

CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 243

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, THE SAME BEING ORDINANCE NO. 110, AS AMENDED, BY CHANGING THE ZONING ON A CERTAIN TRACT OF LAND, GENERALLY DESCRIBED AS AN APPROXIMATELY THREE (3) ACRE TRACT OF LAND LOCATED WITHIN THE CITY AT 2055 S. BRIDGEFARMER ROAD AND AS MORE PARTICULARLY DESCRIBED HEREIN, FROM “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT TO “A” AGRICULTURAL DISTRICT; PROVIDING THAT THE OCCUPANCY, USE AND DEVELOPMENT OF THE SAID TRACT OF LAND SHALL BE IN ACCORDANCE WITH THIS ORDINANCE, THE CITY’S COMPREHENSIVE ZONING ORDINANCES, OTHER ORDINANCES, RULES AND REGULATIONS OF THE CITY, AND LAWS, RULES AND REGULATIONS OF OTHER GOVERNMENTAL ENTITIES HAVING JURISDICTION OVER THE LAND; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a tract of land located within the City of Lowry Crossing, Texas (the “City”), which contains approximately three (3) acres of land and the address of which is 2055 S. Bridgefarmer Road (and which tract of land is more particularly described in Exhibit A attached hereto and incorporated herein) (the “Property”), is zoned “R-1” Single-Family Residential District; and

WHEREAS, the owner of the Property, or a representative of the owner having full authority from the owner, filed an application with the City requesting a change of zoning on the Property from “R-1” Single-Family Residential District to “A” Agricultural District, in accordance with City’s comprehensive Zoning Ordinance, the same being Ordinance No. 110, as amended (the “Zoning Ordinance”); and

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with State law and the Zoning Ordinance, have given the required notices and have held the required public hearings regarding the change of zoning of the Property as described herein; and

WHEREAS, after public notice was given in compliance with State law and the Zoning Ordinance and a public hearing was conducted, and after considering the information submitted

at the said public hearing and all other relevant information and materials, the Planning and Zoning Commission of the City recommended to the City Council, and presented a final report to the City Council regarding, the change in zoning of the Property as set forth in this Ordinance, subject to the conditions set forth herein; and

WHEREAS, after due deliberations and consideration of the recommendation and the final report of the Planning and Zoning Commission and the information and other materials received at the public hearing conducted by the City Council, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and of the public health, safety and welfare, and the City Council has determined that the Zoning Ordinance should be amended as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

Section 1. Incorporation of Premises. The above and foregoing premises and recitals to this Ordinance are true and correct and are incorporated into and made a part of this Ordinance for all purposes.

Section 2. Amendment; Development, Use of the Property.

A. Ordinance No. 110, as amended (the "Zoning Ordinance"), of the City of Lowry Crossing, Texas (the "City") is hereby amended by changing the zoning on the Property (as described in Exhibit A attached hereto and incorporated herein) from "R-1" Single-Family Residential District to "A" Agricultural District as set forth herein and subject to the terms, conditions and standards set forth in this Ordinance.

B. The zoning herein provided for, and the occupancy, use and development of the Property, is in all things subject to all of the provisions of this Ordinance, all applicable provisions of the Zoning Ordinance, and all other ordinances of the City and all applicable laws, ordinances, codes, rules, regulations, orders, and standards of the City and of any governmental entity, agency or authority having jurisdiction over the Property.

Section 3. Building Permit, Certificate of Occupancy, Development and Use. No building permit or certificate of occupancy relating to the Property shall be issued until there has been full compliance with this Ordinance and all other ordinances, codes, rules, regulations, and standards of the City and with all other applicable laws. The construction on, and the occupancy, development and use of, the Property shall be only in the manner and for the purpose and in accordance with the terms and conditions of this Ordinance, the Zoning Ordinance (Ordinance No. 110), and all other applicable ordinances, codes, laws, rules, regulations, and standards of the City and of any other governmental entity or authority having jurisdiction over the Property.

Section 4. Zoning Map. The Zoning District Map of the City shall be amended to reflect the change in zoning made by this Ordinance.

Section 5. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or

other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 6. Savings. That Ordinance No. 110, as amended, shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 7. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid, void, unlawful or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, voidness, unlawfulness or unconstitutionality, which remaining portions shall remain in full force and effect.

Section 8. Effective date. This Ordinance shall become effective from and after its passage and approval, and after publication as may be required by law.

PASSED AND APPROVED by the City Council of the City of Lowry Crossing, Texas this ____ day of _____, 2012.

Derek Stephens, Mayor

ATTEST:

By: _____
Janis Cable, City Secretary

EXHIBIT A
TO ORDINANCE NO. 243

A tract of land situated within the E.M. Jones Survey, Abstract Number 495, Collin County, Texas, and being part of the tract of land as conveyed to TBEC by a deed filed for record at County Clerk's instrument Number 20060608000779130 of the Deed Records of Collin County, Texas. Said tract land being more particularly described by metes and bounds as follows:

Commencing at the North West corner of said tract being at the intersection of the centerline of County Road 400 and the East Right-of-way line of Bridgefarmer Road, an iron spike found for corner;

Thence S 02 degrees 27' 42" East along the East Right-of-Way line of Bridgefarmer Road 788.5 feet to an iron pin found for the POINT NOF BEGINNING;

Thence N 02 degrees 27' 42" East 354.00 feet to a point for corner;

Thence S 89 degrees 00' 01" East 369.18 feet to a point for corner;

Thence S 02 degrees 27' 42" West, 3543.00 feet to a point of a corner;

Thence N 89 degrees 00' 01" West 369.18 feet to the POINT OF BEGINNING and containing 3.00 acres of land.