

# MEMORANDUM



**To:** Planning and Zoning Commission

**Through:** Brian Lockley, AICP, Director of Planning

**From:** Aaron Bloxham, Planner I

**Date:** May 24, 2016

**Subject:** P&Z Commission Training Series  
[Topic 3: The McKinney Zoning Ordinance Part 2 \(Zoning Specials\)](#)

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## **SPECIAL REGULATORY TOOLS OF THE ZONING ORDINANCE**

A Zoning Ordinance should be flexible enough to allow for new and innovative developments, or market trends that may occur within a city. As such, there arises a need to be responsive to these changes as they occur through the development and implementation of Special Regulatory Tools.

Within the City of McKinney's Zoning Ordinance there are special regulatory tools that have been established to achieve specific planning and urban design objectives for a specific area, use, or district. There are four special regulatory tools that have been established: Specific Use Permits, Planned Developments (PD's), the McKinney Town Center (MTC) and Overlay Districts.

## **PURPOSE AND FUNCTION**

Each special district establishes a specific set of rules and regulations for property, land uses, and specific areas within a city.

Specific Use Permits are for uses that have been identified to be allowed within a district that, with special conditions and development restrictions may be considered compatible with the surrounding land uses. The types of conditions and restrictions may include paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and whether the building is compatible for the use under consideration.

A Planned Development district is a zoning district that is designed to provide for the unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land use and development standards may be permitted; provided that the special ordinance provisions of the district are complied with and the intended

uses and standards are not in conflict with the general purpose and intent of the Zoning Ordinance or the City's Comprehensive Plan.

The McKinney Town Center district ("MTC"), is a district that is intended to implement the Town Center Study Phase 1 Report and associated illustrative vision (known together as the "Town Center Master Plan") adopted by City Council in March 2008. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment in and around the historic core of McKinney, providing shopping, employment, housing, and business and personal services. The MTC district arose from the desire to capitalize and expand on the unique features and aspects of Downtown McKinney.

An Overlay District is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. Overlay districts may be used to protect a neighborhood from encroaching development (Historic), or used to promote development by implementing different standards (Commercial Corridor). Currently, the City of McKinney Zoning Ordinance has five overlay districts and they are listed below:

- The Commercial Historic overlay district ("CHD") (Ensures that development within the City's Business district and surrounding area maintain the historic nature);
- The Historic Preservation overlay district ("H") (Protects and enhances the historic nature and character within its boundaries);
- \*The Regional Employment Center overlay district ("REC") (Designed to provide design standards that promote and capitalize on development around State Highway 121);
- The Traditional McKinney Neighborhood overlay district ("TMN") (Allows for a modified set of standards of the underlying zoning for substandard lots that were in place prior to the zoning being established); and
- The Corridor Commercial overlay district ("CC") (Created to incentivize and promote economic development along the major regional highways).

*\*The "REC" was repealed in June of 2015; however, many of the planned developments within the boundaries of "REC" still include requirements that are subject to the regulations of the "REC" district.*

## **THE COMMISSIONS ROLE IN RELATION TO SPECIAL DISTRICTS**

Generally, the Planning and Zoning Commission has been appointed to make recommendations to the City Council regarding amendments, updates and actions affecting the Zoning Ordinance. Specifically, Section 146-163 of the McKinney Zoning Ordinance grants the Planning and Zoning Commission the following authority and responsibilities:

1. The Planning and Zoning Commission shall consider and may grant or deny approval of any site plan required, as provided in section 146-45.

2. The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council, prior to any consideration by the City Council, on any of the following:
  - a. Any change or amendment to any of the provisions or regulations;
  - b. Any change or amendment to the zoning districts map, or any change in any zoning district boundary;
  - c. Any request for specific use permit;
  - d. Site plans as per Section 146-45; and
  - e. Amendments to the comprehensive plan.
3. In the MTC - McKinney Town Center zoning district, the Planning and Zoning Commission shall have the authority and responsibilities under the specific administration provisions of the MTC - McKinney Town Center zoning district regulations contained in Appendix G of the City zoning regulations (Chapter 146).
4. The Planning and Zoning Commission shall, either on its own initiative or by direction of the City Council or at the request of the Director of Planning, schedule and hold a public hearing on any proposed change or amendment to the McKinney Zoning Ordinance.
5. The Planning and Zoning Commission shall have no authority to change any provisions of the McKinney Zoning Ordinance; nor grant any specific use permit; nor change any zoning district boundary; nor grant any variance or exception to the provisions of the McKinney Zoning Ordinance, except as a part of a site plan approval as provided in section 146-45.

All Planned Development districts and Overlay districts are considered to be an amendment to the zoning district maps and as such, the Planning and Zoning Commissions role is to review the proposed overlay districts that are brought forth and make recommendations to the City Council as to the districts compliance with the comprehensive plan. Indirectly, the Planning and Zoning Commission reviews variance requests for site plan and façade plans within the overlay districts for compliance with the purpose and intent of the district.