

ORDINANCE NO. 94

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, COLLIN COUNTY, TEXAS AMENDING ITS ZONING ORDINANCE, AND AMENDING SPECIAL USE PERMIT NUMBER 001 AS ESTABLISHED ORDINANCE NUMBER 78, APPLICABLE TO LOT 39 WOODCREEK COUNTRY ESTATES, PROVIDING FOR A SUMMARY OF REVISIONS UPON PROPERTY DESCRIBED HEREIN, AND PROVIDING FOR A PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH VIOLATION, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its special meeting held on the 10th day of December, 1996, the Board of Aldermen for the City of Lowry Crossing did consider and make recommendations on a certain request for a Special Use Permit No. 001.

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LOWRY CROSSING, COLLIN COUNTY, TEXAS.

SECTION 1. That Special Use Permit 001 is hereby amended for a certain 1.278 acre tract of land located at Woodcreek Country Estates Lot 39 situated in the Jacob Snively Survey, Abstract No. 863, Lowry Crossing, Collin County, Texas, and more specifically described on the attached Exhibit A, providing for the following use:

Sale of new and used cars, and accessory items such as: trucks, boats, trailers and small farm equipment.

SECTION 2. That development shall be in conformance with the Site Plan, attached hereto as Exhibit B.

SECTION 3. That development shall be in accordance with the following special conditions, restrictions, and regulations.

1. That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;

2. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
4. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movements of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
6. Directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
7. Sufficient fencing will be provided, in the form of an eight foot (8') solid fence along the southern boundary line of property, to insure harmony and compatibility with adjacent property;

Applicant is placed on notice that, in the event that said fence is not constructed within ninety (90) days from the effective date of this ordinance, the City Council will initiate procedures to rezone the property back to its original zoning status.

8. Portions of property fifty feet (50') from front right-of-way will be free of any merchandise and parking;
9. Rear portions of the property behind the main buildings shall not be used for storage of scrap;
10. The cost of improving the property to comply with requirements of this ordinance shall be the responsibility of the applicant;
11. Evidence of compliance with all of these requirements shall be a prerequisite to issuing any building permit on the subject premises.

SECTION 4. PENALTY

That any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in the Lowry Crossing Code of Ordinances, as amended, by a fine not to exceed one thousand dollars (\$1,000); and each day or portion thereof during which the violation is committed, continued or permitted shall be a separate offense.

SECTION 5. SEVERABILITY CLAUSE

That if any section, sub-section, paragraph, clause, phrase, or provisions of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions hereof, other than the part so decided to be invalid or unconstitutional.

SECTION 6. SAVINGS CLAUSE

That Ordinance Number 26B, otherwise known as the Comprehensive Zoning Ordinance, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. EFFECTIVE DATE

That this ordinance shall become and be effective on and after its adoption.

ADOPTED by the City Council of the City of Lowry Crossing, Texas on this the 21st day of January, 1997.

APPROVED:

by: Peggy Simpson
Peggy Simpson, Mayor Pro Tem

ATTEST:

Pam Toler
Pam Toler, City Secretary

SURVEY SHOWING

LOT 39

WOOD CREEK COUNTRY ESTATES

COLLIN COUNTY

LOWRY CROSSING, TEXAS

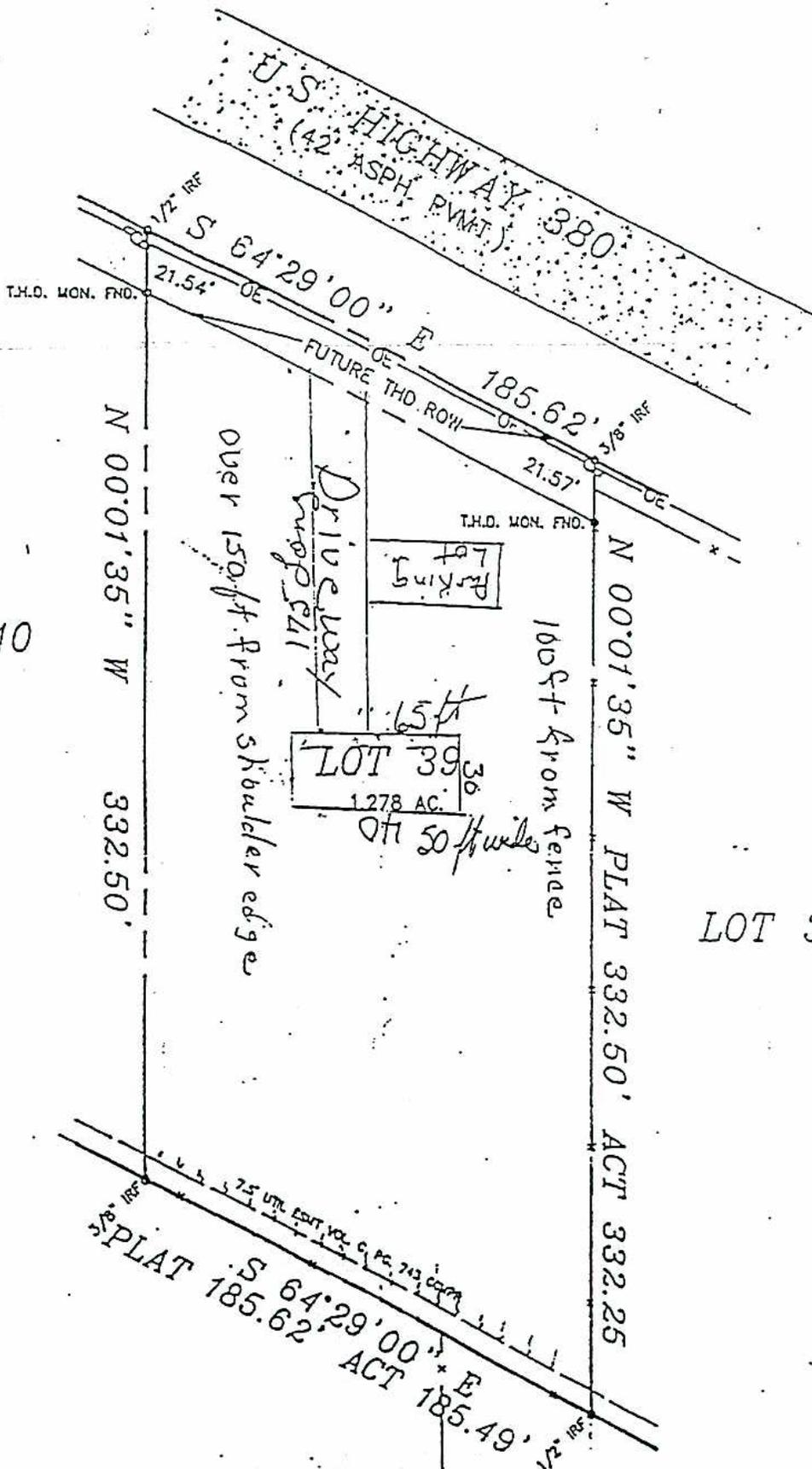
Exhibit B

SCALE 1" = 60'



LOT 40

LOT 38



LEGAL DESCRIPTION/CERTIFICATION

Exhibit A

TO ALL PARTIES INTERESTED IN THE PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of the property located in the City of LOWRY CROSSING, Texas, Being Lot 39, of the Replat of WOOD CREEK COUNTRY ESTATES, an Addition to the City of LOWRY CROSSING COLLIN COUNTY, Texas, according to the Plat thereof recorded in VOLUME C, PAGE 743, of the COLLIN COUNTY MAP and PLAT RECORDS.

The plat hereon is a true, correct and accurate representation of the property as determined by a survey on the ground, the lines and dimensions of said property being as indicated by said survey, the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, and set back from the property lines the distances indicated. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.

"FLOOD CERTIFICATION"

No part of the subject property lies within the 100 YEAR FLOOD ZONE, according to the Flood Insurance Rate Map for the City of Lowry Crossing, Collin County, Texas, Community PANEL # 48085C0300F, Revision Date September 4, 1991.

Executed this 25th day of November, 1992

Edwin A. Apel

Edwin A. Apel
Registered Professional Land Surveyor
Surveyor No. 3078



11-25-92

SURVEY SHOWING
LOT 39
WOOD CREEK COUNTRY ESTATES
COLLIN COUNTY
LOWRY CROSSING, TEXAS

Arlington Engineering Co., Inc.
908 W. MAIN ST.
Arlington, Texas 76013
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Land Planning
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