

ORDINANCE NO. 97-11-59

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; TO CHANGE THE ZONING OF A 15.542 ACRE TRACT LOCATED ON THE WEST SIDE OF HARDIN BOULEVARD, SOUTH OF TRAILWOOD DRIVE, FROM "AG" - AGRICULTURAL DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, 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 owners of a 15.542 acre tract located on the west side of Hardin Boulevard, south of Trailwood Drive, in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to change the zoning of the land from "AG" - Agricultural District to "PD" - Planned Development District, a complete legal 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 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, and the City Council is of the opinion that said zoning should be made.

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

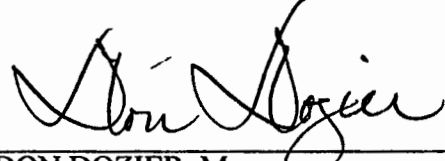
- Section 1. The Zoning Ordinance No. 1270 of the City of McKinney is hereby amended so that a 15.542 acre tract located on the west side of Hardin Boulevard, south of Trailwood Drive, in the City of McKinney, Collin County, Texas, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from its present classification of "AG" - Agricultural Duplex District to "PD" - Planned Development District, and the official zoning map shall be amended accordingly and shall serve as an attachment to this zoning.
- Section 2. Use and development of subject property shall conform to all regulations applicable to an "RS 60" - Single Family Residential District, as set forth in Section 3.07 of Ordinance No. 1270, as amended from time to time, except as provided in the following sections hereof.
- Section 3. The front and rear setback lines shall be 20 feet. The main building may be constructed a width equal to or less than forty percent (40%) of the front lot width, as measured at the building line, beyond the front setback line an additional 3 feet (17 foot setback), provided that the remaining portion of the main building is subject to an increased setback of 3 feet (23 foot setback), thereby compensating for the reduced setback and creating a staggered building face effect along the street. However, a 20 foot setback would be required for a garage entrance off either a street or an alley.
- Section 4. 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 5. 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 \$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 6. 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 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 FIRST READING ON THE 18th DAY OF November 1997.



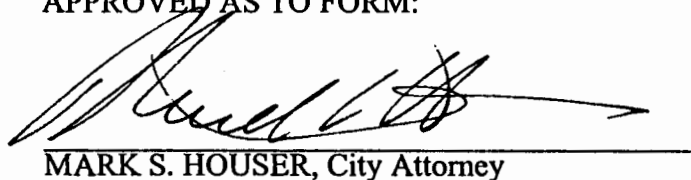
DON DOZIER, Mayor
City of McKinney, Texas

ATTEST:



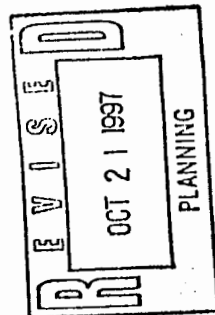
JENNIFER G. SMITH, City Secretary

APPROVED AS TO FORM:



MARK S. HOUSER, City Attorney

On October 12, 1934, the City of Los Angeles, California, was the first to establish a public utility commission. This was done by the passage of the Public Utility Control Act, which created the Public Utility Commission of the City of Los Angeles. The commission was given the authority to regulate the rates and service of public utilities within the city limits. This was a significant step in the history of public utility regulation in the United States, as it established a model for other cities to follow. The commission's first major action was to set rates for the Los Angeles Gas and Electric Company, which was then the largest utility in the city. The commission found that the rates were excessive and ordered a reduction. This decision was upheld by the courts, and it set a precedent for public utility regulation. The commission also established the Public Utility Workers' Union, which represented the employees of the city's utilities. This was another important step in the history of public utility regulation, as it established a model for other cities to follow. The commission's work was continued by its successors, and it played a major role in the development of public utility regulation in the United States.

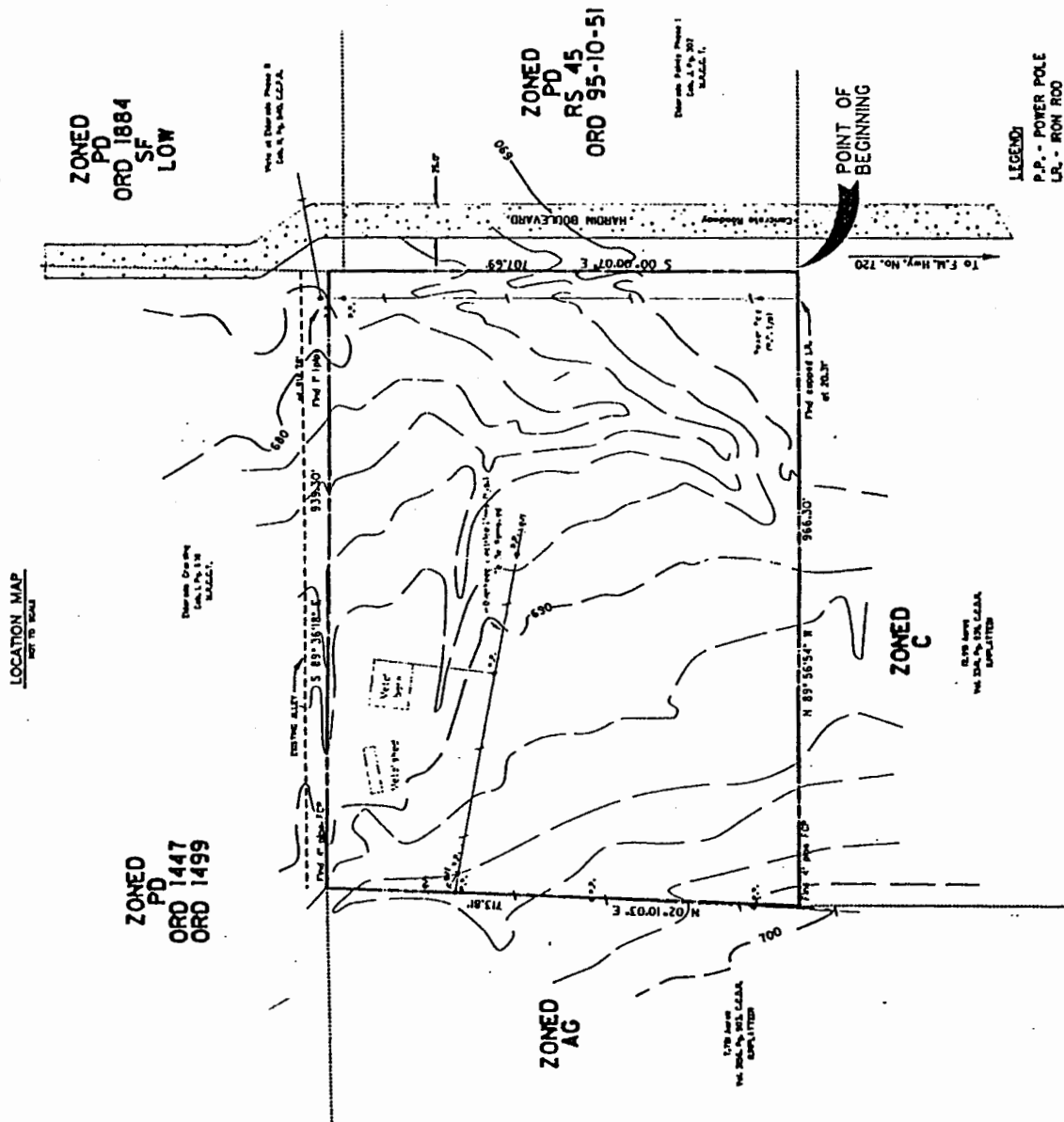


**ZONING EXHIBIT
MCCUIRE PROPERTY
15.542 ACRES**

OWNER/DEVELOPER:
TOWER COMMERCIAL
17480 N. DALLAS PKWY, SUITE 219
DALLAS, TEXAS 75287
(972) 360-9500

Carter & Burgess
Consultants in Planning, Engineering, Architecture,
Construction Management, and Related Services

CARTER & BURGESS, INC.
7750 BARBERSQ. DRIVE, SUITE 250
DALLAS, TX 75247-1751



DATA SUMMARY:
 TESTING ZONING AGRICULTURAL
 PROPOSED TOWNSHIP PLANNED DEVELOPMENT
 SITE AREA 15.42 ACRES
 TOTAL PROPOSED LOT# 63 (RESIDENTIAL)
 TOTAL LOT SQUARE FOOTAGE 8,000 SQ. FT.
 MAXIMUM LOT WIDTH 30 FEET
 MAXIMUM LOT DEPTH 100 FEET
 MAXIMUM FRONT YARD 35 FEET
 MAXIMUM REAR YARD 30 FEET
 MAXIMUM SIDE YARD 5 FEET
 MAXIMUM SIDE YARD AT CORNER 15 FEET

NOTES
METES AND BOUNDS DESCRIPTION TAKEN
FROM BOUNDARY SURVEY PREPARED BY:
ROOME SURVEYING, INC.,
8000 AVENUE, SUITE 804
PLANO, TEXAS 75074