

AN ORDINANCE AMENDING ORDINANCE NO. 1270 SO THAT 158.67 ACRES OF LAND IN THE JOHN MCGARRAH AND WILLIAM H. HUNT SURVEYS IN THE CITY OF MCKINNEY ARE ZONED SINGLE FAMILY RESIDENCE - 6,000 SQUARE FEET PER LOT, SINGLE FAMILY RESIDENCE - 8,400 SQUARE FEET PER LOT, TOWNHOUSE, PLANNED CENTER AND OFFICE; ADOPTING A ZONING PLAN; ADOPTING REGULATIONS FOR THE RG-25 (TOWNHOUSE) ZONING DISTRICT; 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.

THAT WHEREAS the owner or owners of 158.67 acres of land more fully described in the attached Exhibit A have petitioned the City of McKinney to zone such tract from Agriculture to "Single Family Residence - 6,000 Square Feet Per Lot, Single Family Residence - 8,400 Square Feet Per Lot, Townhouse, Planned Center and Office" 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 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 Single Family Residence - 6,000 Square Feet Per Lot, Single Family Residence - 8,400 Square Feet Per Lot, Townhouse, Planned Center and Office, all in accordance with the zoning map attached hereto and marked Exhibit "B".

SECTION II: That a complete site plan and landscape plan shall receive the approval of the Planning and Zoning Commission and the City Council of the City of McKinney prior to the development of this property.

SECTION III: That the RG-26 (Townhouse) area shall be developed in accordance with the specific regulations attached to this Ordinance and marked Exhibit "C".

SECTION IV: That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone, or specific regulations contained herein. This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

SECTION V: 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 VI: 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 VII: 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 2ND day of October, 1984.

CORRECTLY ENROLLED:


JENNIFER CRAVENS
CITY SECRETARY

Regulations for Townhome and Zero Lot Line Districts -

RG-27 General Residence Townhome Regulations

1. Purpose: This zone is designed to provide for a medium density residential environment of attached townhome units.

2. Principal Permitted Uses:

- a. Residential Buildings containing townhome units.
- b. Other uses allowed in the RD-30 zone.

3. Permitted Accessory Uses:

- a. Same as allowed in the RD-30 zone.

4. Specific Use Permit:

- a. Same as allowed in the RD-30 zone.

5. Space Limits:

- a. Minimum lot area: 2,700 square feet.
- b. Minimum width of lot: 25 feet.
- c. Minimum depth of lot: 100 feet.
- d. Maximum height of building: 35 feet.
- e. Minimum front yard: 20 feet.
- f. Minimum rear yard: 20 feet.
- g. Minimum side yard: 14 feet between ends of buildings.
- h. Minimum side yard at corner: 20 feet.
- i. Maximum lot coverage: 50 percent.
- j. Maximum floor area ratio: 1:2

6. Miscellaneous Provisions:

- a. Site Plan approval by the Planning and Zoning Commission will be required prior to development.

SITUATED in Collin County, Texas, in the John McGarran Survey, Abstract No. 172, and the William H. Hunt Survey, Abstract No. 450, and being a resurvey of a called 98.132 Acre tract of land described in a deed to Jimmy K. Lu, et al, said tract being more particularly described as follows:

BEGINNING at an iron rod found at the Northeast corner of a fence post, and being the Southwest corner of the said called 98.132 Acre tract, said point being in the East R.O.W. line of F.M. Highway No. 1461;

THENCE $N0^{\circ}30'00''W$, 2032.55 feet along the West line of the said called 98.132 Acre tract and the East line of said Highway No. 1461 to an iron rod set at the Northwest corner thereof;

THENCE $S39^{\circ}20'40''E$, 2095.72 feet along the North line of said called 98.132 Acre tract to an iron rod found at the most Northerly Northeast corner thereof, from which an iron rod found at a fence corner post bears $N53^{\circ}13'43''W$, 8.78 feet;

THENCE $S34^{\circ}03'40''E$, 175.35 feet along a North line of the said called 98.132 Acre tract to an iron rod found at the most Easterly Northeast corner thereof;

THENCE $S47^{\circ}43'54''W$, 154.55 feet along an East line of the said called 98.132 Acre tract to an iron rod found at a fence corner post therein;

