



TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Repeal Ordinance Number 2012-11-056 which Modified Chapters 138, 142, and 146 of the Code of Ordinances, and Accompanying Ordinance

MEETING DATE: April 2, 2013

DEPARTMENT: Planning

CONTACT: Michael Quint, Director of Planning

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends the City Council adopt the proposed ordinance which will repeal Ordinance number 2012-11-056.

ITEM SUMMARY:

- Staff is proposing to repeal Ordinance number 2012-11-056 which modified several chapters of the Code of Ordinances (Chapters 138, 142, and 146) due to concerns expressed by several members of the City Council. These concerns generally revolved around fears that existing property rights would be modified in an unforeseen and possibly negative manner. The City Council has indicated that their intent behind adopting Ordinance number 2012-11-056 was not to impact existing property rights but merely to modify the regulations to streamline and improve the development process. In fact, the ordinance in question did modify existing property rights and as a result should be repealed in order to reflect the City Council's desired intent.

BACKGROUND INFORMATION:

- On November 5, 2012, the City Council adopted Ordinance number 2012-11-056 which featured modifications to several chapters of the Code of Ordinances. This ordinance was originally proposed by Staff to increase residential quality, streamline the development process, comprehensively update antiquated and outdated regulations, address development issues, and rectify typos, discrepancies, and unclear provisions. These amendments were comprehensive in nature as they were updating some regulations that had not been significantly modified since the 1960's when they were originally created. The staff report from the 11/5/12 Planning and Zoning Commission and City Council joint meeting has been attached for reference purposes.

SPECIAL CONSIDERATIONS:

- Subsequent to the repeal of Ordinance number 2012-11-056, Staff intends to request the City Council approve an ordinance that will re-adopt amendments to the Zoning and Subdivision Ordinances that will eliminate the General Development Plan and Access Management Plan processes, grant Staff the ability to approve site plans that conform to the requirements of the Zoning Ordinance, and update the non-conforming uses and structures section to aide in the development and redevelopment of non-conforming situations (Case #13-053M2).

FINANCIAL SUMMARY:

- None.

OPPOSITION TO OR SUPPORT OF REQUEST:

- Staff has received no comments or phone calls in support of or opposition to this request.

BOARD OR COMMISSION RECOMMENDATION:

- At the March 26, 2013 meeting, the Planning and Zoning Commission unanimously recommended approval of the proposed ordinance repealing Ordinance number 2012-11-056.