



NEW CODE MCKINNEY: PROPOSED AMENDMENTS AND ADOPTION CONSIDERATION

**City Council and
P&Z Commission
Joint Meeting**
November 15, 2022

TODAY'S MEETING

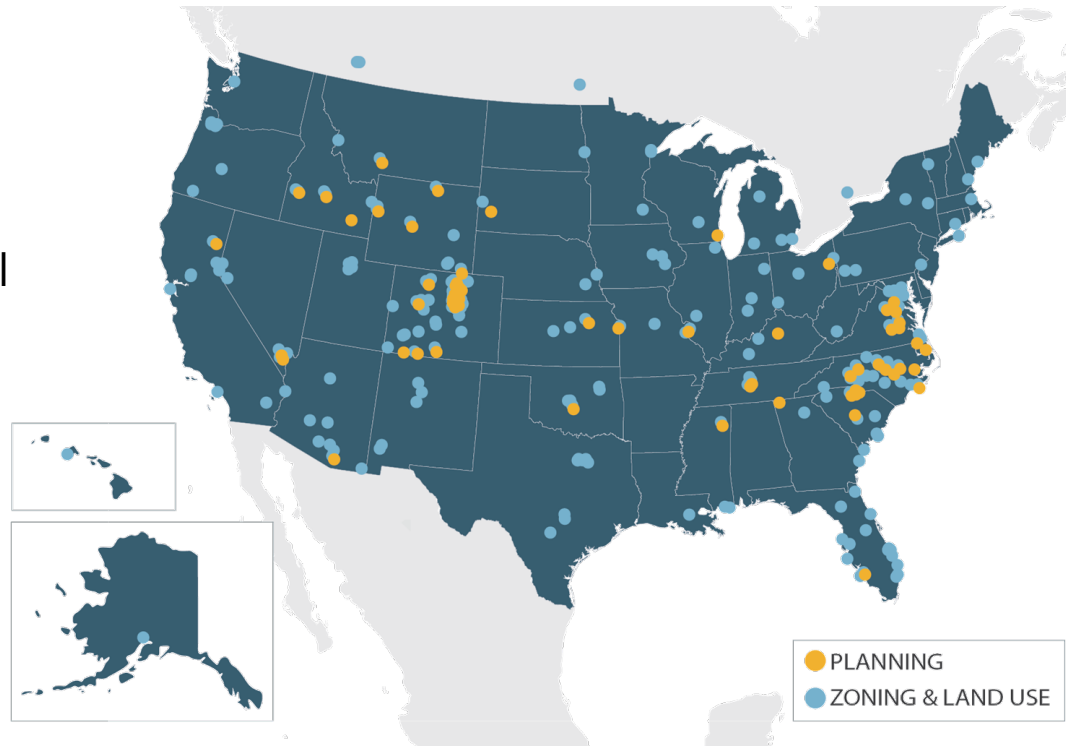
- **Objectives:**

- Clarion Approach and Code Assessment
- Consolidated Code Highlights
- Public Outreach and Engagement Summary
- Adoption Strategy

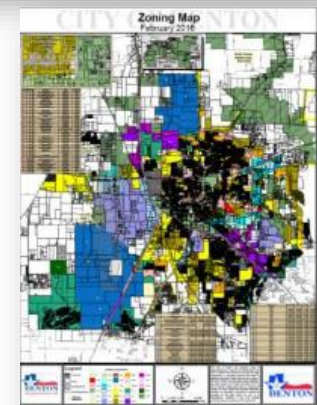
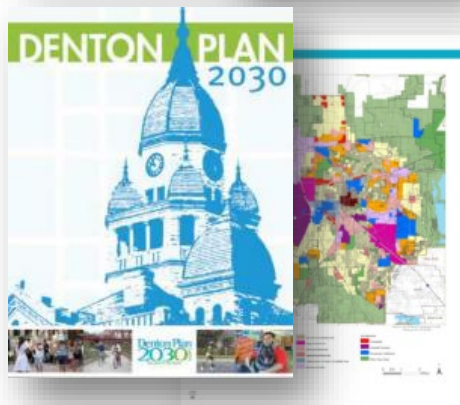
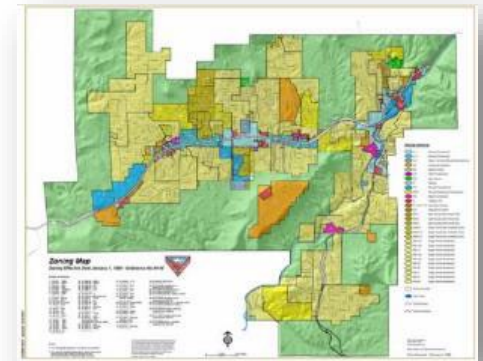
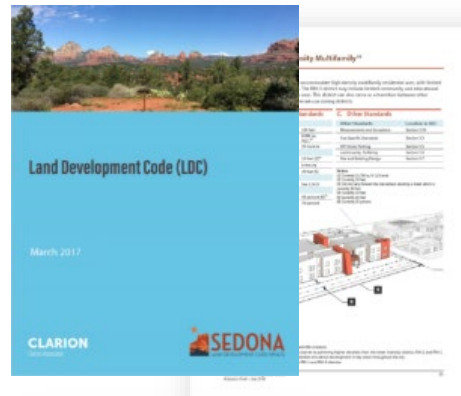
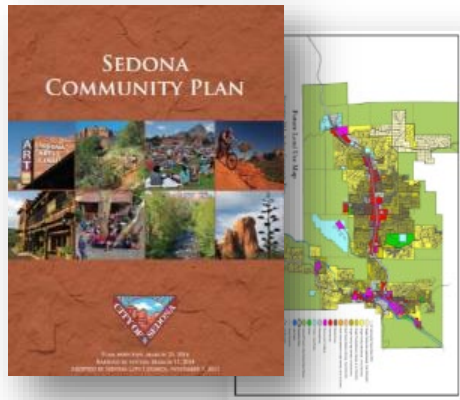


CLARION ASSOCIATES

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



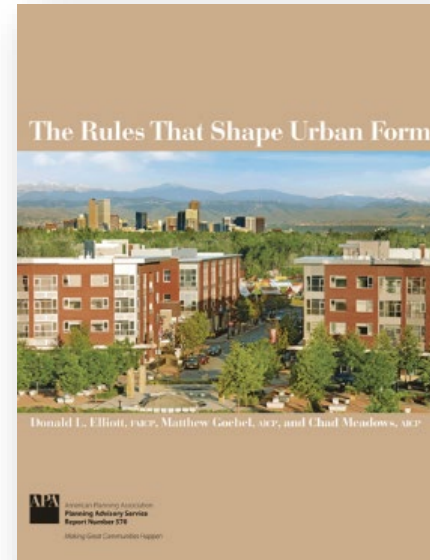
IMPLEMENT THE PLAN



DRAW ON BEST PRACTICES

Build upon national best practices and experience

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



ENGAGE THE PUBLIC

Engage at project milestones:

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

Target key stakeholders/geographies

- Neighborhoods
- Development/business community
- Others

Offer multiple methods of participation



MAKE IT USER-FRIENDLY

2.10. RM-3: High-Density Multifamily³⁸

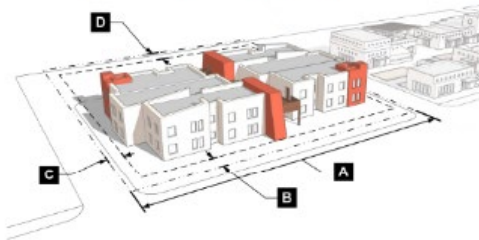
A. Purpose

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

B. RM-3 Lot and Building Standards

List Standards	Other Standards	Location in LDC
A Width (minimum)	Measurements and Exceptions	Section 2.2.2
Area (minimum)	Use-Specific Standards	Section 2.2
Density (maximum)	Off-Street Parking	Section 5.5
C Setbacks (minimum)	Landscape, Buffering	Section 5.6
Front	Site and Building Design	Section 5.7
Side (S)		
Rear (R)		
D Height		
Building height	See 2.2.3.D	
E Impervious Coverage (maximum)		
Building coverage	40 percent ³⁹	
Total coverage	70 percent	

Notes:
(1) Currently 21,780 sq. ft. (50 acre)
(2) Currently 21 feet
(3) Not only toward the side setback abutting a street, which is currently 15 feet
(4) Currently 20 feet
(5) Currently 25 feet
(6) Currently 25 percent



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

Article 8: Administration and Procedures

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

Table 8.1

Summary of Development Review Procedures

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

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

Notes:
(1) The Director may refer minor development review applications to the Planning and Zoning Commission.

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

(3) Applies only to historic districts or for designated historic properties.

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

(5) HPC Chair (or designee) and staff make the determinations regarding a Certificate of No Effect.

Article 8: Administration and Procedures

8.4 Development Permits | 8.4.8 Conditional Use Permit

B. Conditional Use Permit

Commentary

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

(1) Purpose⁴⁰

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

(2) Applicability

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

(3) Application Submittal and Review Procedure

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

Figure 8-4: Conditional Use Permit



a. Pre-Application Meeting

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

b. Application Submittal and Handling⁴²

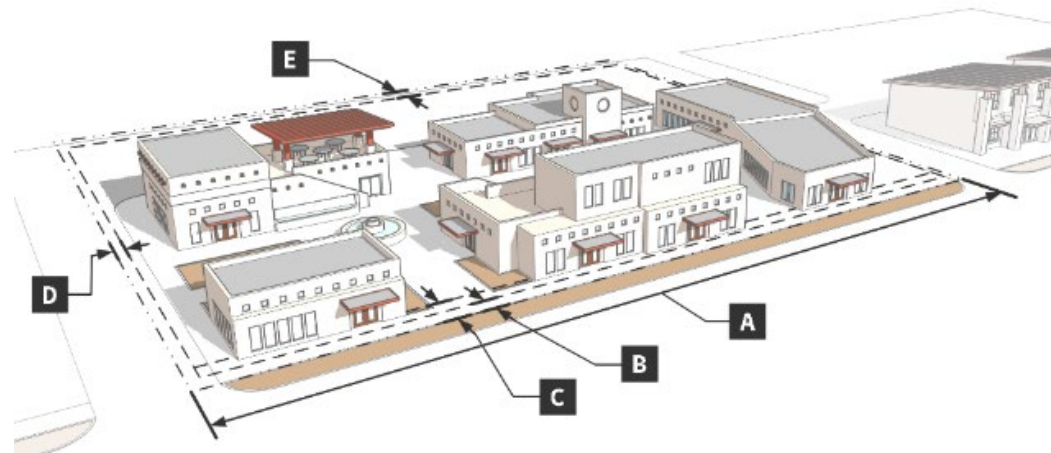
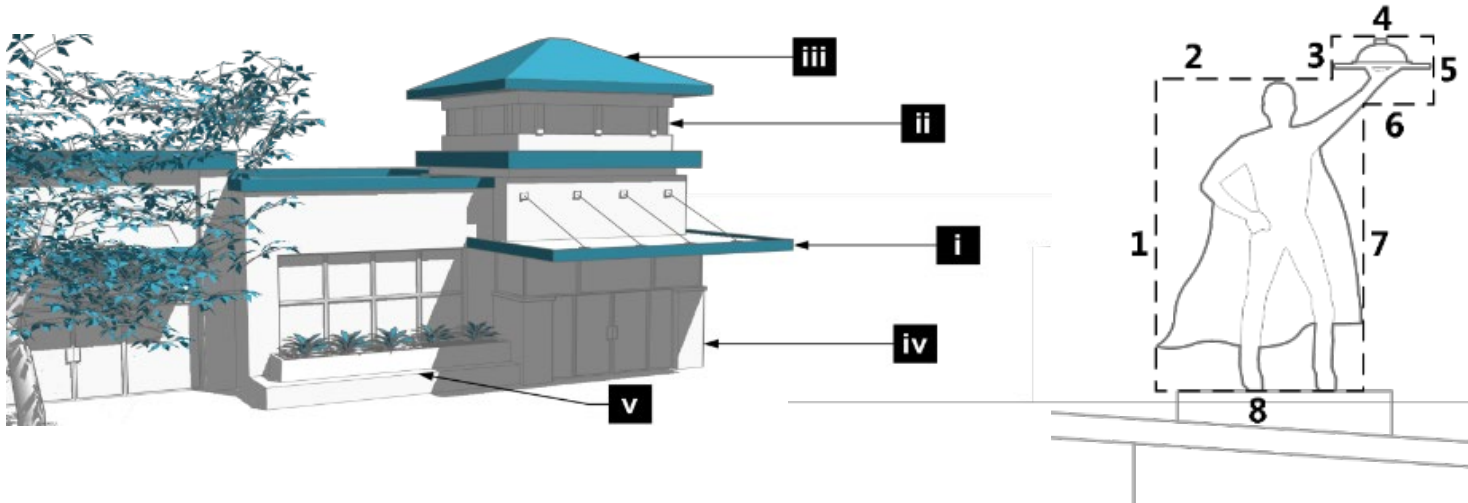
The conditional use permit application shall be submitted, accepted, and reviewed, and may be withdrawn, in accordance with 8.3.C, Application Submittal and Handling.

⁴⁰ New purpose statement.

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

⁴² Submittal removed to be for Administrative Manual.

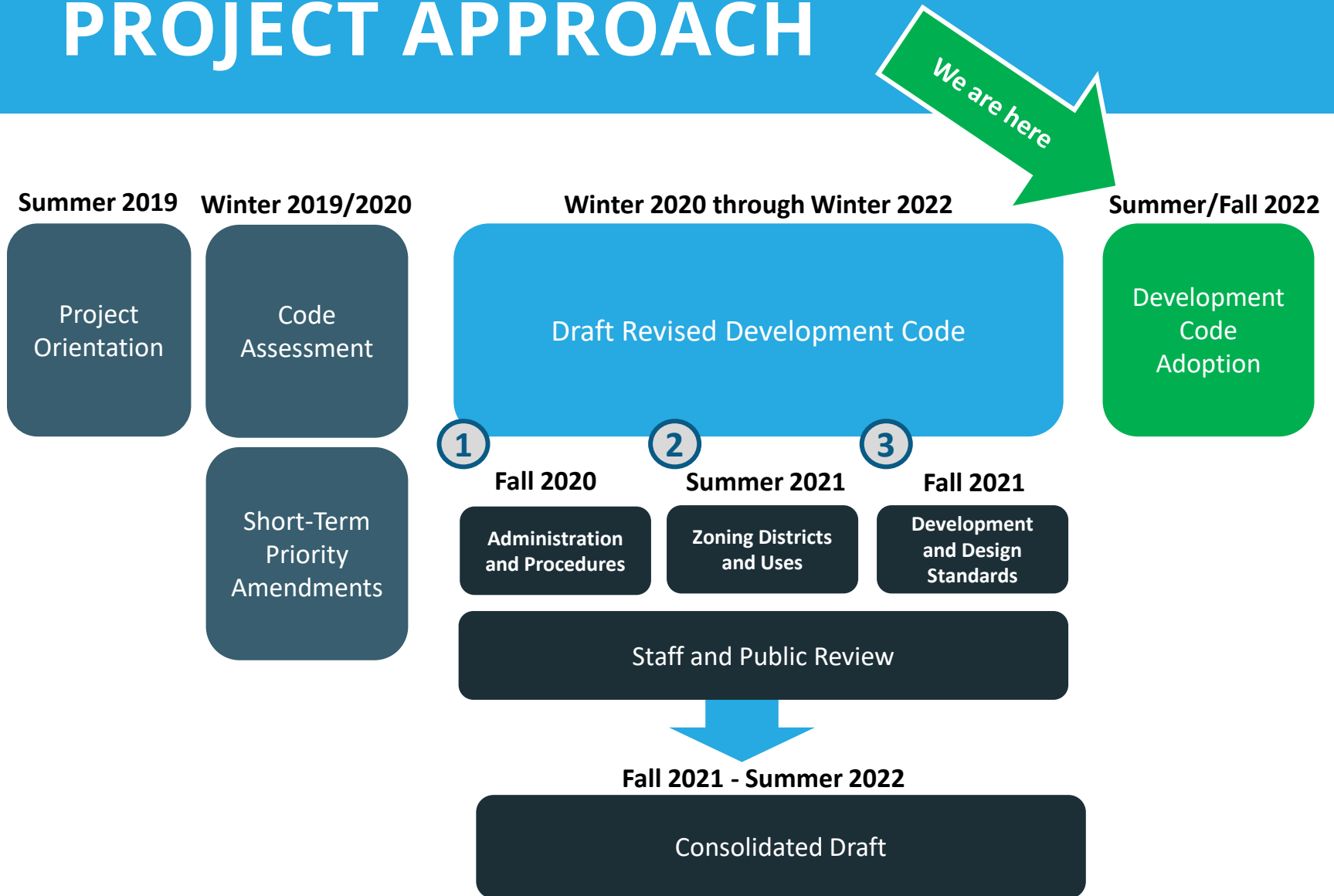
USE GRAPHICS & ILLUSTRATIONS



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THE APPROACH FOR McKINNEY

PROJECT APPROACH



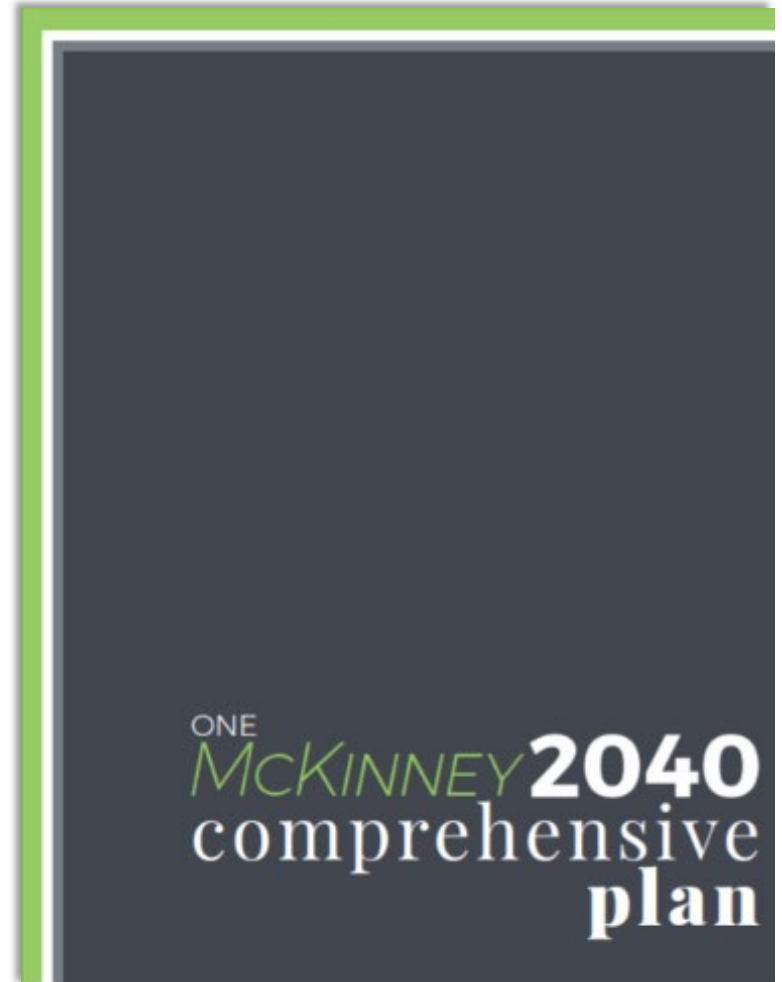


NEW CODE MCKINNEY

WHAT WE SET OUT TO DO

- **Project Goals**

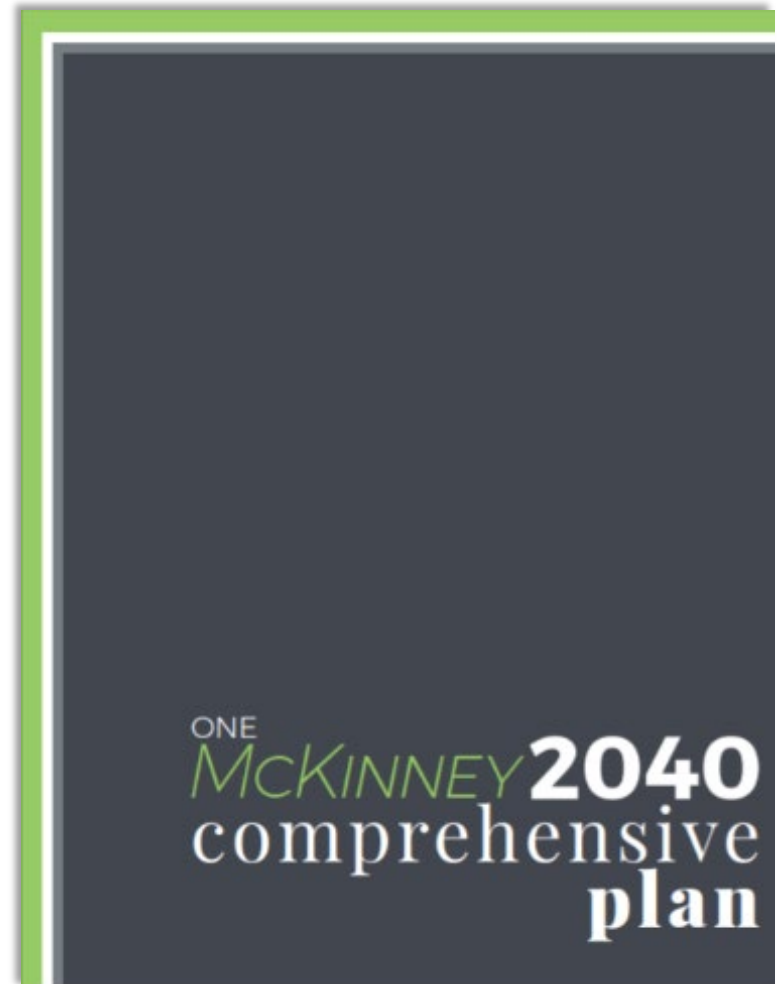
- Implement ONE McKinney 2040 Plan
- Integrate best practices and current trends
- Align with federal and state law
- Simplify regulations
- Improve user-friendliness
- Improve processes and procedures
- Introduce flexible tools
- Encourage high-quality and mixed-use development



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WHAT WE'RE PROPOSING

- Simplify Regulations
- Consolidation of Development Regulations

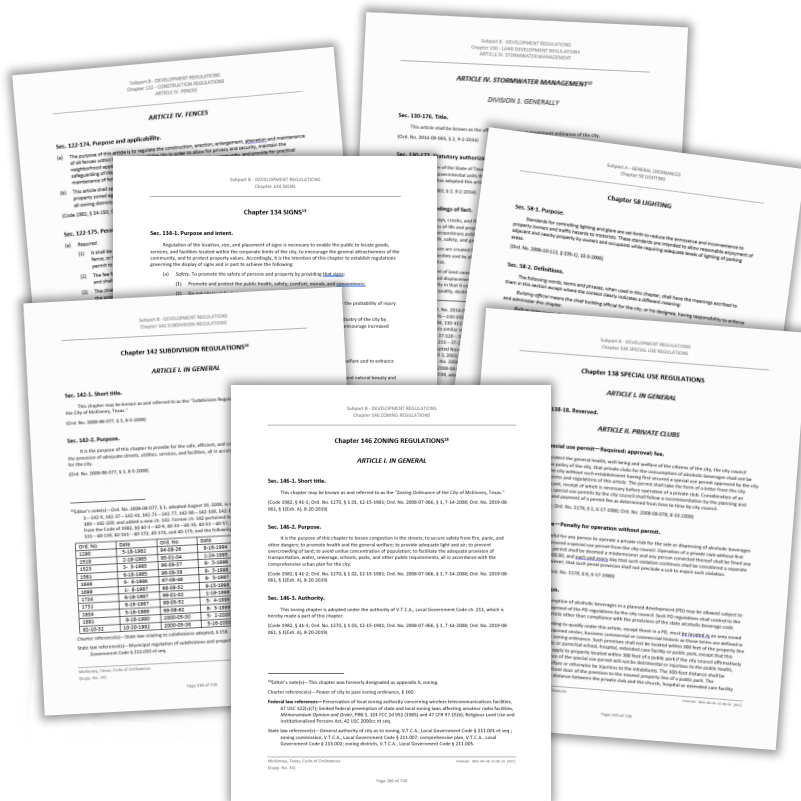


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WHAT WE'RE PROPOSING

- **Improve User-friendliness**
 - New format and illustrations

2.4.3. Tree Preservation

COMMENTARY

This section carries forward the content of Chapter 146-136, Tree Preservation, from Landscaping. Additional policy discussions are underway and no revisions yet to the content of this section.

A. Purpose

The purpose of this section is to preserve, protect and enhance the natural ecological resources of the city, to contribute to a safe and livable community; to enhance the quality of life for residents and business enterprises; and to support the protection measures that promote the natural ecological resources of the city.

B. Applicability

1. **Plans and Permits Required**
 - a. A tree removal permit shall be issued by the City of McKinney for any tree or specimen tree proposed to be removed, altered or otherwise stated herein, a Tree Survey shall be submitted in conjunction with a tree removal permit.
 - b. Unless otherwise stated herein, a Tree Survey shall be submitted in conjunction with a tree removal permit.
2. **New Development**

Tree preservation is required as provided in this section.
3. **Existing Developments**

Tree preservation for all existing developments shall be as follows:

 - a. **One- to Four-Unit Residential**

Quality trees 27 inches DBH or greater shall be preserved on the lot, regardless of location of the tree on the lot, requirements described in this section.
 - b. **Non-Residential and Multi-Family**

Tree preservation is required as provided in this section for family developments within the city.
4. **Exemptions¹**

The following shall be exempt from the tree preservation requirements:

 - a. Hike/bike trails, if the alignment has been approved by the City of McKinney.
 - b. City owned, parks and sports fields or other recreational facilities, if approved by the Director of Parks and Recreation.
 - c. Critical alteration of any quality tree or other natural resource, if appropriate existing utility service, if approved by the City of McKinney.
 - d. Construction of master planned public facilities, if approved by the City of McKinney or their designee.

Article 2: Zoning Ordinance 2.4 Development Standards

3. Non-Residential Landscaping Requirements

a. Site Standards

- I. A minimum of 10 percent of the site area shall be living landscaping (including grass, ground cover, plants, shrubs, or trees).
- II. To achieve species diversity on a site, no single species may account for more than 25 percent of the total required trees to be planted on a non-residential site.

b. Specific Requirements

The landscaping requirements in Table 2-5 shall apply to all non-residential developments.

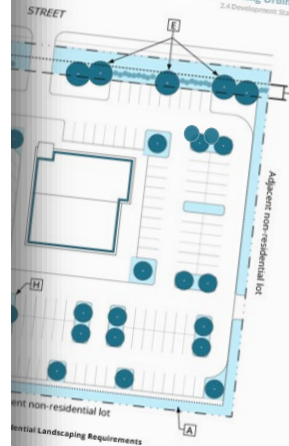
Table 2-5: Non-Residential Landscaping Requirements

Buffer Requirements		
A	Landscaping Buffer [1] [2]	Based on Adjacent Right-of-Way Width
	ROW width	0-50 ft 50-100 ft 100+ ft
	Required Buffer Width	10 ft 20 ft 30 ft
B	Perimeter Buffer	Min. 10 feet in width parallel to side and rear property lines
C	Street Yard Landscaping	15 percent of the area between the front property line and the minimum front setback line shall be dedicated to being landscaped.
Tree Requirements		
D	Perimeter trees [3] [4]	Adjacent to residential use or zone: 1 canopy tree per 40 linear feet or portion thereof
E	Street frontage canopy trees [5]	1 per 40 linear feet; trees may be clustered to facilitate site design
Parking Lot Requirements		
F	Parking Lot Screening	See §2-4.3.4 for parking lot requirements
G	Terminus Island	
H	Landscaping Island	
Footnotes		
[1] For lots with multiple frontages, all frontages shall observe the greatest minimum landscaping buffer width.		
[2] Shared drives and driveways as permitted by City regulations to access public right-of-way shall be allowed through all required landscaping buffer areas.		
[3] If loading docks, loading bays, or bays for auto or equipment servicing are oriented toward a public right-of-way, street frontage canopy trees shall be provided at a ratio of 1 tree per 30 feet of frontage within the landscaping buffer adjacent to the public right-of-way in lieu of the typical requirement.		
[4] When the side or rear property line is adjacent to a floodplain, existing trees may be used to meet the landscaping requirement, regardless of tree species or type.		
[5] Trees in a floodplain may be used to meet the requirement for street trees along a public right-of-way, subject to the approval of the Director of Planning.		

