

ORDINANCE NO. 2011 - __ - __

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.89 ACRE PROPERTY, LOCATED APPROXIMATELY 400 FEET EAST OF GRAVES STREET AND APPROXIMATELY 500 FEET SOUTH OF CORPORATE DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW OPEN STORAGE; 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 1.89 acre property, located approximately 400 feet east of Graves Street and approximately 500 feet south of Corporate Drive, be rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow open storage, 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 1.89 acre property, located approximately 400 feet east of Graves Street and approximately 500 feet south of Corporate Drive, be rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow open storage, which is more fully depicted on Exhibit A, attached hereto, is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to allow open storage.

Section 2. Use and development of the subject property (1.98 acres), more fully depicted on Exhibit A, shall conform to the following regulations:

1. The subject property develop according to "PD" – Planned Development District Ordinance No. 1563, except as follows:
 - a. Open storage shall be an allowed use on the subject property.
 - b. Portable storage containers shall be allowed to be stored on the subject property, not to exceed eight (8) feet in height, and shall be screened with a living plant screen of Nellie R. Stevens shrubs, spaced five (5) feet on center and a minimum of three (3) feet in height at the time of planting.
 - c. The screening of all other open storage items shall require a continuous and solid living screen with a minimum height of seven (7) feet or the screening device shall comply with Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance, and as amended. All other open storage shall also be stacked no higher than one foot below the top of the screening wall or visual barrier.
 - d. The subject property generally develop according to the proposed zoning exhibit.

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 1st DAY OF MARCH, 2011.

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