

**ORDINANCE NO. 2015-05-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 112.91 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF BLOOMDALE ROAD AND STATE HIGHWAY 5 (MCDONALD STREET), IS REZONED FROM “AG” – AGRICULTURAL DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL, SINGLE FAMILY DETACHED RESIDENTIAL, SINGLE FAMILY ATTACHED RESIDENTIAL AND INDUSTRIAL USES; 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 112.91 acre property, located on the southwest corner of Bloomdale Road and State Highway 5 (McDonald Street), which is more fully depicted on Exhibits “A” and “B”, attached hereto, from “AG” – Agricultural District to “PD” – Planned Development District, generally to allow for Commercial, Single Family Detached Residential, Single Family Attached Residential, and Industrial Uses; 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 112.91 acre property, located on the southwest corner of Bloomdale Road and State Highway 5 (McDonald Street), which is more fully depicted on Exhibits “A” and “B”, attached hereto, is rezoned from “AG” – Agricultural District to “PD” – Planned Development District, generally to allow for Commercial, Single Family Detached Residential, Single Family Attached Residential and Industrial Uses.

Section 2. The subject property shall develop in accordance with the “PD” – Planned Development District, and as amended, except as follows:

1. Development on the subject property shall generally conform to the land use areas as shown on the attached PD Concept Map – Exhibit “C”.
2. The use and development of the Single Family Residential portion of the subject property shall conform to the regulations of Section 146-106 (“SF5” – Single Family Residential District) of the Zoning Ordinance, and as amended, except as follows:
  - a. All single family detached residential dwelling units shall be subject to the attached Single Family Residential Architectural and Site Standards – Exhibit “D”.
3. The use and development of the Townhome Residential portion of the subject property shall conform to the regulations of Section 146-108 (“TH” – Townhome Residential District), and as amended.

4. The use and development of the Commercial portion of the subject property shall conform to the regulations of Section 146-112 ("C2" – Local Commercial District), and as amended.
5. The use and development of the Light Industrial portion of the subject property shall conform to the regulations of Section 146-114 ("LI" – Light Industrial District) of the Zoning Ordinance, and as amended.

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 26<sup>th</sup> DAY OF MAY, 2015.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney