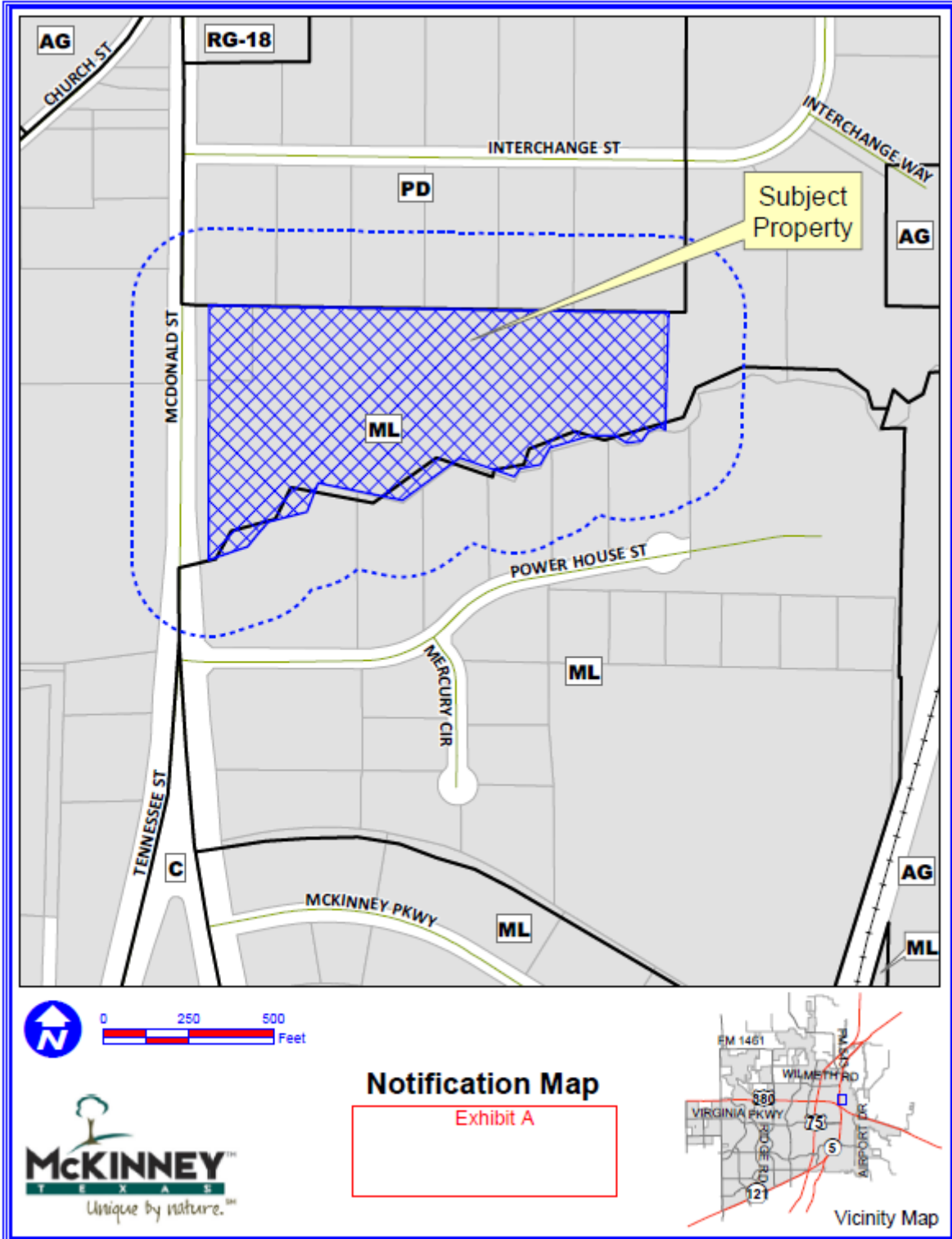
SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A



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.

