

ORDINANCE NO. 2017-07-082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CREATING SECTION 122-178(d) OF THE CODE OF ORDINANCES ESTABLISHING A SPECIAL EXCEPTION FOR INCREASED FENCE HEIGHTS IN THE HISTORIC OVERLAY DISTRICT; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

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

WHEREAS, the City Council has recognized that certain provisions of the Code of Ordinances should be reviewed and updated; and

WHEREAS, amendments to these provisions have been proposed and the City Council of the City of McKinney is of the opinion that these sections should be amended.

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

Section 1. Section 122-178(d) of the Code of Ordinances, City of McKinney, Texas, is hereby established and shall read as follows:

"(d) The board of adjustment may grant a special exception allowing side and/or rear yard fences in the historic overlay district up to a maximum height of eight feet six inches (8½ feet), provided that the board finds that:

- (1) The lot has unusual topographical conditions that distinguish it from other similarly sized and shaped lots, and where such conditions create a hardship that renders privacy and security inadequate without such relief; or
- (2) All of the following provisions have been met:
 - a. The lot shall have an existing residential structure on it or a building permit to construct a residential structure has been issued;
 - b. The proposed fence does not negatively impact the health, safety and welfare of the public;
 - c. The proposed fence's design is complimentary to other existing fences in the area; and
 - d. The proposed fence's design, location and height is appropriate for the context of the area."

July 18,
2017
Amend

Section 2. 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 3. 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.

501 N. Byrne St

Zoned RS -60 – Single Family Residential and Historic Overly District

Platted as BYRNE-HILL ADDITION (CMC), BLK A, LOT 1, .177 ACRES

Note Demo Permit issued 2/10/2016

ZONING REGULATIONS

App. F, § F-1

APPENDIX F. SCHEDULES

Section F-1. Schedule of space limits.

Zoning District	Space Limits										
	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum rear yard setback	Minimum side yard setback of interior lots	Minimum side yard setback of corner lots	Maximum height of structure	Maximum lot coverage	Maximum Floor Area Ratio	Maximum density (dwelling units per gross acre)
AG	10 acre	150'	n/a	35'	35'	20'	25'	35'	n/a	n/a	n/a
RED-1	1 acre	150'	150'	35'	35'	20'	35'	35'	n/a	n/a	1.0
RED-2	2 acre	200'	200'	50'	50'	30'	50'	35'	n/a	n/a	0.5
RS 120	12,000 sq. ft.	80'	120'	30'	25'	10'	15'	35'	n/a	n/a	3.5
RS 84	8,400 sq. ft.	70'	110'	25'	25'	10'	15'	35'	n/a	n/a	5.0
RS 72	7,200 sq. ft.	60'	100'	25'	25'	6'	15'	35'	n/a	n/a	6.0
RS 60	6,000 sq. ft.	50'	100'	25'	25'	5'	15'	35'	n/a	n/a	7.0

Highlighted portion is owned by City of McKinney as BYRNE-HILL (CMC), LOT R001, .017 ACRES; (ROW)

