

**ORDINANCE NO. 2014-03-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 10.79 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF WILMETH ROAD AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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 10.79 acre property, located on the southeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay 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. The zoning map is hereby amended so that an approximately 10.79 acre property, located on the southeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), which is more fully depicted on Exhibits "A" and "B", attached hereto, from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, generally to modify the development standards.

Section 2. Use and development of the subject property shall conform to the regulations of Section 146-86 "C" – Planned Center District, and Section 146-101 "CC" – Corridor Commercial Overlay District, and as amended, except as follows:

1. Heavy machinery sales and service shall be an allowed use.
2. Heavy machinery sales and service on the subject property shall generally conform to Exhibit "C" – Site Layout.
3. For heavy machinery sales and service use, the subject property shall conform to Exhibit "D" – Elevations.
4. The use of gravel for tracked equipment, in conjunction with heavy machinery sales and service, shall be allowed as a paving material for the maneuvering of vehicles in the overnight storage area, with paved (concrete) and striped spaces for the overnight storage of vehicles to be repaired, at a ratio of one overnight space per service bay, as shown on Exhibit "C" – Site Layout.

5. For heavy machinery sales and service use, the subject property shall be screened as shown on Exhibit "C" – Site Layout.
6. All required living screens in conjunction with a wrought iron fence and masonry columns shall be six (6) feet tall at the time of planting, as shown on Exhibit "C" – Site Layout.
7. The orientation of overhead bay doors shall be allowed toward street frontage (Wilmeth Road), in conjunction with the associated screening devices, shown on Exhibit "C" – Site Layout.
8. The construction of the proposed building on the subject property shall achieve a Leadership in Energy and Environmental Design (LEED) certification.

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 18<sup>th</sup> 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:

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MARK S. HOUSER  
City Attorney