Table 2-11: Non-Residential and Multi-Family Residential Use Refuse Container Requirements

Development Size	Enclosures Required
10,001 to 20,000 sq. ft.	One double enclosure or one compactor enclosure for use with commercial garbage, trash, or refuse containers.
20,001 to 40,000 sq. ft.	Multiple double enclosures or one single compactor enclosure centrally located within the development.
40,001 to 100,000 sq. ft.	Multiple compactors and enclosures for use with commercial garbage, trash, or refuse containers, with the approval of the Environmental Services Division.

Article 2: Zoning Ordinance 2.4 Development Standards



Refuse Container Screening Requirements

Refuse containers shall be fully screened on all sides. The screening device shall be a straight back-up distance, as measured from the front gates of the container truck's maneuverability. If special circumstances prevent the screening, the Environmental Services Division shall have the authority to require screening movements.

If zone pickup by refuse collection agencies. Sanitation containers shall not be placed in the zone. Reinforced concrete pavement shall be provided for approaches for loading and unloading.

Containers shall be fully screened on all sides. The screening device shall be a straight back-up distance, as measured from the front gates of the container truck's maneuverability. If special circumstances prevent the screening, the Environmental Services Division shall have the authority to require screening movements.

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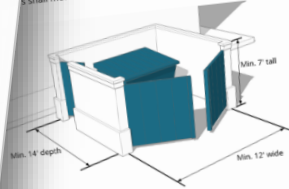
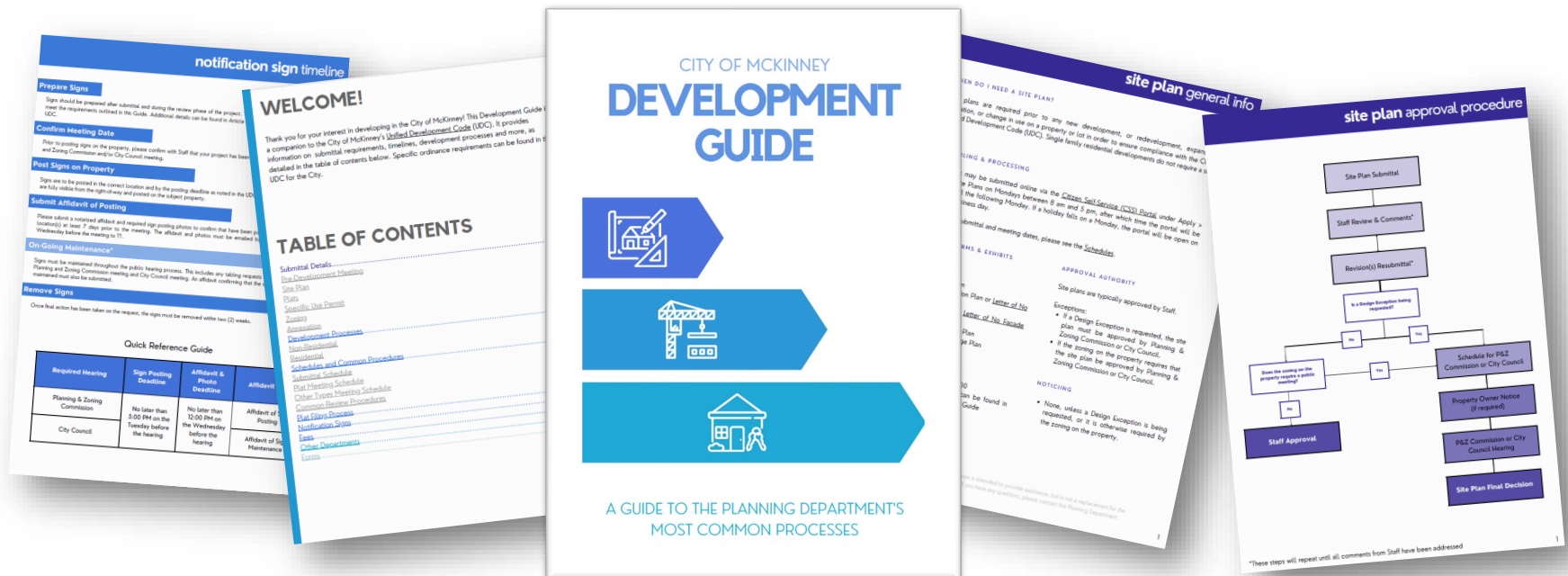


Figure 2-4: Refuse Container Screening

WHAT WE'RE PROPOSING

- **Improve User-Friendliness**

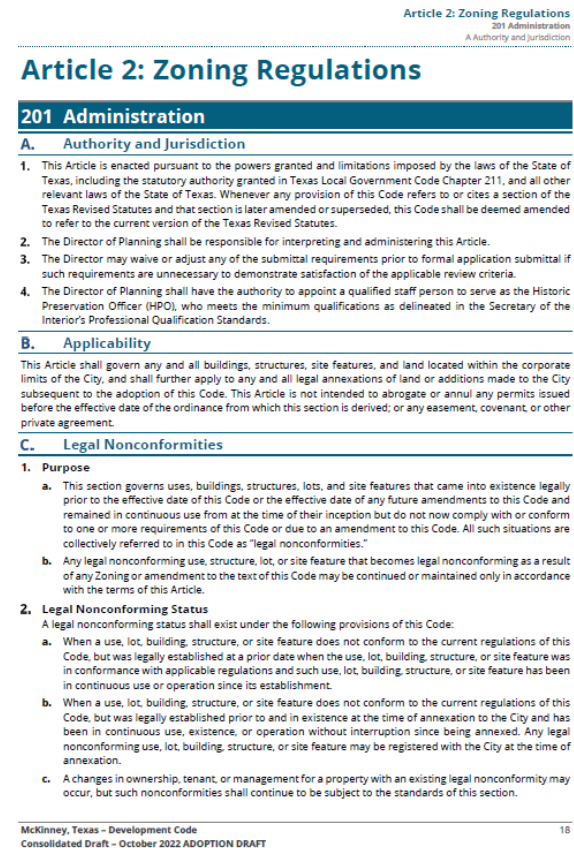
- New layout
- Simple language
- Consistent definitions
- Reference links, digital format
- Development Guide



WHAT WE'RE PROPOSING

■ Zoning Regulations

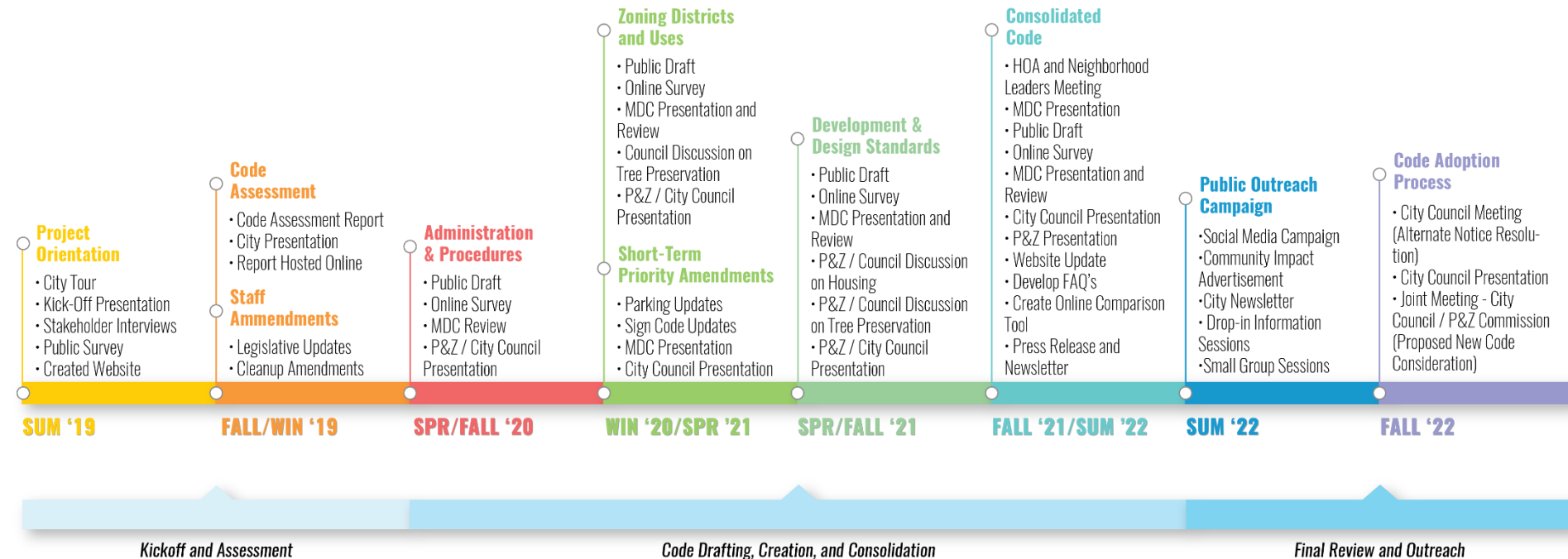
- Introducing new zoning districts;
- Updating residential and non-residential space limits;
- Consolidating, modifying, and adding uses to the schedule of uses;
- Adding “permitted with criteria” to the schedule of uses;
- Updating parking ratios and parking lot landscaping requirements;
- Updating standards for accessory structures (including ADUs);
- Creating “design exception” process for certain requirements;
- Establishing aerial tree exhibit option for tree preservation;
- Modifying certain screening requirements and allowances; and
- Establishing residential adjacency standards.



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MILESTONES & IMPLEMENTATION

PROJECT MILESTONES



STAFF RECOMMENDATION

Adoption Option

**Text Only
Amendment**
("text only")

anticipated November 15

Transition Strategy

**Effective with
Dual Code**
*("choose your own
adventure")*

*6mo "dual code"
November 15 – May 15*

Details:

- *Zoning Ordinance ONLY*
- *No "mix-and-matching" of standards*
- *Applicant choice at submittal*

THANK YOU!

Visit the project website:

www.newcodemckinney.com



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