

ORDINANCE NO. 2014-03-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2011-01-002 THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 59.96 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF BOIS D'ARC ROAD AND APPROXIMATELY 800 FEET WEST OF JORDAN ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 59.96 acre property, located on the south side of Bois D'Arc Road and approximately 800 feet west of Jordan Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards; 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. 2011-01-002 is hereby amended so that an approximately 59.96 acre property, located on the south side of Bois D'Arc Road and approximately 800 feet west of Jordan Road, which is more fully depicted on Exhibits "A" and "B", attached hereto, is rezoned from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards.

Section 2. Use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall be develop in accordance with "PD" – Planned Development District Ordinance No. 2011-01-002, except as follows:

1. A maximum of 13 portable buildings be allowed on the subject property generally in the locations shown on attached Site Plan - Exhibit "C".
2. Gates shall generally be placed in the locations shown on attached Fencing - Exhibit "D".
3. Eight (8) Knock Out Rose shrubs and eight (8) Holly shrubs (2 feet at time of planting, placed 3 feet on center) will be planted along the south of the two proposed portable buildings.
4. Two (2) Crepe Myrtle trees (spaced 10 feet apart, 5 feet tall, 2 inches in caliper at time of planting) and 8 Knock Out Rose shrubs (2 feet at time of planting, placed 3 feet on center) will be planted along the west side of the proposed storage building, shown on attached Site Plan - Exhibit "C".

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 18th DAY OF MARCH, 2014.

CITY OF MCKINNEY, TEXAS

TRAVIS USSERY
Mayor Pro Tem

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney