

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 1447, AND AS AMENDED BY ORDINANCE NO. 98-09-54, OF THE CITY OF MCKINNEY, TEXAS; SO THAT 38.72 ACRES LOCATED APPROXIMATELY 300 FEET NORTH OF ELDORADO PARKWAY AND APPROXIMATELY 950 FEET WEST OF HARDIN BOULEVARD, IS MODIFIED IN IN ORDER TO ESTABLISH MAXIMUM BUILDING HEIGHT AND ASSOCIATED SETBACK REQUIREMENTS FOR CHURCH USES AND RELATED FACILITIES; 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 owner(s) of a 38.72 acre tract located approximately 300 feet north of Eldorado Parkway and approximately 950 feet west of Hardin Boulevard, in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to amend Planned Development District Ordinance No. 1447, and as amended by Ordinance No. 98-09-54, in order to establish maximum building height and associated setback requirements for church uses and related facilities; and

WHEREAS, after due notice of the requested zoning amendment 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 said zoning amendment should be made.

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

Section 1. The "PD" - Planned Development District Ordinance No. 1447, and as amended by Ordinance 98-09-54, of the City of McKinney, Texas, is hereby amended so that a 38.72 acre tract located approximately 300 feet north of Eldorado Parkway and approximately 950 feet west of Hardin Boulevard, which is more fully depicted on Exhibit "A" attached hereto, is modified in order to establish maximum building height and associated setback requirements for church uses and related facilities; and

Section 2. The 38.72 acre subject property shall be developed according to the development standards set forth for churches and related facilities within the low density single family residential zoning category as specified in "PD" - Planned Development District Ordinance 1447, and as amended by Ordinance 98-09-54, except as follows:

- (A) Maximum building height allowed is 75 feet.
- (B) Three feet of building setback is required for every one foot of building height and the required building setback will include a 25 foot landscape buffer which is to include large evergreen canopy trees (minimum 3" caliper).
- (C) Church steeples must conform to the 3 to 1 height/slope.
- (D) The proposed zoning amendment applies only to the subject property.

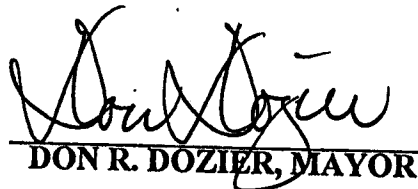
Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this 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 \$2000.00, 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.

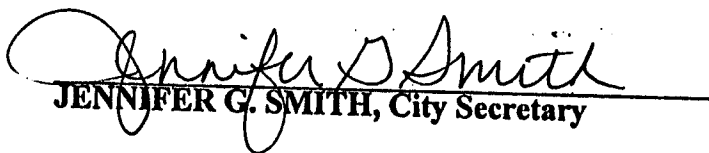
Section 5. No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development, or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, 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.

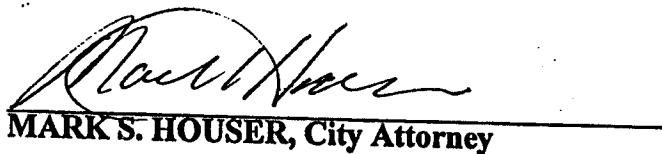
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON FIRST READING ON THE 11th DAY OF February 1999.

