

ORDINANCE NO. 98-02-12

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 3-ACRE AREA LOCATED NORTH OF WILLIE STREET, SOUTH OF PINE STREET, BETWEEN COLLEGE STREET AND PARKER STREET, IS REZONED FROM "BN" - NEIGHBORHOOD BUSINESS DISTRICT TO A "PD" - PLANNED DEVELOPMENT DISTRICT FOR OFFICE AND MULTIPLE FAMILY DEVELOPMENT; 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 3-acre area located north of Willie Street, south of Pine Street, between College Street and Parker Street, in the City of McKinney, Collin County, Texas, from "BN" - Neighborhood Business District to a "PD" - Planned Development District, as provided for in the City of McKinney Zoning Ordinance 1270, and,

WHEREAS, after due notice of the requested zoning 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. The Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that said approximately 3-acre area located north of Willie Street, south of Pine Street, between College Street and Parker Street, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from its present classifications of "BN" - Neighborhood Business District to "PD" - Planned Development District.

Section 2. Use and development of subject property shall conform to all regulations applicable to an "O" - Office District, except as follows:

1. Principal permitted uses - In addition to those allowed in an "O" - Office District, uses allowed in an "RG-18" General Residence District, when established according to the regulations applicable to the RG-18 District.
2. Space Limits shall be those applicable to a "BN" - Neighborhood Business District, except as follows:
 - (a) Maximum height of building: Three (3) stories or forty feet (40'), whichever is less
 - (b) Yard adjacent to a street: Equal to the height of the building, but not less than twenty-five feet (25')

- (c) Interior side yard: None, except fifteen feet (15') where abutting any district requiring a side yard

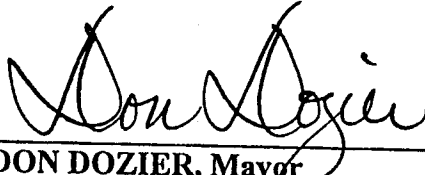
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this 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 therefor, 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.

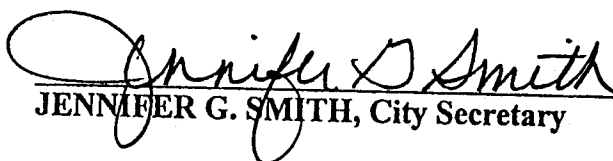
Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, 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.

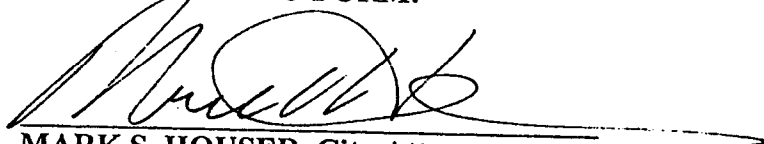
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 17th DAY OF February, 1998.


DON DOZIER, Mayor

ATTEST:


JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

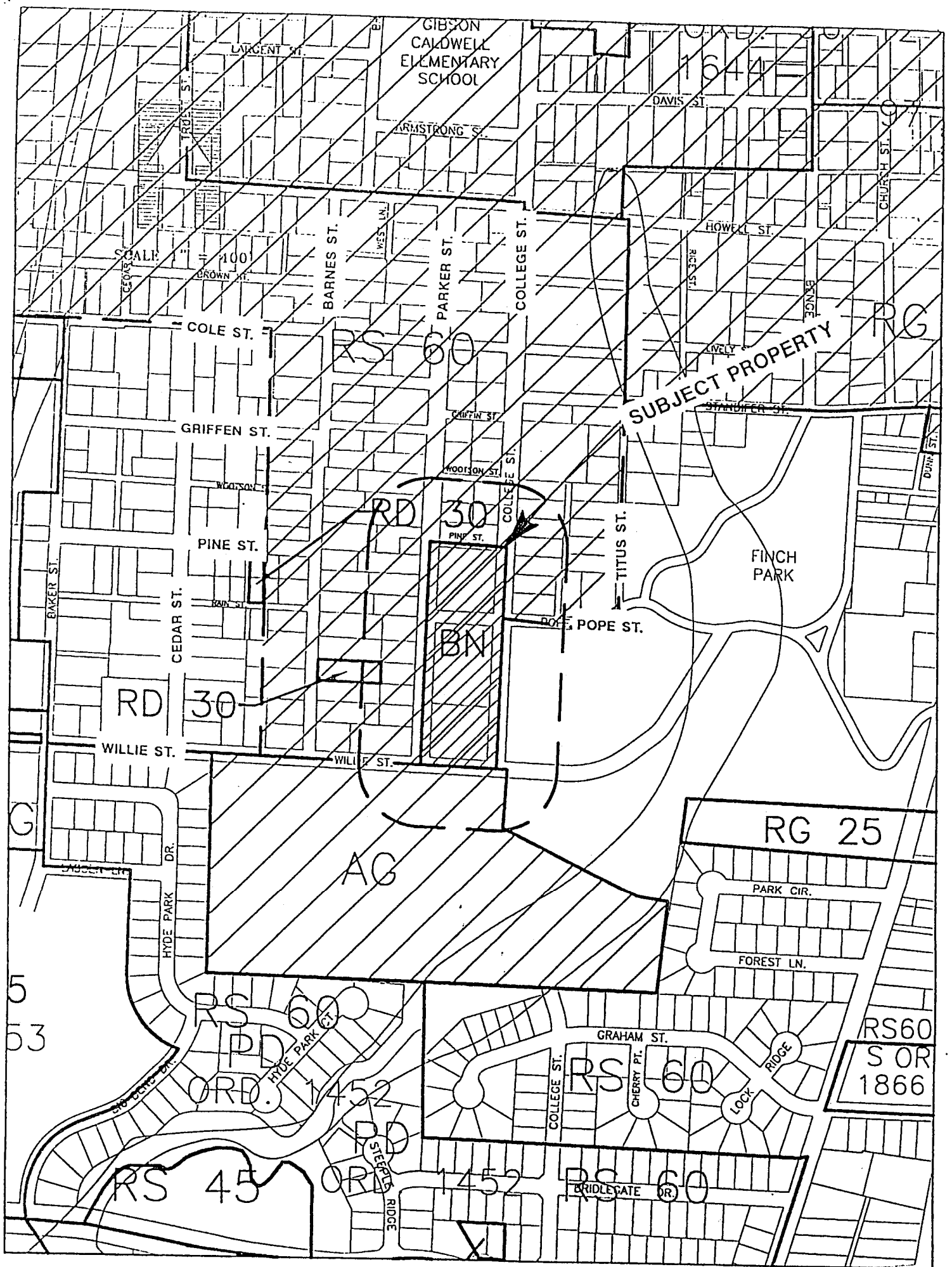


EXHIBIT "A"