

ORDINANCE NO. 2022-10-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF A PUBLIC HEARING TO BE HELD JOINTLY BY CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO CONSIDER, DISCUSS, AND ACT ON AMENDING AND RELOCATING CHAPTER 146 (ZONING ORDINANCE), CHAPTER 142 (SUBDIVISION ORDINANCE), CHAPTER 58 (LIGHTING ORDINANCE), CHAPTER 122, ARTICLE IV (FENCE ORDINANCE), CHAPTER 134 (SIGN ORDINANCE), AND CHAPTER 130, ARTICLE IV (STORMWATER MANAGEMENT ORDINANCE) INTO A UNIFIED DEVELOPMENT CODE

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

WHEREAS, the City adopted the Code of Ordinances, City of McKinney, Texas (“City Code”) for the protection of the public health and general welfare of the people of the City of McKinney; and

WHEREAS, the City Council of the City of McKinney directed City Staff to collaborate with consultants to obtain public input and update the City’s zoning regulations, subdivision regulations, and related regulations and development standards; and

WHEREAS, through the collaboration of City Staff with consultants as well as public input a proposed Unified Development Code has been drafted to meet the goals and objectives of the ONE McKinney 2040 Comprehensive Plan; and

WHEREAS, public input and comments regarding the proposed Unified Development Code were obtained through a public outreach program that included surveys, community meetings, presentations to the City Council and the Planning and Zoning Commission, and access through the City’s website, thus affording the public additional opportunity to review and recommend revisions to the proposed code; and

WHEREAS, Section 211.007 of the Texas Local Government Code requires a municipality’s zoning commission to hold a public hearing and provide notice of said hearing prior to making a recommendation to the governing body of a city regarding the adoption of a zoning ordinance and any amendments to a zoning ordinance; and

WHEREAS, Section 211.006 of the Texas Local Government Code also requires the governing body of a municipality to hold a public hearing and provide notice of said hearing prior to the adoption of any zoning regulations, including amendments; and

WHEREAS, Sections 211.006 and 211.007 of the Texas Local Government Code allow the zoning commission and the governing body to combine their efforts and hold a single public hearing in a joint meeting of such bodies; and

WHEREAS, Sections 211.006 and 211.007 of the Texas Local Government Code authorize the governing body of a home-rule municipality upon notice and public hearing, and by a two-thirds vote, to prescribe the type of notice to be given of the time and place of a public hearing held jointly with the zoning commission; and

WHEREAS, the City Council of the City of McKinney (“City Council”) desires to hold a joint meeting with the Planning and Zoning Commission and prescribe the

type of notice to be given of the time and place of a public hearing held jointly with the Planning and Zoning Commission to consider, discuss, and act on amending certain provisions of Chapter 146 (Zoning Ordinance), Chapter 142 (Subdivision Ordinance), Chapter 58 (Lighting Ordinance), Chapter 122, Article IV (Fence Ordinance), Chapter 134 (Sign Ordinance), and Chapter 130, Article IV (Stormwater Management Ordinance) and relocating the foregoing development related ordinances into a Unified Development Code.

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 legislative determinations and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. The City Council, following notice and public hearing as required by law, hereby prescribes the type of notice to be given of the time and place for a Public Hearing to be held jointly by the City Council with the Planning and Zoning Commission to consider amending certain provisions of Chapter 146 (Zoning Ordinance), Chapter 142 (Subdivision Ordinance), Chapter 58 (Lighting Ordinance), Chapter 122, Article IV (Fence Ordinance), Chapter 134 (Sign Ordinance), and Chapter 130, Article IV (Stormwater Management Ordinance) and relocating the foregoing development related ordinances into a Unified Development Code, as follows:

- Legal Notice. On or before the 16th day before the date of the public hearing, the City shall cause a notice of the time and place of the public hearing to be published in the newspaper of general circulation in the City;
- Internet Notice. On or before the 30th day before the date of the public hearing, the time and place of the public hearing shall be posted on the City's Internet website;
- Internet Posting. On or before the 30th day before the date of the public hearing, a final draft of the proposed Unified Development Code shall be posted on the City's website;
- Informational Advertisement. The city shall cause an informational advertisement providing the time and place of the public hearing to be posted in the October edition of the Community Impact Newspaper; and
- Community Announcement. An informational flyer providing the time and place of the public hearing shall be included in City of McKinney Utility Services Statements (utility bills) mailed in the month of October.

Section 3. The legal notice providing the time and place of the hearing shall contain:

- The notice to read as follows:

“NOTICE OF PUBLIC HEARING TO CONSIDER, DISCUSS, AND ACT ON AMENDING CERTAIN PROVISIONS OF CHAPTER 146 (ZONING ORDINANCE), CHAPTER 142 (SUBDIVISION ORDINANCE), CHAPTER 58 (LIGHTING ORDINANCE), CHAPTER 122 ARTICLE IV (FENCE ORDINANCE), CHAPTER 134 (SIGN ORDINANCE), AND CHAPTER 130 ARTICLE IV (STORMWATER MANAGEMENT ORDINANCE) AND RELOCATING THE FOREGOING DEVELOPMENT RELATED ORDINANCES INTO A UNIFIED DEVELOPMENT CODE, AND ACCOMPANYING ORDINANCE”

- The date, time, and location of the public hearing; and
- A statement that any member of the public has the right to appear at the hearing and present evidence for or against the proposed amendments and unified development code.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of McKinney, Texas.

DULY PASSED AND APPROVED BY A TWO-THIRDS MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 3rd DAY OF OCTOBER 2022.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney