

**ORDINANCE NO. 2013-04-XXX**

**AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT APPROXIMATELY 262 ACRES OF PROPERTY, LOCATED IN THE AREA GENERALLY EAST OF BENGE STREET, WEST OF CARVER STREET, SOUTH OF WATT STREET AND NORTH OF STANDIFER STREET AS WELL AS IN THE AREA GENERALLY EAST OF MCDONALD STREET, SOUTH OF ELM STREET, AND WEST OF THE DALLAS AREA RAPID TRANSIT RAIL RIGHT-OF-WAY, IS REZONED FROM “AG” – AGRICULTURAL DISTRICT, “RS 60” – SINGLE FAMILY RESIDENCE DISTRICT, “RG 18” – GENERAL RESIDENCE DISTRICT, “BG” – GENERAL BUSINESS DISTRICT, “BN” – NEIGHBORHOOD BUSINESS DISTRICT, “CHD” – COMMERCIAL HISTORIC DISTRICT, “GC” – GOVERNMENTAL COMPLEX DISTRICT, “MH” – HEAVY MANUFACTURING DISTRICT, “ML” – LIGHT MANUFACTURING DISTRICT, “PD” – PLANNED DEVELOPMENT DISTRICT AND “H” – HISTORIC PRESERVATION OVERLAY DISTRICT TO “MTC” – MCKINNEY TOWN CENTER DISTRICT, “CHD” – COMMERCIAL HISTORIC OVERLAY DISTRICT, AND “H” – HISTORIC PRESERVATION OVERLAY DISTRICT; 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 approximately 262 acres of property, located in the area generally east of Benge Street, west of Carver Street, south of Watt Street and north of Standifer Street as well as in the area generally east of McDonald Street, south of Elm Street, and west of the Dallas Area Rapid Transit Rail Right-of-Way, from “AG” - Agricultural District, “RS 60” – Single Family Residence District, “RG 18” – General Residence District, “BG” – General Business District, “BN” – Neighborhood Business District, “CHD” – Commercial Historic District, “GC” – Governmental Complex District, “MH” – Heavy Manufacturing District, “ML” – Light Manufacturing District, “PD” – Planned Development District and “H” – Historic Preservation Overlay District to “MTC” – McKinney Town Center District, “CHD” – Commercial Historic Overlay District and “H” – Historic Preservation Overlay District,

**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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

Section 1. Ordinance No. 1270 is hereby amended so that approximately 262 acres of property, located in the area generally east of Benge Street, west of Carver Street, south of Watt Street and north of Standifer Street as well as in the area generally east of McDonald Street, south of Elm Street, and west of the Dallas Area Rapid Transit Rail Right-of-Way, which is more fully depicted on Exhibit “A” attached hereto, is hereby rezoned from “AG” - Agricultural District, “RS 60” – Single Family Residence District, “RG 18” – General Residence District, “BG” – General Business District, “BN” – Neighborhood Business District, “CHD” – Commercial Historic District, “GC” – Governmental Complex District, “MH” – Heavy Manufacturing District, “ML” – Light Manufacturing District, “PD” – Planned Development District and “H” – Historic Preservation Overlay District to “MTC” – McKinney Town Center District, “CHD” – Commercial Historic Overlay District and “H” – Historic Preservation Overlay District.

- Section 2. Use and development of the subject property shall be in accordance with the “MTC” – McKinney Town Center District (Section 146-95 and Appendix G) of the City of McKinney Zoning Regulations, and as amended, the “CHD” – Commercial Historic Overlay District (Section 146-96) of the City of McKinney Zoning Regulations, and as amended, and the “H” – Historic Preservation Overlay District (Section 146-97) of the City of McKinney Zoning Regulations, and as amended as reflected on Exhibit “B,” attached hereto.
- 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 22nd DAY OF APRIL, 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