

City of McKinney Historic Preservation Ordinances
Summary of Likely Improvements – Fall 2011

In early 2009, the City of McKinney applied for Certified Local Government (CLG) designation through the Texas Historical Commission. After a thorough review of the City's historic preservation ordinances by the CLG State Coordinator, the City's application for CLG designation was denied. According to the State Coordinator, the City's historic preservation ordinances are "redundant in some places, in conflict in other places, cumbersome and confusing." In order for the City of McKinney to be designated a CLG, the State Coordinator has identified specific deficiencies that need to be addressed and has made recommendations for several improvements. Based on the CLG State Coordinator's review, Staff has compiled a summary of most of the improvements likely to be considered in Fall 2011:

- Consolidate the Commercial Historic District (CHD) and the Historic Preservation Overlay District (H) into one single historic preservation overlay district.
- Remove the "non-historic preservation" provisions currently in the CHD (such as land use, space limits, parking requirements, and loading requirements). It is more appropriate for these types of land development regulations to be included in the form-based development code (Town Center zoning district) also scheduled for consideration in Fall 2011.
- Add a "Definitions" section.
- Clarify the approval criteria for Certificate of Appropriateness (COA) applications, including the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings. Also, clearly differentiate the Standards from the Guidelines.
- Clarify the Certificate of Appropriateness (COA) process, including more specific information to be provided by the applicant. For example, if an applicant requests a COA to remove/replace an original exterior architectural feature such as original wood windows, the applicant would be required to include a signed statement/affidavit from a qualified professional (i.e. an independent third party) attesting to the current physical condition, level of deterioration, and opinion of reparability of the original wood windows.
- Clarify the Economic Hardship application process and approval criteria.
- Clarify the Demolition by Neglect provision.
- Remove the word "advisory" from the Historic Preservation Advisory Board (thereby renaming it the "Historic Preservation Board").
- Clarify the membership qualifications and review powers of the Historic Preservation Board.
- Add a specific power of the Historic Preservation Board to "monitor and report to THC any actions affecting its local county courthouse, Recorded Texas Historic

Landmarks (RTHLs), National Register (NR) properties, State Archeological Landmarks (SALs), and any locally designated landmarks”

- Clarify the definition of a “qualified staff person” to serve as the Historic Preservation Officer.
- Delete the Appendix C-1 map and amend Appendix C-2 map to reflect the consolidation of the CHD and the H into one single historic preservation overlay district.
- Clean up the entire section entitled “Designation of Historic Landmarks and Districts,” including clarifying the criteria for designations, who can nominate designations, the process for evaluation and approval of designations, and property owner due process.

In conjunction with the ordinance improvements described above, Staff is likely to request consideration of two additional ordinance changes:

- Expand the boundary of the historic preservation overlay district to include the historic “warehouse/mill” area along Louisiana Street and Virginia Street immediately east of SH 5.
- Change the COA appeals process so that the Board of Adjustment hears appeals instead of City Council.