

**ORDINANCE NO. 2013-02-009**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 66.61 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF CUSTER ROAD AND BLOOMDALE ROAD (C.R. 123), IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL AND COMMERCIAL USES; 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 zoning of an approximately 66.61 acre property, located on the southeast corner of Custer Road and Bloomdale Road (C.R. 123), which is more fully depicted on Exhibits A and B, attached hereto, to "PD" – Planned Development District, generally for single family residential and commercial 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 in order to zone an approximately 66.61 acre property, more fully depicted on Exhibits A and B, located on the southeast corner of Custer Road and Bloomdale Road (C.R. 123), to "PD" – Planned Development District.

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

a. Tract 1 (approximately 18.60 acres), as shown on attached Zoning Exhibit B, shall develop in accordance with the requirements of Section 146-85 "BG" - General Business District, and as amended.

b. Tract 2 (approximately 38.10 acres), as shown on attached Zoning Exhibit B, shall develop in accordance with the requirements of Section 146-72 "RS 72" - Single Family Residence District, and as amended, except as follows:

i. The layout of the residential lots shall generally develop in accordance with the attached Zoning Exhibit B.

ii. The mean and median lot size shall be a minimum of 7,200 square feet.

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 THE 5<sup>TH</sup> DAY OF FEBRUARY, 2013.**

CITY OF MCKINNEY, TEXAS

  
\_\_\_\_\_  
TRAVIS USSERY  
Mayor Pro-Tem

CORRECTLY ENROLLED:

  
\_\_\_\_\_  
SANDY HART TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: February 5, 2013

APPROVED AS TO FORM:

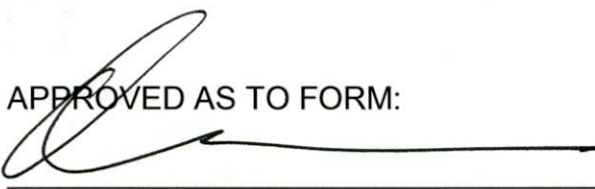
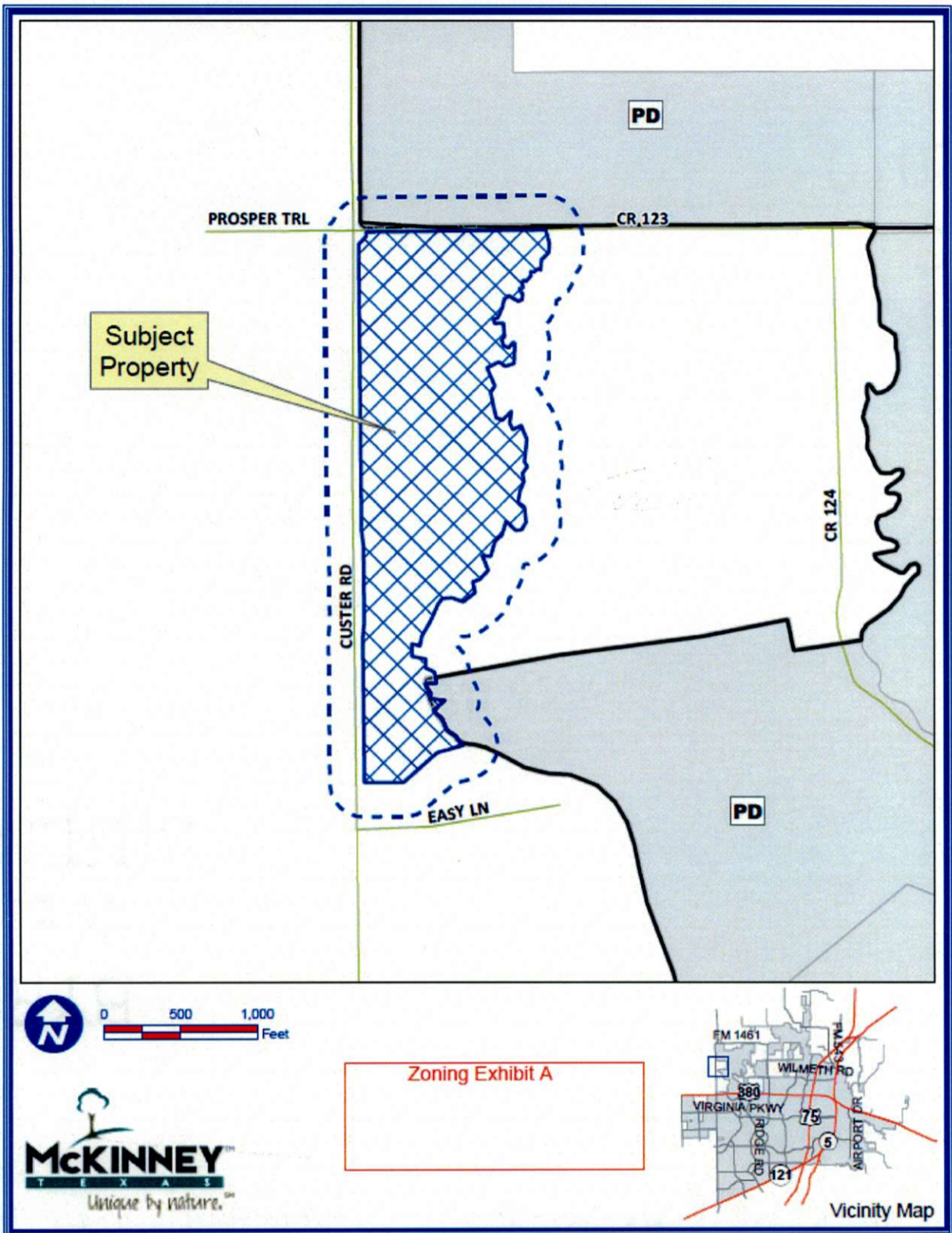
  
\_\_\_\_\_  
MARK S. HOUSER  
City Attorney

EXHIBIT A



Path: S:\MCKGIS\Work\casont\Projects\2012\12-088\Z.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 else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

