



TITLE:

Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney, to Amend Section 138-429 (Location – Generally) of the Code of Ordinances Pertaining to Sexually Oriented Businesses; to Amend Sections 5 (Approval Required), 8 (Variances and Appeals), 9 (Definitions), 73 (General Development Plan), 74 (Preliminary-Final Plat), 75 (Preliminary-Final Replat), 76 (Record Plat), 77 (Minor Plat), 78 (Minor Replat), 79 (Amending Plat), 81 (Conveyance Plat), 99 (Lots), 106 (Screening and Buffering of Certain Residential Lots Adjacent to Streets), and 157 (Conveyance of Land Requirements) of the Subdivision Ordinance (Chapter 142 of the Code of Ordinances); to Amend Sections 40 (Nonconforming Uses and Nonconforming Structures), 41 (Specific Use Permits), 42 (Temporary Uses), 44 (Access Management Plan Approval), 45 (Site Plan Approval), 46 (Definitions), 67 (AG – Agricultural District), 68 (RED-1 – Residential Estates District), 69 (RED-2 – Residential Estates District), 70 (RS 120 – Single Family Residence District), 71 (RS 84 – Single Family Residence District), 73 (RS 60 – Single Family Residence District), 74 (RS 45 – Single Family Residence District), 75 (RD 30 – Duplex Residence District), 77 (RG 25 – General Residence District), 78 (RG 18 – General Residence District), 79 (MF-1 – Multi-Family Residential – Low Density District), 80 (MF-2 – Multi-Family Residential – Medium Density District), 81 (MF-3 – Multi-Family Residential Medium-High Density District), 83 (NC – Neighborhood Convenience District), 84 (BN – Neighborhood Business District), 85 (BG – General Business District), 86 (C – Planned Center District), 87 (O-1 – Neighborhood Office District), 88 (O – Office District), 89 (BC – Commercial Business District), 90 (ML – Light Manufacturing District), 91 (MH – Heavy Manufacturing District), 95 (MTC – McKinney Town Center District), 96 (CHD – Commercial Historic District), 130 (Vehicle Parking), 131 (Off-Street Loading), 132 (Fences, Walls, and Screening), 133 (Accessory Buildings and Uses), 134 (Performance Standards), 135 (Landscape Requirements), 137 (Communications Antennas, Satellite Dishes and Support Structures/Towers), 139 (Architectural and Site Standards), 162 (Administrative Official), 164 (Changes and Amendments), 165 (Board of Adjustment), Appendix C (Historic District Maps), Appendix F-1 (Schedule of Yards and Setbacks), Appendix F-2 (Schedule of Heights, Areas, and Densities), and Appendix F-4 (Schedule of Uses) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances); to Create Sections 42 (Dormancy and

Approval Expirations) and 82 (Administratively Complete) of the Subdivision Ordinance (Chapter 142 of the Code of Ordinances); to Create Sections 102 (RS SM – Single Family Residence District) and 141 (Residential Development Design Standards) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances); and to Modify Section 138-429 (Location – Generally) of the Code of Ordinances Pertaining to Sexually Oriented Businesses, and Accompanying Ordinance

MEETING DATE: November 5, 2012

DEPARTMENT: Planning

CONTACT: Michael Quint, Director of Planning

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends the Planning and Zoning Commission and City Council approve the proposed amendments to Chapters 138 (Sexually Oriented Businesses), 142 (Subdivision Regulations) and 146 (Zoning Regulations) of the Code of Ordinances.

ITEM SUMMARY:

- Staff has compiled a list of proposed amendments to the Zoning and Subdivision Ordinances as well as Chapter 138 of the Code of Ordinances pertaining to the location of sexually oriented businesses. These amendments are generally meant 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 are comprehensive in nature as they are updating some regulations that have not been significantly modified since the 1960's when they were created.
- At the October 1, 2012 Planning and Zoning Commission and City Council Joint Meeting, the Commission and Council expressed concerns regarding the proposed modifications to the schedule of uses (disallowing currently allowed land uses) and the proposed landscape (3 canopy trees per lot rather than 2 trees), architectural (disallowing stucco as an approved masonry material), and subdivision standards (unclear application, too restrictive regarding open spaces, needs flexibility) for single family residential uses. Subsequent to this meeting, Staff reviewed the proposed amendments and made modifications in an attempt to address the Commission's and Council's concerns.

- Also, Staff has also proposed modifications to further distinguish the differences between assisted living, independent living, and multi-family residential uses by adding a new use/definition (senior multi-family residential), new parking standard to correspond with this new use, and new row in the Schedule of Uses detailing where the new use will be allowed. These modifications and the other proposed amendments are discussed in more detail herein.

BACKGROUND INFORMATION:

- See the attached staff report.

SPECIAL CONSIDERATIONS:

- See the attached staff report.

FINANCIAL SUMMARY:

- None.

BOARD OR COMMISSION RECOMMENDATION:

- The Development Process Advocacy Group which is facilitated by the McKinney Economic Development Corporation has considered and discussed the proposed amendments with City Staff and has generally indicated their support.
- At the September 11, 2012 Planning and Zoning Commission Meeting, the Commission considered the proposed amendments and held a public hearing. The Commission did not recommend any modifications to Staff's proposed amendments. No formal action was taken in accordance with the requirements of the Zoning Ordinance.
- At the October 1, 2012 joint meeting, the City Council and Planning and Zoning Commission expressed concerns regarding the proposed amendments and tabled the item to afford Staff the time to address the stated concerns.