

ORDINANCE NO. 2005-02-015

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 4.04 ACRE TRACT, LOCATED ON THE EAST SIDE OF STATE HIGHWAY 5 (McDONALD STREET), APPROXIMATELY 1,500 FEET NORTH OF THE INTERSECTION OF STATE HIGHWAY 5 (McDONALD STREET) AND WILMETH ROAD IS HEREBY REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR COMMERCIAL USES; 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 4.04 acre tract located on the east side of State Highway 5 (McDonald Street), approximately 1,500 feet north of the intersection of State Highway 5 (McDonald Street) and Wilmeth Road, from "AG" – Agricultural District to "PD" – Planned Development District, generally for commercial 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, THAT:

Section 1. Zoning Ordinance No. 1270, and as amended, of the City of McKinney is hereby amended so that an approximately 4.04 acre tract located on the east side of State Highway 5 (McDonald Street), approximately 1,500 feet north of the intersection of State Highway 5 (McDonald Street) and Wilmeth Road, which is more fully depicted on Exhibit "A" attached hereto, is rezoned from "AG" – Agricultural District to "PD" – Planned Development District, generally for commercial uses.

Section 2.

The subject property shall develop subject to the "C" – Planned Center District regulations as set forth in Section 41-81 of the Zoning Ordinance with the following exceptions:

- a. All "C" – Planned Center District uses be allowed, except the following:
 - i. Auto Glass, Muffler, or Brake Shop
 - ii. Boat Repair
 - iii. Garage, Auto Repair
 - iv. Mobile Home Display and Sales
 - v. Motorcycle Repair
- b. A minimum six foot (6') high brick masonry, stone masonry, or other architectural masonry finish screening wall be provided along the common property lines with adjacent residential uses at the time the subject property develops into a commercial use.
- c. A landscaped area of at least ten feet (10') in width be provided along the common property lines with adjacent residential uses, planted with one (1) large tree (minimum 3" in caliper and 7' in height at time of planting) for every thirty (30) linear feet of adjacent exposure.

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 \$2000.00, 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.

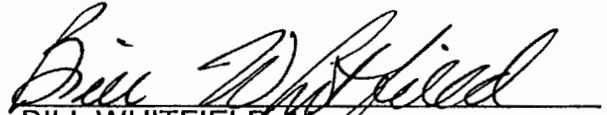
That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, 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 1ST DAY OF FEBRUARY, 2005.


BILL WHITFIELD, Mayor

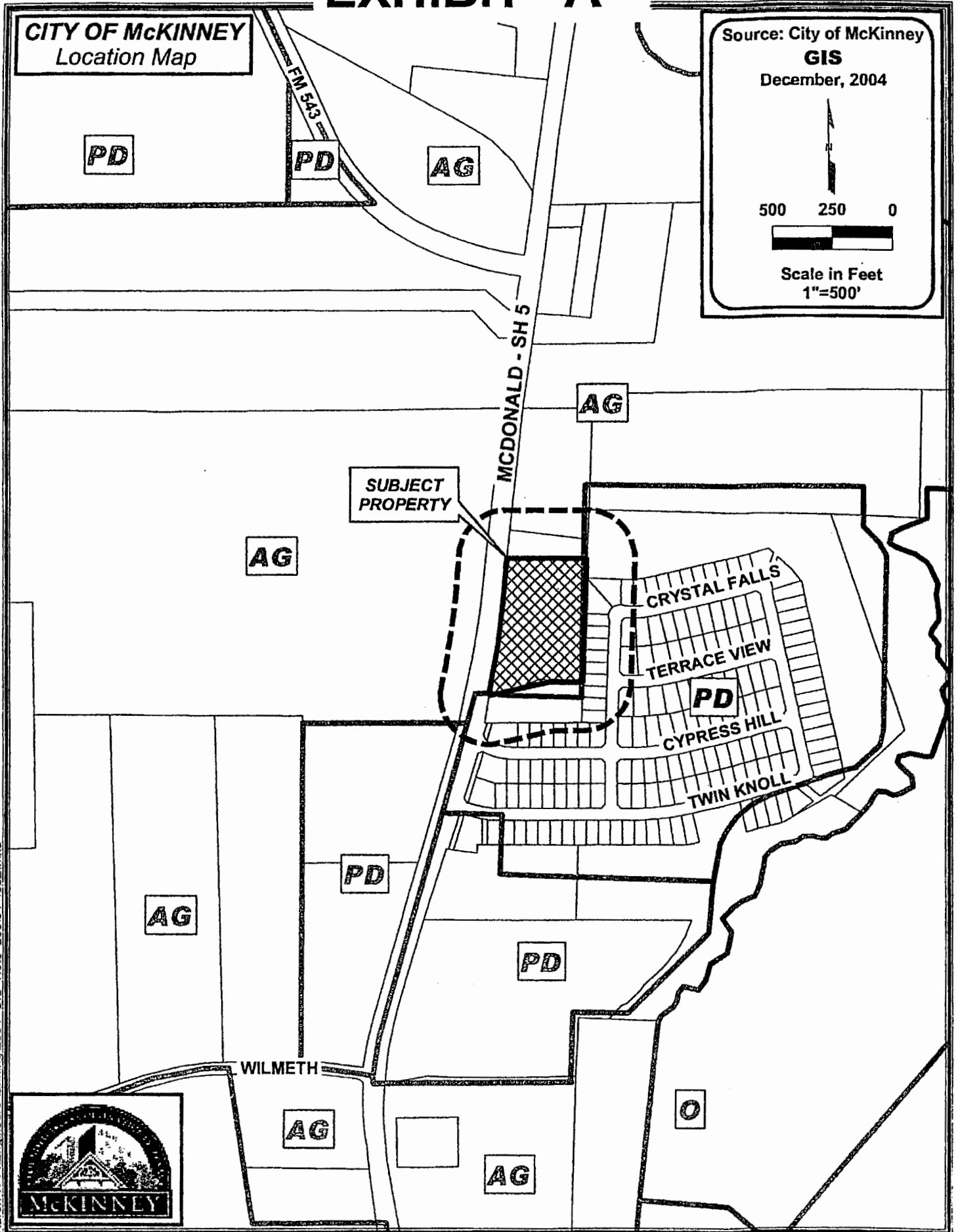
ATTEST:


SANDY HART, CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

EXHIBIT "A"



Karen.W.F:\Engineer\Planning\2004_GIS_Note_Loc04-408Z.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.