

ORDINANCE NO. 2013-11-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 3.56 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF ROCKHILL ROAD AND NORTH BROOK DRIVE, 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 3.56 acre property, located on the southeast corner of Rockhill Road and North Brook Drive, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the 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 in order to rezone an approximately 3.56 acre property, located on the southeast corner of Rockhill Road and North Brook Drive, which is more fully depicted on Exhibits "A" and "B", attached hereto, 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 146-90 ("ML" – Light Manufacturing District) of the City of McKinney Zoning Ordinance, and as amended, except as follows:

a. The uses on the subject property shall be limited to the following:

1. Accessory building or use
2. Auto parts sales (indoor)
3. Banks and financial institutions
4. Barber or beauty shops
5. Building materials sales or monument sales
6. Carpentry or sign shop
7. Church, rectory, or other place of worship
8. Cleaning shop and pressing (small shop and pickup)
9. Day care
10. Laboratories (medical, dental, science)
11. Museum, library, art gallery (public)
12. Office building
13. Office supplies
14. Office use
15. Offices with showrooms
16. School, business, or trade
17. Studios (photo, music, art, health, etc.)
18. Upholstery shop

19. Warehousing

- b. The development of the subject property shall generally conform to the attached concept plan, Exhibit "C".
- c. The development of the subject property shall generally conform to the character of the attached elevations, Exhibit "D", and shall follow the architectural standards for industrial uses in industrial districts (Section 146-139 of the Zoning Ordinance).

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 5TH DAY OF NOVEMBER, 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