

ORDINANCE NO. 2020-02-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 146, ENTITLED "ZONING REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING APPENDIX G, "MTC – MCKINNEY TOWN CENTER ZONING DISTRICT," THROUGH THE AMENDMENT OF SECTION G-2, TITLED "MTC – MCKINNEY TOWN CENTER ZONING DISTRICT," BY AMENDING SECTION 5.6, "DESIGN EXCEPTIONS," AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

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

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of McKinney, Texas, has recommended the amendment of Section 5.6 of Section G-2 of Appendix G to Chapter 146, "Zoning Regulations," of the McKinney Code as provided herein below; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to these matters coming before the City Council of the City of McKinney; and

WHEREAS, the City Council of the City of McKinney, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the City of McKinney and of all testimony and information submitted during said public hearings, has determined that in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of McKinney, Texas, to amend Section 5.6 of Section G-2 of Appendix G to Chapter 146, "Zoning Regulations," of the McKinney Code as provided herein below.

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 set forth in their entirety.

Section 2. From and after the effective date of this Ordinance, Section 5.6, titled "Design Exceptions," of Section G-2, "MTC – McKinney Town Center Zoning District," of Appendix G, "MTC – McKinney Town Center Zoning District," to Chapter 146, "Zoning Regulations," of the McKinney Code to hereafter read as follows:

"5.6 Design Exceptions. A Design Exception means a requested deviation from any Building Form and Site Development Standards, Building Design Standards, or Open Space Standards beyond the minor

deviations specified in the Minor Modifications provision. A Design Exception shall also mean a requested deviation from the Design Criteria of the Schedule of Permitted Uses. All requests for Design Exceptions shall be forwarded by the McKinney Town Center Development Coordinator to the Planning and Zoning Commission for action. Appeals of decisions by the Planning and Zoning Commission shall be made to the City Council.”

- 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, subsection, paragraph, sentence, phrase, clause, or word of this Ordinance, or application thereof to any person or circumstance, shall be declared invalid or unconstitutional by a court of competent jurisdiction, for any reason whatsoever, such holding shall not affect the validity of the remaining portions of this 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, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 5. All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.
- Section 6. 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 7. 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 8. Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Section 1-18 of the McKinney Code; and each and every day such violation shall continue shall be deemed to constitute a separate offense.
- Section 9. 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 10. 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 18th DAY OF FEBRUARY, 2020.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
LISA SEWELL
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney