

ORDINANCE NO. 2018-08-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTIONS 146-84 (BN DISTRICT), 146-85 (BG DISTRICT), 146-86 (C DISTRICT), 146-90 (ML DISTRICT), 146-91 (MH DISTRICT), APPENDIX B-2 (REGIONAL EMPLOYMENT CENTER – OVERLAY URBAN DESIGN STANDARDS) AND APPENDIX F-4 (SCHEDULE OF USES) OF THE ZONING REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**WHEREAS**, the City of McKinney adopted the Code of Ordinances for the protection of the public health and general welfare of the people of the City of McKinney; and

**WHEREAS**, the City Council and the Planning and Zoning Commission have recognized that certain provisions of the Code of Ordinances should be reviewed and updated; and

**WHEREAS**, amendments to these provisions have been proposed and the City Council and the Planning and Zoning Commission of the City of McKinney are of the opinion that these chapters should be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

Section 1. That the Code of Ordinances, City of McKinney, Texas, Section 146-84 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-84. - BN - Neighborhood Business District.**

(a) *Purpose.* The "BN" - Neighborhood Business zone is designed to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.

(b) *Permitted uses.* The following uses are permitted in the "BN" - Neighborhood Business zone:

(1) Uses indicated as being permitted in the "BN" - Neighborhood Business zone in the schedule of uses; and

(2) Motor vehicle fuel sales only with facilities to fuel not more than four vehicles at one time (not a gasoline service station), which does not conduct any type of automotive repairs or servicing and motor vehicle fuel sales only with facilities to fuel not more than eight vehicles at one time which does not conduct any type of automotive repairs or servicing; provided that the gas pumps are located within 350 feet of the intersection of two arterial roadways as shown on the thoroughfare plan. Additionally, no stock of goods may be displayed out of doors with the exception of lubricants and additives for frequent sale, and no lighting may be constructed to shine on neighboring properties used for residential purposes. A maximum of two brand identification signs shall be allowed if their only illumination is non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light. Such signs may be installed at the property line and shall conform to chapter 134 (see section 146-41 for regulations concerning specific use permit approval of facilities to fuel more than four and eight vehicles with location criteria at one time).

(c) *Permitted accessory uses.* The following accessory uses are permitted in the "BN" - Neighborhood Business zone:

(1) All signs shall be flat against the wall of the building with all parts of the sign within 18 inches of the face of the building or on the roof within the height limit and shall not be illuminated so as to shine on nearby residential properties, except as otherwise provided herein. Illumination shall be non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

(d) *Space limits.* The following space limits shall apply to the "BN" - Neighborhood Business zone:

- (1) Minimum width of lot: 50 feet. Parking and landscaped areas may be included in this calculation.
- (2) Minimum depth of lot: None for business.
- (3) Maximum height of building: 25 feet, including roof signs and pylons.
- (4) Minimum side yard: five feet when abutting a residential zone; none abutting business.
- (5) Minimum side yard at corner: 25 feet. The 20 feet of a required corner side yard adjacent to the building may be used for the parking of automobiles.
- (6) Maximum lot coverage: 70 percent.
- (7) Maximum floor area ratio: one to 1.67 (0.6:1.0).
- (8) All other space limits identified as being applicable to the "BN" - Neighborhood Business zone in Appendix F of the zoning ordinance.

Section 2. That the Code of Ordinances, City of McKinney, Texas, Section 146-85 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-85. - BG - General Business district.**

(a) *Purpose.* The "BG" - General Business zone is designed to provide for a wide range of retail and service establishments. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.

(b) *Permitted uses.* The following uses are permitted in the "BG" - General Business zone:

- (1) Uses indicated as being permitted in the "BG" - General Business zone in the Schedule of Uses.

(c) *Space limits.* The following space limits shall apply to the "BG" - General Business zone:

- (1) Minimum lot area: None.
- (2) Minimum width of lot: None.
- (3) Minimum depth of lot: None
- (4) Minimum front yard: None
- (5) Minimum side yard: five feet when abutting any zone requiring a side yard; none abutting business.
- (6) Maximum lot coverage including accessory buildings, loading docks, incinerators and vending devices: 95 percent.
- (7) Maximum floor area ratio: two to one (2.0:1.0).
- (8) All other space limits identified as being applicable to the "BG" - General Business zone in Appendix F of the Zoning Ordinance.”

Section 3. That the Code of Ordinances, City of McKinney, Texas, Section 146-86 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-86. - C - Planned Center district.**

