

ORDINANCE NO. 2002-03-021

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 71.20 ACRE TRACT LOCATED ON THE WEST SIDE OF COMMUNITY AVENUE, AND ON THE NORTH SIDE OF COUNTY ROAD 201, IS HEREBY REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT (ORDINANCE NO. 1703), TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY ALLOWING SINGLE FAMILY RESIDENTIAL USES, COMMERCIAL USES, AND OFFICE 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 71.20 acre tract located on the west side of Community Avenue, and on the north side of County Road 201, from "PD" – Planned Development District (Ordinance No. 1703), to "PD" – Planned Development District, generally allowing single family residential uses, commercial uses, and office 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 of the City of McKinney is hereby amended so that an approximately 71.20 acre tract located on the west side of Community Avenue, and on the north side of County Road 201, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from its present classification of "PD" – Planned Development District (Ordinance No. 1703) to "PD – Planned Development District allowing single family residential uses, commercial uses, and office uses.

Section 2. The tracts comprising the property herein rezoned and designated on the "Zoning Exhibit" of the property attached hereto as Exhibit "B," shall be developed according to the respective regulations specified for each said district in Section 3 hereof. The boundaries of each district are approximate. Final boundaries will be determined by the locations of streets, alleys and other plat lines when the areas are platted in a manner conforming substantially to the tract boundaries and areas shown on the Zoning Exhibit.

Section 3. Use and development of the subject property shall conform to the development standards listed below:

1. The 21.5 acre tract of land on the south side of Bloomdale Road develop as single family residential, as follows:
  - At least 30% of the single family residential lots should develop according to the "RS-84" – Single Family Residence District of Zoning Ordinance No. 1270, as amended. These lots should generally be located adjacent to the lots within the Creek Hollow residential subdivision.
  - The remaining single family residential lots should develop according to the "RS-60" – Single Family Residence District of Zoning Ordinance No. 1270, as amended, with a church as an additional permitted use.
2. The 4.1 acre tract of land on the south side of Bloomdale Road be developed according to the "O-1" – Neighborhood Office District of Zoning Ordinance No. 1270, as amended.
3. The 18.1 acre tract of land designated for retail develop according to the "C" – Planned Center District of Zoning Ordinance No. 1270, as amended.
4. The 22.8 acre tract designated for office develop according to the "O" – Office District of Zoning Ordinance No. 1270, as amended, with the following additional permitted uses:
  - a. office/office showroom
  - b. office/office warehouse
  - c. self-storage/mini-warehouses
  - d. commercial amusements, both indoor and outdoor
  - e. automobile and boat storage

Section 4. 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 5. 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 6. 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.

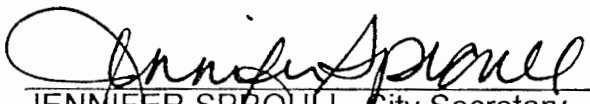
Section 7.

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 5<sup>th</sup> DAY OF MARCH, 2002.**

