CITY OF FRISCO, TEXAS **ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S ZONING ORDINANCE, ORDINANCE NO. 11-04-09, AS AMENDED, TO REZONE A TRACT OF LAND CONSISTING OF 4.14± ACRES, SITUATED IN THE COLLIN COUNTY LAND SURVEY, ABSTRACT NO. 152, AND THE W. ROGERS SURVEY, ABSTRACT NO. 780, CITY OF FRISCO, COLLIN COUNTY, TEXAS, HERETOFORE ZONED INDUSTRIAL (I); PROVIDING THAT THE TRACT IS HEREBY REZONED AND PLACED IN THE OF RETAIL (R) ZONING CLASSIFICATION; DESCRIBING THE TRACT TO BE REZONED; PROVIDING A PENALTY CLAUSE, REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco"), to amend Frisco's Zoning Ordinance, Ordinance No. 11-04-09, as amended ("Zoning Ordinance"), as set forth herein; and

WHEREAS, Frisco Center Properties, Inc. ("Applicant") initiated a request to rezone approximately 4.14± acres of land, situated in the Collin County School Land Survey, Abstract No. 152, and the W. Rogers Survey, Abstract No. 780, City of Frisco, Collin County, Texas, and being more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes ("Property"), and depicted in Exhibit A-1 and Exhibit A-2, attached hereto and incorporated herein for all purposes; and

WHEREAS, Applicant has requested that the Zoning Ordinance be amended to rezone the Property, heretofore zoned and classified in the Industrial (I) zoning classification, by placing it in the Retail (R) zoning classification; and

WHEREAS, the City Council has investigated and determined that the facts contained in the Applicant's request are true and correct; and

WHEREAS, the City Council finds that Applicant has agreed to comply with all provisions of the ordinances of Frisco, as they exist, may be amended or in the future arising, including, but not limited to, this Ordinance and the Zoning Ordinance; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has investigated and determined that it will be advantageous and beneficial to Frisco and its inhabitants to rezone this Property as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Zoning Ordinance. The Zoning Ordinance is hereby amended as follows: The zoning designation of the Property, and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Retail (R). The Property, as a whole and the boundaries thereof, is more particularly described in Exhibit A. The general location of the Property is depicted in Exhibit A-1 and Exhibit A-2.

The development of the Property must comply with the requirements of all ordinances, rules and regulations of Frisco, as they currently exist, may be amended, or in the future arising.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity or corporation to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7: Savings/Repealing. The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE FRISCO CITY COUNCIL on this __ day of July, 2015.

_____
Maher Maso, Mayor

ATTESTED TO AND CORRECTLY RECORDED BY:

_____
Jenny Page, City Secretary

APPROVED AS TO FORM:

_____
Abernathy Roeder Boyd & Hullett P.C.
Ryan D. Pittman, City Attorneys

*Dates of Publication:*_____, *Frisco Enterprise*

Exhibit A
Legal Description of the Property

Exhibit A-1
Property Location

Z15-0011
Eldorado Business Park
Block D, Lot 1

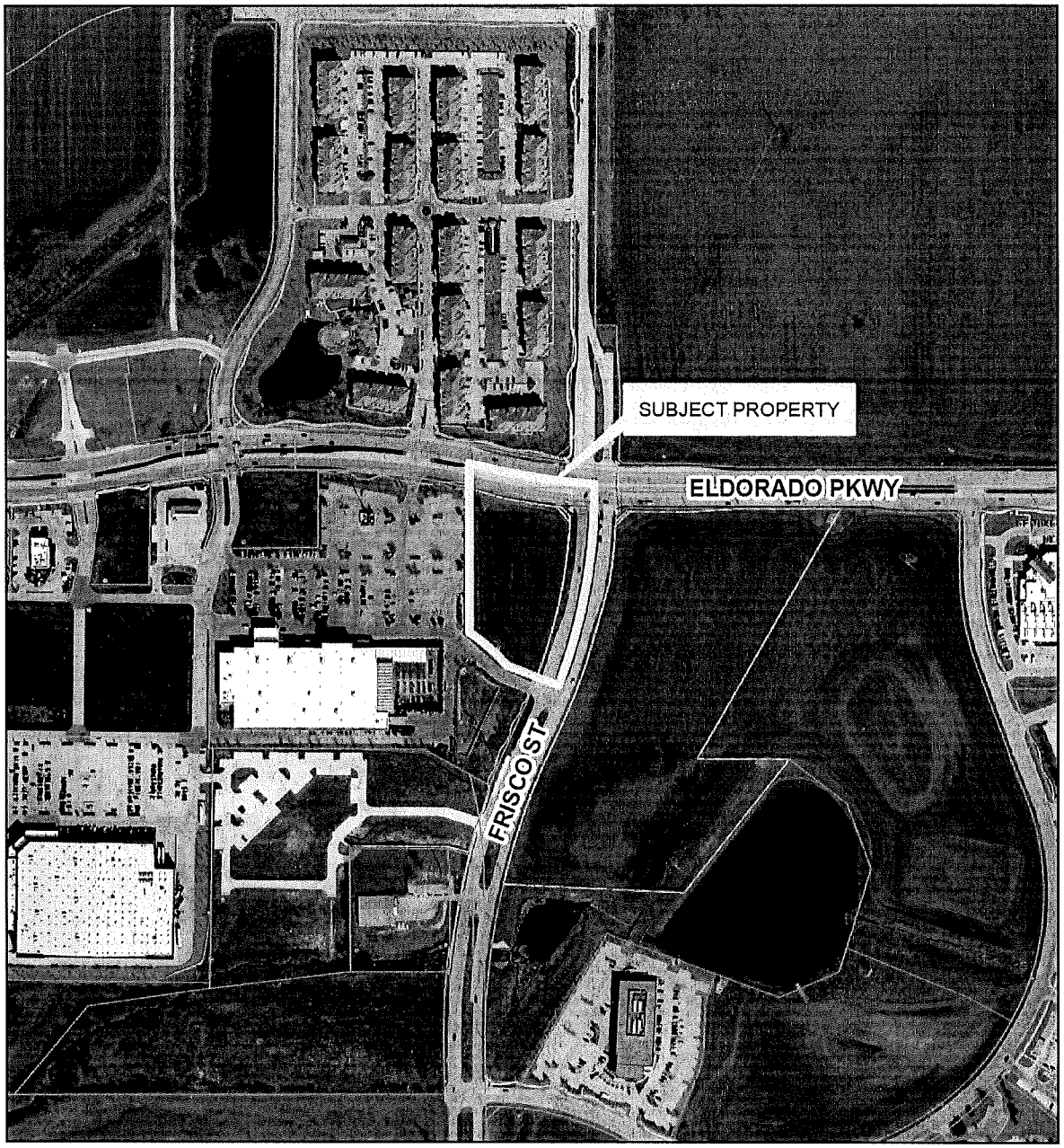
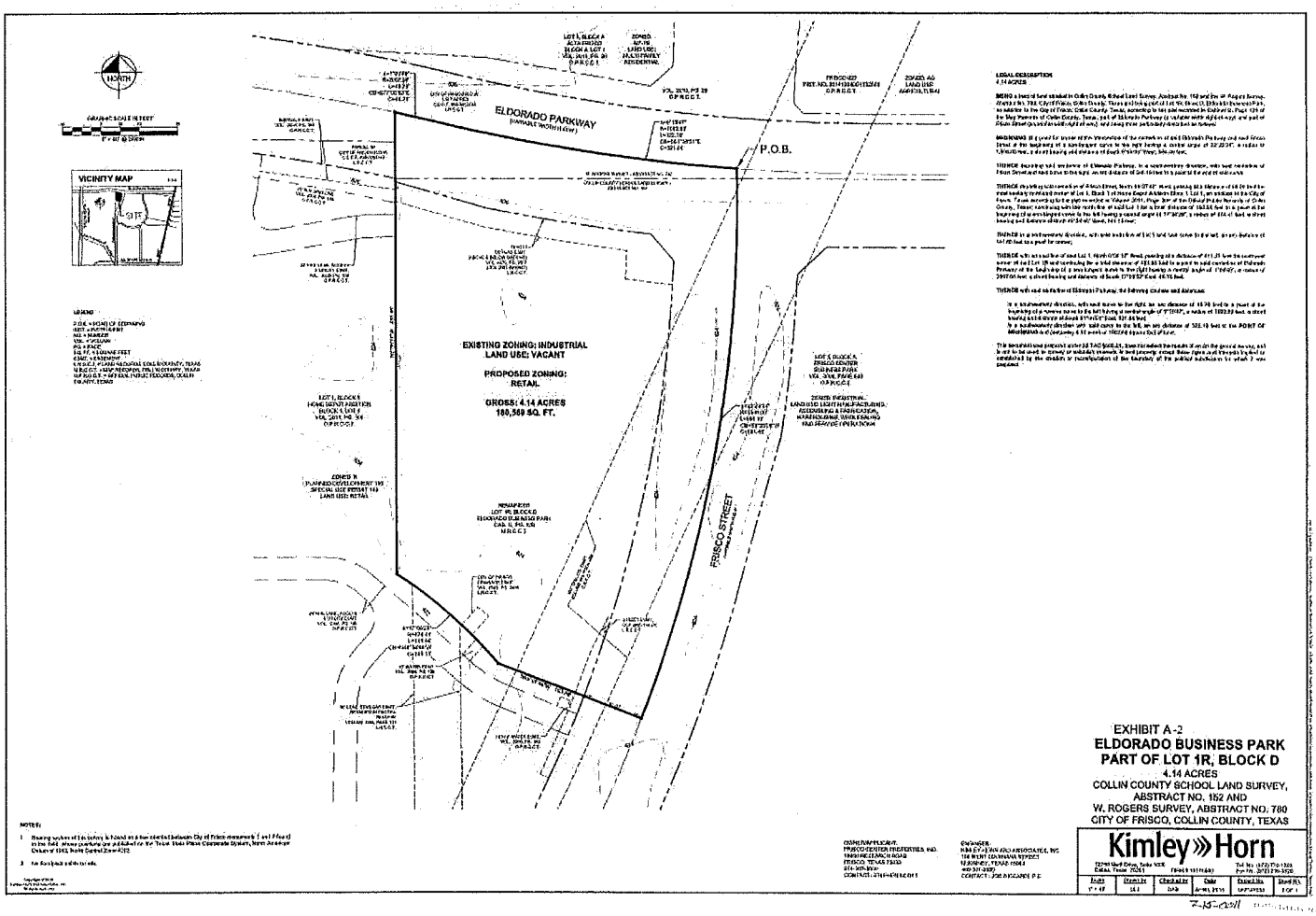
Exhibit A-2
Property