

SPECIAL EXCEPTION -

VARIANCE -

Please see attached

Items Submitted: Completed application and fee Plot/Site Plan or Survey drawn to scale

I hereby certify that the above statements are true and correct to the best of my knowledge.

Property Owner Signature (if different from Applicant)

[Handwritten Signature]

Applicant's Signature

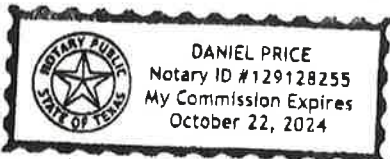
STATE OF TEXAS

COUNTY OF Collin

Subscribed and sworn to before me this 13th day of December, 2021

[Handwritten Signature]

Notary Public



(seal)

My Commission expires: 10-22-2024

NOTICE:

This publication can be made available upon request in alternative formats, such as, Braille, large print, audiotape or computer disk. Requests can be made by calling 972-547-2694 (Voice) or email contact-adacompliance@mckinneytexas.org Please allow at least 48 hours for your request to be processed.

*****OFFICE USE ONLY*****

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No:

BOA Number: BOA 22-01

TOTAL FEE DUE: \$50.00 (non-refundable)

Received by *[Handwritten Signature]* Signature: *[Handwritten Signature]* Date: 01/24/22

Variance Requests for 1204 Tucker Street

December 10, 2021

I am requesting two (2) variances on the property located at 1204 Tucker Street. The owners have engaged Conduit architecture+design to design a renovation to the existing non-conforming detached pool house (converted garage with shed additions). The existing garage / shed building is 1,602 SF and is located on the north (rear) property line with no setback. The garage has an existing carport that is also on the east (side) property line with no setback. The renovation scope is to renovate the existing pool house back into a garage and add a new apartment above, leaving exterior walls and foundation.

Prior to providing a proposal for the design work, Conduit verified the owner's intent with the city to ensure feasibility of the project. At that time, it was my understanding that while the existing pool house was non-conforming, if the owner could remove the storage "scab-ons" to improve the setbacks and reduce overall garage size. While this would not make the building conforming, it would greatly improve the situation for a win-win compromise.

Variance Request #1

Reduce the rear setback for a garage from 10' to 6.3' so that the existing structure and concrete foundation can be reused. The shed add-ons are proposed to be removed. This shed is currently attached to the pool house and extends to the property line. By removing the existing shed from the property line, this would greatly improve the current non-conforming situation and provide a setback of 6.3' in lieu of the current zero setback.

Variance Request #2

Increase the allowable garage area from 500 SF to 730 SF so that the existing walls and structure can be reused. Two attached sheds are proposed to be removed to reduce the existing building 346 SF and another 526 SF by removing the existing carport. This reduces the current building's footprint from 1,602 SF to 730 SF. This greatly improves the non-conforming situation.

Hardships

The owners have several hardships created by the current requirements as listed below:

1. The owners currently have a driveway and carport that leave their cars unsecure. The owners have had two cars broken into over the last couple of years. They would like a garage to park their cars more securely to greatly reduce the chances of future break ins.
2. While the lot is large, it is extremely limiting on the ability provide a detached garage with living above while meeting setbacks. The house location on the rear of the lot, house size and existing pool limit the location of a new garage and apartment. Please see the attached site plan showing lot with location of house, pool, pool house and required setbacks highlighting the allowable buildable area. The only location that meets the zoning requirements is the location of the existing pool house.
3. The owners need to maintain the ability to host guests as the current pool house allows. The owner's travel extensively and need to host house sitters and also host the many guests they met while traveling. Losing the apartment completely is not an option.

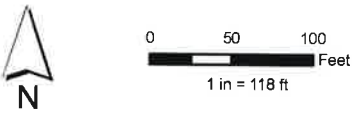
4. The foundation and exterior wall are already remaining and are intended to be reused. The cost to replace the walls and foundation would add considerable cost to this project and would most likely make the project infeasible from the owner's budget standpoint.

Without these variances, it would not be feasible to build a garage anywhere else on the lot. It is also not feasible to try and modify the existing structure to reduce its size and move back from the rear property line. This approach would look like an afterthought and unintentional. Therefore, without the variances, the owners would be required to demolish the existing structure and foundation completely and rebuild a similar structure 3'-9" over from the current location and incur additional costs to be able to protect their cars. This additional cost would most likely make the project infeasible.

We feel our requests to reduce rear setback and allow a slightly larger garage are reasonable considering the unreasonable hardships created if not allowed. We feel this is even more reasonable considering the efforts the owners are proposing to improve the current situation and the fact this was discussed with the city prior to any design work taking place. I very much appreciate your consideration of our request. Please let me know if you have any questions or need any additional information.



200FT Buffer Around
 Subject Property



Board of Adjustment 1204 Tucker ST

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 omissions which may exist.



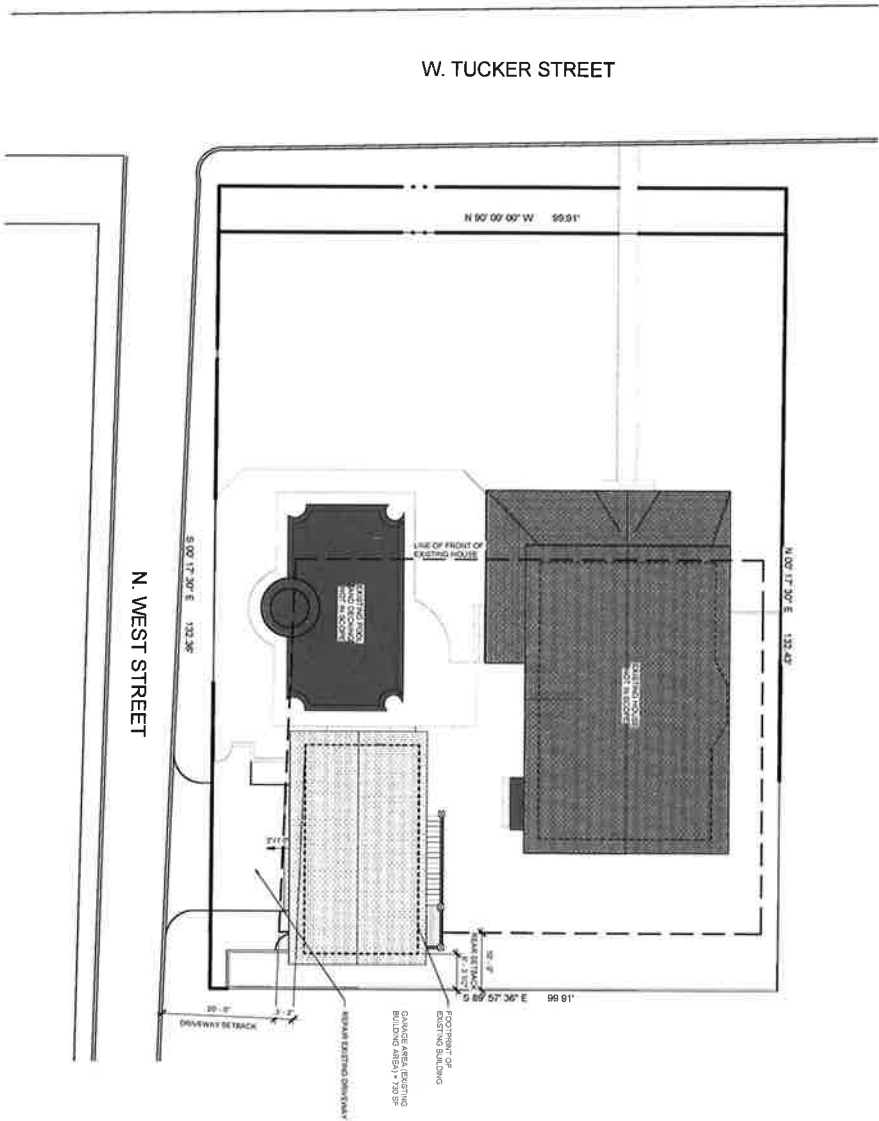
deYONG GARAGE APARTMENT

10.22.21

1204 TUCKER ST., MCKINNEY,
TEXAS 75069

BOA REQUEST

1" = 10'-0"

