

RESOLUTION NO. 2013-09-XXX(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE RECOMMENDED CLASSIFICATION OF A NEW AND UNLISTED LAND USE, COMMUNITY GARDEN, AS PRESCRIBED BY SECTION 146-43 (NEW AND UNLISTED USES) OF THE ZONING REGULATIONS

WHEREAS, the City Council of the City of McKinney, Texas, has been asked to make a determination as to the appropriate classification of a new and unlisted land use, community garden, in accordance with the regulations prescribed in Section 146-43 (New and Unlisted Uses) of the Zoning Ordinance; and

WHEREAS, the Director of Planning has referred the question of what zoning districts are appropriate to contain such new and unlisted land use, community garden, to the Planning and Zoning Commission for consideration; and

WHEREAS, the Planning and Zoning Commission has considered the nature and described performance of a community garden and its compatibility with the uses permitted in the various zoning districts in order to determine the zoning district or districts within which said use should be permitted; and

WHEREAS, the Planning and Zoning Commission has recommended that the new and unlisted land use identified as a community garden be classified as a permitted land use in all zoning districts including each character district of the "MTC" – McKinney Town Center District; and

WHEREAS, the City Council of the City of McKinney, Texas, after due deliberation and consideration of the recommendation of the Planning and Zoning Commission and all information provided regarding the new and unlisted land use identified as a community garden, has determined that a community garden be classified as a permitted land use in all zoning districts including each character district of the "MTC" – McKinney Town Center District.

NOW, THEREFORE, BE IT RESOLVED 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 and factual determinations of the City Council of the City of McKinney and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. The Planning and Zoning Commission's recommendation that a "Community Garden" shall be permitted by right in all zoning districts including each character district of the "MTC" – McKinney Town Center District is hereby approved.

Section 3. For the purposes of this new and unlisted use, a "Community Garden" is hereby defined to be and mean "an area with a lot size of less than three acres that is utilized for the cultivation of horticultural goods including but not limited to fruits, vegetables and herbs. Community gardens shall not include the retail sale or barter of any goods."

Section 4. The parking requirements for a "Community Garden" shall be one parking space for every 21,780 square feet (1/2 acre) of gardening area for gardens that are 21,780 square feet in area or larger; however, no parking shall be required for gardens with a gardening area of less than 21,780 square feet.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS ON THE 17TH DAY OF SEPTEMBER, 2013.**

CITY OF McKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney