NEW CODE
McKinney

McKinney Development Code

Assessment of Current Ordinances

January 2020

CLARION

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Executive Summary

Background and Project Purpose

In 2018 the City of McKinney adopted a new comprehensive plan, the ONE McKinney 2040 Plan. City officials are now launching immediately into implementation of the plan through a comprehensive rewrite and update of several key chapters of the City's Code of Ordinances including, but not limited to the Zoning Ordinance and Subdivision Regulations. The focus of this project is to update development regulations to align with and implement the desired built environment described in the ONE McKinney 2040 Plan. This project will update and consolidate these ordinances (called the "development regulations" in this report) into a new unified McKinney Development Code (MDC). The project will not involve updates to adopted City plans or the Building Code.

Downtown McKinney

In addition to implementation of the ONE McKinney 2040 Plan, the City of McKinney also desires to update its development regulations in order to respond to challenges associated with high growth and development pressures, and to improve overall code administration. Many of McKinney's current development regulations, including the Zoning and Subdivision ordinances, were established in the late 1960's. While periodic amendments to these ordinances have occurred over time to make targeted improvements, neither has undergone a complete update since original adoption. The current ordinances include antiquated development standards that are sometimes difficult to administer, lack clarity and can be difficult to interpret, lack consistent graphics and overall continuity, and perpetuate outdated development styles that lack the ability to achieve modern development trends.

Project Logo

To assist with the development of the new MDC, McKinney has retained a team led by Clarion Associates, a Denver-based land use consulting firm, with support on Texas legal issues from James Dougherty, a Texas land-use law attorney. The team brings experience and perspective from working with communities throughout Texas and the nation.

Project Goals

The New Code McKinney project is intended to support a thriving, resilient, and forward-thinking community that will remain locally and nationally competitive. This project will establish an updated list of zoning districts and land uses, set clear minimum quality standards for new development, and establish efficient procedures under which proposed development applications are considered. New Code McKinney demonstrates the City's commitment to the future and will play an integral role in shaping the natural and built environments over the next generation.

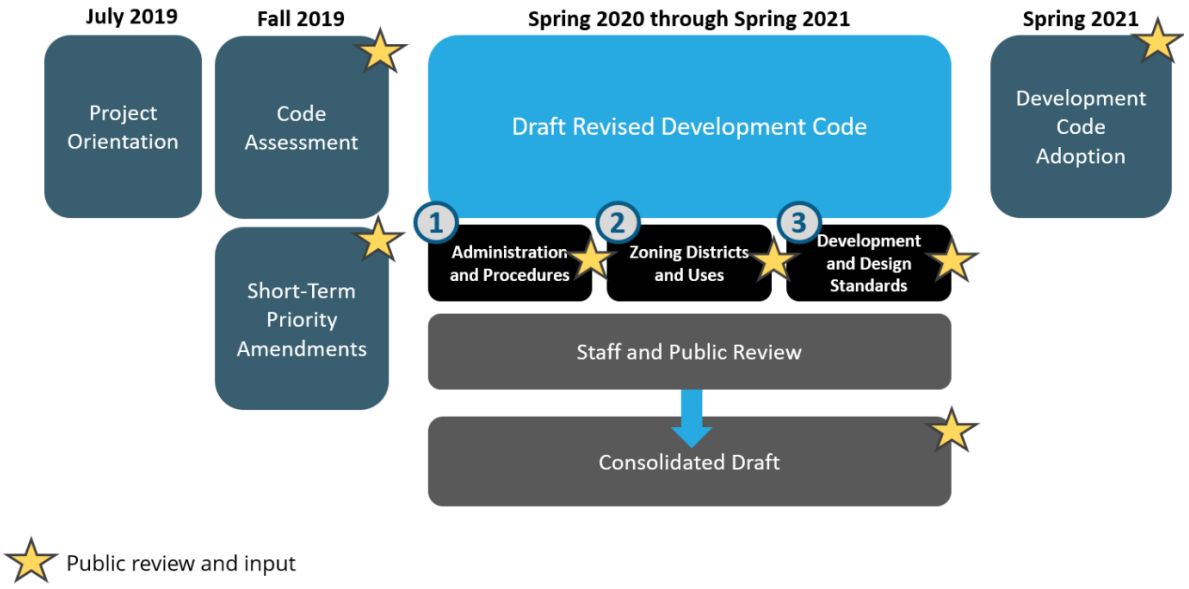
New Code McKinney will be a more effective tool to help McKinney realize several important goals, including:

- Implement the ONE McKinney 2040 Plan;
- Simplify regulations to use clear, concise and use common sense language that reduces the need for interpretations;
- Introduce flexible tools and improve user-friendliness, including new graphics;
- Update procedures to support a fair, predictable, and efficient development review process;
- Modernize regulations to maintain a high level of quality and private investment;
- Update the menu of zoning districts to encourage high-quality mixed-use development projects where appropriate that complement existing development contexts;
- Integrate best planning and zoning practices and current trends from Texas and around the nation;
- Ensure legally sound and defensible development regulations that align with state statutes and address the creation of non-conforming use and existing property rights; and
- Create development regulations that will meet the current and future needs of the City.

Project Overview

Drafting the Code

Updating the City's development regulations is a major undertaking and will require substantial community input and collaboration among a wide range of McKinney stakeholders. Below is a summary of the project timeline and major project tasks:



Detailed drafting is expected to begin in the spring of 2020. Drafting the new MDC will be divided into three installments – administration and procedures, zoning districts and uses, and development and design standards. For each installment, first a staff draft will be delivered to a core internal team for technical review and policy direction, then revisions will be made to that draft based on core team comments prior to being presented to the general public.

Each installment will be presented to the public, and additional outreach meetings scheduled as necessary. Comments will be collected and addressed in a consolidated version of a new MDC in 2021. That consolidated draft will be carried into the adoption process for additional review and public comment.

Short-Term Priority Amendments

To address some immediate concerns with the development regulations and also help establish initial project momentum, a series of short-term priority updates will be completed prior to the primary drafting phase. While the exact short-term priority amendments are still being discussed, a tentative list includes the following:

- **Minor modification.** A new minor modification procedure will allow for additional flexibility when warranted for certain development applications, without requiring a hardship variance. This tool will suggest maximum amounts of modifications to quantifiable standards such as parking and loading spaces, setbacks and height, and landscaping requirements. Criteria will be developed to require that such deviations not undermine the intent of the underlying regulations or impose greater impacts on surrounding properties. The authority for such modifications would rest with the decision-making body responsible for deciding the underlying application.
- **Parking ratios.** The project team will review the current parking ratios against other cities in the Metroplex and the ITE Parking Generation Manual (5th Edition) to consider whether adjustments should be made. Issues may include, for example, reevaluation of the multifamily parking requirements and the calculation rules for parking spaces. This may also include additional alternatives to address shared parking among uses, changes of use, and phased parking build-out. Revised parking ratios in table format will be developed.
- **Short-term rentals.** The City does not currently regulate short-term rentals (STRs); however, staff asked Clarion for guidance on regulations including approaches for regulating STRs by geographic area, consideration of minimum distance requirements between STRs, consideration of minimum number of nights an STR can be rented (e.g., two-night minimum), equitable treatment of STRs as compared to other similar uses (e.g., Bed & Breakfast), and consideration of performance standards applicable to STRs. Clarion has provided the City with several approaches and general guidance for regulating STRs for discussion.
- **Sign code updates.** The City does not expect substantive fundamental changes to its sign code (Chapter 134) as part of the New Code McKinney project; however, some elements of the sign code may require updating for consistency and user-friendliness and to maintain content neutrality. Clarion will review and update the sign code to be content-neutral. Clarion could also reorganize the standards for a more logical flow and develop graphics to aid in understanding otherwise complex sign definitions and measurements.

These issues, as well as many others, are discussed in greater detail throughout this document.

Stakeholder Interviews

The New Code McKinney project officially began in early July 2019, when a series of meetings were held with a local Technical Advisory Committee, the McKinney Development Committee, and various stakeholder groups including residents, property owners, attorneys, developers, and development professionals (architects and engineers). Other stakeholders that were interviewed included City staff who administer, work with, and enforce the development regulations; elected and appointed officials; and chamber of commerce and economic development staff.

These meetings solicited feedback regarding the existing development regulations to determine:

- How the current development regulations work well;
- How the current development regulations are ineffective or difficult to use;
- Areas of consistency and inconsistency between existing local policies and practices, the adopted plans, and the existing regulatory language;

- Modifications necessary to streamline the development review process; and
- Necessary changes related to Texas and/or federal law.

In addition to holding in-person interviews, the consulting team also reviewed relevant background documents including the current Code of Ordinances, the ONE McKinney 2040 Comprehensive Plan, and the McKinney Town Center Regulating Plan. The team also toured the City with staff members to observe examples of a variety of development issues first-hand.

Kick-Off Survey

The project team also distributed an online survey and posted it on the project website: www.newcodemckinney.com. More than 200 people participated in the survey, nearly 87 percent were residents or property owners, with the next-highest group being business owners at 9 percent.

Survey Response

These shaded boxes throughout the document provide additional feedback from the survey.

Report Organization

This report will serve as a roadmap for the New Code McKinney project moving forward. All the information gathered during meetings, analysis, site visits, and interviews has influenced the discussion in this report. This report is intended to provide a methodical analysis of the strengths and weaknesses of the current development regulations and to gain consensus on the general scope and parameters of the issues to be addressed in the drafting of the new MDC. Recognizing that there are no one-size-fits-all solutions for any community, the recommendations are tailored to McKinney 's goals. In our experience, having a clear roadmap ensures that the remainder of the process proceeds smoothly and effectively. This report will be presented and discussed with City officials at meetings in late 2019 or early 2020.

ONE McKinney 2040 says…

These shaded boxes throughout the document provide statements from the ONE McKinney 2040 Plan related to the recommendations in this report.

Following this Project Overview, this report is organized into two main parts:

- **Key Areas to Improve the Development Regulations.** This section identifies major themes that emerged from the project team's analysis and their experience with development regulations in communities across Texas and the nation. The discussion includes recommendations for how the current ordinances might be improved or replaced to best address concerns pertinent to that issue. The discussion is organized into the following categories:
  - Create a More User-Friendly Code
  - Fine-Tune the Zoning Districts
  - Reorganize and Strengthen Use Regulations
  - Improve and Tailor the Development Standards
  - Simplify the Development Review Procedures
  - Rewrite the Sign Regulations
- **Annotated Outline for a New MDC.** This section provides an overview of a proposed structure of a new MDC, assuming the recommendations from this assessment are implemented. This section of the report gives the reader the framework of the new structure and the logical grouping of similar provisions.

Key Findings and Recommendations

The following table summarizes the recommendations included in the *Key Areas to Improve the MDC* section of this report.

Table 1: Summary of Key Recommendations

Theme	Recommendation
Fine-Tune the Zoning Districts	
Transition from Legacy Districts	• Consolidate similar districts and transition legacy districts to conventional districts.
Align Zoning Districts with the ONE McKinney 2040 Plan	• Update district names. • Consolidate similar districts. • Update use schedules.
Establish New Zoning Districts	• Establish new mixed-use districts: Mixed-Use Neighborhood, Mixed-Use Transition, Mixed-Use Urban, and Mixed-Use Regional. • Establish a new 0.5-acre residential district: RE3 – Residential Estate.
Refine Overlay Districts	• Eliminate the REC overlay district and consider making specific development standards that are working well applicable city-wide. • Eliminate the TMN overlay district and apply its standards more broadly city-wide. • Eliminate the CC overlay district and include new tools for increased building height flexibility in targeted areas of the City. • Eliminate the FP overlay district and embed those regulations in applicable sections throughout the MDC.
Reduce Reliance on Planned Developments	• Better integrate the MTC district into the framework and organization of the new MDC. • Consider making specific development standards from the MTC applicable city-wide. • Carry forward PDs but reduce their use and reform the process.
Mapping the New Lineup of Zoning Districts	• Adopt an updated zoning map at time of adoption of new MDC showing new district consolidations and new district names. • Consider longer-term strategies for applying new districts to the zoning map.
Reorganize and Strengthen Use Regulations	
Revise the Schedule of Uses Table	• Consolidate use regulations into a single table. • Provide cross-references to use-specific standards. • Consolidate or eliminate specific use types where appropriate.
Revisit Use Permissions	• Ensure appropriate level of use approval is required for each use type.

Table 1: Summary of Key Recommendations	
Theme	**Recommendation**
	• Consider whether additional standards could be applied to a use to eliminate the need for a higher level of scrutiny. • Identify changes to use permissions during the drafting process. • Review land uses for all districts to ensure they match district intent.
Update Use-Specific Standards	• Consolidate and reorganize the use-specific standards. • Remove regulatory language from definitions. • Establish new and revise current use-specific standards to address potential land use impacts.
Expand Housing Options	• Consider expanding the types of dwellings allowed to ensure the MDC allows a range of housing options. • Consider removing barriers that prevent the development of workforce housing. • Consider introducing incentives to encourage workforce housing in targeted areas.
Consider New Use Types	• Consider establishing new specific use types, and applicable standards, for uses not directly addressed by the current McKinney development regulations.
Improve and Tailor Development Standards	
Clarify Organization, Purpose, and Applicability of the Development Standards	• Consolidate development standards into a new Article 4.0 Development Standards in the MDC. • Include a clear purpose statement for each development standard element.
Update Lot and Building Standards	• Adjust dimensional and bulk standards to respond to market trends. • Simplify density controls to remove artificial barriers to efficient and cost-effective development. • Consider eliminating FAR and density metrics.
Consider Flexible Alternatives	• Consider flexible alternative standards within specific development standards sections (e.g., landscaping, parking, lighting, etc.). • Consider establishing an Alternative Equivalent Compliance procedure.
Improve Other Specific Development Standards	• Evaluate minimum parking ratios and adjust where necessary. • Strengthen alternative parking options. • Modernize off-street loading requirements. • Revise grading and drainage standards to better adapt to natural topography. • Evaluate the tree preservation survey requirements. • Update methodology for measuring tree caliper with regard to tree replacement standards. • Establish more flexible landscaping standards. • Consider integrating sustainable landscape standards to reduce water usage and site efficiency.

Table 1: Summary of Key Recommendations	
Theme	**Recommendation**
	• Refine building design standards to align with H.B. 2439. • Strengthen neighborhood transition standards where appropriate. • Consider parking location requirements in pedestrian-oriented areas. • Strengthen access and circulation standards for non-vehicle modes and consolidate them in one section. • Clarify requirements and educate the community on the Fire Department's regulations for development projects. • Identify public safety standards that are flexible and communicate options to applicants. • Identify public safety standards that are non-negotiable.
Simplify the Development Review Procedures	
Improve the Organization and Clarity of the Review Procedures	• Consolidate and standardize the organization, format, and level of detail of the review procedures. • Rewrite and enhance the common review procedures. • Establish an Administrative Manual to house supporting materials outside the MDC.
Reform the Planned Development Process	• Formalize a two-step PD review process (preliminary and final approval). • Reaffirm the essential project characteristics to consider at preliminary PD plan. • Revise application submittal requirements. • Establish clear thresholds and procedures for minor and major PD amendment requests.
Increase Staff Decision-Making Authority	• Delegate greater decision-making authority to professional planning staff, while complex and significant requests go to a hearing before the Planning and Zoning Commission and/or City Council. • Consider introducing an intermediate use review process to reduce Specific Use Permit requests. • Consider allowing planning staff to "call-up" complex or disputed requests rather than defaulting to Planning and Zoning Commission and City Council hearings by default. • Reevaluate the application submittal requirements for Specific Use Permits to mitigate the "too much too soon" problem. • Establish a Minor Modification procedure to allow approval of minor deviations, based on clear criteria.
Rethink the Site Plan Procedure	• Establish new clear thresholds to guide site plan referrals to the Planning and Zoning Commission, based on size and scale of activity (not just the type of use). • Relocate site plan submittal requirements to an administrative manual outside the MDC.
Improve and Clarify the Subdivision Procedures	• Reorganize subdivision procedures to minimize repetition. • Consider updating plat naming conventions.

Table 1: Summary of Key Recommendations	
Theme	**Recommendation**
	• Refine the Preliminary–Final Plat procedure. • Consider Introducing a Development Plat procedure. • Clarify when public improvements are required. • Update plat amendment criteria. • Clarify standards for subdivisions within the ETJ. • Consider establishing a concept plan process.
Create a More User-Friendly Code	
Establish a Clear Organization	• Reorganize the development regulations into a unified McKinney Development Code (MDC) as proposed in the Annotated Outline in Part 3 of this report.
Add Illustrations and Other Graphics	• Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout new MDC.
Improve the Page Layout	Establish a more attractive and user-friendly page format with: • Dynamic headers, showing article, section, and subsection on each page; • Consistent formatting and location of tables and graphics; • Clear and prominent hierarchy of heading titles (using color and/or bold fonts); and • Consistent indentation and nested text.
Define Key Terms and Use Clear Language	• Consolidate, expand, and update all definitions. • Rewrite code with clear and simple language. Remove duplication and resolve inconsistences. • Rewrite standards to eliminate vague, subjective language.

Key Areas to Improve the Development Regulations

Fine-Tune the Zoning Districts

A comprehensive update of a community's development regulations provides an opportunity to step back and review the current zoning districts to ensure they are appropriate to implement adopted plans. A reexamination of the zoning districts and the land uses allowed within them is necessary to ensure that the districts are aligned with the City's goals. The zoning districts in McKinney should accommodate a wide range of housing types, commercial and mixed-use development, institutional uses, and recreational uses. The current districts should be reviewed and updated as appropriate to more accurately reflect existing conditions and to open up additional opportunities for mixed-use development in targeted areas.

The district lineup should be cleaned up by consolidating similar districts and making any necessary adjustments to current district standards. Also, some new districts may be introduced even if they are not immediately applied to the zoning map. The goal is to broaden McKinney's zoning toolbox, so that more types of projects may be built by-right and fewer projects need to opt for planned development (PD) approvals, and so that additional district options are available for future use as the City updates its Comprehensive Plan and completes other area-specific planning efforts.

The following sections discuss McKinney's current zoning districts in light of the following questions:

- Is the intent of each district clear and does the district name match the intent?
- Is the district currently used? If not, is it unnecessary or obsolete?
- Are any districts so similar in purpose and standards that they overlap and could be consolidated?
- Are new districts needed to accommodate development patterns that are hard to achieve with existing districts?
- Are the dimensional standards for each district (setbacks, density, and height) appropriately tailored to the purpose of the district?

Based on these considerations, the team proposes several changes to the current lineup of zoning districts as summarized in this section.

Transition from Legacy Districts

There are 42 zoning districts in McKinney; however, 18 of those districts are legacy districts – districts that were carried forward from a prior set of regulations that cannot be used in future rezonings. Legacy districts are commonly used to maintain existing property rights and to minimize the creation of nonconformities. Overtime, these legacy districts are intended to be replaced with conventional zoning districts.

There are currently three flavors of districts in McKinney: those created prior to March 4, 2014 that are eligible for zoning and rezonings (shown in grey); those created prior to March 4, 2014 that cannot be used for zoning and rezonings (shown in red); and those created on March 4, 2014 that are eligible for zoning and rezonings (shown in green).

Legacy districts can overcomplicate zoning regulations and become difficult to manage and administer over time. We recommend that, where possible, legacy districts transition to a refined menu of districts that help to achieve the goals and vision of the ONE McKinney 2040 Plan. Our analysis and recommendations presented in this report is the result of a comprehensive review of all zoning districts in McKinney (legacy and conventional). In many cases the legacy districts have similar purpose statements, permitted use lists, lot standards, and density requirements as conventional districts. In those cases, we recommend consolidating like districts to result in a menu of zoning districts that minimizes overlap and redundancy. The Summary Table of Proposed Zoning Districts at the end of this section provides further detail for which districts are candidates for consolidation. Where differences in dimensional standards, use permissions, or other development standards arise among consolidated districts, deference will be given to the more permissive standard.

Recommendation for Transitioning from Legacy Districts

- Consolidate like districts and transition legacy districts to conventional districts.

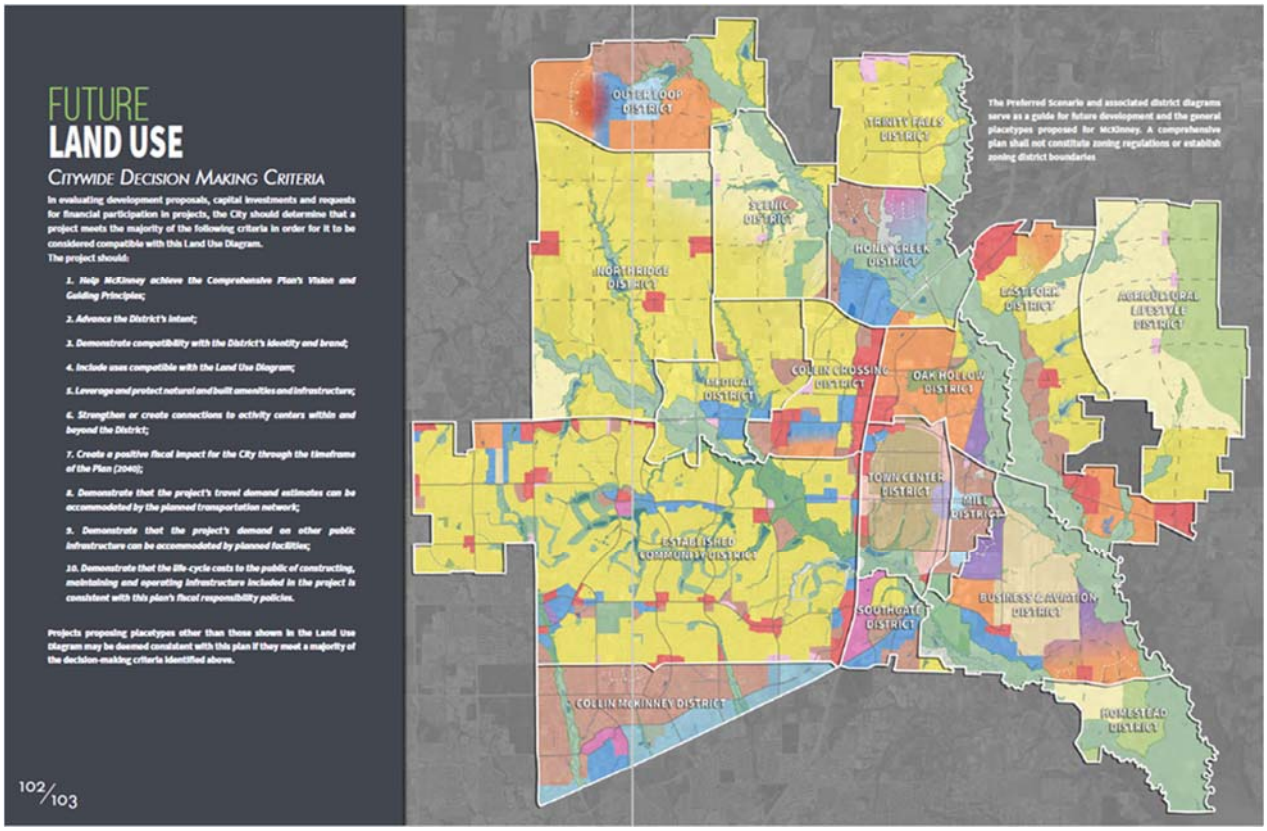
Align Zoning Districts with the ONE McKinney 2040 Plan

The zoning districts must be capable of implementing McKinney's adopted plans and policies. The One McKinney 2040 Plan, adopted in October 2018, represents the community's overall vision of where and how it wants to grow and develop in the coming decades. The MDC is one of the primary tools for implementing that vision and should reflect the plan's goals, policies, and strategies concerning the physical growth and development of the City.

The One McKinney 2040 Plan identifies 14 placetypes to help inform future land use and zoning policy, providing a foundation for considering updates to the menu of zoning districts available in the new MDC. The placetypes help convey the City's desired development patterns and priorities for economic development and community character, the locations of neighborhoods and industries, and preservation of natural, agriculture, and rural landscapes. The One McKinney 2040 Plan includes a Future Land Use Map that spatially represents the collective vision for McKinney by identifying areas where the placetypes are appropriate.

ONE McKinney 2040 says…

The City's zoning and subdivision ordinances are important tools for implementing the comprehensive plan, so refinements or amendments to these or other regulations may be needed to encourage the development envisioned by the plan. (p. 244)



The ONE McKinney 2040 Plan Future Land Use Map (pp. 102-103 in the plan).

The following table summarizes how the placetypes identified in the ONE McKinney 2040 Plan generally translate to the existing base zoning districts. Our analysis takes into consideration the intent statement for each district, general lot and building dimensional standards, and permitted and prohibited land uses. In some cases, a collection of current districts supports the principles and vision of the placetype; however, an individual district does not directly translate to the place type (e.g., Regional Commercial and Regional Office collectively contribute to elements of the Transit Ready Development placetype). Additionally, approximately 58.5 percent of city-zoned land falls into the Planned Development (PD) zoning designation, which could be drafted to satisfy any of the placetypes identified in the ONE McKinney 2040 Plan. This is Clarion's analysis, in consultation with staff; the plan does not explicitly link the placetypes to the zoning districts.

Table 2: ONE McKinney 2040 Plan Placetypes and the Current Lineup of Zoning Districts
An * indicates a legacy zone district not eligible for zoning or rezoning after July 1, 2014

Placetype	Current Zoning Districts	Percent of City-Zoned Land Area
Rural Living	AG – Agriculture	17.5
Estate Residential	RED-2 – Residential Estates	0.004
	RED-1 – Residential Estates	0.12
Suburban Living	SF12 – Single-Family Residential	none
	RS 120 – Single-Family Residential*	0.52
	SF10 – Single-Family Residential	none

Table 2: ONE McKinney 2040 Plan Placetypes and the Current Lineup of Zoning Districts
An * indicates a legacy zone district not eligible for zoning or rezoning after July 1, 2014

Placetype	Current Zoning Districts	Percent of City-Zoned Land Area
	RS 84 – Single-Family Residential*	0.89
	SF8 – Single-Family Residential	none
	SF7.2 – Single-Family Residential	0.03
	RS 72 – Single-Family Residential*	0.20
	RS 60 – Single-Family Residential*	2.46
	SF5 – Single-Family Residential	1.21
	RG 27 – General Residential Townhome*	0.02
	TH – Townhome Residential	0.02
	DR – Duplex Residential	0.002
	RD 30 – Duplex Residential*	0.25
Urban Living	DR – Duplex Residential	0.002
	RD 30 – Duplex Residential*	0.25
	RS 45 – Single-Family Residential*	0.10
	RG 27 – General Residential Townhome*	0.02
	TH – Townhome Residential	0.02
	MF-1 – Multifamily Residential	none
	MF-2 – Multifamily Residential	none
	RG 25 – General Residential*	0.08
	MF-3 – Multifamily Residential	none
	RG 18 – General Residential*	0.33
	MP – Mobile Home Park	0.16
Transit Ready Development	MF-1 – Multifamily Residential	none
	MF-2 – Multifamily Residential	none
	MF-3 – Multifamily Residential	none
	C3 – Regional Commercial	0.11
	RO – Regional Office	0.39
Entertainment Center	---	
Commercial Center	C3 – Regional Commercial	0.12
	BG – General Business*	0.82
	C – Planned Center	1.26
Mixed-Use Center	---	
Professional Campus	O – Office*	0.17
	SO – Suburban Office	0.12
Aviation	AP – Airport	1.04

Table 2: ONE McKinney 2040 Plan Placetypes and the Current Lineup of Zoning Districts An * indicates a legacy zone district not eligible for zoning or rezoning after July 1, 2014			
Placetype		**Current Zoning Districts**	**Percent of City-Zoned Land Area**
Manufacturing & Warehouse		ML – Light Manufacturing*	2.07
		LI – Light Industrial	5.07
		HI – Heavy Industrial	none
		MH – Heavy Manufacturing*	0.45
Employment Mix		BG – General Business*	0.82
		BC – Commercial Business*	none
		O – Office*	0.17
		SO – Suburban Office	0.12
		ML – Light Manufacturing*	2.07
		LI – Light Industrial	5.07
Neighborhood Commercial		C1 – Neighborhood Commercial	0.53
		C2 – Local Commercial	3.96
		NC – Neighborhood Convenience*	none
Historic Town Center	**Downtown**	MTC – McKinney Town Center	0.48
	Mix	---	
	Residential	SF7.2 – Single-Family Residential	0.03
		RS 72 – Single-Family Residential*	0.20
		RS 60 – Single-Family Residential*	2.46
		DR – Duplex Residential	0.002
		RD 30 – Duplex Residential*	0.25
		RG 25 – General Residential*	0.08
		RS 45 – Single-Family Residential*	0.10
		RG 27 – General Residential Townhome*	0.03
		TH – Townhome Residential	0.02

The process of bringing districts into better alignment with local plans is often incremental and evolves over time. McKinney should consider the following improvements:

- **Update district names.** There are currently several zoning district naming conventions used in McKinney. For example, single-family zoning districts are identified by the abbreviation “RS” and “SF” followed by (in most cases) an abbreviated number to indicate the minimum lot size requirement (e.g., SF12 indicates a single-family zone with a 12,000 square foot minimum lot size). We recommend removing development standard identifiers from the district names and renaming districts to establish a more uniform and clear hierarchy, generally moving from low-intensity to high-intensity. The proposed naming conventions are proposed in the Summary Table of Proposed Zoning Districts at the end of this section.

- **Consolidate Similar Districts.** For communities with too many districts, we often consider consolidating districts with very similar purpose statements, permitted use lists, lot standards, and density requirements. There are several obvious candidates for consolidation in McKinney as summarized in the Summary Table of Proposed Zoning Districts at the end of this section. Several of these consolidations fold existing legacy districts into current zoning districts.
- **Update use schedules.** In some cases, the uses allowed in the existing districts could be updated to better fit the character area descriptions in the placetype descriptions. For example, live/work units could be added as uses by-right in the C1 zoning district. Also, the existing duplex residential districts could be adjusted to allow a broader array of housing types.

Applying these types of changes could result in the introduction of an improved set of districts for McKinney. For all proposed changes, obtaining community input is important during the drafting of the new MDC to provide feedback and to confirm policy direction.

Recommendations for Aligning Zoning Districts with ONE McKinney Plan

- Update district names.
- Consolidate similar districts.
- Update use schedules.

Establish New Zoning Districts

Some new zoning districts are necessary to fill in the gaps in the current district lineup and provide opportunities that may not be possible even with modifications to existing districts. New districts to consider in McKinney are summarized below.

New Mixed-Use Districts

Mixed-use development can be defined in a variety of ways, including:

- The vertical mix of uses within a single building (typically, retail businesses on the first floor with residential units or offices above); or
- The horizontal mixing of residential and nonresidential uses in separate buildings within the same planned development center; or
- A mix of uses in a predominantly single-use area – such as by allowing a corner store in a neighborhood, or apartment buildings in predominantly commercial areas.

Orenco Station in Hillsboro, Oregon is nationally recognized as a successful mixed-use development.

Mixed-use development is designed to allow residential and nonresidential uses to develop organically as part of the same project or site. The combination provides residents the opportunity to live, work, and shop in the same location without requiring a car trip for each activity, thus helping to lower vehicle miles traveled and reducing overall traffic congestion and air pollution. It can be a key tool for promoting sustainability, concentrating development in strategic locations where it can be serviced most efficiently, and providing a variety of housing and business opportunities.

ONE McKinney 2040 says…

A Mixed-Use Center offers people the ability to live, shop, work, and play in one community. (p. 45)

In the past, typical zoning ordinances like McKinney's development regulations segregated uses by

district, and so developers have had to jump through multiple hoops to gain approval to mix uses within a single project, such as obtaining variances, waivers, and/or PD approval. Today, however, communities often establish one or more zoning districts that allow mixed-use development by-right, rather than discouraging it through cumbersome procedures.

The ONE McKinney 2040 Plan calls for mixed-use development within the Transit Ready Development, Entertainment Center, Mixed-Use Center, and Historic Town Center placetypes. The current development regulations would require rezoning to a Planned Development (PD) district to accommodate mixed-use projects. While mixed-use development is not appropriate everywhere, it could help further redevelopment in some locations as identified in the Future Land Use Map in the ONE McKinney 2040 Plan.

The current McKinney development regulations does not include any mixed-use districts by name. There are several key issues to consider when establishing new mixed-use districts.

- **Location, applicability, and compatibility.** The ONE McKinney 2040 Plan identifies key centers, nodes, and areas where mixed-use development would be compatible with existing development and neighborhoods and where future growth is desired.
- **Use mix.** While all mixed-use districts generally include a mix of residential, commercial, institutional, and/or office uses, the combinations of uses will vary by district. A community has options for choosing how prescriptive to be: prescribe a minimum mix of uses at set percentages (e.g., at least 40 percent residential, at least 30 percent retail, at least 20 percent office, etc.); require a mix of uses but not mandate a set percentage; or encourage, but not require, a mix of uses through incentives. As a general rule, we recommend incentivizing mixed-use development (but not requiring it), which is both easier to enforce and also creates more opportunity for flexible market response.
- **Density and intensity.** Traditionally, zoning ordinances set maximum density requirements to ensure that areas do not become overcrowded. In mixed-use areas, however, communities often set minimum density requirements to ensure the necessary number of residents and activity is present to support thriving centers or nodes. For residential development, minimum densities could be required for larger centers, to ensure such areas do not become exclusively office and retail developments. For commercial development setting minimum height and clear building envelope standards in order to target intensity at key locations (e.g., along arterial streets).

We recommend that a lineup of mixed-use districts that are appropriate for areas of varied scale and intensity be established in the new MDC. Adding mixed-use zoning districts will help to diversify the housing stock and introduce more creative and innovative developments. By providing a common "toolbox" for mixed-use development, future specific area plans, as well as individual new developments, will be able to address mixed-use concepts in a more consistent manner. For discussion purposes, we propose four new districts:

- **Mixed-Use Neighborhood.** This would be primarily residential in character but allow a wide range of housing types. Neighborhood-serving, small-scale commercial and retail uses would also be allowed by right. The district would be intended for smaller areas within and adjacent to residential neighborhoods.
- **Mixed-Use Transition.** This would be used as a transition area between more-intense uses of land near the Town Center and along the highway corridors and the surrounding, urban neighborhoods. This district would include intermediate density in both residential and commercial offerings that transition from an urban to suburban development pattern.

- **Mixed-Use Urban.** This district would include a mixture of housing types in close proximity to the goods and services residents need on a daily basis and would include a higher intensity of uses developed in an urbane style that are supported by nodes of activity. The design and scale of this district would encourage active living, with a comprehensive network of walkable streets.
- **Mixed-Use Regional.** This district would be regional-serving areas of economic, entertainment, and community activity. The mixed-use regional district would accommodate larger-scale employment center and shopping destinations for surrounding areas focused around and serving transit hubs. The design and scale of development would encourage active living, with a comprehensive and interconnected network of walkable streets.

All mixed-use districts should be designed to emphasize pedestrian-scale development and the relationship of buildings to the streetscape and to minimize pedestrian and vehicle conflicts. Transitional standards that limit development at the district's edges can help provide an appropriate transition to adjacent development. These districts may emphasize form and design more than other base zoning districts, while promoting a mix of uses allowed. Illustrations and graphics can help convey the intended character of the districts.

Survey Response

"I know the decisions are made Regionally (and that the city of Allen has been a roadblock) but having land "at-the-ready" for THE DART to come into McKinney is probably a good idea."

Other New Districts

In addition to the mixed-use districts, we recommend introducing an RE3 – Residential Estate. This district would allow single-family housing on a minimum 0.5-acre lot on the urban fringe. The Estate Residential placetype in the ONE McKinney 2040 Plan identifies lot sizes between 0.5 acres and 2 acres. The current development regulations provide zoning tools for one- and two-acre estate lots, providing an opportunity to introduce a 0.5-acre lot to fill a potential gap.

Recommendations for New Districts

- Establish new mixed-use districts: Mixed-Use Neighborhood, Mixed-Use Transition, Mixed-Use Urban, and Mixed-Use Regional.
- Establish a new 0.5-acre residential district: RE3 – Residential Estate.

Refine Overlay Districts

REC - Regional Employment Center Overlay

The REC overlay district includes three distinct character districts, the Neighborhood Zone, the Collin-McKinney Parkway Corridor Zone, and the Commercial/Employment Zone. This overlay district is located in the southwest corner of the City and encompasses nearly 4,000 acres bounded by SH 121 and Custer Road. The REC district was adopted in 2002 and was intended to implement the amendments to the city's future land use plan calling for a regional employment center.

During initial meetings with staff and stakeholders, we were made aware that the overlay standards are too prescriptive generally and overly ambitious with regard to the required land use mix allocations. Staff indicated that developers are consistently seeking alternative zoning tools (usually PDs) to bypass the standards. While the new urbanist principles and concepts within the overlay are sound, the broad application of those standards for such a large geographic area has not been successful due to market realities. As a result, the REC overlay is no longer applicable to properties zoned on or after June 1, 2015, and there can be no additional zonings or rezonings to the REC overlay. We do not recommend carrying

forward the REC overlay district; however, there are several specific development standards found within that overlay that may be good candidates for broader (possibly city-wide) application (e.g., siting design, area and bulk requirements, access and connectivity standards, etc.). We will coordinate with staff to determine which standards from the REC overlay district have been successful and might be applied to other zoning districts.

TMN – Traditional McKinney Neighborhood Overlay

The TMN overlay district allows for a modified set of standards of the underlying zoning districts for any substandard lots that they may have been established prior to zoning regulations or for lots that were encroached upon as a result of past or future easement or right-of-way dedication. The intent is to provide additional flexibility for single-family detached residential uses and structures so that nonconformance with lot or other dimensional standards don't preclude property improvements or development. While the intent of the TMN overlay district is sound, we do not think an overlay district is the correct mechanism to achieve the intended flexibility. Rather, we recommend that the same concepts apply city-wide through updated nonconforming lot provisions and the new minor modification tool.

A single-family house in the TMN overlay district

CC – Corridor Commercial Overlay

The CC overlay district includes four subzones, Suburban, Low Rise, Mid Rise, and High Rise. The CC overlay district allows for increased building heights for non-residential structures that are generally recognized as needing to be taller than otherwise allowed by the base zoning districts. The CC overlay is generally located along and within close proximity to the major regional highways passing through McKinney: U.S. Highway 380; U.S. Highway 75; and State Highway 121. The CC overlay was established to recognize these major regional highways as an economic development engine to leverage a diverse and sustainable non-residential tax base for the City. In exchange for increased building height the overlay requires higher-quality architectural standards (e.g., increased masonry requirements, material variation requirements, color limitations, etc.). We do not think this targeted approach warrants an overlay district, especially in light of the new Texas legislation prohibiting local governments from regulating architectural building materials. Instead, we recommend that geographically based flexibility for building height be included in the general standards of the MDC.

FP – Floodplain

The floodplain overlay district includes regulations intended to protect residents and property from potential flood hazards. The Federal Emergency Management Agency (FEMA) identifies and maps areas that are likely or prone to be impacted by flooding events and that would be subject to the floodplain regulations in the MDC. Rather than including these regulations in a zoning overlay district, many communities recognize the value in embedding these regulations in relevant sections of the zoning code so that updates to floodplain boundaries by FEMA do not result in the need for the City to update its overlay district boundaries on the City's zoning map.

Recommendations for Refining Overlays

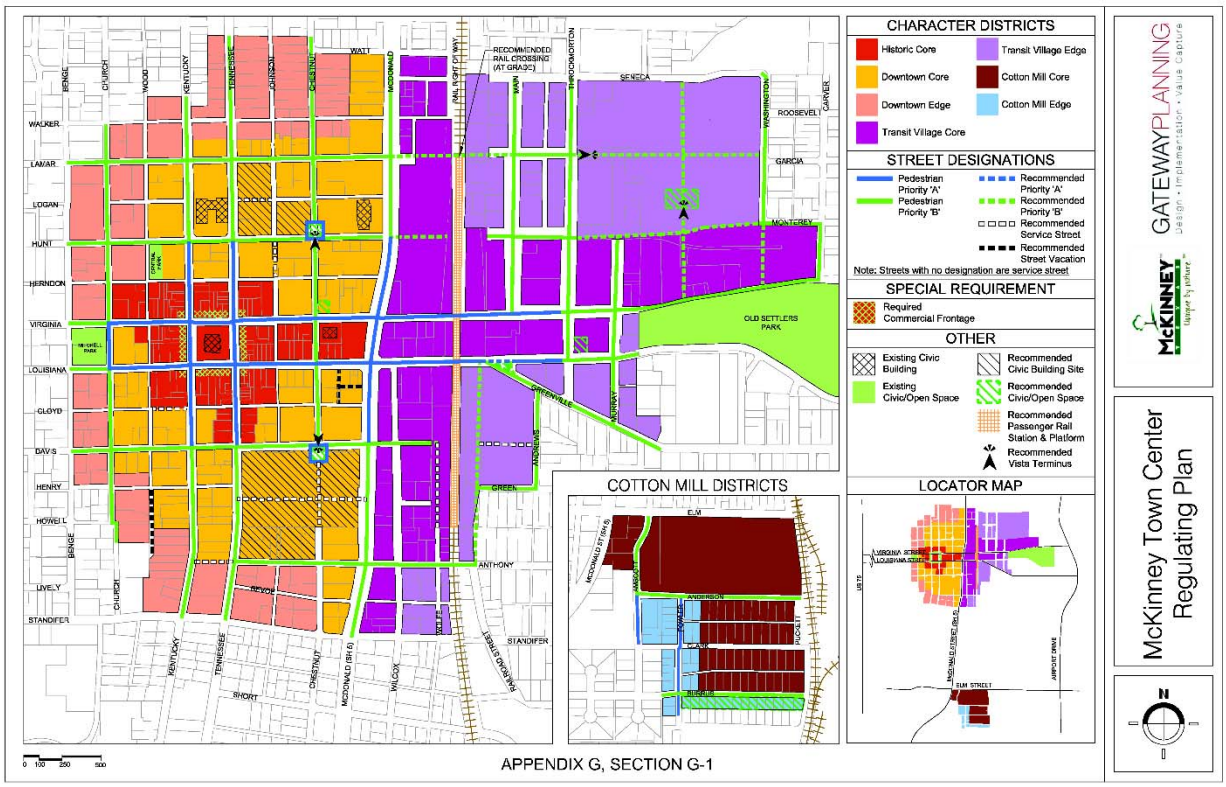
- Eliminate the REC overlay district and consider making specific development standards that are working well applicable city-wide.
- Eliminate the TMN overlay district and apply its standards more broadly city-wide.
- Eliminate the CC overlay district and include new tools for increased building height flexibility in targeted areas of the City.
- Eliminate the FP overlay district and embed those regulations in applicable sections throughout the MDC.

Retain but Reformat the MTC - McKinney Town Center

The McKinney Town Center zoning district includes seven distinct character districts (as shown below) and makes up the areas in and surrounding the historic McKinney Town Center. The MTC district was adopted in 2013 and is intended to implement the Town Center Study Phase 1 Report and the associated illustrative vision for the Town Center that were adopted by the City Council in 2008. The foundation and design principles are sound and some of the principles in this district could be extracted into other mixed-use districts and applied more broadly in other areas where similar urban development is desired. For example, the build-to standards and building frontage requirements may be used as a model to craft new mixed-use district standards where pedestrian activity is desired.

ONE McKinney 2040 says…

Town Center will continue to be the community's most obvious and genuine mixed-use center. (p. 224)



The McKinney Town Center (MTC) Regulating Plan, from the Code of Ordinances, Appendix G, Section G-1.

Despite some challenges associated with this district, staff indicated that it generally works well and does not require substantial change. We recommend that the MTC standards be carried forward, but

that the district be renamed and include substantial organizational and formatting improvements to improve user-friendliness and to integrate it with the rest of the MDC. Currently, it reads more like a PD (i.e., unique development standards, unique definitions, separate use table, standards can be negotiated, some distinct review and approval procedures, etc.). For example, the MTC standards reference a staff point-person (the McKinney Town Center Development Coordinator) who is charged with processing, reviewing, and approving development applications within the boundaries of the MTC zoning district. While having a dedicated staff person assigned to this area is intended to streamline and ensure good customer service, it also introduces challenges because not all City staff are well-versed in the standards and able to promptly reply to inquiries.

In addition, there are several specific development standards that only apply in the MTC district that may be good candidates for broader (possibly city-wide) application (e.g., open space requirements, landscaping, screening, and general procedural requirements). We will coordinate with staff to determine which standards from the MTC district have been successful and might be applied to other zoning districts.

Reduce Reliance on Planned Developments

As indicated in Table 2, more than 58.5 percent of the City's land area is regulated by PDs. Many major developments in McKinney simply bypass the underlying zoning districts in favor of the more flexible PD process. The large number of PDs in McKinney has led to challenges in administering McKinney's overall zoning system. PDs are negotiated for a specific area, establishing development standards that would not otherwise apply to adjacent properties without similar approvals. This results in a lack of predictability that a consistent level of development quality will be applied broadly throughout the City. Additionally, PDs are usually intended to produce a specific development product at initial build-out and are generally not designed to address redevelopment (which may occur when the City's planning goals and market demands have changed). As a result, the City must spend time amending adopted PD provisions to allow reasonable redevelopment over time. For these and other reasons, many communities seek to reduce the need for PDs (though not removing them entirely).

The Open Space Master Plan taken from the Craig Ranch PD (ord. 2012-07-036)

PDs that have been established prior to the effective date of the new MDC will not be affected by this project. Where existing PD standards reference a current base zoning district, the standards in place at the time of the PD approval will continue to govern; however, those standards may be located in a legacy document or an archived version of the code. Further discussion on reducing the use of PDs is provided on page 41 of this report.

Recommendations for the MTC and PD Districts

- Better integrate the MTC district into the framework and organization of the new MDC.
- Consider making specific development standards from the MTC applicable city-wide.
- Carry forward PDs but reduce their use and reform the process.

Summary Table of Proposed Zoning Districts

The following table shows how each of the current zoning districts would translate to the new lineup of base zoning districts following the recommendations of this report. The first column shows the current zoning districts in McKinney. The second column shows the proposed zoning districts through the New Code McKinney project. This proposed lineup of zoning districts are recommendations only and are intended to guide discussion with staff and stakeholders during the drafting process. Where existing zoning districts are recommended to be carried forward, the substance of those district standards would still be reviewed and updated as needed.

Table 3: Summary Table of Proposed Zoning Districts

An * indicates a legacy zone not eligible for zoning or rezoning after July 1, 2014

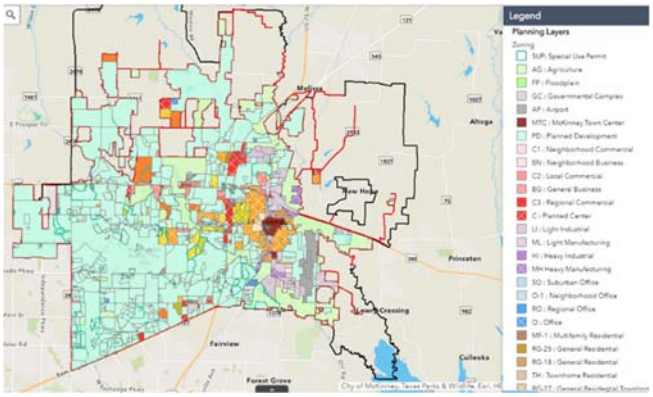
Current Zoning District		Proposed Zoning District	
Residential	**Lot Size (min. sq. ft.)**		**Lot Size (min. sq. ft.)**
RED-2 – Residential Estates	87,120	RE1 – Residential Estate	87,120
RED-1 – Residential Estates	43,560	RE2 – Residential Estate	43,560
---		RE3 – Residential Estate (NEW)	21,780
SF12 – Single-Family Residential	12,000	R1 – Residential	12,000
RS 120 – Single-Family Residential*	12,000		
SF10 – Single-Family Residential	10,000	R2 – Residential	10,000
RS 84 – Single-Family Residential*	8,400	R3 – Residential	8,000
SF8 – Single-Family Residential	8,000		
SF7.2 – Single-Family Residential	7,200	R4 – Residential	7,200
RS 72 – Single-Family Residential*	7,200		
RS 60 – Single-Family Residential*	6,000	R5 – Residential	6,000
SF5 – Single-Family Residential	5,000	R6 – Residential	5,000
DR – Duplex Residential	6,000	R7 – Residential	4,500
RD 30 – Duplex Residential	5,000 (1 unit) 6,000 (2 units)		
RS 45 – Single-Family Residential*	4,500		
RG 27 – General Residential Townhome*	2,700	R8 – Residential	2,700
TH – Townhome Residential	2,700		
MF-1 – Multifamily Residential	3,600 per unit	RM1 – Residential Multifamily	TBD
MF-2 – Multifamily Residential	2,700 per unit		
RG 25 – General Residential*	5,000 (first 2 units, plus 2,500 per unit)		
MF-3 – Multifamily Residential	2,100	RM2 – Residential Multifamily	TBD
RG 18 – General Residential*	5,000		
MP – Mobile Home Park	3,000 per unit	RMH – Residential Manufactured Home	TBD

Mixed-Use	
---	M1 – Mixed-Use Neighborhood (NEW)
---	M2 – Mixed-Use Transition (NEW)
---	M3 – Mixed-Use Urban (NEW)
MTC – McKinney Town Center	M4 – Mixed-Use Town Center
---	M5 – Mixed-Use Regional (NEW)
Nonresidential	
NC – Neighborhood Convenience*	C1 - Neighborhood Commercial
O-1 – Neighborhood Office*	
C1 – Neighborhood Commercial	
BN – Neighborhood Business*	
C2 – Local Commercial	C2 – Corridor Commercial
BG – General Business*	
BC – Commercial Business*	C3 – Regional Commercial
C3 – Regional Commercial	
C – Planned Center*	
O – Office*	O1 – Office
SO – Suburban Office	
RO – Regional Office	O2 – Regional Office
ML – Light Manufacturing*	I1 – Light Industrial
LI – Light Industrial	
HI – Heavy Industrial	I2 – Heavy Industrial
MH – Heavy Manufacturing*	
GC – Government Complex	CF – Community Facilities
Other	
AG – Agriculture	AG – Agriculture
AP – Airport	AP – Airport
FP – Floodplain	(convert to development regulations)
PD – Planned Development	PD – Planned Development
Overlays	
CHD – Commercial Historic Overlay	HCO – Historic Commercial Overlay
H – Historic Preservation Overlay	HPO – Historic Preservation Overlay
REC – Regional Employment Center Overlay	--- (standards could apply more broadly)
TMN – Traditional McKinney Neighborhood Overlay	--- (standards could apply more broadly)
CC – Corridor Commercial Overlay	--- (standards could apply more broadly)

Mapping the New Lineup of Zoning Districts

Ultimately, a new lineup of zoning districts in McKinney will require a revised zoning map that reflects any updates to district names or consolidation of districts. For those changes, and for any districts that are carried forward, the new zoning map simply should reflect the updated designations. In most cases, individual parcels will require only a simple "one-to-one" conversion (e.g., properties currently zoned "RED2 Residential Estates" are re-labeled "RE1 Residential Estate" to reflect the new naming convention). In some cases, however, City staff may need to conduct additional research to verify the appropriate conversions based on existing land uses or other factors.

Any new districts established would likely not be introduced immediately at the time of adoption of new MDC but would be available for future rezonings. To apply a new district and any associated standards, a rezoning of an existing property would have to be approved by the City Council. Local governments often wait until after a zoning code is adopted to consider either legislative rezoning (large areas of the jurisdiction at one time) or rezoning of individual properties. The following are a few options the City may consider regarding zoning map updates:



McKinney's current zoning map

- The City could distribute an announcement to property owners and invite them to discuss potential rezoning. Rezonings would be undertaken only following applications from property owners. This option is staff-intensive and would require individual meetings and negotiations. The City could offer incentives such as reduced or waived fees, or expedited review and approval.
- The City could rezone properties as part of a legislative rezoning process that would collectively focus on the entire City (or large portions of it) rather than individual site-specific rezoning applications. Through this option, a wholesale revision to the zoning framework in McKinney would be achieved immediately. This option requires extensive public outreach.
- The legislative rezoning could allow property owners to: A) Negotiate a different base zoning district designation; or B) opt out entirely from the legislative rezoning and retain existing zoning and entitlements.

Incentives can be a powerful tool to help put the updated and new districts into practice through future rezonings. Preferred development that is compatible with the One McKinney Plan should be encouraged and incentivized where appropriate. In particular, density bonuses might be worth considering in rural areas to encourage clustering with minimal sprawl of infrastructure and preservation of open space or agricultural activities on the rest of the rural properties.

Recommendations for Future Mapping Efforts

- Adopt an updated zoning map at time of adoption of new MDC showing new district consolidations and new district names.
- Consider longer-term strategies for applying new districts to the zoning map.

Reorganize and Strengthen Use Regulations

Beyond revisions to the lineup of zoning districts, analysis of the various land uses allowed within each district is equally important. The New Code McKinney project provides an opportunity to revisit the way the City defines, categorizes, and regulates various land uses. This section recommends several improvements to the City's use regulations including clearly distinguishing the types of uses, improving the standards applicable to those uses, and making the use regulations more user-friendly.

Revise the Schedule of Uses Table

The current schedule of uses located in Section F-4 in Appendix F specifies the land uses allowed within each base zoning district. A separate table for the McKinney Town Center (MTC) zoning district is provided in Appendix G, Section G-2. The use table should be amended to reflect the proposed refined district lineup. The table should also include cross-references to any applicable use-specific standards (shown in the right column in this example).

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential								Mixed-Use								Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)			P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex					C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily					C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work					C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development		C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home								P*											20.03.030(b)(8)
Manufactured home park								P*											20.03.030(b)(9)

A sample use table from another community showing hyperlinks in the right column to use-specific standards that apply for some use types.

Define, Consolidate, and Eliminate Use Types Where Appropriate

The current McKinney development regulations are more specific than needed when describing allowable land uses. For example, the schedule of uses lists "florist or garden shop" and "furniture sales" both of which are simply types of general retail and typically do not have distinct land use impacts.

In the new MDC, each use category, subcategory, and specific use type should also be defined, providing clear examples of the types of activities that are encapsulated within a broadly defined use type. For example, a definition for "retail" may be drafted to include many of the current land uses listed in the development regulations, such as "food stores, grocery," "hardware store," "retail store (indoor)," "paint and related sales," and others that are

Survey Response

"Too many land uses are listed. Simplify and reduce them to retail services, general office, personal service, etc."

commonly referred to as retail. The land-use impacts of these uses are similar--customers arrive with the intent of browsing or purchasing goods. The same logic should be applied to personal service uses such as “barber or beauty shop” and “cleaning shop and pressing,” where again the impacts of such uses are similar. Part of this exercise should include review and likely removal of unnecessary or antiquated use types, like “frozen food lockers” and “mimeograph or letter shop.” While the intent is to simplify and consolidate where possible, some uses should still be called out as a specific land use with different regulations, such as “amusement, commercial (indoor)” and “amusement, commercial (outdoor).”

All land uses in the new MDC will be defined. Moreover, new category definitions such as “recreational and entertainment uses” or “transportation, automobile, and related uses” will be drafted to provide a better foundation for determining which use types and activities fall within each category; this will also help in determining how to categorize new proposed uses in the future that are not listed in the use table.

Recommendations for Revising the Schedule of Uses

- Consolidate use regulations into a single table.
- Provide cross-references to use-specific standards.
- Consolidate or eliminate specific use types where appropriate.

Revisit Use Permissions

When updating the development regulations, a key consideration will be reviewing and updating which land uses are allowed in which districts. During stakeholder interviews, we heard that in some zoning districts there are common uses that require special use permit approval that may not be necessary. For example, in the Neighborhood Commercial (C1) zoning district “banks and financial institutions,” “drug-store or pharmacy,” “food stores, grocery,” and “hardware store” all require special use permit review; however, these are typically desired uses in a commercial neighborhood context. We will review land uses allowed in all districts (existing, revised, and new) to ensure the menu of land uses allowed matches the district intent, removes unnecessary barriers to private investment, and considers existing property rights and the goals identified in the One McKinney 2040 Plan.

A related issue is the appropriate level of approval required for each use (i.e., whether the use is allowed by right, allowed subject to standards, or allowed only with a specific use permit). It may be that some uses currently require a higher level of scrutiny than warranted, whereas other uses are being allowed without sufficient scrutiny of their potential impacts.

Use permissions can be a challenging discussion topic in concept. Most residents want the ability to weigh in on development applications that might impact their neighborhood and so lean toward requiring heightened review. However, it can be burdensome on staff and officials to conduct hearings on all applications; with appropriate safeguards established through use-specific standards, the need to weigh in on every application diminishes. Striking a balance for appropriate use allowances and standards to regulate such uses will be a fundamental component of the New Code McKinney project.

During the drafting phase, the team can present updates to land use allowances in a way that highlights proposed changes for discussion.

Recommendations for Use Permissions

- Ensure appropriate level of use approval is required for each use type.
- Consider whether additional standards could be applied to a use to eliminate the need for a higher level of scrutiny.
- Identify changes to use permissions during the drafting process.
- Review land uses for all districts to ensure they match district intent.

Update Use-Specific Standards

Use-specific standards address the impacts associated with particular land uses. They may be tailored based on specific location (zoning district or another context). They typically address issues such as distance requirements from lower intensity uses and size limitations of the structures or use.

Use-specific standards are different from a "specific use permit" (the procedure requiring City Council approval of conditions to uses following a public hearing). Instead, use-specific standards apply to the use type regardless of the required approval (by-right vs. specific use permit). Generally, for each use in the table of allowed uses, the City should evaluate whether the use could be permitted "by right" if certain standards were in place, or whether certain standards should be in place regardless of the process for approval.

Reorganize the Use-Specific Standards

Chapter 138, Special Use Regulations, address issues specific to particular use types (e.g., Article II, Private Clubs; and Article IV, Bed and Breakfast). Other use-related regulations are scattered throughout the development regulations (such as standards related to daycare location requirements). We recommend a standalone chapter for use regulations as a clean and modern approach. The new chapter would begin with the table of allowed uses and then provide use-specific standards in the same order as they are listed in the table of allowed uses.

Some special use regulations, however, will remain in Chapter 138 and not be folded in the MDC. This is to ensure the City Council remain the primary body that reviews and approves amendments to these topics. The following sections are proposed to remain in Chapter 138: Article III, Mobile and Manufactured Home Parks; Article V, Sexually Oriented Businesses; Article VI, Oil and Natural Gas Well Drilling and Operations; and Article VIII, Food Trucks, Operation Sites, and Food Truck Courts.

Establish New and Revise Current Use-Specific Standards

Use-specific standards apply to a particular use regardless of the zoning district. In McKinney's regulations, most of these are found in the definitions and permitted use lists. We recommend consolidating use-specific standards and cross-referencing them in the new use table. The City should consider the following improvements:

- **Remove regulatory standards from definitions.** For example, the definition of "hotel or motel" reads, "… an establishment shall contain a minimum of 12 individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture." Generally, regulatory requirements (such as minimum guest room requirements) should be removed from definitions and relocated into the main body of the MDC.

- **Create new use standards.** New standards should be drafted in order to mitigate the impacts of certain uses regardless of the underlying zoning district. This approach often allows uses to be permitted by right or with limited staff review, subject to conformance with the standards, rather than requiring discretionary review and public hearings. Such standards typically address how certain uses must operate, (e.g., size limitations, specific location or separation requirements, additional buffering standards, operational standards). This approach also helps ensure consistency, in that standards are uniformly applied rather than negotiated anew for each application and streamlines the development review process. For example, drive-through uses may be limited to a certain number of drive-through bays in some zoning districts and may only be allowed to be placed to the rear or side of the main building.

  ONE McKinney 2040 says…

  Establish land use patterns that establishes transitions between land uses to encourage compatibility, while providing flexibility to respond to real estate market trends. (p. 39)

  A good first step is to review recent applications of development proposals for uses where conditions were established during the approval process and determine which common conditions would benefit from broadly applied use-specific standards. In addition, we will review current use-specific standards and identify those that seem unique or do not follow national trends or best practices.

- **Reevaluate the standards regulating auto dealers.** The treatment of auto dealers and auto-related uses has been a topic of discussion in McKinney for the past few years. The current development regulations require specific use permit review for auto dealers to ensure the proposed use will not create conflicts with surrounding properties; however, applicants have become frustrated because the specific use permit review process requires substantial time and effort to complete and the outcomes have been unpredictable. McKinney may consider allowing auto dealers as a by-right use in some zoning districts if the projects satisfies specific standards that mitigate any concerns. For example, auto dealers might be limited to particular geographic areas (e.g., within 1,000 feet of a regional highway or major arterial), may be required to meet specific size thresholds (e.g., lot area, building footprint), or may be required to provide additional landscaping or screening to mitigate large expanses of pavement. When the primary concerns related to this land use have been identified, standards can be included in the new MDC to ensure the City's goals are met in exchange for a more predictable, timely, and fair application review process.

An auto dealer located on Highway 121 in McKinney

Recommendations for Updating Use-Specific Standards

- Consolidate and reorganize the use-specific standards.
- Remove regulatory language from definitions.
- Establish new and revise current use-specific standards to address potential land use impacts.

Expand Housing Options

Diversifying housing requires thinking outside the traditional single-family neighborhood box. The need for a greater variety of housing options is identified in the One McKinney 2040 Plan and was also a common theme from the initial stakeholder outreach efforts. Expanding housing options is an important consideration not just to satisfy varied personal preferences, but also to improve the City's attainable and workforce housing stock.

ONE McKinney 2040 says…

Establish land use patterns that provide new neighborhoods that offer more housing choices to McKinney residents. (p. 39)

It is worth acknowledging that many survey respondents indicated they were frustrated by the number and scale of apartment buildings within the City. Expanding housing options improves affordability while not fully depending on only apartment development to meet the market demand.

Survey Responses

"…apartment development is presently overwhelming the southern part of McKinney."

"There are way too many apartments in McKinney."

Introduce New Dwelling Types

The City should consider expanding the types of dwellings allowed to address housing types in between single-family detached housing and dense apartments (i.e., the "missing middle"). This also allows more people to live in the neighborhoods where they choose to live, and older residents have more options to age in place in the neighborhoods where they spent much of their lives. McKinney should consider embracing a wider variety of housing types to help advance the goals of the One McKinney 2040 Plan. We heard from several stakeholders that there are no effective tools in McKinney to allow such uses, forcing developers to pursue a planned development request, which is time-consuming unpredictable. For example:

- **Co-housing (and cottage housing)** are options that include a single-family detached living experience with shared amenities such as courtyards, community gardens, and community kitchens. This type of housing is ideal for smaller units on either single small lots or in a condominium arrangement.
- **Live-work units** where the owner of a business also resides in a separate space within the same building or unit.
- **Triplex and fourplex units** are similar in scale to single-family detached housing units, but contain two, three, or four independent dwelling units. Allowing these housing types in thoughtful locations can dramatically reduce the cost of land per dwelling unit, which can significantly reduce the housing costs.

An example co-housing development from another community (several units on a single lot with shared common areas and amenities).

- **Tiny homes** are very small homes constructed to building code requirements. If such a use is desirable, the City would have several considerations to address life-safety issues, utility requirements, and land division requirements.

Workforce Housing

Another topic that surfaced is workforce housing. As the cost of living rises nationwide, it is becoming increasingly difficult to find affordable housing for emerging young professionals, young families, skilled workers, service industry workers, teachers, police officers, and retired individuals. Employers expressed concern that their employees have difficulty finding housing in McKinney because sales and rents tend to be out of reach. Providing housing options for these individuals in McKinney would help reduce traffic congestion and commute times.

Survey Response

"The current standards are not designed for tiny houses which would assist in enabling home ownership for Generation Z, the Millennials, and under incomed families."

ONE McKinney 2040 says…

Lay the foundation for a strong and resilient economy that retains and enhances the City's stock of high-quality jobs in growing industries. (p. 39)

Some communities address workforce housing demands by removing barriers that prevent the creation of a wider variety of housing types that may be more affordable. Removing barriers may increase the supply of workforce housing, thereby reducing demand and overall pricing. For example, some stakeholders stated that infrastructure and design standards for multifamily projects are so rigorous that affordable housing is not achievable. Others said that the 50-percent enclosed parking requirement and other development standards for multifamily housing are cost-prohibitive. Another example is the current development regulations require a minimum lot size of 12,000 square feet prior to establishing an accessory dwelling unit (ADU).

Some communities allow accessory dwelling units on any residential lot occupied by a single-family dwelling so long as the ADU meets required setback, height, and impervious surface coverage standards. Clarion will work with staff and stakeholders to determine if revising multifamily housing and ADU standards is appropriate in order to remove barriers to development. This is likely the best initial step for McKinney and should be considered as part of the New Code McKinney project. Other communities go further; beyond removing barriers, they establish additional financial or development incentives to encourage (or require) workforce housing in targeted areas.

Recommendations for Housing Options

- Consider expanding the types of dwellings allowed to ensure the MDC allows a range of housing options.
- Consider removing barriers that prevent the development of workforce housing.
- Consider introducing incentives to encourage workforce housing in targeted areas.

Consider New Use Types

In addition to expanding housing types, the new MDC should integrate new use types expected to develop within McKinney to not only accommodate those uses but also to proactively address potential impacts. Several stakeholders said the land use categories and use types in the current development regulations are archaic and do not appropriately respond to current market trends, resulting in the need to pursue planned development or other timely and negotiated requests for deviations. Clarion will work closely with staff and stakeholders to consider introducing a range of new use types, such as:

- **Breweries, distilleries, and wineries.** The impacts for these uses are unique compared to other types of lighter industrial uses. Use-specific standards may address ancillary activities such as outdoor dining, processing and storage of materials, tasting facilities, and food preparation. Many communities also distinguish between smaller craft breweries and larger ones with distribution and bottling facilities. The McKinney Town Center zone district currently allows "brewery" and "winery" in the Historic Core, Downtown Core, and Transit village Core areas and limits the use to less than 20,000 square feet and requires indoor retail or restaurant use. The City may consider including these uses for more broad application in other zoning districts.
- **Artisan manufacturing.** These "maker" uses are usually a hybrid between small-scale light industrial, office, and retail uses. For example, an artisan who owns a small welding business where they fabricate metal artwork and sell the products in a retail space, or an artist who fabricates ceramics and sells the products direct to consumers. Some communities establish clear size thresholds for production and manufacturing and prohibit or limit distribution, warehousing, and/or wholesaling.
- **Urban agriculture**. Sustainability is a broad goal of the One McKinney 2040 Plan, and accommodating urban agricultural uses helps build a more resilient and sustainable community. While McKinney already recognizes community gardens, there may be room to introduce new use types or refine standards governing existing agricultural uses to encourage and support efforts to provide locally grown food, including produce stands.

ONE McKinney 2040 says…

By ensuring that fresh food is readily available to residents in all neighborhoods, the community can support the health of its residents. Community gardens, farmers markets and initiatives that encourage locally grown food all contribute to healthy communities. (p. 91)

Recommendation for New Use Types

- Consider establishing new specific use types, and applicable standards, for uses not directly addressed by the current McKinney development regulations.

Improve and Tailor Development Standards

Setting a high bar for development aesthetics and quality is important for McKinney to continue to grow the City's economy and set it apart from other North Texas communities. Projects such as Stonebridge Ranch and Tucker Hill are viewed as positive models of attractive site and building design that set McKinney apart from other communities in the region. However, these projects and many other high-quality developments have been achieved through negotiated tools such as planned developments or master plans, rather than required by baseline development regulations.

A residential streetscape in the Tucker Hill PD.

Many stakeholders emphasized that maintaining the high level of development quality in McKinney should be a focus of the new MDC. Some suggest the City has not been consistent in applying the standards to reflect the community's overall design preferences. This project provides an opportunity to take a fresh look at the City's approach to design, focusing more on establishing unified standards for the entire City. Unified standards could help reduce repetition and bulk in the document and could simplify administration. For example, the McKinney Town Center (MTC) zoning district includes standards for building orientation, building massing, roof forms, façade composition, etc. for each of the seven character districts. These standards could be reorganized into table format or organized to clarify which standards apply in which character districts without the need to repeat the same standard several times.

McKinney can also use this MDC update project to build on successful projects like Stonebridge Ranch and Tucker Hill to create stronger standards that set a new model for high-quality development in the region. The new MDC should raise the bar by setting clear, objective minimum standards, but not make code-based development overly complicated or cost-prohibitive. Standards should address site design—how buildings relate to their site and surrounding development— and should incorporate flexibility to address unique sites and circumstances and to encourage innovation and creative design.

While many strong standards exist in the current development regulations, we note several opportunities to improve existing standards. The following sections discuss the major issues that surfaced during stakeholder interviews and our background analysis. Further details are included in the Detailed Review of Current Regulations section of this report.

Clarify Organization, Purpose, and Applicability of the Development Standards

The standards addressing development quality are scattered throughout the Code of Ordinances. For example, the urban design standards for the Regional Employment Center are included in Appendix B, while most general development quality standards are located in Article IV, Special Regulations. The McKinney Town Center also has distinct design and development quality standards found in Appendix G. Each of these have a unique format and organization and functions somewhat as a freestanding document.

We recommend that all development standards be consolidated into a new Article 4.0 Development Standards and that clear purpose statements be included under each section heading to provide a reminder for what each set of standards is intended to achieve and how it advances the goals and

objectives of the City. Standards related to landscaping, buffering, and screening from the Code of Ordinances would be located in a single landscaping, buffering, and screening section; standards related to parking would be located in a single parking section, and so forth. Ultimately, the updated and consolidated development standards should follow a similar structure as the rest of the MDC, with a consistent page layout and numbering system. Most of the photos used in the current design standards are high quality and reflect the intended results of the standards and should be carried forward.

Additionally, standards from the McKinney Town Center (MTC) zoning district, Regional Employment Center (REC) overlay district, Traditional McKinney Neighborhood (TMN) overlay district, and the Corridor Commercial (CC) overlay district will be reviewed for material that could potentially translate into standards for broader citywide application. For example, the REC overlay district includes several standards related to pedestrian connections and routes within a site that help foster a pedestrian-friendly environment. Such standards will be combined with the development standards in current Article IV. More detail on the organization of the proposed MDC can be found in the Annotated Outline later in this document.

Recommendations for Organization, Purpose and Applicability of Development Standards

- Consolidate development standards into a new Article 4.0 Development Standards in the MDC.
- Include a clear purpose statement for each development standard element.

Update Lot and Building Standards

Generally, lot and building standards should be located in a stand-alone section of the development standards article. The City should consider the following changes to the lot and building standards:

Adjust Lot and Building Dimensional Standards to Respond to Market Demands

The current lot and building dimensional standards in McKinney should be updated to be more flexible, to reflect current building practices, and to protect the character of existing McKinney neighborhoods. We received several comments questioning the relatively large minimum lot area standards in several of the current zoning districts. While minimum lot area is effective in establishing uniform character, especially in single-family residential zones, having too many lot and building dimensional standards that trip over each other creates barriers to the development of small-scale and missing middle residential projects in unplatted areas of the City. For example, the minimum lot size in the MF-1 zoning district is 3,600 square feet per unit. This standard includes both a lot area and density requirement, meaning a 15-unit multifamily project would require a minimum lot size of 54,000 square feet (1.2 acres). Most communities are moving away from this approach because it can result in an inefficient use of land or a request to bypass the standard through a PD. Requiring the acquisition of more land than is needed to accommodate a project also forces larger projects on large lots to offset development costs.

Survey Response

"Lot size requirements combined with large front & rear setbacks effectively prevent many opportunities for incremental density increases. Even the smallest detached single-family lot size allowed are still attached to a higher average (SF5 zone district)."

The current multifamily and nonresidential standards require relatively large lots for newly platted projects, which drives up the cost of development (and thus increased lease rates and sales prices). Those seeking relief from large minimum lot sizes may pursue PD approvals which tends to be a timely and unpredictable process. We recommend reducing the minimum lot area requirements for multifamily and other nonresidential districts to allow a wider variety of market responsive lot sizes in new developments. All other development standards including building height, setback, impervious lot coverage, and parking requirements would still apply.

Simplify Density Controls

The current development regulations, depending on the zoning district, can require compliance with height requirements, maximum density, lot coverage standards, minimum setbacks, minimum lot width and depth, and floor area ratio (FAR). Each of these standards individually is intended to establish maximum density controls and to control the amount of impervious surface developed in McKinney. When taken collectively, these controls are overly complex and redundant. The City should consider eliminating FAR controls (either citywide or for some districts), since the size and scale of the building and its position on the lot is already covered by the lot size requirements, building coverage requirements, setbacks, and maximum height. The City should also consider replacing floor area ratio and dwelling unit per acre controls with clear building envelope and lot development standards (setbacks, height limits, lot coverage, parking maximums, etc.) that regulate development form and scale in a predictable way to allow more flexibility and creative design in the market. It is especially difficult to visualize dwelling units per acre, making it ineffective in predicting "how big" something may be. In addition, there is often a disconnect between permitted heights, development standards, and density maximums, resulting in increased requests for PDs, waivers, and other negotiated processes.

ONE McKinney 2040 says…

Provide tools and techniques to give developers and staff flexibility in designing and reviewing projects that meet the intent of the McKinney 2040 Comprehensive Plan. (p. 245)

Recommendations for Lot and Building Standards

- Adjust dimensional and bulk standards to respond to market trends.
- Simplify density controls to remove artificial barriers to efficient and cost-effective development.
- Consider eliminating FAR and density metrics.

Consider Flexible Alternatives

The City expressed a desire to incorporate flexibility where needed to meet unusual site conditions or circumstances, or to consider creative alternatives when presented. Several stakeholders expressed frustration regarding the current "one-size-fits-all" standards and lack of flexibility to allow for creative design. One stakeholder said that approximately 80 percent of the projects they pursue in McKinney are sought through the PD tool because the base standards simply do not offer enough flexibility. Objective standards that address key elements of site design are good for both the community and the developer. With clearly defined standards in the MDC, the time spent interpreting or negotiating those standards would be minimized.

Survey Response

"It's too hard to be creative in McKinney, current standards result in 'vanilla' development."

Integrate Menus, Options, and Other Types of Alternative Development Standards

Menus and optional approaches throughout the development standards (e.g., "pick three of these five approaches") will allow the City and applicants to meet the intent of the code yet adapt each project to unique situations—say redevelopment, infill, changes of use, challenging site conditions, or for concepts not anticipated by the community. For example, an applicant may have a menu of options to satisfy a buffering requirement between two uses (e.g., a solid masonry wall, dense vegetation, or a combination of both). Alternatives could be drafted within each applicable development standards section (e.g., landscaping, parking, lighting, etc.) where alternatives would be necessary to achieve the desired

quality.

Consider Alternative Equivalent Compliance

Many communities allow for "alternative equivalent compliance" for development proposals that meet the intent of the standards but for one reason or another cannot meet the strict letter of the law. These are not variances or waivers from standards, but rather alternatives approaches deemed acceptable by the City because they offer greater benefit in exchange for accommodating unusual circumstances. If a proposed concept meets the intent and results in a similar level of community benefit, then allowing alternatives to the standards administratively is a flexible approach to being business-friendly without compromising character. For example, a reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions. A similar concept (design exceptions) exists in Sec. 5.6 of the McKinney Town Center (MTC) zoning district; however, that procedure may require a separate meeting. It also should include additional criteria to ensure the development achieves the City's goals to the same or better degree with the alternatives.

Recommendations for Flexible Alternatives

- Consider flexible alternative standards within specific development standards sections (e.g., landscaping, parking, lighting, etc.).
- Consider establishing an Alternative Equivalent Compliance procedure.

Improve Other Specific Development Standards

Parking/Loading Requirements

The current vehicle parking standards are located in Sec. 146-130 and include minimum parking requirements for specific use types. The City should consider the following updates:

- **Evaluate minimum parking ratios.** The project team should consider the parking standards of surrounding jurisdictions and national best practices and propose adjustments where necessary. For example, McKinney currently requires hospitals to provide one parking space per patient bed, which is more than we commonly see in other communities. A minimum parking ratio of one space per three patient beds design capacity is more common. Establishing appropriate parking ratios is not necessarily scientific but should be locally tailored while considering other communities and referring to published standards such as the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association, or other acceptable source of parking demand data.
- **Strengthen alternatives for parking standards.** Many communities offer options for minimum parking requirement reductions. McKinney's development regulations already allow for some adjustments (e.g., tree preservation, shared parking, senior housing); however, additional options may be considered (e.g., crediting on-street parking, minimum/maximum parking based on an approved parking study, reductions for proximity to transit services, etc.)

Survey Response

"There is not enough parking downtown, I would suggest the businesses that are closed on the weekends and after hours (after 6pm) let people park in their parking lots vs. all the signs that have no parking any time."

- **Modernize off-street loading requirements.** City staff and stakeholders also raised concerns related to the current off-street loading requirements. Many communities reduce the number of berths required to reflect modern trends of more frequent deliveries of goods by smaller vehicles. For example, the current standards require one loading berth for a restaurant between 10,001 and 50,000 square feet. It is uncommon to require a loading berth for a restaurant use. Additionally, a minimum 200-foot setback is required from the loading berth to the nearest residential use or zoning district, resulting in several requests for hardship variances. The City should consider relaxing these standards to reflect current market trends.

Grading & Drainage Standards

Grading and drainage standard are primarily found in Chapter 130, Land Development Regulations. The City should consider updating standards to allow more projects to adapt to the context and natural topography of the development site rather than requiring mass grading and excavation. The City should also consider integrating low-impact development standards into the MDC, such as requiring development to use natural site features to drain and treat water instead of piped infrastructure whenever possible. Additional considerations should be made regarding additional engineering testing and studies that may be required to allow alternative drainage treatment on a site (e.g., soil testing, compaction tests). Several stakeholders also expressed frustration that the grading and drainage and other engineering standards are not well coordinated with the tree preservation standards, resulting in the removal of several trees due to standards requiring grading and infrastructure installation.

Landscaping and Tree Preservation Standards

Landscaping and tree preservation are an important element of McKinney's character and identity. There are several references in the ONE McKinney Plan related to maintaining high-quality landscaped areas in the City. The following improvements should be considered during the MDC update:

ONE McKinney 2040 says…

McKinney's natural landscape (its trees, open spaces, topography, streams, and natural areas) continues to enhance the character of the city and the daily experience of residents, employees and visitors throughout McKinney. (p. 7)

- **Evaluate tree survey requirements.** Section 146-136 includes the standards for tree preservation. Several stakeholders raised the concern that the tree survey requirements are too strict, requiring an arborist, licensed surveyor, or landscape architect to document on a site plan every tree six inches in caliper size or greater. This inventory requirement increases permitting costs and is an obstacle in the development review process. The City should consider updating the tree survey requirements to require documentation of only those trees that are required to be preserved. We will continue to discuss potential options to enhance the tree survey procedure with staff and stakeholders to determine the best path forward.
- **Update method of measuring tree caliper for tree replacement standards.** The current method established in the standards for measuring a tree's size (caliper inches) that are removed is measuring the diameter of the trunk four feet and six inches above ground level. This has been problematic because City inspectors tend to measure the caliper of the tree at the base where the tree was cut, which results in a larger diameter than it would have been at the four-foot six-inch height above ground level. There is also confusion when inspectors arrive to document removed trees, unable to confirm if a removed tree was alive or dead, which impacts the tree replacement requirement or fees imposed. We recommend moving to a uniform approach that is fair and can be property enforced to avoid future discrepancies.
- **Establish more flexible landscaping standards.** Having very rigid development standards often leads to frustration for both the developer and the City; however, new flexible tools can be

introduced to allow creativity without sacrificing development quality. Effective tools may include providing a menu of options to achieve compliance and allowing one landscape treatment to satisfy multiple requirements where overlap exists. Increased flexibility is especially important for small sites and infill or redevelopment sites. For example, a parking lot landscape requirement may overlap with a buffer requirement along a property line.

- **Incorporate sustainable landscape practices.** Stakeholders and City staff expressed a desire to incorporate more sustainable landscape management principles including water conservation practices, using landscape and green infrastructure to treat stormwater, and strategic landscape placement to increase energy conservation (e.g., tree placement on the site to maximize shading of structures in the warmer summer months). The MDC should integrate and coordinate as many of these principles as possible with other site development standards to maximize site efficiency and sustainability. These standards could be implemented by providing developers with menus of options to provide flexibility in how they can achieve compliance.

Building & Site Design

The existing building stock in McKinney, especially newer construction, is generally high-quality. This is due to careful planning and a dedicated staff and community leaders. However, these projects and nearly all other high-quality efforts have been achieved through negotiated tools (planned development) or through the granting of variances, rather than being required by the development regulations. The following updates should be considered as part of this project:

Buildings within the Adriatica development.

- **Consider refining standards to align with H.B. 2439.** The passing of House Bill 2439 in the 2019 legislative session introduces additional challenges related to the regulation of building design and quality at the local level. House Bill 2439 restricts local governments from regulating building materials or methods of construction, deferring minimum requirements to materials and methods approved in the International Building Code. As a result, the City amended the MDC to address the new legislation that went into effect September 1, 2019. We will continue to work with City staff and stakeholders to identify any additional necessary updates to comply with state legislation.
- **Consider neighborhood transition standards.** Most districts currently require increased building setbacks when multifamily or non-residential uses abut single-family or duplex zone districts or uses, but more comprehensive neighborhood protection standards should be introduced that address building scale and form when larger or more intense land uses abut single-family neighborhoods. These standards might include building stepback requirements (reduced height closer to the property line), modified height limits, or other standards to help provide a smooth transition from low-density residential neighborhoods to larger or more intense uses.

- **Consider parking location requirements.** The location of parking relative to the street should also be considered. We recommend establishing objective standards for how much parking (if any) may be located in front of the building in certain mixed-use and pedestrian-oriented areas. The standard should vary based on the type and location of development and based on the placetypes identified in the ONE McKinney 2040 Plan. For example, in mixed-use centers at least 70 percent of required parking might be required behind or to the sides of a building to bring the building closer to the street and create a more pedestrian-friendly environment. When parking is strategically located on a site to reduce its presence from the street, measures should be taken to ensure sufficient signage and wayfinding is available for motorists to know where parking is available. It is also important to balance parking location requirements with area context to ensure that suburban-style development served primarily by vehicles are not resulting in less desirable inward faced buildings that "turn their back to the street."

Interior-facing retail building along on an arterial street.

Access & Connectivity

Several of the placetypes in the ONE McKinney 2040 Plan emphasize walkability and circulation. Promoting alternate forms of transportation, including walking, biking, and transit will be increasingly important to help reduce pressure on the automobile transportation network.

ONE McKinney 2040 says…

Create bicycle and pedestrian connections from the Town Center to other parts of the McKinney community. (p. 338)

Some existing regulations address access, circulation, and connectivity, but they are minimal and could be strengthened. For example, the Regional Employment Center (REC) overlay district requires pedestrian circulation improvements (e.g., raised walkways, distinct pedestrian crossings, gather/sitting areas), however, pedestrian circulation requirements are not generally applicable in other areas of the City.

The new MDC should include a distinct section addressing access, circulation, and connectivity, including standards for how multiple buildings will include circulation standards for both automobiles and pedestrians through streets, alleys, pathways, and sidewalks between buildings. These standards should be tailored to specific zoning district standards in order to balance the context of development. Where appropriate, these standards may be applied on a district-wide basis. For example, enhanced bicycle and pedestrian facilities may be required in pedestrian-oriented mixed-use zoning districts, and optional in areas dominated by vehicle use.

Clarify Fire Department Standards and Review Process of Development Projects

Public safety is an important consideration for developing in McKinney, or anywhere for that matter. The City depends on its Fire Department to ensure that development proposals are inherently safe during construction and for the life of the building. Several stakeholders expressed that coordinated evaluation of development proposals between Planning and Engineering and the Fire Department could be improved, and further that the development standards should be more transparent in terms of what is required by the Fire Department. The newly adopted fire codes and amendments have reduced the

need for administrative rulings, which increases consistency in the application of the standards. Public safety requirements have expanded over the years to incorporate additional technical standards both within buildings (e.g. firefighter air replenishments systems for high rises and large big box developments) and on the development site (expanded access and fire lane controls). An example given was that the Fire Department often requires significant grading on sites with unique topography to maintain minimum emergency vehicle ingress and egress. We recognize some development constraints are driven by fire department vehicle capabilities and the city should continue to seek creative solutions in areas with unique topography.

Public safety concerns should be communicated early in the application process, prior to applicants expending resources on site and/or building design. Where fire safety standards have flexibility, those options should be presented early and clearly to further the mission of the fire department. A simple strategy would be to clarify regulations in the ordinance of the newly adopted fire codes and amendments, so that it is clear when there is flexibility in the standards and when there is not. For example, it appears that survey participants were not aware that the code of ordinances includes an existing variance process that applies to certain Fire Department standards. In addition, there is a mechanism created by the Fire Department to be flexible and allows non-standard street widths, using strategic access points and reducing on-street parking, that result in pedestrian-friendly design without compromising the Fire Department's ability to respond to an emergency event. Conversely, where minimum fire code standards are non-negotiable, staff should communicate early in the evaluation process to development applicants so that potential impacts can determined. The fire department offers design options that will meet the intent of the code on a case by case basis. The code's content and formatting should be revised to clarify the Fire Department's requirements for development projects, including variance procedures and requirements.

Recommendations for Other Updates to Development Standards

- Evaluate minimum parking ratios and adjust where necessary.
- Strengthen alternative parking options.
- Modernize off-street loading requirements.
- Revise grading and drainage standards to better adapt to natural topography.
- Evaluate the tree preservation survey requirements.
- Update methodology for measuring tree caliper with regard to tree replacement standards.
- Establish more flexible landscaping standards.
- Consider integrating sustainable landscape standards to reduce water usage and site efficiency.
- Refine building design standards to align with H.B. 2439.
- Strengthen neighborhood transition standards where appropriate.
- Consider parking location requirements in pedestrian-oriented areas.
- Strengthen access and circulation standards for non-vehicle modes and consolidate them in one section.
- Clarify requirements and educate the community on the Fire Department's regulations for development projects.
- Identify public safety standards that are flexible and communicate options to applicants.
- Identify public safety standards that are non-negotiable.

Simplify the Development Review Procedures

Land use regulations should clearly describe the procedures by which applications for development projects are accepted, considered, and acted upon by local officials. Well-written regulations make it easy for staff, the development community, and elected officials to know exactly what is required for approval of applications and help ensure consistent administration over time.

This is an area of the project that was heavily discussed in our stakeholder interviews, and so a summary of some of the key issues we heard about frequently is below. A recurring point was that, historically, the City has had a challenging reputation in which to do business. Some of the comments included:

Survey Response

"…all processes should have a predictable timeline – so folks can prepare and know what to expect…conversely builders should have to complete things in a timely and predictable time."

- In terms of the procedures generally:
  - The organization of the ordinances is challenging; it can be difficult to find information and what applies to a particular property.
  - There often is not a clear understanding of what procedures may be required for a particular project.
  - The ambiguities in the code and in how the procedures are administered creates extra challenges for predictability and thus projecting financing.
  - Stakeholders would like to see more delegation of minor approvals to staff.
  - A high level of detail is required in early submissions for many projects, resulting in applicants having to spend time and money early to prepare technical plans and studies to support applications for which they have little certainty will be approved.
  - Timelines for review applications are not consistent.
  - A lack of clear and objective review criteria introduces the risk of inconsistent, unpredictable, and negotiated approvals.
  - Developers prefer to develop in the County rather than the City to avoid development approval challenges; however, most County projects are serviced by the City.
- In terms of application processing and staff comments:
  - Stakeholders note that current City management and staff are focused on improving customer service and effective and efficient code administration. This was noted as a welcome change from recent years, when higher staff and management turnover led to perceptions of slow and inconsistent decision-making.
  - There can be a variety of staff members working on the same application; would be helpful to have more uniform assistance throughout the project.
  - A perception of high staff turnover hurts predictability of the process and magnifies code shortcomings.
  - Common to receive new staff comments that were not previously addressed near the end of the review process, resulting in additional delays.

The following sections first provide a brief overview of the current McKinney procedures for development review. Subsequent sections then offer recommendations for revisions (both large and small) to address some of the issues identified above.

Note that recent state legislation will impact some important aspects of the development review procedures. In particular, HB 3167 requires the City to act within 30 days on site plans and plats. This

was addressed through an amendment prepared by City staff prior to the September 2019 effective date. There may be follow-up work related to this change that needs to be addressed in the larger code update.

Overview of Current Procedures

The table below summarizes the types of development applications in McKinney and the various levels of review and approval required for each.

Table 4: Development Review Procedures Summary
R = Review & Recommend D = Decide A = Appeal

Application Type	Section Reference	Pre-Application Conference Required?	Decision Making Bodies [1]			
			Staff/referral agencies	Planning & Zoning Comm.	Board of Adjustment	City Council
Ordinance Amendments						
Rezoning (map revision)	146-163	No		R		D
Amendments to the MDC	146-163	No		R		D
Site Development						
Site plan	146-163	No	D [2]	D		A
Specific use permit	146-163	No		R		D
Land Division and Subdivision						
Amending plat	142-79	No	D [3]	D		D
Conveyance plat	142-81	No	R	D		A
Preliminary-final plat	142-71 & 74	Yes	R	D		A
Preliminary-final replat	142-71 & 75	Yes	R	D		A
Record plat	142-76	No	D	R/D [4]		A
Minor plat	142-77	No	D [3]	D [4]		A
Minor replat	142-78	No		D		A
Right-of-way vacation or abandonment	142-80	No				D
Flexibility and Relief						
Appeal of administrative decision	146-165	No			D	
Special exceptions	122-178 and 146-165	No			D	
Variances	142-8	No		R/A [5]		D/A

Notes:

[1] All review, recommendations, and decisions at the Planning and Zoning Commission, City Council, and Board of Adjustment require a public hearing.

[2] The Planning and Zoning Commission may be the decision-making body based on the referral from the Director of Planning.

[3] The Planning and Zoning Commission or City Council may be the decision-making body based on the referral from the Director of Planning.

[4] The P&Z may have decision-making power delegated by the Planning Director at their discretion.

[5] The City Council, may delegate such power to the P&Z. Appeals to any variance decision must first be submitted to the P&Z. An appeal of the P&Z's decision may be considered by the City Council.

Improve the Organization and Clarity of the Review Procedures

Consolidate and Standardize the Procedures

As reflected in the table above, procedures for considering various types of development applications are scattered throughout multiple locations in the current development regulations and written with a varied level of detail. Procedures are not only separated between subdivision and zoning, but also are dispersed throughout the zoning regulations. Such an arrangement makes the code longer, with unnecessary duplication of provisions addressing the same or similar steps and requirements. Such duplication also burdens the City staff with the need to be careful that when amending a step or requirement in one review procedure, it must consider making the same amendment to the same step or requirement in other review procedures; otherwise, the review procedures will end up inconsistent again. The new MDC should consolidate all procedures in one article in a consistent format.

Establish Common Review Procedures

The current regulations are silent on many key stages of the application process – for example, who is authorized to submit an application for development, and the process for determining whether an application is complete. There also is some duplication of some procedural information.

Modern development codes typically consolidate standard review procedures that apply to multiple procedures. In doing so, the development codes are shorter and avoid unnecessary duplication and potential inconsistency. We recommend establishing a section for common review procedures that addresses the following procedural elements at a minimum:

- **Pre-application consultation.** Designate appropriate staff for each type of application and bring to light any potential concerns that may be relevant based on the applicant's request (e.g., infrastructure challenges, environmental concerns, etc.).
- **Application submittal and acceptance.** Establish procedure for reviewing and accepting applications.
- **Staff review and action.** Identify the procedures for reviewing applications, provide for interdepartmental coordination, commenting on applications, and preparing recommendations and investigative reports when applicable.
- **Public hearing scheduling and notice.** Identify the types of public hearings and the noticing requirements (e.g., published vs. posted vs. mailed vs. website).
- **Decision-making review and action.** Establish the general procedures for public hearings on development decisions, including public hearings.
- **Post-decision actions and limitations.** Describe how decisions are posted or presented to applicants and the public, and whether decisions expire. This should also include details on extending expirations or amending previous approvals.

During the drafting phase of the new MDC, the common review procedures may be expanded on depending on how much related information is presented with each application type.

One specific aspect of the existing procedures was mentioned often in the stakeholder interviews - the **pre-development meeting** process. We heard from multiple applicants and staff that this process seems to be working well and is well-organized and helpful. The meetings, often called "pre-application meetings" in other communities, are intended to provide helpful information early in the process. It starts as a larger group and then gets smaller and more focused depending on the application type or request. The City has established and posted pre-development meeting guidelines on the City's website. The guidelines state that the City "strongly encourage(s) applicants to schedule a pre-development meeting with the City's Development Services team in order to gain an understanding of our processes, discuss the property in question, and understand potential issues in order to keep you moving forward on the most efficient timeline." This intent language is good and could be codified within the MDC.

Create an Administrative Manual

The current regulations contain information that is either technical in nature or otherwise not necessary to carry forward into the updated MDC (neither within the body of the regulations nor the appendices). Examples include application submittal requirements, site plan content requirements, and allowed landscape species lists. Such information should live outside the MDC in an administrative manual, guidebook, or dedicated webpage on the City's website. During the drafting process, Clarion will maintain a separate document including content from the current regulations that should be considered for relocation. This will make the MDC shorter and more user-friendly, while also allowing staff to update the technical and administrative content over time without requiring a formal code amendment by City Council. Other information typically considered for relocation to an administrative manual includes:

- Required fees and/or fees-in-lieu
- Technical engineering standards (e.g., best management practices for erosion control, or asphalt thickness standards)
- Plat certificate templates

Recommendations to Improve the Organization and Clarity of the Review Procedures

- Consolidate and standardize the organization, format, and level of detail of the review procedures.
- Rewrite and enhance the common review procedures.
- Establish an Administrative Manual to house supporting materials outside the MDC.

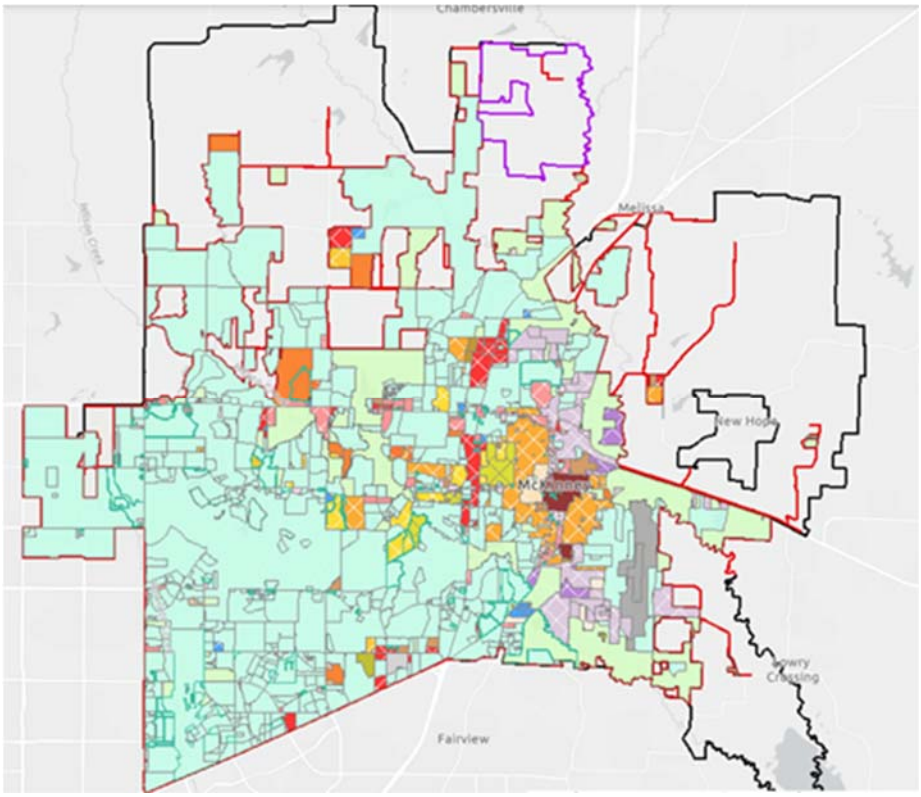
Reform the Planned Development Process

Overview of PDs in McKinney

Most applicants for development in McKinney turn to the Planned Development (PD) process rather than attempting to work within the existing zone district regulations and development standards. The underlying concept is that if a developer is given greater leeway and flexibility to design a project and mix uses, communities will benefit from more creative development and from a higher level of amenities and community benefits, such as open space, than would otherwise be required. The theory is sound, yet many communities across Texas and the country have overused the PD process, turning to it even for relatively straightforward projects. An overreliance on the PD process suggests that the underlying regulations are not adequately addressing local market demands and creates practical difficulties for all parties:

- Developers find that the negotiation inherent in creating a PD causes a loss of predictability, which lengthens approval times and increases carrying costs. Also, they cannot rely on past approvals for guidance and must negotiate every aspect of the development anew.
- Neighbors cannot rely on existing zoning standards for protection and have little certainty about the unpredictable potential impacts of each new PD, making each new project a potential battle.
- Planning staff must devote substantial time to not only negotiating the PD up front, but in trying to administer each PD once it is adopted, making enforcement and compliance extremely difficult. PDs often result in substantial administrative burdens for local staff down the road.

While the flexibility of PDs is appreciated, many stakeholders say that PDs have been overused and have not always resulted in better-quality projects. Over time, increasing usage of this process and appreciation of the flexibility it provides has led PD development to become the norm in McKinney, rather than the exception. Each adopted PD is its own unique zoning district and functions essentially as a mini-zoning ordinance and must be monitored, amended, administered, and enforced alongside the current Code of Ordinances.



This map shows how much land area in McKinney is currently zoned PD (the mint green color).

One of the original rationales for allowing developers to use PDs was the promise of significant community benefits, such as additional open space, in exchange for greater flexibility. We recommend that the City pursue a two-pronged approach toward reforming the role of PDs. First, improve the development regulations generally in order to minimize the need for new PDs in the future. Second, because there will still be a need for new PDs in certain situations, the procedure for establishing a new PD should be reformed to help simplify and improve efficiency. Reducing reliance on the PD procedure means the City Council would not be negotiating development standards on as many projects. Rather, the new code will be developed to be responsive to public input upfront. The following sections discuss these recommended new steps.

Improve the Regulations Generally to Reduce the Need for PDs

The most effective way to minimize the future use of PDs in McKinney is to rewrite the development regulations to not only accommodate, but also to encourage, innovative and creative projects that respond to the ONE McKinney 2040 Plan and other area plans, rather than restricting such projects and thus requiring applicants to negotiate. This report recommends many approaches to help accomplish this goal. A handful of the most important approaches are summarized below:

- **Authorize minor adjustments to certain standards, like setbacks.** This would reduce the need to use PDs to tailor specific development regulations. (This is discussed under “Establish Process to Allow Minor Modifications” on page 46.)
- **Update and modernize the current lineup of zone districts and use tables.** This will help accommodate more straightforward ordinance-based development. For example, by creating mixed-use zone districts that allow a mix of residential and commercial development by right, developers are less likely to need the PD process to combine such uses. (This is discussed under

"Fine-Tune the Zoning Districts" on page 9 and "Reorganize and Strengthen Use Regulations" on page 23.)

- **Clearly articulate the level of quality that the City expects to see in all new development.** This is more effective than negotiating over quality issues as part of each PD application. The City should provide clear and objective standards in the MDC that anticipate the issues and concerns that McKinney is currently negotiating on a case-by-case basis, and that are tailored to specific areas. The new codified standards will be less vulnerable to legal challenges than ad hoc, case-by-case requirements. The MDC should specify that the general development standards are baseline requirements that apply to each PD unless specific alternatives are approved through the PD process. (This is discussed under "Improve and Tailor the Development Standards" on page 30.)

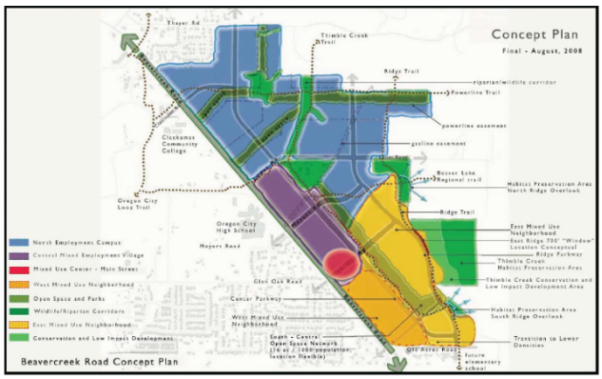
Even though the new MDC should be designed to lessen the frequency of PD applications, a PD process is still needed for unusual or large projects that require added flexibility unavailable in the base zoning districts and procedures. To accommodate such projects, the PD procedure (current Sec. 146-94) should be revised and carried forward. The following summarize particular areas of focus to improve the PD procedure in McKinney.

Clarify the Two-Step PD Process

Communities vary in their approach to PD processes and the approval of planned development projects. Some communities include a two-step process (preliminary and final approval) while others have a three-step process (conceptual, preliminary, and final approval). McKinney's PD approval process does not immediately identify a progression of approvals. The current regulations (Sec. 146-94(e)) only refer to the submittal of a general development plan reflecting broad details of the development proposal; however, there is no mention of a concept, preliminary, or final review of such a plan. We recommend a clearer process be established in the new MDC to clarify the PD review process, as summarized below.

Step 1: Preliminary PD Plan

The general purpose of a preliminary plan is to evaluate and discuss basic concepts, including whether the development is in "substantial conformance" with the comprehensive plan and other adopted plans and policies. In addition, the preliminary plan is the opportunity to reach general agreement on uses, number of units, general access alignments, and other factors. The stated outcome of the preliminary plan process is an identification of issues and concerns the applicant must address to ultimately receive final plan approval. Typically, the preliminary plan stage is reviewed by the Planning and Zoning Commission.



A conceptual diagram from another community showing general land use designations and circulation patterns.

It is important to ensure that the preliminary plan process not require too much detail too early in the process. All communities struggle with where best to draw the line between early and later versions of a complex development application. It is not uncommon to see thresholds change over time as local officials and planners learn lessons and adapt. City officials and staff should discuss and identify the essential project attributes that are key to understanding a project's overall impacts. As a starting point, we recommend the following:

- What currently exists on the site?

- What land uses are proposed? Where would they be located, and how big would they be?
- Why could this project not be built using the base zoning districts? What additional flexibility is needed?
- What public benefits will be provided? (Open space, street improvements, trails, etc.)
- How will people access and move around the site—by car, by bicycle, and on foot?
- How will water, sewer, and other utilities be provided?
- What is the timing of the development, and will it occur in stages?
- Does this project comply with the ONE McKinney 2040 Plan and applicable area plans?

After the criteria are established for preliminary plan review, the application requirements should be revised to reflect those criteria. Any items not essential to understanding these key project attributes should be deferred to the site plan review stage. The following is an example of what the preliminary PD plan submittals list might look like this:

- Existing conditions map (existing vegetation, natural watercourses, natural features, etc.).
- Proposed land uses (including residential densities and nonresidential intensities).
- Proposed building locations, building heights, and vehicular use areas.
- Conceptual access and circulation plan (vehicular, pedestrian, trails).
- Conceptual phasing plan.
- Conceptual utility plan.
- Public benefits to be provided, including any open space to be protected.
- Statement of comprehensive and area plan conformance.

These would be prepared at a "bubble plan" level of illustration. The actual application submittal list would not be in the MDC but in a separate administrative manual, along with specific technical specifications for each submittal (e.g., the requirement for drawings to be to scale). Ultimately, all submittal requirements for the preliminary plan and final stages should be located in a separate administrative manual (discussed on page 41 of this report). Doing so will allow the submittal requirements to be refined over time by simply updating the manual, not by making formal changes to the MDC.

Step 2: Final PD Plan Approval

After the preliminary plan is reviewed and approved by the Planning and Zoning Commission, the next step is having the applicant revise the plan to reflect Planning and Zoning Commission comments and conditions for consideration by the City Council. At the final review stage, the City Council considers the final PD plan/plat together with the proposed development standards package (zone text amendment) and the zone map amendment. The City Council would be the final decision-making body. We recommend this two-step process be more clearly outlined in the MDC to provide predictability and to ensure an overall efficient review process.

Distinguish Between Minor and Major Amendments

Under Sec. 146-164, Changes and Amendments, an applicant proposing a minor amendment to an existing PD would require City Council approval following staff review and recommendation by the Planning and Zoning Commission. This is not unusual for older codes, but increasingly communities draw the lines between minor amendments that can be approved administratively (such as amendments to setbacks), and major amendments that require compliance with the full rezoning or PD process (such as changes to density or intensity).

For example, the City could establish a 10 percent maximum zoning adjustment for lot dimensional standards which can be approved administratively – eliminating the need to seek the discretion of the Planning and Zoning Commission or City Council. These administrative zoning amendments would

require solid evaluation and approval criteria so that the tool is used consistently and judiciously. This same concept could also be considered more broadly for amendments to other application types. See further discussion related to minor modifications tool on page 46 of this report.

Recommendations for Reforming the Planned Development Process

- Formalize a two-step PD review process (preliminary and final approval).
- Reaffirm the essential project characteristics to consider at preliminary PD plan.
- Revise application submittal requirements.
- Establish clear thresholds and procedures for minor and major PD amendment requests.

Increase Staff Decision-Making Authority

Because many development applications request waivers and/or are processed using the planned development tool, the City Council and Planning and Zoning Commission are required to decide these types of applications. While staff reviews all development applications, they make final decisions only on select applications.

Increasingly in Texas and around the country, elected officials opt to delegate greater decision-making authority to their professional planning staff. The elected officials set clear, objective standards through an initial legislative review and adoption, and then rely on professional staff to apply those standards fairly and effectively. If an applicant disagrees with a staff decision, they can file an appeal to the Board of Adjustment. Unlike rezoning decisions or specific use permit reviews, which inherently involve policy issues and subjective determinations, development plan review generally involves yes-or-no determinations of whether a plan meets objective standards, especially for smaller projects. The more objective the standards, the greater the opportunity for staff-level review. This allows elected and appointed officials to focus on big-picture planning issues and other community affairs. It also provides for an expedited review process and more predictability, since staff reviews typically do not require a public hearing.

Many other Texas communities have delegated more approvals to the administrative level (such as Frisco, which has numerous staff approvals). Development types should be grouped into broad categories, with many types approvable through administrative processes, and only the most complex and significant applications requiring full hearings before both the Planning and Zoning Commission and City Council. The most common applications in other communities that are reviewed administratively include: minor site plans; grading permits; sign permits; temporary uses; accessory uses; special events; and minor amendments to prior approvals.

Reevaluate and Calibrate the Specific Use Permit Procedure

Beyond administrative adjustments, the authority to review and decide other relatively minor requests could be shifted to staff. Requests to establish a land use on a property is one area where more decisions could be made at the staff or Planning and Zoning Commission level. McKinney currently evaluates land use requests as either a permitted use (reviewed and approved by staff) or a specific use permit (review and recommendation by the Planning and Zoning Commission, review and decision by the City Council). The following updates should be considered as part of this project:

- **Introduce an intermediate use review process.** Some jurisdictions introduce an intermediary review process in an effort to streamline review for requests that may not warrant the need for a public hearing at both the Planning and Zoning Commission and City Council, but that still warrants distribution of a public notice and a public hearing. For example, there may be specific land uses that require specific use permit review; however, requests are generally approved with very little neighborhood opposition or other concerns related to the use. If this is a common trend, a new procedure where the Planning and Zoning Commission is the final review

body (rather than the City Council) may be considered. Benefits to a three-tiered system include providing a more tailored approach to maximize review efficiency in the development review process, eliminating routine or undisputed application requests from City Council agendas, reducing the time and resources expended by staff in preparing for two public hearings, and potentially expedited review periods and reduced applicant costs.

- **Consider allowing planning staff to refer complex or disputed requests to Planning and Zoning Commission or City Council.** Another alternative is to default to a staff-level review and decision for all requests (except for special use permits) and establish a referral procedure by which staff can defer final decision-making authority to the Planning and Zoning Commission when specific thresholds or criteria are met that would justify the need for a public notice and public hearing. This approach further streamlines the process by not requiring a public hearing except when certain criteria are met and when planning staff determines a public hearing is necessary to mitigate potential negative impacts or resident concerns. It is important to strike a balance to ensure that development application requests receive the appropriate level of review by the appropriate body without unnecessarily overcomplicating or delaying the review process.
- **Mitigate the "too much too soon" problem.** Some stakeholders indicated that the City requires too much detail too early in the development review process. Requiring engineered construction-level details up front can be cost-prohibitive for applicants when the ultimate outcome of the decision is uncertain. The specific use permit review procedure was especially susceptible to this issue. There is an important balance to strike to allow some degree of flexibility while also preventing the City from being inundated with speculative development applications. The benefit of requiring additional detail earlier in the process is that the City receives applications from developers that are committed to that project and willing to follow the necessary steps toward approval. Additionally, referral comments on subsequent submittals may require redesigns that were not anticipated at the conceptual phase, which can impact the applicant's overall cost and schedule for approval. Clarion will work with staff to identify the level of detail appropriate for McKinney.

Establish Process to Allow Minor Modifications

Many development applications in McKinney require variances, waivers, and/or negotiated planned development in order to obtain final approval. In part, the high number of requests for flexibility or relief is a result of outdated and inflexible development standards. From a procedural perspective, the issue can result from not having the appropriate tools that give the final decision-maker authority to extend limited relief from specific standards in targeted circumstances.

Many communities use a Minor Modification procedure to authorize the final decision-maker the authority to approve minor deviations (usually about 10-20 percent) from certain dimensional or development standards based on specific criteria. Examples of standards that are often subject to minor modifications include: lot width and lot coverage; building setbacks; fence and screening height; and the number or size of required parking spaces. As mentioned earlier in this report, the standards allowing flexibility in the TMN overlay district could be more broadly applied through the Minor Modification tool. If adopted in McKinney, this new minor modification procedure would be available citywide to provide relief where strict application of the standards would otherwise create unnecessary difficulties. Such a procedure could identify standards that are commonly adjusted in McKinney and would prevent having to file a request for a variance, waiver, or planned development. Criteria for adjustments should be clearly stated, should not undermine the intent of the underlying regulations, and should not impose greater impacts on surrounding properties than strict compliance with the MDC would.

Recommendations for Increase Staff Decision-Making Authority

- Delegate greater decision-making authority to professional planning staff, while complex and significant requests go to a hearing before the Planning and Zoning Commission and/or City Council.
- Consider introducing an intermediate use review process to reduce Specific Use Permit requests.
- Consider allowing planning staff to "call-up" complex or disputed requests rather than defaulting to Planning and Zoning Commission and City Council hearings by default.
- Reevaluate the application submittal requirements for Specific Use Permits to mitigate the "too much too soon" problem.
- Establish a Minor Modification procedure to allow approval of minor deviations, based on clear criteria.

Rethink the Site Plan Procedure

The current site plan procedure is in Section 146-65 of the zoning regulations. The Planning Director has authority to approve a site plan or approve it with conditions. The Director may not disapprove a site plan, but rather must forward applications he or she cannot approve to the Planning and Zoning Commission (P&Z) for action. Either the applicant or the Director may appeal the P&Z decision to the City Council. There are no specific approval criteria; rather the site plan must be found simply to be in "conformance or nonconformance with the zoning ordinance and other applicable regulations." The Director may also approve minor amendments to an approved site plan; however, clearer distinctions should be made between minor and major amendments similar to what is proposed on page 44 related to amendments to PDs. There is a separate site plan approval process for the MTC McKinney Town Center zoning district.

According to applicants, a challenge with the current process is the lack of predictability about when a site plan may be required to go before the P&Z. Other issues include an ambiguous applicability statement and lack of tailored procedures for larger projects versus smaller ones. There are opportunities in the code rewrite project to clarify the procedure's purpose, applicability, and to streamline the procedures to allow for a more predictable and transparent process. In addition, several recent development proposals considered by the City fall under the PD development process, which requires P&Z and City Council approval. This report recommends moving to a code that shifts the majority of development proposals from using the PD zoning tool to using the base zoning districts. This means many more development proposals would fall under the site plan review procedure (approved by the Director) and not the PD review procedure (recommendation by the P&Z and approval by the City Council).

Clarify the Applicability of Site Plan Review

The applicability of the current site plan procedure in Sec. 146-45(a)(1) is confusing. The text states that site plans are required for the following:

- Construction of a new non-residential or multiple family residential structure;
- Prior to the issuance of any building permit for a modification to a structure which affects its size, shape, or volume;
- Prior to a structure's change in use that will require modifications to existing parking or loading space requirements or configurations; or
- As otherwise determined by the Chief Building Official or Director of Planning.

Only the first bullet is limited to nonresidential and multi-family buildings, and the subsequent bullets are not so limited and appear to apply to any type of structure. Thus, the text as written requires site plan, for example, for most changes to single-family residential structures. We do not believe that site plans are actually being used as extensively in practice in McKinney as is authorized in this text; thus, the applicability statement should be rewritten to more clearly define the exact projects subject to site plan review.

Distinguish Major versus Minor Site Plans

As noted, site plans are decided by the Planning Director, but also may be forwarded on to the Planning and Zoning Commission for a decision following a public hearing. However, there are few indicators whether a specific project will go before the P&Z and require a public hearing process.

If the City desires to maintain this distinction, the code should be more discrete in establishing clear thresholds that the Planning Director can consider when determining if a site plan should be referred to the Planning and Zoning Commission. These thresholds could be related to the project's size, nature, location, or some other feature that requires a public hearing. For initial discussion purposes, other communities have found the following thresholds to be effective:

- **Minor site plans**
  - Fewer than ten dwelling units
  - Less than 20,000 square feet nonresidential
  - For mixed-use, fewer than ten dwelling units and less than 20,000 square feet nonresidential
- **Major site plans**
  - Ten or more dwelling units
  - 20,000 square feet or larger nonresidential
  - For mixed-use, ten or more dwelling units and 20,000 or more square feet nonresidential

These thresholds could be further refined based on location (e.g., certain zoning districts, within neighborhood planning areas, other sensitive locations, and/or infill and redevelopment parcels). It is important to note that development compatibility and performance issues should primarily be resolved through the Specific Use Permit procedure (requiring P&Z and City Council review) and linked to the site planning process.

Remove Site Plan Submittal Requirements

There is a lengthy list of site plan submittal requirements in Sec. 146-45(a)(3). Much of this material should be removed from the code and placed in an administrative manual. It appears to be one-size-fits-all, in that it requires the same information for all applications regardless of the nature or size of the proposed project. If major and minor site plan procedures are introduced, a more streamlined set of submittals could be developed for minor site plans.

Recommendations for the Site Plan Procedures
• Establish new clear thresholds to guide site plan referrals to the Planning and Zoning Commission, based on size and scale of activity (not just the type of use). • Relocate site plan submittal requirements to an administrative manual outside the MDC.

Improve and Clarify the Subdivision Procedures

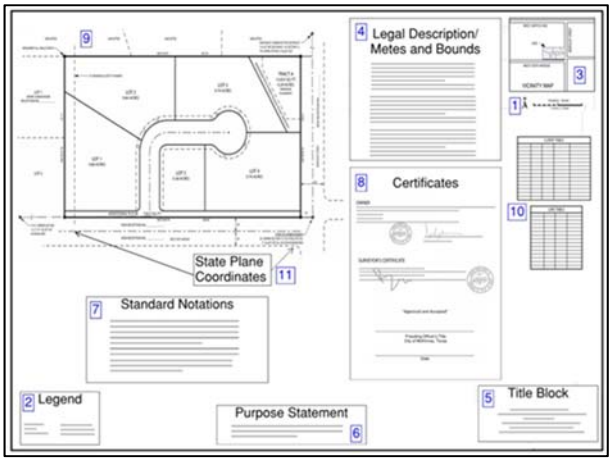
Many of the comments received related to procedures involved applications for subdivision. Subdivision procedures are located in Article III of Chapter 142, Subdivision Regulations. The standard subdivision process includes a pre-development meeting, letter of intent, preliminary-final plat review, and record plat review. A variety of types of specific subdivision applications are established:

- Sec. 142-74. - Preliminary-final plat
- Sec. 142-75. - Preliminary-final replat
- Sec. 142-76. - Record plat
- Sec. 142-77. - Minor plat
- Sec. 142-78. - Minor replat

- Sec. 142-79. - Amending plat
- Sec. 142-80. - Right-of-way vacation or abandonment
- Sec. 142-81. - Conveyance plat

We heard that many of the subdivision procedures are generally working well, but there are several opportunities for targeted improvements discussed below.

- **Reorganize subdivision procedures to minimize repetition.** Many of these tools are merely discrete one-off versions of the standard subdivision procedure, yet they are broken apart into separate sections in the code, creating a lengthy document with repetition. Organizationally, there is significant opportunity to rewrite and consolidate many of these procedures, reorganizing them to conform to the new common review procedures discussed above.
- **Consider updating plat naming conventions.** City staff and stakeholders expressed interest in updating the naming convention for plat applications in McKinney. The current plat application names listed above do not establish an intuitively clear hierarchy that clarifies which application type is first in a series of approvals. We recommend moving to a more traditional naming convention that is consistent with state statute and other Texas communities and that is more intuitive (e.g., preliminary plat and final plat).
- **Refine the Preliminary-Final Plat procedure.** The preliminary-final platting procedure located in Sec. 142-74 allows for the City Council or Planning and Zoning Commission to consider a variance request from the preliminary-final plat requirements specifically related to the extension of public infrastructure. This has raised concern from staff primarily due to the timing of the variance requests at such an early stage of the platting process. Staff indicated that this process may put the City Council in an awkward situation where they may feel pressured to approve a variance at an early platting stage rather than at the more detailed site planning stage where public infrastructure details are more thought out. We recommend exploring alternative tools that would allow additional flexibility with regard to platting requirements that would not warrant the need for a variance (e.g., the minor modification tool proposed in this report).



A sample plat format taken from the Plat/Replat Submittal Packet available on the City's website.

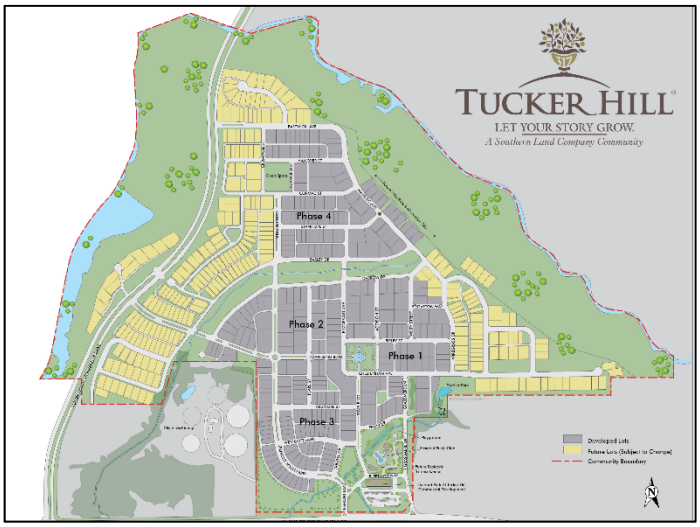
- **Consider introducing a Development Plat procedure.** Subchapter B of Chapter 212 of the Texas Local Government Code (TLGC) allows municipalities, at their option, to require "development plats" in lieu of subdivision plats, whenever there is "development," which is defined broadly: ". . . the new construction or the enlargement of any exterior dimension of any building, structure, or improvement." Development plats can apply whether the property is subdivided or not, and the approval provisions can be specified by the adopting municipality, with some flexibility. The City may want to consider allowing development plats in lieu of various other types of plans or plats mentioned in the current development regulations (e.g., concept plans, development plans, preliminary plats, etc.).
- **Update plat amendment applicability criteria.** During our stakeholder interviews, staff indicated that the applicability criteria established for the plat amendment procedure has

resulted in plat amendment requests that should have, based on their scope, been reviewed using a more traditional platting process. Using the plat amendment procedure rather than a traditional platting process is problematic because the level of review may not be appropriate considering the proposed improvements, but also because state law prevents City's from assessing impact fees based on an amending plat. We recommend that the qualifying criteria for amending plats be reevaluated to align with state law and to minimize the likelihood that an amending plat be used when the proper review mechanism would be a more traditional subdivision application.

- **Establish clear standards for platting within the City's Extraterritorial Jurisdiction (ETJ).** The subdivision regulations currently apply to all land within the corporate limits of the City as well as the ETJ. Staff identified several challenges associated with reviewing plat requests in the ETJ that should be addressed through this code update effort. One example is a lack of clear and objective criteria for determining when infrastructure improvements are required, and whether the City can require infrastructure improvements for properties that are not in close proximity to City services. Proving that infrastructure requirements are in-line with the rough proportionality principle (i.e., exactions imposed upon a developer must be roughly proportionate to the projected impact of the proposed project) has been difficult without clear thresholds or guidance in the code. As a result, the City has entered into agreements with developers to defer the installation and construction of required improvements; however, this has proven to be time intensive and difficult to track overtime. City staff recently indicated that updates to land regulation and management practices within the ETJ are currently being considered by City administration and policymakers that may influence our recommendations and approach in the new MDC. We will remain in contact with staff to determine how the challenges in the ETJ can best be addressed as part of this effort.

Consider Establishing a Concept Plan Process

Similar to the Specific Use Permit review process, stakeholders expressed concern regarding the level of detail required for preliminary plat review. This project provides an opportunity to establish new tools that would be more proportional, with the level of upfront effort and commitment scaled to both the size of the project and the amount of early assurance given by the City. One tool to establish a more proportional level of effort upfront while providing a level of assurance to the City could be a new concept plan process. This would provide an opportunity for the developer of a large project to submit and obtain approval of a high-level plan illustrating the big ideas early on before committing the time and money needed to develop a preliminary plat. It generally shows the overall physical character of a proposed development, including major circulation systems, major open spaces, and the allocation of major land uses and development intensities among various segments and/or phases of the development. (It is similar to a PD, but is intended to work within code requirements, rather than proposing substantial deviations from the code as is done with a PD).



An artist's rendering of the Tucker Hill development in McKinney

Approval of a concept plan would not authorize any actual development, but rather give the developer a limited time period (perhaps five years) in which to obtain final approvals of detailed plans for the development shown on the master plan (generally by phase). During that time period, the developer could be authorized to pursue final approvals of the proposed development administratively, in accordance with the general parameters set by the approved master plan and otherwise in accordance with the standards applicable at the time of the final approvals. This would give the developer the assurance needed to commit time and money towards completion of the development and thus encourage the advanced planning of large integrated developments and construction of approved site improvements that might not be otherwise proposed.

For discussion, we recommend that the new MDC require concept plan approval before submitting applications for preliminary subdivision plat approval for larger sites. The actual minimum threshold would require further discussion—for example, five acres or more, or 100,000 square feet of commercial floor area or more.

Recommendations for Improving and Clarifying Subdivision Procedures

- Reorganize subdivision procedures to minimize repetition.
- Consider updating plat naming conventions.
- Refine the Preliminary–Final Plat procedure.
- Consider Introducing a Development Plat procedure.
- Clarify when public improvements are required.
- Update plat amendment criteria.
- Clarify standards for subdivisions within the ETJ.
- Consider establishing concept plan process.

Create a More User-Friendly Code

Beyond the substantive issues discussed in the following sections of this report, many stakeholders said they find the regulations cumbersome and difficult to understand and use. Issues include an unclear organization, redundant information, and lack of graphics. Piecemeal amendments over time have made it hard to find key information. It appears from our discussions that the lack of a well-organized, user-friendly ordinance has impeded effective communication (both internally between departments and also externally between City officials and the public), and perhaps has unnecessarily complicated the overall development review process. The new MDC should make it easy for users to find the information they are looking for and should provide cross-references to related material where appropriate.

These challenges are not unusual. Many communities find that, as zoning rules are modified and updated over time, they become increasingly complicated and more difficult to navigate and understand. The recommendations below are intended to make the MDC more user-friendly, which should help improve the efficiency of the review process and overall effectiveness of the MDC.

Establish a Clear Organization

The zoning and subdivision ordinances should be updated and consolidated in a more organized, user-friendly manner. Similar information should be grouped to reduce repetition. The proposed new organization of the MDC is discussed in detail in the Annotated Outline in Part 3 of this report.

Recommendation for Clear Organization

- Reorganize the development regulations into a unified McKinney Development Code (MDC) as proposed in the Annotated Outline in Part 3 of this report.

Add Illustrations and Other Graphics

Illustrations, flowcharts, and tables should be used frequently throughout the new MDC to explain standards and to summarize detailed information. Sample graphics from other codes prepared by Clarion are shown on the following page. They are included here to illustrate a small range of possible formats. Each community is unique in how they choose to illustrate a code (heavy detail versus light detail, color versus black-and-white, etc.). We will work with staff during the drafting process to select a style that works best for McKinney.

Survey Response

"Illustrations are ideal, but it is also important that words and illustrations match."

Recommendation for Illustrations and Graphics

- Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout new MDC.

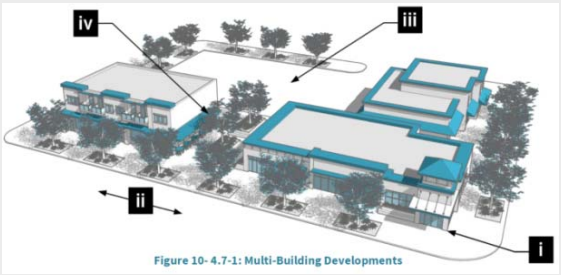


Figure 10- 4.7-1: Multi-Building Developments

(b) Building Locations in Multi-Building Developments

Multi-building developments with three or more buildings shall be arranged and grouped using one or more of the following techniques:

(i) Frame the corner of an adjacent street intersection or entry point to the development; or

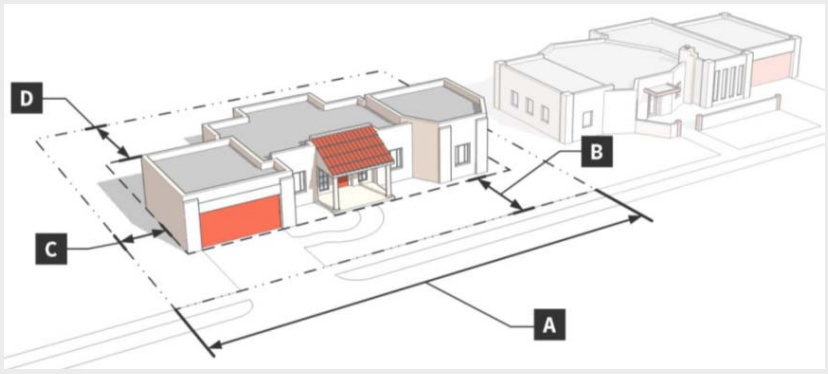
(ii) On sites of 15 acres or more, frame and enclose a "main street" pedestrian and/or vehicle access corridor within the development; or

(iii) Frame and enclose parking areas on at least two sides; or

(iv) Frame and enclose outdoor dining and/or outdoor gathering spaces between buildings.

This diagram depicts building orientation standards for multi-building developments. The labels (i) through (iv) help illustrate specific standards in the code related to addressing street frontages, pedestrian and vehicle access, parking location, and outdoor dining/gathering space.

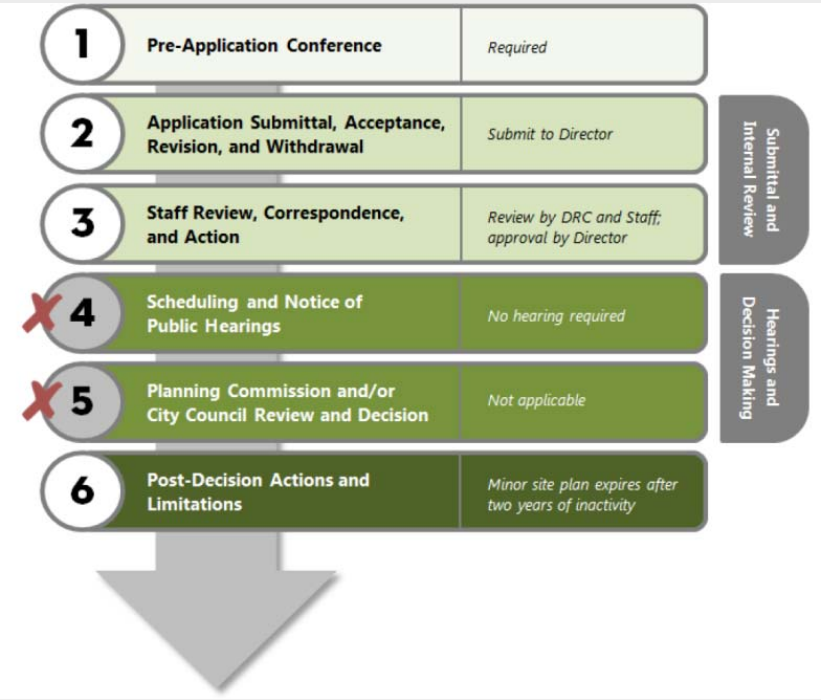
This illustration shows the desired scale and character of a mixed-use downtown zoning district.



Lot Standards		
A	Width (minimum)	145 feet
	Area (minimum)	35,000 sq. ft.
	Density (maximum for new subdivisions) [1]	1 du/acre
Setbacks (minimum)		
B	Front	40 feet
C	Side	20 feet
D	Rear	40 feet
Height		
	Building height	See 2.24.E
Impervious Coverage (maximum)		
	Building coverage	15 percent
	Total coverage	40 percent

This graphic illustrates some of the basic dimensional requirements for a single-family zoning district. Labels (A) through (D) correlate to a dimensional table that identifies setbacks, height, and lot requirements.

Graphics like these help users identify which sign types are permitted. This graphic can also be customized to identify specific sign standards, such as area, height, placement, etc.



An example flowchart for a minor site plan procedure in another community. The graphic quickly conveys the overall process for approval (which in this case would not require public hearings with Planning Commission or City Council).

Improve the Page Layout

The current development regulations are only available via an online platform (Municode). While it is common for communities to contract with an online publishing service, the constraints of the online platform can sometimes make it difficult to identify how a specific provision fits in with the overall document hierarchy. These platforms often overly simplify formatting and may also degrade graphic quality.

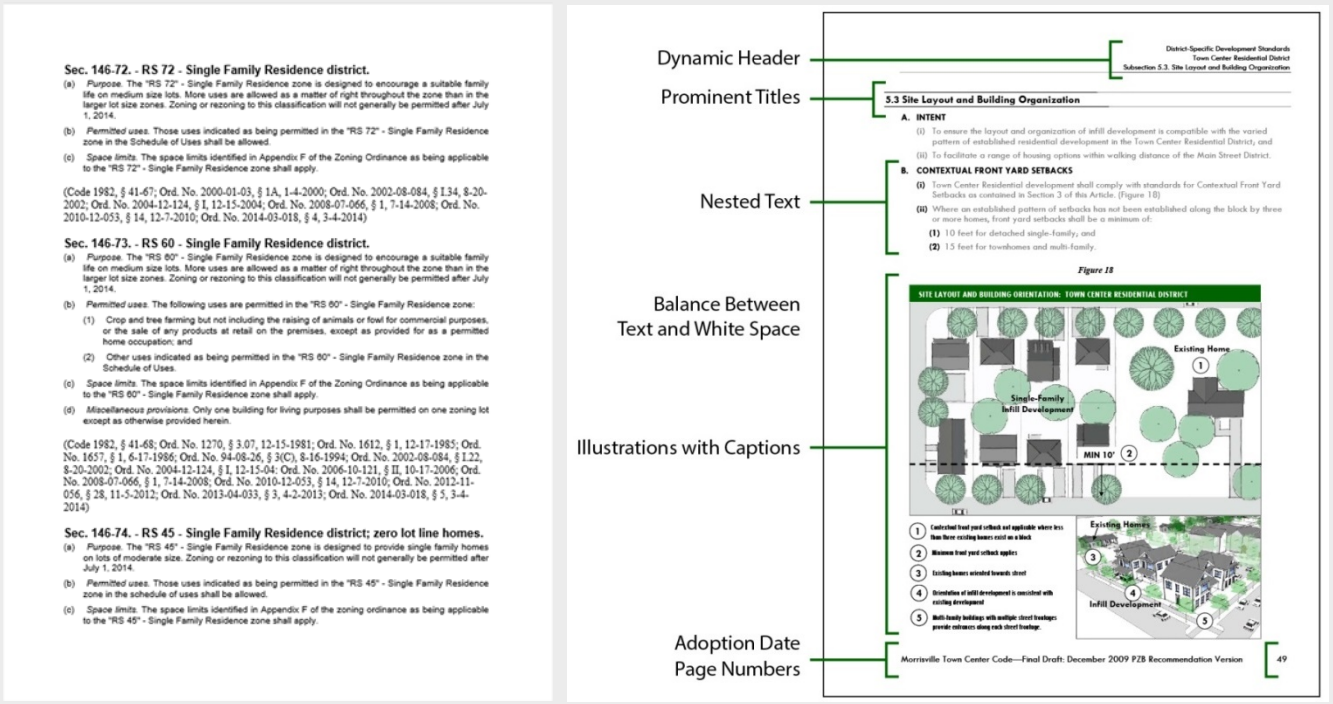
In addition to an online version of the code, most planning offices also retain an editable and formatted digital version, usually as a Microsoft Word or PDF file. McKinney currently relies solely on the online version, which poses challenges with printing, image resolution, and formatting. The formatted digital version allows for enhanced formatting and presents information in a more user-friendly format, enhancing the reader's ability to understand the context for specific provisions. The Word/PDF version also allows staff to keep an internal record of any proposed edits and revisions to the document.

The new MDC will feature a new document layout with dynamic headers (that automatically update) showing section references for that page, footers, page numbers, and illustrations with captions. The graphic on the following page compares the current Code of Ordinances to an improved layout from another code Clarion has drafted.

Recommendations for Page Layout

Establish a more attractive and user-friendly page format with:

- Dynamic headers, showing article, section, and subsection on each page;
- Consistent formatting and location of tables and graphics;
- Clear and prominent hierarchy of heading titles (using color and/or bold fonts); and
- Consistent indentation and nested text.



A typical page from the McKinney Code of Ordinances (when downloaded from the online version) is shown on the left. Compare this to the sample page layout at the right, which illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

Define Key Terms and Use Clear Language

The use of clear and precise language is just as important as document organization and format. All text should be reviewed and rewritten as necessary to provide greater clarity. When carrying forward any language, we will identify and remove "legalese" and replace jargon with plain language. Language that is subjective or that creates uncertainty is not user-friendly and requires staff, decision makers, developers, and community members to interpret the meaning of the term, which may result in conflicting opinions. Common terms that create these issues are "character" and "compatible."

Definitions deserve special focus. Currently, definitions are in multiple locations in McKinney's regulations and in some cases, terms are defined differently between city departments. For example, the "multifamily" definition used by the Planning Department differs from that used by the Building Department, which creates conflicts with how projects are permitted. In the new MDC, all key terms should be defined, while inconsistent or obsolete definitions should be removed. Definitions for terms limited by state or federal law should also be reconciled (e.g., housing for disabled persons, school facilities, manufactured housing, etc.), to ensure they do not conflict with state or federal regulation. Regulations should be relocated outside of definitions into the main body of the MDC.

Generally, the code should provide greater certainty by avoiding the use of purely subjective language, disconnected from any measurable criteria. The new MDC, and particularly the new development standards, should use clear, objective language, that presents a win-win opportunity for both the community and developers. It is important to note that increased flexibility can also be achieved through clear and objective development standards. For example, the City can establish both a

minimum and a maximum off-street parking requirement, allowing the developer to decide how many parking spaces will be provided. Projects with age-restricted dwelling units may be allowed to reduce the minimum number of parking spaces required by a fixed percentage. Clearly stating the City's standards up-front can save time and money, as expectations are set in the beginning of the development process and the need for lengthy negotiations regarding design standards is removed.

Survey Response

"Secondary structures are a definite point of confusion… I got four different definitions of a barn, two different definitions of a workshop and multiple definitions of a garage."

In addition, there are many current examples of duplication and internal inconsistency. One example is "accessory building," which is described differently in Sec. 146-46 and Sec. 126-64. Conflicting provisions should be reconciled by consolidating all related standards into one part of the MDC and crafting just one definition.

Recommendations for Definitions and Clear Language

- Consolidate, expand, and update all definitions.
- Rewrite code with clear and simple language. Remove duplication and resolve inconsistences.
- Rewrite standards to eliminate vague, subjective language.

Annotated Outline for a New MDC

This part of the report provides an overview of what the proposed structure and general content of a new MDC for McKinney might look like if the recommendations from this report were implemented. This outline is intended as a starting point for further discussion. At the end of each proposed article, a table is provided to indicate chapters and sections from the current MDC that should be considered for integration into the proposed new chapters and sections, either intact or with modifications.

In the current Code of Ordinances, the zoning and subdivision standards are listed as Chapter 146 and 142 respectively. Other standards related to land development are scattered throughout several chapters. This project will consolidate the City's development regulations in a single chapter, making it easier for users to find the information they are seeking. An improved and efficient organization will consolidate like information, minimize (but not eliminate) cross-referencing, and make it relatively easy for users to find needed answers.

The proposed new structure is outlined below. Each proposed chapter indicates (with shading) which articles and sections from the current Code of Ordinances would be folded into the proposed MDC.

Article 1.0 – General Provisions

This chapter will consolidate materials related to the authority, purpose, and applicability of the MDC.

Title

Official name of and references to the MDC.

Authority

Applicable sections of Texas law granting the City the authority to regulate the use, division, and development of land.

Purpose

The general intent of the MDC, with and links to important policy direction and planning documents (such as the ONE McKinney 2040 Comprehensive Plan).

Applicability

Establishes that all development and redevelopment in the City must comply with the MDC unless explicitly exempted elsewhere in the MDC or by state or federal law.

Relationship to Other Regulations

In the case of a conflict between the MDC and other City regulations, or conflicts internally within the MDC, the strictest of the provisions shall govern, with potential exceptions to that rule such as overlay districts.

Relationship to Private Covenants and Conditions

In the case of a conflict between the MDC and the provisions of a private restrictive covenant, the provisions of the MDC shall apply. The City has no obligations to enforce private restrictive covenants.

Transition from Previous Ordinances

Explains how the City will transition from the provisions of the current development regulations and to

this new MDC. Any complete application filed before the date of the new MDC shall be governed by the provisions of the previous ordinances. Incomplete applications pending on the effective date, and applications filed after the effective date, will be governed by the new MDC. Violations of the previous MDC will continue unless the structure or activity that gave rise to the violation is legal under the new MDC. ***NOTE**: The transition language can alternatively be included in the adoption resolution, rather than the ordinance itself.*

Nonconformities

Description of and authority to continue for nonconforming situations including nonconforming lots, uses, structures, signs, and site features (landscaping, parking, lighting). Site features are not currently addressed by the MDC, and the nonconforming site features should be drafted in concert with the applicability thresholds for when major redevelopment projects would trigger compliance with those site features. The current nonconformities (Section 146-40) should be reorganized for clarity.

Enforcement

Enforcement, violations, penalties, and remedies as they relate to the MDC. As recommended earlier in the report, specific technical information such as fines and/or fees for citations should be located in an administrative manual that can be updated without a formal text amendment.

Severability

If any portion of the MDC is declared invalid by the courts, the remainder shall remain valid and in effect.

Current Sections

Current regulations to be incorporated into this new chapter include:

Chapter 142 – Subdivision Regulations
- Article I – In General
- Article V – Enforcement

Chapter 146 – Zoning Regulations
- Article I – In General
- Article II – Special Provisions
  - 146-40: Nonconforming uses and nonconforming structures
- Article VI – Enforcement

Article 2.0 – Review Procedures

This chapter should describe the review and approval procedures for all development applications. The procedures should be drafted to reflect the changes proposed earlier in this report. The new procedures will be clarified to include more clear criteria, to be more user-friendly, and to result in a more predictable process.

Review and Decision-Making Bodies

This section should describe, carry forward, and update the portions of Chapter 146, Article V, Administration, that describes each of the decision-making and review bodies in McKinney, their powers and duties, their membership, and any other requirements not covered by their bylaws.

Summary Table of Review Procedures

This section would include a new summary table of review procedures similar to the one provided earlier in this report. This approach provides the community (and staff) with a snapshot of the overall procedures in the City.

Common Review Procedures

This new section will identify and describe the procedures that apply to most development applications in McKinney. As recommended earlier in the report, common review procedures establish the procedures that apply to all (or most) development applications and thus avoid duplication and potential for inconsistencies as the MDC is updated.

McKinney Development Code Amendments

This section should describe the types of development applications that amend the MDC, policy documents, or the zoning map (such as rezonings, text amendments, or comp plan updates). These procedures should refer back to applicable steps from the common review procedures and describe any modifications or additions to those procedures.

Development Permits and Approvals

This section should describe the types of applications associated with development in McKinney (such as site plans, special review, or special permits). These procedures should refer back to applicable steps from the common review procedures and describe any modifications or additions to those procedures.

Subdivision Approvals

This section should describe the types of development applications associated with subdivisions, land divisions, or condominiumization. These procedures should refer back to applicable steps from the common review procedures and describe any modifications or additions to those procedures.

Flexibility and Relief Procedures

This section should describe the types of development applications associated with adjustments or otherwise providing relief from development standards in McKinney. This would include the recommended minor modification procedure, variances, and appeals. These procedures should refer back to applicable steps from the common review procedures and describe any modifications or additions to those procedures.

Current Sections

Current regulations to be incorporated into this new chapter include:

Chapter 142 – Subdivision Regulations
- Article III – Procedure

Chapter 146 – Zoning Regulations
- Article II – Special Provisions
  - 146-41: Specific use permits
  - 146-45: Site plan approval
- Article V - Administration

Article 3.0 – Zoning Districts

The zoning districts chapter establishes the base zoning districts, planned development district, overlay

districts, and describes how the districts relate to one another.

Districts Established

Summarizes the lineup of zoning districts, according to earlier recommendations for consolidation, elimination, and creation of new districts. A table will be incorporated similar to the example provided earlier in this assessment.

Residential Districts

Zoning district information for all residential districts, including for each district a purpose statement, a summary table for applicable dimensional standards (height, setbacks, lot area requirements, etc.), and any standards that are applicable to that specific district. We recommend including graphics that illustrate the dimensional standards for each district. Some communities also supplement their zoning districts with conceptual graphics or photographs depicting typical development in each district.

Mixed-Use Districts

Zoning district information for all mixed-use districts. For each district: purpose, summary of dimensions, district-specific standards, and graphics.

Nonresidential Districts

Zoning district information for all nonresidential districts. For each district: purpose, summary of dimensions, district-specific standards, and graphics.

Special Purpose Districts

Zoning information for all special purpose districts, such as the airport and planned development districts.

Overlay Districts

Purpose and applicability of overlay districts and how they are administered, such as the historic preservation overlay district.

Dimensional Standards and Exceptions

Summary tables of dimensional standards for all zoning districts, including:

- Lot standards (e.g., minimum lot area, maximum impervious coverage)
- Setbacks (e.g., minimum yard requirements, build-to requirements)
- Building standards (e.g., minimum and maximum height)

Following the dimensional standards tables, a list of exceptions and encroachments will be included, as well as references to the residential design standards. This will describe what types of structures, building elements, or site features are either exceptions from dimensional standards (such as uncovered porches), or may encroach into required areas (such as spires, chimneys, and bay windows).

Current Sections

C Current regulations to be incorporated into this new chapter include:

Chapter 146 – Zoning Regulations

- Article III – District Regulations
- Article IV – Special Regulations
  - 146-29: Height and area exceptions, and minimum distances between specific uses
- Appendix D – Zoning District Comparative Table

Article 4.0 – Use Regulations

Table of Allowed Uses

All uses in McKinney's base zoning districts will be organized into a single Table of Allowed Uses. The table will be reorganized by use categories as suggested earlier (beginning with residential uses through industrial/utility uses, followed by accessory and temporary uses). For each specific use type, the cells for each zoning district will be populated by some version of the following abbreviations:

- Blank cell – use is not permitted in that zoning district.
- P – use is permitted by right in that zoning district.
- S – use is allowed only with specific use permit approval.
- A – use is allowed as an accessory use incidental to a primary use.
- T – use is allowed with approval of a temporary use permit.

The right-hand column of the table will include cross-references to any applicable use-specific standards for that use type. A portion of a use table from another community is shown below for reference.

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
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS	OC	
RESIDENTIAL																			
Household Living																			
Dwelling, Co-Housing							P	P	C	P								P	3.3.A(1)
Dwelling, Duplex							P	P	C	P	P							P	
Dwelling, Live/Work										P	C	P	C	C	C			P	3.3.A(2)
Dwelling, Multifamily							P	P	P	P	P	P	P	P	P			P	3.3.A(3)
Dwelling, Single-Family Attached							P	P	C	P	P		C		C			P	3.3.A(4)
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	C	C								P	3.3.A(5)
Manufactured Home					P	P	C	C	C										3.3.A(6)
Group Living																			
Assisted Living Facility										P	P	P	P		P	P			
Dormitory							C	C	C	C	P	P	C						

An example from Sedona, Arizona, shows the residential portion of the Table of Allowed Uses. Cross-references to applicable use-specific standards are shown in the far-right column.

As the team reviews the current use table and use-specific standards, we may propose changes to the use permissions. For example, where the impacts of a current special or minor special review use on surrounding properties can be mitigated through use-specific, or is a use suggested by the comprehensive plan, that use may be recommended as a use by right.

Use-Specific Standards

This section will collect the current regulations throughout the McKinney development regulations that apply to a particular use and will organize them in the order they appear in the Table of Allowed Uses. Other use-specific standards are currently scattered throughout the development regulations (e.g., bed and breakfast regulations in Chapter 138, Article IV) will be relocated into this unified section. Further discussion is required as to whether the wireless communications provisions should be folded into the use-specific standards or should be carried forward as standalone chapters due to the amount and complexity of the standards and the desire to provide customers with the most intuitive system based on local preference.

As noted earlier in this report, the following special use regulations will remain in Chapter 138 and not be folded into the MDC: Article III, Mobile and Manufactured Home Parks; Article V, Sexually Oriented Businesses; Article VI, Oil and Natural Gas Well Drilling and Operations; and Article VIII, Food Trucks, Operation Sites, and Food Truck Courts.

As part of the rewrite process we may suggest new use-specific standards, propose revisions to existing standards, and/or recommend removing or consolidating use standards where appropriate.

Accessory and Temporary Uses and Structures

This section will describe the standards for accessory uses (such as home occupations), accessory structures (such as detached garages), temporary uses (such as construction offices), and temporary structures (such as produce stands). Accessory uses will be shown in the table of allowed uses, likely marked with an "A," or at the end of the table in its own category of uses. Temporary uses will likely be included at the end of the allowed uses table marked with a "T." As with primary uses, use-specific standards will apply to accessory and temporary uses where necessary.

Current Sections

Current regulations to be incorporated into this new chapter include:

Chapter 138 – Special Use Regulations

- Article II – Private Clubs
- Article IV – Bed and Breakfast Facilities
- Article VII – Donation Collection Containers

Chapter 146 – Zoning Regulations

- Article III – District Regulations (use-related provisions)
- Article II – Special Provisions
  - 146-42: Temporary uses
  - 146-43: New and unlisted uses
- Article IV – Special Regulations
  - 146-133: Accessory building and uses
  - 146-137: Communications antennas, satellite dishes, and support structures/towers
  - 146-138: Open storage and outdoor display
  - 146-140: Wind energy conversion systems (WECS) regulations

Article 5.0 – Development Standards

The development standards chapter will address the development quality standards for McKinney, organized generally from the "ground up." The chapter will start with those standards related to preparing the site for development (e.g., grading and drainage), followed by standards for improving the site (e.g., access and circulation and landscaping), followed by building standards (e.g., design standards), and ending with site operations and maintenance standards (e.g., outdoor lighting and maintenance).

Grading and Drainage

This section includes the requirements for grading and drainage improvements to a development site. Many of these standards are technical in nature and may warrant relocation outside the MDC in a separate engineering manual. The current applicable erosion control, drainage, and stormwater management regulations in Chapter 130 will be located in this section.

Access, Connectivity, and Circulation

This will be a new section to include standards for internal circulation within a site, connections between development sites, and multiple modes of mobility to and throughout the site. This section will also include provisions for when and where sidewalks are required, and standards for private access and driveways. Streets and other right-of-way provisions will be addressed in the subdivision standards and cross-referenced in this section as appropriate. This section will carry forward some of the existing access standards currently located within the subdivision regulations.

Off-Street Parking and Loading

This section will consolidate the off-street parking and loading requirements from the current Sections 146-130 and 131. Most of the information in this section will be consolidated into a parking requirements table that matches the organization of the schedule of uses.

Landscaping, Buffering, and Screening

This section will include the standards for landscaping on a development site, required landscape buffers, and screening and fencing requirements. The fence standards in Chapter 122, Article IV will be consolidated with the current Section 146-132 and relocated to this new section.

Site and Building Design

This section will include any building design standards addressing architectural character or building form if such standards are necessary in certain contexts or zoning districts, as amended by recent updates pursuant to recent legislation.

Outdoor Lighting

This section will address the standards for exterior lighting, potentially expanding and improving the current Chapter 58. Standards will include the types of lighting allowed, the appropriate lighting levels, and standards for administering and enforcing the lighting standards. Modern lighting ordinances place an emphasis on consistent measurement of lighting levels and inclusion of newer technologies such as LED lighting where appropriate.

Current Sections

Current regulations to be incorporated into this new chapter include:

Chapter 122 – Construction Regulations
Article IV – Fences
Chapter 130 – Land Development Regulations
Article IV – Stormwater Management
Chapter 146 – Zoning Regulations

- Article III – District Regulations
  - 146-98: FP floodplain district
- Article IV – Special Regulations
  - 146-30: Vehicle parking
  - 146-131: Off-street loading
  - 146-132: Fences, walls, and screening requirements
  - 146-134: Performance standards
  - 146-135: Landscape requirements
  - 146-136: Tree preservation
  - 146-139: Architectural and site standards
- Appendix B: Urban Design Standards for the Regional Employment Center

Article 6.0 – Subdivision Standards

This chapter will include the standards related to land divisions and land dedication within the City, including the current standards in Chapter 142, Subdivision Regulations. The procedures for land division and subdivision approvals will be relocated to the consolidated review procedures in Article 8.

Lot and Block Layout

This section will prescribe the location and arrangement of lots and blocks for new subdivisions, expanding on the current standards in Chapter 142, Article IV. These standards will be coordinated with revisions to the existing dimensional standards for base zoning districts.

Street Standards

This section will describe the design requirements for streets and rights-of-way in McKinney, mostly by providing a cross-reference to external manuals. This section will address how private streets are regulated, pulling from the standards in Chapter 142, Article VII, Private Street Regulations.

Dedication of Land

This section will address the requirements for public dedication of land or fees-in-lieu of dedication for new subdivisions and land divisions. Some of the information may apply to redevelopment and would therefore be relocated to the development standards in Article 4.0.

Public Improvements

This section will describe the types of public improvements required for new subdivisions and developments, and then specify the timing and agreements required for providing such improvements. Much of this information is currently located throughout Chapter 142.

Current Sections

Current regulations to be incorporated into this new chapter include:

Chapter 142 – Subdivision Regulations
- Article II – Special Provisions
- Article IV – Design Standards
- Article VII – Private Street Regulations

Article 7.0 – Rules of Construction and Definitions

The definitions chapter is drafted in pieces, growing longer with each installment of the draft MDC. For the first installment, we will include only the definitions used in and relevant to that installment. With the second installment, we will include the definitions from the first installment, and then add new definitions pertinent to the second installment, and so forth until a consolidated set of definitions is provided with the consolidated draft. This chapter will also include the basic rules of construction establishing the parameter for certain terms used throughout the MDC such as "he" or "she" and what is meant by the term "includes." Also included is the basic rules for the computation of time and how to interpret conjunctions.

Current Sections

Current regulations to be incorporated into this new chapter include:

Chapter 142 – Subdivision Regulations
- Article I – In General
  - 142-9: Definitions

Chapter 146 – Zoning Regulations
- Article II – Special Provisions
  - 146-46: Definitions

Other chapters (miscellaneous definitions as appropriate)