



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

<b>File #:</b>	23-0001M2	<b>Name:</b>	Amend Articles 1, 2, 8, and Tree Preservation Regulations within the Unified Development Code
<b>Type:</b>	Ordinance	<b>Status:</b>	Approved
		<b>In control:</b>	City Council Regular Meeting
<b>On agenda:</b>	9/19/2023	<b>Final action:</b>	9/19/2023

**Title:** Conduct a Public Hearing to Consider/Discuss/Act on Certain Amendments to Chapter 150, entitled “Unified Development Code,” of the Code of Ordinances, City of McKinney, Texas to correct typographical errors and make nonsubstantive editorial changes to Article 1 (General Provisions) and particularly to Sections 101 (Title), 102 (Purpose), 106B (Specific Use Permits), 108 (Maintenance, Enforcement, and Penalties), 110 (Administrative Authority), Article 2 (Zoning Regulations) and particularly to Sections 201 (Administration), 203A (Standard Procedures), 203B (Annexation), 203C (Zoning Procedures), 203D (Protest Procedures), 203E (Plan and Permit Procedures), 203F (Appeal Procedures), 203G (Flexibility and Relief Procedures), 204 (Zoning Districts), 205 (Use Regulations), 206A (Landscaping) 206C (Screening), 206D (Commercial Garbage/Recycling Containers and Enclosures), 206E (Vehicle Parking and Loading), 206F (Architectural Standards), 206G (Multi-Family Residential Site Design), 206H (Communication Antennas, Support Structures, and Satellite Dishes), Appendix 2A (Approved Plant List), and Article 8 (Terms and Definitions) particularly to Section 802 (Definitions), Make Substantive Changes to Sections: 108B (Maintenance), 110B1 (Board of Adjustment), 201C4 (Continuing Legal Nonconformity), 203A4 (Public Notice), 203D (Protest Procedures), 203E2 (Landscape Plan), 203E6 (Certificate of Appropriateness), 203F1 (Administrative Appeal), 203G3 (Variance), 204B3 (Zoning District Correspondence), 204I (TR1.8 - Townhome Residential), 204W (AP - Airport), 204BB (TMN - Traditional McKinney Neighborhood), 204EE1 (Building Height), 205B5 (Table of Uses), 205F (Non-Residential Uses) for Airports, Car Washes, and Day Care Centers, 205G2 (Accessory Uses Definitions and Standards), 205I3 (Food Trucks, Operation Sites, and Food Truck Courts), 206A4 (Planting Requirements), 206A5 (Site-Specific Landscape Standards), 206C3 (Screening Requirements), 206E3 (Parking Calculations), 206E4 (Parking Modifications and Reductions), 206E5 (On-site Parking Design and Pavement), Appendix 2A (Approved Plant List), Appendix 2B (McKinney Town Center MTC), and 802 Definitions, Establishing Sections 201E (Existing Sites Impacted by the Acquisition of Right-of-Way) and 206I (Food Trucks, Food Truck Operation Sites, and Food Truck Courts) in Article 2 (Zoning Regulations) of Chapter 150, entitled “Unified Development Code,” of the Code of Ordinances, City of McKinney, Texas, in addition to Establishing a New Article 4 named “Tree Preservation” and Renumbering Current Articles 4, 5, 6, 7 and 8, respectively, as New Articles 5, 6, 7, 8 and 9 to Chapter 150 (Unified Development Code) to Include the New Article 4, and Deleting Sections 203E.3, “Tree Preservation Plan,” 203E.4, “Tree Permit,” and 206B, “Tree Preservation,” from Article 2 (Zoning Regulations) and Renumbering and Relocating Such Sections 203E.3, 203E.4, and 206B, into the New Article 4 Named “Tree Preservation” to Chapter 150 (Unified Development Code), and Accompanying Ordinance

**Indexes:**

**Attachments:** 1. Presentation, 2. Draft 08/22 PZ Minutes, 3. Existing Unified Development Code Redlines, 4. Proposed Ordinance, 5. Exhibit A

Date	Ver.	Action By	Action	Result
9/19/2023	1	City Council Regular Meeting		

Conduct a Public Hearing to Consider/Discuss/Act on Certain Amendments to Chapter 150, entitled “Unified Development Code,” of the Code of Ordinances, City of McKinney, Texas to correct typographical errors and make nonsubstantive editorial changes to Article 1 (General Provisions) and particularly to Sections 101 (Title), 102 (Purpose), 106B (Specific Use Permits), 108 (Maintenance, Enforcement, and Penalties), 110 (Administrative Authority), Article 2 (Zoning Regulations) and particularly to Sections 201 (Administration), 203A (Standard Procedures), 203B (Annexation), 203C

(Zoning Procedures), 203D (Protest Procedures), 203E (Plan and Permit Procedures), 203F (Appeal Procedures), 203G (Flexibility and Relief Procedures), 204 (Zoning Districts), 205 (Use Regulations), 206A (Landscaping) 206C (Screening), 206D (Commercial Garbage/Recycling Containers and Enclosures), 206E (Vehicle Parking and Loading), 206F (Architectural Standards), 206G (Multi-Family Residential Site Design), 206H (Communication Antennas, Support Structures, and Satellite Dishes), Appendix 2A (Approved Plant List), and Article 8 (Terms and Definitions) particularly to Section 802 (Definitions), Make Substantive Changes to Sections: 108B (Maintenance), 110B1 (Board of Adjustment), 201C4 (Continuing Legal Nonconformity), 203A4 (Public Notice), 203D (Protest Procedures), 203E2 (Landscape Plan), 203E6 (Certificate of Appropriateness), 203F1 (Administrative Appeal), 203G3 (Variance), 204B3 (Zoning District Correspondence), 204I (TR1.8 - Townhome Residential), 204W (AP - Airport), 204BB (TMN - Traditional McKinney Neighborhood), 204EE1 (Building Height), 205B5 (Table of Uses), 205F (Non-Residential Uses) for Airports, Car Washes, and Day Care Centers, 205G2 (Accessory Uses Definitions and Standards), 205I3 (Food Trucks, Operation Sites, and Food Truck Courts), 206A4 (Planting Requirements), 206A5 (Site-Specific Landscape Standards), 206C3 (Screening Requirements), 206E3 (Parking Calculations), 206E4 (Parking Modifications and Reductions), 206E5 (On-site Parking Design and Pavement), Appendix 2A (Approved Plant List), Appendix 2B (McKinney Town Center MTC), and 802 Definitions, Establishing Sections 201E (Existing Sites Impacted by the Acquisition of Right-of-Way) and 206I (Food Trucks, Food Truck Operation Sites, and Food Truck Courts) in Article 2 (Zoning Regulations) of Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, City of McKinney, Texas, in addition to Establishing a New Article 4 named "Tree Preservation" and Renumbering Current Articles 4, 5, 6, 7 and 8, respectively, as New Articles 5, 6, 7, 8 and 9 to Chapter 150 (Unified Development Code) to Include the New Article 4, and Deleting Sections 203E.3, "Tree Preservation Plan," 203E.4, "Tree Permit," and 206B, "Tree Preservation," from Article 2 (Zoning Regulations) and Renumbering and Relocating Such Sections 203E.3, 203E.4, and 206B, into the New Article 4 Named "Tree Preservation" to Chapter 150 (Unified Development Code), and Accompanying Ordinance

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1C: Provide a strong economy by facilitating a balance between industrial, commercial, residential and open space)

**MEETING DATE:** September 19, 2023

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Aaron Bloxham, AICP, Principal Planner  
Jennifer Arnold, AICP, Director of Planning

**RECOMMENDED CITY COUNCIL ACTION:**

- Staff recommends approval of the proposed amendments.

**ITEM SUMMARY:**

- The purpose of these amendments is to make corrections and minor updates to the Unified Development Code (Chapter 150 of the Code of Ordinances) which have been identified since the adoption of the UDC. The proposed amendments include:
  - Nonsubstantive editorial changes including, typos, reference updates, and clarifications

to various sections of Article 1 (General Regulations), Article 2 (Zoning Regulations), Appendix 2A (Approved Plant List), Appendix 2B (McKinney Town Center MTC) and Article 8 (Terms and Definitions);

- Substantive changes to various procedures, use regulations, and development standards to various sections of Article 1 (General Regulations), Article 2 (Zoning Regulations), Appendix 2A (Approved Plant List), Appendix 2B (McKinney Town Center MTC) and Article 8 (Terms and Definitions) for improvements that have been identified during the first year of the newly adopted Unified Development Code;
- Reorganizing standards and procedures related to right-of-way acquisition impact, food truck, and tree preservation in Article 2 (Zoning Regulations) into new subsections along with the creation of a new Article 4 (Tree Preservation); and
- Renumbering the existing Articles 4, 5, 6, 7, and 8, respectively as new Articles 5, 6, 7, 8, and 9 due to the new established Article 4 (Tree Preservation).

## PROPOSED AMENDMENTS

- Staff proposes nonsubstantive editorial changes including correcting typos, updating references, making clarifications to various sections of Article 1 (General Regulations), Article 2 (Zoning Regulations), Appendix 2A (Approved Plant List), Appendix 2B (McKinney Town Center MTC) and Article 8 (Terms and Definitions).
- Staff proposes to modify the standards within “Article 1: General Provisions” related to maintenance requirements and powers and duties of the Board of Adjustment. Specific changes include adding accessory structures and fences to the city’s maintenance requirements and clarifying the procedures for the BOA subpoena process.
- Staff proposes modifications and updates to “Section 203. Zoning Procedures” related to public notice requirements and procedures for written protests, Certificate of Appropriateness appeals, Administrative Appeals, and Flexibility and Relief Specific changes to public notice requirements include updates to the format for posted notices (zoning signs).
- Staff proposes modifications to “Section 204. Zoning Districts” to provide clarity on the zoning district correspondence table and building heights; removing errant notes from tables; adding references to existing ordinances; and adding a residential adjacency design exception within the TMN - Traditional McKinney Neighborhood Overlay.
- Staff proposes modifications to “Section 205. Zoning Use Regulations” to add references to other existing code standards for airport and heliport uses and to update the use standards for car washes, day care centers, accessory dwelling units, and outdoor commercial uses.

- Specific updates include establishing a minimum distance requirement between car washes and single family residential uses; removing certain distance requirements between day care centers and gas pumps; clarifying size limitations for accessory dwelling units; and introducing outdoor commercial amusement in the “MTC” - McKinney Town Center District.
  - It should be noted that, as part of the August 22 Planning and Zoning Commission meeting, the Commission discussed the proposed removal of the distance requirement between day care centers and gas pumps and storage tanks. While they ultimately recommended approval of the proposed change, some noted that the distance requirement between day care centers and fueling stations could remain due to concerns about the intensity of a fueling station near daycare uses.
  
- Staff proposes modifications to “Section 206. Zoning Development Standards” related to planting requirements, site-specific landscape standards, screening requirements, minimum parking and stacking requirements, parking modifications and reductions, and on-site parking design and pavement requirements. Specific updates include clarifying stacking spaces for mobile order pick up windows, adding parking requirements for food truck operation sites, and clarifying dimensional standards for angled parking and the allocation of Electric Vehicle charging spaces.
  - It should be noted that staff made additional updates to clarify the allowance and timing for the deferral of landscaping installation following the August 22 Planning and Zoning Commission meeting. The changes added flexibility for the deferral of landscaping during drought and unique conditions. They are included in the proposed redlines in section 206A.4.e.
  
- Staff proposes to remove duplicative requirements from “Appendix 2A: Approved Plant List” that are otherwise found in other City of McKinney codes.
  
- Staff proposes to reintroduce regulations that were inadvertently omitted during the New Code McKinney update process, including the variance submittal requirements found in “Section 203: Procedures” and the McKinney Town Center (MTC) regulating plan.
  
- Staff proposes to update the flexibility allowances for sites impacted by right-of-way acquisitions and relocate the information to “Section 201C: Legal Nonconformities.”
  
- Staff proposes to modify certain regulations and processes related to Food Trucks, Food Truck Operation Sites, and Food Truck Courts to improve functionality and usability. Staff also proposes to relocate these standards into “Section 203I: Special Uses.”
  
- Staff proposes to relocate regulations and processes pertaining to Tree Preservation into a new Article - “Article 4” Tree Preservation” to improve functionality and usability.

**BACKGROUND INFORMATION:**

- On November 15, 2022, City Council adopted an ordinance that updated the City's development regulations as part of the New Code McKinney initiative. The initiative focused on improving and updating functionality, processes, and development standards of the code and consolidated all of the development regulations into a single document, known as the Unified Development Code (UDC).
- As part of the ongoing implementation and administration of the new UDC, Staff has been monitoring the code to ensure that necessary amendments, improvements, and updates are noted and considered on an annual basis.

**OPPOSITION TO OR SUPPORT OF REQUEST:**

- Staff has received no emails or phone calls in support of or opposition to the proposed amendments.

**BOARD OR COMMISSION RECOMMENDATION:**

- On August 22, 2023, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed UDC amendments.