

AN ORDINANCE AMENDING ORDINANCE NO. 1270 SO THAT 5.18 ACRES OF LAND IN THE W. D. THOMPSON SURVEY, LOCATED AT THE NORTHEAST CORNER OF F. M. 3038 AND CARLISLE STREET IS ZONED FROM PLANNED DEVELOPMENT DISTRICT FOR OFFICE OR APARTMENTS TO PLANNED DEVELOPMENT DISTRICT FOR RETAIL; ADOPTING A ZONING PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

THAT WHEREAS, the owner or owners of 5.18 acres of land in the W. D. Thompson Survey, located on the Northeast corner of F. M. 3038 and Carlisle Street have petitioned the City of McKinney to zone such property Planned Development District for Retail; and

WHEREAS, after due notice of the requested rezoning a required by law, and the required public hearing 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 such rezoning change should be made.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

SECTION I. That Ordinance No. 1270 is hereby amended so that the property described in the attached Exhibit "A" is hereby zoned Planned Development District for Retail.

SECTION II. Special Ordinance Provision This Planned Development District shall adhere to all standards described in Section 3.14 of the City's Zoning Ordinance although the uses indicated in Exhibit B shall be specifically excluded.

SECTION III. That no developer or property owner shall acquire any vested interest in this Ordinance the Planned Development Zone, or specific regulations contained herein. The Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

SECTION IV. 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 provision of this Ordinance are declared to be severable.

SECTION V. 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 thereof, shall be fined any sum not to exceed \$200.00, 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 of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

SECTION VI. 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 the 16th day of September 1986.

CORRECTLY ENROLLED:

  
JENNIFER CRAVENS, CITY SECRETARY

Exhibit B

An Exhibit to Planned Development Zoning of a 5.18 acre tract at Northeast Corner of F. M. 3038 and Carlisle Street.

The following uses are specifically excluded as permissible uses on the referenced tract:

1. Gasoline Service Station of any type
2. Food Stores
3. Automotive Parts and Tire Sales, including indoor installation and minor repair
4. Greenhouse or Plant Nurseries
5. Restaurants, drive-in type with outside sales window
6. Commercial Amusements, indoor
7. Any restaurant with a private club would be restricted to a noon (12:00 p.m.) opening on Sunday.
8. Automotive Sales or Repairs
9. Boat Sales, Repair or Storage
10. Auto Glass, Muffler or Brake Shop
11. Bait Shop
12. Car Wash
13. Building Material Sales
14. Farm Implement Sales and Service
15. Mobil Home display
16. Trailer, Light Truck, and Tool Rental