

ORDINANCE NO. 1870

AN ORDINANCE AMENDING ZONING ORDINANCE 1270 OF THE CITY OF MCKINNEY, TEXAS, SO THAT 6.6 ACRES LOCATED ON THE NORTH SIDE OF WILSON CREEK PARKWAY APPROXIMATELY 350 FEET WEST OF BIG BEND DRIVE, IS ZONED "PD-C", PLANNED DEVELOPMENT-PLANNED CENTER; PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS, PROVIDING FOR A PLANNED DEVELOPMENT SITE AND LANDSCAPE PLAN; PROVIDING FOR NO VESTED INTEREST IN THE PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENT OF THE PLANNED DEVELOPMENT REGULATIONS; 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.

WHEREAS, the owner or owners of 6.6 acres of land located north of Wilson Creek Parkway approximately 350 feet west of Big Bend Drive, have petitioned the City of McKinney to zone such parcel of land "PD-C", Planned Development-Planned Center as provided for in Ordinance No. 1270 of the City of McKinney, a complete description of such property being attached hereto and marked Exhibit "A", and made a part hereof for all purposes, and

WHEREAS after due notice of the requested zoning changes 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, the City Council is of the opinion that such zoning change should be made.

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

Section 1. That the real estate more fully described in the attached Exhibit "A" is hereby zoned "PD-C", Planned Development-Planned Center.

Section 2. That prior to development a complete site plan and landscape plan shall be approved by the City Council in accordance with Ordinance No. 1270.

Section 3. Development within this Planned Development shall be according to the zoning regulations in Section 3.14 of the City of McKinney, Texas, Zoning Ordinance No. 1270 including, but not limited to all permitted uses, accessory uses, conditional uses and excluded uses shown in the regulations with the exception of the special provisions attached hereto and marked Exhibit "B" which shall supersede all other provisions herein.

Section 4. That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zoning Regulations, or any Ordinance appended to or referenced in the Planned Development Zoning Regulations and any and all ordinances referenced therein may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 5. 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 the Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 6. 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 therefor, shall be fined any sum not exceeding \$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 or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

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 5th DAY OF June, 1990.

CORRECTLY ENROLLED:


JENNIFER G. SMITH, City Secretary

EXHIBIT "B"

ORDINANCE PROVISIONS

1. The excluded uses within this proposed zoning district shall be all uses related to arcades, including, but not limited to gaming devices, video machines, pool tables, etc., whether independent or accessory to a primary business on site.
2. The natural stand of trees located on the northern and western portion of the proposed tract shall be preserved to the greatest extent possible. A site plan showing all trees to be preserved/removed shall be submitted to and receive the approval of the City of McKinney prior to the issuance of a building permit.
3. The architectural style and materials of any proposed building(s) shall be compatible with the high school and/or park facility buildings nearby. Building plans and architectural drawings and renderings will be submitted for review and approval by both Planning Department and M.I.S.D. Staffs, prior to submittal to the Building Inspection Division of the City.
4. Screening shall be provided between the proposed tract and the residential area to the east and north. Such screening may be either vegetative or non-vegetative material, and shall be approved by the City Planning Department.
5. Monument signs shall be encouraged on the proposed tract while pole signs shall be prohibited. These are to be included on the submitted site plan.
6. A median opening in Wilson Creek Parkway is available between the property lines of the proposed tract.
7. As part of the site plan and landscape plan approval, the City Planning Staff shall coordinate and notify surrounding property owners.

PARK PLACE ADD.

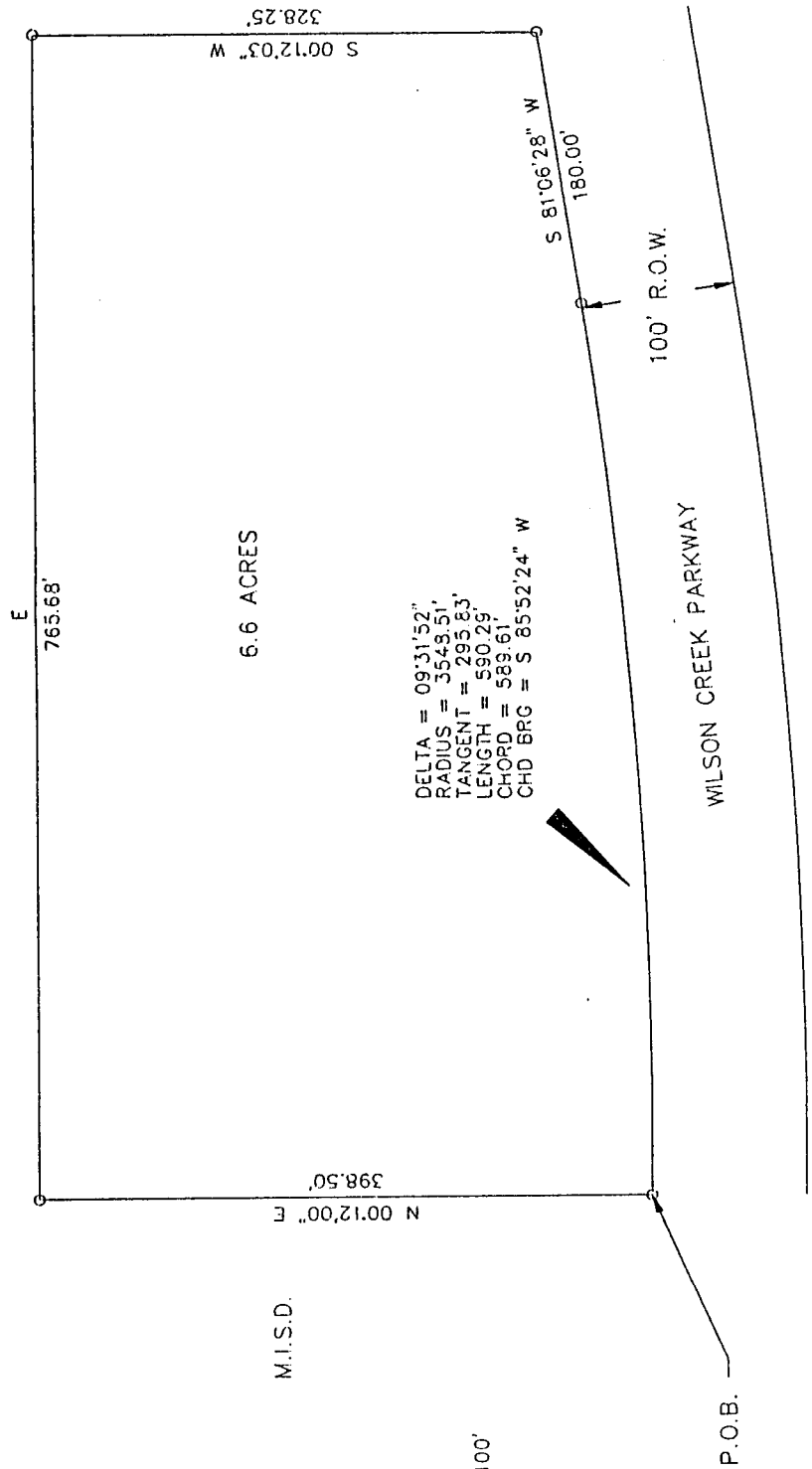


EXHIBIT 'A'