

Draft Planning and Zoning Commission Meeting Minutes of January 12, 2021:

20-0011M Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-134 (Performance Standards - Noise) of the Code of Ordinances. Mr. Mark Doty, Assistant Director of Planning for the City of McKinney, explained the proposed ordinance amendments. He stated that Staff was recommending the removal of an exemption from the performance standards for “a musical performance”. Mr. Doty explained that when the noise provisions of the City’s performance standards were amended in August 2019, additional exemptions were added to address uses and events that have become more prevalent within the community. He stated that after applying these new regulations for the last year or so, Staff found that the exemptions from Section 146-134(a) of the Zoning Ordinance granted for “a musical performance” essentially exempts said musical performances from all noise regulations contained within the City’s Code of Ordinances. Mr. Doty stated that the City currently addresses noise issues in two sections of the Code of Ordinances: Chapter 70, Article V (Noise) and Section 146-134 (Performance Standards). He stated that Chapter 70 generally addresses noise for specific uses and Section 146-134 addresses allowable decibel ranges for various noises. Mr. Doty stated that Section 70-121 offers exemptions from all the noise regulations contained within Chapter 70 and one of these exemptions is “any activity, noise or sound exempted under Section 146-134.” He stated Section 146-134 offers an exemption for “a musical performance” and thereby exempts

“a musical performance” from all the City’s noise regulations. Mr. Doty stated that this is an unintended consequence of the ordinance amendment which was approved in August 2019. He stated that this exemption is particularly problematic as Chapter 70 contains a number of regulations addressing musical instruments, amplifiers, and similar devices throughout the City including and especially in Downtown McKinney. Mr. Doty stated that the current status of the City’s regulations essentially prohibits Staff from enforcing these regulations until the proposed amendment is approved. He stated that Staff recommends approval of the proposed amendments to Section 146-134(1)(e)(6) to remove the exemption for “a musical performance” and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for public comments. There being none, on a motion by Commission Member Haeckler, seconded by Commission Member Doak, the Commission unanimously voted to recommend approval of the proposed ordinance amendments as recommended by Staff, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on January 19, 2021.