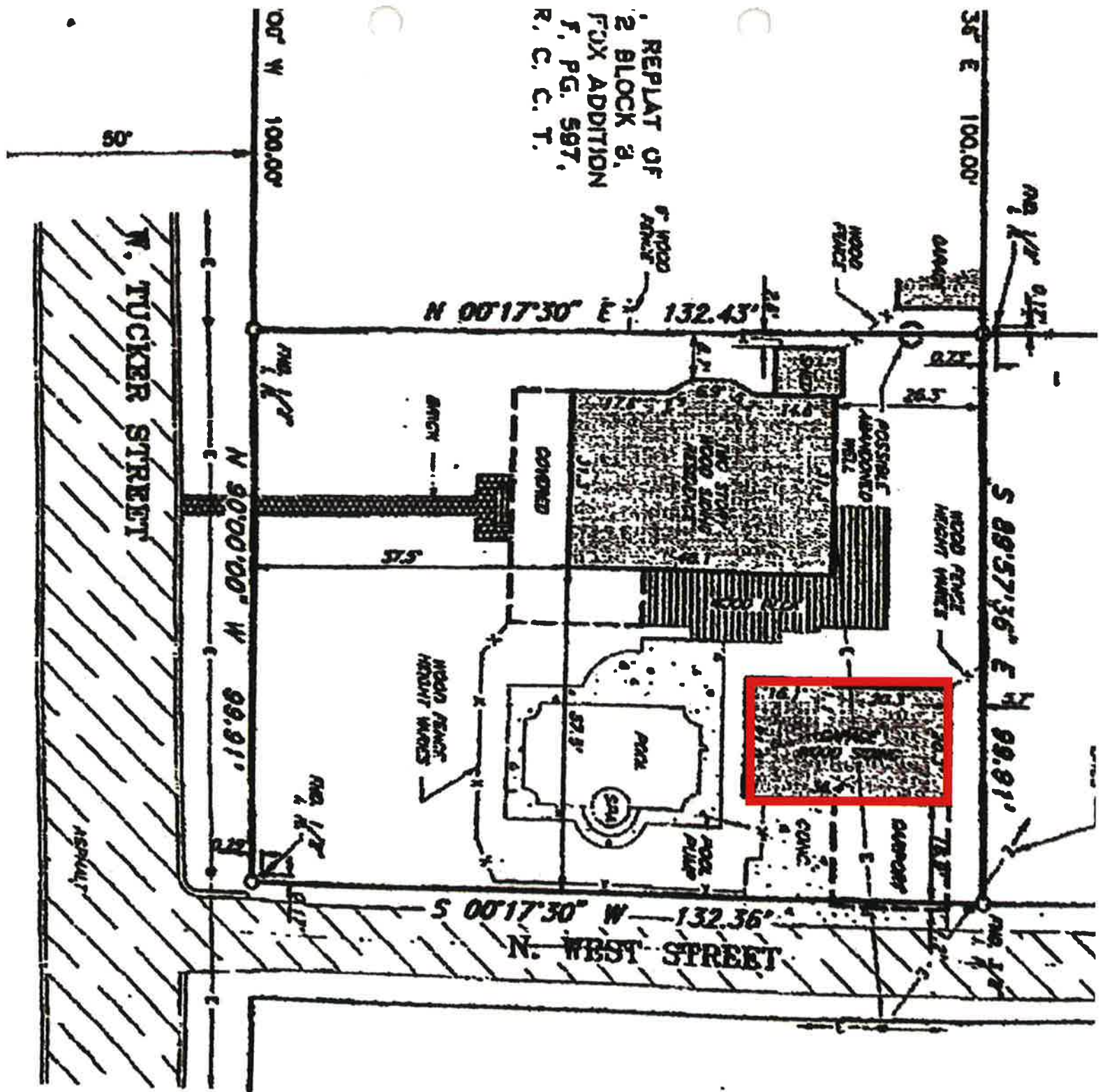


1 SITE PLAN

1" = 10'-0"



REPLAT OF
 2 BLOCK S.
 FOX ADDITION
 F. P. G. 597.
 R. C. C. T.



Thence S 89°57'36" E, old portion, 99.91 feet to a point on the West right-of-way line of N. West Street;

Thence S 00°17'30" W, old Southeast corner of Block line of W. Tucker Street;

Thence N 90°00'00" W, old Beginning.

With reference to my copy for Collin County, Texas, of the subject property's soil a 100 year Speed Flood and after a more detailed added. Localized flooding

I do hereby certify that this is a true and correct report of the survey, including all easements and other matters shown hereon.



INFORMATION ONLY

This packet is NOT an official City document and contains only excerpts from the Municipal Code.

It is provided only as a courtesy in helping property owners, prospective businesses, or developers to focus on a specific question or code section. It does not contain all district regulations and some information may be out of context without being attached to the full Municipal Code of Ordinance.

Property Information

Property Address: 1204 Tucker Street

Geographic ID: R-0886-003-003C-1

Zoned: RD-30 Duplex Residence District (Page 5-6)

Overlay: TMN Traditional McKinney Neighborhood (Page 4)

Historic Preservation District: Historically Significant Area

Schedule of Space limits (Page 2-3)



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)

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, § 1.45, 8-20-2002; Ord. No. 2002-11-109, § 2, 11-19-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)

- (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, § 1.22, 8-20-2002; Ord. No. 2004-12-124, § 1, 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; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)

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, § 1.23, 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; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)

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, § 1.24, 8-20-2002; Ord. No. 2004-12-124, § 1, 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; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)

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, § 1.1, 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; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)

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;

- 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; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)

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

(Ord. No. 2014-03-018, § 19, 3-4-2014; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)

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; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)

INFORMATION ONLY

This packet is NOT an official City document and contains only excerpts from the Municipal Code.

It is provided only as a courtesy in helping property owners, prospective businesses, or developers to focus on a specific question or code section. It does not contain all district regulations and some information may be out of context without being attached to the full Municipal Code of Ordinance.

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

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) *Side yard.*
 - 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 when the buildings are located within a Historically Significant Area or the main structure is a Significantly Important Building.
 - 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.
 - j. 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;
 - k. Commercial clothing laundering or cleaning;
 - l. Mortuary or funeral home;
 - m. Trailer, vehicle, tool, or equipment rental;
 - n. Antique, gift, or specialty shop; and
 - o. 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, § 11, 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; Ord. No. 2019-08-061, § 1(Exh. A), 8-20-2019)