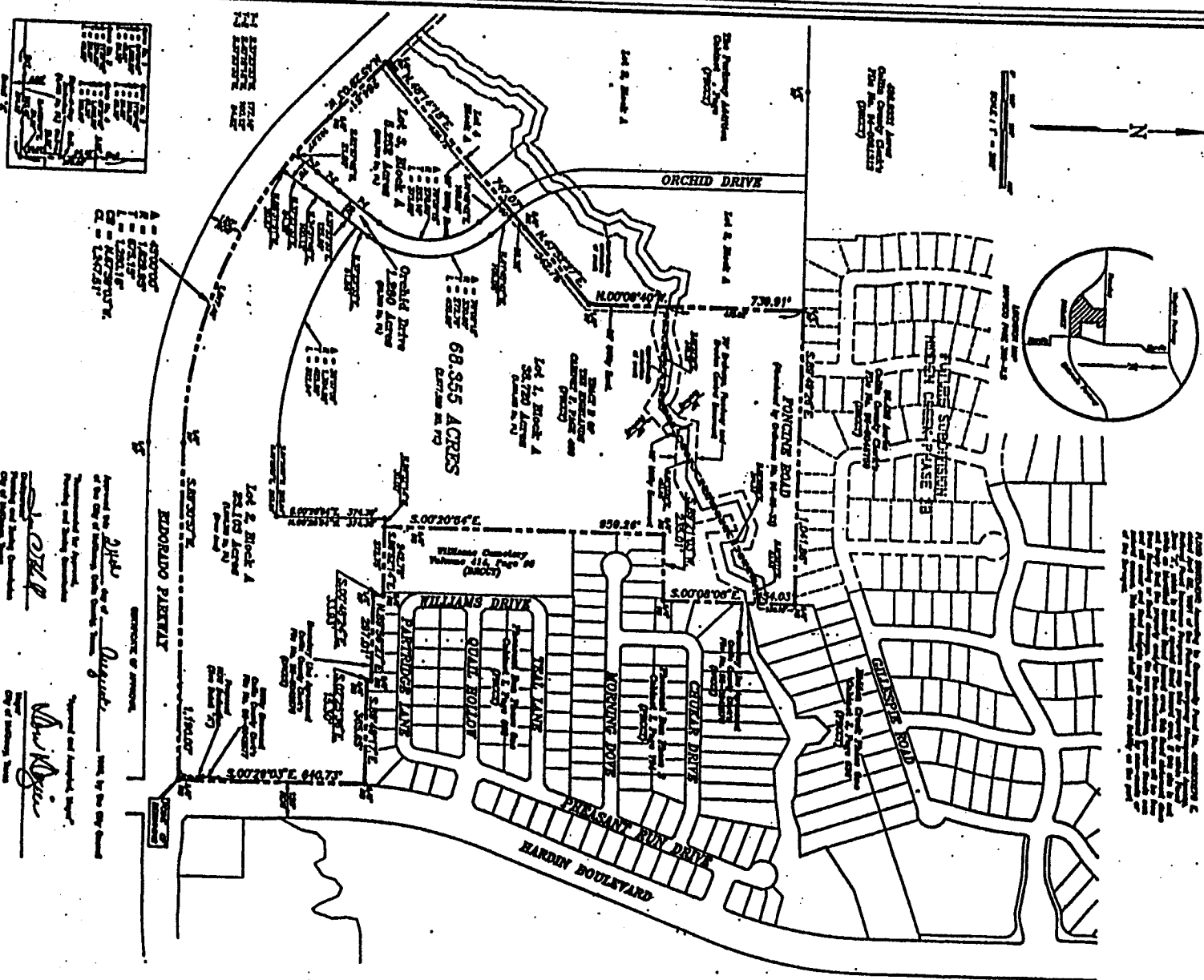

DON R. DOZIER, MAYOR

ATTEST:


JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney



Prepared and Approved August 1998
 by: *[Signature]*
 City of Encinitas

This is a preliminary plan for a replat of land. It is not a final plan and should not be relied upon as such. The City of Encinitas reserves the right to modify this plan at any time.

COURT OF CLAIMS & DAMAGES

THE undersigned hereby certifies that the replat of Tract B of the Highlands, 68.355 Acres, shown on the attached map, is a true and correct copy of the original as filed in the office of the County Registrar of Deeds, Encinitas, California, on this 13th day of November, 1998. The undersigned further certifies that the replat of Tract B of the Highlands, 68.355 Acres, shown on the attached map, is a true and correct copy of the original as filed in the office of the County Registrar of Deeds, Encinitas, California, on this 13th day of November, 1998.

[Signature]
 County of Santa X
 Court of Claims & Damages

NOV 13 1998
 PLANNING

NO.	REVISION	DATE	DESCRIPTION
1	1		ORIGINAL REVISIONS
2	2		REVISIONS
3	3		REVISIONS

Kurtz ~ Bedford Associates, Inc. *[Logo]*
 REPLAT OF TRACT B OF THE HIGHLANDS 68.355 ACRES