

ORDINANCE NO. 2010-12-053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTERS 142 AND 146 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATIVE TO THE AMENDMENT OF MULTIPLE SECTIONS OF THE SUBDIVISION AND ZONING REGULATIONS; 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 Subdivision and Zoning Regulations 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 Subdivision and Zoning Regulations 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 142-9(28)(e) of the Subdivision Regulations, is hereby amended and shall read as follows:

(e) *Minor Replat* means a map, drawing or chart drawn to scale that modifies a platted lot(s) of record fronting onto an existing street and involves four (4) lots or less, does not require the creation of any new street, and does not require the extension of municipal facilities.

Section 2. That the Code of Ordinances, City of McKinney, Texas, Section 142-9(28)(g) of the Subdivision Regulations, is hereby amended and shall read as follows:

(g) *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 five (5) or more lots, or which requires the creation of any new street, or which requires the extension of municipal facilities.

Section 3. That the Code of Ordinances, City of McKinney, Texas, Section 142-38 of the Subdivision Regulations, is hereby amended and shall read as follows:

Sec. 142-38. Permits.

1. *Required.* A permit shall be obtained from the City before commencing any construction including, but not limited to, grading, paving, utility installation or foundation work. Permits may be issued in phases or groups depending on the applicant's development needs. All public improvements required by this chapter must be installed and accepted prior to filing a plat for record, unless otherwise specified in an approved facilities agreement or waived by approval of a variance.

2. *Types.*

- a. Building Permit. This permit allows for the installation of all proposed improvements, including but not limited to grading, utility installation, paving, and vertical construction. This permit is further referenced in Chapter 122 of the Code of Ordinances. This permit is often the final permit to be issued in the development process.
 - b. Development Permit. This permit allows for the installation of on-site and off-site public improvements. This permit is typically issued after a grading and erosion control permit and before a utility, paving, and/or foundation permit. This permit is typically issued to allow for the construction of required public improvements.
 - c. Grading and Erosion Control Permit. This permit allows the applicant to install erosion control measures and begin the earth-disturbing activities associated with the development of the subject property. This permit is often the first permit to be issued in the development process.
 - d. Utility, Paving, and/or Foundation Permit. This permit allows for the installation of on-site utilities, paving and building foundations. This permit may be issued as a single permit or may be issued individually depending on the applicant's development needs.
3. *Expiration.* All permits referenced herein shall expire two years after issuance. If construction has not been completed within the allotted two years, another permit shall be required and the required fees associated therewith shall be paid. If this provision conflicts with an expiration provision contained in another chapter, the more restrictive provision shall apply.

Section 4. That the Code of Ordinances, City of McKinney, Texas, Section 142-74(b)(3) of the Subdivision Regulations, is hereby amended and shall read as follows:

- (3) *Existing features outside subdivision.* The existing features listed in subsection (b)(2) of this section that are situated outside the proposed subdivision and within 200 feet of the perimeter thereof shall also be identified. Property lines and the names of adjacent subdivisions and/or the names of record of adjoining parcels of unsubdivided land shall be identified. Features situated outside the subdivision shall be appropriately distinguished from features situated within the subdivision.

Section 5. That the Code of Ordinances, City of McKinney, Texas, Section 142-74(b)(7) of the Subdivision Regulations, 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:
 - i. PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY
 - ii. 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.
 - 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:

i. PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY

ii. All proposed lots situated entirely outside the City's corporate limits and within the City's extraterritorial jurisdiction comply with 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 6. That the Code of Ordinances, City of McKinney, Texas, Section 142-75(a) of the Subdivision Regulations, 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:

i. PRELIMINARY-FINAL REPLAT FOR REVIEW PURPOSES ONLY

ii. 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.

(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:

i. PRELIMINARY-FINAL REPLAT FOR REVIEW PURPOSES ONLY

ii. All proposed lots situated entirely outside the City's corporate limits and within the City's extraterritorial jurisdiction comply with the Subdivision Ordinance.

Section 7. That the Code of Ordinances, City of McKinney, Texas, Sections 142-75(d)(2) and 142-75(d)(3) of the Subdivision Regulations, is hereby amended and shall read as follows:

(2) If the proposed preliminary-final replat includes (i) any property that has been limited by a temporary or permanent zoning classification at any time during the preceding five years, or (ii) any lot from the preceding plat that was limited by deed restrictions to residential uses for not more than two residential units per lot, notice of said public hearing shall be published in the City's official newspaper and written notice thereof, together with a copy of Subsection (3), shall be sent to all owners of lots that are within the original subdivision and located within 200 feet of the lots to be replatted, at least sixteen days before

the date such hearing is held. Such notice may be served by using the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested, and depositing the notice, properly addressed and postage paid, in the United States mail.

- (3) If the proposed preliminary-final replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission or City Council, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission or City Council, or both, prior to the close of the public hearing.. In computing the percentage of land area under this Subsection (3), the area of streets and alleys shall be included.

Section 8. That the Code of Ordinances, City of McKinney, Texas, Section 142-76(b)(4) of the Subdivision Regulations, is hereby amended and shall read as follows:

- (4) *Features to be shown.* All necessary data to locate and reproduce the record plat on the ground must be shown on the record plat, including:
 - a. The boundary lines with accurate distances and bearings, a metes and bounds description of the boundary with an error of closure not to exceed one in 5,000, exact acreage, and the exact location and width of all existing or platted streets intersecting the boundary of the tract. One copy of the traverse closure sheet shall accompany the record plat;
 - b. Bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be found and accurately described on the record plat. Abstract lines and municipal and school district boundaries shall be shown;
 - c. An accurate location of the subdivision in reference to the deed records of the county which shall include the volume and page of the deed of the property to be subdivided;
 - d. Immediately adjacent properties, including lot and street layouts, and the county filing information;
 - e. The layout, width, and names of all streets and/or alleys with the bearings and distances between points of curvature;
 - f. The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents. This data shall be provided on a table keyed to the curves on the record plat;
 - g. The location, width, and description of all easements for right-of-way provided for public services, utilities or fire lanes and any limitations on use of the easements;
 - h. All lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines to the nearest second;

- i. For all lots located wholly or partially within or immediately adjacent to a floodplain area, as designated on maps provided by the Federal Insurance Administration, a designation of the minimum finish floor elevation allowed, which shall be at least two feet above the 100-year flood elevation at that point;
- j. A continuous and sequential lettering and/or numbering of blocks and lots within the subdivision;
- k. An accurate outline description and area to the nearest hundredth of an acre of all parcels of land that are offered for dedication or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision or reserved for other uses, together with the purpose and conditions or limitations of such reservations and/or dedications, if any;
- l. The accurate location, material and approximate size of all monuments and benchmarks; and
- m. 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.
- n. Additional information as deemed necessary by the Director of Planning to adequately review the proposed plat.

Section 9. That the Code of Ordinances, City of McKinney, Texas, Section 142-76(b)(7) of the Subdivision Regulations, is hereby amended and shall read as follows:

(7) *Certificates required.* The following certificates shall be included:

- a. Certification by a public surveyor registered in the state, that the plat represents a survey made by him or under their direct supervision, and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown;
- b. A certificate of ownership and dedication, on a form approved by the Director of Planning, of all streets, alleys, parks, open spaces and public ways to public use forever, signed and acknowledged before a notary public by the owner and any and all lienholders of the land, and a complete and accurate description of the land subdivided and dedications made;
- c. An original certificate, signed by the county tax assessor-collector, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid;
- d. Approval certificate.
 - 1. The following certificate shall be placed on the record plat in a manner that will allow the completion of the certificate by the proper party:

Approved and Accepted

Presiding Officer's Title (see subsection d.2 below)
City of McKinney, Texas

Date

2. The presiding officer shall be determined as indicated below:
 - i. For plats requiring administrative Staff approval, the City Manager shall be the presiding officer.
 - ii. For plats requiring Planning and Zoning Commission approval, the Chairman shall be the presiding officer. However, if the Vice-Chair presides over a meeting where a plat is approved, the Vice-Chair shall be authorized to serve as the presiding officer.
 - iii. For plats requiring City Council approval, the Mayor, or Mayor Pro-Tem in the Mayor's absence, shall be the presiding officer.
- 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:
 - i. 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.
- 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:
 - i. All proposed lots situated entirely outside the City's corporate limits and within the City's extraterritorial jurisdiction comply with the Subdivision Ordinance.

Section 10. That the Code of Ordinances, City of McKinney, Texas, Section 142-80 of the Subdivision Regulations, is hereby amended and shall read as follows:

Sec. 142-80. Right-of-Way Vacation or Abandonment.

- (a) From time to time, as the City's vehicular circulation needs and traffic patterns change, rights-of-way previously dedicated to, or acquired by, the City for public travel may no longer be necessary. As such, in accordance with the Texas Transportation Code § 311.007, the City may choose to vacate, abandon, or close a street or alley, on its own accord or upon receipt of a petition from all owners of property adjacent to, abutting or directly served by the right-of-way sought to be closed and/or abandoned.
- (b) *Public Hearing and Public Notice.* Prior to the vacation of a public street or alley right-of-way, a public hearing shall be held at a City Council meeting. Written notice for the public hearing shall be sent to all owners of property, or to the person rendering the same for City taxes, located within 200 feet of the right-of-way in question, not less than ten days before such hearing is held. Such notice shall be served by using the most recently approved municipal

tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail. Notice of the public hearing shall also be given by publication one time in a newspaper of general circulation in the City, stating the time and place of such hearing, which time shall not be earlier than 15 days from the first date of publication.

- (c) *Easements.* The applicant for a right-of-way vacation or alley abandonment shall verify with the appropriate entity that the right-of-way to be vacated is free of all public and private utilities including, but not limited to water, sanitary sewer, storm sewer, electricity, cable television, telephone, and gas. If public or private utilities are present within the right-of-way, a utility easement of an appropriate size and location, as determined by the Director of Engineering, will be retained. A drainage easement may also be retained over the right-of-way to be vacated, as determined by the Director of Engineering, to maintain adequate storm water drainage in the area.
- (d) *Ordinance Adopted.* If the City Council chooses to vacate or abandon a portion of the City's right-of-way, an ordinance shall be adopted and said ordinance shall be filed for record with the Collin County Clerk. A metes and bounds description and a visual depiction or exhibit showing the location and limits of the vacated right-of-way shall be attached to the adopted ordinance as exhibits.
- (e) *Submittal Requirements.* If a property owner petitions the City to abandon a certain portion of its right-of-way, the information detailed below shall be submitted to the Director of Planning by the property owner. This required information will allow the Director of Planning and Director of Engineering to thoroughly review the property owner's right-of-way vacation request and draft a report of their findings to be submitted to the City Council for consideration.
 - a. An application;
 - b. The appropriate application fee as specified in Appendix A of the Code of Ordinances, which fee may be amended from time to time by ordinance;
 - c. A letter of intent detailing the reasons for the requested right-of-way vacation;
 - d. A right-of-way vacation petition signed by all property owners whose property shares a boundary line with, or is directly served by, the right-of-way in question;
 - e. An affidavit signed by the applicant identifying all private utilities situated within the right-of-way to be vacated;
 - f. An exhibit, drawn to a scale of up to 100 feet to the inch, or as determined by the Director of Planning, showing the location of the right-of-way to be vacated;
 - g. A metes and bounds description of the right-of-way to be vacated; and
 - h. Any other relevant information as requested by the Director of Planning or Director of Engineering.

Section 11. That the Code of Ordinances, City of McKinney, Texas, Section 142-99(b)2 of the Subdivision Regulations, is hereby amended and shall read as follows:

- (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 2 1/2 to one.

Section 12. That the Code of Ordinances, City of McKinney, Texas, Section 146-45 of the Zoning Regulations, is hereby amended and shall read as follows:

Sec. 146-45. Site Plan Approval.

(a) Site plans.

