

ORDINANCE NO. 2007-04-038

AN ORDINANCE AMENDING ORDINANCE NO. 1270, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 1.07 ACRE PROPERTY, LOCATED APPROXIMATELY 800 FEET SOUTH OF CORPORATE DRIVE AND APPROXIMATELY 825 FEET EAST OF GRAVES STREET, IS ZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, TO ALLOW OPEN STORAGE AS AN ADDITIONAL USE; 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 request to rezone approximately 1.07 acres from "PD" – Planning Development District to "PD" – Planned Development District, to allow open storage as an additional use, 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. 1563 is hereby amended so that a 1.07 acre property Located Approximately 800 Feet South of Corporate Drive, and Approximately 825 Feet East of Graves Street, which is more fully depicted of Exhibit "A", attached hereto is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District to allow open storage as an additional use.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. The use and development of the subject property shall conform to "PD" – Planned Development District 1563, and as amended, except as follows:
  - a. Open storage shall be an allowed use on the subject property;

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 THIS 17<sup>th</sup> DAY OF APRIL, 2007.**



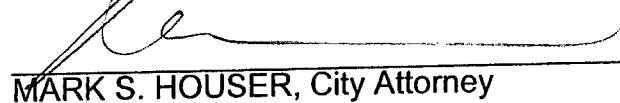
BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:

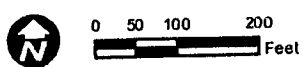
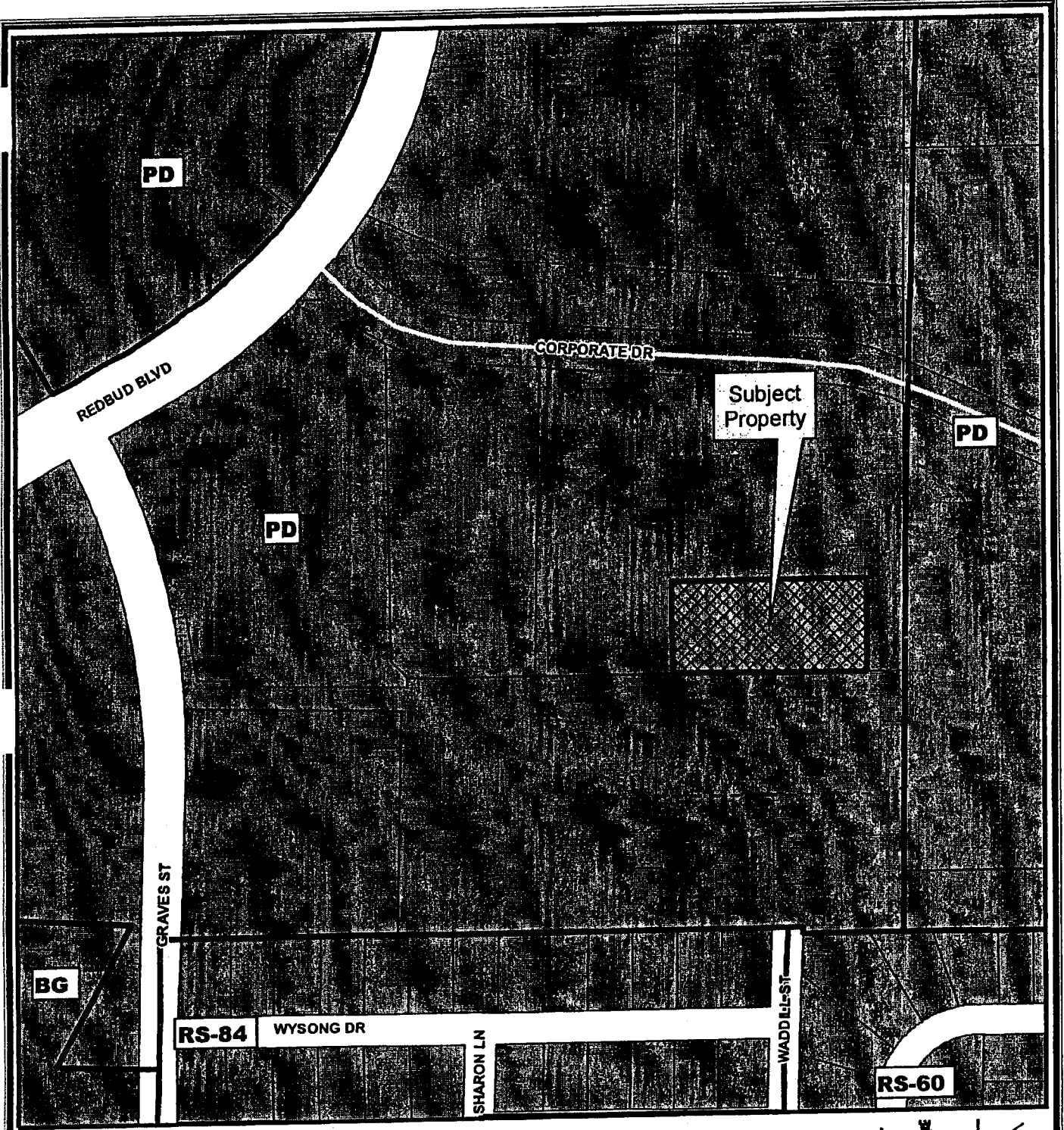


SANDY HART, CMC, City Secretary  
BEVERLY COVINGTON, CMC, Deputy City Secretary

APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney



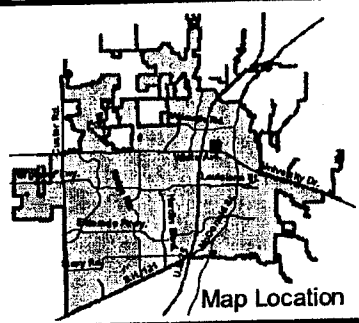
**Notification Case**

Notice Case #: 07-084Z

R-2161-00E-2RC2-1

--- 200' Notification Buffer

**EXHIBIT "A"**



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