

ORDINANCE NO. 2016-11-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING CHAPTER 134, "SIGNS" BY REVISING PARAGRAPH (a) OF SECTION 134-10 ENTITLED "MULTIPLE-BUILDING LOT COORDINATED SIGNAGE" TO ALLOW COORDINATED SIGNAGE ON PROPERTY THAT IS DEVELOPED IN ANY COMMERCIAL (NON-RESIDENTIAL) ZONING DISTRICT IN ADDITION TO PROPERTY DEVELOPED IN A PLANNED DEVELOPMENT DISTRICT OR IN THE MCKINNEY TOWN CENTER; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), possesses, pursuant to Chapter 216 of the Texas Local Government Code, as amended, the ability to regulate signs in the City limits and in the City's extra-territorial jurisdiction ("ETJ"); and

WHEREAS, the City Council enacted Chapter 134 of the Code of Ordinances, City of McKinney, Texas ("McKinney Code"), regulating signs within the City and the City's ETJ; and

WHEREAS, Section 134-10 of the McKinney Code allows for the coordination of signage on property that is developed in a PD - planned development district or in the MTC - McKinney Town Center but does not allow for the coordination of signage on property that is developed in any commercial (nonresidential) zoning district; and

WHEREAS, the City Council finds that amending Section 134-10 of the McKinney Code to allow multiple-building lot coordinated signage on any property being developed in any commercial (nonresidential) zoning district may eliminate extra steps in the development process and is in the best interest of the health, safety and welfare of the citizens of the City.

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

Section 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 134, "Signs," is hereby amended by amending Section 134-10 of the McKinney Code by deleting Paragraph (a) of Section 134-10 in its entirety and replacing said Paragraph (a) with a new Paragraph (a) to read as follows:

"Sec. 134-10. - Multiple-building lot coordinated signage.

- (a) *Non-Residential zoning districts, PD planned development district or MTC – McKinney Town Center district.* Notwithstanding anything contained in the foregoing, if property is developed in a non-residential zoning district, in a PD planned development district or in the MTC – McKinney Town Center district, all signs on such property may be reviewed and approved as part of a

comprehensive sign package. Total signage allowed for all sites in the development may be aggregated and the total allowance redistributed. Sign locations, types and sizes may be varied; however, they must be consistent with site and landscape planning principles and will be part of the review process. Such signage shall also comply with the requirements of Paragraph (b) of this Section 134-10. Roof signs may be considered in the MTC – McKinney Town Center district only if reviewed and approved through this process.”

- Section 3. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.
- Section 4. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.
- Section 5. All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.
- Section 6. Any violation of this Ordinance can be enjoined by a suit filed in the name of the City of McKinney in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of the City of McKinney.
- Section 7. Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Chapter 134 of the McKinney Code; and each and every day such violation shall continue shall be deemed to constitute a separate offense.
- Section 8. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council’s adoption hereof as provided by law.
- Section 9. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 1st DAY OF NOVEMBER, 2016.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney