

**ORDINANCE NO. 2013-04-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTIONS 6 (ZONING DISTRICTS ESTABLISHED), 40 (NONCONFORMING USES AND NONCONFORMING STRUCTURES), 45 (SITE PLAN APPROVAL), 95 (MTC – MCKINNEY TOWN CENTER DISTRICT), 96 (CHD – COMMERCIAL HISTORIC DISTRICT), 129 (HEIGHT AND AREAS EXCEPTIONS, AND MINIMUM DISTANCES BETWEEN USES), 130 (VEHICLE PARKING), 131 (OFF-STREET LOADING), 132 (FENCES, WALLS AND SCREENING REQUIREMENTS), 135 (LANDSCAPE REQUIREMENTS), 137 (COMMUNICATIONS ANTENNAS, SATELLITE DISHES AND SUPPORT STRUCTURES/TOWERS), 138 (OPEN STORAGE AND OUTDOOR DISPLAY), 139 (ARCHITECTURAL AND SITE STANDARDS), 163 (PLANNING AND ZONING COMMISSION), 167 (HISTORIC PRESERVATION OFFICER), 168 (DESIGNATION OF HISTORIC LANDMARKS AND DISTRICTS), APPENDIX C-1 (MCKINNEY COMMERCIAL HISTORIC DISTRICT MAP), APPENDIX C-2 (HISTORIC DISTRICT MAP), APPENDIX F-1 (SCHEDULE OF YARDS AND SETBACKS), APPENDIX F-2 (SCHEDULE OF HEIGHTS, AREAS, AND DENSITIES), AND APPENDIX F-4 (SCHEDULE OF USES) OF CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES; AMENDING SECTION 155 (EXEMPTIONS) OF CHAPTER 142 (SUBDIVISION REGULATIONS) OF THE CODE OF ORDINANCES; AMENDING SECTIONS 5 (PROHIBITED SIGNAGE), 6 (ALL ZONING DISTRICTS), 9 (DOWNTOWN COMMERCIAL HISTORIC DISTRICT), AND 10 (MULTIPLE-BUILDING LOT COORDINATED SIGNAGE) OF CHAPTER 134 (SIGN REGULATIONS) OF THE CODE OF ORDINANCES; AND CREATING APPENDIX G-1 (MCKINNEY TOWN CENTER REGULATING PLAN) AND APPENDIX G-2 (MCKINNEY TOWN CENTER ZONING DISTRICT REGULATIONS) OF CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

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

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

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

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

Section 1. That the Code of Ordinances, City of McKinney, Texas, the name of the “CHD” zoning district contained in 146-6 of the Code of Ordinances, is hereby amended and shall read as follows:

**“CHD – Commercial Historic Overlay District (suffix)”**

Section 2. That the Code of Ordinances, City of McKinney, Texas, Section 146-40(b)(3) of the Code of Ordinances, is hereby amended and shall read as follows:

“(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.”

Section 3. That the Code of Ordinances, City of McKinney, Texas, Section 146-40(d)(1)(iii) of the Code of Ordinances, is hereby amended and shall read as follows:

“iii. 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 six (6) 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.”

Section 4. That the Code of Ordinances, City of McKinney, Texas, Section 146-40(e) of the Code of Ordinances, is hereby amended and shall read as follows:

“(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:

i. No alterations to the building are required by ordinance to accommodate the expansion of the nonconforming use; and

ii. 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.”

Section 5. That the Code of Ordinances, City of McKinney, Texas, Section 146-45(a)(1) of the Code of Ordinances, is hereby amended and shall read as follows:

“(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 an 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 of McKinney Zoning Regulations (Chapter 146).”

Section 6. That the Code of Ordinances, City of McKinney, Texas, Section 146-45(a)(3)(i) of the Code of Ordinances, is hereby created and shall read as follows:

- “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 of McKinney Zoning Regulations).”

Section 7. That the Code of Ordinances, City of McKinney, Texas, Section 146-95 of the Code of Ordinances, is hereby amended and shall read as follows:

**“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 of McKinney, Texas (“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.”

Section 8. That the Code of Ordinances, City of McKinney, Texas, Section 146-96 of the Code of Ordinances, is hereby amended and shall read as follows:

**“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."

Section 9. That the Code of Ordinances, City of McKinney, Texas, Section 146-129 of the Code of Ordinances, is hereby amended and shall read as follows:

**"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 2½ 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) *Front yards.*

- 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.”

Section 10. That the Code of Ordinances, City of McKinney, Texas, Section 146-130 of the Code of Ordinances, is hereby amended and shall read as follows:

**“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 of McKinney 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.
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,	Calculate required parking for each subsidiary use in addition to the minimum standards for other uses.

	etc.	
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.
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		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.
Dwellings, multiple family (senior)	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.
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.
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.
  - i. 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).
  - ii. 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).

iii. 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

iv. 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.

v. The enclosed parking space requirement for multi-family residential and senior multi-family residential uses may be reduced from no less than 50% of the units having an enclosed parking space to no less than 30% 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:

1. The project represents an innovative or exceptional quality design; and
2. The project represents a significant contribution to the existing and future built environment in the area.
3. 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 of McKinney 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:

Existing surface	New surface
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 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.
9. All off-street parking areas shall be kept free of litter, trash, debris, vehicle repair operations, display, and advertising uses.
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."

Section 11. That the Code of Ordinances, City of McKinney, Texas, the introductory paragraph of Section 146-131 of the Code of Ordinances, is hereby amended and shall read as follows:

"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."

Section 12. That the Code of Ordinances, City of McKinney, Texas, Section 146-132(3) of the Code of Ordinances, is hereby amended and shall read as follows:

"(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 "REC" -- Regional Employment Center Overlay district and 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.
- 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.
  - i. Single container enclosures shall be a minimum of twelve feet (12') wide by fourteen feet (14') deep, as measured from the inside of the enclosure's walls.
  - ii. Double container enclosures shall be a minimum of 25.5 feet wide by fourteen feet (14') deep, as measured from the inside of the enclosure's walls.
  - iii. Trash compactor enclosures and all other enclosure types shall be constructed to the Environmental Waste Department's specifications.
  - iv. All enclosure types shall be required a minimum of forty feet (40') 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.
  - v. All enclosure types shall be required to provide a 24' 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 1 1/2 feet (1.5').
- 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 2 feet and maximum 4 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 6 feet and maximum 8 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)."

Section 13. That the Code of Ordinances, City of McKinney, Texas, Section 146-135(b)(3) of the Code of Ordinances, is hereby amended and shall read as follows:

- "(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 McKinney Town Center Development Coordinator (Director of Planning or designee) 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 of McKinney Zoning Regulations

Chapter 146 for any additional landscaping requirements that may be specifically applicable to the “MTC” -- McKinney Town Center zoning district.”

Section 14. That the Code of Ordinances, City of McKinney, Texas, Section 146-137 of the Code of Ordinances, is hereby amended and shall read as follows:

**“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 (10') 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.”

Section 15. That the Code of Ordinances, City of McKinney, Texas, Section 146-138(b)(2) of the Code of Ordinances, is hereby amended and shall read as follows:

- “(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.”

Section 16. That the Code of Ordinances, City of McKinney, Texas, Section 146-139(c)(3) of the Code of Ordinances, is hereby amended and shall read as follows:

(3) Provisions of this section shall not apply to the following:

- a. Single family or two-family (duplex) residential construction;
- b. Applicable design standards in the “MTC” -- McKinney Town Center zoning district shall take precedence over the standards and criteria contained in this section;
- c. Applicable design standards related to historic preservation in the “CHD” -- Commercial Historic Overlay District and the “H” -- Historic Preservation Overlay District shall take precedence over the standards and criteria contained in this section;
- d. Portable buildings for religious institutions or private schools, which may be allowed for a period not to exceed 30 months;
- e. Portable buildings for public schools, which may be allowed indefinitely;
- f. Temporary uses as defined under section 146-42
- g. Buildings for which a site plan for the project was approved prior to the adoption and publication of this section, provided the site plan has not expired, and a building permit has been issued and construction is underway within two years of the effective date of the ordinance from which this section is derived; or
- h. Buildings constructed prior to the effective date of the ordinance from which this section is derived, which meet any of the following criteria:
  - 1. Portions of a building proposed to be added to any existing non-residential or multi-family structure, which will not increase the originally approved floor area by 50 percent or more, either by a single expansion or by the cumulative effect of a series of expansions; or
  - 2. 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.

Section 17. That the Code of Ordinances, City of McKinney, Texas, Section 146-163 of the Code of Ordinances, is hereby amended and shall read as follows:

**“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 of McKinney 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.”

Section 18. That the Code of Ordinances, City of McKinney, Texas, Section 146-167(2) of the Code of Ordinances, is hereby amended and shall read as follows:

“(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.”

Section 19. That the Code of Ordinances, City of McKinney, Texas, Section 146-168(1) of the Code of Ordinances, is hereby amended and shall read as follows:

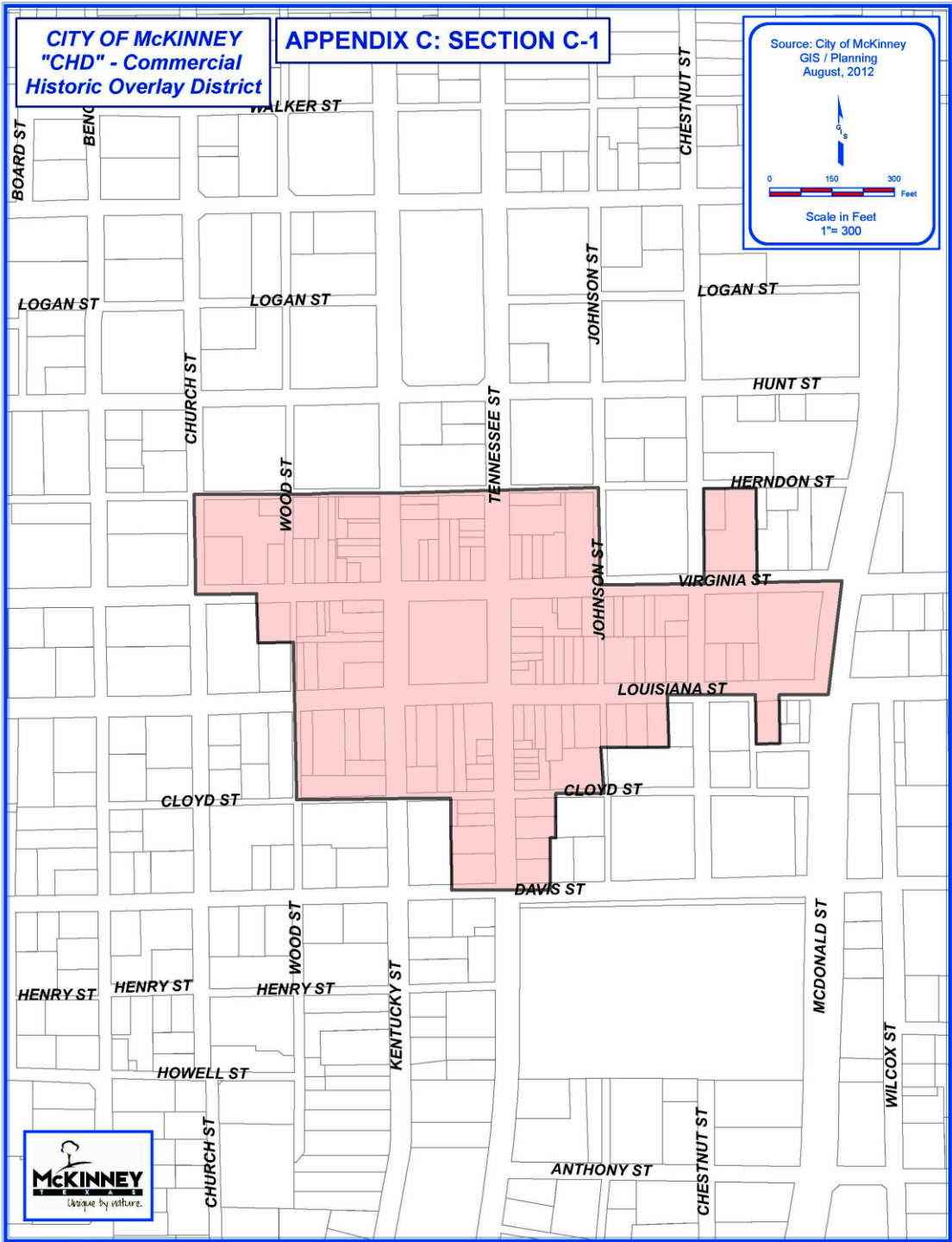
“(1) The historic preservation officer may recommend to the planning and zoning commission a building, site or structure within the “CHD” -- commercial historic overlay district to be designated as a landmark. The historic preservation officer shall make a recommendation, to be forwarded to the planning 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.”

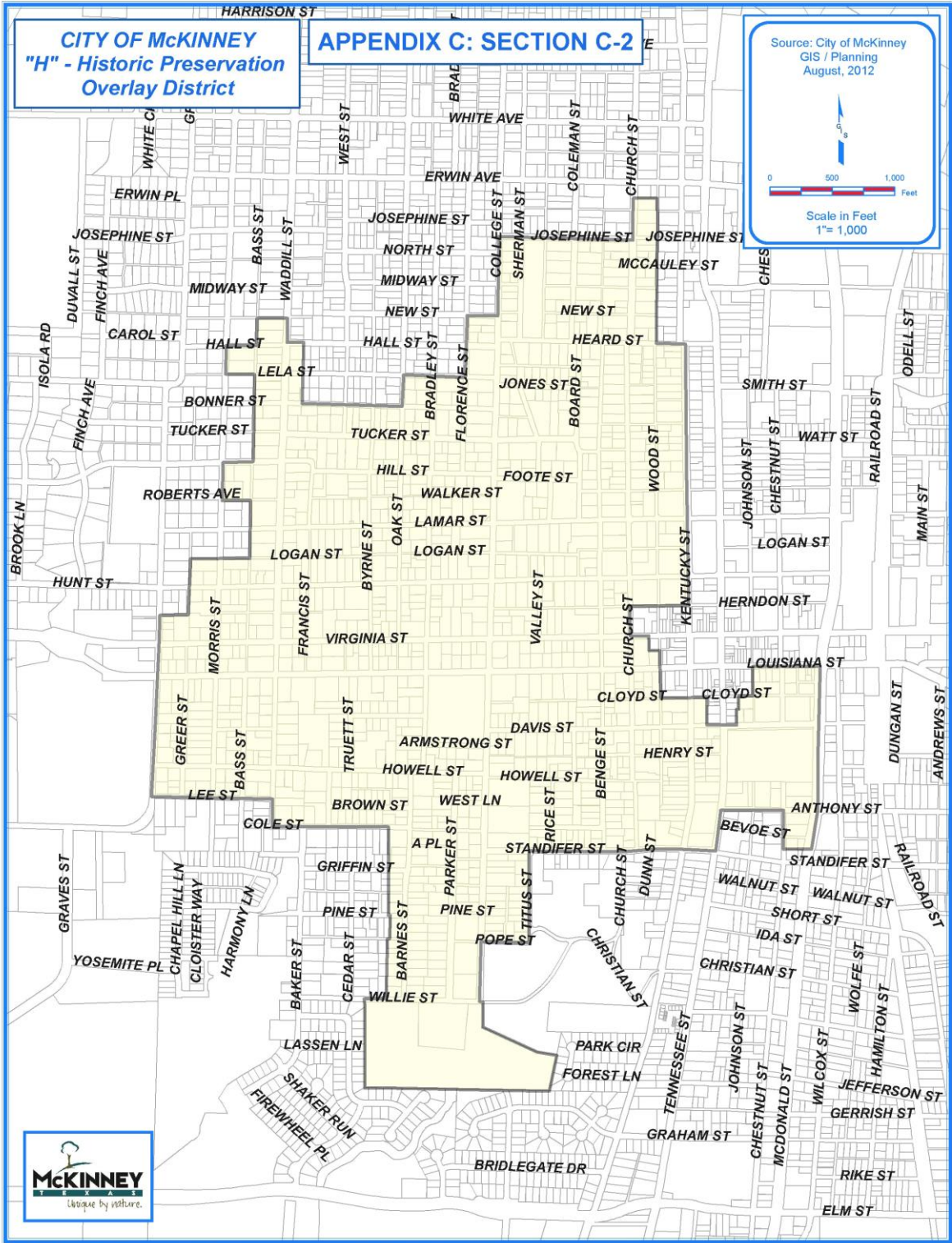
Section 20. That the Code of Ordinances, City of McKinney, Texas, Appendix C of Section 146 of the Code of Ordinances, is hereby amended and shall read as follows:

“APPENDIX C. – HISTORIC DISTRICTS AND CORRIDOR COMMERCIAL MAPS

Section C-1. – “CHD” -- Commercial Historic Overlay District map.

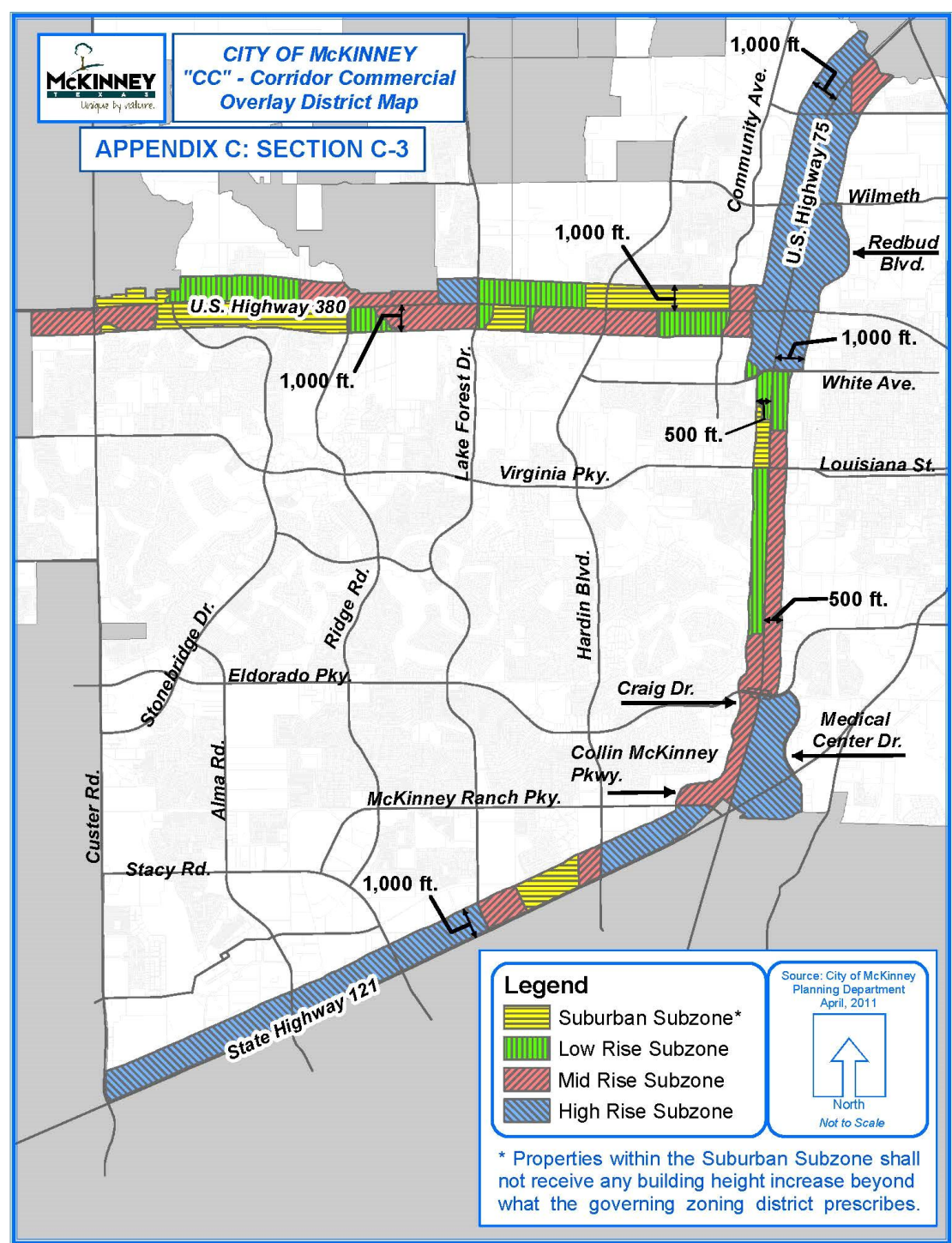


Section C-2. – “H” -- Historic Preservation Overlay District map.





Section C-3. – “CC” -- Corridor Commercial Overlay District map.



“

- Section 21. That the Code of Ordinances, City of McKinney, Texas, Appendix F-1 of Section 146 of the Code of Ordinances, is hereby amended and shall read as indicated in Exhibit A, attached hereto.
- Section 22. That the Code of Ordinances, City of McKinney, Texas, Appendix F-2 of Section 146 of the Code of Ordinances, is hereby amended and shall read as indicated in Exhibit B, attached hereto.
- Section 23. That the Code of Ordinances, City of McKinney, Texas, Appendix F-4 of Section 146 of the Code of Ordinances, is hereby amended and shall read

as indicated in Exhibit C, attached hereto.

Section 24. That the Code of Ordinances, City of McKinney, Texas, Section 142-155(4) of the Code of Ordinances, is hereby created and shall read as follows:

“(4) Residential development within the “MTC” -- McKinney Town Center zoning district. Please refer to Appendix G of the City of McKinney Zoning Regulations for open space standards specifically applicable to all new residential development within the “MTC” -- McKinney Town Center zoning district.”

Section 25. That the Code of Ordinances, City of McKinney, Texas, Section 134-5(4) of the Code of Ordinances, is hereby amended and shall read as follows:

“(4) *Portable and/or display signs.* Portable and/or display signs, except as described in the “MTC” -- McKinney Town Center zoning district section of this chapter, section 134-9(8).”

Section 26. That the Code of Ordinances, City of McKinney, Texas, Section 134-5(6) of the Code of Ordinances, is hereby amended and shall read as follows:

“(6) *Signs in, on or over public right-of-way, railroad right-of-way, public easements or designated fire lanes.* No person shall place, erect or allow to be placed or erected any sign in, on or over public rights-of-way and easements, railroad right-of-way or designated fire lanes except as described in the “MTC” -- McKinney Town Center zoning district provisions in section 134-9 or if erected by the city for public purposes. Detached signs shall maintain a setback as described in section 134-7(c)(1).”

Section 27. That the Code of Ordinances, City of McKinney, Texas, Section 134-6(3)(c)(1) of the Code of Ordinances, is hereby amended and shall read as follows:

“1. Signs in the “MTC” -- McKinney Town Center zoning district;”

Section 28. That the Code of Ordinances, City of McKinney, Texas, Section 134-9 of the Code of Ordinances, is hereby amended and shall read as follows:

**“Sec. 134-9. – “MTC” -- McKinney Town Center zoning district.**

The “MTC” -- McKinney Town Center zoning district is that area established by the “MTC” Regulating Plan as shown in Appendix G-1 of the City of McKinney Zoning Regulations (Chapter 146). All signs within this district shall adhere to the following criteria:

- (1) Signs must be designed and constructed in keeping with the historic character and pedestrian-oriented urban design of the district. Signs are subject to review by the McKinney Town Center Development Coordinator (Director of Planning or designee), and this coordinator's approval is a prerequisite for the issuance of a sign permit.
- (2) Materials suggested for use for signs are finished hardwoods, softwoods, metals, glass, or neon. Materials not allowed include, but are not limited to, plastics, fluorescent materials, paper or fluorescent paints. Internally illuminated signs (three-dimensional cabinet, can, or box construction) with single-sided or double-sided face panels made of plastic or synthetic materials are also specifically not allowed. However, signs comprised of internally illuminated individual letters are allowed.



- (3) Hanging signs shall be allowed when such signs have a minimum clearance of seven feet from the sidewalk and do not extend beyond an awning or canopy projection.
- (4) Projecting signs shall have a minimum clearance from the sidewalk of 8.5 feet and shall not project more than five feet from the building or more than 50 percent of the width of the sidewalk adjacent to the building, whichever is less (reference graphic 10).
- (5) Maximum size shall be based on the following:
  - a. For every one linear foot of building primary or entrance frontage, a maximum of one and one-half square feet of sign area shall be allowed.
  - b. Sign boards on secondary side-street frontage shall not exceed one-half the size of signboards on the primary or entrance frontage.
  - c. Window signs shall cover no more than 40 percent of the total glass area, and this will count as one of the signs permitted (reference graphic 9).
  - d. Each face of a hanging sign shall be no more than five square feet.
  - e. Projecting signs shall be no more than 15 square feet in size.
- (6) Two signs are permitted per primary entrance, plus one additional hanging sign, if a canopy is used.
- (7) One secondary entrance sign is permitted.
- (8) Menu boards, portable signs or display signs are allowed, provided they adhere to the following criteria:
  - a. One such sign shall be permitted per primary entrance.
  - b. Such signs may extend out a maximum of two feet from the building, with the maximum distance parallel to the right-of-way being four feet.
  - c. A maximum of six square feet shall be permitted in the area of the sign or the area of the sidewalk used.
  - d. Materials not allowed include plastics, fluorescent materials, paper or fluorescent paints. Such signs shall also not be illuminated or lighted.
  - e. Such signs shall be displayed during business hours only."

Section 29. That the Code of Ordinances, City of McKinney, Texas, Section 134-10 of the Code of Ordinances, is hereby amended and shall read as follows:

**"Sec. 134-10. - Multiple-building lot coordinated signage.**

- (a) *"PD" -- Planned development district or "MTC" -- McKinney Town Center district.* Notwithstanding anything contained in the foregoing, if property is developed in a "PD" -- planned development district or the "MTC" -- McKinney Town Center district, all signs on such property may be reviewed and approved as part of the overall development plan. Total signage allowed for all sites in the development may be aggregated and the total allowance redistributed. Sign locations, types, materials, and sizes may be varied; however, they must be consistent with site and landscape planning principles and will be part of the review process. Roof signs may be considered in the "MTC" McKinney Town Center district only if reviewed and approved through this process.

(b) *Compatibility of design.* All signs applied for under the provisions within this section are subject to the approval by the Director of Planning or designee. The following criteria shall be considered:

- (1) The sign's compatibility with surrounding signage as related to location, height, size, setback, etc.;
- (2) The sign's compatibility with aesthetics as related to color scheme, shapes, design, materials, etc.;
- (3) The sign's compatibility with surrounding urban design and context; and
- (4) The sign's relationship to proposed or existing landscaping.”

Section 30. That the Code of Ordinances, City of McKinney, Texas, Appendix G-1 of Section 146 of the Code of Ordinances, is hereby created and shall read as indicated in Exhibit D, attached hereto.

Section 31. That the Code of Ordinances, City of McKinney, Texas, Appendix G-2 of Section 146 of the Code of Ordinances, is hereby created and shall read as indicated in Exhibit E, attached hereto.

Section 32. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 33. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 34. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 22nd DAY OF APRIL, 2013.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

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

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

Sec. F-1. Schedule of yards and setbacks.

Zoning Districts	Minimum front yard or building line	Minimum rear yard setback or primary structure	Minimum side yard of interior lots	Minimum side yard of corner lots
AG	35'	35'	20'	25'
RED-1	35'	35'	20'	35'
RED-2	50'	50'	30'	50'
RS 120	30'	25'	10'	15'
RS 84	25'	25'	10'	15'
RS 72	25'	25'	6'	15'
RS 60	25'	25'	5'	15'
RS 45	20'	20'	(1)	15'
RD 30	25'	25'	7'	15'
RG 27	20'	20'	(1)	15'
RG 25	25'	25'	7'	25'
RG 15 [18]	(1)	(1)	(1)	(1)
MF-1	35'	(1)	(1)	35'
MF-2	35'	(1)	(1)	35'
MF-3	35'	(1)	(1)	35'
MP	(1)	(1)	(1)	(1)
NC	25'	(1)	(1)	25'
BN	25'	20'	(1)	(1)
BG	(1)	10'	(1)	15'
C	25'	(1)	(1)	15'
O-1	25'	(1)	(1)	25'
O	50'	(1)	(1)	(1)
BC	25'	(1)	(1)	25'
ML	25'	0'	0'	20'
MH	20'	0'	0'	10'
AP	25'	(1)	(1)	15'
GC	(2)	(2)	(2)	(2)
PD	(2)	(2)	(2)	(2)
MTC	(1)	(1)	(1)	(1)

Notes:  
(1) See district regulations.  
(2) Established by ordinance.

Sec. F-2. Schedule of heights, areas, and densities.

Zoning Districts	Maximum height of structure	Minimum lot area	Minimum width of lot	Minimum lot depth	Maximum Density (dwelling units per acre)
AG	35'	10 acre	150'	n/a	n/a
RED-1	35'	1 acre	150'	150'	1.0
RED-2	35'	2 acre	200'	200'	0.5
RS 120	35'	12,000 sq.ft.	80'	120'	3.5
RS 84	35'	8,400 sq.ft.	70'	110'	5.0
RS 72	35'	7,200 sq.ft.	60'	100'	6.0
RS 60	35'	6,000 sq.ft.	50'	100'	7.0
RS 45	35'	4,500 sq.ft.	40'	100'	8.0
RD 30	35'	(1)	50'	100'	14.5
RG 27	35'	2,700 sq.ft.	25'	100'	14.5
RG 25	35'	(1)	50'	100'	17.0
RG 15 [18]	(1)	(1)	(1)	(1)	(1)
MF-1	35' (2 stories)	3,600 sq.ft. per unit	60'	100'	12.0
MF-2	35' (2 stories)	2,700 sq.ft. per unit	60'	100'	16.0
MF-3	35' (2 stories)	2,100 sq.ft. per unit	60'	100'	20.0
MP	35'	(1)	(1)	(1)	8.0
NC	35'	7,000 sq.ft.	60'	100'	n/a
BN	35'	7,500 sq.ft.	50'	(1)	n/a
BG	45'	(1)	(1)	(1)	n/a
C	55'	0'	0'	0'	n/a
O-1	35'	7,000 sq.ft.	60'	100'	n/a
O	(1)	0'	0'	0'	n/a
BC	45'	10,000 sq.ft.	80'	100'	n/a
ML	(1)	(1)	50'	0'	n/a
MH	(1)	(1)	50'	0'	n/a
AP	45'	0'	0'	0'	n/a
GC	(2)	(2)	(2)	(2)	(2)
PD	(2)	(2)	(2)	(2)	(2)
MTC	(1)	(1)	(1)	(1)	(1)

Notes:  
(1) See district regulations.  
(2) Established by ordinance.

SCHEDULE OF USES

Type Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RD 30	RG 27	RG 25	RG 15 [18]	MF-1	MF-2	MF-3	MP	NC	BN	BG	C	O-1	O	BC	ML	MH	AP	GC	MTC	
Residential Uses																													
Bed and breakfast (See Ch. 138, Art. IV)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S							N-1	
Boardinghouse or rooming house (17)									*	*	*	*	*	*	*			*	*	*	*		*						N-1
Dormitories					*	*	*	*	*	*	*	*	*	*	*			*	*	*	*		*						N-1
Independent living facility (retirement community) (55)									*	*	*	*	*	*	*				S	S	S	S						N-1	
Mobile home dwelling (66)																*								*	*			N-1	
Mobile home park (See Ch. 138, Art. II) (67)																*												N-1	
Multiple family dwelling (apartment) (69)									*	*	*	*	*	*	*													N-1	
Multiple family dwelling, senior (senior apartment) (70)									*	*	*	*	*	*	*			*	S	*								N-1	
Single family dwelling (attached) (102)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*								N-1
Single family dwelling (detached) (103)				*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*								N-1
Two family dwelling (duplex) (115)				*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*								N-1
Watchman or caretaker quarters	*	*	*																				*	*	*			N-1	
Educational and Institutional Uses																													
Assisted living facility, nursing home, or rest home (10)												*	*	*	*		*	*	*	*	S	S						N-1	
Cemetery	S																											N-1	
Church, rectory, or other places of worship including church-operated day-care facilities and pre-schools (25)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*			N-1
Clinic (28)																		*	*	*	*	*	*	*	*			N-1	
College or university	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*			N-1	
Day-care (33)									*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*			N-1	
Fraternal organization, lodge, civic club (46)													*	*	*	*		*	*	*	*	*	*	*	*	*		N-1	
Halfway house									S	S	S	*	*	*	*	*		*	*	*	*	*	*	*	*	*		N-1	
Hospital (52)												*	*	*	*	*		*	*	*	*	*	*	*	*	*		N-1	
Museum, library, art gallery (public) (71)	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	N-1	
School, business or trade (97)																		*	*	*	*	*	*	*	*	*		N-1	
School, public, private or parochial (98)	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	S				*	N-1	
Accessory, Utility and Incidental Uses																													
Accessory building or use (1)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	N-1
Electrical generating plant																								*	*	*		N-1	
Home occupation (See Sec. 146-133) (51)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*			N-1
Local utility line or utility distribution lines, Telephone exchange (no garage or shop)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*		N-1
Public building (shop or yard) (88)	S																					*	*	*	*	*		N-1	
Servant's quarters (100)	*	*	*		*																			*	*	*		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	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*		N-1
Water storage tank	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*		N-1
Water treatment plant	S																						*	*	*	*		N-1	
Recreational and Entertainment Uses																													
Amusement, commercial (indoor) (4)																			*	*	*	*	*	*	*	*		N-1	

EXHIBIT C

Type Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RD 30	RG 27	RG 25	RG 15 [18]	MF-1	MF-2	MF-3	MP	NC	BN	BG	C	O-1	O	BC	ML	MH	AP	GC	MTC
Amusement, commercial (outdoor) (5)																							*	*	*			N-1
Carnival or circus (temporary)	T																					T	T	T	T	T		N-1
Country club (30)	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*				*	*	*	*	T	T	T	T	T	N-1
Fitness club, gymnasium, exercise area or similar use																		*	*	*	*	*	*	*	*	*	N-1	
Golf course (public)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Golf course (private)	S								S	S	S	S	S	S	S			*	*	*	*	*	*	*	*	*	N-1	
Park or playground (public) (79)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Playfield or stadium (public) (86)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Private club (See Ch. 138, Art. II; Sec. 146-41) (84)																			S	S	S	S				*	N-1	
Recreation area (private) (89)	*								S	S	S	S	*	*	*	*	*	*	*	*	*	S	*	*	*	*	*	N-1
Recreation center (public) (90)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Sexually oriented business (See Ch. 138, Art. V)													*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Swim or tennis club (110)	*								S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Swimming pool (public)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Swimming pool (private) (111)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Theater (indoor)																			*	*	*	*	*	*	*	*	*	N-1
Theater (outdoor)																							*	*	*	*	*	N-1
Transportation, Automobile, and Related Uses																												
Airport or landing field, and aircraft hangar																							*	*	*	*	*	N-1
Auto painting or body shop																			*	*	*	*	*	*	*	*	*	N-1
Auto parts sales (indoor)																		*	*	*	*	*	*	*	*	*	*	N-1
Automobile, trailer, light truck, tool rental																			*	*	*	*	*	*	*	*	*	N-1
Automobile, motorcycle, boat (sales, repair, or storage)																			*	*	*	*	*	*	*	*	*	N-1
Bus station																			*	*	*	*	*	*	*	*	*	N-1
Car Wash (See Sec 146-41(11a)) (23)																		S	*	*	*	*	*	*	*	*	*	N-1
Garage, auto repair (49)																			*	*	*	*	*	*	*	*	*	N-1
Garage or lot, parking (private)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Garage or lot, parking (commercial)																			*	*	*	*	*	*	*	*	*	N-1
Heliport or helistop	T																		T	T	T	T	T	T	T	T	T	N-1
Motor freight terminal																							*	*	*	*	*	N-1
Parking, incidental to main use	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Parking lot (truck) (81)																							*	*	*	*	*	N-1
Private street development (See Ch. 142, Art. VII)	S	S	S	S	S	S	S	S	S	S	S	S											*	*	*	*	*	N-1
Railroad freight station																							*	*	*	*	*	N-1
Railroad team truck																							*	*	*	*	*	N-1
Railroad track or right-of-way	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N-1
Recreational vehicle sales																			*	*	*	*	*	*	*	*	*	N-1
Service station or motor vehicle fuel sales (subject to section 146-84, (101)																		*	*	*	*	*	*	*	*	*	*	N-1
Taxi or shuttle service																							*	*	*	*	*	N-1
Tire recapping																							*	*	*	*	*	N-1
Truck sales, storage, or repair																							*	*	*	*	*	N-1
Commercial Type, Retail, and Service Uses																												
Bait shop	*																		*	*	*	*	*	*	*	*	*	N-1
Bakery or confectionery (retail)																		*	*	*	*	*	*	*	*	*	*	N-1
Bakeries (wholesale)																			*	*	*	*	*	*	*	*	*	N-1

EXHIBIT C

Type Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RD 30	RG 27	RG 25	RG 15 [18]	MF-1	MF-2	MF-3	MP	NC	BN	BG	C	O-1	O	BC	ML	MH	AP	GC	MTC
Banks and financial institutions																	*	*	*	*	*	*	*	*	*			N-1
Barber or beauty shops																	*	*	*	*	*	*	*	*	*			N-1
Building materials sales or monument sales																			*	*			*	*	*			N-1
Carpentry or sign shop																			*	*			*	*	*			N-1
Cleaning plant (laundry)																			*	*			*	*	*			N-1
Cleaning shop and pressing (small shop and pickup) (27)																	*	*	*	*			*	*	*			N-1
Department or discount store																			*	*			*	*	*			N-1
Drug-store or pharmacy																		*	*	*			*	*	*			N-1
Exterminator																			*	*			*	*	*			N-1
Farmers market (40)	*																		*	*			*	*	*			N-1
Florist or garden shop																		*	*	*			*	*	*			N-1
Field office (42) or real estate sales office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N-1
Food stores, groceries																		*	*	*			*	*	*			N-1
Frozen food lockers																			*	*			*	*	*			N-1
Funeral homes and mortuaries												S	S	S	S				*	*			*	*	*			N-1
Furniture sales																			*	*			*	*	*			N-1
Greenhouse or plant nursery																			*	*			*	*	*			N-1
Hardware store (paint, plumbing, and related sales)																		*	*	*			*	*	*			N-1
Heavy machinery sales and storage																			*	*			*	*	*			N-1
Hotel or motel (53)																		*	*	*			*	*	*			N-1
Household appliance sales (54)																		*	*	*			*	*	*	*	*	N-1
Laboratories (medical, dental, science)																		*	*	*			*	*	*			N-1
Mineograph or letter shop																		*	*	*			*	*	*			N-1
Mobile home display and sales												S					*	*	*	*	*	*	*	*	*	*	*	N-1
Office building																		*	*	*			*	*	*	*	*	N-1
Offices with showrooms												*					*	*	*	*	*	*	*	*	*	*	*	N-1
Office use	*											*				*	*	*	*	*	*	*	*	*	*	*	*	N-1
Office supplies																	*	*	*	*	*	*	*	*	*	*	*	N-1
Paint and related sales																		*	*	*			*	*	*	*	*	N-1
Pawnshops																		*	*	*			*	*	*	*	*	N-1
Personal service (54)																		*	*	*			*	*	*	*	*	N-1
Pet store, kennel, animal boarding (no outside runs)																		*	*	*			*	*	*	*	*	N-1
Pet store, kennel, animal boarding (outside runs)	*																	*	*	*			*	*	*	*	*	N-1
Psychic/paranormal readings																		*	*	*			*	*	*	*	*	N-1
Radio or TV broadcast studio																	*	*	*	*	*	*	*	*	*	*	*	N-1
Retail store (indoor)																		*	*	*			*	*	*	*	*	N-1
Restaurant or cafeteria (carry-out only) (93)																		*	*	*			*	*	*	*	*	N-1
Restaurant or cafeteria (indoor service) (94)																	*	*	*	*	*	*	*	*	*	*	*	N-1
Restaurant or cafeteria (including drive-through window) (95a)																	*	*	*	*	*	S	*	*	*	*	*	N-1
Restaurant or cafeteria (drive-in service) (95b)																		S	*	*	*	*	*	*	*	*	*	N-1
Studios, photo, music, art, health, etc.																		*	*	S	*	*	*	*	*	*	*	N-1
Tattoo Parlor																	*	*	*	*	*	*	*	*	*	*	*	N-1
Travel agent																	*	*	*	*	*	*	*	*	*	*	*	N-1
Upholstery shop																	*	*	*	*	*	*	*	*	*	*	*	N-1
Veterinarian (no outside runs)																	*	*	*	*	*	*	*	*	*	*	*	N-1

