

Chapter 146

ZONING REGULATIONS*

Article I. In General

- Sec. 146-1. Short title.
- Sec. 146-2. Purpose.
- Sec. 146-3. Authority.
- Sec. 146-4. Jurisdiction.
- Sec. 146-5. Compliance required.
- Sec. 146-6. Zoning districts established.
- Sec. 146-7. Zoning district map.
- Sec. 146-8. Zoning district boundaries.
- Sec. 146-9. Appendixes, illustrations and schedule of uses.
- Secs. 146-10—146-36. Reserved.

Article II. Special Provisions

- Sec. 146-37. Newly annexed territory.
- Sec. 146-38. Platting property.
- Sec. 146-39. Creation of building site.
- Sec. 146-40. Nonconforming uses and nonconforming structures.
- Sec. 146-41. Specific use permits.
- Sec. 146-42. Temporary uses.
- Sec. 146-43. New and unlisted uses.
- Sec. 146-44. Reserved.
- Sec. 146-45. Site plan approval.
- Sec. 146-46. Definitions.
- Sec. 146-47. Notice of petition or request for consent to create a special district or notice of intent to file special legislation creating a special district.
- Secs. 146-48—146-65. Reserved.

Article III. District Regulations

- Sec. 146-66. Use and areas.
- Sec. 146-67. AG - Agricultural district regulations.
- Sec. 146-68. RED-1 - Residential Estates district.

***Editor's note**—This chapter was formerly designated as appendix A, zoning.

Charter reference—Power of city to pass zoning ordinance, § 160.

Federal law references—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited federal preemption of state and local zoning laws affecting amateur radio facilities, *Memorandum Opinion and Order*, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

State law references—General authority of city as to zoning, V.T.C.A., Local Government Code § 211.001 et seq.; zoning commission, V.T.C.A., Local Government Code § 211.007; comprehensive plan, V.T.C.A., Local Government Code § 213.002; zoning districts, V.T.C.A., Local Government Code § 211.005.

McKINNEY MUNICIPAL CODE

- Sec. 146-69. RED-2 - Residential Estates district.
- Sec. 146-70. RS 120 - Single Family Residence district.
- Sec. 146-71. RS 84 - Single Family Residence district.
- Sec. 146-72. RS 72 - Single Family Residence district.
- Sec. 146-73. RS 60 - Single Family Residence district.
- Sec. 146-74. RS 45 - Single Family Residence district; zero lot line homes.
- Sec. 146-75. RD 30 - Duplex Residence district.
- Sec. 146-76. RG 27 - General Residence Townhome district.
- Sec. 146-77. RG 25 - General Residence district.
- Sec. 146-78. RG 18 - General Residence district.
- Sec. 146-79. MF-1 - Multiple Family Residential-Low Density district.
- Sec. 146-80. MF-2 - Multiple Family Residential-Medium Density district.
- Sec. 146-81. MF-3 - Multiple Family Residential-Medium-High Density district.
- Sec. 146-82. MP - Mobile Home Park district.
- Sec. 146-83. NC - Neighborhood Convenience District.
- Sec. 146-84. BN - Neighborhood Business District.
- Sec. 146-85. BG - General Business district.
- Sec. 146-86. C - Planned Center district.
- Sec. 146-87. O-1 - Neighborhood Office district.
- Sec. 146-88. O - Office district.
- Sec. 146-89. BC - Commercial Business district.
- Sec. 146-90. ML - Light Manufacturing district.
- Sec. 146-91. MH - Heavy Manufacturing district.
- Sec. 146-92. AP - Airport district.
- Sec. 146-93. GC - Governmental Complex District.
- Sec. 146-94. PD - Planned Development district.
- Sec. 146-95. MTC - McKinney Town Center district.
- Sec. 146-96. CHD - Commercial Historic overlay district.
- Sec. 146-97. H historic preservation overlay district.
- Sec. 146-98. FP floodplain district (prefix).
- Sec. 146-99. REC regional employment center overlay district (suffix).
- Sec. 146-100. TMN traditional McKinney neighborhood overlay district (suffix).
- Sec. 146-101. CC - Corridor Commercial Overlay district (suffix).
- Sec. 146-102. SF12 - Single Family Residential district.
- Sec. 146-103. SF10 - Single Family Residential district.
- Sec. 146-104. SF8 - Single Family Residential district.
- Sec. 146-105. SF7.2 - Single Family Residential district.
- Sec. 146-106. SF5 - Single Family Residential district.
- Sec. 146-107. DR - Duplex Residential district.
- Sec. 146-108. TH - Townhome Residential district.
- Sec. 146-109. SO - Suburban Office district.
- Sec. 146-110. RO - Regional Office district.
- Sec. 146-111. C1 - Neighborhood Commercial district.
- Sec. 146-112. C2 - Local Commercial district.
- Sec. 146-113. C3 - Regional Commercial district.
- Sec. 146-114. LI - Light Industrial district.
- Sec. 146-115. HI - Heavy Industrial district.
- Secs. 146-116—146-128. Reserved.

ZONING REGULATIONS

Article IV. Special Regulations

- Sec. 146-129. Height and area exceptions, and minimum distances between specific uses.
- Sec. 146-130. Vehicle parking.
- Sec. 146-131. Off-street loading.
- Sec. 146-132. Fences, walls, and screening requirements.
- Sec. 146-133. Accessory buildings and uses.
- Sec. 146-134. Performance standards.
- Sec. 146-135. Landscape requirements.
- Sec. 146-136. Tree preservation.
- Sec. 146-137. Communications antennas, satellite dishes and support structures/towers.
- Sec. 146-138. Open storage and outdoor display.
- Sec. 146-139. Architectural and site standards.
- Sec. 146-140. Wind energy conversion system (WECS) regulations.
- Secs. 146-141—146-161. Reserved.

Article V. Administration

- Sec. 146-162. Administrative official.
- Sec. 146-163. Planning and zoning commission.
- Sec. 146-164. Changes and amendments.
- Sec. 146-165. Board of adjustment.
- Sec. 146-166. Historic preservation advisory board.
- Sec. 146-167. Historic preservation officer.
- Sec. 146-168. Designation of historic landmarks and districts.
- Secs. 146-169—146-189. Reserved.

Article VI. Enforcement

- Sec. 146-190. Building permits.
- Sec. 146-191. Permits and agreements.
- Sec. 146-192. Certificate of occupancy.
- Sec. 146-193. Filing fees and charges.
- Sec. 146-194. Penalty.

Appendices

Appendix A. Plants Approved for Landscape Requirements

- Sec. A-1. Approved plant list.
- Sec. A-2. Quality tree list.
- Sec. A-3. Prohibited tree list.
- Sec. A-4. Illustrations for tree protection standards.

Appendix B. Urban Design Standards for the Regional Employment Center

- Sec. B-1. Map of regional employment center overlay zones.
- Sec. B-2. Regional employment center—Overlay urban design standards.

McKINNEY MUNICIPAL CODE

Appendix C. Historic Districts and Corridor Commercial Maps

- Sec. C-1. CHD - commercial historic overlay district map.
- Sec. C-2. H - historic preservation overlay district map.
- Sec. C-3. CC - corridor commercial overlay district map.

Appendix D. Zoning District/Ordinance Comparative Table

Appendix E. Illustrations

Appendix F. Schedules

- Sec. F-1. Schedule of space limits.
- Sec. F-2. Reserved.
- Sec. F-3. Reserved.
- Sec. F-4. Schedule of uses.

Appendix G. MTC - McKinney Town Center Zoning District

- Sec. G-1. Town Center regulating plan.
- Sec. G-2. MTC - McKinney Town Center zoning district.

ARTICLE I. IN GENERAL

Sec. 146-1. Short title.

This chapter may be known as and referred to as the Zoning Ordinance of the City of McKinney, Texas.

(Code 1982, § 41-1; Ord. No. 1270, § 1.01, 12-15-1981; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-2. Purpose.

It is the purpose of this chapter to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, all in accordance with the comprehensive urban plan for the city.

(Code 1982, § 41-2; Ord. No. 1270, § 1.02, 12-15-1981; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-3. Authority.

This zoning chapter is adopted under the authority of V.T.C.A., Local Government Code ch. 211, which is hereby made a part of this chapter.

(Code 1982, § 41-3; Ord. No. 1270, § 1.03, 12-15-1981; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-4. Jurisdiction.

This chapter shall govern any and all buildings, structures, and land located within the corporate limits of the City, and shall further apply to any and all legal annexations of land or additions made to the City subsequent to the adoption of this chapter.

(Code 1982, § 41-4; Ord. No. 1270, § 1.04, 12-15-1981; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-5. Compliance required.

All land, buildings, structures or appurtenances thereon located within the City, which are hereafter occupied, used, erected, altered, removed, demolished or converted shall be used, removed, placed and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

(Code 1982, § 41-5; Ord. No. 1270, § 1.05, 12-15-1981; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-6. Zoning districts established.

The city is hereby divided into 34 zoning districts. The regulations as set out herein are uniform throughout each district. The zoning districts established shall be known as:

- AG Agricultural district (ten acres per lot)
- RED-1 Residential estates district (one acre per lot)
- RED-2 Residential estates district (two acres per lot)

RS 120	Single family residence district (12,000 square feet per lot)
RS 84	Single family residence district (8,400 square feet per lot)
RS 72	Single family residence district (7,200 square feet per lot)
RS 60	Single family residence district (6,000 square feet per lot)
RS 45	Single family residence district (4,500 square feet per lot)
RD 30	Duplex residence district
RG 27	General residence townhome district
RG 25	General residence district
RG 18	General residence district
MF-1	Multiple family residential - low density district
MF-2	Multiple family residential - medium density district
MF-3	Multiple family residential - medium-high density district
MP	Mobile home park district
NC	Neighborhood convenience district
BN	Neighborhood business district
BG	General business district
C	Planned center district
O-1	Neighborhood office district
O	Office district
BC	Commercial business district
ML	Light manufacturing district
MH	Heavy manufacturing district
AP	Airport district
GC	Governmental complex district
PD	Planned development district
MTC	McKinney town center district
CHD	Commercial historic overlay district (suffix)
H	Historic preservation overlay district (suffix)
FP	Floodplain district (prefix)
REC	Regional employment center overlay district (suffix)
TMN	Traditional McKinney neighborhood overlay district (suffix)

(Code 1982, § 41-6; Ord. No. 1270, § 1.06, 12-15-1981; Ord. No. 2002-08-084, § I.2, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2013-04-044, § 1, 4-22-2013)

Sec. 146-7. Zoning district map.

(a) The boundaries of the zoning districts set out herein are delineated upon the zoning district map of the city, said map being a part of this chapter fully as if the same were set forth herein in detail.

(b) Three original, official and identical copies of the zoning district map are hereby adopted and shall be filed and maintained as follows:

- (1) One copy shall be maintained with the city secretary and retained as the original record and shall not be changed in any manner.

- (2) One copy shall be maintained with the chief building official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for determining compliance with and for enforcing this zoning chapter.
 - (3) One copy shall be maintained with the director of planning and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for determining compliance with and for enforcing this zoning chapter.
 - (4) It shall be the duty of the city secretary to keep the official zoning district map current and the copies thereof, herein provided for, by entering on such maps any changes that the city council may from time to time order by amendments to this zoning chapter and map.
 - (5) The city secretary, upon the adoption of the ordinance from which this chapter is derived, shall affix a certificate identifying the map in his or her office as the official zoning map of the city. He or she shall likewise officially identify the copies directed to be kept by the planning and zoning commission and in the office of the chief building official and the director of planning. All amendments of the map shall be made immediately after their enactment and the date of the change shall be noted on the certificate.
 - (6) Reproductions for information purposes may, from time to time, be made of the official zoning district maps.
- (Code 1982, § 41-7; Ord. No. 1270, § 1.07, 12-15-1981; Ord. No. 2002-08-084, § I.3, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-8. Zoning district boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are indicated as approximately following or parallel to a drainage course or other prominent physical feature, such drainage course, other prominent physical feature or parallel line shall be construed to be said boundaries.
- (4) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale of said zoning map.

- (5) Where district boundaries are so indicated that they are approximately perpendicular to the centerline or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said street, highways, or drainage courses.
- (6) If on unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map. Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacated area and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- (7) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control. This provision is not intended to change the boundaries of districts where streets or alleys are relocated, realigned, vacated, or abandoned.

(Code 1982, § 41-8; Ord. No. 1270, § 1.08, 12-15-1981; Ord. No. 2002-08-084, § I.4, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-9. Appendixes, illustrations and schedule of uses.

Appendixes, illustrations and schedules of uses as given in the appendixes, illustrations and schedule of uses to this chapter, together with all notations, references, and other information shown thereon, and all amendments thereto, shall be as much a part of this chapter as any specific requirements or regulations as are fully set forth and described herein.

(Code 1982, § 41-9; Ord. No. 1270, § 1.09, 12-15-1981; Ord. No. 2002-08-084, § I.5, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Secs. 146-10—146-36. Reserved.

ARTICLE II. SPECIAL PROVISIONS

Sec. 146-37. Newly annexed territory.

(a) All property in the process of annexation into the city shall be concurrently considered for a permanent zoning classification. The planning and zoning commission shall be advised by city staff regarding a proposed annexation, and it may at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation to the city council so that the city council may act on the matter of annexation and permanent zoning at the same time.

(b) The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

(Code 1982, § 41-31; Ord. No. 1270, § 2.01, 12-15-1981; Ord. No. 2002-08-084, § I.6, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-38. Platting property.

The planning and zoning commission of the city shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the city council.

(Code 1982, § 41-32; Ord. No. 1270, § 2.02, 12-15-1981; Ord. No. 93-12-48, § 1, 12-21-1993; Ord. No. 2002-08-084, § I.7, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-39. Creation of building site.

A permit for the construction of a building or buildings upon any tract or plot shall be issued only if a building site, building tract or building lot has been created in compliance with one of the following:

- (1) The lot or tract where any building is to be constructed is part of a plat of record, properly approved by the city council after recommendation by the planning and zoning commission, and filed in the plat records of the county;
- (2) The site plot or tract is all or part of a site plan in a planned development district that has been officially approved by the city council after recommendation by the planning and zoning commission, which site plan provides for all public improvements necessary to meet the normal requirements for platting, and all easements, alleys, and streets have been required and properly dedicated;
- (3) The plot, tract, or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this chapter is derived, or prior to annexation of the property into the city, whichever is applicable; however, only one building permit for a single main building conforming to all the requirements of this chapter may be issued on each such original separately owned parcel unless either subsection (1) or (2) of this section is complied with; or
- (4) A permit for the construction of a non-residential building or buildings upon any tract or plot may be issued if a building site, building tract or building lot has been reflected on an approved record plat. A full or temporary certificate of occupancy shall not be issued until said record plat has been filed for record with the county clerk and all other applicable regulations have been appropriately satisfied.

(Code 1982, § 41-33; Ord. No. 1270, § 2.03, 12-15-1981; Ord. No. 2002-08-084, § I.8, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2011-04-026, § 3, 4-19-2011)

Sec. 146-40. Nonconforming uses and nonconforming structures.

(a) *Purpose.* This section is intended to establish regulations for the allowance and alteration of uses, lots, and/or structures which do not conform to currently applicable regulations, but which have been in continuous use and were in conformance with the regulations in place at the time of their inception and have been rendered nonconforming due to a change in the applicable regulations.

(b) *Nonconforming status.* A nonconforming status shall exist under the following provisions of this chapter:

- (1) When a use, lot, or structure, which does not conform to the current regulations of this chapter, was in existence and lawfully operating prior to April 29, 1968, and has been operating since without discontinuance.
- (2) When a use, lot, or structure does not conform to the current regulations of this chapter, but was legally established at a prior date when the use, lot, or structure was in conformance with applicable regulations and such use, lot, or structure has been in continuous use or operation since its establishment.
- (3) When a use, lot, or structure, which does not conform to the current regulations of this chapter, was legally established prior to and in existence at the time of annexation to the city, and has been operating since without discontinuance.

(c) *Burden to establish legal nonconformity.* The burden of demonstrating that any use, lot, or structure is a legal nonconformity as defined by this section shall belong to the owner(s) or the proponent of such purported nonconformity.

(d) *Continuing lawful use of property and structures.* Any nonconforming use, lot, or structure may be continued for definite periods of time as indicated herein-below subject to the board of adjustment's power of amortization:

- (1) *Uses.*
 - a. Nonconforming uses may continue to operate indefinitely unless the use ceases to operate for a period longer than 12 months. If a nonconforming use ceases to operate for a period longer than 12 months, the nonconforming use shall be deemed permanently abandoned. The nonconforming use shall not thereafter be renewed or instituted on that property or another property in any district which does not permit the abandoned use, unless otherwise approved by the board of adjustment. For the purposes of this paragraph, the phrase ceases to operate shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure and which is moved from the property shall be deemed permanently abandoned.
 - b. A nonconforming use may not be replaced by or changed to another nonconforming use.
 - c. The board of adjustment shall have the authority to reinstate the nonconforming status of a use if the board finds there was clear intent not to abandon the use even though the use was discontinued for more than 12 months. The failure of the owner and/or operator to remove on-premise signs related to the nonconforming use shall not be sufficient, as the sole evidence presented by the applicant, to establish a clear intent or an exigent circumstance not to abandon the use.

- (2) *Structures.*
 - a. Nonconforming structures may be occupied by conforming uses and may be repaired and maintained to preserve or extend their usability.
 - b. Structures conforming to all currently applicable regulations may be constructed on nonconforming lots provided that all setbacks and yard areas are observed.
 - c. Nonconforming structures may be relocated within the same lot so long as no existing nonconformity is exacerbated.
 - (3) *Lots.*
 - a. Any nonconforming lot may be replatted so long as the existing nonconformities of the lot are not exacerbated by the replat and the size of the nonconforming lot is not reduced.
 - b. Lots containing nonconforming structures may be replatted so long as the nonconformities of the structure are not exacerbated by the replat and the size of the nonconforming lot is not reduced.
- (e) *Expansion of nonconforming uses or structures.* A nonconforming use or structure shall not be expanded or increased, except as follows:
- (1) A nonconforming use located within a building may be expanded throughout the existing building, provided:
 - a. No alterations to the building are required by ordinance to accommodate the expansion of the nonconforming use; and
 - b. The number of dwelling units in a building is not increased.
 - (2) The minimum single family residential lot width, depth, and/or area for the various zoning districts shall be in accordance with their respective district's standards, except that a lot having less width, depth, and/or area than herein required, and which lot was a lot of record prior to the adoption of the chapter, may be used for a single family residential use.
 - (3) In the MTC - McKinney Town Center zoning district, a nonconforming structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new nonconformity nor shall increase the degree of the existing nonconformity of all or any part of such structure. An alteration for a non-air-conditioned space (e.g. patio, porch, roof terrace, balcony, arcade) shall be allowed under any circumstance.
- (f) *Destruction of structure by fire, the elements, or other cause.* If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this chapter. A restoration or reconstruction in violation of this subsection immediately terminates the right to occupy the nonconforming structure except as specifically provided otherwise herein-below.
- (1) *Partial destruction.*
 - a. In the case of partial destruction of a nonconforming structure not exceeding 50 percent of its total appraised value as determined by the Collin Central Appraisal District, reconstruction will be permitted to restore the nonconforming structure to its previously existing condition.

- b. The nonconforming structure may only be restored or reconstructed so as to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction. The chief building official shall estimate the height, shape, floor area, and appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the chief building official, the property owner may appeal the determination of the chief building official to the board of adjustment, in accordance with this chapter.

(2) *Total destruction.*

- a. If a nonconforming structure is totally destroyed by fire, the elements, or other cause, it may not be rebuilt unless it adheres to all applicable regulations. Total destruction for the purposes of this section shall mean destruction of 50 percent or more of the structure's total appraised value as determined by the Collin Central Appraisal District.

(3) *Multi-family residential destruction.* In the case of the destruction of a multi-family residential structure or development that is nonconforming due to the adoption of Ordinance 2010-05-011 (adopted on May, 17, 2010), the following shall apply:

- a. The non-conforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) represents less than 50 percent of its appraised value, as determined by the Collin Central Appraisal District.
- b. The non-conforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, but the damage to the structure(s) represents less than 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District.
- c. The non-conforming structure(s) must be rebuilt to all currently applicable regulations if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, and the damage to the structure(s) equals or exceeds 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District.
- d. The chief building official shall estimate the height, shape, floor area, and appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determina-

tion. Should the property owner not agree with the determination of the chief building official, the property owner may appeal the determination of the chief building official to the board of adjustment, in accordance with this chapter.

(g) *Completion of structures.* Nothing contained herein shall require any change in the plans, construction, or designated use of a structure for which a building permit has been issued or a site plan approved prior to the effective date of this section, nor shall any structure for which a substantially complete application for a building permit was accepted by the chief building official on or before the effective date of this section, provided that the building permit shall comply with all applicable regulations on the date that the application was filed and the building permit is issued within 30 days of the effective date of these regulations.

(Code 1982, § 41-34; Ord. No. 1270, § 2.05, 12-15-1981; Ord. No. 2002-08-084, § I.10, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 21, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-04-034, § 3, 4-2-2013; Ord. No. 2013-04-044, §§ 2—4, 4-22-2013)

Sec. 146-41. Specific use permits.

The city council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the planning and zoning commission that the use is in general conformance with the master plan of the city and containing such requirements and safeguards as are necessary to protect adjoining property, authorize the granting of a specific use permit for those uses indicated by S in the schedule of uses to this chapter, according to the following criteria:

- (1) An application for a specific use permit shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions. A specific use permit that will require the construction of a new structure shall be accompanied by said site plan. A site plan may not be required if a specific use permit is applied for that will locate in an existing structure, if the director of planning determines that the existing site adequately addresses the above elements and a site plan is not necessary to evaluate the specific use permit.
- (2) In recommending that a specific use permit for the premises under consideration be granted, the planning and zoning commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and whether the building is compatible for the use under consideration.
- (3) Every specific use permit granted under these provisions shall be considered as an amendment to the zoning chapter and shall remain applicable to the property so long

as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the specific use permit is voluntarily vacated for a period in excess of 180 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same.

- (4) In granting a specific use permit, the city council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the chief building official for use of the building on such property pursuant to such specific use permit. Such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.
- (5) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawings and approved by the city council.
- (6) A building permit shall be applied for and secured within 12 months from the time of granting the specific use permit; provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private street development, which shall have no limit regarding the application and securing of a building permit. A specific use permit shall expire 12 months after its approval or extension date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed.
- (7) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.
- (8) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.
- (9) When the city council authorizes granting of a specific use permit, the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an S designation.
- (10) A specific use permit issued by the city shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, and subsection (5) of this section shall be applicable to the new owner or occupant of the property. However, a specific use permit issued for a private club shall not be

considered a property right but a personal privilege of the permit holder in accordance with the Alcoholic Beverage Code, and thus shall not be transferable or assignable from one owner or owners of the permitted property to a new owner or occupant of the permitted property.

(11) Special specific use permit regulations and considerations are as follows:

- a. *Car wash.* In the BN neighborhood business district, a specific use permit may be approved to allow a car wash only in connection with an auto fuel sales facility. The car wash shall be limited to a fully automated facility, which will accommodate only one vehicle at a time. The location and orientation of the facility on the site and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate, in determining whether the permit should be approved.
- b. *Service station.* In the BN neighborhood business district, motor vehicle fuel sales with facilities to fuel four vehicles at one time is allowed by right and motor vehicle fuel sales with facilities to fuel up to eight vehicles is allowed by right if the gas pumps are located within 350 feet of the intersection of two arterial roadways as shown on the thoroughfare plan. A specific use permit may be approved to allow additional facilities to fuel more than the number of vehicles allowed by right regardless of the location. Additionally, no major automotive repairs, body and fender work or automotive painting may be conducted. All uses and waste materials must be kept within a solid enclosure so that the contents are not visible from the street or other properties, and 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 does not contain a rotating, oscillating or revolving beam or beacon of light. They may be installed at the property line. They shall also conform to chapter 134. In determining whether a specific use permit should be approved to allow this use in a district where such permit would be required, the number of fueling stations, the range of automotive services to be provided and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate.
- c. *Private club.* In the C planned center district, BG general business district, BC commercial business district, CHD commercial historic district, and PD planned development district, a private club may be approved to allow for social and dining facilities, as well as alcoholic beverage service. Private clubs shall meet the requirements listed under the definition of private clubs in section 146-46.
- d. *Bed and breakfast facilities.* Bed and breakfast facilities may be approved in all districts specified in the schedule of uses. Bed and breakfast facilities shall develop according to the regulations set out in chapter 138, article IV, of this Code and made a part hereof.

- e. *Private street subdivisions.* Private street developments may be approved in all districts specified in the schedule of uses. Private street developments shall develop according to the regulations set out in chapter 142, article VII, and made a part hereof.
- f. *Mini-warehouse uses.* In the C planned center district and BG general business district, mini-warehouse facilities shall be allowed with the approval of a specific use permit. All proposed mini-warehouse developments in the C planned center district and BG general business district, shall satisfy the following development standards:
 1. No overhead bay doors or loading areas shall be visible from an adjacent use or public right-of-way;
 2. Each building shall be covered with 100 percent masonry materials (brick or stone);
 3. Proposed mini-warehouse buildings located directly adjacent to residential uses or zones shall be limited to a single story; and
 4. Proposed mini-warehouse buildings located directly adjacent to single family residential uses or zones shall feature a pitched roof (minimum 4:12 slope).

In determining whether a specific use permit should be approved to allow this use in a district where such permit would be required, the following factors shall be considered:

1. The compatibility of the proposed use with the adjacent uses and other uses in the immediate area;
 2. The development's proposed location within the city; and
 3. Any other factors deemed appropriate.
- g. *Other uses.* Those uses indicated by S in the schedule of uses of this chapter shall require the approval of a specific use permit, and shall comply with the requirements of this chapter.

(Code 1982, § 41-35; Ord. No. 1270, § 2.06, 12-15-1981; Ord. No. 1514, §§ 1, 2, 1-15-1985; Ord. No. 1648, § 20, 5-6-1986; Ord. No. 1881, § 11, 9-18-1990; Ord. No. 94-08-26, § 3(A), 8-16-1994; Ord. No. 97-11-61, § 1, 11-18-1997; Ord. No. 2002-08-084, § I.11, 8-20-2002; Ord. No. 2003-05-054, § III, 5-20-2003; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-05-011, § 1, 5-17-2010; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2016-07-060, § 1, 7-19-2016)

Sec. 146-42. Temporary uses.

The following temporary uses may be allowed under the conditions and for the time specified upon proper application and review by the chief building official:

- (1) A temporary building may be used as an office incidental to construction work if such building is located upon the same property as the site under construction, does not contain living quarters, and provides only for uses incidental to construction on the premises. Such buildings shall be removed within 30 days following final acceptance of the construction by the city.

- (2) A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six months possible, provided construction remains continuous and no more than ten lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.
- (3) Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.
- (4) Temporary sales of seasonal products such as shaved ice or snow cones, firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.
- (5) Food trucks. Food trucks shall be subject to the following criteria:
 - a. *Definitions.*
 1. *Food truck* means an operational motor vehicle and/or trailer from which food and associated non-alcoholic beverages which are not typically tied to a single season of the year, are prepared, served and sold on private property for a period of time which exceeds 60 minutes or two instances of 30 minutes each day. This definition shall also apply to any seating, garbage and/or recycling containers, gear or equipment that is associated with the food truck's operation.
 2. *Operation site* means the geographic area within which the food truck will park, prepare, and sell food and/or associated non-alcoholic beverages. This also includes areas where the food truck's customers go to consume food and/or non-alcoholic beverages sold from the food truck. The sale of merchandise other than food and non-alcoholic beverages shall not be permitted.
 - b. *Permits and inspections required.*
 1. *Food truck temporary site permit.* The owner or the authorized owner's representative of a property containing a site where a food truck will be located must apply for a temporary site permit from the building inspections department prior to allowing a food truck to operate on their property. The permit application, which shall be verified in the same manner as required for a deed, shall include information that details where the food truck will be located on the property along with the location

of any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the food truck on the property. As part of the permit application, any necessary authorization letters from adjacent property owners and businesses shall be provided. Authorization letters that limit the allowance of food trucks to a specific type or style of food will not be accepted. Any additional information as may be deemed necessary by the chief building official to thoroughly review the request shall also be submitted as part of the permit application. A food truck temporary site permit issued by the building inspections department shall only remain valid for a maximum of six months and shall expire on June 30 or December 31 of every calendar year, whichever date occurs first following the issuance of such permit. A food truck temporary site permit may accommodate any licensed food truck vendor that the property owner/temporary site permit holder deems acceptable.

2. *Food truck vendor permit.* All food trucks shall be required to register and obtain all applicable permits from the environmental health department prior to operation.
 3. *Other permits.* Food trucks shall be responsible for identifying and obtaining all applicable permits and shall be responsible for conforming to all applicable city, county, state and federal regulations. Property owners shall be responsible for ensuring that any food truck which operates on their property obtains all necessary permits prior to operation and conforms to all applicable city, county, state and federal regulations.
 4. *Inspections.* Food trucks and their operation sites (defined herein below) may be inspected from time to time by appropriate city personnel. Food trucks and operation sites shall immediately be made available for inspection upon request of such city personnel.
- c. *Property owner authorization.* Owners of a property on which a food truck will operate shall provide written assurance to the building inspections department that:
1. Restrooms for each sex, or a gender neutral restroom(s), located within a permanent building that has been issued a valid certificate of occupancy shall be provided for the use of the food truck's customers, operators and employees. Such restroom(s) must remain open and available for use at all times during which the food truck is situated on the operation site. No portable or temporary restrooms shall be allowed; and
 2. Refuse and/or recycling receptacles appropriately sized to accept refuse from the food truck operation and its customers shall be provided and remain available for use at all times during which the food truck is

situated on the operation site. Such refuse and/or recycling receptacles shall be properly maintained and routinely emptied for the food truck operation.

- d. *Acceptable locations for food trucks (operation sites).*
1. Subsequent to all permits being issued, food trucks may operate within any non-residential zoning district assuming all other locational criteria contained herein are also satisfied.
 2. Food trucks and their customers shall be prohibited from utilizing the public rights-of-ways for food sales and/or consumption.
 3. Food trucks shall only be permitted to sell food on private property, except as outlined in section 146-42(5)(j). Said property must feature an area of sufficient size that is finished with a concrete or asphaltic surface material on which the food truck may temporarily park (referred to as the operation site). No food truck shall be permitted on property that does not have a valid food truck temporary site permit.
 4. All portions of a food truck and its associated operation site shall be located within 150 feet, as determined by the fire marshal, of a dedicated fire lane easement or a public street.
 5. Food trucks must be parked, situated and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.
 6. Food trucks may not occupy off-street parking or loading spaces that are otherwise required to satisfy minimum off-street parking or loading requirements of another land use which is also located on the same property as the food truck.
 7. *Minimum distances.*
 - i. No food truck operations including, but not limited to food preparation, sales or consumption shall be permitted within 300 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food trucks shall be exempted from this requirement with the express written permission of the restaurants' or food service establishments' owner or authorized representative.
 - ii. Food trucks shall not be allowed to engage in sales operations within 1,000 feet of one another. Only one food truck shall be permitted on each lot or property that is smaller than five acres in size.
 - iii. Lots or properties that are five acres in size or larger may have two food trucks for every five acres of land area, which food trucks may be located within 1,000 feet of one another, with the maximum allowable number of food trucks on a particular lot or property being limited to no more than six food trucks.

- iv. Food trucks shall not be allowed to engage in sales operations within 300 feet of any residential zoning district or any property used for residential purposes.
- v. Food trucks shall not engage in sales within 20 feet of a public right-of-way.
- e. *Hours of operation.* Food trucks shall only be allowed to engage in sales operations between the hours of 8:00 a.m. and 10:00 p.m. Food trucks shall not be located or stored at the operation site between the hours of 11:00 p.m. and 7:00 a.m.
- f. *Off-street vehicle parking.* One off-street vehicle parking space shall be required for each table that is provided for use by food truck customers. If no tables are provided, no off-street vehicle parking shall be required.
- g. *Signage.* All signage pertaining to or advertising a food truck and/or its menu shall be attached to the food truck. No other signage shall be allowed for the promotion or advertisement of a food truck or operation site. There shall be no limit to the amount of signage that is allowed on a food truck. Signage containing profanity or lewd or obscene images shall be prohibited.
- h. *Refuse, recycling, litter and food preparation byproducts.*
 - 1. Food truck operators shall provide, on or within 20 feet of the food truck, containers of sufficient size and number for the disposal of refuse and recyclables resulting from the food truck's operation and sales. The containers shall be identified as being for the disposal of refuse and/or recyclables.
 - 2. City-provided refuse and recycling containers shall not be used for the food truck's refuse and/or recycling needs unless written authorization has been provided by the city.
 - 3. Any refuse, recycling and/or litter on the ground at the operation site shall be immediately picked up and discarded appropriately by the food truck operator. Refuse and/or recycling must be removed from the operation site at least daily or more frequently as needed to remove excess refuse and/or recycling from the operation site.
 - 4. Greases, oils, vapors and other similar food preparation byproducts shall be kept inside the food truck at all times. Dumping, or the improper disposal, of food preparation byproducts into a storm water collection system or other system not designed for that specific use is strictly prohibited and may result in the immediate revocation of all permits and licenses in addition to any necessary remediation and the issuance of citations and fines.
 - 5. Sewage, liquid wastes and food preparation byproducts shall be removed from a food truck at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.

- i. *Safety.* The chief building official, fire marshal and/or the environmental health manager shall have the authority to require that additional safety measures be provided at an operational site to ensure the health, safety, and welfare of the general public. These additional safety measures may include, but are not limited to, limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the food truck, providing fire extinguisher(s), and adding limitations to the use of deep fat fryers or flat top grills in specific instances.
 - j. *Exceptions.* These regulations shall not apply to food trucks that operate:
 1. At a special event that is properly licensed pursuant to a special event permit issued by the city, provided that the food truck is identified in the special event permit application as a participating concessionaire or caterer; or
 2. As a vendor at a properly permitted farmers' market for which the food truck has rented space from the farmers' market and/or its organizer(s); or
 3. On public property including, but not limited to a public park, public library, recreation or aquatics center, or performing art center at the request of and with the express written permission of the property owner.
- (6) The chief building official, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter. The chief building official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any extension. After which, such temporary use shall immediately cease and all temporary structures shall be removed within ten days of notification of such finding.
- (Code 1982, § 41-36; Ord. No. 1270, § 2.07, 12-15-1981; Ord. No. 2000-10-080, § 1A, 10-3-2000; Ord. No. 2002-08-084, § I.12, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 24, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2015-02-006, § 1, 2-3-2015)

Sec. 146-43. New and unlisted uses.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (1) The director of planning shall refer the question of any new or unlisted use to the planning and zoning commission requesting a determination as to the zoning classification into which such use should be placed. The referral of the use determination question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, amount or nature of storage, enclosed or open storage, anticipated

employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, and the general requirements for public utilities such as water and sanitary sewer.

- (2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts in order to determine the zoning district or districts within which such use should be permitted.
- (3) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall by resolution approve or deny the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.

(Code 1982, § 41-37; Ord. No. 1270, § 2.08, 12-15-1981; Ord. No. 2002-08-084, § I.13, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-44. Reserved.

Editor's note—Ord. No. 2012-11-056, § 25, adopted November 5, 2012, amended the Code by repealing former § 146-44 in its entirety. Former § 146-44 pertained to access management plan approval, and derived from the Code of 1982, § 41-38; Ord. No. 2002-08-084, adopted August 20, 2002; Ord. No. 2008-07-066, adopted July 14, 2008; and Ord. No. 2008-11-104, adopted November 4, 2008. Subsequently, the section was restored by Ord. No. 2013-04-033, adopted April 2, 2013, and repealed by Ord. No. 2013-04-034, adopted April 2, 2013.

Sec. 146-45. Site plan approval.

(a) *Site plans.*

- (1) *Applicability.* Approval of a site plan shall be required prior to the issuance of any building permit for the construction of a new non-residential or multiple family residential structure; prior to the issuance of any building permit for a modification to a structure which affects its size, shape, or volume; prior to a structure's change in use that will require modifications to existing parking or loading space requirements or configurations; or as otherwise determined by the Chief Building Official. All building permits must conform to an approved site plan. Single family and two family residential developments shall be subject to the requirements of chapter 122 of the Code of Ordinances. Site plan approval for development in the MTC McKinney town center zoning district shall be subject to the requirements of appendix G of the city zoning regulations (chapter 146).

(2) *Site plan approval process; appeals.*

- a. For site plan applications, the director of planning shall have the authority to approve, approve with conditions, or schedule the site plan for a planning and zoning commission meeting for action according to the procedures in subsection (a)(2)c. of this section. The director of planning shall not have the authority to

disapprove a site plan application and shall forward any application which the director of planning cannot approve to the planning and zoning commission for action.

1. If the applicant disagrees with the decision of the planning and zoning commission, the applicant may, within seven days of the planning and zoning commission action, request in writing addressed to the director of planning that the commission's action on the site plan be appealed to the city council.
2. If the director of planning disagrees with the decision of the planning and zoning commission, the director of planning may, within seven days of the planning and zoning commission action, notify the applicant in writing of the director of planning's appeal of the commission's action on the site plan to the city council.
3. Any appeal of the planning and zoning commission's action regarding a site plan to the city council shall automatically abate the commission's action until such time as the city council rules upon the appeal. No building or development permit shall be issued for any parcel or structure within a site plan that has been appealed from the planning and zoning commission to the city council until such time as a decision on the appeal is rendered by the city council.
4. The appeal of the planning and zoning commission's action regarding a site plan shall be governed by the following process:
 - i. The applicant's or the director of planning's written notice of appeal shall state, generally, the grounds for the appeal.
 - ii. The applicant and the director of planning shall be provided at least 21 days' notice of the city council meeting at which the appeal will be considered unless such notice is waived in writing by both the applicant and director of planning.
 - iii. The director of planning shall cause all of the documents and materials presented to the planning and zoning commission, together with any approved minutes of the planning and zoning commission regarding the appealed site plan, to be presented to the city council with the agenda packet for the city council meeting at which the appeal will be considered. The foregoing shall constitute the record of the action appealed. The director of planning shall provide a copy of such materials to the applicant at the same time as such materials are submitted for inclusion in the city council agenda packet.
 - iv. The applicant and the director of planning may submit additional materials to be included in the city council's agenda packet for consideration by the city council at least seven days before the date of the city council meeting at which the appeal will be considered. The

applicant and the director of planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.

- v. At the hearing, the applicant and the director of planning may appear in person, by agent, or by attorney. The city council may reverse, affirm, wholly or partly, or modify the planning and zoning commission's action regarding the site plan. The city council shall be the final approval authority for site plans, and its decision shall be final.
- b. Existing sites impacted by the acquisition of right-of-way for U.S. Highway 75.
 1. For properties for which a site plan has been previously approved or an occupancy permit exists, and from which right-of-way is subsequently acquired for U.S. Highway 75 which impacts the site, the following process shall apply:
 - i. The applicant may submit for approval of a combination site plan and landscape plan showing the proposed site with the proposed right-of-way acquisition area designated for approval. There is no fee required.
 - ii. The director of planning or her designee may approve the proposed plans based on the following factors: adequacy of parking; general access and circulation, including cross access; emergency access - fire lane location; parking space dimensions and backing distance; landscaping; sign location; and general conformance with the goals and objectives of the comprehensive plan.
 - c. Detailing report; written notice of public hearing. Before acting on a site plan, the planning and zoning commission shall receive from the director of planning a report regarding the proposed site plan detailing its conformance or nonconformance with the zoning ordinance and other applicable regulations of the city, and a recommended action regarding the site plan. Prior to consideration of a proposed site plan by the planning and zoning commission, written notice of the public hearing shall be sent to all property owners according to the procedure for a change in a zoning district location or boundary. Such notice may be served using the most recently approved municipal tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail.
- (3) Features to be shown on site plans. Site or development plans shall include the following information:
- a. General. The following general information shall be included:
 1. The applicant's name, address, and phone number;
 2. The development location (include subdivision, lot number, and/or address);
 3. The proposed use (letter of intent required);

4. The zoning district (attach copy of ordinance governing subject property);
 5. The lot area (net and gross);
 6. The lot coverage and floor area ratio;
 7. The location of all existing buildings or structures on the lot that are to remain subsequent to any proposed development;
 8. The building or structure size, height and total floor area (separated by use);
 9. The adjacent land uses and improvements within 200 feet of the subject property;
 10. The location of hazardous chemical storage;
 11. The sign locations;
 12. A scale with the following dimensions: one inch equals 20 feet, 30 feet or 40 feet, or as determined by the director of planning;
 13. The location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);
 14. Any existing or proposed easements;
 15. The location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
 16. The required landscape areas;
 17. Any additional information as deemed necessary to adequately evaluate the site or development plan; and
 18. The following standard notations:
 - i. The sanitation container screening walls shall be brick masonry, stone masonry, or other architectural masonry finish, including a metal gate, primed and painted, and the sanitation container screening walls, gate, and pad site shall be constructed in accordance with the city design specifications.
 - ii. Mechanical and heating and air conditioning equipment in non-residential uses shall be screened from view from the public right-of-way and from adjacent residential properties.
 - iii. The lighting for the subject property will be constructed and operated in conformance with chapter 58 of the City of McKinney Code of Ordinances.
- b. Airport information. The following information shall be provided on the site or development plans, if requested by the director of planning:
1. The site elevation above sea level;
 2. The height of the proposed building or structure above sea level; and

3. The latitude and longitude coordinates of the location of the maximum building or structure height in NAD 83 format.
- c. Site circulation and parking. The following site circulation and parking information shall be included on the site or development plans:
1. The drive approach dimensions and radii;
 2. The delineation and width of internal circulation roadways;
 3. The distances between driveways and intersecting streets;
 4. The number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;
 5. The parking dimensions;
 6. The stacking spaces and drive-through lane location;
 7. The location of curb stops relative to front of parking stall. (Note: Wheel stops are not permitted in lieu of curbs);
 8. The handicapped ramps (required at all intersections);
 9. The building entrances;
 10. The sidewalk dimensions;
 11. The fire lanes meeting fire code standards;
 12. The location and dimension of delivery truck docks;
 13. The location and dimension of loading spaces;
 14. The location of bay doors;
 15. The sanitation container locations;
 16. The medians, islands, barriers, and channelization;
 17. The width of adjacent streets, alleys, or other access abutting property;
 18. The length, width, and taper of turn bays; and
 19. The directional signage and directional arrows for one-way traffic driveways.
- d. Utility plans. Utility plans shall be included on a separate drawing from the site plan, and shall include the following information:
1. The existing and proposed water mains (include size and valve locations);
 2. The water meter size and location;
 3. The existing and proposed sewer mains (include size, manholes and cleanout);
 4. The sewer service size (provide cleanout at property line);
 5. The existing and proposed utility easements including the associated utility line (public or private) and its size;
 6. The existing and proposed fire hydrants (including any nearby off-site hydrants);

7. The existing and proposed fire lines, fire sprinkler connections, and appurtenances;
 8. The location and size of irrigation meters;
 9. The location and size of grease and sand traps;
 10. The location and size of sampling pits; and
 11. The location and type of pretreatment.
- e. Drainage plans. Drainage plans shall be included on a separate drawing from the site plan, and shall include the following information:
1. The existing and proposed elevation at critical points;
 2. The drainage area map (if site is over one acre);
 3. The on-site collection system, including stormwater detention areas and detention ponds;
 4. The 100-year flood elevation (if in floodprone area), and erosion hazard setback easement;
 5. The existing and proposed contours at two-foot intervals;
 6. The existing and proposed drainage structures (include size and type);
 7. The existing and proposed culverts (use six-to-one sloped headwall); and
 8. The direction of surface drainage (must be discharged into existing waterway or public right-of-way).
- f. Landscape plan. A detailed landscape plan in conformance with section 146-135 shall be submitted along with the site plan. Landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape design, such as a landscape architect, landscape contractor, or landscape designer. Landscape plans shall be submitted on a separate drawing from the site plan, and shall include the following information:
1. An engineering scale that is the same as the associated site plan; and
 2. All information as listed in section 146-135(d)(2).
- g. Tree survey. A tree survey that identifies the location of trees shall be submitted for all developments, except as detailed in section 146-136 of the zoning ordinance, and shall be prepared by an arborist, a licensed surveyor, a licensed landscape architect, or other qualified person approved by the landscape administrator. The landscape administrator may approve a plan that shows non-disturbance areas, exemption areas, or an aerial photograph that is prepared by a non-professional if adequate information is provided by such a plan, as determined by the landscape administrator. The tree survey submittal shall include that number of copies of the plans deemed necessary by the city to complete the required reviews and shall include all information as listed in section 146-136(e).

- h. Tree preservation plan. A tree preservation plan shall be submitted for all proposed developments, except as detailed in section 146-136 of the zoning ordinance. The tree preservation plan submittal shall include that number of copies of the plans deemed necessary by the city to complete the required reviews and shall include all information as listed in section 146-136(e).
- i. Building plan. In the MTC McKinney town center zoning district, a building plan with architectural color elevations (drawn to scale) shall be submitted with all site plan applications to demonstrate compliance with the building form and site development standards as well as with the building design standards of the MTC McKinney town center zoning district (see appendix G of the city zoning regulations).

(b) *Attributes in consideration.* City council, planning and zoning commission and staff consideration shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, protective screening and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the city.

(c) *Additional information.* If, during the course of reviewing the site plan or landscape plan, the director of planning is of the opinion that a proper recommendation or action cannot be made without additional information, the director of planning is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the additional information for the director of planning's review.

(d) *Expiration.* A site plan shall expire two years after its approval, if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Site plans submitted for a planned development or specific use permit shall not expire.

(e) *Approval required.* A building permit shall not be issued prior to the approval of the site plan by the city council, planning and zoning commission, and/or director of planning, as appropriate. No building permit shall be issued except in compliance with the approved site plan, including all conditions of approval.

(f) *Inspections, revisions, and continued compliance.* During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed.

- (1) In the event that changes to the approved site plan are proposed, the director of planning shall have the authority to require that a revised site plan be submitted to the city for review and approval.
- (2) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The director of planning shall have the authority to interpret conformance to an approved site

plan; provided that such interpretations do not materially affect the impact on adjacent properties, access, circulation, parking, loading, or general building orientation, configuration, or location on the site.

- (3) If, in the judgment of the director of planning, the proposed revisions do not conform to the approved site plan, a new site plan application shall be submitted for review and approval by the director of planning or another approval body as appropriate.
- (4) A certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.
- (5) The final site plan, landscape plan, tree survey, and tree preservation plan shall be accompanied by a digital copy for permanent record.
- (6) Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this chapter.

(g) *Phasing plan.* To assist in the processing of site plans that are to be constructed in phases, the director of planning may request a phasing plan for the development, to ensure adequate site access, circulation, parking, sanitation containers, etc.

(Code 1982, § 41-39; Ord. No. 1270, § 2.09, 12-15-1981; Ord. No. 1761, § 1, 10-20-1987; Ord. No. 99-03-35, § 1A, 3-16-1999; Ord. No. 2000-01-03, §§ 1H, 1I, 1-4-2000; Ord. No. 2002-08-084, § I.15, 8-20-2002; Ord. No. 2003-05-054, § I, 5-20-2003; Ord. No. 2007-06-060, § 1, 6-5-2007; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 2, 11-4-2008; Ord. No. 2010-12-053, § 12, 12-7-2010; Ord. No. 2012-11-056, § 26, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-04-034, § 5, 4-2-2013; Ord. No. 2013-04-044, §§ 5, 6, 4-22-2013; Ord. No. 2015-03-014, § 1, 3-12-2015)

Sec. 146-46. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Accessory building or use* means a building or use which:
 - a. Is subordinate to and serves a principal building or building use;
 - b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
 - c. Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;
 - d. Is located on the same building lot as the principal use served; and
 - e. Meets all building and fire codes.
- (2) *Accessory dwelling* means a self-contained dwelling unit created either by converting part of or adding on to an existing single family structure, whether attached or

detached, or by building a separate apartment onto or along with a home on a single family lot. The use of the accessory dwelling is incidental to the main residence. Both the principal dwelling and the accessory dwelling must contain cooking, eating, sleeping, and sanitary facilities. The accessory dwelling must have a separate outside entrance.

- (3) *Alley* means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. An alley is a right-of-way with an ultimate width of 20 feet or less.
- (4) *Amusement, commercial (indoor)*, means an amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, an indoor recreational area, bowling alley or billiard parlor.
- (5) *Amusement, commercial (outdoor)*, means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a private outdoor recreational area, a golf driving range, archery range, and a miniature golf course.
- (6) *Antique shop* means an establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations, which have value and significance as a result of age, design and sentiment.
- (7) *Apartment* means a dwelling unit in a multi-family residential apartment building.
- (8) *Apartment building* means a building or any portion thereof, which contains three or more dwelling units, located in the same building lot. An apartment building is a multi-family residential use.
- (9) *Area of the lot* means the net area of the lot and shall not include portions of streets and alleys.
- (10) *Assisted living facility, nursing home, or rest home* means a private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury.
- (11) *Awning* means a roof-like cover that can be removed that projects from the wall of a building.
- (12) *Basement* means a building story that is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.
- (13) *Bay* means an opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.
- (14) *Bay door* means an oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.

- (15) *Bed and breakfast facility* means an owner-occupied private home which offers lodging for paying guests, and which serves breakfast to these guests and which contains one or more guest bedrooms.
- (16) *Block* means an area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street.
- (17) *Boardinghouse or roominghouse* means a building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.
- (18) *Build* means to erect, convert, enlarge, reconstruct, or alter a building or structure.
- (19) *Buildable area* means the area of a building site left to be built upon after any floodplain, easements, yards, and other unbuildable areas are deducted.
- (20) *Building* means any structure built for the support, shelter and enclosure of persons, animals, chattel or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.
- (21) *Building ends* means those sides of a building having the least dimensions as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple family dwelling, a building end shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.
- (22) *Building site* means a single tract of land located within a single block, which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. A building site may be subsequently subdivided into two or more building sites, and a number of building sites may be combined into one building site, subject to the provisions of this chapter and chapter 142, pertaining to subdivisions.
- (23) *Car wash* means a building or portion thereof, containing facilities for washing motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) using automated or manual methods including chain conveyor, blower, steam cleaning device, or other mechanical device. A car wash may also be referred to as an auto laundry.
- (24) *Certificate of occupancy* means an official certificate issued by the city through the enforcing official, which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

- (25) *Church or rectory* means a place of worship and religious training including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel. Church or rectory shall also include church-operated preschools (if the church is situated on a legally conforming lot under applicable subdivision or zoning controls) and/or on-site accessory not-for-profit overnight housing shelter sponsored and operated by the religious entity as a part of its goals, mission or ministry providing temporary free overnight lodging for individuals or families having no regular home or residential address (guests). The provision of temporary free overnight lodging allowed hereby shall be limited to a maximum of 30 nights per calendar year, shall provide housing for no more than 14 guests per night, and shall require an annual permit for such accessory use issued by the chief building official.
- (26) *City* means the municipal corporation of the City of McKinney, Texas.
- a. *Board* means the zoning board of adjustment as provided for in section 146-165.
 - b. *Chief building official* means the city administrative official charged with the responsibility of issuing permits and enforcing the zoning and building ordinances.
 - c. *City council* means the duly elected governing body of the city.
 - d. *City engineer* means the ~~engineer employed by the city~~director of engineering, or the engineers retained as consultants to the city, or their duly authorized representative.
 - e. *City manager* means the chief administrative office of the city.
 - f. *Commission* means the governmental body designated in this chapter as the planning and zoning commission and appointed by the city council as an advisory body to it and which is authorized to recommend changes to this zoning chapter.
- (27) *Cleaning shop and pressing (small shop and pickup)* means a custom cleaning shop not exceeding 3,000 square feet in floor area, or a pickup station for laundry or cleaning where the work is performed other than on the premises.
- (28) *Clinic* means a group of offices for one or more physicians, surgeons, or dentists to treat sick or injured outpatients who do not remain overnight.
- (29) *Community garden* means an area with a lot size of less than three acres that is utilized for the cultivation of horticultural goods including, but not limited to fruits, vegetables and herbs. Community gardens shall not include the retail sale or barter of any goods.
- (30) *Comprehensive plan* means the comprehensive plan of the city, as adopted by the city council. The comprehensive plan shall consist of a land use plan, a thoroughfare plan, a water system plan, a sanitary sewer plan, a storm drainage plan, a park system plan, and such other plans as may be adopted from time to time by the city council.

- (31) *Country club* means an area of at least 25 acres containing a golf course and clubhouse, which is available to a specific recorded membership. Such a club may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.
- (32) *Court* means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.
- (33) *Coverage, lot* means the percent of a lot or tract covered by the roof or first floor of a building. Roof eaves, which extend more than three feet from the walls of a building, shall be excluded from coverage computations.
- (34) *Day care* means a facility providing care, training, education, custody, treatment or supervision for four or more individuals for all or part of the 24-hour day and licensed by the state department of human services. No portion of the day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
- (35) *Development or to develop* means and includes the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To develop is to create a development.
- (36) *District* means a zoning district that is a part of the city.
- (37) *Dock* means a place for the loading or unloading of goods, materials, or merchandise, with or without a platform.
- (38) *Dwelling* means a building or portion thereof designed and used exclusively for residential occupancy, including one family, two family, or multiple family dwellings but not including hotels, motels or lodginghouses.
- (39) *Dwelling unit* means any building, structure or mobile home, or part thereof, which is designed, used or intended to be used for human occupancy as the living quarters, of one housekeeping unit or family.
- (40) *Farm, orchard or truck garden* means an area of three acres or more that is used for growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry, and farm animals, such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
- (41) *Farmers market* means an area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments,

cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products or any other item not specifically allowed per this ordinance.

- (42) *Family* means any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.
- (43) *Field office (temporary)* means a structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment and subject to a temporary permit issued by the chief building official and subject to discontinuance at the order of the chief building official.
- (44) *Floodplain* means, geographically, the entire area subject to flooding. In usual practice, it is the area subject to flooding by the 100-year frequency flood.
- (45) *Floor area* means the total square feet of floor space within the outside dimensions of a building including each floor level.
- (46) *Floor area ratio (FAR)* means the ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located (see appendix E, illustration 11).
- (47) *Fraternal organization, lodge or civic club* means a society or association organized for the pursuit of some common objective by working together in a brotherly union.
- (48) *Frontage* means the front or frontage is that side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.
- (49) *Fueling station* or gasoline station means a retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.
- (50) *Garage, auto repair*, means a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.
- (51) *Height* means the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:
- a. The highest point of the roofs surface if a flat surface;
 - b. The deck line of mansard roofs; or

- c. The mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevators, bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes and spires, and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

- (52) *Home occupation* means a business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.
- (53) *Hospital* means a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.
- (54) *Hotel or motel* means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of 12 individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture.
- (55) *Household appliance sales* means and includes, but not necessarily limited to, the sale and service of radio, television, refrigerators, etc.
- (56) *Independent living facility (retirement community)* means a private age-restricted facility that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for its residents.
- (57) *Indoor gun range* means an indoor facility where firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.
- (58) *Junk or salvage yard* means a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an automobile wrecking yard and automobile parts yard. A junkyard does not include such uses conducted entirely within an enclosed building.
- (59) *Kenel, indoor*, means an establishment with indoor pens in which dogs, cats, or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept, or sold for commercial purposes, but excluding pet stores or municipal animal shelters. Veterinary clinics, animal hospitals, and animal clinics shall not be considered a kennel, unless such uses contain indoor pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats, or other domesticated animals, swine, equine, or other livestock animals.

- (60) *Kennel, outdoor*, means an establishment with outdoor pens, and meeting the criteria in the definition of kennel, indoor.
- (61) *Legal height* means the maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.
- (62) *Livestock auction* means barns, pens and sheds for the temporary holding and sale of livestock.
- (63) *Living plant screen* means foliage of an acceptable type and of a density that will not permit through-passage, (and which exhibits the same year-round screening characteristics as a screening device, see screening device.)
- (64) *Loading space* means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks or other vehicles.
- (65) *Lot* means land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.
- a. *Lot area* means the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.
 - b. *Lot area per dwelling unit* means the lot area required for each dwelling unit located on a building lot.
 - c. *Lot, corner*, means a building lot situated at the intersection of two streets, with the interior angle of such intersection not to exceed 135 degrees (see appendix E, illustrations 4 and 5).
 - d. *Lot coverage* means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross sectional area of a building.
 - e. *Lot depth* means the mean horizontal distance between the front lot line and the rear lot line of a building lot measured at the respective midpoints of the front lot line and rear lot line within the lot boundary (see appendix E, illustration 2).
 - f. *Lot, interior*, means a building lot other than a corner lot (see appendix E, illustration 5).
 - g. *Lot line, front*, means the boundary of a building lot that is the line of an existing or dedicated street, or a private street lot within a private street development. Upon corner lots, either street line may be selected as the front lot line, providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
 - h. *Lot line, rear*, means the boundary of a building lot that is most distant from and is, or is most nearly, parallel to the front lot line.
 - i. *Lot line, side*, means the boundary of a building lot that is not a front lot line or a rear lot line.

- j. *Lot of record* means an area of land designated as a lot on a plat of a subdivision recorded, pursuant to statutes of the state, with the county clerk of the county, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk.
 - k. *Lot width* means the width of a lot at the front building line (see appendix E, illustration 1).
- (66) *Main building* means the building or buildings on a lot, which are occupied by the primary use.
- (67) *Mini-warehouse/public storage* means a building containing separate, individual self-storage units of 500 square feet or less for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.
- (68) *Mobile home dwelling* means a transient portable dwelling unit, such as a house trailer or mobile home, originally designed to be moved from location to location by automobile, truck or similar prime mover, but which has been made immobile and is used as a temporary or permanent dwelling, or as part of a permanent dwelling. This definition does not include pickup campers or travel trailers used temporarily for camping or outings.
- (69) *Mobile home park* means a tract of land designed, used or intended for the renting or leasing, but not sales, of sites for the location, occupancy, or accommodation of one or more mobile home dwellings. A mobile home park shall have filed with the city a certified land division approved by the commission according to the provisions of this chapter. A mobile home park shall be developed in conformance with the standards set out in chapter 138, article III, division 2.
- (70) *Mobile home subdivision* means a tract of land subdivided into lots, which are designed as permanent sites for mobile home dwellings and which are served by separate utilities, have dedicated street access on a legally filed plat, and are capable of being conveyed as separate lots, and as such shall be considered a subdivision.
- (71) *Multiple family dwelling (apartment)* means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more families living in independent dwelling units on a single lot.
- (72) *Multiple family dwelling, senior (senior apartment)* means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot. This use shall also be subject to the following requirements:
- a. At least one person 55 years of age or older shall reside in at least 80 percent of the senior multi-family residential development's dwelling units;

- b. Prior to the issuance of a certificate of occupancy, each senior multi-family residential development shall adopt a series of deed restrictions and covenants, subject to review and approval by the city attorney, establishing the development's intent to operate as a senior multi-family residential development in accordance with the requirements established herein and any other applicable law or regulation.
 - c. At least once every two years, each senior multi-family residential development shall provide to the development services division of the city a certified affidavit demonstrating that the requirements established herein as well as the requirements of the Fair Housing Act continue to be satisfied.
 - d. Failure to completely adhere to the requirements herein shall be deemed a violation of this chapter and may result in the revocation of the development's certificate of occupancy or other penalties as detailed in section 146-194 of this chapter.
- (73) *Museum, library or art gallery (public)* means an institution for the collection, display and distribution of books, objects of art or science, which is sponsored by a public or quasi-public agency and which facility is open to the general public.
- (74) *Nonconforming use* means a building, structure or use of land lawfully occupied at the time of the effective date of the ordinance from which this section is derived (April 29, 1968), or amendments thereto, or which was subsequently annexed to the city and which does not conform to the use regulations of the district in which it is situated.
- (75) *Occupancy* means the use or intended use of the land or buildings by proprietors or tenants.
- (76) *Off-street parking* means parking spaces provided in accordance with the requirements specified by this chapter and located on the lot or tract occupied by the main use.
- (77) *Open area* means that part of a building lot, including a court or a yard, which:
- a. Is open and unobstructed from its lowest level to the sky;
 - b. Is accessible to all residents upon a building lot; and
 - c. Is not part of the roof of that portion of the building containing dwelling units.
- (78) *Open space* means an area or tract of undeveloped land that is intended to remain generally in its natural state, except for those uses allowed under the provisions of this chapter.
- (79) *Open storage* means the storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

- (80) *Outdoor display* means the placement of articles for sale in an uncovered area on private property.
- (81) *Park or playground (public)* means an open recreation facility or park owned and operated by a public agency such as the municipal department of parks and recreation or school board and available to the general public.
- (82) *Parking lot or parking garage, commercial*, means an area or structure for the parking of motor vehicles, and which serves as the primary use on the lot.
- (83) *Parking lot, truck*, means any area used for the parking or storage of trucks or trailers larger than three-fourths ton in size.
- (84) *Parking space* means an enclosed or unenclosed all-weather surface meeting the size requirements of this chapter, not on a public street or alley, together with an all-weather surfaced driveway connecting the area to a street or alley permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use (see appendix E, illustrations 13, 14, 15, 16, and 17).
- (85) *Performance standards* means those standards or criteria by which qualitative and quantitative measures are derived for the regulation of industrial uses and activities. The following definitions are applicable to performance standards:
- a. *Atmosphere* means the air that envelops or surrounds the earth. Where air contaminants are emitted into a building not designed specifically as air pollution control equipment, such emission into the building shall be considered emission into the atmosphere.
 - b. *Atmospheric pollution* means the discharging from stacks, open storage, chimneys, exhausts, vents, ducts, openings, or open fires of such air contaminants as visible emissions, sulphur dioxide, particulate matter, hydrocarbons, fumes or similar material or gases.
 - c. *Background noise* means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares.
 - d. *Combustion* means the rapid exothermic reaction of any material with oxygen.
 - e. *Decibel* means a unit of measurement of sound pressure.
 - f. *Emission* means the act of passing into the atmosphere an air contaminant or a gas stream, which contains or may contain an air contaminant or the material so passed into the atmosphere.
 - g. *Emission point* means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.
 - h. *Exhaust gas volume* means the total volume of gas emitted from an emission point.

- i. *Frequency* means the number of times per second a vibration or sound wave oscillates.
 - j. *Octave band* means all the frequencies between any given frequency and double that frequency.
 - k. *Octave band filter* means an electrical frequency analyzer designed according to the standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.
 - l. *Odor threshold* means the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the odor threshold is prescribed by ASTM D1391-57, Standard Method for Measurement of Odor in Atmospheres.
 - m. *Operation* means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or chemical or physical properties of a material. The following are given as examples, without limitation of the generality of the foregoing: heat transfer, calcination, double decomposition fermentation, pyrolysis, electrolysis, combustion material handling, evaporation mixing, absorption, filtration, fluidization, screening, crushing, grinding, demolishing, shoveling, bagging, etc.
 - n. *Particulate matter* means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.
 - o. *Person or operation* means any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner or any state or local governmental agency or public district or any officer or employee thereof. It includes the owner, lessor, lessee, tenant, licensee, manager and operator, or any of such, of any emission point or any source operation, which may constitute a source of atmospheric pollution related thereto, or any interest in such emission point or operation source.
 - p. *Ppm (vol)* means parts per million by volume.
 - q. *Smoke* means the visible discharge of particulate matter from a chimney, vent exhaust or combustion process.
 - r. *Toxic and noxious matter* means any solid, liquid, or gaseous matter, which is present in sufficient quantities to endanger health, safety and comfort of persons in the vicinity or which may cause injury or damage to property.
 - s. *Vibration* means a periodic displacement of the earth measured in inches.
- (86) *Personal service* means establishments primarily engaged in providing services generally involved in the care of the person or their apparel, including, but not limited to, barbershops, tailors, and salons.

- (87) *Plat* means a plan of a subdivision or land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city and subject to approval by the planning and zoning commission and/or city council, and filed in the plat records of the county.
- (88) *Playfield or stadium (public)* means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.
- (89) *Private club* means an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of V.T.C.A., Alcoholic Beverage Code § 32.01 et seq., as it pertains to the operation of private clubs.
- a. Private clubs shall be restricted to: Planned Center, General Business, Commercial Historic District, Business Commercial, and Planned Development zoning districts.
 - b. A specific use permit issued for the operation of a private club shall be conditioned that:
 1. Thirty-five percent of the gross receipts be derived from the sale of food, subject to an annual audit provided at the expense of the permittee for review by the City Council;
 2. The permitted premises contain a minimum of 50 dining seats and a minimum of 600 square feet of dining area;
 3. The permittee comply with the provisions of the alcoholic beverage code and receive a private club permit from the state within six months from the date of issuance of the specific use permit by the city council, each such limitation in time being subject to review and possible extension by the city council; and
 4. Such other conditions and restrictions, which the city council determines, at the time of granting the specific use permit, are necessary to protect and provide for the health, safety, and general welfare of the community.
 - c. The city council may revoke a specific use permit granted hereunder if it finds that any condition imposed at the time of granting the permits is not met, or thereafter ceases to exist. The city council may deny a specific use permit for the operation of a private club if it should affirmatively determine that issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, or general welfare of the city and its inhabitants.
 - d. All specific use permits for the operation of private clubs shall be further conditioned that the same may be canceled, suspended, or revoked in accordance with the provisions of chapter 138, article II, which are incorporated herein by reference and made a part hereof for all purposes.

- (90) *Public building, shop or yard of local, state, federal government* means facilities such as office buildings, maintenance yards or shops required by branches of local, state or federal government for service to an area such as a highway department yard or city service center.
- (91) *Recreation area* means a privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.
- (92) *Recreation center (public)* means a building or complex of buildings housing community recreation facilities owned, operated or leased for operation by the city and may include swimming pools, tennis and other indoor or outdoor athletic facilities.
- (93) *Rest home or nursing home* means a private facility for the care of children or the aged or infirm or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.
- (94) *Residence*. See dwelling. When called a residence district, it means an area of residential regulations.
- (95) *Restaurant or cafeteria (carry-out only)* means an establishment where food is prepared for the general public but where there are no designated areas for dining on the premises (indoor or outdoor).
- (96) *Restaurant or cafeteria (indoor service)* means an establishment serving food to the general public in specific, designated indoor dining areas and outdoor seating areas and where food is not served to or eaten in automobiles on the premises.
- (97) *Restaurant or cafeteria (including drive-through windows and drive-in service)* means an establishment where prepared food or drink is served to or consumed by customers in motor vehicles, and specified as one of the following categories:
- a. *Drive-through window restaurant* means an establishment where customers are served prepared food or drink at a drive-through window for off-premises consumption.
 - b. *Drive-in service restaurant* means an eating establishment where consumption of food or drink in vehicles on the premises is permitted.
- (98) *Screening device* means a barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from any height between ground level and seven feet above ground level.
- (99) *School, business or trade* means a business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school or commercial art school.
- (100) *School, public, private, or parochial* means a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or business schools.

- (101) *Shopping center* means a group of primarily retail and service commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, and the location for delivery of goods is separated from customer access, which features aesthetically appropriate design and protection from the elements.
- (102) *Servant's quarters* means an accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed by the occupants of the principal residence.
- (103) *Service station* means any building or premises used for the dispensing, sale, or offering for retail sale of any fuels or oils for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers). If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage, and not as a service station.
- (104) *Single family dwelling (attached)* means a dwelling unit that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, which is designed for occupancy by one family and is located on a separately platted lot, delineated by front, side and rear lot lines and is served by separate utility connections and meters as a single family dwelling. Also known as a townhome.
- (105) *Single family dwelling (detached)* means a dwelling unit designed and constructed for occupancy by not more than one family, located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract, and occupied by only one family.
- (106) *Stable, commercial*, means a stable and related open pasture where horses are quartered for owners on a fee basis. No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.
- (107) *Story* means the height between the succeeding floors of a building or from the top floor to the roof. The standard height of a story is 11 feet six inches.
- (108) *Street* means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. A street is a right-of-way with an ultimate width of more than 20 feet.
- (109) *Street line* means a dividing line between a lot, tract or parcel of land and a contiguous street or the right-of-way line.
- (110) *Structural alterations* means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.
- (111) *Structure*. See building.

- (112) *Swim or tennis club* means a private recreational club with restricted membership, usually of less area than a country club but including a clubhouse and a swimming pool or tennis courts and similar recreational facilities one of which are available to the general public.
- (113) *Swimming pool (private)* means a pool or spa that is located on private property under the control of the property owner and intended for use by not more than two resident families and their guests, and located and fenced in accordance with the regulations of the city.
- (114) *Thoroughfare* means any planned or existing roadway within the city and its ETJ. A major thoroughfare is a planned or existing right-of-way with an ultimate right-of-way width of 60 feet or greater. A minor thoroughfare is a planned or existing roadway with an ultimate right-of-way width of less than 60 feet.
- (115) *Tires, batteries and accessories* means any retail operation wherein the sale and/or installation of tires, batteries, brakes and other related minor parts or accessories not listed as a separate use in this chapter is carried on; specifically intended to exclude heavy automotive repair, upholstery and muffler installation, automotive tune-up, automotive salvage or painting, used part sales or storage, tire retreading or recapping.
- (116) *Tower, radio, television, communications, or microwave*, means structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television. In any event, the use as a communications, microwave, radio, or television tower in a given zone is still subject to the height, setback, and other requirements, of section 146-137 and the zoning district requirements in which the tower is located.
- (117) *Truck fueling station* means a retail fuel sales facility selling fuel for motor vehicles and semi-trailer trucks with at least three axles that are designed to tow trailers, limited to no more than one fueling pump per semi-trailer truck fueling bay. The truck fueling station may be attended or automated and include accessory truck scales/weigh stations. Off-site stacking for fueling and weighing purposes shall be prohibited.
- (118) *Truck stop* means any premises that provides parking facilities for semi-trailer trucks with at least three axles that are designed to tow trailers in conjunction with one or more other uses including, but not limited to the incidental sale of accessories or equipment for such vehicles, fuel sales, truck scales/weigh stations, restroom and showering facilities, and/or other uses typically associated with semi-trailer truck resting areas.
- (119) *Two-family dwelling* means a single structure designed and constructed with two dwelling units under a single roof for occupancy by two families. Also known as a duplex.

- (120) *Use* means the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this chapter.
- (121) *Variance* means an adjustment in the application of the specific regulations of this zoning chapter to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to enable the property to enjoy the same or similar enjoyed by other parcels in the same vicinity and zoning district.
- (122) *Yard* means an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and lot line shall be used. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.
- a. *Yard, front*, means an open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located (see appendix E, illustrations 3, 6, and 7).
 - b. *Yard, rear*, means an open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated (see, appendix E, illustrations 3 and 6).
 - c. *Yard, side*, means an open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line (see appendix E, illustrations 3, 4, 5, and 6).
- (123) *Zoning district map* means the official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this zoning chapter.

Unless otherwise defined herein, words contained in these regulations shall have the meanings found in chapter 142 and section 146-46, and as such provisions may be hereafter amended.

(Code 1982, § 41-40; Ord. No. 1270, § 2.10, 12-15-1981; Ord. No. 93-11-39, § 1, 11-2-1993; Ord. No. 94-08-26, § 3(B), 8-16-1994; Ord. No. 97-11-61, § 1, 11-18-1997; Ord. No. 99-03-35, §§ 1B—1D, 3-16-1999; Ord. No. 2002-08-084, § I.16, 8-20-2002; Ord. No. 2003-03-020, § 1, 3-4-2003; Ord. No. 2004-12-124, § I, 12-15-04; Ord. No. 2006-10-121, § 1, 10-17-2006; Ord.

No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 13, 12-7-2010; Ord. No. 2011-08-054, § 1, 8-16-2011; Ord. No. 2012-02-005, §§ 1—3, 2-21-2012; Ord. No. 2013-02-021, § 1, 2-25-2013; Ord. No. 2014-03-018, § 1, 3-4-2014)

Sec. 146-47. Notice of petition or request for consent to create a special district or notice of intent to file special legislation creating a special district.

(a) Every petition or request for the city's consent to the creation of a special district and every notice of intent to file special legislation to create a special district received by the city shall be forwarded to the city manager or his designee.

(b) A special district shall include but not be limited to a municipal utility district (MUD), water control and improvement district, fresh water supply district, water district, utility district, road district or any similar entity created under the state constitution or general laws for the purpose of providing public services, public utilities, public infrastructure or governmental functions.

(c) Upon receipt of a petition or notice by the city, the city manager shall determine the names and address of the persons owning land within the area located 2,000 feet, within our extra territorial jurisdiction, immediately adjacent and outside of the boundaries of the proposed special district according to the records of the appraisal district and shall notify those persons of the city's receipt of the petition, request, or notice.

(d) A public hearing shall be held by the city council between 14 and 60 days of the transmittal date of the notification described in (c) above. Until the persons identified in (c) above are notified and a public hearing is held in conjunction with a regular or special city council meeting to hear the views and opinions of such persons, the city council shall not schedule consideration of its consent to create a special district and, prior to such public hearing, may oppose any special legislation to create a special district within its extraterritorial jurisdiction through its specific direction of the city manager, and as the specific case dictates.

(Ord. No. 2008-06-062, § 2, 6-17-2008)

Secs. 146-48—146-65. Reserved.

ARTICLE III. DISTRICT REGULATIONS

Sec. 146-66. Use and areas.

(a) All land, buildings, structures, or appurtenances thereon located within the city, which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished, or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

(b) Land and buildings in each of the following zoning districts may be used for any of the listed uses but no land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished, or converted, or which is arranged or designed to be used or is used for other than those uses specified for the zoning district in which it is located and as set forth in the schedule of uses given in this chapter.

(c) The following is the legend for interpreting schedule of uses:

- * Designates use permitted in district indicated.
- Designates use prohibited in district indicated.
- S Designates use may be approved as specific use permit under section 146-41.
- T Designates use may be permitted as temporary use.

(Code 1982, § 41-61; Ord. No. 1270, § 3.01, 12-15-1981; Ord. No. 2002-08-084, § I.17, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010)

Sec. 146-67. AG - Agricultural district regulations.

(a) *Purpose.* The AG - Agricultural zone is designed to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use land suited to eventual development in other uses, pending proper timing for practical and economical provision of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the city preserved. A change of zoning from AG agricultural to any other classification shall be in accordance with planning practices established by the commission.

(b) *Permitted uses.* The following uses are permitted in the AG agricultural zone:

- (1) Ranch and farm dwellings pertaining to agricultural operations;
- (2) Riding academies;
- (3) Recreational camps operated by public, charitable or religious organizations;
- (4) Greenhouses; and
- (5) Other uses indicated as being permitted in the AG - Agricultural zone in the Schedule of Uses.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the AG - Agricultural zone:

- (1) Roadside stands not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises;
- (2) Nameplates and non-illuminated signs not to exceed 20 square feet in area identifying the premises, but not containing over 20 percent brand advertising; and
- (3) The keeping of not more than two roomers or boarders; and

- (4) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.

(d) *Specific use permits.* The following specific uses require permits in the AG - Agricultural zone:

- (1) Quarters for transient labor;
- (2) Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural or public service type including colleges; and
- (3) Other uses indicated as being allowed in the AG - Agricultural zone with a specific use permit in the Schedule of Uses.

(e) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the AG - Agricultural zone shall apply.

(f) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-62; Ord. No. 1270, § 3.02, 12-15-1981; Ord. No. 2002-08-084, § I.18, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-68. RED-1 - Residential Estates district.

(a) *Purpose.* The RED-1 - Residential Estates zone is designed to promote and encourage a suitable environment for family life on large parcels of land. The RED-1 - Residential Estates classification is to be used for only suburban single family homes and the community services and facilities appurtenant thereto.

(b) *Permitted uses.* The following uses are permitted in the RED-1 - Residential Estates zone:

- (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises; and
- (2) Other uses indicated as being permitted in the RED-1 - Residential Estates zone in the Schedule of Uses.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the RED-1 - Residential Estates zone:

- (1) Private stables, corrals and paddocks when located no closer than 20 feet from any property line, no closer than 50 feet from a street line and no closer than 150 feet from any dwelling on adjoining property. No horse shall be kept on a lot of less than one acre in area, and two horses, may be kept on an acre, but for each horse above two kept, there shall be an additional 20,000 square feet in lot area;

- (2) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length shall be permitted in the rear yard;
- (3) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard;
- (4) Real estate lease or sales signs relating to the property on which the sign is located; and
- (5) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.

(d) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the RED-1 - Residential Estates zone shall apply.

(e) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

(Code 1982, § 42-63; Ord. No. 1270, § 3.03, 12-15-1981; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § I.19, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-69. RED-2 - Residential Estates district.

(a) *Purpose.* The RED-2 - Residential Estates zone is designed to promote and encourage a suitable environment for family life on large parcels of land. The RED-2 - Residential Estates classification is to be used for only suburban single family homes and the community services and facilities appurtenant thereto.

(b) *Permitted uses.* The permitted uses subject to the same regulations pertaining to such uses permitted in the RED-1 - Residential Estates zone shall be permitted in the RED-2 - Residential Estates zone.

(c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the RED-2 - Residential Estates zone shall apply.

(d) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

(Code 1982, § 42-64; Ord. No. 1270, § 3.04, 12-15-1981; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-70. RS 120 - Single Family Residence district.

(a) *Purpose.* The RS 120 - Single Family Residence zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life environment on relatively ample lots. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.

(b) *Permitted uses.* The permitted uses subject to the same regulations pertaining to such uses permitted in the RED-1 - Residential Estates zone shall be permitted in the RS 120 - Single Family Residence zone.

(c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the RS 120 - Single Family Residence zone shall apply.

(d) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

(Code 1982, § 41-65; Ord. No. 1270, § 3.05, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 2002-08-084, § I.20, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 2, 3-4-2014)

Sec. 146-71. RS 84 - Single Family Residence district.

(a) *Purpose.* The RS 84 - Single Family Residence zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.

(b) *Permitted uses.* Those uses permitted in the RED-1 - Residential Estates zone, subject to the same regulations pertaining to such uses in said zoning district, shall be permitted in the RS 84 - Single Family Residence zone.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the RS 84 - Single Family Residence zone:

- (1) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard;
- (2) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard;
- (3) Real estate lease or sale signs relating to the property on which the sign is located; and
- (4) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.

(d) *Space limits.* The space limits identified in appendix F of the zoning ordinance as being applicable to the RS 84 - Single Family Residence zone shall apply.

(e) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-66; Ord. No. 1270, § 3.06, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § I.21, 8-20-2002; Ord. No.

2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 3, 3-4-2014)

Sec. 146-72. RS 72 - Single Family Residence district.

(a) *Purpose.* The RS 72 - Single Family Residence zone is designed to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.

(b) *Permitted uses.* Those uses indicated as being permitted in the RS 72 - Single Family Residence zone in the Schedule of Uses shall be allowed.

(c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the RS 72 - Single Family Residence zone shall apply. (Code 1982, § 41-67; Ord. No. 2000-01-03, § 1A, 1-4-2000; Ord. No. 2002-08-084, § I.34, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2014-03-018, § 4, 3-4-2014)

Sec. 146-73. RS 60 - Single Family Residence district.

(a) *Purpose.* The RS 60 - Single Family Residence zone is designed to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones. 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 RS 60 - Single Family Residence zone:

- (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation; and
- (2) Other uses indicated as being permitted in the RS 60 - Single Family Residence zone in the Schedule of Uses.

(c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the RS 60 - Single Family Residence zone shall apply.

(d) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-68; Ord. No. 1270, § 3.07, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 1657, § 1, 6-17-1986; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § I.22, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-04; Ord. No. 2006-10-121, § II, 10-17-2006; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 28, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 5, 3-4-2014)

Sec. 146-74. RS 45 - Single Family Residence district; zero lot line homes.

(a) *Purpose.* The RS 45 - Single Family Residence zone is designed to provide single family homes on lots of moderate size. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.

(b) *Permitted uses.* Those uses indicated as being permitted in the RS 45 - Single Family Residence zone in the schedule of uses shall be allowed.

(c) *Space limits.* The space limits identified in Appendix F of the zoning ordinance as being applicable to the RS 45 - Single Family Residence zone shall apply.

(d) *Miscellaneous provisions.* A minimum of two uncovered parking spaces shall be provided per unit. However, if rear entry is provided, then one covered parking space shall be acceptable.

(Code 1982, § 41-69; Ord. No. 1270, § 3.07.5, 12-15-1981; Ord. No. 1511, § 1, 1-15-1985; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § I.23, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 28, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 6, 3-4-2014)

Sec. 146-75. RD 30 - Duplex Residence district.

(a) *Purpose.* The RD 30 - Duplex Residence zone is designed to provide suitable family life for one- and two-family dwelling areas on lots of moderate size. 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 RD 30 - Duplex Residence zone:

- (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation; and
- (2) Other uses indicated as being permitted in the RD 30 - Duplex Residence zone in the Schedule of Uses shall be allowed.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the RD 30 - Duplex Residence zone:

- (1) Signs not to exceed two square feet in area identifying the premises and occupant, but not including advertising matter;
- (2) The keeping of dogs, cats and other household pets, but limited to two animals over six months old;
- (3) Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed;

- (4) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length shall be permitted in the rear yard;
 - (5) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard; and
 - (6) Real estate lease or sale signs relating to the property on which the sign is located.
- (d) *Space limits.*
- (1) Minimum lot area: 5,000 square feet for one unit; 6,000 square feet for a duplex; and
 - (2) The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the RD 30 - Duplex Residence zone shall apply.

(e) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-70; Ord. No. 1270, § 3.08, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § I.24, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2011-04-026, § 4, 4-19-2011; Ord. No. 2012-11-056, § 28, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 7, 3-4-2014)

Sec. 146-76. RG 27 - General Residence Townhome district.

(a) *Purpose.* The RG 27 - General Residence Townhome zone is designed to provide for a medium density residential environment of attached townhome units. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.

(b) *Permitted uses.* Those uses indicated as being permitted in the RG 27 - General Residence Townhome zone in the schedule of uses shall be allowed.

(c) *Space limits.* The space limits identified in Appendix F of the zoning ordinance as being applicable to the RG 27 - General Residence Townhome zone shall apply.

(d) *Miscellaneous provisions.* Rear entry off-street parking shall be provided for all uses established in this zone.

(Code 1982, § 41-71; Ord. No. 1270, § 3.08.5, 12-15-1981; Ord. No. 1511, § 2, 1-15-1985; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2014-03-018, § 8, 3-4-2014)

Sec. 146-77. RG 25 - General Residence district.

(a) *Purpose.* The RG 25 - General Residence zone is designed to provide for a medium density residential environment allowing some latitude to the designers as to form but limiting the overall intensity of use of the land. Lot area requirements are modified to meet existing lot situations in a large part of the city. 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 RG 25 - General Residence zone:

- (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises except as provided for as a permitted home occupation; and
- (2) Other uses indicated as being permitted in the RG 25 - General Residence zone in the schedule of uses.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the RG 25 - General Residence zone:

- (1) Signs not to exceed four square feet in area identifying the premises and occupant, but not including advertising matter;
- (2) The keeping of dogs, cats and other household pets, but limited to two animals over six months old;
- (3) Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed;
- (4) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length;
- (5) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard;
- (6) Real estate lease or sale signs relating to the property on which the sign is located; and
- (7) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.

(e) *Space limits.* The following space limits shall apply to the RG 25 - General Residence zone:

- (1) Minimum lot area: 5,000 square feet for one or two units; 2,500 square feet for each additional unit; and
- (2) All other space limits identified as being applicable to the RG 25 - General Residence zone in Appendix F of the Zoning Ordinance.

(f) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-72; Ord. No. 1270, § 3.09, 12-15-1981; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § I.25, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 29, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 9, 3-4-2014)

Sec. 146-78. RG 18 - General Residence district.

(a) *Purpose.* The RG 18 - General Residence zone was originally designed to provide for moderately high density apartment development and other uses, which have characteristics similar to those found in the operation of apartment houses. Densities in this district are higher than presently considered acceptable in the city. Rezoning to this classification will not generally be considered after January 1, 2000.

(b) *Permitted uses.* Those uses indicated as being permitted in the RG 18 - General Residence zone in the schedule of uses shall be allowed.

(c) *Space limits.* The following space limits shall apply to the RG 18 - General Residence zone:

(1) Non-residential uses:

- a. Minimum lot area: 5,000 square feet
- b. Minimum width of lot: 50 feet.
- c. Minimum depth of lot: 100 feet.
- d. Maximum height of building: 50 feet.
- e. Minimum front yard: 15 feet
- f. Minimum rear yard: ten feet.
- g. Minimum side yard: seven feet.
- h. Minimum side yard at corner: 25 feet.
- i. Maximum lot coverage: 80 percent.
- j. Maximum floor area ratio: one to 1.67 (0.6:1.0).

(2) Multiple family residential uses:

- a. Multi-family residential construction in this district shall, except as herein described, shall comply with the space limitations of the MF-1 - Multi-Family Residential-Low Density District.
- b. A maximum density of 24 dwelling units per acre shall be allowed.

(3) Duplex residential uses:

- a. Two family residential construction in this district shall comply with the space limitations of the RD 30 - Duplex Residence District.

(4) Single-family residential uses:

- a. Single family residential construction in this district shall comply with the space limitations of the RS 60 - Single Family Residence District.

(d) *Miscellaneous provisions.*

- (1) Off-street parking shall be provided for all uses established in this zone.

- (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-73; Ord. No. 1270, § 3.10, 12-15-1981; Ord. No. 1512, § 1, 1-5-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2000-01-03, § 1W, 1-4-2000; Ord. No. 2002-08-084, § I.26, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-05-011, § 2, 5-17-2010; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 29, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-79. MF-1 - Multiple Family Residential-Low Density district.

(a) *Purpose.* The MF-1 - Multiple Family Residential-Low Density zone is designed to provide for low density multiple family residential development characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.

(b) *Permitted uses.* The following uses are permitted in the MF-1 - Multiple Family Residential-Low Density zone: uses as permitted in the schedule of uses.

(c) *Space limits.* The following space limits shall apply to the MF-1 - Multiple Family Residential-Low Density zone:

- (1) Minimum rear yard: 25 feet; 45 feet where adjacent to single family or duplex residential zones or uses.
- (2) Minimum side yard: 20 feet; 45 feet where adjacent to single family or duplex residential zones or uses.
- (3) Maximum lot coverage: 50 percent, including accessory buildings other than covered parking.
- (4) Single family construction in this district shall comply with the RS 60 - Single Family Residence zone space limit requirements. Duplex construction in this district shall comply with the RD 30 - Duplex Residence zone space limit requirements.
- (5) All other space limits identified as being applicable to the MF-1 - Multiple Family Residential-Low Density zone in Appendix F of the Zoning Ordinance.

(d) *Miscellaneous provisions.*

- (1) The minimum separation of buildings shall conform to the distance requirements as specified in section 146-129(4)c.
- (2) The keeping of dogs, cats and other household pets is limited to two animals over six months old.

(Code 1982, § 41-74; Ord. No. 2000-01-03, § 1B, 1-4-2000; Ord. No. 2002-08-084, § I.35, 8-20-2002; Ord. No. 2003-07-064, § I, 7-15-2003; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 29, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-80. MF-2 - Multiple Family Residential-Medium Density district.

(a) *Purpose.* The MF-2 - Multiple Family Residential-Medium Density zone is designed to provide for medium density multiple family residential development characterized by smaller scale buildings and more open space than higher density districts. This district should not be located with direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.

(b) *Permitted uses.* The following uses are permitted in the MF-2 - Multiple Family Residential-Medium Density zone: uses as permitted in the schedule of uses.

(c) *Space limits.* The following space limits shall apply to the MF-2 - Multiple Family Residential-Medium Density zone:

- (1) Minimum rear yard: 25 feet; 45 feet where adjacent to single family or duplex residential zones or uses.
- (2) Minimum side yard: 20 feet; 45 feet where adjacent to single family or duplex residential zones or uses.
- (3) Maximum lot coverage: 50 percent including accessory buildings except for covered parking.
- (4) Single family construction in this district shall comply with the RS 60 - Single Family Residence zone space limit requirements. Duplex construction in this district shall comply with the RD 30 - Duplex Residence zone space limit requirements.
- (5) All other space limits identified as being applicable to the MF-2 - Multiple Family Residential-Medium Density zone in Appendix F of the Zoning Ordinance.

(d) *Miscellaneous provisions.*

- (1) The minimum separation of buildings shall conform to the distance requirements as specified in section 146-129(4)c.
- (2) The keeping of dogs, cats and other household pets is limited to two animals over six months old.

(Code 1982, § 41-75; Ord. No. 2000-01-03, § 1C, 1-4-2000; Ord. No. 2002-08-084, § I.36, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 29, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-81. MF-3 - Multiple Family Residential-Medium-High Density district.

(a) *Purpose.* The MF-3 - Multiple Family Residential-Medium-High Density zone is designed to provide for moderately high density multiple family residential development characterized by smaller scale buildings and more open space. This district is appropriately located with direct access to major thoroughfares. This district permits three story apartments, fourplexes, and duplexes.

(b) *Permitted uses.* The following uses are permitted in the MF-3 - Multiple Family Residential-Medium-High Density zone: uses as permitted in the schedule of uses.

(c) *Space limits.* The following space limits shall apply to the MF-3 - Multiple Family Residential-Medium-High Density zone:

- (1) Minimum rear yard: 25 feet; 45 feet where adjacent to single-family or duplex residential zones or uses.
- (2) Minimum side yard: 20 feet; 45 feet where adjacent to single-family or duplex residential zones or uses.
- (3) Maximum lot coverage: 50 percent, including accessory buildings except covered parking.
- (4) Single-family construction in this district shall comply with the RS 60 - Single Family Residence zone space limit requirements. Duplex construction in this district shall comply with the RD 30 - Duplex Residence zone space limit requirements.
- (5) All other space limits identified as being applicable to the MF-3 - Multiple Family Residential-Medium-High Density zone in Appendix F of the Zoning Ordinance.

(d) *Miscellaneous provisions.*

- (1) The minimum separation of buildings shall conform to the distance requirements as specified in section 146-129(4)c.
- (2) The keeping of dogs, cats and other household pets is limited to two animals over six months old.

(Code 1982, § 42-76; Ord. No. 2000-01-03, § 1D, 1-4-2000; Ord. No. 2002-08-084, § I.37, 8-20-2002; Ord. No. 2003-07-064, § 1, 7-15-2003; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 29, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-82. MP - Mobile Home Park district.

(a) *Purpose.* The MP - Mobile Home Park zone is designed to provide for mobile home parks.

(b) *Permitted uses.* The following uses are permitted in the MP - Mobile Home Park zone: mobile home parks authorized and licensed by the city for the parking and occupancy of mobile dwellings according to the regulations set out in chapter 138, article III, division 2 and made a part hereof.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the MP - Mobile Home Park zone: such uses are normally accessory to a mobile home park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, laundry facilities and storage facilities for use of the residents of the mobile home park, and open recreation areas.

(d) *Space limits.* The following space limits shall apply to the MP - Mobile Home Park zone:

- (1) Minimum space area: 3,000 square feet per mobile home, but not to exceed an average of eight spaces per gross acre in park.
- (2) Minimum zoning lot: three acres.
- (3) Minimum width of space: 30 feet.
- (4) Minimum depth of space: 100 feet.
- (5) Minimum space front yard: 20 feet.
- (6) Minimum space rear yard: five feet.
- (7) Minimum space side yard: five feet.
- (8) Minimum space side yard at corner: 15 feet.
- (9) All other space limits identified as being applicable to the MP - Mobile Home Park zone in Appendix F of the Zoning Ordinance.

(e) *Type of materials.* MP - Mobile Home Park zone construction shall have a facade of fire-resistant materials.

(f) *Miscellaneous provisions.*

- (1) Mobile homes shall be located only within approved mobile home parks.
- (2) The entire mobile home park shall be treated as one zoning lot, except that when uses other than those normally included or required by ordinance within a mobile home park are established within the boundaries of a mobile home park then a separate zoning lot shall be designated for said other use.
- (3) Mobile homes shall be tied down in a manner approved by the Chief Building Official.

(Code 1982, § 41-77; Ord. No. 1270, § 3.11, 12-15-1981; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010)

Sec. 146-83. NC - Neighborhood Convenience District.

(a) *Purpose.* The NC - Neighborhood Convenience zone is designed to provide for a limited range of service and light retail land uses in small districts up to two acres in size, which are appropriately located at intersections of thoroughfares to serve the immediately adjacent residential neighborhood area. This 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. 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 NC - Neighborhood Convenience zone: uses as permitted in the schedule of uses.

(c) *Space limits.* The following space limits shall apply to the NC - Neighborhood Convenience zone:

- (1) Minimum rear yard: ten feet; 25 feet where adjacent to residential.
- (2) Minimum side yard: five feet; 25 feet where adjacent to residential.
- (3) Maximum lot coverage: 40 percent.
- (4) Maximum floor area ratio: 0.4 to 1.0.
- (5) All other space limits identified as being applicable to the NC - Neighborhood Convenience zone in appendix F of the zoning ordinance.

(d) *Miscellaneous provisions.* Sign and illumination regulations for the NC - Neighborhood Convenience zone shall be as follows:

- (1) Signs shall comply with the provisions of chapter 134.
- (2) The number of signs shall be limited to two, or the maximum allowable under chapter 134, whichever is less.
- (3) No free standing signs (ground or pole signs) shall be permitted.
- (4) 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.
- (5) All signs shall be oriented so as to face a public street.
- (6) No sign shall be illuminated so as to shine on nearby residential properties.
- (7) Any illumination shall be non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

(Code 1982, § 41-78; Ord. No. 2000-01-03, § 1F, 1-4-2000; Ord. No. 2002-08-084, § I.39, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 10, 3-4-2014)

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) Any principal permitted use allowed in the RG 18 - General Residence zone when established according to the rules and conditions of the RG 18 - General Residence zone, except as herein modified;
- (2) Other uses indicated as being permitted in the BN - Neighborhood Business zone in the schedule of uses; and

- (3) 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) Accessory uses for residential development shall include those listed under the RG 25 - General Residence zone and shall be established and conducted in accordance with the regulations of that zone; and
- (2) 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.

(e) *Miscellaneous provisions.*

- (1) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. No business shall be constructed on a zoning lot occupied by a residence.

(Code 1982, § 41-79; Ord. No. 1270, § 3.12, 12-15-1981; Ord. No. 1513, § 1, 1-5-1985; Ord. No. 97-11-61, § 1, 11-18-1997; Ord. No. 2002-08-084, § I.27, 8-20-2002; Ord. No. 2003-05-054, § II, 5-20-2003; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 4, 11-4-2008; Ord. No. 2010-05-011, § 3, 5-17-2010; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 11, 3-4-2014)

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) Any use permitted in the BN - Neighborhood Business zone; except single family attached units; and
- (2) Other uses indicated as being permitted in the BG - General Business zone in the Schedule of Uses.

(c) *Specific use permits.* The following specific uses require a permit in the BG - General Business zone:

- (1) All uses indicated as being allowed in the BG - General Business zone with a specific use permit in the schedule of uses; and
- (2) The city may allow residential and mixed business and residential structures to conform with the space limits of the RG 18 - General Residence zone or any other zone requiring more lot area per dwelling unit, upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when said mixed occupancy building is specifically designed and constructed for such mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence.

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

- (1) Minimum lot area for business: None. Residential structures shall conform to the provisions of the RG 18 - General Residence zone, except as may be modified by the city in accordance with the specific use provisions of this zone.
- (2) Minimum width of lot: None for business.
- (3) Minimum depth of lot: None for business.

- (4) Minimum front yard: None for business.
- (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 RG 18 - General Residence zone in Appendix F of the Zoning Ordinance.

(e) *Miscellaneous provisions.*

- (1) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-80; Ord. No. 1270, § 3.13, 12-15-1981; Ord. No. 97-11-61, § 1, 11-18-1997; Ord. No. 2002-08-084, § 1.28, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 5, 11-4-2008; Ord. No. 2010-05-011, § 4, 5-17-2010; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 12, 3-4-2014)

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) Any use permitted in district BN - Neighborhood Business; and
- (2) Other 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.

(Code 1982, § 41-81; Ord. No. 1270, § 3.14, 12-15-1981; Ord. No. 1513, § 2, 1-15-1985; Ord. No. 97-11-61, § 1, 11-18-1997; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 6, 11-4-2008; Ord. No. 2010-05-011, § 5, 5-17-2010; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 13, 3-4-2014)

Sec. 146-87. O-1 - Neighborhood Office district.

(a) *Purpose.* The O-1 - Neighborhood Office zone is designed to provide for low intensity office uses, which are appropriately located at intersections of thoroughfares and which can be in close proximity to adjacent residential neighborhood areas. 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 O-1 - Neighborhood Office zone: uses as permitted in the schedule of uses.

(c) *Space limits.* The following space limits shall apply to the O-1 - Neighborhood Office zone:

- (1) Minimum rear yard: ten feet; 25 feet where adjacent to residential zone or use.
- (2) Minimum side yard: five feet; 25 feet where adjacent to residential zone or use.
- (3) Maximum lot coverage: 50 percent.

- (4) Maximum floor area ratio: 0.5 to 1.0.
 - (5) All other space limits identified as being applicable to the O-1 - Neighborhood Office zone in Appendix F of the Zoning Ordinance.
 - (d) *Miscellaneous provisions.* Sign and illumination regulations for the O-1 - Neighborhood Office zone shall be as follows:
 - (1) All signs shall comply with the provisions of chapter 134.
 - (2) No free standing signs (ground or pole signs) shall be permitted.
 - (3) 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.
 - (4) All signs shall be oriented so as to face a public street.
 - (5) No sign shall be illuminated so as to shine on nearby residential properties.
- (Code 1982, § 41-82; Ord. No. 2000-01-03, § 1E, 1-4-2000; Ord. No. 2002-08-084, § I.38, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 14, 3-4-2014)

Sec. 146-88. O - Office district.

(a) *Purpose.* The O - Office zone is designed to provide for office buildings with attendant retail and service uses intended primarily for occupants of such office buildings. 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 O - Office zone: uses as permitted in the schedule of uses.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the O - Office zone:

- (1) The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public;
 - (2) Drive-in facilities for banks or financial institutions; and
 - (3) Accessory buildings and uses customarily incident to any of the above uses; provided that such be not objectionable because of odor, smoke, dust, noise, vibration, or similar nuisance.
- (d) *Space limits.* The following space limits shall apply to the O - Office zone:
- (1) Maximum height of building: 75 feet, except that no building within 300 feet of a property zoned or used for single-family residential uses shall exceed 50 feet in height.
 - (2) Minimum rear yard: None, except 25 feet required where abutting any district requiring a rear yard.

- (3) Minimum side yard: None, except 15 feet required where abutting any district requiring a side yard.
 - (4) Minimum side yard at corner: Equal to right-of-way width of siding street.
 - (5) Maximum lot coverage: 50 percent.
 - (6) Maximum floor area ratio: one to one.
 - (5) All other space limits identified as being applicable to the O - Office zone in appendix f of the zoning ordinance.
- (Code 1982, § 41-83; Ord. No. 1270, § 3.15, 12-15-1981; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2006-10-121, § III, 10-17-2006; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 15, 3-4-2014)

Sec. 146-89. BC - Commercial Business district.

(a) *Purpose.* The BC - Commercial Business zone is designed to provide for commercial land uses, which can be more intensive than those permitted within a retail district. This district is not intended to be established along highly visible thoroughfares nor adjacent to residential properties due to the intensive nature of the permitted uses, although access onto a four lane or greater thoroughfare is a requirement for this district. Generally, this district would be appropriate only for properties on arterial roadways with an adjacent future land use plan designation of industrial. This district allows on-site storage either inside or outside of the main structure, and some assembly is permitted within this district. This 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. 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 BC - Commercial Business zone: uses as permitted in the schedule of uses.

(c) *Space limits.* The following space limits shall apply to the BC - Commercial Business zone:

- (1) Minimum rear yard: ten feet; 35 feet where adjacent to any residential zone or use.
 - (2) Minimum side yard: five feet; 35 feet where adjacent to any residential zone or use.
 - (3) Maximum lot coverage: 70 percent.
 - (4) Maximum floor area ratio: 1.0 to 1.0.
 - (5) All other space limits identified as being applicable to the BC - Commercial Business zone in appendix f of the zoning ordinance.
- (Code 1982, § 41-84; Ord. No. 2000-01-03, § 1G, 1-4-2000; Ord. No. 2002-08-084, §§ I.33, I.40, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 16, 3-4-2014)

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) Any use allowed in the BG - General Business zone, except that all dwellings and other types of living accommodations shall be prohibited save that one quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use occupying more than 20,000 square feet of lot area;
- (2) Agriculture, including the raising of field crops, horticulture and animal husbandry; and
- (3) 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) Dwellings, except caretakers' and watchmen's quarters as set forth herein;
- (2) Public, parochial and private schools and colleges, except trade schools;
- (3) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings;
- (4) Motels, hotels and mobile home parks; and
- (5) 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.
- (Code 1982, § 41-85; Ord. No. 1270, § 3.16, 12-15-1981; Ord. No. 1613, §§ 1, 2, 12-17-1985; Ord. No. 2002-08-084, § 1.29, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 17, 3-4-2014)

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) Dwellings except caretakers' and watchmen's quarters as set forth in the provisions of the ML - Light Manufacturing zone;
- (2) Schools and colleges, except trade schools;
- (3) 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
- (4) 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.

(Code 1982, § 41-86; Ord. No. 1270, § 3.17, 12-15-1981; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 30, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 18, 3-4-2014)

Sec. 146-92. AP - Airport district.

(a) *Purpose.* The AP - Airport zone is designed to provide for airports, heliports, and landing areas for other types of aircraft.

(b) *Permitted uses.* The following uses are permitted in the AP - Airport zone: landing fields for aircraft, including airplanes, helicopters and other types of aircraft. These provisions shall apply to private, commercial and all other types of ownership.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the AP - Airport zone: facilities accessory to the normal and continual operation of a landing field, but not to include general repair depots and other commercial and industrial operations not normally found at all such landing fields.

(d) *Space limits.* The space limits identified as being applicable to the C - Planned Center District shall apply to the AP - Airport zone.

(e) *Type of materials.* AP - Airport zone construction shall be of fire-resistant materials.

(f) *Special provisions.*

- (1) When a property owner wishes to develop a landing field he may apply for a rezoning change to an AP - Airport zone. Said zoning changes shall be an amendment to the zoning map and shall follow all procedural requirements for such changes set forth herein.
- (2) The establishment of this zoning classification shall not bar application for a permit for a temporary use as set forth in section 146-42.

(3) No structure shall be erected to a height in excess of that permitted by the regulations of chapter 118, the McKinney National Airport Zoning Ordinance, adopted September 10, 1979, or as it may be amended, and made a part hereof. (Code 1982, § 41-87; Ord. No. 1270, § 3.18, 12-15-1981; Ord. No. 2002-08-084, § I.30, 8-20-2002; Ord. No. 2003-09-081, § 1, 9-16-2003; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2013-11-107, § 2, 11-5-2013)

Sec. 146-93. GC - Governmental Complex District.

(a) *Purpose.* The GC - Governmental Complex zone is designed to provide standards which are conducive to the creation of a high quality environment for central governmental facilities and to contribute to the efficiency of governmental services provided to the citizens of the area.

(b) *Permitted uses.* The following uses are permitted in the GC - Governmental Complex zone:

- (1) Any building or structure of the municipal, county or federal government, a school district or any other governmental entity servicing the citizens of the city or the county including, but not limited to, municipal office building, public safety facilities, courthouses, a jail, library, fire station, auditorium or similar governmental facility;
- (2) Offices of public or quasi-public organizations established to serve one or more segments of the population of the area, and privately owned buildings that provide office space for professional type uses only, but excluding any retail or wholesale occupancies;
- (3) Organizations established for and functioning to provide service to the public in general or to a significant segment of the public including, but not limited to, offices for Boy Scouts, YWCA, veterans, lodges, historical society and chamber of commerce;
- (4) Service activities involving consultation, diagnosis, treatment, creative design endeavors and advisory services but not involving the direct sale of commodities, including, but not limited to, attorneys, doctors, engineers, architects, decorators, and auditors; and
- (5) All other uses indicated as being permitted in the GC - Governmental Complex zone in the schedule of uses.

(c) *Permitted accessory uses.* The following accessory uses are permitted in the GC - Governmental Complex zone:

- (1) Off-street parking and loading areas in lots or structures related to governmental activity or the requirements of adjacent business areas;
- (2) Any accessory use related to the governmental and permitted private functions located in the zone including communication towers, drive-in customer service and similar facilities for these governmental and other permitted functions; and

(3) Signs shall be allowed in the GC - Governmental Complex zone providing identification or directional information to buildings or land areas if such signs are in conformance with the current sign ordinance of the City as it now stands or may hereafter be amended.

(d) *Space limits.* The space limits shall be established by an overall governmental complex plan except as follows:

- (1) Buildings and structures may be erected to any legal height not restricted by other laws or ordinances.
- (2) Where the GC - Governmental Complex zone is not bounded by a public street, no building or structure shall be erected nearer than 20 feet to a bounding private or governmental line except such restriction shall not apply to parking structures not to exceed two stories in height.
- (3) Maximum floor area ratio: 12 to one.
- (4) Maximum lot coverage: 50 percent of the total GC - Governmental Complex zone area.

(e) *Types of materials.* Types of materials and construction of any building or structure in the GC - Governmental Complex zone shall be in accordance with types I, II, III, or IV construction of the building code of the City, chapter 122, article II, provided also that all exterior walls shall be of standard masonry construction, and shall meet the fire resistive requirements specified in the building code and the zoning chapter for that particular building.

(f) *Miscellaneous provisions.*

- (1) Off-street parking shall be provided in accordance with a site plan approved for all or a portion of a GC - Governmental Complex zone prior to the beginning of construction. Off-street parking may be provided for the common use of all occupants, and shall be surfaced with concrete or asphalt materials.
- (2) Off-street parking for privately owned buildings shall be provided for at the rate of one space per each 300 square feet of office space.
- (3) Off-street parking for public or quasi-public buildings shall be provided for at the rate of one space per 400 square feet of office space or in case of assembly area one space provided for each four seats within the seating area.
- (4) The entire GC - Governmental Complex zone including internal streets may be considered as a single zoning lot in computing density, coverage and related space standards, regardless of ownership.

(Code 1982, § 41-88; Ord. No. 1270, § 3.19, 12-15-1981; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010)

Sec. 146-94. PD - Planned Development district.

(a) *Purpose.* The PD - Planned Development zoning district is designed to provide for the unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land use and development standards may be permitted; provided that the special ordinance provisions of the district are complied with and the intended uses and standards are not in conflict with the general purpose and intent of either this chapter or the city comprehensive plan.

(b) Any design or development proposal that does not strictly conform to the requirements of this chapter may request approval of a PD - Planned Development District, to be approved in accordance with the provisions of this chapter in its original form or by subsequent amendments. However, while a PD District may be proposed to modify provisions of this chapter, no proposed PD District ordinance may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. Exceptional quality or innovation could come in many forms including, but not limited to, enhanced landscaping, creative site or architectural designs, or some other innovative element(s).

(c) Every PD - Planned Development District ordinance approved under the provisions of this chapter shall be considered as an amendment to the chapter and shall be applicable to the property involved. In approving the PD District, the city council may impose conditions relative to the standard(s) of development and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the PD District and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

(d) Every PD - Planned Development District ordinance approved in accordance with the provisions of this chapter in its original form or by subsequent amendments thereto shall be referenced on the zoning district map and a list of such planned development districts together with the category of uses permitted therein shall be maintained in the schedule of uses of this chapter.

(e) *Submittal Requirements.* All rezoning requests for a PD - Planned Development District shall be required to submit the following information:

- (1) An application;
- (2) The appropriate application fee as specified in Appendix A of the Code of Ordinances, which may be amended from time to time by ordinance;
- (3) A letter of intent detailing the various aspects of the request, the merits of the request, and any other pertinent information;
- (4) A general development plan reflecting the broad details of a development proposal including, but not limited to, sub-zoning areas, densities, building placement, vehicle

and pedestrian circulation and access, coordination and integration of all of the land included within the request, and any other pertinent details. The director of planning may request more or less detail based on complexity of the request;

- (5) Elevation renderings for all sides of any proposed structure(s) (for PD Districts requesting modifications to the architectural and site standards of this chapter);
- (6) A metes and bounds description of the property to be governed by the proposed district; and
- (7) Any other relevant information as requested by the director of planning.

(Code 1982, § 41-89; Ord. No. 1270, § 3.20, 12-15-1981; Ord. No. 1761, § 2, 10-20-1987; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § I.31, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010)

Sec. 146-95. MTC - McKinney Town Center district.

(a) *Purpose and intent.* The MTC - McKinney Town Center zoning district is intended to implement the Town Center Study Phase 1 Report and associated illustrative vision (known together as the Town Center Master Plan) adopted by city council in March 2008. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment in and around the historic core of McKinney, providing shopping, employment, housing, and business and personal services.

This is achieved by promoting an efficient, compact and walkable development pattern; encouraging pedestrian activity; reducing the reliance on private automobiles; positioning the historic town center as a viable transit-oriented development (TOD); promoting a more functional and attractive community through the use of recognized and time-tested principles of urban design; and allowing developers flexibility in land use and site design. A high level of attention to site and building design is required to promote an attractive and functional town center as envisioned in the master plan.

The MTC - McKinney Town Center zoning district is created to support economic development, sustainable tax base, and job creation/retention by: (a) providing a streamlined and simplified zoning process, (b) establishing adjacency predictability in the built environment, (c) offering flexibility to changing market conditions, (d) reducing risk to private investment/development, (e) synchronizing private investment/development with public capital investment policies, and (f) calibrating zoning regulations with the existing physical context and character of the downtown core area of McKinney.

(b) *Applicable regulations.* The MTC - McKinney Town Center zoning district regulations located in appendix G-2 of the zoning regulations of the city (zoning ordinance) and chapter 146 of the zoning ordinance, as amended, shall enumerate the standards for private land use and development within the MTC - McKinney Town Center with text and graphics including but not limited to definitions, administration, permitted uses, building form and site development standards, building design standards, and open space standards.

Zoning regulations not specifically addressed in appendix G-2 shall be governed by chapter 146 of the zoning ordinance, as amended, to the extent they are not in conflict with the spirit and intent of the MTC - McKinney Town Center zoning district's regulations.

(c) *Areas encompassed.* The MTC - McKinney Town Center zoning district shall apply to the geographical boundaries as established in the McKinney Town Center regulating plan located in appendix G-1 of the zoning ordinance.

The regulating plan shall be the official zoning map for the McKinney Town Center and shall establish the development standards for all properties within the MTC - McKinney Town Center including:

Character districts: The MTC - McKinney Town Center is further distinguished by character districts. A character district is intended to preserve and/or create an urban form that is distinct from other character districts. Each character district shall establish use and building standards including but not limited to building placement, height, parking, service access, and other functional design standards for all properties within that character district. The regulating plan classifies all properties within the town center into one of seven character districts (Historic Core; Downtown Core; Downtown Edge; Transit Village Core; Transit Village Edge; Cotton Mill Core; and Cotton Mill Edge). The different character districts are based on historic and regional architectural traditions and development intended to create a built environment that is consistent with the adopted town center master plan.

Street designations: The regulating plan shall identify existing streets within the MTC - McKinney Town Center as pedestrian priority A streets, pedestrian priority B streets, or service streets. In addition, it shall identify the location and the level of pedestrian priority for recommended new streets as well as the location of streets recommended for vacation.

Special requirement: The regulating plan shall identify the location of required commercial frontage.

Other: The regulating plan shall identify existing civic building sites and existing civic/open spaces and shall recommend the location of future civic building sites, civic/open spaces, passenger rail station/platform, and vista termini within the MTC - McKinney Town Center.

(Code 1982, § 41-90; Ord. No. 2001-03-031, § 1, 3-6-2001; Ord. No. 2002-08-084, § I.42, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 31, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-04-044, § 7, 4-22-2013)

Sec. 146-96. CHD - Commercial Historic overlay district.

(a) *Purpose.* The CHD - commercial historic overlay district is intended to ensure the development, redevelopment, and renovations within the downtown area are consistent with the historic character of the city's original business district and the surrounding area. The boundaries of the CHD - commercial historic overlay district are delineated on the official boundary map herein (see appendix C to this chapter).

- (b) *Permits.*
- (1) *Historic preservation officer.* The historic preservation officer shall administer this section and advise the city council on matters related to it.
 - (2) *Certificate of appropriateness.* No person shall carry out any exterior alteration, restoration, reconstruction, new construction or moving of a landmark or property within the CHD - commercial historic overlay district; nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public right-of-way or adjacent property, which affect the appearance and cohesiveness of the historic landmark or district, without first obtaining a certificate of appropriateness from the planning department. A building permit must be obtained from the chief building official after the certificate of appropriateness has been approved before any work may commence. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within the CHD - commercial historic overlay district, which does not involve a change in design, material, color or outward appearance.
 - (3) *Criteria for approval.* All requests for a certificate of appropriateness within the CHD - commercial historic overlay district shall be approved by the historic preservation officer. The historic preservation officer shall have ten working days after a completed application is received by the planning department in which to approve or deny a certificate of appropriateness application. The historic preservation officer shall follow the secretary of the interior's standards for the rehabilitation of historic buildings in the consideration of all applications for a certificate of appropriateness within the CHD - commercial historic overlay district. These standards shall be made available to the property owners within the CHD - commercial historic overlay district.
 - (4) *Painting.* A building permit and the approval of the historic preservation officer, shall be required to paint the exterior of a building any color other than the existing color. Any person wishing to repaint the exterior of their building the same color as that which exists at the time of this section shall not be required to obtain a building permit.
 - (5) *Demolition permit.* A permit for the demolition of a historic landmark or property within the CHD - commercial historic overlay district, including secondary buildings or landscape features, shall not be granted by the chief building official without review of a completed application and issuance of a certificate of appropriateness for demolition by the historic preservation officer.
- (c) *Economic hardship for demolition in CHD - commercial historic overlay district.*
- (1) *Criteria.* An applicant whose demolition permit has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that all three of the following criteria have been met:
 - a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(2) *Application procedure.*

- a. After receiving written notification from the historic preservation officer of the denial of a certificate of appropriateness for demolition, an applicant may, within ten working days, commence the hardship process. No building permit or demolition permit shall be issued unless the city council makes a finding that a hardship exists.
- b. The city council shall consider the request on the hardship application at the first available city council meeting, at which time an opportunity will be provided for proponents and opponents of the application to represent their views.
- c. The applicant shall consult in good faith with the historic preservation officer, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property.
- d. A copy of the city council's decision shall be sent to the applicant and a copy filed with the planning department for public inspection. The city council's decision shall state the reasons for granting or denying the hardship application.

(d) *Demolition by neglect.* No owner or person with an interest in real property designated as a landmark or included within the CHD - commercial historic overlay district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature, which would, in the judgment of the historic preservation officer, produce a detrimental effect upon the character of the CHD - commercial historic overlay district as a whole or the life and character of the property itself. Examples of such deterioration include:

- (1) Deterioration of exterior walls or other vertical supports;
- (2) Deterioration of roofs or other horizontal members;
- (3) Deterioration of exterior chimneys;
- (4) Deterioration or crumbling of exterior stucco or mortar;
- (5) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors; and
- (6) Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

(e) *Administration.*

- (1) *Conformance.* All work performed pursuant to the issuance of a certificate of appropriateness, building permit or a demolition permit issued under this section

shall conform to any requirements included therein. It shall be the duty of the chief building official to inspect periodically any such work to ensure compliance. In the event work is found that is not being performed in accordance with the state provisions, the chief building official shall issue a stop work order; and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

- (2) *Penalties.* Any person, firm or corporation who shall violate any of the provisions of this section or who shall fail to comply with the provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed the maximum permissible fine allowed by state law; and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.
- (3) *Appeals.* Any person aggrieved by a decision of the historic preservation officer, relating to the issuance of a certificate of appropriateness, may, within ten working days of receipt of the written decision, file a written application with the planning department for review of the decision. The city council shall consider the application at the next available city council meeting.

(Code 1982, § 41-91; Ord. No. 2002-08-084, § 1.43, 8-20-2002; Ord. No. 2004-01-007, § 1, 1-6-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2011-04-026, § 5, 4-19-2011; Ord. No. 2012-11-056, § 31, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-04-044, § 8, 4-22-2013)

Sec. 146-97. H historic preservation overlay district.

(a) *Purpose.* The city council hereby declares that as a matter of public policy the protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that the historic districts and landmarks within the city represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually and produced significant historic, architectural and cultural resources that constitute their heritage; and, therefore, the H historic preservation overlay district is intended to:

- (1) Protect and enhance the district and landmarks, which represent distinctive elements of the city's historic, architectural and cultural heritage;
- (2) Foster civic pride in the accomplishments of the past;
- (3) Protect and enhance the city's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (4) Ensure the harmonious, orderly and efficient growth and development of the city;
- (5) Promote the economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city; and
- (6) Stabilize and improve the values of such properties.

(b) *Boundaries.* The boundaries of the H historic preservation overlay district are delineated on the official zoning map and the official boundary map, herein (see appendix C to this chapter). Additional parcels may be added to the official zoning map as sites outside the original boundary are identified and rezoned. All regulations of the underlying zoning district shall be in effect, except as identified in the H historic preservation overlay district regulations set forth herein.

(c) *Certificate of appropriateness.*

(1) *Required.* No person shall construct, reconstruct, alter, change, restore, expand or demolish any exterior architectural feature of a building or structure that is visible from a public right-of-way located in the H historic preservation overlay district without first obtaining a certificate of appropriateness from the historic preservation officer (referred to hereafter as HPO). A certificate of appropriateness must be obtained prior to the issuance of any building permit. The term exterior architectural feature shall include but not be limited to the kind and basic texture of all exterior building materials and such features as windows, doors, lights, signs and other exterior fixtures.

(2) *Guideline establishment.* The HPO, with a recommendation by the HPAB and approval of the city council, may establish guidelines to issue a certificate of appropriateness for exterior restorations and renovations.

(3) *Ordinary maintenance.* Nothing in this section shall be construed to prevent the ordinary maintenance, replacement or repair of any exterior architectural feature of a landmark or property within the historic district. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, or outward appearance. Ordinary maintenance includes in-kind replacement or repair.

a. Any addition or deletion of landscape materials or landscape design elements need not receive a certificate of appropriateness from the HPO. The historic preservation officer and the city arborist shall provide review and comment as requested by the property owner regarding appropriate plant and landscape materials for designated historic areas. Such review and comment, however, shall not be binding.

b. Any person wishing to paint a structure within the historic district may do so without receiving a certificate of appropriateness from the HPO. The historic preservation officer shall provide review and comment as requested by the property owner regarding to color selection and design. Such review and comment, however, shall not be binding.

(d) *Criteria for approval.* The following standards, guidelines and criteria should be used in a balanced evaluation of the property in question:

(1) The HPO shall follow the secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings to assist in the consideration of all

applications for certificates of appropriateness. These standards and guidelines shall be made available to owners of historic landmarks or owners of property with a historic overlay designation.

- (2) The HPO shall utilize a checklist of design elements to be reviewed and considered by the HPO in reaching its determination. Such checklist shall be initially approved by the city council and thereafter modified by the HPO or the city council as deemed necessary.
- (3) The HPO shall consider the preservation priority rating assigned to the property in question in the historic resources survey of the city, as amended. The survey shall be made available for review in the office of the HPO.

(e) *Procedures for approval.*

- (1) Prior to the commencement of any work requiring a certificate of appropriateness, the applicant shall file an application for such certificate with the HPO. The applicant should consult with the HPO prior to submission of the application regarding applicable standards and guidelines for the property.
- (2) The application shall contain:
 - a. The name, address, and telephone number of the applicant;
 - b. The location and photographs of the property and adjacent properties (historical photographs may also be helpful);
 - c. A letter of intent describing in detail the work proposed;
 - d. The elevation drawings of the proposed changes;
 - e. Samples of materials to be used if requested by the historic preservation officer;
 - f. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, the method of illumination (if any) and a plan showing the sign's location on the property;
 - g. Any other information, which the historic preservation officer may deem necessary in order to visualize the proposed work; and
 - h. The priority rating of the property as indicated by the city's records.
- (3) For COA applications, the HPO shall approve, approve with conditions or schedule the COA for the next available historic preservation advisory board (HPAB) meeting within 30 days from receipt of the completed application. Should the HPO not take action as described above within the 30-day period, the certificate of appropriateness shall be automatically approved. The HPO may, for any reason, elect to present the COA application to the historic preservation advisory board for approval.
- (4) If the applicant is not in agreement with the conditions of approval imposed by the HPO, the applicant may, within 21 days of HPO action, request in writing to the director of planning that the COA be reconsidered by the HPAB.

- (5) The HPO shall not have the authority to disapprove the COA application and shall be required to refer any COA, which he is not able to approve to the historic preservation advisory board for consideration and action.
- (6) Pursuant to subsection (j)(3) of this section, appeals of the historic preservation advisory board's decision may, within 21 days of receipt of the board's written decision, file a written application with the city council, through the director of planning, for review of the decision and the approval, denial, modification of, or deviation from, the HPO's and/or HPAB's decision. The appeal application shall be set before the city council at the first available city council meeting. The city council's decision shall be final.
- (7) All decisions of the city shall be in writing. A copy of the decision shall be sent to the applicant and kept on file in the planning department along with the certificate of appropriateness. The decision shall state the reasons for modifying or denying any application.
- (8) No building permit shall be issued for such proposed work until a certificate of appropriateness has been issued by the HPO or, upon appeal, to the historic preservation advisory board and/or city council pursuant to subsections (e)(3), (e)(4), (e)(5) and (j)(3) of this section. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any building permit that may be required by another ordinance of the city.

(f) *Demolition.* A permit for the demolition of a historic landmark or property within the historic district, including secondary buildings, shall not be granted by the chief building official without the review of a completed application and issuance of a certificate of appropriateness for demolition by the historic preservation officer. The HPO shall approve or approve with a 90-day delay all demolitions in the historic district.

- (1) Any COA for demolition that requires final consideration by the building and standards commission shall be forwarded to them with the recommendation of the HPO, prior to any action by the commission.
- (2) The HPO shall not have the authority to disapprove the demolition application and shall be required to refer any demolition which he is not able to approve to the historic preservation advisory board for consideration. The HPO may, for any reason, elect to present the demolition application to the HPAB for consideration.
- (3) If the applicant is not in agreement with the 90-day delay imposed by the HPO, the applicant may, within 21 days of HPO action, request in writing to the director of planning, that the demolition application be reconsidered by the HPAB.
- (4) If demolition has been delayed for 90 days, a demolition permit shall not be issued during that 90 days unless the chief building official determines that the property poses a threat to the life and safety of the citizens of the city. In the event that the HPO does not act within 90 days of the receipt of the application, a permit for demolition may be granted.

(g) *Economic hardship.*

(1) *For deviations.*

- a. If the HPO is not able to issue the certificate of appropriateness on the ground that the proposed work will not comply with the criteria set forth in subsection (d) of this section, and any design guidelines for the property, the applicant shall have the right to seek deviations from the criteria design guidelines from the HPAB on the basis of economic hardship. In order to be entitled to a deviation from the guidelines, the applicant must prove by a preponderance of the evidence that he will have no reasonable opportunity to recover the cost of the proposed work if he is required to perform the work in accordance with the criteria and design guidelines.
- b. If the HPAB finds that the applicant would have no reasonable opportunity to recover the cost of the proposed work if performed in accordance with the criteria and the design guidelines, the HPAB shall grant a deviation from the criteria and any applicable design guidelines and may issue a certificate of appropriateness for the required work, with or without conditions. If the HPAB finds that the applicant has failed to satisfy this burden of proof, the certificate of appropriateness will be denied.
- c. The following factors shall be considered by the HPAB in determining the extent of the deviation granted:
 1. The cost to perform the work in compliance with the criteria and design guidelines;
 2. The value of the property;
 3. The extent to which a deviation is necessary to allow the owner a reasonable opportunity to recover the cost of the work;
 4. Whether granting the deviation will harm an existing or proposed historic or landmark district or structure or property designated with a high priority rating; and/or
 5. Whether the proposed work is in harmony with the spirit and purposes of this section.

(2) *For demolition.* An applicant who's certificate of appropriateness for a proposed demolition has been denied by the HPAB may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant must prove by a preponderance of the evidence that:

- a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;

- c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or
 - d. The structure or property is in such a condition as to be irreparably damaged and, as such, poses a nuisance to the surrounding area and is a threat to the health, safety and general welfare of the community.
- (h) *Economic hardship application procedure.*
- (1) After receiving written notification from the city of the denial of a certificate of appropriateness, an applicant may, within ten working days, commence the hardship process, unless the hardship application is filed simultaneously with the application for a certificate of appropriateness. No consideration or action may be taken on the hardship application unless a denial of the certificate of appropriateness has been issued. No building permit or demolition permit shall be issued unless a finding that a hardship exists has been made.
 - (2) The HPAB shall hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.
 - (3) The HPAB and the HPO, in consultation with local preservation groups and other interested parties, shall explore with the applicant, or his designated representative, alternatives for the performance of the proposed work that will preserve the structure or property to the greatest extent possible, while being economically feasible.
 - (4) If a deviation is granted, the certificate of appropriateness for the proposed work shall state the terms and conditions of the deviation.
 - (5) All deviations shall be in compliance with other city codes and ordinances.
 - (6) All decisions of the city shall be in writing. A copy of the decision shall be sent to the applicant and kept on file in the planning department along with the hardship application. The decision shall state the reasons for granting or denying the hardship application.
 - (7) The hardship determination may be appealed in accordance with subsection (j)(3) of this section.
- (i) *Demolition by neglect.* No owner or person with an interest in real property designated as a landmark or included within the historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the HPO, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include, but are not limited to:
- (1) Deterioration of exterior walls or other vertical supports;
 - (2) Deterioration of roofs or other horizontal members;

- (3) Deterioration of exterior chimneys;
 - (4) Deterioration of crumbling of exterior stucco or mortar;
 - (5) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors; and
 - (6) Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.
- (j) *Administration.*
- (1) *Penalties.* Failure to comply with any of the provisions of this chapter shall be deemed a violation, and the violator shall be liable for a misdemeanor charge and be subject to a fine not to exceed \$200.00; and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. These penal provisions shall not prevent an action on behalf of the city to enjoin any violation of the terms of this section or an action for mandatory injunction to remove any previous violation hereof.
 - (2) *Enforcement.* All work performed pursuant to a certificate of appropriateness issued under this section shall conform to any requirements included therein. It shall be the duty of the code enforcement department to inspect periodically any such work to ensure compliance. In the event work is found that is not being performed in accordance with the certificate of appropriateness, the code enforcement department shall issue a stop work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. The certificate of appropriateness may be reinstated, however, upon assurance that compliance will henceforth exist.
 - (3) *Appeals.* Any applicant or property owner aggrieved by a decision of the historic preservation officer or historic preservation advisory board relating to economic hardship, demolition, or a certificate of appropriateness may, within 21 days of receipt of the written decision, file a written application with the city council, through the director of planning, for review of the decision and the approval, denial, modification of, or deviation from, the HPO's and/or HPAB's decision. The appeal application shall be set before the city council at the first available city council meeting. The city council's decision shall be final.
 - (4) *No vested interest.* No developer or property owner shall acquire any vested interest in this section or specific regulations contained herein. This section and regulations may be amended or repealed by the city council in the manner provided by law.

(Code 1982, § 41-92; Ord. No. 2002-08-084, § I.44, 8-20-2002; Ord. No. 2004-01-007, § 2, 1-6-2004; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-98. FP floodplain district (prefix).

(a) *Purpose.* The FP floodplain district designation may be appended to any other district, and is intended to protect the land owner, land user, and the general public against the hazards incurred in the occupancy of land which is subjected to the potential of flooding conditions within the 100-year floodplain of any stream, river, lake, or watercourse.

(b) *Use regulations.* Land, buildings, and premises shall be used only for the following purposes:

- (1) All general and special agricultural, farming, ranching, stock and poultry raising, dairy, and related uses, so long as same do not cause a hazard to health by reason of unsanitary conditions; and are not offensive by reason of odors, dust, fumes, noise, or vibration; and are not detrimental to the public welfare; and in no case shall poultry or livestock be kept nearer than 100 feet from any property line within or abutting any property zoned for residential purposes;
- (2) All general and special forestry and mining uses and other related uses so long as same are not offensive by reason of odors, dust, fumes, noise, vibration, unsightly conditions, or despoliation, and are not otherwise detrimental to the public welfare;
- (3) Public parks, recreation areas, and open spaces;
- (4) Country clubs or golf courses, including golf driving ranges if allowed within such zoning district;
- (5) Parking lots and parking areas incidental to any adjacent main use permitted within such zoning district; and
- (6) All types of public utilities, including those requiring a specific use permit provided under section 146-41.

(c) *Special conditions.* The following special conditions shall apply to uses located in any zoning district to which the FP floodplain district designation has been appended:

- (1) No building or structure shall be erected in that portion of any district designated with a FP floodplain district prefix until, and unless, such building or structure has been approved by the city engineer, who will ascertain that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard or obstacle to, the movement of floodwaters and that such construction would not endanger the value and safety of other property or the public health and welfare.
- (2) All requirements of chapter 130, article IV providing for flood damage prevention shall be adhered to.
- (3) Any dump, excavation, storage, filling or mining operation within that portion of a district having a FP floodplain district prefix shall be approved in writing by the city engineer before such operation is begun.
- (4) An area may be removed from the FP floodplain district prefix designation when by the provision of drainage works, grading, flood protection or specific drainage study, it is determined by the city engineer that the flood hazard has been alleviated. Removal of the FP floodplain district prefix shall be accomplished by resolution of the city council after written notification from the city engineer advising of the removal of the flood hazard.

- (5) Any land, which may remain within a floodway after the provision of drainage works, grading, flood protection, or specific drainage study shall be dedicated as a drainageway or public open space or for other use as may be approved by city council, in accordance with chapter 142, pertaining to the subdivision regulations of the city.
 - (6) The fact that land is, or is not, within a district having a FP floodplain district prefix shall not be interpreted as assurance that such land or area is, or is not, subject to periodic local flooding.
- (Code 1982, § 41-93; Ord. No. 1270, § 3.21, 12-15-1981; Ord. No. 2002-08-084, § I.32, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-99. REC regional employment center overlay district (suffix).

(a) *Purpose.* The REC regional employment center overlay district is designed to provide design standards for the development of properties north of State Highway 121 between FM 2478 (Custer Road) and U.S. Highway 75 (Central Expressway). State Highway 121 is planned as a future freeway connecting U.S. Highway 75 (Central Expressway) to the Dallas/Fort Worth Airport. These standards recognize the significance of State Highway 121 as a proposed freeway and the importance of the Regional Employment Center (REC) as a coherent and largely undeveloped expanse of land, quite unique among all undeveloped properties in the city (see appendix B to this chapter).

(b) *Areas encompassed.* The area encompassed by these standards shall include all those properties that extend generally from the centerline of State Highway 121 northward to FM 720 and including some properties north of FM 720. This district will span from FM 2478 (Custer Road) to U.S. Highway 75 (see appendix B to this chapter).

(c) *Applicable regulations.* All applicable regulations for use, yards, area, lot dimensions, utility placement, urban design and landscaping shall be those specified for each district, including planned development stipulations. Where any of the above conflict with those of the overlay district, the standards in this chapter and the associated Urban Design Standards for the Regional Employment Center (REC) shall prevail except for zoning that existed prior to the effective date of the ordinance from which this chapter is derived. For such properties, the permitted densities, permitted uses, and general lot development or site plan development standards as set forth in the existing zoning district shall apply. However, all other REC overlay district standards shall apply to such properties. The REC overlay district shall no longer be applicable to properties zoned on or after June 1, 2015. Additionally, zoning or rezoning to this classification will not be permitted after June 1, 2015.

(d) *General provisions.*

- (1) The minimum size of a development or portion of a development to be used in making calculations to determine compliance with the requirements of this chapter is 40 acres, unless a waiver is granted by the director of planning.

- (2) The maximum size of a development or portion of a development to be used in making calculations to determine compliance with the requirements of this chapter is 200 acres. Tracts larger than 200 acres shall be developed as multiple neighborhood developments, each individually subject to all such provisions of this chapter, unless a waiver is granted by the director of planning.

(e) *Development and/or redevelopment.* Development and/or redevelopment shall meet the following landscaping requirements: A landscape plan shall be submitted as per the landscape requirements of section 146-135, and as amended. The landscape plan shall be approved in conjunction with the associated site plan. Landscaping shall be provided in a manner that is in keeping with the spirit of the Urban Design Standards for the Regional Employment.

(Code 1982, § 41-94; Ord. No. 2001-02-016, § 1, 2-6-2001; Ord. No. 2002-08-084, § I.41, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2015-05-039, § 1, 5-5-2015)

Sec. 146-100. TMN traditional McKinney neighborhood overlay district (suffix).

(a) *General purpose and description.* The TMN traditional McKinney neighborhood overlay district allows for a modified set of standards of the underlying zoning district for those lots substandard because they may have been in place before zoning was established, or were encroached upon as a result of past or future easement or right-of-way dedication.

(b) *Applicability.* The provisions of the traditional McKinney neighborhood overlay district (TMN) apply only to single family detached residential uses and structures.

(c) *Boundaries.* The TMN overlay district establishes the boundaries of an area within which properties shall be subject to the regulations for this district, in addition to the regulations of the applicable zoning district. (The properties that are to be located within this overlay district are generally located on the south side of U.S. Highway 380, on the east side of Graves Street, and generally extending southward to Industrial Boulevard and eastward to the airport area.)

(d) *Space limits.* The following space limits shall apply to the TMN traditional McKinney neighborhood overlay district:

- (1) Minimum lot width: 90 percent of width of underlying district.
- (2) Minimum lot depth: 90 percent of depth of underlying district.
- (3) Minimum lot area: 80 percent of lot area of underlying district.
- (4) Minimum front yard: 80 percent of front yard setback of underlying district.
- (5) Minimum rear yard: 80 percent of rear yard setback of underlying district.
- (6) Minimum side yard: as defined in underlying district.
- (7) Minimum side at corner: 80 percent of side at corner setback of underlying district.

(8) Maximum lot coverage: 50 percent.
(Code 1982, § 41-95; Ord. No. 2002-08-084, § I.45, 8-20-2002; Ord. No. 2002-11-109, § 2, 11-19-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-101. CC - Corridor Commercial overlay district (suffix).

(a) *Purpose.* The CC Corridor Commercial overlay district is designed to provide standards for the development of non-residential structures that are generally recognized as needing to be of greater height than non-residential structures are otherwise allowed by the base zoning districts contained within this zoning ordinance. These taller structures will generally be located along and within close proximity to the major regional highways passing through the city: University Drive (U.S. Highway 380); Central Expressway (U.S. Highway 75); and, the Sam Rayburn Tollway (State Highway 121). These CC overlay district standards recognize these major regional highways as an economic development engine that may be utilized to leverage a diverse and sustainable non-residential tax base for the city.

(b) *Intent.* It is not the intent of the CC overlay district to replace the zoning regulations governing the use on any individual parcel of property. Instead, these regulations are meant to supplement the existing zoning district regulations on individual parcels of property within the overlay district. Examples of this intent are provided below:

- (1) If the existing underlying zoning regulations or existing base zoning district on a particular property (the governing zoning district) allow a five story building height but the CC overlay district designates the property as only allowing a maximum building height of three stories, a maximum building height of five stories shall be permitted. Conversely, if the governing zoning district allows a three story building height but the CC overlay district designates the property as allowing a maximum building height of five stories, a maximum building height of five stories shall be permitted. More specifically, it is the intent of the CC overlay district that the more permissive provision regarding maximum building height regulations shall be applicable save and except in the areas designated as part of the suburban subzone.
- (2) If the property is zoned PD Planned Development district and the governing zoning district specifies architectural design regulations, the PD regulations shall be applicable except where they conflict with the architectural design requirements of the CC overlay district. If a conflict between the governing PD zoning district and the provisions of the CC overlay district exist, the provisions of the CC overlay district shall prevail.

(c) *Areas encompassed.* The areas regulated by these standards shall include certain properties generally located within four subzones described as follows:

- (1) *Suburban subzone.* This subzone will not allow any increase in the maximum building heights allowed by a specific property's governing zoning district and is

intended to protect and maintain the residential character of the area by limiting the allowable building heights to those specified within the property's governing zoning district.

- (2) *Low rise subzone* This subzone will generally allow minimal increases in the maximum building heights allowed by a specific property's governing zoning district.
- (3) *Mid rise subzone.* This subzone will generally allow moderate increases in the maximum building heights allowed by a specific property's governing zoning district.
- (4) *High rise subzone.* This subzone will generally allow substantial increases in the maximum building heights allowed by a specific property's governing zoning district.

The official boundaries of the CC overlay district and its four subzones shall be as delineated on the official boundary map contained in appendix c, section C-3, of this chapter.

(d) *Applicable regulations.* All development regulations specified by a particular property's governing zoning district, including planned development regulations, shall be applicable, except that in the event a governing zoning district's regulations conflict with the standards of the Corridor Commercial overlay district, the more permissive regulations shall control save and except in the areas designated as part of the suburban subzone.

(e) *Space limits.*

- (1) *Maximum height of non-residential buildings:*
 - a. *Suburban subzone:* The maximum building heights as specified by the property's governing zoning district shall be applicable. More specifically, this overlay district shall not allow any increase in building height beyond the maximum heights as prescribed by the property's governing zoning district.
 - b. *Low rise subzone:* Three stories.
 - c. *Mid rise subzone:* Six stories.
 - d. *High rise subzone:* 12 stories.
- (2) *Minimum non-residential building setbacks:* Same as the minimum setbacks required by the governing zoning district regulations.
- (3) *Maximum non-residential lot coverage:* Same as the maximum lot coverage required by the governing zoning district regulations, except that there is no maximum lot coverage for buildings four or more stories tall.
- (4) *Maximum non-residential floor area ratio:* Same as the maximum floor area ratio required by the governing zoning district regulations, except that there is no maximum floor area ratio for buildings four or more stories tall.

(f) *Architectural and site standards.* All non-residential buildings in non-industrial zoning districts that are four or more stories in height shall not be required to satisfy the minimum standards for approval as prescribed in section 146-139(f)(7) of this chapter, and shall be approved if all of the following criteria are met:

- (1) Each elevation of each building shall be finished with masonry as specified herein. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to, slate, flagstone, granite, limestone, and marble.
 - a. Each elevation on buildings four to six stories in height shall be finished with at least 25 percent masonry;
 - b. Each elevation on buildings seven to nine stories in height shall be finished with at least 10 percent masonry; and
 - c. No masonry finishing materials shall be required on buildings over nine stories in height.
- (2) The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall construction, architectural metal panels (not including corrugated metal), and/or glass curtain wall systems.
- (3) The maximum reflectivity of all exterior glass shall be less than or equal to 27 percent.
- (4) The colors of 100 percent of total exterior building surfaces (exclusive of glass and architectural metal finishing materials) shall be neutrals, creams, or deep, rich, non-reflective natural earth-tone colors (including approved finishing materials). Examples of acceptable colors include, but are not limited to burgundy, forest green, navy blue, eggplant, rust, or ochre. Subtle variations of such colors shall also be permitted.

(Ord. No. 2011-05-032, § 1, 5-17-2011; Ord. No. 2015-03-013, § 1, 3-17-2015)

Sec. 146-102. SF12 - Single Family Residential district.

(a) *Purpose.* The SF12 - Single Family Residential zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life environment on relatively ample lots.

(b) *Permitted uses.* Those uses indicated as being permitted in the SF12 - Single Family Residential zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in Appendix F of this chapter as being applicable to the SF12 - Single Family Residential zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-103. SF10 - Single Family Residential district.

(a) *Purpose.* The SF10 - Single Family Residential zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life environment on relatively ample lots.

(b) *Permitted uses.* Those uses indicated as being permitted in the SF10 - Single Family Residential zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in Appendix F of this chapter as being applicable to the SF10 - Single Family Residential zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-104. SF8 - Single Family Residential district.

(a) *Purpose.* The SF8 - Single Family Residential zone is designed to encourage a suitable family life on medium size lots.

(b) *Permitted uses.* Those uses indicated as being permitted in the SF8 - Single Family Residential zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the SF8 - Single Family Residential zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-105. SF7.2 - Single Family Residential district.

(a) *Purpose.* The SF7.2 - Single Family Residential zone is designed to encourage a suitable family life on medium size lots.

(b) *Permitted uses.* Those uses indicated as being permitted in the SF7.2 - Single Family Residential zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the SF7.2 - Single Family Residential zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-106. SF5 - Single Family Residential district.

(a) *Purpose.* The SF5 - Single Family Residential zone is designed to encourage a suitable family life on a variety of lot sizes while ensuring an appropriate residential density for the overall development.

(b) *Permitted uses.* Those uses indicated as being permitted in the SF5 - Single Family Residential zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the SF5 - Single Family Residential zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-107. DR - Duplex Residential district.

(a) *Purpose.* The DR - Duplex Residential zone is designed to provide for a medium density residential environment which consists of two-family residential units.

(b) *Permitted uses.* Those uses indicated as being permitted in the DR - Duplex Residential zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the DR - Duplex Residential zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-108. TH - Townhome Residential district.

(a) *Purpose.* The TH - Townhome Residential zone is designed to provide for a medium density residential environment which consists of attached single family residential units.

(b) *Permitted uses.* Those uses indicated as being permitted in the TH - Townhome Residential zone in the schedule of uses shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of the zoning ordinance as being applicable to the TH - Townhome Residential zone shall apply, except as indicated below:

- (1) *Density bonus.* A townhome community's maximum density may be increased to a maximum of 14 dwelling units per acre if at least two of the following elements are incorporated into the design of the townhome community:
 - a. Public sidewalks that are at least six feet wide are provided on both sides of each public or private street that is constructed within the community. These public sidewalks shall be located within the public right-of-way and/or a public pedestrian access easement and shall also be reflected on any associated permitting documents as deemed necessary by the director of engineering, chief building official, and/or director of planning.
 - b. No lots are located within 50 feet on either side of the primary entrance into the community.
 - c. Each proposed lot is within 300 feet of a useable open space of at least one-half acre (21,780 square feet) in size that is owned and maintained by the governing homeowners' association. No side of the qualifying usable open space shall be less than 50 feet. The qualifying open space shall not be part of any screening and/or buffering obligations as mandated by the subdivision regulations.
 - d. A usable open space of at least one-half acre (21,780 square feet) in size that is owned and maintained by the governing homeowners' association is provided for every 100 lots. This useable open space shall be provided within the boundary of the community and shall not count against any applicable park land dedication requirements as mandated by the subdivision regulations.

- e. Each entrance into the townhome community shall feature a divided entrance containing a landscaped median separating the traffic entering the neighborhood from the traffic exiting the neighborhood. The required median shall be provided within a common area that is owned and maintained by the homeowners' association and shall feature all of the following:
 1. The dividing median shall be at least 10 feet wide and at least 30 feet long (measured from back of curb to back of curb). The median and its plantings shall not be permitted to interfere with necessary sight visibility lines;
 2. At least one canopy tree for every 30 linear feet that the median extends (in length);
 3. At least two ornamental trees for every 30 linear feet that the median extends (in length); and
 4. The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in section 146-135(e)(2) of the zoning ordinance.
- f. Natural areas such as creeks and lakes that include public participation of any kind (e.g.: NRCS lakes) have single loaded streets adjacent to them.
- g. Cul-de-sacs are not perfectly round. Instead, they are more elliptical and off-center in nature and feature a landscaped common area within the center of the cul-de-sac that is owned and maintained by the governing homeowners' association and which is at least 90 square feet.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-109. SO - Suburban Office district.

(a) *Purpose.* The SO - Suburban Office zone is designed to provide for low intensity office uses which are typically located at intersections of arterial roads and collector roads.

(b) *Permitted uses.* Those uses indicated as being permitted in the SO - Suburban Office zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the SO - Suburban Office zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-110. RO - Regional Office district.

(a) *Purpose.* The RO - Regional Office zone is designed to provide for high intensity office uses which are typically located along major regional highways or at intersections with major regional highways.

(b) *Permitted uses.* Those uses indicated as being permitted in the RO - Regional Office zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the RO - Regional Office zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-111. C1 - Neighborhood Commercial district.

(a) *Purpose.* The C1 - Neighborhood Commercial zone is designed to provide for low intensity commercial uses which are typically located where collector roads intersect with other collector roads or arterial roads.

(b) *Permitted uses.* Those uses indicated as being permitted in the C1 - Neighborhood Commercial zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the C1 - Neighborhood Commercial zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-112. C2 - Local Commercial district.

(a) *Purpose.* The C2 - Local Commercial zone is designed to provide for medium intensity commercial uses which are typically located where arterial roads intersect with other arterial roads.

(b) *Permitted uses.* Those uses indicated as being permitted in the C2 - Local Commercial zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the C2 - Local Commercial zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-113. C3 - Regional Commercial district.

(a) *Purpose.* The C3 - Regional Commercial zone is designed to provide for high intensity commercial uses which are typically located along major regional highways and where arterial roads intersect with major regional highways.

(b) *Permitted uses.* Those uses indicated as being permitted in the C3 - Regional Commercial zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in Appendix F of this chapter as being applicable to the C3 - Regional Commercial zone shall apply.

(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-114. LI - Light Industrial district.

(a) *Purpose.* The LI - Light Industrial zone is designed to provide for a wide range of commercial and industrial uses, all of which shall be comparatively nuisance-free.

(b) *Permitted uses.* Those uses indicated as being permitted in the LI - Light Industrial zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the LI - Light Industrial zone shall apply.
(Ord. No. 2014-03-018, § 19, 3-4-2014)

Sec. 146-115. HI - Heavy Industrial district.

(a) *Purpose.* The HI - Heavy Industrial 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.

(b) *Permitted uses.* Those uses indicated as being permitted in the HI - Heavy Industrial zone in the schedule of uses, appendix F of this chapter, shall be allowed.

(c) *Space limits.* The space limits identified in appendix F of this chapter as being applicable to the HI - Heavy Industrial zone shall apply.
(Ord. No. 2014-03-018, § 19, 3-4-2014)

Secs. 146-116—146-128. Reserved.

ARTICLE IV. SPECIAL REGULATIONS

Sec. 146-129. Height and area exceptions, and minimum distances between specific uses.

The following exceptions and special regulations of height and areas of yards and minimum distances between specific uses shall apply in all applicable districts:

- (1) *Height.*
 - a. In the districts where the height of buildings is restricted to two or 2 or three stories, cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed 40 feet above the average grade line of the building. Water standpipes and tanks, church steeples, domes, spires, school buildings, and institutional buildings may be erected to exceed three stories in height; provided that one additional foot shall be added to the width and depth of the front, side, and rear yards for each foot that such structures exceed the required height. This provision shall not apply to the MTC - McKinney Town Center zoning district.
 - b. No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.
 - c. In any district (except the MTC - McKinney Town Center zoning district) where churches are allowed, the maximum height of the primary church structure may exceed the standard maximum height of the district; provided that:
 1. The maximum height of the primary church structure shall be 75 feet;

2. The standard minimum setback for the district for the church property shall be increased by three feet for each additional one foot of building height in excess of the standard maximum height of the district;
 3. The minimum setback shall be 50 feet; and
 4. The first 25 feet from all property lines shall be reserved as a landscape buffer, with evergreen trees planted a minimum of every 40 feet.
- d. The maximum height of light poles shall be as follows:
1. On tracts or lots over three acres in size, the maximum height for poles with lights is 30 feet.
 2. On tracts or lots less than three acres, the maximum height of poles with lights is 20 feet.
 3. For large retail and office developments that have a mix of lot sizes within them, the maximum height for poles shall be as allowed on the largest of the lots within the development.
 4. Special lighting or lighting higher than 30 feet may be approved as specifically noted on a site plan.
 5. In the MTC - McKinney Town Center zoning district, the maximum height of poles with lights is 20 feet.

(2) *Frontyards.*

- a. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see appendix E, illustration 9).
- b. Where a building line has been established by plat or ordinance approved by the planning and zoning commission and the city council prior to the effective date of the ordinance from which this chapter is derived and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by the ordinance or plat.
- c. Where a building line has been established by plat or ordinance approved by the planning and zoning commission and/or the city council after the effective date of the ordinance from which this chapter is derived and such building line requires a greater front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by the plat or ordinance.
- d. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, support of a carport, or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four feet and subsurface structures,

platforms, or slabs may not project into the front yard to a height greater than 20 inches above the average grade of the yard (see appendix E, illustration 7).

- e. Where lots have doubled frontage, running through from one street to another, a required front yard shall be provided on both streets unless a rear yard building line for accessory buildings has been established along one frontage on the plat or by ordinance, and identified as such, or a rear line screening area has been identified by a common area or easement, along one frontage on the plat, in which event only one required front yard need be observed (see appendix E, illustration 8).
- f. Gasoline pump islands and other surface transfer of fuel points, such as fuel storage tank filling points, must be a minimum of ten feet from public rights-of-way lines, a minimum of 50 feet from residentially zoned property lines, and a minimum of ten feet from any other property line.
- g. Where no front yard is required, all stairs, eaves, roofs, and similar building extensions shall be located behind the front street right-of-way line or property line.
- h. Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four feet, provided, however, that no supporting structure for such extensions may be located within the required front yard (see appendix E, illustration 7).
- i. Where a future right-of-way line has been established for future widening or opening of a street upon which a lot abuts, then the width of a front, side, or rear yard shall be measured from the future right-of-way line of the street.
- j. The open space in a required front yard of single family, duplex, or townhome districts shall not be diminished by paving with concrete, asphaltic concrete, or other similar smooth surfacing material, except in compliance with the following conditions:
 - 1. Paving will be allowed for:
 - (i) Sidewalks not more than six feet in width;
 - (ii) A driveway to the street not more than 20 feet in width or the width of the garage or carport to which it provides access, whichever is greater;
 - (iii) A loop driveway, from the street and returning to the street or alley, of not more than 20 feet in width; and
 - 2. Total pavement area shall not exceed 75 percent of the required front yard.
- k. Where any legally existing lot or parcel has no access to a public or private street, and where the lot or parcel fronts on an existing alley, a front yard of not less than one-half the required front yard shall be observed.

(3) *Corner lots.*

- a. On a corner lot used for single family, two family or mobile home dwellings platted after the effective date of Ordinance No. 1270 (December 15, 1981), both street exposures shall be treated as front yards, except where the corner lot is on a block face with no lots fronting on that street. In such cases, the street exposure shall be treated as a side yard; provided that a side yard of not less than 15 feet shall be observed (see appendix E, illustrations 4 and 5).
- b. Front yards of lots with more than one frontage shall front the same street as the interior lots within the same block. For purposes of this requirement, an interior lot is one, which adjoins a street (public or private) on only one side (see appendix E, illustrations 4 and 5).
- c. Where none of these conditions establish a specific street frontage as the front of the lot, the property owner, in the initial development of the property, may observe the front yard adjacent to the street frontage of his choosing. Henceforth, the front yard so observed shall not be reduced below the requirements of this chapter.

(4) *Side yards.*

- a. Every part of the required side yard shall be open and unobstructed except for accessory buildings as permitted herein, and the ordinary projections of window sills, belt courses, and other architectural features projecting not to exceed 12 inches into the required side yard, and roof eaves projecting not to exceed 24 inches into the required side yard.
- b. Where a future right-of-way line has been established for future widening or opening of a street upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.
- c. Within all multiple family developments except those in the MTC - McKinney Town Center zoning district, the following minimum distances between buildings shall be observed:

<i>Building Orientation</i>	<i>Minimum Separation</i>
Front to front	40'
Front to rear	40'
Rear to rear	20'
Side to side	10'
Side to front	20'
Side to rear	10'

- d. No complex of attached one-family dwellings shall exceed 200 feet in length (see appendix E, illustration 12).

(5) *Minimum distances between specific uses.*

- a. No portion of a day care center site may be located within 300 feet of gasoline pumps or any other storage area for explosive materials.

- b. A private club shall be prohibited within 300 feet of the property line of any church, public or parochial school, hospital, extended care facility, or publicly owned park, except that the prohibition will not apply to property located within 300 feet of publicly owned parks if the city council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood. The 300-foot distance shall be determined by a measurement on the ground from the front door of the premises to be permitted to the nearest property line of the said church, public or parochial school, hospital, or publicly owned park.

(Code 1982, § 41-201; Ord. No. 1270, § 4.01, 12-15-1981; Ord. No. 99-03-35, § 1E, 3-16-1999; Ord. No. 2000-01-03, § 1J, 1-4-2000; Ord. No. 2002-08-084, § I.47, 8-20-2002; Ord. No. 2006-10-114, § I, 10-3-2006; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2013-04-044, § 9, 4-22-2013)

Sec. 146-130. Vehicle parking.

In all zoning districts except the MTC - McKinney Town Center zoning district, off-street parking, also known as on-site parking, shall be provided for each of the uses identified herein-below at the ratios specified herein at the time any building or structure is (a) erected or (b) structurally altered, or at such other time when the use of an existing building is changed, except as otherwise specified by this chapter. Refer to appendix G-2 of the city zoning regulations (chapter 146) for parking requirements specifically applicable to the MTC - McKinney Town Center zoning district.

(1) *Parking requirements.*

Assisted living facility, nursing home, or rest home	1 parking space for every 4 beds.
Bank, savings and loan, or similar institution	1 parking space for every 400 square feet plus 5 stacking spaces per drive-through teller or ATM station.
Bed and breakfast facility	1 parking space for every guest room plus the parking requirements for a detached single family dwelling shall apply to the owner/occupant of the facility
Car wash (full service)	1 parking space for every 250 square feet of floor area plus 7 stacking spaces for each wash, vacuum, or gas pump lane.
Car wash (self-serve)	1 parking space for each bay or stall (in addition to washing areas or stalls) plus 3 stacking spaces for each wash bay if automated drive-through or 2 stacking spaces for each wash bay if wand-type.
Church or other place of worship	1 parking space for each 3 seats in the main auditorium or assembly hall. If no fixed seating is proposed, 1 parking space shall be provided for every 50 square feet of floor area in the main auditorium or assembly hall.

ZONING REGULATIONS

§ 146-130

College or university	10 parking spaces per classroom.
Amusement (indoor):	1 parking space for each 100 square feet of gross floor area for uses not listed below.
a. Amusement center	1 parking space for every 50 square feet.
b. Bingo parlors	1 parking space for every 3 seats or one for every 100 square feet, whichever is greater.
c. Bowling alley	6 parking spaces for each alley.
d. Racquetball or handball courts	3 parking spaces for each court.
e. Indoor tennis courts	6 parking spaces for each court.
f. Indoor jogging or running tracks	1 parking space for every 300 linear feet.
g. Swimming pool	1 parking space for every 100 square feet of water surface plus deck area.
h. Theatres and auditoriums, including motion picture theaters	1 parking space for every 4 seats.
i. Areas for subsidiary uses not listed, such as restaurants, offices, etc.	Calculate required parking for each subsidiary use in addition to the minimum standards for other uses.
Amusement (outdoor):	
a. Areas with fixed seating or bleachers	1 parking space for every 4 seats for fixed seating or for every 6 linear feet of benches for bleacher seating.
b. Golf course	5 parking spaces per hole, plus requirements for retail parking, office parking, country club parking, and other uses as applicable.
c. Golf driving range	1.5 parking spaces per driving tee.
d. Soccer, football, baseball, or other play fields with no fixed seating	50 parking spaces per field.
e. Tennis courts, basketball courts, or similar recreation courts with no fixed seating	6 parking spaces per court.
f. Neighborhood pool	1 parking space per 200 square feet of pool surface area (not including wading pools or whirlpool baths) and 1 space per 400 square feet of building area.
g. Swimming pool	1 parking space for every 100 square feet of water surface plus deck area.

Community center, library, museum, or art gallery	10 parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each 4 seats that it contains.
Community garden	1 parking space for every 21,780 square feet (1/2 acre) of gardening area for gardens that are 21,780 square feet or larger; however, no parking shall be required for gardens with a gardening area of less than 21,780 square feet.
Contractor's yard	1 parking space for every 5,000 square feet of lot area, with a minimum of 5 spaces.
Convenience store (with or without gas pumps)	1 parking space for every 250 square feet of floor area, with a minimum of 5 parking spaces. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Day nursery or day care center	1 parking space for every 8 pupils, based on design capacity plus 6 stacking spaces shall be required per drive-through/pick-up lane.
Dry cleaners (with drive-through)	1 parking space for every 250 square feet of floor area plus 3 stacking spaces shall be required per drive-through lane.
Dwellings, duplex	2 parking spaces for every unit, including 1 covered or enclosed space.
Dwellings, multiple family	<p>For dwelling units not located in the Commercial Historic district: 1 parking space for each dwelling unit plus 0.5 space for each bedroom in all dwelling units. No less than 50% of the units shall have an enclosed parking space. The percentage of required enclosed parking may be reduced as provided for in section 146-130(2)(f)(v). Enclosed parking spaces may include, but not be limited to an open-air, multi-level parking structure (excluding the top floor of said structure), tuck-under parking, and a detached garage(s). If a garage door is associated with the enclosed parking space, a 20-foot long driveway in front of the garage door shall be provided or an additional 0.5 parking space per enclosed space shall be provided elsewhere on-site. The 20-foot driveway in front of a garage door may be counted as a parking space.</p> <p>For dwelling units located in the Commercial Historic district as defined in section 146-97: 1 parking space for each dwelling unit shall be provided.</p>

Dwellings, multiple family (senior)	For dwelling units not located in the Commercial Historic district: 1 parking space for each dwelling unit. No less than 50% of the units shall have an enclosed parking space. The percentage of required enclosed parking may be reduced as provided for in section 146-130(2)(f)(v). Enclosed parking spaces may include, but not be limited to an open-air, multi-level parking structure (excluding the top floor of said structure), tuck-under parking, and a detached garage(s). If a garage door is associated with the enclosed parking space, a 20-foot long driveway in front of the garage door shall be provided or an additional 0.5 parking space per enclosed space shall be provided elsewhere on-site. The 20-foot driveway in front of a garage door may be counted as a parking space. For dwelling units located in the Commercial Historic district as defined in section 146-97: 1 parking space for each dwelling unit shall be provided.
Dwellings, single family attached	2 parking spaces for each unit including 2 covered or enclosed spaces.
Dwellings, single family detached	2 parking spaces for each unit including 2 covered or enclosed spaces, except that if a dwelling is constructed under a program for affordable housing sponsored by the city or sponsored by a non-profit corporation approved by the city 2 parking spaces must be provided for each unit, including a minimum of 1 covered or enclosed space.
Flea and farmers' market	1 parking space for every 250 square feet of market area.
Fraternity, sorority, or dormitory	1 parking space for each 2 beds.
Fueling station or gasoline station (no ancillary services)	1 parking space for every 4 pumping stations. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Furniture or appliance store, hardware store, wholesale establishments	1 parking space for every 400 square feet.
Fitness club, gymnasium, exercise area or similar use	1 parking space for every 150 square feet.
Hospital	1 parking space for each bed.
Hotel/motel or residence hotel	1 parking space for each sleeping room without a kitchen or 1.5 parking spaces for each sleeping room with a kitchen, plus 1 parking space for every 200 square feet of restaurant, retail, conference, or office area.
Independent living facility	1 parking space for every dwelling unit.

Indoor gun range	2 parking spaces for every firing lane and 10 parking spaces for each instructional classroom, if any, plus all other parking requirements for any associated office use and/or retail use within, on and about the premises of the indoor gun range.
Industrial and manufacturing uses	1 parking space for every 1,000 square feet up to 20,000 square feet plus 1 parking space for every 2,000 square feet in excess of 20,000 square feet.
Junk yard, recycling center, and similar industrial uses	1 parking space for every 10,000 square feet of lot area.
Lodge, fraternal organization, country club or golf club	1 parking space for each 200 square feet of floor area.
Lumber yard	1 parking space for every 400 square feet of floor area, plus 1 parking space for every 1,000 square feet of warehouse.
Machinery or heavy equipment sales	1 parking space for every 400 square feet of gross floor area.
Mini-warehouse (self-storage)	4 parking spaces. A 12-foot wide loading zone shall be constructed in front of all access areas for each unit and shall not conflict with required fire lanes. A single loading zone may accommodate units on both sides of fire lane.
Mobile home or mobile home park	2 parking spaces for each mobile home plus additional spaces as required herein for accessory uses.
Mortuary or funeral home	1 parking space for each 200 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
Motor vehicle/automobile sales and new or used car lots	1 parking space for each 500 square feet of sales floor for indoor uses plus 1 parking space for each 1,000 square feet of outdoor display area in addition to spaces calculated for office and repair areas at their respective rates.
Motor vehicle/automobile repair and service (with or without gasoline sales)	2 parking spaces for each service bay with a minimum of 5 spaces plus parking requirements for office and overnight storage of vehicle. For quick lube or similar services, three stacking spaces for each service bay shall also be provided. Spaces provided for fueling at the pump stations shall not be considered parking spaces. All types of motor vehicle service or repair facilities must have a designated area on the site plan for the overnight storage of vehicles awaiting repair. If overnight storage is proposed a minimum of 1 overnight storage parking space must be provided for each proposed service bay.

Office, (business, professional or research)	1 parking space for each 400 square feet.
Office, medical, dental, or similar health services	1 parking space for each 300 square feet of floor area.
Race track, horses or dogs	1 parking space for each 4 seats.
Restaurant, private club, nightclub, cafe, or similar recreational or amusement establishment	1 parking space for each 150 square feet of floor area, plus 6 stacking spaces from the point where the order is placed.
Retail store or personal service establishment, except as otherwise specified herein	1 parking space for every 250 square feet of floor area.
Roominghouse or boardinghouse	1 parking space for each sleeping room.
School, elementary	2.5 parking spaces for each classroom, plus 1 pick-up/drop-off lane consisting of at least 10 stacking spaces.
School, high	8 parking spaces for each classroom plus 1 parking space for each 4 seats in the main auditorium. Additional parking need not be provided for ancillary uses such as swimming pools or practice fields used solely by students and staff. The number of parking spaces required for stadiums or facilities used jointly by the public outside of regular school hours may be reduced by the number of spaces provided for use during regular school hours.
School, junior high or middle	2.5 parking spaces for each classroom plus 1 parking space for each 4 seats in the auditorium plus 1 pick-up/drop-off lane consisting of at least 10 stacking spaces. Additional parking need not be provided for ancillary uses such as swimming pools or practice fields used solely by students and staff. The number of parking spaces required for stadiums or facilities used jointly by the public outside of regular school hours may be reduced by the number of spaces provided for use during regular school hours.
Truck stops	1 parking space for each 10,000 square feet of site area plus 1 vehicle space for each 250 square feet of building area.
Veterinarian clinic	1 parking space for each 300 square feet of floor space.
Warehouse type uses	1 parking space for each 4,000 square feet.

(2) *Rules for computing number of parking spaces.* In computing the number of parking spaces required for each of the above uses the following rules shall govern:

- a. The term floor area means the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.

- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- d. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever any building is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- e. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- f. Parking reductions.
 - 1. For multi-tenant retail shopping centers or office developments greater than 25,000 square feet in floor area, the sum of the total required parking may be reduced with site plan approval. Determination shall be based on the frequency of the anticipated peak parking demands, and location of parking spaces in relation to the building(s).
 - 2. For developments greater than 50,000 square feet in floor area, the sum of the total required parking may be reduced with site plan approval. Determination shall be based on the frequency of the anticipated peak parking demands, and location of parking spaces in relation to the building(s).
 - 3. The sum of the total required parking for a development may be reduced as indicated by the table below if a quality tree(s) is preserved.

<i>Size (DBH) of the Preserved Tree</i>	<i>Reduction in Parking Requirement</i>
6 to 8	2 parking spaces
9 to 15	3 parking spaces
16 to 30	4 parking spaces
31 to 41	5 parking spaces

- 4. If one, two, or all of the parking reductions specified above are utilized, the overall parking reduction shall not exceed ten percent of the sum of the total required parking for the development.
- 5. The enclosed parking space requirement for multi-family residential and senior multi-family residential uses may be reduced from no less than 50 percent of the units having an enclosed parking space to no less than 30 percent of the units having an enclosed parking space as part of the site plan approval process. The project is subject to the city council's discretionary approval after consideration by the planning and zoning commission and may be approved if the proposed project satisfies the following:
 - i. The project represents an innovative or exceptional quality design; and

- ii. The project represents a significant contribution to the existing and future built environment in the area.
 - iii. Reductions in the enclosed parking requirement may not be granted for pecuniary reasons or to serve as a convenience for the development.
- (3) *Shared parking spaces.* Under specific circumstances listed below, a limited number of parking spaces may be applied toward parking space requirements for two different uses. Proposed shared parking arrangements shall be considered during the site planning process. Not more than 50 percent of the parking spaces shall be required for:
- a. Theaters, bowling alleys, nightclubs, church or school auditoriums, or similar uses may be provided and used jointly by;
 - b. Uses not normally open, used or operated during the same hours as those listed in subsection (3)a of this section.
- (4) *Location of parking spaces.* All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:
- a. Required parking spaces for non-residential uses not located on the same lot with the building or use served may be located on another lot located no more than 500 feet from such building or use. Where no parking lot or building is being constructed, staff may approve such off-site parking arrangements. If the proposed off-site parking proposal is related to or includes construction of a building or parking lot, proposed off-site parking arrangements shall be considered during the site plan process.
 - b. Parking location requirements for uses in the MTC - McKinney Town Center zoning district shall be determined according to the provisions of appendix G-2 of the city zoning regulations (chapter 146).
- (5) *Parking agreements required.* For any shared parking arrangement or off-site parking arrangement described above, written agreements ensuring retention of such parking spaces for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit.
- a. A permanent easement for shared or off-site parking facilities shall be dedicated and recorded as a condition of such use.
 - b. A long-term remote parking agreement shall be provided.

- (6) *Parking design, pavement, and maintenance.* All off-street parking facilities, whether provided as required by this chapter, or provided in excess of these requirements, or otherwise provided, shall comply with the minimum requirements for parking and maneuvering space herein specified.
- a. *Minimum dimensions for off-street parking.* The minimum dimensions for off-street parking shall be as follows:
1. Standard space: Nine feet by 18 feet.
 2. Parallel space: Eight feet by 22 feet.
 3. Stacking space: Ten feet by 20 feet.
 4. Drive aisles: Two-way drive aisles shall be at least 24 feet wide; one-way drive aisles shall be at least 20 feet wide when provided in conjunction with angled parking spaces; one-way drive aisles shall be at least 12 feet wide when not provided in conjunction with parking spaces.
 5. Handicap spaces: Handicap parking spaces shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans Disability Act (ADA) of 1991, as may be amended, accessibility guidelines (ANSI Standards).
 6. The director of planning may administratively approve the re-striping of existing ten-foot wide spaces to nine feet without requiring approval of a new site plan. This provision would not allow alteration of parking lot layouts, landscaping, or additional paving.
 7. See the following appendix E, illustrations 13, 14, 15, 16, and 17, for maneuvering areas and overhang allowances for 90-degree, 60-degree, and 45-degree angle parking.
 8. In the MTC - McKinney Town Center zoning district, the city engineer and/or fire marshal shall be permitted to allow deviations to the minimum dimensions for off-street parking as needed on a case by case basis while ensuring adequate vehicle access, emergency access, sight visibility, and other related engineering design or life safety principles.

b. *Maneuvering.*

1. All maneuvering of vehicles shall take place on site or within a mutual access easement. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
2. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
3. In the MTC - McKinney Town Center zoning district, the city engineer and/or fire marshal shall be permitted to allow deviations to the maneuvering standards for off-street parking as needed on a case by case basis while ensuring adequate vehicle access, emergency access, sight visibility, and other related engineering design or life safety principles.

c. *Residential uses (except multiple family).*

1. Required parking spaces for new construction of single family, duplex, townhome, and mobile home dwelling units shall be provided on a paved concrete surface if the adjacent street is concrete. All driveways to the required spaces shall be paved with concrete, except in AG - agricultural district and RED - residential estate districts.
2. Required parking spaces for new construction of single family, duplex, townhome, and mobile home dwelling units shall be provided on a paved asphalt or concrete surface if located on a street other than one constructed of concrete. On such streets, all driveways to the required spaces shall be paved with asphalt or concrete, except in AG - agricultural district and RED - residential estate districts.
3. If a dwelling unit is reconstructed or rehabilitated and construction of a new driveway would otherwise be required, lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981), shall not be required to construct a new driveway.
4. At any time a residential driveway is reconstructed or replaced, the pavement surface shall be as follows:

<i>Existing surface</i>	<i>New surface</i>
Dirt or gravel	Gravel, asphalt, or concrete
Asphalt	Asphalt or concrete
Concrete	Concrete

5. If no enclosed parking spaces are provided, a minimum 48 square foot enclosed storage space with outdoor access shall be provided per unit. This provision is not applicable in the MTC - McKinney Town Center zoning district.

- d. *Non-residential and multiple family uses.*
1. All required off-street parking, maneuvering, and loading areas shall be paved with concrete or asphaltic material in accordance with parking lot requirements in the city's design standards, except where another surface is approved through the site plan process for special loading/unloading operations such as storage or use of tracked equipment.
 2. Parking spaces shall be clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods.
 3. Barriers shall be installed to prevent overhang of vehicles into required landscape areas, rights-of-way, pedestrian ways, and private property.
 4. For safety and firefighting purposes, cross access between parking areas of adjacent non-residential parcels shall be provided.
 5. Fire lanes shall be provided as required by the adopted fire code of the city, and shall be adequately reinforced to withstand heavy vehicle loading.
 6. Refuse facilities shall be located so as to facilitate pickup by refuse collection agencies. Sanitation containers shall not be located in a designated parking space or loading area. Reinforced concrete pavement shall be provided for refuse facilities and their approaches for loading and unloading.
 7. No parking area shall be used for repair, storage, dismantling, or servicing of vehicles or equipment.
 8. No parking or loading area shall be used for storage of inventory, materials, display, sanitation containers, supplies, or for any other use, except for donation collection containers permitted by chapter 138, article VII of the Code of Ordinances, or as approved through the site plan process or through the issuance of a temporary use permit. Under no circumstances shall a required parking space be used for any purpose other than parking except as otherwise permitted herein.
 9. All off-street parking areas shall be kept free of litter, trash, debris, vehicle repair operations, display, and advertising uses. Donation collection containers permitted by chapter 138, article VII of the Code of Ordinances shall be permitted in an off-street parking area.
 10. The property owner shall be responsible for adequately maintaining all parking facilities, including paving, striping, elimination of debris, and correction of use violations.
 11. At no time after initial approval of the parking area layout, can changes be made to the location or number of provided spaces, unless approved by the director of planning or through the site plan process.

(7) *Parking prohibitions.*

- a. No parking space, garage, carport, or other vehicle storage space or structure located on private property in a residential zone shall be used for the storage of any truck, truck trailer, or van with a manufacturer's rated capacity exceeding one ton, or any tractor, tractor trailer, farm trailer, or other agricultural equipment.
- b. It shall be unlawful for any person to park or permit to remain parked on a public street within the city any truck, truck trailer, or van with a manufacturer's rated capacity exceeding one ton, or any tractor, tractor trailer, farm trailer, or other agricultural equipment, between the hours of 6:00 p.m. and 7:00 a.m., except when said motor vehicles, trailers, or equipment are engaged in loading or unloading.
- c. No boat, trailer, camper trailer, motor home or other such recreational vehicle shall be parked or stored within the required front yard, except as may be permitted in the ML or MH districts. In single family residential districts, two family residential districts, and multiple family residential districts, the parking or storage of such vehicles is limited to the rear yard only, and is limited to a maximum of one pleasure boat and one unoccupied trailer or motor home designed for recreational use not to exceed 24 feet in length. This restriction shall not apply to the storage of a boat or other vehicle in a fully enclosed building.
- d. Parking prohibitions on unsurfaced areas shall be as follows:
 1. No car, truck, or other vehicle shall be parked on an unsurfaced area of the front yard. This provision shall not apply to those lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981).
 2. For lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981), no car truck, or other vehicle shall be parked on an unsurfaced area of the front yard if the lot has a concrete, asphalt, or gravel driveway.
 3. If a concrete, asphalt, or gravel driveway does exist for a lot platted prior to the effective date of Ordinance No. 1270 (December 15, 1981) and unique circumstances prevent strict adherence with subsection (7)d.2 of this section, the chief building official may consider an exception to the provisions of subsection (7)d.2 of this section. The applicant shall prove that the exception from the zoning regulations is warranted under the circumstances presented. The chief building official may approve the exception with conditions to limit the number of vehicles to be parked on an unsurfaced area, the area to be parked on, etc. The decision of the chief

building official may be appealed to the board of adjustment. The exception may be granted if the chief building official or his designee finds that:

- i. Unique circumstances exist on the property, such as substandard lot size, size or location of existing structures, trees or topographical features, which make the application of subsection (7)d.2 of this section unduly burdensome;
- ii. The exception will have no adverse impact on current or future development;
- iii. The exception will have no adverse impact on the public health, safety, and general welfare; and
- iv. A financial hardship shall not be considered a hardship for granting an exception.

(Code 1982, § 41-202; Ord. No. 1270, § 4.02, 12-15-1981; Ord. No. 1346, §§ 1, 2, 4-19-1983; Ord. No. 1510, §§ 1—4, 1-15-1985; Ord. No. 94-09-36, § 1, 9-20-1994; Ord. No. 99-03-35, § 1F, 3-16-1999; Ord. No. 2000-01-03, §§ 1K, 1L, 1-4-2000; Ord. No. 2000-05-028, § 1A, 5-2-2000; Ord. No. 2001-04-045, § 1, 4-3-2001; Ord. No. 2004-09-103, § I, 9-21-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 7, 11-4-2008; Ord. No. 2010-05-011, § 6, 5-17-2010; Ord. No. 2010-12-053, § 15, 12-7-2010; Ord. No. 2013-02-021, § 2, 2-25-2013; Ord. No. 2013-04-044, § 10, 4-22-2013; Ord. No. 2014-03-018, § 20, 3-4-2014; Ord. No. 2016-11-091, § 2, 11-15-2016)

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) If unique site circumstances prevent strict adherence with subsection (5) or (6) of this section, the planning and zoning commission may consider a variance to the provisions of subsections (6) and/or (7) of this section; provided that sufficient screening and buffering is provided to mitigate the impact of the loading areas on surrounding properties. 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, depending on which body has the final approval authority as indicated in section 146-45, finds that:
- a. Unique circumstances exist on the property that make application of subsections (6) and/or (7) of 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; and
 - 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, § 41-203; Ord. No. 1270, § 4.03, 12-15-1981; Ord. No. 99-03-35, § 1G, 3-16-1999; Ord. No. 2000-01-03, § 1M, 1-4-2000; Ord. No. 2002-08-084, § I.49, 8-20-2002; Ord. No. 2004-09-103, § II, 9-21-2004; Ord. No. 2006-10-121, § IV, 10-17-2006; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 8, 11-4-2008; Ord. No. 2013-04-044, § 11, 4-22-2013)

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;
 - (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 screening effect;
 - (iii) Living plant screen, 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; or
 - (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.
 - 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.
 - b. Multiple family residential developments outside of the MTC McKinney town center zoning district shall provide and maintain a six-foot tall masonry

screening wall along all side and rear property lines. Multiple family residential developments that are subject to the requirements of the REC regional employment center overlay district, shall be exempt from this requirement.

- 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 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 non-residential, mixed use, and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential property. For such equipment located on the roof of a non-residential, mixed use, or multi-family structure, the screening of the equipment shall be a minimum of one foot higher than the height of the equipment.
- k. 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.
- l. Parking lots shall meet screening and landscaping requirements as defined in section 146-135.
- m. 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).
- n. 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 143-132(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)

Sec. 146-133. Accessory buildings and uses.

(a) *Area regulations.* The following area regulations shall be observed for all accessory buildings or accessory structures in all residential, multiple family, or mobile home districts:

- (1) *Front yard.* Attached accessory buildings or structures shall have the same front yard as that of the main building.

- (2) *Sideyard.*
- a. There shall be a side yard for any detached accessory building of not less than three feet from any side lot line when such detached accessory building is located in the rear of the lot (the rear of a line connecting the midpoints on the two opposite side lot lines of any lot, tract or plot), and when the detached accessory building is a minimum distance of ten feet from the main structure.
 - b. When a detached accessory building is located in front of the line connecting the two midpoints of the opposite side lot lines as herein described, or is closer than ten feet from the main structure, such accessory building shall observe the same side yard as specified for the main building.
 - c. If an accessory structure is adjacent to a side street, the side yard for the accessory structure must be a minimum of 15 feet from the side property line.
- (3) *Rear yard.*
- a. There shall be a rear yard for accessory buildings not less than three feet from any lot line, alley line, or easement line, except that if no alley exists, the rear yard shall not be less than ten feet as measured from the rear lot line. Where apartments are permitted, the main building and all accessory buildings shall not cover more than 50 percent of the rear of the lot (that portion of the lot lying to the rear of a line erected adjoining the midpoint of one side lot line with the midpoint of the opposite side lot line).
 - b. Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of 20 feet to facilitate access without interference with the use of the street or alley by other vehicles or persons.
 - c. Detached accessory buildings or structures shall be located in the area defined as the rear yard.
- (4) *Air conditioning equipment.* Air conditioning compressors, cooling towers, and similar accessory structures shall observe all front, side, or rear yards specified for accessory buildings. When such accessory structures are located in the side yard or that portion of a lot herein designated as the rear of the lot, the minimum side yard shall be three feet.
- (5) *Swimming pools.* All swimming pools shall be located behind the front yard or front building line and in no case shall the pool proper be nearer than five feet to any bounding property line of the lot or tract on which it is situated.
- (6) *Accessory buildings.* Accessory buildings shall meet the following requirements:
- a. No accessory building, other than an allowed accessory dwelling, shall be rented or leased.
 - b. No accessory building shall be used for commercial purposes.

- c. No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.
 - d. No accessory building shall exceed 200 square feet in area, except:
 - 1. Detached garages are limited to 500 square feet in area; and
 - 2. Accessory dwellings are limited to 600 square feet in area.
 - e. No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.
- (7) *Accessory dwellings.* Accessory dwellings, where allowed as an accessory use, shall meet the following requirements:
- a. An accessory dwelling may not be located on a lot less than 12,000 square feet in area.
 - b. An accessory dwelling must be behind the front building line, and must observe the same setbacks as the main structure.
 - c. An accessory dwelling shall be constructed of the same exterior materials as the main structure.
 - d. An accessory dwelling may not be sold separately from the main structure.
 - e. An accessory dwelling shall not have a separate electric meter.
- (b) *Allowed accessory uses.* Allowed accessory uses are listed in the requirements for each zoning district provided for by this chapter.
- (c) *Home occupations.* A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.
- (1) Home occupations shall be conducted entirely within the main building.
 - (2) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
 - a. No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, or outside storage of materials or equipment.
 - b. The home occupation shall not have a separate entrance.
 - c. Not more than two patron or business related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles.
 - d. A maximum of one commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked in the street.

- e. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of 1½ tons.
 - f. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
- (3) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
 - (4) The home occupation shall employ no more than one individual who is not an occupant of the residence.
 - (5) The address of the home occupation shall not be included in any classified advertisement, yellow pages listing, or other advertisement.
 - (6) The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed under subsection (c)(8) of this section.
 - (7) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations.
 - (8) Uses allowed as home occupations shall include the following:
 - a. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
 - b. Office of a salesman or manufacturer's representative; provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises, except as otherwise expressly permitted by this chapter;
 - c. Author, artist, sculptor;
 - d. Dressmaker, seamstress, tailor, milliner;
 - e. Music/dance teacher, tutoring, or similar instruction; provided that no more than three pupils may be present at any one time;
 - f. Swimming lessons or water safety instruction; provided that a maximum of six pupils may be present at any one time;
 - g. Home craft, such as weaving, model making, etc.;
 - h. Repair shop for small electrical appliances, cameras, watches, or other small items; provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
 - i. Food preparation such as cake decorating, catering, etc.; provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with all health regulations;
 - j. Day care: registered family home in compliance with state law, with a maximum of six children at any one time;

- k. Barbershop, beauty salon, or manicure studio; provided that no more than one customer is served at any one time; and
 - l. Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, chapter 123 of the Texas Human Resources Code and as amended.
- (9) Uses prohibited as home occupations shall include the following:
- a. Animal hospital, commercial stable, kennel;
 - b. Bed and breakfast inn, boardinghouse or roominghouse;
 - c. Day care center with more than six children;
 - d. Schooling or instruction with more than one pupil (except as noted above);
 - e. Restaurant or on-premises food/beverage consumption of any kind;
 - f. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine, or other repair shops except as specifically provided for in section 146-133(c)(8);
 - g. Cabinetry, metal work, or welding shop;
 - h. Office for doctor, dentist, veterinarian, or other medical-related profession;
 - i. On-premises retail or wholesale sales of any kind, with the following exceptions:
 - 1. Home craft items produced entirely on premises;
 - 2. Garage sales as provided for within chapter 54, article II;
 - 3. Sales incidental to a service; and
 - 4. Orders previously made by telephone, internet, or at a sales party.
 - i. On-premises retail or wholesale sale of any kind, except home craft items produced entirely on premises, and except garage sales as provided for within chapter 54, article II;
 - j. Commercial clothing laundering or cleaning;
 - k. Mortuary or funeral home;
 - l. Trailer, vehicle, tool, or equipment rental;
 - m. Antique, gift, or specialty shop; and
 - n. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
- (10) The director of planning shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The director of planning shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein. If the applicant disagrees with the determination of the director of planning, the applicant may request that the use be evaluated by the city council.

(11) Any home occupation that was legally in existence as of the effective date of the ordinance from which this chapter is derived and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.

(d) *Permanent makeup facilities.* A permanent makeup facility shall be allowed in conjunction with a doctor's office or beauty shop, and shall meet the following standards.

- (1) Permanent makeup is limited to parts of the body from the neck up, and is generally for cosmetic or reconstructive purposes.
- (2) The permanent makeup use shall be subordinate to the principal use in terms of area of the building served, extent of services provided, and be in keeping with the purpose of the doctor's office or beauty shop.
- (3) The permanent makeup use shall not be allowed to maintain hours of operation in excess of the principal use.
- (4) Access to the area where the permanent makeup procedure is performed must be through the main entrance of the principal use.

(Code 1982, § 41-207; Ord. No. 1270, § 4.06, 12-15-1981; Ord. No. 99-03-35, § 1I, 3-16-1999; Ord. No. 2000-07-53, § 1A, 7-18-2000; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, §§ 17—20, 12-7-2010; Ord. No. 2011-04-026, § 6, 4-19-2011; Ord. No. 2012-11-056, §§ 36, 37, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-134. Performance standards.

All uses in all districts shall conform in operation, location, and construction to the performance standards hereinafter specified.

(1) *Noise.* At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table:

a. *Octave band frequencies.*

<i>Octave band (cycles per second)</i>	<i>Maximum permitted sound pressure level (decibels)</i>
20—75	86
75—150	76
150—300	70
300—600	65
600—1,200	63
1,200—2,400	58
2,400—4,800	55
4,800—10,000	53

b. *Corrections.* The following corrections shall be made to the table of octave band, decibel limits in determining compliance with the noise level standards:

<i>Type of operation or character of noise</i>	<i>Correction in decibels</i>
Noise source operates less than 20 percent of any one-hour period	Plus 5*
Noise source operates less than 5 percent of any one-hour period	Plus 10*
Noise source operates less than 1 percent of any one-hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5
Noise present at night	Minus 7

*Apply one correction only.

- c. *Daytime hours.* Daytime shall refer to the hours between 6:00 a.m. and 9:00 p.m. on any given day.
- d. *Boundary property line.* The bounding property line shall be interpreted as being at the far side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.
- e. *Noise measurement.* Measurement of noise shall be made with a sound level meter or octave band analyzer meeting the standards prescribed by the American Standards Association.
- f. *Exemptions.* The following uses and activities shall be exempt from the noise level regulations herein specified:
 - 1. Noises not directly under control of the property user;
 - 2. Noises emanating from construction and maintenance activities during daytime hours;
 - 3. Noises of safety signals, warning devices, and emergency pressure relief valves; and
 - 4. Transient noise of moving sources such as automobiles, trucks, airplanes, and railroads.

(2) *Smoke and particulate matter.*

- a. No operation or use in any district shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants, which at the emission point or within the bounds of the property are:
 - 1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines Information

Circular 7118, or in violation of the standards specified by the state air control board regulations for the control of air pollution as published by the state department of health or as such regulations may be amended; or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in subsection (2)a.1 of this section, except that when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building, which prevents their escape into the outside atmosphere, the standards in subsection (2)a.1 of this section shall not apply.
 - b. The open storage and open processing operations, including on-site transportation movements, which are the source of wind or airborne dust or other particulate matter, or which involve dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing, or storage or sandblasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air.
- (3) *Odorous matter.*
- a. No use shall be located or operated in any district, which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
 - b. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by the American Society for Testing Materials ASTM D1391-57 entitled Standard Method for Measurement of Odor in Atmospheres shall be used and a copy of ASTM D1391-57 is hereby incorporated by reference.
- (4) *Fire and explosive hazard material.*
- a. No use involving the manufacture or storage of compounds or products, which decompose by detonation shall be permitted in any district except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesalers may be permitted when approved by the fire department.
 - b. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the adopted fire codes and building codes of the city.

- (5) *Toxic and noxious matter.* No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the state department of health in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is hereby incorporated by reference and is on file in the office of the chief building official of the city.
- (6) *Vibration.* No operation or use shall at any time create earthborn vibration, which, when measured at the bounding property line of the source of operation, exceeds the limits of displacement set forth in the following table in the frequency ranges specified.

<i>Frequency (cycles per second)</i>	<i>Displacement (inches)</i>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

- (7) *Waste materials.* No use or operation shall discharge into the open, onto the ground, or into any drainageway, open pit, or pond any waste materials, liquids, residue, or by-products for storage, decomposition, disposal, or fill, unless approved by the chief building official.
- (8) *Allowable construction hours.* Allowable construction hours in all zoning districts shall be as follows:

Monday through Friday	6:00 a.m. to 9:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sunday	1:00 p.m. to 5:00 p.m.

(Code 1982, § 41-208; Ord. No. 1270, § 4.07, 12-15-1981; Ord. No. 95-01-06, § I, 1-24-1995; Ord. No. 99-03-35, § 1J, 3-16-1999; Ord. No. 2002-08-084, § I.54, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 38, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-135. Landscape requirements.

(a) *Purpose.* Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. Therefore, landscaping is hereafter required of new development.

(b) *Scope and enforcement.*

- (1) The provisions of this section shall be administered by the landscape administrator. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction or any existing development, which

is altered by increasing the floor area by 30 percent or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions.

- (2) All existing structures, which are a conversion or change in use requiring the expansion of or significant improvements to meet parking standards shall upgrade landscaping on the site and meet these requirements to the extent practical. The director of planning or his designee shall have the ability to waive landscape requirements on a case-by-case basis if unique circumstances exist on the property that make application of these regulations unduly burdensome on the applicant. These regulations may be waived only if there will be no adverse impact on current or future development and will have no adverse impact on the public health, safety, and general welfare.
 - (3) Uses within the MTC - McKinney Town Center zoning district shall be exempt from the landscape requirements set forth herein, unless it is determined by the landscape administrator that compliance with any of these standards is achievable and would contribute to the purpose and intent of the MTC - McKinney Town Center zoning district. See appendix G of the city zoning regulations chapter 146 for any additional landscaping requirements that may be specifically applicable to the MTC - McKinney Town Center zoning district.
 - (4) Airfields (commonly known as the air side of an airport's perimeter boundary fence or wall) which accommodate fixed-wing aircrafts on a concrete runway with a length of at least 5,000 feet and allow for the operation of rotary-wing aircrafts shall be exempt from the requirements of section 146-135(f) of this chapter.
 - (5) If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria as approved on the landscape plan, the chief building official shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant, and/or agent shall make reasonable progress within 30 days from date of said notice and shall have 90 days to completely restore the landscaping as required. A 30-day extension may be granted by the chief building official if a hardship due to extreme seasonal conditions can be demonstrated by the owner, tenant, and/or agent. If the landscaping is not restored within the allotted time, such person shall be held in violation of this chapter.
- (c) *Permits.*
- (1) No permits shall be issued for building, paving, grading, or construction until a detailed landscape plan is submitted and approved by the landscape administrator. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
 - (2) If a certificate of occupancy is sought at a season of the year (June, July, and August), or during a stage 3 or stage 4 drought situation, as determined in the sole discretion

of the city, and the landscape administrator determines it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued. All landscaping required by the landscape plan shall be installed within 120 days of the latter of the date of issuance of the temporary certificate of occupancy or the lifting of the stage 3 drought restrictions. Failure to timely complete the installation and obtain the city's final acceptance of the landscaping required by the landscape plan shall be deemed to be a violation of this chapter and the temporary certificate of occupancy shall be revoked.

(d) *Landscape plan.*

- (1) A landscape plan shall be shown as part of the site plan as required in section 146-45. Prior to the issuance of a building permit, paving, grading, or construction permit for any new use, a landscape plan satisfying the criteria of these regulations any conditions of approval shall be approved by the landscape administrator. The landscape administrator shall review such plans and shall approve the same plans if they are in accordance with the criteria of these regulations and any conditions of approval. If the plans are not in accordance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
- (2) The landscape plans shall be prepared by a registered landscape architect, architect or engineer licensed by the State of Texas. For a project of one acre or less a landscape architect, architect or engineer shall not be required. The landscape administrator may approve a landscape plan prepared by a qualified professional if complete and accurate information is provided. The plan shall contain the minimum following information:
 - a. The minimum scale of one inch equals 40 feet or the same scale as the associated site plan;
 - b. The location, size, and species of all trees to be preserved, do not use tree stamps;
 - c. The location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), or other landscape features (except that location of plants and landscaping materials may be generalized on a conceptual landscape plan);
 - d. The species, size, spacing, and quantities of all plant material to be used in a tabular form (except that conceptual landscape plans may provide general plant types in-lieu-of species);
 - e. An affidavit on the plan stating that all required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors, and said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator.

- f. The name, Texas license number, signature and seal of the person responsible for the preparation of the landscape plan;
- g. The mark indicating north;
- h. The date of the landscape plan, including any revision dates;
- i. The planting details percentage of total site in permanent landscaping;
- j. The percentage of street yard in permanent landscaping;
- k. The dimensions of all landscape areas;
- l. The number of required trees and number of trees provided; and
- m. The location of all existing and planned overhead and underground utilities shall be shown on the landscape plan or on an accompanying utility plan drawn at the same scale, if necessary for clarity.
- n. Additional information as deemed necessary to adequately evaluate the landscape plan.

(e) *General standards.*

- (1) The following criteria and standards shall apply to landscape materials and installation. For the purposes of this section, the term caliper shall be defined as the diameter measurement of a tree trunk.
 - a. Required landscaped open areas shall be completely covered with living plant material.
 - b. Plant materials shall conform to the standards of the approved plant lists for the city (see appendix A to this chapter). Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pest and insects.
 - c. To promote prudent use of the city's water resources and reduce the need for additional water system infrastructure, additional water resources and water purification systems, and to help ensure viability of required plantings during periods of drought, required landscaping shall comply, where feasible, with the following requirements designed to reduce water usage:
 - 1. Required plant materials shall be selected from those identified as drought tolerant plants on the approved plant list for the city (see appendix A, section A-2 to this chapter).
 - 2. Where specific conditions reduce the likelihood that any of these plant materials will survive, other plants on the list may be substituted.
 - 3. Other plants not on the list may be substituted at the discretion of the landscape administrator. The applicant may be required to provide substantiation as to the hardiness, adaptability, and water demands of the plant when used in this area.

4. For maximum reduction in water usage, drought tolerant plants should not be interspersed in plant massings with plants requiring higher water usage.
 5. Applicants should design irrigation systems and watering schedules which supply the appropriate amount of water without over-watering.
- d. Ornamental trees shall have a minimum spread of crown of greater than 15 feet at maturity. Ornamental trees having a minimum mature crown of less than 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown width. Ornamental trees shall be a minimum of two inches in caliper as measured six inches above the ground and eight feet in height at the time of planting.
 - e. Canopy trees shall have a minimum spread of crown of 25 feet at maturity. Canopy trees shall be a minimum of four inches in caliper as measured six inches above the ground and 12 feet in height at the time of planting.
 - f. Shrubs acceptable for six-foot screening shall be a minimum of three feet in height when measured immediately after planting and shall be planted no further apart than three feet on center, unless otherwise approved by the director of planning, and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet high within two years after time of planting.
 - g. Shrubs not of the dwarf variety shall be a minimum of two feet in height when measured immediately after planting.
 - h. Hedges, where installed for buffering purposes required by this section, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet high within two years after time of planting.
 - i. Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any parking space.
 - j. Evergreen vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening and/or buffering requirements, as set forth herein and as approved by the director of planning.
 - k. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with 100 percent coverage and 70 percent density with an approved perennial grass prior to the issuance of a certificate of occupancy.
 - l. Ground covers used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
- (2) All required landscape areas shall be provided with an automatic underground irrigation system, except for required landscaping in single family or two-family

developments. Any new irrigation system installed on or after September 1, 2007, must be equipped with rain and freeze sensors. Said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator after receiving a permit, as may be required under the construction code. Irrigation systems shall comply with the city's water conservation ordinance as it exists or may be amended.

- (3) Earthen berms shall have side slopes not to exceed ~~3:14:1~~ (~~three-four~~ feet of horizontal distance for each one foot of height). All berms shall contain necessary drainage provisions, as may be required by the city engineer.
 - (4) No tree shall be planted closer than four feet to a right-of-way line nor closer than eight feet to a public utility line (water or sewer), unless no other alternative is available. Further, a landscape area in which trees are to be provided shall not conflict with a utility easement, unless no alternative is available.
 - (5) No tree that has a mature height of 25 feet or greater shall be planted beneath an existing or proposed overhead utility line. Where canopy trees are required adjacent to or underneath overhead utility lines, ornamental trees (a minimum of two inches in caliper as measured six inches above the ground) shall be provided instead of the required canopy trees.
 - (6) All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.
- (f) *Minimum landscaping requirements.*
- (1) For all non-residential and multiple family parcels, at least 15 percent of the street yard shall be permanent landscape area. The term street yard shall be defined as the area between the front property line and the minimum front set back line.
 - (2) For all non-residential and multiple family parcels located at the intersection of two dedicated public streets (rights-of-way), a 30-foot landscape buffer shall be provided parallel to the corner clip right-of-way dedication, which can be counted toward the 15 percent requirement. See appendix E, illustration 19, for intersection landscaping.
 - (3) For all non-residential and multiple family parcels, a minimum of 10 percent of the entire site shall be devoted to living landscape, which shall include grass, ground cover, plants, shrubs, or trees.
 - (4) Landscape setbacks on thoroughfares shall comply with the following provisions:
 - a. *Landscape setbacks on minor thoroughfares.* For all non-residential and multiple family parcels, a minimum ten-foot landscape buffer adjacent to the right-of-way of any minor thoroughfare is required. If the lot is a corner lot, all frontages shall be required to observe the ten-foot buffer.

- b. *Landscape setbacks on major thoroughfares.* For non-residential and multiple family parcels, a minimum 20-foot landscape buffer adjacent to the right-of-way of any major thoroughfare is required. If the lot is a corner lot, all frontages shall be required to observe the 20-foot buffer.
- c. *Landscape setback variances.* If unique circumstances exist which prevent strict adherence with this requirement, the planning and zoning commission may consider a granting of a variance during the site plan approval process to reduce the minimum 20-foot landscape buffer to a minimum of ten feet; provided that site design considerations have been incorporated to mitigate the impact of the variance. Unusual circumstances include, but are not limited to: insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A variance may be granted if:
 - 1. Unique circumstances exist on the property that makes application of this section unduly burdensome on the applicant;
 - 2. The variance will have no adverse impact on current or future development;
 - 3. 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; and
 - 4. 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.

- (5) For all non-residential and multiple family parcels, developers shall be required to plant one canopy tree per 40 linear feet, or portion thereof, of street frontage. These required trees must be planted within the associated landscape setback along thoroughfares, unless otherwise approved by the director of planning. Trees may be grouped or clustered to facilitate site design.
- (6) Landscape areas within parking lots must be at least one parking space in size (162 square feet).
- (7) No landscape area counting toward minimum landscaping requirements shall be less than 25 square feet in area or less than five feet in width.
- (8) For all non-residential and multiple family parcels, internal landscape areas shall:
 - a. Have a landscaped area with at least one tree within 65 feet of every parking space; and
 - b. Have a minimum of one tree planted in the parking area for every 10 parking spaces within parking lots with more than 20 spaces.
- (9) Within parking lots, landscape areas with curbs and gutters must be provided to define parking areas and assist in clarifying appropriate circulation patterns.

- (10) A landscape island shall be located at the terminus of each parking row and shall include the following:
 - a. A minimum of one canopy tree at the terminus of each parking row;
 - b. A minimum of 50 percent of the island covered with living plant material; and
 - c. A maximum of 50 percent of the parking island covered with bark mulch or decomposed granite material.
- (11) All existing trees that are to be considered for credit shall be provided with a permeable surface (a surface that does not impede the absorption of water) within a minimum five-foot radius from the trunk of the tree. All new trees shall be provided with a permeable surface within a minimum 2-foot radius from the trunk of the tree.
- (12) At least 75 percent of the frontage of parking lots, adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet, an earthen berm of a minimum height of three feet, a low masonry wall of a minimum height of three feet, or a combination of the above with a minimum combined height of three feet. A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.
- (13) A minimum of 50 percent of the total trees required for the property shall be canopy trees as specified on the approved plant list (see appendix A to this chapter).
- (14) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with city regulations. Shared drives shall be allowed through perimeter landscape areas.
- (15) For all non-residential and multiple family parcels, whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet shall be maintained between the edge of the parking area and the adjacent property line.
- (16) Whenever a non-residential use, mobile home use, or multiple family use is adjacent to a property used or zoned for single-family or duplex residential uses, the more intensive land use shall provide a landscaped area of at least ten feet in width along the common property line planted with one canopy tree for each 40 linear feet or portion thereof of adjacent exposure. These trees may not be clustered.
- (17) Multiple family residential uses shall provide a landscaped buffer of at least 20 feet in width along all property lines planted with one canopy tree for each 30 linear feet or portion thereof of adjacent exposure. The trees along the street frontage may be clustered, while the trees along all other property lines may not.

- (18) Evergreen shrubs (acceptable for six-foot screening) shall be provided around dumpster screening wall, and the plant materials must be a minimum of three feet in height at the time of planting, unless not visible from public right-of-way or a public use area.
- (19) For all single family and duplex parcels, builders shall be required to plant two canopy trees per lot, prior to obtaining a certificate of occupancy. At least one of the trees shall be located in the front yard. If a required canopy tree is within 12 feet of a building foundation an alternate planting location on site shall be approved by the landscape administrator. An existing quality tree of at least eight-inch caliper size located on the lot may be counted towards the requirement for a four-inch caliper tree, if appropriate tree protection measures have been followed.
- (20) For all commercial sites, developers shall install all required canopy trees per the approved landscape plan. If a required canopy tree is within 12 feet of a building foundation an alternate planting location on site shall be approved by the landscape administrator.
- (21) For all townhome parcels a minimum of 20 square feet of useable open space shall be required per townhome unit. This additional open space shall not include the parkland dedication requirement as outlined in section 142-152 of the subdivision ordinance, any required landscape areas as outlined in section 146-135, or any required spacing between buildings. Open space pockets shall be designed to be located over the entire site in order to break up density and serve the entire development. Open space pockets shall be required to be a minimum of 1,000 square feet and a maximum of 2,000 square feet for townhome developments over 50 units. The applicant may request an increase in the maximum allowed useable open space requirement with site plan approval.

(g) *Tree preservation.*

- (1) Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this section for that area within which they are located, according to the following table:

<i>Caliper of existing tree</i>	<i>Credit against tree requirement</i>
6 to 8	2 trees
9 to 15	3 trees
16 to 30	4 trees
31 to 46	5 trees
47 or more	8 trees

For purposes of this section, caliper measurement shall be taken at a height of 4 feet above the ground, and shall be rounded to the nearest whole number.

- (2) Existing trees may receive credit if they are not on the city's approved plant material list but are approved by the landscape administrator; however, trees must be located within the landscape area to which credit is applied.
 - (3) Any tree preservation proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan. The species, size, and exact location shall be shown on the landscape plan.
 - (4) During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This is not intended to prohibit the normal construction required within parking lots.
 - (5) During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.
- (h) *Sight distance and visibility.*
- (1) Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more streets or driveways occur, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross visibility at a level between two feet and seven feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross visibility area. The triangular areas shall comply with the sight triangle illustrations in this chapter (see appendix E, illustration 10).
 - (2) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the landscape administrator, the requirements set forth herein may be modified to eliminate the conflict.
- (i) *Maintenance.*
- (1) The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to:
 - a. Mowing (of grass of six inches or higher);
 - b. Edging;
 - c. Pruning;

- d. Fertilizing;
 - e. Watering;
 - f. Weeding; and
 - g. Other such activities common to the maintenance of landscaping.
- (2) Landscape areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- (3) Plant materials used to meet minimum required landscaping provisions which die or are removed for any reason shall be replaced with plant material of similar variety and size, within 90 days.
- a. Trees with a trunk diameter in excess of six inches measured six inches above the ground may be replaced with trees of similar variety having a minimum trunk diameter of four inches measured six inches above the ground.
 - b. If any tree, which was preserved and used as a credit toward landscaping requirements is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of four inches measured six inches above the ground.
 - c. A time extension may be granted by the landscape administrator if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or his agent.

Failure to maintain any landscape area in compliance with this section is considered a violation of this section and may be subject to penalties of section 146-194.

(Code 1982, § 41-211; Ord. No. 99-03-35, § 1K, 3-16-1999; Ord. No. 2000-01-03, § 1N, 1-4-2000; Ord. No. 2000-05-028, § 1C, 5-2-2000; Ord. No. 2000-05-29, § 1A, 5-2-2000; Ord. No. 2001-02-013, § 1B, 2-6-2001; Ord. No. 2002-08-084, § 1.57, 8-20-2002; Ord. No. 2004-09-098, § III, 9-21-2004; Ord. No. 2006-10-116, § 141.211(3)(c), 10-3-2006; Ord. No. 2006-10-121, § VI, 10-17-2006; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-05-011, § 8, 5-17-2010; Ord. No. 2010-12-053, §§ 21—26, 12-7-2010; Ord. No. 2013-04-044, § 13, 4-22-2013; Ord. No. 2014-12-096, § 1, 12-1-2014; Ord. No. 2015-08-076, § 1, 8-3-2015)

Sec. 146-136. Tree preservation.

(a) *Purpose.* The purpose of this section is to promote tree preservation through site design and by controlling indiscriminate removal of trees; and to contribute to the long-term viability of existing trees through their protection during construction or land disturbing activities; while balancing rights of property owners with the interests of the community. This section is specifically intended to:

- (1) Prohibit indiscriminate clear-cutting;

- (2) Protect and increase the value of residential and commercial properties within the city;
- (3) Maintain and enhance a positive image to attract new residences and business enterprises to the city; and
- (4) Protect healthy quality trees and promote the natural ecological, environmental and aesthetic qualities of the city.

(b) *Definitions.* For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and terms used in this section, but not defined in this section, shall have the meanings contained in the zoning ordinance or other ordinances of the city.

100-year fully developed floodplain means the area of inundation from a storm event having a one percent chance of being equaled or exceeded in any given year, based upon fully developed watershed conditions.

Building pad means the actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

Caliper means the diameter measurement of a tree trunk. The caliper of the trunk shall be measured six inches above the ground for trees.

Clear-cutting means the removal of ten or more protected trees from a property within a 90-day period.

Critically alter, critical alteration means uprooting or severing the main trunk of a tree, or any act that causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: damage inflicted upon the root system of a tree by machinery, storage of materials, or the compaction of soil above the root system of a tree; a change in the natural grade above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of non-permeable pavement over the root system of a tree; or trenching within the primary root zone. Additionally, a tree may be considered critically altered if more than 25 percent of the primary root zone is altered or disturbed at natural grade, or more than 25 percent of the canopy is removed.

Cut/fill means areas where the natural ground level has been excavated (cut) or where fill material has been brought in.

Determination of exemption means a determination made by the landscape administrator or his designee that no tree permit or tree preservation is required for the site.

Diameter at breast height (DBH) means tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Drip line means whichever is greater:

- (1) A vertical line running through the outermost portion of the canopy of a tree and extending to the ground; or
- (2) If the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper.

Erosion hazard setback means the area along a drainage channel designated as an erosion setback under the city's stormwater ordinance.

Exemption area means an area that is clearly exempt from all tree replacement and tree protection requirements of this section, as approved by the landscape administrator.

FEMA 100-year flood plain means the area designated as being within the 100-year flood plain on the Federal Emergency Management Agency flood insurance rate map (FIRM) as of the effective date of the ordinance from which this section is derived. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year flood plain boundary after the effective date of the ordinance from which this section is derived due to filling of the flood plain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement or protection requirements apply.

Grubbing means excavating or removing a significant part of the root system.

Landscape administrator means the person appointed by the city manager to administer city ordinances related to tree preservation, or the person's designated representative.

Municipal and public domain property means property in which title is held in the name of a governmental entity. Examples of this include city buildings, county property, public parks, U.S. Army Corps of Engineers property, state rights-of-way, libraries, fire stations, water tower sites or similar properties.

Non-disturbance area means an area in which no development activity or vehicular traffic associated with the construction or development of land occurs.

NRCS lake tree preservation zone means the area within an elevation two feet above the emergency spillway elevation of any Natural Resources Conservation Service lake.

Owner means any person with an interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner.

Protected tree means a quality tree with a trunk six inches or greater in caliper at four feet six inches above the ground. The caliper of a multi-trunk protected tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

Protective fencing means and includes chain link fencing, orange vinyl construction fencing or other fencing at least four feet high and supported at a maximum of ten-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of a highly visible material.

Pruning means the removal of dead, injured or diseased limbs or roots to maintain plant health or the removal of limbs or roots to control or direct vegetative growth.

Quality tree means a tree species that typically has significant positive characteristics worthy of preservation, as listed in this section (see section A-2 of appendix A to this chapter.)

Root zone, primary, means the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line (see section A-3 of appendix A to this chapter.)

Tree means any self-supporting woody plant, which will attain a trunk caliper of two inches or more when measured at a point 4 feet above ground level and normally an overall height of at least 15 feet with a canopy of at least 15 feet in caliper at maturity. A tree may have one main stem or trunk or several stems or trunks.

Tree board means a board appointed by the city council to carry out the duties and responsibilities set forth in this section. The planning and zoning commission shall constitute the tree board unless the city council appoints a separate tree board.

Tree protection sign means a sign describing prohibited conduct detrimental to trees and meeting specifications of the city's building official to be posted on the site upon approval of a tree permit.

Tree survey means a plan drawing that identifies the location of trees and contains the information set forth in subsection (e)(1) of this section. The tree survey shall be prepared by an arborist, a licensed surveyor, a registered landscape architect licensed by the Texas Board of Architectural Examiners, or other qualified person approved by the landscape administrator. For projects of limited scope, the landscape administrator may approve a tree survey prepared by a non-professional if complete and accurate information is provided.

Tree topping means the severe cutting back of limbs to stubs larger than three inches in caliper within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Utility company, franchise utility, or public utility means a company or entity, or agent for a company or entity, that provides a utility service such as the provision of gas, electric, cable, or telephone service within the city.

(c) *Permits.*

(1) *Required.* A tree permit shall be obtained from the landscape administrator before critically altering any protected tree, except under any of the following circumstances:

- a. The protected tree endangers the public health, welfare or safety and immediate alteration is required;

- b. The tree has disrupted a public utility service due to a tornado, storm, flood or other act of God. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service;
- c. The tree was planted to be for sale and is located on the property of a licensed plant or tree nursery, which has trees planted and growing on the premises for the sale or intended sale to the general public in the ordinary course of the nursery's business;
- d. The tree is located on a lot of record on which a single family or duplex residence legally exists as the primary use, except that areas of such lots within a FEMA 100-year flood plain, NRCS lake tree preservation zone, erosion hazard setback zone, or for protected trees 27-inch caliper or greater in size shall not be exempt; or
- e. The tree is dead, unless the tree was required under a landscape plan or was a required replacement tree under this section.

(2) *Tree permit.*a. *Tree permit.*

- 1. Prior to any building, paving, grading, or construction of a subdivision or public improvements an application for a tree permit shall be submitted concurrent with a preliminary-final plat, and shall be approved prior to issuance of a development permit. A tree permit shall not be required prior to construction of a subdivision or public improvements if an application for a preliminary plat or preliminary-final plat has been filed prior to the effective date of the ordinance from which this section is derived.
- 2. Prior to any building, paving, grading, or construction of a building an application for a tree permit shall be submitted concurrent with a detailed site plan, and shall be approved prior to issuance of a building permit. A tree permit shall not be required prior to construction of such a building if an application for a site plan has been filed prior to the effective date of the ordinance from which this section is derived.
- 3. Authorization to critically alter trees on the site shall be limited to those trees identified and approved for critical alteration as shown on documentation submitted for the tree permit.
- 4. A tree permit shall be valid for the period of the site plan, development permit, or building permit's validity, or a maximum of two years, whichever is less.

(d) *Scope and administration.*

- (1) *Applicability.* Provisions of this section shall apply to all new and existing development as stated herein. The following shall be exempt from tree preservation and replacement requirements, but not from the tree permit requirements:

- a. Hike/bike trails, if the alignment has been approved by the parks department;

- b. City owned, parks and sports fields open for public use, such as soccer, baseball, football and the like;
 - c. Golf courses;
 - d. Critical alteration of any protected tree by a utility company in order to maintain appropriate existing utility service;
 - e. Construction of public utilities;
 - f. Stabilization measures to creeks and streams as required by the city engineer; and
 - g. Construction of thoroughfares as shown on the city thoroughfare plan.
- (2) *Conflicts with other ordinances.* All applicable provisions of the comprehensive zoning ordinance, subdivision ordinance, storm water ordinance, building codes and other ordinances, as they exist or as amended, shall apply. Notwithstanding the foregoing, nothing herein shall confer any vested rights on any property subject to this chapter. Where the provisions of other ordinances conflict with this section, this section shall control.
- (3) *Administrative official.* Provisions of this section shall be administered by the landscape administrator or designee.
- (e) *Tree preservation permit submittal and review.*
- (1) *Submittal requirements.* The landscape administrator shall establish administrative procedures necessary to implement and enforce this section.
- a. An application for a tree permit shall include:
 - 1. The completed application form; and
 - 2. The tree survey at same scale as site plan or preliminary-final plat with building pad, pavement areas, and other construction features which will disturb the land indicated. The tree survey shall include the following information:
 - (i) The applicant's name, address, and phone number;
 - (ii) The name and phone number or arborist, licensed surveyor, or landscape architect that prepared the survey;
 - (iii) The location map;
 - (iv) The property lines, with dimensions;
 - (v) The engineering scale (not larger than one inch equals 200 feet, or the same scale as the site plan);
 - (vi) The location of all rights-of-way, and easements (existing and proposed);
 - (vii) The location of all buildings, structures, pools, parking and vehicular maneuvering area, utilities, sidewalks, and other improvements (existing and proposed);
 - (viii) The adjacent land uses, and zoning of adjacent properties;

- (ix) The creeks, lakes, and other water features (existing and proposed);
 - (x) The location of FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback easement;
 - (xi) Any proposed non-disturbance area; and
 - (xii) The caliper size of all trees six inches or greater.
- b. In specific situations, tree survey requirements may be reduced as follows:
- 1. *Non-disturbance areas.* The landscape administrator may approve a non-disturbance area to be designated on the tree survey. The non-disturbance area is an area in which no construction will occur. Trees within the non-disturbance area are not required to be individually identified on the tree survey unless they will be used as credits.
 - 2. *Aerial photograph.* For property containing large, heavily wooded areas, the landscape administrator may, in lieu of a tree survey, authorize the submittal of an aerial photograph accompanied by a transparent plan of the development at the same scale as the photograph, showing all non-disturbance areas and proposed exemption areas where no trees will be critically altered; provided that a tree survey of all other areas is submitted to the landscape administrator prior to any grading or construction. The landscape administrator may approve the submission of photographs in phases for a multi-phased project.
 - 3. *No trees.* If a property contains no trees, the applicant may indicate on the application for a tree permit that there are no trees on the property and submit the application for a tree permit in lieu of a tree survey. Such an application shall act in lieu of a tree survey upon a determination by the landscape administrator that no trees exist on the site.
- c. A tree preservation plan shall be submitted showing major site construction features, existing trees to remain, trees being removed, and replacement trees with type, location, number and size of replacement trees indicated. The tree preservation plan information may be included on the tree survey if all information can be clearly delineated. The tree preservation plan shall include the following information:
- 1. The major site construction features;
 - 2. The proposed and existing contours;
 - 3. Identification of the caliper, species, and location of trees that are to remain;
 - 4. Identification of the caliper, species, and location of trees to be removed;
 - 5. The tree protection measures; and
 - 6. The letter of intent.

(2) *Review of application.*

- a. *Tree permit applications.* The landscape administrator shall grant a tree permit, provided the requirements of this section are met.
- b. *Grievances.* An applicant aggrieved by a decision of the landscape administrator may appeal the decision to the board of adjustment for an interpretation as provided for in section 146-165(2).
- c. *Waivers.* An application for a waiver to the terms of the tree preservation section may be made. The application for a waiver shall be reviewed by the tree board, and a recommendation for approval or denial shall be forwarded to the city council. The decision of the city council shall be final. A public hearing shall be required. The tree board and city council shall consider the following factors in determining whether a waiver should be granted:
 1. The literal enforcement cannot be accomplished;
 2. The extent to which the application meets other standards of this section;
 3. The positive or negative impact of the proposed project on surrounding properties; and
 4. The extent to which the waiver would be mitigated by other proposed or existing landscaping.
- d. *Non-substantive changes.* The landscape administrator shall be authorized to work with owners, developers, and builders to make non-substantive changes, within the scope of this section, to plans, permits and other requirements after approval by staff, city council or the tree board, as appropriate. These changes are intended to provide the greatest reasonable protection toward achieving the purposes of this section.
- e. *Posting tree protection sign.* After the tree permit is issued, the permit holder shall post a tree protection sign at each entrance to the property upon which one or more trees is situated, and at any other location designated by the landscape administrator.

(f) *Standards.*

- (1) *Clear-cutting.* Clear-cutting is prohibited unless specifically authorized by a tree permit.
- (2) *Developments with an existing single family or duplex residential structure.* All protected trees 27 inches in caliper or greater shall be subject to tree preservation requirements regardless of location.
- (3) *All other developments.*
 - a. *Perimeter tree zone.* If a quality tree six inches or greater exists within 15 feet of the boundary line between an existing platted single family residential development and a proposed development, a perimeter tree zone shall be provided. The perimeter tree zone shall extend 15 feet out from each quality

tree six inches or greater onto the proposed development for a maximum 30-foot wide perimeter tree zone. No tree within the perimeter tree zone may be critically altered.

- b. *Floodplain.* Within the 100-year fully developed floodplain, 70 percent of quality trees that are six inches DBH or greater may not be critically altered. However, if the floodplain lies within the interior of property that is zoned for commercial uses, and construction of buildings or parking is to occur on both sides of the creek, there is no limitation on the number of trees that may be removed. Additionally, construction of roads that are required by the city to provide cross access to adjacent properties or to provide for a second point of access shall not count against the percentage that can be removed.
- c. *Specimen trees.* Trees greater than 42 inches DBH may not be removed, nor may the critical root zone be altered. As part of a tree permit application the city arborist with the input of the director of planning and city engineer may approve the removal of specimen trees based on the type of tree, health of the tree, location of the tree on site, elevation of the tree, impact of the tree on the proposed site or development plan. If the city arborist denies the request to remove a specimen tree, the owner/applicant may appeal the decision to the city council.
- d. *Other trees.* Notwithstanding the above provisions, all other quality trees greater than six inches DBH are subject to tree replacement and protection except where protected trees must be critically altered to:
 1. Install and maintain any utility lines;
 2. Dedicate public rights-of-way;
 3. Construct any public or private streets or alleys at the minimum required width only;
 4. Provide any required easement up to the minimum width needed to accommodate the required service;
 5. Construct any fire lanes at the minimum required width only;
 6. Construct any sidewalks;
 7. Construct any driveways;
 8. Construct fences and screening walls;
 9. Construct patios;
 10. Construct swimming pools and associated deck areas;
 11. Construct required parking;
 12. Install a building pad site;
 13. Construct any hike/bike trails; or

14. Achieve cut and fill drainage as designed in master drainage construction plan, including required detention or retention ponds. Transitional slopes to the original grade, which are less steep than the maximum allowed slope shall not be exempt.
- (4) *Demolition.* The landscape administrator may issue a limited purpose tree permit to allow critical alteration of a protected tree if such critical alteration is necessary to allow demolition of a structure. The protected tree covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.
 - (5) *Selective thinning.* The landscape administrator may issue a limited purpose tree permit for selective thinning of certain protected trees from a densely forested area. The landscape administrator will, as part of the tree permit review process, determine whether the selective thinning proposed will be performed in a professionally accepted manner that will enhance the likelihood of survival for the remaining trees. If the landscape administrator issues a permit for selective thinning, the protected trees covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.
 - (6) *Diseased trees.* Upon issuance of a limited purpose tree permit, a diseased protected tree may be critically altered to reduce the chances of spreading the disease to adjacent healthy trees. If the landscape administrator issues a limited purpose tree permit for such purpose, the protected trees covered by the permit shall be exempt from the tree replacement and protection requirements of this section.
 - (7) *Ground level cuts.* Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree. Stump grinding in such situations is allowed with the approval of the landscape administrator.
 - (8) *Removal of underbrush.* Removal of underbrush, not including grubbing under drip lines, shall not require a tree permit.
 - (9) *Grubbing under drip lines.* The landscape administrator shall issue a limited purpose tree permit allowing the clearing and grubbing of brush located within or under the drip lines of protected trees.
- (g) *Tree replacement.*
- (1) Unless specifically exempted, the following tree replacement procedures shall apply to any person who critically alters a protected tree for which a permit is required. Replacement trees shall be in addition to trees required under the landscape section of the zoning ordinance.
 - a. *Generally.* The protected tree shall be replaced with a quality tree or trees as approved on the tree preservation plan.
 1. *Size and number.* A sufficient number of trees shall be planted to equal or exceed, in caliper, the caliper of each tree critically altered, measured at four feet six inches above ground level. Each replacement tree shall be a

minimum of four-inch caliper at six inches above ground level and 12 feet in height when planted. The following formula shall be used to calculate the number of trees to be replaced:

	<i>Caliper of critically altered tree</i>	<i>Replacement ratio (in inches of caliper)</i>	<i>Minimum caliper of replacement tree</i>
Existing single family and duplex residential development	>27	1:1	4
All other development	6 — 16	1:1	4
	>16	1:2	6

2. *Credits.* When any quality tree of four (4) inches or more in caliper is preserved that would otherwise have been exempt, credits toward the total inches of caliper of replacement trees required for the development site will be given as per the following formula. Credits shall not reduce the minimum size of any replacement tree planted.
 3. *Location.* Each replacement tree shall be planted on the same property as the tree that was critically altered. However, if the landscape administrator deems that the replacement tree cannot be planted on the same property in accordance with accepted arborists' standards, the landscape administrator may, as part of the city's reforestation plan, allow the following:
 - (i) Replacement on public property;
 - (ii) Replacement on private property if also approved by the chief building official; or
 - (iii) Require payment to the reforestation fund in accordance with subsection (g)(1)c of this section.
 4. *Responsibility to replace trees.* The requirement to replace trees shall apply to both the person altering a protected tree and the owner of the property.
 5. *Replacement of dead trees.* A replacement tree planted on the same property as the critically altered tree must be replaced if it dies. This requirement applies to the owner of the property.
- b. *Scheduling of replacement trees.* Replacement trees shall normally be planted within 90 days of critical alteration. If replacement trees cannot be planted within 90 days of critical alteration, the landscape administrator may approve a delay in replacement of up to six months after the date of critical alteration. The applicant shall provide the landscape administrator with an affidavit that

all replacement trees will be planted within six months. The landscape administrator may require the applicant to furnish the city a cash deposit or surety bond in the approximate amount of the cost to replace the trees.

- c. *Reforestation fund.* If an applicant cannot replace trees on the same property, and if the landscape administrator does not approve replanting on an alternate site, the applicant shall make a payment into the reforestation fund.
1. The amount of payment required for each replacement tree shall be calculated based on a schedule published and reviewed annually by the landscape administrator which sets forth the average cost of a quality tree added to the average cost of planting a tree.
 2. It shall be the responsibility of the landscape administrator to develop and administer a written plan for the planting, growing, replanting, and appropriate irrigation of trees on all municipal and public domain property. The tree board shall present the plan to the council and, when adopted by the council, the plan shall represent the reforestation plan for the city.
 3. Reforestation funds shall be expended only for purchasing, planting, growing and/or irrigating trees as per the city's reforestation plan. Reforestation funds shall not be used for routine maintenance.
 4. Funds paid into the reforestation fund shall be spent within three years of payment or shall be returned to the payer.
 5. The landscape administrator shall submit periodic reports to the city council of the deposits and disbursements from the reforestation fund.

(h) *Tree protection.*

- (1) The following procedures shall apply to any protected tree for which a permit is required, unless specifically exempted.
- a. *Construction plan requirements.* All construction plans shall indicate tree protection measures.
 - b. *Prohibited activities in primary root zone.* The following activities are prohibited within the limits of the primary root zone of any protected tree subject to the requirements of this section.
 1. *Material storage.* No materials intended for use in construction or waste materials shall be placed within the limits of the primary root zone of any protected tree.
 2. *Equipment cleaning/liquid disposal.* No cleaning or other liquids shall be deposited or allowed to flow over land within the limits of the primary root zone of a protected tree. This includes, but is not limited to paint, oil, solvents, asphalt, concrete, mortar or similar materials.
 3. *Tree attachments.* No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.

4. *Construction equipment/vehicular traffic.* Unless otherwise approved by the landscape administrator, no vehicular and/or construction equipment traffic or parking shall take place within the limits of the primary root zone of any protected tree other than on existing street pavement. This restriction does not apply to single incident access within the primary root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service, or routine mowing operations. No heavy equipment, including, but not limited to, trucks, tractors, trailers, bulldozers, and bobcat tractors, shall be allowed inside the drip-line of any protected tree on any construction site without the specific approval of the landscape administrator.
 5. *Grade changes.* Unless specifically allowed by this section, no grade changes shall be allowed within the limits of the primary root zone of any protected tree unless the landscape administrator and/or the city engineer approves adequate construction methods.
 6. *Impervious paving near nonexempt trees.* Unless a health, safety and welfare issue arises due to access and circulation requirements, no paving with asphalt, concrete or other impervious materials may be placed within 75 percent of the limits of the primary root zone of a protected tree except as otherwise allowed in this section.
 7. *Impervious paving near exempt, preserved trees.* For any exempt tree that is being preserved the following shall apply:
 - (i) No paving with asphalt, concrete or other impervious materials may be placed within a five-foot radius of the trunk; and
 - (ii) A total of 400 square feet of area on the primary root zone shall be kept free of impervious materials. This pervious area may be in the shape of a circle, rectangle, or other shape, and shall include and be contiguous with the area within a five-foot radius of the trunk.
- c. *Protective measures required prior to construction.* Prior to construction, the contractor or subcontractor shall construct and maintain, for each protected tree on a construction site, a protective fence and where necessary, bark protection (see section A-3 of appendix A to this chapter). All protective measures shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed.
- d. *Construction methods.*
1. *Boring.* Boring of utilities under protected trees shall be required in those circumstances where it is not possible to trench around the primary root zone of the protected tree. When required, the length of the bore shall be the width of the primary root zone at a minimum and shall be a minimum depth of 48 inches.

2. *Grade change.* The landscape administrator may approve a grade change within the primary root zone of a protected tree as per this section and/or the city engineer.
3. *Trenching.* All trenching shall be designed to avoid trenching across the primary root zone of any protected tree, unless otherwise approved by the landscape administrator. Mechanical trenching within the primary root zone shall not be allowed. Trenching by hand shall not critically alter the root system. The placement of irrigation systems and underground utility lines such as electric, phone, gas, etc., shall be located outside of the primary root zone of protected trees. The minimum required single head supply line for irrigation systems is allowed to extend into the primary root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the primary root zone.
4. *Root pruning.* All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

(i) *Tree planting.*

- (1) In addition to the tree preservation and tree replacement provisions of this section, all applicable tree planting requirements of the landscape section of the city zoning ordinance shall apply.
- (2) Selection and planting of all replacement trees shall comply with section 146-135.

(j) *Enforcement.*

- (1) *Development agreement.* The city shall not approve a development agreement unless it provides that all construction activities shall meet the requirements of this section.
- (2) *Building permit or development permit.*
 - a. No building permit or development permit shall be issued unless:
 1. A construction tree permit has been approved;
 2. An affidavit of no trees has been submitted and approved; or
 3. A determination of exemption has been made by the landscape administrator or designee.
 - b. No building permit or development permit shall be issued unless the applicant signs an application or permit request which says that all construction activities shall meet the requirements of this section. The building official shall make available to the applicant:
 1. A copy of the tree preservation ordinance or a condensed summary of the relevant aspects pertaining to the type of permit requested; and
 2. Specifications for tree protection signs.
- (3) *Acceptance of improvements.* The city may refuse to accept any public improvements until the person pays all penalties for violations of this section; provided, however,

that acceptance of public improvements shall be authorized before all trees shall be replaced if, with the landscape administrator's approval, the person furnishes the city with a cash deposit or surety bond in the approximate amount of the cost to replace the tree.

- (4) *Certificate of occupancy.* No certificate of occupancy (CO) shall be issued until any and all penalties for violations of this section have been paid to the city. No CO shall be issued until all required replacement trees have been planted or appropriate payments have been made to the reforestation fund; provided, however, that a CO may be granted before all trees have been replaced if, with the landscape administrator's approval, the person furnishes the city with a cash deposit or surety bond in the approximate amount of the cost to replace the tree.

(k) *Violations.*

- (1) A person commits an offense if the person critically alters a protected tree not meeting an exception listed in this section without first obtaining a tree permit from the city.
- (2) A person commits an offense if the person critically alters a tree in violation of a tree permit.
- (3) Any person who violates subsection (k)(1) of this section by critically altering a protected tree without first obtaining a tree permit from the city, or subsection (k)(2) of this section by critically altering a tree in violation of the permit, or subsection (g) of this section by failing to follow the tree replacement procedures, shall be guilty of a misdemeanor and upon conviction shall be fined \$100.00 per caliper inch of the tree critically altered, not to exceed \$500.00 per incident. The unlawful critical alteration of each protected tree shall be considered a separate incident and each incident shall subject the violator to the maximum penalty set forth herein for each tree.
- (4) Any person, firm, corporation, agent or employee thereof who violates any provisions of this section other than those listed in above, shall be guilty of a misdemeanor and upon conviction hereof shall be fined not to exceed \$500.00 for each incident. The unlawful critical alteration of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty set forth herein for each tree.
- (5) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section.

(Code 1982, § 41-212; Ord. No. 2001-02-013, § 1A, 2-6-2001; Ord. No. 2002-08-084, § I.59, 8-20-2002; Ord. No. 2002-08-084, § I.59, 8-20-2002; Ord. No. 2004-09-103, § IV, 9-21-2004; Ord. No. 2006-10-115, § I, 10-3-2006; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, §§ 27—29, 12-7-2010; Ord. No. 2014-12-096, § 2, 12-1-2014)

Sec. 146-137. Communications antennas, satellite dishes and support structures/towers.

(a) *Purpose.* The purpose of this section is to establish guidelines for the siting of communications antennas, satellite dishes and support structures/towers.

(b) *Intent.* The intent of this section is to:

- (1) Encourage the location of towers in non-residential areas;
- (2) Minimize the total number of towers throughout the community;
- (3) Encourage the joint use (collocation) of new and existing towers;
- (4) Protect the character and integrity of the historic districts; and
- (5) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(c) *General regulations.* All communications antennas, antenna support structures, satellite dishes and other similar antennas shall comply with the following:

- (1) All municipally owned antennas, antenna support structures, and satellite dishes shall be permitted in any district (e.g., public safety communications, etc.).
- (2) Antennas (amateur or commercial) shall comply with all regulations of the Federal Communications Commission (FCC). Additionally, the regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

(d) *Specific regulations.* Antennas and antenna support structures shall also comply with the following:

- (1) *Residential zoning districts (RED-1, RED-2, RS 120, RS 84, RS 72, RS 60, RS 45, RD 30, RG 27, RG 25, RG 18, MF-1, MF-2, MF-3, MP and PD).* Commercial antennas and antenna support structures are allowed only as follows:
 - a. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure; provided that the antenna does not extend more than ten feet above the height of said structure.
 - b. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
 - c. All commercial signs, flags, lights, and attachments shall be prohibited on any antenna or antenna support structure, unless required for communications operations, structural stability, or as required for flight visibility by the FCC and the Federal Aviation Administration (FAA).

- d. No commercial antenna support structure shall exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.
- (2) *Industrial districts (ML, MH and PD)*. Commercial antennas and antenna support structures are permitted by right as follows:
- a. A commercial antenna support structure must meet the setback requirements as follows:
 - 1. No antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side, or rear yards.
 - 2. No antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure.
 - (i) Setback/distance shall be measured as the shortest possible distance from the structure to the closest point of a residential district boundary line or residential dwelling.
 - (ii) The additional setback requirements shall not apply to antennas that meet the requirements as provided for in subsections (d)(2)b and (d)(2)c of this section.
 - b. A commercial antenna support structure shall be limited in height to a maximum height of 175 feet.
 - c. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure; provided that the antenna does not extend more than ten feet above the height of said structure.
 - d. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
 - e. All commercial signs, flags, lights, and attachments shall be prohibited on any antenna or antenna support structure, unless required for communications operations, structural stability, or as required for flight visibility by the FAA and FCC.
 - f. No commercial antenna support structure shall exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.
- (3) *Historic districts (CHD, H, MTC, and PD)*. Commercial antennas and antenna support structures are permitted by specific use permit as follows:
- a. Commercial antennas and antenna support structures shall be allowed within the historic districts, provided they are designed to blend with and conform to

the historic district design standards and character in order to preserve the historic integrity of the district and are approved through the normal historic district design review process for each historic district, prior to the specific use permit being considered by the planning and zoning commission for recommendation to the city council.

- b. All commercial signs, flags, lights, and attachments shall be prohibited on any antenna or antenna support structure unless required for communications operations, structural stability, or as required for flight visibility by the FAA and FCC.
 - c. No commercial antenna support structure shall exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.
- (4) *Non-residential zoning districts except the CHD, H, MTC, ML, and MH districts (AG, NC, BN, BG, C, O-1, O, BC, and PD).* Commercial antennas and antenna support structures are permitted by specific use permit, except as provided for in subsections (d)(4)e, (d)(4)f and (d)(4)g of this section, which may be allowed without a specific use permit. All commercial antennas in these districts shall comply with the following:
- a. Commercial antenna support structures must meet the setback requirements as follows:
 - 1. No antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side, or rear yards.
 - 2. No antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure.
 - (i) Setback/distance shall be measured as the shortest possible distance from the structure to the closest point of a residential district boundary line or residential dwelling.
 - (ii) The additional setback requirements shall not apply to antennas that meet the requirements as provided for in subsections (d)(4)e, (d)(4)f and (d)(4)g of this section.
 - b. A commercial antenna support structures may be increased in height beyond the height limits of the zoning district if located at least a distance from any property line equal to three times the height of the support structure, notwithstanding that the maximum height permitted being 125 feet.
 - c. All commercial signs, flags, lights, and attachments shall be prohibited on any antenna or antenna support structure, unless required for communications operations, structural stability, or as required for flight visibility by the FAA and FCC.
 - d. No commercial antenna support structure shall exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.

- e. A commercial antenna shall be permitted on the roof of a building, as long as it does not extend more than ten feet above the roof of the building and conforms to the maximum building height of the zoning district.
- f. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure; provided that the antenna does not extend more than ten feet above the height of said structure.
- g. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.

(e) *New antennas and antenna support structures.*

- (1) Collocation of antennas and antenna support structures shall be required. No new antennas and antenna support structures shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city that no existing antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements;
 - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
 - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment; or
 - d. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (2) Any proposed commercial wireless telecommunications service tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least three additional users if the tower is over 100 feet in height or for at least two additional users if the tower is over 50 feet in height. Towers must be designed to allow for future rearrangements of antennas upon the tower and to accept antennas mounted at varying heights.

(f) *Satellite dishes, parabolic antennas and other similar antennas.* Satellite dishes, parabolic antennas, and other similar antennas shall also comply with the following:

- (1) In single family and duplex residential districts, the following regulations shall apply:
 - a. All (any size) satellite dishes, parabolic antennas, and other similar antennas shall be prohibited within the front yard and side yard at corner setback areas.

- b. Satellite dishes, parabolic antennas, and other similar antennas greater than three feet shall not exceed 12 feet in diameter, shall be allowed only in the rear half of a lot, shall observe accessory building setbacks, and shall be required to receive a permit from the chief building official.
 - c. Satellite dishes shall be permitted on the roof of a building, provided they do not exceed three feet in diameter and do not extend more than ten feet above the roof of the building, except satellite dishes shall be prohibited upon roofs of residential uses within the H overlay district if visible from a public right-of-way.
 - d. Satellite dishes, parabolic antennas, and other similar antennas greater than three feet within the H historic overlay district shall be so located and screened within the rear half of the lot so as to blend with and conform to the historic district's design standards and/or character in order to preserve the historic integrity of the district. Design approval shall be through the normal historic district design review process prior to submitting a permit application to the chief building official.
 - e. Only one satellite dish, parabolic antenna, or other similar antenna shall be permitted per dwelling unit.
- (2) In all zoning districts except single family and duplex districts, the following regulations shall apply:
- a. All (any size) satellite dishes, parabolic antennas, and other similar antennas shall be allowed only in the rear half of a lot, and shall observe accessory building setbacks.
 - b. Satellite dishes, parabolic antennas, and other similar antennas shall be permitted on the roof of a building, provided they do not exceed three feet in diameter and do not extend more than ten feet above the roof of the building, except satellite dishes shall be prohibited upon roofs of residential uses within the H overlay district if visible from a public right-of-way.
 - c. Satellite dishes over three feet in diameter, but not exceeding 12 feet in diameter, may be mounted on the roof of a structure, provided a letter affirming its structural stability is written by a registered architect or engineer and submitted to the chief building official. Roof-mounted satellite dishes may not extend more than 12 feet above the roof of the building. Roof-mounted satellite dishes that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.
 - d. Satellite dishes greater than three feet within the CHD, H, MTC, and PD districts shall be so located and screened within the rear half of a lot as to blend with and conform to the historic district's design standards and character in order to preserve the historic integrity of the district. Design approval shall be through the normal historic district design review process prior to submitting a permit application to the chief building official.

- e. Only one satellite dish, parabolic antenna, or other similar antenna shall be permitted per primary structure, unless specifically required for business needs and approved through the site plan process.

(Code 1982, § 41-213; Ord. No. 99-03-35, § 1L, 3-16-1999; Ord. No. 2000-08-59, 8-15-2000; Ord. No. 2002-08-084, § 1.58, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 39, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-04-044, § 14, 4-22-2013)

Sec. 146-138. Open storage and outdoor display.

- (a) Open storage of materials shall be regulated as follows:
 - (1) Open storage is allowed only in those districts identified in the schedule of uses.
 - (2) In other non-residential areas, such storage shall be allowed under the following conditions:
 - a. The storage area must be attached to a wall of the principal building and cannot exceed ten percent of the building;
 - b. The storage area shall be enclosed by a solid masonry wall not less than eight feet in height, abutting the principal building;
 - c. Wall openings shall not exceed 16 feet in width. The total of all openings shall not exceed 20 feet in width;
 - d. All gates and doors shall provide an opaque screen; and
 - e. No materials shall be stacked within one foot of the top of the enclosure wall, or be visible from outside.
 - (3) No open storage shall be located in front of the main building.
 - (4) No open storage use shall constitute a wrecking, junk, or salvage yard, except when such use is approved with development and operation standards within an MH district.
 - (5) All open storage areas shall be screened according to the screening requirements of section 146-132.
 - (6) Boat storage or truck storage in districts where allowed need only be screened to a height of six feet.
- (b) Outdoor display of goods, wares, or merchandise shall be prohibited, except as follows:
 - (1) Display of new or used vehicles, lawn and garden equipment, and construction or agricultural equipment for sale in districts where allowed, shall be allowed if approved through the site plan process and maintained in an orderly manner.
 - (2) Sidewalk sales of merchandise normally sold within doors at the business location shall be allowed in retail districts including the MTC - McKinney Town Center zoning district. Such sales shall be limited to 16 hours per day. All items shall be brought indoors at least eight hours per day.

- (3) Temporary seasonal sales as allowed under section 146-42 shall be allowed as outdoor display.
 - (4) Restaurants shall be allowed outside seating and service, if approved through the site plan process.
 - (5) In non-residential areas, outdoor displays not meeting the requirements in subsection (b)(1) through (b)(4) of this section shall be allowed under the following conditions:
 - a. The display area must be attached to a wall of the principal building and cannot exceed ten percent of the building;
 - b. The display area shall be enclosed by a solid masonry wall not less than eight feet in height, abutting the principal building;
 - c. Wall openings shall not exceed 16 feet in width. The total of all openings shall not exceed 20 feet in width;
 - d. All gates and doors shall provide an opaque screen; and
 - e. No materials shall be stacked within one foot of the top of the enclosure wall, or be visible from outside.
 - (6) Outdoor display shall not restrict pedestrian nor vehicular access.
 - (7) Goods shall not be displayed in required parking areas.
 - (8) Outdoor displays shall not be required to be screened, except as specifically provided in this section or in sections 146-132, or 146-135.
- (Code 1982, § 41-214; Ord. No. 99-03-35, § 1M, 3-16-1999; Ord. No. 2002-08-084, § I.60, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2013-04-044, § 15, 4-22-2013)

Sec. 146-139. Architectural and site standards.

(a) *Purpose.* The purpose of this section is to establish minimum standards for the appearance of non-residential, attached single family residential (townhome), and multi-family residential buildings and corresponding site elements that are recognized as enhancing property values and that are in the interest of the general welfare of the city. The standards contained herein are intended to serve as a baseline for the minimum design expectations of the city. These standards are not intended to prohibit architectural innovation nor are they intended to mandate specific architectural styles and concepts. Rather, they are intended to provide for developments of enduring quality that provide visual character and interest. The illustrations contained herein are intended to serve as a visual representation of how the associated standards could be satisfied and not how they must be satisfied. The development community is encouraged to seek out new and innovative ways to implement the standards contained herein that will result in a significant contribution to the visual character of the area and the city as a whole.

(b) *Applicability.* The standards contained herein shall be applicable to all multi-family residential, attached single family residential, and non-residential buildings constructed after the effective date of this section, except the provisions of this section shall not apply to the following:

- (1) Buildings constructed within the MTC McKinney town center district, which buildings are subject to the design requirements contained in appendix G of the zoning ordinance.
- (2) Buildings constructed within the CHD commercial historic overlay district or H historic preservation overlay districts whose design conflicts with any applicable historic preservation design criteria because of the minimum requirements contained herein.
- (3) Buildings that are four stories in height or taller which are located within the CC corridor commercial overlay district.
- (4) Portable or temporary buildings for non-profit places of worship or private schools, which are screened from the view of adjacent properties and public rights-of-way via a building and/or a minimum six foot tall opaque screening device with canopy trees planted every 30 linear feet of visible exposure.
- (5) Portable buildings or temporary buildings for public schools.
- (6) Temporary uses defined under section 146-42 of this chapter.
- (7) Buildings for which a site plan for the project was approved prior to the effective date of this section, provided:
 - a. The site plan has not expired;
 - b. A building permit has been issued; and
 - c. Construction is underway prior to the expiration of two years from the effective date of the ordinance from which this section is derived.
- (8) Any expansion of an existing building that was constructed and occupied prior to the effective date of this section which utilizes exterior finishing materials of equal or higher quality than the existing building.
- (9) Reconstruction of a non-residential or multi-family building due to damage of any kind that necessitates improving, rehabilitating, or reconstructing not more than 50 percent of the original structure or by the cumulative effect of a series of reconstructive activities up to not more than 50 percent of the original structure.

(c) *Conflicts with other ordinances.* All applicable provisions of the zoning ordinance, subdivision ordinance, building codes, planned development districts, and other ordinances shall apply. Where provisions of the zoning ordinance or other ordinances conflict with this section, the more restrictive provision shall control.

(d) *Administration and interpretation.* The provisions of this section shall be administered by the director of planning who shall also make interpretations regarding any subjectivity contained herein. Interpretations of the director of planning may be appealed to the executive director of development services. If the director of planning's interpretation is upheld by the executive director of development services, the applicant may request that the facade plan be forwarded to the planning and zoning commission via the process contained in section 146-139(e) of this chapter.

(e) *Facade plan approval.* The director of planning shall have the authority to approve or approve with conditions any facade plan that is deemed to satisfy the minimum requirements of this section. Applications shall include all information deemed necessary by the director of planning to thoroughly evaluate a proposed building's design for conformance with the provisions of this section. Any facade plan that the director of planning cannot approve due to nonconformance shall be forwarded to the planning and zoning commission for consideration and action.

- (1) Facade plans that are considered by the planning and zoning commission shall require the issuance of property owner notification letters and the posting of informational signs on the subject property in accordance with the zoning change requirements outlined in section 146-164 of this chapter prior to holding a public hearing at a planning and zoning commission meeting. The decision of the planning and zoning commission may be appealed by the applicant or city staff to the city council.
 - a. If the applicant disagrees with the decision of the planning and zoning commission, the applicant may, within seven days of the planning and zoning commission action, request in writing addressed to the director of planning that the commission's action on the facade plan be appealed to the city council.
 - b. If the director of planning disagrees with the decision of the planning and zoning commission, the director of planning may, within seven days of the planning and zoning commission action, notify the applicant in writing of the director of planning's appeal of the commission's action on the facade plan to the city council.
 - c. Any appeal of the planning and zoning commission's action regarding a facade plan to the city council shall automatically abate the commission's action until such time as the city council rules upon the appeal. No building or development permit shall be issued for any parcel or structure reflected on a facade plan that has been appealed from the planning and zoning commission to the city council until such time as a decision on the appeal is rendered by the city council.
 - d. The appeal of the planning and zoning commission's action regarding a facade plan shall be governed by the following process:
 1. The applicant's or the director of planning's written notice of appeal shall state, generally, the grounds for the appeal.

2. The applicant and the director of planning shall be provided at least 21 days' notice of the city council meeting at which the appeal will be considered unless such notice is waived in writing by both the applicant and director of planning.
 3. The director of planning shall cause all of the documents and materials presented to the planning and zoning commission, together with any approved minutes of the planning and zoning commission regarding the appealed facade plan, to be presented to the city council with the agenda packet for the city council meeting at which the appeal will be considered. The foregoing shall constitute the record of the action appealed. The director of planning shall provide a copy of such materials to the applicant at the same time as such materials are submitted for inclusion in the city council agenda packet.
 4. The applicant and the director of planning may submit additional materials to be included in the city council's agenda packet for consideration by the city council at least seven days before the date of the city council meeting at which the appeal will be considered. The applicant and the director of planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.
 5. At the hearing, the applicant and the director of planning may appear in person, by agent, or by attorney. The city council may reverse, affirm, wholly or partly, or modify the planning and zoning commission's action regarding the facade plan. The city council shall be the final approval authority for facade plans, and its decision shall be final.
- e. When considering a facade plan application that the director of planning cannot approve due to nonconformance with the provisions of this section, the planning and zoning commission and/or the city council shall consider the following:
1. The extent to which the application meets other specific standards of this chapter;
 2. The extent to which the application meets the spirit and intent of this chapter through the use of building materials, colors, and facade design to create a building of exceptional quality and appearance;
 3. The positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project, which could be built in conformance with standards of this section; and
 4. The extent to which the proposed project accomplishes city goals as stated in the comprehensive plan or other approved document.
 5. Convenience to the applicant and/or reasons related to economic hardship shall not be grounds for approval of an application.

(f) *Standards for approval.* Projects that conform to the minimum standards specified herein shall be approved.

(1) Multi-family residential (including senior multi-family).

a. Roof treatment.

1. A pitched roof of any style, including, but not limited to, hipped, gabled or shed roofs shall be acceptable. The roof must cover 100 percent of the total roof area, excluding porches and porte-cocheres. No flat roof line shall be visible.
2. A parapet wall shall be acceptable if constructed so that no flat roof shall be visible.
3. Standing seam metal roofs, which meet all the criteria of this section shall be acceptable.
4. No more than one color shall be used for visible roof surfaces, however, if more than one type of roofing material is used, the materials shall be varying hues of the same color.

b. Exterior finishing materials.

1. Each elevation of each building shall be finished with at least 50 percent masonry. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to slate, flagstone, granite, limestone, and marble. The area of exterior finish shall be calculated exclusive of doors and windows.
2. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems. Sheet siding fabricated to look like wood lap siding is prohibited. Architecturally finished metal materials, which does not include corrugated metal, shall be allowed on no more than 20 percent of each elevation. Architectural wood accents shall be allowed on no more than 10 percent of each elevation.

c. Exterior color.

1. One hundred percent of total exterior building surfaces (exclusive of glass) shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earth-tone colors (including approved finishing materials). Examples of acceptable colors include, but are not limited to burgundy, forest green, navy blue, eggplant, rust, or ochre. Subtle variations of such colors shall also be permitted.
2. No more than six colors shall be used; however, natural, unaltered materials such as brick or stone used on the building shall not be counted toward the maximum number of colors allowed.

- d. Building massing.
 1. Horizontal wall planes longer than 30 feet in width shall be segmented in to smaller sections by a structural or ornamental minor facade offset (recess or projection) of a minimum five feet deep and 10 feet wide.
 2. The height of such offsets shall be equal to the building's height at the location of the offset.
- e. Amenities conforming to the regulations provided herein shall be provided.
 1. The number of required amenities shall be based on the number of units within the development as follows:
 - i. Developments with less than 20 dwelling units shall provide at least one amenity.
 - ii. Developments with 20 or more dwelling units but less than 100 dwelling units shall provide at least two amenities.
 - iii. Developments with 100 or more dwelling units but less than 180 dwelling units shall provide at least three amenities.
 - iv. Developments with 180 or more dwelling units but less than 260 dwelling units shall provide at least four amenities.
 - v. Developments with 260 or more dwelling units but less than 520 dwelling units shall provide at least five amenities;
 - vi. Developments with 520 or more dwelling units but less than 1000 dwelling units shall provide at least seven amenities;
 - vii. Developments with 1000 or more dwelling units shall provide at least ten amenities.
 2. The following items shall be classified as acceptable amenities. Providing two or more of the same amenity shall not count as multiple required amenities unless specifically stated:
 - i. Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
 - ii. Centralized swimming pool (minimum 3,000 square foot surface area) with cooling deck (minimum 20 feet wide in all areas). This amenity shall qualify as two required amenities;
 - iii. Centralized swimming pool (minimum 5,000 square foot surface area) with cooling deck (minimum 20 feet wide in all areas). This amenity shall qualify as four required amenities;
 - iv. Jacuzzi or hot tub area (minimum eight person);
 - v. At least four barbeque grills with shaded seating areas for at least 16 people;
 - vi. Ramada(s), arbor(s), and/or trellis(es) covering at least 2,000 square feet of recreation space;
 - vii. Tot play lot (minimum 4,000 square foot area);

- viii. A splash pad (water play amenity for children) which is a minimum of 1,000 square feet in area;
- ix. A dog park which is at least 5,000 square feet in area which satisfies the following requirements:
 - A. The dog park is enclosed by a minimum five-foot tall vinyl coated chain link fence;
 - B. No side of the enclosure shall be shorter than 50 feet in length;
 - C. One dog waste station which shall include a bag dispenser and waste receptacle must be installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park; and
 - D. One 25 square foot animal washing bay (with associated plumbing) is provided in conjunction with the dog park.
- x. One regulation size volleyball, basketball, tennis, or other similarly related playing court. Each court shall count as an amenity up to a limit of two;
- xi. Fitness center and/or weight room (minimum 500 square feet);
- xii. Library and/or business center (minimum 500 square feet);
- xiii. Movie theater room including seating for a minimum of 50 people;
- xiv. Outdoor amphitheater with seating for at least 50 people (if individual seats are not provided, then 150 linear feet of seating shall be provided);
- xv. Golf putting green (minimum 1,000 square feet);
- xvi. A centralized internal open space meeting or exceeding the following minimum specifications. This amenity shall qualify as five required amenities:
 - A. The minimum size of the centralized internal open space shall be one acre with no side being less than 50 feet in length. The shape of the centralized internal open space shall be rectangular insofar as practicable.
 - B. A five-foot wide handicap accessible concrete sidewalk shall be provided adjacent to the entire perimeter of the open space.
 - C. One seating area which is a minimum of six feet long shall be provided along each side of the open space.
 - D. One canopy tree shall be planted every 30 linear feet adjacent to the perimeter of the open space.
 - E. The centralized internal open space shall be completely covered with grass, unless otherwise specified herein, and shall be provided with an automatic underground irrigation system as specified in section 146-135(e)(2) of the zoning ordinance.

- F. Other amenities as required herein shall not be located within the centralized internal open space.
 - G. The centralized open space shall be free of any drainage facilities and/or related easements, floodplain, erosion hazard setbacks, or other related facilities.
 - xvii. Other amenity as approved by the planning and zoning commission as part of the site plan approval process.
- f. Major architectural and site enhancements. All buildings or developments shall be required to provide at least two of the following elements:
- 1. Each ground-floor residential unit that fronts onto a public right-of-way, a major internal drive aisle designed to function as a public right-of-way or boulevard, an amenity as required herein, a centralized internal open space as provided for herein, or another similar community gathering space (excluding units that front onto parking fields, multi-level structured parking facilities, minor drive aisles, or other similar vehicular use areas) is provided with an exterior oriented entrance that features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, canopies, awnings, or other similar architectural elements;
 - 2. Each unit is provided a private balcony or porch that is at least 50 square feet in area. Balconies shall be designed so that visual and auditory intrusions on private outdoor space of other units or adjacent developments are minimized;
 - 3. All entrances into the multi-family residential development feature a landscaped median. The median shall be provided as indicated below:
 - i. The landscaped median shall be at least eight feet wide and at least 50 feet long (measured from back of curb to back of curb). The median and its plantings shall not be permitted to interfere with necessary sight visibility lines;
 - ii. At least one canopy tree for every 50 linear feet that the median extends (in length);
 - iii. At least two ornamental trees for every 50 linear feet that the median extends (in length); and
 - iv. The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in section 146-135(e)(2) of the zoning ordinance. Non-living materials including, but not limited to concrete, pavers, stone, decomposed granite, or similar materials may be utilized for secondary design elements, sidewalks, and/or crosswalks.
 - v. The city engineer and/or fire marshal shall be permitted to allow deviations to these standards as needed on a case by case basis to facilitate proper vehicular access, emergency access, sight visibility, and other related engineering design or life safety principles.

4. A structured parking garage (at least two levels) is provided and wrapped with or screened from the view of right-of-way by the multi-family residential building(s) it serves; or
 5. Another major architectural or site enhancement as approved by the planning and zoning commission as part of the site plan approval process which is comparable to the significance of the other elements listed herein may count as one of the required elements.
- g. Minor architectural and site enhancements. All buildings or developments shall be required to provide at least four of the following elements:
1. Each exterior elevation of each building shall be finished with 100 percent masonry. Elevations within internal courtyards and/or elevations that are not visible from adjacent rights-of-way or properties zoned or used for residential purposes shall not be required to satisfy this requirement;
 2. Each elevation of each building that is visible from the right-of-way or property zoned or used for residential purposes contains two types of complementary masonry finishing materials and each of the materials is used on at least 25 percent of the elevation;
 3. A minimum of 15 percent of each elevation of each building which is visible from the right-of-way or property zoned or used for residential purposes features patterned brick work (not including running bond or stacked pattern);
 4. At least one dormer is provided for each roof plane over 1,000 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;
 5. All chimneys are finished on all sides with 100 percent masonry finishing materials;
 6. All ground level mechanical, heating, ventilation, and air conditioning equipment is completely screened by a masonry screening wall that is at least six feet tall;
 7. All mechanical, heating, ventilation, and air conditioning equipment is roof-mounted and is screened per section 146-132 (fences, walls, and screening) of this chapter;
 8. All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;
 9. All windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;

10. Downspouts associated with gutters are internally incorporated into the building's construction rather than attached to the building after construction of the façade is complete; and/or
 11. Another minor architectural or site enhancement as approved by the planning and zoning commission as part of the site plan approval process that is comparable to the significance of the other elements listed herein may count as two of the required elements.
- h. Additional requirements.
1. All covered and enclosed parking shall be of similar and conforming architectural design and materials as the main multi-family structures. Exposed steel or timber support columns for covered parking structures shall be prohibited and shall be finished with a masonry finishing material to match the building.
 2. All off-street parking areas shall be screened from view from public thoroughfares by one or more of the following:
 - i. A combination of low masonry walls and earthen berms reaching a minimum of six feet tall;
 - ii. Earthen berms reaching a minimum of six feet tall;
 - iii. A six-foot tall brick masonry, stone masonry, or other architectural masonry finish; or
 - iv. A six-foot tall primed and painted tubular steel or wrought iron fence with masonry columns spaced 20 feet on center with structural supports placed every ten linear feet, and with sufficient evergreen landscaping to create a screening effect;
 - v. A multi-family residential building(s) that the off-street parking is serving; or
 - vi. Another alternate screening device as approved by the planning and zoning commission.
 3. All paving for drives, fire lanes, and parking shall be concrete and shall feature curbs.
 4. All multi-family residential buildings (excluding senior multi-family residential buildings) shall be limited to two stories in height. Multiple family residential developments, that are subject to the requirements of the REC regional employment center overlay district, shall be exempt from this requirement.
 5. Exterior stairways shall be covered with a roof, roof overhang, or porch and shall be incorporated into the architectural design of the building rather than appearing as an appendage to the building.
 6. Multi-family residential structures located within 150 feet of an adjacent single family residential use or zone shall be situated so that no exterior

facing window is oriented towards said adjacent single family residential use or zone. If a right-of-way with an ultimate width of 120 feet or greater is located between said multi-family residential structure and an adjacent single family residential use or zone, this requirement shall not be applicable. Windows, for the purposes of this subsection, shall be defined as any transparent panel in an otherwise opaque wall surface. Multiple family residential developments, that are subject to the requirements of the REC regional employment center overlay district, shall be exempt from this requirement.

- (2) Attached single family residential (townhome).
 - a. The exterior finish on each elevation of every townhome unit shall be a minimum of 85 percent brick, stone, or synthetic stone materials. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems. Sheet siding fabricated to look like wood lap siding is prohibited. Architecturally finished metal materials, which does not include corrugated metal, shall be allowed on no more than 20 percent of each elevation. Architectural wood accents shall be allowed on no more than 10 percent of each elevation. The area of exterior finish shall be calculated exclusive of doors and windows.
- (3) Industrial uses in industrial districts.
 - a. One hundred percent of each building elevation facing a public right-of-way shall be finished with brick, stone, synthetic stone, stucco, EIFS, architecturally finished CMU, or architecturally finished concrete tilt-wall.
 - b. Other exterior walls may be finished with metal or any other building material which is allowed by the International Building Code.
 - c. The exterior wall area shall be calculated exclusive of doors and windows.
 - d. Any building three stories or greater in height must be set back from adjacent residential property at least two feet in distance for every one foot of building height.
- (4) Other non-industrial uses in industrial districts.
 - a. Building and site design shall conform to the other non-residential uses in non-industrial districts regulations contained herein.
- (5) Aircraft hangars.
 - a. When more than 50 percent of a structure's total floor area is intended for use as an aircraft hangar, all exterior walls may be metal.

- b. A uniform color scheme shall be provided for all airplane hangars around each taxiway. The color scheme shall be established by the developer of the first hangar to be constructed around each taxiway as part of the architectural approval for said building at time of application for a building permit.
 - c. Colors shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earthtone colors.
 - d. No more than one color shall be used for visible roof surfaces. No more than one color may be used for wall surfaces, exclusive of one accent color.
- (6) Structured parking facilities.
- a. Structured parking facilities shall have architecturally finished facades and shall be complimentary on all sides with the surrounding buildings. Where possible, the narrow portion of the facility shall be oriented to the public right-of-way.
- (7) Non-residential and non-industrial building facade replacement, reconstruction, or rehabilitation.
- a. Buildings shall utilize exterior finishing materials of equal or higher quality than the existing building.
- (8) Other non-residential uses in non-industrial districts.
- a. Exterior finishing materials.
 - 1. All elevations for buildings that are three stories or smaller in height shall be finished with at least 50 percent masonry finishing materials. All elevations for buildings that are taller than three stories in height shall feature a minimum of 25 percent masonry finishing materials.
 - 2. Acceptable exterior finishing materials for the remainder of the building include:
 - i. Masonry (brick, stone, synthetic stone which includes, but is not limited to limestone, granite, and slate);
 - ii. Stucco;
 - iii. EIFS;
 - iv. Architecturally finished CMU;
 - v. Glass curtain wall systems;
 - vi. Architecturally finished metal panels (does not include corrugated metal);
 - vii. Lap siding (lap siding may include but not be limited to wood or cementitious fiber lap siding but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding, which sheet siding is prohibited);
 - viii. Architectural wood accents that are not to exceed more than 20 percent of any elevation; and

- ix. Another material that is visually and physically indistinguishable from one of the aforementioned exterior finishing materials, subject to review and approval by the director of planning.
 3. Percentages shall be calculated exclusive of doors, windows and trim.
- b. Exterior colors.
1. A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earthtone colors.
 2. No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.
 3. These percentages may be modified by up to 10 percent by the director of planning in special cases if the building's elevations maintain sufficient visual continuity.
- c. Building massing.
1. All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
 2. At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth. This requirement may be suspended or reduced in limited cases by the director of planning if a proposed building features sufficient architectural interest and composition to make this requirement unnecessary.





Images 1, 2 & 3. Examples of Appropriate Building Massing

- d. Fenestration.
1. Windows shall appear as holes that are punched through walls rather than an appendage to the wall. This shall be accomplished through the use of recessed windows, awnings, sills, drip caps, projecting trim casings or surrounds, projecting muntins or mullions and/or other elements which cause the formation of shadows on the window and the adjacent façade.
 2. Windows shall be utilized and scaled appropriately so as to remain proportionate to the wall plane within which they are located.



Images 4, 5, 6 & 7. Examples of Appropriate Fenestration

- e. Roof treatment.
 - 1. Long uninterrupted roof lines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements. This require-

ment may be suspended or reduced in limited cases by the director of planning if a proposed building features sufficient architectural interest and composition to make this requirement unnecessary.

2. Parapet roof lines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.





Images 8, 9 & 10. Examples of Appropriate Roof Treatments

- f. Additional requirements.
1. Buildings constructed on a pad site within a larger shopping center or non-residential development shall be designed to be architecturally consistent with the other buildings within the development. Architecturally consistent shall generally mean utilizing the same or similar architectural design elements, colors, roof type, and/or building materials.
 2. Additions to existing buildings shall be designed to match the architectural design features and finishing materials of the existing building to the extent possible.
 3. The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy or similar architectural feature that serves the same purpose. The covering shall be no smaller than three feet in depth when measured from the face of the adjoining facade. Awnings shall be properly maintained by the building owner over time and shall be replaced if they became faded, tattered or otherwise visibly worn.



Images 11, 12 & 13. Examples of Appropriate Entry Treatments

4. Buildings shall utilize glass with a low reflectivity level.
5. All elevations of each building that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall share the same architectural features and design as the front building elevation.
6. All buildings and/or their corresponding sites shall provide at least one of the following:
 - i. The building achieves a LEED certification or other green building certifications as approved by the director of planning.
 - ii. All building elevations feature 100 percent masonry finishing materials.

- iii. All building elevations that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes feature at least three types of complimentary masonry finishing materials.
- iv. All building elevations that are visible from a public right-of-way or are oriented toward properties zoned or used for residential purposes shall feature at least two facade offsets (recess or projection) of at least five feet in depth for every 50 feet of horizontal length.
- v. All mechanical and heating, ventilating and air conditioning equipment is roof-mounted and screened by a parapet wall or faux pitched roof that is at least one foot taller than the equipment.
- vi. All building elevations that are visible from the public right-of-way or are oriented toward properties zoned or used for residential purposes feature at least three distinct roof lines.
- vii. All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.
- viii. At least 75 percent of the building's required off-street parking is provided within a structured parking facility.
- ix. The building's required off-street parking is screened from the view of a public right-of-way or properties zoned or used for residential purposes by a four-foot tall masonry wall, planter box, berm or evergreen landscaping.
- x. The building is designed with a strong base, distinctive middle section and a well-defined cornice feature (tripartite building composition) in order to create a visual sense of organization.





Images 14, 15, 16 & 17. Examples of Tripartite Design

- xi. The building features at least two distinctly different significant architectural design concepts that are not already mandated by these requirements which add to the visual interest of the building, subject to review and approval by the director of planning.

(Code 1982, § 41-202; Ord. No. 1270, § 4.02, 12-15-1981; Ord. No. 1346, §§ 1, 2, 4-19-1983; Ord. No. 1510, §§ 1—4, 1-15-1985; Ord. No. 94-09-36, § 1, 9-20-1994; Ord. No. 99-03-35, § 1F, 3-16-1999; Ord. No. 2000-01-03, §§ 1K, 1L, 1-4-2000; Ord. No. 2000-05-028, § 1A, 5-2-2000; Ord. No. 2001-04-045, § 1, 4-3-2001; Ord. No. 2004-09-103, § I, 9-21-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 7, 11-4-2008; Ord. No. 2010-05-011, § 6, 5-17-2010; Ord. No. 2010-12-053, § 30, 12-7-2010; Ord. No. 2013-02-021, § 3, 2-25-2013; Ord. No. 2013-04-044, § 16, 4-22-2013; Ord. No. 2015-03-013, § 2, 3-17-2015; Ord. No. 2015-05-039, §§ 3, 4, 5-5-2015)

Sec. 146-140. Wind energy conversion system (WECS) regulations.

(a) *Purpose.* The purpose of this section is to establish guidelines for the location, design and appearance of wind energy conversion systems (WECS) and to encourage the preservation of the environment through the use of alternate energy sources, specifically wind energy.

(b) *Definitions.*

- (1) *Blade arc sphere* is the three-dimensional sphere in the air created by the 360 degree rotation of the blades combined with the 360 degree rotation of the WECS nacelle.
- (2) *Building-mounted WECS* is any WECS that is mounted directly to a building's roof, chimney, vent stack, cooling tower, dome, spire, or other similar structure, rather than a free-standing monopole support structure. This definition shall not include a WECS that is mounted to a building with a monopole taller than five feet in height.
- (3) *Free-standing WECS* is any WECS that is self-supporting via a monopole support system and not mounted to a building or structure in any way.
- (4) *Height*, for the purposes of this section, is measured from the average natural ground level to the highest point of the arc of the blades' elevation. If the WECS is building-mounted, the height is measured from the finished floor elevation of the building to the highest point of the arc of the blades' elevation.
- (5) *Nacelle* is a streamlined enclosure that connects the blades and WECS hub to the WECS support tower and houses specific mechanical parts including, but not limited to braking mechanisms, shafts, gearboxes and generators.
- (6) *Wind energy conversion system(s) (WECS)* is any device such as a wind charger, windmill, turbine, energy ball, vane, wind tower, or another similar device, which is typically mounted to a tower or pole, and its associated mechanical and electrical equipment, which is designed to convert wind energy to a form of usable energy.

(c) *Permit required.* No WECS shall be erected without first obtaining a WECS (wind turbine) permit from the chief building official, or their designee. The permit's application shall be submitted with the required numbers and types of plans as deemed necessary by the chief building official to adequately review the proposal.

(d) *Specific use permit.* In recommending that a specific use permit, established under these provisions, for the premises under consideration be granted, the planning and zoning commission and the city council shall determine that WECS are harmonious with and adaptable to building structures and other uses of the premises under consideration, abutting property and other property in the vicinity of the premises under consideration, the size of the premises under consideration is of sufficient size to accommodate the WECS, and that the wellbeing of the premises under consideration's property owner, adjacent property owners and citizens of the city is being protected. Staff and the planning and zoning commission shall make recommendations as to requirements for screening of the WECS, heights of the WECS, locations of the WECS, quantity of the WECS, and whether the premises under consideration is acceptable for the WECS being proposed.

(e) *General regulations.*

- (1) All WECS shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA) and any other governmental agency with the authority to regulate such systems.

- (2) No WECS shall exceed the height limitations imposed by virtue of aircraft approach and turning zone height restrictions.
- (3) No grid-interconnected WECS shall be installed until evidence has been provided to the city that the appropriate electric power provider has approved the customer's intent to install a grid-connected customer-owned WECS and that the customer's system meets the utility's approved specifications for interconnection.
- (4) A maximum of one WECS shall be permitted by right on each tract. The allowable number of WECS on each tract may be increased to a maximum of three WECS with the planning and zoning commission's approval of a proposed site plan. Prior to approving the additional number of WECS, the planning and zoning commission shall consider the same factors that are considered when approving a specific use permit as specified herein. The allowable number of WECS on each tract may be increased beyond a maximum of three WECS with approval of a specific use permit.
- (5) WECS shall only be permitted on a tract of land as an accessory use to a separate, principal use.
- (6) All WECS shall be located behind the front face of the primary structure.
- (7) Any mechanical, electrical or other equipment associated with the tower or other support structure shall comply with the accessory building setbacks as specified in section 146-133 of the zoning regulations.
- (8) Building-mounted WECS' blade arc spheres shall have a minimum five-foot clearance from any structure, tree or any other impediment. Free-standing WECS' blade arc spheres shall have a minimum 30-foot clearance from any structure, tree or any other impediment.
- (9) No free-standing WECS shall include a ladder or any other tower climbing apparatus within 12 feet of the ground.
- (10) All commercial signs, flags, lights, and attachments shall be prohibited on a WECS, unless required for communications operations, structural stability, or as required for flight visibility by the FAA.
- (11) All WECS shall be filtered, shielded or otherwise designed and constructed so as not to cause electrical, radio frequency, television, and other communication signal interference.
- (12) All WECS shall be painted a neutral or earth tone color. The paint type shall be a dull or matte finish so as to reduce the possibility of any glares or reflections and to minimize the visual obtrusiveness of the WECS.
- (13) All WECS shall be constructed in a monopole design of tubular steel and shall be self-supporting without the use of guy wires or other similar features.
- (14) All WECS shall be equipped with a manual and/or an automatic braking device capable of stopping the WECS operation in high winds.

- (15) All WECS shall be grounded and shielded to protect against natural lightning strikes and stray voltage, including the blades, in accordance with the National Electric Code.
 - (16) All WECS shall be designed to withstand loads including, but not limited to ice and wind, as detailed in the International Building Code.
 - (17) All WECS shall be adequately designed structurally, electrically, and in all other respects to accommodate the safety and general wellbeing of the public. All WECS shall be required to meet all applicable regulations specified in the International Building Code, National Electric Code, and any other applicable regulatory documents.
 - (18) All WECS shall be maintained at all times according to the manufacturer's specifications and all other applicable regulations including, but not limited to the International Building Code and the National Electric Code.
 - (19) All WECS shall adhere to the maximum sound pressure levels as specified in section 146-134 of the zoning regulations.
- (f) *Specific regulations.* Wind energy conversion systems shall comply with the following:
- (1) *Residential zoning districts (RED-1 , RED-2 , RS 120 , RS 84 , RS 72 , RS 60 , RS 45 , RD 30 , MP and PD).* WECS shall not be permitted.
 - (2) *Multiple family residential zoning districts (RG 27 , RG 25 , RG 18 , MF-1 , MF-2 , MF-3 and PD).* WECS are only permitted for multiple family residential uses and are subject to the following:
 - a. Space limits.
 1. Maximum height: The maximum height for a WECS shall be the maximum height allowed in the governing zoning district plus 10 feet.
 2. Setbacks from a property line:
 - (i) WECS shall be set back a distance equal to half the height of the WECS.
 - (ii) WECS adjacent to a property zoned or used for single family or two family residential uses shall be set back a distance equal to the height of the WECS.
 - (3) *Industrial districts (ML , MH and PD).* WECS are permitted only as follows:
 - a. Space limits.
 1. Maximum height: 150 feet.
 2. Setbacks from a property line:
 - (i) WECS shall be set back a distance equal to half the height of the WECS.

- (ii) WECS adjacent to a property zoned or used for single-family or two-family residential uses shall be set back a distance equal to the height of the WECS.
- (4) *Historic districts (CHD , H overlay, MTC , and PD).* WECS are permitted only as follows:
 - a. WECS shall be allowed within the historic districts with approval of a specific use permit, provided they are designed and located to blend with and conform to the historic district design standards and character in order to preserve the historic integrity of the district and are approved through the normal historic district design review process for each historic district, subject to the approval of the historic preservation officer.
 - b. All proposed WECS shall require a certificate of appropriateness issued by the historic preservation officer, prior to the approval of a specific use permit.
- (5) *Non-residential zoning districts except the CHD , H overlay, MTC , ML , and MH districts (AG , NC , BN , BG , C , O-1 , O , BC , and PD).* WECS are permitted only as follows:
 - a. Space limits.
 - 1. Maximum height: The maximum height for a WECS shall be the maximum height allowed in the governing zoning district plus ten feet. The height of a WECS may be increased to a maximum of 125 feet with approval of a specific use permit.
 - 2. Setbacks from a property line:
 - (i) WECS shall be set back a distance equal to half the height of the WECS.
 - (ii) WECS adjacent to a property zoned or used for single-family or two-family residential uses shall be set back a distance equal to the height of the WECS.
 - (g) *Abandoned systems.* Any WECS which is not used in operation for 12 consecutive months shall be deemed abandoned and shall be removed by the owner of the property where the WECS is located. The city shall notify the WECS property owner of the issue and the WECS property owner shall have 60 days to take down the WECS. An extension of 30 days may be granted by the chief building official.
 - (h) *Systems in disrepair.* A WECS that has become unstable, leans so as to be no longer perpendicular with the ground, or that poses a danger of collapse shall be removed or brought into repair within 60 days following notice by the city to the owner of the lot upon which the WECS is located. The city may order immediate repairs in the event of imminent collapse.

(Ord. No. 2009-11-079, § 1, 11-3-2009)

Secs. 146-141—146-161. Reserved.

Editor's note—Ord. No. 2013-04-033, § 5, adopted April 2, 2013, amended the Code by repealing former § 146-141, which pertained to residential development design requirements, and derived from Ord. No. 2012-11-056, adopted November 5, 2012.

ARTICLE V. ADMINISTRATION**Sec. 146-162. Administrative official.**

(a) The provisions of this chapter shall be administered and enforced by the chief building official.

(b) The chief building official or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter.

(c) Whenever any construction work is being done contrary to the provisions of this chapter, the chief building official may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the chief building official to proceed with the work.

(Code 1982, § 41-231; Ord. No. 1270, § 5.01, 12-15-1981; Ord. No. 2002-08-084, § I.63, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 41, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-163. Planning and zoning commission.

The duly appointed planning and zoning commission of the city shall have the following authority and responsibilities under the provisions of this chapter.

- (1) The planning and zoning commission shall consider and may grant or deny approval of any site plan required by this chapter, as provided in section 146-45.
- (2) The planning and zoning commission shall hold a public hearing and make a recommendation to the city council, prior to any consideration by the city council, on any of the following:
 - a. Any change or amendment to any of the provisions or regulations contained in this chapter;
 - b. Any change or amendment to the zoning districts map, or any change in any zoning district boundary;
 - c. Any request for specific use permit;
 - d. Site plans as per section 146-45; and
 - e. Amendments to the comprehensive plan.

- (3) In the MTC - McKinney Town Center zoning district, the planning and zoning commission shall have the authority and responsibilities under the specific administration provisions of the MTC - McKinney Town Center zoning district regulations contained in appendix G of the city zoning regulations (chapter 146).
- (4) The planning and zoning commission shall, either on its own initiative or by direction of the city council or at the request of the director of planning, schedule and hold a public hearing on any proposed change or amendment to this chapter as provided herein.
- (5) The planning and zoning commission shall have no authority to change any provisions of this chapter; nor grant any specific use permit; nor change any zoning district boundary; nor grant any variance or exception to the provisions of this chapter, except as a part of a site plan approval as provided in section 146-45.
(Code 1982, § 41-232; Ord. No. 1270, § 5.02, 12-15-1981; Ord. No. 1648, § 21, 5-6-1986; Ord. No. 1881, § 10, 9-18-1990; Ord. No. 99-03-05, § 10, 3-16-1999; Ord. No. 2002-08-084, § I.64, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2013-04-044, § 17, 4-22-2013)

Sec. 146-164. Changes and amendments.

Under the provisions of V.T.C.A., Local Government Code ch. 211, the city council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.

- (1) *Submission to planning and zoning commission.* Before taking any action on any proposed amendment, supplement, or change in the ordinance, the city council shall submit the proposed revision to the planning and zoning commission for its review, recommendation, and report.
- (2) *Public hearing and notice.* Prior to making its report to the city council, the planning and zoning commission shall hold at least one public hearing thereon.
 - a. Written notice of all public hearings on proposed changes shall be sent to all owners of property, or to the person rendering the same for city taxes, located within 200 feet of any property affected thereby, within not less than ten days before such hearing is held. Such notice may be served by using the last known address as reflected by the Collin Central Appraisal District, and depositing the notice, properly addressed and postage paid, in the United States mail.
 - b. Prior to adopting any proposed amendment, supplement, or change to the schedule of uses or any other section of this chapter, a public hearing shall be held at a planning and zoning commission meeting, followed by a public hearing held at a city council meeting at which action is taken. Notice of each public hearing shall be given by publication one time in a newspaper of general circulation in the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication.

- c. Requirement to post zoning change signs. All zoning changes or amendments, including zoning, rezoning, amendments to planned developments, meritorious exceptions to the architectural standards as provided for in section 146-139, specific use permits, and the like, although specifically exempting site plan approval for site plans within a PD unless part of an SUP approval that requires a site plan, shall be required to have an official sign posted prior to planning and zoning commission consideration and the sign maintained throughout the zoning change process.
1. The director of planning shall have the authority to determine if the notice posting on the subject property met the intent of the requirements contained herein.
 2. Process. The following requirements shall apply to the posting of a zoning change sign:
 - (a) The applicant shall be responsible for posting the required number of notification signs on the subject property at least seven days prior to the planning and zoning commission consideration of the application and for maintaining the required signs throughout the zoning change process.
 - (b) The applicant shall furnish an affidavit to the planning department no earlier than on the Monday at 8:00 a.m., one week prior to the Tuesday planning and zoning commission meeting, and no later than by 12:00 p.m. (noon) on the Wednesday prior to the Tuesday planning and zoning commission meeting at which the public hearing is scheduled, certifying that the required sign was posted on the subject property on or before the seventh day prior to the said commission meeting.
 - (c) Failure to post the sign at least seven (7) days prior to the planning and zoning commission public hearing shall result in the postponement of the zoning change consideration by the commission. The applicant shall be subject to an additional fee to republish and/or re-notify due to such postponement.
 - (d) The applicant shall furnish an affidavit to the planning department no earlier than on the Monday at 8:00 a.m., one week prior to the Tuesday city council meeting, and no later than by 12:00 p.m. (noon) on the Wednesday prior to the Tuesday city council meeting at which the public hearing is scheduled, certifying that the required sign was maintained on the subject property in a manner consistent with the requirements contained herein prior to the city council holding a public hearing to consider the application.
 - (e) For special meetings, the director of planning shall set a sign posting schedule which meets the intent and purpose contained herein.

3. Maintenance of zoning change signs.
 - (a) The applicant shall be responsible for maintaining the sign on the subject property throughout the zoning change process. The city is not responsible for monitoring the required zoning change signs.
 - (b) Should the city discover through routine duties related to other aspects of their daily functions that the sign is not being maintained, the city shall contact the applicant to investigate and, if needed, correct the situation. An affidavit from the applicant certifying that the applicant has corrected the posting shall indicate that the intent of the posting requirement was met.
 - (c) Failure to maintain the sign during the process shall not result in the postponement of the zoning change consideration so long as the applicant attempted to replace damaged or missing signs upon notification.
 - (d) The applicant shall be responsible for removing the sign from the subject property within two weeks of the final action by the city.
4. Sign specifications: All required zoning change signs shall be official city signs.
 - (a) Zoning change signs shall be obtained from the planning department or through its designated contractor.
 - (b) Costs of procuring, installing or replacing signs shall be at the applicant's expense.
 - (c) All required signs shall be approximately four feet by four feet in size, as approved by the director of planning.
 - (d) All required signs shall state the requested action, a telephone number at the city where additional information may be requested, and other information deemed relevant, as may be needed and as approved by the director of planning.
5. Sign locations.
 - (a) All required signs shall be posted in unobstructed view on private property and in a manner in which they can be clearly read from the public right-of-way.
 - (b) On tracts of land with frontage on public right-of-way greater than 250 feet, additional signs shall be posted so that each sign is no greater than approximately 200 feet apart.
 - (c) On corner lots, a single sign may be posted at the intersection of the two streets if the frontage on either street does not exceed 250 feet.
- d. Notice of hearings on proposed changes in zoning regulations affecting the city in general shall be accomplished by one publication one time in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication.

- (3) *Commission report.* The commission, after the public hearing is closed, shall make a recommendation based on its evaluation of the request and of the relationship of the request to the adopted city plan, and staff shall prepare a written report of the commission's recommendation to the city council. The commission may defer its report for not more than 90 days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the commission shall consider the following factors:
- a. Whether the uses permitted by the proposed change would be appropriate in the area concerned;
 - b. Whether adequate public school facilities and other public services exist or can be provided to serve the needs of additional residences likely to be constructed as a result of such change, and the consequences of such change;
 - c. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers to the area;
 - d. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances, which may make a substantial part of such vacant land unavailable for development;
 - e. The recent rate at which land is being developed in the proposed zoning district, particularly in the vicinity of the proposed change; and
 - f. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- (4) *Council hearing.* A public hearing shall be held by the city council before adopting any proposed amendment, supplement, or change to the ordinance. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication.
- (5) *Negative recommendations; written protest procedures.*
- a. *Favorable vote required.* An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths of all members of the council:
 1. If the commission recommends denial of the proposed change; or
 2. If a written, signed protest is filed by owners of at least 20 percent of either:
 - (i) The area of the lots or land covered by the proposed change; or
 - (ii) The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

- b. *Written protest procedures.* The form of the protest shall be as follows:
1. A protest must be in writing and, at a minimum, contain the following information:
 - (i) A description of the zoning case at issue;
 - (ii) The names of all persons protesting the proposed change in zoning district classification or boundary;
 - (iii) A description of the area of lots or land owned by the protesting parties that is either covered by the proposed change or located within 200 feet of the area covered by the proposed change;
 - (iv) The mailing addresses of all persons signing the protest; and
 - (v) The date and time of its execution.
 2. The protest must bear the original signatures of all persons required to sign under subsection (5)c of this section and acknowledged under subsection (5)d of this section.
- c. *Required signatures.*
1. A protest must be signed by the owner of the property in question, or by a person authorized by power of attorney to sign the protest on behalf of the owner. In the case of non-community property owned by two or more persons, the signature by any one owner of the property, or by a person authorized by power of attorney to sign the protest on behalf of any one owner, binds the entire property to the protest. In the case of community property, the written protest of one spouse will bind the property in its entirety.
 2. In the case of property owned by a corporation, the protest must be signed by the president, a vice-president, or by an attorney-in-fact authorized to sign the protest on behalf of the corporation. In the case of property owned by a general or limited partnership, the protest must be signed by a general partner or by an attorney-in-fact authorized to sign the protest on behalf of the partnership.
 3. Lots or land subject to a condominium regime are presumed to be commonly owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, the written protest must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the

right of an individual owner to act with respect to his respective undivided interest in the common elements of the condominium. When signatures must be acknowledged by a notary public.

4. Except as otherwise provided in subsections (5)c.2 and 3 of this section, all signatures on a written protest, whether by petition or letter, must be acknowledged before a notary public as provided herein. The notary requirement is fulfilled if the person who obtains the signatures signs a certification (known as a jurat) stating:
 - (i) That he witnessed those signatures; and
 - (ii) That the signatory represented his authority to sign the petition.
 5. The city shall be required to forward to the owners entitled to notice hereunder, in addition to the required notice, a reply form for the lodging of protests. A signature on an original reply form sent by the city to the mailing address of the property owner need not be acknowledged before a notary public.
 6. A signature on a protest delivered in person by the person signing need not be acknowledged before a notary public if its reliability is otherwise established to the satisfaction of the city secretary. In such a case, a summary of the evidence of reliability considered by the city secretary must be endorsed on the protest by the city secretary.
- d. *Filing deadline.*
1. A written protest must be filed with the city secretary before 5:00 p.m. Of the fourth working day immediately preceding the date advertised for the city council public hearing in the statutory notice published in the official newspaper of the city. For example, a written protest must be received by 5:00 p.m., on the Wednesday prior to a regularly scheduled Tuesday council meeting. A protest sent through the mail must be received by the city secretary before the deadline.
 2. Before the public hearing on the case, the filing deadline is automatically extended whenever the public hearing is re-advertised in the official newspaper of the city pursuant to statutory notice requirements.
 3. After the public hearing has begun, the filing deadline may only be extended by calling a subsequent public hearing and advertising that public hearing in the official newspaper of the city pursuant to statutory notice requirements or if the item is tabled or continued. In such a case, the new filing deadline is noon of the second working day immediately preceding the newly advertised public hearing date or the date to which the item is tabled or continued.
- e. *Withdrawal of protests once filed.* A protest, once filed, remains in effect unless withdrawn in accordance herewith, irrespective of any amendments made to the zoning proposal. Withdrawals of protests filed must be in writing and filed

with the city secretary before the filing deadline. The provisions of this subsection governing the form and filing of protests apply equally to withdrawals.

f. *Presumptions of validity.*

1. In all cases where a protest has been properly signed pursuant to this subsection, the city shall presume that the signatures appearing on the protest are authentic and that the persons or officers whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented.
2. The city attorney may advise the city council that the presumption in subsection (5)f.1 of this section should not be followed in a specific case based on evidence presented.

g. *Conflicting instruments.* In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.

- (6) *Limitation on resubmission of petition.* No amendment, supplement, change, or repeal of any section of this chapter, which has been legally rejected by the city council shall be again considered either by the planning and zoning commission or the city council before the expiration of one year from the date of the original action.

(Code 1982, § 41-233; Ord. No. 1270, § 5.03, 12-15-1981; Ord. No. 97-05-30, § 1, 5-27-1997; Ord. No. 2000-01-03, § 1P, 1-4-2000; Ord. No. 2000-01-03, § 1Q, 1-4-2000; Ord. No. 2002-08-084, § I.65, 8-20-2002; Ord. No. 2003-02-013, § I, 2-20-2003; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 42, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-12-111, § 2, 12-2-2013)

Sec. 146-165. Board of adjustment.

A board of adjustment is hereby established in accordance with the provisions of V.T.C.A., Local Government Code § 211.008 et seq., regarding the zoning of cities and with the powers and duties as provided in said statutes.

(1) *Organization.*

- a. *Membership.* The board shall consist of five citizens, each to be appointed or reappointed by the mayor and confirmed by the city council, for staggered terms of two years. In addition, two alternate members shall be appointed to serve in the absence of any regularly appointed member. Each member of the board shall be removable for just cause by city council upon written charges and after public hearings. Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman, who shall serve for a period of one year or until his successor is elected.

- b. *Meetings.* Meetings of the board shall be held at the call of the chairman and at such times as the board or chief building official may determine.
- c. *Hearings.* The hearings of the board of adjustment shall be public. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least five members of the board.
- d. *Rules and regulations.* The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The board of adjustment shall act by resolution or order. Approval of any request shall require four affirmative votes. Any request not approved by affirmative vote of four or more members shall be considered denied. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the chief building official, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

(2) *Appeals.*

- a. *Procedure.* Appeals may be taken from an administrative officer's decision and may be taken to and before the board of adjustment by any person aggrieved by the decision, or by any officer, department, board, or bureau of the city affected by the decision. The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.
- b. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
- c. *Notice of hearing on appeal.* The board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, shall give public notice of the hearing, and shall mail notices of such hearing to the petitioner and to the owners of property lying within 200 feet or less of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the

board to be affected thereby, such owners and persons being determined according to the current tax rolls of the city. Depositing of such written notice in the mail, postage-paid, shall be deemed sufficient compliance therewith.

- d. *Decision by board.* The board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination of the administrative officer as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

(3) *Powers and duties of board.*

- a. *Subpoena witnesses, etc.* The board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.
- b. *Appeals based on error.* The board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the chief building official in the enforcement of this chapter.
- c. *Special exceptions.* The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required to pass as follows or elsewhere in this chapter:
 1. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties;
 2. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare;
 3. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this section is derived;
 4. Permit the reconstruction of a nonconforming building, which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly; and

5. Waive or reduce the parking and loading requirements in any of the districts, whenever the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- d. *Variances.* The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:
 1. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare; and
 2. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the zoning ordinance as established by this chapter, and at the same time, the surrounding property will be properly protected.
- e. *Changes.* The board shall have no authority to change any provisions of this chapter and its jurisdiction is limited to hardship and borderline cases, which may arise from time to time. The board may not change the district designation of any land either to a more restrictive or less restrictive zone.

(Code 1982, § 41-234; Ord. No. 1270, § 5.04, 12-15-1981; Ord. No. 2000-01-03, § 1R—1T, 1-4-2000; Ord. No. 2002-08-084, § I.66, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 43, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-166. Historic preservation advisory board.

(a) There is hereby created a board to be known as the city historic preservation advisory board (HPAB). The board shall consist of seven members appointed by the city council and may be comprised of any citizen of the city interested in historic preservation. To the extent possible, the following members should be appointed: architect, city planner or representative of a design profession; historian; licensed real estate broker; attorney; or property owner

of a landmark or of a building in a historic district. All board members, regardless of background, shall have a known and demonstrated interest, competence or knowledge of historic preservation within the city.

(b) Board members shall serve for staggered terms of two years.

(c) The chairman and vice chairman of the board shall be elected by and from the members of the board and shall serve for a term of one year.

(d) The board shall have the power to:

- (1) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings;
- (2) Recommend criteria for the identification of historic, architectural and cultural landmarks;
- (3) Conduct surveys and maintain an inventory of significant historic, architectural and cultural landmarks and historic districts within the City;
- (4) Maintain written minutes, which record all recommendations and actions taken by the board and the reasons for taking such actions;
- (5) Recommend conferral of recognition upon the owners of landmarks or within districts by means of certificates, plaques or markers;
- (6) Increase public awareness of the value of historic, cultural and architectural preservation by encouraging and participating in public education programs developed by the historic preservation officer;
- (7) Make recommendations to the city concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the city;
- (8) Recommend the acquisition of landmark structures by the city where its preservation is essential and where private preservation is not feasible;
- (9) Recommend specific design guidelines for the review of landmarks and districts to ensure compatibility within the district; and
- (10) Approve or deny applications for a historic marker under the historic neighborhood improvement zone program. An application denied under this subsection may be appealed to the city council.

(e) The board shall meet at least monthly if business is at hand. Special meetings may be called at any time as requested by the historic preservation officer. All meetings shall be held in conformance with the Texas Open Meetings Act (V.T.C.A., Government Code ch. 551).

(f) A quorum for the transaction of business shall consist of four of the board's members. (Code 1982, § 41-235; Ord. No. 2002-08-084, § I.67, 8-20-2002; Ord. No. 2004-01-007, § 3, 1-6-2004; Ord. No. 2007-02-014, § 4, 2-6-2007; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-167. Historic preservation officer.

The director of planning shall appoint a qualified staff person to serve as the historic preservation officer. The following provisions shall apply to the historic preservation officer:

- (1) The historic preservation officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state and national nonprofit preservation organizations.
- (2) The historic preservation officer shall follow the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings in his consideration of all applications for a certificate of appropriateness within the CHD - commercial historic overlay district and the H - historic preservation overlay district. These standards shall be made available to the property owners within historic districts.
- (3) The historic preservation officer serves as representative to the historic preservation advisory board.

(Code 1982, § 41-236; Ord. No. 2002-08-084, § 1.68, 8-20-2002; Ord. No. 2004-01-007, § 4, 1-6-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2013-04-044, § 18, 4-22-2013)

Sec. 146-168. Designation of historic landmarks and districts.

The city council may designate by zoning ordinance certain buildings, sites, structures and objects as historic landmarks and certain areas as historic districts. Such landmarks and districts shall bear the word *historic* in their zoning designation. Upon the designation of an area as an historic landmark or district, the designation should be recorded in the official public records of real property of the county, the tax records of the city and the city's official zoning maps.

- (1) The historic preservation officer may recommend to the planning and zoning commission a building, site or structure within the CHD - commercial historic overlay district to be designated as a landmark. The historic preservation officer shall make a recommendation, to be forwarded to the planning and zoning commission, within 30 working days from the date of the submittal of the designation request. The planning and zoning commission shall schedule a hearing on the recommendation to be held within 45 working days of receipt of such recommendation. The planning and zoning commission shall give notice, conduct its hearing and make recommendations to the city council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the city. The city council shall give notice, follow the publication procedure, hold hearings and make its determination in the same manner as provided in the general zoning ordinance of the city.
- (2) The historic preservation advisory board may recommend to the historic preservation officer a building or historic district, site, structure or district to be designated as a landmark.

- (3) A historic landmark or district may be designated if it:
- a. Contains properties, which meet one or more of the criteria for designation of a landmark, or constitutes a distinct section of the city;
 - b. Possesses significance in history, architecture, archeology and culture;
 - c. Is associated with events that made a significant contribution to the broad patterns of local, regional, state or national history;
 - d. Is associated with the lives of persons significant in our past;
 - e. Embodies the distinctive characteristics of a type, period or method of construction;
 - f. Represents the work of a master designer, builder or craftsman; or
 - g. Represents an established and familiar visual feature of the city.
- (Code 1982, § 41-237; Ord. No. 2002-08-084, § I.69, 8-20-2002; Ord. No. 2004-01-007, § 5, 1-6-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2013-04-044, § 19, 4-22-2013)

Secs. 146-169—146-189. Reserved.

ARTICLE VI. ENFORCEMENT

Sec. 146-190. Building permits.

(a) All applications for building permits for single family and duplex residential dwelling units shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale (see appendix E, illustration 18) showing:

- (1) The actual shape and dimensions of the lot to be built upon;
- (2) The exact sizes and locations on the lot of the buildings and accessory buildings then existing;
- (3) The lines within which the proposed building and structure shall be erected or altered;
- (4) The existing and intended use of each building or part of building;
- (5) The number of families or dwelling units the building is designed to accommodate;
- (6) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter; and
- (7) Additional information necessary to determine and provide enforcement of this chapter.

(b) One copy of such plot plans will be returned to the owner when such plans have been approved. An inspection of as long as two (2) weeks may be required for inspection of plans before a permit is issued.

(c) All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified registered surveyor or be based on a subdivision plat properly approved by and filed with the city, and the lot shall be staked out on the ground before construction is started.

(d) All applications for other types of building permits shall be accompanied by all information as necessary to determine and provide for enforcement of this chapter.

(Code 1982, § 41-251; Ord. No. 1270, § 6.01, 12-15-1981; Ord. No. 2002-08-084, § I.71, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-191. Permits and agreements.

This chapter is not intended to abrogate or annul:

(1) Any permits issued before the effective date of the ordinance from which this section is derived; or

(2) Any easement, covenant or any other private agreement.

(Code 1982, § 41-252; Ord. No. 1270, § 6.02, 12-15-1981; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-192. Certificate of occupancy.

No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used nor shall any basic change of use in land or structure be made until a certificate of occupancy and compliance shall have been issued by the chief building official of the city stating that the building or proposed use of land or building complies with the provisions of this chapter and the building and fire codes of the city.

(1) *Requirement.*

a. A certificate of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered;
2. Change in use of an existing building to a use of different classification;
3. Occupancy and use of vacant land, except agricultural use;
4. Change in the use of land to a use of a different classification; or
5. Any change in the use of a nonconforming use.

b. No such occupancy, use or change of use, shall take place until a certificate of occupancy therefore shall have been issued by the chief building official.

(2) *Procedure for new or altered buildings.* A preliminary application for a certificate of occupancy for a new building or for an existing building, which is to be altered, shall be made at the same time as the application for the building permit for such building. If the erection or alteration of such building or part thereof has been completed in

conformity with the provisions of this chapter and the building and fire codes of the city, the certificate of occupancy therefore shall be issued within three working days after a final request for the certificate of occupancy has been made.

- (3) *Procedure for vacant land or a change in use.* Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to the chief building official. If the proposed use is in conformity with the provisions of this chapter and the building and fire codes of the city, the certificate of occupancy therefore shall be issued within three working days after the application for same has been made.
- (4) *Contents.* Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all certificates of occupancy shall be kept in file in the office of the chief building official or his agent, and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- (5) *Temporary certificate.* Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the chief building official for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this chapter.
- (6) *Fire marshal review of certificate of occupancy.* The fire marshal or his designated representative shall recommend approval or disapproval of each certificate of occupancy within three working days after a final request for the same has been made to the chief building official. The chief building official shall notify the fire marshal of the final request for a certificate of occupancy on the same day as the request is received.
- (7) *Revocation of certificate of occupancy.* Issuance of the certificate of occupancy does not relieve an applicant of conformance to this chapter and all building and fire codes of the city. If a violation of said codes is discovered after issuance of a certificate of occupancy, the same may be revoked by the chief building official until the violation is corrected, or a citation may be issued as provided for in the codes for each day the violation is continued, or both.

(Code 1982, § 41-253; Ord. No. 1270, § 6.03, 12-15-1981; Ord. No. 2002-08-084, § I.72, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-193. Filing fees and charges.

(a) The fees and charges shall be paid to the city when any application, petition, or appeal is tendered to the planning and zoning commission or any other authorized board, agency, or official of the city. Each of the fees and charges provided shall be paid in advance, and no action of the commission, council, or any other board, agency, or official of the city shall be valid until the fees and charges shall have been paid to the city.

(b) Except as hereinbefore provided, these fees and charges shall be paid on all applications, petitions, and appeals, regardless of the action taken by the commission or any other board, agency, or official of the city, and whether the application, petition, or appeal is approved or denied by the city council. Such fees and charges shall not, however, be charged or paid for any amendment, change, or other action initiated by the city.

- (1) *Building permits.* Fees and charges for building permits shall be in accordance appendix A of the Code of Ordinances, which may be amended from time to time by ordinance.
- (2) *Certificate of occupancy.* Fees and charges for certificates of occupancy shall be as set by appendix A of the Code of Ordinances, which may be amended from time to time by ordinance.
- (3) *Temporary use permit.* For such temporary uses as may be permitted or granted by the chief building official of the city, a fee as specified in appendix A of the Code of Ordinances, which may be amended from time to time by ordinance, shall be assessed.
- (4) *Planning applications.* The fees for all planning department applications shall be as specified in appendix A of the Code of Ordinances, which fee amounts may be amended from time to time by ordinance.

(Code 1982, § 41-254; Ord. No. 1270, § 6.04, 12-15-1981; Ord. No. 1842, § 6, 9-5-1989; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-08-078, 8-19-2008; Ord. No. 2008-11-104, § 10, 11-4-2008; Ord. No. 2010-12-053, § 31, 12-7-2010)

Sec. 146-194. Penalty.

Any person, firm or corporation who shall violate any of the provisions of this chapter or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$2,000.00, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (Code 1982, § 41-255; Ord. No. 1270, § 6.05, 12-15-1981; Ord. No. 2002-08-084, § I.1, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

APPENDICES*

APPENDIX A. PLANTS APPROVED FOR LANDSCAPE REQUIREMENTS

Section A-1. Approved plant list.

The following lists of plant materials only apply to materials planted or preserved to satisfy the landscape requirements (section 146-135) and tree preservation ordinance

***Editor's note**—These appendices have been edited only to correct obvious spelling and grammar errors, to provide consistency throughout and to insert headings and section numbers to facilitate location of provisions within these appendices.

(section 146-136) of this ordinance. Drought tolerant plants are encouraged and listed below in **bold**. Other species may be utilized with approval from the landscape administrator. Artificial plants or turf are expressly prohibited.

CANOPY TREES

Size standard: 4 caliper and 12' height

<i>Common Name</i>	<i>Botanical Name</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Trident Maple	<i>Acer buergerianum</i>
Caddo Maple	<i>Acer saccharum 'Caddo'</i>
Texas Buckeye	<i>Aesculus glabra</i>
Pecan	<i>Carya illinoensis</i>
Shagbark Hickory	<i>Carya ovate</i>
Texas Hickory (Black Hickory)	<i>Carya texana</i>
Deodar Cedar	<i>Cedrus deodara</i>
Leylandii Cypress	<i>Cupressocyparis 'Leylandii'</i>
White Ash	<i>Fraxinus americana</i>
Texas Ash	<i>Fraxinus texensis</i>
Autumn Gold Ginkgo	<i>Ginkgo biloba Autumn Gold</i>
Black Walnut	<i>Juglans nigra</i>
Chinese Pistache	<i>Pistachia chinensis</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Lacey Oak	<i>Quercus laceyi (Q. glaucoides)</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Shumard Oak	<i>Quercus shumardi</i>
Texas Red Oak	<i>Quercus shumardi 'Texana'</i>
Durand Oak	<i>Quercus sinuate</i>
Bigelow Oak	<i>Quercus sinuate var. breviloba</i>
Live Oak	<i>Quercus virginiana</i>
Pond Cypress	<i>Taxodium ascendens</i>
Bald Cypress	<i>Taxodium disichum</i>
American Elm	<i>Ulmus americana</i>
Cedar Elm	<i>Ulmus carassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>

ORNAMENTAL TREES

Size standard: 2 caliper and 8' height

<i>Common Name</i>	<i>Botanical Name</i>
Japanese Maple	<i>Acer palmatum</i>

<i>Common Name</i>	<i>Botanical Name</i>
Shantung Maple	<i>Acer truncatum</i>
Texas Madrone	<i>Arbutus texana</i>
River Birch	<i>Betula nigra</i>
Redbud	<i>Cercis spp.</i>
Desert Willow	<i>Chilopsis linearis</i>
Chinese Fringe Tree	<i>Chionanthus virginica</i>
Roughleaf Dogwood	<i>Cornus drummondii</i>
Native Hawthorn	<i>Crataegus mollis</i>
Washington Hawthorn	<i>Crataegus phaenopyrm</i>
Arizona Cypress	<i>Cupressus arizonica</i>
Texas Persimmon	<i>Diospros texana</i>
Common Persimmon	<i>Diospyros virginiana</i>
Possumhaw Holly	<i>Ilex deciuua</i>
Nellie R. Stevens	<i>Ilex x 'NRS'</i>
Foster Holly	<i>Ilex opaca 'Foster'</i>
Savannah Holly	<i>Ilex opaca (x attenuate) 'Savannah'</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Mountain Cedar	<i>Juniperus ashei</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Crape Myrtle (Tree Form)	<i>Lagerstroemia indica</i>
Goldenball Leadtree	<i>Leucaena retusa</i>
Star Magnolia	<i>Magnolia stellate</i>
Saucer magnolia	<i>Magnolia soulangiana</i>
Little Gem Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>
Wax Myrtle (Tree form)	<i>Myrica cerifera</i>
Eldarica Pine	<i>Pinus eldarica</i>
Mesquite	<i>Prosopis glandulosa</i>
Cherry Laurel	<i>Prunus caroliniana</i>
Mexican Plum	<i>Prunus mexicana</i>
Lacey Oak	<i>Quercus laceyi or glaucoides</i>
Carolinia Buckthorn	<i>Rhamnus caroliniana</i>
Aromatic Sumac	<i>Rhus aromatic</i>
Smooth Sumac	<i>Rhus glabra</i>
Prairie Flameleaf Sumac	<i>Rhus lanceolata</i>
Eve's Necklace	<i>Sophora affinis</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Mexican Buckeye	<i>Ungnadia speciosa</i>
Rusty Blackhaw	<i>Viburnum rufidulum</i>
Vitex	<i>Vitex agnus-castus</i>

TREES APPROVED UNDER OVERHEAD UTILITIES

Size Standard: 2 caliper and 8' height

Note: These species were selected due to their relatively small mature size and growth characteristics. Trees planted in these areas shall be planted at a ratio of 3 trees for every 1 tree required.

<i>Common Name</i>	<i>Botanical Name</i>
Shantung Maple	<i>Acer truncatum</i>
Redbuds/Whitebuds	<i>Cercis spp.</i>
Desert Willow	<i>Chilopsis linearis</i>
Wax Myrtle	<i>Myrica cerifera</i>
Mexican Plum	<i>Prunus mexicana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Vitex	<i>Vitex agnus-castus</i>

EVERGREEN SHRUBS

Acceptable screening 5' or less

Planting size: 24 height

<i>Common Name</i>	<i>Botanical Name</i>
Dwarf Glossy Abelia	<i>Abelia grandiflora</i>
Dwarf Elaeagnus or Silverberry	<i>Elaeagnus pungens</i>
Dwarf Burford Holly	<i>Ilex cornuta 'Dwarf Burfordii'</i>
Texas Sage	<i>Leucophyllum frutescens</i>
Dwarf Wax Myrtle	<i>Myrica pusilla</i>

EVERGREEN SHRUBS

Acceptable screening 6' or greater

Planting size: 36 height

<i>Common Name</i>	<i>Botanical Name</i>
Foster Holly	<i>Ilex x attenuate 'Foster'</i>
Nellie R. Stevens Holly	<i>Ilex x 'Nellie R. Stevens'</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Wayleaf Ligustrum	<i>Ligustrum japonicum</i>
Little Gem Magnolia	<i>Magnolia 'Little Gem'</i>
Wax Myrtle (Tree form)	<i>Myrica cerifera</i>
Holly Podocarpus	<i>Podocarpus macrophyllus</i>
Cherry Laurel	<i>Prunus caroliniana</i>
Cleyera	<i>Ternstroemia japonica</i>
Sweet Viburnum	<i>Viburnum ordoatissimu</i>

SHRUBS

<i>Common Name</i>	<i>Botanical Name</i>
Glossy Abelia	<i>Abelia grandiflora</i>
Barberry	<i>Berberis thunbergii</i> spp.
Horizontal Cotoneaster	<i>Cotoneaster horizontalis</i>
Dwarf Elaeagnus or Silverberry	<i>Elaeagnus pungens</i>
Aralia	<i>Fatsia japonica</i>
Red Yucca	<i>Hesperaloe parviflora</i>
St. John's Wort	<i>Hypericum</i> spp.
Holly	<i>Ilex</i> spp.
Juniper	<i>Juniper</i> spp.
Dwarf Crape Myrtle	<i>Lagerstroemia indica</i> 'Dwarf'
Texas Sage	<i>Leucophyllum frutescens</i>
Chinese Fringe Flower	<i>Loropetalum chinensis</i>
Leatherleaf Mahonia	<i>Mahonia bealei</i>
Agarito	<i>Mahonia trifoliata</i>
Dwarf Wax Myrtle	<i>Myrica pusilla</i>
Nandina	<i>Nandina</i> spp.
Prickly Pear	<i>Opuntia</i> spp.
Indian Hawthorn	<i>Raphiolepis indica</i>
Rose	<i>Rosa</i> spp.
Autumn sage	<i>Salvia greggii</i>
Spirea	<i>Spirea</i> spp.
Coralberry	<i>Symphoricarpos orbiculatus</i>

GROUNDCOVER/VINES

<i>Common Name</i>	<i>Botanical Name</i>
Ajuga	<i>Ajuga reptans</i>
Crossvine	<i>Bignonia capreolata</i>
Trumpet Vine	<i>Campsis radicans</i>
Purple Wintercreeper	<i>Euonymus fortunei</i> 'Coloratus'
Carolina Jessamine	<i>Gelesmium sempervirens</i>
Liriope	<i>Liriope muscari</i>
Winter Honeysuckle	<i>Lonicera albiflora</i>
Honeysuckle	<i>Lonicera japonica</i>
Coral Honeysuckle	<i>Lonicera sempervirens</i>
Monkey Grass	<i>Ophiopogon japonicus</i>
Boston Ivy	<i>Parthenocissus tricuspidata</i> 'Lowii'
Climbing Rose	<i>Rosa</i>
Sedum	<i>Sedum</i> spp.
Asian Jasmine	<i>Trachelospermum asiaticum</i>

<i>Common Name</i>	<i>Botanical Name</i>
Wysteria	<i>Wisteria sinensis</i>

ORNAMENTAL GRASSES

<i>Common Name</i>	<i>Botanical Name</i>
Bluestem	<i>Andropogon spp.</i>
Gramma Grass	<i>Bouteloua spp.</i>
Feather Reed Grass, Karl Foerster	<i>Calamagrostis acutiflora</i> 'Karl Foerster'
Pampas Grass	<i>Cortaderia selloana</i>
Dwarf Pampas Grass	<i>Cortaderia selloana pumila</i>
Lovegrass	<i>Eragrostis spp.</i>
Spangletop	<i>Leptochloa spp.</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis</i> 'Adagio'
Maiden Grass	<i>Miscanthus sinensis</i> 'Gracellimus'
Morning Light Maiden Grass	<i>Miscanthus sinensis</i> 'Morning Light'
Variiegated Japanese Silver Grass	<i>Miscanthus sinensis</i> 'Variiegatus'
Zebra Grass	<i>Miscanthus sinensis</i> 'Zebrinus'
Muhly Grass	<i>Muhlenbergia spp.</i>
Fountain Grass	<i>Pennisetum alopecuroides</i>
Hameln's Fountain Grass	<i>Pennisetum a.</i> 'Hameln'
Indian Grass	<i>Sorghasun nutans</i>
Mexican Feathergrass	<i>Stipa tenuissima</i>

GRASSES

<i>Common Name</i>	<i>Botanical Name</i>
Blue Grama	<i>Bouteloua gracilis</i>
Buffalograss	<i>Buchloe dactyloides</i>
Bermuda grass	<i>Cynodon dactylon</i>
St. Augustine	<i>Stenotaphrum secundatum</i>

(Ord. No. 99-03-35, § 10, 3-16-1999; Ord. No. 2000-01-03, § 1U, 1-4-2000; Ord. No. 2000-05-028, § 1D, 5-2-2000; Ord. No. 2002-08-084, § I.73, 8-20-2002; Ord. No. 2006-10-121, § VIII, 10-17-2006; Ord. No. 2008-07-066, § 3, 7-14-2008; Ord. No. 2012-04-017, § 1, 4-17-2012; Ord. No. 2014-12-096, § 3, 12-1-2014)

Sec. A-2. Quality tree list.

<i>Common Name</i>	<i>Botanical Name</i>
Caddo Maple	<i>Acer sacharum</i> 'Caddo'
Red Maple	<i>Acer rubrum</i>
Shantung Maple	<i>Acer truncatum</i>
Texas Buckeye	<i>Aesculus argute</i>

<i>Common Name</i>	<i>Botanical Name</i>
Chittamwood	<i>Bumelia lanuginose</i>
Hickory	<i>Carya spp.</i>
Pecan	<i>Carya illioinensis</i>
Redbud	<i>Cercis spp.</i>
Dogwood	<i>Cornus drummondii</i>
Smoketree	<i>Cotinus coggygria</i>
Hawthorn	<i>Crataegus</i>
Arizona Cypress	<i>Cupressus arizonica</i>
Leyland Cypress	<i>Cupressocyparis leylandii</i>
Texas Persimmon	<i>Diospyros texana</i>
Texas Ash	<i>Fraxinus texensis</i>
Gingko	<i>Ginkgo biloba</i>
Possumhaw Holly	<i>Ilex decidua</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Alligator Juniper	<i>Juniperus deppeana</i>
Walnut	<i>Juglans nigra</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Saucer Magnolia	<i>Magnolia soulangiana</i>
Star Magnolia	<i>Magnolia stellate</i>
Crabapple	<i>Mallus spp.</i>
Dawn Redwood	<i>Metasequoia glyptostroboides</i>
Eldarica Pine	<i>Pinus eldarica</i>
Austrian Pine	<i>Pinus nigra</i>
Chinese Pistache	<i>Pistachia chinensis</i>
Sycamore	<i>Platanus occidentalis</i>
Cherry Laurel	<i>Prunus caroliniana</i>
Mexican Plum	<i>Prunus mexicana</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Lacey Oak	<i>Quercus laceyi (Q. glaucooides)</i>
Bur Oak	<i>Quercus macrocarpa</i>
Black Jack Oak	<i>Quercus marilandica</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Water Oak	<i>Quercus nigra</i>
Willow Oak	<i>Quercus phellos</i>
Shumard Oak	<i>Quercus shumardi</i>
Texas Red Oak	<i>Quercus shumardi 'Texana'</i>
Durand Oak	<i>Quercus sinuate</i>

<i>Common Name</i>	<i>Botanical Name</i>
Bigelow Oak	<i>Quercus sinuate var. breviloba</i>
Post Oak	<i>Quercus stellata</i>
Live Oak	<i>Quercus virginiana</i>
Carolina Buckthorn	<i>Rhamnus caroliniana</i>
Western Soapberry	<i>Sapindus drummondii</i>
Eve's Necklace	<i>Sophora affinis</i>
Pond Cypress	<i>Taxodium ascendens</i>
Bald Cypress	<i>Taxodium disichum</i>
Cedar Elm	<i>Ulmus carassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Rusty Blackhaw	<i>Viburnum rufidulum</i>

(Ord. No. 2014-12-096, § 3, 12-1-2014)

Editor's note—Ord. No. 2014-12-096, § 3, adopted December 1, 2014, amended the Code by repealing former § A-2, and adding a new § A-2. Former § A-2 pertained to the approved xeriscape plant list, and derived from Ord. No. 2012-04-017, adopted April 17, 2012.

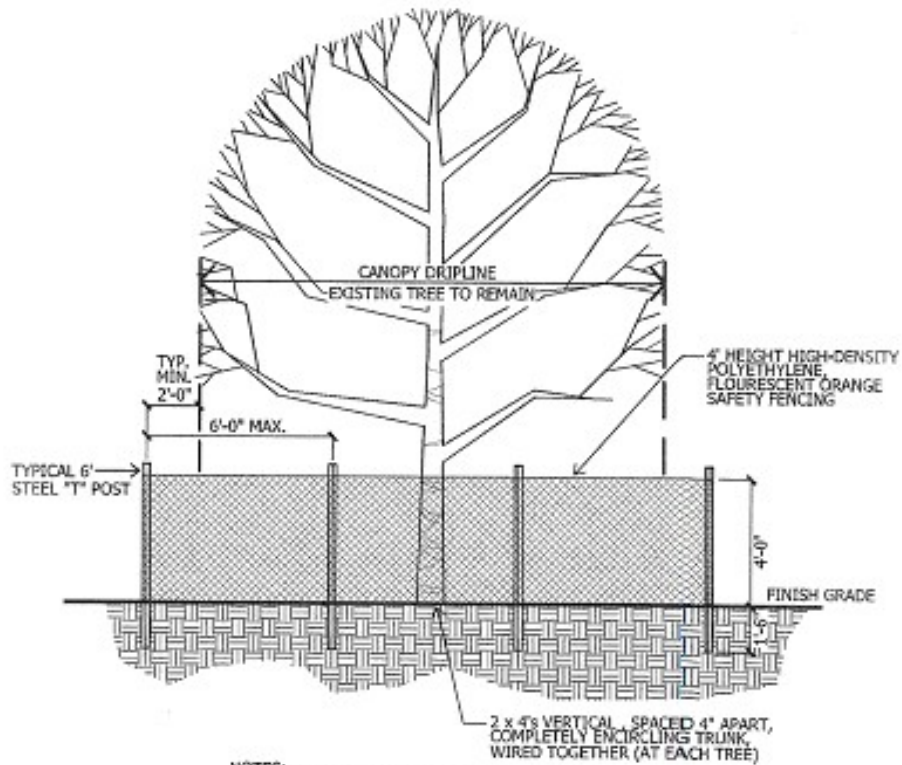
Sec. A-3. Prohibited tree list.

<i>Common Name</i>	<i>Botanical Name</i>
Mimosa	<i>Albizia julibissin</i>
Aristocrat Pear	<i>Pyrus calleryana 'Aristocrat'</i>
Bradford Pear	<i>Pyrus calleryana 'Bradford'</i>
Bois d' Arc	<i>Maclura pomifera</i>
Catalpa	<i>Catalpa bignonioides</i>
Cottonwood	<i>Populus deltoids</i>
Hackberry	<i>Celtis occidentalis</i>
Lombardy Poplar	<i>Populus nigra italic</i>
Silver Poplar	<i>Populus deltoids</i>
Mulberry	<i>Morus alba</i>
Siberian Elm	<i>Ulmus pumila</i>
Silver Maple	<i>Acer saccharinum</i>

(Ord. No. 2014-12-096, § 3, 12-1-2014)

Editor's note—Ord. No. 2014-12-096, § 3, adopted December 1, 2014, amended the Code by repealing former § A-3, and adding a new § A-3. Former § A-3 pertained to the quality tree list, and derived from Ord. No. 2002-08-084, adopted August 20, 2002; and Ord. No. 2012-04-017, adopted April 17, 2012.

Sec. A-4. Illustrations for tree protection standards.



NOTES:

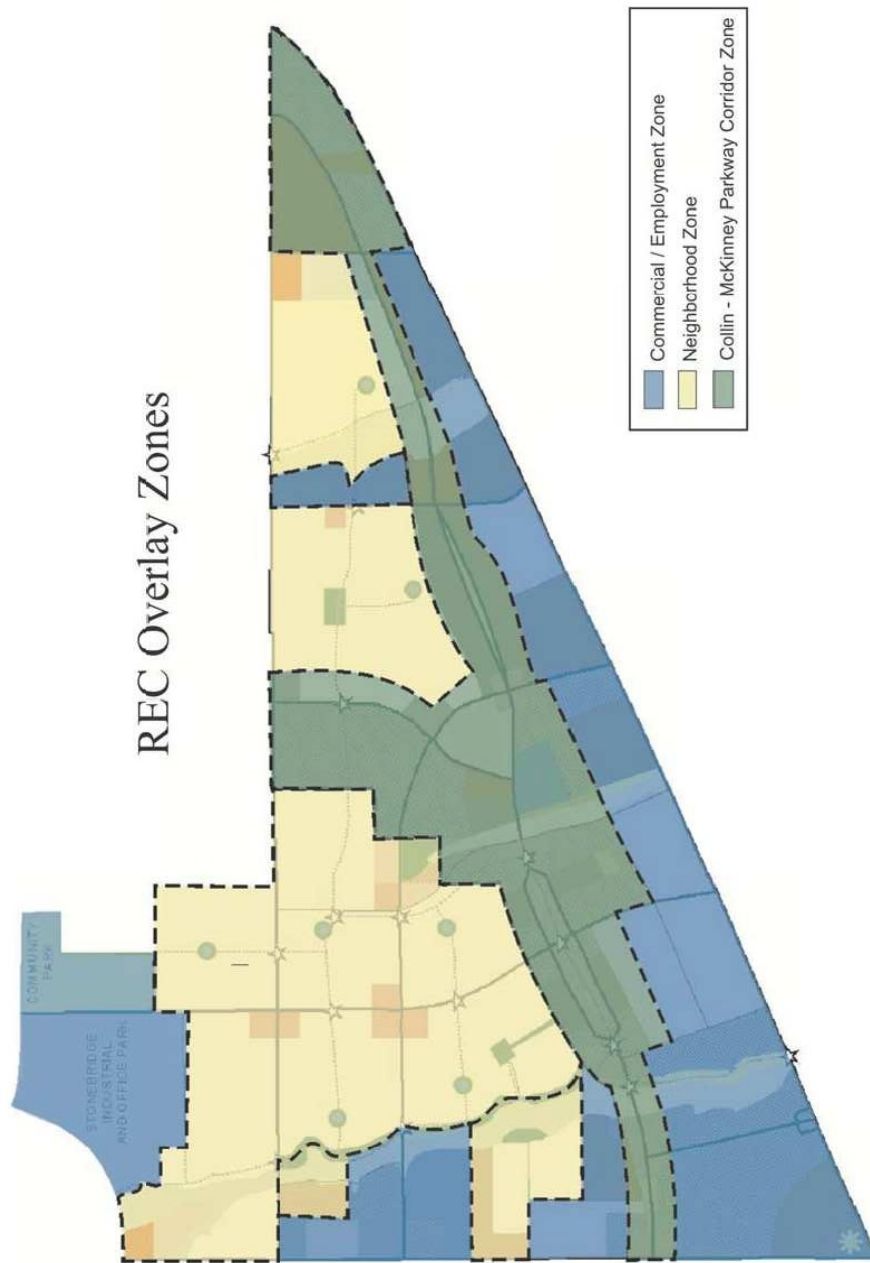
- 1. FENCE SHALL BE MAINTAINED AND REPAIRED AS REQUIRED DURING ALL PHASES OF CONSTRUCTION
- 2. NO CONSTRUCTION TRAFFIC, GRADING, STORAGE, OR WASTE DISPOSAL ALLOWED WITHIN FENCED AREAS AROUND EXISTING TREES.

**DETAIL L1.01
EXISTING TREE
PROTECTION DETAIL**
not to scale

(Ord. No. 2002-08-084, § I.73, 8-20-2002; Ord. No. 2012-04-017, § 1, 4-17-2012; Ord. No. 2014-12-096, § 3, 12-1-2014)

APPENDIX B. URBAN DESIGN STANDARDS FOR THE REGIONAL EMPLOYMENT CENTER

Section B-1. Map of regional employment center overlay zones.



(Ord. No. 2002-08-084, § I.73, 8-20-2002; Ord. No. 2014-05-034, § 1, 5-20-2014)

Section B-2. Regional employment center—Overlay urban design standards.I. *Overview*

- A. *General purpose.* The following standards and guidelines implement the amendments to the future land use plan for the city's regional employment center (REC). Proposed zoning of the property shall be in keeping with the future land use plan. These urban design standards and guidelines are implemented by means of an overlay zoning district for the REC, and these standards and guidelines are applicable in the REC base zoning districts.

The purpose of these standards and guidelines is to allow for the development of fully integrated pedestrian-oriented neighborhoods, corridors and districts in the REC. The intent is to minimize traffic congestion, relative infrastructure costs, and environmental degradation while improving quality of life and promoting the health, safety and welfare of neighborhood communities. The standards and guidelines are based on the following principles:

- All neighborhoods have identifiable centers and edges.
 - Shopping, recreation and basic neighborhood services are accessible by non-vehicular means in the neighborhoods.
 - Each neighborhood shall provide a mixed-use neighborhood center accessible by walking no more than one-half mile.
 - Uses and housing types are mixed and in close proximity to one another, utilizing urban design to facilitate the compatibility of different uses.
 - The streets, blocks, and the placement of buildings on lots encourage pedestrian activity.
 - Streets are interconnected, forming a network.
 - Civic buildings and civic space are given prominent sites.
 - Parks are evenly distributed throughout neighborhoods - within one-quarter of a mile from most dwelling units.
 - Schools are located within a ten-minute walk or one-half mile from a majority of the dwelling units in a neighborhood.
- B. *Overlay categories.* The design standards are organized and divided into three overlay zoning categories. These overlay categories will match appropriate urban design with the desired vision for a given area, while maintaining the projected tax base profile of the REC as generally established in the future land use plan.

The three overlay categories are as follows:

1. *Neighborhood zone.*

Intent and purpose: Each development shall be predicated on the neighborhood as the basic unit of development, with a distinct edge and center that provides the location for the neighborhood's civic buildings (e.g., churches, libraries and

meeting halls), primary civic open spaces and primary neighborhood commercial uses. Generally, larger residential lots should be strategically located so that higher intensity residential development is located within and adjacent to neighborhood activity centers.

2. *The Collin-McKinney Parkway corridor zone.*

Intent/purpose: This zone shall provide opportunities for the public to live, work, shop, walk, bicycle and drive within and through the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street and parkway environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the pedestrian; to provide adequate and efficient servicing of the development by trucks and utility vehicles throughout the REC, but to minimize the visual and auditory impact of such service; to strengthen relationships and encourage movement between important destinations inside and outside the development.

3. *Commercial/employment zone.*

Intent/purpose: Commercial/employment districts are located principally along SH 121 and in some locations along Custer Road. The intended uses in these districts are large employers involved in commercial/light industrial activity that are dependent upon SH 121 and are not easily incorporated into the fabric of a town center or neighborhood. Buildings of all sizes, large and small, are allowed in commercial/employment districts, as are the associated parking lots, loading and shipping facilities of light industrial activity. Residential uses are permitted above nonresidential uses to promote with the mixed use strategy for the REC.

(See § B-1 of this appendix)

II. *Definitions.*

Alley: A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic. An alley is meant to provide access to abutting property, provide utility service, and as a right-of-way with an ultimate width of 20 feet or less. ~~A narrow service access to the rear of buildings providing service areas, parking access, and utility easements.~~

A type streets: Streets designed with, or characterized by, features that promote safety, comfort, and convenience of pedestrians and transit users. A Streets shall provide monolithic curbing, sidewalks at least five feet wide (at least ten feet wide in neighborhood centers), street trees, narrow streets with narrow curb turning radii at intersections, buildings sited close to the street, pedestrian-scaled lighting, on-street parking, no onsite parking between the street and the building facade facing the street with all onsite parking located behind the rear face of the building, aligned front building facades, and building entrances facing the street. The A streets shall be organized in a continuous network so that the pedestrian experience is uninterrupted throughout the neighborhood. On type A streets, 100 percent of the off-street surface parking shall be located behind the rear face of

the building.

B type streets: All other streets that are not A type streets.

Big-box retail: Typically single stores located in a building larger than 60,000 square feet, which are often grouped with other big-box stores and which are distinguished by substantial setbacks and large parking lots with little or no pedestrian access.

Build-to line: The build-to line on a block is the surveyed line of a uniform distance away from the front property line, up to which front building facades are required to be built. Porches, eaves and awnings may encroach across the build-to line. The build-to-line shall be established and platted based upon the applicable standards herein in order to create an even building facade line along the street.

Commercial frontage: The utilization of storefronts, entryways, transparent windows, cafes, and courtyards with active uses, creating an active pedestrian environment along a street.

Community green: An area of smooth turf enabling gatherings for outdoor events and activities, bounded by a concentration of uses including commercial, retail, residential, community, civic and public.

Corner store: A retail store no greater than 4,000 square feet in gross floor area that is located on a corner and fronts onto a major local street or greater street, which provides retail services and goods primarily oriented to serve the residents of the immediately surrounding neighborhood. Residential and other permitted uses are encouraged on the upper level.

Courtyard: A hard-surfaced or landscaped space within a lot, open and unobstructed to the sky so as to receive sunlight, located at or above grade level, and bounded on three or more sides by the walls of a building or a vegetative wall.

Developer: Any person seeking approval under these standards and guidelines for any form of development.

Dwelling unit: One or more rooms providing complete living facilities, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

Internal open space: Plazas, commons, greens, tot lots, non-municipally owned urban parks, squares, but not utility easements, which provides a central focus for a neighborhood mixed-use area and which is accessible so that the open space is within walking distance (no more than 1,320 feet) of 90 percent of the lots of the neighborhood.

Live/work unit: A dwelling unit providing for a combination of uses in which employment can occur on a segregated floor of a residential structure. There shall be allowed a maximum of one nonresident employee per live/work unit, requiring one additional off-street parking space.

Mixed-use: A building or connected buildings that contain both residential and commercial uses.

Net average density: The number of dwelling units per acre averaged over the neighborhood portion of a development (i.e., not the Collin McKinney Parkway Corridor portion), net of rights-of-way, open space, and other nonresidential uses.

Neighborhood center: An area reserved as a place for the neighborhood development, which provides a community gathering place such as a green, plaza or commercial Main Street. The neighborhood center shall accommodate civic, restaurant, retail and mixed use residential uses.

Neighborhood development: An area 40 to 160 acres in size with a mix of housing types, providing at least one neighborhood center.

Peripheral open space: Woodlands, areas surrounding creeks or ponds, other preserved natural areas, community gardens, golf courses and other semi-natural recreation areas such as disc-golf courses. Peripheral open space may not be used to meet the internal open space requirement.

Plaza: An animated gathering space, predominately hard-surfaced with complimentary landscaping, water features, and other site furnishings; framed on at least two-sides by the vertical rise of building walls; or framed by closely planted large maturing trees in lieu of buildings.

Retail access sleeve : A narrow street with sidewalks or an improved pedestrian-way that connects a neighborhood internally with a retail center that is typically located on an arterial or at the intersection of major thoroughfares, enabling the residents of the neighborhood to access the retail center without having to travel onto the arterial or major thoroughfares.

ROW: The right-of-way, or the dedicated strip of land that encompasses a publicly owned infrastructure, such as a street and sidewalk.

Single-loaded street: A drive that has improved lots running along only one side of the street and typically providing access to a public open space along the other side of the street.

Street cross-section proportions/ratios: The proportion or ratio, between width and eave height, of the space between facing buildings on opposite sides of a street. For example, a street open space of 60 feet between buildings 30 feet in height would have a streetscape ratio of 2:1.

Street trees: Trees planted in the planting strip or parkway between the sidewalk and the street, approximately spaced 30 feet on-center.

Town house/row house: Attached dwellings with each unit providing a separate public street entrance and frontage.

Urban (pedestrian-oriented): A development pattern characterized by a mix of commercial, institutional, residential (often times vertically integrated with non-residential uses), and recreational uses located in close proximity to one another connected via a network of streets accommodating the automobile while encouraging pedestrian interaction

and activity. Urban features often include, but are not limited to: Aligned front building facades pulled closely to the street; street trees, pedestrian-scaled lighting, and pedestrian seating defining and protecting the pedestrian realm between streets and building facades; on-street parking offering direct access into building entrances; off-street parking areas located behind buildings; and centrally located open spaces (parks, plazas, courtyards, squares) offering public gathering areas.

III. *Overarching design guidelines.* The following design standards are applicable for all developments within the REC:

A. *The regional context.*

1. Neighborhood location shall be consistent with the future land use plan for REC, including the preservation of open space and development of alternative modes of transportation, including hiking, biking and public transit.
2. Neighborhoods should be connected in as many locations as possible to adjacent developments and thoroughfares.
3. Highways and arterial roads shall go around the neighborhoods rather than through them. Where they do come in contact with the neighborhoods, these roads should be designed for low speeds.
4. Arterial roadways through neighborhoods and urban activity centers should take the form of the type A or Main Street or an avenue. At the edge of the neighborhood they should take the form of a parkway or a boulevard.
5. A network of interconnecting streets shall be developed to create several alternative routes through and between neighborhoods and commercial/employment districts.
6. The interconnecting street network is not meant to be and should not provide a cut-through alternative to arterials.

B. *The site context.*

1. All lakes, ponds, creeks, wetlands, and other natural features should be retained in the design and development process.
2. Significant natural amenities should be fronted by streets or paths at least 30 percent of their length rather than privatized behind backyards.
3. Submitted plans should locate neighborhood centers and sub-centers such as squares, greens, and parks at significant tree stands and other natural amenities.
4. All developments should conform to the site topography to minimize the amount of grading necessary to achieve a viable street network.

C. *Gateways and vistas.*

1. *Generally.* Views of significant features and buildings should be preserved and enhanced to aid the public in becoming oriented within an area.

2. *View corridors.*
 - a. Street vistas should terminate with a significant view or building. A carefully sited building, public tract, a view of a natural feature, or an angle in the street shall terminate street vistas.
 - b. Developments shall include a plan to protect important views by designating the following on subsequent site plans:
 - i. Locations from which significant views of natural features are visible; locations from which water features or parkland can be seen and from which access is possible; and the location of open space, buildings, landscaping, and pathways that will protect, provide access to, or provide a frame for these significant views.
 - ii. Locations from which views of major landmarks of the built environment, such as fountains, sculpture, or important architectural features either within or outside a development are visible, and the location of open space, buildings, landscaping, and pathways that will protect, provide access to, or provide a frame for these significant views.

3. *Focal points.*

- a. The site design should designate major entranceways into a development and include some type of entry feature such as landscaping, an entry monument, sculpture or fountain.
- b. At gateways into the REC and key intersections of arterials within the REC, ornamental landmarks should be integrated into site design to create visual focal points and a sense of identity. These should include monuments, artwork, and/or ornamental landscaping features.

- D. *Connectivity, linkages and access.*

1. Because the REC street and pedestrian network can serve as a bicycle route as part of the regional bicycle system, all developments should consider, in the site design, locations for bicycle parking and bicycle access connecting with the regional routes.
2. Developments shall make provisions for bicycle trails, lanes and routes as part of an interconnected system, as directed by these guidelines and the city master park and trails plan.
3. Single-loaded collector and neighborhood streets should abut at least 30 percent of the total area along creeks and waterways.

- E. *Site design.*

1. All buildings shall face public streets unless they face a plaza or a courtyard.
2. Site design shall provide direct access into the buildings from the public sidewalk.

3. Sites shall be designed with a continuous pedestrian system throughout the development.

F. *Architectural design guidelines.*

1. The architectural standards ordinance shall apply in the REC. Meritorious exceptions may be requested as provided for in the architectural standards ordinance.
2. Buildings should reflect a continuity of treatment in the following:
 - a. Building scale;
 - b. Subtly graduated rather than drastic changes;
 - c. Maintaining front yard build-to line;
 - d. Use of front porches on residential buildings;
 - e. Maintaining the cornice line in buildings of the same height;
 - f. Extending horizontal lines of windows and doors; and
 - g. Echoing architectural styles and details, design themes, building materials, and colors of the local context.
3. Buildings on corner lots should be designed as significant structures.
4. Buildings should avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections, recesses, and changes in floor level should be used to add architectural interest and variety, and to relieve the visual effect of a simple, long wall. Roofline offsets should be provided as well, in order to provide architectural interest and variety to the massing of the building and to break the roof into smaller scale components.
5. The exterior of townhouses and apartments may be designed to appear as a single building, such as a large single family detached dwelling.
6. The architectural treatment of the front facade should continue, in its major features, around all visibly exposed sides of a building. All sides of a building should be architecturally consistent with regard to style, materials, colors, and details. Blank wall or service area treatment of side and/or rear elevations visible from the public right-of-way is discouraged.
7. Gable roofs with a minimum pitch of 9/12 are encouraged. When hipped roofs are used recommended minimum pitch should be 6/12. Flat roofs should be avoided on one-story buildings but may be allowed for commercial buildings two stories or higher. Other roof types should be appropriate to the architecture of the building. Mansard roofs are generally discouraged, particularly on buildings less than three stories in height. Architectural embellishments that add visual interest to the roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.

8. Blank, windowless walls are strongly discouraged on all sides of buildings. If building codes necessitates such walls, the walls should be articulated and/or textured, and landscaped.
 9. All building entrances should be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and others as appropriate. All these elements, as well as the doors, should be compatible with the style, materials, colors, and details of the building as a whole.
 10. In mixed-use buildings, the difference between ground level commercial uses and entrances for upper level commercial or apartment uses should be reflected by differences in facade treatment. Storefronts and other ground floor entrances should be accentuated through cornice lines. Further differentiation could be achieved through distinct, but compatible, exterior materials, signs, awnings, and exterior lighting.
 11. Storefronts should be integrally designed with the upper floors to be compatible with the overall facade character. Ground floor retail, service, and restaurant uses should have large pane display windows not to exceed 75 percent of the ground level facade area. Those large panes shall rest on a base of at least 18 inches at the ground level unless approved as part of site plan approval if found to be in keeping with the spirit of the architectural design guidelines. Buildings with multiple storefronts should be coordinated through the use of architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.
 12. Light fixtures attached to the exterior of the building shall be architecturally compatible with the style, materials, colors, and details of the building, and level of illumination should comply with local building codes. The type of light source on the exterior of buildings, signs, parking areas, walkways, and other areas of site, and the quality of light, shall be the same or compatible. Facades should be lit from the exterior, and generally light sources should be concealed.
 13. All A/C units, HVAC systems, exhaust pipes and stacks, elevator housing, satellite dishes and other such devices shall be thoroughly screened by walls, fencing, roof elements, penthouse-type screening devices, or landscaping.
- G. *Sign design standards.* All signs within the REC area shall comply with the following sign regulations:
1. For A streets, apply commercial historic district sign standards.
 2. Neon signs are permitted on A streets.
 3. For all other streets, the regulations of the city sign ordinance shall apply, except that billboards shall be prohibited.

H. *Landscaping standards.*

1. Landscaping should be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, fountains and other features, trellises, pergolas, gazebos, fences, walls, street furniture, and public art.
2. Landscaping and site treatment plans should consider seasonal flowers in planters, planting beds, and hanging baskets.
3. To conserve energy, landscaping should include the planting of evergreen windbreaks to block the northwest winds in the winter, thereby reducing heating energy costs. Deciduous trees shall be planted near the southern facades of buildings to block summer sun, thereby reducing solar heat gain during the summer months.
4. Detention basins, headwalls, outlet structures, concrete flow channels, rip rap channels, and other drainage improvements shall be screened with plant material and/or berms. Such drainage structures, as appropriate, shall be situated in the least visible locations or, if visible, incorporated into the natural curves of the land. Detention basin embankment and the basin itself shall be extensively landscaped with wet-site-tolerant plant materials and shall be sized to accommodate the future growth of the planted vegetation.
5. Shade trees.
 - a. Shade trees shall be provided along each side of all streets, public or private, existing or proposed. Shade trees shall also be massed at critical points, such as at focal points along a curve in the roadway. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified. For single family residential lots, the shade tree requirement shall count as one of the required lot trees.
 - b. Shade trees shall have a minimum caliper of three inches and/or a minimum height of ten feet at time of planting, and a maximum spacing of 30 feet on center, with exact spacing to be evaluated on a site-specific basis.

I. *Lighting standards.*

1. Along all type A streets, commercial or mixed use streets, parking areas, sidewalks, walkways, courtyards, community greens, and interior open spaces in a neighborhood, maximum 13-foot high decorative lamps and lamp posts shall be provided. On commercial streets these lamp posts shall be spaced no more than 80 feet on center. On local streets, lighting should be confined to intersections and corners.
2. In parking lots, post height may be extended to maximum of 16 feet.

IV. *Neighborhood zone.*

Intent and purpose: Each development shall be predicated on the neighborhood as the basic unit of development, with a distinct edge and center that provides the location for the neighborhood's civic buildings (e.g., churches, libraries and meeting halls), primary civic open spaces and primary neighborhood commercial uses. Generally, larger residential lots should be strategically located so that higher intensity residential development is located within and adjacent to neighborhood activity centers.

A. *Land use mix and allocation.*

1. Each neighborhood development is defined as an area 40 to 160 acres in size and shall provide at least one neighborhood center. The size of a neighborhood development may be increased as part of the zoning process in order to provide flexibility for large master planned developments. A sustainable neighborhood provides a mix of uses and activities, including shopping, employment, schools, recreation, civic and all types of housing, which enables people of all ages and means to access conveniently the various services and uses needed and desired, whether one is driving, cycling or walking.
2. Each neighborhood shall include a mix of uses as follows on a gross acreage basis:

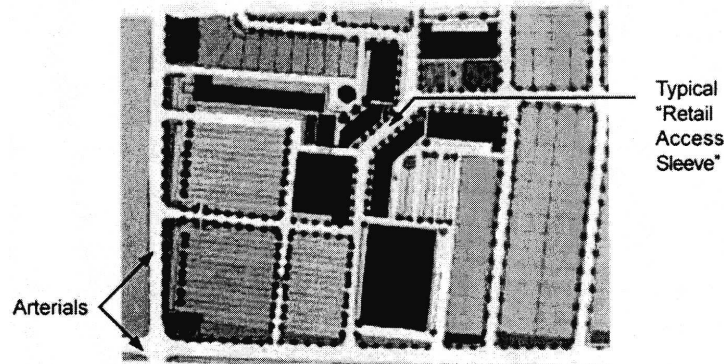
Public, civic and open space	5—15%
Neighborhood retail center	2—10%
Residential	75—93%

- a. Public and civic uses include non-municipally owned public parks, other improved internal open space, schools, churches, amenity centers (e.g., pools, tennis courts) and other public facilities.



- b. The minimum internal open space for any one neighborhood development shall be the greater of two acres or five percent of the gross acreage of the development. Dedicated trailways may account for no more than 25 percent of the minimum internal open space requirement.

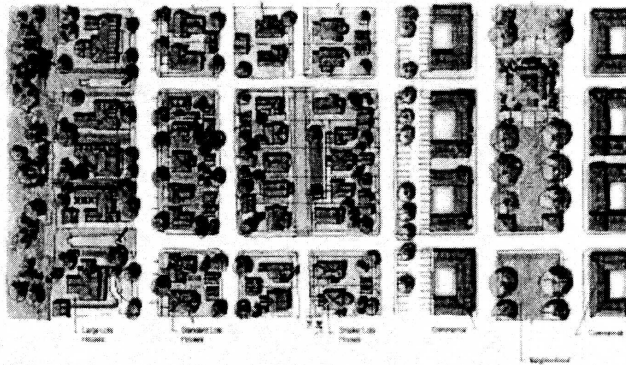
- c. Flood plains can be counted as open space, provided that they abut a single-loaded street with lots on the other side of the street facing the flood plain open space, and that they provide for and permit pedestrian access.
- d. Commercial retail uses are intended to be principally neighborhood services, shopping, professional services, and sit-down restaurants; but they are not intended to be big box retail, general office, or any use greater than 20,000 square feet. This notwithstanding, retail uses greater than 20,000 square feet that do not exceed 60,000 square feet are allowed only if they front a major arterial, and if the site design for the uses provides for direct pedestrian and vehicular access from the adjacent neighborhood via the use of an access sleeve so that vehicles and pedestrians can access the retail site without the utilization of the arterial.



Craig Ranch, McKinney, Texas Charrette, Duany-
Plater Zyberk

- 3. A diversity of housing types within close proximity of one another is encouraged. For housing types south of F.M. 720 and east of Rowlett Creek, there shall be a minimum of five percent each of at least four of the following seven categories:
 - a. Single family detached dwellings on large lots;
 - b. Single family detached dwellings on standard lots;
 - c. Single family detached dwellings on small lots;
 - d. Town/row houses;
 - e. Dwellings above nonresidential space;
 - f. Two-, three- and four-family dwellings;
 - g. Multifamily apartment buildings;

For neighborhoods north of F.M. 720 and west of Rowlett Creek, the housing type mix is optional.



Transition of Uses

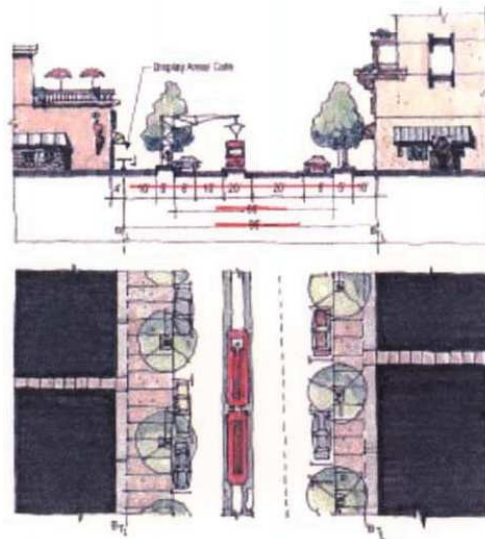
Specifications for each of these housing types are provided in the area and bulk regulations herein.

4. Each single family detached dwelling is permitted to contain an accessory dwelling unit in the rear yard, such as an apartment over the garage, or a freestanding structure.
5. For purposes of residential density calculation, only primary units shall count as dwelling units; accessory residential units on single family residential lots and dwellings above nonresidential uses shall not count as dwelling units.
6. Subsidized housing should be architecturally indistinguishable from market-rate housing. Residential densities shall be as follows:

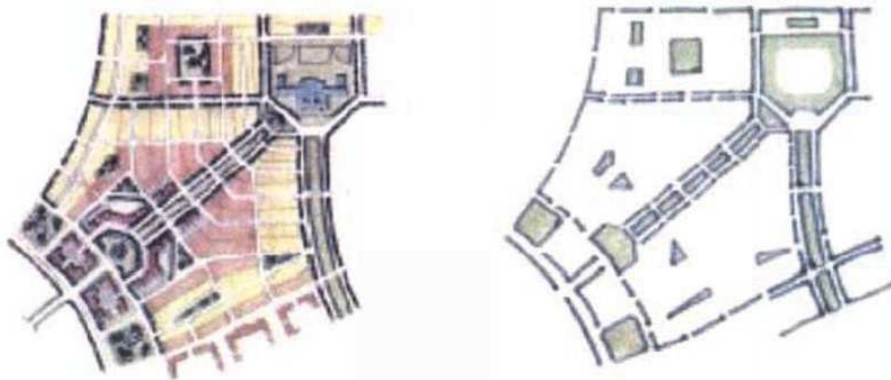
	<i>For Developments Within 800 Feet of the Right-of-Way of Collin-McKinney Parkway</i>	<i>For All Other Developments in Neighborhoods</i>
Minimum net average density:	N/A	4 dwelling units/acre
Maximum net average density:	No maximum	18 dwelling units/acre

7. Residential net density should generally decrease from the community green and/or neighborhood center towards the periphery. Smaller lots and higher density blocks are generally located closer to the community green and Main Street commercial area. The segregation of dwelling unit types is discouraged and different types of dwelling units may be mixed in any distribution within any single block.
8. Apartments intended to develop in an urban, pedestrian-oriented manner shall be designed in multiple small buildings that are sited on the street's build-to line, and such that each ground floor unit faces the street in order to maximize

compatibility with the urban design of the other adjacent residential and commercial uses. Apartment buildings that do not intend to develop in an urban manner shall follow the alternative setbacks provided for in the *Area and Bulk Regulations for Apartment Dwellings of the Neighborhood Zone*.

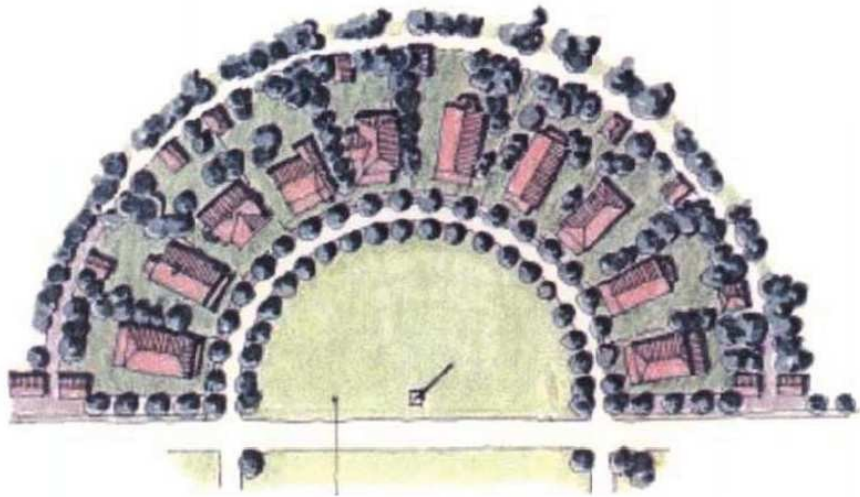


9. Within a mixed-use development in the neighborhood center, residential dwellings shall not be located on the ground floor, although ground floor entryways to internal stairwells are permitted.
10. Like uses should be placed across the street from one another.
11. Elementary schools should be located no more than ten minutes' walking distance from most dwellings, roughly one-half mile, and should be easily accessible on foot. Residential developers should confer with the applicable school district to determine the need and desired location for new school sites.
12. Open space within the neighborhood should not be leftover space, but rather it should be parks, greens, squares, or plazas designed as a network.



Neighborhood Plan, Green and Open Space System

13. Any large area of open space between neighborhoods should be connected.



Village Green

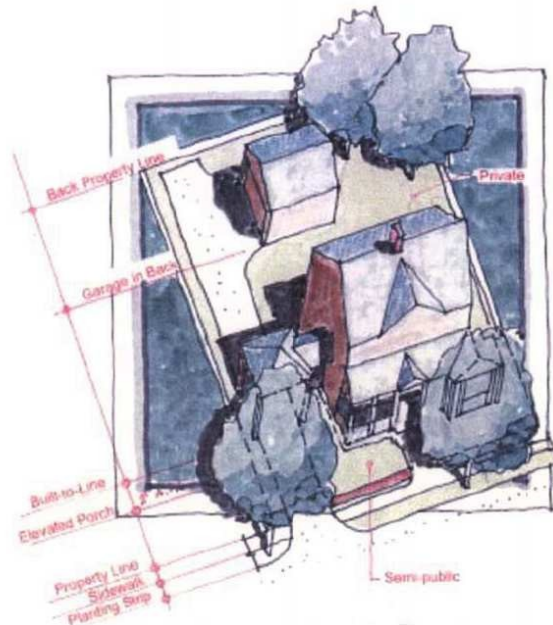
B. *Site design.*

1. *Residential.*

- a. Residential uses intended to develop in an urban, pedestrian-oriented manner shall establish a single specific build-to-line for the respective opposing block faces down a street. The build-to-line shall be no greater than one-third and no less than one-tenth of the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to-line. Residential

uses that do not intend to develop in an urban manner shall follow the alternative setbacks provided for in the *Area and Bulk Regulations for Single Family Detached (Large, Standard, and Small lot) and Townhouse Dwellings* of the *Neighborhood Zone*.

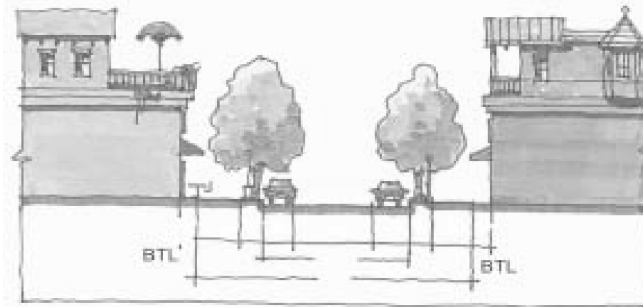
- b. Encroachments by stoops, eaves, overhangs, porches, bay windows and balconies within the area between the property line and the build-to line are permitted. However, no building shall encroach into the area between the build-to-line and the property line.



Area and Bulk Regulation Elements

- c. Lot widths should vary in order to provide design character along a street.
- d. All dwellings are encouraged to have a finished first floor elevation at least two feet above the finished surface grade of the lot at the front door. This provision does not apply to accessory dwelling units.
- e. The front of detached garages accessed by driveways from the front of the house shall be set back a minimum of ten feet from the back of the house or rotated so that the garage doors do not face adjacent streets.
- f. Attached garages accessed by driveways from the front of the house are encouraged to be set back at least 20 feet from the front facade of the house. Front facing garage doors shall be no closer than 20 feet from the front property line.
- g. There shall be no more than one accessory unit located on a single family dwelling lot.

- h. Dwelling units on any street should have a front entrance articulated by a covered front entry porch. Porches generally should be located on the front of the building or wrapping, and occasionally on the side. Porches are encouraged to be at least four feet in depth.
 - i. Residential buildings should have relatively flat fronts and simple roofs, with most wings and plan articulations set at the rear.
 - j. At least 35 percent of the facade facing a street of each ground floor apartment dwelling shall consist of window and door openings, except as approved as part of a site plan if found to be in keeping with the overall residential site design principles.
 - k. A corner store may be located in an area zoned residential, provided it fronts onto a major local or greater street and is located on a corner. Corner store buildings shall be designed to appear as residential buildings; and ground level commercial uses shall not exceed 4,000 square feet, with residential uses on the upper level encouraged. Corner stores should be primarily oriented to serve the residents of the immediately surrounding neighborhood.
2. *Neighborhood center.*
- a. The developer(s) of a neighborhood development shall designate land in a central location and of sufficient size to serve as a neighborhood center. The neighborhood center shall be incorporated in to the zoning and platting of the property. The neighborhood center base zoning district shall be used as the appropriate device for entitling and reserving land for this purpose.
 - b. The amount of land reserved shall be at least 100 square feet and no more than 200 square feet of commercial land area per each primary residential dwelling unit, counting all residential units at build-out.
 - c. The Neighborhood Center component should front on the interior streets of the neighborhood. If the Neighborhood Center fronts on an arterial street, it shall provide for direct pedestrian and vehicular access from the adjacent neighborhood via the use of a sleeve so that vehicles and pedestrians can access the retail site without the utilization of the arterial street (see sleeve diagram, Subsection V.A.2.d. above). Commercial uses can be mixed and integrated with second story dwelling units.



Commercial Main Street at Neighborhood Center

- d. The neighborhood center shall contain or be adjacent to a community green, a main street, a plaza or a square.
- e. If the development includes a main street commercial area and a community green or plaza or square, the community green or plaza or square should either front upon the main street; the main street should terminate at the community green or plaza or square; or the main street and the community green or plaza or square should combine to create a neighborhood focus.
- f. Commercial uses should be contained in multi-story, mixed-use structures with commercial/retail uses on the ground level and apartment dwellings or offices on the upper levels. The maximum ground level footprint of a commercial building should be no more than 10,000 square feet unless the building mass is designed so as not to overwhelm the adjacent areas and buildings.
- g. Restaurants are permitted to operate outdoor cafes on sidewalks (including areas in the public right-of-way) and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired, and so long as public health, safety and welfare are maintained.

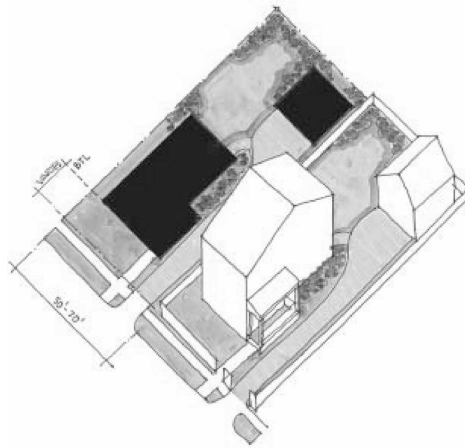
The following guidelines are applicable:

- i. A minimum of five feet of sidewalk along the curb leading to the entrance of an establishment shall be maintained free of tables and other encumbrances.
- ii. Planters, posts with ropes, or other removable enclosures are encouraged to define the area occupied by the cafe.
- iii. Extended canopies, awnings, and umbrellas are permitted. Colors should compliment building colors.
- iv. Cafes shall provide additional trash receptacles.

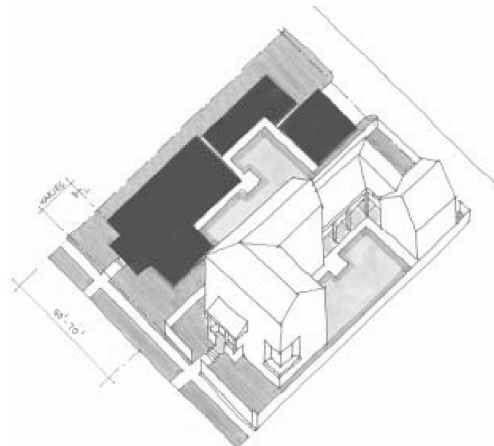
C. *Area and bulk regulations.*1. *Single family detached, large lot.*

Single family Detached Large Lot
with Front Access

- a. Minimum lot area: 8,400 square feet.
 - b. Minimum lot width: 70 feet.
 - c. Minimum lot depth: 100 feet.
 - d. Yard dimensions:
 - i. Build-to-line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to-line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to-line. Residences that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
 - ii. Side yard: Minimum of ten feet; 15 feet for the side facing the street on a corner lot.
 - e. Maximum building height: 45 feet or 2.5 stories.
 - f. Accessory unit allowed; maximum 750 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.
2. *Single family detached, standard lot.*



Single family Detached Standard Lot with Front Access

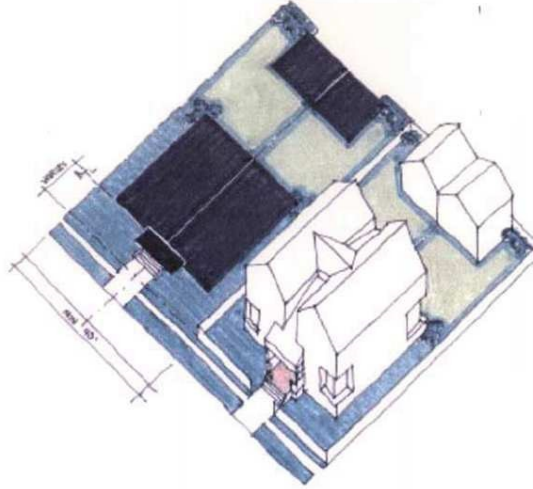


Single family Detached Standard Lot with Rear Access

- a. Lot area: A minimum of 5,000 square feet.
- b. Lot width: Minimum of 50 feet, and less than 70 feet.
- c. Minimum lot depth: 90 feet.
- d. Yard dimensions:
 - i. Build-to-line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to-line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street

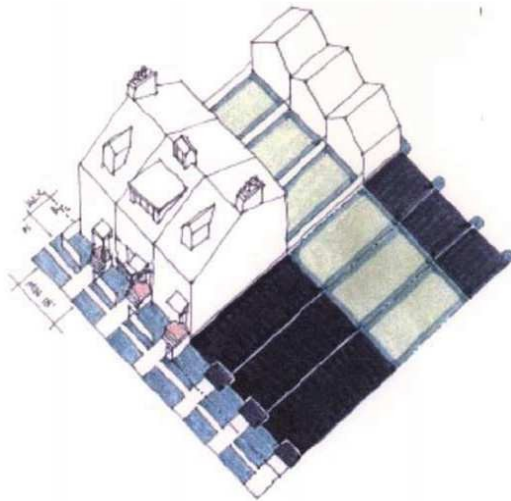
- block. Twenty percent may be set back further than the build-to-line. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
- ii. Side yard: Minimum of five feet (if a zero lot line product is to be constructed, a minimum building separation of ten feet shall be maintained and the zero lot line side of each lot intended to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat) except where otherwise warranted to maintain sight visibility requirements as determined by the city engineer.
 - e. Maximum building height: 35 feet or 2.0 stories.
 - f. Rear yard or side yard parking optional, alley optional.
 - g. Ancillary unit allowed; maximum 650 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.
3. *Single family detached, small lot.*
- a. Lot area: A minimum of 3,000 square feet.
 - b. Lot width: 35 feet or greater, but less than 50 feet; and up to 60 feet for a corner lot.
 - c. Minimum lot depth: 70 feet; 100 feet if ancillary unit utilized.
 - d. Yard dimensions:
 - i. Build-to-line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to-line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to-line. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
 - ii. Side yard: Minimum of five feet (if a zero lot line product is to be constructed, a minimum building separation of ten feet shall be maintained and the zero lot line side of each lot intended to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat) except where otherwise warranted to maintain sight visibility requirements as determined by the city engineer.
 - e. Maximum building height: 35 feet or 2.0 stories.
 - f. Rear yard or side yard parking required, and an alley is required.
 - g. Ancillary unit allowed (only if minimum lot depth is 100 feet), maximum 500 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.

- h. Attached structure shall be subordinate to the main structure at a minimum by a lower ridgeline.
- 4. *Two-, three-, and four-family dwellings.*



Two-, Three- and Four-Family Dwellings
with Rear Access

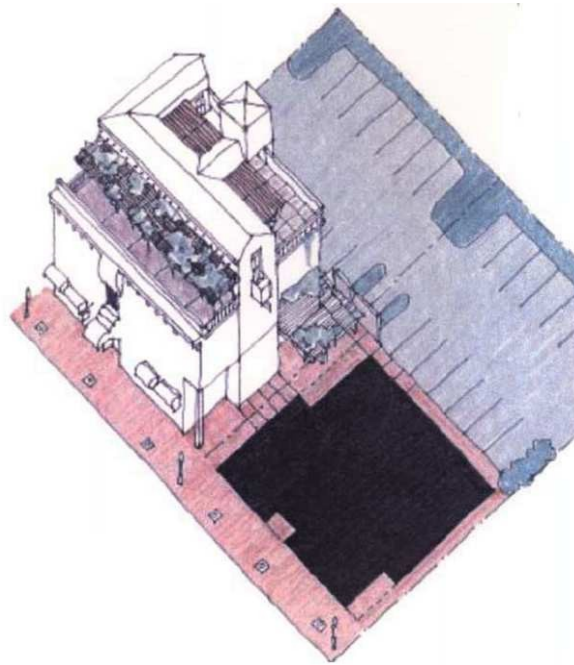
- a. Lot area: Minimum lot size 5,000 square feet, and minimum of 2,000 square feet per dwelling unit.
- b. Lot width: Minimum of 40 feet.
- c. Minimum lot depth: 100 feet.
- d. Yard dimensions:
 - i. Build-to-line: The build-to-line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to-line.
 - ii. Side yard: Minimum of five feet; 15 feet for the side facing the street on a corner lot.
- e. Maximum building height: 35 feet or two stories.
- f. Maximum lot coverage: 65 percent.
- g. Rear yard or courtyard parking required; an alley is required for lots less than 50 feet wide.
- h. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings, such as entryways, to facilitate compatibility with single family uses.



Townhouse Dwellings with Rear Access

5. *Townhouse (rowhouse) dwellings.*
 - a. Lot area: A minimum of 1,800 square feet and a maximum of 4,500 square feet per dwelling unit.
 - b. Lot width at front yard build-to-line: Minimum of 18 feet, maximum of 40 feet per dwelling unit.
 - c. Minimum lot depth: 80 feet.
 - d. Yard dimensions:
 - i. Build-to-line: The build-to-line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to-line.
 - ii. Side yard (end of row): Minimum of ten feet.
 - iii. Rear yard: Minimum of 20 feet.
 - e. Maximum building height: 35 feet or 2.5 stories, except that it may be increased to three stories per site plan approval.
 - f. Maximum building length: Eight dwelling units in a row along a block face.
 - g. Rear yard garage and alley access or contained internal courtyard parking is required.
 - h. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings to facilitate compatibility with single family uses.

6. *Apartment dwellings.*
 - a. Minimum lot area: 8,800 square feet.
 - b. Lot width: Minimum of 80 feet.
 - c. Minimum lot depth: 100 feet.
 - d. Yard dimensions:
 - i. Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to-line shall be 15 feet, unless located on a block along with non-apartment lots, thereby requiring the build-to-line to be calculated as prescribed in the residential site design section herein and such that the apartment lot is not utilized in the build-to-line average lot width calculation. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 35 feet.
 - ii. Side yard: Minimum of ten feet; 15 feet for the side facing a street on a corner lot.
 - iii. Rear yard: Minimum of 55 feet.
 - e. Maximum building height: For developments intending to develop in an urban, pedestrian-oriented manner, the maximum building height shall be 4 stories (buildings within 125 feet of a single family residential zoning district shall be limited to two stories). Buildings that are not intended to develop in an urban manner shall be limited to 35 feet or 2.5 stories.
 - f. Maximum lot coverage: 75 percent.
 - g. Maximum building length: Eight dwelling units in a row along a block face.
 - h. Rear yard parking and alley access required on type A streets; side yard parking but not front yard parking allowed on B streets.
 - i. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings to facilitate compatibility with single family uses, except as approved as part of a site plan if found to be in keeping with the overall residential site design principles.
7. *Commercial uses and mixed-use buildings.*

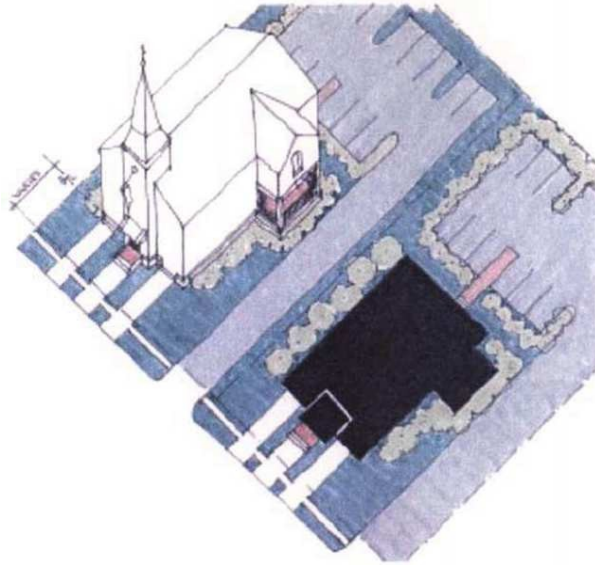


Commercial and Mixed-Use Dwellings

- a. Lot width: Minimum of 30 feet, maximum 115 feet.
- b. Minimum lot depth: 100 feet.
- c. Yard dimensions:
 - i. Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to-line shall be between two and six feet on commercial (main) streets and on all other streets in neighborhood centers; otherwise, utilize the build-to-line calculated as prescribed in the residential site design section herein and such that the commercial lot is not utilized in the build-to-line average lot width calculation. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
 - ii. Side yard (each side): Minimum of zero feet if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.
 - iii. Rear yard: Minimum of 55 feet (one row of double parking). d. Maximum building height: 35 feet and 2.5 stories.
- e. Maximum lot coverage: 70 percent.
- f. On type A streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings, and alleys are required. On

type B streets, at least 80 percent of the off-street surface parking spaces for commercial buildings should be located at the side of the building or behind the rear face of the building.

8. *Community, civic, institutional and religious buildings.*



Community, Civic, Institutional and Religious Dwellings

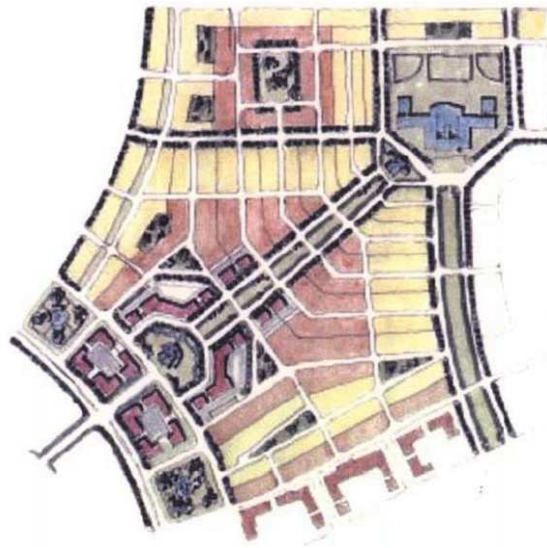
- a. Yard dimensions:
 - i. Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to-line shall be between two and six feet on commercial (main) streets and on all other streets in neighborhood centers; otherwise, utilize the build-to-line calculated as prescribed in the residential site design section herein and such that the subject lot is not utilized in the build-to-line average lot width calculation. Community, civic, institutional and religious buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
 - ii. Side yard: Minimum of 15 feet.
 - iii. Rear yard: Minimum of 55 feet.
- b. Maximum building height: 45 feet or three stories.
- c. Maximum lot coverage: 70 percent.
- d. Off-street parking should be in rear yards or side yards. Alleys recommended.

- e. If the structure is a church, the space limits established in Section 146-129(1)c shall apply.

D. *Connectivity, linkages and access.*

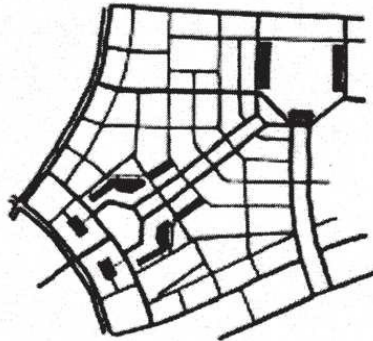
1. *Transportation network.* The transportation network shall provide opportunities for the public to walk, bicycle and drive within the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the pedestrian; and to strengthen relationships and encourage movement between important elements inside and outside the development.
2. *Street network.*
 - a. All streets should be organized in a comprehensible hierarchical network of A streets and B streets that manifest the structure of the neighborhood.
 - i. Type A and type B streets shall be identified for each neighborhood such that each development provides at least ten percent in linear footage of type A streets of the total linear footage of streets within the development. This provision shall apply to the aggregate areas of multi-phase subdivisions when larger subdivisions are platted in phases, and type A streets shall be planned in new developments to connect with existing developments so that effective pedestrian access between developments is achieved.
 - ii. Type A streets are designed with, or characterized by, features that promote safety, comfort, and convenience of pedestrians and transit users. A streets shall provide monolithic curbing sidewalks on both sides at least ~~five~~ ~~six~~ feet wide and at least ten feet wide in neighborhood centers and commercial main streets, street trees spaced 30 feet on-center, narrow streets with narrow curb turning radii at intersections, buildings sited close to the street, pedestrian-scaled lighting, on-street parking, no onsite parking between the street and the building facade facing the street, aligned building facades, and building entrances facing the street. The A streets shall be organized in a continuous network so that the pedestrian experience is uninterrupted throughout the neighborhood. On type A streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings.
 - iii. Type B streets may be of lesser pedestrian character as compared to type A streets. On type B streets, at least 80 percent of the off-street surface parking spaces for commercial buildings should be located at the side of the building or behind the rear face of the building.

- b. Each neighborhood shall be designed with a layout of streets and blocks so that vehicular and pedestrian movement is interconnected throughout the neighborhood, as well as the surrounding neighborhoods. Interconnectivity shall be accomplished by the following:
 - i. The street network shall be laid out to provide multiple access ways between destinations;
 - ii. The street network shall allow bicyclists and pedestrians to travel on local streets to most locations within the neighborhood without the need to follow arterials;
 - iii. The neighborhood street system should be inter-connected, and converge generally at common destinations such as commercial areas, parks and transit centers.



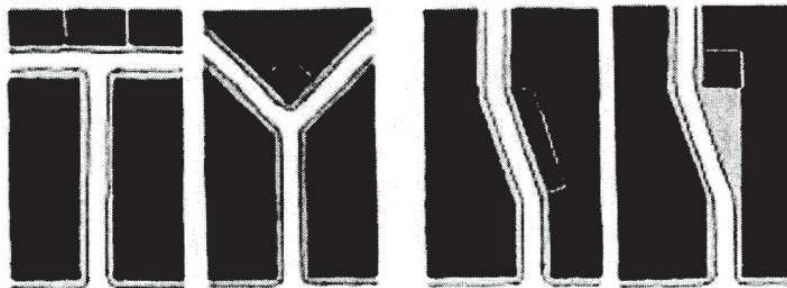
General Development Plan

- iv. The street pattern should be direct and avoid circuitous routes or dead-end streets.



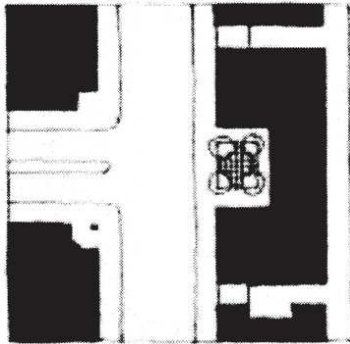
Street Pattern

- v. Street connections should be designed to keep through trips on collector or arterial streets and local trips within the neighborhood.
- vi. At no time should a collector or arterial street be the only route to and from different land uses in the neighborhood.
- vii. Buildings shall be sited on their respective lots so as to address the street either by their front or side; but they shall not back onto streets.
- viii. A building, a public tract, a view of natural feature, or an angle in the street should terminate most street vistas.



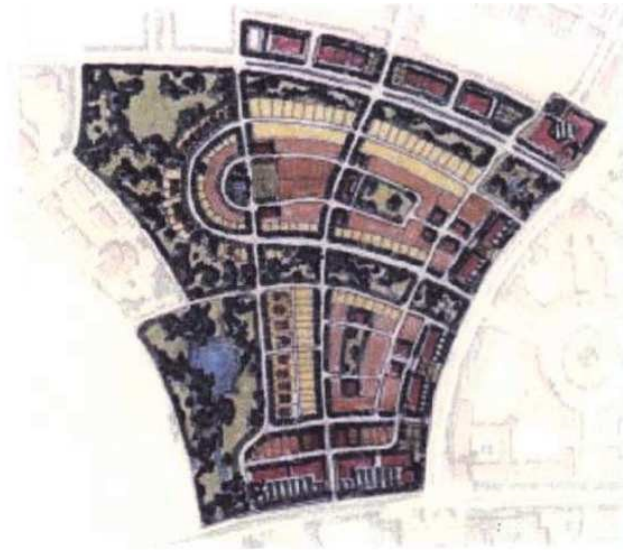
Vista Termination, Vista Deflection

- ix. Curved streets should maintain roughly the same cardinal orientation (except where steep grades dictate otherwise).



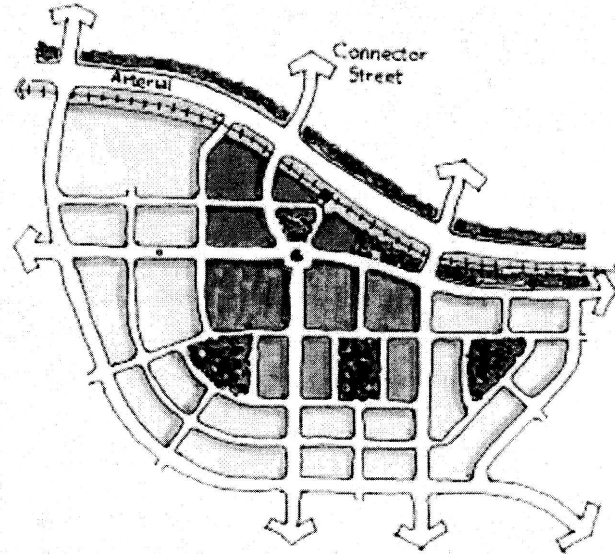
T Intersections should terminate at major entries, buildings, plazas or other prominent features

- x. All streets at both ends should terminate at other streets. Use of cul-de-sacs is strongly discouraged. If the use of cul-de-sacs is desired or necessary because of topographical or other environmental necessity, the cul-de-sac shall be connected by a permanently maintained pedestrian/bicycle pathway to the next adjacent street or trail behind the cul-de-sac;
- xi. All retail and neighborhood centers shall have automobile and pedestrian access from local streets to encourage connections within the neighborhood;
- xii. All street blocks should not be longer than 600 feet, measured from the intersecting curb face to curb face for a subdivision with an average buildable lot size of 10,000 square feet or less, and 800 feet for a subdivision with an average buildable lot size greater than 10,000 square feet; for blocks longer than 500 feet, an alley or pedestrian path should provide through access;
- xiii. The street pattern should be laid out to create blocks that are generally rectilinear in shape, a modified rectilinear shape, or another distinct geometric shape;



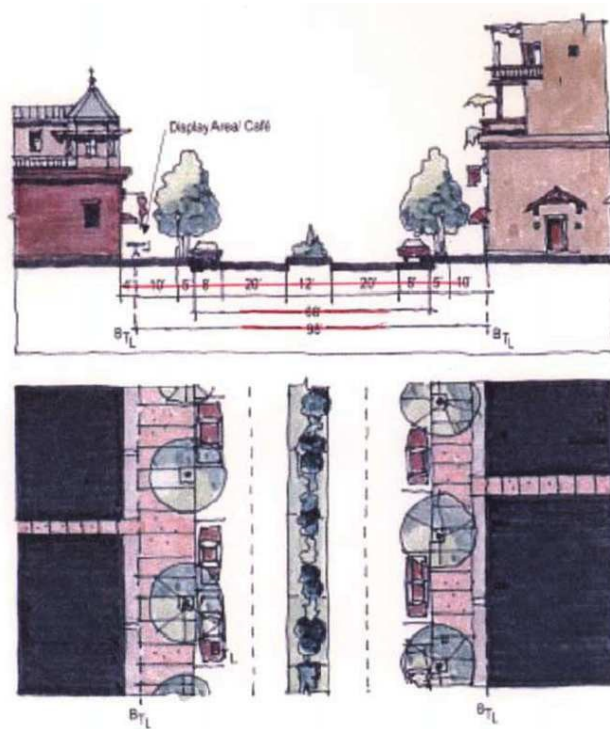
- xiv. Blocks closer to the neighborhood center should be smaller relative to the blocks further from the neighborhood center.

- c. Each neighborhood shall connect to adjacent development through the use of a system of interconnecting streets; if the neighborhood is developed adjacent to undeveloped areas, stub-outs and/or rights-of-way shall be provided at regular intervals so that interconnecting streets can be constructed once the adjacent areas develop. For each neighborhood, there should be at least two interconnections with the existing or planned public street system rated as an arterial or major local, or one every 800 feet, whichever is more frequent.



Connector Street Diagram Adopted from
The Next American Metropolis, Peter Calthorpe

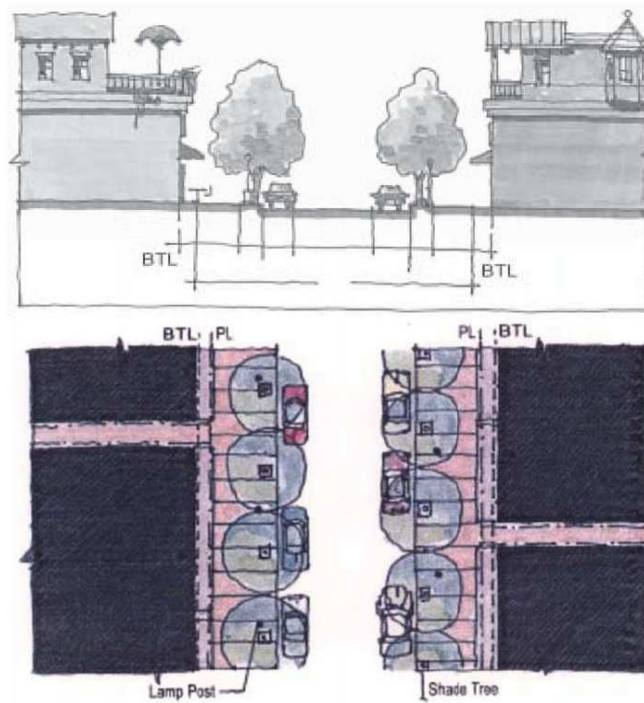
- d. Highways and arterial roads shall go around the neighborhoods rather than through them. Where they do come in contact with the neighborhoods, these roads should be designed and managed to avoid speeds in excess of 30 m.p.h.
- e. Major roads through neighborhoods should be designed as civic thoroughfares. Within a neighborhood they should take the form of an avenue or commercial main street (see street design specifications). At the edge of the neighborhood, roads should take the form of a parkway or boulevard.
- f. The network of interconnecting streets should provide several alternative paths through neighborhoods to the center or to the activity nodes at Collin-McKinney Parkway corridor.



Street Network and Street Design

- g. The interconnecting street network is not meant to be and should not provide a through-route alternative to arterials.
 - h. Where feasible, alleys should be utilized for utility easements in addition to providing access.
3. *Street design specifications.*
- a. General design.
 - i. The street layout for the REC neighborhood areas shall incorporate a hierarchy of streets as set forth below. The street design shall be in accordance with the city subdivision ordinance. Each development in the REC shall contain a clearly identified A street B street network. A network of neighborhood streets designed according to the principles in subsections b. thru e. below shall be provided. However, the street design shall meet the city ~~street-engineering~~ design manual criteria except as approved through a variance to the subdivision ordinance.
 - ii. Telephone poles or other barriers shall not obstruct sidewalks.
 - iii. All sidewalks should be protected by shade trees to encourage pedestrian use; unless other means are provided, this should be achieved by utilizing, between the roadbed and the sidewalk, a planting strip at least five feet wide with shade trees.

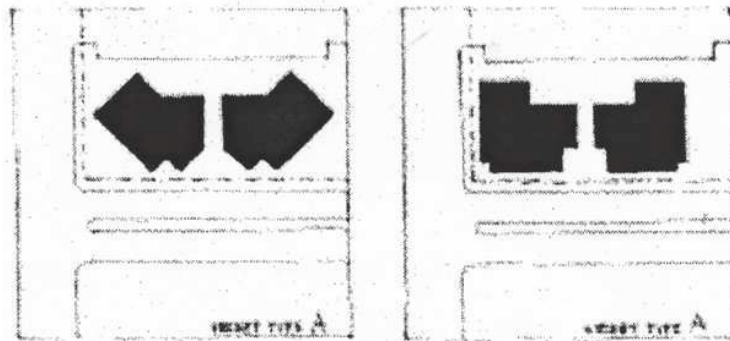
- iv. Crosswalks for pedestrians shall be provided at all intersections.
 - v. Curb return radii at neighborhood intersections of local streets and minor collectors should be ten to 15 feet in order to reduce the crossing distance for pedestrians, subject to fire marshal review and approval.
 - vi. All streets except arterials should provide for parallel parking.
 - vii. Blocks predominantly containing lots less than 50 feet wide shall utilize alleys to minimize the number of garages fronting streets.
 - viii. Surface parking for commercial uses should not be placed between the building facade and the street curb.
 - ix. If surface parking is located next to a building, the surface parking area should be screened by a fence, wall, landscaping, or similar device in order to continue the build- to-line of the adjacent building facades. This provision applies to B streets only; this option is not allowed on A streets.
 - x. Parking lots serving neighborhood centers should be no larger than 25 spaces per lot. Lots serving businesses adjacent to each other should be connected. Parking lots larger than 25 spaces shall be segregated into multiple, interconnected and landscaped areas.
- b. Commercial (main) street—a commercial mixed-use street within the neighborhood.



Commercial (Main) Street Diagram

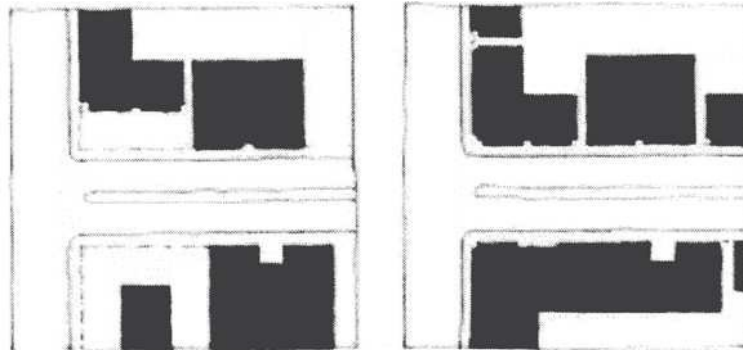
- i. Design: The commercial main street shall be a type A street.
Desirable land uses: Neighborhood commercial, office, retail, and mixed use.
Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to-line shall be two to six feet from property line. Commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
- ii. The length of the main street or main street segment should be in the range of 400 to 1,000 feet, divided into multiple smaller blocks.
- iii. Parallel parking shall be provided on both sides of the street as approved by the city engineer. Diagonal head-in parking may be permitted along the front of commercial uses and/or community green, in which case no parking shall be permitted on the other side of the street. Curbside parking shall not be permitted within 25 feet of an intersection.
- iv. Planting strips of a minimum width of five feet shall be provided within the right-of-way, except where the road abuts the community green. The planting strip abutting a community green shall be at least nine feet wide.

- v. Along commercial uses, brick pavers or other similar elements may be substituted for vegetative ground cover typically found in parkways and residential areas.
- vi. Sidewalks shall be provided on both sides of the street and shall have a width of ten feet to 15 feet. Included in the 15-foot sidewalk shall be street lighting and street trees. If the sidewalk is ten feet wide, then the planting strip shall be planted with street trees. Light poles shall be no higher than 13 feet spaced 80 feet on-center.
- vii. Street trees shall be installed and spaced 30 feet on-center.
- viii. Vehicular access to parking shall not be from an A street. Rather it shall be from an alley or from B streets adjacent to the rear parking lots so that driveways do not intersect the street. Parking should not be allowed between the main street and the building.
- ix. Commercial buildings shall be allowed up to an additional four feet of setback if a cafe is planned.



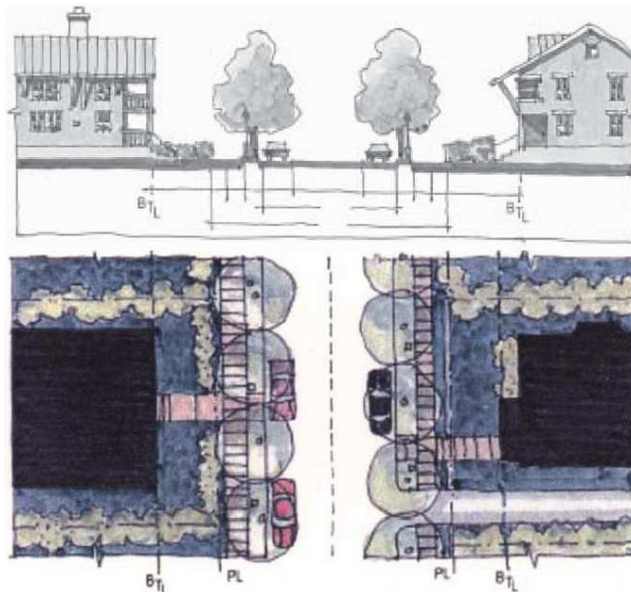
Undesirable, Desirable Relationships to Street

- x. Building frontage should be continuous with small pedestrian paths between buildings leading to parking in the rear.



Undesirable, Desirable Relationships to Street

- xi. Monolithic curbing in Main Street segments shall be required.
- c. Major local—two-way street.



Major Local Street

- i. Design:
 - Desirable land uses: All residential types, neighborhood commercial.
 - Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to-line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street

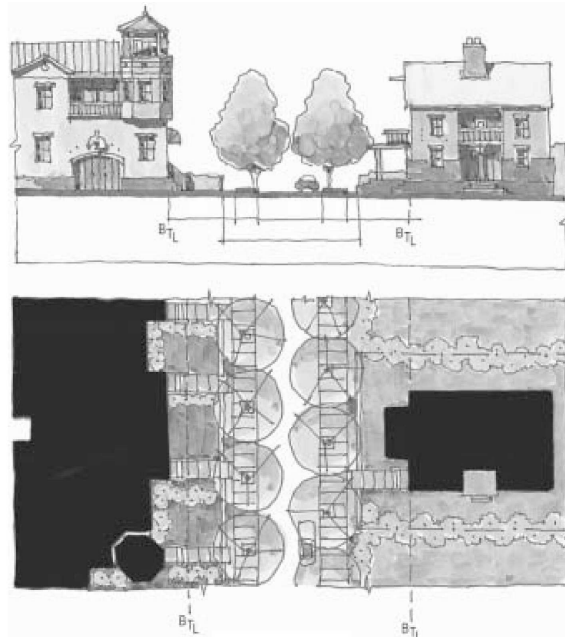
block. Twenty percent may be set back further than the build-to-line. Single family residential and commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

Right-of-way width: 60 feet maximum.

Paved width: 30—36 feet; driving lane ten feet maximum each.

Design speed: 25 m.p.h.

- ii. Parallel parking shall be provided on both sides of the street except within 25 feet of any intersection.
 - iii. Planting strips of a minimum width of five feet shall be provided on both sides of the street.
 - iv. Decorative street lamps, of a maximum height of 13 feet and spaced at a maximum of 80 feet on-center shall be installed on both sides of the street and at the intersections.
 - v. Vehicular access to parking should be from an alley or from B streets adjacent to the rear parking lots. This provision is mandatory if the street is Type A.
 - vi. Monolithic curbing is recommended. Monolithic curbing is required in a type A street or adjacent to commercial or multi-family (greater than four units per building) uses.
- d. Local street—a two-way residential street.



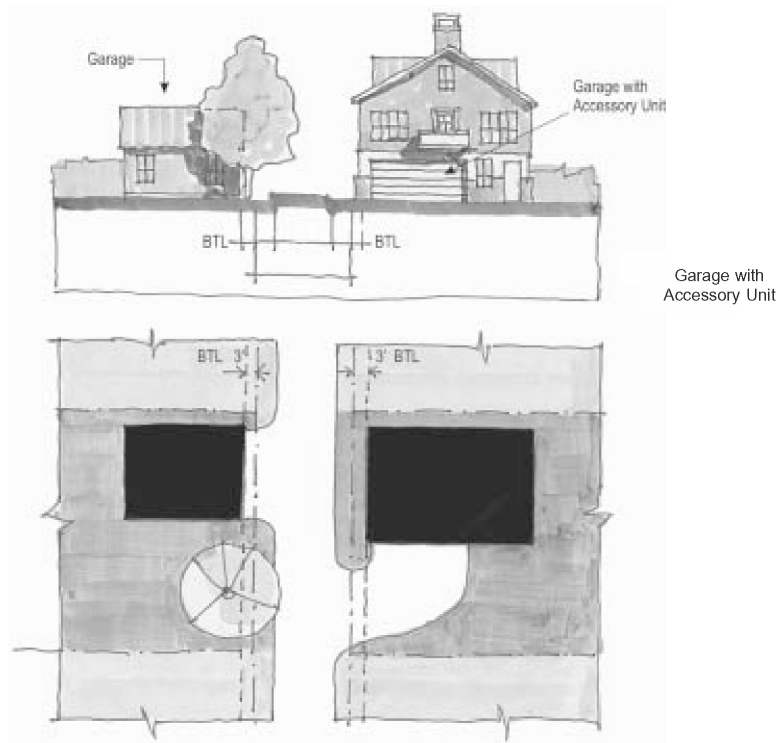
Local Street Diagram

i. Design:

Desirable land uses: All residential types, except multi-family greater than four units per building.

Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to-line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. 20 percent may be set back farther than the build-to-line. Single family residential that is not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

- ii. Parallel parking shall be provided on one side of the street except within 25 feet of any intersection.
- iii. Planting strips of minimum five feet shall be provided on both sides of the street.
- iv. Sidewalks shall be provided on both sides of the street and shall have a minimum width of ~~five~~-six feet.
- v. Decorative street lamps, maximum 13 feet high and spaced at a maximum of 80 feet on-center shall be installed on both sides of the street and at the intersections.
- vi. Vehicular access to parking should be from an alley.
- vii. Commercial buildings shall get an additional 4 feet of set back if an outdoor display area or cafe is planned.



Alley Diagram

e. Alleys.

i. Design:

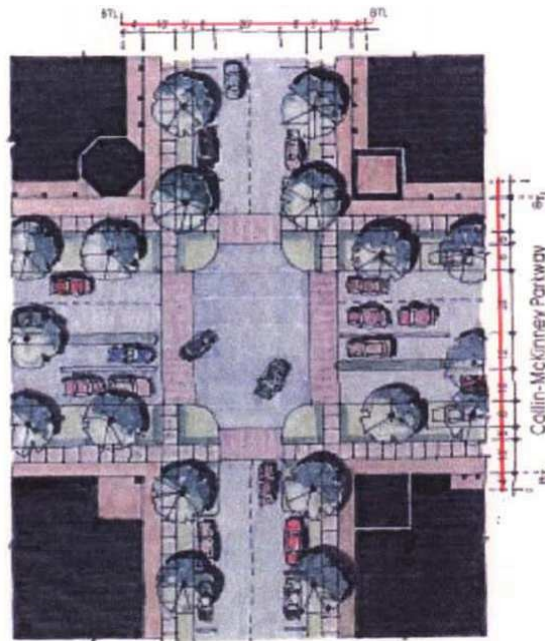
Adjacent land uses: Garages, parking lots, ancillary residential units, ancillary units above garages.

Set-back: Buildings and fences shall be set back a minimum of three feet.

ii. Curbing shall not be required except at corners of intersection with streets. At such corner locations, curbing shall be required for the entire corner radius and five feet preceding the same. Such curbing shall not extend more than six inches above the finished pavement.

iii. Alley lighting shall be provided on all garages or on poles adjacent to parking areas.

4. *Pedestrian network.*



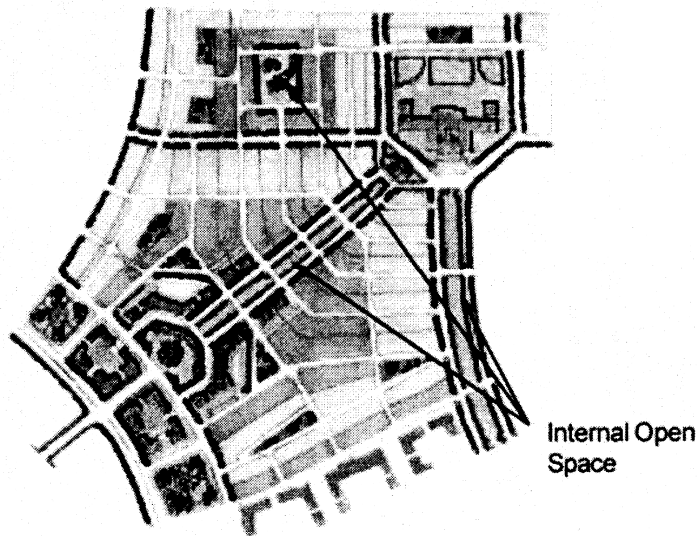
Urban Intersection at Collin-McKinney
Parkway

- a. The street network shall also function as the primary pedestrian network.
- b. Primary pedestrian routes and bikeways should be bordered by residential fronts, public parks, plazas, or commercial uses; generally they should not meander through vast open areas.
- c. Where street connections are not feasible, short pedestrian paths shall provide connections between residential and commercial areas.
- d. Pedestrian routes through parking lots or at the rear of residential developments should be avoided. Alternate routes should be provided around parks for night use.
- e. Safe pedestrian crossings at arterials shall be provided where major pedestrian movement is anticipated. On-demand pedestrian signals may be required during off-peak hours in these locations if approved by the city engineer.
- f. Pedestrian paths should be shaded with trees.
- g. Under-crossings or bridges designed strictly for pedestrian and bikes are discouraged, unless deemed necessary by the city engineer.
- h. The following maximum walking distances should be employed in neighborhood design:
 - i. Neighborhood center: 1,000 feet from end to end.

- ii. Between neighborhood center and neighborhood edge: 1,000—1,500 feet.
 - iii. Between houses and transit access: 1,000—1,500 feet.
 - iv. Between houses and jobs: 1,500—2,000 feet.
 - v. Between houses and community facilities, schools, parks or recreation facilities: 1,500—2,500 feet.
- i. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate.
 - j. In neighborhood centers, sidewalks should be constructed of brick, slate, colored/textured concrete pavers, exposed aggregate concrete, concrete containing accents of brick, stamped colored concrete or some combination thereof, compatible with style, materials, colors, and details of the surrounding buildings, as approved by the city engineer.
 - k. Walkways shall be raised and curbed along buildings and within parking lots, where suitable.
 - l. Pedestrian street crossings shall be clearly delineated by a change in pavement color and/or texture.
 - m. Bicycle racks shall be provided at internal open space areas, neighborhood centers, and recreation areas in peripheral open space.

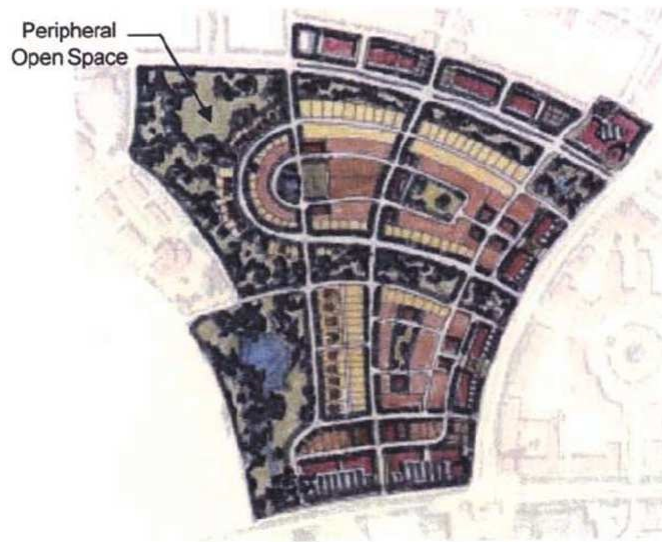
E. *Parks, plazas and civic open space.*

1. *Generally.* Parks are for recreational uses as well as for views. Parks and open space should be utilized to complement the clustering of uses. Moreover, plazas and civic open spaces provide a focus and community gathering location for a neighborhood.
2. *Internal open spaces.* The greater of five percent or two acres of the neighborhood development shall be allocated to and shall remain common internal open space in perpetuity. Internal open space should be centrally located so that 90 percent of the lots of the neighborhood are within a walking distance of 1,320 feet from the open space or an open space in an adjoining neighborhood. Internal open space may take the form of a common, square, plaza, community green, tot lot, an urban non-municipally owned park or other similar public space. Internal open space cannot be used for screening and buffering; nor shall it be a landscaped island within the public right-of-way.

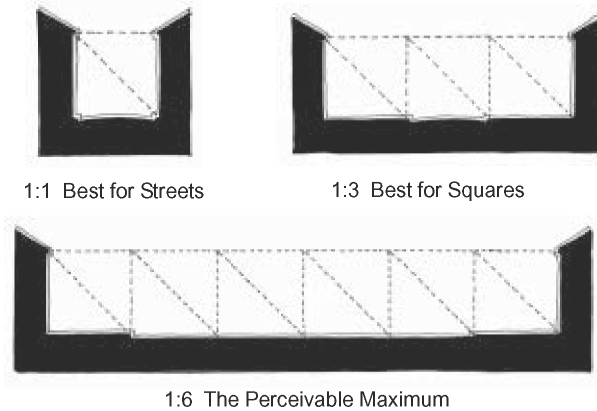


General Development Plan

- a. Each neighborhood shall provide at least one internal open space that is greater than 10,000 square feet with a size, shape, and design providing adequate space for outdoor exhibits and community gatherings.
 - b. Internal open spaces shall be designed such that approximately 50 percent of the area is landscaped.
 - c. Internal open spaces should be landscaped using elements such as formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian-scaled lamp posts.
 - d. Internal open spaces should be surrounded by a concentration of high-density development that may include commercial, retail, residential, civic and public uses and facilities, in order to encourage activity outside as well as inside the buildings.
3. *Peripheral open spaces.*
- a. Peripheral open space may be used for community gardens or other similar horticultural purposes.
 - b. Peripheral open space with unique natural features, such as streams, creeks, ponds, woodlands, and specimen trees, may be left unimproved and in a natural state. As a general principle, the preservation of undeveloped open space in a natural state or existing farms, is encouraged.
 - c. Peripheral open space may be used for golf courses, public and semi-public recreation purposes.

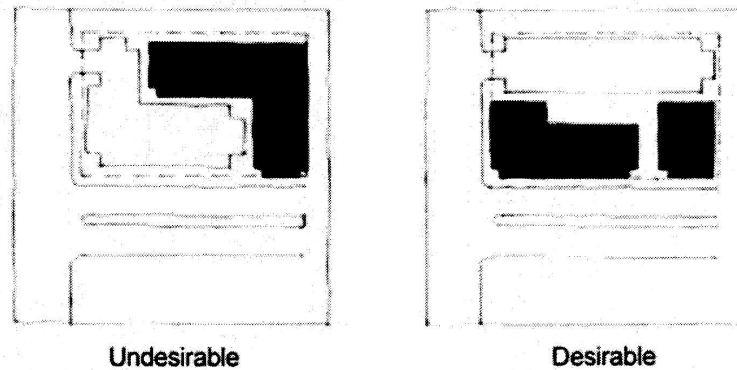


4. *Other requirements.*
 - a. Non-municipally owned parks and other open spaces should be designed for both active and passive uses. Their form should be strategically located and accessible rather than acting as residual space. Their design should respect vistas created by streets.
 - b. Civic services, such as community buildings, government offices, recreation centers, post offices, libraries, and day cares, should be placed in central locations as highly visible focal points. Where feasible, they should be close to future or existing transit stops.
 - c. Dedicated hike and bike trails should connect school sites, parks, community greens, other civic open spaces and neighborhood commercial areas.
 - d. Proportions of squares and plazas should have a ratio between space width and adjacent building heights within the range of 1:1 to 1:3. This ratio should never be greater than 1:6.



F. *Parking.*

1. *Parking requirements.*



Parking Location

- a. On-street parking for non-residential uses within 200 feet of the building shall count toward 50 percent of the required onsite parking requirement under section 146-130
- b. On type A streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings. On type B streets, at least 80 percent of the off-street surface parking spaces for commercial buildings should be located behind or at the side of the building.
- c. Parking lots should be small-sized (less than 25 spaces) wherever possible, and should be interconnected with commercial parking lots on adjacent properties.
- d. Joint use off-street parking is encouraged and may be allowed for adjacent uses having staggered peak periods of demand. Retail, office, and entertain-

ment uses shall share parking areas and quantities whenever practical to do so as approved by the director of planning (See section 146-130(5), shared parking agreements).

- e. Parking for townhouses shall be provided in a common off-street parking area or in garages or parking spaces with access from a rear lane. Private driveways for townhouses shall connect to the alley or a side street.
 - f. Structured parking for apartments may be located in common parking lots located on a lot other than that containing the apartment building, but within 400 feet of the apartment building entrances.
 - g. If access to a residential garage is provided from a street, the front entrance of such a garage is encouraged to be set back at least 20 feet from the front facade of the dwelling unit. Garages shall be set back five feet from the side and the rear property line.
 - h. Lots less than 50 feet wide shall utilize alleys to minimize the number of garages fronting streets.
2. *Buffering and screening.*
- a. Parking lot layout, landscaping, buffering, and screening shall prevent direct views of parked vehicles from streets and sidewalks, and avoid spill-over light or glare onto adjacent properties, in particular residential properties. Parking lots visible from right-of-way and adjacent property shall be surrounded by a minimum of three-foot high, year-round visually impervious screen, hedge, or wall.
 - b. The interior of all parking lots shall be landscaped to provide shade and visual relief. Minimum of one shade tree shall be planted in or adjacent to parking lots for every 12 parking spaces. All parking shall be within 25 feet of a shaded area.
 - c. Parking lot layout shall take into consideration pedestrian circulation/pedestrian crosswalks shall be provided, and shall be distinguished by textured paving and shall be integrated into the wider network of pedestrian access ways.
 - d. Transformers, HVAC equipment, lift stations, utility meters, grease traps and other machinery, as well as garbage collection points, shall be located at the rear lane or alley.
3. *Loading docks.*
- a. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear of the buildings or in visually screened locations.
 - b. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties and from the public right-of-way. It should also prevent spillover glare. Screening and buffering

should be achieved through walls, fences and landscaping which should be minimum six feet tall and visually impervious, see Section 146-132. Recesses in the buildings and depressed access ramps may be used.

V. *Collin-McKinney Parkway corridor zone.*

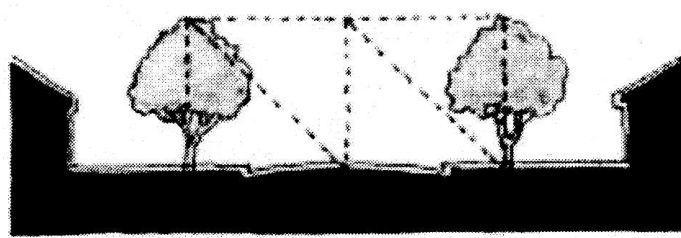
Intent/purpose: This zone shall provide opportunities for the public to live, work, shop, walk, bicycle and drive within and through the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street and parkway environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the pedestrian; to provide adequate and efficient servicing of the development by trucks and utility vehicles throughout the REC, but to minimize the visual and auditory impact of such service; to strengthen relationships and encourage movement between important destinations inside and outside the development.

A. *Land use mix and allocation.*

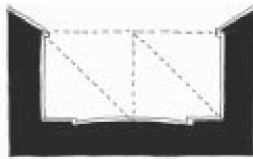
1. Because the Collin-McKinney Parkway corridor is the key spine of the REC in terms of access to commercial uses and densities, the land use mix and allocation within the corridor should be based principally on urban elements, including vertical mixed-use. Two or more urban activity centers within the REC should be located within the Collin-McKinney Parkway corridor, facilitated principally by vertical mixed-use designs.
2. The urban activity centers should be areas of vertical mixed-use combining commercial and residential uses in buildings sited and designed in such a way as to promote urban life in the area for most of the 24-hour period. The commercial component should be oriented to serve the immediately surrounding neighborhoods as well as the regional metropolitan area.
3. Single family as well as two-, three- and four-family uses are not allowed, while row/town house uses and dwellings above nonresidential uses are encouraged. (See residential incentive under site design subsection B.6.c. herein).
4. There shall be no maximum and no minimum residential density.

B. *Site design.*

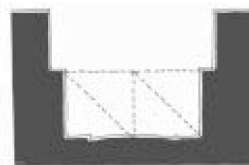
1. Street cross-section should be 1:2, but not more than 1:4. This requirement applies also to the developed space between the two-way segments as it takes the form of a divided pair of two-way streets.



Tree Canopy



By Building Height

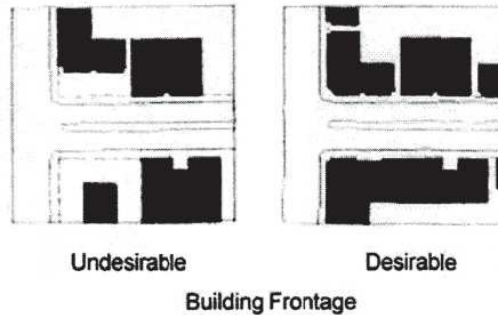


By Recess Line

1:2 Enclosure

2. The design of buildings shall incorporate the following techniques: A defined base and architecturally defined main entrance; an articulated facade and roof; and plane changes within the building elevations. (See architectural standards generally in overarching design guidelines).
3. All buildings shall front on public streets unless the building fronts a plaza or a courtyard.
4. Encroachments by canopies and balconies within the area between the sidewalk and building facade are permitted.
5. In the Collin-McKinney Parkway corridor there is no height maximum east of Hardin Blvd.
6. West of Hardin Blvd., buildings shall range in height from two to four stories and west of Stacy Road, buildings shall range in height from two to six stories. The director of planning shall have the discretion to increase the height maximum up to a total of eight stories if one or more of the following provisions are met:
 - a. Structured parking is located within the building envelope; or
 - b. The ground floor of commercial buildings utilizes the following special design elements to enhance the pedestrian orientation:
 - i. Cornices, corbelling, molding, string coursing, ornamentation, changes in material and color, or other sculpturing of the base; and
 - ii. Recessed windows or other techniques to distinguish the windows in the facade such as arches, pediments and mullions; and

- iii. Recessed entryways of at least 100 square feet; or
 - c. At least one floor of the building is dedicated to residential uses.
7. Commercial frontage shall have continuous edge of shops, entrances, and shop windows. The optimum length of this continuous commercial stretch is approximately 800 feet, divided into multiple smaller blocks.



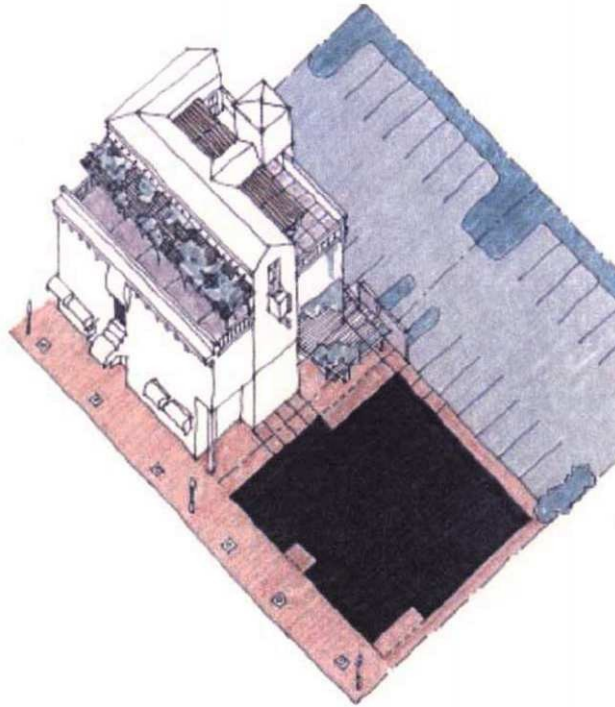
Undesirable and Desirable
Building Frontages

8. Buildings located at gateways entering Collin-McKinney Parkway area should mark the transition in and out of the area in a distinct fashion using massing, additional height, contrasting materials, and/or architectural embellishments.
9. Prominent monumental buildings and structures employing enhanced height, distinctive architectural treatment, or other distinguishing structures should occupy focal points, or points of visual termination.
10. In the Collin-McKinney Parkway corridor, blank walls should be limited where possible.
11. At least 50 percent of the length and 35 percent of the wall area on the ground level floor abutting sidewalks, plazas, or other public open spaces or rights-of-way shall be devoted to windows, doors, or openings affording views into the building space, pedestrian entrances, or retail display windows. Views into parking areas, truck loading areas and vehicular access ways shall not count towards the 50 percent requirement. Works of art such as mosaics, and recessed garden areas may also be utilized to meet up to half of the 50 percent length requirement. Where windows are used, they must be transparent. Where expanses of solid wall are necessary, they may not exceed 25 feet in length.
12. Windows above the ground floor should be oriented vertically as opposed to horizontally.
13. Primary entrances to commercial and retail establishments shall be located on the street side of the building.

14. To the extent possible, passages between rear parking lots and the streets should be designed in a pedestrian fashion and lined with shop windows or other attractive displays.
15. Restaurants are permitted to operate outdoor cafes on sidewalks (including areas in the public right-of-way) and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired. The following guidelines are applicable:
 - a. A minimum of eight feet of sidewalk along the curb leading to the entrance of an establishment should be maintained free of tables and other encumbrances.
 - b. Planters, posts with ropes, or other removable enclosures are encouraged to define the area occupied by the cafe.
 - c. Extended canopies, awnings, and umbrellas are permitted. Colors should complement building colors.
 - d. Cafes shall be required to provide at least one additional trash receptacle on site.

C. *Area and bulk regulations.*

1. Town/row house dwellings, the area and bulk regulations in the neighborhood section above shall be applicable in the Collin-McKinney Parkway corridor.
2. Community facilities, institutional and religious buildings, the area and bulk regulations in the neighborhood section shall be applicable in the Collin-McKinney Parkway corridor (except height maximums shall be four stories with exceptions as noted in site design subsection VI.B.6. herein); lot coverage may be increased with site plan approval.
3. Apartment dwellings, the area and bulk regulations in the neighborhood section above shall be applicable in the Collin-McKinney Parkway corridor, unless the ground floor is dedicated entirely to nonresidential uses (lot coverage may be increased with site plan approval).
4. Commercial uses and mixed-use buildings (lot coverage may be increased with site plan approval).



Commercial and Mixed-Use Buildings

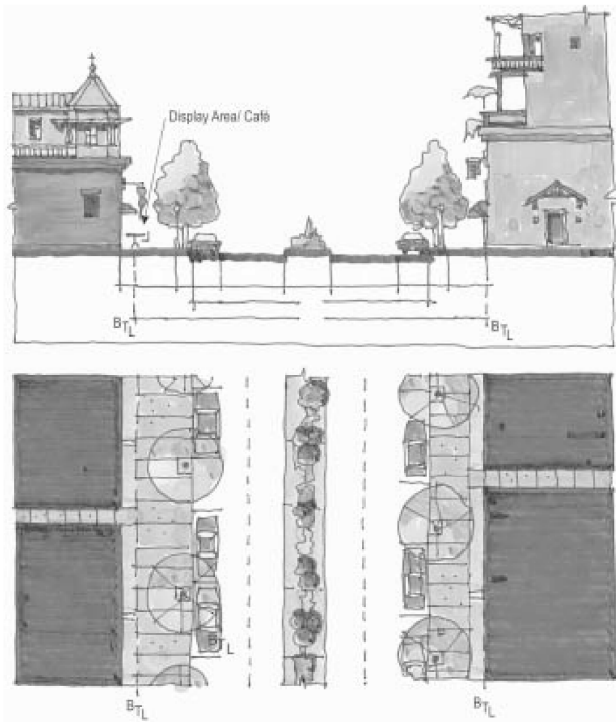
- a. Lot width: Minimum of 30 feet, maximum 300 feet.
- b. Minimum lot depth: 100 feet.
- c. Yard dimensions:
 - i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to-line shall be between two and six feet on Collin-McKinney Parkway, provided that a single line must be established for each block face. The build-to line may be reduced as part of site plan approval. Commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
 - ii. Side yard (each side): Minimum of zero feet if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.
 - iii. Rear yard: Minimum of 55 feet (one row of double parking) absent structured parking.
- d. Maximum building height: (See Site Design Subsection VI.B.6. herein).
- e. Maximum lot coverage: 95 percent for lots fronting Collin-McKinney Parkway; 75 percent for all others, except as approved per a site plan if found to be in keeping with the site design principles.

- f. On type A streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings. Alleys are required. On type B streets, at least two-thirds of the off-street surface parking spaces for commercial and mixed-use buildings should be located behind the rear face of the building. The remaining one-third should be located on the side, not the front.

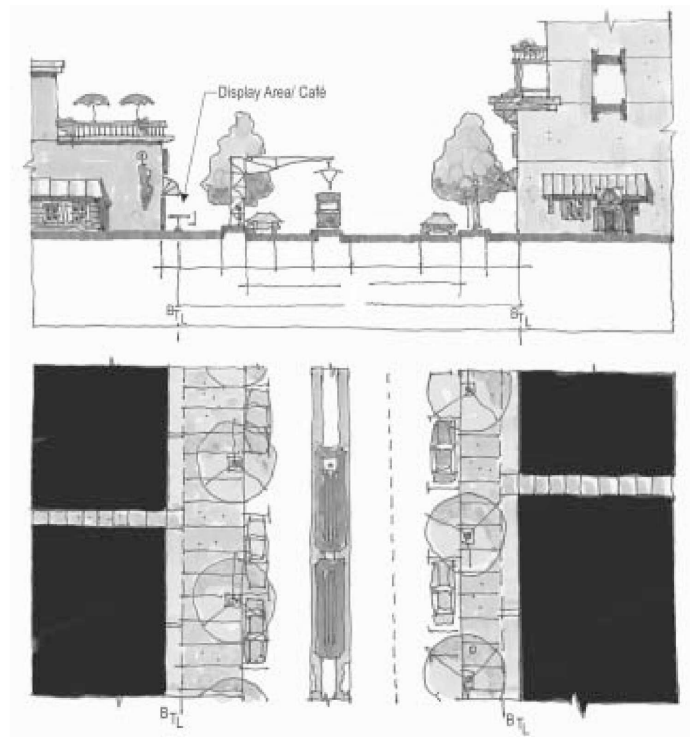
D. *Connectivity, linkages and access.*

- 1. *Street design specifications.* Street designs in the Collin-McKinney Parkway corridor shall be as follows:

- a. Collin-McKinney Parkway, between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720:



Collin-McKinney Parkway I



Collin-McKinney Parkway IA

Design: An A Type Street acting as a commercial/mixed-use corridor providing for future transit facilities and parking.

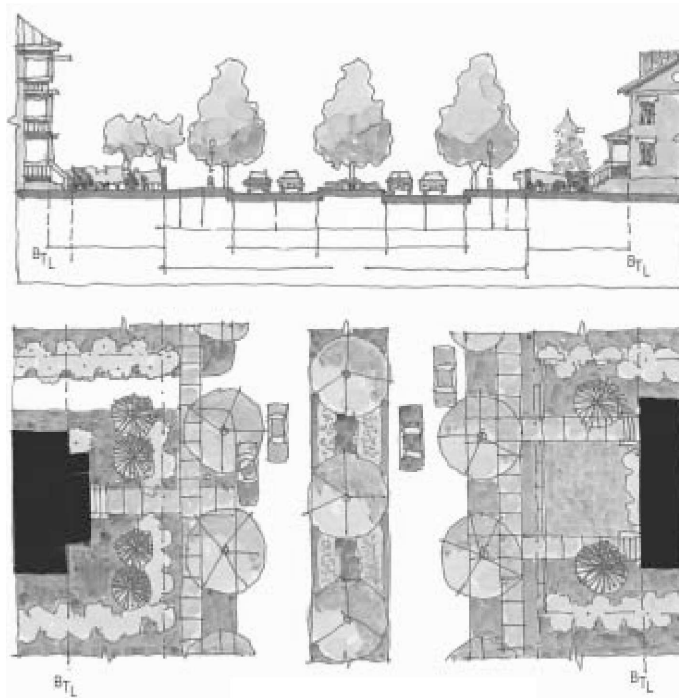
Desirable land uses: Commercial, office, retail, vertical mixed use, civic, institutional.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to-line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

Sidewalks: Sidewalks shall have a minimum width of ten feet with a minimum of eight feet without obstructions and shall be provided on all sides of Collin-McKinney Parkway within a development area.

- b. Collin-McKinney Parkway between Custer Road and Rowlett Creek, and between Lake Forest and Hardin Blvd.:



Coin-McKinney Parkway II

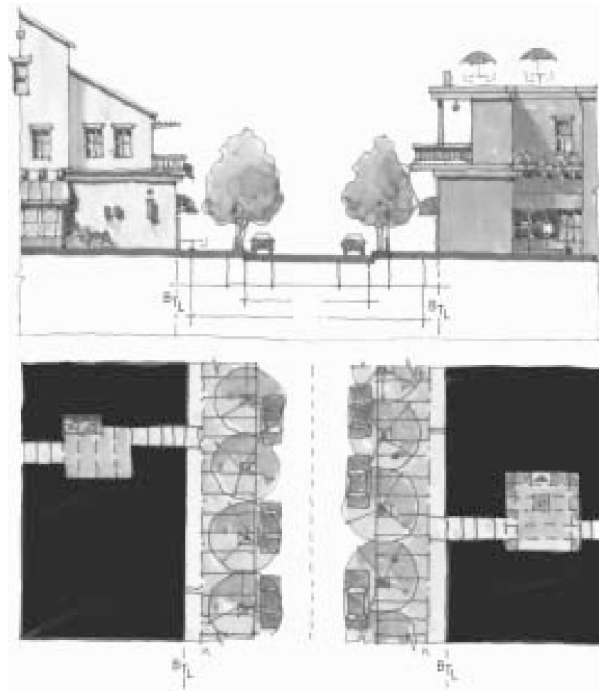
Design: Four-lane divided parkway with two one-way segments.

Desirable land uses: Open space, multi-use, high-density residential, manufacturing and light industrial.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

Setback line: Minimum 20 feet.

- c. Streets perpendicular to Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720:



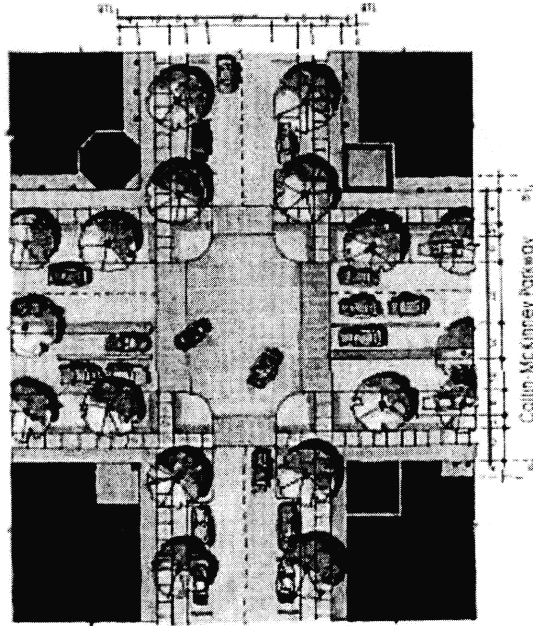
Streets Perpendicular to
Collin-McKinney Parkway

Design: Two-way type A streets (as defined herein in the definitions section and neighborhood zone section) shall be constructed for two blocks north and south of Collin-McKinney Parkway.

Desirable land uses: Commercial, office, retail, vertical mixed use, multifamily, town/row houses.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to-line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.



Pedestrian Bump-Out Diagram

- d. All other streets within the Collin-McKinney Parkway Corridor except arterials:



Other Streets Diagram

Design: Two-way with on-street parking.

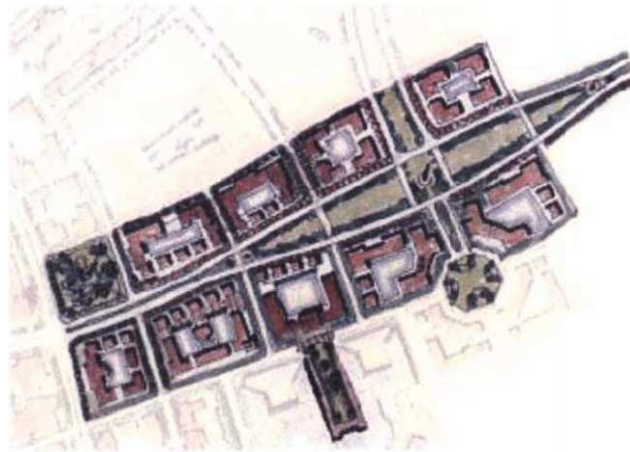
Desirable land uses: High density residential, multi-use, commercial, civic and retail.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

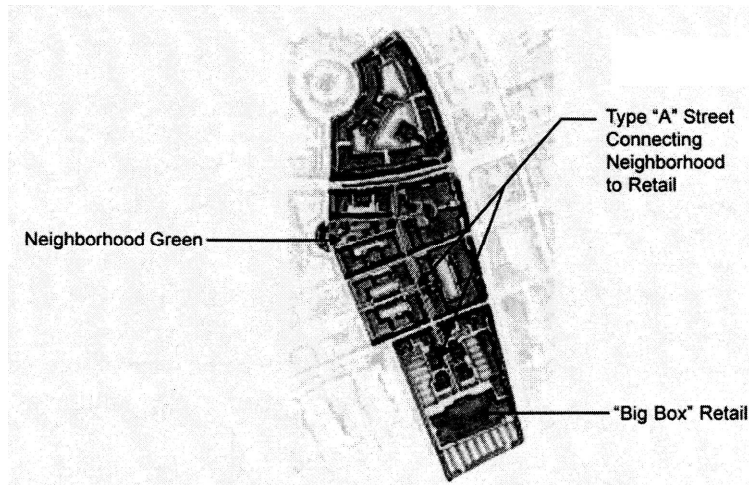
Build-to-line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to-line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

2. *Additional street design.*

- a. Blocks intersecting Collin-McKinney Parkway in developed areas should not be more than 300 feet in length. Alleys, pedestrian ways or arcades can be substituted for public streets in order to meet the block length maximum standard as long as the alley, pedestrian way or arcade connects completely through the block.



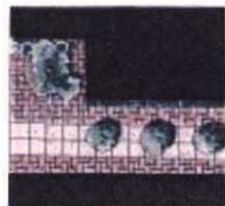
- b. Major local and local streets shall cross at periodic intersections providing direct Collin-McKinney Parkway connections between the commercial/employment districts to the south and the neighborhoods to the north. These streets shall provide access for pedestrians and bicyclists.
- c. Streets intersecting with Collin-McKinney Parkway and connecting with neighborhoods should connect with the commercial main streets or community greens in the neighborhoods.
- d. Streets parallel to Collin-McKinney Parkway should serve as service or side access streets with limited commercial uses fronting on these parallel streets.



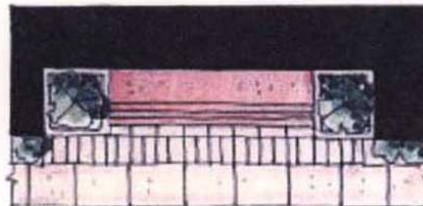
- e. All streets should include, between the roadbed and the sidewalk, a planting strip with shade trees such that at maturity the trees will provide a continuous canopy along the sidewalk.
- f. An improved surface for walking and bicycling along the entire length of the Collin-McKinney Parkway shall be provided continuously from Custer Road to F.M. 720 in accordance with the city's master parks and trail plan, and acceptable to the director of parks and recreation.

E. *Parks, plazas and civic open space.*

- 1. Public open space amenities shall be associated with every building, as follows: One square foot of public open space per 50 square feet of floor area for the first 20,000 square feet of floor area; and 1 square foot of public open space per 100 square feet of floor area for every 1 square foot thereafter, or as approved by the director of planning.
- 2. The four types of public open space are as follows:
 - a. Pedestrian way.



Pedestrian Way

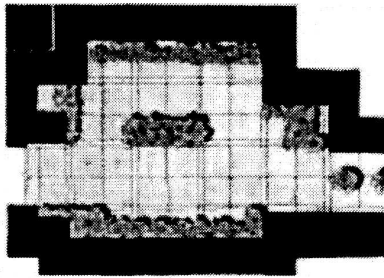


Forecourt

A street-level exterior public pedestrian way through the middle of the block, at least ten feet wide, providing a connection to a public courtyard or

a street parallel to the parkway. The pedestrian way should be located only where block size and scale of development are large enough to allow internalized service and ensure adequate pedestrian flows without detracting from activity on adjacent streets. The design of the enclosing walls should provide adequate sunlight and sky view. Building edges should accommodate public uses, such as shops and restaurants that are accessible from the pedestrian way. Public seating should be integrated where possible.

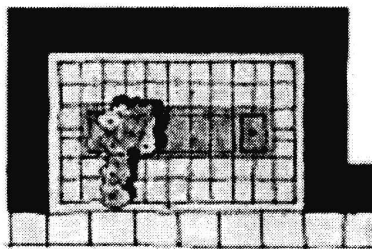
b. Courtyard.



Courtyard

A landscaped open space enclosure in the center of a block with minimal or no street frontage, which is large enough to allow for public activities and sunlight during midday. Although inwardly oriented, the courtyard should be considered part of a larger set of connected public spaces with access through an adjacent building or public places such as a pedestrian way, plaza or galleria. Primarily enclosed by buildings, the courtyard should have a high degree of visibility both at grade and above, to provide overlook and to encourage surveillance of the internal space. The location and design of entrances to the courtyard are critical in order to ensure that they are clearly identifiable and promote public use.

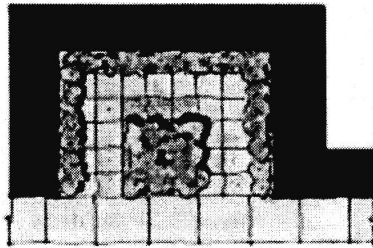
c. Urban garden.



Urban Garden

An intimate scale garden that should be located and oriented to receive maximum sunlight during midday. It should be enclosed by buildings on two or three sides and open to the street on one or two sides. Street edges should be screened with a combination of architectural and landscaped elements. Adjoining buildings should contain windows overlooking the garden, but the garden should not provide primary access to an individual building. The design should not create visual obstructions, dead end spaces or other security hazards. Each garden room should contain a high quality focal point such as a water feature or public art.

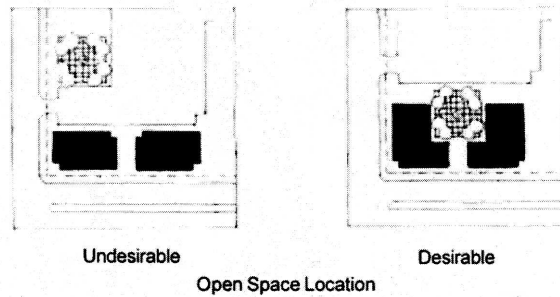
d. Plaza.



Plaza

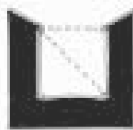
A predominantly hard-surfaced space that is a portion of a block with a minimum of one side open to the street, which is located to provide maximum sunlight during the day but generally not located at the corner of the block. Adjacent buildings primarily define the plaza. Building edges should contain continuous public uses at grade to animate and support the open space. Large plazas should provide substantially continuous weather protection by the utilization of canopies or arcades at their edges. Unlike intimate scale urban gardens, a plaza may contain a primary entrance to an adjacent building. The floor of the plaza should be at the same grade as the sidewalk serving the adjacent street for easy access, with no more than 50 percent of the square footage deviating no more than three feet above or below grade.

3. Alternatives: The director of planning shall have discretion to approve other open space amenities with attributes similar to those described above.



4. All outdoor public open spaces described above shall provide: (i) at least one shade tree or planter; and (ii) at least one linear foot of seating for each 75 square feet of open space. Ledges and benches that provide seating on both sides and are at least 30 inches deep will count double. Level and flat planter rims that are not higher than two feet and are at least eight inches deep also count as seating as long as protruding vegetation does not obstruct them. Movable chairs are counted as 30 inches of linear seating per chair and may be stored after hours of operation. Corners and the space of steps that are wider than 15 feet may count as seating. Prior to the issuance of a certificate of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the side of an outdoor open space, identifying the open space furniture, stating the right of the public to use the space and the hours of use, and stating the name and address of the owner or owner's agent responsible for maintenance including the city if the open space is to be maintained by the city.

5. Cross-sectional proportions of squares and plazas should have a ratio between space width and adjacent building heights of 1:1 to 1:3. This ratio should never be greater than 1:6.



1:1 Best for Streets



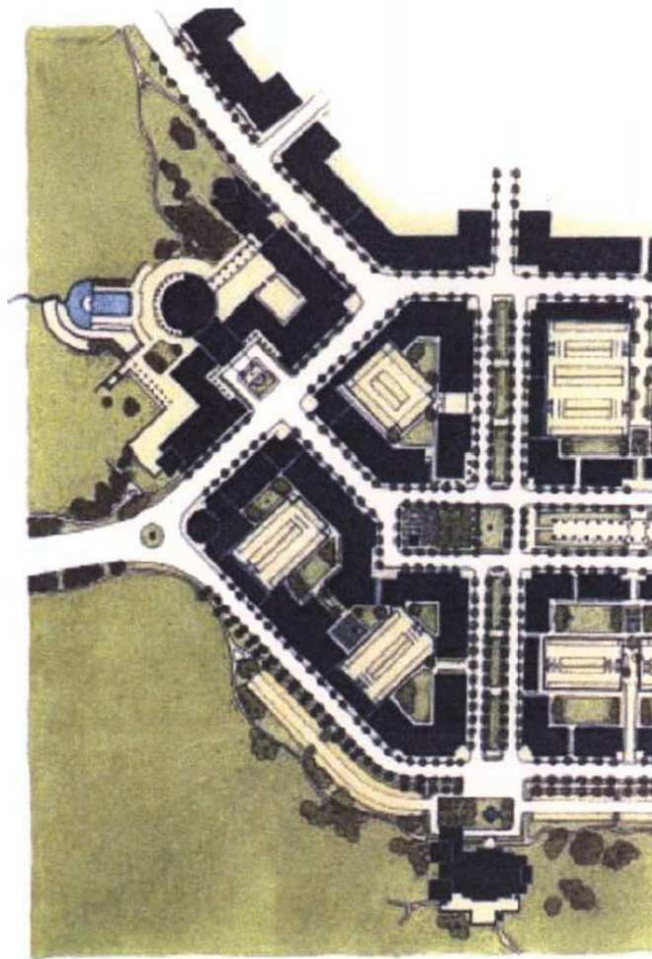
1:3 Best for Squares



1:6 The Perceivable Maximum

Recommended Enclosure for Public Spaces

F. *Parking.*



Location of Parking Inside Blocks at Collin-McKinney Parkway
Adopted from DPZ Craig Ranch Charrette McKinney, Texas

1. On-street parking shall be provided on every street where feasible. On-street parking for nonresidential uses within 200 feet of the building shall count toward 50 percent of the required onsite parking requirement under section 146-130
2. Parking lots larger than 40 spaces should be segregated into multiple, interconnected and landscaped lots. Surface parking lots with more than one hundred spaces are strongly discouraged.
3. All surface onsite parking should be located behind the rear building face of the buildings along Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720; and only behind the buildings along streets perpendicular to Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720 for two blocks

north and south of Collin-McKinney Parkway. For all other locations, parking should be located behind the rear face or side of buildings. If surface parking is provided on the side of the building, the parking frontage to the street should not exceed 50 percent of the linear frontage of the building it serves, and the frontage should be screened by a wall or landscaping that is aligned with the build-to line of the street.

4. If adjacent uses complement one another in terms of the days and time of uses, the director of planning shall have the discretion to count shared parking towards off-street parking requirements, as provided for in the section 146-130(3) and section 146-130(5) of the city zoning ordinance (parking requirements).
5. Structured parking facilities shall be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure. The remainder of the street-level frontage on Collin-McKinney Parkway shall be designed for retail, commercial or civic uses, other than parking. On other streets within the corridor, the street-level frontage shall either be designed for retail, commercial or civic uses, other than parking or designed with an architecturally articulated facade to screen the parking areas of the structure.
6. Facilities designed to park and lock bicycles shall be provided for each building with commercial uses greater than 5,000 square feet.

VI. *Commercial/employment zone.*

Intent/purpose: Commercial/employment districts are located principally along SH 121 and in some locations along Custer Road. The intended uses in these districts are large employers involved in commercial/light industrial activity that are dependent upon SH 121 and are not easily incorporated into the fabric of a town center or neighborhood. Buildings of all sizes, large and small, are allowed in Commercial/Employment Districts, as are the associated parking lots, loading and shipping facilities of light industrial activity. Minimum standards are provided below in order to ensure basic compatibility with the neighborhoods and the Parkway Corridor to the north. Residential uses are permitted above nonresidential uses to promote the mixed-use strategy for the REC.

A. *Site design.*

1. Big box retail and shopping center guidelines:
 - a. Developments shall create a continuous public edge and streetscape on all frontages by using a combination of the following:
 - i. Building face;
 - ii. Low wall, canopy structure or attractive fence;
 - iii. Articulated screening wall around service/loading areas to screen trucking activities from pedestrian areas;
 - iv. Street furniture; and

- v. Landscaping; as well as incorporation of signage into any of the above.
- b. Buildings shall be designed to face the street. All entrances and exits shall have a continuous pedestrian walkway that is connected to a public sidewalk.
- c. Additional requirements:
 - i. Pedestrians should have accessibility between the public streets and the building without having to walk through a surface parking lot, unless the parking lot is transected with a covered walkway of at least 15 feet wide that connects the building to the street.
 - ii. Pedestrian walkways should be protected from vehicular intrusions with landscaping, curbs, bollards or other elements integrated into the overall streetscape design.
 - iii. At least 35 percent of the facade on the ground level floor facing the primary street shall provide windows and doors that allow for visibility into the commercial building or store.
 - iv. Blank facades shall not be exposed to the public streets. Buildings with long facades (greater than 40 feet) should be massed and articulated by design elements including texture, canopies, fenestrations, and the vertical expression of structural bays so that the scale of the building does not overwhelm streetscapes.
 - v. Buildings shall incorporate traditional horizontal elements such as building bases, sills, cornices and rooflines to add interest, reduce the massive scale of the building and complement the character of adjacent buildings.
 - vi. Rooftop and ground floor mechanical equipment shall be screened from public view from right-of-way and adjacent buildings.
 - vii. Screening through landscaping or appropriate fencing is required for all storage, service portals, garbage areas, and service driveways that are adjacent to other properties.
 - viii. A variety of materials and exterior treatments are encouraged.
- d. Vehicular and pedestrian access to adjacent current and future uses should be incorporated in the initial site planning stages. Driving aisles and vehicular access routes should be designed as extensions of the public realm, with connections to adjacent roads, sidewalks connecting to public sidewalks, curbs, street furniture and protective landscaping.
- e. Access points shall be consolidated, organized and clearly marked to minimize pedestrian, bicycle and auto conflicts.
- f. Parking lots.
 - i. Parking lots should be laid out to continue the street/block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the urban design of the surrounding development.

- ii. Large surface parking lots shall be screened and broken up visually through landscaping and other elements within the parking area, such as a grid of trees on islands in the parking lot or segmenting the lot with landscaped areas, as well as utilizing defined walkways.
 - iii. Direct, defined and protected pedestrian routes should be provided through parking lots.
 - iv. Landscaped islands should be placed at the ends of each of double row parking bays.
 - v. Lots shall be designed to screen parked cars from the public sidewalk with low, dense planting; a low wall; trees; retaining walls to lower the grade of the lot; or a combination of the above.
 - g. Convenient bicycle parking should be provided for employees and customers adjacent to the front doors of the building where possible.
 2. Large buildings should be articulated (broken into smaller components; avoiding facade flatness; with projections or indentations; with clearly marked and well designed entries; with differentiation between bottom floor, top floor, and the floors in between; and with a variety of roof designs).
 3. The scale, massing, articulation, orientation, and architectural features of structures to be located adjacent to State Highway 121 should provide a transition between State Highway 121 and the developments to the north.
- B. *Area and bulk regulations.* Development within the commercial/employment center zone is generally allowed to be conventional in design. As such, development of property in the commercial/employment center zone shall conform to the special regulations section of the city zoning Ordinance 1270, as amended, in addition to the REC overlay standards herein applicable to property in the commercial/employment center zone. When Ordinance 1270 is applicable, the following additional standards shall also apply: Lot widths shall be a minimum of 50 feet; lot coverage shall be a maximum of 70 percent except that the lot coverage may be increased as part of site plan approval if structured parking is provided; and building setback lines shall be at least 20 feet along SH 121 and Custer Road. In case of any conflict, the REC overlay standards herein shall control over the standards in Ordinance 1270. Ordinance 1270 shall not be applicable in any respect if the property in the commercial/employment center zone is adjacent to or across the street from property within the Collin- McKinney Parkway corridor zone or the neighborhood zone; in which case, development of the property in the commercial/employment center zone shall conform to the area and bulk regulations and all other REC overlay standards of the respective Collin-McKinney Parkway corridor zone or the neighborhood zone.
- C. *Connectivity, linkages and access.*
1. Districts shall utilize a simple and functional street layout that provides multiple options for moving between destinations and connecting to adjacent developments.

2. The street and block designs therefore should continue the pattern utilized in the parkway corridor and the neighborhoods so that as the market changes over time, the districts can accommodate increased mixed-uses and achieve higher use land values.
3. Streets should be interconnected throughout the district. The street layout, public spaces, and buildings in the district should be designed so as to create a coherent focus at a public place.
4. For buildings containing retail or consumer services uses, covered walkways should be utilized to link sidewalks/bus stops with buildings if the buildings are not placed on the set-to line.
5. Pedestrian crosswalks shall be provided at all intersections.
6. On-street parking shall be provided on every street where feasible.

D. *Public spaces.*

1. Districts shall provide defined public places and activity centers. This can be accomplished by the utilization of greens, plazas and streets fronted by closely adjacent buildings to provide interest at the pedestrian level.
2. Proportions of squares and plazas should have a ratio between space width and adjacent building heights of 1:1 to 1:3. This ratio should not exceed 1:6.

VII. *REC base zoning districts.*

The base zoning districts set forth the purpose of each specific district. Permitted uses within each REC base zoning district are set forth in the REC schedule of uses.

The REC overlay design standards and guidelines address site design, area and bulk regulations, lot and building types, connectivity, open space, land use mix and allocation, and compatibility through urban design.

The director of planning shall make a determination if a use not referenced in the REC schedule of uses can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the city council upon recommendation by the planning and zoning commission at a regularly scheduled meeting. It is the intent of this provision to group compatible land uses into specific base zoning districts, either as permitted uses or as uses authorized by a specific use permit. Compatibility of uses within a particular base district is also facilitated by the urban design standards and guidelines provided in the REC overlay. Uses not listed as a permitted or specific use permit shall be presumed to be prohibited from the applicable base zoning district. In the event that a particular use is not listed in the REC schedule of uses for a given base district, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the director of planning shall determine whether a materially similar use exists in REC schedule of uses for a given base district. Should the director of planning determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and

the director's decision shall be recorded in writing. Should the director of planning determine that a materially similar use does not exist, the matter shall be processed in accordance with section 146-43.

A. *REC residential district.*

1. *Purpose.* This district provides for a mix of residential types, which are supported by neighborhood centers, pedestrian-scale urban design, internal open space, convenient access to adjacent neighborhoods and the town center developments within the Collin-McKinney Parkway corridor. The neighborhood centers, which are required for a neighborhood development (as defined in the REC overlay), shall be zoned separately as an REC neighborhood center district.
2. *Permitted uses.* See REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.* See applicable REC overlay zone category.

B. *REC multi-use and high-density residential district.*

1. *Purpose.* This district provides for a wide mix of uses, integrating residences, shops, retail, restaurants, entertainment, services, offices, civic locations, the arts, and hospitality facilities. This district anchors REC neighborhoods to the north while also supporting destination activity within the Collin-McKinney Parkway corridor zone. This district also supports uses in the commercial and employment center zone along SH 121 and Custer Road.
2. *Permitted uses.* See REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.* See applicable REC overlay zone category.

C. *REC office district.*

1. *Purpose.* This district provides for office buildings with attendant retail and services uses intended primarily to serve occupants of such buildings and complexes.
2. *Permitted uses.* See REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.* See applicable REC overlay zone category.

D. *REC neighborhood center district.*

1. *Purpose.* This district acts principally as a neighborhood center, providing for community gathering places, shops, services, individual workplaces and mixed-use residential. More than one neighborhood center district is permitted within a neighborhood.
2. *Permitted uses.* See REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.* See applicable REC overlay zone category.

E. *REC retail district.*

1. *Purpose.* This district provides for a wide range of retail and service establishments. This district shall be located on an arterial roadway or highway.
2. *Permitted uses.*
 - a. If this district is located adjacent to or surrounded by an REC multi-use and high-density residential district, only those retail uses permitted in the multi-use and high-density residential district shall be permitted.
 - b. For all other locations, see REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.* See applicable REC overlay zone category.

F. *REC commercial district.*

1. *Purpose.* This district provides principally for auto-dependent uses in areas not easily accessible to pedestrians. This district serves not only the REC community but also city-wide and region-wide populations including commuters along SH 121.
2. *Permitted uses.* See REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.*
 - a. See applicable REC overlay zone category.
 - b. Buildings in a commercial district fronting streets within or adjacent to the Collin-McKinney Parkway corridor zone shall provide a compatible transition as prescribed in the REC overlay.

G. *REC employment center district.*

1. *Purpose.* Principally for workplace and commerce uses, this district provides for large business or light/clean industrial complexes that, because of scale or the nature of the use, cannot be integrated into a town center or neighborhood. Although smaller scale buildings such as those permitted in the neighborhoods and Collin-McKinney Parkway corridor zones are permitted in the REC employment center district, the employment center district is reserved for those uses such as distribution operations, campus commercial and large retail stores that necessitate immense buildings, expansive parking lots, and substantial loading docks.
2. *Permitted uses.* See REC schedule of uses and applicable REC Overlay Zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.*
 - a. See applicable REC overlay geographic category.
 - b. Building sites located in the commercial/employment zone adjacent to or fronting streets across from properties within the Collin-McKinney Parkway corridor zone or the neighborhood zone shall facilitate a compatible transition by relating to the adjacent properties or streets as prescribed in the standards for the Collin- McKinney Parkway corridor zone or the neighborhood zone.

H. *REC government/civic district.*

1. *Purpose.* This district provides for the creation of a high quality environment for central governmental, civic and community facilities and to contribute to the efficiency of governmental and civic services provided to the citizens of the area.
2. *Permitted uses.* See REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.*
 - a. See applicable REC overlay zone category.
 - b. If the structure is a church, the space limits established in section 146-129(1)(c) shall apply.

I. REC schedule of uses.

	Not Permitted
P	Permitted
S	Specific use permit required
T	Temporary use permit required

<i>District:</i>	<i>Multi-Use & High-Density Residential Center</i>		<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
<i>Type Use:</i>	<i>Residential</i>	<i>Center</i>	<i>Office</i>	<i>Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
<i>Residential Uses</i>								
Bed and breakfast (subject to Ch. 138, Art. IV)	S	P	S	S	P			
Boardinghouse or rooming house (See definition in section 146-46)	P	P	P	S	S			
Dormitories	P	P	P	P	P	P	P	P
Multiple family dwelling (apartment), more than four units per building (See definition in section 146-46)	P	P		S				

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Two-, three- and four-family dwelling (See definition in section 146-46)	P							
Town/row house (four or more units)	P	P						
Single family detached large lot	P							
Single family detached standard lot	P							
Single family detached small lot	P							
Accessory dwelling	P							
Dwellings above nonresidential uses	P	P	P	P	P	P	P	
Live/work	P	P		P	P			
<i>Educational and Institutional Uses</i>								
Cemetery	P							P

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Church or rectory, including church-operated day-care facilities and pre-schools (See definition in section 146-46)	P	P	P	P	P	P	P	P
Clinic (See definition in section 146-46)		P	P	P	P	P	P	P
College or university	P	P	P	P	P	P	P	P
Day-care for children (See definition in section 146-46)	P	P	P	P	P	P	P	P
Fairgrounds or rodeo								
Fraternal organization, lodge, civic club (See definition in section 146-46)		P	P	P		P	P	P
Halfway house	S	S						
Hospital (See definition in section 146-46)		P	P	P	P	P	P	P

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Museum, library, art gallery (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Public building (shop or yard) (See definition in section 146-46)						P	P	P
Rest home or nursing home (See definition in section 146-46)	P	P		S			P	
School, businesses or trade (See definition in section 146-46)		P	P	P	P	P	P	P
School, public or denominational (See definition in section 146-46)	P	P		P				P
<i>Accessory, Utility and Incidental Uses</i>								
Accessory building or use (See definition in section 146-46)	P	P	P	P	P	P	P	P

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Electrical generating plant						S	S	
Home occupation (See section 146-133) (See definition in section 146-46)	P	P	P	P	P			
Local utility line	P	P	P	P	P	P	P	P
Parking, incidental to main use	P	P	P	P	P	P	P	P
Public building (shop or yard) (See definition in section 146-46)						P	P	P
Grounds-keeper's quarters (See definition in section 146-46)	P							
Sewage treatment plant								S
Stable private								
Swimming pool, private (See definition in section 146-46)	P	P	P	P	P	P	P	P

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Telephone exchange, no garage or shop	P	P	P	P	P	P	P	P
Utility business office		P	P		P	P	P	P
Utility distribution lines	P	P	P	P	P	P	P	P
Utility shop or yard						P	P	
Utility substation or regulating station	P	P	P	P	P	P	P	P
Water storage tank	P	P	P	P	P	P	P	P
Water treatment plant								
<i>Recreational and Entertainment Uses</i>								
Amusement commercial (indoor) (See definition in section 146-46)		P	P	S	P	P	P	P
Amusement commercial (outdoor)(See definition in section 146-46)					P	P		P
Carnival or circus (temporary)	T	T	T	T	T	T	T	T

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Country club (See definition in section 146-46)	P	P	P	P	P	P	P	
Fairgrounds or rodeo								
Golf course (public)	P	P	P	P	P	P	P	P
Golf course, Par-three (commercial)	S	S	S	S	S	P	P	P
Park or playground (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Playfield or stadium (public) (See definition in section 146-46)	S	P	P	P	P	P	P	P
Private club (subject to Ch. 138, Art. II) (See definition in section 146-46)		S	S	S	S	S	S	
Recreation area (private) (See definition in section 146-46)	S	P	P	P	P	P	P	

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Recreation center (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Sexually oriented business (subject to Ch. 138, Art. V)						S		
Stable, commercial (See definition in section 146-46)								
Stable, private								
Swim or tennis club (See definition in section 146-46)	S	P	P	S	P	P	P	
Swimming pool (public)	P	P	P	P	P	P	P	P
Swimming pool (private) (See definition in section 146-46)	P	P	P	P	P	P	P	
Theater (indoor)		P	P	S	P	P	P	
Theater (outdoor)	T	T	T	T	S	T	T	T
<i>Transportation Related Uses</i>								
Airport or landing field								

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Automobile sales or repair						P		
Boat sales or repair						P		
Boat storage						P		
Bus station (private)		P	P	S	P	P	P	
Heliport or helistop		S	S	S	S	S	S	S
Motor freight terminal						P	P	
Parking incidental to main use	P	P	P	P	P	P	P	P
Parking lot (commercial)		S	P	S	S	P	P	P
Parking lot (truck) (See definition in section 146-46)							S	
Railroad freight station						P	P	
Railroad team truck								
Railroad track or right-of-way	P	P	P	P	P	P	P	P
Trailer, light truck, tool rental					P	P		

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Truck sales or repair						P		
Truck storage						P		
Transit station (public)	P	P	P	P	P	P	P	P
<i>Automobile and Related Uses</i>								
Auto display and sales						P		
Auto display and sales (indoor showroom only)		P	P		P	P	P	
Auto laundry (subject to limitations specified by section 146-42(12))					P	P		
Auto painting or body shop						P		
Auto parts sales (indoor)					P	P		
Garage, auto repair (See definition in section 146-46)						P		
Garage, parking (private)	S	P	P	P	P	P	P	P

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Garage, parking (commercial)		P	P	P	P	P	P	P
Junk or salvage yard (See definition in section 146-46)								
Motorcycle sales and service						P		
Parking, incidental to main use	P	P	P	P	P	P	P	P
Parking lot (commercial)		P	P	S	P	P	P	P
Service station or motor vehicle fuel sales (subject to section 146-79(102)) (See definition in section 146-46)		S	S	S	P	P	P	
Tires batteries and accessories (113)					P	P		
Tire recapping								
<i>Retail and Service Uses</i>								
Antique shop (See definition in section 146-46)		P	P	P	P	P	P	

<i>District:</i>	<i>Multi-Use & High-Density Residential</i>							
	<i>Residential</i>	<i>Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Apparel and accessory stores		P	P	P	P	P	P	
Art supplies		P	P	P	P	P	P	
Auto display and sales						P		
Auto display and sales (indoor showroom only)		P	P		P	P	P	
Bait shop						P		
Bakery or confectionery (retail)		P	P	P	P	P	P	
Barber or beauty shops		P	P	P	P	P	P	
Bed and breakfast (subject to Ch. 138, Art. IV)	S	P	S	S	P			
Book or card shop		P	P	P	P	P	P	
Cleaning (small shop and pickup) (See definition in section 146-46)		P	P	P	P	P	P	
Clinic (See definition in section 146-46)		P	P	S	P	P	P	P

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Corner store (less than 2000 square feet gross fl. area)	P	P	P	P	P	P	P	
Day-care for children (See definition in section 146-46)—Primary use	P	P	P	P	P	P	S	P
Day-care for children—Secondary use	P	P	P	P	P	P	P	P
Department or discount store		P	P	P	P	P	P	
Drug-store or pharmacy		P	P	P	P	P	P	
Fabrics or needlework shop		P	P	P	P	P	P	
Florist or garden shop		P	P	P	P	P	P	
Food stores, groceries		P	P	P	P	P	P	
Frozen food lockers		S				P	P	
Furniture sales		P	P	P	P	P	P	
Greenhouse or plant nursery		S		S	P	P	P	
Hardware store		P		P	P	P	P	

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Hobby or handcraft shop		P	P	P	P	P	P	
Household appliance sales (See definition in section 146-46)		P	P	P	P	P	P	
Key shop		P	P	P	P	P	P	
Mimeograph or letter shop		P	P	P	P	P	P	
Office supplies		P	P	P	P	P	P	
Paint and related sales		P	P		P	P		
Pawnshops						P		
Personal service (See definition in section 146-46)		P	P	P	P	P	P	
Pet stores (no outside runs)		P	P	P	P	P	P	
Restaurant or cafeteria (indoor service) (See definition in section 146-46)		P	P	P	P	P	P	

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Restaurant or cafeteria (including drive-through window (See definition in section 146-46)			S		P	P	S	
Restaurant or cafeteria (drive-in service) (See definition in section 146-46)					P	P		
Retail store (indoor)		P	P	P	P	P	P	
Service station or motor vehicle fuel sales (subject to section 146-79; see also section 146-42)(See definition in section 146-46)		S	S	S	P	P	S	
Studios, photo, music, art, health, etc.		P	P	P	P	P	P	
Tattoo parlor						P		
Travel agent		P	P	P	P	P	P	
<i>Commercial Type Uses</i>								

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Amusement, commercial (indoor) (See definition in section 146-46)		P	P	S	P	P	P	P
Amusement commercial (outdoor) (See definition in section 146-46)					P	P		P
Auto laundry (subject to limitations specified by section 146-42)					P	P		
Bakeries (wholesale)		S			S	P	P	
Banks and financial institutions, no drive-up windows		P	P	P	P	P	P	
Banks and financial institutions, including drive-up windows		P	P	S	P	P	P	
Building materials sales					P	P		
Carnival or circus (temporary)					T	T	T	T

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Carpentry, painting shop						P		
Cleaning plant, laundry					P	P		
Construction buildings (temporary)	T	T	T	T	T	T	T	T
Creamery, dairy products						P	P	
Department or discount stores		P	P		P	P	P	
Exterminator						P		
Farm implement sales and service						P		
Field office (temporary) (See definition in section 146-46)	T	T	T	T	T	T	T	T
Funeral homes and mortuaries		P			P	P		
Garage, auto repair (See definition in section 146-46)					P	P		
Golf course, Par-three (commercial)	S	S	S	S	S	P	P	P

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Hotel or motel (See definition in section 146-46)		P	P	S	P	P	P	
Laboratories, medical, dental, science		P	P	S	P	P	P	
Miniwarehouses			S			S		
Mobile home display and sales								
Monument sales						P		
Motor freight terminal						P	P	
Office building		P	P	P	P	P	P	P
Offices, showrooms, buildings		P	P		P	P	P	P
Office use		P	P	P	P	P	P	P
Pet store or kennel (outside runs)						P		
Plumbing shop		P			P	P		
Printing plant or newspaper						P	P	
Private club (subject to Ch. 138, Art. II) (See definition in section 146-46)		S	S	S	S	S	S	

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Radio or TV broadcast studio		P	P		P	P	P	
Real estate sales office (temporary)	T	T	T	T	T	T	T	T
Rest home or nursing home (see definition in section 146-46)	S	P	P	S	P	P		
School, business or trade (see definition in section 146-46)		P	P	S	P	P	P	P
Sign shop						P		
Stable, commercial (see definition in section 146-46)								
Swim or tennis club (see definition in section 146-46)	S	P	P	S	P	P	P	
Theater (indoor)		P	P	S	P	P	P	
Theater (outdoor)					S	P		
Tires, batteries and accessories (see definition in section 146-46)					P	P		

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Trailer, light truck, tool rental					P	P		
Upholstery shop		P	P	P	P	P	P	
Veterinarian (no outside runs)		P		P	P	P		
Veterinarian (with outside runs)						S		
Warehousing						P	P	
Wholesale establishments						P	P	
<i>Industrial and Manufacturing Uses</i>								
Acid manufacture								
Apparel and related manufacture						P	P	
Cement, lime, gypsum, plaster								
Chemicals and allied products								
Concrete or asphalt batch plant								
Contractor's yard								
Drugs and pharmaceutical manufacture						S	S	

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Dirt or topsoil extraction								
Electrical generating plant								
Electronic products manufacture		P	P		P	P	P	
Fat rendering, animal reduction								
Fertilizer manufacture								
Food processing								
Forge plant								
Gas, butane, propane storage						S		
Heavy machinery sales and storage						P		
High-technology manufacturing and fabrication		S	S		S	P	P	
Industrial and manufacturing plants								
Junk or salvage yard (See definition in section 146-46)								

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Laboratories, medical, dental, science		P	P	S	P	P	P	
Machine shop or welding						P		
Metal fabrication						P	P	
Motor freight terminal						P	S	
Open storage (See definition in section 146-46)								
Paper or pulp manufacture								
Parking lot (truck) (See definition in section 146-46)							S	
Petroleum products refining or storage								
Plastic products manufacture							S	
Printing plant or newspaper						S	S	
Sand or gravel mining or storage								
Sanitary landfill								
Smelting of ores or metals								

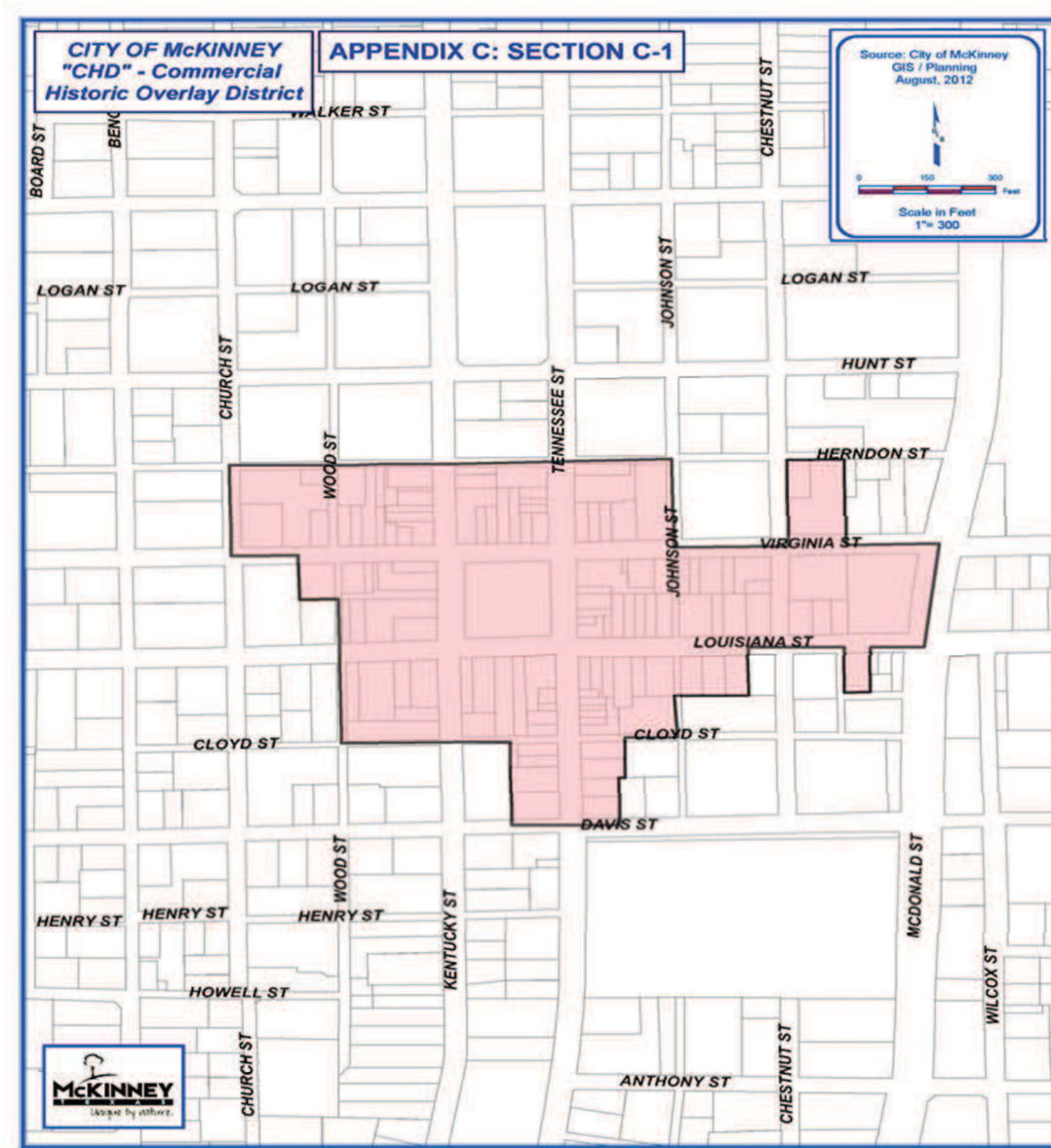
<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Soft drink bottling plant								
Stockyards or slaughterhouse								
Utility shop or yard						P	P	
Utility substation or regulating station	P	P	P	P	P	P	P	P
Warehousing						P	P	
Welding shop						P		
<i>Agricultural and Related Uses</i>								
Agricultural and ranching uses		P	P	P	P	P	P	P
Feed lots								
Farms, nurseries, truck gardens (See definition in section 146-46)					P	P		
Forestry and mining uses								
Hatchery, poultry, egg farm								
Kennel, animal boarding (outside runs)						S		

<i>District:</i>	<i>Residential</i>	<i>Multi-Use & High-Density Residential Center</i>	<i>Office</i>	<i>Neighborhood Center</i>	<i>Retail</i>	<i>Commercial</i>	<i>Employment Center</i>	<i>Govt/ Civic</i>
Livestock auction (See definition in section 146-46)								
Stable, commercial (See definition in section 146-46)								
Stable, private								

(Ord. No. 2002-08-084, § I.73, 8-20-2002; Ord. No. 2003-03-021, § 1, 3-4-2003; Ord. No. 2014-05-034, § 1, 5-20-2014)

APPENDIX C. HISTORIC DISTRICTS AND CORRIDOR COMMERCIAL MAPS*

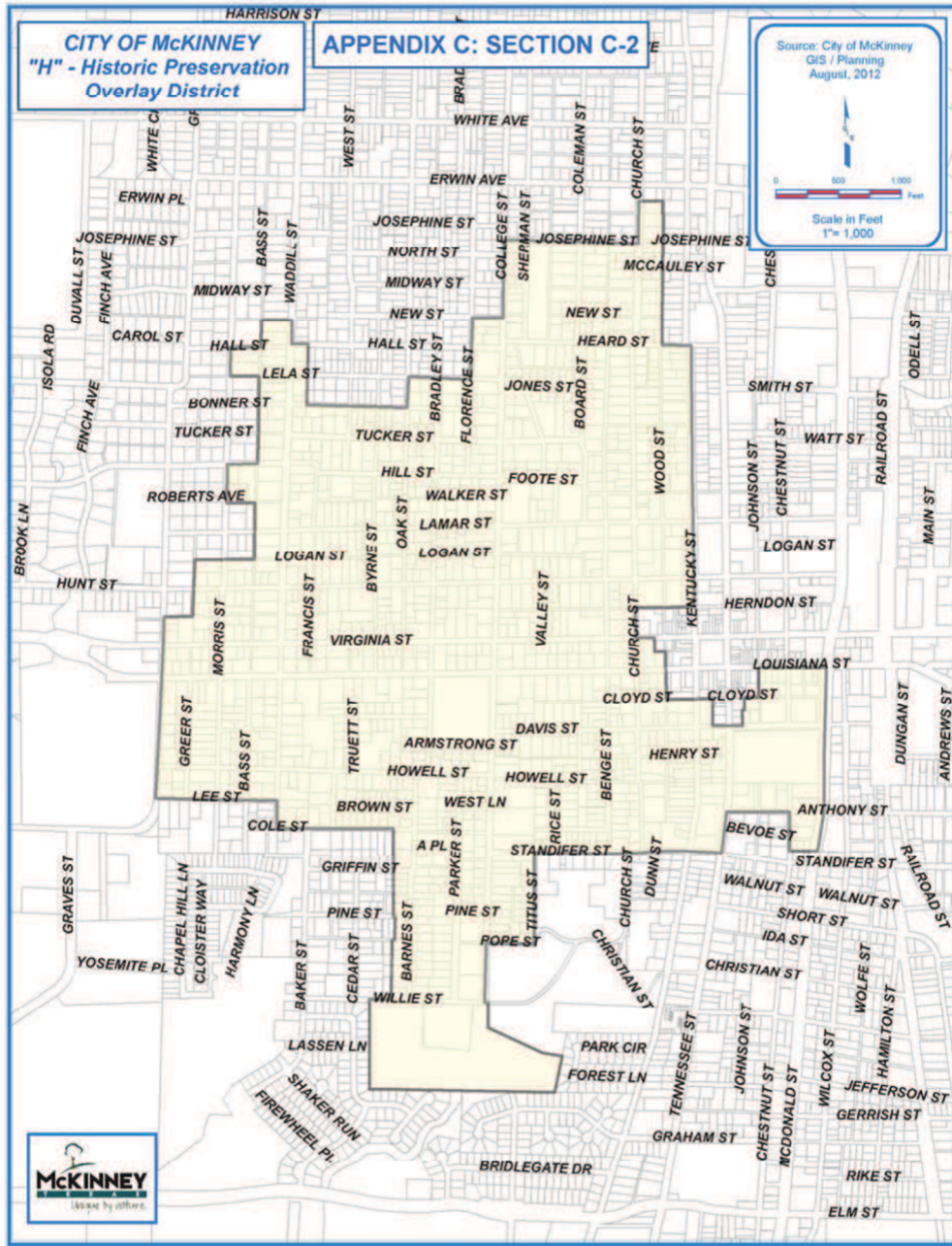
Section C-1. CHD - commercial historic overlay district map.



(Ord. No. 2002-08-084, § I.73, 8-20-2002; Ord. No. 2013-04-044, § 20, 4-22-2013)

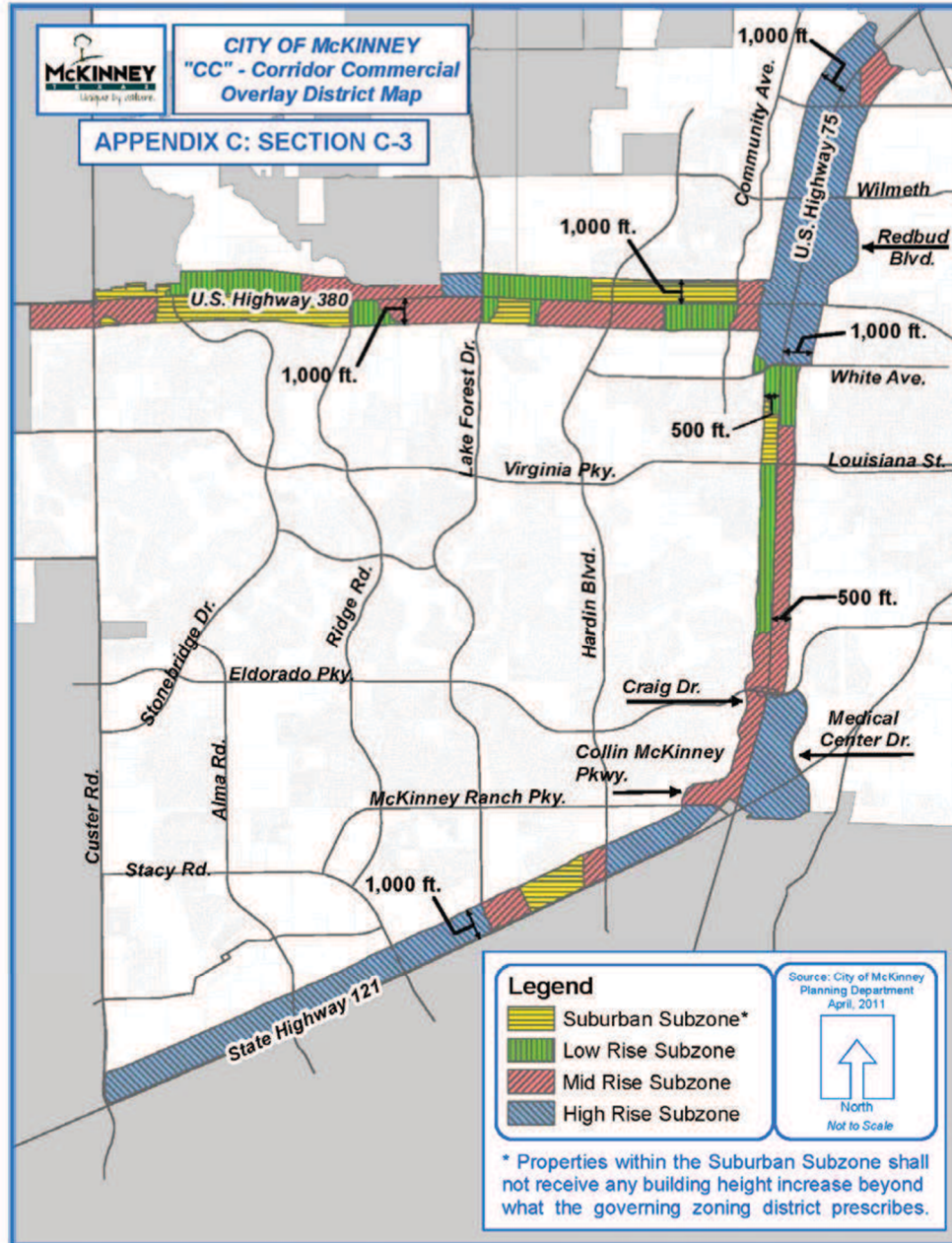
***Editor's note**—Ord. No. 2013-04-044, § 20, adopted April 22, 2013, amended the Code by changing the title of app. C. Formerly, app. C was entitled Historic District Maps.

Section C-2. H - historic preservation overlay district map.



(Ord. No. 2002-08-084, § I.73, 8-20-2002; Ord. No. 2008-07-066, § 4, 7-14-2008; Ord. No. 2013-04-044, § 20, 4-22-2013)

Section C-3. CC - corridor commercial overlay district map.



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

(Ord. No. 2011-05-032, § 2, 5-17-2011; Ord. No. 2013-04-044, § 20, 4-22-2013)

APPENDIX D. ZONING DISTRICT COMPARATIVE TABLE

<i>Zoning District</i>	<i>Pre-1997; Section of Ordinance # 1270</i>	<i>1997—5/20/02; Code of Ordinances Chapter 41</i>	<i>5/21/02—12/17/07; Code of Ordinances Chapter 41</i>	<i>12/18/07—Present; Code of Ordinances Chapter 146</i>
AG	3.02	41-62	41-62	146-67
RED-1	3.03	41-63	41-63	146-68
RED-2	3.04	41-64	41-64	146-69
RS 120	3.05	41-65	41-65	146-70
RS 84	3.06	41-66	41-66	146-71
RS 72		41-87	41-67	146-72
RS 60	3.07	41-67	41-68	146-73
RS 45	3.07.5	41-68	41-69	146-74
RD 30	3.08	41-69	41-70	146-75
RG 27	3.08.5	41-70	41-71	146-76
RG 25	3.09	41-71	41-72	146-77
RG 18	3.10	41-72	41-73	146-78
MF-1		41-88	41-74	146-79
MF-2		41-89	41-75	146-80
MF-3		41-90	41-76	146-81
MP	3.11	41-73	41-77	146-82
NC		41-92	41-78	146-83
BN	3.12	41-74	41-79	146-84
BG	3.13	41-75	41-80	146-85
C	3.14	41-76	41-81	146-86
O-1		41-91	41-82	146-87
O	3.15	41-77	41-83	146-88
BC		41-93	41-84	146-89
ML	3.16	41-78	41-85	146-90
MH	3.17	41-79	41-86	146-91
AP	3.18	41-80	41-87	146-92
GC	3.19	41-81	41-88	146-93
PD	3.20	41-82	41-89	146-94
MTC		41-95	41-90	146-95
CHD	3.24	35-1	41-91	146-96
H	3.23	41-85	41-92	146-97
FP	3.21	41-83	41-93	146-98
REC		41-94	41-94	146-99
TMN			41-95	146-100

(Ord. No. 2002-08-084, § I.73, 8-20-2002; Ord. No. 2008-07-066, § 5, 7-14-2008)

APPENDIX E. ILLUSTRATIONS

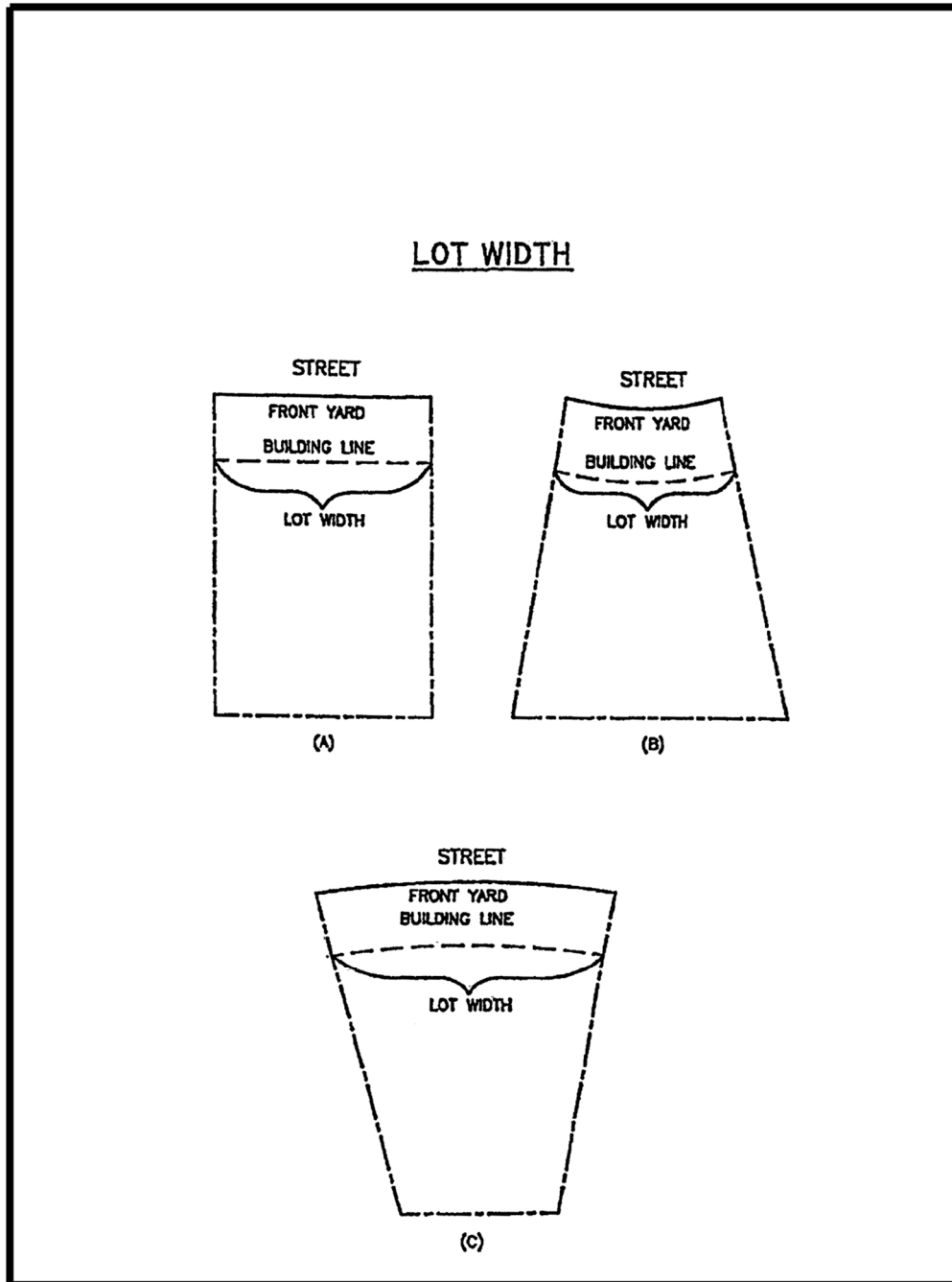


Illustration 1
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

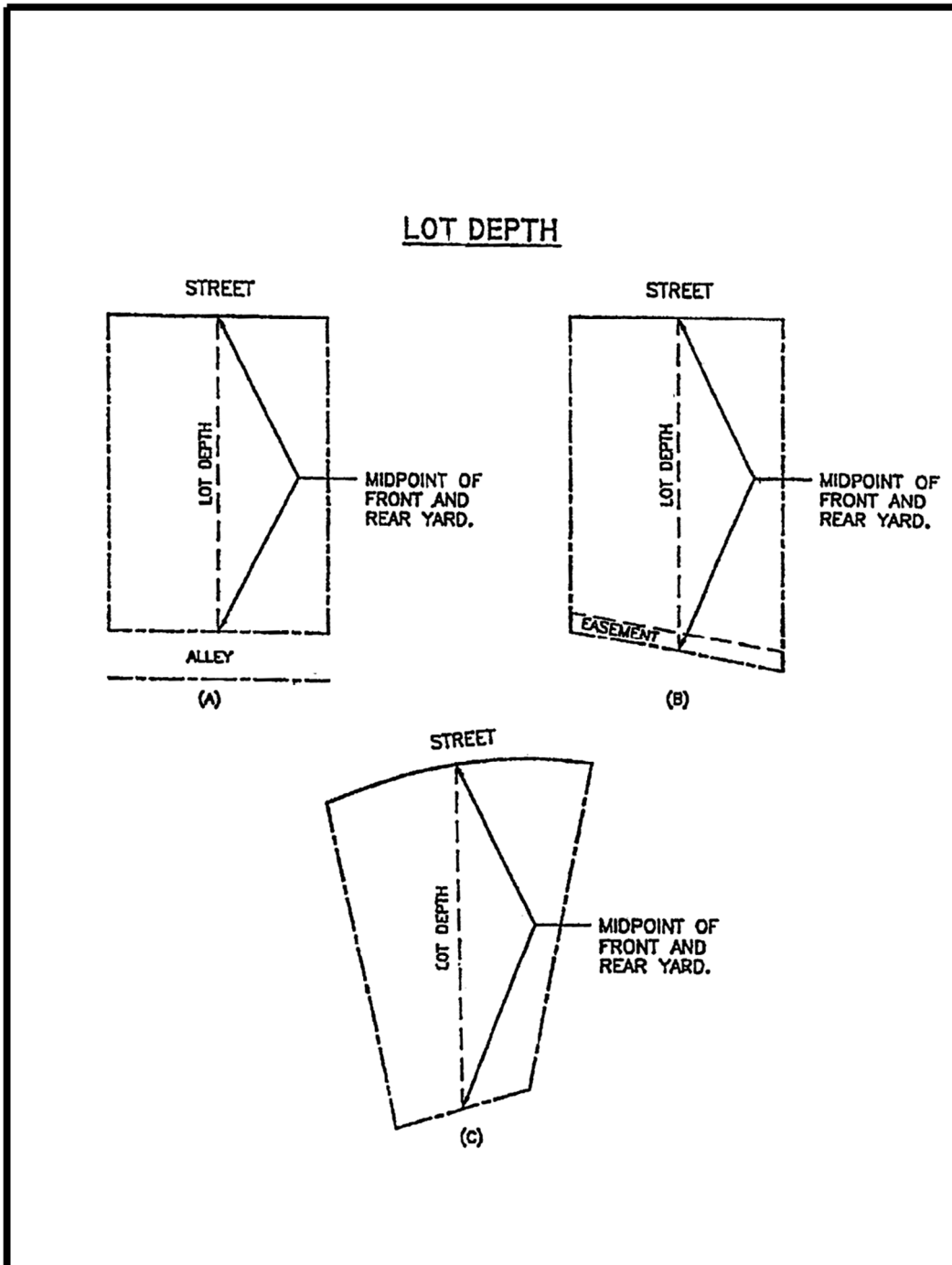


Illustration 2
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

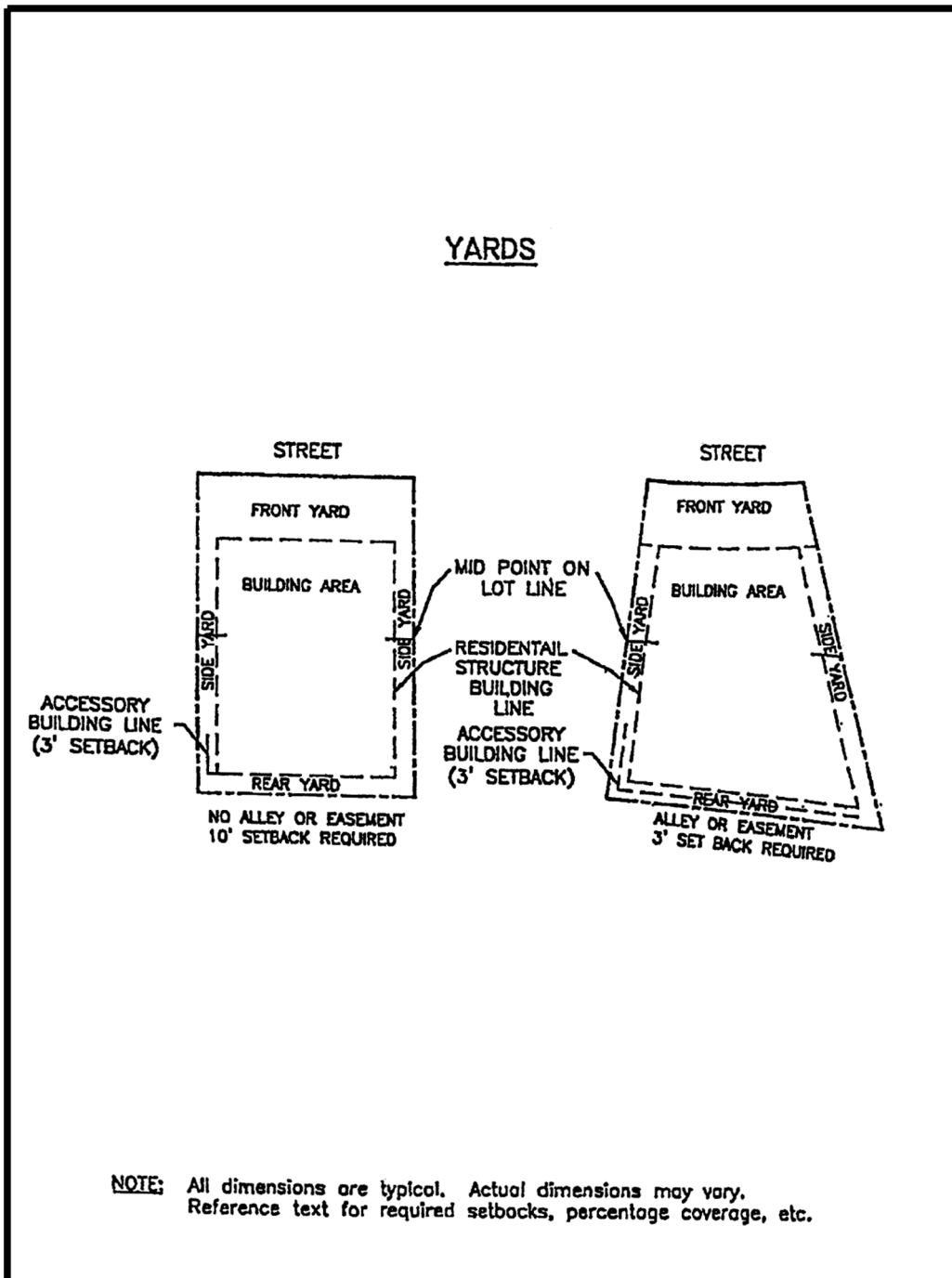


Illustration 3
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

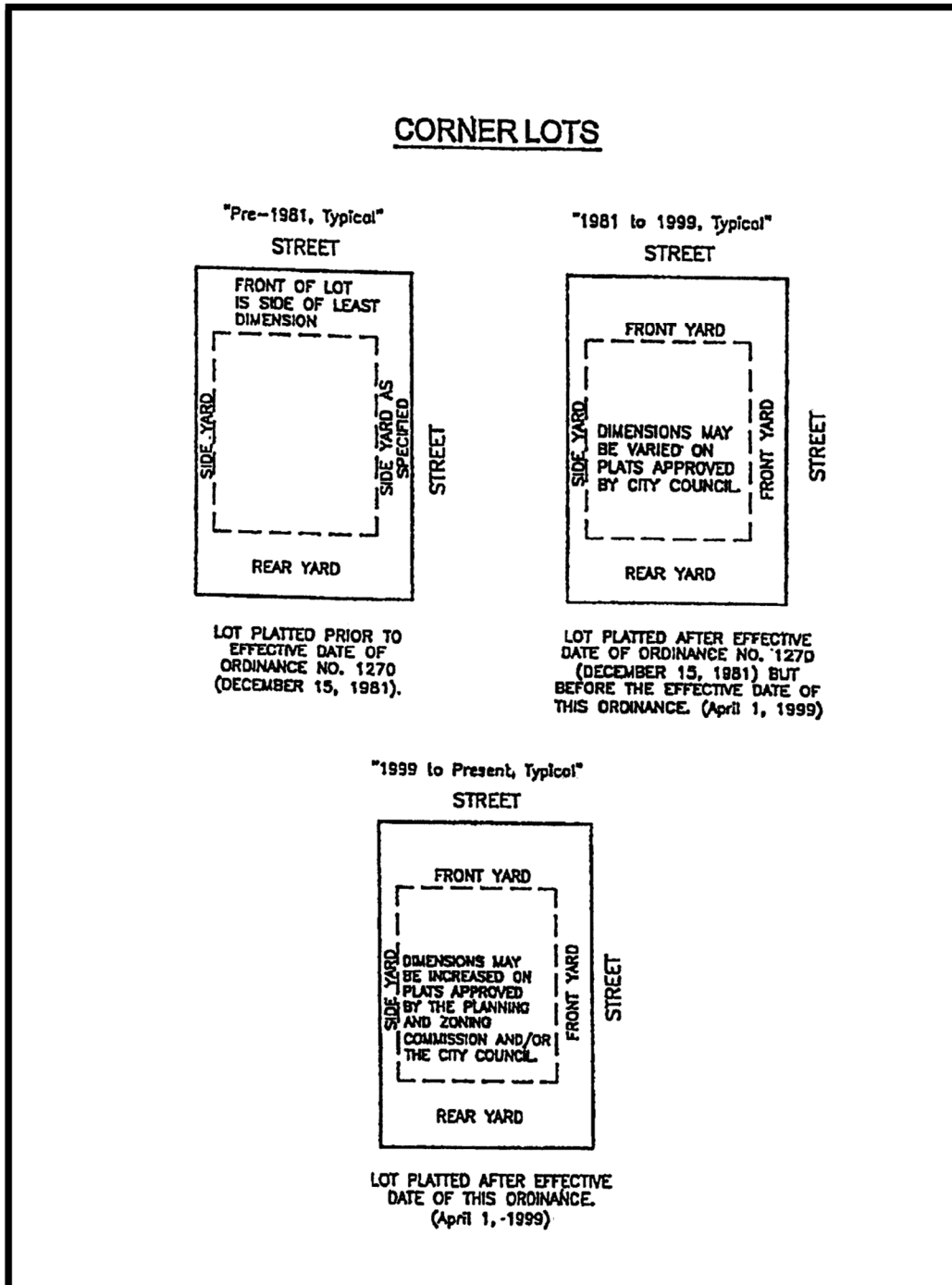


Illustration 4
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

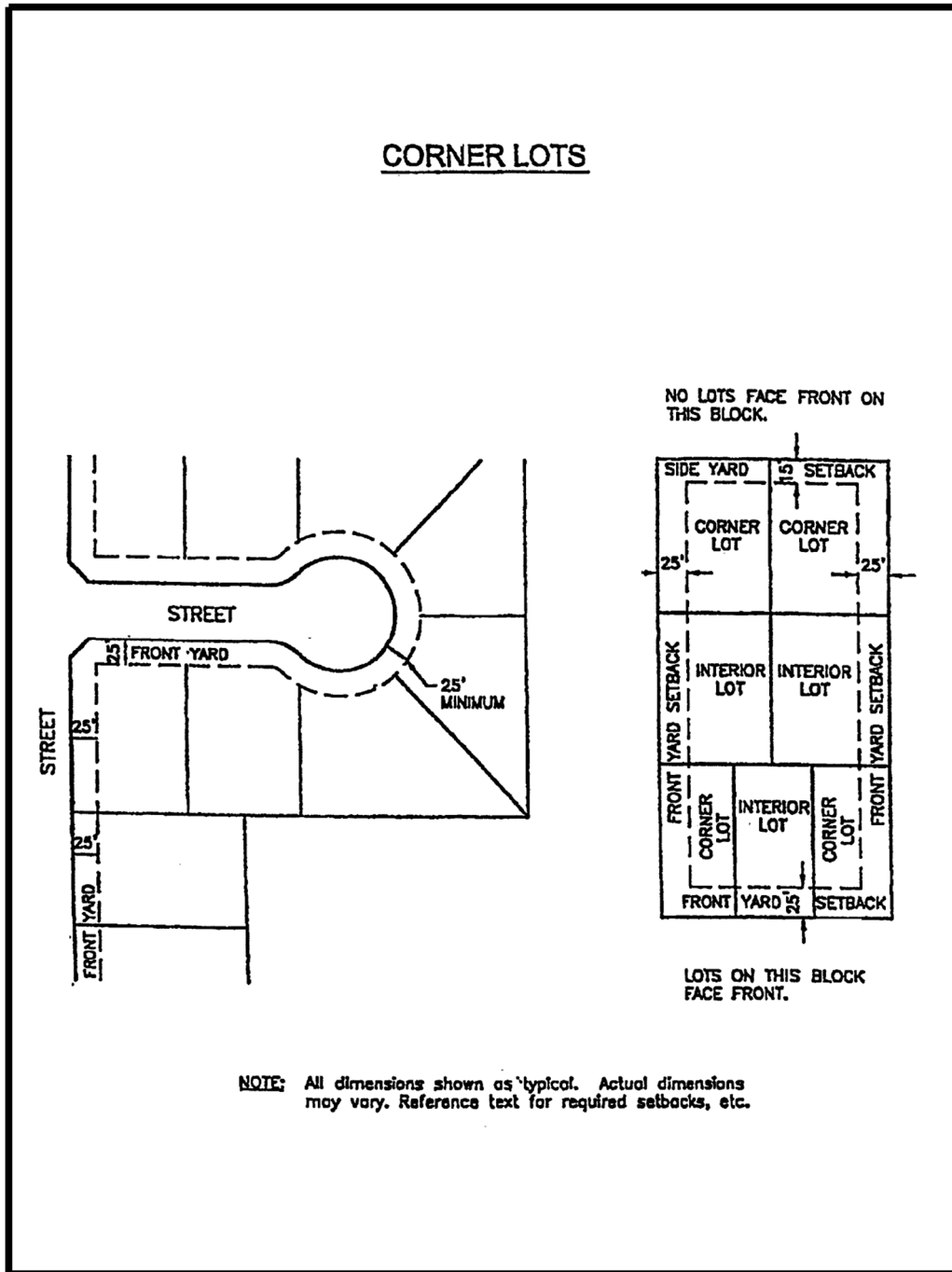


Illustration 5
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

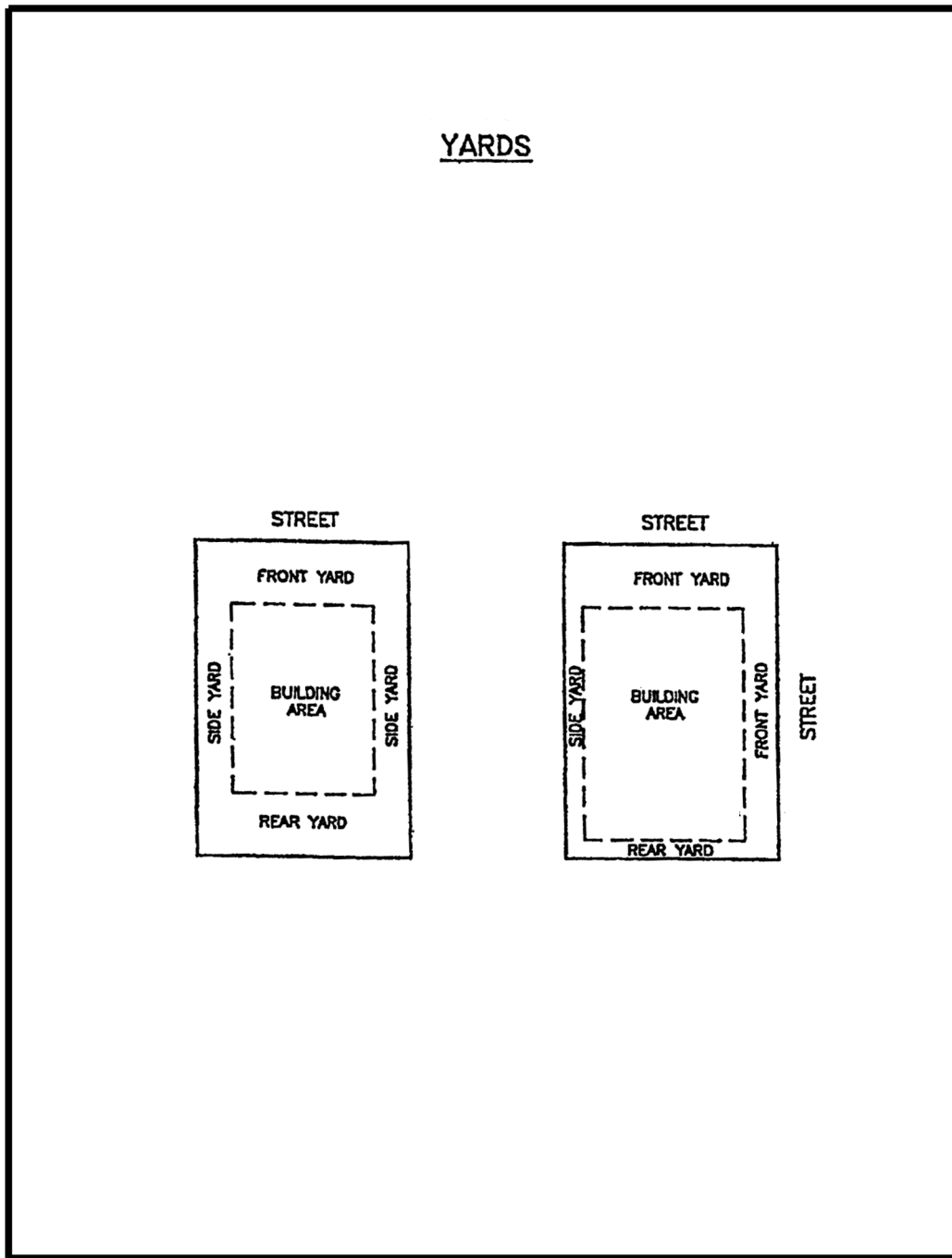


Illustration 6
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

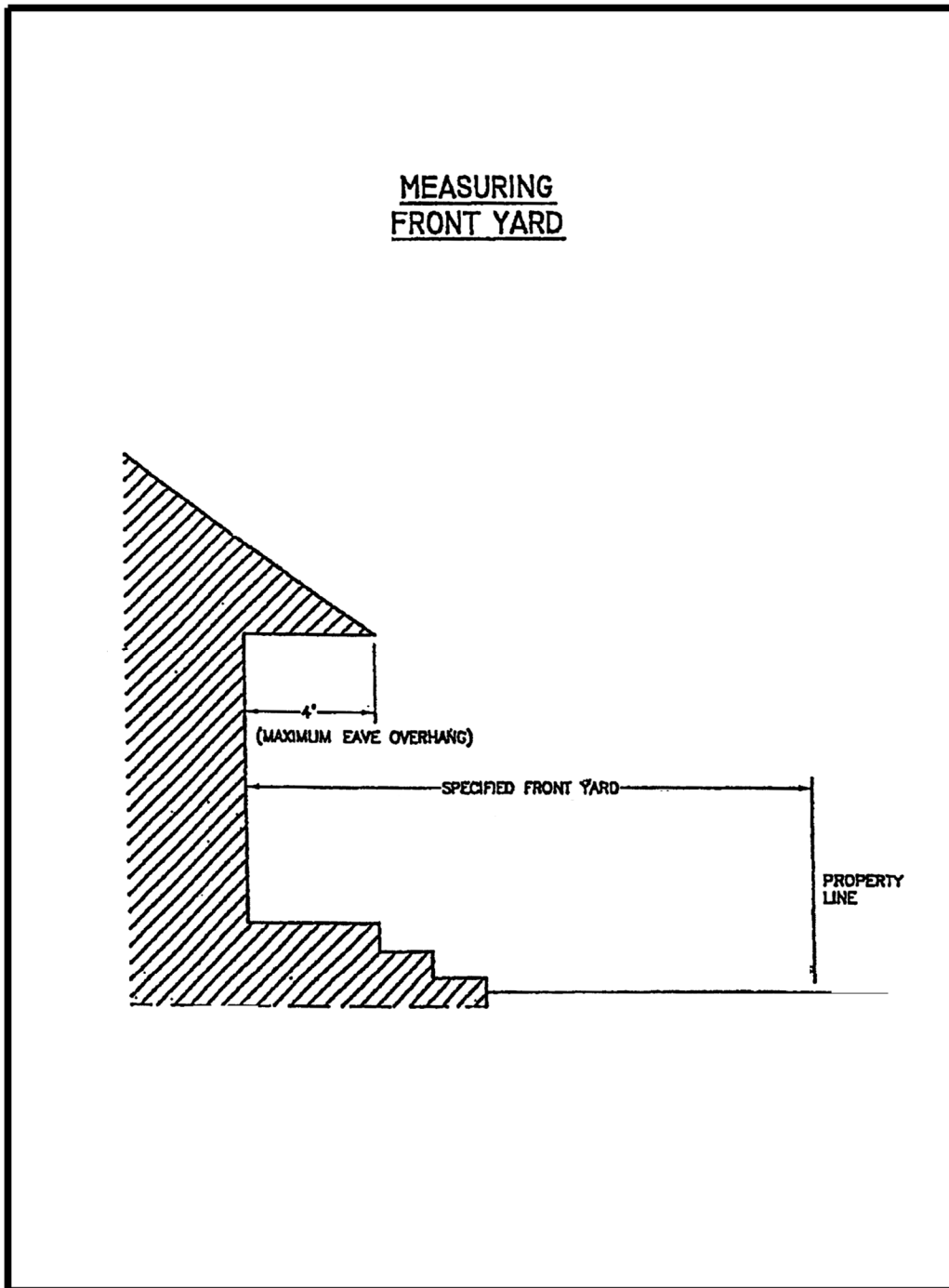


Illustration 7
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

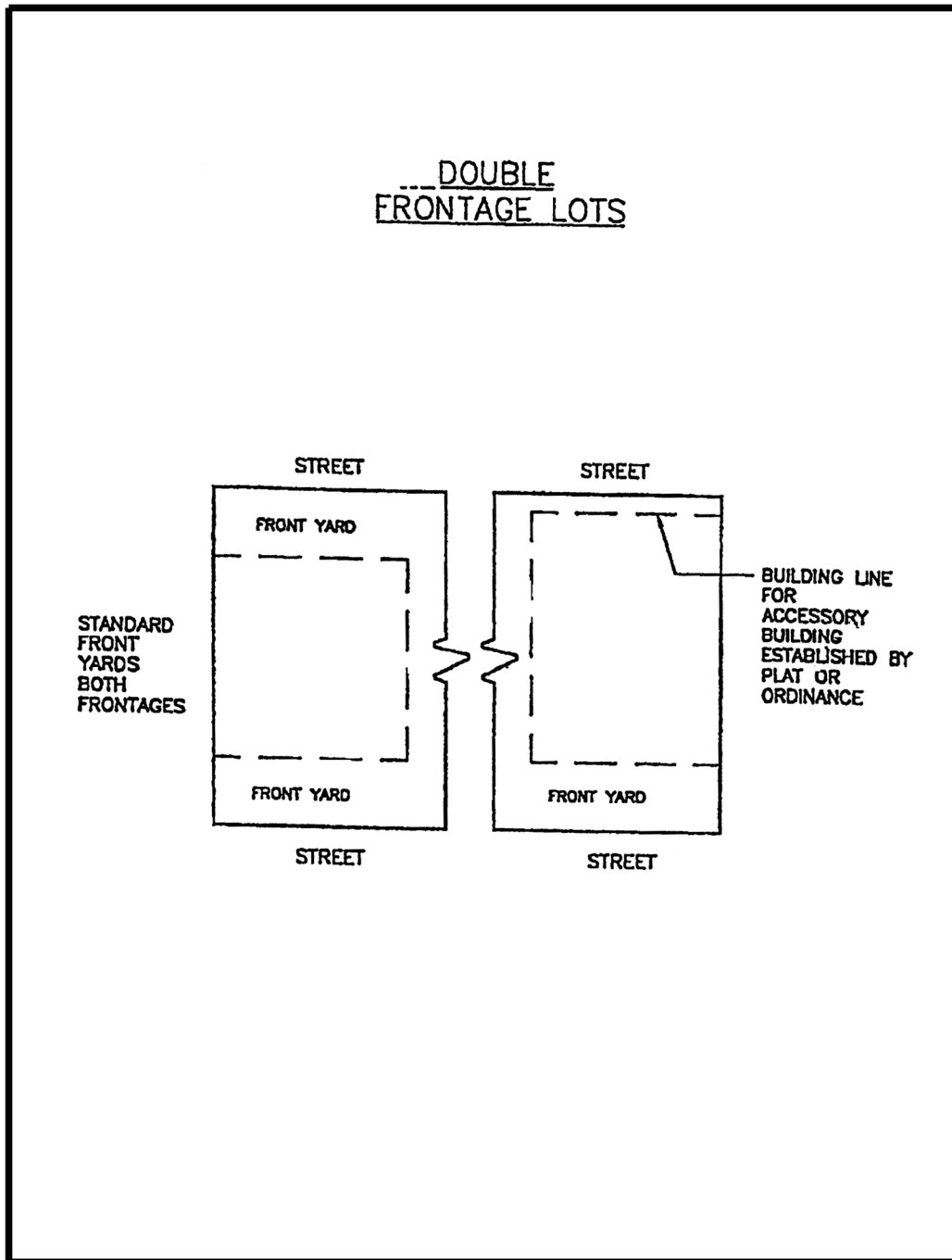


Illustration 8
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

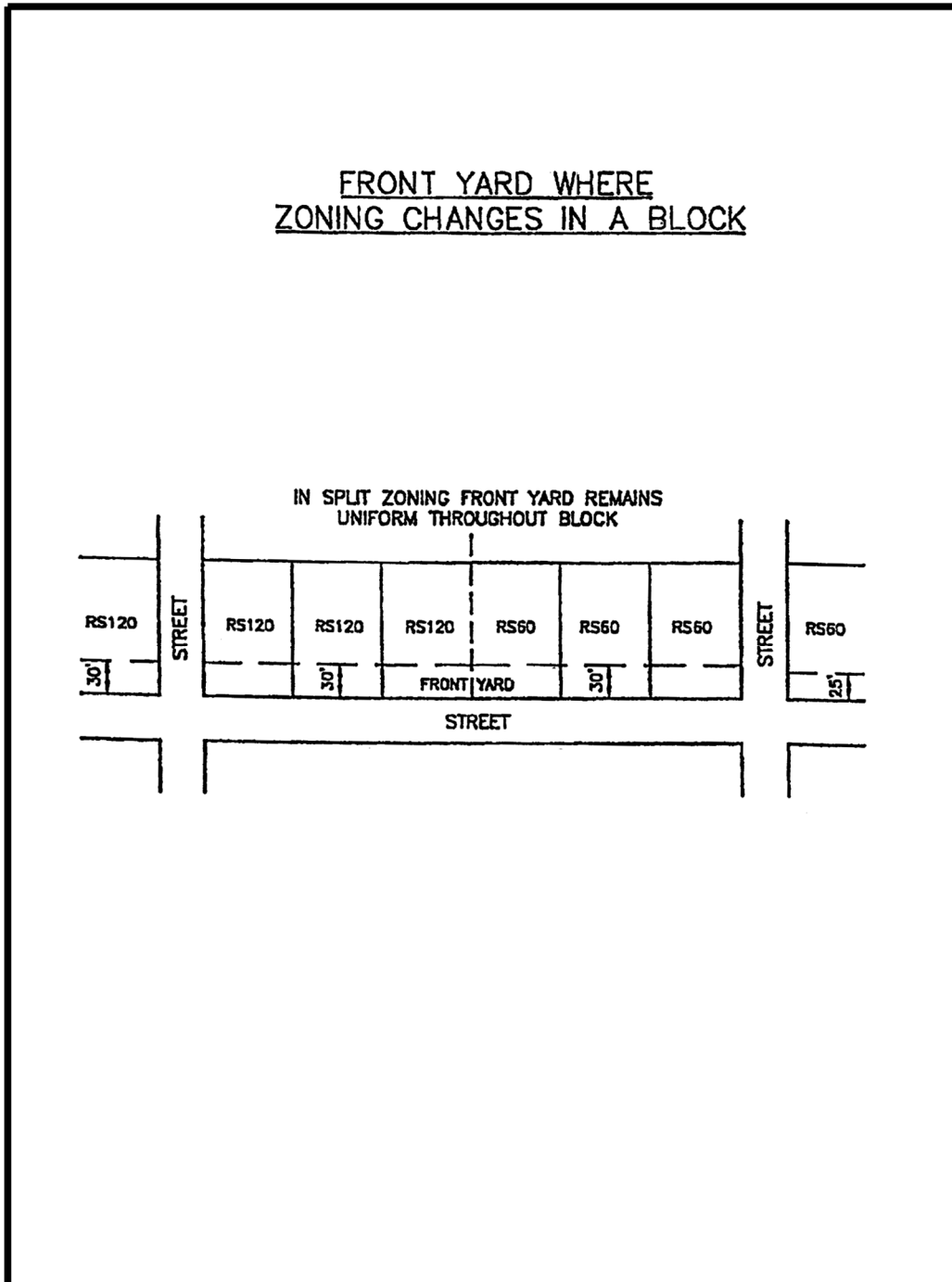
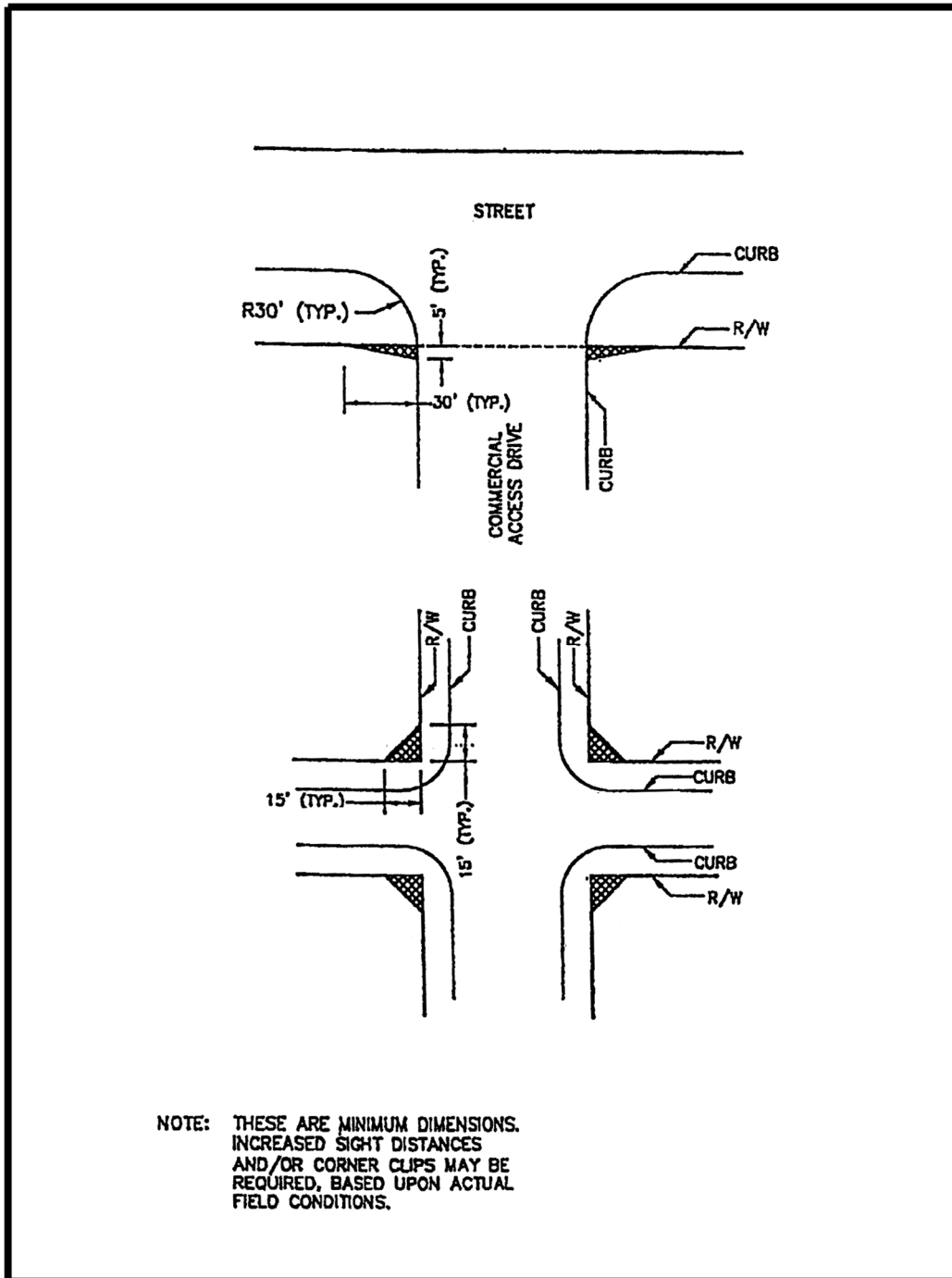


Illustration 9
(Ord. No. 2002-08-084, § I.74, 8-20-2002)



NOTE: THESE ARE MINIMUM DIMENSIONS. INCREASED SIGHT DISTANCES AND/OR CORNER CLIPS MAY BE REQUIRED, BASED UPON ACTUAL FIELD CONDITIONS.

Illustration 10
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

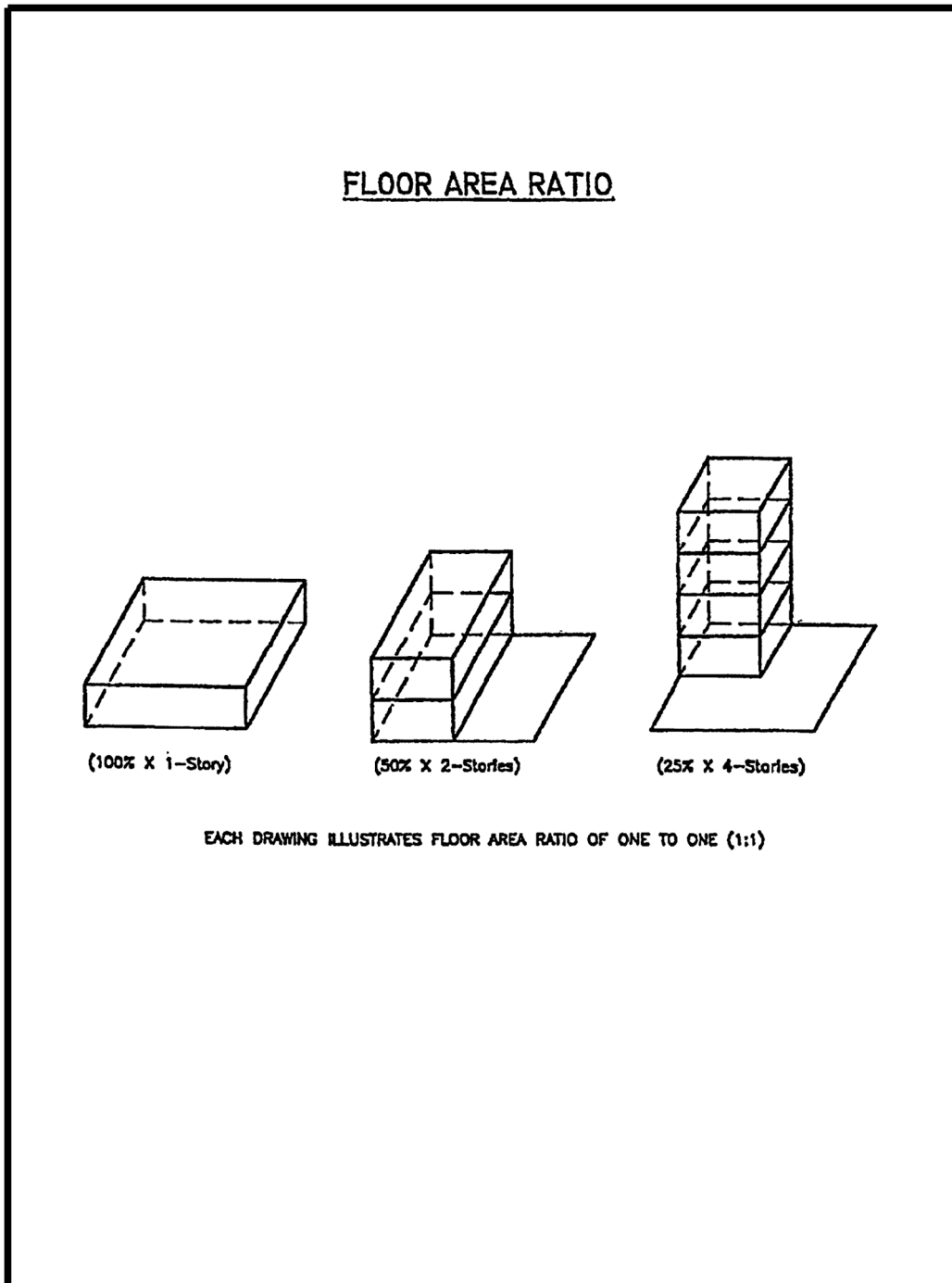


Illustration 11
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

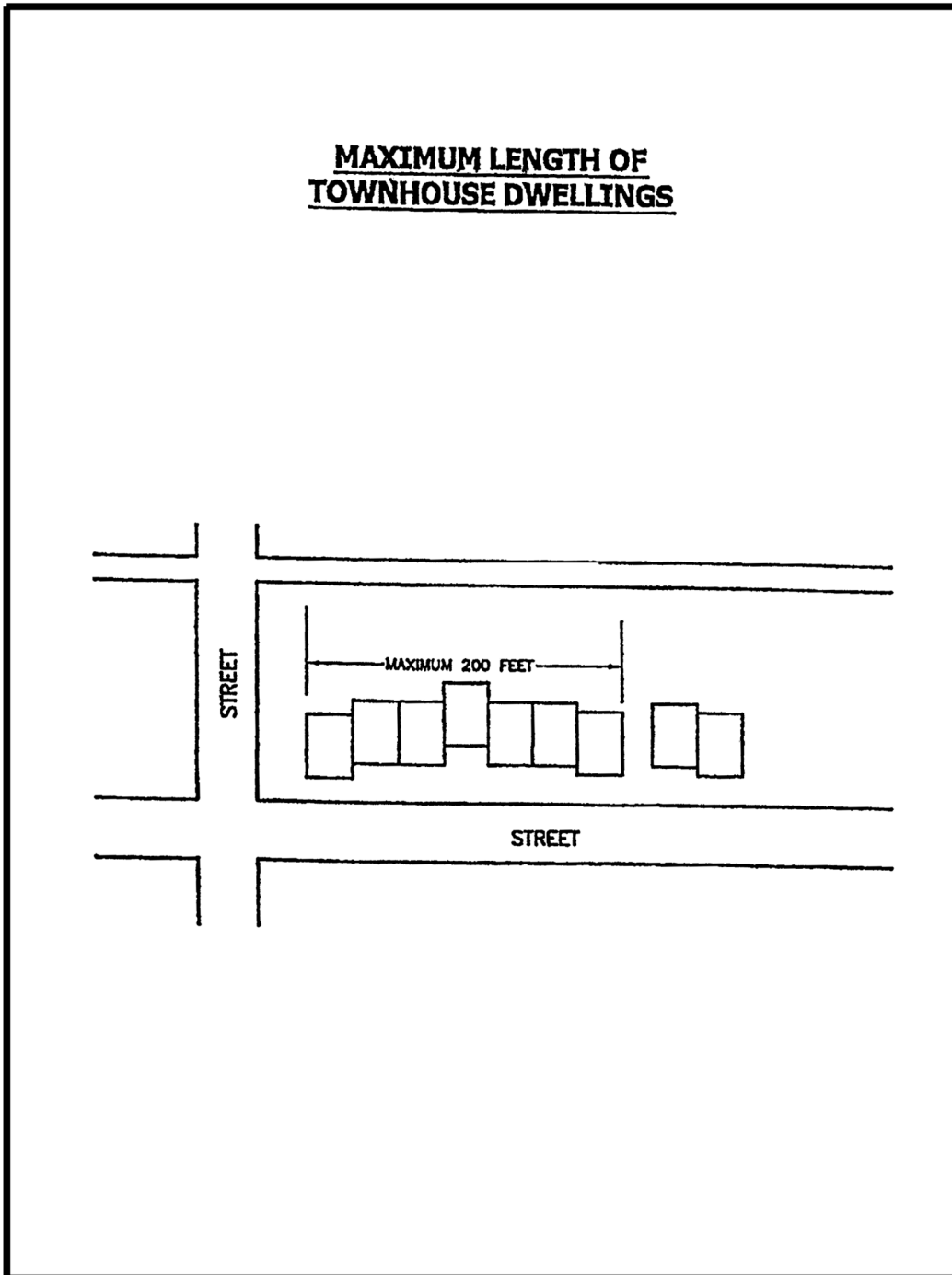
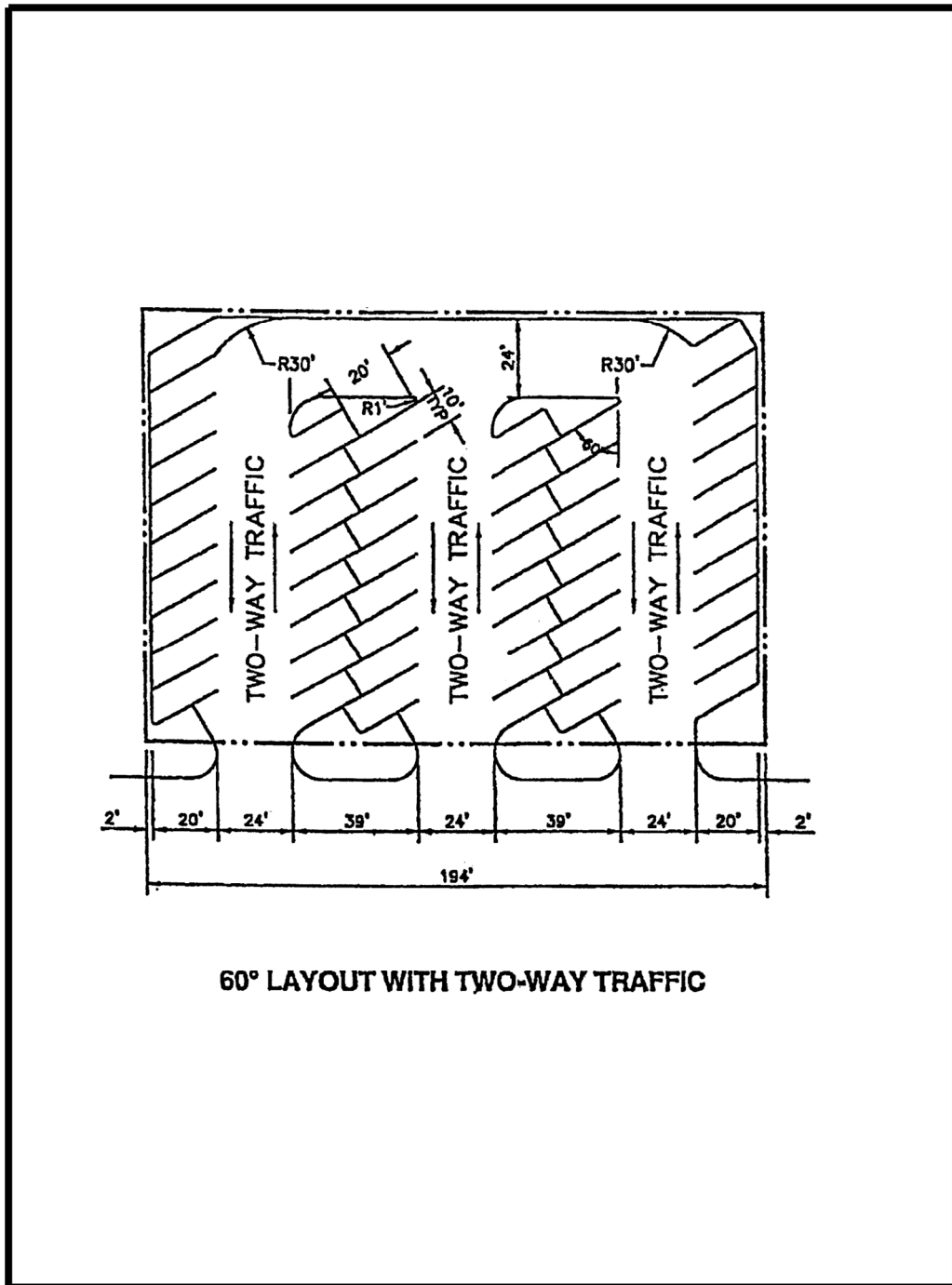


Illustration 12
(Ord. No. 2002-08-084, § I.74, 8-20-2002)



60° LAYOUT WITH TWO-WAY TRAFFIC

Illustration 13
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

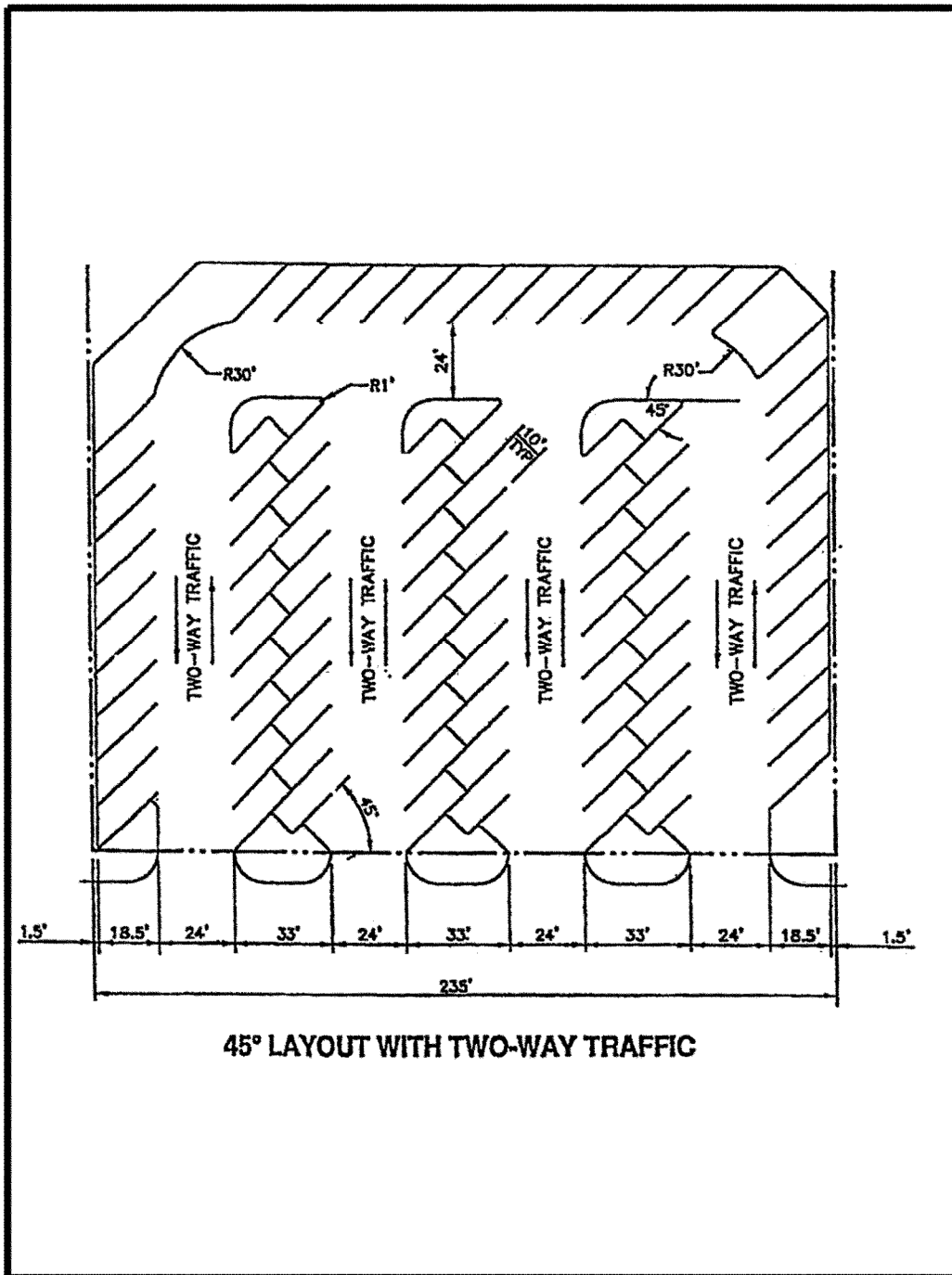


Illustration 14
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

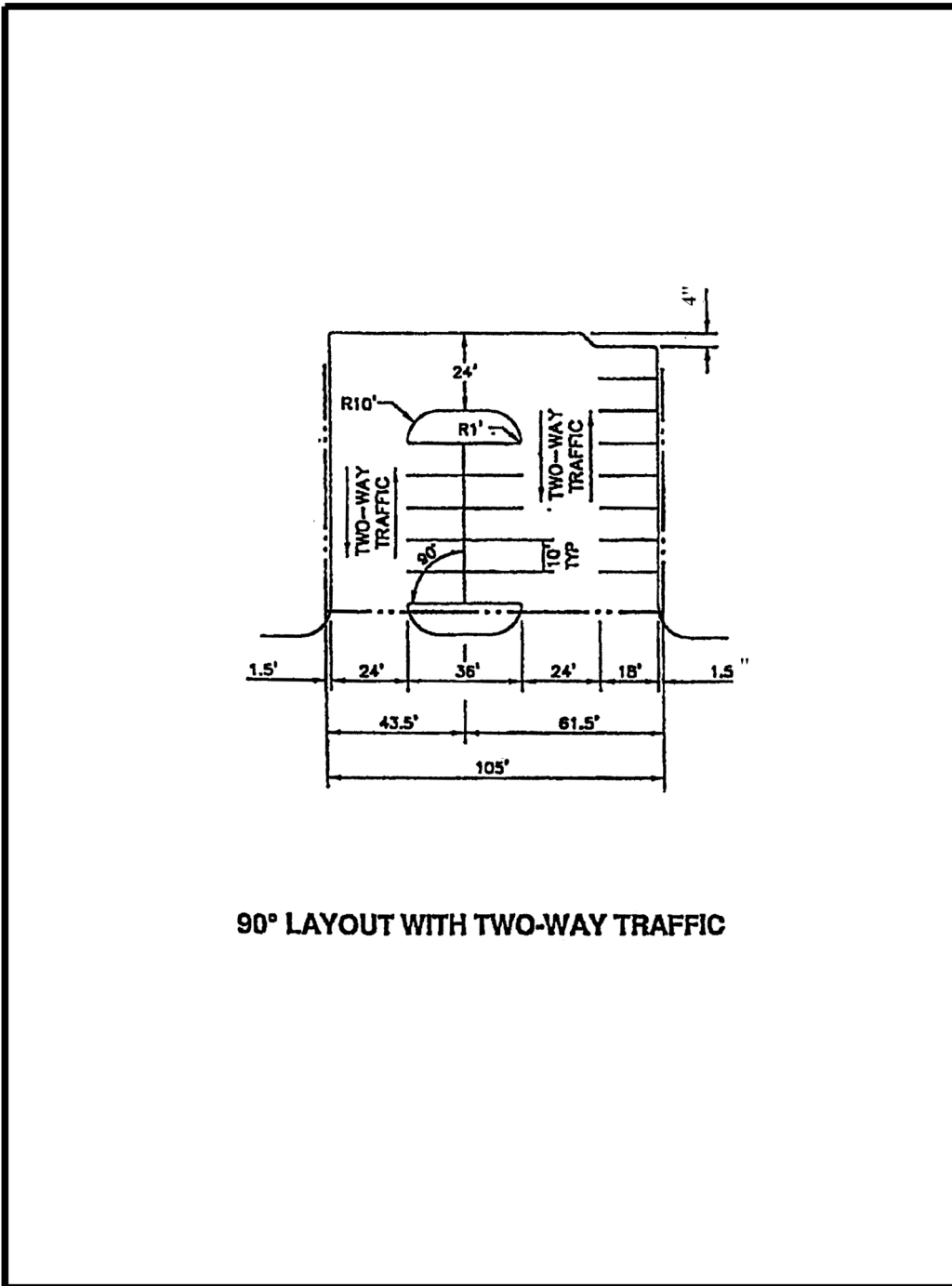


Illustration 15
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

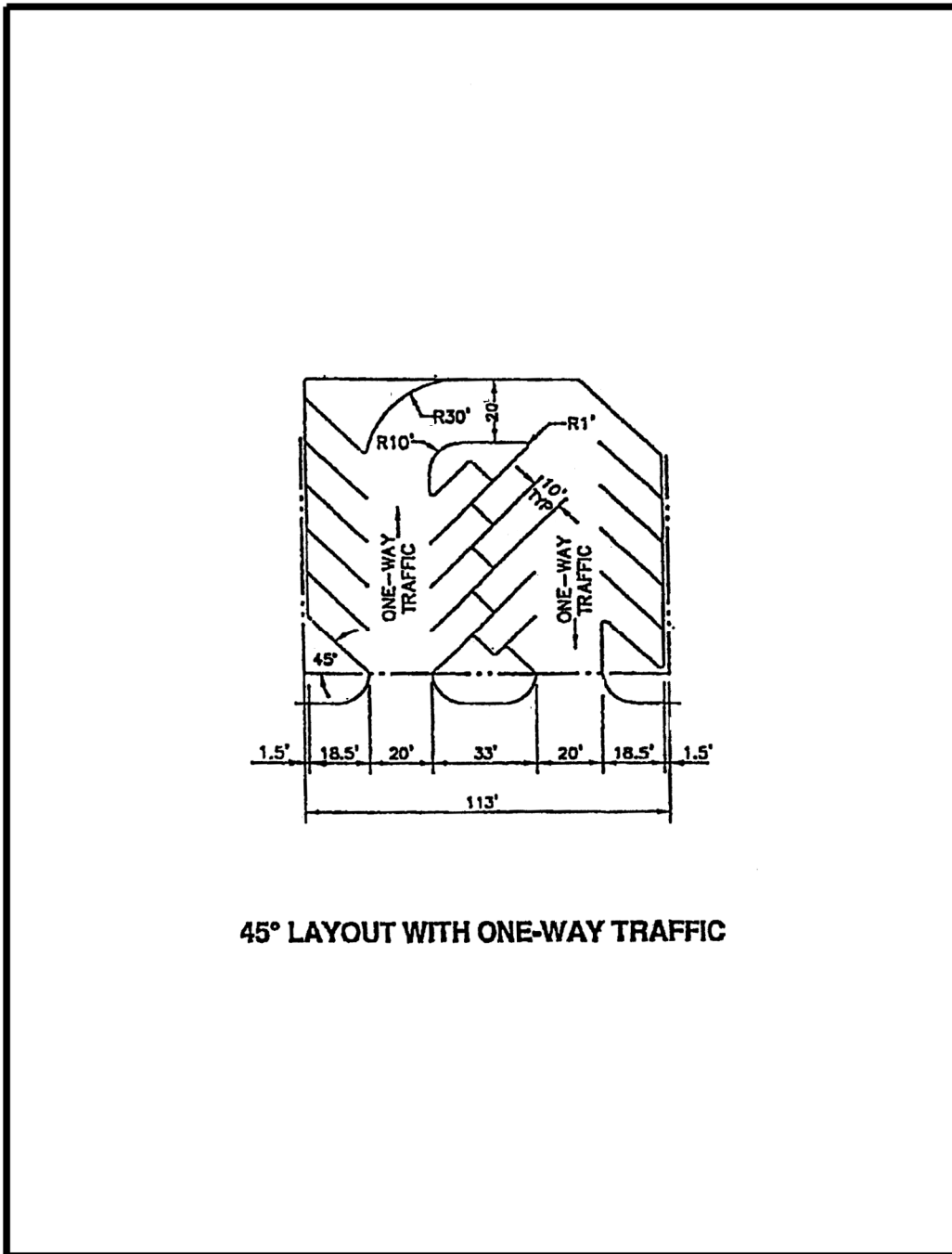
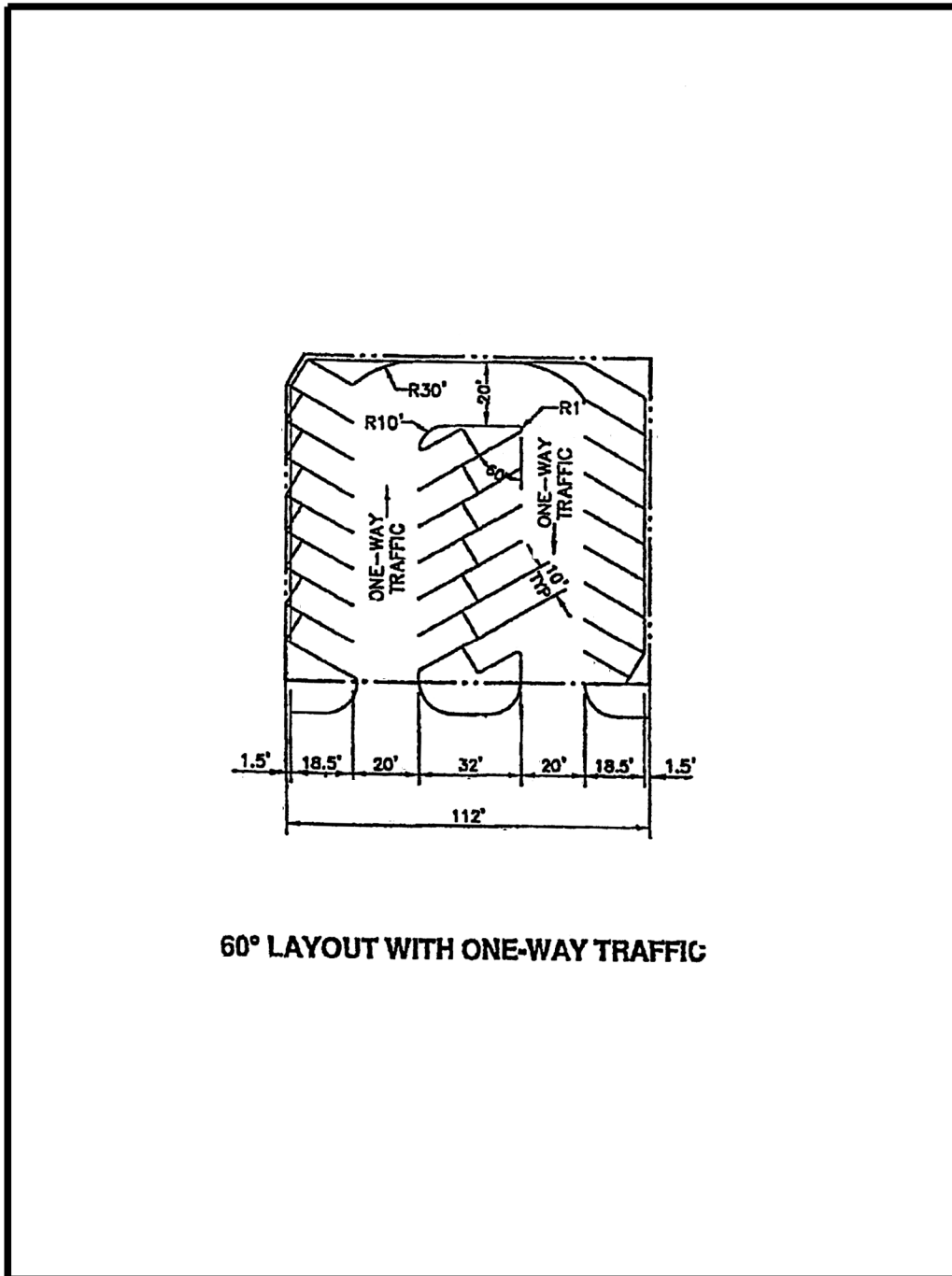


Illustration 16
(Ord. No. 2002-08-084, § I.74, 8-20-2002)



60° LAYOUT WITH ONE-WAY TRAFFIC

Illustration 17
(Ord. No. 2002-08-084, § I.74, 8-20-2002)

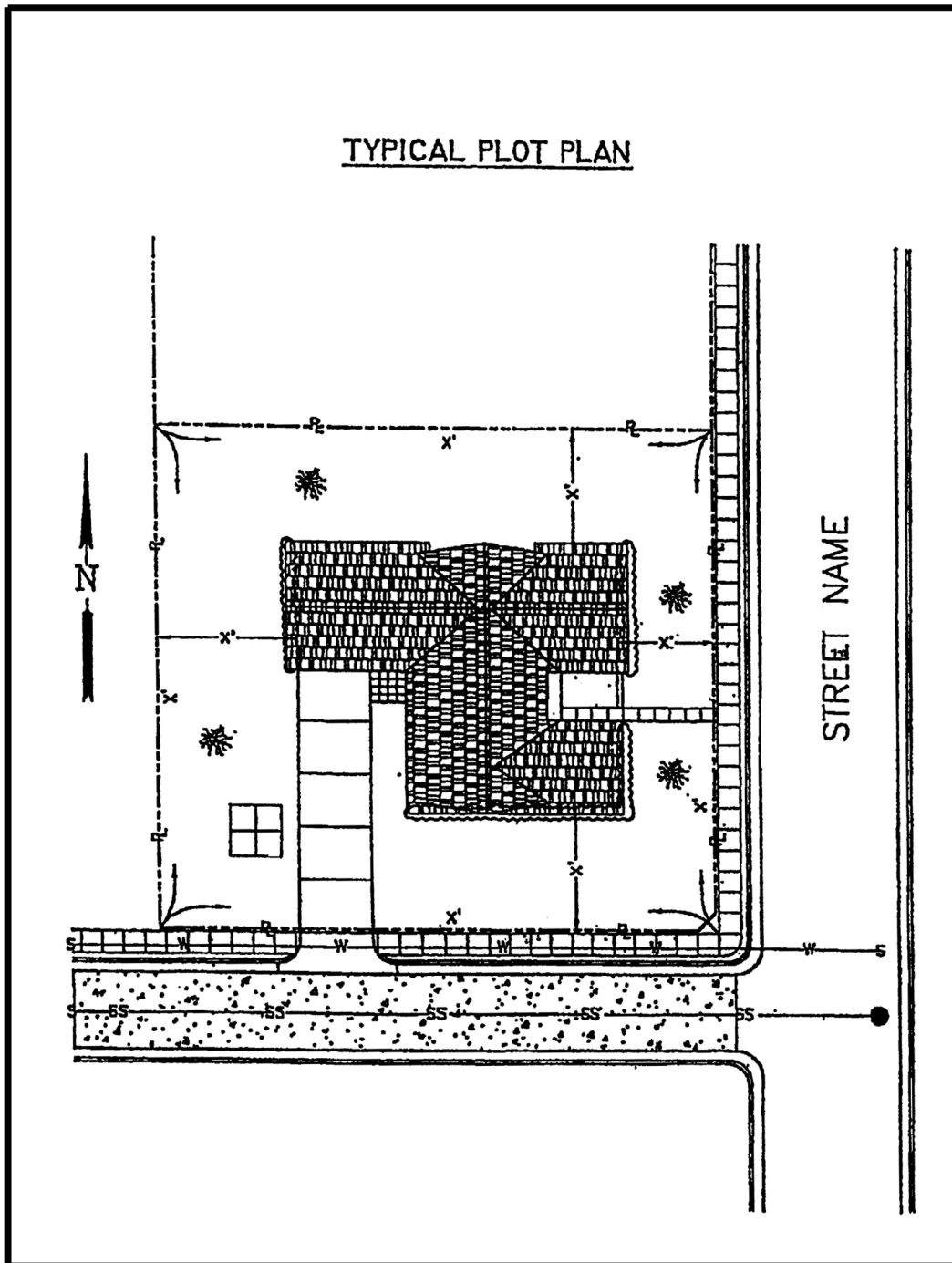
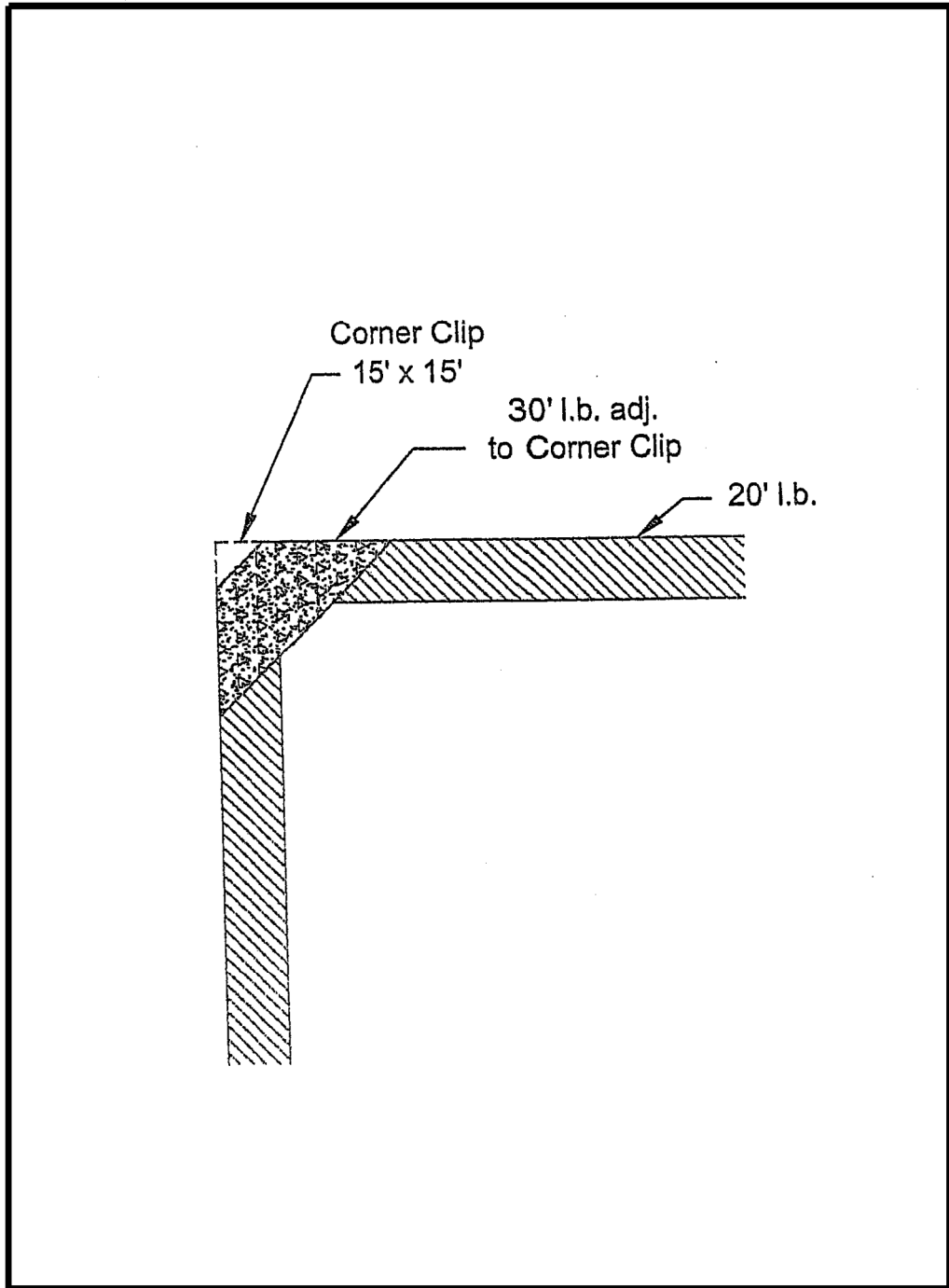


Illustration 18
(Ord. No. 2002-08-084, § I.74, 8-20-2002)



ZONING REGULATIONS

App. F, § F-1

APPENDIX F. SCHEDULES

Section F-1. Schedule of space limits.

Zoning District	Space Limits										
	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum rear yard setback	Minimum side yard setback of interior lots	Minimum side yard setback of corner lots	Maximum height of structure	Maximum lot coverage	Maximum Floor Area Ratio	Maximum density (dwelling units per gross acre)
AG	10 acre	150'	n/a	35'	35'	20'	25'	35'	n/a	n/a	n/a
RED-1	1 acre	150'	150'	35'	35'	20'	35'	35'	n/a	n/a	1.0
RED-2	2 acre	200'	200'	50'	50'	30'	50'	35'	n/a	n/a	0.5
RS 120	12,000 sq. ft.	80'	120'	30'	25'	10'	15'	35'	n/a	n/a	3.5
RS 84	8,400 sq. ft.	70'	110'	25'	25'	10'	15'	35'	n/a	n/a	5.0
RS 72	7,200 sq. ft.	60'	100'	25'	25'	6'	15'	35'	n/a	n/a	6.0
RS 60	6,000 sq. ft.	50'	100'	25'	25'	5'	15'	35'	n/a	n/a	7.0
RS 45	4,500 sq. ft.	40'	100'	20'	20'	(1)	15'	35'	n/a	n/a	8.0
RD 30	(1)	50'	100'	25'	25'	7'	15'	35'	n/a	n/a	14.5
RG 27	2,700 sq. ft.	25'	100'	20'	20'	(1)	15'	35'	n/a	n/a	14.5
RG 25	(1)	50'	100'	25'	25'	7'	25'	35'	n/a	n/a	17.0
RG 15 [18]	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	50%	(1)	(1)
MF-1	3,600 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	12.0
MF-2	2,700 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	16.0
MF-3	2,100 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	20.0
MP	(1)	(1)	(1)	(1)	(1)	(1)	(1)	35'	n/a	n/a	8.0
NC	7,000 sq. ft.	60'	100'	25'	(1)	(1)	25'	35'	40%	0.4 : 1.0	n/a
BN	7,500 sq. ft.	50'	(1)	25'	20'	(1)	(1)	35'	70%	0.6 : 1.0	n/a
BG	(1)	(1)	(1)	(1)	10'	(1)	15'	45'	95%	2.0 : 1.0	n/a
C	0'	0'	0'	25'	(1)	(1)	15'	55'	50%	1.0 : 1.25	n/a
O-1	7,000 sq. ft.	60'	100'	25'	(1)	(1)	25'	35'	50%	0.5 : 1.0	n/a
O	0'	0'	0'	50'	(1)	(1)	(1)	(1)	50%	1.0 : 1.0	n/a
BC	10,000 sq. ft.	80'	100'	25'	(1)	(1)	25'	45'	70%	1.0 : 1.0	n/a
ML	(1)	50'	0'	25'	0'	0'	20'	(1)	75%	1.0 : 1.0	n/a
MH	(1)	50'	0'	20'	0'	0'	10'	(1)	50%	1.0 : 1.0	n/a
AP	0'	0'	0'	25'	(1)	(1)	15'	45'	n/a	n/a	n/a
GC	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	12.0 : 1.0	(1)
PD	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
MTC	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
SF12	12,000 sq. ft.	80'	120'	25' (3)	20'	10'	20'	35'	n/a	n/a	3.2 (5)
SF10	10,000 sq. ft.	70'	110'	25' (3)	20'	10'	20'	35'	n/a	n/a	3.2 (5)
SF8	8,000 sq. ft.	60'	100'	20' (3)	15' (7)	7'	15' (7)	35'	n/a	n/a	3.2 (5)
SF7.2	7,200 sq. ft.	50'	90'	20' (3)	15' (7)	5'	15' (7)	35'	n/a	n/a	3.2 (5)
SF5	5,000 sq. ft. (4)	40' (6)	80'	20' (3)	15' (7)	0' (10)	15' (7)	35'	n/a	n/a	3.2 (5)
DR (9)	6,000 sq. ft.	40' (6)	80'	20'	15' (7)	5'	15' (7)	35'	n/a	n/a	6.4
TH (9)	2,700 sq. ft.	25' (6)	80'	20'	15' (7)	10' between buildings	15' (7)	35'	n/a	n/a	8.0 (1)
SO	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	35'	70%	n/a	n/a

Zoning District	Space Limits										
	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum rear yard setback	Minimum side yard setback of interior lots	Minimum side yard setback of corner lots	Maximum height of structure	Maximum lot coverage	Maximum Floor Area Ratio	Maximum density (dwelling units per gross acre)
RO	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	55' (8)	90%	n/a	n/a
C1	7,500 sq. ft.	50'	50'	20'	0'	0'	n/a	35'	50%	n/a	n/a
C2	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	45'	70%	n/a	n/a
C3	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	55' (8)	90%	n/a	n/a
LI	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	45' (8)	70%	n/a	n/a
HI	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	55' (8)	90%	n/a	n/a

Notes:

- (1) See district regulations.
 - (2) Established by ordinance.
 - (3) A ten-foot encroachment zone shall be permitted between the building setback and the property line within which porches, patios, and similar structures may be constructed. For the purposes of this section, porches and patios shall mean covered, open air recreation spaces which may or may not feature railings and/or low walls (approximately 30 to 40 in height as measured from the finished floor level of the space) to create a sense of enclosure. Covered, open air spaces that feature floor to ceiling walls with or without windows or other openings (example: sun rooms, sun porch, solarium, greenhouse) shall not constitute a porch or patio. The placement of sidewalks and/or steps leading to a porch, patio or similar structure shall not be regulated by this section.
 - (4) The mean and median lot size for the neighborhood shall be a minimum of 7,200 square feet.
 - (5) The density may be increased to 3.4 dwelling units per acre if the design for density criteria outlined in the city's comprehensive plan are satisfied.
 - (6) Garages that are accessed from the front of a lot with a width of less than 50 feet shall not be permitted. Garages for these lots (< 50' wide) shall be accessed via alleys adjacent to the rear of the lot. A driveway with a minimum depth of 20 feet shall be provided in front of the rear-entry garage door.
 - (7) Rear or corner side-entry garages shall adhere to a 20' building setback in order to accommodate a 20' driveway between the garage door and the alley or street right-of-way.
 - (8) The maximum building height may be increased to a maximum height of 75 feet if each building setback is increased by two feet for every foot of increased building height. The maximum building height may be increased to a maximum height of 180 feet if each building setback is increased by two feet for every foot of increased building height and a property zoned or used for residential purposes is not located within 1,000 feet of the subject property.
 - (9) If detached single family residential uses are constructed within this zoning district, said uses shall adhere to the space limits governing the SF5 - Single Family Residential district.
 - (10) A minimum building separation of ten feet shall be maintained between dwelling units. If a zero-lot line product is to be constructed, the desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat which shall be filed for record with the Collin county clerk's office.
- The following is a legend for interpreting the applicability of the various zoning districts:

These zoning districts were created on March 4, 2014. Properties zoned/rezoned after March 4, 2014 may be zoned to these districts.
These zoning districts were established prior to March 4, 2014. Properties zoned/rezoned after March 4, 2014 may be zoned to these districts.
These zoning districts were established prior to March 4, 2014. No properties may be zoned/rezoned to these districts after July 1, 2014.

- For a listing of a specific PD - Planned Development District's applicable space limits, please contact the City of McKinney's Planning Department.

(Ord. No. 1270, app. A, 12-15-1981; Ord. No. 1810, pt. III, § 1, 9-20-1988; Ord. No. 93-11-39, § 1, 11-2-1993; Ord. No. 94-08-26, § 3(D), 8-16-1994; Ord. No. 97-11-61, § 1, 11-18-1997; Ord. No. 2000-01-03, § 1V, 1-4-2000; Ord. No. 2000-05-028, § 1E, 5-2-2000; Ord. No. 2000-08-59, § 1B, 8-15-2000; Ord. No. 2002-08-084, § I.75, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2006-10-121, § IX, 10-17-2006; Ord. No. 2010-12-053, § 32, 12-7-2010; Ord. No. 2012-11-056, § 45, 11-5-2012; Ord. No. 2013-04-033, § 4, 4-2-2013; Ord. No. 2013-04-044, § 21, 4-22-2013; Ord. No. 2014-03-018, § 21, 3-4-2014)

Section F-2. Reserved.

Editor's note—Ord. No. 2014-03-018, § 22, adopted March 4, 2014, amended the Code by repealing former § F-2 in its entirety. Former § F-2 pertained to the schedule of heights, areas, and densities, now covered by § F-1, and derived from Ord. No. 1270, adopted December 15, 1981; Ord. No. 1810, adopted September 20, 1988; Ord. No. 93-11-39, adopted November 2, 1993; Ord. No. 94-08-26, adopted August 16, 1994; Ord. No. 97-11-61, adopted November 18, 1997; Ord. No. 2000-01-03, adopted January 4, 2000; Ord. No. 2000-05-028, adopted May 2, 2000; Ord. No. 2000-08-59, adopted August 15, 2000; Ord. No. 2002-08-084, adopted August 20, 2002; Ord. No. 2004-12-124, adopted December 15, 2004; Ord. No. 2010-12-053, adopted December 7, 2010; Ord. No. 2012-11-056, adopted November 5, 2012; Ord. No. 2013-04-033, adopted April 2, 2013; and Ord. No. 2013-04-044, adopted April 22, 2013.

Sec. F-3. Reserved.

Editor's note—Ord. No. 2010-12-053, § 34, adopted December 7, 2010, amended the Code by repealing former § F-3. Formerly, § 5-3 pertained to a schedule of coverages and densities, and derived from Ord. No. 1270, adopted December 15, 1981; Ord. No. 1810, adopted September 20, 1988; Ord. No. 93-11-39, adopted November 2, 1993; Ord. No. 94-08-26, adopted August 16, 1994; Ord. No. 97-11-61, adopted November 18, 1997; Ord. No. 2000-01-03, adopted January 4, 2000; Ord. No. 2000-05-028, adopted May 2, 2000; Ord. No. , adopted August 15, 2000; Ord. No. 2002-08-084, adopted August 20, 2002; and Ord. No. 2004-12-124, adopted December 15, 2004.

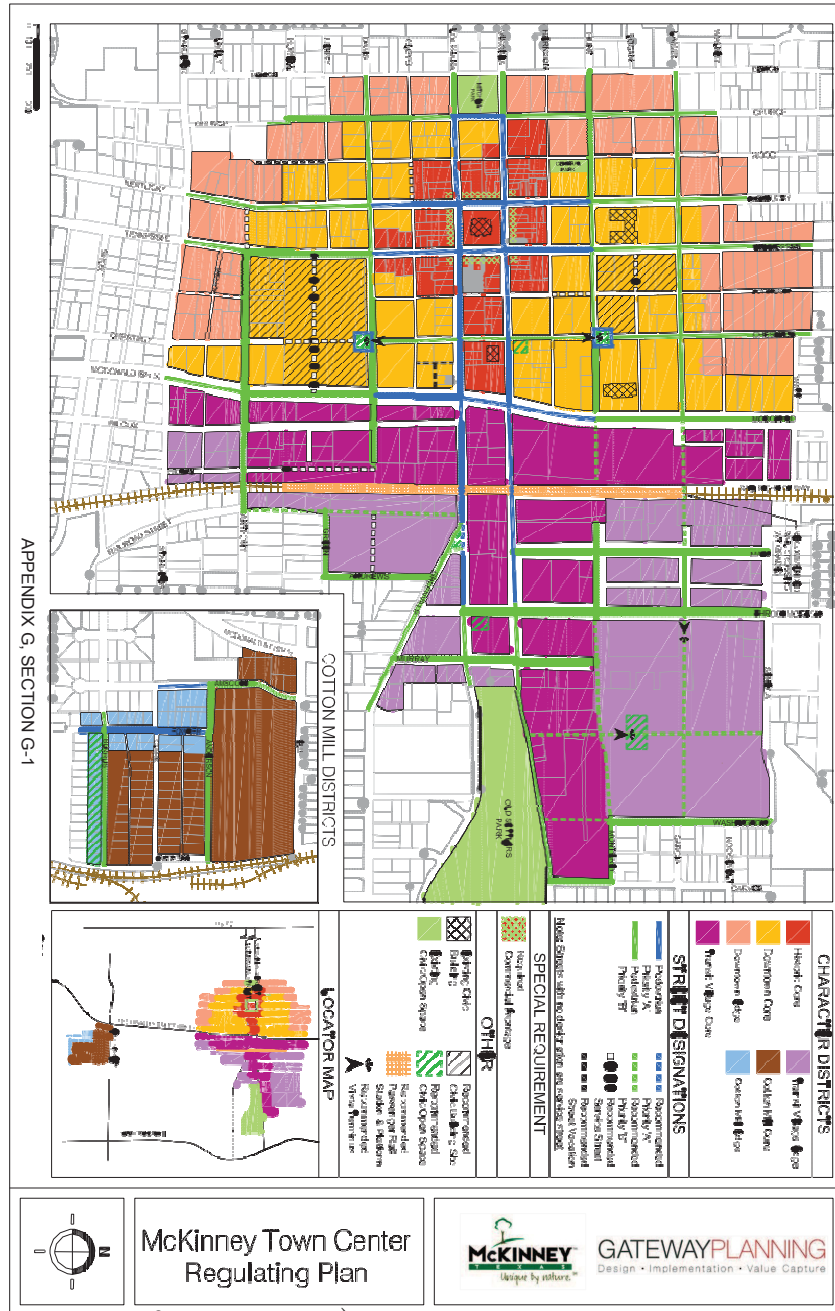
ZONING REGULATIONS

App. F, § F-4

Type of Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RD 30	RD 25	RG 15	RG 25	RG 18	MF-1	MF-2	MF-3	MP	NC	BN	BG	C	O-1	BC	ML	MH	AP	GC	MTC	SF 12	SF 10	SF 8	SF 7.2	SF 5	DR	TH	SO	RO	C1	C2	C3	LI	HI																			
Day-care (34)											P	P					P			P	P			P				N-1	S	S	S	S	S	S	S	S	S	S	S	S	S																				
Fraternal organization, lodge, civic club (47)													P	P	P					P	P			P				N-1																																	
Halfway house											S	S	S	P	P	P				P	P			P				N-1																																	
Hospital (53)																				P	P			P				N-1																																	
Museum, library, art gallery (public); (73)	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P				N-1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
School, business or trade (99)																												N-1																																	
School, public, private or parochial (100)	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P				N-1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
Accessory, Utility and Incidental Uses																																																													
Accessory building or use (1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
Electrical generating plant																												N-1																																	
Home occupation (See Sec. 146-133) (52)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		N-1																																	
Local utility line or utility distribution lines; Telephone exchange (no garage or shop)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N-1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Public building (shop or yard) (90)	S																											N-1																																	
Servant's quarters (102)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		N-1																																	
Sewage treatment plant																												N-1																																	
Utility business office																												N-1																																	
Utility shop or yard	S																											N-1																																	
Utility substation or regulating station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		N-1	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

APPENDIX G. MTC - MCKINNEY TOWN CENTER ZONING DISTRICT

Section G-1. Town Center regulating plan.



(Ord. No. 2013-04-044, § 30, 4-22-2013)

[The next page is CD146:319]

Section G-2. MTC - McKinney Town Center Zoning District.

1. PURPOSE AND INTENT.

The MTC — McKinney Town Center zoning district is intended to implement the Town Center Study Phase 1 Report and associated illustrative vision (known together as the Town Center Master Plan) adopted by City Council in March 2008. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services.

This is achieved by promoting an efficient, compact and walkable development pattern; encouraging pedestrian activity; reducing the reliance on private automobiles; positioning the historic Town Center as a viable transit-oriented development (TOD); promoting a more functional and attractive community through the use of recognized and time-tested principles of urban design; and allowing developers flexibility in land use and site design. A high level of attention to site and building design is required to promote an attractive and functional Town Center as envisioned in the Master Plan.

While revitalization of the historic Town Center area is a high priority, it must be accomplished in a manner that preserves and perpetuates the history and heritage of this community. It is the City's goal to enhance the significance of the City's authentic core to residents, tourists and visitors and serve as a support and stimulus to business and industry.

The McKinney Town Center zoning district is created to support economic development, sustainable tax base, and job creation/retention by: (a) providing a streamlined and simplified zoning process, (b) establishing adjacency predictability in the built environment, (c) offering flexibility to address changing market conditions, (d) reducing risk to private investment/development, (e) synchronizing private investment/development with public capital investment policies, and (f) calibrating zoning regulations with the existing physical context and character of the downtown core area of McKinney.

2. COMPONENTS

2.1 The MTC - McKinney Town Center zoning district shall apply to the geographical boundaries as established in the McKinney Town Center Regulating Plan.

2.2 The Regulating Plan shall be the official Zoning Map for the McKinney Town Center. It shall establish the development standards for all properties within the McKinney Town Center including:

2.2.1 Character Districts: The McKinney Town Center is further distinguished by Character Districts. A Character District is intended to preserve and/or create an urban form that is distinct from other Character Districts. Each Character District shall establish use and building standards including but not limited to building placement, height, parking, service access, and other functional design standards for all properties within that Character District. The Regulating Plan classifies all properties within the Town Center into one of seven Character Districts (Historic Core; Downtown Core; Downtown Edge; Transit

Village Core; Transit Village Edge; Cotton Mill Core; and Cotton Mill Edge). The different Character Districts are based on historic and regional architectural traditions and development intended to create a built environment that is consistent with the adopted Town Center Master Plan.

2.2.2 Street Designations: The Regulating Plan shall identify existing streets within the McKinney Town Center as Pedestrian Priority A Streets, Pedestrian Priority B Streets, or Service Streets. In addition, it shall identify the location and the level of pedestrian priority for recommended new streets as well as the location of streets recommended for vacation.

2.2.3 Special Requirement: The Regulating Plan shall identify the location of Required Commercial Frontage.

2.2.4 Other: The Regulating Plan shall identify existing civic building sites and existing civic/open spaces and shall recommend the location of future civic building sites, civic/open spaces, passenger rail station/platform, and vista termini within the McKinney Town Center.

2.3 McKinney Town Center zoning district text: The McKinney Town Center zoning district text (i.e., this document) shall enumerate the use and development standards with text and graphics including but not limited to Definitions, Administration, Permitted Uses, Building Form and Site Development Standards, Building Design Standards, and Open Space Standards relating to the regulation of private development within the McKinney Town Center.

2.4 The zoning regulations of general application, which apply across zoning districts, within the City of McKinney Zoning Regulations (Chapter 146), as amended, shall not apply to the MTC — McKinney Town Center Zoning District except as specifically referenced herein or unless the subject matter of any such zoning regulation of general application is not specifically addressed in this document and such zoning regulation is not otherwise in conflict with the spirit and intent of the MTC — McKinney Town Center Zoning District's regulations.

3. REGULATING PLAN

The Regulating Plan is hereby adopted as the official Zoning Map for the McKinney Town Center zoning district. The development standards in the McKinney Town Center zoning district shall apply mandatorily to all properties within the geographical boundaries of the McKinney Town Center Regulating Plan (see Appendix G-1 of the City of McKinney Zoning Regulations (Chapter 146)).

3.1 Character Districts Established: The following Character Districts are established, and the boundaries of the specific Character Districts are established in the Regulating Plan. Per the standards for minor modifications in Section 5.5, the

McKinney Town Center Development Coordinator shall have the authority to make minor adjustments to internal boundaries of the Character Districts as established in the Regulating Plan.

- 3.1.1 Historic Core: The Historic Core District is intended to preserve and enhance the existing National Register Commercial Historic District in and around the Historic Square. Development standards in this district require new buildings and additions to existing buildings to be consistent with the historic form and architectural traditions of the area.
- 3.1.2 Downtown Core: The Downtown Core District is intended to encourage compatible infill and redevelopment of the area immediately surrounding the Historic Core. Development standards in this district emphasize a pedestrian orientation and street walls along Virginia, Louisiana, Hunt, Lamar, Davis, Anthony, Church, Kentucky, Tennessee, Chestnut, and McDonald Streets.
- 3.1.3 Downtown Edge: The Downtown Edge District is intended to provide for a range of relatively smaller scale commercial (retail, office, and live-work) and residential transitions between the Downtown Core and the adjacent neighborhoods to the north, south, and west. Development standards emphasize keeping a smaller scale for residential uses and limiting non-residential building forms to be compatible with the adjacent residential neighborhoods.
- 3.1.4 Transit Village Core: The Transit Village Core District is intended to provide the highest intensity of residential and commercial infill and redevelopment around the future passenger rail transit station. Development standards emphasize pedestrian frontages along Virginia, Louisiana, and McDonald Streets.
- 3.1.5 Transit Village Edge: The Transit Village Edge District is intended to provide for a range of commercial (retail, office, cottage industrial and live-work) uses and sensitive building scale transitions between the Transit Village Core and the adjacent residential neighborhoods. Development standards emphasize transitioning the area from existing heavier industrial uses to buildings, uses, forms, and/or scales that are more compatible with adjacent residential neighborhoods and are more complementary to the Transit Village Core.
- 3.1.6 Cotton Mill Core: The Cotton Mill Core District is intended to provide for adaptive reuse/redevelopment of the historic Cotton Mill building complex as well as for development of compatible new buildings with a flexible range of commercial, institutional, or residential uses based on specific market conditions. The mix of uses and development standards are based on the McKinney Economic Development Alliance's (MEDA) 2010-11 economic development study specifically identifying the Cotton Mill area as an opportunity for a technology business development center (i.e. Entrepreneurial Village) to foster a unique, inspiring, and collaborative built environment that incubates emerging entrepreneurs and technologists.

- 3.1.7 Cotton Mill Edge: The Cotton Mill Edge District is intended to provide for a range of commercial (retail, office, cottage industrial and live-work) uses and sensitive building scale transitions between the Cotton Mill Core and the adjacent residential neighborhoods. Development standards emphasize buildings, uses, forms, and/or scales that are more compatible with adjacent residential neighborhoods and are more complementary to the Cotton Mill Core.
- 3.2 Street Designations Established: The Regulating Plan establishes the following Street Designations for existing streets.
- 3.2.1 Pedestrian Priority A Streets: Pedestrian Priority A Streets are intended to be the primary pedestrian streets, and building frontages along Pedestrian Priority A Streets shall be held to the highest standard of pedestrian-oriented design. Any requirement for Pedestrian Priority A Streets fronting on Recommended Civic/Open Space shall be dependent on the actual location of the Civic/Open Space recommended.
- 3.2.2 Pedestrian Priority B Streets: Pedestrian Priority B Streets are intended to balance pedestrian orientation with automobile orientation. Building frontages along Pedestrian Priority B Streets may be permitted to accommodate some service and auto-related functions.
- 3.2.3 Service Streets: Service Streets are intended to provide service and auto-related functions such as loading/unloading and trash pick-up. Building frontages and lot frontages along Service Streets may be designed based on utility and functionality over pedestrian orientation. Service Streets may include existing or future alleys.
- 3.2.4 Street Vacations: The Street Vacation designation indicates the location of streets recommended for vacation by the City of McKinney and for reclamation by private development.
- 3.3 Street Designations Recommended: The Regulating Plan indicates the location and the level of pedestrian priority for recommended new streets intended to implement the Town Center Master Plan.
- 3.4 Special Requirement: The Regulating Plan indicates the location of Required Commercial Frontage along all streets fronting on the Historic Square. Ground floors of all buildings with this requirement shall not be occupied by residential units and/or lodging rooms in hotels to a minimum depth of 25 feet as measured from the front building facade line.
- 3.5 Other:
- 3.5.1 Existing Civic Building Sites: The Existing Civic Building Sites designation indicates the location of existing civic buildings (public and community buildings).

- 3.5.2 Existing Civic/Open Space: The Existing Civic/Open Space designation indicates the location of existing civic/open spaces (including parks, plazas, greens, and squares).
- 3.5.3 Recommended Civic Building Sites: The Recommended Civic Building Sites designation indicates the recommended location of future civic buildings (public and community buildings) intended to implement the Town Center Master Plan.
- 3.5.4 Recommended Civic/Open Space: The Recommended Civic/Open Space designation indicates the recommended location of future civic/open spaces (including parks, plazas, greens and squares) intended to implement the Town Center Master Plan. Any requirement for Pedestrian Priority A Streets fronting on Recommended Civic/Open Space shall be dependent on the actual location of the Civic/Open Space recommended.
- 3.5.5 Recommended Passenger Rail Station/Platform: The Recommended Passenger Rail Station/Platform designation indicates the recommended location of the future passenger rail station/platform intended to implement the Town Center Master Plan.
- 3.5.6 Recommended Vista Terminus: The Recommended Vista Terminus designation indicates the recommended location of vista termini at the end of key streets or view corridors intended to implement the Town Center Master Plan. Special attention should be given to the design of new buildings and sites to take advantage of these vista termini.

4. DEFINITIONS

In addition to Definitions in Section 146-46 of the City of McKinney Zoning Regulations, the following terms shall have the corresponding interpretations for the McKinney Town Center zoning district.

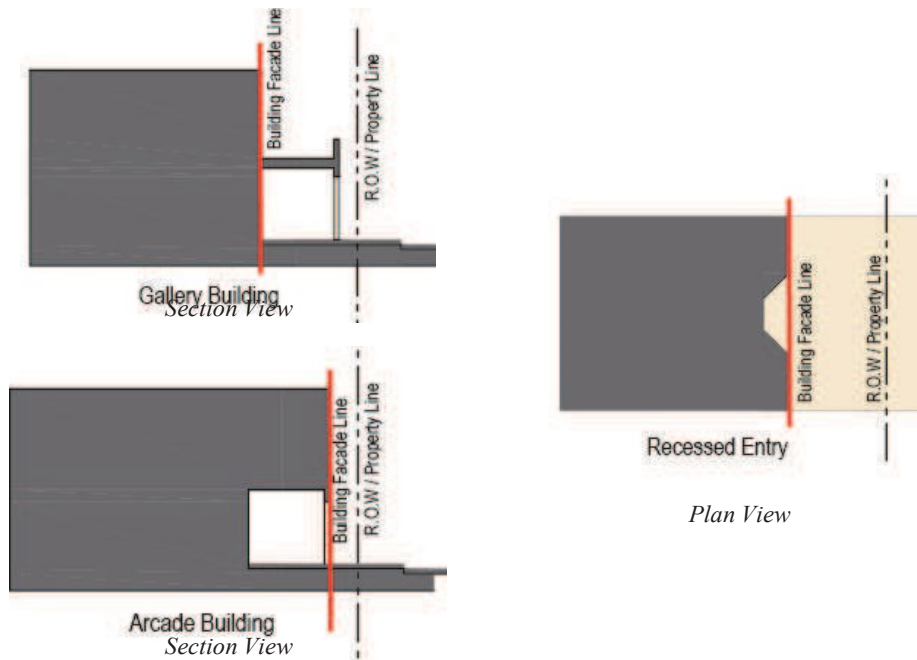
Attic/Mezzanine is the interior part of a building contained within a pitched roof structure or a partial story between two main stories of a building.

Build-to Line is the line at which the principal building's front façade shall be built.

Build-to Zone is the area between the minimum and maximum front setbacks and within which the principal building's front façade shall be built.

Building Form and Site Development Standards are the standards established for each Character District including but not limited to building placement, building height, parking, service access, and other functional design standards.

Building Façade Line means the vertical plane along a lot where the portion of the building's front façade closest to the street is actually located.



Building Façade Line Illustrations

Building Frontage is the percentage of the principal building's front façade that is required to be located at the Build-to Line or within the Build-to Zone as a proportion of the lot's width along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

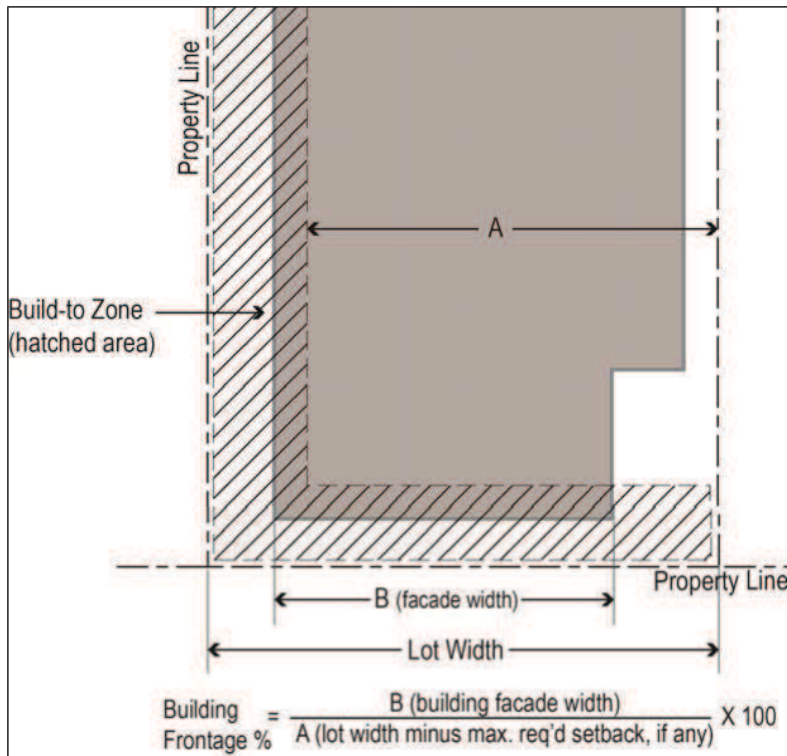


Image showing Building Frontage calculation

Character District means an area within the McKinney Town Center that is intended to preserve and/or create an urban form that is distinct from other areas within the McKinney Town Center. Character Districts are identified in the Regulating Plan.

Civic/Open Space is publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. Civic/open space may be privately or publicly owned and maintained.

Commercial or Mixed Use Building means a building in which at least the ground floor of the building is built to Commercial Ready standards and any of the floors are occupied by non-residential or residential uses.

Commercial Ready means space constructed at a minimum ground floor height as established in each Character District which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Cottage Industrial means small scale and individualized (i.e. not mass produced) assembly and light manufacturing/fabrication of commodities fully enclosed within a

building (building must be less than 20,000 square feet). This category shall include workshops and studios for cottage industries such as pottery, glass-blowing, metal working and fabrication, screen printing, weaving, etc.

Design Exception means a requested deviation from any standards in Section 7 Building Form and Site Development Standards, Section 8 Building Design Standards, and Section 9 Open Space Standards beyond minor deviations specified in the Minor Modifications provision of Section 5 Administration.

Encroachment means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

Hotel shall be defined as a building with habitable rooms or suites which are reserved for transient guests for compensation who rent the rooms or suites on a daily basis, and with controlled access to the rooms via a lobby or interior hallway. The establishment shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture. It shall also include either a full service restaurant with full kitchen facilities providing service to the general public; or a concessionaire of the management for room service delivery. The establishment shall be required to have on-site staff seven (7) days a week, twenty-four (24) hours per day.

Live-Work Dwelling is a mixed use building type with a dwelling unit that is also used for work purposes, provided that the work component is (1) restricted to the uses of professional office, personal service, cottage industrial, artist's workshop, studio, or other similar uses, (2) is located on the street level and constructed to Commercial Ready standards, and (3) is constructed as separate units under a condominium regime or as a single unit. The live component may be located on the street level (behind the work component) or any other level of the building. Live-work dwelling is distinguished from a home occupation otherwise defined by Section 146-133 of the City of McKinney Zoning Regulations in that the work component is not required to be incidental and secondary to the live component. Additionally, the work component may employ more than one (1) individual who is not an occupant of the live component.

McKinney Town Center Development Coordinator is a senior City staff person (Director of Planning or designee) who is the single point of contact to facilitate development and redevelopment within the McKinney Town Center and is responsible for administering standards in the McKinney Town Center zoning district.

McKinney Town Center Master Plan: In March 2008, the Town Center Study Phase 1 Report and associated illustrative vision were unanimously approved by City Council and adopted by reference into the City of McKinney Comprehensive Plan. Known together as the Town Center Master Plan, it serves as a meaningful policy guide for City officials, City staff, property owners, private developers, and citizens when considering development/redevelopment decisions in the Town Center. The Town Center Study Phase 1 Report includes a number of preferred redevelopment concepts such as encouraging adaptive reuse of historic buildings, encouraging new mixed use and urban residential infill

growth, improving pedestrian walkability and connectivity, creating compatible physical scales and transitions, and fostering long-term economic development through the concept of place. The associated illustrative vision is a composite of several building scale illustrations of preferred redevelopment concepts.

McKinney Town Center Regulating Plan (Regulating Plan) is the official Zoning Map for the McKinney Town Center zoning district. The Regulating Plan graphically depicts development standards including Character Districts, Street Designations, and Special Requirement(s) applicable to properties within the McKinney Town Center geographical area.

McKinney Town Center Zoning District is the zoning designation intended to implement the Town Center Study Phase 1 Report and associated illustrative vision (known together as the Town Center Master Plan) adopted by City Council in March 2008. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services. The McKinney Town Center zoning district supports economic development, sustainable tax base, and job creation/retention by: (a) providing a streamlined and simplified zoning process, (b) establishing adjacency predictability in the built environment, (c) offering flexibility to changing market conditions, (d) reducing risk to private investment/development, (e) synchronizing private investment/development with public capital investment policies, and (f) calibrating zoning regulations with the existing physical context and character of the downtown core area of McKinney.

Minor Modification means a requested deviation from MTC zoning district standards specified in the Minor Modifications provision of Section 5 Administration. The McKinney Town Center Development Coordinator shall have the authority to administratively approve a request for a Minor Modification.

Motel: A building or group of detached, semi-detached, or attached buildings containing 12 or more guest rooms for the accommodation of automobile travelers for compensation, with convenient access to each guest room directly from a parking lot or an exterior hallway. The establishment shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture. May also be called a Motor Inn or Motor Lodge.

Public, Civic, or Landmark Building means any building that houses a public or civic use that is located on a prominent site within the McKinney Town Center Zoning District. Such a building may incorporate a specialized or unique use within the building which may require alternative design and development standards per Section 5.7 of the MTC Zoning District regulations.

Residential Building means a building type that is built to accommodate only residential uses on all floors of the building such as a detached single family home, attached single family home (i.e. townhome), two family home (i.e. duplex), multiple family (3 or more) apartment building (under single ownership or under multiple owners within a condominium regime).

Special Requirement: As identified on the Regulating Plan, a special development standard called Required Commercial Frontage is applied to ground floor uses, to a minimum depth of 25 feet, along all streets fronting on historic square in the Historic Core Character District.

Street Designation: As identified on the Regulating Plan, existing streets in the McKinney Town Center are designated as Pedestrian Priority A Streets, Pedestrian Priority B Streets, or Service Streets. Each designation establishes a certain development context in order to improve walkability and pedestrian orientation within the McKinney Town Center area. The Regulating Plan also identifies the location and the level of pedestrian priority for recommended new streets as well as the location of streets recommended for vacation.

5. ADMINISTRATION

- 5.1 **Applicability.** Approval of a site plan shall be required prior to the issuance of any building permit for the construction of a new residential building, a new non-residential building, or a new mixed use building (this requirement specifically does not apply to new single family detached residential dwellings and new two-family residential dwellings); prior to the issuance of any building permit for any modification to a structure which affects its size, shape, orientation, or volume; prior to a structure's change in use that requires modifications to existing parking configurations; or as otherwise determined by the Chief Building Official. All building permits must conform to an approved site plan. Single family detached residential dwellings shall be subject to the requirements of Chapter 122 of the City of McKinney Code of Ordinances, and as amended.
- 5.2 **McKinney Town Center Development Coordinator.** The McKinney Town Center Development Coordinator is a senior City staff person (Director of Planning or designee) who shall be the single point of contact to facilitate development and redevelopment within the McKinney Town Center and shall be responsible for administering the McKinney Town Center zoning district regulations.
- 5.3 **Site Plan Application.** The applicant shall prepare a site plan application demonstrating compliance with the McKinney Town Center Regulating Plan and the McKinney Town Center zoning district regulations as well as with all other applicable regulations in the City of McKinney Zoning Regulations. A site plan application shall include:
 - 5.3.1 All information described in subsections (3)a through (3)h of Section 146-45(3) of the City of McKinney Zoning Regulations;
 - 5.3.2 The location of the subject property relative to the delineation of applicable Character District(s), Street Designation(s), Special Frontage Requirements (if any), and other recommended elements depicted on the McKinney Town Center Regulating Plan;

5.3.3A Building Plan with architectural elevations and/or renderings of all proposed building(s) to demonstrate compliance with the Building Form and Site Development Standards as well as with the Building Design Standards of the McKinney Town Center zoning district.

5.4 Site Plan Application Approval Process. The McKinney Town Center Development Coordinator shall have the authority to approve, approve with conditions, or schedule the site plan for a Planning and Zoning Commission meeting for action according to the procedures in Section 146-45(a)(2)c of the City of McKinney Zoning Regulations. The McKinney Town Center Development Coordinator shall not have the authority to disapprove a site plan application and shall forward any application which he cannot approve to the Planning and Zoning Commission for action. The actions of the Planning and Zoning Commission may be appealed to City Council. The City Council shall be the final approval authority for site plans. Approval of a site plan application does not constitute approval of a building permit application for construction.

5.5 Minor Modifications. A Minor Modification means a requested deviation from the McKinney Town Center zoning district standards as specified below. The McKinney Town Center Development Coordinator shall have the authority to approve requests for minor modifications to the McKinney Town Center zoning district standards that:

5.5.1 Do not materially change the circulation and building location on the site;

5.5.2 Do not increase the building area permitted under the McKinney Town Center zoning district;

5.5.3 Do not change the relationship between the buildings and the street;

5.5.4 Do not allow a use not otherwise authorized under the McKinney Town Center zoning district; or

5.5.5 Do not allow greater height of any building or reduction of any parking requirement established under the McKinney Town Center zoning district.

The McKinney Town Center Development Coordinator shall also have the authority to approve minor modifications outlined in Table 5.1 below, including minor adjustments to internal boundaries of the Character Districts pursuant to the criteria established below. Any appeals of the decisions of the McKinney Town Center Development Coordinator regarding minor modifications shall be heard by the Planning and Zoning Commission. Any Planning and Zoning Commission denials of minor modifications or any changes beyond those changes that meet the criteria above and the thresholds established in Table 5.1 shall be processed as a proposed zoning change under Section 146-164 of the City of McKinney Zoning Ordinance.

Table 5.1 Minor Modifications Allowed

<i>Standard</i>	<i>Minor Modification Allowed</i>	<i>Criteria</i>
Area/Boundary of Character Districts (including any recommended Civic/Open Spaces)	No more than a 15% change (increase or decrease) in the area of any Character District (aggregate or per block).	Shall not eliminate any Character District or any Special Frontage designation. Shall not change the overall boundary of the Regulating Plan. Modified area shall be contiguous with the corresponding Character District that is changed and shall be changed to only one of the adjacent Character Districts. Any modification of Character Districts shall include entire lots.
Location of Recommended Streets	Location shall not move more than 25' in any direction.	Shall maintain the connectivity intended by the Regulating Plan
Build-to Line Build-to Zone	No more than a 10% change in the build-to line or zone.	Changes to the build-to lines and build-to zones may only be due to any changes to the street cross-sections or changes in the width of a sidewalk. In no case shall a sidewalk be less than 6 feet in width.
Building Frontage	No more than a 10% reduction in the required Building Frontage along each block of a Pedestrian Priority A Street.	Any reduction in the required building frontage shall be to accommodate porte-cocheres for drop-off and pick-up.
Street Screening Device	Waiver of Street Screening Device requirement along a Pedestrian Priority B Street.	Requirement for a street screening device may only be waived along a Pedestrian Priority B Street along the frontage of any interim surface parking lot (off-street) that is planned to be in-filled with a parking structure through a phased site plan or other agreement with the city. In no case shall any portion of the surface parking have frontage along a Pedestrian Priority A Street without a required street screening device. In no case shall the surface parking lot (off-street) be located at a street intersection for a minimum depth of 20' along each street (regardless of the Street Type designation).
Any numerical standard (other than those specifically listed in this Table) in the MTC Zoning District	Maximum of 10% change	Shall maintain the frontages, transitions, and overall intent of the MTC Zoning District

5.6 Design Exceptions. A Design Exception means a requested deviation from any Building Form and Site Development Standards, Building Design Standards, or Open Space Standards beyond the minor deviations specified in the Minor Modifications provision. All requests for Design Exceptions shall be forwarded by the McKinney Town Center Development Coordinator to the Planning and Zoning Commission for action. Appeals of decisions by the Planning and Zoning Commission shall be made to the City Council.

5.6.1 Planning and Zoning Commission Review Considerations. In reviewing any site plan applications or Design Exception requests forwarded by the McKinney Town Center Development Coordinator or hearing appeals of decisions made by the McKinney Town Center Development Coordinator on Minor Modification requests, the Planning and Zoning Commission shall use the following criteria:

- i. The goals, intent, and vision of the adopted McKinney Town Center Master Plan;

- ii. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
- iii. The extent to which the proposal provides public benefits such as usable civic and open spaces, livable streets, structured and/or shared parking, and linkages to transit;
- iv. The extent to which the proposal hinders future opportunities for higher intensity Town Center development; and

- v. Considerations of health and welfare of the general public.
- 5.7 Public, Civic, or Landmark buildings. The McKinney Town Center Development Coordinator shall not have the authority to approve site plan applications for public, civic, or landmark buildings and shall forward all such applications to the Planning and Zoning Commission for action. The action of the Planning and Zoning Commission may be appealed to City Council. In reviewing such applications, the following shall be taken into consideration:
- 5.7.1 Public, Civic, or Landmark buildings should occupy prominent sites such as at the end of a terminated vista.
 - 5.7.2 Major entrances and exits should be clearly marked and should front on plazas or wide sidewalks that allow pedestrians safe ingress and egress into the building.
 - 5.7.3 Major entrances and key street intersections, including locations recommended for vista terminations, shall be emphasized with vertical elements that create a unique identity to the civic building.
 - 5.7.4 Public, Civic, or Landmark buildings may be larger in scale than commercial and mixed use buildings and thus may not necessarily be built to the sidewalk. They should be articulated horizontally and vertically with architectural elements to break the mass of the structure down.
 - 5.7.5 Major street frontages shall not be blank walls. Windows, changing building materials, arcades, building articulation, and other architectural elements shall be used to add interest at the street level.
 - 5.7.6 Building materials used should convey the impression of permanence and stability and to the extent possible, masonry (brick, stone, stucco using the three step process, marble, or granite) should be used for a majority of the exterior building façades.
- 5.8 Nonconforming Uses and Structures. Nonconforming Uses and Structures in the McKinney Town Center zoning district shall be regulated pursuant to Section 146-40 of the City of McKinney Zoning Regulations.
- 5.9 Plat Approval. All land subdivision, plat approval, and public improvement requirements in the McKinney Town Center zoning district shall follow the City of McKinney Subdivision Regulations (Section 142 of the Code of Ordinances). Any variances to the Subdivision Regulations shall require the approval of the City Council per Section 142-8.
- 5.10 Vacations of Public Rights-of-Way. Right-of-way vacations in the McKinney Town Center zoning district shall follow City of McKinney Subdivision Regulations Section 142-8.

5.11 Amendments/Changes. Amendments and changes to the McKinney Town Center zoning district Regulating Plan or text not otherwise permitted by the administrative provisions stated herein shall be considered by the Planning and Zoning Commission and approved by the City Council in accordance with the procedure set out in Section 146-164 of the City of McKinney Zoning Regulations.

6. SCHEDULE OF PERMITTED USES

	<i>Historic Core</i>	<i>Downtown Core</i>	<i>Downtown Edge</i>	<i>Transit Village Core</i>	<i>Transit Village Edge</i>	<i>Cotton Mill Core</i>	<i>Cotton Mill Edge</i>
<i>Residential Uses</i>							
Bed and breakfast (See Ch. 138, Art. IV)		S	S		S		
Boardinghouse or rooming house (13)		*	*		*	*	*
Dormitories		*	*	*	*	*	*
Independent living facility (retirement community) (45)	*	*	*	*	*	*	*
Live-work dwelling	*	*	*	*	*	*	*
Mobile home park (See Ch. 138, Art. III) (56)							
Multiple family dwelling (apartment) (58)	*/C	*/C	*	*/C	*	*	*
Single family dwelling (attached) (88)		*	*	*	*	*	*
Single family dwelling (detached) (89)		*	*		*	*	*
Two family dwelling (duplex) (100)		*	*		*	*	*
Watchman, caretaker, or servant's quarters						*	*
<i>Educational and Institutional Uses</i>							
Assisted living facility, nursing home, or rest home (6)		*		*	*	*	*
Cemetery							
College or university	*	*		*	*	*	*
Day care (25)	*	*	*	*	*	*	*
Fraternal organization, lodge, civic club (38)	*	*	*	*	*	*	*

ZONING REGULATIONS

App. G, § G-2

	<i>Historic Core</i>	<i>Downtown Core</i>	<i>Downtown Edge</i>	<i>Transit Village Core</i>	<i>Transit Village Edge</i>	<i>Cotton Mill Core</i>	<i>Cotton Mill Edge</i>
Hospital (43)		*		*	*	*	*
Museum, library, art gallery (public) (59)	*	*	*	*	*	*	*
Museum, library, art gallery (private) (60)	*	*	*	*	*	*	*
Place of worship (74)	*	*	*	*	*	*	*
School, business or trade (86)		*	*	*	*	*	*
School, public, private or parochial (87)	*	*	*	*	*	*	*
<i>Utility Uses</i>							
Local utility line or utility distribution lines; Telephone exchange (no garage or shop)					*	*	*
Private utilities (77)					*	*	*
Public building, shop, or yard (78)	*	*	*	*	*	*	*
Public utilities (79)					*	*	*
Utility substation or regulating station	S	S	S	S	S	S	S
<i>Recreational and Entertainment Uses</i>							
Amusement, commercial (indoor) (4)	S	S		*	*	*	*
Amusement, commercial (outdoor) (5)				S	S	S	S
Carnival or circus		T		T	T	T	T
Fitness club, gymnasium, gymnastics, or similar use	*	*		*	*	*	*
Private club (See Ch. 138, Art. II; Sec. 146-41) (76)	S	S	S	S	S	S	S
Recreation area (private) (80)	*	*	*	*	*	*	*
Recreation area (public) (81)	*	*	*	*	*	*	*
Sexually oriented business (See Ch. 138, Art. V)							
<i>Transportation, Automobile, and Related Uses</i>							
Airport or landing field, and aircraft hangar							

	<i>Historic Core</i>	<i>Downtown Core</i>	<i>Downtown Edge</i>	<i>Transit Village Core</i>	<i>Transit Village Edge</i>	<i>Cotton Mill Core</i>	<i>Cotton Mill Edge</i>
Automobile, trailer, light truck, tool rental							
Automobile, all terrain vehicle, motorcycle (sales, service, repair, paint, or storage)					* / C	* / C	
Bus station		*		*		*	
Car Wash (See Sec 146-41(11a)) (18)							
Fueling station or gasoline station (subject to section 146-84) (40)				* / C	* / C	* / C	
Helistop or heliport (42)							
Motor and railroad freight terminal and team truck							
Parking garage or lot (69)	*	*	*	*	*	*	*
Parking lot (truck) (70)							
Private street development (See Ch. 142, Art. VII)							
Railroad track or right-of-way	*	*	*	*	*	*	*
Taxi or shuttle service							
Tire recapping							
Truck fueling station (98)							
Truck, recreational vehicle, and boat (sales, storage, paint, repair or service)							
Truck stop (99)							
<i>Commercial Type, Retail, and Service Uses</i>							
Banks and financial institutions (with no drive-through service facility)	*	*	*	*	*	*	
Banks and financial institutions (with drive-through service facility)		* / C		* / C		* / C	
Building materials sales, lumber yard or monument sales							

ZONING REGULATIONS

App. G, § G-2

	<i>Historic Core</i>	<i>Downtown Core</i>	<i>Downtown Edge</i>	<i>Transit Village Core</i>	<i>Transit Village Edge</i>	<i>Cotton Mill Core</i>	<i>Cotton Mill Edge</i>
Carpentry or sign fabrication (no outdoor storage)		*		*	*	*	
Cleaning plant (laundry) (22)							
Cleaning and pressing shop (small shop and pickup) (no drive-through or drive-up service) (21)	*	*	*	*	*	*	*
Cleaning and pressing shop (small shop and pickup) (with drive-through or drive-up service) (21)		*/C		*/C	*/C	*/C	*/C
Exterminator					*	*	
Farmers market (32)	*	*	*	*	*	*	
Farm implement or machinery sales, service, repair or storage							
Field office (34) or real estate sales office	T	T	T	T	T	T	T
Funeral homes and mortuaries		*		*	*	*	
Greenhouse or plant nursery		*	*	*	*	*	
Hotel, full service	*	*		*	*	*	
Motel							
Mobile home display and sales							
Office and medical office use	*	*	*	*	*	*	*
Office/retail/warehouse flex space (64)				*	*	*	*
Pawnshop							
Personal service (73)	*	*	*	*	*	*	*
Pet store, kennel, animal boarding (no outside runs)		*		*	*	*	
Pet store, kennel, animal boarding (outside runs)							
Psychic/paranormal readings		*	*	*	*	*	
Radio or TV broadcast studio					*	*	
Retail store (no drive-through service)	*	*	*/C	*	*/C	*	*/C
Retail store (with drive-through service)		*/C		*/C	*/C	*/C	

	<i>Historic Core</i>	<i>Downtown Core</i>	<i>Downtown Edge</i>	<i>Transit Village Core</i>	<i>Transit Village Edge</i>	<i>Cotton Mill Core</i>	<i>Cotton Mill Edge</i>
Restaurant or cafeteria (carry-out only) (no drive-through window or drive-in service) (83)	*	*	*	*	*	*	*
Restaurant or cafeteria (indoor service) (no drive-through window or drive-in service) (84)	*	*	*/C	*	*/C	*	*/C
Restaurant or cafeteria (with drive-through window or drive-in service) (85)		*/C		*/C	*/C	*/C	
Studios, photo, music, art, dance, dojo, health, etc.	*	*	*	*	*	*	*
Tattoo Parlor							
Upholstery shop				*	*	*	
Veterinarian (no outside runs)		*		*	*	*	
Veterinarian (with outside runs)							
<i>Industrial and Manufacturing Uses</i>							
Brewery	*/C	*/C		*/C	*	*	
Concrete or asphalt batch plant							
Contractor's yard							
Cottage industrial	*/C	*/C		*/C	*/C	*/C	
Dirt or topsoil extraction; sand and gravel mining or storage							
Fat rendering, animal reduction							
Food processing							
Forestry, mining and oil/gas drilling uses							
Forge plant							
Indoor gun range (46)							
Industrial and manufacturing plants (apparel, drugs and pharmaceuticals, electronic, plastic, or similar products manufacture)							

ZONING REGULATIONS

App. G, § G-2

	<i>Historic Core</i>	<i>Downtown Core</i>	<i>Downtown Edge</i>	<i>Transit Village Core</i>	<i>Transit Village Edge</i>	<i>Cotton Mill Core</i>	<i>Cotton Mill Edge</i>
Industrial and manufacturing plants (acid, cement, chemicals, fertilizer, gypsum, lime, paper or pulp, or similar products manufacture)							
Junk or salvage yard (47)							
Machine shop or welding				*/C	*/C	*/C	
Mini-warehouse/public storage (See Sec. 146-41)							
Open storage (67)							
Printing plant							
Recycling center							
Refining or storage (petroleum products, gas, butane, propane)							
Sanitary landfill							
Smelting of ores or metals							
Soft drink bottling plant							
Warehousing				*/C	*/C	*/C	
Winery	*/C	*/C		*/C	*	*	
<i>Agricultural and Related Uses</i>							
Agricultural and ranching uses							
Creamery (dairy products)							
Farm, orchard or truck garden (31)							
Hatchery (poultry), egg farm, feed lot							
Livestock auction (50)							
Riding academy							
Rodeo							
Stable, commercial (90)							
Stable, private							
Stockyards or slaughterhouse							

The numbers following a prescribed use [for example: Accessory building or use (1)] refer to a corresponding definition found in Section 146-46 of the Zoning Regulations.

The following is the legend for interpreting the schedule of uses for the MTC — McKinney Town Center zoning district:

*	Use is permitted by right.
*/C	Use is permitted only if the design criteria in the following table are satisfied.
	Use is prohibited.
S	Use is permitted only with a Specific Use Permit under Section 146-41.
T	Use is permitted with a Temporary Use Permit.

Design Criteria Table

Use	Character Districts	Design Criteria
Any use with a drive-through or drive-up facility (including banks and financial institutions; cleaning and pressing shop; funeral homes and mortuaries; retail store; restaurant)	All	Drive-through access (driveways) shall only be from Pedestrian Priority B Streets or from Service Streets. Drive-through lanes and/or canopies shall not have frontage along Pedestrian Priority A Streets.
Retail store, restaurant or cafeteria (indoor service) (no drive-through window or drive-in service)	Downtown Edge Transit Village Edge Cotton Mill Edge	Shall be located in buildings less than 20,000 square feet.
Automobile, all-terrain vehicle, motorcycle (sales, service, repair, paint, or storage); fueling station or gasoline station	Transit Village Edge Cotton Mill Core	Service bays shall not be oriented towards Pedestrian Priority A Streets. Fuel pumps and canopies shall not be located with any frontage along Pedestrian Priority A Streets.
Fueling station or gasoline station	Transit Village Core	Along Pedestrian Priority B Streets, service bays, fuel pumps and/or canopies shall not exceed 50% of the lot's street frontage. No outdoor storage along any Pedestrian Priority A Streets. Outdoor storage along any Pedestrian Priority B or Service Streets shall be screened with a street screen as high as the items being stored.
Multiple family dwelling	Historic Core Downtown Core Transit Village Core	Along Pedestrian Priority A Streets, ground floors shall be built to Commercial Ready standards, including floor-to-floor height and at-grade to the sidewalk.
Brewery; winery	Historic Core Downtown Core Transit Village Core	Shall be located only in buildings less than 20,000 square feet. Shall be permitted only in conjunction with a retail or restaurant (indoor) use.
Cottage Industrial	Historic Core Downtown Core Transit Village Core Transit Village Edge Cotton Mill Core	Shall be located only in buildings less than 20,000 square feet.
Machine shop or welding; warehousing	Transit Village Core Transit Village Edge Cotton Mill Core	Shall be located only in buildings less than 20,000 square feet.

(Ord. No. 2016-09-075, § 2, 9-20-2016)

HISTORIC CORE CHARACTER DISTRICT

7. BUILDING FORM AND SITE DEVELOPMENT STANDARDS

7.1 Historic Core

7.1.1 Illustrations and Intent

Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.

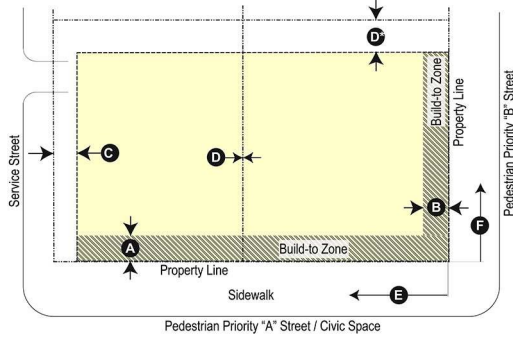
The Historic Core building form and site development standards are intended to encourage the preservation and redevelopment of the block around McKinney's historic courthouse square based on the Town Center Master Plan. Development standards will emphasize the redevelopment in keeping with the scale and historic significance of the area.

Generally, this character district may accommodate commercial or mixed use buildings in addition to requiring a minimum of 2 story building heights along the Historic Square frontage. Remodeling of existing historic buildings shall meet standards in Section 146-97 of the McKinney Zoning Regulations. The goal is to keep the blocks around the square viable for boutique and destination retail, restaurant, entertainment and civic uses that complement one another.



Images from the McKinney Town Center Master Plan illustrating the development intent and existing context in the Historic Core Character District

7.1.2 Building Placement



Legend



**(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)**

Pedestrian Priority Street/ Civic Space	A	0' (min.) - 5' (max.) (see #1)	A
Pedestrian Priority Street	B	0' (min.) - 5' (max.)	B
Service Street		NA (see below for min. setback)	

(ii) Setbacks

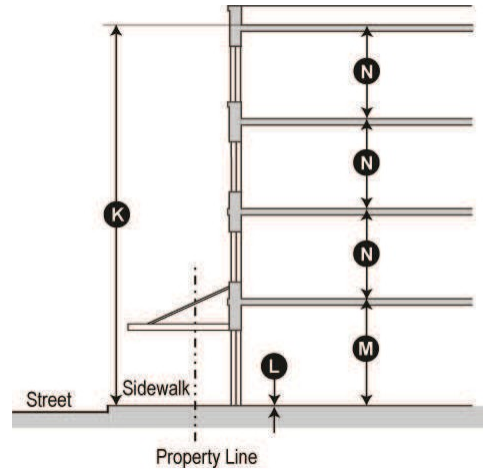
Service Street	C	0' min.	C
Side	D	0' min.; (see #2)	D
Rear	D*	0' min. (see #2)	D*

(iii) Building Frontage

Building Frontage required along Pedestrian Priority A Street/Civic Space BTZ	E	95% (min.) (see #3 and #6)	E
Building Frontage required along Pedestrian Priority B BTZ	F	25% (min.) (see #3 and #6)	F
Building Frontage required along Service Street		None Required	

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

7.1.3 Building Height



best.....;

(i) Principal Building Standards

Building minimum	2 stories min. fronting on the Historic Square (including corners of adjacent street intersections) 1 story min. along all other street frontages	K*
Building maximum	4 stories (see #5 and #7)	K
First floor to floor height	Match adjoining historic building (if any) or no less than 14' for all commercial/mixed use buildings or for any building fronting Ped. Priority A Street 10' min. for any residential uses/buildings fronting on Ped. Priority B or Service Streets (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or buildings fronting on Ped. A Priority Streets) or 18 inches (min) for residential uses/buildings fronting on Ped. Priority B or Service Streets (see #12)	L
Upper floor(s) to floor height	10' min.	N

(ii) Accessory Building Standards

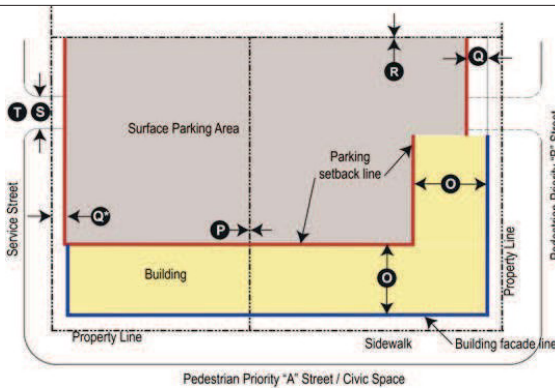
Accessory buildings shall meet the standards for Principal Building standards in the Historic Core Character District.

7.1.4 Commercial Frontage Requirements

(i) Ground floors of all buildings fronting on the Historic Square (including corners) shall not be occupied by residential uses and/or lodging rooms to a minimum depth of 25 feet as measured from the front building façade line.

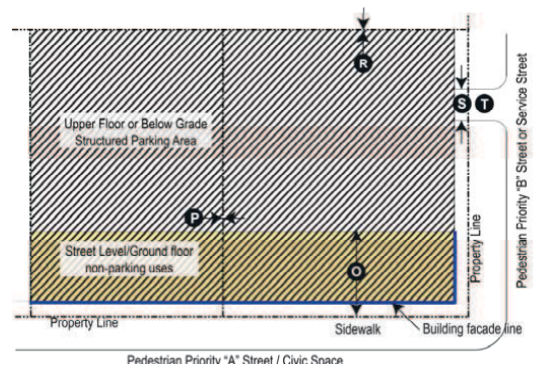
- (ii) Ground floors of all buildings fronting on Pedestrian Priority A Streets shall be constructed to Commercial Ready standards including but not limited to first floor-to-second floor height, ingress and egress, and accessibility. This standard shall not apply to civic buildings.

7.1.5 Parking & Service Access
(i) Surface Parking Location



Pedestrian Priority A Street Setback	Shall be located behind the principal building	O
Pedestrian Priority B Street Setback	Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage)	O Q
Service Street Setback	Shall be located 6' (min.) behind the property line	Q*
Side and Rear setbacks	0' (see #2)	P R

(ii) Structured Parking or Below Grade Parking Location



Pedestrian Priority A Street Setback	Min. of 30' from the property line	O
Pedestrian Priority B /Service Street setback	May be built up to the building façade line along each street or 6' behind the property line (if no building along the street frontage)	
Side and rear setback	0' min. (see #2)	P R

Partially Below Grade Parking
 May be built up to the building façade line or 6' behind the property line (if no building along the street frontage) along Pedestrian Priority B and Service Streets only.

(iii) Required Off-Street Parking Spaces

Existing buildings (non-residential and residential uses): No off-street parking is required. Conversions of non-residential uses into residential uses in existing buildings shall also not be required to provide off-street parking.

New Construction (including building additions):
 Non-residential uses shall not be required to provide any off-street parking.
 Residential uses shall provide 1 off-street parking space per dwelling unit.
 Shared parking may be provided per Section 146-130 of the City of McKinney Zoning Regulations.

(iv) Driveways and Service Access

Parking		S
driveway width	24' max. (at the throat)	
Driveways and off-street loading and unloading	shall only be located with access from or frontage along a Service Street.	T

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority B Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority A Street only if the property has no access to either a Pedestrian Priority B or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority A or B Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 146-132 of the City of McKinney Zoning Regulations.

7.1.6 Encroachments

Pedestrian Priority A Street/ Civic Space	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Pedestrian Priority B Street	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Service Street	Encroachments allowed over any required setbacks No encroachments permitted over the property line on to a Service Street R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

Notes on the Historic Core Character District

#1 - Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority A Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 - Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

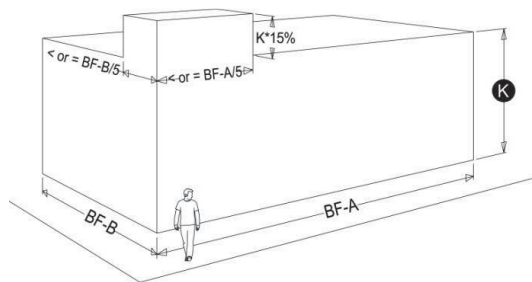
#3 - Corner building street facades along Pedestrian Priority A and B Streets shall be built to the BTZ for a minimum of 25' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent from incorporation of curved, chamfered corners of buildings or recessed entries.

#4 - First floor heights shall not apply to parking structures.

#5 - Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 - Any frontage along a Pedestrian Priority A or B Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 146-132 for more specifications.

#7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



#8 - Section 146-130(6) of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

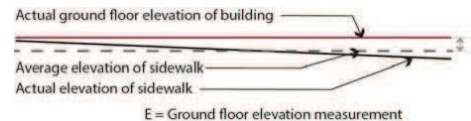
#9 - Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over on-street parking, a travel lane or over a side or rear property line.

#10 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 - Building frontage requirements for lots with frontage along two or more Pedestrian Priority A Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority A Street frontage. In such cases, the standard for one of the A Streets may be replaced by the required B Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority B Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority B Street frontage. In such cases, the standard for one of the B Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 - Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.



DOWNTOWN CORE CHARACTER DISTRICT

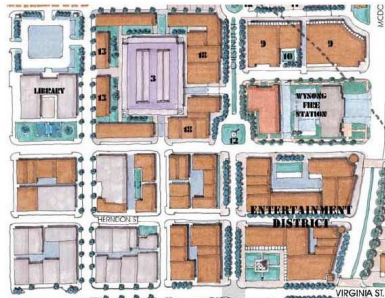
7.2 Downtown Core

7.2.1 Illustrations and Intent

Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.

The Downtown Core building form and site development standards are intended to encourage the redevelopment of the blocks immediately surrounding the Historic Core based on the Town Center Master Plan. Development standards will emphasize the redevelopment of these blocks to support a mix of commercial and residential uses in a walkable urban form.

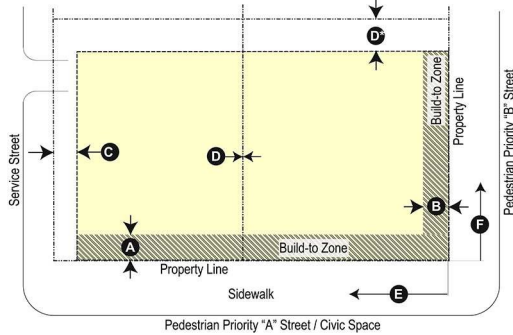
The Downtown Core blocks have the most potential for new development due to a significant amount of vacant or underutilized properties. In addition, the Master Plan shows preferred conceptual locations for parking structures and surface parking lots. These conceptual locations assume build-out of the plan as well as realization of the market economics of the build-out density. The location of parking structures should not preclude other locations. The preferred conceptual locations, however, provide guidance as to how parking structures should be scaled and sited relative to adjacent buildings and how they can provide shared parking opportunities.



Vision for the character of new development in the Downtown Core



7.2.2 Building Placement



Legend

- Property Line
- Build-to Zone
- Setback Line
- Building Area

**(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)**

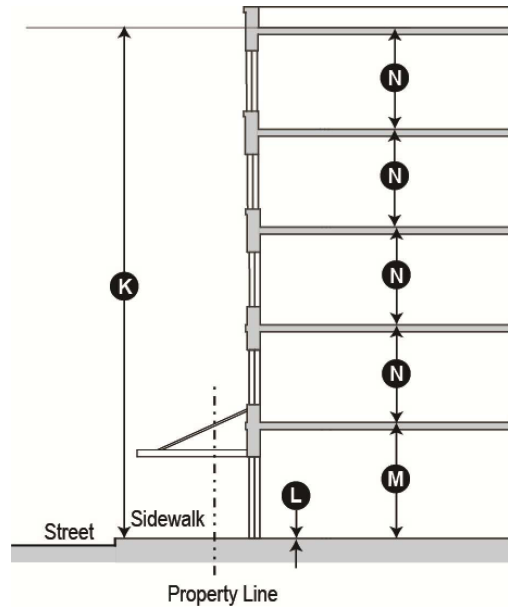
Pedestrian Priority A Street/Civic Space	0' (min.) - 10' (max.) (see #1)	A
Pedestrian Priority B Street	0' (min.) - 10' (max.)	B
Service Street	NA (see below for min. setback)	
Service Street	0' min.	C
Side	0' min.; (see #2)	D
Rear	0' min. (see #2)	D*

(iii) Building Frontage

Building Frontage required along Pedestrian Priority A Street/Civic Space BTZ	90% (min.) (see #3 and #6)	E
Building Frontage required along Pedestrian Priority B BTZ	50% (min.) (see #3 and #6)	F
Building Frontage required along Service Street	None Required	

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

7.2.3 Building Height



(i) Principal Building Standards

Building maximum	5 stories (see #5, #7, and #12)	K
First floor to floor height	12' (min.) for all commercial/mixed use buildings or any building fronting Ped. Priority A Street 10' (min.) for buildings fronting Ped. Priority B or Service Streets (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or buildings fronting on Ped. Priority A Streets) 18 (min.) above sidewalk for buildings fronting Ped. Priority B or Service Streets (see # 13)	L
Upper floor(s) to floor height	10' min.	N

(ii) Accessory Building Standards

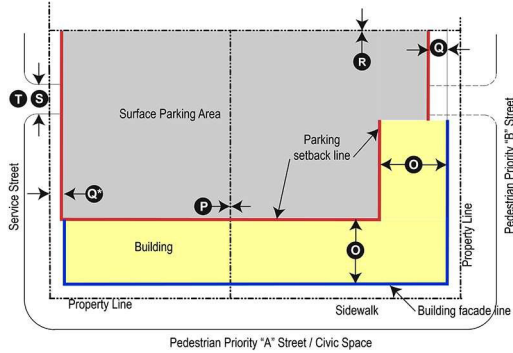
Accessory buildings shall meet the standards for Principal Building standards in the Downtown Core Character District.

7.2.4 Commercial Frontage Requirements

- (i) Ground floors of all buildings fronting on Pedestrian Priority A Streets shall be constructed to Commercial Ready standards including but not limited to first floor-to-second floor height, ingress and egress, and accessibility. This standard shall not apply to civic buildings.

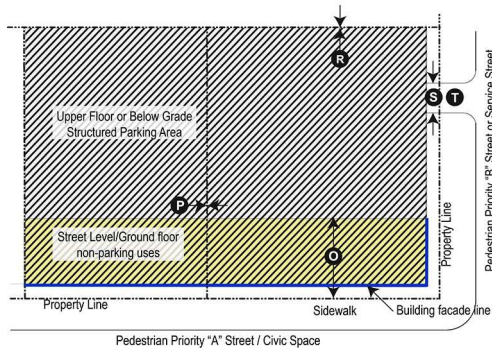
7.2.5 Parking & Service Access

(i) Surface Parking Location



Pedestrian Priority A Street Setback	Shall be located behind the principal building	O
Pedestrian Priority B Street Setback	Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage)	O
Service Street Setback	Shall be located 6' (min.) behind the property line	Q*
Side and Rear setbacks	0' (see #2)	P R

(ii) Structured Parking or Below Grade Parking Location



Pedestrian Priority A Street Setback	Min. of 30' from the property line	O
--------------------------------------	------------------------------------	----------

Pedestrian Priority B / Service Street setback
 May be built up to the building façade line along each street or 6' behind the property line (if no building along the street frontage)

Side and rear setback
 0' min. (see #2) **P R**

Partially Below Grade Parking

May be built up to the building façade line or 6' behind the property line (if no building along the street frontage) along Pedestrian Priority B and Service Streets only.

(iii) Required Off-Street Parking Spaces

Existing buildings (non-residential and residential uses): No off-street parking is required. Conversions of non-residential uses into residential uses in existing buildings shall also not be required to provide off-street parking.

New Construction (including building additions):

Non-residential uses shall not be required to provide any off-street parking.

Residential uses shall provide 1 off-street parking space per dwelling unit.

Shared parking may be provided per Section 146-130 of the City of McKinney Zoning Regulations.

(iv) Driveways and Service Access

Parking
 driveway width 24' max. (at the throat) **S**

Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. **T**

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority B Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority A Street only if the property has no access to either a Pedestrian Priority B or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority A or B Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 146-132 of the City of McKinney Zoning Regulations.

7.2.6 Encroachments

Pedestrian Priority A Street/ Civic Space	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Pedestrian Priority B Street	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Service Street	Encroachments allowed over any required setbacks No encroachments permitted over the property line on to a Service Street R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

Notes on the Downtown Core Character District

#1 - Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority A Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 - Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

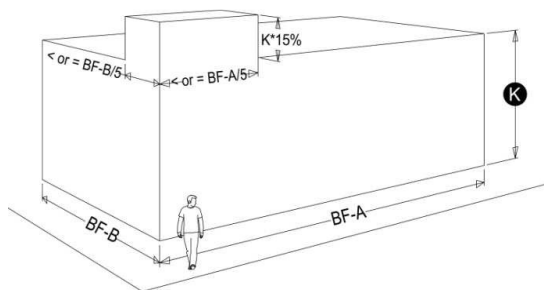
#3 - Corner building street facades along Pedestrian Priority A and B Streets shall be built to the BTZ for a minimum of 25' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 - First floor heights shall not apply to parking structures.

#5 - Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 - Any frontage along a Pedestrian Priority A or B Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 146-132 for more specifications.

#7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



#8 - Section 146-130(6) of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

#9 - Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

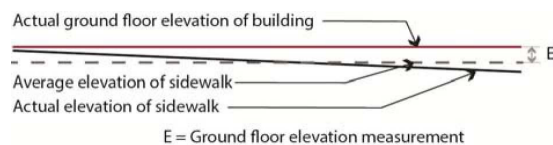
#11 - Building frontage requirements for lots with frontage along two or more Pedestrian Priority A Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority A Street frontage. In such cases, the standard for one of the A Streets may be replaced by the required B Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority B Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority B Street frontage. In such cases, the standard for one of the B Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 - Bonus provisions to exceed the maximum building height: Building heights over 5 stories may be permitted with the following amenities with City Council approval only:

- Provision of plazas, squares, or civic open spaces based on the Town Center Master Plan
- Provision of structured parking
- Building setbacks required at the 6th story level

#13 - Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.



DOWNTOWN EDGE CHARACTER DISTRICT

7.3 Downtown Edge

7.3.1 Illustrations and Intent

Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.

The Downtown Edge building form and site development standards are intended to encourage the redevelopment of the blocks between the Downtown Core and existing residential neighborhoods. Development standards will emphasize the transition of these blocks from the higher intensity of the Downtown Core to the lower intensity building types of the adjoining residential neighborhoods.

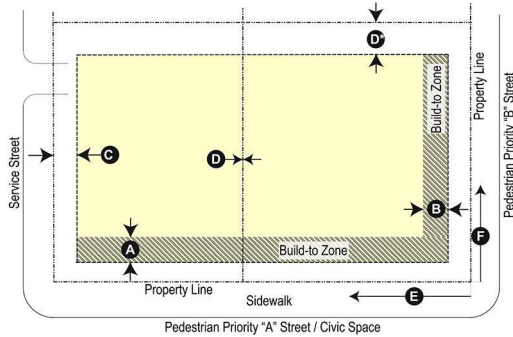
Townhomes and live-work units would be utilized within the Downtown Edge District to facilitate a transition of uses from commercial to noncommercial and a lessening of intensity in terms of residential building types. And, finally, cottages in several site configurations are depicted to complete the transition around the Downtown Core.

The Downtown Edge standards emphasize the retention of existing residential building types while allowing for limited commercial and a range of urban residential uses.



Images representing character of existing development and intended new development in Downtown Edge

7.3.2 Building Placement



Legend

- Property Line
- Build-to Zone
- Setback Line
- Building Area

**(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)**

Pedestrian Priority A Street/Civic Space	5' (min.) - 20' (max.) (see #1)	A
Pedestrian Priority B Street	5' (min.) - 20' (max.)	B
Service Street	NA (see below for min. setback)	

(ii) Setbacks

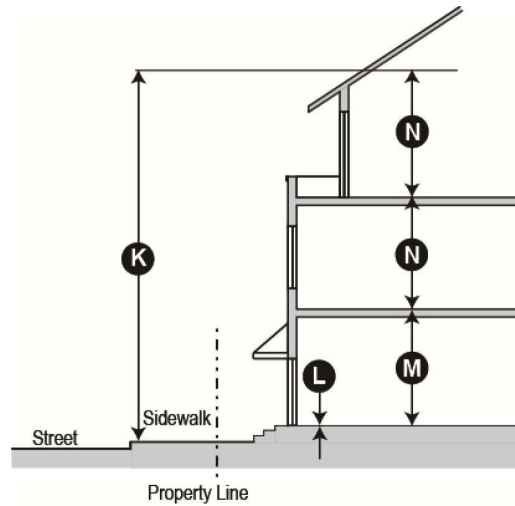
Service Street	0' min.	C
Side (for single-family attached/townhome buildings)	0' min.	D
Side (for all other detached building types)	5' min. (see #2)	D
Rear	5' min. (see #2)	D*

(iii) Building Frontage

Building Frontage required along Pedestrian Priority A Street/Civic Space BTZ	75% (min.) (see #3 and #6)	E
Building Frontage required along Pedestrian Priority B BTZ	50% (min.) (see #3 and #6)	F
Building Frontage required along Service Street	None Required	

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

7.3.3 Building Height



(i) Principal Building Standards

Building maximum	3 stories (see #5 and #7)	K
First floor to floor height	12' (min.) for all commercial/mixed use buildings 10' (min.) for residential uses/buildings or buildings fronting on Ped. Priority B and Service Streets (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings) 18 (min.) above sidewalk for residential uses/buildings (see # 12)	L
Upper floor(s) to floor height	10' min.	N

(ii) Accessory Building Standards

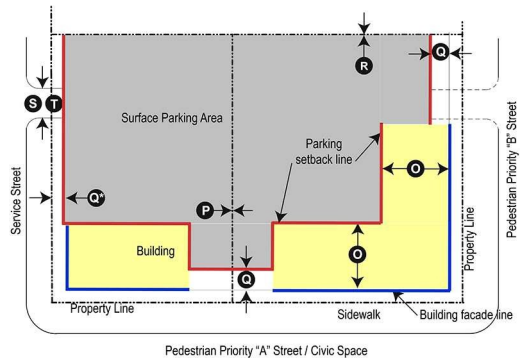
Building Height	2 stories (max.)
BTZ/ Setbacks	Shall be placed behind the front façade of the principal building along Pedestrian Priority A Streets. If the principal building has no Pedestrian Priority A Street frontage, then the accessory building shall be placed behind the front façade of the building along either a Pedestrian Priority B or Service Street.
Building Footprint	Shall be limited to no more than 75% of the principal building footprint

7.3.4 Lot and Block Standards

Lot Width	Min. 20' for single-family attached/ town-home buildings Min. 35' for single-family detached and duplex buildings
Lot Depth	Min. 75'
Block Length	Max. 500'

7.3.5 Parking & Service Access

(i) Surface Parking Location



Pedestrian Priority A Street/ Civic Space Setback	Shall be located behind the principal building	O
Pedestrian Priority B Street Setback	Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage)	O Q
Service Street Setback	Shall be located 6' (min.) behind the property line	Q*
Side and Rear setbacks	0' (see #2)	P R

(ii) Required Off-Street Parking Spaces

Non-residential uses (existing and new construction): Shall provide 1 off-street parking space per 500 gross square feet. The first 2,000 gross square feet of every non-residential building or portion thereof may be exempt from this parking requirement.

Residential uses: All residential uses (conversions in existing buildings and new construction) shall provide 1 off-street parking space per dwelling unit.

(iii) Driveways and Service Access

Parking driveway width	24' max. (at the throat)	S
------------------------	--------------------------	----------

Commercial Driveways:

Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. **T**

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority B Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority A Street only if the property has no access to either a Pedestrian Priority B or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority A or B Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 146-132 of the City of McKinney Zoning Regulations.

Residential Driveways and Garages:

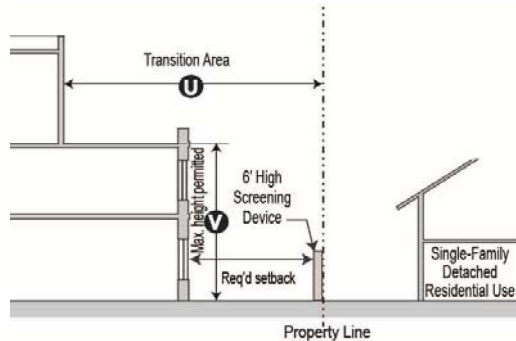
Garages for Residential Buildings shall be located on Service Streets or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/ carport.

Front-loaded garages on residential lots less than 40 feet wide shall not be allowed. Town homes and courtyard apartments shall utilize garages with access from Service Streets only.

7.3.6 Encroachments

Pedestrian Priority A Street/ Civic Space	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Pedestrian Priority B Street	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Service Street	Encroachments allowed over any required setbacks No encroachments permitted over the property line on to a Service Street R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

7.3.7 Residential Transition Standards



The following residential transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to existing single family detached residential uses but 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.

Transition Area	35' (min.)	U
Max. Building Height within Transition Area	2 stories	V

A Residential Transition Area Screening Device (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single family detached residential use and shall be optional for all other adjacencies. Refer to the City of McKinney Zoning Regulations Section 146-132 for more information.

Notes on the Downtown Edge Character District

#1 - Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority A Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 - Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

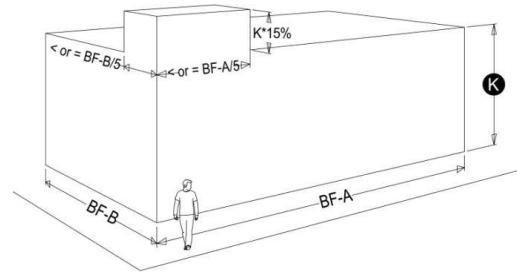
#3 - Corner building street facades along Pedestrian Priority A and B Streets shall be built to the BTZ for a minimum of 20' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 - First floor heights shall not apply to parking structures.

#5 - Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 - Any frontage along a Pedestrian Priority A or B Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 146-132 for more specifications.

#7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



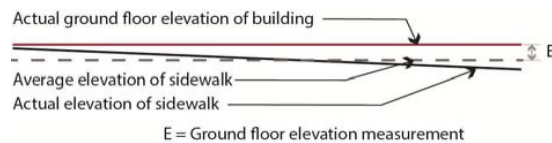
#8 - Section 146-130(6) of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

#9 - Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 - Building frontage requirements for lots with frontage along two or more Pedestrian Priority A Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority A Street frontage. In such cases, the standard for one of the A Streets may be replaced by the required B Street standard. Building frontage requirements for lots with frontage along two or more Pedestrian Priority B Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority B Street frontage. In such cases, the standard for one of the B Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 - Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.



TRANSIT VILLAGE CORE CHARACTER DISTRICT

7.4 Transit Village Core

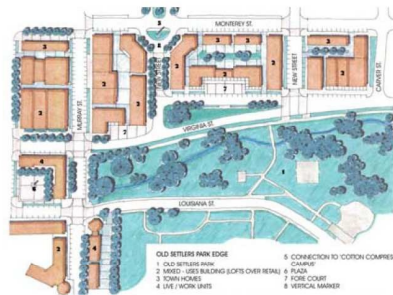
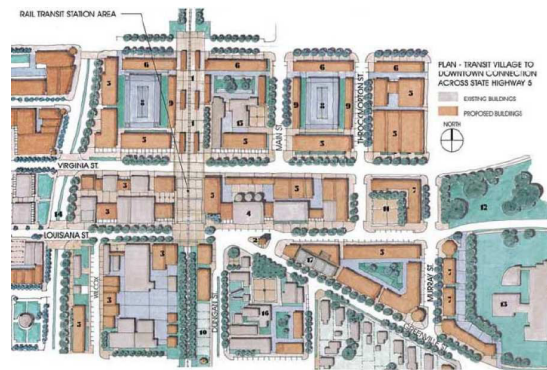
7.4.1 Illustrations and Intent

Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.

The Town Center Master Plan illustrates several concepts for the redevelopment of the area east of SH 5 and the location of a future transit-oriented development. One key goal is to link the Historic Square with Old Settlers Park by providing a better pedestrian environment across State Highway 5.

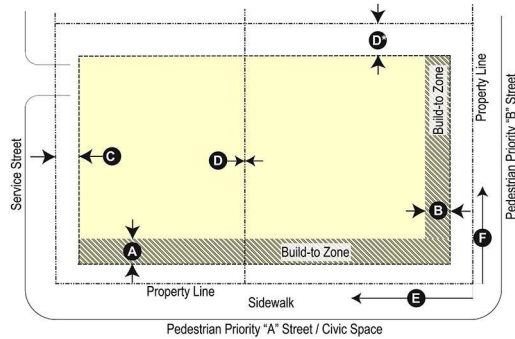
Key concepts include:

- A transit-oriented development pattern around the future transit station
- A redesign of State Highway 5 to foster a more pedestrian friendly environment
- Preservation and adaptive reuse of historic buildings
- Stronger east-west connectivity
- Infill redevelopment (mixed use and urban residential)



Images representative of the character of existing development and intended new development in the Transit Village Core Character District

7.4.2 Building Placement



Legend

- Property Line
- Setback Line
- Build-to Zone
- Building Area

**(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)**

Pedestrian Priority A Street/Civic Space	5' (min.) - 10' (max.) (see #1)	A
Pedestrian Priority B Street	5' (min.) - 10' (max.)	B
Service Street	NA (see below for min. setback)	

(ii) Setbacks

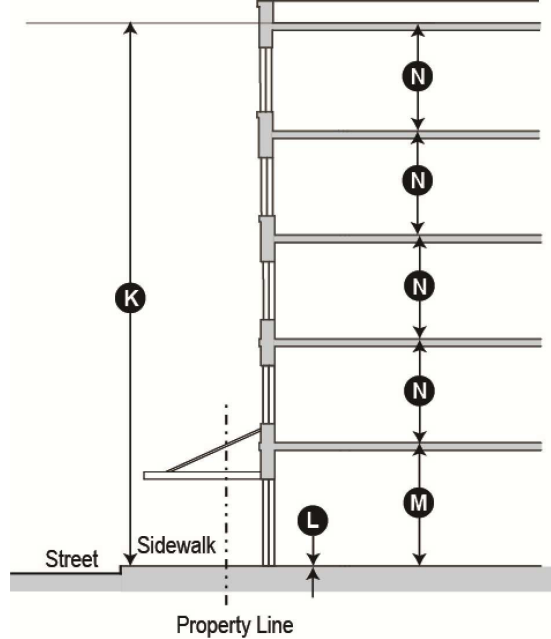
Service Street	0' min.	C
Side	0' min.; (see #2)	D
Rear	0' min. (see #2)	D*

(iii) Building Frontage

Building Frontage required along Pedestrian Priority A Street/Civic Space BTZ	85% (min.) (see #3 and #6)	E
Building Frontage required along Pedestrian Priority B BTZ	50% (min.) (see #3 and #6)	F
Building Frontage required along Service Street	None Required	

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

7.4.3 Building Height



(i) Principal Building Standards

Building maximum	5 stories (see #5, #7, and #12)	K
First floor to floor height	12' (min.) for all commercial/mixed use buildings or any building fronting Ped. Priority A Street 10' (min.) for buildings fronting Ped. Priority B or Service Streets (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or buildings fronting on Ped. Priority A Streets) 18 (min.) above sidewalk for buildings fronting Ped. Priority B or Service Streets (see # 13)	L
Upper floor(s) to floor height	10' min.	N

(ii) Accessory Building Standards

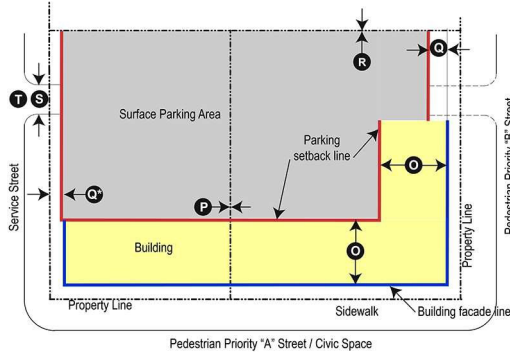
Accessory buildings shall meet the standards for Principal Building standards in the Transit Village Core Character District.

7.4.4 Commercial Frontage Requirements

(i) Ground floors of all buildings fronting on Pedestrian Priority A Streets shall be constructed to Commercial Ready standards including but not limited to first floor-to-second floor height, ingress and egress, and accessibility. This standard shall not apply to civic buildings.

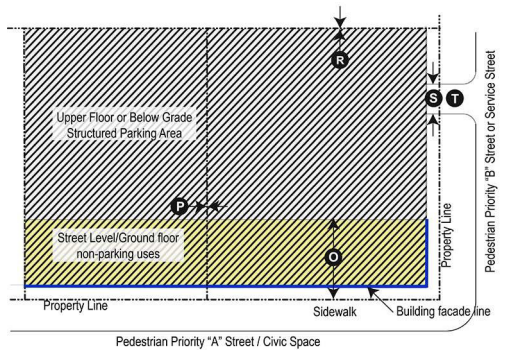
7.4.5 Parking & Service Access

(i) Surface Parking Location



Pedestrian Priority A Street Setback	Shall be located behind the principal building	O
Pedestrian Priority B Street Setback	Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage)	O Q
Service Street Setback	Shall be located 6' (min.) behind the property line	Q*
Side and Rear setbacks	0' (see #2)	P R

(ii) Structured Parking or Below Grade Parking Location



Pedestrian Priority A Street Setback	Min. of 30' from the property line	O
Pedestrian Priority B /Service Street Setback	May be built up to the building façade line along each street only or 6' (min.) behind the property line (if not building along the street frontage)	
Side and rear setback	0' min. (see #2)	P R

Partially Below Grade Parking

May be built up to the building façade line only or 6' (min.) behind the property line (if not building along the street frontage) along Pedestrian Priority B and Service Streets only.

(iii) Required Off-Street Parking Spaces

Existing buildings (non-residential and residential uses): No off-street parking is required. Conversions of non-residential uses into residential uses in existing buildings shall also not be required to provide off-street parking.

New Construction (including building additions):

Non-residential uses shall provide 1 off-street parking space per 500 gross square feet, with the exception of light industrial uses which shall provide 1 off-street parking space for every 1,000 square feet unless a lower parking requirement is provided per Section 146-130 of the City of McKinney Zoning Regulations.

Residential uses shall provide 1 off-street parking space per dwelling unit.

Shared parking may be provided per Section 146-130 of the City of McKinney Zoning Regulations.

(iv) Driveways and Service Access

Parking driveway width	24' max. (at the throat)	S
Driveways and off-street loading and unloading	shall only be located with access from or frontage along a Service Street.	T

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority B Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority A Street only if the property has no access to either a Pedestrian Priority B or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority A or B Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 146-132 of the City of McKinney Zoning Regulations.

7.4.6 Encroachments	
Pedestrian Priority A Street/ Civic Space	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Pedestrian Priority B Street	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Service Street	Encroachments allowed over any required setbacks No encroachments permitted over the property line on to a Service Street R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

Notes on the Transit Village Core Character District

#1 - Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority A Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 - Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

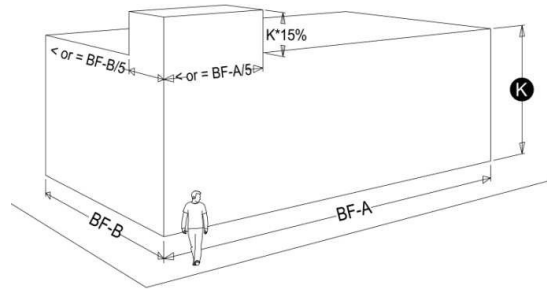
#3 - Corner building street facades along Pedestrian Priority A and B Streets shall be built to the BTZ for a minimum of 25' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 - First floor heights shall not apply to parking structures.

#5 - Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 - Any frontage along a Pedestrian Priority A or B Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 146-132 for more specifications.

#7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



#8 - Section 146-130(6) of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

#9 - Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

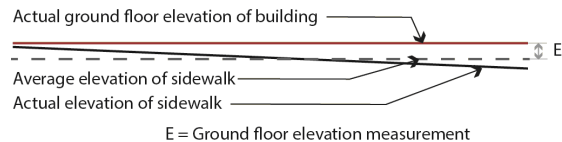
#11 - Building frontage requirements for lots with frontage along two or more Pedestrian Priority A Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority A Street frontage. In such cases, the standard for one of the A Streets may be replaced by the required B Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority B Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority B Street frontage. In such cases, the standard for one of the B Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 - Bonus provisions to exceed the maximum building height: Building heights over 5 stories may be permitted with the following amenities with City Council approval only:

- o Provision of plazas, squares, or civic open spaces based on the Town Center Master Plan
- o Provision of structured parking
- o Building setbacks required at the 6th story level

#13 - Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.



TRANSIT VILLAGE EDGE CHARACTER DISTRICT

7.5 Transit Village Edge

7.5.1 Illustrations and Intent

Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.

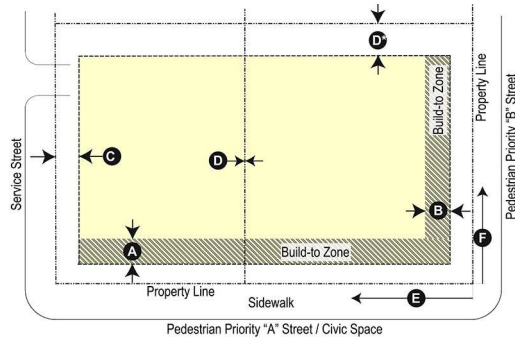
The Transit Village Edge building form and site development standards implement the recommendations of the Town Center Master Plan for the blocks around the Transit Village Core. The standards emphasize the reuse of existing buildings, re-establishing a walkable street grid, and allowing for an eclectic mix of building types and uses from residential to cottage and light industrial uses.

The Transit Village Edge acts as the transition from the higher intensity Transit Village Core to the existing residential neighborhoods north and south of the Town Center and the rail station area. One of the key concepts is the potential redevelopment of the Cotton Compress site as a cultural and educational institution.

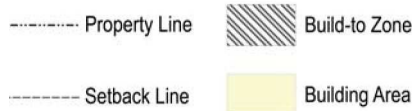


Images showing the character of intended new development in the Transit Village Edge Character District

7.5.2 Building Placement



Legend



**(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)**

Pedestrian Priority A Street/Civic Space	5' (min.) - 20' (max.) (see #1)	A
Pedestrian Priority B Street	5' (min.) - 20' (max.)	B
Service Street	NA (see below for min. setback)	

(ii) Setbacks

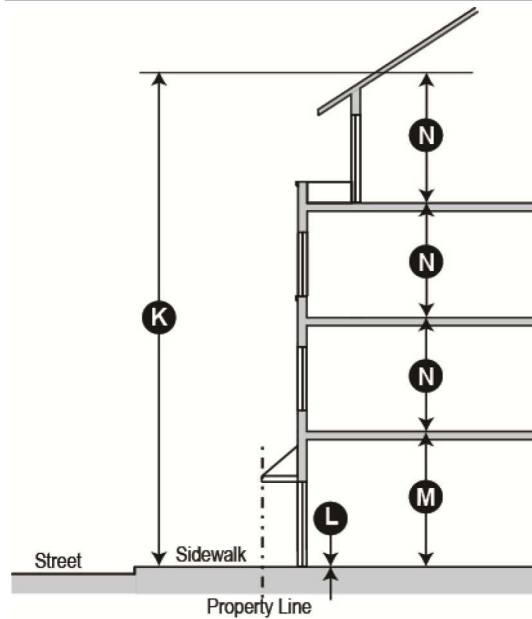
Service Street	0' min.	C
Side (for single-family attached/townhome buildings)	0' min.	D
Side (for all other detached building types)	5' min. (see #2)	
Rear	5' min. (see #2)	D*

(iii) Building Frontage

Building Frontage required along Pedestrian Priority A Street/Civic Space BTZ	70% (min.) (see #3 and #6)	E
Building Frontage required along Pedestrian Priority B BTZ	25% (min.) (see #3 and #6)	F
Building Frontage required along Service Street	None Required	

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

7.5.3 Building Height



(i) Principal Building Standards

Building maximum	4 stories (see #5 and #7)	K
First floor to floor height	12' (min.) for all commercial/mixed use buildings 10' (min.) for residential uses/buildings or buildings fronting on Service Streets (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings) 18 (min.) above sidewalk for residential uses/buildings (see # 12)	L
Upper floor(s) to floor height	10' min.	N

(ii) Accessory Building Standards

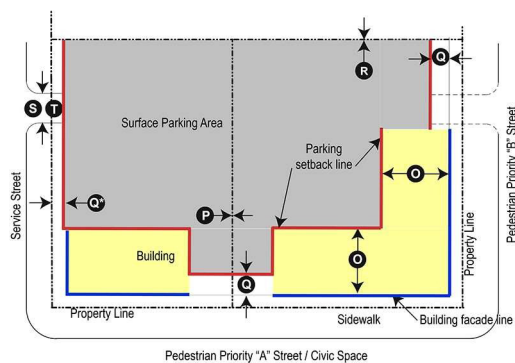
Building Height	2 stories (max.)
BTZ/ Setbacks	Shall be placed behind the front façade of the principal building along Pedestrian Priority A Streets. If the principal building has no Pedestrian Priority A Street frontage, then the accessory building shall be placed behind the front façade of the building along either a Pedestrian Priority B or Service Street.
Building Footprint	Shall be limited to no more than 75% of the principal building footprint

7.5.4 Lot and Block Standards

Lot Width	Min. 20' for single-family attached/townhome buildings Min. 35' for single-family detached and duplex buildings No min. for commercial, mixed use or cottage/light industrial uses
Lot Depth	No min. or max.
Block face dimensions	Max. 600'
Block Perimeter	Max. 1,600'

7.5.5 Parking & Service Access

(i) Surface Parking Location



Pedestrian Priority A Street/Civic Space Setback	Shall be located behind the principal building	O
Pedestrian Priority B Street Setback	Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage)	O Q
Service Street Setback	Shall be located 6' (min.) behind the property line	Q*
Side and Rear setbacks	0' (see #2)	P R

(ii) Required Off-Street Parking Spaces

Non-residential uses (existing and new construction): Shall provide 1 off-street parking space per 500 gross square feet with the exception of light or cottage industrial uses which shall provide 1 off-street parking space for every 1,000 sq.ft. unless a lower parking requirement is provided per Section 146-130 of the City of McKinney Zoning Regulations. The first 2,000 gross square feet of every non-residential use/building or portion thereof may be exempt from this parking requirement.

Residential uses: All residential uses (conversions in existing buildings and new construction) shall provide 1 off-street parking space per dwelling unit. Shared parking may be provided per Section 146-130 of the City of McKinney Zoning Regulations.

(iii) Driveways and Service Access

Parking driveway width	30' max. (at the throat) for truck access only 24' max. (at the throat) for all other driveways	S
------------------------	--	----------

Commercial Driveways: Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority B Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority A Street only if the property has no access to either a Pedestrian Priority B or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority A or B Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 146-132 of the City of McKinney Zoning Regulations.

Residential Driveways and Garages:

Garages for Residential Buildings shall be located on Service Streets or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport.

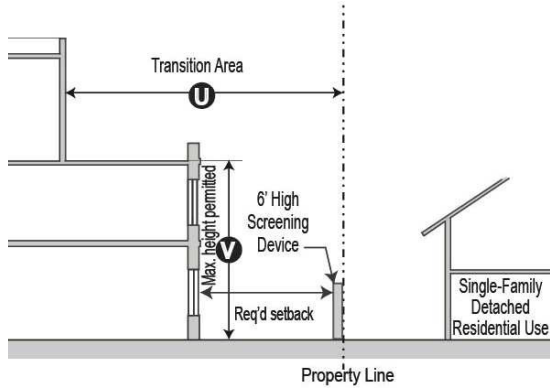
Front-loaded garages on residential lots less than 40 feet wide shall not be allowed. Town homes and courtyard apartments shall utilize garages with access from Service Streets only.

7.5.6 Encroachments

Pedestrian Priority A Street/Civic Space	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Pedestrian Priority B Street	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)

Service Street	Encroachments allowed over any required setbacks No encroachments permitted over the property line on to a Service Street R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

7.5.7 Residential Transition Standards



The following residential transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to existing single family detached residential uses but 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.

Transition Area	25' (min.)	U
Max. Building Height within Transition Area	2 stories	V

A Residential Transition Area Screening Device (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single family detached residential use and shall be optional for all other adjacencies. Refer to the City of McKinney Zoning Regulations Section 146-132 for more information.

Notes on the Transit Village Edge Character District

#1 - Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority A Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 - Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

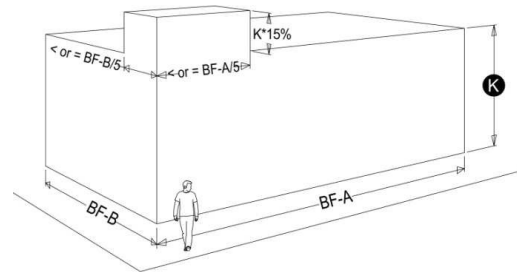
#3 - Corner building street facades along Pedestrian Priority A and B Streets shall be built to the BTZ for a minimum of 20' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 - First floor heights shall not apply to parking structures.

#5 - Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 - Any frontage along a Pedestrian Priority A or B Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 146-132 for more specifications.

#7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



#8 - Section 146-130(6) of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

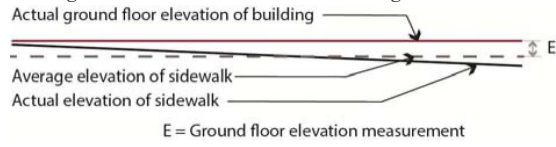
#9 - Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 - Building frontage requirements for lots with frontage along two or more Pedestrian Priority A Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority A Street frontage. In such cases, the standard for one of the A Streets may be replaced by the required B Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority B Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority B Street frontage. In such cases, the standard for one of the B Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 - Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.



COTTON MILL CORE CHARACTER DISTRICT

7.6 Cotton Mill Core

7.6.1 Illustrations and Intent

Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.

The Cotton Mill Core District standards are intended to implement the recommendations for an Entrepreneurial Village at this location. It is intended to take advantage of its regional location, access to SH 5, proximity to the airport, and the historic Cotton Mill buildings.

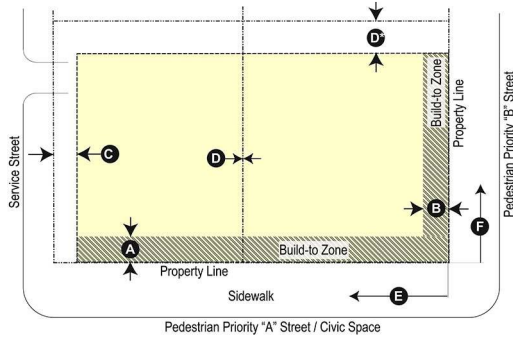
The Cotton Mill Core would anchor the area, serving as a de facto incubator for emerging technology firms. The land around the mill could be developed to house graduates of the Cotton Mill who need more space but want to stay in the area and in a similar space. The main goal is to preserve the historic architecture of the Cotton Mill and facilitate its adaptive reuse, while at the same time creating a modern environment suitable for high tech businesses.

The concept plan shows a walkable campus of general office buildings that could support some small-service retail as well as additional space that support the large events within the Cotton Mill building. Higher density residential and civic/open space should be used to buffer the campus from the residential neighborhoods.

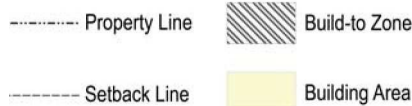


Images representative of the character of existing development and intended new development in

7.6.2 Building Placement



Legend



(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)

Pedestrian Priority A Street/Civic Space	5' (min.) - 45' (max.) (see #1)	A
Pedestrian Priority B Street	5' (min.) - 70' (max.) (see #1)	B
Service Street	NA (see below for min. setback)	

(ii) Setbacks

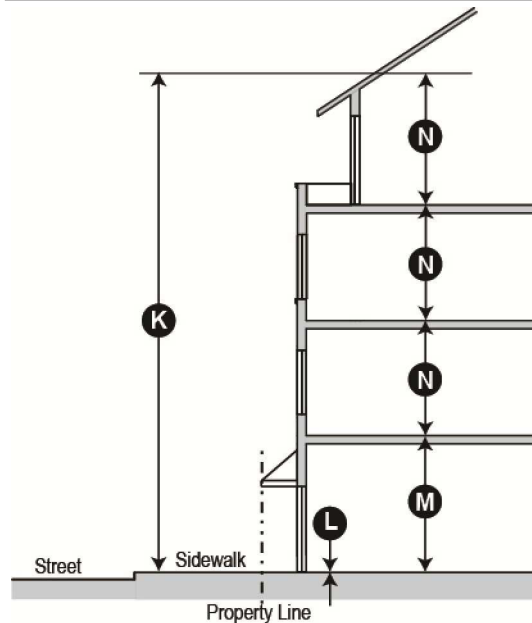
Service Street	5' min.	C
Side (for single-family attached/townhome buildings)	0' min.	D
Side (for all other detached building types)	10' min. (see #2)	D*
Rear	10' min. (see #2)	D*

(iii) Building Frontage

Building Frontage required along Pedestrian Priority A Street/Civic Space BTZ	60% (min.) (see #3 and #6)	E
Building Frontage required along Pedestrian Priority B BTZ	25% (min.) (see #3 and #6)	F
Building Frontage required along Service Street	None Required	

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

7.6.3 Building Height



(i) Principal Building Standards

Building maximum	4 stories (see #5 and #7)	K
First floor to floor height	12' (min.) for all commercial/mixed use buildings or any building fronting Ped. Priority A Street 10' (min.) for buildings fronting Ped. Priority B or Service Streets (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings) 18 (min.) above sidewalk for residential buildings (see #12)	L
Upper floor(s) to floor height	10' min.	N

(ii) Accessory Building Standards

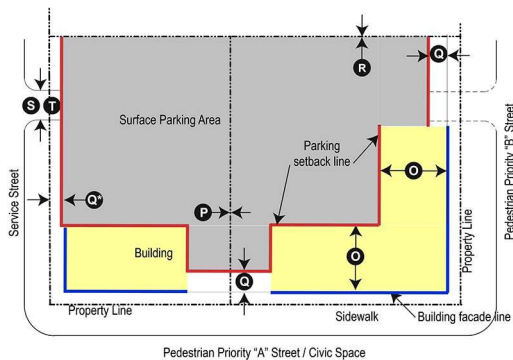
Accessory buildings shall meet the standards for Principal Building standards in the Cotton Mill Core Character District.

7.6.4 Commercial Frontage Requirements

(i) Ground floors of all buildings fronting on Pedestrian Priority A Streets shall be constructed to Commercial Ready standards including but not limited to first floor-to-second floor height, ingress and egress, and accessibility. This standard shall not apply to civic buildings.

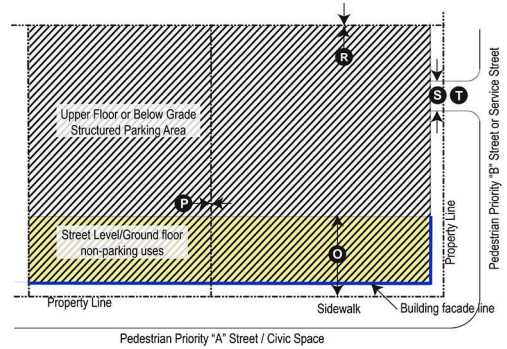
7.6.5 Lot Standards	
	Min. 20' for single-family attached/townhome buildings
Lot Width	Min. 35' for single-family detached and duplex buildings
	No min. for non-residential or multi-family uses
Lot Depth	No min. or max.
7.6.6 Parking & Service Access	

(i) Surface Parking Location



Pedestrian Priority A Street Setback	Shall be located either behind the principal building or a min. of 3' behind the building façade line along that street only	O Q
Pedestrian Priority B Street Setback	Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage)	O Q
Service Street Setback	Shall be located 6' (min.) behind the property line	Q*
Side and Rear setbacks	0' (see #2)	P R

(ii) Structured Parking or Below Grade Parking Location



Pedestrian Priority A Street Setback	Min. of 30' from the property line	O
Pedestrian Priority B / Service Street setback	May be built up to the building façade line along each street or 6' (min.) behind the property line (if not building along the street frontage)	
Side and rear setback	0' min. (see #2)	P R

Partially Below Grade Parking

May be built up to the building façade line or 6' (min.) behind the property line (if not building along the street frontage) along Pedestrian Priority B and Service Streets only.

(iii) Required Off-Street Parking Spaces

Non-residential uses (existing buildings and new construction): Shall provide a quantity of off-street parking in accordance with the ratios specified in Section 146-130 (1) of the City of McKinney Zoning Regulations.

Residential Uses (existing buildings and new construction): Shall provide a quantity of off-street parking in accordance with the ratios specified in Section 146-130 (1) of the City of McKinney Zoning Regulations, except, for multiple family dwellings, which shall provide 1 off-street parking space for each dwelling unit.

Shared parking may be provided per Section 146-130 of the City of McKinney Zoning Regulations.

(iv) Driveways and Service Access

Parking driveway width	24' max. (at the throat)	S
------------------------	--------------------------	----------

Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority B Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority A Street only if the property has no access to either a Pedestrian Priority B or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority A or B Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 146-132 of the City of McKinney Zoning Regulations.

7.6.7 Encroachments

Pedestrian	
Priority A Street/ Civic Space	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Pedestrian Priority B Street	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Service Street	Encroachments allowed over any required setbacks No encroachments permitted over the property line on to a Service Street R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

Notes on the Cotton Mill Core Character District

#1 - Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority A Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 - Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

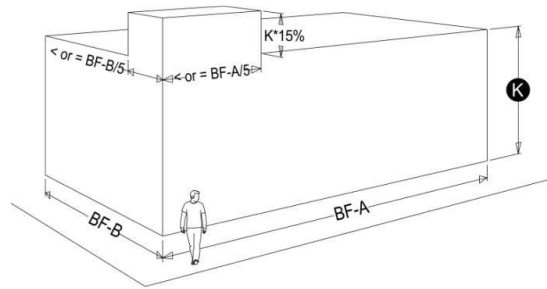
#3 - Corner building street facades along Pedestrian Priority A and B Streets shall be built to the BTZ for a minimum of 25' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 - First floor heights shall not apply to parking structures.

#5 - Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 - Any frontage along a Pedestrian Priority A or B Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 146-132 for more specifications.

#7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



#8 - Section 146-130(6) of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

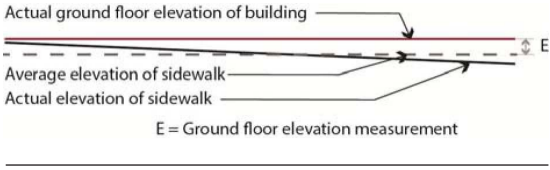
#9 - Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 - Building frontage requirements for lots with frontage along two or more Pedestrian Priority A Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority A Street frontage. In such cases, the standard for one of the A Streets may be replaced by the required B Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority B Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority B Street frontage. In such cases, the standard for one of the B Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 - Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.



COTTON MILL EDGE CHARACTER DISTRICT

7.7 Cotton Mill Edge

7.7.1 Illustrations and Intent

Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.

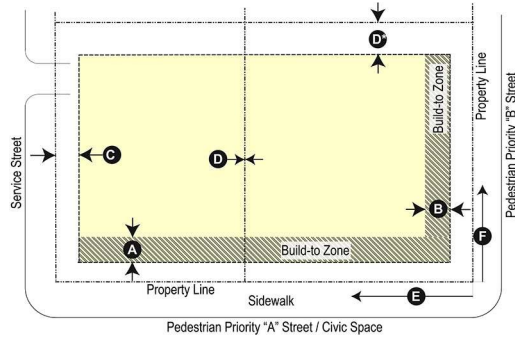
The Cotton Mill Edge District is intended to provide for a range of commercial (retail, office, cottage industrial and live-work) uses and sensitive building scale transitions between the Cotton Mill Core and the adjacent residential neighborhoods. Development standards emphasize buildings, uses, forms, and/or scales that are more compatible with adjacent residential neighborhoods and are more complementary to the Cotton Mill Core.

The concept plan shows a range of urban residential and open spaces as transitions between the Cotton Mill Core and adjoining residential neighborhoods. The Cotton Mill Edge standards emphasize the retention of existing residential building types while allowing for limited commercial, live-work, and a range of urban residential uses that complement the Cotton Mill Core.

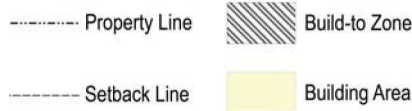


Images of uses and building types that are appropriate within the Cotton Mill Edge District

7.7.2 Building Placement



Legend



**(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)**

Pedestrian Priority A Street/Civic Space	5' (min.) - 20' (max.) (see #1)	A
Pedestrian Priority B Street	5' (min.) - 20' (max.)	B
Service Street	NA (see below for min. setback)	

(ii) Setbacks

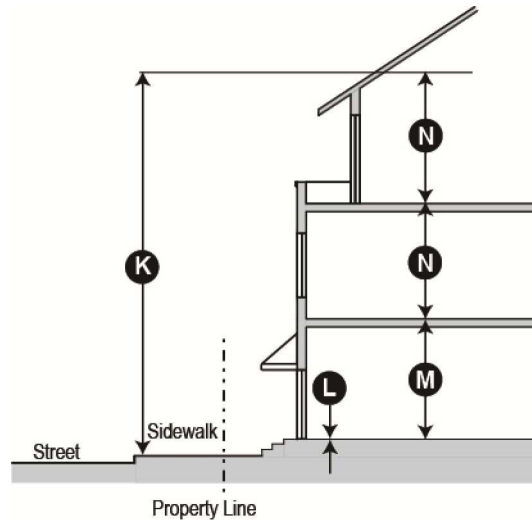
Service Street	5' min.	C
Side (for single-family attached/townhome buildings)	0' min.	D
Side (for all other detached building types)	5' min. (see #2)	D
Rear	5' min. (see #2)	D*

(iii) Building Frontage

Building Frontage required along Pedestrian Priority A Street/Civic Space BTZ	60% (min.) (see #3 and #6)	E
Building Frontage required along Pedestrian Priority B BTZ	25% (min.) (see #3 and #6)	F
Building Frontage required along Service Street	None Required	

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

7.7.3 Building Height



(i) Principal Building Standards

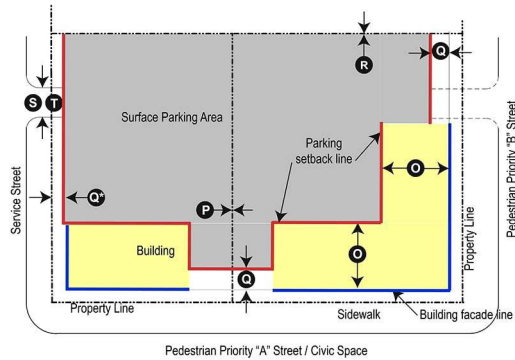
Building maximum	3 stories (see #5 and #7)	K
First floor to floor height	12' (min.) for all commercial/mixed use buildings 10' (min.) for residential uses/buildings or buildings fronting on Service Streets (see #4)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings) 18 (min.) above sidewalk for residential uses/buildings (see # 12)	L
Upper floor(s) to floor height	10' min.	N

(ii) Accessory Building Standards

Building Height	2 stories (max.)	
BTZ/ Setbacks	Shall be placed behind the front façade of the principal building along Pedestrian Priority A Streets. If the principal building has no Pedestrian Priority A Street frontage, then the accessory building shall be placed behind the front façade of the building along either a Pedestrian Priority B or Service Street.	
Building Footprint	Shall be limited to no more than 75% of the principal building footprint	

7.7.4 Lot and Block Standards	
	Min. 20' for single-family attached/ town-home buildings
Lot Width	Min. 35' for single-family detached and duplex buildings No min. for commercial, mixed use or cottage/light industrial uses
Lot Depth	No min. or max.

7.7.5 Parking & Service Access
(i) Surface Parking Location



Pedestrian Priority A Street /Civic Space Setback	Shall be located either behind the principal building or a min. of 3' behind the building façade line along that street only	Q
Pedestrian Priority B Street Setback	Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage)	Q
Service Street Setback	Shall be located 6' (min.) behind the property line	Q
Side and Rear setbacks	0' (see #2)	P R

(ii) Required Off-Street Parking Spaces

Non-residential uses (existing buildings and new construction): Shall provide a quantity of off-street parking in accordance with the ratios specified in Section 146-130 (1) of the City of McKinney Zoning Regulations.

Residential Uses (existing buildings and new construction): Shall provide a quantity of off-street parking in accordance with the ratios specified in Section 146-130 (1) of the City of McKinney Zoning Regulations, except, for multiple family dwellings, which shall provide 1 off-street parking space for each dwelling unit.

Shared parking may be provided per Section 146-130 of the City of McKinney Zoning Regulations.

Parking driveway width	30' max. (at the throat) for truck access only 24' max. (at the throat) for all other driveways	S
------------------------	--	----------

(iii) Driveways and Service Access

Commercial Driveways:
Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority B Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority A Street only if the property has no access to either a Pedestrian Priority B or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority B or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority A or B Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 146-132 of the City of McKinney Zoning Regulations.

Residential Driveways and Garages:

Garages for Residential Buildings shall be located on Service Streets or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/ carport.

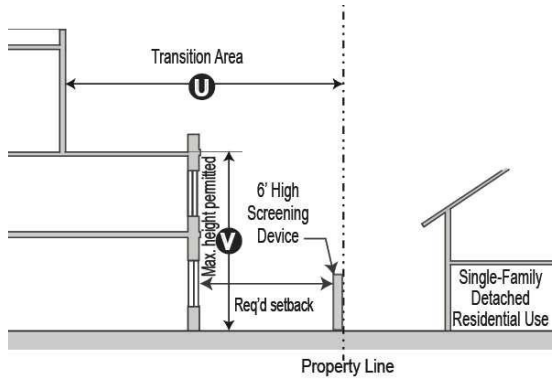
Front-loaded garages on residential lots less than 40 feet wide shall not be allowed. Town homes and courtyard apartments shall utilize garages with access from Service Streets only.

7.7.6 Encroachments

Pedestrian Priority A Street/ Civic Space	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)
Pedestrian Priority B Street	50% of the depth of the sidewalk or 10' (whichever is less) (see #9)

Service Street	Encroachments allowed over any required setbacks No encroachments permitted over the property line on to a Service Street R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

7.7.7 Residential Transition Standards



The following residential transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to existing single family detached residential uses but 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.

Transition Area	25' (min.)	U
Max. Building Height at within Transition Area	2 stories	V

A Residential Transition Area Screening Device (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single family detached residential use and shall be optional for all other adjacencies. Refer to the City of McKinney Zoning Regulations Section 146-132 for more information.

Notes on the Cotton Mill Edge Character District

#1 - Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority A Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 - Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

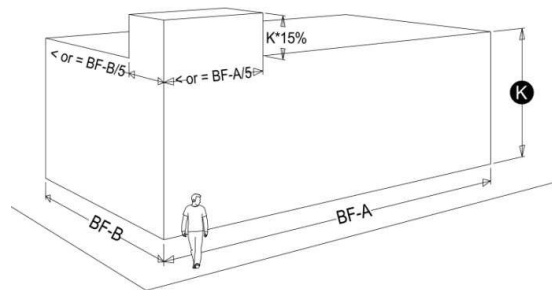
#3 - Corner building street facades along Pedestrian Priority A and B Streets shall be built to the BTZ for a minimum of 20' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 - First floor heights shall not apply to parking structures.

#5 - Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 - Any frontage along a Pedestrian Priority A or B Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 146-132 for more specifications.

#7 - Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



#8 - Section 146-130(6) of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

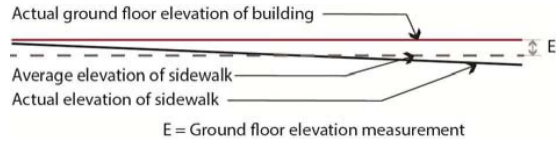
#9 - Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 - Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 - Building frontage requirements for lots with frontage along two or more Pedestrian Priority A Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority A Street frontage. In such cases, the standard for one of the A Streets may be replaced by the required B Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority B Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority B Street frontage. In such cases, the standard for one of the B Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 - Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.



8. BUILDING DESIGN STANDARDS

The Building Design Standards for the McKinney Town Center Zoning District shall establish a coherent urban character and encourage authentic, enduring, and attractive development. Site plans shall be reviewed by the McKinney Town Center Development Coordinator for compliance with the standards below.

The following key design principles establish essential goals for the redevelopment within the Town Center to be consistent with the vision for a vibrant downtown with a range of commercial, civic, educational and residential uses serving the residents and visitors alike.

- i. New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with sidewalks, street trees, and glazing;
- ii. Design compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity and authenticity;
- iii. Strengthen and celebrate McKinney's historic architectural traditions;
- iv. Building facades shall include appropriate architectural details and ornamentation to create variety and interest; and
- v. A range of open space(s) shall be incorporated to provide usable public areas integral to making the McKinney Town Center a true urban neighborhood.

The following standards shall be applicable to development in all character districts, except as specifically noted.

8.1 Building Orientation

8.1.1 Buildings shall be oriented towards Pedestrian Priority A Streets, where the lot has frontage along Pedestrian Priority A Streets. All other buildings shall be oriented towards Pedestrian Priority B Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority B Street or Civic/Open Space, then it may front a Service Street.

8.1.2 Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

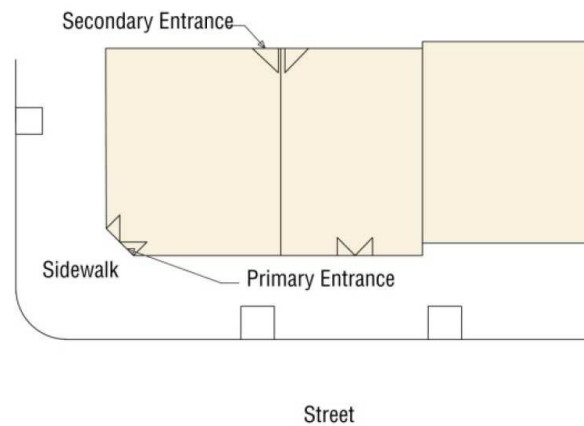


Figure showing required building orientation and location of primary entrances

8.1.3 Residential Garages:

- i. Detached or attached garages for residential buildings shall be oriented towards Service Streets at the rear of residential buildings.
- ii. Front-loaded garages and pull-through garages on residential lots less than 40 feet wide shall not be allowed. Town homes and courtyard apartments shall utilize rear-loaded garages.
- iii. Pull-through garages shall be allowed only if the garage door is set back behind the rear façade of the main structure.
- iv. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.
- v. All garage doors shall be divided into single bays separated by at least a 16-inch pier or column.

8.2 Building Massing and Scale

- 8.2.1 Commercial and mixed use buildings shall be simple, rectilinear forms with a clear base, middle, and top.



Image showing base, middle, and top for a commercial/mixed use building

8.2.2 Roof Forms:

- i. Commercial and mixed use buildings shall have flat or low pitched roofs with parapets. Corner hip roof elements and gable accents at the parapet may be permitted.
- ii. The following standards shall apply for all buildings (commercial, mixed use and residential) with mansard roofs in the McKinney Town Center Zoning District:

Mansard roofs shall only be used on buildings that are three stories or higher.

The mansard roof shall project no more than 18 forward of the building façade line.

The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.



Images showing appropriate roof lines for commercial and mixed use buildings

8.2.3 Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.



Images showing appropriate massing and scale for residential buildings

8.2.4 Gable roofs, if provided for residential buildings, shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Porch roofs may be a minimum pitch of 3/12.

8.2.5 Shed, gambrel, butterfly, and barrel roofs shall not be permitted for residential buildings in the Historic Core, Downtown Core, and Downtown Edge Character Districts but may be permitted for residential buildings in the Transit Village Core, Transit Village Edge, Cotton Mill Core, and Cotton Mill Edge Character Districts.

8.3 Façade Composition

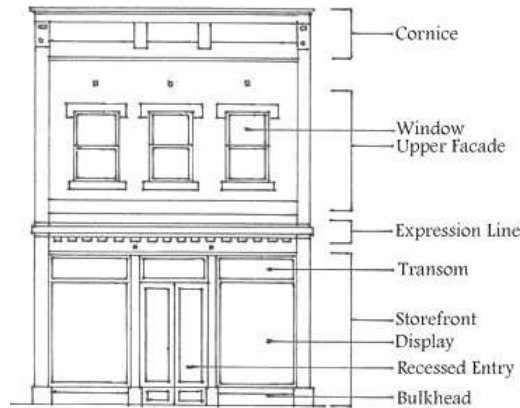
8.3.1 Commercial and Mixed Use Buildings:

- i. Facades along all Pedestrian Priority A and B streets and Civic/Open Spaces shall maintain the traditionally prevalent façade rhythm of 20' - 30' or multiples thereof. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.



Image showing appropriate building rhythm for commercial and mixed use buildings.

- ii. Commercial Ready buildings shall be built with ground floor retail storefronts that include a transom, display window area, and bulkhead at the base.
- iii. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.



Required design of a Commercial Ready building

- iv. Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along the block.



Figure showing how horizontal elements should match in the design of infill buildings.

- v. Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along retail storefronts to add pedestrian interest.



Buildings with architectural features and storefront elements that add interest along the street.

- vi. Primary Entrance Design: Primary building entrances along Pedestrian Priority A and B Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings

Integral planters or wing walls that incorporate landscape or seating elements

Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

- vii. Windows and Doors: Windows and doors on street fronting facades (except Service Streets) shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.



Images showing appropriate window and door designs and proportions for commercial and mixed use buildings.

- viii. Transparency Required in the Historic Core; Downtown Core; Transit Village Core; and Cotton Mill Core Character Districts: All ground floor facades along all Pedestrian Priority A and B Streets shall have transparent storefront windows covering no less than 65% of said façade area. All upper floor facades along Pedestrian Priority A and B Streets shall have transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.



Images showing appropriate storefront display windows with transparency

- ix. Transparency Required in the Downtown Edge; Transit Village Edge; and Cotton Mill Edge Character Districts: All ground floor building facades along all Pedestrian Priority A streets shall have transparent storefront windows covering no less than 65% of said façade area. All ground floor facades along Pedestrian Priority B Streets shall have transparent storefront windows covering no less than 30% of said façade area. All upper floor facades along Pedestrian Priority A and B Streets shall contain transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.

8.3.2 Residential Buildings:

- i. At least one of the following shall be added along residential building facades to add pedestrian interest along the street: porches, stoops, eaves, or balconies.
- ii. If a residential building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (complying with the fence standards of Section 122-176 of the City of McKinney Code of Ordinances) shall be provided along the front property line.



Residential buildings with porches, balconies, and stoops to add interest along the street.

- iii. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.
- iv. Windows and Doors: All building facades of residential buildings fronting on all Pedestrian Priority Type A Streets and Civic/Open Spaces shall have transparent windows covering at least 30% of each such façade. Windows shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.
- v. If window shutters are used, they shall be approximately half the window width and the same height of the associated opening (including casing for masonry walls; not including casing for siding walls). All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building.



Images showing appropriate window designs and proportions for residential buildings.

8.4 Building Materials

8.4.1 Historic Core Character District:

- i. On all new commercial, mixed use, or residential buildings, at least 85% of each façade facing a Pedestrian Priority A or B Street (excluding doors and windows) shall be externally finished with the primary material of masonry (brick, stone, or cast stone).
- ii. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood, vinyl and cementitious fiber.



Images showing appropriate building materials within the Historic Core.

- iii. No more than 15% of each facade facing a Pedestrian Priority A or B Street (excluding doors and windows) shall use accent materials such as wood, architectural metal, architectural concrete masonry units, tile, glass block, stucco (utilizing three-step process), or Exterior Insulation and Finishing System (EIFS). EIFS shall not be used on any ground floor façade.

- iv. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority A or B Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.
- v. When visible from a public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.

8.4.2 Downtown Core and Transit Village Core Character Districts:

- i. On all new commercial, mixed use, or residential buildings, at least 80% of each facade facing a Pedestrian Priority A or B Street (excluding doors and windows) shall be externally finished in one or more of the following primary materials:
 - Masonry (brick, stone, synthetic stone, or cast stone); Pre-cast concrete panels made to look like stone.
- ii. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood, vinyl and cementitious fiber.



Images showing appropriate building materials within the Downtown and Transit Village Cores.

- iii. No more than 20% of each facade facing a Pedestrian Priority A or B Street (excluding doors and windows) shall use accent materials such as wood, architectural metal, architectural concrete masonry units, tile, glass

block, stucco (utilizing three-step process), or Exterior Insulation and Finishing System (EIFS). EIFS shall not be used on any ground floor façade.

- iv. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority A or B Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.



Images showing the side and rear facades buildings finished to match the color and materials of the front facades

- v. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.

8.4.3 Downtown Edge, Transit Village Edge, Cotton Mill Core and Cotton Mill Edge Character Districts:

- i. Commercial and Mixed Use Buildings:

At least 75% of each facade facing a Pedestrian Priority A or B Street (excluding doors and windows) shall be finished in one or more of the following primary materials:

- ° Masonry (brick, stone, synthetic stone, or cast stone)
- ° Architectural concrete masonry unit
- ° Pre-cast or poured in place concrete
- ° Cementitious fiber lap or shingle siding may only be used on upper floor facades
- ° Tilt-up concrete panels that have a grid like appearance
- ° Architectural metal
- ° Stucco (utilizing three-step process)
- ° Tile
- ° Terra cotta

Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood or vinyl.

No more than 25% of each façade (excluding doors and windows) facing a Pedestrian Priority A or B Street shall use accent materials such as wood, glass block, or Exterior Insulation and Finishing System (EIFS).

Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority A or B Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.



Images of appropriate building materials in the Downtown Edge, Transit Village Edge, Cotton Mill Core, and Cotton Mill Edge Character Districts

ii. Residential Buildings:

At least 80% of each façade (excluding doors and windows) facing a Pedestrian Priority A or B Street shall be externally finished in one or more of the following primary building materials and no more than two materials shall be used on any single façade:

- ° Cementitious fiber lap or shingle siding may be used on ground and upper floor facades

- ° Wood lap or shingle siding
- ° Masonry (brick; stone; synthetic stone, or cast stone)
- ° Stucco (utilizing three-step process).
- ° Architectural metal
- ° Architectural masonry unit

Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and vinyl siding.

No more than 20% of each façade (excluding doors and windows) facing a Pedestrian Priority A or B Street shall use accent materials such as Exterior Insulation and Finishing System (EIFS), glass block or tile.

Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of similar finished quality and color that blend with the façade(s) facing Pedestrian Priority A or B Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, terra cotta, or asphalt shingles.

8.5 Design of Automobile Related Building and Site Elements

8.5.1 Drive-through lanes, drive-up windows, service bays, and other auto-related site elements shall not be located along or be visible from any Pedestrian Priority A Street.

8.5.2 Along Pedestrian Priority B Streets, no more than two drive-through lanes shall be permitted along that lot's street frontage. In addition, no more than 50% of the lot's frontage along a Pedestrian Priority B Street shall be dedicated to auto-related site elements.

8.5.3 Drive-through lanes shall be hidden behind a Street Screening Device along the Pedestrian Priority B street frontage. There shall be no limit to the number or frontage of drive-through lanes located along Service Streets.

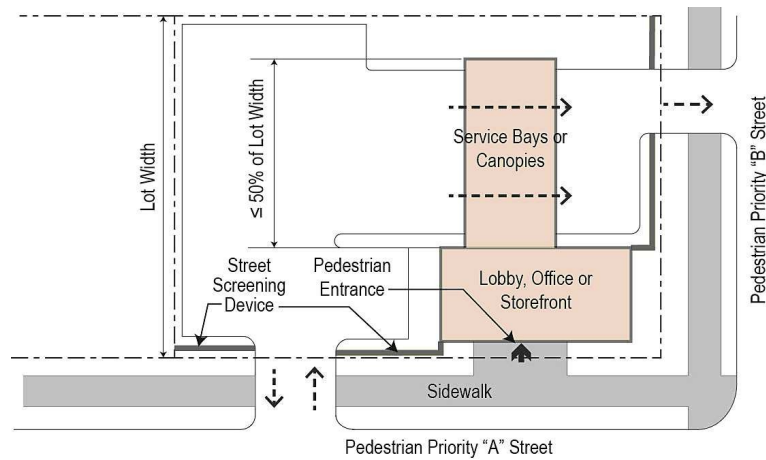


Image showing appropriate design of auto-related site elements

8.5.4 All off-street loading, unloading, and trash pick-up areas shall be located along service streets only unless permitted in the character district Building Form and Site Development Standards in Section 7. Screening of any off-street loading, unloading, or trash pick-up areas shall be regulated pursuant to Section 146-132 of the City of McKinney Zoning Regulations.

8.6 Design of Parking Structures

8.6.1 All frontages of parking structures located on Pedestrian Priority A and B Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

8.6.2 Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' - 30') and horizontal (aligning with horizontal elements in the block) articulation.

8.6.3 Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



Images showing appropriate design of parking structures

9. OPEN SPACE STANDARDS

9.1 This section establishes the public civic/open space standards and the private open space standards specifically for the MTC — McKinney Town Center zoning district. The MTC Regulating Plan (Appendix G, Section G-1 of the City of McKinney Zoning Regulations) designates recommended locations for future public civic/open spaces intended to implement the Town Center Master Plan. The detailed civic/open space standards for each type are included in this Section. These standards include general character, typical size, frontage requirements, and typical uses.

Given the urban infill redevelopment context within the McKinney Town Center, all residential development within the McKinney Town Center zoning district shall comply with the open space standards established in this Section. The provisions of Article VI of the City of McKinney Subdivision Regulations (Conveyance of Land for Recreational Areas and Facilities) shall not apply to residential development within the McKinney Town Center zoning district.


9.2 Open Space Standards. Table 9.1 establishes the open space standards in the MTC — McKinney Town Center zoning district based on the number of residential dwelling units in a proposed development.




Table 9.1 Open Space Standards




<i>Number of Residential Units</i>	<i>Open Space Standard</i>
1—4	None
5—25	The development shall provide: One balcony, patio, or roof terrace for at least 50% of all residential units fronting on a street, civic/open space, forecourt, or courtyard; or One playground or other private open space amenity. All other private open spaces are optional.
26—50	The development shall provide: One balcony, patio, or roof terrace for at least 50% of all residential units fronting on a street, civic/open space, forecourt, or courtyard; and Any 2 of the other private open space types on the list in Table 9.2
Over 50	The development shall provide at least one public civic/open space such as a plaza, square, or green described in Table 9.3.

9.3 Private Open Space Types. Table 9.2 establishes the standards for different types of private open space in the MTC — McKinney Town Center zoning district. For purposes of this Section, private open spaces shall be privately owned and privately maintained and may or may not be accessible to the general public.

Table 9.2 Private Open Space Types

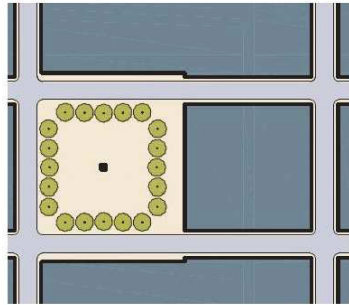
<i>Private Open Space Type</i>	<i>Description and Image</i>	<i>Standards and Criteria</i>
Balcony	<p>A Balcony is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.</p> 	<p>A Balcony that is not flush shall be a minimum of 5 feet clear in depth and a minimum of 8 feet in width.</p> <p>A Balcony may be semi-recessed or recessed. Projecting metal or slab balconies are only permitted if they have some means of visible support.</p>

<i>Private Open Space Type</i>	<i>Description and Image</i>	<i>Standards and Criteria</i>
Patio	<p>A Patio is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Spanish and Spanish-style dwellings.</p> 	<p>A Patio shall be a minimum of 100 square feet.</p> <p>A Patio shall have a clear sense of enclosure and separation from the public realm.</p>
Courtyard	<p>A Courtyard is a landscaped open space in the center of the block with no street frontage, surrounded by walls or buildings on all sides. It shall be large enough to allow for public activities and have sunlight during midday. It should be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.</p> 	<p>A Courtyard shall be surrounded on all sides by buildings with at least one pedestrian connection to an adjoining building or public sidewalk.</p> <p>A Courtyard shall be a minimum of 200 square feet.</p> <p>A Courtyard may be landscaped or a combination of landscape and hardscape. However, a courtyard shall contain amenities for residents such as seating, water features, etc.</p>
Forecourt	<p>A Forecourt is similar to a courtyard; however, it is located in the front of a building such that the forecourt is surrounded on two or three sides by wings of the building.</p> 	<p>A Forecourt shall be surrounded on at least two sides by buildings.</p> <p>A Forecourt shall be a minimum of 150 square feet.</p>

<i>Private Open Space Type</i>	<i>Description and Image</i>	<i>Standards and Criteria</i>
Playground	<p>A Playground is specifically designed and equipped for the recreation of children. A playground should serve as a quiet, safe place — protected from the street and typically located where children do not have to cross major streets to access the playground. A playground may be fenced. An open shelter, play structures or interactive art and fountains may also be included. Shaded areas and seating shall be provided.</p> 	<p>A Playground shall be a minimum of 400 square feet.</p>
Community Garden	<p>A Community Garden is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).</p> 	<p>The maximum size of a Community Garden shall be 1 acre.</p> <p>A Community Garden shall be enclosed by a fence on all open sides.</p>
Roof Terrace	<p>A Roof Terrace is a flat area on top of a building which is accessible for use as a recreation space for the residents and users of the building.</p> 	<p>A Roof Terrace shall be at least 50% of the building footprint area.</p> <p>A Roof Terrace shall provide landscaping in the form of potted plants, seating, and other amenities for the users of the building.</p>
Other Private Open Space Amenity	<p>Other private open space amenities include but may not be limited to: pool (swimming, lap pool, spa area), play court (e.g. basketball), or shaded picnic area.</p>	<p>Such private open space may be incorporated with roof terraces or courtyards based on the appropriateness of the design and accommodation of privacy.</p>

9.4 Public Civic/Open Space Types. The design of all public civic/open spaces proposed within the McKinney Town Center zoning district shall be regulated by the standards included herein.

9.4.1 Plaza Standards



Plazas add to the vibrancy of streets within urban areas and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, shall be provided. Plazas shall be located at the intersection of important streets.

Typical Characteristics

General Character

Formal open space

Primarily hardscape surfaces

Trees and shrubs optional

Spatially defined by building frontages

Location and Size

Plazas are appropriate in the Historic Core, Downtown Core, Transit Village Core, and Cotton Mill Core character districts.

Size shall range from 0.25 ac to 1 ac.

Shall front on at least one (1) Pedestrian Priority A or B Street.

Typical Uses

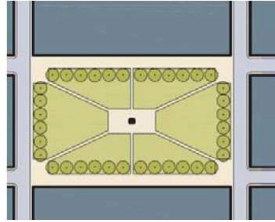
Commercial and civic uses

Casual seating

Tables and chairs for outdoor dining

Retail and food kiosks

9.4.2 Square Standards



A square serves as an open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. A square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square. The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating shall be provided. A civic element or small structure such as an open shelter, pergola, or fountain should be provided within the square.

Typical Characteristics

General Character

Formal open space

Spatially defined by buildings and tree-lined streets

Open shelters, paths, lawns, and trees formally arranged

Walkways and plantings at all edges

Located at important intersections

Location and Size

Squares are appropriate in the Historic Core, Downtown Core, Transit Village Core, and Cotton Mill Core character districts

Size shall range from 0.5 ac. to 2 ac.

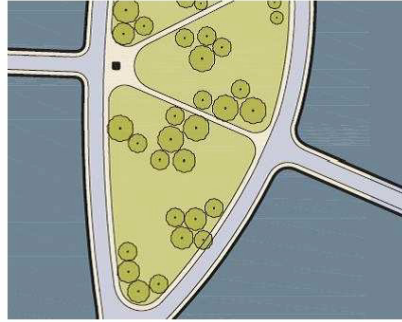
Typical Uses

Unstructured and passive recreation

Casual seating

Commercial and civic uses

9.4.3 Green Standards



A green serves as an open space available for civic purposes, commercial activity, unstructured recreation, and other passive uses. A green shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains or open shelters should be included and should be formally placed within a green. Mixed use or urban residential buildings shall front onto and activate a green.

Typical Characteristics

General Character

Open space

Spatially defined by landscaping and building frontages

Lawns, trees and shrubs naturally disposed

Open shelters and paths formally disposed

Location and Size

Greens are appropriate in the Downtown Core, Downtown Edge, Transit Village Core, Transit Village Edge, Cotton Mill Core, and Cotton Mill Edge character districts

Size shall range from 0.5 ac. to 5 ac.

Typical Uses

Unstructured and passive recreation

Casual seating

Commercial and civic uses

Residential address

(Ord. No. 2013-04-044, § 31, 4-22-2013)