

AN ORDINANCE AMENDING ZONING ORDINANCE 1270 SO THAT 5.1220 ACRES IN THE W. D. THOMPSON SURVEY, LOCATED AT THE SOUTHWEST CORNER OF F.M. 3038 AND JORDAN ROAD IS ZONED NEIGHBORHOOD BUSINESS; PROVIDING FOR A SITE PLAN AND LANDSCAPE PLAN; PROVIDING FOR THE ELIMINATION OF CERTAIN USES; 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 5.1220 acres in the W. D. Thompson Survey, located at the Southwest corner of F.M. 3038 and Jordan Road, more fully described in the attached Exhibit "A", have petitioned the City of McKinney to zone such property "Neighborhood Business", and,

WHEREAS, after due notice of the requested zoning changes 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, the City Council is of the opinion that such zoning 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 described as 5.1220 acres in the W. D. Thompson Survey, located at the Southwest corner of F.M. 3038 and Jordan Road, is hereby rezoned from its present classification of "Agricultural" to "Neighborhood Business".

SECTION II: That prior to development, a complete site plan and landscape plan shall be submitted to and receive the approval of the City Council of the City of McKinney, Texas.

SECTION III: The following uses are eliminated for the subject property as they are considered incompatible with the intent and purpose of the district:

1. All residential uses.
2. College or University.
3. Utility substation, regulating station, or water storage tank: specific use permit only.
4. Agricultural and ranching uses.
5. Farms, nurseries, truck gardens.
6. Agriculture sign.

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: Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction therefor, shall be fined any sum not exceeding \$200.00, and each and every day that such violation continues shall be considered a separate offense; provided however, that such penal provision shall not preclude a suit to enjoin such violation.

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 5th day of April, 1988.

CORRECTLY ENROLLED:


JENNIFER CRAVENS
CITY SECRETARY

EXHIBIT "A"

Tract A

Situated in Collin County, Texas, part of the W. D. Thompson Survey, Abst. 891, being a part of a 23.351 acre tract conveyed to Joe T. Fox, Trustee by Ben R. Hill by deed recorded in Volume 873, page 727, Collin Co. Deed Records and described more fully as follows:

BEGINNING at an iron stake in the Northeast corner of the said tract in the center line of a public road, said stake also being in the South right of way line of F.M. Hwy #3038.

THENCE South 2 deg. 33 min West with the center line of the road and the East line of the tract a distance of 850 ft. a stake,

THENCE South 87 deg. 27 min. East a distance of 210.0 ft. to a stake.

THENCE North 2 deg. 33 min. West a distance of 600 ft. to a stake.

THENCE North 87 deg. 27 min. East a distance of 170.0 ft. to a stake.

THENCE North 1 deg. 40 min. 00 sec. East a distance of 225.4 ft. to a stake in the South right of way line of F.M. Hwy #3038.

THENCE in an Easterly direction following a curve to the right with a central angle of 14 deg. 08 min. 17 sec. with a radius of 1372.4 ft., an arc distance of 338.65 ft. to a wood right of way marker at the end of the said curve.

THENCE South 47 deg. 35 min. East with the right of way line of the Highway a distance of 30.7 ft. to a right of way marker.

THENCE South 87 deg. 59 min. East a distance of 25 ft. to the place of beginning containing 5.122 acres of land.,