



22-0573

TITLE: Consider/Discuss/Act on a Request by the City of McKinney to Amend the Code of Ordinances Chapter 122, Article IV (Fences), Chapter 90, Article 6 (Parklets), and Chapter 14 (Alcoholic Beverages) Related to Certain Program Requirements for Sidewalk Use and Fence Permits and Parklets

COUNCIL GOAL: Enhance the Quality in McKinney
(5D: Promote reinvestment activities and ordinance changes in McKinney's historic downtown that balance preservation of historic character and current market needs)

MEETING DATE: June 21, 2022

DEPARTMENT: Development Services - Planning Department

CONTACT: Paula Jarrett Nasta, AIA, Planning Manager

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval of the proposed amendments.

ITEM SUMMARY:

- This item proposes several amendments to the McKinney Code of Ordinances to improve the administration and useability of Sidewalk Use Areas and Parklets.
- Specifically, Staff proposes to relocate and consolidate the program requirements for the city's Sidewalk Lease Agreements which is currently found in Chapter 122 of the Code of Ordinances to be located in the same Chapter as the Parklets program requirements (Chapter 90).
- In addition, Staff proposes a series of program improvements to the Sidewalk Lease Agreement requirements to better capture the changing conditions of sidewalks in downtown and improve the overall administration of these permits/agreements.

PROPOSED AMENDMENTS

- Relocate and Amend Section 122-181 Sidewalk Use and Fence Permits
 - Staff proposes to relocate the Sidewalk Use and Fence Permit regulations from Chapter 122 to Chapter 90, Article VI.
- Amend Chapter 90, Article VI, “Parklets”
 - Retitle Chapter 90, Article VI from “Parklets” to “Parklets and Sidewalk Use Areas.”
 - Establish a clear term and application process for parklets.
 - Establish an application fee and updated license agreement fee for sidewalk use areas.
 - Extend the term of sidewalk use agreements from 1 year to 2 years.
 - Allow the use of public sidewalks within the designated downtown area for limited display without the need for a sidewalk use permit.
 - Establish a new sidewalk use area, known as a sidewalk patio, to provide the opportunity for seating and amenity areas at non-food-oriented businesses. Food and Beverage service will not be permitted at these spaces.
 - Modify the enclosure requirements for sidewalk use areas to allow fences, planters, benches or other approved appurtenances to delineate the licensed use area.
 - Modify and clarify the minimum clear path requirements for sidewalk use areas to accommodate the changing sidewalk conditions created by ongoing capital improvement projects.
 - Allow dogs within sidewalk use areas in accordance with all other applicable codes and regulations.
- Amend Appendix A, Schedule of Fees, Chapter 90 “Streets and Sidewalks” Sec. 90-360:
 - Retitle to read as “Sec. 90-360 Parklets and Sidewalk Use Areas.”
 - Establish a one-time application fee of \$100 for sidewalk use areas.

- Update the sidewalk lease agreement fee from \$10 per year to \$1 per square foot of licensed space, not to exceed \$600 for a 2-year term.
- Amend Section 14-20
 - Revise Section 14-20(2) of the McKinney Code of Ordinances to revise the Sidewalk use permit item to a) include parklets and b) to change the reference from 122-181 to Section 90, Article VI.

BACKGROUND INFORMATION:

- The current sidewalk use license ordinance was enacted in 2014. This ordinance specifies two sidewalks use area types; A & B. Currently, Type A licenses are for food services that offer alcoholic beverages and Type B licenses offer different enclosure requirements and do not permit the sale of alcoholic beverages.
- The fee for a sidewalk use license has not been modified since its creation in 2008. The current fee is \$10 per year with a required license renewal each year. The newly proposed fee better aligns the sidewalk use license fees with those of parklets and other Texas cities.

SUPPORTING MATERIALS:

[Section 122.181 - Sidewalk Use and Fence Permit \(Redlines\)](#)
[Section 14.20 \(Redlines\)](#)
[Proposed Ch 90, Article 6 - Parklets \(Redlines\)](#)
[Proposed Ordinance](#)
[Proposed Exhibit A](#)
[Presentation](#)