

Sec. 146-132. - Fences, walls, and screening requirements.

Where a screening device is required as provided herein, the following standards shall be observed:

- (1) *Fence or wall.* Refer to chapter 122, article IV, which establishes minimum construction, location, and maintenance requirements for all fences in the city.
- (2) *Screening device.* A screening device shall be erected or placed in all locations and in accordance with all provisions specified below:
 - a. A screening device required under this section shall meet the following minimum requirements:
 1. The minimum height of the screening device shall be as follows:
 - (i) Garbage, trash or refuse container screening: seven feet.
 - (ii) Screening of outdoor storage: seven feet.
 - (iii) All other required screening: six feet.
 2. The maximum height of the screening device shall be as follows:
 - (i) "ML," "MH" and Industrial "PD" districts: ten feet.
 - (ii) All other districts: eight feet four inches.
 3. The materials shall consist of:
 - (i) Brick masonry, stone masonry, or other architectural masonry finish; or
 - (ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every ten feet, and with sufficient evergreen landscaping to create a solid screening effect; or
 - (iii) Living plant screens may be approved if the director of planning finds that this method of screening will not be detrimental to adjacent property and will provide sufficient visual screening based on the proposed location and characteristics of the project. The director of planning or his/her designee may forward the request for review to the planning and zoning commission or city council for approval or disapproval. A living plant screen shall meet one of the following conditions in order to be considered for approval without a variance:
 1. For screening a project from an adjacent residential property that has an existing fence, the living plant screen shall consist of evergreen shrubs or trees identified in the approved planting list in Appendix A-1 meeting the following requirements.
 - a. Evergreen shrubs shall be at least three feet in height at planting and spaced three feet apart on center;
 - b. Evergreen trees shall be at least six feet in height at planting and spaced six to eight feet apart on center, as determined by the landscape administrator; or
 2. There is an existing screening device (a masonry wall, wrought iron fence) on the adjacent property; or
 3. Use of a living plant screen would result in preservation of existing trees in a wooded area as compared to another type of screening device; or
 4. For screening of overhead doors from an adjacent residential property with an existing fence, the living plant screen shall consist of evergreen trees

(identified on the approved planting list in Appendix A-1), at least six feet in height at planting and spaced three feet apart on center; or

5. For screening of overhead doors from the right-of-way, the living plant screen shall consist of evergreen shrubs identified on the approved planting list in Appendix A-1, at least three feet in height at planting and spaced three feet apart on center; or
6. When screening heating, ventilation, and air conditioning (HVAC) equipment from the right-of-way, the living plant screen shall meet the standards identified in Sec. 146-135; or
7. Unless identified above, all living plant screens shall consist of evergreen shrubs identified as acceptable for screening at least six feet in height or greater in Appendix A-1 and shall meet the standards identified in Sec. 146-135.

Note: The landscape administrator may require a greater planting size and/or a different spacing pattern, depending on the characteristics of the project, in order to ensure sufficient visual screening.

- (iv) Alternate equivalent screening, upon approval by the planning and zoning commission and/or city council, depending on which body has the final approval authority as indicated in section 146-45(a)(2) through the site plan process.
 - (v) The screening requirement may be waived by the director of planning or his/her designee or the request for a waiver thereof may be forwarded for review by the planning and zoning commission or city council, depending on which body has the final approval authority as indicated in section 146-45(a)(2). A waiver may be approved if one of the following conditions are maintained for the life of the project:
 1. Sufficient screening exists on the adjacent property;
 2. The portion of the subject property to be screened contains a wooded area that shall be maintained for the life of the project and a tree survey indicates that a majority of the trees in the wooded area on the subject property are found to be "quality trees," as defined in Sec. A-2 of Appendix A; or
 3. The portion of the subject property to be screened is adjacent to a floodplain (as defined in section 130-381).
- b. All required screening devices must be equally finished on both sides.
 - c. All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.
 - d. Prior to the issuance of an occupancy permit, all approved screening devices must be in place.
 - e. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the chief building official for failure to adequately maintain such screening device.
- (3) *Applicability.* Screening devices shall be placed and maintained in the following locations:
- a. Screening devices shall be placed along any property line or district boundary between any single family detached or attached or any two family zoning or use and any mobile home park, or non-residential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device. This requirement shall not apply to the MTC McKinney town center zoning district. See section

146-132(3)(n) for residential transition area screening device standards specifically applicable to the MTC McKinney town center zoning district. Further, this requirement shall not apply to public parks, as defined in Chapter 74.

- b. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the chief building official for failure to adequately maintain such screening device.
- c. All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier.
- d. Garbage, trash, or refuse containers shall be fully screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided. Garbage, trash, or refuse containers shall not be located in front of the main building unless no other option is available. Gates shall be kept closed except when in use for access. Sanitation containers shall also meet the screening and landscaping requirements as defined in section 146-135.
- e. Sanitation containers shall be subject to the following design specifications:
 - 1. Single container enclosures shall be a minimum of 12 feet wide by 14 feet deep, as measured from the inside of the enclosure's walls.
 - 2. Double container enclosures shall be a minimum of 25.5 feet wide by 14 feet deep, as measured from the inside of the enclosure's walls.
 - 3. Trash compactor enclosures and all other enclosure types shall be constructed to the environmental waste department's specifications.
 - 4. All enclosure types shall be required a minimum of 40 feet of straight backing, as measured from the front gates of the enclosure, to accommodate a sanitation truck's maneuverability. If special circumstances prevent straight backing from being provided, the environmental waste department shall have the authority to approve angled or alternative backing movements.
 - 5. All enclosure types shall be required to provide a 24-foot vertical clear zone, unless otherwise approved by the environmental waste department.
- f. All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.
- g. Loading docks or structures, bays, and bay doors shall be screened from view from the public right-of-way, from adjacent residential property, and from adjacent non-residential property, other than industrial. The required screening device adjacent to a non-residential property, other than industrial, may be waived with site plan approval if it is determined that the location of the proposed loading docks, bays or bay doors in relation to the adjacent development's site layout is not detrimental. Bays in any retail district or retail PD district shall be oriented away from the street frontage. This requirement shall not apply to the MTC McKinney town center district. See section 146-132(3)(m) for street screening device standards specifically applicable to the MTC McKinney town center zoning district.
- h. Display of new vehicles, or used vehicles not defined as junked vehicles under chapter 62, article XI, need not be screened if they are, in the opinion of the chief building official, maintained in a neat and orderly manner.
- i. Landscaping standards for parking lots shall also apply to vehicle display lots, except that minimum screening height for vehicle display lots shall be 1½ feet.
- j. Mechanical and heating and air conditioning equipment in mixed use and non-residential uses shall be screened from view from the public right-of-way and from adjacent residential property.

