

**ORDINANCE NO. 2004-09-102**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1339 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.5 ACRE TRACT, LOCATED AT THE NORTHWEST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND GRAVES STREET, IS REZONED FROM "BG" – GENERAL BUSINESS DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT GENERALLY FOR GENERAL BUSINESS USES; 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 1.5 acre tract located at the northwest corner of U.S. Highway 380 (University Drive) and Graves Street, from "BG" – General Business District, to "PD" – Planned Development District generally for general business 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. Ordinance No. 1270 is hereby amended so that an approximately 1.5 acre tract located at the northwest corner of U.S. Highway 380 (University Drive) and Graves Street, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "BG" – General Business District, to "PD" – Planned Development District generally for general business district uses.

Section 2. Use and Development of the subject property shall conform to Section 41-80 "BG" - General Business District of the City of McKinney Code of Ordinances, and as amended, with the following exceptions:

(a) The property is to be developed as per the attached site plan, Exhibit "B", with bay doors allowed to face the right-of-way as shown on the attached site plan.

(b) The western one-third of the property shall develop as per the "BG" – General Business District.


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. The developer shall provide language in the deeds for notice (acceptable to the city attorney) to any residential lot purchaser, which adequately notifies purchasers of the existence of a private airport in the vicinity. An updated, scaled map shall be provided in conjunction with said notice.
- Section 5. 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 6. 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 7. 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.

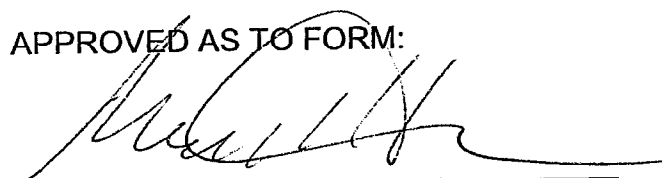
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 2004.**

  
BILL WHITFIELD, Mayor

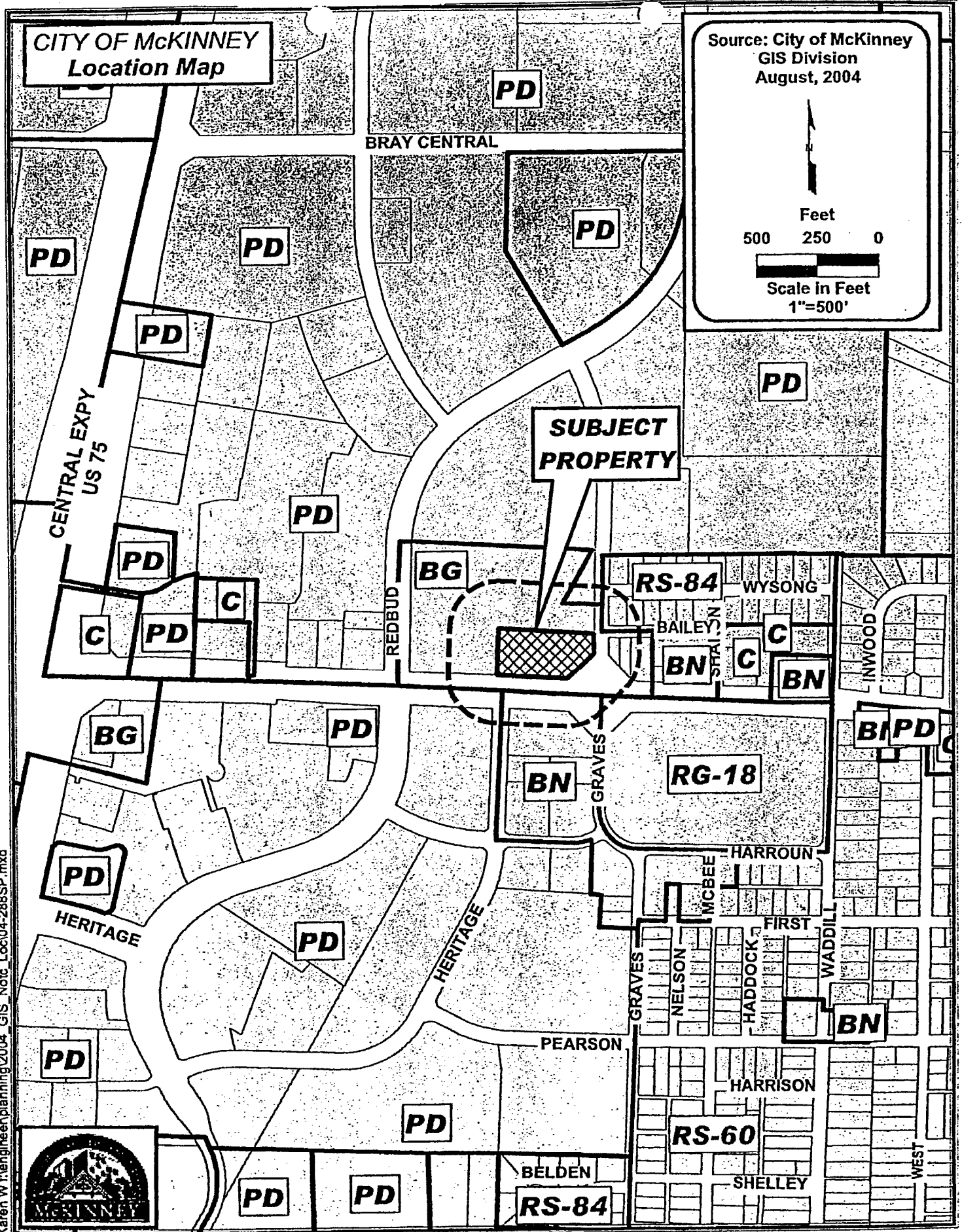
CORRECTLY ENROLLED:

  
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney

# EXHIBIT "A"



Karen W:\engineering\planning\2004\_GIS\_Note\_Loc04-288SP.mxd

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone

