

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

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

(1) *Height.*

- a. In the districts where the height of buildings is restricted to two or 2½ or three stories, cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed 40 feet above the average grade line of the building. Water standpipes and tanks, church steeples, domes, spires, school buildings, and institutional buildings may be erected to exceed three stories in height; provided that one additional foot shall be added to the width and depth of the front, side, and rear yards for each foot that such structures exceed the required height. **This provision shall not apply to the MTC McKinney Town Center zoning district.**
- b. No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.
- c. In any district **(except the MTC McKinney Town Center zoning district)** where churches are allowed, the maximum height of the primary church structure may exceed the standard maximum height of the district; provided that:
 1. The maximum height of the primary church structure shall be 75 feet;
 2. The standard minimum setback for the district for the church property shall be increased by three feet for each additional one foot of building height in excess of the standard maximum height of the district;
 3. The minimum setback shall be 50 feet; and
 4. The first 25 feet from all property lines shall be reserved as a landscape buffer, with evergreen trees planted a minimum of every 40 feet.
- d. The maximum height of light poles shall be as follows:
 1. On tracts or lots over three acres in size, the maximum height for poles with lights is 30 feet.
 2. On tracts or lots less than three acres, the maximum height of poles with lights is 20 feet.
 3. For large retail and office developments that have a mix of lot sizes within them, the maximum height for poles shall be as allowed on the largest of the lots within the development.

4. Special lighting or lighting higher than 30 feet may be approved as specifically noted on a site plan.

5. In the MTC McKinney Town Center zoning district, the maximum height of poles with lights is 20 feet.

(2) *Front yards.*

a. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see appendix E, illustration 9).

b. Where a building line has been established by plat or ordinance approved by the planning and zoning commission and the city council prior to the effective date of the ordinance from which this chapter is derived and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by the ordinance or plat.

c. Where a building line has been established by plat or ordinance approved by the planning and zoning commission and/or the city council after the effective date of the ordinance from which this chapter is derived and such building line requires a greater front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by the plat or ordinance.

d. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, support of a carport, or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 20 inches above the average grade of the yard (see appendix E, illustration 7).

e. Where lots have doubled frontage, running through from one street to another, a required front yard shall be provided on both streets unless a rear yard building line for accessory buildings has been established along one frontage on the plat or by ordinance, and identified as such, or a rear line screening area has been identified by a common area or easement, along one frontage on the plat, in which event only one required front yard need be observed (see appendix E, illustration 8).

f. Gasoline pump islands and other surface transfer of fuel points, such as fuel storage tank filling points, must be a minimum of ten feet from public rights-of-way lines, a minimum of 50 feet from residentially zoned property lines, and a minimum of ten feet from any other property line.

g. Where no front yard is required, all stairs, eaves, roofs, and similar building

extensions shall be located behind the front street right-of-way line or property line.

h. Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four feet, provided, however, that no supporting structure for such extensions may be located within the required front yard (see appendix E, illustration 7).

i. Where a future right-of-way line has been established for future widening or opening of a street upon which a lot abuts, then the width of a front, side, or rear yard shall be measured from the future right-of-way line of the street.

j. The open space in a required front yard of single family, duplex, or townhome districts shall not be diminished by paving with concrete, asphaltic concrete, or other similar smooth surfacing material, except in compliance with the following conditions:

1. Paving will be allowed for:

- (i) Sidewalks not more than six feet in width;

- (ii) A driveway to the street not more than 20 feet in width or the width of the garage or carport to which it provides access, whichever is greater;

- (iii) A loop driveway, from the street and returning to the street or alley, of not more than 20 feet in width; and

2. Total pavement area shall not exceed 75 percent of the required front yard.

k. Where any legally existing lot or parcel has no access to a public or private street, and where the lot or parcel fronts on an existing alley, a front yard of not less than one-half the required front yard shall be observed.

(3) *Corner lots.*

a. On a corner lot used for single family, two-family or mobile home dwellings platted after the effective date of Ordinance No. 1270 (December 15, 1981), both street exposures shall be treated as front yards, except where the corner lot is on a block face with no lots fronting on that street. In such cases, the street exposure shall be treated as a side yard; provided that a side yard of not less than 15 feet shall be observed (see appendix E, illustrations 4 and 5).

b. Front yards of lots with more than one frontage shall front the same street as the interior lots within the same block. For purposes of this requirement, an interior lot is one, which adjoins a street (public or private) on only one side (see appendix E, illustrations 4 and 5).

c. Where none of these conditions establish a specific street frontage as the front of the lot, the property owner, in the initial development of the property, may observe the front yard adjacent to the street frontage of his choosing. Henceforth, the front

yard so observed shall not be reduced below the requirements of this chapter.

(4) *Side yards.*

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

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

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

(5) *Minimum distances between specific uses.*

- a. No portion of a day care center site may be located within 300 feet of gasoline pumps or any other storage area for explosive materials.
- b. A private club shall be prohibited within 300 feet of the property line of any church, public or parochial school, hospital, extended care facility, or publicly owned park, except that the prohibition will not apply to property located within 300 feet of publicly owned parks if the city council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood. The 300-foot distance shall be determined by a measurement on the ground from the front door of the premises to be permitted to the nearest property line of the said church, public or parochial school, hospital, or publicly owned park.

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

DRAFT