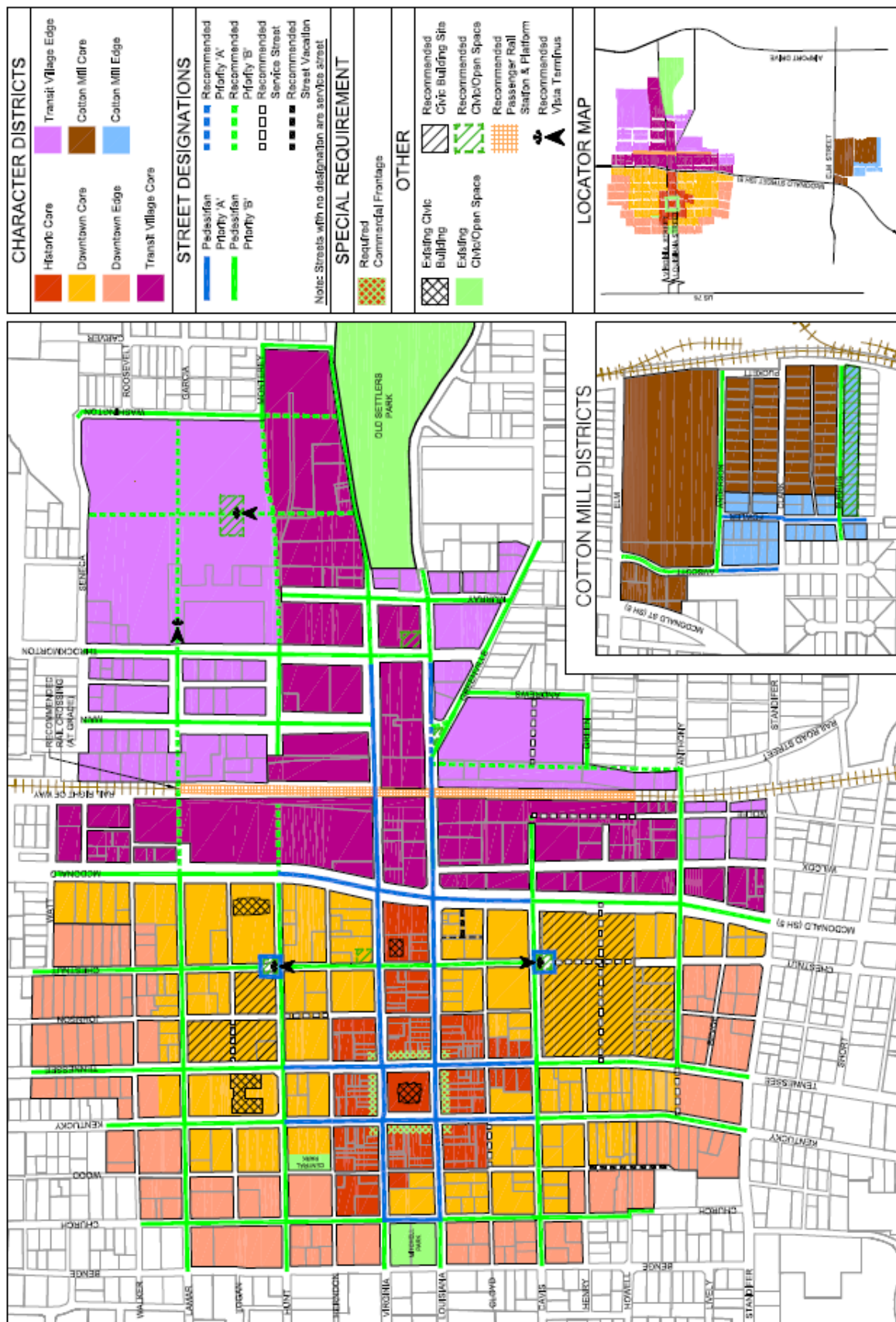
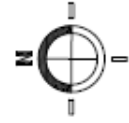




S	Use is permitted with a Specific Use Permit under Sec. 146-41.
T	Use is permitted with a Temporary Use Permit.

- 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 Code.
- For a listing of uses allowed in a specific "PD" – Planned Development District, please contact the City of McKinney's Planning Department.

EXHIBIT C



APPENDIX G, SECTION G-1