

ORDINANCE NO. 2023-09-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 150, ENTITLED "UNIFIED DEVELOPMENT CODE," OF THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS TO: (1) CORRECT TYPOGRAPHICAL ERRORS AND MAKE NONSUBSTANTIVE EDITORIAL CHANGES TO: (A) ARTICLE 1 (GENERAL PROVISIONS) AND PARTICULARLY TO SECTIONS 101 (TITLE), 102 (PURPOSE), 106B (SPECIAL USE PERMITS), 108 (MAINTENANCE, ENFORCEMENT, AND PENALTIES), 110 (ADMINISTRATIVE AUTHORITY), (B) ARTICLE 2 (ZONING REGULATIONS) AND PARTICULARLY TO SECTIONS 201 (ADMINISTRATION), 203A (STANDARD PROCEDURES), 203B (ANNEXATION), 203C (ZONING PROCEDURES), 203D (PROTEST PROCEDURES), 203E (PLAN AND PERMIT PROCEDURES), 203F (APPEAL PROCEDURES), 203G (FLEXIBILITY AND RELIEF PROCEDURES), 204 (ZONING DISTRICTS), 205 (USE REGULATIONS), 206A (LANDSCAPING), 206C (SCREENING), 206D (COMMERCIAL GARBAGE/RECYCLING CONTAINERS AND ENCLOSURES), 206E (VEHICLE PARKING AND LOADING), 206F (ARCHITECTURAL STANDARDS), 206G (MULTI-FAMILY RESIDENTIAL SITE DESIGN), 206H (COMMUNICATION ANTENNAS, SUPPORT STRUCTURES, AND SATELLITE DISHES), (C) APENDIX 2A (APPROVED PLANT LIST), AND (D) ARTICLE 8 (TERMS AND DEFINITIONS) PARTICULARLY TO SECTION 802 (DEFINITIONS); (2) MAKE CERTAIN SUBSTANTIVE CHANGES TO: (A) ARTICLE 1 (GENERAL PROVISIONS) AND PARTICULARLY TO SECTIONS: 108B (MAINTENANCE), 110B.1 (BOARD OF ADJUSTMENT), (B) ARTICLE 2 (ZONING REGULATIONS) AND PARTICULARLY TO SECTIONS 201C.4 (CONTINUING LEGAL NONCONFORMITY), 203A.4 (PUBLIC NOTICE), 203D (PROTEST PROCEDURES), 203E.2 (LANDSCAPE PLAN), 203E.6 (CERTIFICATE OF APPROPRIATENESS), 203F.1 (ADMINISTRATIVE APPEAL), 203G.3 (VARIANCE), 204B.3 (ZONING DISTRICT CORRESPONDENCE), 204I (TR1.8 - TOWNHOME RESIDENTIAL), 204W (AP - AIRPORT), 204BB (TMN - TRADITIONAL MCKINNEY NEIGHBORHOOD), 204EE.1 (BUILDING HEIGHT), 205B.5 (TABLE OF USES), 205F (NON-RESIDENTIAL USES) FOR SUBSECTION 3 (AIRPORTS), SUBSECTION 14 (CAR WASHES), AND SUBSECTION 27 (DAY CARE CENTERS), 205G.2 (ACCESSORY USES DEFINITIONS AND STANDARDS), 205I.3 (FOOD TRUCKS, OPERATION SITES, AND FOOD TRUCK COURTS), 206A.4 (PLANTING REQUIREMENTS), 206A.5 (SITE-SPECIFIC LANDSCAPE STANDARDS), 206C.3 (SCREENING REQUIREMENTS), 206E.3 (PARKING CALCULATIONS), 206E.4 (PARKING MODIFICATIONS AND REDUCTIONS), 206E.5 (ON-SITE PARKING DESIGN AND PAVEMENT), (C) APPENDIX 2A (APPROVED PLANT LIST), (D) APPENDIX 2B (MCKINNEY TOWN CENTER MTC), AND (E) 802 (DEFINITIONS); (3) ESTABLISH NEW SECTIONS IN ARTICLE 2 (ZONING REGULATIONS) AS FOLLOWS: 201E (EXISTING SITES IMPACTED BY THE ACQUISITION OF RIGHT-OF-WAY), 206I (FOOD TRUCKS, FOOD TRUCK OPERATION SITES, AND FOOD TRUCK COURTS); (4) ESTABLISH A NEW ARTICLE NAMED "TREE PRESERVATION"; (5) RENUMBER CURRENT ARTICLES 4, 5, 6, 7, AND 8, RESPECTIVELY, AS NEW ARTICLES 5, 6, 7, 8, AND 9 WITH THE SAME TITLES TO CHAPTER 150 (UNIFIED DEVELOPMENT CODE) TO INCLUDE THE NEW ARTICLE 4: (6) DELETING SECTIONS 203E.3, "TREE PRESERVATION PLAN," 203E.4, "TREE PERMIT," AND 206B, "TREE PRESERVATION," FROM ARTICLE 2 (ZONING REGULATIONS); AND (7) RENUMBERING AND RELOCATING SUCH SECTIONS 203E.3, 203E.4, AND 206B, INTO THE NEW ARTICLE 4 NAMED "TREE PRESERVATION" TO CHAPTER 150 (UNIFIED DEVELOPMENT CODE); ESTABLISHING PRESUMPTIONS;

PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

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

WHEREAS, the City Council and the Planning and Zoning Commission have recognized that certain provisions of the Code of Ordinances should be reviewed and updated; and

WHEREAS, amendments to these provisions have been proposed and the City Council and the Planning and Zoning Commission of the City of McKinney are of the opinion that these chapters should be amended.

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

- Section 1. The Code of Ordinances, City of McKinney, Texas, Chapter 150 Article 1 (General Provisions), Article 2 (Zoning Regulations), and Article 8 (Terms and Definitions) are hereby amended and shall read as indicated in Exhibit "A", attached hereto.
- Section 2. The Code of Ordinances, City of McKinney, Texas, Chapter 150 is hereby amended to sequentially renumber Articles 4, 5, 6, 7, and 8, to new Articles 5, 6, 7, 8, and 9 and to create a new Article 4 named "Tree Preservation" as indicated in Exhibit "A", attached hereto.
- Section 2. 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 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. 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 19TH DAY OF SEPTEMBER, 2023.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor
CHARLIE PHILIPS
Mayor Pro Tem

CORRECTLY ENROLLED:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney