

ORDINANCE NO. 2013-09-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2000-09-064 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 3.15 ACRE PROPERTY, LOCATED APPROXIMATELY 1,500 FEET EAST OF LAKE FOREST DRIVE AND ON THE SOUTH SIDE OF FUTURE COLLIN MCKINNEY PARKWAY, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT, “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT, TO ALLOW FOR A SUPPORT TOWER FOR CELLULAR COMMUNICATION ANTENNAS; 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 3.15 acre property, located approximately 1,500 feet east of Lake Forest Drive and on the south side of Future Collin McKinney Parkway, which is more fully depicted on Exhibit “A”, attached hereto, from “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District, to allow for a support tower for cellular communication antennas; 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. 2000-09-064 is hereby amended in order to rezone an approximately 3.15 acre property located approximately 1,500 feet east of Lake Forest Drive and on the south side of Future Collin McKinney Parkway, which is more fully depicted on Exhibit “A”, attached hereto, from “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District, “REC” – Regional Employment Center Overlay District, and “CC” – Corridor Commercial Overlay District, to allow for a support tower for cellular communication antennas.

Section 2. Use and development of the subject property, more fully depicted on Exhibits “B” and “C”, shall develop in accordance with “PD” – Planned Development District Ordinance No. 2000-09-064, except as follows:

1. Support tower for cellular communication antennas shall be an allowed use.
2. The development of a support tower for cellular communication antennas on the subject property shall generally conform to Exhibits “B” and “C”.
3. The support tower for communication antennas shall be a maximum height of 110 feet and be located less than three times the height of the support structure from any property line as shown on the attached

Exhibits "B" and "C".

4. The masonry screening wall around the perimeter of the support tower for cellular communications antennas shall be ten feet in height as shown on the attached Exhibit "C".
5. The support tower for communication antennas shall be of stealth monopole design as shown on the attached Exhibit "C".
6. The support tower for cellular communication antennas shall be designed with canister spaces for three additional carriers.

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 3RD DAY OF SEPTEMBER, 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