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

- (2) **Site plan approval process.**

- a. Sites greater than one acre in size within 200 feet of a platted single family residential development. Site plans for properties that are greater than one acre in size and within 200 feet of a platted single family residential development shall be approved by the Planning and Zoning Commission. The site plan shall be deemed approved by the City if approved by a majority vote of the Planning and Zoning Commission. The Commission may approve the site plan, approve the site plan with conditions, or disapprove the site plan. If the Commission disapproves the site plan, or if the applicant does not agree with the conditions of approval, the applicant may, within 21 days following such Commission action, request in writing addressed to the Director of Planning that the site plan be reconsidered by the City Council. The City Council shall conduct another public hearing on the request. The City Council shall have final approval or disapproval authority on all site plans which are so appealed.
- b. All other site plans. All other site plans shall be approved administratively by Staff. At the discretion of the Director of Planning, any site plan may be forwarded to the Planning and Zoning Commission for action according to the procedures in subsection (a)(2)d 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.
- c. 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:

12. A scale with the following dimensions: one inch equals 20 feet, 30 feet or 40 feet, or as determined by the Director of Planning;
 13. The location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);
 14. Any existing or proposed easements;
 15. The location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
 16. The required landscape areas;
 17. Any additional information as deemed necessary to adequately evaluate the site or development plan; and
 18. The following standard notations:
 - i. The sanitation container screening walls shall be brick masonry, stone masonry, or other architectural masonry finish, including a metal gate, primed and painted, and the sanitation container screening walls, gate, and pad site shall be constructed in accordance with the City of McKinney design specifications.
 - ii. Mechanical and heating and air conditioning equipment in non-residential uses shall be screened from view from the public right-of-way and from adjacent residential properties.
 - iii. The lighting for the subject property will be constructed and operated in conformance with Chapter 58 of the City of McKinney Code of Ordinances.
- b. Airport information. The following information shall be provided on the site or development plans, if requested by the Director of Planning:
1. The site elevation above sea level;
 2. The height of the proposed building or structure above sea level; and
 3. The latitude and longitude coordinates of the location of the maximum building or structure height in NAD 83 format.
- c. Site circulation and parking. The following site circulation and parking information shall be included on the site or development plans:
1. The drive approach dimensions and radii;
 2. The delineation and width of internal circulation roadways;
 3. The distances between driveways and intersecting streets;
 4. The number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;

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

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

- (b) Attributes in consideration. City Council, Planning and Zoning Commission and Staff consideration shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, protective screening and open spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the City.
- (c) Additional information. If, during the course of reviewing the site plan or landscape plan, the Director of Planning is of the opinion that a proper recommendation or action cannot be made without additional information, the Director of Planning is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the additional information for the Director of Planning's review.
- (d) Expiration. A site plan shall expire two (2) years after its approval, if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Site plans submitted for a Planned Development or Specific Use Permit shall not expire.
- (e) Approval required. A building permit shall not be issued prior to the approval of the site plan by the City Council, Planning and Zoning Commission, and/or Director of Planning, as appropriate. No building permit shall be issued except in compliance with the approved site plan, including all conditions of approval.
- (f) Inspections, revisions, and continued compliance. During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed.
 - (1) In the event that changes to the approved site plan are proposed, the Director of Planning shall have the authority to require that a revised site plan be submitted to the City for review and approval.
 - (2) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The Director of Planning shall have the authority to interpret conformance to an approved site plan; provided that such interpretations do not materially affect the impact on adjacent properties, access, circulation, parking, loading, or general building orientation, configuration, or location on the site.
 - (3) If, in the judgment of the Director of Planning, the proposed revisions do not conform to the approved site plan, a new site plan application shall be submitted for review and approval by the Director of Planning or another approval body as appropriate.
 - (4) A certificate of occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.
 - (5) The final site plan, landscape plan, tree survey, and tree preservation plan shall be accompanied by a digital copy for permanent record.
 - (6) Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid certificate of occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this chapter.
- (g) Phasing plan. To assist in the processing of site plans that are to be constructed in phases, the Director of Planning may request a phasing plan for the development, to ensure adequate site access, circulation, parking, sanitation containers, etc.

Section 13. That the Code of Ordinances, City of McKinney, Texas, Section 146-46 of

the Zoning Regulations, 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 secondary access to abutting property, and to provide utility service. An alley is a right-of-way with an ultimate width of 20 feet or less.
- (4) *Amusement, commercial (indoor)*, means an amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, an indoor recreational area, bowling alley or billiard parlor.
- (5) *Amusement, commercial (outdoor)*, means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a private outdoor recreational area, a golf driving range, archery range, and a miniature golf course.
- (6) *Antique shop* means an establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations, which have value and significance as a result of age, design and sentiment.
- (7) *Apartment* means a dwelling unit in a multi-family residential apartment building.
- (8) *Apartment building* means a building or any portion thereof, which contains three or more dwelling units, located in the same building lot. An apartment building is a multi-family residential use.

- (9) *Area of the lot* means the net area of the lot and shall not include portions of streets and alleys.
- (10) *Awning* means a roof-like cover that can be removed that projects from the wall of a building.
- (11) *Basement* means a building story that is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.
- (12) *Bay* means an opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.
- (13) *Bay door* means an oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.
- (14) *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.
- (15) *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.
- (16) *Boardinghouse or roominghouse* means a building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.
- (17) *Build* means to erect, convert, enlarge, reconstruct, or alter a building or structure.
- (18) *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.
- (19) *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.
- (20) *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.
- (21) *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.
- (22) *Car wash* means a building, or portion thereof, containing facilities for washing automobiles 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.

- (23) *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.
- (24) *Church* or *rectory* means a place of worship and religious training including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel. Church or rectory shall also include church-operated preschools if the church is situated on a legally conforming lot under applicable subdivision or zoning controls.
- (25) *City* means the municipal corporation of the City of McKinney, Texas.
- (a) *Board* means the Zoning Board of Adjustment as provided for in section 146-165.
 - (b) *Chief Building Official* means the City administrative official charged with the responsibility of issuing permits and enforcing the Zoning and Building Code Ordinances.
 - (c) *City Council* means the duly elected governing body of the City.
 - (d) *City Engineer* means the professional engineer licensed by the State of Texas and employed by the City to supervise and serve as the Director of Engineering Services.
 - (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.
- (26) *Cleaning shop and pressing (small shop and pickup)* means a custom cleaning shop not exceeding 3,000 square feet in floor area, or a pickup station for laundry or cleaning where the work is performed other than on the premises.
- (27) *Clinic* means a group of offices for one or more physicians, surgeons, or dentists to treat sick or injured outpatients who do not remain overnight.
- (28) *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.
- (29) *Country club* means an area of at least 25 acres containing a golf course and clubhouse, which is available to a specific recorded membership. Such a club may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.
- (30) *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.

- (31) *Coverage, lot* means the percent of a lot or tract covered by the roof or first floor of a building. Roof eaves, which extend more than three feet from the walls of a building, shall be excluded from coverage computations.
- (32) *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.
- (33) *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.
- (34) *District* means a zoning district that is a part of the City.
- (35) *Dock* means a place for the loading or unloading of goods, materials, or merchandise, with or without a platform.
- (36) *Dwelling* means a building or portion thereof designed and used exclusively for residential occupancy, including one family, two family, or multiple family dwellings but not including hotels, motels or lodginghouses.
- (37) *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.
- (38) *Farm, orchard or truck garden* means an area of three acres or more that is used for growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry, and farm animals, such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
- (39) *Farmers market* means an area where space is rented to individual vendors who sell farm products such as agricultural and horticultural goods, or who sell specialty food 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.
- (40) *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.
- (41) *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.

- (42) *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.
- (43) *Floor area* means the total square feet of floor space within the outside dimensions of a building including each floor level.
- (44) *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).
- (45) *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.
- (46) *Frontage* means the front or frontage is that side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.
- (47) *Fueling station or gasoline station* means a retail fuel sales facility 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.
- (48) *Garage, auto repair*, means a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.
- (49) *Height* means the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:
- (a) The highest point of the roofs surface if a flat surface;
 - (b) The deck line of mansard 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.
- If the street grade has not been officially established, the average front yard grade shall be used for a base level.
- (50) *Home occupation* means a business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.
- (51) *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.
- (52) *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.

- (53) *Household appliance sales* means and includes, but not necessarily limited to, the sale and service of radio, television, refrigerators, etc.
- (54) *Junk or salvage yard* means a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes an automobile wrecking yard and automobile parts yard. A "junkyard" does not include such uses conducted entirely within an enclosed building.
- (55) *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.
- (56) *Kennel, outdoor*, means an establishment with outdoor pens, and meeting the criteria in the definition of "Kennel, indoor."
- (57) *Legal height* means the maximum height of a building permitted by any airport Zoning Ordinance or other ordinance restricting the height of structures.
- (58) *Livestock auction* means barns, pens and sheds for the temporary holding and sale of livestock.
- (59) *Living plant screen* means foliage of an acceptable type and of a density that will not permit through-passage, (and which exhibits the same year-round screening characteristics as a screening device, see "screening device.")
- (60) *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.
- (61) *Lot* means land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.
- (a) *Lot area* means the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.
 - (b) *Lot area per dwelling unit* means the lot area required for each dwelling unit located on a building lot.
 - (c) *Lot, corner*, means a building lot situated at the intersection of two streets, with the interior angle of such intersection not to exceed 135 degrees (see appendix E, illustrations 4 and 5).
 - (d) *Lot coverage* means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross sectional area of a building.
 - (e) *Lot depth* means the mean horizontal distance between the front lot line and the rear lot line of a building lot measured at

the respective midpoints of the front lot line and rear lot line within the lot boundary (see appendix E, illustration 2).

- (f) *Lot, interior*, means a building lot other than a corner lot (see appendix E, illustration 5).
 - (g) *Lot line, front*, means the boundary of a building lot that is the line of an existing or dedicated street, or a private street lot within a private street development. Upon corner lots, either street line may be selected as the front lot line, providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
 - (h) *Lot line, rear*, means the boundary of a building lot that is most distant from and is, or is most nearly, parallel to the front lot line.
 - (i) *Lot line, side*, means the boundary of a building lot that is not a front lot line or a rear lot line.
 - (j) *Lot of record* means an area of land designated as a lot on a plat of a subdivision recorded, pursuant to statutes of the state, with the county clerk of the county, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk.
 - (k) *Lot width* means the width of a lot at the front building line (see appendix E, illustration 1).
- (62) *Main building* means the building or buildings on a lot, which are occupied by the primary use.
- (63) *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.
- (64) *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.
- (65) *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.
- (66) *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.
- (67) *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.

- (68) *Museum, library or art gallery (public)* means an institution for the collection, display and distribution of books, objects of art or science, which is sponsored by a public or quasi-public agency and which facility is open to the general public.
- (69) *Nonconforming use* means a building, structure or use of land lawfully occupied at the time of the effective date of the ordinance from which this section is derived (April 29, 1968), or amendments thereto, or which was subsequently annexed to the City and which does not conform to the use regulations of the district in which it is situated.
- (70) *Occupancy* means the use or intended use of the land or buildings by proprietors or tenants.
- (71) *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.
- (72) *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.
- (73) *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.
- (74) *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.
- (75) *Outdoor display* means the placement of articles for sale in an uncovered area on private property.
- (76) *Park or playground (public)* means an open recreation facility or park owned and operated by a public agency such as the municipal department of parks and recreation or school board and available to the general public.
- (77) *Parking lot or parking garage, commercial,* means an area or structure for the parking of motor vehicles, and which serves as the primary use on the lot.
- (78) *Parking lot, truck,* means any area used for the parking or storage of trucks or trailers larger than three-fourths ton in size.
- (79) *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).

- (80) *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.
- (81) *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.
- (82) *Plat* means a plan of a subdivision or land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City and subject to approval by the Planning and Zoning Commission and/or City Council, and filed in the plat records of the county.
- (83) *Playfield or stadium (public)* means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.
- (84) *Private club* means an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of V.T.C.A., Alcoholic Beverage Code § 32.01 et seq., as it pertains to the operation of private clubs.
- (a) Private clubs shall be restricted to: Planned Center, General Business, Commercial Historic District, Business Commercial, and Planned Development zoning districts.
 - (b) A specific use permit issued for the operation of a private club shall be conditioned that:

1. Thirty-five percent of the gross receipts be derived from the sale of food, subject to an annual audit provided at the expense of the permittee for review by the City Council;
 2. The permitted premises contain a minimum of 50 dining seats and a minimum of 600 square feet of dining area;
 3. The permittee comply with the provisions of the alcoholic beverage code and receive a private club permit from the state within six months from the date of issuance of the specific use permit by the City Council, each such limitation in time being subject to review and possible extension by the City Council; and
 4. Such other conditions and restrictions, which the City Council determines, at the time of granting the specific use permit, are necessary to protect and provide for the health, safety, and general welfare of the community.
- (c) The City Council may revoke a specific use permit granted hereunder if it finds that any condition imposed at the time of granting the permits is not met, or thereafter ceases to exist. The City Council may deny a specific use permit for the operation of a private club if it should affirmatively determine that issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, or general welfare of the City and its inhabitants.
- (d) All specific use permits for the operation of private clubs shall be further conditioned that the same may be canceled, suspended, or revoked in accordance with the provisions of chapter 138, article II, which are incorporated herein by reference and made a part hereof for all purposes.
- (85) *Public building, shop or yard of local, state, federal government* means facilities such as office buildings, maintenance yards or shops required by branches of local, state or federal government for service to an area such as a highway department yard or City service center.
- (86) *Recreation area* means a privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.
- (87) *Recreation center (public)* means a building or complex of buildings housing community recreation facilities owned, operated or leased for operation by the City and may include swimming pools, tennis and other indoor or outdoor athletic facilities.
- (88) *Rest home or nursing home* means a private facility for the care of children or the aged or infirm or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.
- (89) *Residence.* See "Dwelling." When called a residence district, it means an area of residential regulations.

- (90) *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).
- (91) *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.
- (92) *Restaurant or cafeteria (including drive-through windows and drive-in service)* means an establishment where prepared food or drink is served to or consumed by customers in motor vehicles, and specified as one of the following categories:
- (a) *Drive-through window restaurant* means an establishment where customers are served prepared food or drink at a drive-through window for off-premises consumption.
 - (b) *Drive-in service restaurant* means an eating establishment where consumption of food or drink in vehicles on the premises is permitted.
- (93) *Screening device* means a barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from any height between ground level and seven feet above ground level.
- (94) *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.
- (95) *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.
- (96) *Shopping center* means a group of primarily retail and service commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, and the location for delivery of goods is separated from customer access, which features aesthetically appropriate design and protection from the elements.
- (97) *Servant's quarters* means an accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed by the occupants of the principal residence.
- (98) *Service station* means any building or premises used for the dispensing, sale, or offering for retail sale of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage, and not as a service station.
- (99) *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."

- (100) *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.
- (101) *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.
- (102) *Story* means the height between the succeeding floors of a building or from the top floor to the roof. The standard height of a story is eleven feet six inches (11' 6").
- (103) *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 the actual width of which depends upon the City's Thoroughfare Plan.
- (104) *Street line* means a dividing line between a lot, tract or parcel of land and a contiguous street or the right-of-way line.
- (105) *Structural alterations* means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.
- (106) *Structure* . See "Building."
- (107) *Swim or tennis club* means a private recreational club with restricted membership, usually of less area than a country club but including a clubhouse and a swimming pool or tennis courts and similar recreational facilities one of which are available to the general public.
- (108) *Swimming pool (private)* means a pool or spa that is located on private property under the control of the property owner and intended for use by not more than two resident families and their guests, and located and fenced in accordance with the regulations of the City.
- (109) *Thoroughfare* means any planned or existing roadway within the City and its ETJ. A major thoroughfare is a planned or existing right-of-way with an ultimate right-of-way width of 60 feet or greater. A minor thoroughfare is a planned or existing roadway with an ultimate right-of-way width of less than 60 feet.
- (110) *Tires, batteries and accessories* means any retail operation wherein the sale and/or installation of tires, batteries, brakes and other related minor parts or accessories not listed as a separate use in this chapter is carried on; specifically intended to exclude heavy automotive repair, upholstery and muffler installation, automotive tune-up, automotive salvage or painting, used part sales or storage, tire retreading or recapping.
- (111) *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.
- (112) *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. "

(113) *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.

(114) *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.

(115) *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).

(115) *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 14. That the Code of Ordinances, City of McKinney, Texas, Section 146-66(c) through Section 146-96(c) of the Zoning Regulations, is hereby amended and shall read as follows:

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

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

Sec. 146-67. AG - Agricultural District Regulations.

- (a) *Purpose.* The "AG" – Agricultural zone is designed to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use land suited to eventual development in other uses, pending proper timing for practical and economical provision of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City preserved. A change of zoning from "AG" – Agricultural to any other classification shall be in accordance with planning practices established by the commission.
- (b) *Permitted uses.* The following uses are permitted in the "AG" – Agricultural zone:
- (1) Ranch and farm dwellings pertaining to agricultural operations;
 - (2) Riding academies;
 - (3) Recreational camps operated by public, charitable or religious organizations;
 - (4) Greenhouses; and
 - (5) Other uses indicated as being permitted in the "AG" – Agricultural zone in the Schedule of Uses.
- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "AG" – Agricultural zone:
- (1) Roadside stands not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises;
 - (2) Nameplates and non-illuminated signs not to exceed 20 square feet in area identifying the premises, but not containing over 20 percent brand advertising; and
 - (3) The keeping of not more than two roomers or boarders; and
 - (4) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.
- (d) *Specific use permits.* The following specific uses require permits in the "AG" – Agricultural zone:
- (1) Quarters for transient labor;
 - (2) Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural or public service type including colleges; and
 - (3) Other uses indicated as being allowed in the "AG" – Agricultural zone with a specific use permit in the Schedule of Uses.
- (e) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "AG" – Agricultural zone shall apply.
- (f) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

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

- (a) *Purpose.* The "RED-1" – Residential Estates zone is designed to promote and encourage a suitable environment for family life on large parcels of land. The "RED-1" – Residential Estates classification is to be used for only suburban Single Family homes and the community services and facilities appurtenant thereto.
- (b) *Permitted uses.* The following uses are permitted in the "RED-1" – Residential Estates zone:
 - (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises; and
 - (2) Other uses indicated as being permitted in the "RED-1" – Residential Estates zone in the Schedule of Uses.
- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "RED-1" – Residential Estates zone:
 - (1) Private stables, corrals and paddocks when located no closer than 20 feet from any property line, no closer than 50 feet from a street line and no closer than 150 feet from any dwelling on adjoining property. No horse shall be kept on a lot of less than one acre in area, and two horses, may be kept on an acre, but for each horse above two kept, there shall be an additional 20,000 square feet in lot area;
 - (2) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length shall be permitted in the rear yard;
 - (3) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard;
 - (4) Real estate lease or sales signs relating to the property on which the sign is located; and
 - (5) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.
- (d) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RED-1" – Residential Estates zone shall apply.
- (e) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

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

- (a) *Purpose.* The "RED-2" – Residential Estates zone is designed to promote and encourage a suitable environment for family life on large parcels of land. The "RED-2" – Residential Estates classification is to be used for only suburban Single Family homes and the community services and facilities appurtenant thereto.
- (b) *Permitted uses.* The permitted uses subject to the same regulations pertaining to such uses permitted in the "RED-1" – Residential Estates zone shall be permitted in the "RED-2" – Residential Estates zone.

- (c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RED-2" – Residential Estates zone shall apply.
- (d) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

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.* The permitted uses subject to the same regulations pertaining to such uses permitted in the "RED-1" – Residential Estates zone shall be permitted in the "RS 120" – Single Family Residence zone.
- (c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RS 120" – Single Family Residence zone shall apply.
- (d) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

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 permitted in the "RED-1" – Residential Estates zone, subject to the same regulations pertaining to such uses in said zoning district, shall be permitted in the "RS 84" – Single Family Residence zone.
- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "RS 84" – Single Family Residence zone:
 - (1) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard;
 - (2) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard;
 - (3) Real estate lease or sale signs relating to the property on which the sign is located; and
 - (4) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.
- (d) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RS 84" – Single Family Residence zone shall apply.
- (e) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

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

- (a) *Purpose.* The "RS 72" - Single Family Residence zone is designed to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.
- (b) *Permitted uses.* Those uses indicated as being permitted in the "RS 72" - Single Family Residence zone in the Schedule of Uses shall be allowed.
- (c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RS 72" - Single Family Residence zone shall apply.

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.* The following uses are permitted in the "RS 60" - Single Family Residence zone:
 - (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation; and
 - (2) Other uses indicated as being permitted in the "RS 60" - Single Family Residence zone in the Schedule of Uses.
- (c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RS 60" - Single Family Residence zone shall apply.
- (d) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

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

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.* The following uses are permitted in the "RD 30" - Duplex Residence zone:
 - (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the

premises, except as provided for as a permitted home occupation;
and

- (2) Other uses indicated as being permitted in the "RD 30" – Duplex Residence zone in the Schedule of Uses shall be allowed.
- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "RD 30" – Duplex Residence zone:
- (1) Signs not to exceed two square feet in area identifying the premises and occupant, but not including advertising matter;
 - (2) The keeping of dogs, cats and other household pets, but limited to two animals over six months old;
 - (3) Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed;
 - (4) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length shall be permitted in the rear yard;
 - (5) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard; and
 - (6) Real estate lease or sale signs relating to the property on which the sign is located.
- (d) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RD 30" – Duplex Residence zone shall apply.
- (e) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

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

- (a) *Purpose.* The "RG 27" – General Residence Townhome zone is designed to provide for a medium density residential environment of attached townhome units.
- (b) *Permitted uses.* Those uses indicated as being permitted in the "RG 27" – General Residence Townhome zone in the Schedule of Uses shall be allowed.
- (c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RG 27" – General Residence Townhome zone shall apply.
- (d) *Miscellaneous provisions.* Rear entry off-street parking shall be provided for all uses established in this zone.

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.* The following uses are permitted in the "RG 25" – General Residence zone:

- (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises except as provided for as a permitted home occupation; and
 - (2) Other uses indicated as being permitted in the "RG 25" – General Residence zone in the Schedule of Uses.
- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "RG 25" – General Residence zone:
- (1) Signs not to exceed four square feet in area identifying the premises and occupant, but not including advertising matter;
 - (2) The keeping of dogs, cats and other household pets, but limited to two animals over six months old;
 - (3) Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed;
 - (4) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length;
 - (5) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard;
 - (6) Real estate lease or sale signs relating to the property on which the sign is located; and
 - (7) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.
- (e) *Space limits.* The following space limits shall apply to the "RG 25" – General Residence zone:
- (1) Minimum lot area: 5,000 square feet for one or two units; 2,500 square feet for each additional unit; and
 - (2) All other space limits identified as being applicable to the "RG 25" – General Residence zone in Appendix F of the Zoning Ordinance.
- (f) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

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

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

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

(2) Multiple Family Residential Uses:

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

(3) Duplex Residential Uses:

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

(4) Single Family Residential Uses:

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

(d) *Miscellaneous provisions.*

- (1) Off-street parking shall be provided for all uses established in this zone.
- (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

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

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

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

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

(d) *Miscellaneous provisions.*

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

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

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

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

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

- (1) Minimum rear yard: 25 feet; 45 feet where adjacent to single family or duplex residential zones or uses.
- (2) Minimum side yard: 20 feet; 45 feet where adjacent to single family or duplex residential zones or uses.
- (3) Maximum lot coverage: 50 percent including accessory buildings except for covered parking.
- (4) Single family construction in this district shall comply with the "RS 60" – Single Family Residence zone space limit requirements. Duplex construction in this district shall comply with the "RD 30" – Duplex Residence zone space limit requirements.

- (5) All other space limits identified as being applicable to the "MF-2" – Multiple Family Residential-Medium Density zone in Appendix F of the Zoning Ordinance.

(d) *Miscellaneous provisions.*

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

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

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

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

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

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

(d) *Miscellaneous provisions.*

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

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

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

(b) *Permitted uses.* The following uses are permitted in the "MP" – Mobile Home Park zone: mobile home parks authorized and licensed by the City for

the parking and occupancy of mobile dwellings according to the regulations set out in chapter 138, article III, division 2 and made a part hereof.

- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "MP" – Mobile Home Park zone: such uses are normally accessory to a mobile home park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, laundry facilities and storage facilities for use of the residents of the mobile home park, and open recreation areas.
- (d) *Space limits.* The following space limits shall apply to the "MP" – Mobile Home Park zone:
 - (1) Minimum space area: 3,000 square feet per mobile home, but not to exceed an average of eight spaces per gross acre in park.
 - (2) Minimum zoning lot: three acres.
 - (3) Minimum width of space: 30 feet.
 - (4) Minimum depth of space: 100 feet.
 - (5) Minimum space front yard: 20 feet.
 - (6) Minimum space rear yard: five feet.
 - (7) Minimum space side yard: five feet.
 - (8) Minimum space side yard at corner: 15 feet.
 - (9) All other space limits identified as being applicable to the "MP" – Mobile Home Park zone in Appendix F of the Zoning Ordinance.
- (e) *Type of materials.* "MP" – Mobile Home Park zone construction shall have a facade of fire-resistant materials.
- (f) *Miscellaneous provisions.*
 - (1) Mobile homes shall be located only within approved mobile home parks.
 - (2) The entire mobile home park shall be treated as one zoning lot, except that when uses other than those normally included or required by ordinance within a mobile home park are established within the boundaries of a mobile home park then a separate zoning lot shall be designated for said other use.
 - (3) Mobile homes shall be tied down in a manner approved by the Chief Building Official.

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.* The following uses are permitted in the "NC" – Neighborhood Convenience zone: uses as permitted in the schedule of uses.
- (c) *Space limits.* The following space limits shall apply to the "NC" – Neighborhood Convenience zone:
 - (1) Minimum rear yard: ten feet; 25 feet where adjacent to residential.
 - (2) Minimum side yard: five feet; 25 feet where adjacent to residential.
 - (3) Maximum lot coverage: 40 percent.
 - (4) Maximum floor area ratio: 0.4 to 1.0.
 - (5) All other space limits identified as being applicable to the "NC" – Neighborhood Convenience zone in Appendix F of the Zoning Ordinance.
- (d) *Miscellaneous provisions.* Sign and illumination regulations for the "NC" – Neighborhood Convenience zone shall be as follows:
 - (1) Signs shall comply with the provisions of chapter 134.
 - (2) The number of signs shall be limited to two, or the maximum allowable under chapter 134, whichever is less.
 - (3) No free standing signs (ground or pole signs) shall be permitted.
 - (4) All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.
 - (5) All signs shall be oriented so as to face a public street.
 - (6) No sign shall be illuminated so as to shine on nearby residential properties.
 - (7) Any illumination shall be non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

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) Any principal permitted use allowed in the "RG 18" – General Residence zone when established according to the rules and conditions of the "RG 18" – General Residence zone, except as herein modified;
 - (2) Other uses indicated as being permitted in the "BN" – Neighborhood Business zone in the Schedule of Uses; and
 - (3) Motor vehicle fuel sales only with facilities to fuel not more than four vehicles at one time (not a gasoline service station), which does not conduct any type of automotive repairs or servicing and motor vehicle fuel sales only with facilities to fuel not more than eight vehicles at one time which does not conduct any type of automotive repairs or

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

(c) *Permitted accessory uses.* The following accessory uses are permitted in the "BN" – Neighborhood Business zone:

- (1) Accessory uses for residential development shall include those listed under the "RG 25" – General Residence zone and shall be established and conducted in accordance with the regulations of that zone; and
- (2) All signs shall be flat against the wall of the building with all parts of the sign within 18 inches of the face of the building or on the roof within the height limit and shall not be illuminated so as to shine on nearby residential properties, except as otherwise provided herein. Illumination shall be non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.

(d) *Space limits.* The following space limits shall apply to the "BN" – Neighborhood Business zone:

- (1) Minimum width of lot: 50 feet. Parking and landscaped areas may be included in this calculation.
- (2) Minimum depth of lot: None for business.
- (3) Maximum height of building: 25 feet, including roof signs and pylons.
- (4) Minimum side yard: five feet when abutting a residential zone; none abutting business.
- (5) Minimum side yard at corner: 25 feet. The 20 feet of a required corner side yard adjacent to the building may be used for the parking of automobiles.
- (6) Maximum lot coverage: 70 percent.
- (7) Maximum floor area ratio: one to 1.67 (0.6:1.0).
- (8) All other space limits identified as being applicable to the "BN" – Neighborhood Business zone in Appendix F of the Zoning Ordinance.

(e) *Miscellaneous provisions.*

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

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.* The following uses are permitted in the "BG" – General Business zone:
- (1) Any use permitted in the "BN" – Neighborhood Business zone; except single family attached units; and
 - (2) Other uses indicated as being permitted in the "BG" – General Business zone in the Schedule of Uses.
- (c) *Specific use permits.* The following specific uses require a permit in the "BG" – General Business zone:
- (1) All uses indicated as being allowed in the "BG" – General Business zone with a specific use permit in the Schedule of Uses; and
 - (2) The City may allow residential and mixed business and residential structures to conform with the space limits of the "RG 18" – General Residence zone or any other zone requiring more lot area per dwelling unit, upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when said mixed occupancy building is specifically designed and constructed for such mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence.
- (d) *Space limits.* The following space limits shall apply to the "BG" – General Business zone:
- (1) Minimum lot area for business: None. Residential structures shall conform to the provisions of the "RG 18" – General Residence zone, except as may be modified by the City in accordance with the specific use provisions of this zone.
 - (2) Minimum width of lot: None for business.
 - (3) Minimum depth of lot: None for business.
 - (4) Minimum front yard: None for business.
 - (5) Minimum side yard: five feet when abutting any zone requiring a side yard; none abutting business.
 - (6) Maximum lot coverage including accessory buildings, loading docks, incinerators and vending devices: 95 percent.
 - (7) Maximum floor area ratio: two to one (2.0:1.0).
 - (8) All other space limits identified as being applicable to the "RG 18" – General Residence zone in Appendix F of the Zoning Ordinance.
- (e) *Miscellaneous provisions.*
- (1) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

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.* The following uses are permitted in the planned center district:
- (1) Any use permitted in district "BN" – Neighborhood Business; and
 - (2) Other uses indicated as being permitted in the "C" – Planned Center zone in the Schedule of Uses.
- (c) *Space limits.* The following space limits shall apply to the "C" – Planned Center zone:
- (1) Minimum rear yard: 25 feet when abutting any zone requiring a rear yard; none abutting business.
 - (2) Minimum side yard: 15 feet when abutting any zone requiring a side yard; none abutting business.
 - (3) Maximum lot coverage: 50 percent.
 - (4) Maximum floor area ratio: one to 1.25.
 - (5) All other space limits identified as being applicable to the "C" – Planned Center zone in Appendix F of the Zoning Ordinance.
- (d) *Special provisions.*
- (1) The entire parcel of land in the planned center zone shall be considered as one zoning lot in arranging buildings and other facilities.
 - (2) The commission and the council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of the nearby neighborhood residential properties and in the event of conflict between the maintenance of such values and the proposed development, shall weigh the equities between the two using the criterion of community service and maintaining the concept of the zoning plan in assessing the position of the proposed development.
 - (3) It is intended that a planned center zone be designated to carry out the objectives and planning practices established by the commission for development of the City and particularly the development of unified planned business centers, whether in single or multiple ownership, and to be so developed within a reasonable time. The district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district. The intent of the district shall be considered in determining whether any tract shall be zoned as a planned center district and its associated site plan approved. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

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.* The following uses are permitted in the "O-1" – Neighborhood Office zone: uses as permitted in the schedule of uses.
- (c) *Space limits.* The following space limits shall apply to the "O-1" – Neighborhood Office zone:
 - (1) Minimum rear yard: ten feet; 25 feet where adjacent to residential zone or use.
 - (2) Minimum side yard: five feet; 25 feet where adjacent to residential zone or use.
 - (3) Maximum lot coverage: 50 percent.
 - (4) Maximum floor area ratio: 0.5 to 1.0.
 - (5) All other space limits identified as being applicable to the "O-1" – Neighborhood Office zone in Appendix F of the Zoning Ordinance.
- (f) *Miscellaneous provisions.* Sign and illumination regulations for the "O-1" – Neighborhood Office zone shall be as follows:
 - (1) All signs shall comply with the provisions of chapter 134.
 - (2) No free standing signs (ground or pole signs) shall be permitted.
 - (3) All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.
 - (4) All signs shall be oriented so as to face a public street.
 - (5) No sign shall be illuminated so as to shine on nearby residential properties.

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.* The following uses are permitted in the "O" – Office zone: uses as permitted in the schedule of uses.
- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "O" – Office zone:
 - (1) The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public;
 - (2) Drive-in facilities for banks or financial institutions; and
 - (3) Accessory buildings and uses customarily incident to any of the above uses; provided that such be not objectionable because of odor, smoke, dust, noise, vibration, or similar nuisance.
- (e) *Space limits.* The following space limits shall apply to the "O" – Office zone:
 - (1) Maximum height of building: 75 feet, except that no building within 300 feet of a property zoned or used for single-family residential uses shall exceed 50 feet in height.

- (2) Minimum rear yard: None, except 25 feet required where abutting any district requiring a rear yard.
- (3) Minimum side yard: None, except 15 feet required where abutting any district requiring a side yard.
- (4) Minimum side yard at corner: Equal to right-of-way width of siding street.
- (5) Maximum lot coverage: 50 percent.
- (6) Maximum floor area ratio: one to one (1.0:1.0).
- (5) All other 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.* The following uses are permitted in the "BC" – Commercial Business zone: uses as permitted in the schedule of uses.
- (e) *Space limits.* The following space limits shall apply to the "BC" – Commercial Business zone:
 - (1) Minimum rear yard: ten feet; 35 feet where adjacent to any residential zone or use.
 - (2) Minimum side yard: five feet; 35 feet where adjacent to any residential zone or use.
 - (3) Maximum lot coverage: 70 percent.
 - (4) Maximum floor area ratio: 1.0 to 1.0.
 - (5) All other space limits identified as being applicable to the "BC" – Commercial Business zone in Appendix F of the Zoning Ordinance.

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.* The following uses are permitted in the “ML” – Light Manufacturing zone:
- (1) Any use allowed in the “BG” – General Business zone, except that all dwellings and other types of living accommodations shall be prohibited save that one quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use occupying more than 20,000 square feet of lot area;
 - (2) Agriculture, including the raising of field crops, horticulture and animal husbandry; and
 - (3) Other uses indicated as being permitted in the “ML” – Light Manufacturing zone in the Schedule of Uses.
- (c) *Specifically excluded uses.* The following uses are hereby declared incompatible with the purpose of the “ML” – Light Manufacturing zone and are hereby expressly excluded:
- (1) Dwellings, except caretakers' and watchmen's quarters as set forth herein;
 - (2) Public, parochial and private schools and colleges, except trade schools;
 - (3) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings;
 - (4) Motels, hotels and mobile home parks; and
 - (5) Any use not enumerated as permitted in this zone but which is specifically provided for in another zone or zones.
- (d) *Permitted accessory use.* The following accessory uses are permitted in the “ML” – Light Manufacturing zone:
- (1) Any accessory use normally appurtenant to a permitted use shall be allowed; and
 - (2) Recreational uses that are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed.
- (e) *Space limits.* The following space limits shall apply to the “ML” – Light Manufacturing zone:
- (1) Minimum lot area for business or industry: 10,000 square feet.
 - (2) Maximum building height: No restriction except as limited by floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.
 - (3) Maximum lot coverage: 75 percent.
 - (4) Maximum floor area ratio: one to one (1.0:1.0).
 - (5) All other 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) *Principal permitted uses.* The following principal uses are permitted in the "MH" – Heavy Manufacturing zone: uses as permitted in the schedule of uses.
- (c) *Specifically excluded uses.* The following uses are hereby declared incompatible with the purpose of the "MH" – Heavy Manufacturing zone and are hereby expressly excluded:
 - (1) Dwellings except caretakers' and watchmen's quarters as set forth in the provisions of the "ML" – Light Manufacturing zone;
 - (2) Schools and colleges, except trade schools;
 - (3) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted; and
 - (4) Motels, hotels and mobile home parks.
- (d) *Permitted accessory uses.* The following accessory uses are permitted in the "MH" – Heavy Manufacturing zone:
 - (1) Any accessory use normally appurtenant to a permitted use shall be allowed; and
 - (2) Recreational uses that are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the Board of Adjustment.
- (e) *Space limits.* The following space limits shall apply to the "MH" – Heavy Manufacturing zone:
 - (1) Minimum lot area for business or industry: 10,000 square feet.
 - (2) Maximum building height: No restrictions except as limited by gross floor area ratio and by restrictions, which may be imposed by virtue of aircraft approach and turning zone height restrictions.
 - (3) Maximum lot coverage: 50 percent.
 - (4) Maximum floor area ratio: one to one.
 - (5) All other space limits identified as being applicable to the "MH" – Heavy Manufacturing zone in Appendix F of the Zoning Ordinance.

Sec. 146-92. AP - Airport District.

- (a) *Purpose.* The "AP" – Airport zone is designed to provide for airports, heliports, and landing areas for other types of aircraft.
- (b) *Permitted uses.* The following uses are permitted in the "AP" – Airport zone: landing fields for aircraft, including airplanes, helicopters and other types of

aircraft. These provisions shall apply to private, commercial and all other types of ownership.

- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "AP" – Airport zone: facilities accessory to the normal and continual operation of a landing field, but not to include general repair depots and other commercial and industrial operations not normally found at all such landing fields.
- (d) *Space limits.* The space limits identified as being applicable to the "C" – Planned Center District shall apply to the "AP" – Airport zone.
- (e) *Type of materials.* "AP" – Airport zone construction shall be of fire-resistant materials.
- (f) *Special provisions.*
 - (1) When a property owner wishes to develop a landing field he may apply for a rezoning change to an "AP" – Airport zone. Said zoning changes shall be an amendment to the zoning map and shall follow all procedural requirements for such changes set forth herein.
 - (2) The establishment of this zoning classification shall not bar application for a permit for a temporary use as set forth in section 146-42.
 - (3) No structure shall be erected to a height in excess of that permitted by the regulations of chapter 118, the Collin County Regional Airport Zoning Ordinance, adopted September 10, 1979, or as it may be amended, and made a part hereof.

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

- (a) *Purpose.* The "GC" – Governmental Complex zone is designed to provide standards which are conducive to the creation of a high quality environment for central governmental facilities and to contribute to the efficiency of governmental services provided to the citizens of the area.
- (b) *Permitted uses.* The following uses are permitted in the "GC" – Governmental Complex zone:
 - (1) Any building or structure of the municipal, county or federal government, a school district or any other governmental entity servicing the citizens of the City or the county including, but not limited to, municipal office building, public safety facilities, courthouses, a jail, library, fire station, auditorium or similar governmental facility;
 - (2) Offices of public or quasi-public organizations established to serve one or more segments of the population of the area, and privately owned buildings that provide office space for professional type uses only, but excluding any retail or wholesale occupancies;
 - (3) Organizations established for and functioning to provide service to the public in general or to a significant segment of the public including, but not limited to, offices for Boy Scouts, YWCA, veterans, lodges, historical society and chamber of commerce;
 - (4) Service activities involving consultation, diagnosis, treatment, creative design endeavors and advisory services but not involving the direct sale of commodities, including, but not limited to, attorneys, doctors, engineers, architects, decorators, and auditors; and

- (5) All other uses indicated as being permitted in the "GC" – Governmental Complex zone in the Schedule of Uses.
- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "GC" – Governmental Complex zone:
- (1) Off-street parking and loading areas in lots or structures related to governmental activity or the requirements of adjacent business areas;
 - (2) Any accessory use related to the governmental and permitted private functions located in the zone including communication towers, drive-in customer service and similar facilities for these governmental and other permitted functions; and
 - (3) Signs shall be allowed in the "GC" – Governmental Complex zone providing identification or directional information to buildings or land areas if such signs are in conformance with the current sign ordinance of the City as it now stands or may hereafter be amended.
- (d) *Space limits.* The space limits shall be established by an overall governmental complex plan except as follows:
- (1) Buildings and structures may be erected to any legal height not restricted by other laws or ordinances.
 - (2) Where the "GC" – Governmental Complex zone is not bounded by a public street, no building or structure shall be erected nearer than 20 feet to a bounding private or governmental line except such restriction shall not apply to parking structures not to exceed two stories in height.
 - (3) Maximum floor area ratio: 12 to one.
 - (4) Maximum lot coverage: 50 percent of the total "GC" – Governmental Complex zone area.
- (e) *Types of materials.* Types of materials and construction of any building or structure in the "GC" – Governmental Complex zone shall be in accordance with types I, II, III, or IV construction of the building code of the City, chapter 122, article II, provided also that all exterior walls shall be of standard masonry construction, and shall meet the fire resistive requirements specified in the building code and the zoning chapter for that particular building.
- (f) *Miscellaneous provisions.*
- (1) Off-street parking shall be provided in accordance with a site plan approved for all or a portion of a "GC" – Governmental Complex zone prior to the beginning of construction. Off-street parking may be provided for the common use of all occupants, and shall be surfaced with concrete or asphalt materials.
 - (2) Off-street parking for privately owned buildings shall be provided for at the rate of one space per each 300 square feet of office space.
 - (3) Off-street parking for public or quasi-public buildings shall be provided for at the rate of one space per 400 square feet of office space or in case of assembly area one space provided for each four seats within the seating area.

- (4) The entire "GC" – Governmental Complex zone including internal streets may be considered as a single zoning lot in computing density, coverage and related space standards, regardless of ownership.

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

- (a) *Purpose.* The "PD" – Planned Development zoning district is designed to provide for the unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land use and development standards may be permitted; provided that the special ordinance provisions of the district are complied with and the intended uses and standards are not in conflict with the general purpose and intent of either this chapter or the City of McKinney Comprehensive Plan.
- (b) Any design or development proposal that does not strictly conform to the requirements of this chapter may request approval of a "PD" – Planned Development District, to be approved in accordance with the provisions of this chapter in its original form or by subsequent amendments. However, while a PD District may be proposed to modify provisions of this chapter, no proposed PD District ordinance may be approved without ensuring a level of exceptional quality or innovation for the associated design or development. Exceptional quality or innovation could come in many forms including, but not limited to, enhanced landscaping, creative site or architectural designs, or some other innovative element(s).
- (c) Every "PD" – Planned Development District ordinance approved under the provisions of this chapter shall be considered as an amendment to the chapter and shall be applicable to the property involved. In approving the PD District, the City Council may impose conditions relative to the standard(s) of development and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the PD District and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.
- (d) Every "PD" – Planned Development District ordinance approved in accordance with the provisions of this chapter in its original form or by subsequent amendments thereto shall be referenced on the zoning district map and a list of such planned development districts together with the category of uses permitted therein shall be maintained in the schedule of uses of this chapter.
- (e) *Submittal Requirements.* All rezoning requests for a "PD" – Planned Development District shall be required to submit the following information:
1. An application;
 2. The appropriate application fee as specified in Appendix A of the Code of Ordinances, which may be amended from time to time by ordinance;
 3. A letter of intent detailing the various aspects of the request, the merits of the request, and any other pertinent information;
 4. A general development plan reflecting the broad details of a development proposal including, but not limited to, sub-zoning areas, densities, building placement, vehicle and pedestrian circulation and access, coordination and integration of all of the land included within the request, and any other pertinent details. The Director of Planning may request more or less detail based on complexity of the request;

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

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.* The following uses are permitted in the "MTC" – McKinney Town Center zone: same uses as permitted within the "CHD" – Commercial Historic District.
- (c) *Space limits.* The following space limits shall apply to the "MTC" – McKinney Town Center zone:
 - (1) Minimum building height: 20 feet or two stories for the main building, ten feet for accessory structures. Single story main buildings are allowed only by specific use permit.
 - (2) Minimum side yard at corner: None, however buildings are not allowed within sight visibility triangles.
 - (3) Minimum lot coverage: 50 percent.
 - (4) Maximum lot coverage: 95 percent.
 - (5) Minimum floor area ratio: 1 1/2 gross floor area to one lot area (1.5:1.0).
 - (6) Maximum floor area ratio: 2 1/2 floor area to one lot area (2.5:1.0).
 - (7) 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) Minimum lot area for business: None.
 - (2) Minimum width of lot: None for business.
 - (3) Minimum depth of lot: None for business.
 - (4) Minimum front yard: None for business.
 - (5) Minimum side yard: None for business.
 - (6) Minimum side yard at corner: None for business.
 - (7) Maximum lot coverage, including accessory buildings, loading docks, incinerators and vending devices: 95 percent.
 - (8) Maximum floor area ratio: two to one.
 - (9) All other space limits identified as being applicable to the "CHD" – Commercial Historic District in Appendix F of the Zoning Ordinance.

Section 15. That the Code of Ordinances, City of McKinney, Texas, Section 146-130 of the Zoning Regulations, is hereby amended and shall read as follows:

Sec. 146-130. Vehicle Parking.

In all zoning districts off-street parking, also known as on-site parking, shall be provided for each of the uses identified herein-below at the ratios specified herein at the time any building or structure is (a) erected or (b) structurally altered, or at such other time when the use of an existing building is changed, except as otherwise specified by this chapter.

(1) *Parking requirements.*

Assisted living facility	1 parking space per 1.5 dwelling units.
Bank, savings and loan, or similar institution	1 parking space for every 400 square feet plus 5 stacking spaces per drive-through teller or ATM station.
Bed and breakfast facility	1 parking space for every guest room plus the parking requirements for a detached single family dwelling shall apply to the owner/occupant of the facility
Car wash (full service)	1 parking space for every 250 square feet of floor area plus 7 stacking spaces for each wash, vacuum, or gas pump lane.
Car wash (self-serve)	1 parking space for each bay or stall (in addition to washing areas or stalls) plus 3 stacking spaces for each wash bay if automated drive-through or 2 stacking spaces for each wash bay if wand-type.
Church or other place of worship	1 parking space for each 3 seats in the main auditorium or assembly hall. If no fixed seating is proposed, 1 parking space shall be provided for every 50 square feet of floor area in the main auditorium or assembly hall.
College or university	10 parking spaces per classroom.
Amusement (indoor):	1 parking space for each 100 square feet of gross floor area for uses not listed below.
a. Amusement center	1 parking space for every 50 square feet.
b. Bingo parlors	1 parking space for every 3 seats or one for every 100 square feet, whichever is greater.
c. Bowling alley	6 parking spaces for each alley.
d. Racquetball or handball courts	3 parking spaces for each court.
e. Indoor tennis courts	6 parking spaces for each court.

f.	Indoor jogging or running tracks	1 parking space for every 300 linear feet.
g.	Swimming pool	1 parking space for every 100 square feet of water surface plus deck area.
h.	Theatres and auditoriums, including motion picture theaters	1 parking space for every 4 seats.
i.	Areas for subsidiary uses not listed, such as restaurants, offices, etc.	Calculate required parking for each subsidiary use in addition to the minimum standards for other uses.
Amusement (outdoor):		
a.	Areas with fixed seating or bleachers	1 parking space for every 4 seats for fixed seating or for every 6 linear feet of benches for bleacher seating.
b.	Golf course	5 parking spaces per hole, plus requirements for retail parking, office parking, country club parking, and other uses as applicable.
c.	Golf driving range	1.5 parking spaces per driving tee.
d.	Soccer, football, baseball, or other play fields with no fixed seating	50 parking spaces per field.
e.	Tennis courts, basketball courts, or similar recreation courts with no fixed seating	6 parking spaces per court.
f.	Neighborhood pool	1 parking space per 200 square feet of pool surface area (not including wading pools or whirlpool baths) and 1 space per 400 square feet of building area.
g.	Swimming Pool	1 parking space for every 100 square feet of water surface plus deck area.
Community center, library, museum, or art gallery		10 parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each 4 seats that it contains.
Contractor's yard		1 parking space for every 5,000 square feet of lot area, with a minimum of 5 spaces.
Convenience store (with or without gas pumps)		1 parking space for every 250 square feet of floor area, with a minimum of 5 parking spaces. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Day nursery or day care center		1 parking space for every 8 pupils, based on design capacity plus 6 stacking spaces shall be required per drive-through/pick-up lane.
Dry cleaners (with drive-through)		1 parking space for every 250 square feet of floor area plus 3 stacking spaces shall be required per drive-through lane.
Dwellings, duplex		2 parking spaces for every unit, including 1 covered or

		enclosed space.
Dwellings, multiple family		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, attached	Single Family	2 parking spaces for each unit including 2 covered or enclosed spaces.
Dwellings, detached	Single Family	2 parking spaces for each unit including 2 covered or enclosed spaces, except that if a dwelling is constructed under a program for affordable housing sponsored by the City or sponsored by a non-profit corporation approved by the City 2 parking spaces must be provided for each unit, including a minimum of 1 covered or enclosed space.
Flea and farmers' market		1 parking space for every 250 square feet of market area.
Fraternity, dormitory	sorority, or	1 parking space for each 2 beds.
Fueling station (no services)	or gasoline station (no ancillary services)	1 parking space for every 4 pumping stations. Spaces provided for fueling at the pump stations shall not be considered parking spaces.

Furniture or appliance store, hardware store, wholesale establishments	1 parking space for every 400 square feet.
Fitness club, gymnasium, exercise area or similar use	1 parking space for every 150 square feet.
Hospital	1 parking space for each bed.
Hotel/motel or residence hotel	1 parking space for each sleeping room without a kitchen or 1.5 parking spaces for each sleeping room with a kitchen, plus 1 parking space for every 200 square feet of restaurant, retail, conference, or office area.
Industrial and manufacturing uses	1 parking space for every 1,000 square feet up to 20,000 square feet plus 1 parking space for every 2,000 square feet in excess of 20,000 square feet.
Junk yard, recycling center, and similar industrial uses	1 parking space for every 10,000 square feet of lot area.
Lodge, fraternal organization, country club or golf club	1 parking space for each 200 square feet of floor area.
Lumber yard	1 parking space for every 400 square feet of floor area, plus 1 parking space for every 1,000 square feet of warehouse.
Machinery or heavy equipment sales	1 parking space for every 400 square feet of gross floor area.
Mini-warehouse (self-storage)	4 parking spaces. A 12-foot wide loading zone shall be constructed in front of all access areas for each unit and shall not conflict with required fire lanes. A single loading zone may accommodate units on both sides of fire lane.
Mobile home or mobile home park	2 parking spaces for each mobile home plus additional spaces as required herein for accessory uses.
Mortuary or funeral home	1 parking space for each 200 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
Motor vehicle/automobile sales and new or used car lots	1 parking space for each 500 square feet of sales floor for indoor uses plus 1 parking space for each 1,000 square feet of outdoor display area in addition to spaces calculated for office and repair areas at their respective rates.
Motor vehicle/automobile repair and service (with or without gasoline sales)	2 parking spaces for each service bay with a minimum of 5 spaces plus parking requirements for office and overnight storage of vehicle. For quick lube or similar services, three stacking spaces for each service bay shall also be provided. Spaces provided for fueling at the pump stations shall not be considered parking spaces. All types of motor vehicle service or repair facilities must have a designated area on the site plan for the overnight storage of vehicles awaiting repair. If overnight storage is proposed a minimum of 1 overnight storage parking space must be provided for each proposed service bay.
Nursing home, skilled nursing facility, convalescent home	1 parking space for every 4 beds.
Office, (business,	1 parking space for each 400 square feet.

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

School, junior high or middle	2.5 parking spaces for each classroom plus 1 parking space for each 4 seats in the auditorium plus 1 pick-up/drop-off lane consisting of at least 10 stacking spaces. Additional parking need not be provided for ancillary uses such as swimming pools or practice fields used solely by students and staff. The number of parking spaces required for stadiums or facilities used jointly by the public outside of regular school hours may be reduced by the number of spaces provided for use during regular school hours.
Truck stops	1 parking space for each 10,000 square feet of site area plus 1 vehicle space for each 250 square feet of building area.
Veterinarian clinic	1 parking space for each 300 square feet of floor space.
Warehouse type uses	1 parking space for each 4,000 square feet.

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

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

<i>Size (DBH) of the preserved tree</i>	<i>Reduction in parking requirement</i>
6" to 8"	2 parking spaces
9" to 15"	3 parking spaces
16" to 30"	4 parking spaces
31" to 41"	5 parking spaces

- iv. If one, two, or all of the parking reductions specified above are utilized, the overall parking reduction shall not exceed ten percent of the sum of the total required parking for the development.
- (3) *Shared parking spaces.* Under specific circumstances listed below, a limited number of parking spaces may be applied toward parking space requirements for two different uses. Proposed shared parking arrangements shall be considered during the site planning process. Not more than 50 percent of the parking spaces shall be required for:
- a. Theaters, bowling alleys, nightclubs, church or school auditoriums, or similar uses may be provided and used jointly by;
 - b. Uses not normally open, used or operated during the same hours as those listed in subsection (3)a of this section.
- (4) *Location of parking spaces.* All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:
- a. Required parking spaces for non-residential uses not located on the same lot with the building or use served may be located on another lot located no more than 500 feet from such building or use. Where no parking lot or building is being constructed, Staff may approve such off-site parking arrangements. If the proposed off-site parking proposal is related to or includes construction of a building or parking lot, proposed off-site parking arrangements shall be considered during the site plan process.
 - b. Parking requirements for uses in the Commercial Historic District shall be determined according to provisions of section 146-96.
- (5) *Parking agreements required.* For any shared parking arrangement or off-site parking arrangement described above, written agreements ensuring retention of such parking spaces for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.
- a. A permanent easement for shared or off-site parking facilities shall be dedicated and recorded as a condition of such use.
 - b. A long-term remote parking agreement shall be provided.
- (6) *Parking design, pavement, and maintenance.* All off-street parking facilities, whether provided as required by this chapter, or provided in excess of these requirements, or otherwise provided, shall comply with the minimum requirements for parking and maneuvering space herein specified.
- a. *Minimum dimensions for off-street parking.* The minimum dimensions for off-street parking shall be as follows:
 - 1. Standard space: Nine feet (9') by eighteen feet (18').
 - 2. Parallel space: Eight feet (8') by twenty-two feet (22').
 - 3. Stacking space: Ten feet (10') by twenty feet (20').

4. Drive aisles: Two-way drive aisles shall be at least twenty-four feet (24') wide; One-way drive aisles shall be at least twenty feet (20') wide when provided in conjunction with angled parking spaces; One-way drive aisles shall be at least twelve feet (12') wide when not provided in conjunction with parking spaces.
5. Handicap spaces: Handicap parking spaces shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans Disability Act (ADA) of 1991, as may be amended, accessibility guidelines (ANSI Standards).
6. The Director of Planning may administratively approve the re-striping of existing ten foot (10') wide spaces to nine feet (9') without requiring approval of a new site plan. This provision would not allow alteration of parking lot layouts, landscaping, or additional paving.
7. See the following appendix E, illustrations 13, 14, 15, 16, and 17, for maneuvering areas and overhang allowances for 90-degree, 60-degree, and 45-degree angle parking.

b. *Maneuvering.*

1. All maneuvering of vehicles shall take place on site or within a mutual access easement. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
2. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

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

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

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

5. If no enclosed parking spaces are provided, a minimum 48 square foot enclosed storage space with outdoor access shall be provided per unit.

d. *Non-residential and multiple family uses.*

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

(7) *Parking prohibitions.*

- a. No parking space, garage, carport, or other vehicle storage space or structure located on private property in a residential zone shall be used for the storage of any truck, truck trailer, or van with a manufacturer's rated capacity exceeding one ton, or any tractor, tractor trailer, farm trailer, or other agricultural equipment.
- b. It shall be unlawful for any person to park or permit to remain parked on a public street within the City any truck, truck trailer, or van with a manufacturer's rated capacity exceeding one ton, or any tractor, tractor trailer, farm trailer, or other agricultural equipment, between the hours of 6:00 p.m. and 7:00 a.m., except when said motor vehicles, trailers, or equipment are engaged in loading or unloading.
- c. No boat, trailer, camper trailer, motor home or other such recreational vehicle shall be parked or stored within the required front yard, except as may be permitted in the "ML" or "MH" districts. In Single Family residential districts, two family residential districts, and multiple family residential districts, the parking or storage of such vehicles is limited to the rear yard only, and is limited to a maximum of one pleasure boat and one unoccupied trailer or motor home designed for recreational use not to exceed 24 feet in length. This restriction shall not apply to the storage of a boat or other vehicle in a fully enclosed building.
- d. Parking prohibitions on unsurfaced areas shall be as follows:
 1. No car, truck, or other vehicle shall be parked on an unsurfaced area of the front yard. This provision shall not apply to those lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981).
 2. For lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981), no car truck, or other vehicle shall be parked on an unsurfaced area of the front yard if the lot has a concrete, asphalt, or gravel driveway.
 3. If a concrete, asphalt, or gravel driveway does exist for a lot platted prior to the effective date of Ordinance No. 1270 (December 15, 1981) and unique circumstances prevent strict adherence with subsection (7)d.2 of this section, the Chief Building Official may consider an exception to the provisions of subsection (7)d.2 of this section. The applicant shall prove that the exception from the zoning regulations is warranted under the circumstances presented. The Chief Building Official may approve the exception with conditions to limit the number of vehicles to be parked on an unsurfaced area, the area to be parked on, etc. The decision of the Chief Building Official may be appealed to the Board of Adjustment. The exception may be granted if the Chief Building Official or his designee finds that:
 - (i) Unique circumstances exist on the property, such as substandard lot size, size or location of existing structures, trees or topographical features, which make the application of subsection (7)d.2 of this section unduly burdensome;
 - (ii) The exception will have no adverse impact on current or future development;
 - (iii) The exception will have no adverse impact on the public health, safety, and general welfare; and

- (iv) A financial hardship shall not be considered a hardship for granting an exception.

Section 16. That the Code of Ordinances, City of McKinney, Texas, Section 146-132 of the Zoning Regulations, is hereby amended and shall read as follows:

Sec. 146-132. Fences, Walls, and Screening Requirements.

Where a screening device is required as provided herein, the following standards shall be observed:

- (1) *Fence or wall.* Refer to chapter 122, article IV, which establishes minimum construction, location, and maintenance requirements for all fences in the City.
- (2) *Screening device.* A screening device shall be erected or placed in all locations and in accordance with all provisions specified below:
 - a. A screening device required under this section shall meet the following minimum requirements:
 - 1. The minimum height of the screening device shall be as follows:
 - (i) Garbage, trash or refuse container screening: seven feet (7').
 - (ii) Screening of outdoor storage: seven feet (7').
 - (iii) All other required screening: six feet (7').
 - 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 and/or City Council, depending on which body has the final approval authority as indicated in section 146-45(a)(2) through the site plan process; or
 - (iv) Alternate equivalent screening, upon approval by the Planning and Zoning Commission and/or City Council, depending on which body has the final approval authority as indicated in section 146-45(a)(2) through the site plan process.
 - b. All required screening devices must be equally finished on both sides.

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

(3) *Applicability.* Screening devices shall be placed and maintained in the following locations:

- a. Screening devices shall be placed along any property line or district boundary between any single family detached or attached or any two-family zoning or use and any mobile home park, or non-residential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.
- b. Multiple family residential developments outside of the Regional Employment Center Overlay district shall provide and maintain a six foot tall masonry screening wall along all side and rear property lines.
- c. All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier.
- d. Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided. Garbage, trash, or refuse containers shall not be located in front of the main building unless no other option is available. Gates shall be kept closed except when in use for access. Sanitation containers shall also meet the screening and landscaping requirements as defined in section 146-135.
- e. Sanitation containers shall be subject to the following design specifications.
 - i. Single container enclosures shall be a minimum of twelve feet (12') wide by fourteen feet (14') deep, as measured from the inside of the enclosure's walls.
 - ii. Double container enclosures shall be a minimum of 25.5 feet wide by fourteen feet (14') deep, as measured from the inside of the enclosure's walls.
 - iii. Trash compactor enclosures and all other enclosure types shall be constructed to the Environmental Waste Department's specifications.
 - iv. All enclosure types shall be required a minimum of forty feet (40') of straight backing, as measured from the front gates of the enclosure, to accommodate a sanitation truck's maneuverability. If special circumstances prevent straight backing from being provided, the Environmental Waste

Department shall have the authority to approve angled or alternative backing movements.

- v. All enclosure types shall be required to provide a 24' vertical clear zone, unless otherwise approved by the Environmental Waste Department.
 - f. All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.
 - g. Loading docks or structures, bays, and bay doors shall be screened from view from the public right-of-way, from adjacent residential property, and from adjacent non-residential property, other than industrial. The required screening device adjacent to a non-residential property, other than industrial, may be waived with site plan approval if it is determined that the location of the proposed loading docks, bays or bay doors in relation to the adjacent development's site layout is not detrimental. Bays in any retail district or retail "PD" district shall be oriented away from the street frontage.
 - h. Display of new vehicles, or used vehicles not defined as junked vehicles under chapter 62, article XI, need not be screened if they are, in the opinion of the Chief Building Official, maintained in a neat and orderly manner.
 - i. Landscaping standards for parking lots shall also apply to vehicle display lots, except that minimum screening height for vehicle display lots shall be 1 1/2 feet (1.5').
 - j. Mechanical and heating and air conditioning equipment in non-residential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential property. For such equipment located on the roof of a non-residential or multi-family structure, the screening of the equipment shall be a minimum of one foot higher than the height of the equipment.
 - k. At motor vehicle service or repair facilities or automotive paint and body repair shops, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property. Parking spaces used for the overnight storage of vehicles awaiting repair must be screened in accordance with the requirements of this section.
 - l. Parking lots shall meet screening and landscaping requirements as defined in section 146-135.
- (4) *Variances.* In the case of a required site plan approval, a variance to the provisions of this section, save and except subsection 143-132(3)e, may be allowed by the Planning and Zoning Commission and/or the City Council, unless otherwise specified herein, depending on which body has the final approval authority as indicated in section 146-45(a)(2), or additional provisions required, as a part of such site plan approval. The applicant shall prove that the variance from the zoning regulations is warranted under the circumstances presented. A variance may be granted if the Planning and Zoning Commission and/or City Council finds that:
- a. Unique circumstances exist on the property that make application of specific items in this section unduly burdensome on the applicant;
 - b. The variance will have no adverse impact on current or future development;

- c. The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
- d. The variance will have no adverse impact on the public health, safety and general welfare.

A financial hardship shall not be considered a basis for the granting of a variance.

Section 17. That the Code of Ordinances, City of McKinney, Texas, Section 146-133(b) of the Zoning Regulations, is hereby amended and shall read as follows:

- (b) *Allowed accessory uses.* Allowed accessory uses are listed in the requirements for each zoning district provided for by this chapter.

Section 18. That the Code of Ordinances, City of McKinney, Texas, Section 146-133(c)(8)(b) of the Zoning Regulations, is hereby amended and shall read as follows:

- b. Office of a salesman or manufacturer's representative; provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises, except as otherwise expressly permitted by this chapter;

Section 19. That the Code of Ordinances, City of McKinney, Texas, Section 146-133(c)(9)(i) of the Zoning Regulations, is hereby amended and shall read as follows:

- i. On-premises retail or wholesale sales of any kind, with the following exceptions:
 1. Home craft items produced entirely on premises;
 2. Garage sales as provided for within chapter 54, article II;
 3. Sales incidental to a service; and
 4. Orders previously made by telephone, internet, or at a sales party.

Section 20. That the Code of Ordinances, City of McKinney, Texas, Section 146-133(c)(11) of the Zoning Regulations, is hereby amended and shall read as follows:

(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 21. That the Code of Ordinances, City of McKinney, Texas, Section 146-135(d)(2)(c) of the Zoning Regulations, is hereby amended and shall read as follows:

- 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);

Section 22. That the Code of Ordinances, City of McKinney, Texas, Section 146-135(e)(1) of the Zoning Regulations, is hereby amended and shall read as follows:

- (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 Director of Planning. The applicant may be required to provide substantiation as to the hardiness, adaptability, and water demands of the plant when used in this area.
 4. For maximum reduction in water usage, 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 (6") 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 (6") 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 Director of Planning, 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 Director of Planning.
- k. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with 100% 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.

Section 23. That the Code of Ordinances, City of McKinney, Texas, Section 146-135(e)(5) of the Zoning Regulations, is hereby amended and shall read as follows:

- (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 (6") above the ground) shall be provided instead of the required canopy trees.

Section 24. That the Code of Ordinances, City of McKinney, Texas, Section 146-135(f) of the Zoning Regulations, is hereby amended and shall read as follows:

(f) *Minimum landscaping requirements.*

- (1) For all non-residential and multiple family parcels, at least 15 percent of the street yard shall be permanent landscape area. The term "street yard" shall be defined as the area between the front property line and the minimum front set back line.
- (2) For all non-residential and multiple family parcels located at the intersection of two dedicated public streets (rights-of-way), a 30 foot landscape buffer shall be provided parallel to the corner clip right-of-way dedication, which can be counted toward the 15 percent requirement. See appendix E, illustration 19, for intersection landscaping.

- (3) For all non-residential and multiple family parcels, a minimum of 10 percent of the entire site shall be devoted to living landscape, which shall include grass, ground cover, plants, shrubs, or trees.
- (4) Landscape setbacks on thoroughfares shall comply with the following provisions:
- a. *Landscape setbacks on minor thoroughfares.* For all non-residential and multiple family parcels, a minimum ten foot (10') landscape buffer adjacent to the right-of-way of any minor thoroughfare is required. If the lot is a corner lot, all frontages shall be required to observe the ten foot (10') buffer.
 - 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. If the lot is a corner lot, all frontages shall be required to observe the twenty foot (20') buffer.
 - c. *Landscape setback variances.* If unique circumstances exist which prevent strict adherence with this requirement, the Planning and Zoning Commission may consider a granting of a variance during the site plan approval process to reduce the minimum twenty foot (20') landscape buffer to a minimum of ten feet (10'); provided that site design considerations have been incorporated to mitigate the impact of the variance. Unusual circumstances include, but are not limited to: insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A variance may be granted if:
 - 1. Unique circumstances exist on the property that makes application of this section unduly burdensome on the applicant;
 - 2. The variance will have no adverse impact on current or future development;
 - 3. The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses; and
 - 4. The variance will have no adverse impact on the public health, safety and general welfare.
- A financial hardship shall not be considered a basis for the granting of a variance.
- (5) For all non-residential and multiple family parcels, developers shall be required to plant one canopy tree per 40 linear feet, or portion thereof, of street frontage. These required trees must be planted within the associated landscape setback along thoroughfares, unless otherwise approved by the Director of Planning. Trees may be grouped or clustered to facilitate site design.
- (6) Landscape areas within parking lots must be at least one parking space in size (162 square feet).
- (7) No landscape area counting toward minimum landscaping requirements shall be less than 25 square feet in area or less than five feet (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) Within parking lots, landscape areas with curbs and gutters must be provided to define parking areas and assist in clarifying appropriate circulation patterns.
- (10) A landscape island shall be located at the terminus of each parking row, and should 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 street 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 ten feet (10') 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) For all single family and duplex parcels, builders shall be required to plant two canopy trees per lot, prior to obtaining a certificate of occupancy. At least one of the trees shall be located in the front yard. 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 142-152 of the Subdivision Ordinance, any required landscape areas as outlined in section 146-135, or any required spacing between buildings. Open space pockets shall be designed to be located over the entire site in order to break up density and serve the entire development. Open space pockets shall be required to be a minimum of 1,000 square feet and a maximum of 2,000 square feet for townhome developments over 50 units. The applicant may request an increase in the maximum allowed useable open space requirement with site plan approval.

Section 25. That the Code of Ordinances, City of McKinney, Texas, Section 146-135(h)(1) of the Zoning Regulations, is hereby amended and shall read as follows:

- (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).

Section 26. That the Code of Ordinances, City of McKinney, Texas, Section 146-135(i)(3) of the Zoning Regulations, is hereby amended and shall read as follows:

- (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 (6") measured six inches (6") above the ground may be replaced with trees of similar variety having a minimum trunk diameter of four inches (4") measured six inches (6") 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 (4") measured six inches (6") above the ground.

- c. A time extension may be granted by the Director of Planning if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner, tenant, or his agent.

Section 27. That the Code of Ordinances, City of McKinney, Texas, the definition for "Caliper" in Section 146-136 of the Zoning Regulations, is hereby amended and shall read as follows:

Caliper means the diameter measurement of a tree trunk. The caliper of the trunk shall be measured six inches (6") above the ground for trees.

