



19-0012M

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Sections 70-58 (Duty of owner, occupant to cut and remove weeds, brush, and unsightly matter), 142-5 (Approval required), 146-7 (Zoning district map), 146-40 (Nonconforming uses and nonconforming structures), 146-84 (Neighborhood Business District), 146-99 (REC regional employment center overlay district), 146-131 (Off-street loading), 146-132 (Fences, walls, and screening requirements), 146-139 (Architectural and site standards), 146-162 (Administrative official), 146-164 (Changes and amendments), 146-165 (Board of adjustment), of the Code of Ordinances

**COUNCIL GOAL:** Operational Excellence  
(2C: Identify opportunities for internal efficiencies and continuous improvement to effect a high performing organizational culture)

**MEETING DATE:** October 22, 2019

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Aaron Bloxham, Planning Manager  
Alek Miller, AICP, Planner I  
Jennifer Arnold, AICP, Director of Planning

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the November 5, 2019 meeting.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendments.

**ITEM SUMMARY:** Staff proposes several amendments to the Zoning Ordinance and other related Sections of the Code of Ordinances in order to improve the processing of common variances as well as the overall usability of the Ordinances. Specifically, these changes would modify standards to allow administrative approval of common variances to screening and loading space requirements; create a process for the Board of Adjustment to set a date to bring a nonconforming use into conformity; clarify the meaning of certain provisions; and remove several typos and other minor errors in the

Ordinance.

Specifically, the following amendments are proposed:

- Amend Section 146-132 (Fences, walls, and screening requirements) to allow the Director of Planning or his/her designee to approve a living plant screen on a commercial property if he or she finds that the living screen would not be detrimental to adjacent properties and would provide sufficient screening based on its proposed location. The Director may also refer the request to the Planning and Zoning Commission. The proposed amendment establishes certain conditions in which this type of request may be approved including the types of uses being screened and minimum standards for plant size. In all other instances, a living screen may be approved by the Planning and Zoning Commission or City Council. Currently, any applicant that wishes to utilize a living plant screen must obtain a variance from the Planning and Zoning Commission or City Council. If the Director of Planning is unable to approve a living plant screen, an applicant may seek consideration by the Planning and Zoning Commission or City Council.
- Amend Section 146-132 (Fences, walls, and screening requirements) to provide a waiver of certain screening requirements if specific conditions are met. A waiver can be approved by the Director of Planning, Planning and Zoning Commission or City Council depending on which body has the final approval authority. The waiver of screening may be considered for one of the following 4 reasons: (1) sufficient screening exists on the adjacent property; (2) the subject property contains a wooded area to be maintained by the property owner; (3) the portion of the property to be screened is adjacent to a floodplain; or (4) the portion of the property to be screened is adjacent to a public park. Currently, deviations from the minimum screening requirements require a variance from the Planning and Zoning Commission or City Council depending on which body has the final approval authority. If the Director of Planning is unable to approve a waiver, an applicant may seek consideration by the Planning and Zoning Commission or City Council.
- Amend Section 146-131 (Off-street loading) to specify that properties with multiple street frontages orient bay doors away from the widest street. In cases where streets are of equal width, bay doors shall be oriented away from the front of the property. This change provides greater clarity for applicants with properties with multiple frontages. The variance process for relief from screening and orientation requirements would continue to require approval from the Planning and Zoning Commission or City Council.
- Amend Section 146-40 (Nonconforming uses and nonconforming structures) and Section 146-16 (Board of Adjustments) in order to establish the authority of the Board of Adjustment to set a date for compliance of a nonconforming land use at the request of the city council. The proposed amendments include factors to be considered when setting a compliance date with a focus on the effect of the

nonconforming use on nearby properties. There is currently no process in the Zoning Ordinance to specify a compliance date for nonconforming uses.

- Amend 146-164 (Changes and amendments) to update the minimum requirements for verifying compliance with required zoning signage.
- Amend 146-7 (Zoning district map) to establish that the official zoning map of the city be presented through electronic format such as Geographic Information Systems (GIS). Currently, the Code of Ordinances states that the City shall maintain multiple paper copies of the map. However, maintaining the official zoning map in electronic format is more accessible for the public and is more efficient for updating the map to reflect ongoing changes.
- Amend various sections of the Code of Ordinances to provide clarification on language conflicts.
- Amend various sections of the Code of Ordinances to correct typographical errors or unclear wording.

All proposed amendments are provided as attachments to this report in redline and clean formats.

#### **BACKGROUND INFORMATION:**

- A major overhaul of the City's development regulations is currently underway in order to bring the city's development codes into closer alignment with the ONE McKinney 2040 Comprehensive Plan that was adopted in October 2018.
- However, Staff has identified several areas within the existing development codes that could see immediate benefit from relatively minor amendments. In general, these relatively minor amendments fall into the following two categories:
  - Process Improvement: These amendments would create an administrative approval process for common variances, but would leave the current variance process in place when Staff is unable to approve administratively. The proposed amendments provide a simplified process for requests that do not rise to the level of a variance, specifically for screening of commercial properties and the orientation of bay doors and loading spaces. Additionally, the proposed amendments would also establish a process to set a date for a nonconforming use to come into compliance with the Zoning Ordinance through actions by the City Council and Board of Adjustment.
  - Clean-Up: These amendments would either correct typos or modify text in order to eliminate confusing or conflicting standards. In any case where the meaning of a section is proposed to be changed, the proposed language was derived from an existing standard that has already been

codified and is in typical practice today.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has not received any letters in support of or in opposition to the proposed amendments.

**SUPPORTING MATERIALS:**

[Proposed Amendments Redline](#)

[Proposed Ordinance](#)

[Presentation](#)