1. For such equipment located on the roof, the screening of the equipment shall be a minimum of one foot higher than the height of the equipment. Screening material shall be consistent with the building materials of the structure on which the equipment is placed.
 2. For such equipment mounted flush to and completely contained within the exterior of a building or structure such equipment shall be disguised to integrate into the overall exterior of the building and shall not be readily visible or identifiable as mechanical, heating, and air conditioning equipment.
- k. Mechanical and heating and air conditioning equipment in multi-family uses shall be screened from view as follows:
1. For such equipment located on the roof, said equipment shall be screened from view from the public right-of-way and from adjacent residential property. The screening of the equipment shall be a minimum of one foot higher than the height of the equipment. Screening material shall be consistent with the building materials of the structure on which the equipment is placed.
 2. For such equipment mounted flush to and completely contained within the exterior of a building or structure, said equipment shall be disguised to integrate into the overall exterior of the building and shall not be readily visible or identifiable as mechanical, heating, and air conditioning equipment.
 3. For such equipment located on the ground level, said equipment shall be required to be screened from view. The screening materials provided shall be opaque and of an architecturally finished material that is a height equal to or greater than the height of the equipment being screened. Sufficient evergreen landscaping that creates a screening effect shall be considered acceptable if provided in accordance with Section 146-135; save and except that the evergreen landscaping shall only be required at a height equal to or greater than the height of the mechanical equipment being screened.
- l. At motor vehicle service or repair facilities or automotive paint and body repair shops, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property. Parking spaces used for the overnight storage of vehicles awaiting repair must be screened in accordance with the requirements of this section.
- m. Parking lots shall meet screening and landscaping requirements as defined in section 146-135.
- n. Street screening devices specifically applicable to the MTC McKinney town center zoning district: A street screening device (minimum two feet and maximum four feet high) shall be placed along any pedestrian priority "A" or "B" street frontage that is not defined by a building or driveway within the build-to zone. This required street screening device shall be placed at the front edge of the build-to zone along the pedestrian priority "A" or "B" street. The McKinney Town Center development coordinator (director of planning or designee) shall administratively approve a street screening device of either: (1) the same finishing material as the principal structure on the lot, (2) masonry (brick, stone, or architectural masonry finish), (3) a living plant screen composed of evergreen shrubs planted to be opaque at maturity, or (4) a combination of the above. See also the building form and site development standards of the MTC McKinney town center zoning district (appendix G-2).
- o. Residential transition area screening devices specifically applicable to the MTC McKinney town center zoning district: A residential transition area screening device (minimum six feet and maximum eight feet high) shall be placed along any property line between any new building construction or upper story addition to an existing building and any existing single family detached residential use. This standard shall not apply when a single family detached dwelling, single family attached dwelling, or two family dwelling is to be located

adjacent to an existing single family detached residential use. This standard shall not apply when an improved public street or railroad right-of-way separates the new building construction from the existing single family detached residential use. The McKinney Town Center development coordinator (director of planning or designee) shall administratively approve a residential transition area screening device of either: (1) the same finishing material as the principal structure on the lot, (2) masonry (brick, stone, or architectural masonry finish), (3) a living plant screen composed of evergreen shrubs planted to be opaque at maturity, or (4) a combination of the above. See also the building form and site development standards of the MTC McKinney town center zoning district (appendix G-2).

- (4) *Variances.* In the case of a required site plan approval, a variance to the provisions of this section, save and except subsection 146-132(3)e, may be allowed by the planning and zoning commission and/or the city council, unless otherwise specified herein, depending on which body has the final approval authority as indicated in section 146-45(a)(2), or additional provisions required, as a part of such site plan approval. The applicant shall prove that the variance from the zoning regulations is warranted under the circumstances presented. A variance may be granted if the planning and zoning commission and/or city council finds that:
- a. Unique circumstances exist on the property that make application of specific items in this section unduly burdensome on the applicant;
 - b. The variance will have no adverse impact on current or future development;
 - c. The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
 - d. The variance will have no adverse impact on the public health, safety and general welfare.

A financial hardship shall not be considered a basis for the granting of a variance.

(Code 1982, § 41-205; Ord. No. 1270, § 4.05, 12-15-1981; Ord. No. 99-03-35, § 1H, 3-16-1999; Ord. No. 2000-05-028, § 1B, 5-2-2000; Ord. No. 2002-08-084, § I.51, 8-20-2002; Ord. No. 2006-10-121, § V, 10-17-2006; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 9, 11-4-2008; Ord. No. 2010-05-011, § 7, 5-17-2010; Ord. No. 2010-12-053, § 16, 12-7-2010; Ord. No. 2012-11-056, §§ 32—35, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-04-044, § 12, 4-22-2013; Ord. No. 2015-05-039, § 2, 5-5-2015; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019; Ord. No. 2019-11-074, § 1(Exh. A), 11-5-2019)