

Sec. 146-131. Off-street loading.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements. **These requirements shall not apply to the "MTC" -- McKinney Town Center zoning district. For those standards that are specifically applicable to the "MTC" -- McKinney Town Center zoning district, refer to Appendix G to this Zoning Ordinance.**

- (1) For retail, commercial, sales, service, or industrial use buildings and establishments, off-street loading facilities shall be provided in accordance with the following schedule:

<i>Square feet of gross floor area</i>	<i>Minimum required spaces or berths</i>
0 to 5,000	None
5,001 to 15,000	1
15,001 to 40,000	2
40,001 to 65,000	3
65,001 to 100,000	4
Each additional 100,000	1 additional

- (2) For hotels, office buildings, restaurants, and similar establishments, off-street loading facilities shall be provided in accordance with the following schedule:

<i>Square feet of gross floor area</i>	<i>Minimum required spaces or berths</i>
0 to 10,000	None
10,001 to 50,000	1
50,001 to 100,000	2
100,001 to 200,000	3
Each additional 200,000	1 additional

- (3) For multi-tenant retail shopping centers, office or industrial developments greater than 50,000 square feet in floor area, the sum of the total required loading spaces may be reduced with site plan approval. Determination shall be based on the frequency of the anticipated deliveries and the location of the loading spaces in relation to the buildings.
- (4) Each required loading space shall meet the following minimum size requirements:

- a. Twelve feet by 60 feet for industrial or warehouse uses.
 - b. Twelve feet by 35 feet for commercial and institutional uses.
 - c. Fourteen feet minimum vertical clearance.
- (5) Access and maneuvering areas shall be provided on the same building lot as the principal use for which the loading space is intended.
- (6) All loading spaces shall be located within 25 feet of the building. If unique circumstances exist on the site that prohibit locating the loading space within 25 feet, the distance may be increased with site plan approval as long as the loading space is still considered usable, the location does not have an adverse impact on current or future development, and the location will have no adverse impact on the public health, safety, and general welfare.
- (7) Distance from property lines shall be as follows:
 - a. Any loading dock or structure and its associated loading spaces shall be:
 - 1. Set back a minimum distance of 200 feet from any adjacent residential use or zoning district; and
 - 2. Set back a minimum distance of 75 feet from any public street or front property line; and
 - 3. Oriented away from the street frontage.
 - b. Any loading spaces not associated with a loading dock or structure shall be set back a minimum distance of 50 feet from any adjacent residential use or zoning district, and there shall be no minimum setback if the subject property abuts a non-residential use or lot line.
- (8) Loading docks for any establishment, which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or districts shall be designed and constructed so as to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.
- (9) Meritorious Exception.
 - a. If unique site circumstances prevent strict adherence with this section, the Planning and Zoning Commission may consider a meritorious exception through the site plan approval process detailed in subsection 146-45(a)(2). The applicant shall prove that the meritorious exception

from these off-street loading requirements is warranted under the circumstances presented. A meritorious exception may be granted if the Planning and Zoning Commission finds that:

1. Unique circumstances exist on the property that make the application of this section unduly burdensome on the applicant;
 2. The meritorious exception will have no adverse impact on current or future development;
 3. The meritorious exception is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
 4. The meritorious exception will have no adverse impact on the public health, safety, and general welfare; and
 5. The meritorious exception shall not reduce the quality of the development.
 6. A financial hardship shall not be considered a basis for the granting of a meritorious exception.
- b. Action by the Planning and Zoning Commission regarding a requested meritorious exception may be appealed to the City Council. If the Planning and Zoning Commission denies a meritorious exception requested pursuant to this section 146-131, the appeal shall not be required to receive a super-majority vote from the City Council in order to be approved. Within 14 calendar days of the action by the Commission, the appellant shall notify the Director of Planning in writing of the desire to appeal the decision of the Commission to the City Council. The Director of Planning shall prepare a report and place the site plan on the agenda for consideration by the Council.