

**ORDINANCE NO. 2010-03-004**

**AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.41 ACRE PROPERTY, LOCATED GENERALLY ON THE EAST SIDE OF CHURCH STREET AND APPROXIMATELY 150 FEET SOUTH OF ERWIN AVENUE, IS REZONED FROM "RS 60" – SINGLE FAMILY RESIDENCE DISTRICT TO "RS 60" – SINGLE FAMILY RESIDENCE DISTRICT AND "H" – HISTORIC PRESERVATION OVERLAY DISTRICT; 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 0.41 acre property, located generally on the east side of Church Street and approximately 150 feet south of Erwin Avenue, be rezoned from "RS 60" – Single Family Residence District to "RS 60" – Single Family Residence District and "H" – Historic Preservation Overlay District, 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 in order to rezone an approximately 0.41 acre property, located generally on the east side of Church Street and approximately 150 feet south of Erwin Avenue, which is more fully depicted on Exhibit A, attached hereto, is hereby rezoned "RS 60" – Single Family Residence District to "RS 60" – Single Family Residence District and "H" – Historic Preservation Overlay District.

Section 2. Use and development of the subject property, shall conform to the following regulations:

1. The subject property, more fully described in Exhibit B, attached hereto, be developed according to "RS 60" – Single Family Residence District and "H" – Historic Preservation Overlay District.

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 4. 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 5. 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 6. 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 THE 2<sup>nd</sup> DAY OF MARCH, 2010.**

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
BRIAN LOUGHMILLER, Mayor

CORRECTLY ENROLLED:

\_\_\_\_\_  
SANDY HART, TRMC, MMC  
City Secretary  
LINCOLN THOMPSON  
Deputy City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK S. HOUSER, City Attorney