THENCE $S0^{\circ}03'12''E$, 1862.73 feet along an established fence on the East line of said called 98.132 Acre tract to an iron pipe found at the Southeast corner thereof;

THENCE $N88^{\circ}52'26''W$, 2073.97 feet along an established fence on the South line of said called 98.132 Acre tract to the place of beginning and containing 97.9893 Acres of land, of which 1.62 Acres are in the 100 Year Flood Plain and in a Collin County Soil Conservation Easement, and 0.3102 Acre is in an A.T. & T. Easement, leaving 95.5591 net acres of land.

Tract 2

DESCRIPTION 60.681 Acres

SITUATED in Collin County, Texas, in the Wm. H. Hunt Survey, Abstract No. 450, being a resurvey of the 61.019 acre TRACT 1 described in a deed from Will Knox, Trustee to R.L. Ross, Jr., et al, dated January 14, 1976, recorded in Volume 984, Page 236 of the Collin County Deed Records, being described by metes and bounds as follows:

BEGINNING at an iron pin set beside a cross-tie corner post at the Northeast corner of said 61.019 acre tract; same being the intersection of an Established East-West fence and an established fence from the south;

THENCE Southerly with the East line of said 61.019 acre tract and with an established fence as follows:

South $0^{\circ}04'41''$ West 410.99 feet; South $0^{\circ}22'11''$ West 1075.31 feet to an iron pin set in the North Right-of-Way line of U.S. Highway No. 380 (Formerly State Highway No. 24) for a corner;

THENCE Westerly with said North Right-of-Way line and with the South line of said 61.019 acre tract as follows:

North $82^{\circ}53'22''$ West 93.43 feet to a broken concrete Right-of-Way marker;

South $84^{\circ}33'26''$ West 251.79 feet to an iron pin set beside a wooden Right-of-Way marker;

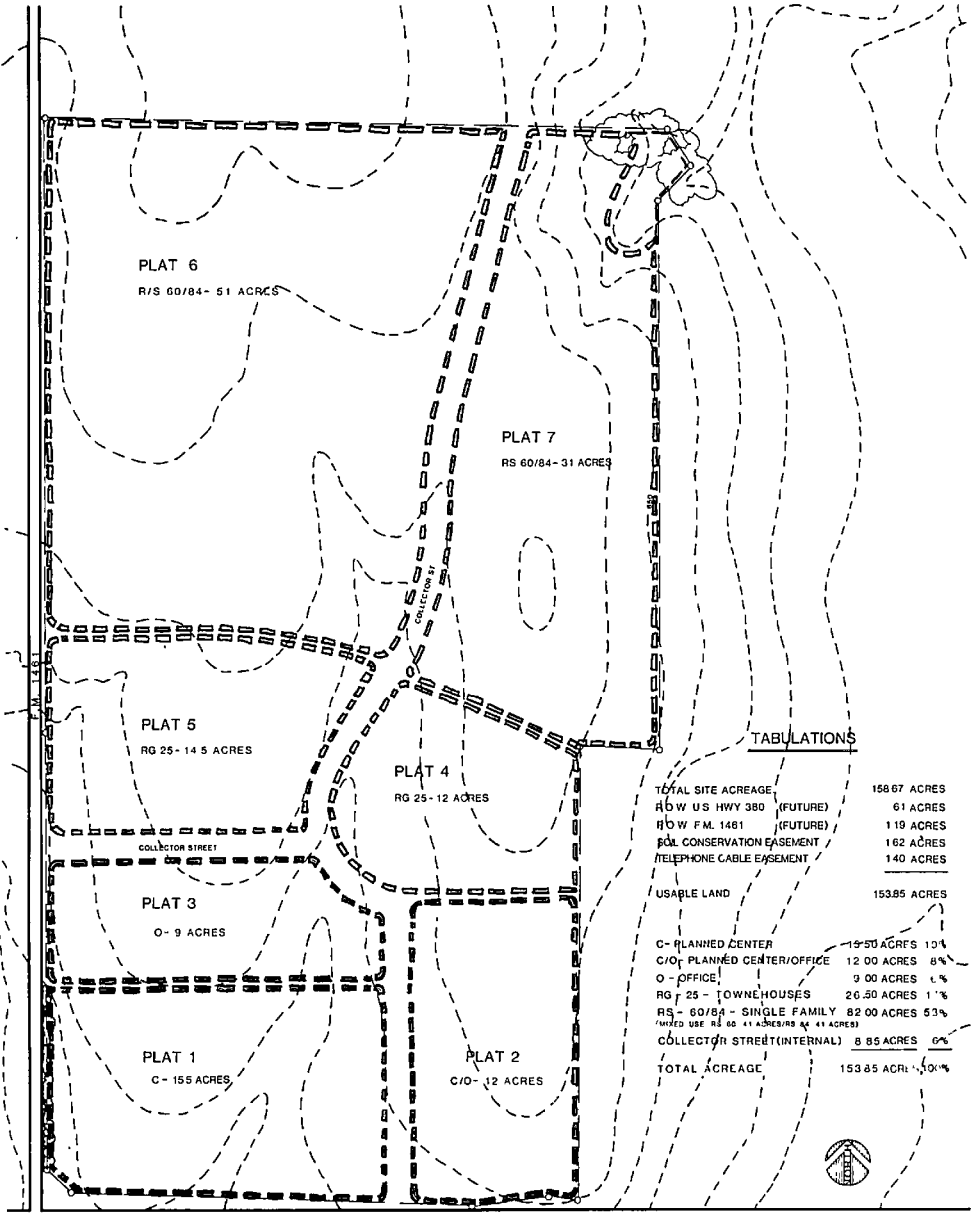
North $88^{\circ}36'$ West 1331.1 feet to an iron pipe set beside a broken concrete Right-of-Way marker;

North $48^{\circ}44'49''$ West 114.21 feet to an iron pin set in the East Right-of-Way line of Farm Road No. 1461 for a corner;

THENCE North $0^{\circ}29'$ East 1477.22 feet with said East Right-of-Way line and with the West line of said 61.019 acre tract to an iron pin set beside a corner post at the Northwest corner of said 61.019 acre tract for a corner;

THENCE Easterly with the North line of said 61.019 acre tract and with an established fence as follows:

South $88^{\circ}21'$ East 517.42 feet; South $88^{\circ}32'32''$ East 1238.5 feet to the PLACE OF BEGINNING and containing 60.681 acres of land.



PLAT 6
R/S 60/84 - 51 ACRES

PLAT 7
RS 60/84 - 31 ACRES

PLAT 5
RG 25 - 14.5 ACRES

PLAT 4
RG 25 - 12 ACRES

PLAT 3
O - 9 ACRES

PLAT 1
C - 155 ACRES

PLAT 2
C/O - 12 ACRES

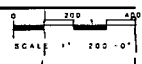
TABULATIONS

TOTAL SITE ACREAGE	158.67 ACRES
ROW US HWY 380 (FUTURE)	61 ACRES
ROW F.M. 1461 (FUTURE)	119 ACRES
FOR CONSERVATION EASEMENT	162 ACRES
TELEPHONE CABLE EASEMENT	140 ACRES

USABLE LAND 153.85 ACRES

C - PLANNED CENTER	19.50 ACRES	10%
C/O - PLANNED CENTER/OFFICE	12.00 ACRES	8%
O - OFFICE	9.00 ACRES	1%
RG - 25 - TOWNHOUSES	26.50 ACRES	17%
RS - 60/84 - SINGLE FAMILY	82.00 ACRES	53%
<small>(LIMITED USE RS 00 41 ACRES/RS 04 41 ACRES)</small>		
COLLECTOR STREET (INTERNAL)	8.85 ACRES	6%
TOTAL ACREAGE	153.85 ACRES	100%

U.S. HIGHWAY 380



ZONING PLAN

AUGUST 7, 1984

FRANKLIN BRANCH DEVELOPMENT

U.S. HIGHWAY 380 AT F.M. 1461

McKINNEY, TEXAS

OWNER:

LOHESRIN, N. V.

ARCHITECT/PLANNER:

BRINKLEY BRINKLEY & SARGENT, INC.