

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.44 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF STATE HIGHWAY 5 (McDONALD STREET) AND APPROXIMATELY 250 FEET SOUTH OF WATT STREET, IS REZONED FROM “BG” – GENERAL BUSINESS DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE 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 0.44 acre property, located on the east side of State Highway 5 (McDonald Street) and approximately 250 feet south of Watt Street, from “BG” – General Business District to “PD” – Planned Development District, generally to modify 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. 1270 is hereby amended so that an approximately 0.44 acre property, located on the east side of State Highway 5 (McDonald Street) and approximately 250 feet south of Watt 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 to modify development standards.

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

1. The subject property be developed in accordance with the “BG” – General Business District regulations of the Zoning Ordinance, except as follows:
 - a. All required parking and maneuvering areas may consist of a gravel surface rather than concrete or asphalt.
 - b. Two way drive aisles may be constructed to a width of less than 24 feet.
 - c. Required parking spaces may be constructed to dimensions less than 9 feet wide by 18 feet deep.
 - d. Barriers to prevent the overhang of vehicles into required landscape areas, rights-of-way, pedestrian ways, and private property shall not be required.

- e. Reinforced concrete shall not be required on the subject property for refuse facilities and their approaches for loading and unloading.
- f. Canopy trees shall not be required in landscaped areas at the end of a parking row.
- g. Landscaped areas shall not be required at the end of parking rows.
- h. Within parking lots, landscape areas shall not be required to define parking areas.
- i. Underground irrigation systems with evapotranspiration (ET) weather based controllers shall not be required for the subject property.
- j. Required landscaped areas may be covered with non-living materials including, but not limited to gravel.
- k. Parking spaces are not required to be within a specified distance of a tree.
- l. No landscaping shall be required in the street yard to screen the parking spaces from adjacent public rights-of-way.
- m. A 10 foot wide landscape buffer shall not be required along the eastern property line, a property line shared with a single family residential use.
- n. Canopy trees shall not be required at a ratio of 1 tree for every 40 linear feet of frontage along a property line shared with a residential use.
- o. The screening device required along the eastern property line, between a non-residential use and a single family residential use, may be constructed from wood.
- p. A 20 foot wide landscape buffer shall not be required adjacent to a major thoroughfare (McDonald Street).
- q. A 10 foot wide landscape buffer shall not be required adjacent to a minor thoroughfare (Watt Street).
- r. Canopy trees shall not be required at a ratio of 1 tree for every 40 linear feet of frontage along a public street (Watt Street and McDonald Street).

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 2ND DAY OF MARCH, 2010.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER, Mayor

ATTEST:

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

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney