

ORDINANCE NO. 2023-09-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH (JACK IN THE BOX), LOCATED APPROXIMATELY 190 FEET NORTH OF FALCON VIEW DRIVE AND ON THE WEST SIDE OF SOUTH CUSTER ROAD; PROVIDING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owner or owners of a proposed restaurant with drive-through (Jack in the Box) located approximately 190 feet north of Falcon View Drive and on the west side of South Custer Road, more fully depicted on Exhibits “A”, “B”, and “C”, attached hereto, in the City of McKinney, Texas, have petitioned the City of McKinney to amend the zoning map of the City of McKinney, Texas, to provide for a Specific Use Permit for a restaurant with drive-through, and,

WHEREAS, the owner or owners are willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, and,

WHEREAS, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that such an amendment should be made.

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

Section 1. The zoning map is hereby amended to provide for a specific use permit for a proposed restaurant with drive-through (Jack in the Box), located approximately 190 feet north of Falcon View Drive and on the west side of South Custer Road, more fully depicted on Exhibits “A”, “B”, and “C”, attached hereto, in accordance with the provisions of Section 205I (Specific Use Permits) of the Unified Development Code of the City of McKinney, Texas.

Section 2. Use and development of the subject property shall conform to the Section 205I (Specific Use Permits) of the Unified Development Code of the City of McKinney, Texas, and as amended, except as follows:

1. The property shall generally develop in accordance with the associated site layout, attached as Exhibit “C”.

Section 3. 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 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation

or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 5th DAY OF SEPTEMBER, 2023.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney