



17-712

**TITLE:** Consider/Discuss/Act on an Ordinance Creating Section 122-178(d) of the Code of Ordinances Establishing a Special Exception for Increased Fence Heights in the Historic Overlay District

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
Enhance the Quality of Life in McKinney  
Safe and Secure Community

**MEETING DATE:** July 18, 2017

**DEPARTMENT:** Development Services

**CONTACT:** Michael Quint, Executive Director of Development Services

**RECOMMENDED CITY COUNCIL ACTION:**

- Approve the proposed ordinance.

**ITEM SUMMARY:**

- At the direction of the City Council, Staff is proposing to amend the Code of Ordinances to create a special exception process in which maximum fence heights of 6'8" in the Historic Overlay District may be increased to 8'6" with the approval of the Board of Adjustment.
- At the request of former Council Members Day and Ussery, Staff presented this topic to the City Council at the May 15, 2017 work session. At that time, the City Council provided consensus that the Code of Ordinances should be modified so that the maximum fence heights in Historic Downtown McKinney are the same as the rest of the non-industrial properties in the City (8'6").
- At the June 6, 2017 City Council meeting, the City Council provided consensus that rather than increasing the height from 6'8" to 8'6" for every property downtown, creating a special exception process was a better approach to resolving the stated concerns.
- Concerns have been vocalized recently regarding the Historic District Overlay's limitation on fence heights of 6'8". Properties outside this overlay district are

permitted to construct fences of at least 8'6".

- Two main concerns regarding the existing fence height limitations in the historic district have been expressed:
  - The regulations negatively impact residential properties who abut non-residential properties in the historic district who may otherwise wish to provide more privacy for the adjacent residents and potential customers.
  - The regulations limit residential property owners' rights to privacy and security by limiting fence heights to a level that's inconsistent with the heights allowed outside the historic district.

#### **BACKGROUND INFORMATION:**

- As of December of 1980 - The Fence Ordinance included the following fence height limitations:
  - Industrial Districts... 10'
  - Residential and Business Districts... 6'8"
- As of October of 2005 - The Fence Ordinance included the following height limitations:
  - Industrial Districts... 10'
  - Outside Industrial Districts and Historic Overlay District... 8'6"
  - Historic District Overlay... 6'8"
- Current Regulations - The Fence Ordinance includes the following height limitations:
  - Industrial Districts... 10'
  - Outside Industrial Districts and Historic Overlay District... 8'6"
  - Historic District Overlay... 6'8"

#### **FINANCIAL SUMMARY:**

- N/A

#### **BOARD OR COMMISSION RECOMMENDATION:**

- N/A

#### **SUPPORTING MATERIALS:**

[Proposed Ordinance](#)  
[Proposed Sec 122-178 Changes](#)  
[Historic Overlay District Boundaries](#)