

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2006-11-133 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 24.21 ACRE PROPERTY, LOCATED APPROXIMATELY 300 FEET NORTH OF COLLIN MCKINNEY PARKWAY AND APPROXIMATELY 1,000 FEET EAST OF CUSTER ROAD, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY DEVELOPMENT STANDARDS; 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 24.21 acre tract located approximately 300 feet north of Collin McKinney Parkway and approximately 1,000 feet east of Custer Road, from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, 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. 2006-11-133 is hereby amended in order to rezone an approximately 24.21 acre property, located approximately 300 feet north of Collin McKinney Parkway and approximately 1,000 feet east of Custer Road, which is more fully depicted on Exhibit A, attached hereto, is hereby rezoned from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District, generally to modify development standards.

Section 2. Use and development of the subject property shall conform to the following regulations:

1. Use and development of the subject property shall conform to regulations of Planned Development District Ordinance No. 2006-11-133, “SUP” – Specific Use Permit Ordinance No. 2006-01-002 and the “REC” – Regional Employment Center Overlay District, and as amended, except as follows:
  - a. The minimum side yard setbacks shall be five feet on both sides of each residential unit for a total of 10 feet minimum separation between buildings.
  - b. The minimum rear yard setback for all of Block G and the portion of Block F that backs to the commercial tracts to the west of the subject property shall be 15 feet.

- c. The minimum rear yard setback for all of Block E and the portion of Block F that backs to the residential tracts to the east of the subject property shall be 15 feet.
  - d. The minimum rear yard setback for all of Block H and Block I shall be 10 feet.
  - e. The maximum lot coverage shall be 60%.
  - f. The subject property shall be exempt from the REC Overlay District's requirement that 80% of a street block's buildings adhere to a consistent build-to line.
2. The subject property shall generally develop according to the attached Zoning Exhibit (Exhibit B).

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 THIS 15<sup>TH</sup> DAY OF DECEMBER, 2009.**

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BRIAN LOUGHMILLER, Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC, City Secretary  
LINCOLN THOMPSON, Deputy City Secretary

DATE:

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APPROVED AS TO FORM:

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MARK S. HOUSER, City Attorney