

McKinney, Texas

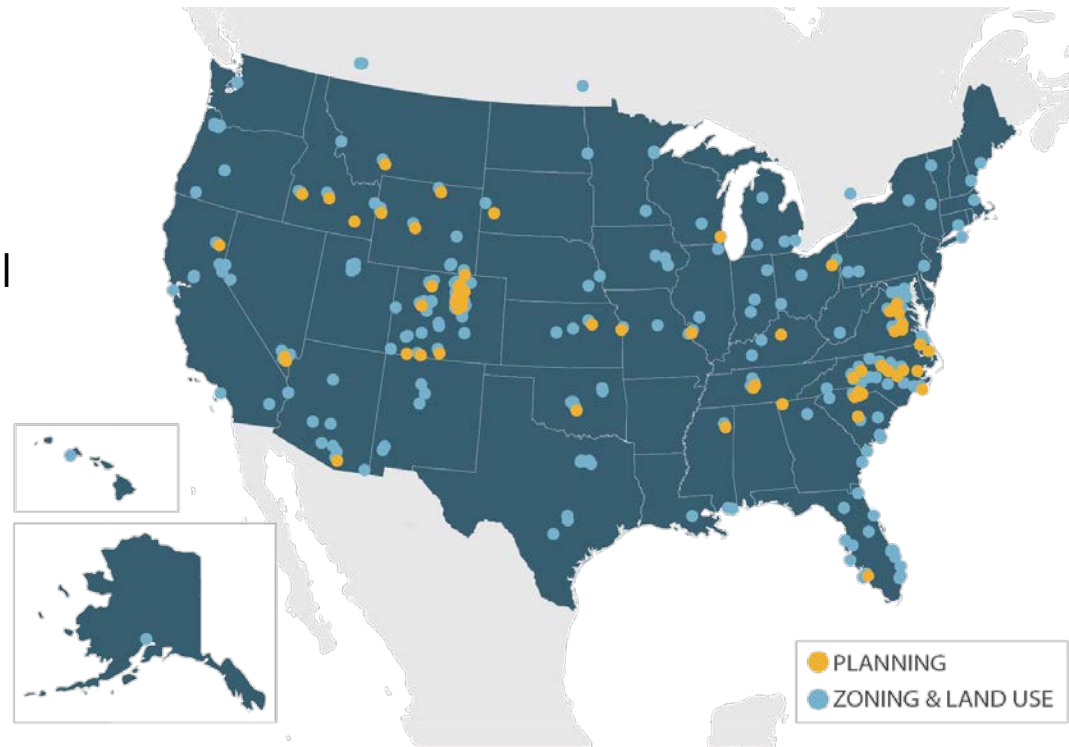
Development
Code Update



CLARION

CLARION ASSOCIATES

- National consulting practice with 25+ years experience
- Multi-disciplinary: Planners, attorneys, designers, and landscape architects
- Offices in Denver and Chapel Hill
- Focus on plan implementation and user-friendly codes
- Leaders in innovative codes integrating traditional and form-based approaches
- Texas experience: Addison, Arlington, Austin, Cedar Hill, Denton, Irving, Rowlett, San Antonio



MCKINNEY TEXAS

TEAM MEMBERS

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Code Drafting

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Clarion – Project Manager
Code Drafting

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Code Graphics

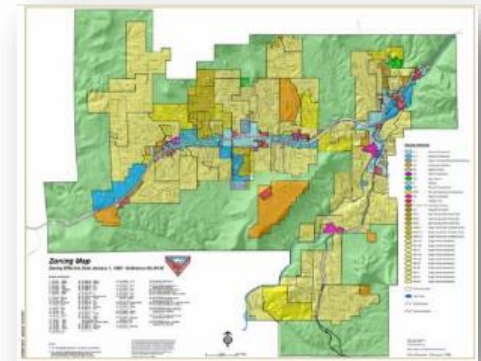
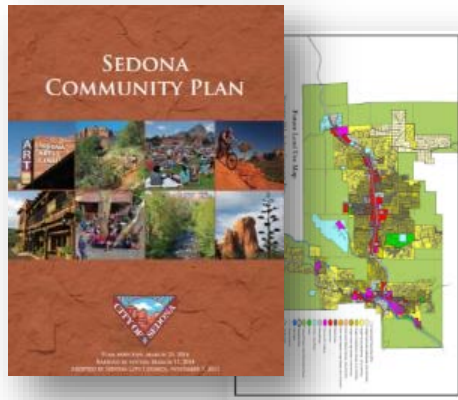
Jim Dougherty, Esq.

Texas Land-use Law Expert
Texas Planning Knowledge and Best
Practices
Extensive Texas Experience

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THE CLARION APPROACH

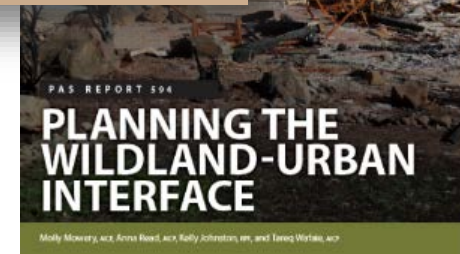
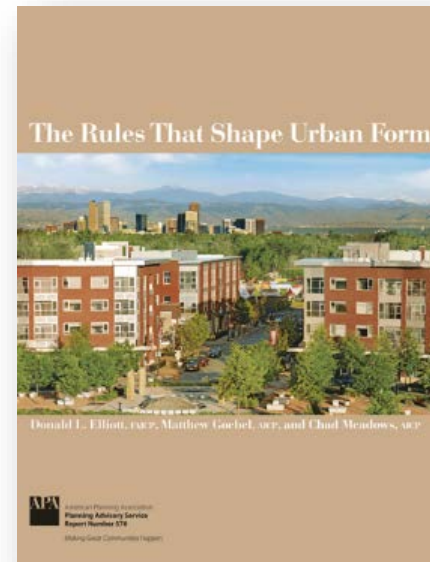
IMPLEMENT THE PLAN



DRAW ON BEST PRACTICES

Build upon national best practices and experience

- Analyzing land use issues and drafting codes is Clarion's core practice area
- Clarion staff have authored leading books, APA reports, and publications
- We are regular speakers at APA national and state conferences



ENGAGE THE PUBLIC

Engage at project milestones:

- Project orientation
- Assessment and annotated outline
- Public draft for each phase

Target key stakeholders/geographies

- Neighborhoods
- Development/business community
- Others

Offer multiple methods of participation



MAKE IT USER-FRIENDLY

2.10. RM-3: High-Density Multifamily³⁸

A. Purpose

The RM-3 district is intended to accommodate high-density multifamily residential uses, with limited single-family uses and duplexes. The RM-3 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between other multifamily and commercial or mixed-use zoning districts.

B. RM-3 Lot and Building Standards

List Standards	Other Standards	Location in LDC
A Width (minimum)	Measurements and Exceptions	Section 2.2.3
Area (minimum)	Use-Specific Standards	Section 2.2
Density (maximum)	Off-Street Parking	Section 5.5
Setbacks (minimum)	Landscape, Buffering	Section 5.6
B Front	Steward Building Design	Section 5.7
C Side (S)		
D Rear		
Height		
Building height	See 2.2.3.D	
Impervious Coverage (maximum)		
Building coverage	40 percent ³⁹	
Total coverage	70 percent	

Notes:
 (1) Currently 24,760 sq. ft. (10 acre)
 (2) Currently 30 feet
 (3) On lot not only toward the side setback abutting a street, which is currently 15 feet
 (4) Currently 20 feet
 (5) Currently 25 feet
 (6) Currently 25 percent



³⁸ This district is carried forward from the current RM-3 district.
³⁹ The current lot size requirement can act as a barrier to achieving higher densities than the lower intensity districts RM-1 and RM-2.
⁴⁰ A shallower setback will encourage more walkable and dense development in key areas throughout the city.
⁴¹ Reduced to match the proposed limits in the RM-1 and RM-2 districts.

Article 8: Administration and Procedures

8.2 Summary Table of Review Procedures | 7.4.6 Required Improvements for Subdivision/SPD

Table 8.1

Summary of Development Review Procedures

8.2.1 R = Review and Recommendation D = Review and Decision A = Appeal ✓ = Required < = Public Hearing Required

Procedure	Code Reference	Notice		Pre-Application Conference	Review and Decision-Making Bodies						
		Published	Written		Staff	Historic Preservation Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment		
Development Permits											
Development Review	Minor	8.4				✓	D (1)		< R >	< D >	< A >
	Major	8.4	✓	✓	✓	✓	R	< R >	< D >	< A >	
Conditional Use Permit		8.4.B	✓	✓	✓	✓	R	< R >	< D >	< A >	
Single-Family Residential Review		8.4.C					D				< A >
Temporary Use Permit		8.4.D				< (2) >	D				< A >
Subdivision Procedures											
Preliminary Plat		8.5.A	✓	✓	✓	✓	R		< R >	< D >	
Final Plat		8.5.B					R			< D >	
Land Division or Combination		8.5.C					D				< A >
Reservation to Acquire		8.5.D	✓	✓	✓	✓	R		< R >	< D >	
Ordinance Amendments											
Rezoning		8.6.A	✓	✓	✓	✓	R	< R >	< D >	< A >	
Revising to Planned Development (PD)		8.6.B	✓	✓	✓	✓	R		< R >	< D >	
Code Amendment (C/A)		8.6.C	✓	✓		< (2) >	R		< R >	< D >	
Historic Preservation Procedures											
Historic Landmark Designation		8.7.A	✓	✓	✓	✓	R	< D >			< A >
Historic Structure Designation		8.7.C	✓	✓	✓	✓	R	< R >	< D >		
Certificate of Appropriateness		8.7.D	✓	✓	✓	✓	R	< D >			< A >
Certificate of No Effect		8.7.E					D (1)				
Flexibility and Relief											
Variance		8.8.A	✓	✓	✓	✓	R				< D >
Minor Modification		8						As required for associated application			
Appeal		8.8.F	✓	✓	✓	✓		As indicated in table above			
Special Exceptions		8.8.G	✓	✓	✓	✓	R				< D >

Notes:
 (1) The Director may refer minor development review applications to the Planning and Zoning Commission.
 (2) A pre-application conference is required for some types of temporary use permit applications; see 8.4.D.
 (3) Applies only to historic districts or for designated historic properties.
 (4) Pre-application meetings are required only for text amendments proposed by an applicant, not staff.
 (5) HPC Chair (or designee) and staff make the determination regarding a Certificate of No Effect.

Article 8: Administration and Procedures

8.4 Development Permits | 8.4.8 Conditional Use Permit

B. Conditional Use Permit

Commentary

This section is based generally on the existing Section 402, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures.

(1) Purpose⁴⁰

The conditional use permit procedure provides a mechanism for the City to evaluate proposed land uses that are generally characterized by infrequency of use, high degree of traffic generation, and/or requirement of a large land area.⁴¹ This procedure is intended to ensure compatibility of such uses with surrounding areas and that adequate mitigation is provided for anticipated impacts.

(2) Applicability

A conditional use permit is required for the establishment of certain land uses as specified in Table 3.1, Table of Allowed Uses. Approval of a new conditional use permit is also required for modification or expansion of an existing conditional use.

(3) Application Submittal and Review Procedure

Figure 8-4 identifies the applicable steps from 8.3, Common Review Procedures, that apply to the review of conditional use permits. Additions or modifications to the common review procedures are noted below.

Figure 8-4: Conditional Use Permit



a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with 8.3.8, Pre-Application Meeting.

b. Application Submittal and Handling⁴²

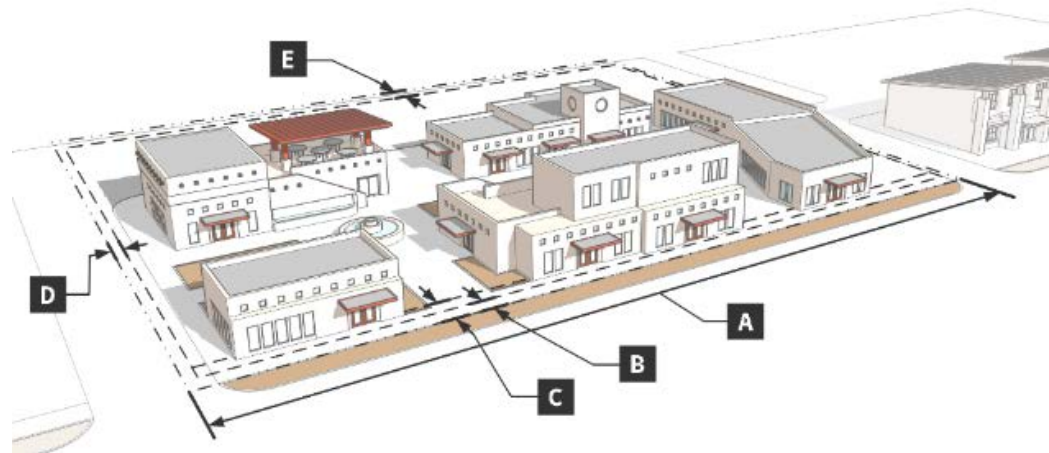
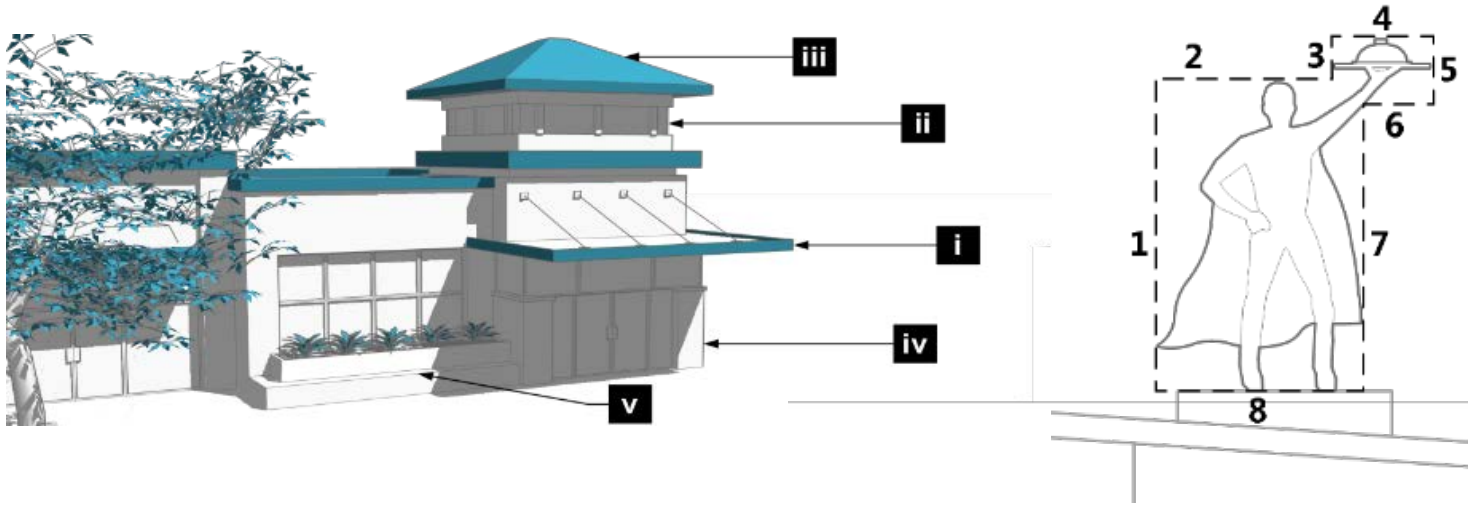
The conditional use permit application shall be submitted, accepted, and may be withdrawn, in accordance with 8.3.C, Application Submittal and Handling.

⁴⁰ New purpose statement.

⁴¹ This language is from AS5 9-402.01.C.1.

⁴² Submittal removed to be for Administrative Manual.

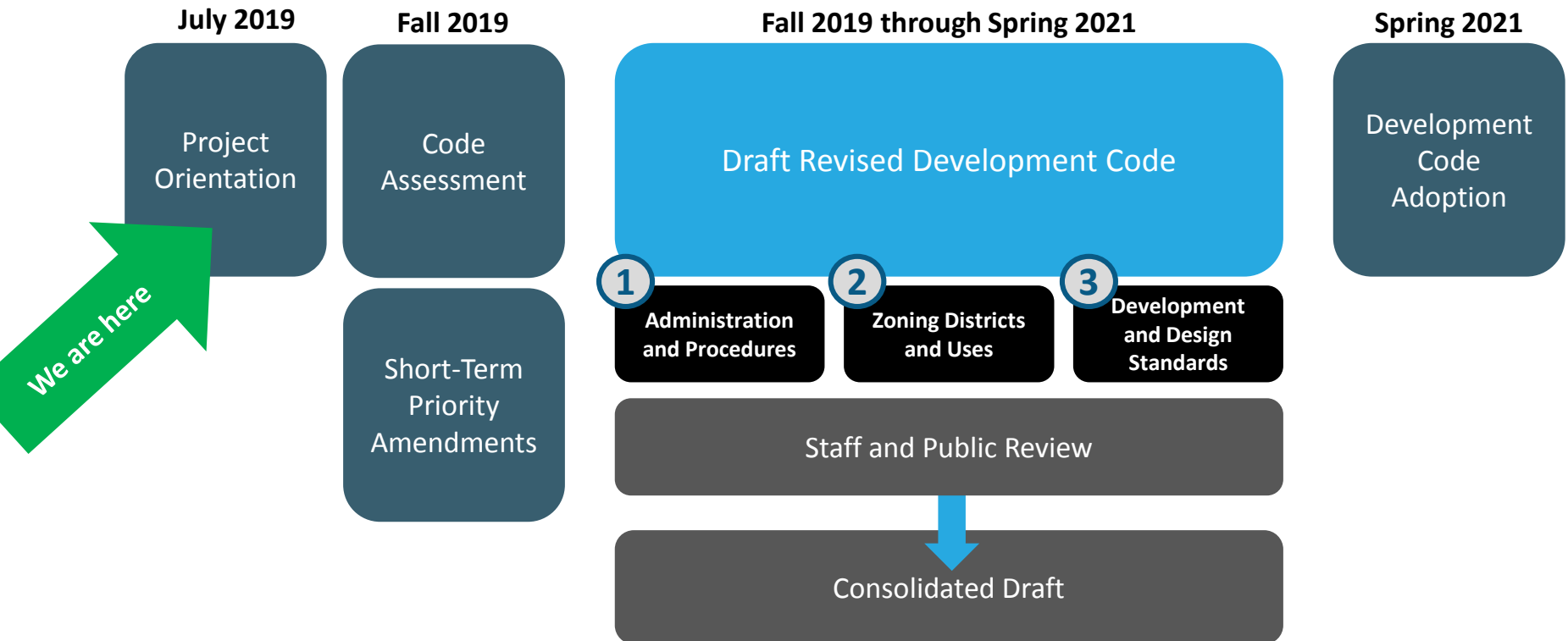
USE GRAPHICS & ILLUSTRATIONS



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THE APPROACH FOR McKINNEY

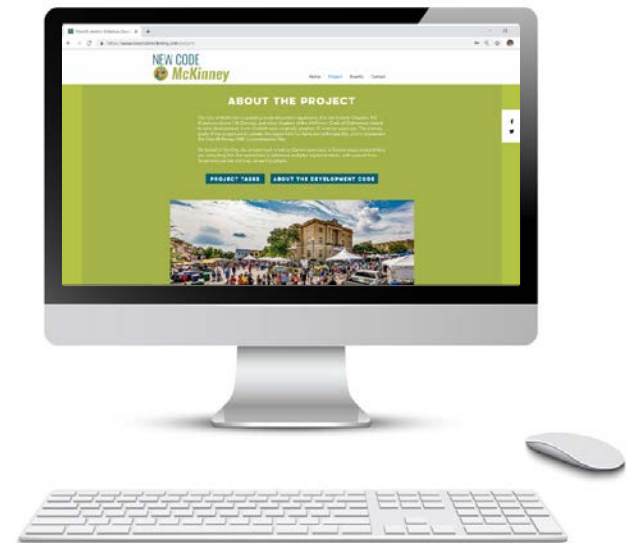
PROJECT SCOPE & TIMELINE



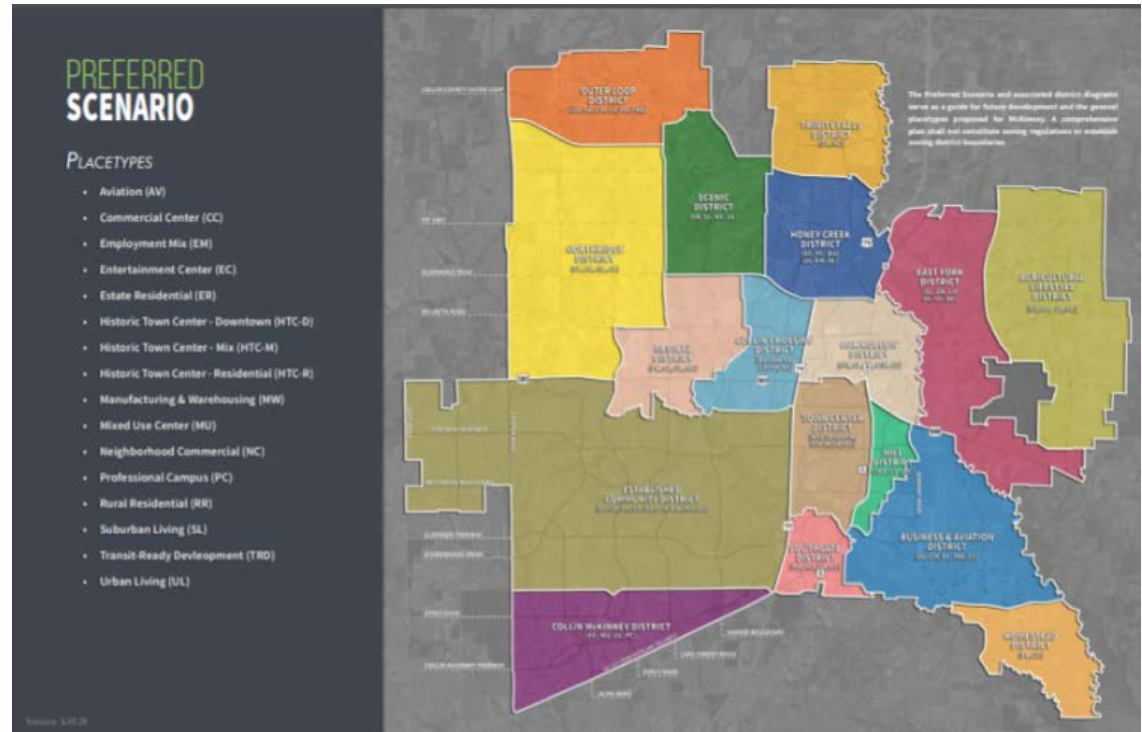
PROJECT WEBSITE

www.newcodemckinney.com

- Access project materials
- Ask questions and provide feedback
- Sign up to receive updates
- View project calendar



ONE
MCKINNEY 2040
comprehensive
plan



CHANGING LEGAL LANDSCAPE

Two new bills effective in September require immediate action:

- **HB 2439**

Limits the City's ability to regulate construction materials.

- **HB 3167**

Requires the City to act within 30 days on site plans and plats.

Updates to the Development Code are underway to comply with these statutes.



QUESTIONS

Are there any questions on the project approach or scope of work?



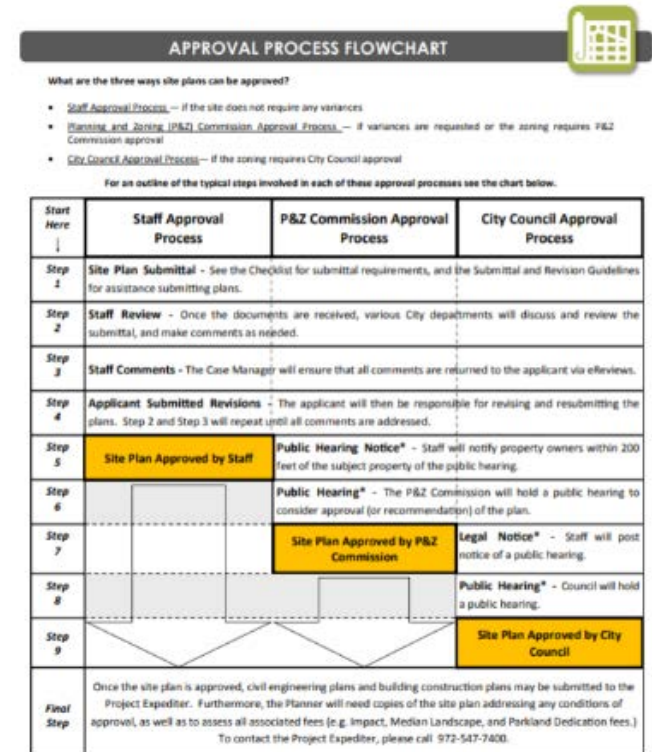
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REVIEW PROCEDURES

REVIEW PROCEDURES

The current McKinney development review procedures establish review and evaluation of various development application types, including:

- Subdivisions and replats;
- Rezoning;
- General development plans;
- Specific use permits;
- Site plans; and
- Variances and appeals.



REVIEW PROCEDURES

Article 8: Administration and Procedures
8.2 Summary Table of Review Procedures | 7 AG Required Improvements for Subdivisions¹⁰⁷

Table 8.1

Summary of Development Review Procedures

KEY: R: Review and Recommendation D: Review and Decision A: Appeal ✓: Required <D>: Public Hearing Required

Procedure	Code Reference	Notice	Pre-Application Conference	Review and Decision-Making Bodies					
		Published	Written	Staff	Historic Presv. Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment	
Development Permits									
Development Review	Minor	8.4		✓	D (1)			<A>	
	Major	8.4	✓	✓	✓	8	<R> [2]	<D>	<A>
Conditional Use Permit	8.4B	✓	✓	✓	8		<R> [2]	<D>	<A>
Single-Family Residential Review	8.4C				D				<A>
Temporary Use Permit	8.4D			<[2]	D				<A>
Subdivision Procedures									
Preliminary Plat	8.5A	✓	✓	✓	8		<R>	<D>	
Final Plat	8.5B				8			<D>	
Final Division or Combination	8.5C				D				<A>
Remission for Acreage	8.5E	✓	✓	✓	8		<R>	<D>	
Ordinance Amendments									
Repeal	8.6A	✓	✓	✓	8	<R> [2]	<R>	<D>	
Repeal by Planned Development (PD)	8.6B	✓	✓	✓	8		<R>	<D>	
Code Amendment (Text)	8.6C	✓	✓	<[4]	8		<R>	<D>	
Historic Preservation Procedures									
Historic Landmark Designation	8.7A	✓	✓	✓	8	<D>		<A>	
Historic District Designation	8.7C	✓	✓	✓	8		<R>	<D>	
Certificate of Appropriateness	8.7D	✓	✓		8	<D>		<A>	
Certificate of No Effect	8.7D				D [2]				
Flexibility and Relief									
Variance	8.8A	✓	✓	✓	8				<D>
Minor Modification	8						As required for associated application		
Appeal	8.8C	✓	✓	✓			As indicated in table above		
Special Exception	8.8D	✓	✓		8			<D>	

Notes:

[1] The Director may refer minor development review applications to the Planning and Zoning Commission.

[2] A pre-application conference is required for some types of temporary use permit applications see 8.4D.

[3] Applies only to historic districts or for designated historic properties.

[4] Pre-application meetings are required only for text amendments proposed by an applicant, not staff.

[5] IPC Chair (or designee) and Staff make the determination regarding a Certificate of No Effect.

Article 8: Administration and Procedures
8.3 Common Review Procedures | 8.3.A. General

8.3. Common Review Procedures

Commentary

Common review procedures are new to Sedona. Although the current development code has a good organizational framework for procedures, a lot of the information is repeated for each application procedure. For the *Analysis* report, these common review procedures consolidate general steps that are applicable to multiple development application types. The application-specific procedures then refer back to these common review procedures and note any modifications or additions.

A. General

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Code. Common review procedures include seven steps, as shown below in Figure 8-1: Common Review Procedures, not all of which are applicable to every development application. Application-specific procedures in sections 8.4 through 8.8 identify additional procedures and rules beyond those in this section.

Figure 8-1: Common Review Procedures



B. Pre-Application Meeting¹⁰⁸

(1) Purpose

The pre-application meeting is intended to provide an opportunity for the applicant to meet with City staff to review applicable submittal requirements and review procedures associated with the proposed development concept.

(2) When Required

A pre-application meeting is required according to Table 8.1, Summary Table of Review Procedures.

¹⁰⁸ Note: This common procedure for pre-application conferences replaces and consolidates those currently found in multiple individual procedures, including rezoning, conditional use, development review, and others. The name is changed from the current "pre-application consultation."

STREAMLINE PROCEDURES

Issue:

- Review procedures are scattered throughout Chapters 118, 130, 138, 142, and 146.
- Relief procedures (waivers, appeals, and variances) are inconsistently addressed.

Potential solutions:

- Consolidate administration and review procedures.



POTENTIAL ASSESSMENT REPORT DISCUSSION TOPICS

Review Procedures

- Are the designated decision-makers appropriate for each development application type?
- Are there any procedures that need to be added to the development code that are currently missing?
- Should the City consider restructuring the development regulations into a unified development code (UDC)?



QUESTIONS

- **What are your priorities for updating review procedures?**
- **Any other questions or comments on the review procedures?**



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ZONING DISTRICTS AND USES

ZONING DISTRICTS (EST. PRE-2014)

AG	Agricultural district (ten acres per lot)
RED-1	Residential estates district (one acre per lot)
RED-2	Residential estates district (two acres per lot)
RS 120	Single family residence district (12,000 square feet per lot)
RS 84	Single family residence district (8,400 square feet per lot)
RS 72	Single family residence district (7,200 square feet per lot)
RS 60	Single family residence district (6,000 square feet per lot)
RS 45	Single family residence district (4,500 square feet per lot)
RD 30	Duplex residence district
RG 27	General residence townhome district
RG 25	General residence district
RG 18	General residence district
MF-1	Multiple family residential - low density district
MF-2	Multiple family residential - medium density district
MF-3	Multiple family residential - medium-high density district
MP	Mobile home park district

NC	Neighborhood convenience district
BN	Neighborhood business district
BG	General business district
C	Planned center district
O-1	Neighborhood office district
O	Office district
BC	Commercial business district
ML	Light manufacturing district
MH	Heavy manufacturing district
AP	Airport district
GC	Governmental complex district
MTC	McKinney town center district
PD	Planned development district
CHD	Commercial historic overlay district (suffix)
H	Historic preservation overlay district (suffix)
FP	Floodplain district (prefix)
REC	Regional employment center overlay district (suffix)
TMN	Traditional McKinney neighborhood overlay district (suffix)

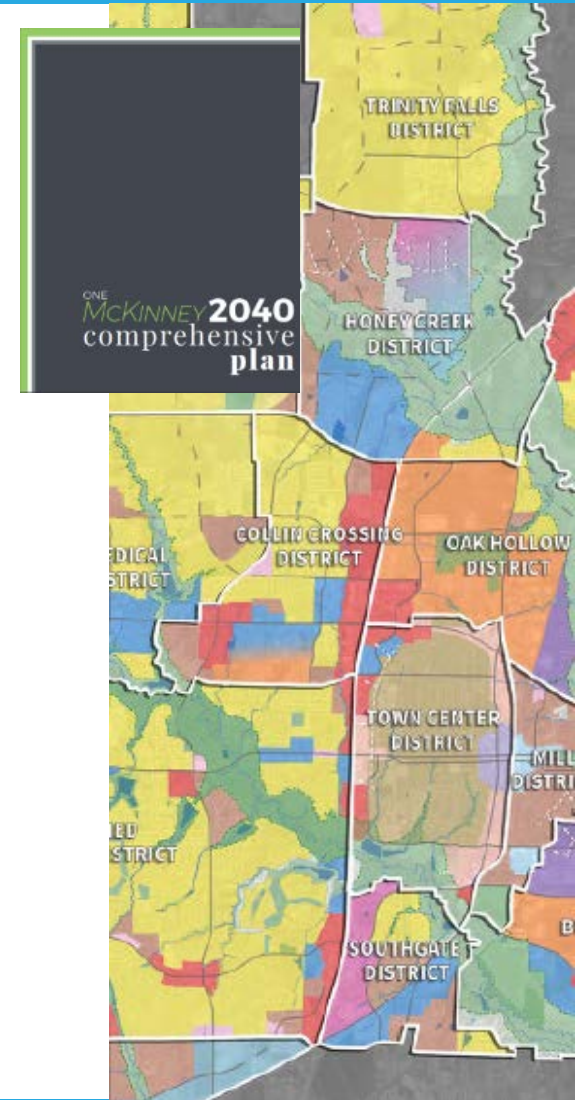
ZONING DISTRICTS (EST. 2014)

SF12	Single family residential district (12,000 square feet per lot)
SF10	Single family residential district (10,000 square feet per lot)
SF8	Single family residential district (8,000 square feet per lot)
SF7.2	Single family residential district (7,200 square feet per lot)
SF5	Single family residential district (5,000 square feet per lot)
DR	Duplex residential district
TH	Townhome residential district
SO	Suburban office district
RO	Regional office district
C1	Neighborhood commercial district
C2	Local commercial district
C3	Regional commercial district
LI	Light industrial district
HI	Heavy industrial district

IMPLEMENT THE PLAN

Align with Character Districts and Placetypes:

- The plan identifies unique character districts and placetypes with varied development patterns, uses, and densities.
- The menu of zoning districts should be aligned to accommodate them.

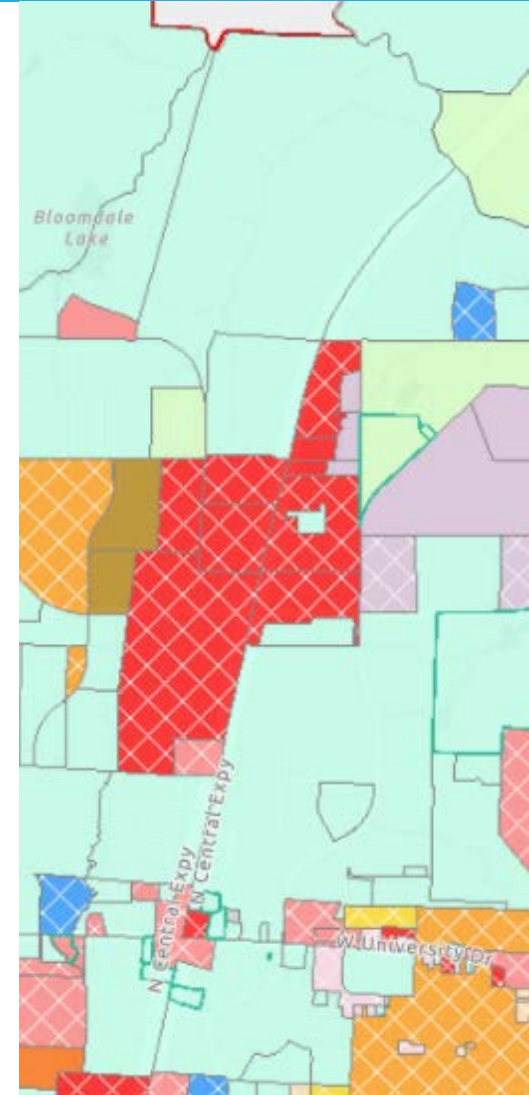


SIMPLIFY THE DISTRICTS

Issue: The City has retained obsolete zoning districts, creating an overly complex code administration and mapping system.

1. Districts created in 2014 that can be applied (14)
2. Districts created prior to 2014 that can be applied (10)
3. Districts created prior to 2014 that CANNOT be applied (18)

Potential Solutions: Explore options to simplify the menu of districts to convert obsolete districts to new districts.



IMPROVE DISTRICT LAYOUT

Sec. 146-70. - RS 120 - Single Family Residence district.

- Purpose.** The "RS 120" - Single Family Residence zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life environment on relatively ample lots. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.
- Permitted uses.** The permitted uses subject to the same regulations pertaining to such uses permitted in the "RED-1" - Residential Estates zone shall be permitted in the "RS 120" - Single Family Residence zone.
- Space limits.** The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RS 120" - Single Family Residence zone shall apply.
- Miscellaneous provisions.** Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

(Code 1982, § 41-65; Ord. No. 1270, § 3.05, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 2002-08-084, § 1.20, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 2, 3-4-2014)

Sec. 146-71. - RS 84 - Single Family Residence district.

- Purpose.** The "RS 84" - Single Family Residence zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.
- Permitted uses.** Those uses permitted in the "RED-1" - Residential Estates zone, subject to the same regulations pertaining to such uses in said zoning district, shall be permitted in the "RS 84" - Single Family Residence zone.
- Permitted accessory uses.** The following accessory uses are permitted in the "RS 84" - Single Family Residence zone:
 - The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard;
 - The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard;
 - Real estate lease or sale signs relating to the property on which the sign is located; and
 - Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.
- Space limits.** The space limits identified in appendix F of the zoning ordinance as being applicable to the "RS 84" - Single Family Residence zone shall apply.
- Miscellaneous provisions.** Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-66; Ord. No. 1270, § 3.06, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § 1.21, 8-20-2002; Ord. No. 2004-12-124, § 1, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 3, 3-4-2014)

2.5. RS-10: Single-Family Residential¹⁶

A. Purpose

The RS-10 district is intended to accommodate and preserve medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density single-family residential to higher-density residential zoning districts.

B. RS-10 Lot and Building Standards

Lot Standards (minimum)	
A Width	80 feet (1)
Area	10,000 sq. ft. (2)
B Setbacks (minimum) ⁽³⁾	
Front	20 feet
C Side	7 feet (2)
Side, abutting street	10 feet
D Rear	20 feet (4)(5)
E Height (maximum)	22 ft. (See Sec. 2.2B)
Impervious Coverage (maximum)	
Building coverage	40 percent
Total coverage	50 percent

C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.2B
Use Regulations	Article 3
Off-Street Parking	Section —
Landscaping	Section —

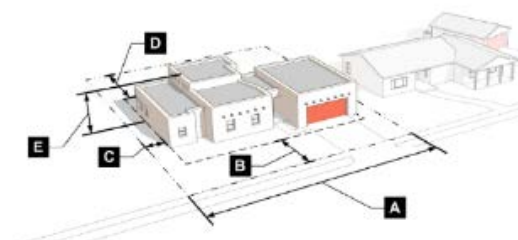
Notes:

(1) Currently 90 feet in RS-12

(2) Currently 12,000 sq. ft. in RS-12

(3) Currently 10 feet in RS-10

(4) Currently 25 feet in RS-12 and RS-15



POTENTIAL ASSESSMENT REPORT DISCUSSION TOPICS

Zoning Districts

- Are there zoning districts that should be consolidated?
- How should obsolete zoning districts be transitioned out?
- Should the City consider modifying the zoning map? If so, how and when?



USE REGULATIONS

[illegible]

Article 3: Use Regulation

Table 3.1
Table of Allowed Uses

P = permitted C = conditional use permit required A = accessory Blank Cell = use prohibited

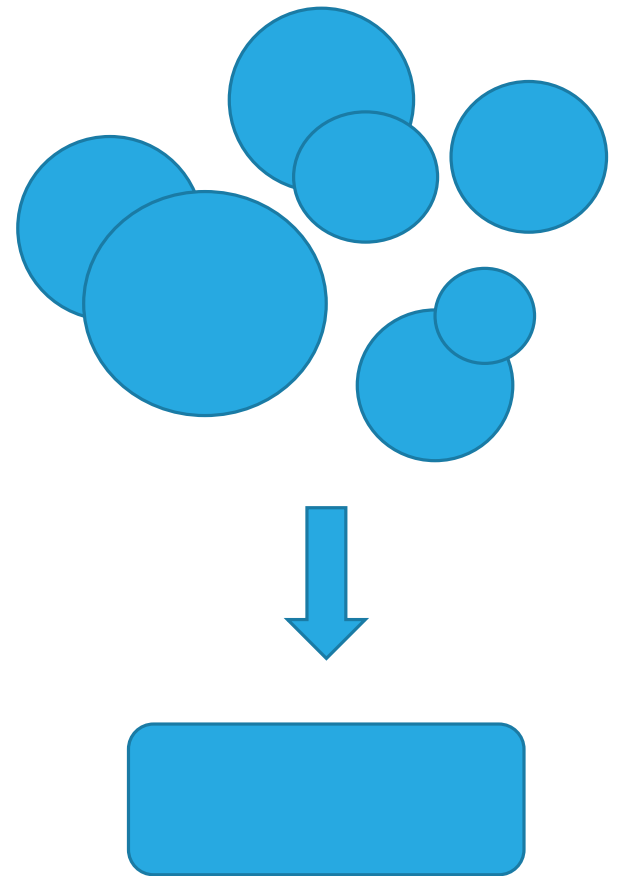
	Residential					Non-Residential					Other	Use-Specific Standards		
	R1-2	R1-3	R1-3.5	R2-3	RM-1	R2-3	R2-3.5	M1	M2	M3	CO	Z1	Z2	CO
RESIDENTIAL														
Household Living														
Dwelling, Co-Housing						P	F	C	P					3.3A(1)
Dwelling, Duplex						P	S	C	P					3.3A(2)
Dwelling, Low-Rise						P	C	P	P					3.3A(3)
Dwelling, Mid-Rise						P	P	P	C	P				3.3A(4)
Dwelling, Single-Family Attached						P	P	C	P	P		P		3.3A(4)
Dwelling, Single-Family Detached	P	F	P	P	P	P	P	C	P					3.3A(5)
Manufactured Home						P	F	C	C					3.3A(6)
Group Living														
Assisted Living Facility								C	P	P	P	P	P	
Detention								C	C					
PUBLIC, INSTITUTIONAL, AND CREC USE														
Community and Cultural Facilities														
Community or Interest Facility														C
Club or Lodge										P	P	P	P	3.3B(1)
Day Care	C	C	C	C	C	C	C	C	P	P	P	P	P	3.3B(2)
Day Care Facility										P	P	P	P	P
Library								C	C	P	P	P	P	C
Museum								C	C	P	P	P	P	C
Park, Active	C	C	C	C	C	C	C	C	C	P	P	P	P	P
Park and Open Space, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Assembly	C	C	C	C	C	C	C	C	C	P	P	P	P	P
Educational Facilities														
School, Public or Private	C	C	C	C	C	C	C	C	C	P	P	P	P	3.3B(3)
School, Vocational or Trade								C	P	P	P	P	P	3.3B(3)
Healthcare Facilities														
Hospital										P	P	P	P	
Medical or Dental Clinic										C	P	P	P	

SIMPLIFY USE REGULATIONS

Issue:

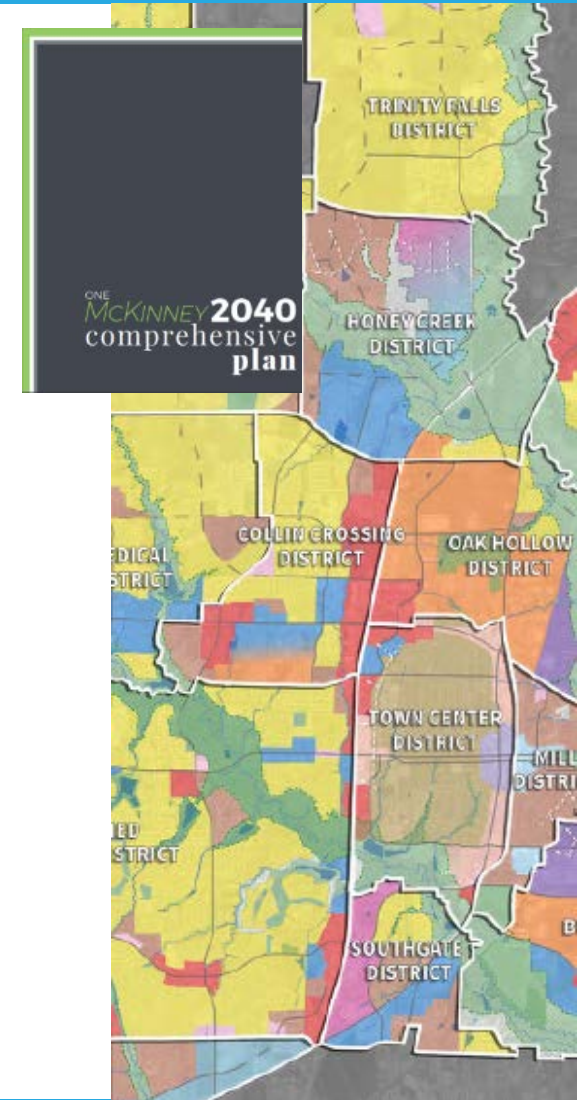
- Use regulations are scattered throughout the Development Code.
- For example, bed and breakfasts and sexually-oriented businesses in Chapter 138, other uses scattered throughout Chapter 146.

Potential solution: Consolidate use-specific standards.



IMPLEMENT THE PLAN

Provide a mix of housing choices: The plan identifies the need to expand housing choices to accommodate diverse demographics and lifestyles.



POTENTIAL ASSESSMENT REPORT DISCUSSION TOPICS

Use Regulations

- Should the City consider expanding the types of uses allowed?
- Should the City expand the standards for any specific use types?
- Should any use regulations be left alone for this update (“hands-off”)?



QUESTIONS

- **What are your priorities for updating the zoning districts and use regulations?**
- **Any other questions or comments on the zoning districts or use regulations?**



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DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS

The Development Standards address the quality of development, including standards for:

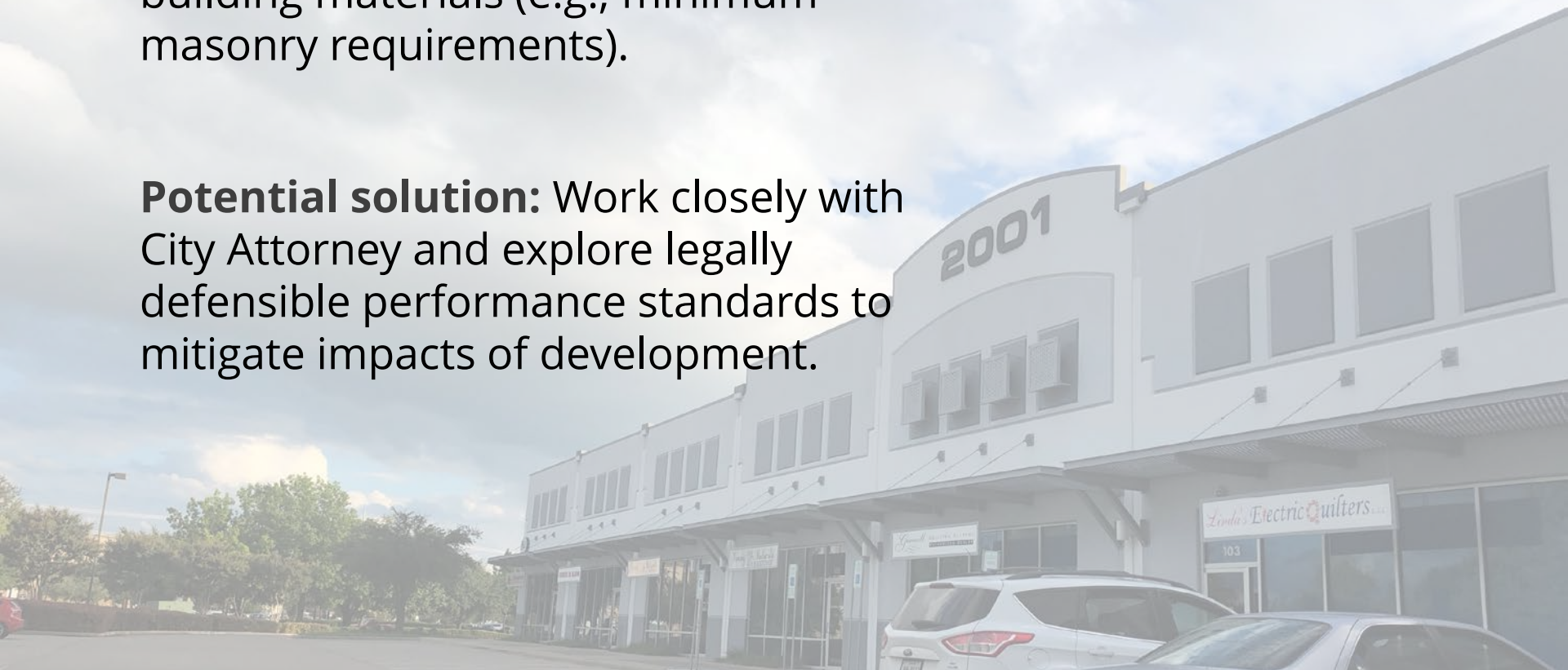
- Access and connectivity
- Stormwater and drainage
- Landscaping and fences
- Tree preservation
- Building and site design
- Outdoor lighting
- Parking and loading
- Signage



DEVELOPMENT STANDARDS

Issue: HB 2439 (effective 9/1/2019) may limit McKinney's ability to regulate building materials (e.g., minimum masonry requirements).

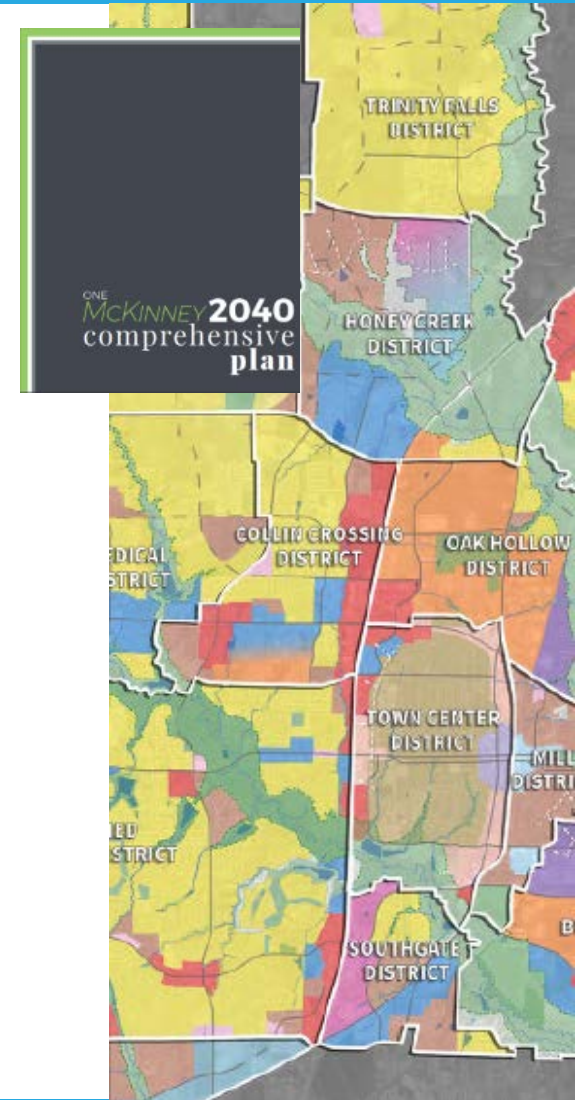
Potential solution: Work closely with City Attorney and explore legally defensible performance standards to mitigate impacts of development.



IMPLEMENT THE PLAN

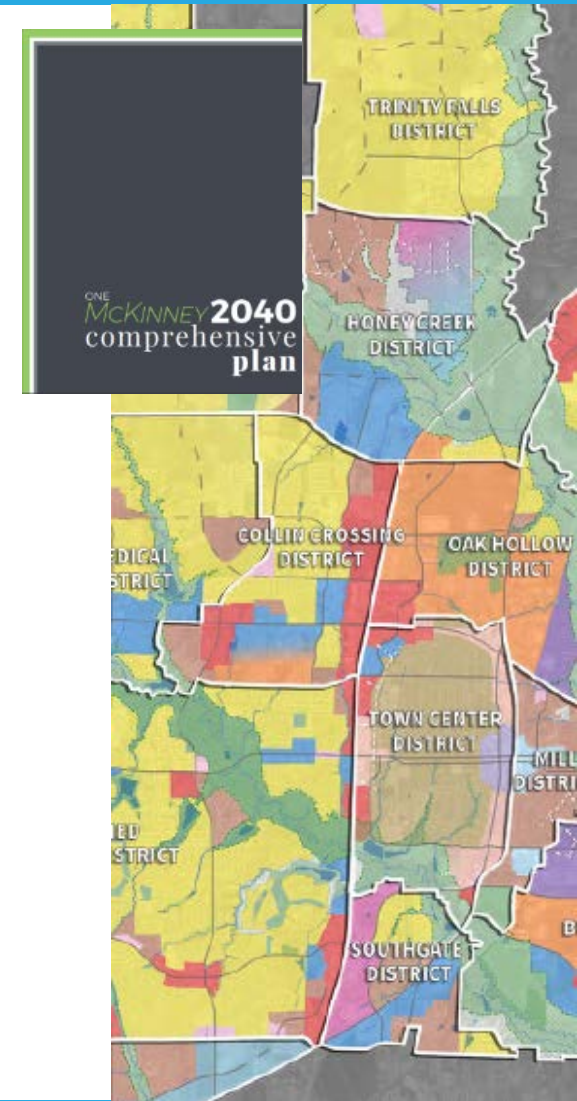
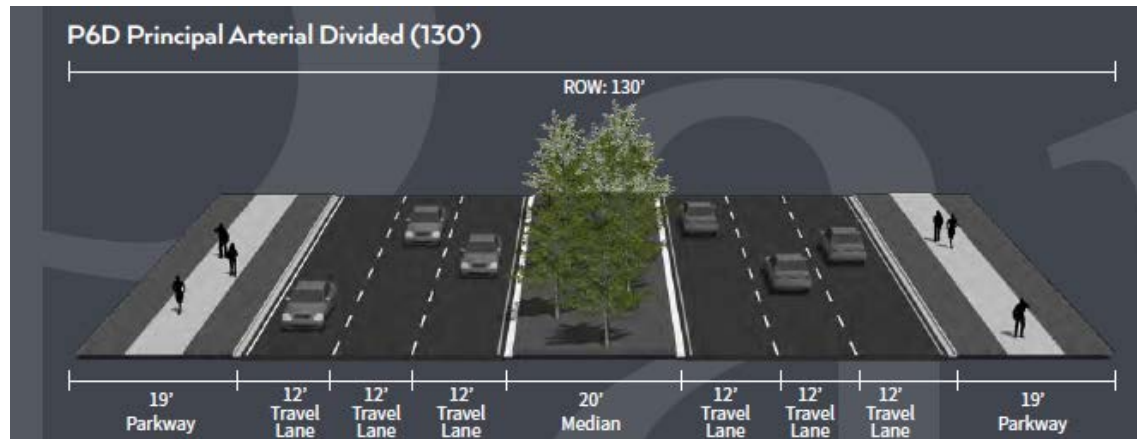
Establish flexible alternatives:

- The plan identifies the need to include flexibility to accommodate market demands
- Flexible alternatives could be built into the development standards (e.g., parking, building design, landscaping)



IMPLEMENT THE PLAN

Integrate mobility strategy: The plan calls for a safe and efficient transportation network for multiple modes and various contexts. The development code should align with those strategies.



POTENTIAL ASSESSMENT REPORT DISCUSSION TOPICS

Development Standards

- Should any development standards be strengthened?
- Should flexible alternatives to any development standards be considered? If so, under what conditions?
- Should any standards be relocated outside the development code in technical manuals or guidelines?



QUESTIONS

- **What are your priorities for updating the development standards?**
- **Any other questions or comments on the development standards?**



ADDITIONAL DISCUSSION

Other comments or questions related to the code update?

- They could relate to the substance of the regulations....
 - *Administrative procedures*
 - *Zoning districts and uses*
 - *Development standards*
- Or relate to code organization and user-friendliness...
- Or relate to coordination with other City policies...
- Or something else?

THANK YOU

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CLARION

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