

ORDINANCE NO. 2020-11-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 4.425 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF WILSON CREEK PARKWAY AND APPROXIMATELY 850 FEET WEST OF COLLEGE STREET, IS REZONED FROM “PD” - PLANNED DEVELOPMENT DISTRICT AND “TMN” – TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “TMN” – TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT, TO ALLOW AN EMERGENCY OVERNIGHT WARMING STATION; 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 4.425 acre property, located on the north side of Wilson Creek Parkway and approximately 850 feet west of College Street, which is more fully depicted on Exhibits “A,” “B,” and “C,” attached hereto, from “PD” - Planned Development District and “TMN” – Traditional McKinney Neighborhood Overlay District to “PD” – Planned Development District and “TMN” – Traditional McKinney Neighborhood Overlay District, to allow an emergency overnight warming station; 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. The zoning map is hereby amended so that an approximately 4.425 acre property, located on the north side of Wilson Creek Parkway and approximately 850 feet west of College Street, which is more fully depicted on Exhibit “A,” “B,” and “C,” attached hereto, is rezoned from “PD” - Planned Development District and “TMN” – Traditional McKinney Neighborhood Overlay District to “PD” – Planned Development District and “TMN” – Traditional McKinney Neighborhood Overlay District, to allow an emergency overnight warming station.

Section 2. The subject property shall develop in accordance with Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance, and Ordinance No. 1452, and as amended, except as follows:

- a. **Emergency Overnight Warming Station (“EOWS”)**: A religious or philanthropic organization may operate an emergency overnight warming station, including temporary lodging, in compliance with following requirements:
 1. **Operating entity**: The organization responsible for operation shall be a church, religious, or philanthropic organization (“the operator”);
 2. **Weather requirement**: Operation of the EOWS, including temporary lodging, is limited to when the outdoor temperature is forecast to reach 40 degrees Fahrenheit or less between 6:00 P.M. and 8:00 A.M.;
 - i. Notwithstanding of the weather requirement above, the EOWS may be operated during the annual 24-hour Point-in-Time homeless count, as mandated by the Department of Housing and Urban Development. Operation during this

annual event shall comply with all other requirements of this Planned Development.

3. **Hours of operation (daily):** The EOWS' operation shall be limited to: 6:00 P.M. to 8:00 A.M.;
4. **Number of guests:** No more than 50 guests (excluding staff and volunteers) may be allowed at any one time;
 - i. **Additional guests:** Additional guests may be permitted with the City Council's discretionary approval of a temporary use permit. The temporary use permit's application shall include sufficient information and detail, as determined by the Chief Building Official and Fire Marshal, to fully describe the proposed operation. Consideration of the operator's temporary use permit application shall include a public hearing and the approval of said temporary use permit shall only be valid for one calendar year from the date of the City Council's approval.
5. **Security:** It shall be the responsibility of the operator to provide security or police personnel of sufficient quantity and type during operation. This determination shall be subject to the discretionary approval of the Chief of Police or their designee;
6. **Residential buffer:** A buffer of 150' shall be maintained between the building where the emergency overnight warming shelter is located and any adjacent residential property line;
7. **Bathrooms and showers:** The operator shall provide access to bathrooms and showers for guests;
8. **External impacts:** The EOWS' entire operation shall be wholly enclosed within the primary building and no evidence of the EOWS' operation may be visible from adjacent properties or the public right-of-way; and
9. **Annual inspection by McKinney Fire Department:** Prior to the first operation of the EOWS each fall/winter season, the operator shall initiate an inspection by the City of McKinney's Fire Department.
10. **Contact information:** Prior to first operation of the EOWS each fall/winter season, the operator shall provide to the City's Development Services Division and Housing and Community Development Department:
 - i. The name and phone number of an on-site contact in the event of complaints or concerns; and
 - ii. An operational plan outlining security measures, a typical daily schedule, food and transportation plans, staffing needs, and volunteer training.

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 3rd DAY OF NOVEMBER, 2020.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney