

ORDINANCE NO. 2004-06-058

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY .348 ACRE TRACT, LOCATED ON THE SOUTHWEST CORNER OF KENTUCKY STREET AND JOSEPHINE STREET, IS REZONED FROM "BN" – NEIGHBORHOOD BUSINESS DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, WITH AN UPHOLSTERY SHOP AS AN ALLOWED USE; 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 City of McKinney has considered the rezoning of an approximately 0.348 acre tract located on the southwest corner of Kentucky Street and Josephine Street, from "BN" – Neighborhood Business District, to "PD" – Planned Development District, with an upholstery shop as an allowed use, and,

WHEREAS, after due notice of the requested rezoning 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, the City Council is of the opinion that the change in zoning district should be made.

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

Section 1. Ordinance No. 1270 is hereby amended so that an approximately .348 acre tract, located on the southwest corner of Kentucky Street and Josephine Street, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "BN" – Neighborhood Business District, to "PD" – Planned Development District, with an upholstery shop as an allowed use, and,

Section 2. Use and Development of the subject property shall conform to the "BN" – Neighborhood Business District, as set forth in Section 41-79 of the City of McKinney Code of Ordinances, and as amended, with the following exception:

1. An upholstery shop be an allowed use on the subject property.

Section 3. 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 therefore, 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.

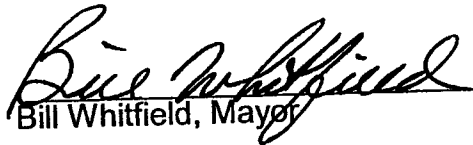
Section 6.

That no developer or property owner shall acquire any vested interest in this Ordinance 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.

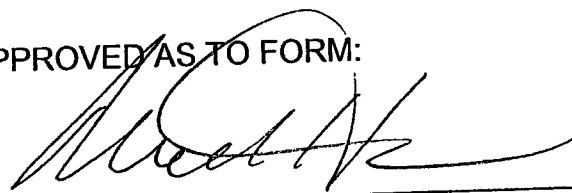
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 1<sup>ST</sup> DAY OF JUNE, 2004.**

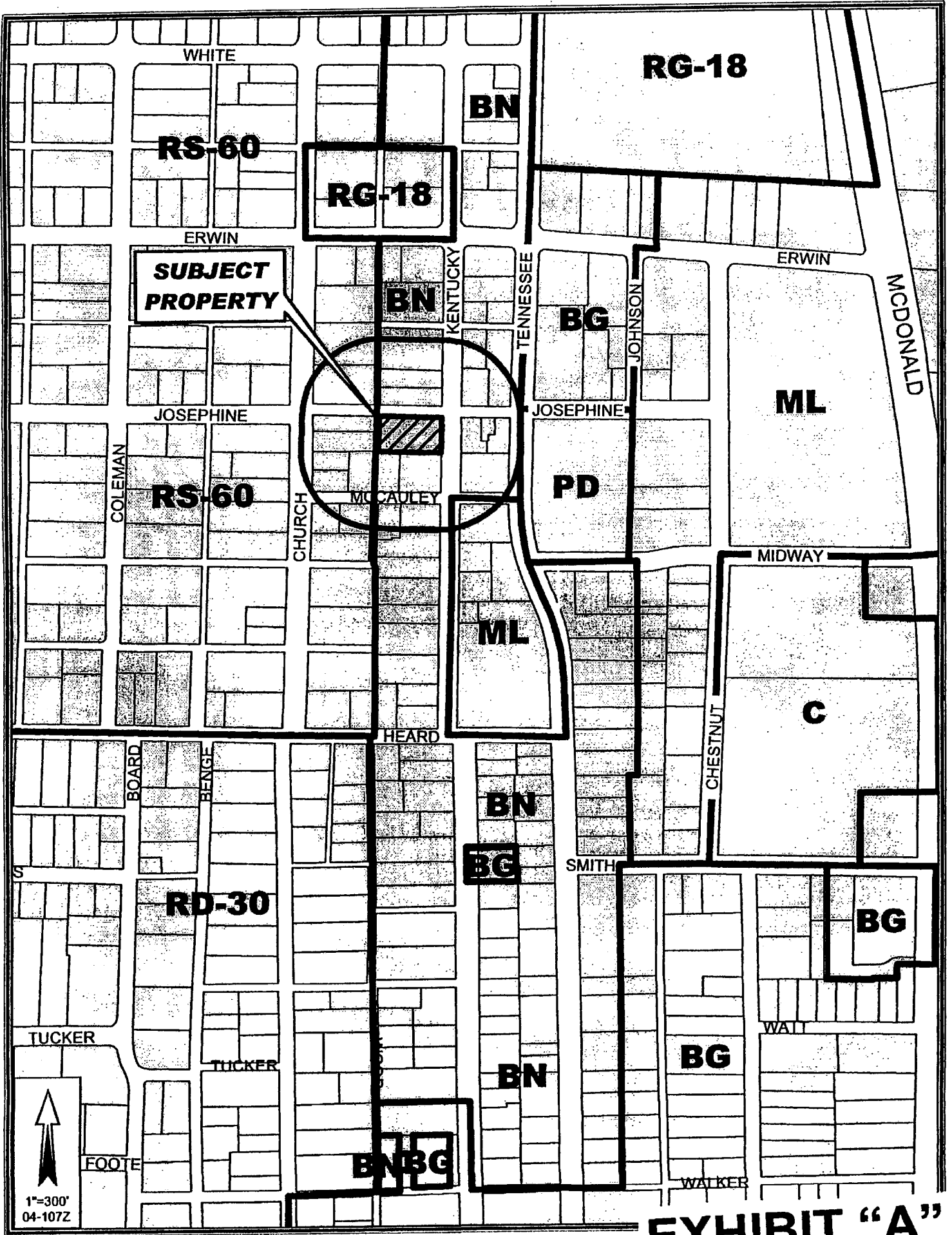
  
Bill Whitfield, Mayor

CORRECTLY ENROLLED:

  
JENNIFER G. SPROULL, City Secretary  
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:

  
MARK S. HOUSER, City Attorney



**EXHIBIT "A"**