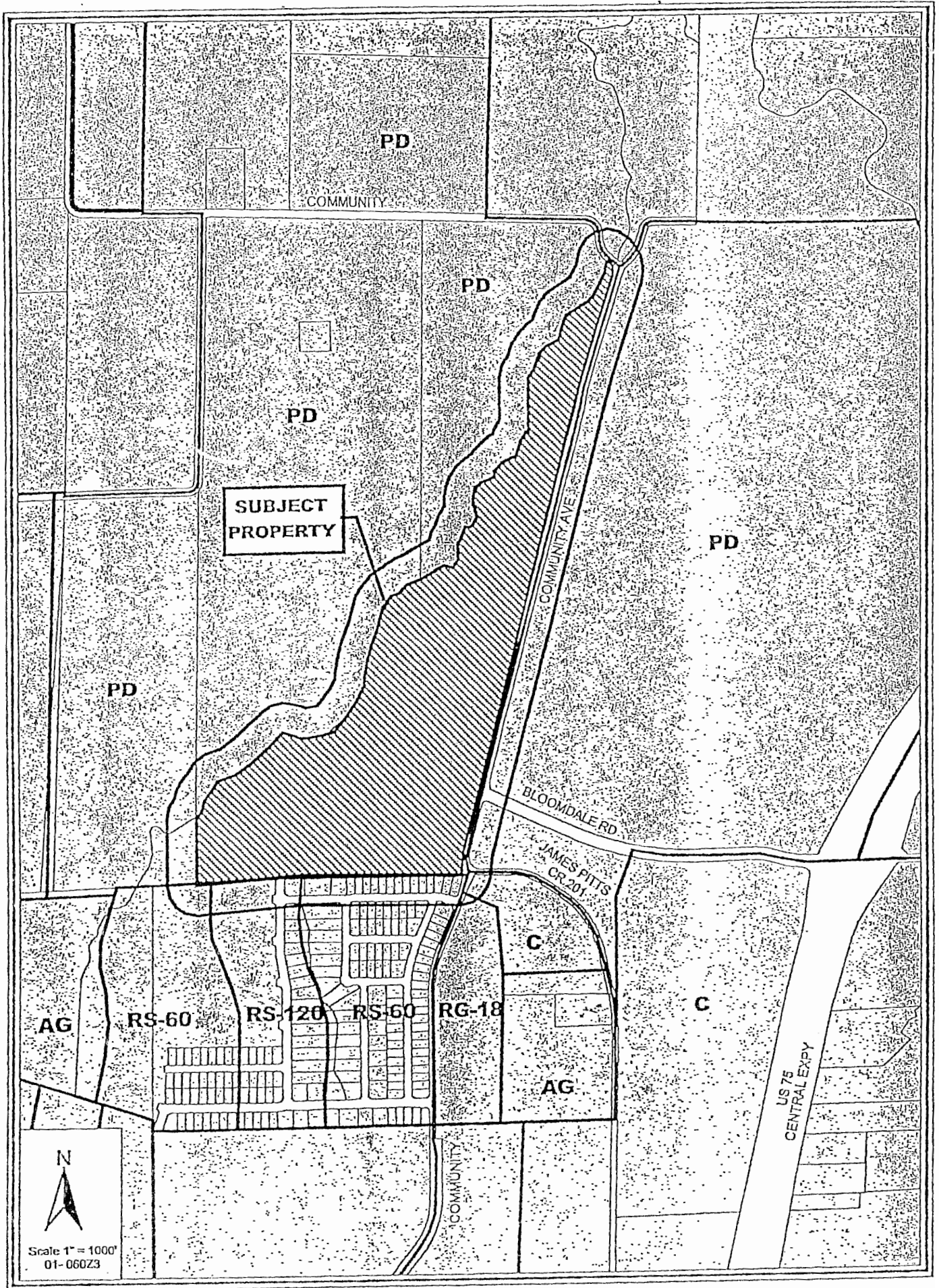
  
DON DOZIER, Mayor

ATTEST:

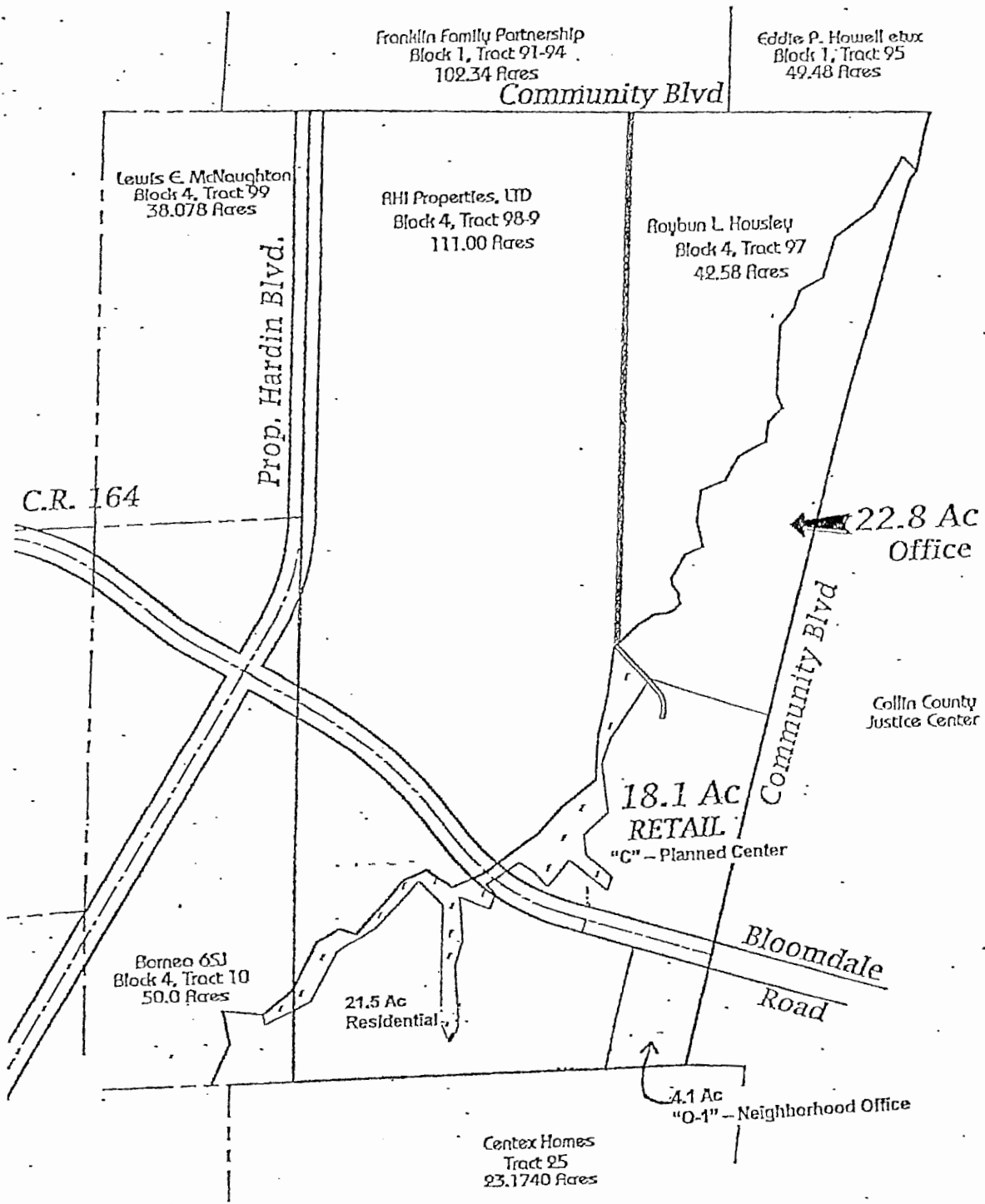
  
JENNIFER SPROULL, City Secretary  
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



**EXHIBIT "A"**



**EXHIBIT "B"**