

ORDINANCE NO. 2012-11-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 138-429 (LOCATION – GENERALLY) OF THE CODE OF ORDINANCES PERTAINING TO SEXUALLY ORIENTED BUSINESSES; AMENDING SECTIONS 5 (APPROVAL REQUIRED), 8 (VARIANCES AND APPEALS), 9 (DEFINITIONS), 73 (GENERAL DEVELOPMENT PLAN), 74 (PRELIMINARY-FINAL PLAT), 75 (PRELIMINARY-FINAL REPLAT), 76 (RECORD PLAT), 77 (MINOR PLAT), 78 (MINOR REPLAT), 79 (AMENDING PLAT), 81 (CONVEYANCE PLAT), 99 (LOTS), 106 (SCREENING AND BUFFERING OF CERTAIN RESIDENTIAL LOTS ADJACENT TO STREETS), AND 157 (CONVEYANCE OF LAND REQUIREMENTS) OF THE SUBDIVISION ORDINANCE (CHAPTER 142 OF THE CODE OF ORDINANCES); AMENDING SECTIONS 40 (NONCONFORMING USES AND NONCONFORMING STRUCTURES), 41 (SPECIFIC USE PERMITS), 42 (TEMPORARY USES), 44 (ACCESS MANAGEMENT PLAN APPROVAL), 45 (SITE PLAN APPROVAL), 46 (DEFINITIONS), 67 (AG – AGRICULTURAL DISTRICT), 68 (RED-1 – RESIDENTIAL ESTATES DISTRICT), 69 (RED-2 – RESIDENTIAL ESTATES DISTRICT), 70 (RS 120 – SINGLE FAMILY RESIDENCE DISTRICT), 71 (RS 84 – SINGLE FAMILY RESIDENCE DISTRICT), 73 (RS 60 – SINGLE FAMILY RESIDENCE DISTRICT), 74 (RS 45 – SINGLE FAMILY RESIDENCE DISTRICT), 75 (RD 30 – DUPLEX RESIDENCE DISTRICT), 77 (RG 25 – GENERAL RESIDENCE DISTRICT), 78 (RG 18 – GENERAL RESIDENCE DISTRICT), 79 (MF-1 – MULTI-FAMILY RESIDENTIAL – LOW DENSITY DISTRICT), 80 (MF-2 – MULTI-FAMILY RESIDENTIAL – MEDIUM DENSITY DISTRICT), 81 (MF-3 – MULTI-FAMILY RESIDENTIAL – MEDIUM-HIGH DENSITY DISTRICT), 83 (NC – NEIGHBORHOOD CONVENIENCE DISTRICT), 84 (BN – NEIGHBORHOOD BUSINESS DISTRICT), 85 (BG – GENERAL BUSINESS DISTRICT), 86 (C – PLANNED CENTER DISTRICT), 87 (O-1 – NEIGHBORHOOD OFFICE DISTRICT), 88 (O – OFFICE DISTRICT), 89 (BC – COMMERCIAL BUSINESS DISTRICT), 90 (ML – LIGHT MANUFACTURING DISTRICT), 91 (MH – HEAVY MANUFACTURING), 95 (MTC – MCKINNEY TOWN CENTER DISTRICT), 96 (CHD – COMMERCIAL HISTORIC DISTRICT), 130 (VEHICLE PARKING), 131 (OFF-STREET LOADING), 132 (FENCES, WALLS, AND SCREENING), 133 (ACCESSORY BUILDINGS AND USES), 134 (PERFORMANCE STANDARDS), 135 (LANDSCAPE REQUIREMENTS), 137 (COMMUNICATIONS ANTENNAS, SATELLITE DISHES AND SUPPORT STRUCTURES/TOWERS), 139 (ARCHITECTURAL AND SITE STANDARDS), 162 (ADMINISTRATIVE OFFICIAL), 164 (CHANGES AND AMENDMENTS), 165 (BOARD OF ADJUSTMENT), APPENDIX C (HISTORIC DISTRICT MAPS), 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 THE ZONING ORDINANCE (CHAPTER 146 OF THE CODE OF ORDINANCES); CREATING SECTIONS 42 (DORMANCY AND APPROVAL EXPIRATIONS) AND 82 (ADMINISTRATIVELY COMPLETE) OF THE SUBDIVISION ORDINANCE (CHAPTER 142 OF THE CODE OF ORDINANCES); AND CREATING SECTIONS 102 (RS SM – SINGLE FAMILY RESIDENCE DISTRICT) AND 141 (RESIDENTIAL DEVELOPMENT DESIGN STANDARDS) OF THE ZONING ORDINANCE (CHAPTER 146 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, Section 138-429 of the Code of Ordinances, is hereby amended and shall read as follows:

**“Sec. 138-429. - Location—Generally.**

- (a) A person commits an offense if he operates or causes to be operated a sexually oriented business in any zoning district other than the MH heavy manufacturing district and/or within 1,000 feet of:
- (1) A church, rectory, convent, synagogue, monastery, or other similar institution of a nonprofit, religious or philanthropic nature;
  - (2) A school;
  - (3) A child care facility;
  - (4) A public or private park or recreation area;
  - (5) Historic sites as determined by the city historic preservation officer;
  - (6) A boundary of a residential district as defined by the zoning ordinance of the city;
  - (7) A cemetery; or
  - (8) The property line of a lot devoted to residential use.
- (b) A person commits an offense if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business located within 1,000 feet of another sexually oriented business.
- (c) A person commits an offense if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
- (d) For the purposes of subsection (a) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church, child care facility, school or historic site, residential lot, or to the nearest boundary of a public or private park, or recreation area, cemetery, or residential district.

- (e) For purposes of subsection (b) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (f) Any sexually oriented business lawfully operating on August 15, 1989, that is in violation of subsection (a), (b) or (c) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business, which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
- (g) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, school, child care facility, public or private park or recreation area, historic site, cemetery, residential district, or residential lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.”

Section 2. That the Code of Ordinances, City of McKinney, Texas, Section 142-5(c) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(c) A subdivision shall be defined as the division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land into tracts where each resulting tract is ten acres or more and does not involve or require any new street, alley or easement of access. As part of a subdivision, if any lot is proposed to be smaller than ten acres in size, the entire parent tract must be platted together with such other lots or tracts.”

Section 3. That the Code of Ordinances, City of McKinney, Texas, Section 142-8(c) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(c) The approval or denial of a plat by the Planning and Zoning Commission may be appealed to the City Council. Within 14 calendar days of the action by the Commission, the appellant shall notify the Director of Planning in writing of the desire to appeal the decision of the Commission to the City Council. Any appeal to the City Council shall not be considered a filing under V.T.C.A, Local Government Code § 212.009 or any successor statute, and thus shall not require Council action within 30 days. The Director of Planning shall prepare a report and place the plat on the agenda for consideration of the appeal by the Council.”

Section 4. That the Code of Ordinances, City of McKinney, Texas, Definition number 28 contained within Section 142-9 of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(28) *Subdivision* means the division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land into tracts where each resulting tract is ten acres or more and does not involve or require any new street, alley or

easement of access. As part of a subdivision, if any lot is proposed to be smaller than ten acres in size, the entire parent tract must be platted together with such other lots or tracts. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. Subdivisions of mobile home spaces for sale, lease or rent shall comply with all provisions of chapter 138, article III, division 2, regulating mobile home parks, as it now exists or it may hereafter be amended.

- a. *Amending plat* means a map, drawing or chart that modifies a recorded final plat, record plat, or minor plat in accordance with the provisions of section 142-77.
- b. *Certified land division* means a map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which:
  1. Is not required by state statute to be filed in the map and plat records of the county; and
  2. Does not involve or require the dedication of public street or alleys; and
  3. Has been certified by the city council as having met the conditions of this chapter. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the city secretary rather than the county clerk. In addition, a plat of the property indicating legal boundaries and any public dedications and easements shall be prepared, reviewed by staff, approved by the city council, and filed with the county clerk.
- c. *Conveyance plat* means a map of property approved by the city for the purpose of sale or conveyance. A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.
- d. *General development plan* means a map, drawing or chart drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easements, other public spaces, and general land uses on all contiguous properties owned or held under single ownership from which a proposed subdivision is intended to be made.
- e. *Minor plat* means a map, drawing or chart prepared according to the provisions of this chapter, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county, and meeting the criteria defined in section 142-76.
- f. *Minor replat* means a map, drawing or chart drawn to scale that modifies a platted lot(s) of record that front onto an existing street and involves four lots or less, does not require the creation of a new public street, and does not require the extension of municipal facilities.
- g. *Preliminary-final plat* means a map, drawing or chart drawn to scale, on which is shown the subdivider's proposed arrangement of streets, lots, easements and other public spaces in the subdivision that he intends to submit in form for recording via an associated record plat.
- h. *Preliminary-final replat* means a map, drawing or chart drawn to scale that modifies a platted lot(s) of record that may or may not front onto

an existing street and involves more than four lots, the creation of a new public street, or requires the extension of municipal facilities.

- i. *Record plat* means a map, drawing or chart prepared according to the provisions of this chapter, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county. A record plat may also be referred to as a final plat.”

Section 5. That the Code of Ordinances, City of McKinney, Texas, Section 142-42 of the Subdivision Ordinance, is hereby established and shall read as follows:

**“Sec. 142-42. Dormancy and approval expirations.**

(a) *General Development Plan.*

1. The approval of a general development plan shall remain in effect so long as progress is being made toward completion of the project on the subject property. If, however, a record plat for all or a part of the subject property has not been filed for recordation with the County Clerk within a period of five years following the original approval of the general development plan, the general development plan’s approval shall terminate and become void.
2. Following the expiration of the general development plan, the subdivider at any time thereafter may submit a new general development plan for Commission approval following the procedures and regulations then in effect.

(b) *Preliminary-Final Plat (include Preliminary-Final Replat).*

1. When a preliminary-final plat has been approved by the Commission, a record plat for all or a part of the area shall be submitted within six months thereafter; otherwise the approval shall terminate and shall be void. However, prior to the expiration of said approval, the time for filing of the application for the record plat may be extended at the written request of the subdivider. The first filing extension (not to exceed 90 days) shall be granted by the Director of Planning. Any further requests for extensions shall be considered by the Planning and Zoning Commission.
2. If a record plat for any portion of the area shown on the preliminary-final plat has been filed for record with the County Clerk, the preliminary-final plat’s approval shall remain valid indefinitely.
3. If a preliminary-final plat expires, the general development plan, if one was approved, that underlies and forms the basis for the preliminary-final plat shall also expire contemporaneously with the expiration of the preliminary-final plat.
4. Following the expiration of the plat, the subdivider at any time thereafter may submit a new general development plan, if required, and/or preliminary-final plat for Commission approval following the procedures and regulations then in effect.

(c) *Record Plat.*

1. The approval of a record plat shall remain in effect for five years following the date of approval except that the plat’s approval shall remain valid indefinitely as long as consistent progress toward the filing of the record plat is demonstrated. If after the five year approval time period, progress toward the filing of the record plat has not been shown for a period of at least six months, the plat’s approval shall immediately terminate and become void.

Evidence of progress toward the filing of the record plat shall include, but not necessarily be limited, to the construction of public improvements, application for and receipt of permits, and request(s) for inspections.

2. If the record plat expires and no other record plat that is based on the same preliminary-final plat or preliminary-final replat which underlies and forms the basis for the expired or expiring record plat has been previously filed for recording with Collin County, the preliminary-final plat or preliminary-final replat of the property shall also expire contemporaneously with the expiration of the record plat. If such underlying preliminary-final plat or preliminary-final replat expires, the general development plan shall also contemporaneously expire with the expiration of the record plat.
3. Following the expiration of the record plat the subdivider at any time thereafter may submit a new general development plan, if required, preliminary-final plat or preliminary-final replat, and/or record plat for Commission approval following the procedures and regulations then in effect.

(d) *Amending Plat, Conveyance Plat, Minor Plat, and Minor Replat.*

1. The approval expiration provisions applicable to record plats in Section 142-42(d) of this chapter shall also apply to amending plats, conveyance plats, minor plats, and minor replats.

(e) *Exceptions.*

1. Notwithstanding the foregoing provisions in this section, approvals for all general development plans and plats of any kind or nature for properties for which a developers agreement, annexation agreement, or facilities agreement has been approved and executed by the City of McKinney prior to November 12, 2012, shall be valid indefinitely.
2. If the executed developers agreement, annexation agreement, or facilities agreement regarding the subject property is terminated, voided for any reason, or otherwise expires the approvals for affected general development plans and plats of any kind and nature shall be subject to the expiration timelines specified herein-above.”

Section 6. That the Code of Ordinances, City of McKinney, Texas, Section 142-73 of the Subdivision Ordinance, is hereby amended and shall read as follows:

**“Sec. 142-73. Reserved.”**

Section 7. That the Code of Ordinances, City of McKinney, Texas, Section 142-74(b)(4) of the Subdivision Ordinance, is hereby amended and shall read as follows:

- “(4) New features inside subdivision. The following new features inside the subdivision shall be identified:
- a. The boundary line, accurate in scale, of the tract to be subdivided, with accurate distances and bearings indicated;
  - b. The layout, designations, names and widths of any and all proposed streets, alleys and easements;
  - c. The layout, lot numbers, and approximate dimensions of proposed lots and blocks; and
  - d. A series of connected mutual access and fire lane easements must be shown for any lot(s) being created that does not have direct

access to a public street by frontage on such street from the proposed lot(s) to a public street(s). It is understood that the final alignment of all mutual access and fire lane easements may not be known at the time of preliminary-final platting. As such, any mutual access and fire lane easements shown on a proposed preliminary-final plat may be revised as necessary on a subsequent associated record plat so long as adequate mutual access and fire lane access is provided from the proposed lot(s) to a public street(s), subject to the review and approval of the Director of Engineering and the Fire Marshal.

- e. All parcels of land intended to be dedicated or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision, or reservations for other uses, together with the purpose or conditions and limitations of such reservations, if any.”

Section 8. That the Code of Ordinances, City of McKinney, Texas, Section 142-74(b)(7) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(7) Additional notes.

- a. The subdivider shall place the following notation(s) on each page of a preliminary-final plat of land that is situated within the corporate limits of the city:
  - 1. PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY
  - 2. All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the Subdivision Ordinance.
- b. The subdivider shall place the following notation on each page of a preliminary-final plat containing land that is situated outside the city's corporate limits and within the extraterritorial jurisdiction of the city:
  - 1. PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY
  - 2. All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the requirements of the Subdivision Ordinance.
- c. The official monuments shall be tied at two points into the plane coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication, No. 252, Plane Coordinate Projection Tables for Texas, published and printed by United States Department of Commerce, Coast and Geodetic Survey. State plane coordinates tied to two points on the plat boundary shall be shown on the plat.”

Section 9. That the Code of Ordinances, City of McKinney, Texas, Section 142-74(b)(9) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(9) Approval and variances.

- a. When a preliminary-final plat is found to conform to these regulations, or may be made to conform by making certain changes directed by the commission, a copy of the preliminary-final plat with such changes made thereon, and the approval thereof by the commission, conditioned as necessary on said changes, shall be transmitted to the subdivider. Approval of the preliminary-final plat as such shall in no way constitute final acceptance or approval of the subdivision.
- b. Approval of the preliminary-final plat by the commission shall include the condition that a record plat conforming with the approved preliminary-final plat be submitted for staff review.
- c. If the commission finds that the preliminary-final plat does not conform to these regulations, and that requested changes to make it conform are not acceptable to the subdivider, the commission shall have the authority to disapprove the preliminary-final plat.
- d. Variances. A variance to the requirements of this section may be granted by the city council in accordance with the provisions of section 142-8."

Section 10. That the Code of Ordinances, City of McKinney, Texas, Section 142-75(a) of the Subdivision Ordinance, is hereby amended and shall read as follows:

"(a) Documentation submitted for approval of preliminary-final replats shall meet the preliminary-final plat requirements of section 142-74, except as follows:

- (1) Purpose statement. A purpose statement shall be provided on the proposed preliminary-final replat. This statement shall provide a brief synopsis of the reason for the proposed plat.
- (2) The subdivider shall place the following notation on each page of a preliminary-final plat containing land that is situated within the corporate limits of the city:
  - a. PRELIMINARY-FINAL REPLAT FOR REVIEW PURPOSES ONLY
  - b. All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the Subdivision Ordinance.
- (3) The subdivider shall place the following notation on each page of a preliminary-final plat containing land that is situated outside the city's corporate limits and within the extraterritorial jurisdiction of the city:
  - a. PRELIMINARY-FINAL REPLAT FOR REVIEW PURPOSES ONLY
  - b. All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the requirements of the Subdivision Ordinance."

Section 11. That the Code of Ordinances, City of McKinney, Texas, Section 142-75(c) of the Subdivision Ordinance, is hereby amended and shall read as follows:

"(c) Approval and variances.

- (1) The approval provisions applicable to preliminary-final plats (Section 142-74) shall also apply to preliminary-final replats.

- (2) Variances. A variance to the requirements of this section may be granted by the city council in accordance with the provisions of section 142-8.”

Section 12. That the Code of Ordinances, City of McKinney, Texas, Sections 142-76(b)(7)(e) and 142-76(b)(7)(f) of the Subdivision Ordinance, are hereby amended and shall read as follows:

“e. The subdivider shall place the following notation on each page of a record plat containing land that is situated within the corporate limits of the city:

- 1. All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the Subdivision Ordinance.

f. The subdivider shall place the following notation on each page of a record plat containing land that is situated outside the city's corporate limits and within the extraterritorial jurisdiction of the city:

- 1. All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the requirements of the Subdivision Ordinance.”

Section 13. That the Code of Ordinances, City of McKinney, Texas, Section 142-77(g) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(g) Approval and variances.

- (1) The approval and variances provisions applicable to record plats (Section 142-76) shall also apply to minor plats.”

Section 14. That the Code of Ordinances, City of McKinney, Texas, Section 142-78(c)(4) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(4) The variances provisions applicable to record plats (Section 142-76) shall also apply to minor replats.”

Section 15. That the Code of Ordinances, City of McKinney, Texas, Section 142-79(c) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(c) Approval and variances.

- (1) The approval and variances provisions applicable to record plats (Section 142-76) shall also apply to amending plats.”

Section 16. That the Code of Ordinances, City of McKinney, Texas, Section 142-81(b) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(b) Applicability. A conveyance plat may be used in lieu of a record plat to record the subdivision of property with the County Clerk in the following instances:

- 1. To record the remainder of a parent tract that is larger than five acres, and that is created by the record platting of a portion of the parent tract, provided that the remainder has adequate access to

an existing public right-of-way via frontage on said right-of-way or via the dedication of access easements; or

2. To record the subdivision of a property into parcels larger than 5 acres in area, provided that each parcel has adequate access to an existing public right-of-way via frontage on said right-of-way or via the dedication of access easements; or
3. To record the subdivision of a property into parcels, five acres or smaller in area, provided that each parcel has direct access to all required public improvements (water, sanitary sewer, storm sewer) via dedicated easements or direct adjacency to existing infrastructure, no portion of the lot is smaller than 45 feet wide, and each parcel has adequate access to an existing public right-of-way via frontage on said right-of-way or via the dedication of access easements.”

Section 17. That the Code of Ordinances, City of McKinney, Texas, Section 142-81(d)(1)(ii) of the Subdivision Ordinance, is hereby amended and shall read as follows:

- “ii. A conveyance plat is a map of property approved by the City for the purpose of sale or conveyance in its entirety or interests thereon defined. Lots created by a conveyance plat may not have all necessary public utilities available for immediate use. No certificate of occupancy shall be issued nor permanent public utility service provided to any lot(s) created by a conveyance plat until all required public improvements have been constructed and accepted and a record plat is filed for record with the County Clerk. Selling a portion of property by metes and bounds, except as shown on an approved, filed and accepted conveyance plat, record plat, minor plat or minor replat is a violation of the City’s Code of Ordinances and State Law.”

Section 18. That the Code of Ordinances, City of McKinney, Texas, Section 142-82 of the Subdivision Ordinance, is hereby established and shall read as follows:

**“Sec. 142-82. Administratively Complete.**

The official date of a plat submittal and the date on which the plat shall be considered administratively complete, thereby triggering the requirements of V.T.C.A, Local Government Code § 212.009 or any successor statute, shall be the date upon which the plat is determined to be in compliance with the general and administrative provisions of the Code of Ordinances by the Director of Planning and the Director of Engineering. The plat will then be approved by the Director of Planning or scheduled for consideration on the first available Planning and Zoning Commission or City Council meeting agenda, whichever body has approval authority, as determined by the date of acceptance for review and the calendar schedule as maintained by the Director of Planning.”

Section 19. That the Code of Ordinances, City of McKinney, Texas, Section 142-99 of the Subdivision Ordinance, is hereby amended and shall read as follows:

**“Sec. 142-99. - Lots.**

- (a) Lot dimensions shall be determined by the appropriate zoning classification. However, for lots within the extraterritorial jurisdiction of the city, no lot shall be less than 5,000 square feet.
- (b) For all lots, the following shall apply:
  - (1) *Natural areas including creeks, wooded areas and flood plain.*

- a. No property shall be subdivided through record platting or “phasing” in a manner which is intended to avoid or circumvent the developer’s obligation to construct public improvements and/or dedicate required easements including, but not limited to, rights-of-ways, erosion hazard setbacks, roads, bridges, trails and parks.
  - b. Minimum usable lot depths for lots backing on natural drainage easements shall not be less than 80 feet measured between front lot line and easement.
  - c. Property located within any flood plain designation (subsequent to any reclamation) or which is subject to, or required to be designated as, an erosion hazard setback easement or another similarly related easement (hereinafter collectively referred to in this section as “No-Build Areas”) shall be designated in a record plat as a common area or included in and platted as a part of a buildable lot. “Buildable lot” shall mean a lot of a size, shape, characteristics and topography which allows for the reasonable construction of improvements and structures allowed in the zoning classification in which it is located.
  - d. A property owners’ association shall be established for the supervision, maintenance and restoration of the No-Build Areas that are included in a Conveyance Plat or which No-Build Areas are identified in a preliminary-final plat/replat or record plat of the entire parcel of property (the “Parent Tract”) in accordance with this paragraph. The ownership of any common areas containing such No-Build Areas shall be conveyed to the property owners’ association in fee simple. An irrevocable perpetual easement for the supervision, maintenance and restoration of the No-Build Areas that are included in and record platted as a part of an otherwise buildable lot shall be conveyed to the property owners’ association. The property owners’ association shall be formed and established, in accordance with the City’s requirements regarding the establishment of property owners’ associations for the maintenance of other common areas, at or before the filing of the first record plat of all or a part of the property subject to such preliminary-final plat/replat. The property owners’ association shall ultimately be responsible for the supervision, maintenance and restoration of all No-Build Areas within the property subject to such preliminary-final plat/replat, regardless of whether the No-Build Area is contained in a common area or on an otherwise buildable lot.
  - e. The record plat for common areas and buildable lots containing No-Build Areas described in subparagraph (b)(1)c. of this Section shall be filed of record prior to or concurrent with the filing of Record Plats or Conveyance Plats, containing more than 50 percent of the Parent Tract’s developable land area. The “Parent Tract’s developable land area” shall mean that area lying outside of existing flood plains and erosion hazard setbacks or no-build areas.
- (2) *Lot shape.* Lots should be rectangular insofar as is practical. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed 2½ to one.
- (3) *Lot facing.*
- a. Each lot shall be provided with adequate access to an existing or proposed street by frontage on such street, or as provided for by an

approved plat reflecting a series of mutual access easements connecting lots with no street frontage to a public street..

- b. Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing facing lots at right angles to each other should be avoided.
  - c. For all single family and two family (duplex) residential lots, the following shall also apply:
    - 1. Lots that front to a street shall only back to an alley. No lot shall front and back to a street.
    - 2. Lots shall have frontage on a public street.
    - 3. No portion of the lot shall have a width of less than 24 feet.
- (4) *Lot lines.* Side lot lines should be perpendicular or radial to street frontage and the following note may be used in lieu of bearings: "All side lot lines are perpendicular or radial to street frontage unless otherwise noted."
- (5) *Lot numbering.* All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary-final plat or preliminary-final replat.
- (6) *Public Improvements.* Irrespective of the phasing of development of any Parent Tract, whether by Conveyance Plat, Record Plat or otherwise, all public improvements required to serve the Parent Tract, or otherwise required by this Code, shall be constructed in conjunction with and as a condition of filing a Record Plat or Conveyance Plat with Collin County when the Record Plats or Conveyance Plats submitted to the City for approval contain more than 50 percent of the Parent Tract's gross developable land area, as defined in this Section. In the alternative, the applicant may seek approval of the City Manager to enter into a facilities agreement establishing the timing for the construction of such required public improvements and containing such other provisions as may be required by Section 142-37 of this Code, as amended."

Section 20. That the Code of Ordinances, City of McKinney, Texas, Section 142-106 of the Subdivision Ordinance, is hereby amended and shall read as follows:

**“Sec. 142-106. – Screening and buffering of certain residential lots adjacent to streets.**

(a) *Intent and purpose.* The intent of this section is to provide screening and buffering guidelines in residential subdivisions adjacent to public thoroughfares. The intent is to create an aesthetically pleasing corridor which encourages harmony and discourages monotony, while insuring safety and security and reducing noise and glare in neighborhoods. It is also the intent to encourage screening and buffering at a reasonable (moderate) cost with low to moderate maintenance requirements and to encourage sound planting principals including the use of indigenous plant material with reduced watering requirements. A variety of plant materials shall be provided in order to discourage monotony, subject to review and approval by the landscape administrator.

(b) *Application.* Buffering shall be provided in the form of a common area wherever a residential lot would otherwise back or side to a street. The common area buffer must meet the requirements as follows:

- (1) Width of the common area (buffer) for lots backing or siding a right-of-way.
  - a. The common area (buffer) shall be 10 feet for a lot backing an adjacent right-of-way that is equal to 50 feet or less in width.
  - b. The common area (buffer) shall be 20 feet for a lot backing or siding an adjacent right-of-way greater than 50 feet in width.
- (2) At least one of the alternatives listed below is required for the common area (buffer). The alternatives are as follows:
  - a. *Alternate One.* A continuous six foot in height masonry wall shall be provided with masonry columns spaced a minimum of 40 feet on center. The color and style of masonry shall be consistent with the surrounding vicinity. If there is 600 feet or greater distance between openings of the masonry wall present a minimum of one offset shall be provided of one foot to three feet at a minimum of 100 feet and a maximum of 300 feet. Landscaping shall be provided with a minimum of one four inch caliper canopy tree and two ornamental trees at two inch caliper per 50 linear feet of frontage. A minimum of 50% of the linear footage of masonry wall must have beds of shrubs and groundcover.
  - b. *Alternate Two.* A continuous six foot in height wrought iron or tubular steel fence with masonry columns spaced a minimum of 20 feet on center. The color and style of masonry shall be consistent with the surrounding vicinity. If there is 600 feet or greater distance between openings of the wrought iron or tubular steel fence present a minimum of one offset shall be provided of one foot to three feet at a minimum of 100 feet and a maximum of 300 feet. Landscaping shall be provided with a minimum of one four inch caliper canopy tree and two ornamental trees at two inch caliper per 50 linear feet of frontage. A minimum of 75% of the linear footage of buffering area must have beds of shrubs and groundcover with a minimum of 50% of the linear footage to have a three foot high earth berm. There shall be a maximum of a 4:1 slope on berms with additional common area dedications as required.
  - c. *Alternate Three.* A continuous evergreen shrub screen six foot high with masonry columns spaced 40 feet on center shall be provided with the color and style of masonry consistent with surrounding vicinity. Landscaping shall be provided with a minimum of one four inch caliper tree per 50 linear feet of frontage. Shrubs must reach required height within two full growing seasons or 18 months, whichever is less.
  - d. *Alternate Four.* A continuous 3' height earth berm with a maximum of a 4:1 slope. Additional common area dedications shall be made as required. Landscaping shall be provided with a minimum of one four inch caliper canopy tree and two ornamental trees two inch caliper per 50 linear feet of frontage. A minimum of 75% linear footage of buffering area must have beds of shrubs and groundcover.

(c) *Standards.* Screening shall be a minimum of six feet in height and shall not exceed the maximum height allowed for fences (except for living screens). No canopy tree shall be planted within 5 feet of walls or fences. In the case of a living plant screen, two full growing seasons to a maximum time of 18 months shall be allowed to attain the required height and screening characteristics specified above. Where the design of a residential subdivision along a street employs a combination of lots backing and siding toward the street, the plan shall provide for consistency of landscaping and fencing design and materials along both the backing and siding lots so as to create an overall desirable effect. Walls or fences along the sides of lots which are continuous with walls or fences along adjacent backing lots shall be located within a common area and shall be maintained by the same entity.

(d) *Irrigation.* An underground automatic irrigation system equipped with rain and freeze sensors and evapotranspiration (ET) weather based controllers shall be provided for all landscape planting areas. Irrigation systems shall comply with the city's water conservation ordinance as it exists or may be amended. Irrigation systems shall be designed for maximum irrigation efficiency, including the maximization of bubblers and drip emitters and the minimization of rotors and spray sprinklers.

(e) *Conflicts.* No improvements shall conflict with vehicular or pedestrian traffic movement. No improvements, including trees or large shrubs which do not meet the guidelines established by the utility company or the city shall be planted over or under and existing utilities. A minimum of ten feet of the required common area (buffer) shall be unencumbered by utilities or easements. Sidewalk or hike and bike trail locations shall be coordinated with other improvements and shall be shown on the screening and buffering plan.

(f) *Submittal.* Plans for screening and buffering shall be submitted concurrently with the applicant for minor plat, minor replat or record plat approval. Plans will be evaluated by the planning department concurrently with the minor plat, minor replat or record plat consideration. Approval of the screening and buffering plans by the landscape administrator is required prior to the approval of a minor plat, minor replat or record plat. Plans for screening and buffering shall also be submitted and included within the civil engineering drawings.

(g) *Administration.* The developer shall provide three complete sets of plans to the planning department which shall include, but not be limited to, the following information: location of berming, fencing, walls or landscaping; sidewalks; location of the street and property line; location of the screening and buffering area within the open space common area; location of existing and proposed utilities (water, sanitary sewer, electric, cable, gas, etc.); location of existing and proposed easements; construction details of the fencing or walls; specific plant materials being used (including common name, scientific name, quantity, size, spacing); planting details; berm details; and an irrigation plan; and any additional information as requested by the landscape administrator to assist in the complete and thorough review of the proposed plans. Sheet size shall be 24 inches by 36 inches with the scale not to exceed one inch equals 40 feet, or as determined by the landscape administrator. Construction drawings of all improvements shall be approved by the landscape administrator and the chief building official, prior to the installation of any proposed screening and buffering improvements.

Prior to the filing of the minor plat, minor replat or record plat, a compact disk (CD) with a copy of the as-built plans for the screening and buffering improvements shall be submitted to the engineering department in Adobe Acrobat (.pdf) format, subject to review and inspection by the landscape administrator.

(h) *Certificate of acceptance.* A certificate of acceptance shall be required prior to the filing of a plat with the county clerk. Upon completion of construction of the required screening and buffering improvements, the applicant for a plat shall request an inspection of said improvements from the landscape administrator. If the required screening and buffering is installed per the approved screening and buffering plan, the landscape administrator shall issue a certificate of acceptance. Where installation of landscaping is required to occur during a stage 3 or stage 4 drought situation as determined by the city subject to approval by the landscape administrator, the developer may provide the city with a letter of credit or some financial assurance determined by the landscape administrator equal to the cost of installing the landscaping which will remain in effect until the screening and buffering improvements are installed and accepted by the city. Once stage 3 restrictions are lifted, the landscaping required by the plan must be installed within six months, or the development shall be deemed to be in violation of this chapter and no additional building permits or certificates of occupancy will be issued.

(i) *Maintenance.* Maintenance of the screening and buffering requirements mentioned herein shall be established prior to plat approval and shall be clearly outlined as part of the facilities agreement or as a condition of plat approval. A homeowners

association (HOA) shall be responsible for maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares.”

Section 21. That the Code of Ordinances, City of McKinney, Texas, Section 142-157(a)(5) of the Subdivision Ordinance, is hereby amended and shall read as follows:

“(5) *Credit for conveyance of floodplains.* In cases where floodplain land or property is proposed to be conveyed to satisfy the parkland requirements, a credit will be given based upon the following formula or ratio: ten acres of floodplain shall equal one acre of nonfloodplain land.”

Section 22. That the Code of Ordinances, City of McKinney, Texas, Section 146-40 of the Zoning Ordinance, is hereby amended and shall read as follows:

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

- (a) *Purpose.* This section is intended to establish regulations for the allowance and alteration of uses, lots, and/or structures which do not conform to currently applicable regulations, but which have been in continuous use and were in conformance with the regulations in place at the time of their inception and have been rendered nonconforming due to a change in the applicable regulations.
- (b) *Nonconforming status.* A nonconforming status shall exist under the following provisions of this chapter:
  - (1) When a use, lot, or structure, which does not conform to the current regulations of this chapter, was in existence and lawfully operating prior to April 29, 1968, and has been operating since without discontinuance.
  - (2) When a use, lot, or structure does not conform to the current regulations of this chapter, but was legally established at a prior date when the use, lot, or structure was in conformance with applicable regulations and such use, lot, or structure has been in continuous use or operation since its establishment.
  - (3) When a use, lot, or structure, which does not conform to the current regulations of this chapter, was in existence at the time of annexation to the city, and has been operating since without discontinuance.
- (c) *Burden to establish legal nonconformity.* The burden of demonstrating that any use, lot, or structure is a legal nonconformity as defined by this section shall belong to the owner(s) or the proponent of such purported nonconformity.
- (d) *Continuing lawful use of property and structures.* Any nonconforming use, lot, or structure may be continued for definite periods of time as indicated herein-below subject to the board of adjustment’s power of amortization:
  - (1) *Uses.*
    - i. Nonconforming uses may continue to operate indefinitely unless the use ceases to operate for a period longer than six (6) months. If a nonconforming use ceases to operate for a period longer than six (6) months, the nonconforming use shall be deemed permanently abandoned. The nonconforming use shall not thereafter be renewed or instituted on that property or another property in any district which does not permit the abandoned use, unless otherwise

approved by the Board of Adjustment. For the purposes of this paragraph, the phrase “ceases to operate” shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure and which is moved from the property shall be deemed permanently abandoned.

- ii. A nonconforming use may not be replaced by or changed to another nonconforming use.
- 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 not to abandon the use.

(2) Structures.

- i. Nonconforming structures may be occupied by conforming uses and may be repaired and maintained to preserve or extend their usability.
- ii. Structures conforming to all currently applicable regulations may be constructed on nonconforming lots provided that all setbacks and yard areas are observed.
- iii. Nonconforming structures may be relocated within the same lot so long as no existing nonconformity is exacerbated.

(3) Lots.

- i. Any nonconforming lot may be replatted so long as the existing nonconformities of the lot are not exacerbated by the replat and the size of the nonconforming lot is not reduced.
- ii. Lots containing nonconforming structures may be replatted so long as the nonconformities of the structure are not exacerbated by the replat and the size of the nonconforming lot is not reduced.

(e) *Expansion of nonconforming uses or structures.* A nonconforming use or structure shall not be expanded or increased, except as follows:

- (1) A nonconforming use located within a building may be expanded throughout the existing building, provided:
  - 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, which lot was a lot of record prior to the adoption of the chapter, may be used for a single family residential use.

- (f) *Destruction of structure by fire, the elements, or other cause.* If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this chapter. A restoration or reconstruction in violation of this subsection immediately terminates the right to occupy the nonconforming structure except as specifically provided otherwise herein-below.

(1) Partial Destruction:

- i. In the case of partial destruction of a nonconforming structure not exceeding 50 percent of its total appraised value as determined by the Collin Central Appraisal District, reconstruction will be permitted to restore the nonconforming structure to its previously existing condition.
- ii. The nonconforming structure may only be restored or reconstructed so as to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction. The Chief Building Official shall estimate the height, shape, floor area, and appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the Chief Building Official, the property owner may appeal the determination of the Chief Building Official to the Board of Adjustment, in accordance with this chapter.

(2) Total Destruction:

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

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

- i. The non-conforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) represents less than 50 percent of its appraised value, as determined by the Collin Central Appraisal District.
- ii. The non-conforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, but the damage to the structure(s) represents less than 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District.
- iii. The non-conforming structure(s) must be rebuilt to all currently applicable regulations if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the

Collin Central Appraisal District, and the damage to the structure(s) equals or exceeds 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District.

- iv. The Chief Building Official shall estimate the height, shape, floor area, and appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the Chief Building Official, the property owner may appeal the determination of the Chief Building Official to the Board of Adjustment, in accordance with this chapter.

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

Section 23. That the Code of Ordinances, City of McKinney, Texas, Section 146-41(11)(c) of the Zoning Ordinance, is hereby amended and shall read as follows:

- “c. Private club. A private club may be approved to allow for social and dining facilities, as well as alcoholic beverage service in all districts specified in the schedule of uses. Private clubs shall meet the requirements listed under the definition of "private clubs" in section 146-46.”

Section 24. That the Code of Ordinances, City of McKinney, Texas, Section 146-41(11)(f) of the Zoning Ordinance, is hereby amended and shall read as follows:

- “f. Mini-warehouse uses. Mini-warehouse facilities shall be allowed with the approval of a specific use permit in all districts specified in the schedule of uses. All proposed mini-warehouse developments requiring approval of a specific use permit shall satisfy the following development standards:
  1. No overhead bay doors or loading areas shall be visible from an adjacent use or public right-of-way;
  2. Each building shall be covered with 100 percent masonry materials (brick or stone);
  3. Proposed mini-warehouse buildings located directly adjacent to residential uses or zones shall be limited to a single story; and
  4. Proposed mini-warehouse buildings located directly adjacent to single family residential uses or zones shall feature a pitched roof (minimum 4:12 slope).

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

1. The compatibility of the proposed use with the adjacent uses and other uses in the immediate area;

2. The development's proposed location within the city; and
3. Any other factors deemed appropriate.”

Section 25. That the Code of Ordinances, City of McKinney, Texas, Section 146-42 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-42. - Temporary uses.**

The following temporary uses as well as the temporary uses indicated in the Schedule of Uses may be allowed under the conditions and for the time specified upon proper application and review by the Chief Building Official:

- (1) A permitted temporary use shall be allowed at a specific location for a period not to exceed 30 days per year, except that two extensions of up to 30 days each may be possible upon application and approval by the Chief Building Official, unless otherwise specified herein.
- (2) The Chief Building Official, in approving or denying such applications shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter. The Chief Building Official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any extension. After the revocation of, or the denial of a requested extension for, a temporary use, such temporary use shall immediately cease and all temporary structures shall be removed within ten days of notification of such finding.
- (3) A temporary building may be used as an office incidental to construction work if such building is located upon the same property as the site under construction, does not contain living quarters, and provides only for uses incidental to construction on the premises. Such buildings shall be removed within 30 days following final acceptance of the construction by the City.
- (4) A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six months possible, provided construction remains continuous and no more than ten lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.
- (5) Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.
- (6) Temporary sales of seasonal products such as firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.”

Section 26. That the Code of Ordinances, City of McKinney, Texas, Section 146-44 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-44. Reserved.”**

Section 27. That the Code of Ordinances, City of McKinney, Texas, Section 146-45(a)(2) of the Zoning Ordinance, is hereby amended and shall read as follows:

“(2) Site plan approval process.

- a. For site plan applications, the Director of Planning shall have the authority to approve, approve with conditions, or schedule the site plan for a Planning and Zoning Commission meeting for action according to the procedures in subsection (a)(2)c of this section. The Director of Planning shall not have the authority to disapprove a site plan application and shall forward any application which the Director of Planning cannot approve to the Planning and Zoning Commission for action. The actions of the Planning and Zoning Commission may be appealed to the City Council. The City Council shall be the final approval authority for site plans.
- b. Existing sites impacted by the acquisition of right-of-way for U.S. Highway 75.
  1. For properties for which a site plan has been previously approved or an occupancy permit exists, and from which right-of-way is subsequently acquired for U.S. Highway 75 which impacts the site, the following process shall apply:
    - i. The applicant may submit for approval of a combination site plan and landscape plan showing the proposed site with the proposed right-of-way acquisition area designated for approval. There is no fee required.
    - ii. The Director of Planning or her designee may approve the proposed plans based on the following factors: adequacy of parking; general access and circulation, including cross access; emergency access – fire lane location; parking space dimensions and backing distance; landscaping; sign location; and general conformance with the goals and objectives of the Comprehensive Plan.
- c. Detailing report; written notice of public hearing. Before acting on a site plan, the Planning and Zoning Commission shall receive from the Director of Planning a report regarding the proposed site plan detailing its conformance or nonconformance with the Zoning Ordinance and other applicable regulations of the City, and a recommended action regarding the site plan. Prior to consideration of a proposed site plan by the Planning and Zoning Commission, written notice of the public hearing shall be sent to all property owners according to the procedure for a change in a zoning district location or boundary. Such notice may be served using the most recently approved municipal tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail.”

Section 28. That the Code of Ordinances, City of McKinney, Texas, Section 146-46 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-46. Definitions.**

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

- (1) *Accessory building or use* means a building or use which:
  - (a) Is subordinate to and serves a principal building or building use;
  - (b) Is subordinate in area, extent, or purpose to the principal building or principal use served;
  - (c) Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;
  - (d) Is located on the same building lot as the principal use served; and
  - (e) Meets all building and fire codes.
- (2) *Accessory dwelling* means a self-contained dwelling unit created either by converting part of or adding on to an existing single family structure, whether attached or detached, or by building a separate apartment onto or along with a home on a single family lot. The use of the accessory dwelling is incidental to the main residence. Both the principal dwelling and the accessory dwelling must contain cooking, eating, sleeping, and sanitary facilities. The accessory dwelling must have a separate outside entrance.
- (3) *Alley* means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. An alley is a right-of-way with an ultimate width of 20 feet or less.
- (4) *Amusement, commercial (indoor)*, means an amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, an indoor recreational area, bowling alley, billiard parlor, game room, night club, or theatre.
- (5) *Amusement, commercial (outdoor)*, means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a private outdoor recreational area, a golf driving range, archery range, a miniature golf course, a private golf course and club house, swimming or wading pool, splash pad, athletic courts, stadium, horse and dog racing track, and theatre.
- (6) *Assisted living facility, nursing home, or rest home* means a private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury.
- (7) *Awning* means a roof-like cover that can be removed that projects from the wall of a building.
- (8) *Basement* means a building story that is partly underground, but having at least one-half of its height above the average level of the adjoining ground.
- (9) *Bay* means an opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.
- (10) *Bay door* means an oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.
- (11) *Bed and breakfast facility* means an owner-occupied private home which offers lodging for paying guests, and which serves breakfast to these guests and which contains one or more guest bedrooms.

(12) *Block* means an area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street.

(13) *Boardinghouse or roominghouse* means a building which contains less than 12 individual guest rooms or units where lodging and/or meals are provided for compensation.

(14) *Buildable area* means the area of a building site left to be built upon after any floodplain, easements, yards, and other unbuildable areas are deducted.

(15) *Building* means any structure built for the support, shelter and enclosure of persons, animals, chattel or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

(16) *Building ends* means those sides of a building having the least dimensions as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple family dwelling, a "building end" shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

(17) *Building site* means a single tract of land located within a single block, which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. A building site may be subsequently subdivided into two or more building sites, and a number of building sites may be combined into one building site, subject to the provisions of this chapter and chapter 142, pertaining to subdivisions.

(18) *Car wash* means a building or portion thereof, containing facilities for washing motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) using automated or manual methods including chain conveyor, blower, steam cleaning device, or other mechanical device. A car wash may also be referred to as an auto laundry.

(19) *Certificate of occupancy* means an official certificate issued by the City through the enforcing official, which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

(20) *City* means the municipal corporation of the City of McKinney, Texas.

(a) *Board* means the Zoning Board of Adjustment as provided for in section 146-165.

(b) *Chief Building Official* means the City administrative official charged with the responsibility of issuing permits and enforcing the Building Ordinances.

(c) *City Council* means the duly elected governing body of the City.

(d) *City Engineer* means the engineer employed by the City, or the engineers retained as consultants to the City, or their duly authorized representative.

(e) *City Manager* means the chief administrative officer of the City.

(f) *Commission* means the governmental body designated in this chapter as the Planning and Zoning Commission and appointed by the City Council as

an advisory body to it and which is authorized to recommend changes to this zoning chapter.

(g) *Director of Planning* means the City administrative official charged with the responsibility of enforcing the Zoning Ordinance.

(h) *Landscape Administrator* means the individual employed by the City to review and make judgments regarding regulations pertaining to landscaping and tree preservation.

(21) *Cleaning and pressing shop (small shop and pickup)* means a custom cleaning shop not exceeding 3,000 square feet in floor area, or a pickup station for laundry or cleaning where the work is performed other than on the premises.

(22) *Cleaning plant (laundry)* means a custom cleaning shop that equals or exceeds 3,000 square feet in floor area or where laundry or cleaning is performed on premises.

(23) *Comprehensive Plan* means the Comprehensive Plan of the City, as adopted by the City Council. The Comprehensive Plan shall consist of a land use plan, a thoroughfare plan, a water system plan, a sanitary sewer plan, a storm drainage plan, a park system plan, and such other plans as may be adopted from time to time by the City Council.

(24) *Court* means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

(25) *Day care* means a facility providing care, training, education, custody, treatment or supervision for four or more individuals for all or part of the 24-hour day and licensed by the state department of human services. No portion of the day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.

(26) *Development or to develop* means and includes the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To develop is to create a development.

(27) *District* means a zoning district that is a part of the City. Also referred to as a zone.

(28) *Dock* means a place for the loading or unloading of goods, materials, or merchandise, with a platform.

(29) *Dwelling* means a building or portion thereof designed and used exclusively for residential occupancy, including one family, two family, or multiple family dwellings but not including hotels, motels, boardinghouses or rooming houses.

(30) *Dwelling unit* means any building, structure or mobile home, or part thereof, which is designed, used or intended to be used for human occupancy as the living quarters, of one housekeeping unit or family.

(31) *Farm, orchard or truck garden* means an area of three acres or more that is used for growing of usual farm products, vegetables, fruits, trees, and/or grain and/or for the raising thereon of the usual farm poultry, and/or farm animals, such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and/or storing products raised on the premises, but not including the commercial feeding of offal and/or garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

(32) *Farmers market* means an area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products or any other item not specifically allowed per this ordinance.

(33) *Family* means any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

(34) *Field office (temporary)* means a structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment and subject to a temporary permit issued by the Chief Building Official and subject to discontinuance at the order of the Chief Building Official.

(35) *Floodplain* means, geographically, the entire area subject to flooding. In usual practice, it is the area subject to flooding by the 100-year frequency flood.

(36) *Floor area* means the total square feet of floor space within the outside dimensions of a building including each floor level.

(37) *Floor area ratio (FAR)* means the ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located (see appendix E, illustration 11).

(38) *Fraternal organization, lodge or civic club* means a society or association organized for the pursuit of some common objective by working together in a brotherly union.

(39) *Frontage* means the side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

(40) *Fueling station or gasoline station* means a retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.

(41) *Height* means the vertical distance of a building measured from the finished floor elevation, to:

(a) The highest point of the roof's surface if a flat surface;

(b) The deck line of mansard roof's; or

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

(42) *Helistop or heliport* means a helipad where helicopters are able to land and take off. Heliports typically include activities including, but not limited to refueling, maintenance, repairs, and storage of helicopters. These activities are typically absent from a helistop. Helistops shall be permitted in any zoning district as an accessory use to a hospital or other similar uses provided that such use does not include the refueling, maintenance, repairs, and storage of helicopters.

(43) *Hospital* means a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities. Helistops shall be permitted as an accessory use to a hospital.

(44) *Hotel or motel* means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of 12 individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture.

(45) *Independent living facility (retirement community)* means a private age-restricted facility that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for its residents.

(46) *Indoor gun range* means an indoor facility where firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.

(47) *Junk or salvage yard* means a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, plastics, rags, rubber tires and bottles. A "junkyard" includes an automobile wrecking yard and automobile parts yard. A "junkyard" does not include such uses conducted entirely within an enclosed building.

(48) *Kennel, indoor,* means an establishment with indoor pens in which dogs, cats, or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept, or sold for commercial purposes, but excluding pet stores or municipal animal shelters. Veterinary clinics, animal hospitals, and animal clinics shall not be considered a kennel, unless such uses contain indoor pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats, or other domesticated animals, swine, equine, or other livestock animals.

(49) *Kennel, outdoor,* means an establishment with outdoor pens, and meeting the criteria in the definition of "Kennel, indoor."

(50) *Livestock auction* means barns, pens and sheds for the temporary holding and sale of livestock.

(51) *Loading space* means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks or other vehicles.

(52) *Lot* means land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

(a) *Lot area* means the net area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot and shall not include portions of rights-of-way.

(b) *Lot area per dwelling unit* means the lot area required for each dwelling unit located on a building lot.

(c) *Lot, corner,* means a building lot situated at the intersection of two streets, with the interior angle of such intersection not to exceed 135 degrees (see appendix E, illustrations 4 and 5).

(d) *Lot coverage* means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross sectional area of a building.

(e) *Lot depth* means the mean horizontal distance between the front lot line and the rear lot line of a building lot measured at the respective midpoints of the front lot line and rear lot line within the lot boundary (see appendix E, illustration 2).

(f) *Lot, interior*, means a building lot other than a corner lot (see appendix E, illustration 5).

(g) *Lot line, front*, means the boundary of a building lot that is the line of an existing or dedicated street, or a private street lot within a private street development. Upon corner lots, either street line may be selected as the front lot line, providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

(h) *Lot line, rear*, means the boundary of a building lot that is most distant from and is, or is most nearly, parallel to the front lot line.

(i) *Lot line, side*, means the boundary of a building lot that is not a front lot line or a rear lot line.

(j) *Lot of record* means an area of land designated as a lot on a plat of a subdivision recorded, pursuant to statutes of the state, with the county clerk, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk.

(k) *Lot width* means the width of a lot at the front building line (see appendix E, illustration 1).

(53) *Main building* means the building or buildings on a lot, which are occupied by the primary use.

(54) *Mini-warehouse/public storage* means a building containing separate, individual self-storage units of 500 square feet or less for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

(55) *Mobile home dwelling* means a transient portable dwelling unit, such as a house trailer or mobile home, originally designed to be moved from location to location by automobile, truck or similar prime mover, but which has been made immobile and is used as a temporary or permanent dwelling, or as part of a permanent dwelling. This definition does not include pickup campers or travel trailers used temporarily for camping or outings.

(56) *Mobile home park* means a tract of land designed, used or intended for the renting or leasing, but not sales, of sites for the location, occupancy, or accommodation of one or more mobile home dwellings. A mobile home park shall have filed with the City a certified land division approved by the commission according to the provisions of this chapter. A mobile home park shall be developed in conformance with the standards set out in chapter 138, article III, division 2.

(57) *Mobile home subdivision* means a tract of land subdivided into lots, which are designed as permanent sites for mobile home dwellings and which are served by separate utilities, have dedicated street access on a legally filed plat, and are capable of being conveyed as separate lots, and as such shall be considered a subdivision.

(58) *Multiple family dwelling (apartment)* means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more families living in independent dwelling units on a single lot.

(59) *Multiple family dwelling, senior (senior apartment)* means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot.

(60) *Museum, library, or art gallery (public)* means an institution for the collection, display and distribution of books, objects of art and/or science, which is sponsored by a public or quasi-public agency and which facility is open to the general public.

(61) *Museum, library, or art gallery (private)* means an institution for the collection, display and distribution of books, objects of art and/or science. These facilities may be open to the general public.

(62) *Nonconforming lot, structure, and/or use* means a lot, structure, and/or use that does not conform to currently applicable regulations, but which was in conformance with the regulations in place at the time of its inception and which use, lot, or structure has been in continuous use or operation since its establishment.

(63) *Occupancy* means the use or intended use of the land or buildings by proprietors or tenants.

(64) *Off-street parking* means parking spaces provided in accordance with the requirements specified by this chapter and located on the lot or tract occupied by the main use.

(65) *Office/retail/warehouse flex space* means a commercial building that features a small retail or office use in combination with a larger warehouse use. The warehouse use of this building shall be no more than five times larger than the office or retail use that it is associated with or a maximum of 10,000 square feet, whichever is smaller. This building type shall be subject to the “non-industrial uses in non-industrial districts” architectural design requirements of Section 146-139 of this chapter.

(66) *Open area* means that part of a building lot, including a court or a yard, which:

- (a) Is open and unobstructed from its lowest level to the sky;
- (b) Is accessible to all residents upon a building lot; and
- (c) Is not part of the roof of that portion of the building containing dwelling units.

(67) *Open space* means an area or tract of undeveloped land that is intended to remain generally in its natural state, except for those uses allowed under the provisions of this chapter.

(68) *Open storage* means the storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet (6') above ground level. See section 146-138 of this chapter for more information.

(69) *Outdoor display* means the placement of articles for sale in an uncovered area on private property. See section 146-138 of this chapter for more information.

(70) *Parking garage or lot* means an area or structure for the parking of motor vehicles (excluding vehicles with more than two axles), and which serves as the primary use on the lot.

(71) *Parking lot, truck*, means any area used for the parking or storage of trucks with more than two axles and their associated trailers.

(72) *Parking space* means an enclosed or unenclosed all-weather surface meeting the size requirements of this chapter, not on a public street or alley, together with an all-weather surfaced driveway connecting the area to a street or alley permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use (see appendix E, illustrations 13, 14, 15, 16, and 17).

(73) *Performance standards* means those standards or criteria by which qualitative and quantitative measures are derived for the regulation of industrial uses and activities. The following definitions are applicable to performance standards:

(a) *Atmosphere* means the air that envelops or surrounds the earth. Where air contaminants are emitted into a building not designed specifically as air pollution control equipment, such emission into the building shall be considered emission into the atmosphere.

(b) *Atmospheric pollution* means the discharging from stacks, open storage, chimneys, exhausts, vents, ducts, openings, or open fires of such air contaminants as visible emissions, sulphur dioxide, particulate matter, hydrocarbons, fumes or similar material or gases.

(c) *Background noise* means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares.

(d) *Combustion* means the rapid exothermic reaction of any material with oxygen.

(e) *Decibel* means a unit of measurement of sound pressure.

(f) *Emission* means the act of passing into the atmosphere an air contaminant or a gas stream, which contains or may contain an air contaminant or the material so passed into the atmosphere.

(g) *Emission point* means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

(h) *Exhaust gas volume* means the total volume of gas emitted from an emission point.

(i) *Frequency* means the number of times per second a vibration or sound wave oscillates.

(j) *Octave band* means all the frequencies between any given frequency and double that frequency.

(k) *Octave band filter* means an electrical frequency analyzer designed according to the standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

(l) *Odor threshold* means the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the odor threshold is prescribed by ASTM D1391-57, "Standard Method for Measurement of Odor in Atmospheres."

(m) *Operation* means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or chemical or physical properties of a material.

The following are given as examples, without limitation of the generality of the foregoing: heat transfer, calcination, double decomposition fermentation, pyrolysis, electrolysis, combustion material handling, evaporation mixing, absorption, filtration, fluidization, screening, crushing, grinding, demolishing, shoveling, bagging, etc.

(n) *Particulate matter* means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.

(o) *Person or operation* means any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner or any state or local governmental agency or public district or any officer or employee thereof. It includes the owner, lessor, lessee, tenant, licensee, manager and operator, or any of such, of any emission point or any source operation, which may constitute a source of atmospheric pollution related thereto, or any interest in such emission point or operation source.

(p) *Ppm (vol)* means parts per million by volume.

(q) *Smoke* means the visible discharge of particulate matter from a chimney, vent exhaust or combustion process.

(r) *Toxic and noxious matter* means any solid, liquid, or gaseous matter, which is present in sufficient quantities to endanger health, safety and comfort of persons in the vicinity or which may cause injury or damage to property.

(s) *Vibration* means a periodic displacement of the earth measured in inches.

(74) *Personal service* means establishments primarily engaged in providing services generally involved in the care of the person or their apparel, including, but not limited to, barbershops, tailors, and salons.

(75) *Place of worship* means a facility utilized for religious worship and/or training including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel. Place of worship shall also include on-site preschools or day cares (if the place of worship is situated on a legally conforming lot under applicable subdivision or zoning controls) and/or on-site accessory not-for-profit overnight housing shelter sponsored and operated by the religious entity as a part of its goals, mission or ministry providing temporary free overnight lodging for individuals or families having no regular home or residential address ("Guests"). The provision of temporary free overnight lodging allowed hereby shall be limited to a maximum of 30 nights per calendar year, shall provide housing for no more than 14 Guests per night, and shall require an annual permit for such accessory use issued by the Chief Building Official.

(76) *Plat* means a plan of a subdivision or land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City and subject to approval by the Director of Planning, Planning and Zoning Commission and/or City Council, and filed in the plat records of the county.

(77) *Private club* means an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of V.T.C.A., Alcoholic Beverage Code § 32.01 et seq., as it pertains to the operation of private clubs.

(a) Private clubs shall be permitted in all districts specified in the Schedule of Uses.

(b) A specific use permit issued for the operation of a private club shall be conditioned that:

1. Thirty-five percent of the gross receipts be derived from the sale of food, subject to an annual audit provided at the expense of the permittee for review by the City Council;

2. The permitted premises contain a minimum of 50 dining seats and a minimum of 600 square feet of dining area;

3. The permittee comply with the provisions of the alcoholic beverage code and receive a private club permit from the state within six months from the date of issuance of the specific use permit by the City Council, each such limitation in time being subject to review and possible extension by the City Council; and

4. Such other conditions and restrictions, which the City Council determines, at the time of granting the specific use permit, are necessary to protect and provide for the health, safety, and general welfare of the community.

(c) The City Council may revoke a specific use permit granted hereunder if it finds that any condition imposed at the time of granting the permits is not met, or thereafter ceases to exist. The City Council may deny a specific use permit for the operation of a private club if it should affirmatively determine that issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, or general welfare of the City and its inhabitants.

(d) All specific use permits for the operation of private clubs shall be further conditioned that the same may be canceled, suspended, or revoked in accordance with the provisions of chapter 138, article II, which are incorporated herein by reference and made a part hereof for all purposes.

(78) *Private utilities* means facilities including, but not limited to maintenance yards or shops including any associated buildings, elevated water storage tanks, water treatment facilities, pump stations, lift stations, sewage pre-treatment/treatment facilities, electrical substations, electric generating plants, and other related utilities that are owned and operated by a private utility company or similarly related agency. This definition shall not include communication antennas, satellite dishes and support structures/towers which are regulated by Section 146-137 of this chapter.

(79) *Public building, shop or yard of local, county, state, federal government* means facilities such as office buildings, maintenance yards or shops required by branches of local, county, state or federal government for service to an area such as a highway department yard or City service center.

(80) *Public utilities* means facilities including, but not limited to elevated water storage tanks, water treatment facilities, pump stations, lift stations, sewage treatment facilities, and other related utilities that are owned and operated by a local, county, state, or federal government.

(81) *Recreation area (private)* means a privately owned park, community garden, playground, golf course and clubhouse, athletic court, swimming or wading pool, splash pad, or open space which is owned and maintained by a community club, property owners' association, or similar organization and is located in a residential setting.

(82) *Recreation area (public)* means an indoor or outdoor community recreation facility owned, operated or leased for operation by the City or another public entity and may include, but not be limited to parks, community gardens, amphitheatres, playgrounds, swimming pools, golf course and clubhouse, stadium, tennis and other indoor or outdoor athletic facilities.

(83) *Residence.* See "Dwelling." When called a residence district, it means an area of residential regulations.

- (84) *Restaurant or cafeteria (carry-out only)* means an establishment where food is prepared for the general public but where there are no designated areas for dining on the premises (indoor or outdoor).
- (85) *Restaurant or cafeteria (indoor service)* means an establishment serving food to the general public in specific, designated indoor dining areas and outdoor seating areas and where food is not served to or eaten in automobiles on the premises.
- (86) *Restaurant or cafeteria (including drive-through windows and drive-in service)* means an establishment where prepared food or drink is served to or consumed by customers in motor vehicles.
- (87) *School, business or trade* means a business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school or commercial art school.
- (88) *School, public, private, or parochial* means a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or business schools.
- (89) *Single family dwelling (attached)* means a dwelling unit that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, which is designed for occupancy by one family and is located on a separately platted lot, delineated by front, side and rear lot lines and is served by separate utility connections and meters as a single family dwelling. Also known as a "townhome."
- (90) *Single family dwelling (detached)* means a dwelling unit designed and constructed for occupancy by not more than one family, located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract, and occupied by only one family.
- (91) *Stable, commercial,* means a stable and related open pasture where horses are quartered for owners on a fee basis. No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.
- (92) *Story* means the portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. The standard height of a story is eleven feet six inches (11'-6").
- (93) *Street* means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. A street is a right-of-way with an ultimate width of more than 20 feet.
- (94) *Street line* means a dividing line between a lot, tract or parcel of land and a contiguous street or the right-of-way line.
- (95) *Structural alterations* means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.
- (96) *Structure* . See "Building."
- (97) *Thoroughfare* means any planned or existing roadway within the City and its extraterritorial jurisdiction (ETJ). A major thoroughfare is a planned or existing right-of-way with an ultimate right-of-way width of 60 feet or greater. A minor thoroughfare is a planned or existing roadway with an ultimate right-of-way width of less than 60 feet.
- (98) *Tower, radio, television, communications, or microwave,* means structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television. In any event, the use as a communications, microwave, radio, or television

tower in a given zone is still subject to the height, setback, and other requirements, of section 146-137 and the zoning district requirements in which the tower is located.

(99) *Truck fueling station* means a retail fuel sales facility selling fuel for motor vehicles and semi-trailer trucks with at least 3 axles that are designed to tow trailers, limited to no more than one fueling pump per semi-trailer truck fueling bay. The truck fueling station may be attended or automated and include truck scales/weigh stations. Off-site stacking for fueling and weighing purposed shall be prohibited.

(100) *Truck stop* means any premises that provides parking facilities for semi-trailer trucks with at least 3 axles that are designed to two trailers in conjunction with one or more other uses including, but not limited to, the incidental sale of accessories or equipment for such vehicles, fuel sales, truck scales/weigh stations, restroom and showering facilities, restaurant facilities, truck washing facilities, and/or other uses typically associated with semi-trailer truck resting areas. Truck stops are prohibited in the City of McKinney.

(101) *Two-family dwelling* means a single structure designed and constructed with two dwelling units under a single roof for occupancy by two families. Also known as a “duplex.”

(102) *Use* means the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this chapter.

(103) *Variance* means an adjustment in the application of the specific regulations of this zoning chapter to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to enable the property to enjoy the same or similar enjoyed by other parcels in the same vicinity and zoning district.

(104) *Yard* means an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

(a) *Yard, front*, means an open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located (see appendix E, illustrations 3, 6, and 7).

(b) *Yard, rear*, means an open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated (see, appendix E, illustrations 3 and 6).

(c) *Yard, side*, means an open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line (see appendix E, illustrations 3, 4, 5, and 6).

(105) *Zoning district map* means the official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this zoning chapter.

Unless otherwise defined herein, words contained in these regulations shall have

the meanings found in chapter 142 and section 146-46, and as such provisions may be hereafter amended.”

Section 29. That the Code of Ordinances, City of McKinney, Texas, Sections 146-67 through 146-71 of the Zoning Ordinance, are hereby amended and shall read as follows:

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

- (a) Purpose. The "AG" - Agricultural zone is designed to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use land suited to eventual development in other uses, pending proper timing for practical and economical provision of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the city preserved. A change of zoning from "AG" agricultural to any other classification shall be in accordance with planning practices established by the commission.
- (b) Permitted uses. Those uses indicated as being permitted in the "AG" – Agricultural zone in the Schedule of Uses shall be allowed.
- (c) Space limits. The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "AG" - Agricultural zone shall apply.

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

- (a) Purpose. The "RED-1" - Residential Estates zone is designed to promote and encourage a suitable environment for family life on large parcels of land. The "RED-1" - Residential Estates classification is to be used for only suburban single family homes and the community services and facilities appurtenant thereto.
- (b) Permitted uses. Those uses indicated as being permitted in the "RED-1" – Residential Estates zone in the Schedule of Uses shall be allowed.
- (c) Space limits. The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RED-1" - Residential Estates zone shall apply.

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

- (a) Purpose. The "RED-2" - Residential Estates zone is designed to promote and encourage a suitable environment for family life on large parcels of land. The "RED-2" - Residential Estates classification is to be used for only suburban single family homes and the community services and facilities appurtenant thereto.
- (b) Permitted uses. Those uses indicated as being permitted in the "RED-2" – Residential Estates zone in the Schedule of Uses shall be allowed.
- (c) Space limits. The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RED-2" - Residential Estates zone shall apply.

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

- (a) Purpose. The "RS 120" - Single Family Residence zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life environment on relatively ample lots.
- (b) Permitted uses. Those uses indicated as being permitted in the "RS 120" – Single Family Residence zone in the Schedule of Uses shall be allowed.

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

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

- (a) Purpose. The "RS 84" - Single Family Residence zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.
- (b) Permitted uses. Those uses indicated as being permitted in the "RS 84" – Single Family Residence zone in the Schedule of Uses shall be allowed.
- (c) Space limits. The space limits identified in appendix F of the zoning ordinance as being applicable to the "RS 84" - Single Family Residence zone shall apply.”

Section 30. That the Code of Ordinances, City of McKinney, Texas, Sections 146-73 through 146-75 of the Zoning Ordinance, are hereby amended and shall read as follows:

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

- (a) Purpose. The "RS 60" - Single Family Residence zone is designed to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.
- (b) Permitted uses. Those uses indicated as being permitted in the "RS 60" – Single Family Residence zone in the Schedule of Uses shall be allowed.
- (c) Space limits. The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RS 60" - Single Family Residence zone shall apply.

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

- (a) Purpose. The "RS 45" - Single Family Residence zone is designed to provide single family homes on lots of moderate size.
- (b) Permitted uses. Those uses indicated as being permitted in the "RS 45" - Single Family Residence zone in the schedule of uses shall be allowed.
- (c) Space limits. The space limits identified in Appendix F of the zoning ordinance as being applicable to the "RS 45" - Single Family Residence zone shall apply.

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

- (a) Purpose. The "RD 30" - Duplex Residence zone is designed to provide suitable family life for one- and two-family dwelling areas on lots of moderate size.
- (b) Permitted uses. Those uses indicated as being permitted in the "RD 30" – Duplex Residence zone in the Schedule of Uses shall be allowed.
- (c) Permitted accessory uses. The following accessory uses are permitted in the "RD 30" - Duplex Residence zone:
  - (1) The keeping of dogs, cats and other household pets, but limited to two animals over six months old;

- (2) Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed.

(d) Space limits.

- (1) Minimum lot area: 5,000 square feet for one unit; 6,000 square feet for a duplex; and
- (2) All other space limits identified as being applicable to the "RD 30" - Duplex Residence zone in Appendix F of the Zoning Ordinance shall apply."

Section 31. That the Code of Ordinances, City of McKinney, Texas, Sections 146-77 through 146-81 of the Zoning Ordinance, are hereby amended and shall read as follows:

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

- (a) Purpose. The "RG 25" - General Residence zone is designed to provide for a medium density residential environment allowing some latitude to the designers as to form but limiting the overall intensity of use of the land. Lot area requirements are modified to meet existing lot situations in a large part of the city.
- (b) Permitted uses. Those uses indicated as being permitted in the "RG 25" – General Residence zone in the Schedule of Uses shall be allowed.
- (c) Permitted accessory uses. The following accessory uses are permitted in the "RG 25" - General Residence zone:
  - (1) The keeping of dogs, cats and other household pets, but limited to two animals over six months old;
  - (2) Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed.
- (d) Space limits. The following space limits shall apply to the "RG 25" - General Residence zone:
  - (1) Minimum lot area: 5,000 square feet for one or two units; 2,500 square feet for each additional unit; and
  - (2) All other space limits identified as being applicable to the "RG 25" - General Residence zone in Appendix F of the Zoning Ordinance shall apply.

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

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

- (c) *Space limits.* The following space limits shall apply to the "RG 18" - General Residence zone:
  - (1) All space limits identified as being applicable to the "RG 18" – General Residence zone in Appendix F of the Zoning Ordinance.
- (d) *Miscellaneous provisions.*
  - (1) Off-street parking shall be provided for all uses established in this zone.
  - (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

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

- (a) *Purpose.* The "MF-1" - Multiple Family Residential-Low Density zone is designed to provide for low density multiple family residential development characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.
- (b) *Permitted uses.* Those uses indicated as being permitted in the "MF-1" – Multiple Family Residential – Low Density zone in the Schedule of Uses shall be allowed.
- (c) *Space limits.* The following space limits shall apply to the "MF-1" - Multiple Family Residential-Low Density zone:
  - (1) All space limits identified as being applicable to the "MF-1" - Multiple Family Residential-Low Density zone in Appendix F of the Zoning Ordinance.
- (d) *Miscellaneous provisions.*
  - (1) The minimum separation of buildings shall conform to the distance requirements as specified in section 146-129(4)c.
  - (2) The keeping of dogs, cats and other household pets is limited to two animals over six months old.

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

- (a) *Purpose.* The "MF-2" - Multiple Family Residential-Medium Density zone is designed to provide for medium density multiple family residential development characterized by smaller scale buildings and more open space than higher density districts. This district should not be located with direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.
- (b) *Permitted uses.* Those uses indicated as being permitted in the "MF-2" – Multiple Family Residential – Medium Density zone in the Schedule of Uses shall be allowed.
- (c) *Space limits.* The following space limits shall apply to the "MF-2" - Multiple Family Residential-Medium Density zone:
  - (1) All space limits identified as being applicable to the "MF-2" - Multiple Family Residential-Medium Density zone in Appendix F of the Zoning Ordinance.

(d) *Miscellaneous provisions.*

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

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

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

(b) Permitted uses. Those uses indicated as being permitted in the "MF-3" – Multiple Family Residential – Medium-High Density zone in the Schedule of Uses shall be allowed.

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

- (1) All space limits identified as being applicable to the "MF-3" - Multiple Family Residential-Medium-High Density zone in Appendix F of the Zoning Ordinance.

(d) *Miscellaneous provisions.*

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

Section 32. That the Code of Ordinances, City of McKinney, Texas, Sections 146-83 through 146-91 of the Zoning Ordinance, are hereby amended and shall read as follows:

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

(a) Purpose. The "NC" - Neighborhood Convenience zone is designed to provide for a limited range of service and light retail land uses in small districts up to two acres in size, which are appropriately located at intersections of thoroughfares to serve the immediately adjacent residential neighborhood area. This district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district.

(b) Permitted uses. Those uses indicated as being permitted in the "NC" – Neighborhood Convenience zone in the Schedule of Uses shall be allowed.

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

- (1) All space limits identified as being applicable to the "NC" - Neighborhood Convenience zone in appendix F of the zoning ordinance.

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

(a) Purpose. The "BN" - Neighborhood Business zone is designed to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity.

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

(1) Those uses indicated as being permitted in the "BN" - Neighborhood Business zone in the Schedule of Uses shall be allowed; and

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

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

(1) All space limits identified as being applicable to the "BN" - Neighborhood Business zone in appendix F of the zoning ordinance.

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

(a) Purpose. The "BG" - General Business zone is designed to provide for a wide range of retail and service establishments.

(b) Permitted uses. Those uses indicated as being permitted in the "BG" - General Business zone in the Schedule of Uses shall be allowed.

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

(1) All uses indicated as being allowed in the "BG" - General Business zone with a specific use permit in the schedule of uses; and

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

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

(1) All space limits identified as being applicable to the "RG 18" - General Residence zone in Appendix F of the Zoning Ordinance.

(e) Miscellaneous provisions.

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

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

(a) Purpose. The "C" - Planned Center zone is designed to provide for high-intensity concentrations of shopping and related commercial activities along regional highways or large arterial roadways.

(b) Permitted uses. Those uses indicated as being permitted in the "C" – Planned Center zone in the Schedule of Uses shall be allowed.

(c) Space limits. The following space limits shall apply to the "C" - Planned Center zone:

- (1) All space limits identified as being applicable to the "C" - Planned Center zone in appendix F of the zoning ordinance.

(d) Special provisions.

- (1) The entire parcel of land in the planned center zone shall be considered as one zoning lot in arranging buildings and other facilities.

- (2) The commission and the council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of the nearby neighborhood residential properties and in the event of conflict between the maintenance of such values and the proposed development, shall weigh the equities between the two using the criterion of community service and maintaining the concept of the zoning plan in assessing the position of the proposed development.

- (3) It is intended that a planned center zone be designated to carry out the objectives and planning practices established by the commission for development of the city and particularly the development of unified planned business centers, whether in single or multiple ownership, and to be so developed within a reasonable time. The district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district. The intent of the district shall be considered in determining whether any tract shall be zoned as a planned center district and its associated site plan approved. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

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

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

(b) Permitted uses. Those uses indicated as being permitted in the "O-1" – Neighborhood Office zone in the Schedule of Uses shall be allowed.

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

- (1) All space limits identified as being applicable to the "O-1" - Neighborhood Office zone in Appendix F of the Zoning Ordinance.

**Sec. 146-88. - O - Office district.**

- (a) Purpose. The "O" - Office zone is designed to provide for office buildings with attendant retail and service uses intended primarily for occupants of such office buildings.
- (b) Permitted uses. Those uses indicated as being permitted in the "O" – Office zone in the Schedule of Uses shall be allowed.
- (c) Permitted accessory uses. The following accessory uses are permitted in the "O" - Office zone:
  - (1) The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public;
  - (2) Drive-in facilities for banks or financial institutions; and
  - (3) Accessory buildings and uses customarily incident to any of the above uses; provided that such be not objectionable because of odor, smoke, dust, noise, vibration, or similar nuisance.
- (d) Space limits. The following space limits shall apply to the "O" - Office zone:
  - (1) All space limits identified as being applicable to the "O" - Office zone in appendix F of the zoning ordinance.

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

- (a) Purpose. The "BC" - Commercial Business zone is designed to provide for commercial land uses, which can be more intensive than those permitted within a retail district. This district is not intended to be established along highly visible thoroughfares nor adjacent to residential properties due to the intensive nature of the permitted uses, although access onto a four lane or greater thoroughfare is a requirement for this district. Generally, this district would be appropriate only for properties on arterial roadways with an adjacent future land use plan designation of industrial. This district allows on-site storage either inside or outside of the main structure, and some assembly is permitted within this district. This district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district.
- (b) Permitted uses. Those uses indicated as being permitted in the "BC" – Commercial Business zone in the Schedule of Uses shall be allowed.
- (c) Space limits. The following space limits shall apply to the "BC" - Commercial Business zone:
  - (1) All space limits identified as being applicable to the "BC" - Commercial Business zone in appendix f of the zoning ordinance.

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

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

- (b) Permitted uses. Those uses indicated as being permitted in the "ML" – Light Manufacturing zone in the Schedule of Uses shall be allowed.
- (c) Permitted accessory use. The following accessory uses are permitted in the "ML" - Light Manufacturing zone:
  - (1) Any accessory use normally appurtenant to a permitted use shall be allowed; and
  - (2) Recreational uses that are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed.
- (d) Space limits. The following space limits shall apply to the "ML" - Light Manufacturing zone:
  - (1) All space limits identified as being applicable to the "ML" - Light Manufacturing zone in Appendix F of the Zoning Ordinance.

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

- (a) Purpose. The "MH" - Heavy Manufacturing zone is designed to provide for the widest range of industrial operations permitted in the city. It is the zone for location of those industries, which have not reached a technical stage in processing, which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance-free manner.
- (b) Permitted uses. Those uses indicated as being permitted in the "MH" – Heavy Manufacturing zone in the Schedule of Uses shall be allowed.
- (c) Permitted accessory uses. The following accessory uses are permitted in the "MH" - Heavy Manufacturing zone:
  - (1) Any accessory use normally appurtenant to a permitted use shall be allowed; and
  - (2) Recreational uses that are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the board of adjustment.
- (d) Space limits. The following space limits shall apply to the "MH" - Heavy Manufacturing zone:
  - (1) All space limits identified as being applicable to the "MH" - Heavy Manufacturing zone in appendix f of the zoning ordinance."

Section 33. That the Code of Ordinances, City of McKinney, Texas, Sections 146-95 and 146-96 of the Zoning Ordinance, are hereby amended and shall read as follows:

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

- (a) Purpose. The "MTC" - McKinney Town Center zone is intended to allow both commercial and residential uses in buildings, which match the character and style of the historic downtown. Buildings within the district should be located close to the street and multistory. This zone is appropriate for the area near the "CHD" - Commercial Historic District, and is inappropriate for areas not near the "CHD" - Commercial Historic District.

- (b) Permitted uses. Those uses indicated as being permitted in the "MTC" – McKinney Town Center zone in the Schedule of Uses shall be allowed.
- (c) Space limits. The following space limits shall apply to the "MTC" - McKinney Town Center zone:
  - (1) Minimum lot coverage: 50 percent.
  - (2) Maximum lot coverage: 95 percent.
  - (3) All other space limits identified as being applicable to the "MTC" - McKinney Town Center zone in appendix F of the zoning ordinance.
- (d) Miscellaneous provisions.
  - (1) Parking. Off-site parking spaces required must be located within 750 feet of the use.
  - (2) Off-street loading.
    - a. Uses within the district are not required to provide off-street loading spaces.
    - b. Loading spaces that are provided must be screened in accordance with the screening requirements of section 146-132
  - (3) Landscaping requirements.
    - a. Properties used for non-residential uses or a combination of residential and non-residential uses shall provide landscaping on site.
    - b. Landscaping can be provided with planters, either freestanding or incorporated into a structure, subject to review and approval as part of a site plan for development.
    - c. No other provision of section 146-135 regarding landscaping will apply in this district.
  - (4) Approval of building elevations. Approval of all building elevations by the historic preservation officer is required, prior to issuance of a building permit.

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

- (a) Purpose. The CHD commercial historic 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 district are delineated on the official boundary map herein (see appendix C to this chapter).
- (b) Land use. Land uses within the commercial historic district are described in the schedule of uses in the appendixes, illustrations, and schedule of uses to this Code and in the notes following said schedule.
- (c) Space limits. The following space limits shall apply to the CHD commercial historic district:
  - (1) All other space limits identified as being applicable to the "CHD" – Commercial Historic District in appendix F of the zoning ordinance.
- (d) Parking requirements. Refer to section 146-130, except as provided herein:
  - (1) Off-street parking shall be provided for all uses established in this zone.

- (2) One off-street parking space per fulltime employee who works more than 30 hours per week shall be provided.
- (3) Any parking adjacent to a public street, wherein the maneuvering is done on the public street, shall not be classified as off-street parking in computing the parking requirements.
- (4) All required off-street parking areas shall be located within two city blocks of the subject property.

(e) Off-street loading.

- (1) Uses within the district are not required to provide off-street loading spaces.
- (2) Loading spaces that are provided must be screened in accordance with the screening requirements of section 146-132.

(f) 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 an historic 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 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 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 district. These standards shall be made available to the property owners within the historic 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 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.

(g) Economic hardship for demolition in CHD commercial historic 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.

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

- (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.

(i) 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 34. That the Code of Ordinances, City of McKinney, Texas, Section 146-102 of the Zoning Ordinance, is hereby established and shall read as follows:

**“Sec. 146-102. RS SM – Single Family Residence District.**

- (a) *Purpose.* The “RS SM” – Single Family Residence zone is designed to provide for single family residential developments or developments featuring a mixture of single family and medium density residential uses and community facilities which are consistent with the vision outlined in the Suburban Mix Module of the Comprehensive Plan.
- (b) *Permitted uses.* Those uses indicated as being permitted in the “RS SM” – Single Family Residence zone in the schedule of uses shall be allowed.
- (c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the “RS SM” – Single Family Residence zone shall apply in addition to the standards specified herein:
  - (1) *Minimum lot width:*
    - a. *Attached single family residential uses:* 25 feet.
    - b. *Other uses:* 50 feet.
  - (2) *Minimum lot depth:* 100 feet.
  - (3) *Minimum mean and median lot area:* 7,200 square feet.
  - (4) *Minimum front yard:*
    - a. *Detached single family residential uses:* 20 feet; except that a 10 foot encroachment zone shall be permitted between the building setback and the property line in which porches, patios, and similar structures may be constructed.
    - b. *Attached single family residential uses:* 20 feet.
    - c. *Other uses:* 25 feet.

- (5) *Minimum side yard:*
  - a. *Detached single family residential uses:* 5 feet.
  - b. *Attached single family residential uses:* 0 feet on one side; 10 feet between townhome buildings.
  - c. *Other uses:* 25 feet.
- (6) *Minimum side yard at corner:*
  - a. *Detached single family residential uses:* 15 feet.
  - b. *Attached single family residential uses:* 10 feet.
- (7) *Minimum rear yard:*
  - a. *Detached single family residential uses:* 15 feet.
  - b. *Attached single family residential uses:* 20 feet.
  - c. *Other uses:* 25 feet.
- (8) *Maximum building height:* 35 feet.
- (9) *Maximum non-residential lot coverage:* 80 percent.
- (10) *Maximum density:*
  - a. *Detached single family residential uses:* 3.4 dwelling units per acre (exclusive of areas of floodplain, erosion hazard setbacks, and lakes).
  - b. *Attached single family residential uses:* 8.0 dwelling units per acre.”

Section 35. That the Code of Ordinances, City of McKinney, Texas, Section 146-130(1) of the Zoning Ordinance, is hereby amended and shall read as follows:

(1) *“Parking requirements.*

Assisted living facility, nursing home, or rest home	1 parking space for every 4 beds.
Animal boarding or kennel	1 parking space for every four pens/runs plus 1 parking space for every 300 square feet of gross floor area (excluding pens/runs)
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
Boardinghouse or rooming house	1 parking space for each sleeping room.
Bus Station	1 parking space for every 250 square feet of waiting area.
Car wash (full service)	1 parking space for every 250 square feet of floor area in a lobby or waiting area plus 5 stacking spaces for each automated or full service wash bay. The required stacking

		spaces shall begin at the automated or full service wash bay's entry. No parking or stacking shall be required for vacuum berths.
	Car wash (self-serve)	1 parking space for each wash bay plus 1 stacking space for each wash bay. No parking or stacking spaces shall be required for vacuum berths.
	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.
	Commercial Amusement (indoor):	1 parking space for each 150 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 lane.
d.	Racquetball or handball courts	3 parking spaces for each court.
e.	Tennis courts, basketball courts, or similar recreation courts with no fixed seating	6 parking spaces for each court.
f.	Indoor jogging or running tracks	1 parking space for every 300 linear feet.
g.	Swimming pool	1 parking space for every 100 square feet of water surface plus deck area.
h.	Theatres and auditoriums, including motion picture theaters	1 parking space for every 4 seats.
i.	Areas for subsidiary uses not listed, such as restaurants, offices, etc.	Calculate required parking for each subsidiary use in addition to the minimum standards for other uses.
	Commercial 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	6 parking spaces per court.

	with no fixed seating	
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	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	For dwelling units not located in the commercial historical district, 1 enclosed parking space for each dwelling unit plus 0.5 space for each bedroom in all dwelling units. An additional 0.5 parking space per enclosed space shall be provided or a 20-foot long driveway in front of the garage door shall be provided. For dwelling units located in the Commercial Historic District as defined in section 146-97, there shall be provided 1 parking space for each dwelling unit.
	Dwellings, multiple family (senior)	For dwelling units not located in the Commercial Historic District: 1 enclosed parking space for each dwelling unit. Enclosed parking spaces may include, but not be limited to an open-air, multi-level parking structure (excluding the top floor of said structure), tuck-under parking, and a detached garage(s). If a garage door is associated with the enclosed parking space, a 20-foot long driveway in front of the garage door shall be provided or an additional 0.5 parking space per enclosed space shall be provided elsewhere on-site. The 20-foot driveway in front of a garage door may be counted as a parking space.  For dwelling units located in the Commercial Historic District as defined in section 146-97: 1 parking space for each dwelling unit shall be provided.
	Dwellings, single family attached	2 covered or enclosed spaces per unit.
	Dwellings, single family detached	2 covered or enclosed spaces per unit; 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 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.
Greenhouse or plant nursery	1 parking space for every 250 square feet of building floor area plus 1 parking space for every 10,000 square feet of outdoor product display areas.
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 (retirement community)	1 parking space for every dwelling unit.
Indoor Gun Range	2 parking spaces for each firing lane and 10 parking spaces for each instructional classroom, if any, plus all other parking requirements for any associated office use and/or retail use within, on and about the premises of the Indoor Gun Range.
Industrial and manufacturing uses	1 parking space for every 1,000 square feet up to 20,000 square feet plus 1 parking space for every 2,000 square feet in excess of 20,000 square feet.
Junk yard, recycling center, and similar industrial uses	1 parking space for every 10,000 square feet of lot area.
Lodge, fraternal organization, country club or golf club	1 parking space for each 300 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.
Farm implement or machinery sales, service, repair	1 parking space for every 10,000 square feet of lot area plus parking requirements for office and overnight storage of equipment. All types of equipment service or repair facilities must have a designated area on the site plan for the overnight storage of equipment awaiting repair. If overnight storage is proposed a minimum of 1 overnight storage space must be provided for each proposed service bay.
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, funeral home, or columbarium	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.
Restaurant, private club, nightclub, cafe, or similar recreational or amusement establishment	1 parking space for each 150 square feet, 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.
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.
Studio (photo, music, art dance, dojo, health, etc.)	1 parking space for every 250 square feet of floor area.

Taxi or shuttle service	1 parking space per employee plus 1 parking space per taxi cab or shuttle vehicle.
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.”

Section 36. That the Code of Ordinances, City of McKinney, Texas, Section 146-131 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-131. Off-street loading.**

Buildings constructed to accommodate the uses referenced herein shall provide and maintain on the same premises loading space in accordance with the following requirements:

- (1) For retail, commercial, sales, service, or industrial use buildings and establishments, off-street loading facilities shall be provided in accordance with the following schedule:

<i>Square feet of gross floor area</i>	<i>Minimum required spaces or berths</i>
0 to 5,000	None
5,001 to 15,000	1
15,001 to 40,000	2
40,001 to 65,000	3
65,001 to 100,000	4
Each additional 100,000	1 additional

- (2) For hotels, office buildings, restaurants, and similar establishments, off-street loading facilities shall be provided in accordance with the following schedule:

<i>Square feet of gross floor area</i>	<i>Minimum required spaces or berths</i>
0 to 10,000	None
10,001 to 50,000	1
50,001 to 100,000	2
100,001 to 200,000	3
Each additional 200,000	1 additional

- (3) The sum of the total required loading spaces may be reduced with site plan approval by the Planning and Zoning Commission. Determination shall be based on the frequency of the anticipated deliveries and the location of the loading spaces in relation to the buildings.

- (4) Each required loading space shall meet the following minimum size requirements:

- a. Twelve feet by 60 feet for industrial or warehouse uses.
- b. Twelve feet by 35 feet for commercial and institutional uses.
- c. Fourteen feet minimum vertical clearance.

- (5) Access and maneuvering areas shall be provided on the same building lot as the principal use for which the loading space is intended unless a shared and/or off-site loading space agreement exists. If unique circumstances exist on site which prohibit conformance with this requirement, the Planning and Zoning Commission may approve deviations if the proposal is still functional, the proposal does not have an adverse impact on current or

future development, and the proposal will have no adverse impact of the public health, safety, and general welfare.

- (6) All loading spaces shall be located within 25 feet of the building. If unique circumstances exist on the site that prohibit locating the loading space within 25 feet, the distance may be increased with site plan approval as long as the loading space is still considered usable, the location does not have an adverse impact on current or future development, and the location will have no adverse impact on the public health, safety, and general welfare.
- (7) Distance from property lines shall be as follows:
  - a. Any loading dock or structure and its associated loading spaces shall be:
    1. Set back a minimum distance of 200 feet from any adjacent residential use or zoning district; and
    2. Set back a minimum distance of 75 feet from any public street or front property line; and
    3. Oriented away from the street frontage.
  - b. Any loading spaces not associated with a loading dock or structure shall be set back a minimum distance of 50 feet from any adjacent residential use or zoning district, and there shall be no minimum setback if the subject property abuts a non-residential use or lot line.
  - c. If unique circumstances exist on the site that prohibit locating the loading space, dock, or structure as required above, the location may be modified with site plan approval by the Planning and Zoning Commission as long as the loading space, dock, or structure is still considered usable, the location does not have an adverse impact on current or future development, and the location will have no adverse impact on the public health, safety, and general welfare.
- (8) Loading docks for any establishment, which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or districts shall be designed and constructed so as to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.”

Section 37. That the Code of Ordinances, City of McKinney, Texas, Section 146-132(2) of the Zoning Ordinance, is hereby amended and shall read as follows:

- “(2) *Screening device.* A screening device shall be erected or placed in all locations and in accordance with all provisions specified below:
- a. A screening device required under this section shall meet the following minimum requirements:
    1. The minimum height of the screening device shall be as follows:
      - (i) Garbage, trash or refuse container screening: seven feet (7’).
      - (ii) Screening of outdoor storage: seven feet (7’).
      - (iii) All other required screening: six feet (6’).

2. The maximum height of the screening device shall be as follows:
  - (i) “ML”, “MH” and Industrial “PD” districts: ten feet (10’).
  - (ii) All other districts: eight feet four inches (8’ 4”).
3. The materials shall consist of:
  - (i) Brick masonry, stone masonry, or other architectural masonry finish;
  - (ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet (20’) on center with structural supports spaced every ten feet (10’), and with sufficient evergreen landscaping to create a screening effect;
  - (iii) Living plant screen, upon approval by the Planning and Zoning Commission; or
  - (iv) Alternate equivalent screening, upon approval by the Planning and Zoning Commission.

- b. All required screening devices must be equally finished on both sides.
- c. All openings in the surface for passage shall be equipped with opaque gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.
- d. Prior to the issuance of an occupancy permit, all approved screening devices must be in place.
- e. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the Chief Building Official for failure to adequately maintain such screening device.”

Section 38. That the Code of Ordinances, City of McKinney, Texas, Section 146-132(3)(d) of the Zoning Ordinance, is hereby amended and shall read as follows:

- “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 and shall be primed and painted to match the building. 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.”

Section 39. That the Code of Ordinances, City of McKinney, Texas, Section 146-132(3)(g) of the Zoning Ordinance, is hereby amended and shall read as follows:

- “g. Loading docks and/or structures, bays, and bay doors related to loading facilities shall be screened from adjacent non-industrial property. Overhead bay doors in any non-industrial district shall be oriented away from adjacent street frontage.”

Section 40. That the Code of Ordinances, City of McKinney, Texas, Section 146-

132(4) of the Zoning Ordinance, is hereby amended and shall read as follows:

“(4) *Meritorious exception.*

- a. If unique circumstances that exist on the property or an innovative design prevent strict adherence with the requirements of this section, the Planning and Zoning Commission may consider a meritorious exception through the site plan approval process detailed in subsection 146-45(a)(2). The applicant shall prove that the meritorious exception from this Section 146-132 is warranted under the circumstances presented. A meritorious exception may be granted if the Planning and Zoning Commission finds that:
  - i. Unique circumstances exist on the property or an innovative design is proposed that make application of specific items in this section unduly burdensome on the applicant;
  - ii. The meritorious exception will have no adverse impact on current or future development;
  - iii. The meritorious exception is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
  - iv. The meritorious exception will have no adverse impact on the public health, safety and general welfare; and
  - v. The meritorious exception will not reduce the quality of the development.
  - vi. A financial hardship shall not be considered a basis for the granting of a meritorious exception.
- b. Action by the Planning and Zoning Commission regarding a requested meritorious exception may be appealed to the City Council. If the Planning and Zoning Commission denies a meritorious exception requested pursuant to this section, the appeal shall not be required to receive a super-majority vote from the City Council in order to be approved. Within 14 calendar days of the action by the Commission, the appellant shall notify the Director of Planning in writing of the desire to appeal the decision of the Commission to the City Council. The Director of Planning shall prepare a report and place the site plan on the agenda for consideration by the Council.”

Section 41. That the Code of Ordinances, City of McKinney, Texas, Section 146-133(a) of the Zoning Ordinance, is hereby amended and shall read as follows:

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

- (1) *Front yard.* Attached accessory buildings or structures shall have the same front yard as that of the main building.
- (2) *Side yard.*
  - a. There shall be a side yard for any detached accessory building of not less than three feet from any side lot line when such detached accessory building is located in the rear of the lot (the rear of a line connecting the midpoints on the two opposite side

lot lines of any lot, tract or plot), and when the detached accessory building is a minimum distance of ten feet from the main structure.

- b. When a detached accessory building is located in front of the line connecting the two midpoints of the opposite side lot lines as herein described, or is closer than ten feet from the main structure, such accessory building shall observe the same side yard as specified for the main building.
- c. If an accessory structure is adjacent to a side street, the side yard for the accessory structure must be a minimum of 15 feet from the side property line.

(3) *Rear yard.*

- a. There shall be a rear yard for accessory buildings not less than three feet from any lot line, alley line, or easement line, except that if no alley exists, the rear yard shall not be less than ten feet as measured from the rear lot line. Where apartments are permitted, the main building and all accessory buildings shall not cover more than 50 percent of the rear of the lot (that portion of the lot lying to the rear of a line erected adjoining the midpoint of one side lot line with the midpoint of the opposite side lot line).
- b. Detached accessory buildings or structures shall be located in the area defined as the rear yard.

(4) *Air conditioning equipment.* Air conditioning compressors, cooling towers, and similar accessory structures shall observe all front, side, or rear yards specified for accessory buildings. When such accessory structures are located in the side yard or that portion of a lot herein designated as the rear of the lot, the minimum side yard shall be three feet.

(5) *Swimming pools.* All swimming pools shall be located behind the front yard or front building line and in no case shall the pool proper be nearer than five feet to any bounding property line of the lot or tract on which it is situated.

(6) *Driveways.* Garages or carports shall be set back from the street or alley a minimum distance of 20 feet to allow for the construction of a driveway that facilitates access without interference with the use of the street or alley by other vehicles or persons.

(7) *Accessory buildings on residential lots.* Accessory buildings shall be permitted on residential lots and shall meet the following requirements:

- a. No accessory building, other than an allowed accessory dwelling, shall be rented or leased.
- b. No accessory building shall be used for commercial purposes.
- c. No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.
- d. No accessory building shall exceed 200 square feet in area, except:

1. Detached garages are limited to 500 square feet in area; and
  2. Accessory dwellings are limited to 600 square feet in area.
- e. No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.
- (8) *Accessory dwellings.* Accessory dwellings shall meet the following requirements:
- a. An accessory dwelling may not be located on a lot less than 12,000 square feet in area.
  - b. An accessory dwelling must be behind the front building line, and must observe the same setbacks as the main structure.
  - c. An accessory dwelling shall be constructed of the same exterior materials as the main structure.
  - d. An accessory dwelling may not be sold separately from the main structure.
  - e. An accessory dwelling shall not have a separate electric meter.”

Section 42. That the Code of Ordinances, City of McKinney, Texas, Section 146-133(c) of the Zoning Ordinance, is hereby amended and shall read as follows:

“(c) *Home occupations.* A home occupation, in permitted single family residential structures, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.

- (1) Home occupations shall be conducted entirely within the main building.
- (2) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
  - a. No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, or outside storage of materials or equipment.
  - b. The home occupation shall not have a separate entrance.
  - c. Not more than two patron or business related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles.
  - d. A maximum of one commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked in the street.

- e. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of 1 1/2 tons.
  - f. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
- (3) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
  - (4) The home occupation shall employ no more than one individual who is not an occupant of the residence.
  - (5) The address of the home occupation shall not be included in any classified advertisement, yellow pages listing, or other advertisement.
  - (6) The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed under subsection (c)(8) of this section.
  - (7) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations.
  - (8) Uses allowed as home occupations shall include the following:
    - a. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
    - b. Office of a salesman or manufacturer's representative; provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises, except as permitted by this chapter;
    - c. Author, artist, sculptor;
    - d. Dressmaker, seamstress, tailor, milliner;
    - e. Music/dance teacher, tutoring, or similar instruction; provided that no more than three pupils may be present at any one time;
    - f. Swimming lessons or water safety instruction; provided that a maximum of six pupils may be present at any one time;
    - g. Home craft, such as weaving, model making, etc.;
    - h. Repair shop for small electrical appliances, cameras, watches, or other small items; provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
    - i. Food preparation such as cake decorating, catering, etc.; provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with all health regulations;
    - j. Day care: registered family home in compliance with state law, with a maximum of six children at any one time;
    - k. Barbershop, beauty salon, or manicure studio; provided that no more than one customer is served at any one time; and

- I. Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, Chapter 123 of the Texas Human Resources Code and as amended.

(9) Uses prohibited as home occupations shall include the following:

- a. Animal hospital, commercial stable, kennel;
- b. Bed and breakfast inn, boardinghouse or roominghouse;
- c. Day care center with more than six children;
- d. Schooling or instruction with more than one pupil (except as noted above);
- e. Restaurant or on-premises food/beverage consumption of any kind;
- f. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine, or other repair shops except as specifically provided for in section 146-133(c)(8);
- g. Cabinetry, metal work, or welding shop;
- h. Office for doctor, dentist, veterinarian, or other medical-related profession;
- i. On-premises retail or wholesale sale of any kind, with the following exceptions:
  1. Home craft items produced entirely on premises;
  2. Garage sales as provided for within chapter 54, article II;
  3. Sales incidental to a service; and
  4. Orders previously made by telephone, internet, or at a sales party.
- j. Commercial clothing laundering or cleaning;
- k. Mortuary or funeral home;
- l. Trailer, vehicle, tool, or equipment rental;
- m. Antique, gift, or specialty shop; and
- n. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.

(10) The Director of Planning shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The Director of Planning shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein. If the applicant disagrees with the determination of the Director of Planning, the applicant may request that the use be evaluated by the City Council.

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

Section 43. That the Code of Ordinances, City of McKinney, Texas, Section 146-134(1)(f) of the Zoning Ordinance, is hereby amended and shall read as follows:

“f. Exemptions. The following uses and activities shall be exempt from the noise level regulations herein specified:

1. Noises not directly under control of the property user;
2. Noises emanating from construction and maintenance activities during daytime hours;
3. Noises of safety signals, warning devices, and emergency pressure relief valves;
4. Transient noise of moving sources such as automobiles, trucks, airplanes, helicopters, and railroads;
5. Noises caused by back-up utility operations for 24 hour health care facilities with emergency services; and
6. Noises caused in the performance of emergency or public service work, including police, fire and public utility operations acting in the performance of lawful duties to protect the health, safety or welfare of the community.”

Section 44. That the Code of Ordinances, City of McKinney, Texas, Section 146-135 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-135. Landscape Requirements.**

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

(b) *Scope and enforcement.*

(1) The provisions of this section shall be administered by the Director of Planning or their designee. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction and any existing development for which the floor area is increased by 30 percent or more of the originally approved floor area, either by a single expansion or by the cumulative effect of a series of expansions.

(2) All existing structures, which are a conversion or change in use requiring the expansion of or significant improvements to meet parking standards shall upgrade landscaping on the site and meet these requirements to the extent practical. The Director of Planning or their designee shall have the ability to waive landscape requirements on a case-by-case basis if unique circumstances exist on the property that make the application of these regulations unduly burdensome on the applicant. These regulations may be waived only if there will be no adverse impact on current or future development and will have no adverse impact on the public health, safety, and general welfare.

- (3) Uses within the downtown Commercial Historic District shall be exempt from the landscape requirements set forth herein, unless it is determined by the Historic Preservation Officer that compliance with these standards are achievable and would contribute to the historic appearance and/or qualities that are inherent to the district.
- (4) Airport uses shall comply with the requirements of this section, but the standards may be modified if such modification is in keeping with the intent of a bird mitigation program for the City airport, in order to reduce potential conflicts between birds and aircraft.
- (5) If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria reflected on the approved landscape plan, the Landscape Administrator or their designee shall issue notice to the owner, citing the violation and describing the action required to comply with the approved landscape plan. The owner, tenant, and/or agent shall make reasonable progress within 30 days from date of said notice and shall have 90 days to completely restore the landscaping as required. A 30-day extension may be granted by the Landscape Administrator if a hardship due to extreme seasonal conditions can be demonstrated by the owner, tenant, and/or agent. If the landscaping is not restored within the allotted time, such person shall be deemed to have violated this chapter.
- (6) Notwithstanding the foregoing, the provisions of this section will not apply to new construction for which an unexpired plat or an unexpired landscape plan was submitted and approved prior to the effective date of the ordinance from which this section is derived. If an unexpired plat or unexpired landscape plan exists, the landscaping for related new construction shall comply to the requirements of the landscaping ordinance and any conditions of approval for the underlying project landscape in effect at the time of said unexpired plat or unexpired landscape plan.

(c) *Permits.*

- (1) No permits shall be issued for building, paving, grading, or construction until a detailed landscape plan is submitted and approved by the Director of Planning or their designee. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan and a digital copy of the landscaping as installed shall be provided to the planning department for permanent record.
- (2) In any case in which a certificate of occupancy is sought at a season of the year in which the Landscape Administrator determines that it would be impractical to plant trees, shrubs, grass, or to lay turf, a temporary certificate of occupancy may be issued, if a letter of agreement from the property owner is provided stating when the installation shall be complete. Notwithstanding the foregoing, all landscaping required by the landscape plan shall be installed within six months of the date of issuance of the temporary certificate of occupancy or the site shall be deemed to be in violation of this chapter and the temporary certificate of occupancy shall be revoked.
- (3) Where a certificate of occupancy is sought during a stage 3 or stage 4 drought situation as determined by the City subject to approval by the Landscape Administrator, the property owner may provide the City, with a letter of credit or some financial assurance determined by the Landscape Administrator to be equal to the cost of installing the landscaping which letter of credit or financial assurance will remain in

effect until the landscape plan is installed and accepted by the City. Once stage 3 restrictions are lifted, the landscaping required by the landscape plan must be installed within six months or the site shall be deemed to be in violation of this chapter and the certificate of occupancy shall be revoked. The Landscape Administrator shall have the right to determine the landscaping required at the time the certificate of occupancy is issued.

(d) *Landscape plan.*

- (1) A landscape plan shall be submitted and approved as part of the site plan approval process as required in section 146-45. A landscape plan's approval expiration shall follow the same timelines as specified in Section 146-45(d) of this Chapter for site plans. Prior to the issuance of a building permit, paving, grading, or construction permit for any new use, a landscape plan satisfying the criteria of these regulations and any conditions of approval for the underlying project shall be approved by the Director of Planning. The Director of Planning or their designee shall review such plans and shall approve the said plans if they are in accordance with the criteria of these regulations and any conditions of approval for the underlying project. If the plans are not in accordance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
- (2) Landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g. landscape architect, landscape contractor, landscape designer, etc.). Landscape plans shall contain, at a minimum, the following information:
  - a. The minimum scale of one inch equals 40 feet or the same scale as the associated site plan;
  - b. The location, size, and species of all trees to be preserved, do not use tree stamps unless they indicate true size and location of trees;
  - c. The location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), or other landscape features (except that location of plants and landscaping materials may be generalized on a conceptual landscape plan);
  - d. The species, size, spacing, and quantities of all plant material to be used in a tabular form (except that conceptual landscape plans may provide general plant types in-lieu-of species);
  - e. An affidavit on the plan stating that all required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors and evapotranspiration (ET) weather based controllers and said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator.
  - f. The person responsible for the preparation of the landscape plan, including affidavit of their qualifications to prepare said plan;
  - g. The mark indicating north;
  - h. The date of the landscape plan, including any revision dates;

- i. The planting details percentage of total site in permanent landscaping;
- j. The percentage of street yard in permanent landscaping;
- k. The dimensions of all landscape areas;
- l. The number of required trees and number of trees provided; and
- m. The location of all existing and planned overhead and underground utilities shall be shown on the landscape plan or on an accompanying utility plan drawn at the same scale, if necessary for clarity.
- n. Additional information as deemed necessary to adequately evaluate the landscape plan.

(e) *General standards.*

- (1) The following criteria and standards shall apply to landscape materials and installation. For the purposes of this section, the term "caliper" shall be defined as the diameter measurement of a tree trunk.
  - a. Required landscaped open areas shall be completely covered with living plant material.
  - b. Plant materials shall conform to the standards of the approved plant list for the City (see section A-1 of appendix A to this chapter). Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pest and insects.
  - c. To promote prudent use of the City's water resources and reduce the need for additional water system infrastructure, additional water resources and water purification systems, and to help ensure viability of required plantings during periods of drought, required landscaping shall comply, where feasible, with the following requirements designed to reduce water usage:
    - 1. Required plant materials shall be selected from those identified as xeriscape plants on the approved plant list for the City (see appendix A to this chapter).
    - 2. Where specific conditions reduce the likelihood that any of these plant materials will survive, other plants on the list may be substituted.
    - 3. Other plants not on the list may be substituted at the discretion of the Landscape Administrator. The applicant may be required to provide substantiation regarding the hardiness, adaptability, and water demands of the plant when used in this area.
    - 4. For maximum reduction in water usage, xeriscape plants should not be interspersed in plant massings with plants requiring higher water usage.
    - 5. Applicants should design irrigation systems and watering schedules which supply the appropriate amount of water without over-watering.

- d. Ornamental trees shall have a minimum spread of crown of greater than 15 feet at maturity. Ornamental trees having a minimum mature crown of less than 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown width. Ornamental trees shall be a minimum of two inch (2") in caliper as measured six inches above the ground and eight feet (8') in height at the time of planting.
  - e. Canopy trees shall have a minimum spread of crown of 25 feet at maturity. Canopy trees shall be a minimum of four inches (4") in caliper as measured six inches above the ground and twelve feet (12') in height at the time of planting.
  - f. Shrubs acceptable for six foot (6') screening shall be a minimum of three feet (3') in height when measured immediately after planting and shall be planted no further apart than three feet (3') on center, unless otherwise approved by the Landscape Administrator, and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet (6') high within two (2) years after time of planting.
  - g. Shrubs not of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting.
  - h. Hedges, where installed for buffering purposes required by this section, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet (3') high within two (2) years after time of planting.
  - i. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any parking space.
  - j. Evergreen vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening and/or buffering requirements, as set forth herein and as approved by the Landscape Administrator.
  - k. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with 100% coverage and 70% density with an approved perennial grass prior to the issuance of a Certificate of Occupancy.
  - l. Ground covers used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- (2) All required landscape areas shall be provided with an automatic underground irrigation system, except for required landscaping on single family or two family lots. Any new irrigation system installed on or after September 1, 2007, must be equipped with rain and freeze sensors and an evapotranspiration (ET) weather based controller. Said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator after receiving a permit, as may be required under the construction code. Irrigation systems shall comply with the City of McKinney's Water Conservation Ordinance as it exists or may be amended.

- (3) Earthen berms shall have side slopes not to exceed 3:1 (three feet of horizontal distance for each one foot of height). All berms shall contain necessary drainage provisions, as may be required by the City Engineer.
- (4) No tree shall be planted closer than four feet (4') to a right-of-way line nor closer than eight feet (8') to a public utility line (water or sewer), unless no other alternative is available. Further, a landscape area in which trees are to be provided shall not conflict with a utility easement, unless no alternative is available.
- (5) No tree that has a mature height of twenty-five feet (25') or greater shall be planted beneath an existing or proposed overhead utility line. Where canopy trees are required adjacent to or underneath overhead utility lines, ornamental trees (a minimum of two inches (2") in caliper as measured six inches above the ground) shall be provided instead of the required canopy trees.
- (6) All landscape areas shall be protected by a monolithic curb and remain free of trash, litter, and car bumper overhangs.

(f) *Minimum landscaping requirements.*

- (1) For all non-residential and multiple family parcels, at least 15 percent of the front yard shall be permanent landscape area.
- (2) For all non-residential and multiple family parcels located at the intersection of two dedicated public streets (rights-of-way), a 30 foot landscape buffer shall be provided parallel to the corner clip right-of-way dedication, which landscape buffer can be counted toward the 15 percent requirement. See appendix E, illustration 19, for intersection landscaping.
- (3) For all non-residential and multiple family parcels, a minimum of 10 percent of the entire site shall be devoted to living landscape, which shall include grass, ground cover, plants, shrubs, or trees.
- (4) Landscape setbacks on thoroughfares shall comply with the following provisions:
  - a. *Landscape setbacks on minor thoroughfares.* For all non-residential and multiple family parcels, a minimum ten foot (10') landscape buffer adjacent to the right-of-way of any minor thoroughfare is required.
  - b. *Landscape setbacks on major thoroughfares.* For non-residential and multiple family parcels, a minimum twenty foot (20') landscape buffer adjacent to the right-of-way of any major thoroughfare is required.
- (5) For all non-residential parcels, developers shall be required to plant one canopy tree per 40 linear feet, or portion thereof, of street frontage. These required trees must be planted within the associated landscape setback along thoroughfares, unless otherwise approved by the Landscape Administrator. Trees may be grouped or clustered to facilitate site design.
- (6) Landscape areas within parking lots must be at least one parking space in size (162 square feet).

- (7) No landscape area counting toward minimum landscaping requirements shall be less than 25 square feet in area or less than five feet (5') in width.
- (8) For all non-residential and multiple family parcels, internal landscape areas shall:
  - a. Have a landscaped area with at least one tree within 65 feet of every parking space; and
  - b. Have a minimum of one tree planted in the parking area for every 10 parking spaces within parking lots with more than 20 spaces.
- (9) Landscape areas with curbs and gutters must be provided to define parking areas and assist in clarifying appropriate circulation patterns.
- (10) A landscape island shall be located at the terminus of each parking row, and shall contain at least one canopy tree.
- (11) All existing trees that are to be considered for credit shall be provided with a permeable surface (a surface that does not impede the absorption of water) within a minimum five foot (5') radius from the trunk of the tree. All new trees shall be provided with a permeable surface within a minimum 2 ½ foot (2.5') radius from the trunk of the tree.
- (12) At least 75 percent (75%) of the frontage of parking lots, adjacent to a public right-of-way, within the front yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet (3'), an earthen berm of a minimum height of three feet (3'), a low masonry wall of a minimum height of three feet (3'), or a combination of the above with a minimum combined height of three feet (3'). A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.
- (13) A minimum of 50 percent (50%) of the total trees required for the property shall be canopy trees as specified on the approved plant list (see Appendix A to this chapter).
- (14) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with City regulations. Shared drives shall be allowed through perimeter landscape areas.
- (15) For all non-residential and multiple family parcels, whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet (5') shall be maintained between the edge of the parking area and the adjacent property line.
- (16) Whenever a non-residential use, mobile home use, or multiple family use is adjacent to a property used or zoned for single family or duplex residential uses, the more intensive land use shall provide a landscaped area of at least twenty feet (20') in width along the common property line planted with one canopy tree for each 40 linear feet or portion thereof of adjacent exposure. These trees may not be clustered.
- (17) Multiple family residential uses shall provide a landscaped buffer of at least twenty feet (20') in width along all property lines planted with one

canopy tree for each 30 linear feet or portion thereof of adjacent exposure. The trees along the street frontage may be clustered, while the trees along all other property lines may not.

- (18) Evergreen shrubs (acceptable for six-foot screening) shall be provided around dumpster screening wall, and the plant materials must be a minimum of three feet (3') in height at the time of planting, unless not visible from public right-of-way or a public use area.
- (19) All single family and duplex parcels, shall have planted two canopy trees per lot. At least one of the trees shall be located in the front yard. An existing quality tree of at least eight-inch caliper size located on the lot may be counted towards the requirement for a four-inch caliper tree, if appropriate tree protection measures have been followed.
- (20) For all townhome parcels, a minimum of 20 square feet of useable open space shall be required per townhome unit. This additional open space shall not include the parkland dedication requirement as outlined in section 142-157 of the Subdivision Ordinance, any required landscape areas as outlined in section 146-135, or any required spacing between buildings. Open space pockets shall be designed to be located over the entire site in order to break up density and serve the entire development. Open space pockets shall be required to be a minimum of 1,000 square feet in area and a maximum of 2,000 square feet in area for townhome developments over 50 units. The applicant may request an increase in the maximum allowed useable open space requirement with site plan approval.

(g) *Tree preservation.*

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

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

For purposes of this section, caliper measurement shall be taken at a height of 4 ½ feet (4.5') above the ground, and shall be rounded to the nearest whole number.

- (2) Existing trees may receive credit if they are not on the City's approved plant material list but approved by the Landscape Administrator; however, trees must be located within the landscape area to which credit is applied.
- (3) Any tree preservation proposed shall designate the species, size, and general location of all trees on the conceptual or general landscape plan. The species, size, and exact location shall be shown on the landscape plan.
- (4) During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect

and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This restriction is not intended to prohibit the normal construction required within parking lots.

- (5) During the construction stage of development, the developer shall not allow cleaning of equipment or material to occur under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., to occur under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(h) *Sight distance and visibility.*

- (1) Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more streets or driveways occur, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross visibility at a level between two feet (2') and seven feet (7'). Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross visibility area. The triangular areas shall comply with the sight triangle illustrations in this chapter (see appendix E, illustration 10).
- (2) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Landscape Administrator, the requirements set forth herein may be modified to eliminate the conflict.

(i) *Maintenance.*

- (1) The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to:
  - a. Mowing (of grass of six inches or higher);
  - b. Edging;
  - c. Pruning;
  - d. Fertilizing;
  - e. Watering;
  - f. Weeding; and
  - g. Other such activities common to the maintenance of landscaping.
- (2) Landscape areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

- (3) Plant materials used to meet minimum required landscaping provisions which die or are removed for any reason shall be replaced with plant material of similar variety and size, within 90 days.
  - a. Trees with a trunk diameter in excess of six inches measured six inches above the ground may be replaced with trees of similar variety having a minimum trunk diameter of four inches measured six inches above the ground.
  - b. If any tree, which was preserved and used as a credit toward landscaping requirements is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of four inches measured six inches above the ground.
  - c. A time extension may be granted by the Landscape Administrator if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or his agent.

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

(j) *Meritorious Exception.*

- (1) If unique circumstances that exist on the property or an innovative design prevents strict adherence with subsection (f) of this Section 146-135, the Planning and Zoning Commission may consider a meritorious exception through the site plan approval process detailed in subsection 146-45(a)(2). The applicant shall prove that the meritorious exception from these landscaping requirements is warranted under the circumstances presented. A meritorious exception may be granted if the Planning and Zoning Commission finds that:
  - a. Unique circumstances exist on the property or an innovative design is proposed that make the application of this section unduly burdensome on the applicant;
  - b. The meritorious exception will have no adverse impact on current or future development;
  - c. The meritorious exception is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
  - d. The meritorious exception will have no adverse impact on the public health, safety and general welfare; and
  - e. The meritorious exception shall not reduce the quality of the development.
  - f. A financial hardship shall not be considered a basis for the granting of a meritorious exception.
- (2) Action by the Planning and Zoning Commission regarding a requested meritorious exception may be appealed to the City Council. If the Planning and Zoning Commission denies a meritorious exception requested pursuant to this section, the appeal shall not be required to receive a super-majority vote from the City Council in order to be

approved. Within 14 calendar days of the action by the Commission, the appellant shall notify the Director of Planning in writing of the desire to appeal the decision of the Commission to the City Council. The Director of Planning shall prepare a report and place the site plan on the agenda for consideration by the Council.”

Section 45. That the Code of Ordinances, City of McKinney, Texas, Section 146-137(d)(1) of the Zoning Ordinance, is hereby amended and shall read as follows:

“(1) Residential zoning districts (RED-1, RED-2, RS SM, 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.”

Section 46. That the Code of Ordinances, City of McKinney, Texas, Section 146-139 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-139. Architectural and Site Standards.**

(a) *Purpose.* The purpose of this section is to set minimum standards for the appearance of non-residential, attached single family residential, and multi-family buildings and corresponding site elements, which are recognized as enhancing property values and are in the interest of the general welfare of the City.

(b) *Definitions.*

- (1) *Wall* means an upright structure of masonry, wood, plaster, or other building material that connects a floor to a ceiling or a foundation to a roof to enclose, divide, or protect an area. A wall may also mean a vertical plane that typically extends horizontally and is installed perpendicular to the finished grade of a property forming an inner partition or exterior siding of a building.
- (2) *Window* means any transparent or translucent panel in an otherwise opaque wall surface, except as otherwise defined herein. Glass

curtain wall systems and glass store fronts that extend from a building's foundation to its roofline are not windows.

(c) *Scope and enforcement.*

- (1) The standards and criteria contained within this section are deemed to be minimum standards and shall apply to buildings constructed after the effective date of the ordinance from which this section is derived. Buildings constructed after the effective date of the ordinance from which this section is derived, shall at all times comply with the provisions of this section in force at the time of the building permit application.
- (2) After the effective date of the ordinance from which this section is derived, when a change is proposed in the uses of a permitted building, the additional architectural and site standards apply as follows:
  - a. If a certificate of occupancy has previously been issued for the building, the additional provisions of this section shall be waived. For example, a previously occupied single family residence may be converted to a multi-family residence without meeting the provisions of subsection (l)(3)a, multi-family projects, of this section. All other sections of this chapter and all other applicable ordinances must be complied with.
  - b. If a certificate of occupancy has never been issued for the building, all provisions of this section must be met prior to issuance of a certificate of occupancy. For example, a metal and masonry warehouse in an industrial district, which has never been issued a certificate of occupancy for that use may not be converted to a retail store unless provisions of subsection (l)(3)e of this section, other uses in industrial districts, of this section have been complied with.
  - c. Upon request by an applicant, the City Council may approve a waiver of all or part of the provisions of this section, architectural and site standards. Prior to consideration of the waiver, a public hearing shall be held, with notice given according to the procedure for a change in a zoning district location or boundary.
- (3) Provisions of this section shall not apply to the following:
  - a. Applicable design standards related to historic preservation in the downtown commercial historic district and the historic preservation overlay district shall take precedence over the standards and criteria contained in this section;
  - b. Portable buildings for religious institutions or private schools, which may be allowed for a period not to exceed 30 months;
  - c. Portable buildings for public schools, which may be allowed indefinitely;
  - d. Temporary uses as defined under section 146-42;
  - e. 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

- f. 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.
- (d) *Conflicts with other ordinances.* All applicable provisions of the Zoning Ordinance, Subdivision Ordinance, building codes, and other ordinances shall apply. Where provisions of the Zoning Ordinance or other ordinances conflict with this section, the more restrictive provision shall control.
- (e) *Conflicts with planned development district ordinances.* Where provisions of a Planned Development District ordinance specify architectural or site elements requirements for a project, provisions of both the Planned Development District ordinance and this section shall be complied with in the development of the project. Where a direct conflict between the provisions of the Planned Development District ordinance and this section exists, the more specific provisions of the Planned Development District ordinance shall control.
- (f) *Waivers.* When a property owner can show that a strict application of the terms of this section relating to architectural or site standards will impose upon him unusual and practical difficulties, particular hardship, or if unique circumstances exist which prevent strict adherence to the regulations contained herein, a waiver from the strict application of this section may be granted by the Board of Adjustment; provided that:
  - (1) Unique circumstances exist on the property that make the application of this section unduly burdensome on the applicant;
  - (2) The waiver will have no adverse impact on current or future development;
  - (3) The waiver is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
  - (4) The waiver will have no adverse impact on the public health, safety, and general welfare;
  - (5) A financial hardship shall not be considered a basis for the granting of a waiver.
- (g) *Permitting and occupancy.*
  - (1) No development permit of any kind shall be issued for any development subject to the provisions of this section until an architectural and site standards plan, which meets or exceeds the standards set forth herein has been approved by the Chief Building

Official or designee according to the procedure in subsection (l)(2) of this section.

(2) A certificate of occupancy shall not be issued for any development, which is required to meet the provisions of this section unless it is constructed in accordance with the approved architectural and site standards plan.

(h) *Noncompliance.* If at any time after the issuance of a certificate of occupancy the building exterior or site is altered in such a manner as to modify any element of the approved architectural and site standards plan, the Chief Building Official shall issue a notice of noncompliance to the owner, citing the violation and describing action required to comply with this section.

(1) The owner, tenant, and/or agent shall, within 30 days of said notice:

- a. Submit revised plans, which meet standards outlined in this section; or
- b. Make reasonable progress toward restoring the building and site to its approved form, or, if no progress can be made within 30 days due to weather or other factors, receive a waiver from the Chief Building Official for this requirement.

(2) If, within 90 days of the date of notice of noncompliance, full restoration in compliance with original or revised and approved plans has not been made, the owner, tenant, and/or agent shall be held in violation of this section.

(i) *Architectural and site elements standards application and approval.*

(1) *Application.*

a. Along with submission of application for any building permit necessary for the development or redevelopment of property subject to the provisions of this section, sufficient information shall also be submitted to evaluate the architectural and site standards criteria outlined in this section, as applicable. The information shall include:

1. A site plan showing the building footprint and all necessary site elements in sufficient detail to demonstrate compliance with this section, as applicable;

2. Color elevations with finishing materials indicated and the following standard notation provided:

“A minimum 50 percent of each wall, regardless of its size or visibility in the proposed elevation, shall be covered with a masonry finishing material as defined by the Zoning Ordinance. Additional percentages of masonry finishing materials must be provided on walls longer than 24 inches as prescribed in Section 146-139 of the Zoning Ordinance.”

3. All other information deemed necessary to verify compliance with this section.

(2) *Approval process.* The architectural and site standards elements shall be reviewed and approved by a designee of the Chief Building Official unless otherwise noted below:

- a. *Meritorious exception.* It is not the intent of this section to discourage innovation. An architectural and site design that does not conform with the specific requirements of this section, but which has merit by making a positive contribution to the visual environment and which is appropriate to the site and use, may be submitted for consideration as a meritorious exception.
1. An applicant for a meritorious exception shall submit:
    - (i) All items required for the architectural and site standards application;
    - (ii) A written description of the nature of the meritorious exception and the compelling reasons that prevent the applicant from meeting the minimum standards set forth herein; and
    - (iii) Color renderings of all elevations.
  2. The application for a meritorious exception shall be reviewed by staff and a report of findings shall be prepared and submitted to the Planning and Zoning Commission. If the applicant is not in agreement with the decision of the Planning and Zoning Commission, the applicant may, within 21 days of the Planning and Zoning Commission action, request in writing to the Director of Planning that the meritorious exception be appealed to the City Council. Prior to consideration of an application for a meritorious exception, the Planning and Zoning Commission shall hold a public hearing, with notice given according to the procedure for a change in a zoning district location or boundary. In considering the request, the Planning and Zoning Commission shall consider the following factors in determining the extent of any exception granted:
    - (i) The extent to which the application meets other specific standards of this chapter;
    - (ii) The extent to which the application meets the spirit and intent of this chapter through the use of building materials, colors, and facade design to create a building of exceptional quality and appearance;
    - (iii) The positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project, which could be built in conformance with standards of this section; and
    - (iv) The extent to which the proposed project accomplishes City goals as stated in the comprehensive plan or other approved document.
  3. A meritorious exception shall not be granted to serve as a convenience to the applicant, or for reasons related to economic hardship.

(3) *Standards for approval.* The designated approval authority or authorities shall evaluate the architectural and site standards plan in accordance with the following criteria:

a. Multi-family projects shall be approved if all the following criteria are met:

1. All buildings, including covered or enclosed parking, shall have a pitched roof with a 4:12 minimum pitch or a flat roof with parapet walls.
2. The exterior finish on each wall of every multi-family structure shall be a minimum of 85 percent brick, stone, or synthetic stone materials, with the remaining 15 percent of each side being wood lap siding, vinyl siding, stucco, cast concrete modular siding, or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited. The area of exterior finish shall be calculated exclusive of doors and windows.
3. Walls located within interior courtyards shall be a minimum of 50 percent brick, stone, or synthetic stone materials, with the remaining 50 percent of each side being wood lap siding, vinyl siding, stucco, cast concrete modular siding, or EIFS.
4. 100 percent of total exterior building surfaces (exclusive of glass) shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earth-tone colors (including approved finishing materials). Examples of acceptable colors include, but are not limited to burgundy, forest green, navy blue, eggplant, rust, or ochre. Subtle variations of such colors shall also be permitted.
5. All covered and enclosed parking shall be of similar and conforming architectural design and materials as the main multi-family structures.
6. All off-street parking areas shall be screened from view from public thoroughfares by one or more of the following:
  - (a) A combination of low masonry walls and earthen berms reaching a minimum of six feet tall;
  - (b) Earthen berms reaching a minimum of six feet tall;
  - (c) A six foot tall brick masonry, stone masonry, or other architectural masonry finish;
  - (d) A six foot tall primed and painted tubular steel or wrought iron fence with masonry columns spaced 20 feet on center with structural supports placed every 10 linear feet, and with sufficient evergreen landscaping to create a screening effect; or
  - (e) A multi-family residential building(s) that the off-street parking is serving.
7. All paving for drives, fire lanes, and parking shall be concrete and shall feature curbs.

8. All multi-family residential buildings located outside of the Regional Employment Center Overlay District shall be limited to two stories in height.
  9. Exterior stairways shall be covered with a roof, roof overhang, or porch and shall be incorporated into the architectural design of the building rather than appearing as an appendage to the building.
  10. Multi-family residential structures located outside of the Regional Employment Center Overlay District and within 150 feet of an adjacent single family residential use or zone shall be situated so that no exterior facing window is oriented towards said adjacent single family residential use or zone. Windows, for the purposes of this subsection, shall be defined as any transparent panel in an otherwise opaque wall surface.
- b. *Single family (attached and detached) and duplex residential projects.* Single family and duplex residential structures shall be approved if all the following requirements are met. The following requirements shall not be applicable to structures in the “H” – Historic Preservation District or the “CHD” – Commercial Historic District.

1. Residential Unit Architectural Design Requirements.

- a. The following exterior finishing materials shall be required for all single family and duplex residential units located outside the “H” and “CHD” zoning districts:
  - i. Front elevation: 100 percent of this elevation shall be finished with masonry materials to include brick, stone, synthetic stone, or stucco. However, no more than 50 percent of this elevation shall be finished with stucco.
  - ii. Side elevation: 75 percent of this elevation shall be finished with masonry materials to include brick, stone, synthetic stone, or stucco. The remaining 25 percent may be finished with wood lap siding, vinyl siding, cast concrete modular siding, or EIFS. However, no more than 50 percent of this elevation shall be finished with stucco. Sheet siding fabricated to look like wood lap siding is prohibited.
  - iii. Rear elevation: 50 percent of this elevation shall be finished with masonry materials to include brick, stone, synthetic stone, or stucco. The remaining 50 percent may be finished with wood lap siding, vinyl siding, cast concrete modular siding, or EIFS. However, no more than 50 percent of this elevation shall be finished with stucco. Sheet siding fabricated to look like wood lap siding is prohibited.

- iv. Walls provided in conjunction with an architectural element which is located above the roof line (example: walls for dormers) may only be finished with brick, stone, synthetic stone, stucco, wood lap siding, vinyl siding, cast concrete modular siding, or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
  - v. The percentages contained herein are to be calculated exclusive of doors and windows.
- b. All single family and duplex residential units located outside the “H” and “CHD” zoning districts shall be required to provide at least three of the following architectural elements:
- i. 100 percent of each elevation is finished with a masonry finishing material (excluding stucco);
  - ii. The front facade contains two types of complementary masonry (excluding stucco) finishing materials with each of the materials being used on at least 25 percent of the front facade;
  - iii. A minimum of 10 percent of the unit’s front facade features patterned brick work, excluding soldier or sailor brickwork provided in association with a door or window;
  - iv. No pitched roof plane with a horizontal length of longer than 20 feet exists;
  - v. The unit only features one-car garage doors that have a carriage style design. These doors typically feature vertical slats, high windows, antiqued hardware, and additional detailing to give the appearance of swinging or sliding doors;
  - vi. The unit’s chimney is finished on all sides with 100 percent masonry finishing materials (excluding stucco);
  - vii. A minimum of three offsets in the front façade measuring at least two feet deep are provided or a minimum of one offset in the front façade measuring at least five feet is provided;
  - viii. The unit features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
  - ix. A covered front porch which is at least 100 square feet in area is provided;

- x. A covered back porch which is at least 200 square feet in area is provided;
  - xi. At least one dormer is provided for each roof plane over 500 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;
  - xii. All windows facing a street feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window; or
  - xiii. All ground level mechanical, heating, ventilation, and air conditioning equipment is completely screened by an opaque screening device that is at least six feet tall.
- c. *Industrial uses in industrial districts.* When a use (i) is proposed in an “ML” district, an “MH” district, or a Planned Development District designated for an industrial use, or (ii) is categorized in the schedule of uses under "Industrial and Manufacturing Uses," or (iii) is an accessory office comprising less than 50 percent of such a principal industrial use, such use shall be approved if all of the following criteria are met:
- 1. One hundred percent of each exterior wall surface (excluding doors, windows, and trim) facing a public street shall be finished with brick, stone, synthetic stone, stucco, EIFS, architectural CMU, or architecturally finished concrete tilt-wall construction.
  - 2. Other walls may have a metal exterior.
  - 3. Exterior wall area shall be calculated exclusive of doors and windows.
  - 4. Any building three stories or greater in height must be set back from adjacent residential property at least two feet for every one foot of building height.
- d. *Airplane hangars.* When more than 50 percent of a structure is intended for use as an airplane hangar, all walls may be metal.
- 1. A uniform color scheme shall be provided for all airplane hangars around each taxiway. The color scheme shall be established by the developer of the first hangar to be constructed around each taxiway as part of the architectural approval for said building at time of application for a building permit.
  - 2. Colors shall be neutrals, creams, pastels, or deep, rich, nonreflective natural or earthtone colors.
  - 3. No more than one color shall be used for visible roof surfaces. No more than one color may be used for wall surfaces, exclusive of one accent color.
- e. *Other uses in industrial districts.* Other uses proposed in “ML” or “MH” districts, or portions of planned development districts

designated for industrial use, shall be approved if the following criteria are met:

1. One hundred percent of each exterior wall facing a public street shall be finished with brick, stone, synthetic stone, stucco, EIFS, architectural CMU, or architecturally finished concrete tilt-wall construction.
  2. No walls shall have a metal exterior.
  3. Area of exterior wall shall be calculated exclusive of doors and windows.
- f. *Other non-residential uses in non-industrial districts.* Other non-residential projects in non-industrial districts shall be approved if the following are met:
1. *Exterior finishing materials.*
    - a. At least 75 percent of each exterior wall that extends 24 inches or greater shall be covered with a masonry finishing material as defined herein. At least 50 percent of all other exterior walls must be covered with a masonry finishing material as defined herein. Acceptable masonry finishing materials are brick, stone, or synthetic stone materials, including, but not limited to, slate, flagstone, granite, limestone and marble. The balance of any exterior finishing material shall be stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall construction, architectural metal finishing materials including, but not limited to aluminum bonded panels or metal accents (not including corrugated metal), or glass curtain wall systems for multi-story office or retail buildings. Windows and doors shall be excluded from calculation of area.
    - b. Covered or enclosed parking shall have pitched roofs (4:12 roof pitch or steeper), shall be architecturally similar and conforming to the main structure in design and materials, and have 100 percent brick, stone, or synthetic stone on all exterior surfaces except the roof, fascia, or soffits.
  2. *Exterior color.*
    - a. At least 90 percent of total exterior building surfaces (exclusive of glass) shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earthtone colors (including approved masonry materials). Examples of acceptable colors include, but are not limited to, burgundy, forest green, navy blue, eggplant, rust, or ochre. Subtle variations of such colors shall also be permitted.
    - b. No more than ten percent of the total exterior building surface (exclusive of glass) shall be bright, reflective, pure tone primary or secondary colors used as accent colors on door and window frames, moldings, cornices, canopies, awnings,

etc. Examples of acceptable accent colors include, but are not limited to, red, orange, gold, royal blue, violet, or green. Subtle variations of such colors shall also be permitted.

- c. No high intensity colors, neon colors or fluorescent colors shall be used on exterior surfaces of the building.
- d. No more than six (6) colors shall be used; however, natural, unaltered materials such as brick or stone used on the building shall not be counted toward the maximum number of colors allowed.

### 3. *Building massing (major).*

- a. All buildings shall have at least one major offset on each elevation fronting on a public right-of-way:
  - i. The offset shall be either a projection from the primary facade or a recess in the primary facade;
  - ii. The offset shall be the full height of the wall;
  - iii. The length of the offset shall be a minimum of 20 percent of the length of the elevation; and
  - iv. The depth of the offset shall be a minimum of three feet for buildings up to 10,000 square feet. The depth of the offset shall be a minimum of three percent of the length of the elevation for buildings greater than 10,000 square feet.

### 4. *Building massing (minor).*

- (a) Structural or ornamental minor facade offsets of a minimum one foot deep and a minimum of two feet wide shall be constructed and the following provisions shall be true on each elevation facing a right-of way or property zoned or used for residential purposes:
  - (i) The combined width of the offsets shall be at least 20 percent but no greater than 50 percent of the total length of that elevation; and
  - (ii) The height of such offsets shall be equal to or greater than 75 percent of each elevation.

### 5. *Roof treatment.*

- a. A pitched roof of any style, including, but not limited to, hipped, gabled or shed roofs shall be acceptable. The roof must cover 100 percent of

the total roof area, excluding porches and porte-cocheres. No flat roof line shall be visible.

- b. A partial pitched roof of any style, including, but not limited to, a false mansard shall be acceptable. The roof shall be constructed around the entire perimeter of a building so that no flat roof shall be visible.
  - c. A parapet wall shall be acceptable if constructed around the entire perimeter of a building so that no flat roof shall be visible.
  - d. Standing seam metal roofs, which meet all the criteria of this section shall be acceptable.
  - e. No more than one color shall be used for visible roof surfaces, however, if more than one type of roofing material is used, the materials shall be varying hues of the same color.
6. *Additional architectural features.* In addition to satisfying all of the above requirements, all buildings shall be required to satisfy at least one of the following architectural design concepts:
- a. *Overhang enhancements.* A covered porch shall extend a minimum of six feet (6') deep beyond the primary facade. This covered porch shall be an uninterrupted length of at least twelve feet (12').
  - b. *Doors and windows.* Doors and windows must comprise at least ten percent but no more than 75 percent of the total surface area of each elevation visible from a public right-of-way.
  - c. *Exterior glass.* The maximum reflectivity of all exterior glass is less than or equal to 27 percent.
  - e. *Porte-cocheres, canopies and awnings.* A comprehensive awning plan shall be submitted. The plan shall include color renderings and sufficient canopies and/or awnings to significantly alter the appearance of the structure by creating shadows and changes in planes. The awning plan shall indicate:
    - i. A porte-cochere or canopy (column supported or wall and column supported); and/or
    - ii. Wall-supported awnings of minimum three feet depth for doors and/or windows.
  - d. *Decorative ornamentation.* A comprehensive ornamentation plan shall be submitted. The plan shall include color renderings and sufficient ornamental features to make a significant impact on the visual interest and decorative enhancement of the structure. To receive credit

for this architectural concept, at least three of the following items must be provided:

- i. Cast stone, limestone, or other decorative masonry headers and sills at all windows and doors;
- ii. Corbeled brickwork for decorative effect on pilasters, cornices, and other architectural detailing;
- iii. Patterned brickwork of varying types or natural shades;
- iv. Decorative exposed columns, beams or other structural members; and
- v. Applied ornamentation such as cornices, medallions, or similar detailing.”

Section 47. That the Code of Ordinances, City of McKinney, Texas, Section 146-141 of the Zoning Ordinance, is hereby established and shall read as follows:

**“Sec. 146-141. Residential Development Design Requirements.**

- (a) *Purpose.* The purpose of this section is to set minimum standards for the appearance and design of single family residential developments, which is recognized as enhancing property values and are in the interest of the general welfare of the City.
- (b) *Applicability.* The regulations contained in this section shall apply to all single family residential (attached and detached) developments for which a plat is submitted for review and approval on or after the effective date of the ordinance from which this section is derived (November 12, 2012), unless otherwise stated by this Chapter or a valid “PD” – Planned Development District. The term “plat” as used herein means and includes a preliminary-final plat, preliminary-final replat, minor plat, and a minor replat.
- (c) *Standards for approval.* All single family (attached and detached) residential developments shall satisfy all of the following requirements:
  1. Developments outside of the “REC” – Regional Employment Center Overlay District must be segmented into smaller, more distinct neighborhoods and villages through the use of common areas, active and passive open spaces, residential screening and buffering improvements, street layout, and/or lot orientation. These neighborhoods shall be no larger than 50 acres or 175 lots in size, whichever measure is smaller. An increase in the maximum area (50 acres) or maximum number of lots (175) by up to and including 20 percent may be permitted by the Planning and Zoning Commission provided the intent of this section is satisfied and the desired character is preserved.
  2. For neighborhoods outside of the “REC” – Regional Employment Center Overlay District that exceed 50 lots, at least one of the entrances to the neighborhood shall feature a divided entrance containing a landscaped median separating the traffic entering the neighborhood from the traffic exiting the neighborhood. The required median shall be provided within a common area that is owned and maintained by the homeowners’ association and shall feature all of the following:
    - i. The dividing median shall be at least 8 feet wide and at least 50 feet long (measured from back of curb to back of curb). The median

and its plantings shall not be permitted to interfere with necessary sight visibility lines;

- ii. At least one canopy tree for every 50 linear feet that the median extends (in length);
  - iii. At least two ornamental trees for every 50 linear feet that the median extends (in length); and
  - iv. The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in Section 146-135(e)(2) of the Zoning Ordinance. Non-living materials including, but not limited to concrete, pavers, stone, decomposed granite, or similar materials may be utilized for secondary design elements, sidewalks, and/or crosswalks.
  - v. The City Engineer and/or Fire Marshal shall be permitted to allow deviations to these standards as needed on a case by case basis to facilitate proper vehicular access, emergency access, sight visibility, and other related engineering design or life safety principles.
3. A minimum of 60 percent of a property's frontage on a natural area such as a creek and/or lake that includes public participation of any kind (e.g.: NRCS lakes) shall feature single loaded streets adjacent to them. A single loaded street shall mean a street that only features houses with related driveways on a single side.
  4. Lots that are less than 50 feet in width shall not provide any front-entry off-street parking (including drives, garages, and carports).

(d) *Meritorious Exception.*

1. If unique circumstances that exist on the property or an innovative design prevents strict adherence with this Section 146-141, the Planning and Zoning Commission shall consider, upon the request of the applicant and following a properly noticed public hearing, the approval or disapproval of a meritorious exception from identified portions of this Section 146-141 in conjunction with the platting of such property in accordance with Chapter 142 (Subdivision Regulations) of the Code of Ordinances.
2. Prior to considering a meritorious exception from the requirements of this section or an appeal of the Planning and Zoning Commission's action regarding a meritorious exception, written notice of a required public hearing shall be sent to all property owners according to the procedures for a change in a zoning district location or boundary. Such notice may be served using the most recently approved municipal tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail.
3. The applicant for a meritorious exception shall prove that the meritorious exception from these requirements is warranted under the circumstances presented. A meritorious exception may be granted if the Planning and Zoning Commission finds that:
  - i. Unique circumstances exist on the property or an innovative design is proposed that make the application of this section unduly burdensome on the applicant;

- ii. The meritorious exception will have no adverse impact on current or future development;
  - iii. The meritorious exception is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
  - iv. The meritorious exception shall not reduce the quality of the development; and
  - v. The meritorious exception will have no adverse impact on the public health, safety and general welfare.
  - vi. A financial hardship shall not be considered a basis for the granting of a meritorious exception.
4. Action by the Planning and Zoning Commission regarding a requested meritorious exception may be appealed to the City Council. Within 14 calendar days of the action by the Commission, the appellant shall notify the Director of Planning in writing of the desire to appeal the decision of the Commission to the City Council. The Director of Planning shall prepare a report and place the appeal on the agenda for consideration by the Council.”

Section 48. That the Code of Ordinances, City of McKinney, Texas, Section 146-162 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. 146-162. - Administrative official.**

- (a) The provisions of this chapter shall be administered and enforced by the Director of Planning, unless otherwise specified herein.
- (b) The Director of Planning, Chief Building Official, or their designee shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter.
- (c) Whenever any construction work is being done contrary to the provisions of this chapter, the Director of Planning, Chief Building Official, or their designee may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director of Planning, Chief Building Official, or their designee to proceed with the work.”

Section 49. That the Code of Ordinances, City of McKinney, Texas, Section 146-164(6) of the Zoning Ordinance, is hereby amended and shall read as follows:

“(6) *Limitation on resubmission of petition.* No rezoning, amendment, supplement, change, or repeal of any section of this chapter, which has been legally rejected by the city council shall be again considered either by the planning and zoning commission or the city council before the expiration of one year from the date of the original action. If a denied rezoning, amendment, supplement, change or repeal of any section of this chapter is substantially changed from its original form, it may be reconsidered immediately. The director of planning shall determine if a rezoning, amendment, supplement, change or repeal of any section of this chapter is substantially changed on a case by case basis. If the director of planning determines that a request is not substantially different, the requestor may appeal the director of planning’s determination to the city council.”

Section 50. That the Code of Ordinances, City of McKinney, Texas, Section 146-

165(3) of the Zoning Ordinance, is hereby amended and shall read as follows:

“(3) Powers and duties of board.

- a. Subpoena witnesses, etc. The board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.
- b. Appeals based on error. The board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the chief building official and/or director of planning in the enforcement of this chapter.
- c. Special exceptions. The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required to pass as follows or elsewhere in this chapter:
  1. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties;
  2. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare;
  3. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this section is derived; and
  4. Permit the reconstruction of a nonconforming building, which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its total appraised value as determined by the Collin Central Appraisal District, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
- d. Variances. The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.
- e. Changes. The board shall have no authority to change any provisions of this chapter and its jurisdiction is limited to hardship and borderline cases, which may arise from time to time. The board may not change the district designation of any land either to a more restrictive or less restrictive zone.”

Section 51. That the Code of Ordinances, City of McKinney, Texas, the Title of Appendix C of the Zoning Ordinance, is hereby amended and shall read as follows:

**“APPENDIX C. - HISTORIC DISTRICT AND CORRIDOR COMMERCIAL MAPS”**

Section 52. That the Code of Ordinances, City of McKinney, Texas, Appendix F, Section F-1 of the Zoning Ordinance, is hereby amended and shall read as indicated in Exhibit A, attached hereto.

Section 53. That the Code of Ordinances, City of McKinney, Texas, Appendix F, Section F-4 of the Zoning Ordinance, is hereby amended and shall read as follows:

**“Sec. F-2. - Reserved.”**

Section 54. That the Code of Ordinances, City of McKinney, Texas, Appendix F, Section F-4 of the Zoning Ordinance, is hereby amended and shall read as indicated in Exhibit B, attached hereto.

Section 55. 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 56. 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 57. 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 5<sup>TH</sup> DAY OF NOVEMBER, 2012.**

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_

MARK S. HOUSER  
City Attorney

Sec. F-1. Schedule of areas, densities, heights, lot coverages, setbacks, and yards.

Zoning Districts	Areas, Densities, Heights, Lot Coverages, Setbacks, and Yards										
	Minimum lot area	Minimum lot width	Minimum lot depth	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	Maximum height of structure	Maximum lot coverage	Maximum density (dwelling units per acre)	
AG	10 acre	150'	n/a	35'	35'	20'	25'	35'	n/a	n/a	
RED-1	1 acre	150'	150'	25' (3)	25'	20'	25'	35'	n/a	1.0	
RED-2	2 acre	200'	200'	25' (3)	25'	20'	25'	35'	n/a	0.5	
RS SM	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	
RS 120	12,000 sq. ft.	80'	120'	20' (3)	15'	10'	15'	35'	n/a	3.5	
RS 84	8,400 sq. ft.	70'	110'	20' (3)	15'	10'	15'	35'	n/a	5.0	
RS 72	7,200 sq. ft.	60'	100'	20' (3)	15'	6'	15'	35'	n/a	6.0	
RS 60	6,000 sq. ft.	50'	100'	20' (3)	15'	5'	15'	35'	n/a	7.0	
RS 45	4,500 sq. ft.	40'	100'	20' (3)	15'	10' building separation	15'	35'	n/a	8.0	
RD 30	6,000 sq. ft.	50'	100'	20'	20'	7'	15'	35'	n/a	14.5	
RG 27	2,700 sq. ft.	25'	100'	20'	20'	14' between building ends	15'	35'	n/a	14.5	
RG 25	2,500 sq. ft. per unit	50'	100'	20'	20'	7'	25'	35'	n/a	17.0	
RG 15 (18)	3,600 sq. ft. per unit	60'	100'	35'	45'	45'	35'	35' (2 stories)	50%	24.0	
MF-1	3,600 sq. ft. per unit	60'	100'	35'	45'	45'	35'	35' (2 stories)	50%	12.0	
MF-2	2,700 sq. ft. per unit	60'	100'	35'	45'	45'	35'	35' (2 stories)	50%	16.0	
MF-3	2,100 sq. ft. per unit	60'	100'	35'	45'	45'	35'	35' (2 stories)	50%	20.0	
MP	(1)	(1)	(1)	(1)	(1)	(1)	(1)	35'	n/a	8.0	
NC	7,500 sq. ft.	50'	n/a	15'	0'	0'	n/a	35'	40%	n/a	
BN	7,500 sq. ft.	50'	n/a	15'	0'	0'	n/a	35'	70%	n/a	
BG	10,000 sq. ft.	50'	n/a	25'	0'	0'	n/a	45'	95%	n/a	
C	10,000 sq. ft.	100'	n/a	25'	0'	0'	n/a	55' (4)	50%	n/a	
O-1	7,500 sq. ft.	50'	n/a	15'	0'	0'	n/a	35'	50%	n/a	
O	10,000 sq. ft.	100'	100'	25'	0'	0'	n/a	55' (4)	50%	n/a	
BC	10,000 sq. ft.	100'	100'	25'	0'	0'	n/a	45'	70%	n/a	
ML	10,000 sq. ft.	100'	100'	25'	0'	0'	n/a	n/a	75%	n/a	
MH	10,000 sq. ft.	100'	100'	25'	0'	0'	n/a	n/a	50%	n/a	
AP	n/a	n/a	n/a	25'	(1)	(1)	n/a	n/a	n/a	n/a	
GC (1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	
PD	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	
MTC (1)	n/a	n/a	n/a	0'	0'	0'	0'	55'	(1)	n/a	
CHD (1)	n/a	n/a	n/a	0'	0'	0'	0'	55'	100%	n/a	

- Notes:
- (1) See district regulations.
  - (2) Established by ordinance.
  - (3) A 10 foot encroachment zone shall be permitted between the building setback and the property line in which porches, patios, and similar structures may be constructed.
  - (4) The maximum building height may be increased to a maximum height of 75 feet if each building setback is increased by two feet for every foot of increased building height.

EXHIBIT A

SCHEDULE OF USES

Type Use	AG	RED-1	RED-2	RS SM	RS 120	RS 84	RS 72	RS 60	RS 45	RD 30	RG 27	RG 25	RG 15 [10]	MF-1	MF-2	MF-3	MP	NC	BN	BG	C	O-1	O	BC	ML	MH	AP	GC	MTC	CHD					
<b>Residential Uses</b>																																			
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	S	S	S	S	S	S	S	S	S	S	S				
Boardinghouse or rooming house (13)																																			
Dormitories		S	S	S	S																														
Independent living facility (retirement community) (45)																																			
Mobile home park (See Ch. 138, Art. III) (56)																																			
Multiple family dwelling (apartment) (59)																																			
Multiple family dwelling, senior (senior apartment) (59)																																			
Multiple family dwelling, senior (senior apartment) (59)																																			
Single family dwelling (attached) (89)				*										*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
Single family dwelling (detached) (90)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
Two family dwelling (duplex) (101)																																			
Watchman, caretaker, or servant's quarters	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
<b>Educational and Institutional Uses</b>																																			
Assisted living facility, nursing home, or rest home (6)	S																																		
Cemetery	S																																		
College or university	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Day care (25)																																			
Fraternities organization, lodge, civic club (38)																																			
Hospital (43)																																			
Museum, library, art gallery (public) (80)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Museum, library, art gallery (private) (61)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Place of worship (74)																																			
School, business or trade (87)																																			
School, public, private or parochial (89)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
<b>Utility and Incidental Uses</b>																																			
Local utility line or utility distribution lines; Telephone exchange (no garage or shop)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Private utilities (78)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Public building, shop, or yard (79)	S																																		
Public utilities (80)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
<b>Recreational and Entertainment Uses</b>																																			
Amusement, commercial (indoor) (4)																																			
Amusement, commercial (outdoor) (5)	T																																		
Carnival or circus																																			
Fitness club, gymnasium, gymnastics, or similar use																																			

EXHIBIT B

Type Use	AG	RED-1	RED-2	RS SM	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	CHD			
Private club (See Ch. 138, Art. II, Sec. 146-41) (77)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
Recreation area (private) (81)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
Recreation area (public) (82)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
Seasonally oriented business (See Ch. 138, Art. V)																																	
<b>Transportation, Automobile, and Related Uses</b>																																	
Airport or landing field, and aircraft hanger																																	
Automobile, light truck, all terrain vehicle, motorcycle (sales, service, rental, repair, paint, or storage)																																	
Bus station																																	
Car Wash (See Sec. 146-41(11a)) (18)																																	
Fueling station or gasoline station (subject to section 146-84) (40)																																	
Helispot or heliport (42)	*																																
Motor and railroad freight terminal and team truck																																	
Parking garage or lot (70)																																	
Parking lot (truck) (71)																																	
Private street development (See Ch. 142, Art. VIII)																																	
Railroad track or right-of-way	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Taxi or shuttle service																																	
Tire recycling																																	
Truck (heavy), recreational vehicle, and boat (sales, storage, paint, rental, repair, or service)																																	
Truck stop (100)																																	
<b>Commercial Type, Retail, and Service Uses</b>																																	
Banks and financial institutions																																	
Building materials sales, lumber yard or monument sales																																	
Check cashing, payday loan, or similar uses																																	
Cleaning plant (laundry) (22)																																	
Cleaning and pressing shop (small shop and pickup) (21)																																	
Exterminator	*																																
Farmers market (32)	*																																
Farm implement, heavy machinery, or equipment sales, service, rental, repair, or storage	S																																
Field office (34) 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	T	T	T	T	T	T
Funeral homes and mortuaries																																	
Greenhouse or plant nursery	*																																
Hotel or motel (44)																																	
Mobile home display and sales																																	
Office and medical office use																																	
Office/retail warehouse flex space (54)	S																																

Type Use	AG	RED-1	RED-2	RS SM	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	CHD	
Paranishops																															
Personal services (74)	*																		S	*	*	*	*	*	*	*	*	*	*	*	
Pet store, kennel, animal boarding (no outside runs)																			S	*	*	*	*	*	*	*	*	*	*	*	
Pet store, kennel, animal boarding (outside runs)	S																		S	*	*	*	*	*	*	*	*	*	*	*	
Psychiatric/paranormal readings																															
Radio or TV broadcast studio																															
Retail store																															
Restaurant or cafeteria (carry-out only) (84)																			*	*	*	*	*	*	*	*	*	*	*	*	
Restaurant or cafeteria (indoor service) (85)																			*	*	*	*	*	*	*	*	*	*	*	*	
Restaurant or cafeteria (including drive-through window or drive-in service) (85)																			S	S	S	S	S	S	S	S	S	S	S	S	
Studios, photo, music, art, dance, dojo, health, etc.																			S	*	*	*	*	*	*	*	*	*	*	*	
Tattoo Parlor																															
Upholstery shop																															
Veterinarian (no outside runs)	*																		*	*	*	*	*	*	*	*	*	*	*	*	
Veterinarian (with outside runs)	S																		S	*	*	*	*	*	*	*	*	*	*	*	
<b>Industrial and Manufacturing Uses</b>																															
Brewery or Distillery																															
Carpentry, furniture, kitchen countertop, or sign fabrication																															
Concrete or asphalt batch plant																															
Contractor's yard	S																														
Dirt or topsoil extraction, sand and gravel mining or storage	S																														
Fat rendering, animal reduction																															
Food processing																															
Forestry, mining and oil/gas drilling uses	S																														
Forge plant																															
Indoor gun range (45)																															
Industrial and manufacturing plants (apparel, drugs and pharmaceuticals, electronic, plastic, or similar products manufacture)																															
Industrial and manufacturing plants (acid, cement, chemicals, fertilizer, gypsum, lime, paper or pulp, or similar products manufacture)																															
Junk or salvage yard (47)	S																														
Machine shop, metal fabrication, or welding																															
Mini-warehouse/public storage (See Sec. 146-4-11)	S																				S	S									
Open storage (68)																															
Printing plant																															
Recycling center																															

EXHIBIT B

Type Use	AG	RED-1	RED-2	RS SM	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	CHD	
Refining or storage (petroleum products, gas, butane, propane)																															
Sanitary landfill																															
Smelting of ores or metals																															
Soda drink bottling plant																															
Warehousing																															
Winery	*																														
<b>Agricultural and Related Uses</b>																															
Agricultural and ranching uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Creamery (dairy products)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Farm, orchard or truck garden (31)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Hatchery (poultry), egg farm, feed lot	S																														
Livestock auction (50)	S																														
Riding Academy	*																														
Rodeo	S																														
Stable, commercial (21)	*																														
Stable, private	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Stockyards or slaughterhouse	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

- Footnotes for Commercial Historic District ("CHD") and the McKinney Town Center District ("MTC"):
  - N-1 Above ground level only.
  - N-2 The shop or yard portion of the public building land use shall not be permitted in the Commercial Historic District (CHD)

- The following is the legend for interpreting schedule of uses (Sec. 146-66):
 

*	Use is permitted by right.
S	Use is prohibited.
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 Zoning Regulations.
- For a listing of uses allowed in a specific "PD" – Planned Development District, please contact the City of McKinney's Planning Department.

**EXHIBIT B**