Section 28. That the Code of Ordinances, City of McKinney, Texas, Section 146-136(f)(3)(a) of the Zoning Regulations, is hereby amended and shall read as follows:

- a. *Perimeter tree zone.* If a quality tree six inches (6") or greater exists within 15 feet of the boundary line between an existing platted single family residential development and a proposed development, a perimeter tree zone shall be provided. The perimeter tree zone shall extend 15 feet out from each quality tree six inches (6") or greater onto the proposed development for a maximum 30 foot wide perimeter tree zone. No tree within the perimeter tree zone may be critically altered.

Section 29. That the Code of Ordinances, City of McKinney, Texas, Section 146-136(g)(1)(a) of the Zoning Regulations, is hereby amended and shall read as follows:

- a. *Generally.* The protected tree shall be replaced with a quality tree or trees as approved on the tree preservation plan.
 - 1. *Size and number.* A sufficient number of trees shall be planted to equal or exceed, in caliper, the caliper of each tree critically altered, measured at four feet six inches (4'6") above ground level. Each replacement tree shall be a minimum of four inch (4") caliper at six inches (6") above ground level and twelve feet (12') in height when planted. The following formula shall be used to calculate the number of trees to be replaced:

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

- 2. *Credits.* When any quality tree of four inches (4") or more in caliper is preserved that would otherwise have been exempt, credits toward the total inches of caliper of replacement trees required for the development site will be given as per the following formula. Credits shall not

reduce the minimum size of any replacement tree planted.

3. *Location.* Each replacement tree shall be planted on the same property as the tree that was critically altered. However, if the Landscape Administrator deems that the replacement tree cannot be planted on the same property in accordance with accepted arborists' standards, the Landscape Administrator may, as part of the City's reforestation plan, allow the following:
 - (i) Replacement on public property;
 - (ii) Replacement on private property if also approved by the Chief Building Official; or
 - (iii) Require payment to the reforestation fund in accordance with subsection (g)(1)c of this section.
4. *Responsibility to replace trees.* The requirement to replace trees shall apply to both the person altering a protected tree and the owner of the property.
5. *Replacement of dead trees.* A replacement tree planted on the same property as the critically altered tree must be replaced if it dies. This requirement applies to the owner of the property.

Section 30. That the Code of Ordinances, City of McKinney, Texas, Section 146-139 of the Zoning Regulations, 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. Single family or two-family (duplex) residential construction;
- b. 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;
- c. Portable buildings for religious institutions or private schools, which may be allowed for a period not to exceed 30 months;
- d. Portable buildings for public schools, which may be allowed indefinitely;
- e. Temporary uses as defined under section 146-42;
- f. 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
- g. 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) *Limited waivers for expansion or reconstruction.* If compliance with these standards is required by the provisions of subsections (c)(2) or (c)(3)f of this section, the Director of Planning may, upon request by the applicant, authorize a waiver from specific requirements for exterior materials or design, if strict compliance with these standards would result in significantly inconsistent appearance between existing and proposed sections of the building, or if the total number of points required cannot be achieved due to existing site limitations.
- (1) The applicant shall submit detailed information to the Director of Planning as required in subsection (l)(2)a.1 of this section regarding meritorious exceptions.
 - (2) The Director of Planning may, for any reason, refer the request for a waiver to the Planning and Zoning Commission for a decision according to procedures outlined in subsection (l)(2)a.2 of this section.
 - (3) The applicant may appeal the decision of the Director of Planning to the Planning and Zoning Commission according to the procedures outlined in subsection (l)(2)a.2 of this section regarding meritorious exceptions.
 - (4) The applicant may appeal the decision of the Planning and Zoning Commission to the City Council according to the procedures outlined in subsection (l)(2)a.2 of this section regarding meritorious exceptions.
- (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 and this section shall be complied with. Where a direct conflict between the provisions of the ordinances exists, specific provisions of the Planned Development District ordinance shall control, and full points shall be awarded for the associated category. For example, if a Planned Development District requires 100 percent stucco finishing and the proposed structure complies with this requirement, 40 points would be awarded for exterior finish.
- (f) *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.
- (g) *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. Such proposals shall be fairly and seriously considered by the Planning and Zoning Commission through the approval process outlined in subsection (l)(2)a.2 of this section.

- (h) *Variances.* 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 or particular hardship, including instances where an applicant has previously built in strict conformance with approved architectural and site standards plans and such approval was erroneously granted by the Chief Building Official or designee, a variance from the strict application of this section may be granted by the Board of Adjustment; provided that:
- (1) The variance requested is in harmony with the general purpose and intent of this section;
 - (2) The board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate a demonstrable and unusual hardship or difficulty; and
 - (3) The board is satisfied that there will be no adverse impact on surrounding property.
- (i) *Administrative official.* The provisions of this section shall be administered by the Chief Building Official or designee.
- (j) *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.
- (k) *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.
- (l) *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 subsections (l)(3) and (m) of this section, as applicable. The information shall include:

1. Calculation of points to be awarded for the project, on a scoring sheet provided by the Chief Building Official, and including an original signature of the architect or other designer certifying its accuracy and completeness (calculation of points is not required for multi-family projects or for industrial uses proposed in an industrial zone);
2. A site plan showing the building footprint and all site elements for which points are to be awarded, in sufficient detail to demonstrate compliance with subsections (l)(3) and (m) of this section, as applicable;
3. 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 to receive points as prescribed in Section 146-139 of the Zoning Ordinance.

4. Color samples for all items for which points are to be awarded based on color;
5. All other information necessary to demonstrate compliance with the evaluation criteria as indicated on the scoring sheet; and
6. A certification that the proposed development meets or exceeds the required minimum score.

b. If the applicant has not submitted sufficient information to demonstrate conformance with the required standards, the application may be found to be administratively incomplete and the application may be reserved for consideration until complete information is submitted.

(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.*

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.

b. *Appeal of interpretation.* The applicant may appeal an interpretation of this chapter in the following manner:

1. The applicant shall submit a written request to the Chief Building Official for an appeal of interpretation.

2. The Chief Building Official and the Director of Planning shall review the matter appealed and all related documentation submitted as part of the architectural and site standards application. The applicant may be requested to submit additional information in support of his appeal. The Chief Building Official and the Director of Planning shall provide the Director of Development Services with a written recommendation.

3. After reviewing a request for appeal of interpretation, the written recommendations of the Chief Building Official and the Director of Planning, and related documentation, the Director of Development Services shall issue a final

Staff approval or denial. If the Director of Development Services denies the appeal, the applicant may appeal the decision to the Zoning Board of Adjustment in accordance with section 146-165(2).

(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 not be required to achieve a minimum point score, and shall be approved if all the following criteria are met:

1. All buildings, including covered parking, shall have a pitched roof with a 4:12 minimum pitch.
2. The exterior finish on each side 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 parking areas shall be screened from view from public thoroughfares by one or more of the following:
 - (i) A combination of low masonry walls and earthen berms reaching a minimum of six feet tall;
 - (ii) Earthen berms reaching a minimum of six feet tall;
 - (iii) A six foot tall brick masonry, stone masonry, or other architectural masonry finish; or
 - (iv) A six foot tall primed and painted tubular steel or wrought iron fence with masonry columns spaced 20 feet on center with structural supports placed every 10 linear feet, and with sufficient evergreen landscaping to create a screening effect.

7. All paving for drives, fire lanes, and parking shall be concrete.
 8. Only monument signs shall be permitted.
 9. All multi-family residential buildings located outside of the Regional Employment Center Overlay District shall be limited to two stories in height.
 10. Exterior stairways shall be covered with a roof, roof overhang, or porch.
 11. Multi-family residential structures 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. *Townhome projects.* Townhome projects shall not be required to achieve a minimum point score, and shall be approved if all the following criteria are met:
1. Exterior finish on each side of every townhome unit 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. Area of exterior finish shall be calculated exclusive of doors and windows.
- 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 not be required to meet a minimum number of points, and 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 not be required to meet a minimum number of points, and 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.* Non-residential projects, except as noted in subsections (b) and (c) of this section, which meet or exceed 85 points shall be approved. Scores shall be calculated according to the scoring criteria as follows in subsection (m) of this section.

(m) *Scoring criteria.*

- (1) *Exterior finishing materials.* When determining area herein, windows and doors shall be excluded from the calculation of area. Points towards the required minimum score shall be allocated as indicated below:
- a. For all non-residential uses in non-industrial districts, except as exempted under subsection (m)(1)e of this section, at least 50 percent of each wall, including walls that extend less than 24 inches, shall be covered with a masonry finishing material as defined herein. Additionally, if greater percentages of masonry coverage are provided, points will be calculated as follows:
 1. If at least 60 percent but less than 75 percent of each exterior wall that extends 24 inches or greater shall be covered with a masonry finishing material as defined herein, ten (10) points shall be awarded.
 2. If at least 75 percent but less than 85 percent of each exterior wall that extends 24 inches or greater shall be covered with a masonry finishing material as defined herein, twenty (20) points shall be awarded.
 3. If at least 85 percent but less than 100 percent of each exterior wall that extends 24 inches or greater shall be covered with a masonry finishing material as defined herein, thirty (30) points shall be awarded.

4. If 100 percent of each exterior wall that extends 24 inches or greater shall be covered with a masonry finishing material as defined herein, forty (40) points shall be awarded.
 - b. Acceptable masonry finishing materials are brick, stone, or synthetic stone materials, including, but not limited to, slate, flagstone, granite, limestone and marble.
 - c. The balance of any exterior finishing material shall be stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall construction, up to 10 percent of approved 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.
 - d. 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.
 - e. If all criteria listed under either subsection (m)(1)e.1 or (m)(1)e.2. of this section are satisfied, up to 100 percent stucco, EIFS, architectural concrete masonry units, or concrete tilt wall may be used on a maximum of one vertical wall without reducing points awarded for exterior finish.
 1. Residential adjacency shall be determined by the following:
 - (i) The elevation of the building is adjacent to residential property;
 - (ii) An approved screening device separates the two properties which effectively screens the wall of the building from view of the adjacent residential property; and
 - (iii) The area between the building and the screening device is no wider than a standard fire lane, landscape buffer, and a maximum of one single loaded row of head-in parking.
 2. Non-residential adjacency shall be determined by the following:
 - (i) The elevation of the proposed building is adjacent to an existing commercial building;
 - (ii) Such elevation is not visible from a public right-of-way;
 - (iii) The length of the proposed building is completely screened by the existing building;
 - (iv) The two buildings are separated by no more than the width of a standard fire lane and/or loading area;

(v) The area between the buildings is not intended for general site circulation; and

(vi) The proposed building is not part of a pad site related to a larger non-residential development.

f. Windows and doors shall be excluded from calculation of area.

(2) *Exterior color.* Twenty (20) points shall be awarded towards the required minimum score if all the following standards are met.

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 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.

e. 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. Colors on the following surfaces shall be counted towards the total:

1. All painted, stained, varnished, or shellacked surfaces;
2. Integrally colored surface materials such as concrete block, stucco, plaster, or EIFS;
3. Glazed surfaces on materials such as brick, concrete block, or ceramic tile;
4. Roofing materials;
5. Canopies and awnings;
6. Colored glazing other than clear, bronze or gray;
7. Pre-finished materials such as metal trim or aluminum doors, window or storefront entry systems; and
8. Any finishing material that has been covered, treated, affected or altered, partially or entirely, with any substance which changes enhances, or alters the natural state of the material.

(3) *Building massing.* Fifteen (15) points shall be awarded towards the required minimum score if all of the following standards for the applicable building are met.

- a. All buildings shall have at least one major offset on each elevation fronting on a public right-of-way and the following provisions shall be met:
 1. The offset shall be either a projection from the primary facade or a recess in the primary facade.
 2. The offset shall be the full height of the wall.
 3. The length of the offset shall be a minimum of 20 percent of the length of the elevation.
 4. 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.
- b. For multiple story buildings, one or more upper story setbacks of at least four feet (4') may be substituted for offset described in subsection (m)(3)a of this section, but such substitution shall be allowed only on a single elevation fronting a public right-of-way.

(4) *Roof treatment.* Fifteen (15) points shall be awarded towards the required minimum score if the requirements of subsections (m)(4)a, b and c of this section are met.

- a. The entire building shall comply with all color standards in subsection (m)(2) of this section.
- b. A roof treatment incorporating all of the elements listed in subsections (m)(4)b.1., 2, or 3 of this section shall be utilized:
 1. A pitched roof of any style, including, but not limited to, hipped, gabled or shed roofs shall be acceptable. The roof must cover 100 percent of the total roof area, excluding porches and porte-cocheres. The roof shall have a minimum pitch of three feet of vertical deflection (rise) for every 12 feet of horizontal deflection (run) (3:12 pitch). No flat roof line shall be visible.
 2. 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. The roof shall have a minimum pitch of six feet of vertical deflection (rise) for every 12 feet of horizontal deflection (run) (6:12 pitch).
 3. A parapet wall shall be acceptable if constructed around the entire perimeter of a building so that no flat roof shall be visible.
- c. All rooftop mechanical equipment shall be completely screened by the roof or a parapet wall.

- d. Standing seam metal roofs, which meet all the criteria of subsection (m)(4)b.1., 2, and 3 of this section shall be acceptable.
- (5) *Minor facade offsets.* Fifteen (15) points shall be awarded towards the required minimum score if all of the standards of either subsection (m)(5)a or b of this section are met.
- a. Structural or ornamental minor facade offsets of a minimum one (1) foot deep and a minimum of two (2) feet wide shall be constructed and the following provisions shall be met:
 - 1. The offsets shall be present on at least two elevations;
 - 2. 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
 - 3. The height of such offsets shall be equal to or greater than 75 percent of each elevation.
 - b. Structural or ornamental minor facade offsets of a minimum of three inches (3") deep and a minimum of twelve inches (12") wide shall be constructed and the following provisions shall be met:
 - 1. The offsets shall be spaced at a maximum of 20-foot centers; and
 - 2. The height of such offsets shall be equal to or greater than 75 percent of each elevation.
 - c. For multi-story buildings, a minor facade setback of at least three inches deep may be substituted for minor offsets described in subsection (m)(5)a or b of this section, on no more than one elevation fronting on a public right-of-way.
- (6) *Overhang enhancements.* Five (5) points shall be awarded towards the required minimum score if all of the following standards are met.
- a. The entire building shall comply with all color standards in subsection (m)(2) of this section.
 - b. One of the following two criteria must be met:
 - 1. The overhang of either a pitched roof or partial pitched roof, as defined in subsection (m)(4) of this section shall extend a minimum of four feet (4') beyond primary facade; or
 - 2. A covered porch shall extend a minimum of six feet (6') deep beyond primary facade. This covered porch shall be an uninterrupted length of at least twelve feet (12').
- (7) *Height and slope standards.*
- a. For multi-story buildings proposed to be constructed on property adjacent to a residential district the following shall apply:
 - 1. Five (5) points shall be awarded towards the required minimum score if, for each foot of building height, three

feet of setback is provided from all common property lines with residential districts; or

2. Three (3) points shall be awarded towards the required minimum score if, for each foot of building height, two feet of setback is provided from all common property lines with residential districts.
 - b. For all other properties, five (5) points shall be awarded towards the required minimum score if none of the property lines form common boundaries with residential districts.
 - c. For all buildings three (3) stories or more in height constructed on property adjacent to a residential district, a setback equal to or greater than that described in subsection (m)(8)a.2 of this section shall be required, regardless of whether the points are needed to achieve the minimum score for the project.
- (8) *Doors and windows.* No points shall be awarded for doors and windows unless all elevations visible from a public right-of-way comply with subsection (m)(9)a of this section. The total points awarded for this category shall not exceed three (3) points. Three (3) points shall be awarded if:
- a. Doors and windows 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; and
 - b. The entire building complies with all color standards in subsection (m)(2) of this section.
- (9) *Exterior glass.* Three (3) points shall be awarded if:
- a. The maximum reflectivity of all exterior glass is less than or equal to 27 percent; and
 - b. The entire building complies with all color standards in subsection (m)(2) of this section.
- (10) *Porte-cocheres, canopies and awnings.* Three (3) points shall be awarded if all items below are satisfied:
- a. 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:
 1. A porte-cochere or canopy (column supported or wall and column supported); and/or
 2. Wall-supported awnings of minimum three feet depth for doors and/or windows.
 - b. The entire building shall comply with all color standards in subsection (m)(2) of this section.
- (11) *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. Three (3) points shall be awarded for each of the following categories:

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

Section 31. That the Code of Ordinances, City of McKinney, Texas, Section 146-193(b)(4) of the Zoning Regulations, is hereby amended and shall read as follows:

- (4) Planning applications. The fees for all Planning Department applications shall be as specified in Appendix A of the Code of Ordinances, which fee amounts may be amended from time to time by ordinance.

Section 32. That the Code of Ordinances, City of McKinney, Texas, Appendix F, Section F-1 of the Zoning Regulations, is hereby amended and shall read as specified in Exhibit A, attached hereto.

Section 33. That the Code of Ordinances, City of McKinney, Texas, Appendix F, Section F-2 of the Zoning Regulations, is hereby amended and shall read as specified in Exhibit B, attached hereto.

Section 34. That the Code of Ordinances, City of McKinney, Texas, Appendix F, Section F-3 of the Zoning Regulations, is hereby amended and shall read as follows:

Sec. F-3. Reserved.

Section 35. That the Code of Ordinances, City of McKinney, Texas, Appendix F, Section F-4 of the Zoning Regulations, is hereby amended and shall read as specified in Exhibit C, attached hereto.

Section 36. 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 37. 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.

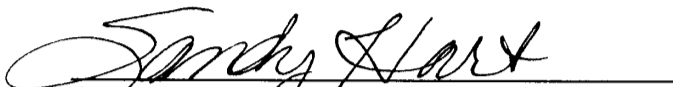
Section 38. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, ON THIS 7TH DAY OF DECEMBER, 2010.

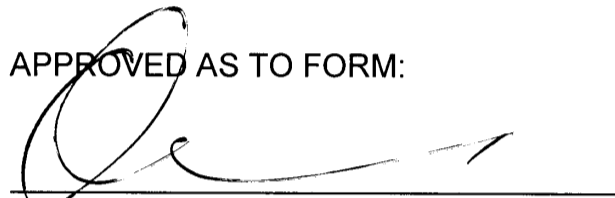
CITY OF McKINNEY, TEXAS


BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:


SANDY HART, TRMC, MMC
City Secretary

DATE: December 8, 2010

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

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

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

Notes:

- (1) See district regulations.
- (2) Established by ordinance.

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

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

Notes:

- (1) See district regulations.
- (2) Established by ordinance.

SCHEDULE OF USES

Type Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RS 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		
Residential Uses																															
Bed and breakfast (See Ch. 138, Art. IV)																															
Boardinghouse or rooming house (16)																															
Dormitories																															
Mobile home dwelling (64)																															
Mobile home park (See Ch. 138, Art. III) (65)																															
Multiple family dwelling (apartment) (67)																															
Single family dwelling (attached) (99)																															
Single family dwelling (detached) (100)																															
Two family dwelling (duplex) (112)																															
Watchman or caretaker quarters																															
Educational and Institutional Uses																															
Cemetery																															
Church, rectory, or other places of worship including church-operated day-care facilities and pre-schools (24)																															
Clinic (27)																															
College or university																															
Day-care (32)																															
Fraternal organization, lodge, civic club (45)																															
Halfway house																															
Hospital (51)																															
Museum, library, art gallery (public) (68)																															
Rest home or nursing home (88)																															
School, business or trade (94)																															
School, public, private or parochial (95)																															
Accessory, Utility and Incidental Uses																															
Accessory building or use (1)																															
Electrical generating plant																															
Home occupation (See Sec. 146-133) (50)																															
Local utility line or utility distribution lines; Telephone exchange (no garage or shop)																															
Public building (shop or yard) (85)																															
Servant's quarters (97)																															
Sewage treatment plant																															
Utility business office																															
Utility shop or yard																															

Type Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RD 30	RG 27	RG 25	RG 15 [18]	MF-1	MF-2	MF-3	MP	NC	BN	BG	C	O-1	O	BC	ML	MH	AP	GC	MTC	CHD		
Utility substation or regulating station	*	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	
Water storage tank	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S		
Water treatment plant	S																												S		
Recreational and Entertainment Uses																															
Amusement, commercial (indoor) (4)																			*	*	*	*	*	*	*	*	*	*	S	S	
Amusement, commercial (outdoor) (5)																			*	*	*	*	*	*	*	*	*	*	T	T	
Carnival or circus (temporary)	T																		T	T	T	T	T	T	T	T	T	T	T	T	
Country club (29)	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Fitness club, gymnasium, exercise area or similar use	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Golf course (public)																															
Golf course (private)	S								S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Park or playground (public) (76)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Playfield or stadium (public) (83)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Private club (See Ch. 138, Art. II, Sec. 146-41) (84)																			S	S	S	S	S	S	S	S	S	S	S	S	
Recreation area (private) (86)	*	*	*	*	*	*	*	*	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Recreation center (public) (87)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Sexually oriented business (See Ch. 138, Art. V)																															
Swim or tennis club (107)	*								S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Swimming pool (public)	*	*	*	*	*	*	*	*	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Swimming pool (private) (108)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Theater (indoor)																															
Theater (outdoor)																															
Transportation, Automobile, and Related Uses																															
Airport or landing field, and aircraft hangar																															
Auto painting or body shop																				*	*	*	*	*	*	*	*	*	*	*	*
Auto parts sales (indoor)																			*	*	*	*	*	*	*	*	*	*	*	*	*
Automobile, trailer, light truck, tool rental																			*	*	*	*	*	*	*	*	*	*	*	*	*
Automobile, motorcycle, boat (sales, repair, or storage)																			*	*	*	*	*	*	*	*	*	*	*	*	*
Bus station																			*	*	*	*	*	*	*	*	*	*	*	*	*
Car Wash (See Sec 146-41(11a)) (22)																		S	*	*	*	*	*	*	*	*	*	*	*	*	*
Garage, auto repair (52)																			*	*	*	*	*	*	*	*	*	*	*	*	*
Garage or lot, parking (private)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Garage or lot, parking (commercial)																			*	*	*	*	*	*	*	*	*	*	*	*	*
Helipport or heliport	T																		T	T	T	T	T	T	T	T	T	T	T	T	T
Motor freight terminal																															
Parking, incidental to main use	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Parking lot (truck) (78)																															
Private street development (See Ch. 142, Art. VII)		S	S	S	S	S	S	S	S	S	S	S																			
Railroad freight station																															
Railroad team truck																															

Type Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RS 30	RD 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												
Railroad track or right-of-way	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*												
Recreational vehicle sales																																									
Service station or motor vehicle fuel sales (subject to section 146-84, (98)																																									
Taxi or shuttle service																																									
Tire recapping																																									
Truck sales, storage, or repair																																									
Commercial Type, Retail, and Service Uses																																									
Bait shop	*																																								
Bakery or confectionery (retail)																																									
Bakeries (wholesale)																																									
Banks and financial institutions																																									
Barber or beauty shops																																									
Building materials sales or monument sales																																									
Carpentry or sign shop																																									
Cleaning plant (laundry)																																									
Cleaning shop and pressing (small shop and pickup) (26)																																									
Department or discount store																																									
Drug-store or pharmacy																																									
Exterminator																																									
Farmers market (39)	*																																								
Florist or garden shop																																									
Field office (41) 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	T	T	T	T	T	T	T	
Food stores, groceries																																									
Frozen food lockers																																									
Funeral homes and mortuaries												S	S	S	S	S																									
Furniture sales																																									
Greenhouse or plant nursery																																									
Hardware store (paint, plumbing, and related sales)																																									
Heavy machinery sales and storage																																									
Hotel or motel (52)																																									
Household appliance sales (53)																																									
Laboratories (medical, dental, science)																																									
Mimeograph or letter shop																																									
Mobile home display and sales																																									
Office building																																									
Offices with showrooms												S																													
Office use	*											*				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

Type Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RD 30	RG 27	RG 25	RG 15 [18]	MF-1	MF-2	MF-3	MP	NC	BN	BG	C	O-1	O	BC	ML	MH	AP	GC	MTC	CHD			
Office supplies																	*		*	*		*	*	*	*	*	*	*	*			
Paint and related sales																			*	*									*			
Pawnshops																			*	*									*			
Personal service (81)																			*	*									*			
Pet store, kennel, animal boarding (no outside runs)																			*	*									*			
Pet store, kennel, animal boarding (outside runs)	*																		*	*									*			
Psychic/paranormal readings																			*	*												
Radio or TV broadcast studio																			*	*		*	*	*	*	*	S	N-1	S			
Retail store (indoor)																			*	*									*			
Restaurant or cafeteria (carry-out only) (90)																		*	*										*			
Restaurant or cafeteria (indoor service) (91)																		*	*										*			
Restaurant or cafeteria (including drive-through window) (92a)																		*	*		S								*			
Restaurant or cafeteria (drive-in service) (92b)																		S	*	*												
Studios, photo, music, art, health, etc.																			*	*									*			
Tattoo Parlor																			*	*									*			
Travel agent																		*	*			*	*	*	*	*	*	*	*			
Upholstery shop																		*	*			*	*	*	*	*	*	*	*			
Veterinarian (no outside runs)																		*	*			*	*	*	*	*	*	*	*			
Veterinarian (with outside runs)	*																	*	*			*	*	*	*	*	*	*	*			
Wholesale establishments																			*	*			*	*	*	*	*	*	*			
Industrial and Manufacturing Uses																																
Concrete or asphalt batch plant																																
Contractor's yard																																
Dirt or topsoil extraction; sand and gravel mining or storage	S																															
Fat rendering, animal reduction																									S	S						
Food processing																																
Forestry, mining and oil/gas drilling uses	*																															
Forge plant																																
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 (54)																																
Laboratories, medical, dental, science																																
Machine shop or welding																																
Metal fabrication																																
Mini-warehouse (See Sec. 146-41)																											S	S				

Type Use	AG	RED-1	RED-2	RS 120	RS 84	RS 72	RS 60	RS 45	RD 30	RG 27	RG 25	RG 15 [18]	MF-1	MF-2	MF-3	MP	NC	BN	BG	C	O-1	O	BC	ML	MH	AP	GC	MTC	CHD		
Open storage (74)																								*	*						
Paper or pulp manufacture																									*	*					
Printing plant																								*	*						
Refining or storage (petroleum products, gas, butane, propane)																								*	*						
Sanitary landfill																								*	*						
Smelting of ores or metals																								*	*						
Soft drink bottling plant																								*	*						
Warehousing																								*	*						
Agricultural and Related Uses																															
Agricultural and ranching uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Creamery (dairy products)																															
Fairgrounds or rodeo																															
Farm implement sales and service																															
Farm, orchard or truck garden (38)																															
Hatchery (poultry), egg farm, feed lot																															
Livestock auction (58)																															
Stable, commercial (101)																															
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 With limited warehousing and assembly, as determined by the Director of Planning and Community Development, in support of retail services or commercial services located on premises.
- N-3 Signs will be considered as part of the downtown historic zoning district in the Sign Ordinance. (See Section 134-9 of the Code.)
- N-4 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.
	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 Code.
- For a listing of uses allowed in a specific "PD" -- Planned Development District, please contact the City of McKinney's Planning Department.