

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS, REZONING 5.188 ACRES OF LAND LOCATED SOUTH OF ROCK HILL ROAD AND EAST OF WILSON CREEK FROM "AGRICULTURE" TO "GENERAL RESIDENCE - 1500 SQUARE FEET PER UNIT"; PROVIDING FOR A SITE PLAN; PROVIDING FOR A LANDSCAPE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE;

WHEREAS, the owner or owners of 5.188 acres of land have petitioned the City to rezone such property from "Agriculture" to "General Residence - 1500 square feet per unit"; and,

WHEREAS, after due notice of the requested zoning change 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 such rezoning change should be made.

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

SECTION I: That the real estate more fully described in the attached Exhibit "A" is hereby zoned "General Residence - 1500 square feet per unit" subject to the specific requirements contained in this Ordinance, and Ordinance No. 1270 is hereby accordingly amended.

SECTION II: A complete site plan and landscape plan shall receive the approval of the Planning and Zoning Commission and City Council prior to the development of this property, and such property shall be developed according to Section 3.10 of Ordinance No. 1270, except that density shall be limited to 17 dwelling units per acre.

Section III: That no developer or property owner shall acquire any vested interest in this Ordinance, the site plan or landscape plan. This Ordinance and the subsequent site plan and landscape plan may be amended or repealed by the City Council of the City of McKinney in the manner provided by law.

SECTION IV: 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 V: 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 VI: 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 the 6th day of March, 1984.

CORRECTLY ENROLLED:


JENNIFER CRAVENS
CITY SECRETARY

EXHIBIT "A"

BEING a tract of land situated in the W. D. Thompson Survey, Abstract No. 891 in the City of McKinney, Collin County, Texas and being that same called 5.185 acre tract of land conveyed to Robert Dean Terrell and wife dated May 19, 1978 recorded in Volume 1111, page 719 of the Collin County Deed Records and being more particularly described by metes and bounds as follows;

BEGINNING at a point in the center of Wilson Creek at the Southwest corner of said 5.185 acre tract, from which an iron rod bears S 89° 30' 16" E 103.69 feet;

- THENCE: Northerly up the center of said Wilson Creek as follows:
 N 00° 37' W 153.7 feet;
 N 42° 49' E 127.9 feet;
 N 07° 35' E 31.3 feet;
 N 24° 28' W 90.3 feet to a point in said creek for corner;
- THENCE: East passing an iron rod set at 25.0 feet continuing for a total distance of 75.00 feet to an iron rod for corner;
- THENCE: North for a distance of 62.0 feet to a found iron rod in a fence line on the South line of Rockhill Road for corner;
- THENCE: N 57° 03' 18" E along and near a fence with the South line of said Rockhill Road for a distance of 138.25 feet to a fence post for corner;
- THENCE: S 86° 57' 17" E along and near a fence with the South line of said Rockhill Road for a distance of 281.98 feet to a found iron rod for corner;
- THENCE: South along and near a fence for a distance of 485.79 feet to a found iron rod for corner;
- THENCE: S 89° 59' 14" W along and near a fence for a distance of 186.6 feet to a found nail for an angle point;
- THENCE: N 89° 30' 16" W along and near a fence passing at 234.32 feet a found iron rod next to a corner post, continuing for a total distance of 338.0 feet to the POINT OF BEGINNING;
 CONTAINING 5.188 acres of land more or less.