- (a) *Purpose.* The "C" - Planned Center zone is designed to provide for high-intensity concentrations of shopping and related commercial activities along regional highways or large arterial roadways. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.
- (b) *Permitted uses.* The following uses are permitted in the planned center district:
  - (1) Uses indicated as being permitted in the "C" - Planned Center zone in the schedule of uses.
- (c) *Space limits.* The following space limits shall apply to the "C" - Planned Center zone:
  - (1) Minimum rear yard: 25 feet when abutting any zone requiring a rear yard; none abutting business.
  - (2) Minimum side yard: 15 feet when abutting any zone requiring a side yard; none abutting business.
  - (3) Maximum lot coverage: 50 percent.
  - (4) Maximum floor area ratio: one to 1.25.
  - (5) All other space limits identified as being applicable to the "C" - Planned Center zone in appendix F of the zoning ordinance.
- (d) *Special provisions.*
  - (1) The entire parcel of land in the planned center zone shall be considered as one zoning lot in arranging buildings and other facilities.
  - (2) The commission and the council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of the nearby neighborhood residential properties and in the event of conflict between the maintenance of such values and the proposed development, shall weigh the equities between the two using the criterion of community service and maintaining the concept of the zoning plan in assessing the position of the proposed development.
  - (3) It is intended that a planned center zone be designated to carry out the objectives and planning practices established by the commission for development of the city and particularly the development of unified planned business centers, whether in single or multiple ownership, and to be so developed within a reasonable time. The district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district. The intent of the district shall be considered in determining whether any tract shall be zoned as a planned center district and its associated site plan approved. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved."

Section 4. That the Code of Ordinances, City of McKinney, Texas, Section 146-90 of the Zoning Ordinance, is hereby amended and shall read as follows:

**"Sec. 146-90. - ML - Light Manufacturing district.**

- (a) *Purpose.* The "ML" - Light Manufacturing zone is designed to provide for a wide range of commercial and industrial uses, all of which shall be comparatively nuisance-free. The zone specifically excludes residences on the theory that the mixture of residential use, and public services and facilities for residences with those for industry is contrary to the purposes of these regulations irrespective of whether the industry is encroaching on a living area or a living area is encroaching

on an industrial area. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.

- (b) *Permitted uses.* The following uses are permitted in the "ML" - Light Manufacturing zone:
  - (1) Agriculture, including the raising of field crops, horticulture and animal husbandry; and
  - (2) Other uses indicated as being permitted in the "ML" - Light Manufacturing zone in the Schedule of Uses.
  
- (c) *Specifically excluded uses.* The following uses are hereby declared incompatible with the purpose of the "ML" - Light Manufacturing zone and are hereby expressly excluded:
  - (1) Public, parochial and private schools and colleges, except trade schools;
  - (2) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings;
  - (3) Motels, hotels and mobile home parks; and
  - (4) Any use not enumerated as permitted in this zone but which is specifically provided for in another zone or zones.
  
- (d) *Permitted accessory use.* The following accessory uses are permitted in the "ML" - Light Manufacturing zone:
  - (1) Any accessory use normally appurtenant to a permitted use shall be allowed; and
  - (2) Recreational uses that are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed.
  
- (e) *Space limits.* The following space limits shall apply to the "ML" - Light Manufacturing zone:
  - (1) Minimum lot area for business or industry: 10,000 square feet.
  - (2) Maximum building height: No restriction except as limited by floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.
  - (3) Maximum lot coverage: 75 percent.
  - (4) Maximum floor area ratio: one to one.
  - (5) All other space limits identified as being applicable to the "ML" - Light Manufacturing zone in Appendix F of the Zoning Ordinance."

Section 5. That the Code of Ordinances, City of McKinney, Texas, Section 146-91 of the Zoning Ordinance, is hereby amended and shall read as follows:

**"Sec. 146-91. - MH - Heavy Manufacturing district.**

- (a) *Purpose.* The "MH" - Heavy Manufacturing zone is designed to provide for the widest range of industrial operations permitted in the city. It is the zone for location of those industries, which have not reached a technical stage in processing, which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance-free manner. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.
  
- (b) *Principal permitted uses.* The following principal uses are permitted in the "MH" - Heavy Manufacturing zone: uses as permitted in the schedule of uses.

- (c) *Specifically excluded uses.* The following uses are hereby declared incompatible with the purpose of the "MH" - Heavy Manufacturing zone and are hereby expressly excluded:
- (1) Schools and colleges, except trade schools;
  - (2) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted; and
  - (3) Motels, hotels and mobile home parks.
- (d) *Permitted accessory uses.* The following accessory uses are permitted in the "MH" - Heavy Manufacturing zone:
- (1) Any accessory use normally appurtenant to a permitted use shall be allowed; and
  - (2) Recreational uses that are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the board of adjustment.
- (e) *Space limits.* The following space limits shall apply to the "MH" - Heavy Manufacturing zone:
- (1) Minimum lot area for business or industry: 10,000 square feet.
  - (2) Maximum building height: No restrictions except as limited by gross floor area ratio and by restrictions, which may be imposed by virtue of aircraft approach and turning zone height restrictions.
  - (3) Maximum lot coverage: 50 percent.
  - (4) Maximum floor area ratio: one to one.
  - (5) All other space limits identified as being applicable to the "MH" – Heavy Manufacturing zone in appendix f of the zoning ordinance.”

Section 6. That the Code of Ordinances, City of McKinney, Texas, Appendix B, Section B-2 of the Zoning Ordinance, is hereby amended and shall read as indicated in Exhibit “A”, attached hereto.

Section 7. That the Code of Ordinances, City of McKinney, Texas, Appendix F, Section F-2 of the Zoning Ordinance, is hereby amended and shall read as indicated in Exhibit “B”, attached hereto.

Section 8. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 8. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 9. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21<sup>ST</sup> DAY OF AUGUST, 2018.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

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EMPRESS DRANE  
City Secretary  
MELISSA LEE  
Deputy City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney