

ORDINANCE NO. 2014-01-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 99-04-38 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 5.32 ACRE PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF PARK VIEW AVENUE AND NORTH BROOK DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT 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 5.32 acre property, located at the southeast corner of Park View Avenue and North Brook Drive, which is more fully depicted on Exhibit "A", 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. 99-04-38 is hereby amended so that an approximately 5.32 acre property, located at the southeast corner of Park View Avenue and North Brook Drive, which is more fully depicted on Exhibit "A", 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 Exhibit "A", shall develop in accordance with "PD" – Planned Development District Ordinance No. 99-04-38, and as amended, except as follows:

1. The development of the subject property shall generally conform to the attached site layout as shown on Exhibit "B".
2. A landscape buffer varying in width from 36 feet to 20 feet shall be required along Park View Avenue as shown on attached Exhibit "B".
3. A 5' wide sidewalk shall be located along Park View Avenue as shown on attached Exhibit "B".
4. A 6' tall wrought iron fence with masonry columns located 20 feet on center and sufficient evergreen landscaping to create a screening effect shall be constructed along Park View Avenue to screen the storage of vehicles as shown on Exhibit "B".
5. A 6' tall wrought iron fence with sufficient evergreen landscaping to create a screening effect shall be constructed along the eastern property line as shown on Exhibit "B".

6. Evergreen screening shrubs (from the Approved Plant List, Appendix A of the Zoning Ordinance) shall be planted at a minimum height of 3 feet (acceptable for 6 foot screening at maturity) and spaced at 4 feet on center along Park View Avenue.

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 21ST DAY OF JANUARY, 2014.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney