

ORDINANCE NO. 2006-02-010

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2002-05-038 AND AS AMENDED, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT A 96 ACRE TRACT LOCATED AT THE NORTHWEST CORNER OF STATE HIGHWAY 121 AND LAKE FOREST DRIVE, IS HEREBY ZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT TO CLARIFY THE PROCEDURE FOR REDUCING THE MINIMUM DENSITY REQUIREMENTS; 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 96 acre tract on the northwest corner of State Highway 121 and Lake Forest Drive, from "PD" – Planned Development District to "PD" – Planned Development District to clarify the procedure for reducing the minimum density requirements, 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. 2002-05-038 is hereby amended so that an approximately 96 acre tract generally located on the northwest corner of State Highway 121 and Lake Forest Drive, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "PD" – Planned Development District to "PD" – Planned Development District to clarify the procedure for reducing the minimum density requirements.

Section 2. Use and development of the subject property shall generally conform to PD 02-05-038 and to the guidelines and regulations of the "REC" – Regional Employment Center Overlay District, except that Exhibit B, Section III, A, 2, e shall be amended as follows:

A Specific Use Permit is required for the subject property to reduce its minimum density requirements. A general development plan detailing the layout of the subject property, conforming to the design guidelines of the REC, and incorporating sound planning principles must accompany any SUP application.

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.

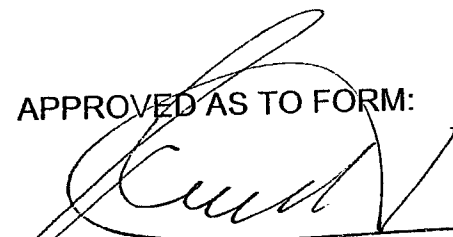
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 7th DAY OF FEBRUARY, 2006.


BILL WHITFIELD, Mayor

CORRECTLY ENROLLED:


SANDY HART, CMC, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney

