



# CITY OF MCKINNEY, TEXAS

## Agenda Planning & Zoning Commission

Tuesday, August 13, 2019

6:00 PM

Council Chambers  
222 N. Tennessee Street  
McKinney, TX 75069

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.002, A QUORUM OF THE CITY COUNCIL MAY BE PRESENT. NO CITY COUNCIL ACTION WILL BE TAKEN.

### CALL TO ORDER

### CONSENT ITEMS

*This portion of the agenda consists of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Commission member making such request prior to a motion and vote on the Consent items.*

**19-0674**      [Minutes of the Planning and Zoning Commission Regular Meeting of July 23, 2019](#)

**Attachments:**    [Minutes](#)

**19-0072PF**      [Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 - 3, Block A, of the Broadstone McKinney Addition, Located on the Northwest Corner of State Highway 5 and Frisco Road](#)

**Attachments:**    [Standard Conditions Checklist](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Proposed Preliminary-Final Plat](#)

### END OF CONSENT AGENDA

### REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

**19-0009M**      [Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 \(Zoning Regulations\) of the Code of Ordinances Regarding the Timing and Process to Receive](#)

[a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 3167](#)

**Attachments:** [Chap. 146 Amendments - Redlines](#)  
[Chap. 146 Amendments - Clean](#)  
[HB 3167](#)

**19-0007M**

[Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 \(Zoning Regulations\) of the Code of Ordinances that Regulate the Building Products, Materials, or Methods Used in the Construction or Renovation of Residential or Commercial Buildings to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 2439](#)

**Attachments:** [Chap. 146 Amendments - Redlines](#)  
[Chap. 146 Amendments - Clean](#)  
[HB 2439](#)

## **COMMISSION AND STAFF COMMENTS**

Comments relating to items of public interest such as staff recognition, development trends, the status of special Planning Department projects, and other relevant information.

## **ADJOURN**

Posted in accordance with the Texas Government Code, Chapter 551, on the 9th day of August, 2019 at or before 5:00 p.m.

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Empress Drane  
City Secretary

In accordance with the Americans with Disabilities Act, it is the policy of the City of McKinney to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at least 48 hours in advance of the event. Phone 972-547-2694 or email [contact-adacompliance@mckinneytexas.org](mailto:contact-adacompliance@mckinneytexas.org). Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. ADA grievances may also be directed to the ADA Coordinator or filed online at <http://www.mckinneytexas.org/ada>.



**19-0674**

**Code Sections:**

<p><b>Title:</b> Minutes of the Planning and Zoning Commission Regular Meeting of July 23, 2019</p>
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**Text of Legislative File 19-0674**

Minutes of the Planning and Zoning Commission Regular Meeting of July 23, 2019

**SUPPORTING MATERIALS:**

Minutes



## PLANNING AND ZONING COMMISSION

**JULY 23, 2019**

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, July 23, 2019 at 6:00 p.m.

City Council Present: Charlie Philips and Rick Franklin

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Deanna Kuykendall, Cam McCall, Bry Taylor, and Scott Woodruff - Alternate

Commission Member absent: Christopher Haeckler

Staff Present: Director of Planning Jennifer Arnold; Planning Managers Samantha Pickett and Aaron Bloxham; Planners David Soto, Kaitlin Gibbon, Derrick Rhys Wilson, and Joseph Moss; Arborist Adam Engelskirchen; Administrative Assistant Terri Ramey

There were approximately 25 guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

The Commission unanimously approved the motion by Commission Member Doak, seconded by Commission Member McCall, to approve the following three Consent items, with a vote of 7-0-0.

**19-0601** Minutes of the Planning and Zoning Commission Regular Meeting of June 25, 2019.

**19-0053PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1, Block A, of the Auto Nation McKinney Addition, Located on the Northeast Corner of South Hardin Boulevard and State Highway 121 (Sam Rayburn Tollway).

**19-0084PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1, Block A, UHAUL 380 Addition, Located Approximately 560 Feet East of Private Road 5312 and 950 Feet South of U.S. Highway 380.

END OF CONSENT

Chairman Cox continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

**19-0004SUP** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Day Care Facility, Located on the Northeast Corner of Alma Road and Eldorado Parkway. Mr. David Soto, Planner I for the City of McKinney, explained the proposed specific use permit request. He stated that the applicant is requesting a specific use permit to allow a day care facility. Mr. Soto stated that the governing zoning district, “C1” – Neighborhood Commercial District, requires that a specific use permit (SUP) be granted in order for a day care facility to be operated on the subject property. He stated that it is Staff’s professional opinion that the proposed day care facility is a compatible and complementary use to the existing and future adjacent land uses. Mr. Soto stated that a day care facility is primarily a daytime use and could be serving the nearby residential subdivision. He stated that Staff recommends approval of the proposed specific use permit and offered to answer questions. There were none. Mr. Shawn Graham, Jones and Carter, 109 Pasadena Trail, McKinney, TX, concurred with the Staff Report and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing and recommend approval of the proposed request as recommended by Staff, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on August 20, 2019.

**19-0005SUP** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for an Automotive Storage Facility (Jordan Towing), Located Approximately 1,160 Feet North of Harry McKillop Boulevard (FM 546) and on the East Side of Couch Drive. Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed specific use permit request. He stated that the applicant is requesting a specific use

permit for automotive storage uses (Jordan Towing). Mr. Wilson stated that the “ML” – Light Manufacturing District zoning requires a specific use permit be granted in order for automotive storage to be operated on the subject property. He stated that with the abundance of warehouse and industrial uses in the surrounding area, the proposed development fits well with the current development pattern. Mr. Wilson stated that the site had been designed in a way that places emphasis on the building along Couch Drive while fully screening the storage area to reduce any potential impacts. He stated that this also aligns with the Comprehensive Plan which calls for similar uses, such as manufacturing and employment mix. Mr. Wilson stated that Staff recommends approval of the proposed specific use permit and offered to answer questions. Commission Member McCall asked for clarification on what type of items would be stored on the subject property and if there was a size limit. Mr. Wilson stated that it would be automobiles. Commission Member McCall asked if mobile homes would be allowed. Mr. Wilson said not to his knowledge. Vice-Chairman Mantzey asked about the proposed screening. Mr. Wilson stated that there would be an 8’ tall masonry screening device going around the sides and back of the property. Commission Member Doak asked about the chain link fence shown on the plans. Mr. Wilson stated that was the existing fence on the neighbor’s property. Commission Member Woodruff asked if they were planning to store wrecked vehicles at the site. Mr. Wilson stated that the business is called Jordan Towing. He suggested that the applicant explain more about the vehicles that might be stored on the site. Mr. Bryan Weisgerber, Cross Engineering, 131 S. Tennessee Street, McKinney, TX, explained the proposed specific use permit. He stated that they are proposing to use the existing chain link fence on the southern property line. Mr. Weisgerber stated that they are proposing a masonry fence along Jordan Way, along the access gate, and the base

of the building. He stated that a masonry fence would be seen from the right-of-way. Mr. Weisgerber thanked Staff. He stated that they had been through a lot of preliminary design layouts. Mr. Weisgerber stated that they are basically locating the building closer to Couch Drive to keep the separation away from the mobile home park to the east of the subject property. He stated that the entrance would be off of Couch Drive, so that it did not put a lot of traffic on Jordan Way. Mr. Weisgerber stated that most of the storage on the property would be vehicles. He stated that every so often they could have semi-trucks brought in. Mr. Weisgerber stated that they would have secure storage on the site. Commission Member McCall asked if the vehicles being stored would be covered or just out in the open. Mr. Weisgerber stated that the vehicles on the east side would be just out in the open. He stated that there would be a canopy on the east side adjacent to the building. Mr. Weisgerber stated that the City of McKinney Fire Department will be allowed to practice on getting into vehicles at the site. He stated that more of the vehicles would be stored there until the owner or insurance company could pick them up. Commission Member Woodruff asked how longer stored vehicles would remain at the site. Mr. Weisgerber stated that it should be around 7 days. Commission Member Kuykendall asked what percentage of vehicles coming onto the site would be damaged. Mr. Weisgerber stated that he would need to get clarification from the business owner before answering these questions. Vice-Chairman Mantzey asked for clarification on the proposed fencing around the property, since there was a discrepancy between Staff and the applicant. He asked if there would be a masonry fence on the north side of the property and a chain link fence to the south. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that for automotive storage uses they are required to screen from the right-of-way, which they would be doing with the proposed masonry wall. She stated that

they are adjacent to an industrial property to the south, which does not require screening for automotive storage. Ms. Pickett stated that they are utilizing the chain link fence to the south to keep the storage area secure. Vice-Chairman Mantzey asked if the applicant had any discussions with the neighbor to the south regarding their development plans. Mr. Weisgerber stated that they had not spoken with that property owner as of yet. He stated that there is also a fire lane that they will be tying into. Commission Member Doak asked for the purpose of the detention pond. He expressed concerns regarding storing wrecked automobiles that could be leaking fluids like oil and anti-freeze. Mr. Weisgerber stated that the detention pond would be helping with runoff water, picking up storm water to the north, and making sure that they were not discharging more flow. Commission Member Doak asked where the leaking fluids would be stored. Mr. Weisgerber stated that any wrecked automobiles would come into the warehouse first and any leaks would be handled there, then it would be moved into the east storage lot depending on how quickly they will be picked up. Ms. Pickett stated that the detention pond is a requirement based upon where the property is located and normal storm water requirements. She stated that it must be contained onsite before being dispersed into the system. Ms. Pickett stated that runoff of fluids should definitely not be stored in there. Commission Member Woodruff asked who owns the fire lane to the south. Mr. Weisgerber stated that it is located in a public easement on the adjacent property to the south. Vice-Chairman Mantzey asked if the specific use permit had any requirement on how long the automobiles could be stored on the subject property. Ms. Pickett stated that the Commission could add a requirement as to how long they can be stored, since it is a discretionary item. Chairman Cox called for the applicant's partner to address the particular vehicles to be stored on site. Mr. Mark Fangio, Dal Nor Group, 2731 Sylvan Way, McKinney, TX, stated that he

owned the subject property for over ten years and recently sold the property to the Jordan's. He stated that the adjacent industrial company to the south is a center for reclaiming computer components and has eighteen wheelers coming in and out all of the time. Mr. Fangio stated that the fence has been there for 15 – 20 years. He stated that they have access for emergency egress onto their property. Mr. Fangio stated that the Jordan's had a contract with the State of Texas for 23 years to remove any damaged vehicles from the toll road. He stated that the contract states that they must have a site within five miles of the toll road and must remove the vehicle within 2 ½ hours. Mr. Fangio stated that the State of Texas occasionally comes in to check that they are following the regulations. He stated that the detention pond is a lot of real estate; however, it covers seven lots. Mr. Fangio stated that the output is regulated. He stated that he has never seen a detention pond full as of yet. Mr. Fangio stated that the City of McKinney Fire Department would have use of the facility to practice cutting open old vehicles that are planned to be discarded. He stated that the Jordan's will then dispose of the vehicles after the training. Mr. Fangio stated that when a vehicle is brought in to the facility, the insurance companies are contacted, and within a week 99% of the vehicles are gone. He stated that there would not be long term storage on the site. Commission Member Kuykendall asked for an example of another similar facility in the area. Mr. Fangio stated that the Jordan's has another similar located in Plano. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey asked if the specific use permit would be transferred to a new owner if they sold or changed their business plan. Ms. Pickett stated that specific use permits typically run with the land and not the owners. She stated that if

the business was to vacate and it was to exceed 180 days, a new specific use permit would be required. Ms. Pickett stated that if it was immediately replaced with a similar business then they would still be subject to the terms of the adopted specific use permit. Vice-Chairman Mantzey stated that currently the proposed specific use permit does not stipulate the length of storage. Ms. Pickett stated that was correct. Commission Member Doak asked if there was a turnover if the property could become a junkyard. Vice-Chairman Mantzey stated that he did not want it to be a burden upon the applicant on a short term storage; however, he would have concerns if vehicles are stored there over 90 days. Commission Member Woodruff asked if all four sides of the storage area could be required to be screened by the proposed masonry screening wall to block the view in case the use to the south changes at a later time. Ms. Pickett stated that the Commission could request that of the applicant. Mr. Fangio stated that he did not want to speak for the new owners. He stated that on the southwest corner of the building there is an 8' tall wall that fronts Couch Drive, goes to the south, and then turns over to the fence. Mr. Fangio felt that he could probably sell the Jordan's on extending the wall a little ways. He stated that you could not see it due to the building to the south blocks the view. Mr. Fangio stated that business is running eighteen wheelers out there. Commission Member Woodruff stated that we do not know what the future uses might be there. He stated that it might change at some point. Commission Member Woodruff stated that he was trying to think about the long term effect and not the short term. Mr. Fangio joked that it might turn into Avis Rental when the airport kicks off. He stated that the masonry fence is a huge expense. Mr. Fangio stated that he would be willing to speak to the new owner about extending the wall a little further. Commission Member Doak stated that he does not see the building blocking the view from Couch Drive. Mr. Fangio stated that the building is set back off of Couch

Drive. He stated that there is a lot of foliage in that area. Mr. Fangio stated that he did not feel that it would take a lot to extent the wall back for better coverage. He stated that there is a lot of chain link fence along Industrial that is not screened at all. He stated that the Jordans want it to look nice, since at some point they will want to have an exit strategy that works for everybody. Chairman Cox asked Staff to discuss their position on having a masonry wall all the way around the storage lot. Ms. Pickett stated that screening is not required to the south. She stated that they want to provide a secure fence. Ms. Pickett stated that the view from the street would be blocked by the two buildings and having screened it around the other two sides would create a secure environment. Vice-Chairman Mantzey stated that he was comfortable with the proposed screening; however, he would like to place a 90-day time limit on storage though. Commission Member Doak stated that he felt a provision was necessary to protect the fact that if there is a turnover that the property would not turn into a salvage yard. Commission Member Woodruff asked if they were okay with leaving the chain link fence. Commission Member Doak stated that he was okay with the chain link fence. Commission Member Kuykendall asked if there was a reason why Vice-Chairman Mantzey suggested a 90-day time limit for storage opposed to 60-days. She stated that three months is a long time for a wrecked vehicle to sit on the property. Vice-Chairman Mantzey stated that the City might have difficulty tracking it and he did not want to be too much of a burden on the applicant. Commission Member Doak stated that it was also a deterrent if there is a turnover that the new owner could not make it a salvage yard. Commission Member Doak stated that she would be in agreement as long as the Commission put in those stipulations in there. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to recommend approval of the proposed specific use permit as



recommended by Staff with the additional condition of a 90-day limit on vehicle storage onsite, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on August 20, 2019.

**19-0016SP** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for an Automotive Repair and Service Station (Take 5 Oil Change), Located at the Northeast Corner of West University Drive (U.S. Highway 380) and Graves Street. Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed variance to the site plan. He stated that the applicant is seeking a variance to orient three bay doors towards Graves Street. Mr. Wilson stated that the overhead doors are proposed to be 120' away from the street and obscured by a 6' tall tubular fence with masonry columns and a living screen. He stated that given the site's constraints, with frontage on three rights-of-way (Graves, University, and Bailey), the overhead doors would be oriented toward right-of-way wherever the building is placed on the site. Mr. Wilson stated that the applicant has oriented the overhead doors to the less heavily trafficked right-of-way and provided screening of the overhead doors. He stated that Staff sees no objections to the proposed variance request. Mr. Wilson stated that Staff recommends approval of the explained the proposed variance to the site plan and offered to answer questions. Vice-Chairman Mantzey stated that the site has some challenges. He stated that the previous building on the property had access points on Graves Street and Highway 380 (University Drive). Vice-Chairman Mantzey had questions regarding the proposed access point on the subject property to the north towards residential uses and how it would affect traffic in that area. Mr. Wilson stated that the Engineering Department reviews the driveway access and traffic patterns. He stated that the site had been reworked numerous times. Mr. Wilson felt that the Engineering Staff was comfortable with the

current layout given where the request started. Mr. Ke Chen, K C United, Inc., 6161 Savoy Drive, Houston, TX, explained the proposed variance to the site plan. He stated that the site is challenging. Mr. Chen stated that the proposed tubular fence with masonry columns and living screening should block the overhead doors where people will not be able to see them. He briefly discussed the Take 5 Oil Change business planned for the site. Mr. Chen offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and approve the variance to the site plan request as recommended by Staff, with a vote of 7-0-0.

**19-0030SP** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for Industrial Office/Warehouse Buildings (McKinney Logistics Center), Located Approximately 1,475 Feet North of Wilmeth Road and on the West Side of McDonald Street (State Highway 5). Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed variance to the site plan. He stated that the applicant is seeking a variance to use an alternate screening device to screen bay doors from Cypress Hill Drive and non-residential property. Mr. Wilson stated that Staff is of the opinion that the proposed screening device will adequately screen the proposed development from street frontage and the adjacent agricultural non-residential property through the use of dense and mature landscaping. He stated that evergreen shrubs will be planted 6" in height at the time of planting, as well as canopy trees placed along the property line, will create a dense and aesthetically appealing screening effect that will provide a similar effect to that of a masonry screening wall. Mr. Wilson stated that Staff recommends approval of the proposed variance to the site plan and offered to answer questions. There were none. Mr. Eddie Eckart, Goodwin and Marshall, Inc., 2405 Mustang

Drive, Grapevine, TX, concurred with the Staff Report and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Taylor, the Commission unanimously voted to close the public hearing and approve the variance to the site plan request as recommended by Staff, with a vote of 7-0-0.

**18-0105SP** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Church (City Church), Located at the Southeast Corner of Rockwall Street and Lindsey Street. Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed variance to the site plan. He stated that the applicant is seeking an alternate screening device along the southern property line to screen from adjacent residential properties. Mr. Wilson stated that Staff is of the opinion that the proposed living plant screening device of 6' tall evergreen shrubs will adequately screen the proposed development from residential uses in an aesthetically appealing manner. He stated that Staff is supportive of the alternative screening device as the proposed living screening will be complementary to the existing wooden residential privacy fences, and removes concerns of a potential "no man's land" if there were to be two walls back-to-back. Mr. Wilson stated that Staff recommends approval of the proposed variance to the site plan and offered to answer questions. There were none. Mr. Eric Seeley, Westwood Professional Services, 2740 Dallas Parkway, Plano, TX, concurred with the Staff Report and offered to answer questions. Vice-Chairman Mantzey asked if there had been any discussions held with the residential property owner to the south of the subject property. Mr. Seeley stated that he was not aware of any such discussions. Chairman Cox asked if there were other screening devices considered when meeting with Staff on the project. Mr. Seeley stated that the standard screening devices were

considered. He stated that they came before the Planning and Zoning Commission several years ago and the living screen was approved at that time, so they kept it on the site plan as is. Chairman Cox opened the public hearing and called for comments. Mr. Clarence Boyd, 809 Rockwall Street, McKinney, TX, spoke in opposition to the proposed variance to the site plan request. He briefly discussed some of the residential properties, existing churches, Fitzhugh Park, and the old City of McKinney water building in the area. Mr. Boyd expressed concerns regarding the value of his property changing, vehicles parking on the streets causing egress and ingress issues, increased traffic, and speeding traffic using the area as a shortcut from Airport Drive. Chairman Cox asked Staff to explain how street parking issues could be addressed. Mr. Wilson stated that the onsite parking should be adequate for this site. He stated that the Engineering Department reviewed the on-street parking about a year ago for this area. Chairman Cox asked Staff to help Mr. Boyd to get in touch with Staff from the Engineering Department to discuss his some of his parking and traffic concerns. Vice-Chairman Mantzey stated that it should be a low impact service six days per week. He stated that there are 3 – 4 churches in a half block area; therefore, Sundays could be parking issues overall. Commission Member Kuykendall asked if Staff could speak to how to address noise concerns in the area. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that residents could contact the City's Code Enforcement Department during regular business hours or the Police Department's non-emergency line during afterhours to come out to see what is going on. Commission Member Woodruff asked what the property was currently zoned. Mr. Wilson stated that it is zoned "RS 60" – Single Family Residence District. Ms. Pickett stated that the only action being considered on this request is the screen device. Chairman Cox called for a motion. On a motion by Vice-Chairman Mantzey,

seconded by Commission Member Woodruff, the Commission unanimously voted to close the public hearing and approve the variance to the site plan request as recommended by Staff, with a vote of 7-0-0.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Chairman Cox continued the meeting with the Discussion Items on the agenda.

**19-0006M2** Consider/Discuss Legislative Updates and Upcoming Ordinance Amendments from the 86th Legislature. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that following the closing of the 86<sup>th</sup> Legislature, several changes to Texas Local Government Code were adopted on June 16, 2019 and will take effect on September 1, 2019. She briefly discussed how House Bill 3314, House Bill 2439, and House Bill 3167 would affect the City's ordinances and procedures. Commission Member Kuykendall asked what happens when a submittal needs to come before the Commission for consideration prior to the next scheduled meeting. Ms. Pickett stated that Staff is looking into having the submittal go straight to City Council to meeting the timeline. Vice-Chairman Mantzey asked how these changes might affect Staff's workload and if additional Staff would need to be hired. He also asked if there might be an increase in submittal fees due to these changes. Ms. Pickett stated that all was still being discussed. She stated that the proposed Zoning Ordinance amendments would be presented at a Planning and Zoning Commission Work Session on Tuesday, August 13, 2019. Chairman Cox stated that these changes will have far reaching effects on how a City develops. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that Staff is meeting to discuss these with our legal department, Staff, and sister cities. She stated that we are still receiving interpretations of the House Bills.

**19-0602** Consider/Discuss the Development Code Update Kick-Off Discussions with Clarion Associates. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that one of the ONE McKinney 2040

Comprehensive Plan was adopted late last year. She stated that one of the primary implementation tools for that plan is to evaluate the City's development codes and the updates that may need to be made in order to implement the comprehensive plan. Ms. Arnold stated that Clarion Associates was hired to help with this project through a competitive bid process. She stated that the City's development codes were very layered and engrained with one another. Ms. Arnold stated that to dissect and update the development codes with quality will take time. She stated that this week is the kick off to the Development Code Update. Ms. Arnold stated that the representatives of Clarion Associates would be meeting with City Council, Planning and Zoning Commission, staff from various City departments, and will hold some small group interviews with people who have insight with the City's development process. She stated that we are excited to receive the initial input and feedback from the various individuals. Mr. Matt Goebel, Director for Clarion Associates, stated that they were very excited to be part of this big project. He gave a presentation going over the Clarion Associates team that will be working on the update, overview of Clarion Associates, timeline, explained the various processes for rewriting codes, and mentioned some of the other Texas cities where they rewrote their development codes. Mr. Goebel stated that they will be holding stakeholder meetings throughout the life of the project. He stated that the development code needs to be user friendly, clear, and concise. Mr. Goebel stated that illustrations help convey what the community is trying to achieve with development in the future. He explained the project scope, timeline, and their goals. Mr. Goebel stated that there is a project website ([www.newcodemckinney.com](http://www.newcodemckinney.com)) to access project materials, ask questions, provide feedback, sign up to receive updates, and view the project calendar. He stated that they are aware of the changing legal landscape of the new bills that become effective in September. Mr.

Tareq Wafaie, Principal with Clarion Associates, reiterated that the Clarion Associates team is excited to be working on this project. He continued the presentation and went over the update process. Mr. Wafaie stated that he feels there is a lot of room for improvement. He stated that putting information in a summary table would make it easier to find important information. Mr. Wafaie stated that a lot of communities are putting their regulations into a streamlined document where they combine subdivision, zoning, and other development regulations. He stated that this document has one table of contents, and it's easy to find the information, there are only one set of definitions. Mr. Wafaie stated that they will also be looking at where changes could be made to improve the whole process. He asked the Commission for their thoughts on the review procedures and what updates they would suggest. Chairman Cox stated that when Staff has the best tools available that it also helps the Commission. Mr. Wafaie briefly discussed the City's zoning districts and possible changes that could be made to them. He stated that they would like to incorporate the district layouts into the document. Mr. Wafaie briefly discussed the City's Schedule of Use Regulations table and possible improvements to it. He stated that there are some big policy questions and he gave some examples. Mr. Wafaie asked if the Commission if they had any priorities for updating the zoning districts and use regulations. He reiterated that they have a survey on the project website ([www.newcodemckinney.com](http://www.newcodemckinney.com)) where the Commission can provide comments. Chairman Cox stated that if the City considers rezoning or doing away with certain classifications it will get the attention of the residents if a property right is threatened. He stated that we would need input from the property owners. Mr. Wafaie stated that this update could not be done without a lot of public input. He stated that would take time to complete the update. Mr. Wafaie stated that a new lineup of zoning districts would not take away entitlements that have been

negotiated through planned development districts (PDs). He stated that they hope to give us a better menu of tools to apply to future development. Commission Member Woodruff stated that the known developers in McKinney need to be involved in the process. Mr. Wafaie stated that they want input from our key stakeholders, development community, architects, landscape architects, civil engineers, et cetera. Ms. Arnold stated that key stakeholder interviews are being held this week that range from land developers, attorneys, engineers, architects, builders, and the McKinney Development Committee. She stated that the on-line survey is available to anybody to provide input and feedback. Mr. Goebel continued the presentation with what sets McKinney apart from our sister communities. He stated that the standards for access and connectivity, stormwater and drainage, landscaping and fences, tree preservation, building and site design, outdoor lighting, parking and loading, and signage are the most tailored parts of a development code. Mr. Goebel stated that we cannot have a one size fits all approach. He gave some examples of including flexibility to accommodate market demands and where flexible alternatives could be built into the development standards. Mr. Goebel stated that they would be giving examples of how our sister cities have addressed some of the same issues that we face. He offered to answer questions regarding this category of issues. There were none. Mr. Goebel asked the Commission to fill out the online survey to submit input on the project. Chairman Cox thanked Mr. Goebel and Mr. Wafaie for their presentations. Ms. Arnold stated that the Commission would be seeing the Clarion Associates team several times over the next year or so. She stated that feedback and guidance would be appreciated from the Commission Members. Ms. Arnold stated that there will be check points along the process. She stated that there are number of different ways to take a stab at the update and we want to make sure that we are doing



it in the best interest of the City. Ms. Arnold stated that we would be using all of our resources to accomplish it.

END OF THE DISCUSSIONS ITEMS

On a motion by Commission Member Doak, seconded by Commission Member McCall, the Commission unanimously voted to adjourn the meeting, with a vote of 7-0-0. There being no further business, Chairman Cox declared the meeting adjourned at 8:03 p.m.

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BILL COX  
Chairman



**Code Sections:**

**Title:** Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 - 3, Block A, of the Broadstone McKinney Addition, Located on the Northwest Corner of State Highway 5 and Frisco Road

**Text of Legislative File 19-0072PF**

Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 - 3, Block A, of the Broadstone McKinney Addition, Located on the Northwest Corner of State Highway 5 and Frisco Road

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

**MEETING DATE:** August 13, 2019

**DEPARTMENT:** Planning

**CONTACT:** Derrick Rhys Wilson, Planner I  
Samantha Pickett, AICP, Planning Manager  
Jennifer Arnold, AICP, Director of Planning

**APPLICATION SUBMITTAL DATE:** April 30, 2019 (Original Application)  
June 21, 2019 (Revised Submittal)  
July 7, 2019 (Revised Submittal)  
July 18, 2019 (Revised Submittal)

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed preliminary-final plat with the following condition, which must be satisfied prior to filing the plat for record:

1. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat/Replat Approval Checklist, attached.

**ITEM SUMMARY:** The applicant is proposing to plat three lots for development, Lot 1 (approximately 9.58 acres), Lot 2 (approximately 4.32 acres), and Lot 3 (approximately 1.08 acres).

An associated site plan (19-0037SP) for multi-family residential uses on proposed Lot 1 is currently under review.

**PLATTING STATUS:** The subject property is currently unplatted. Subsequent to the approval of the preliminary-final plat, a record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a certificate of occupancy.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" - Planned Development District Ordinance No. 2017-12-109 (Light Manufacturing, Office, and Multi-Family Residential Uses)	Undeveloped Land
North	"PD" - Planned Development District Ordinance No. 2012-03-006 (Light Manufacturing, Office, and Multi-Family Residential Uses)	McKinney Village Apartments
South	Town of Fairview	Texas Star Group and Single Family Residence
East	Town of Fairview	Oak Street Wholesale Nursery
West	"PD" - Planned Development District Ordinance No. 1996-11-51 (Light Manufacturing, Office, and Multi-Family Residential Uses)	McKinney Cancer Center, Snyder-Hopkins Family Medicine Center, Neil Vora M.D.

**ACCESS/CIRCULATION:**

Adjacent Streets: State Highway 5, Variable Width Right-of-Way, Minor Arterial  
Frisco Road, 80' Right-of-Way, Collector

**TREE PRESERVATION ORDINANCE:** The applicant will be responsible for complying with the Tree Preservation Ordinance, and for submittal of a tree survey or tree preservation plan, as determined by the City Arborist. The applicant will be responsible for applying for all necessary permits for any tree removal that is to occur on site.

**PUBLIC IMPROVEMENTS:**

Sidewalks: Required along State Highway 5 and Frisco Road  
Hike and Bike Trails: Not Required  
Road Improvements: All road improvements necessary for this development, and  
as determined by the City Engineer  
Utilities: All utilities necessary for this development, and as  
determined by the City Engineer  
Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be  
required to construct all necessary public improvements prior to filing the accompanying  
plat, unless otherwise specified in an approved facilities agreement.

**DRAINAGE:** The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance, which may require on-site detention. Grading and drainage plans are subject to review and approval by the City Engineer, prior to issuance of a building permit.

**FEES:**

Roadway Impact Fees: Applicable (Ordinance No. 2013-11-108)

Utility Impact Fees: Applicable (Ordinance No. 2017-02-021)

Median Landscape Fees: Not Required

Park Land Dedication Fees: Required

Pro-Rata: As determined by the City Engineer

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has not received any comments either in opposition to or in support of the proposed preliminary-final plat.

**SUPPORTING MATERIALS:**

Standard Conditions Checklist

Location Map and Aerial Exhibit

Letter of Intent

Proposed Preliminary-Final Plat

## Standard Conditions for Preliminary-Final Plat/Replat Approval Checklist

**The conditions listed below marked with a "☒" need to be satisfied by the applicant, prior to issuance of a permit:**

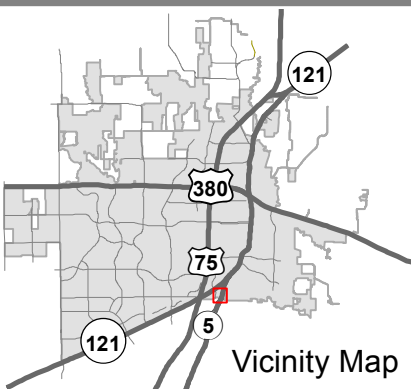
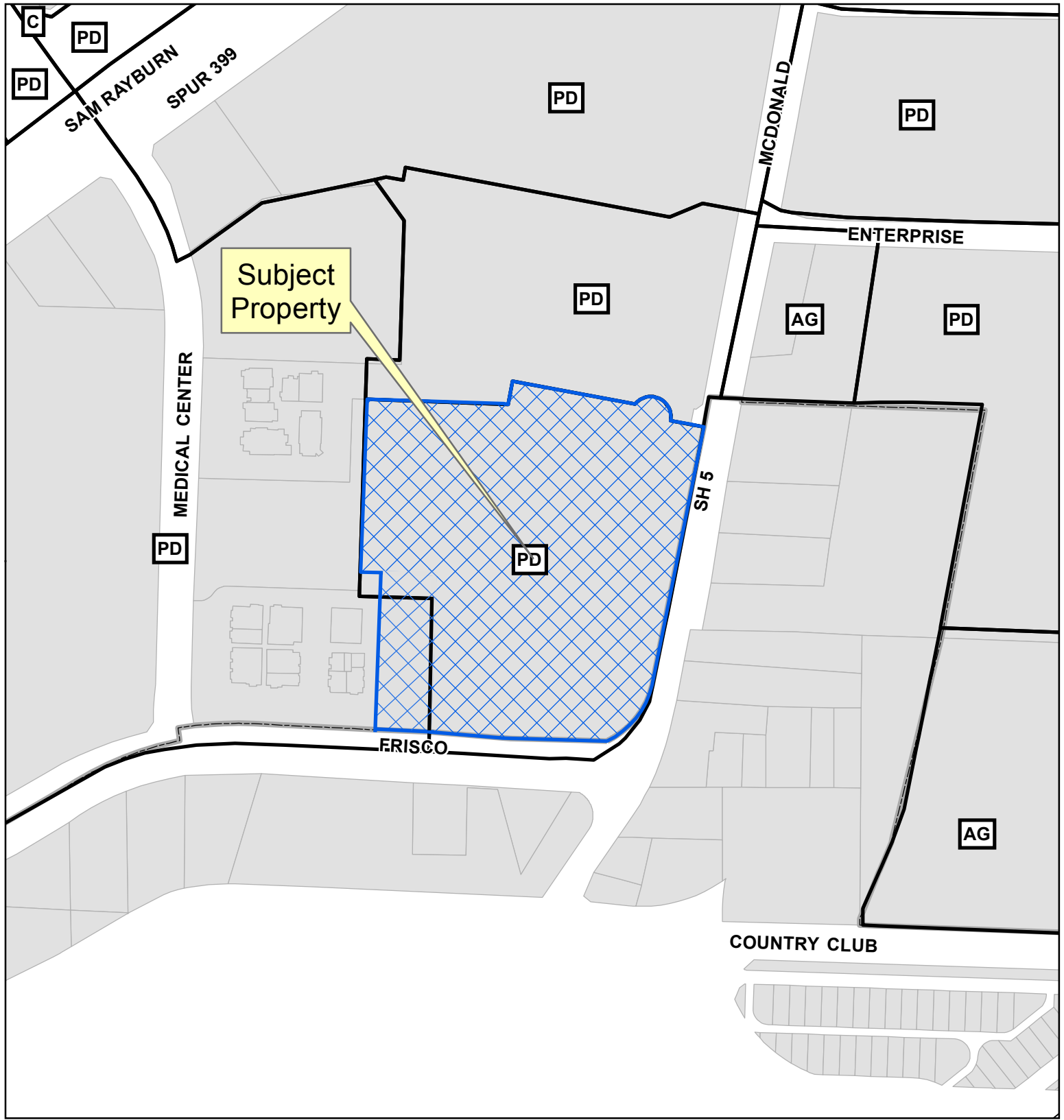
- ☒ Submit a record plat or plats conforming to the approved preliminary-final plat, subject to review and approval by Staff. For residential uses, the record plat(s) must be filed before a building permit is issued, and for non-residential uses, the record plat(s) must be approved before a permit is issued.
- ☐ Approval of screening and buffering plans, including irrigation, in accordance with Section 142-106 of the Subdivision Ordinance, and as amended, by the Director of Planning, and approval of final screening and buffering plans, including irrigation, by the Director of Planning, by prior to installation of materials.
- ☒ Approval of public improvement construction plans, including location of any required sidewalks, Hike and Bike Trails, and fire hydrants, by the City Engineer.
- ☒ Approval of utility construction plans by the City Engineer.
- ☒ Approval of grading and drainage plans by the City Engineer.
- ☐ Approval of the proposed street names within this development by the City Engineer.
- ☒ The applicant comply with the requirements of the Tree Preservation Ordinance and obtain any necessary tree permits within the time frames specified within the Ordinance, subject to review and approval by the City Arborist.

**The conditions listed below marked with a "☒" need to be satisfied by the applicant, prior to filing a record plat for record:**

- ☒ Acceptance of all required public improvements by the City Engineer, unless otherwise specified within an approved facilities agreement.
- ☒ The applicant provide any additional easements as determined necessary by the City Engineer.
- ☐ Approval of annexation documentation, and filing thereof, incorporating the proposed development into the homeowners' association for the proposed development, including the dedication of common areas, and its maintenance responsibilities, and be subject to review and approval by the City Attorney, and filed for record. *(In accordance with [Sec. 142-107 Common Areas & Homeowners Associations](#) of the City's Subdivision Regulations.)*
- ☒ The applicant satisfy park land dedication obligations, in accordance with Article VI of the Subdivision Ordinance, subject to review and approval by the Director of Parks and Recreation.
- ☐ Payment of median landscaping fees for medians within divided roadways, in lieu of the applicant landscaping and irrigating the medians, in the amount of \$25.50 per linear foot for the distance parallel to the subject property.

**Prior to issuance of a building permit:**

- ☒ Payment of impact fees in accordance with Ordinances 2013-11-109 and 2013-12-118 (utilities) and 2013-11-108 (roadway), or as specified within an approved facilities agreement or development agreement.



## Location Map

PLAT2019-0072

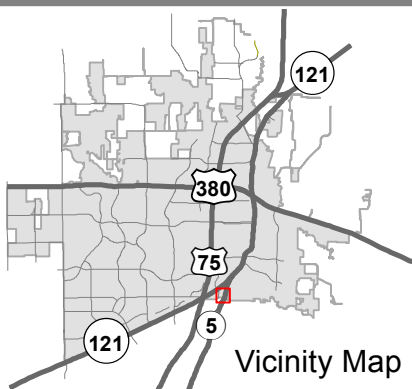


0 160 320 Feet

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.







# Location Map PLAT2019-0072



0 160 320 Feet

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.







April 25, 2019  
PK No.: 4258-19.134

**Mr. Derrick Rhys Wilson**  
*Planner*  
**CITY OF MCKINNEY**  
221 North Tennessee Street  
McKinney, Texas 75069

Re: **LETTER OF INTENT**  
**Broadstone McKinney**  
*McKinney, Texas*

Dear Mr. Wilson:

Pacheco Koch, Inc. is submitting this Preliminary-Final Plat on behalf of Alliance Residential, LLC.

McKinney Medical Center, L.P. is the owner of a 14.97 acre tract of land located at the northwest corner of Frisco Road and State Highway No. 5, in the City of McKinney, Collin County, Texas. The project site is located on the west side of State Highway No. 5, approximately 415 feet north of Frisco Road. The site will be developed with multi-family residential uses. The property is currently zoned as part of a planned development.

The Preliminary-Final Plat will consist of three lots.

If you have any questions, please call me at your convenience.

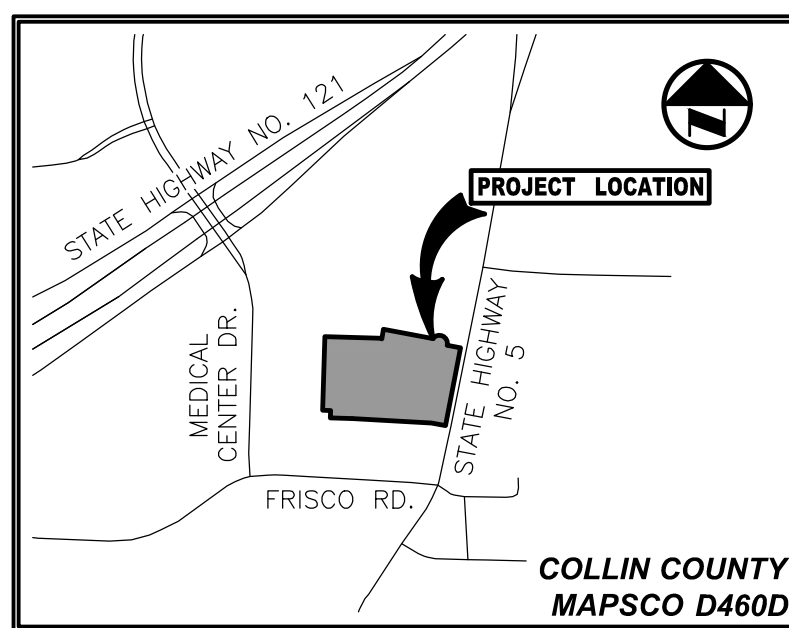
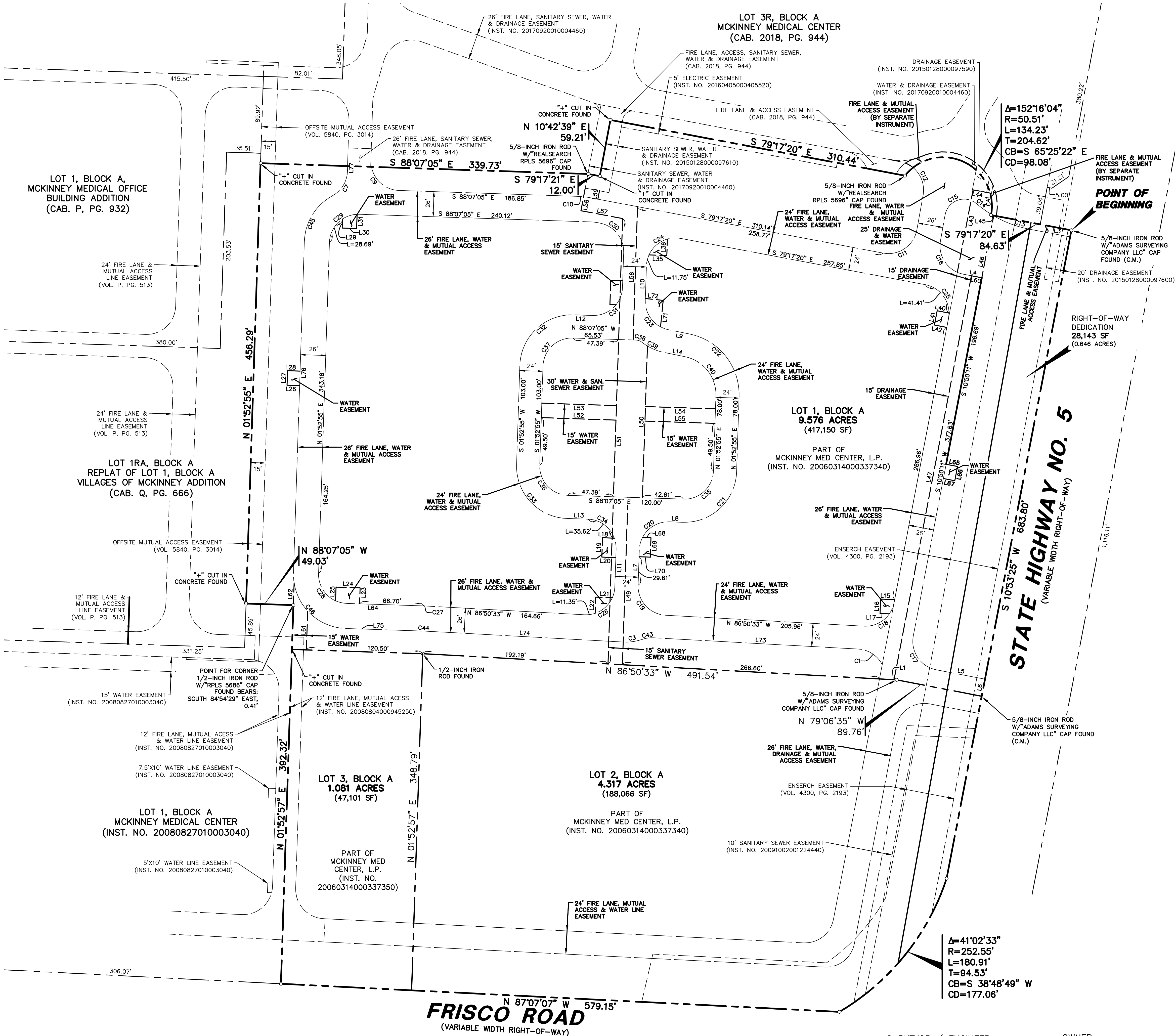
Sincerely,

A handwritten signature in black ink, appearing to read "A. Deitz", with a long horizontal flourish extending to the right.

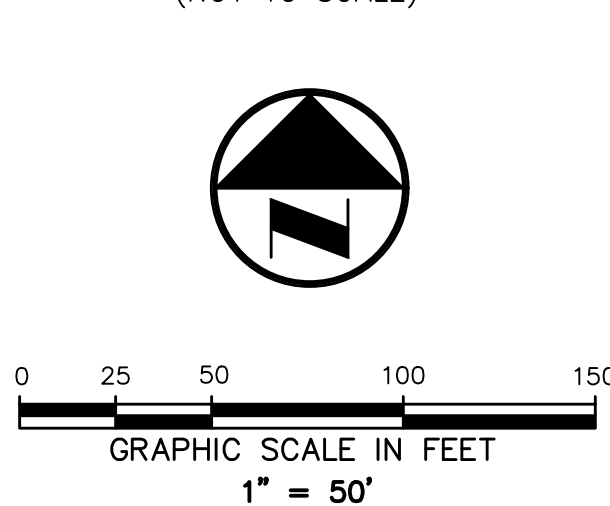
Aaron C. Deitz

ACD/mem  
4258-19.134\_Letter of Intent2





VICINITY MAP  
(NOT TO SCALE)



LEGEND	
D.R.C.C.T. DEED RECORDS OF COLLIN COUNTY, TEXAS	
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS	
INST. NO. INST. NUMBER	
VOL. VOLUME	
P.G. PAGE	
R.O.W. RIGHT-OF-WAY	
IRS 5/8-INCH IRON ROD	
W/"PACHICO KOCH" CAP SET	
CONTROLLING MONUMENT	
PROPERTY LINE	
CENTERLINE RIGHT-OF-WAY	
EXISTING EASEMENT LINE	
STORM SEWER MANHOLE	
UG GAS MARKER	
POWER POLE	
SAN. SEWER MANHOLE	
LIGHT STANDARD	
UNDERGROUND GAS LINE	
FENCE	
OVERHEAD UTILITY LINE	

- NOTES:
- Bearing system for this survey is based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (Adjustment Realization 2011). Distances reported have been scaled by applying the TxDOT Collin County surface adjustment factor of 1.000152710.
  - Coordinates shown are based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (Adjustment Realization 2011), on Grid values, no scale and no projection.
  - The survey abstract lines shown hereon are approximate and are not located on the ground.
  - All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the subdivision ordinance.

SEE SHEET 2 OF 2 FOR LINE AND CURVE TABLES

"PRELIMINARY-FINAL PLAT FOR REVIEW PURPOSES ONLY"

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. RELEASED 8/7/19.

PRELIMINARY-FINAL PLAT  
LOT 1, 2 AND 3, BLOCK A  
BROADSTONE MCKINNEY

14.974 ACRE TRACT LOCATED IN  
THE CITY OF MCKINNEY, TEXAS  
AND BEING OUT OF THE  
WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 449,  
COLLIN COUNTY, TEXAS  
SHEET 1 OF 2

Pacheco Koch		7557 RAMBLER ROAD, SUITE 1400 DALLAS, TX 75231 TX REG. ENGINEERING FIRM F-469 TX REG. SURVEYING FIRM LS-10008000
DRAWN BY ACD	CHECKED BY MCC	DATE AUGUST 2019
SCALE 1"=50'	JOB NUMBER 4258-19.134	

SURVEYOR / ENGINEER

PACHICO KOCH CONSULTING ENGINEERS  
7557 RAMBLER ROAD, SUITE 1400  
DALLAS, TEXAS 75231  
PH: (972) 235-3031  
CONTACT: KYLE HARRIS

OWNER

MCKINNEY MED CENTER, L.P.  
5400 DALLAS NORTH PARKWAY  
FRISCO, TEXAS 75034  
PH: (214) 389-2019  
CONTACT: DAVID DIERKES

PRELIMINARY-FINAL PLAT - LOT 1, 2 AND 3, BLOCK A, BROADSTONE MCKINNEY

ADULT: 19, 1, 40, PM  
M:\DWG-42\4258--19.134.DWG\SURVEY CJD 2018\4258--19.134P.DWG

STATE OF TEXAS  
COUNTY OF COLLIN

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, MCKINNEY MED CENTER, L.P., is the owner of a 14.974 acre tract of land tract of land situated in the William Hemphill Survey, Abstract No. 449, City of McKinney, Collin County, Texas; said tract being part of that certain tract of land described in Special Warranty Deed with Vendor's Lien to McKinney Med Center, L.P., recorded in INST. No. 20060314000337340 in the Official Public Records of Collin County, Texas; said 14.974 acre tract being more particularly described as follows:

BEGINNING, at a 5/8–inch iron rod with "ADAMS SURVEYING COMPANY LLC" found for corner in the west right–of–way line of State Highway No. 5 (a variable width right–of–way); said point being an angle point in the said west line of State Highway No. 5 and the northeast corner of said McKinney Med Center tract; said point also being the the southeast corner of the right–of–way dedication by Lot 3R, Block A, McKinney Medical Center Addition, an addition to the City of McKinney, according to the plat recorded in Cabinet 2018, Page 944 in the Plat Records of Collin County, Texas;

THENCE, South 10 degrees, 53 minutes, 25 seconds West, along the said west line of State Highway No. 5 and the east line of said McKinney Med Center tract, a distance of 683.80 feet to a 5/8–inch iron rod with "ADAMS SURVEYING COMPANY LLC" cap found for corner; said point being the beginning of a non–tangent curve to the right;

THENCE, in a southwesterly direction and along said curve to the right, having a central angle of 41 degrees, 02 minutes 33 seconds, a radius of 252.55 feet, arc length of 180.91 feet, with a chord bearing and distance of South 38 degrees, 48 minutes, 49 seconds West, 177.06 feet to a point for corner; said point being at the intersection of the said west line of State Highway No. 5 and the north line of Frisco Road (a variable width right–of–way);

THENCE, North 87 degrees, 07 minutes, 07 seconds West, along the said north line of Frisco Road and the south line of the said McKinney Med Center tract, a distance of 579.15 feet to a point for corner; said point being the southwest corner of that certain tract of land described in Warranty Deed with Vendor's Lien to McKinney Med Center, L.P. recorded in Instrument No. 20060314000337350 of said Official Public Records and the southeast corner of Lot 1, Block A, McKinney Medical Center, an addition to the City of McKinney according to the plat recorded in Instrument No. 20080827010003040 of said Official Public Records;

THENCE, North 01 degrees, 52 seconds, 57 seconds East, departing the said north line of Frisco Road, along the west line of the second referenced McKinney Med Center tract and the east line of said Lot 1, Block A, a distance of 392.32 feet to a point for corner; from said point a 1/2–inch iron rod found bears South 84 degrees, 54 minutes East, 0.4 feet;

THENCE, North 88 degrees, 07 minutes, 05 seconds West, along the north line of the second referenced McKinney Med Center tract, a distance of 135.50 feet to a "+" cut in concrete found for corner in the east line of Lot 1, Block A, McKinney Medical Center Addition, an addition to the City of McKinney according to the plat recorded in Cabinet 2008, Page 488, in said Plat Records;

THENCE, North 01 degrees, 52 minutes, 55 seconds East, along the said east line of Lot 1, a distance of 45.89 feet to a point for corner from which a 1/2–inch iron rod with "RPLS 5696" cap found bears: South 83 degrees, 54 minutes, 29 seconds East, a distance of 0.41 feet; said point being the northeast corner of said Lot 1, Block A;

THENCE, North 88 degrees, 07 minutes, 05 seconds West, along the easternmost north line of said Lot 1, a distance of 49.03 feet to a "+" cut in concrete found for corner in the east line of Lot 2, Block A, Villages of McKinney Addition, an addition to the City of McKinney, according to the plat recorded in Cabinet Q, Page 666, in said Plat Records;

THENCE, North 01 degrees, 52 minutes, 55 seconds East, along the east line of said Lot 2 and Lot 1R of said Villages of McKinney Addition, a distance of 456.29 feet to a "+" cut in concrete found for corner in the said east line of Lot 1R; said point being the southwest corner of said Lot 3, Block A;

THENCE, in an easterly direction along the south line of said Lot 3 and the north line of said "Tract 38", the following six (6) calls:

South 88 degrees, 07 minutes, 05 seconds East, a distance of 339.73 feet to a 5/8–inch iron rod with "REALSEARCH RPLS 5696" found for corner;

South 79 degrees, 17 minutes, 21 seconds East, a distance of 12.00 feet to a "+" cut in concrete found for corner;

North 10 degrees, 42 minutes, 39 seconds East, a distance of 59.21 feet to a "+" cut in concrete found for corner;

South 79 degrees, 17 minutes, 20 seconds East, a distance of 310.44 feet to a 5/8–inch iron rod with "REALSEARCH RPLS 5696" cap found for corner and the beginning of a curve to the right;

Continuing along said curve to the right, having a central angle of 152 degrees, 16 minutes 04 seconds, a radius of 50.51 feet, arc length of 134.23 feet, with a chord bearing and distance of South 65 degrees, 25 minutes, 22 seconds East, 98.07 feet to a 5/8–inch iron rod with "REALSEARCH RPLS 5696" cap found for corner;

South 79 degrees, 17 minutes, 20 seconds East, a distance of 84.63 feet to the POINT OF BEGINNING;

CONTAINING: 14.974 acres (652,317 square feet), of land more or less.

SURVEYOR'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS:

That I, Kyle Coleman Harris, do hereby certify that I prepared this plat from an actual survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Platting and Regulations of the City of McKinney, Collin County, Texas.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**PRELIMINARY**

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.  
RELEASED 8/7/19.

\_\_\_\_\_  
Kyle Coleman Harris  
Texas Registered Professional Land Surveyor  
No. 6266

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the understand authority, a Notary Public in and for the State of Texas, on this day personally appeared Kyle Coleman Harris, known to me to be the person whose name is subscribed to the foregoing INST. and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public in and for the State of Texas

OWNER'S DEDICATION

NOW THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, MCKINNEY MED CENTER, L.P., acting through its duly authorized agent, does hereby adopt this plat, designating the herein above described property as BROADSTONE MCKINNEY, LOTS 1, 2 AND 3, BLOCK A, an addition to the City of McKinney, Collin County, Texas, and does hereby dedicate to the public use forever, their streets, alleys and public use areas shown hereon, the easements, as shown, for mutual use and accommodation of the City of McKinney and all public utilities desiring to use or using same. All and any public utility and the City of McKinney shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees or other improvements or growths, which in any way endanger or interfere with the construction, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems, without the necessity, at anytime, procuring the permission of anyone.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of McKinney.

WITNESS, my hand at Dallas, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

By: \_\_\_\_\_  
David Dierkes  
Development Director

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the understand authority, a Notary Public in and for the State of Texas, on this day personally appeared David Dierkes, known to me to be the person whose name is subscribed to the foregoing INST. and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public in and for the State of Texas

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	13°32'28"	66.00'	15.60'	7.84'	N 30°02'45" W	15.56'
C2	63°34'02"	30.00'	33.28'	18.59'	N 55°03'32" W	31.60'
C3	22°05'28"	30.00'	11.57'	5.86'	S 82°06'43" W	11.50'
C4	22°05'28"	54.00'	20.82'	10.54'	S 82°06'43" W	20.69'
C5	1°16'32"	50.00'	1.11'	0.56'	N 87°28'49" W	1.11'
C6	90°00'00"	56.00'	87.96'	56.00'	N 43°07'05" W	79.20'
C7	59°24'47"	56.00'	58.07'	31.95'	N 31°35'19" E	55.50'
C8	59°24'47"	30.00'	31.11'	17.12'	N 31°35'19" E	29.73'
C9	77°29'12"	30.00'	40.57'	24.07'	S 49°22'29" E	37.55'
C10	8°49'45"	64.00'	9.86'	4.94'	S 83°42'12" E	9.85'
C11	90°32'03"	30.00'	47.40'	30.28'	N 55°26'38" E	42.62'
C12	60°37'14"	30.00'	31.74'	17.54'	N 20°08'00" W	30.28'
C13	19°49'41"	118.00'	40.84'	20.62'	N 69°22'30" W	40.63'
C14	9°03'46"	118.00'	18.66'	9.35'	N 53°54'24" W	18.65'
C15	120°26'52"	20.00'	42.04'	34.96'	S 70°24'03" W	34.72'
C16	89°27'57"	30.00'	46.84'	29.72'	S 34°33'22" E	42.23'
C17	89°56'46"	30.00'	47.10'	29.97'	S 34°08'12" E	42.41'
C18	82°19'16"	30.00'	43.10'	26.23'	S 51°59'49" W	39.49'
C19	88°43'28"	30.00'	46.46'	29.34'	N 42°28'49" W	41.95'
C20	90°00'00"	30.00'	47.12'	30.00'	N 46°52'55" E	42.43'
C21	90°00'00"	54.00'	84.82'	54.00'	N 46°52'55" E	76.37'
C22	80°23'06"	64.00'	89.79'	54.07'	N 38°18'38" W	82.61'
C23	80°23'03"	30.00'	42.09'	25.34'	N 38°18'36" W	38.72'
C24	98°49'45"	30.00'	51.75'	35.02'	N 51°17'48" E	45.57'
C25	90°07'31"	30.00'	47.19'	30.07'	S 34°13'35" E	42.47'
C26	91°11'25"	30.00'	47.75'	30.63'	S 47°28'38" W	42.86'
C27	1°16'32"	76.00'	1.69'	0.85'	N 87°28'49" W	1.69'
C28	90°00'00"	30.00'	47.12'	30.00'	N 43°07'05" W	42.43'
C29	90°00'00"	30.00'	47.12'	30.00'	N 46°52'55" E	42.43'
C30	81°10'15"	30.00'	42.50'	25.70'	S 38°42'12" E	39.03'
C31	90°00'00"	30.00'	47.12'	30.00'	S 46°52'55" W	42.43'
C32	90°00'00"	54.00'	84.82'	54.00'	S 46°52'55" W	76.37'
C33	90°00'00"	54.00'	84.82'	54.00'	S 43°07'05" E	76.37'
C34	90°00'00"	30.00'	47.12'	30.00'	S 43°07'05" E	42.43'
C35	90°00'00"	30.00'	47.12'	30.00'	S 46°52'55" W	42.43'
C36	90°00'00"	30.00'	47.12'	30.00'	N 43°07'05" W	42.43'
C37	90°00'00"	30.00'	47.12'	30.00'	N 46°52'55" E	42.43'
C38	36°32'36"	10.00'	6.38'	3.30'	S 69°50'47" E	6.27'
C39	26°55'39"	54.00'	25.38'	12.93'	S 65°02'18" E	25.15'
C40	80°23'03"	40.00'	56.12'	33.79'	S 38°18'36" E	51.63'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 86°50'33" W	6.10'
L2	N 1°52'55" E	5.47'
L3	N 79°17'20" W	42.61'
L4	S 79°09'49" E	19.25'
L5	S 79°06'35" E	51.39'
L6	S 10°53'25" W	18.00'
L7	N 1°52'55" E	36.78'
L8	S 88°07'05" E	14.11'
L9	N 78°30'08" W	22.38'
L10	N 1°52'55" E	35.68'
L11	S 1°52'55" W	39.07'
L12	N 88°07'05" W	19.64'
L13	S 88°07'05" E	21.89'
L14	S 78°30'08" E	22.38'
L15	N 88°07'05" W	14.66'
L16	S 1°52'55" W	15.00'
L17	S 88°07'05" E	9.63'
L18	N 88°07'05" W	12.32'
L19	S 1°52'55" W	20.00'
L20	S 88°07'05" E	14.50'
L21	N 88°07'05" W	17.27'
L22	S 1°52'55" W	16.76'
L23	N 1°52'55" E	16.50'
L24	N 88°07'05" W	25.00'
L25	S 1°52'55" W	14.22'
L26	S 88°07'05" E	13.00'
L27	N 1°52'55" E	15.00'
L28	N 88°07'05" W	13.00'
L29	S 1°52'55" W	9.35'
L30	S 88°07'05" E	15.00'
L31	N 1°52'55" E	14.75'
L35	S 88°07'05" E	18.50'
L36	N 1°52'55" E	17.09'
L40	N 79°09'49" W	12.44'
L41	S 10°50'11" W	15.00'
L42	S 79°09'49" E	13.00'
L43	N 10°50'11" E	86.94'
L44	S 79°17'20" E	18.00'
L45	S 79°17'20" E	2.82'
L46	S 10°50'11" W	65.56'

LINE TABLE		
LINE	BEARING	LENGTH
L47	S 10°50'11" W	425.95'
L48	N 10°50'11" E	778.55'
L49	S 1°52'55" W	173.49'
L50	S 1°52'55" W	157.22'
L51	N 1°52'55" E	461.47'
L52	S 88°07'05" E	77.39'
L53	N 88°07'05" W	77.39'
L54	S 88°07'05" E	72.61'
L55	N 88°07'05" W	72.61'
L56	S 1°52'55" W	138.15'
L57	N 79°17'20" W	43.91'
L58	N 10°42'39" E	23.79'
L59	S 10°42'39" W	8.79'
L65	N 79°09'49" W	12.00'
L66	N 10°50'11" E	15.00'
L67	S 79°09'49" E	12.00'
L68	N 88°07'05" W	8.82'
L69	N 1°52'55" E	20.00'
L70	N 88°07'05" W	11.70'
L71	S 5°53'25" W	27.57'
L72	S 84°06'35" E	18.63'

"PRELIMINARY–FINAL PLAT FOR REVIEW PURPOSES ONLY"

PRELIMINARY–FINAL PLAT  
**LOT 1, 2 AND 3, BLOCK A**  
**BROADSTONE MCKINNEY**

14.974 ACRE TRACT LOCATED IN  
THE CITY OF MCKINNEY, TEXAS  
AND BEING OUT OF THE  
WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 449,  
COLLIN COUNTY, TEXAS  
SHEET 2 OF 2



7557 RAMBLER ROAD, SUITE 1400  
DALLAS, TX 75231 972.235.3031  
TX REG. ENGINEERING FIRM F–469  
TX REG. SURVEYING FIRM LS–10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
ACD	MCC	NONE	AUGUST 2019	4258–19.134

SURVEYOR / ENGINEER

PACHECO KOCH CONSULTING ENGINEERS  
7557 RAMBLER ROAD, SUITE 1400  
DALLAS, TEXAS 75231  
PH: (972) 235–3031  
CONTACT: KYLE HARRIS

OWNER

MCKINNEY MED CENTER, L.P.  
5400 DALLAS NORTH PARKWAY  
FRISCO, TEXAS 75034  
PH: (214) 389–2019  
CONTACT: DAVID DIERKES

PRELIMINARY-FINAL PLAT - LOT 1, 2 AND 3, BLOCK A, BROADSTONE MCKINNEY

**Code Sections:**

**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances Regarding the Timing and Process to Receive a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 3167

**Text of Legislative File 19-0009M**

Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances Regarding the Timing and Process to Receive a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 3167

**COUNCIL GOAL:** Operational Excellence  
(2C: Identify opportunities for internal efficiencies and continuous improvement to effect a high performing organizational culture)

**MEETING DATE:** August 13, 2019

**DEPARTMENT:** Planning

**CONTACT:** David Soto, Planner I  
Samantha Pickett, AICP, Planning Manager  
Jennifer Arnold, AICP, Director of Planning

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the August 20, 2019 meeting.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendments.

**ITEM SUMMARY:** Given the recent changes to state law that will take effect on September 1, 2019, Staff has proposed several modifications to the Zoning Ordinance to ensure compliance. More specifically, these changes are in reference to House Bill 3167, which affects the processing and approval procedures for plats and plans. While this House Bill mainly concerns the Subdivision Ordinance, a few minor changes were needed for clarification in the Zoning Ordinance.

In order to clarify whether or not site plans are affected by these changes, Staff has

provided additional language and definitions to denote that site plans, as they are processed by the City of McKinney, are reviewed to ensure conformance with zoning, and as such derive their authority from Texas Local Government Code Chap. 211 (Municipal Zoning Authority).

**BACKGROUND INFORMATION:** Following the closing of the 86th Legislature, several changes to Texas Local Government Code were adopted on June 16, 2019 and take effect on September 1, 2019, including:

- HB No. 3167 which requires “the municipal authority responsible for approval plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed”.
  - Requires that upon “filing” (established as having submitted the required documents and paid), the plat or plan must be acted on by Staff or brought the appropriate board (Planning and Zoning Commission or City Council) within 30 calendar days.
  - Action includes approval, approval with conditions, or disapproval; it does not allow for tabling.
  - After action by the City, the applicant has an unlimited time to submit a response, after which the City has 15 calendar days to take final action (approve or deny).

**PROPOSED AMENDMENTS:**

- Proposed Changes to Sec. 146-45 (Site plan approval) and Sec. 146-46 (Definitions): The proposed amendments are intended to clarify from which section of the Texas Local Government Code site plans derive their authority. Site plans processed by the City of McKinney are reviewed to ensure conformance with zoning, and as such are authorized by Chap. 211 (Municipal Zoning Authority), not Chap. 212 (Municipal Regulation of Subdivisions). These changes to state law only affect Chap. 212, therefore it is important to distinguish that site plans are not affected by this. Additionally, in order to assist with the new timeframes within which Staff must review and take action on plats and constructions plans, further language has been added to establish the order in which plans should be reviewed. This is intended to assist applicants through the process and reduce potential issues stemming from the state law changes.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has not received any letters in support of or in opposition to the proposed amendments.

**SUPPORTING MATERIALS:**

Chap. 146 Amendments - Redlines  
Chap. 146 Amendments - Clean  
HB 3167



**19-0009M**



Sec. 146-45. - Site plan approval.

(a) Site plans.

- (1) Applicability. Approval of a site plan through the City's Zoning Ordinance, in compliance with Chapter 211 of the Texas Local Government Code, shall be required prior to the submittal of any plats, construction plans, or permits for the development of any new non-residential or multiple family residential structure, a modification to a structure which affects its size, shape, or volume, 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 or Director of Planning. All building permits must conform to an approved site plan. Single family and two family residential developments shall be subject to the requirements of chapter 122 of the Code of Ordinances. Site plan approval for development in the MTC McKinney town center zoning district shall be subject to the requirements of appendix G of the city zoning regulations (chapter 146).
- (2) Site plan approval process; appeals.
  - a. For site plan applications, the director of planning shall have the authority to approve, approve with conditions, or schedule the site plan for a planning and zoning commission meeting for action according to the procedures in subsection (a)(2)c. of this section. The director of planning shall not have the authority to disapprove a site plan application and shall forward any application which the director of planning cannot approve to the planning and zoning commission for action.
    1. If the applicant disagrees with the decision of the planning and zoning commission, the applicant may, within seven days of the planning and zoning commission action, request in writing addressed to the director of planning that the commission's action on the site plan be appealed to the city council.
    2. If the director of planning disagrees with the decision of the planning and zoning commission, the director of planning may, within seven days of the planning and zoning commission action, notify the applicant in writing of the director of planning's appeal of the commission's action on the site plan to the city council.
    3. Any appeal of the planning and zoning commission's action regarding a site plan to the city council shall automatically abate the commission's action until such time as the city council rules upon the appeal. No building or development permit shall be issued for any parcel or structure within a site plan that has been appealed from the planning and zoning commission to the city council until such time as a decision on the appeal is rendered by the city council.
    4. The appeal of the planning and zoning commission's action regarding a site plan shall be governed by the following process:
      - i. The applicant's or the director of planning's written notice of appeal shall state, generally, the grounds for the appeal.
      - ii. The applicant and the director of planning shall be provided at least 21 days' notice of the city council meeting at which the appeal will be considered unless such notice is waived in writing by both the applicant and director of planning.
      - iii. The director of planning shall cause all of the documents and materials presented to the planning and zoning commission, together with any approved minutes of the planning and zoning commission regarding the appealed site plan, to be presented to the city council with the agenda packet for the city council meeting at which the appeal will be considered. The foregoing shall constitute the record of the action appealed. The director of planning shall provide a copy of such materials to the applicant at the same time as such materials are submitted for inclusion in the city council agenda packet.

- iv. The applicant and the director of planning may submit additional materials to be included in the city council's agenda packet for consideration by the city council at least seven days before the date of the city council meeting at which the appeal will be considered. The applicant and the director of planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.
  - v. At the hearing, the applicant and the director of planning may appear in person, by agent, or by attorney. The city council may reverse, affirm, wholly or partly, or modify the planning and zoning commission's action regarding the site plan. The city council shall be the final approval authority for site plans, and its decision shall be final.
- b. Existing sites impacted by the acquisition of right-of-way for U.S. Highway 75.
  - 1. For properties for which a site plan has been previously approved or an occupancy permit exists, and from which right-of-way is subsequently acquired for U.S. Highway 75 which impacts the site, the following process shall apply:
    - i. The applicant may submit for approval of a combination site plan and landscape plan showing the proposed site with the proposed right-of-way acquisition area designated for approval. There is no fee required.
    - ii. The director of planning or her designee may approve the proposed plans based on the following factors: adequacy of parking; general access and circulation, including cross access; emergency access - fire lane location; parking space dimensions and backing distance; landscaping; sign location; and general conformance with the goals and objectives of the comprehensive plan.
  - c. Detailing report; written notice of public hearing. Before acting on a site plan, the planning and zoning commission shall receive from the director of planning a report regarding the proposed site plan detailing its conformance or nonconformance with the zoning ordinance and other applicable regulations of the city, and a recommended action regarding the site plan. Prior to consideration of a proposed site plan by the planning and zoning commission, written notice of the public hearing shall be sent to all property owners according to the procedure for a change in a zoning district location or boundary. Such notice may be served using the most recently approved municipal tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail.
- (3) Features to be shown on site plans. Site or development plans shall include the following information:
  - a. General. The following general information shall be included:
    - 1. The applicant's name, address, and phone number;
    - 2. The development location (include subdivision, lot number, and/or address);
    - 3. The proposed use (letter of intent required);
    - 4. The zoning district (attach copy of ordinance governing subject property);
    - 5. The lot area (net and gross);
    - 6. The lot coverage and floor area ratio;
    - 7. The location of all existing buildings or structures on the lot that are to remain subsequent to any proposed development;
    - 8. The building or structure size, height and total floor area (separated by use);
    - 9. The adjacent land uses and improvements within 200 feet of the subject property;
    - 10. The location of hazardous chemical storage;
    - 11. The sign locations;

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 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).
  - i. Building plan. In the MTC McKinney town center zoning district, a building plan with architectural color elevations (drawn to scale) shall be submitted with all site plan applications to demonstrate compliance with the building form and site development standards as well as with the building design standards of the MTC McKinney town center zoning district (see appendix G of the city zoning regulations).
- (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 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.

Sec. 146-46. - Definitions.

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

- (1) Accessory building or use means a building or use which:
  - a. Is subordinate to and serves a principal building or building use;
  - b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
  - c. Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;
  - d. Is located on the same building lot as the principal use served; and
  - e. Meets all building and fire codes.
- (2) Accessory dwelling means a self-contained dwelling unit created either by converting part of or adding on to an existing single family structure, whether attached or detached, or by building a separate apartment onto or along with a home on a single family lot. The use of the accessory dwelling is incidental to the main residence. Both the principal dwelling and the accessory dwelling must contain cooking, eating, sleeping, and sanitary facilities. The accessory dwelling must have a separate outside entrance.
- (3) Alley means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. An alley is a right-of-way with an ultimate width of 20 feet or less.
- (4) Amusement, commercial (indoor), means an amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, an indoor recreational area, bowling alley 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) Assisted living facility, nursing home, or rest home means a private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury.
- (11) Awning means a roof-like cover that can be removed that projects from the wall of a building.
- (12) 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.
- (13) Bay means an opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.
- (14) Bay door means an oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.
- (15) 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.
- (16) 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.
- (17) Boardinghouse or roominghouse means a building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.
- (18) Build means to erect, convert, enlarge, reconstruct, or alter a building or structure.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) Car wash means a building or portion thereof, containing facilities for washing motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) using automated or manual methods including chain conveyor, blower, steam cleaning device, or other mechanical device. A car wash may also be referred to as an auto laundry.

- (24) 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.
- (25) 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) and/or on-site accessory not-for-profit overnight housing shelter sponsored and operated by the religious entity as a part of its goals, mission or ministry providing temporary free overnight lodging for individuals or families having no regular home or residential address ("guests"). The provision of temporary free overnight lodging allowed hereby shall be limited to a maximum of 30 nights per calendar year, shall provide housing for no more than 14 guests per night, and shall require an annual permit for such accessory use issued by the chief building official.
- (26) 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 ordinances.
  - c. City council means the duly elected governing body of the city.
  - d. City engineer means the director of engineering, or the engineers retained as consultants to the city, or their duly authorized representative.
  - e. City manager means the chief administrative office 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.
- (27) 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.
- (28) 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.
- (29) Community garden means an area with a lot size of less than three acres that is utilized for the cultivation of horticultural goods including, but not limited to fruits, vegetables and herbs. Community gardens shall not include the retail sale or barter of any goods.
- (30) 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.
- (31) 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.
- (32) 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.
- (33) 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.

- (34) 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.
- (35) 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.
- (36) District means a zoning district that is a part of the city.
- (37) Dock means a place for the loading or unloading of goods, materials, or merchandise, with or without a platform.
- (38) 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.
- (39) 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.
- (40) 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.
- (41) Farmers market means an area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products or any other item not specifically allowed per this ordinance.
- (42) 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.
- (43) 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.
- (44) 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.
- (45) Floor area means the total square feet of floor space within the outside dimensions of a building including each floor level.
- (46) 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).
- (47) 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.
- (48) 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.
- (49) Fueling station or gasoline station means a retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-

trailer trucks with at least three axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.

- (50) 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.
- (51) 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.

- (52) Home occupation means a business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.
- (53) 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.
- (54) 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.
- (55) Household appliance sales means and includes, but not necessarily limited to, the sale and service of radio, television, refrigerators, etc.
- (56) Independent living facility (retirement community) means a private age-restricted facility that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for its residents.
- (57) Indoor gun range means an indoor facility where firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.
- (58) 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.
- (59) 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.

- (60) Kennel, outdoor, means an establishment with outdoor pens, and meeting the criteria in the definition of "kennel, indoor."
- (61) Legal height means the maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.
- (62) Livestock auction means barns, pens and sheds for the temporary holding and sale of livestock.
- (63) 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.")
- (64) 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.
- (65) 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).
- (66) Main building means the building or buildings on a lot, which are occupied by the primary use.
- (67) 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.



- (68) 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.
- (69) 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.
- (70) 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.
- (71) 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.
- (72) Multiple family dwelling, senior (senior apartment) means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot. This use shall also be subject to the following requirements:
- a. At least one person 55 years of age or older shall reside in at least 80 percent of the senior multi-family residential development's dwelling units;
  - b. Prior to the issuance of a certificate of occupancy, each senior multi-family residential development shall adopt a series of deed restrictions and covenants, subject to review and approval by the city attorney, establishing the development's intent to operate as a senior multi-family residential development in accordance with the requirements established herein and any other applicable law or regulation.
  - c. At least once every two years, each senior multi-family residential development shall provide to the development services division of the city a certified affidavit demonstrating that the requirements established herein as well as the requirements of the Fair Housing Act continue to be satisfied.
  - d. Failure to completely adhere to the requirements herein shall be deemed a violation of this chapter and may result in the revocation of the development's certificate of occupancy or other penalties as detailed in section 146-194 of this chapter.
- (73) 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.
- (74) 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.
- (75) Occupancy means the use or intended use of the land or buildings by proprietors or tenants.
- (76) 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.

- (77) Open area means that part of a building lot, including a court or a yard, which:
- Is open and unobstructed from its lowest level to the sky;
  - Is accessible to all residents upon a building lot; and
  - Is not part of the roof of that portion of the building containing dwelling units.
- (78) 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.
- (79) 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 above ground level.
- (80) Outdoor display means the placement of articles for sale in an uncovered area on private property.
- (81) 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.
- (82) 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.
- (83) Parking lot, truck, means any area used for the parking or storage of trucks or trailers larger than three-fourths ton in size.
- (84) 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).
- (85) 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:
- 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.
  - 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.
  - Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares.
  - Combustion means the rapid exothermic reaction of any material with oxygen.
  - Decibel means a unit of measurement of sound pressure.
  - 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.
  - Emission point means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.
  - Exhaust gas volume means the total volume of gas emitted from an emission point.
  - 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.
- (86) 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.
  - (87) 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.
  - (88) 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.
  - (89) 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.
- (90) 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.
  - (91) Recreation area means a privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.
  - (92) 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.
  - (93) 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.
  - (94) Residence. See "dwelling." When called a residence district, it means an area of residential regulations.
  - (95) 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).
  - (96) 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.
  - (97) 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.

- (98) 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.
- (99) 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.
- (100) 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.
- (101) 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.
- (102) 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.
- (103) Service station means any building or premises used for the dispensing, sale, or offering for retail sale of any fuels or oils for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers). 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.
- (104) 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."
- (105) 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.
- (106) Site Plan means the plan for development of a site on which is shown the existing and proposed conditions of the lot including, but not limited to, buildings, structures, ingress and egress, parking areas, floodplains, and screening devices, and demonstrates conformance with the adopted development regulations and zoning ordinance under the authority of Texas Local Government Code Chapter 211.
- (107) 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.
- (108) 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 11 feet six inches.
- (109) 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.
- (110) Street line means a dividing line between a lot, tract or parcel of land and a contiguous street or the right-of-way line.
- (111) Structural alterations means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.
- (112) Structure. See "building."

- (113) 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.
- (114) 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.
- (115) 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.
- (116) 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.
- (117) 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.
- (118) Truck fueling station means a retail fuel sales facility selling fuel for motor vehicles and semi-trailer trucks with at least three axles that are designed to tow trailers, limited to no more than one fueling pump per semi-trailer truck fueling bay. The truck fueling station may be attended or automated and include accessory truck scales/weigh stations. Off-site stacking for fueling and weighing purposes shall be prohibited.
- (119) Truck stop means any premises that provides parking facilities for semi-trailer trucks with at least three axles that are designed to tow trailers in conjunction with one or more other uses including, but not limited to the incidental sale of accessories or equipment for such vehicles, fuel sales, truck scales/weigh stations, restroom and showering facilities, and/or other uses typically associated with semi-trailer truck resting areas.
- (120) 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."
- (121) 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.
- (122) 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.
- (123) 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).
- (124) 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.

Sec. 146-45. - Site plan approval.

(a) Site plans.

(1) Applicability. Approval of a site plan through the City's Zoning Ordinance, in compliance with Chapter 211 of the Texas Local Government Code, shall be required prior to the submittal of any plats, construction plans, or permits for the development of any new non-residential or multiple family residential structure, a modification to a structure which affects its size, shape, or volume, 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 or Director of Planning. All building permits must conform to an approved site plan. Single family and two family residential developments shall be subject to the requirements of chapter 122 of the Code of Ordinances. Site plan approval for development in the MTC McKinney town center zoning district shall be subject to the requirements of appendix G of the city zoning regulations (chapter 146).

(2) Site plan approval process; appeals.

a. For site plan applications, the director of planning shall have the authority to approve, approve with conditions, or schedule the site plan for a planning and zoning commission meeting for action according to the procedures in subsection (a)(2)c. of this section. The director of planning shall not have the authority to disapprove a site plan application and shall forward any application which the director of planning cannot approve to the planning and zoning commission for action.

1. If the applicant disagrees with the decision of the planning and zoning commission, the applicant may, within seven days of the planning and zoning commission action, request in writing addressed to the director of planning that the commission's action on the site plan be appealed to the city council.
2. If the director of planning disagrees with the decision of the planning and zoning commission, the director of planning may, within seven days of the planning and zoning commission action, notify the applicant in writing of the director of planning's appeal of the commission's action on the site plan to the city council.
3. Any appeal of the planning and zoning commission's action regarding a site plan to the city council shall automatically abate the commission's action until such time as the city council rules upon the appeal. No building or development permit shall be issued for any parcel or structure within a site plan that has been appealed from the planning and zoning commission to the city council until such time as a decision on the appeal is rendered by the city council.
4. The appeal of the planning and zoning commission's action regarding a site plan shall be governed by the following process:
  - i. The applicant's or the director of planning's written notice of appeal shall state, generally, the grounds for the appeal.
  - ii. The applicant and the director of planning shall be provided at least 21 days' notice of the city council meeting at which the appeal will be considered unless such notice is waived in writing by both the applicant and director of planning.
  - iii. The director of planning shall cause all of the documents and materials presented to the planning and zoning commission, together with any approved minutes of the planning and zoning commission regarding the appealed site plan, to be presented to the city council with the agenda packet for the city council meeting at which the appeal will be considered. The foregoing shall constitute the record of the action appealed. The director of planning shall provide a copy of such materials to the applicant at the same time as such materials are submitted for inclusion in the city council agenda packet.



- iv. The applicant and the director of planning may submit additional materials to be included in the city council's agenda packet for consideration by the city council at least seven days before the date of the city council meeting at which the appeal will be considered. The applicant and the director of planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.
  - v. At the hearing, the applicant and the director of planning may appear in person, by agent, or by attorney. The city council may reverse, affirm, wholly or partly, or modify the planning and zoning commission's action regarding the site plan. The city council shall be the final approval authority for site plans, and its decision shall be final.
- b. Existing sites impacted by the acquisition of right-of-way for U.S. Highway 75.
  - 1. For properties for which a site plan has been previously approved or an occupancy permit exists, and from which right-of-way is subsequently acquired for U.S. Highway 75 which impacts the site, the following process shall apply:
    - i. The applicant may submit for approval of a combination site plan and landscape plan showing the proposed site with the proposed right-of-way acquisition area designated for approval. There is no fee required.
    - ii. The director of planning or her designee may approve the proposed plans based on the following factors: adequacy of parking; general access and circulation, including cross access; emergency access - fire lane location; parking space dimensions and backing distance; landscaping; sign location; and general conformance with the goals and objectives of the comprehensive plan.
  - c. Detailing report; written notice of public hearing. Before acting on a site plan, the planning and zoning commission shall receive from the director of planning a report regarding the proposed site plan detailing its conformance or nonconformance with the zoning ordinance and other applicable regulations of the city, and a recommended action regarding the site plan. Prior to consideration of a proposed site plan by the planning and zoning commission, written notice of the public hearing shall be sent to all property owners according to the procedure for a change in a zoning district location or boundary. Such notice may be served using the most recently approved municipal tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail.
- (3) Features to be shown on site plans. Site or development plans shall include the following information:
  - a. General. The following general information shall be included:
    - 1. The applicant's name, address, and phone number;
    - 2. The development location (include subdivision, lot number, and/or address);
    - 3. The proposed use (letter of intent required);
    - 4. The zoning district (attach copy of ordinance governing subject property);
    - 5. The lot area (net and gross);
    - 6. The lot coverage and floor area ratio;
    - 7. The location of all existing buildings or structures on the lot that are to remain subsequent to any proposed development;
    - 8. The building or structure size, height and total floor area (separated by use);
    - 9. The adjacent land uses and improvements within 200 feet of the subject property;
    - 10. The location of hazardous chemical storage;
    - 11. The sign locations;

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 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).
  - i. Building plan. In the MTC McKinney town center zoning district, a building plan with architectural color elevations (drawn to scale) shall be submitted with all site plan applications to demonstrate compliance with the building form and site development standards as well as with the building design standards of the MTC McKinney town center zoning district (see appendix G of the city zoning regulations).
- (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 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.

Sec. 146-46. - Definitions.

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

- (1) Accessory building or use means a building or use which:
  - a. Is subordinate to and serves a principal building or building use;
  - b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
  - c. Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;
  - d. Is located on the same building lot as the principal use served; and
  - e. Meets all building and fire codes.
- (2) Accessory dwelling means a self-contained dwelling unit created either by converting part of or adding on to an existing single family structure, whether attached or detached, or by building a separate apartment onto or along with a home on a single family lot. The use of the accessory dwelling is incidental to the main residence. Both the principal dwelling and the accessory dwelling must contain cooking, eating, sleeping, and sanitary facilities. The accessory dwelling must have a separate outside entrance.
- (3) Alley means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. An alley is a right-of-way with an ultimate width of 20 feet or less.
- (4) Amusement, commercial (indoor), means an amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, an indoor recreational area, bowling alley 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) Assisted living facility, nursing home, or rest home means a private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury.
- (11) Awning means a roof-like cover that can be removed that projects from the wall of a building.
- (12) 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.
- (13) Bay means an opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.
- (14) Bay door means an oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.
- (15) 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.
- (16) 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.
- (17) Boardinghouse or roominghouse means a building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.
- (18) Build means to erect, convert, enlarge, reconstruct, or alter a building or structure.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) Car wash means a building or portion thereof, containing facilities for washing motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) using automated or manual methods including chain conveyor, blower, steam cleaning device, or other mechanical device. A car wash may also be referred to as an auto laundry.

- (24) 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.
- (25) 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) and/or on-site accessory not-for-profit overnight housing shelter sponsored and operated by the religious entity as a part of its goals, mission or ministry providing temporary free overnight lodging for individuals or families having no regular home or residential address ("guests"). The provision of temporary free overnight lodging allowed hereby shall be limited to a maximum of 30 nights per calendar year, shall provide housing for no more than 14 guests per night, and shall require an annual permit for such accessory use issued by the chief building official.
- (26) 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 ordinances.
  - c. City council means the duly elected governing body of the city.
  - d. City engineer means the director of engineering, or the engineers retained as consultants to the city, or their duly authorized representative.
  - e. City manager means the chief administrative office 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.
- (27) 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.
- (28) 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.
- (29) Community garden means an area with a lot size of less than three acres that is utilized for the cultivation of horticultural goods including, but not limited to fruits, vegetables and herbs. Community gardens shall not include the retail sale or barter of any goods.
- (30) 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.
- (31) 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.
- (32) 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.
- (33) 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.

- (34) 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.
- (35) 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.
- (36) District means a zoning district that is a part of the city.
- (37) Dock means a place for the loading or unloading of goods, materials, or merchandise, with or without a platform.
- (38) 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.
- (39) 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.
- (40) 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.
- (41) Farmers market means an area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products or any other item not specifically allowed per this ordinance.
- (42) 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.
- (43) 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.
- (44) 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.
- (45) Floor area means the total square feet of floor space within the outside dimensions of a building including each floor level.
- (46) 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).
- (47) 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.
- (48) 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.
- (49) Fueling station or gasoline station means a retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-



trailer trucks with at least three axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.

- (50) 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.
- (51) 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.

- (52) Home occupation means a business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.
- (53) 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.
- (54) 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.
- (55) Household appliance sales means and includes, but not necessarily limited to, the sale and service of radio, television, refrigerators, etc.
- (56) Independent living facility (retirement community) means a private age-restricted facility that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for its residents.
- (57) Indoor gun range means an indoor facility where firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.
- (58) 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.
- (59) 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.

- (60) Kennel, outdoor, means an establishment with outdoor pens, and meeting the criteria in the definition of "kennel, indoor."
- (61) Legal height means the maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.
- (62) Livestock auction means barns, pens and sheds for the temporary holding and sale of livestock.
- (63) 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.")
- (64) 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.
- (65) 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).
- (66) Main building means the building or buildings on a lot, which are occupied by the primary use.
- (67) 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.

- (68) 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.
- (69) 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.
- (70) 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.
- (71) 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.
- (72) Multiple family dwelling, senior (senior apartment) means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot. This use shall also be subject to the following requirements:
- a. At least one person 55 years of age or older shall reside in at least 80 percent of the senior multi-family residential development's dwelling units;
  - b. Prior to the issuance of a certificate of occupancy, each senior multi-family residential development shall adopt a series of deed restrictions and covenants, subject to review and approval by the city attorney, establishing the development's intent to operate as a senior multi-family residential development in accordance with the requirements established herein and any other applicable law or regulation.
  - c. At least once every two years, each senior multi-family residential development shall provide to the development services division of the city a certified affidavit demonstrating that the requirements established herein as well as the requirements of the Fair Housing Act continue to be satisfied.
  - d. Failure to completely adhere to the requirements herein shall be deemed a violation of this chapter and may result in the revocation of the development's certificate of occupancy or other penalties as detailed in section 146-194 of this chapter.
- (73) 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.
- (74) 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.
- (75) Occupancy means the use or intended use of the land or buildings by proprietors or tenants.
- (76) 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.

- (77) Open area means that part of a building lot, including a court or a yard, which:
- Is open and unobstructed from its lowest level to the sky;
  - Is accessible to all residents upon a building lot; and
  - Is not part of the roof of that portion of the building containing dwelling units.
- (78) 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.
- (79) 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 above ground level.
- (80) Outdoor display means the placement of articles for sale in an uncovered area on private property.
- (81) 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.
- (82) 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.
- (83) Parking lot, truck, means any area used for the parking or storage of trucks or trailers larger than three-fourths ton in size.
- (84) 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).
- (85) 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:
- 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.
  - 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.
  - Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares.
  - Combustion means the rapid exothermic reaction of any material with oxygen.
  - Decibel means a unit of measurement of sound pressure.
  - 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.
  - Emission point means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.
  - Exhaust gas volume means the total volume of gas emitted from an emission point.
  - 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.
- (86) 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.
  - (87) 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.
  - (88) 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.
  - (89) 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.
- (90) 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.
  - (91) Recreation area means a privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.
  - (92) 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.
  - (93) 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.
  - (94) Residence. See "dwelling." When called a residence district, it means an area of residential regulations.
  - (95) 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).
  - (96) 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.
  - (97) 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.

- (98) 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.
- (99) 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.
- (100) 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.
- (101) 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.
- (102) 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.
- (103) Service station means any building or premises used for the dispensing, sale, or offering for retail sale of any fuels or oils for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers). 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.
- (104) 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."
- (105) 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.
- (106) Site Plan means the plan for development of a site on which is shown the existing and proposed conditions of the lot including, but not limited to, buildings, structures, ingress and egress, parking areas, floodplains, and screening devices, and demonstrates conformance with the adopted development regulations and zoning ordinance under the authority of Texas Local Government Code Chapter 211.
- (107) 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.
- (108) 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 11 feet six inches.
- (109) 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.
- (110) Street line means a dividing line between a lot, tract or parcel of land and a contiguous street or the right-of-way line.
- (111) Structural alterations means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.
- (112) Structure. See "building."

- (113) 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.
- (114) 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.
- (115) 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.
- (116) 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.
- (117) 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.
- (118) Truck fueling station means a retail fuel sales facility selling fuel for motor vehicles and semi-trailer trucks with at least three axles that are designed to tow trailers, limited to no more than one fueling pump per semi-trailer truck fueling bay. The truck fueling station may be attended or automated and include accessory truck scales/weigh stations. Off-site stacking for fueling and weighing purposes shall be prohibited.
- (119) Truck stop means any premises that provides parking facilities for semi-trailer trucks with at least three axles that are designed to tow trailers in conjunction with one or more other uses including, but not limited to the incidental sale of accessories or equipment for such vehicles, fuel sales, truck scales/weigh stations, restroom and showering facilities, and/or other uses typically associated with semi-trailer truck resting areas.
- (120) 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."
- (121) 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.
- (122) 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.
- (123) 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).
- (124) 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.

AN ACT

relating to county and municipal approval procedure for land development applications.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.001, Local Government Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.

(3) "Plat" includes a preliminary plat, general plan, final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0085 to read as follows:

Sec. 212.0085. APPROVAL PROCEDURE: APPLICABILITY. The approval procedures under this subchapter apply to a municipality regardless of whether the municipality has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section 242.001(d).

SECTION 3. The heading to Section 212.009, Local Government Code, is amended to read as follows:

Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL.

SECTION 4. Section 212.009, Local Government Code, is amended by amending Subsections (a), (b), (c), and (d) and adding

Subsections (b-1) and (b-2) to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove ~~[act on]~~ a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is ~~[considered]~~ approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a plan or plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove ~~[act on]~~ the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is ~~[considered]~~ approved by the inaction of the commission. A plan or plat is ~~[considered]~~ approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-1) Notwithstanding Subsection (a) or (b), if a groundwater availability certification is required under Section 212.0101, the 30-day period described by those subsections begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable.

(b-2) Notwithstanding Subsection (a) or (b), the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:

(1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the

1 governing body of the municipality, as applicable; and

2 (2) the municipal authority or governing body, as  
3 applicable, approves the extension request.

4 (c) If a plan or plat is approved, the municipal authority  
5 giving the approval shall endorse the plan or plat with a  
6 certificate indicating the approval. The certificate must be signed  
7 by:

8 (1) the authority's presiding officer and attested by  
9 the authority's secretary; or

10 (2) a majority of the members of the authority.

11 (d) If the municipal authority responsible for approving  
12 plats fails to approve, approve with conditions, or disapprove ~~act~~  
13 ~~on~~ a plan or plat within the prescribed period, the authority on  
14 the applicant's request shall issue a certificate stating the date  
15 the plan or plat was filed and that the authority failed to act on  
16 the plan or plat within the period. The certificate is effective in  
17 place of the endorsement required by Subsection (c).

18 SECTION 5. Subchapter A, Chapter 212, Local Government  
19 Code, is amended by adding Sections 212.0091, 212.0093, 212.0095,  
20 212.0096, 212.0097, and 212.0099 to read as follows:

21 Sec. 212.0091. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR  
22 DISAPPROVAL REQUIREMENTS. (a) A municipal authority or governing  
23 body that conditionally approves or disapproves a plan or plat  
24 under this subchapter shall provide the applicant a written  
25 statement of the conditions for the conditional approval or reasons  
26 for disapproval that clearly articulates each specific condition  
27 for the conditional approval or reason for disapproval.

1        (b) Each condition or reason specified in the written  
2 statement:

3            (1) must:

4                    (A) be directly related to the requirements under  
5 this subchapter; and

6                    (B) include a citation to the law, including a  
7 statute or municipal ordinance, that is the basis for the  
8 conditional approval or disapproval, if applicable; and

9            (2) may not be arbitrary.

10        Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO  
11 CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional  
12 approval or disapproval of a plan or plat under Section 212.0091,  
13 the applicant may submit to the municipal authority or governing  
14 body that conditionally approved or disapproved the plan or plat a  
15 written response that satisfies each condition for the conditional  
16 approval or remedies each reason for disapproval provided. The  
17 municipal authority or governing body may not establish a deadline  
18 for an applicant to submit the response.

19        Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL  
20 OF RESPONSE. (a) A municipal authority or governing body that  
21 receives a response under Section 212.0093 shall determine whether  
22 to approve or disapprove the applicant's previously conditionally  
23 approved or disapproved plan or plat not later than the 15th day  
24 after the date the response was submitted.

25            (b) A municipal authority or governing body that  
26 conditionally approves or disapproves a plan or plat following the  
27 submission of a response under Section 212.0093:

1           (1) must comply with Section 212.0091; and

2           (2) may disapprove the plan or plat only for a specific  
3 condition or reason provided to the applicant under Section  
4 212.0091.

5           (c) A municipal authority or governing body that receives a  
6 response under Section 212.0093 shall approve a previously  
7 conditionally approved or disapproved plan or plat if the response  
8 adequately addresses each condition of the conditional approval or  
9 each reason for the disapproval.

10          (d) A previously conditionally approved or disapproved plan  
11 or plat is approved if:

12           (1) the applicant filed a response that meets the  
13 requirements of Subsection (c); and

14           (2) the municipal authority or governing body that  
15 received the response does not disapprove the plan or plat on or  
16 before the date required by Subsection (a) and in accordance with  
17 Section 212.0091.

18          Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL  
19 PROCESS. (a) Notwithstanding Sections [212.009](#), 212.0091, 212.0093,  
20 and 212.0095, an applicant may elect at any time to seek approval  
21 for a plan or plat under an alternative approval process adopted by  
22 a municipality if the process allows for a shorter approval period  
23 than the approval process described by Sections [212.009](#), 212.0091,  
24 212.0093, and 212.0095.

25          (b) An applicant that elects to seek approval under the  
26 alternative approval process described by Subsection (a) is not:

27           (1) required to satisfy the requirements of Sections

1 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action  
2 challenging a disapproval of a plan or plat under this subchapter;  
3 and

4 (2) prejudiced in any manner in bringing the action  
5 described by Subdivision (1), including satisfying a requirement to  
6 exhaust any and all remedies.

7 Sec. 212.0097. APPROVAL PROCEDURE: WAIVER PROHIBITED. A  
8 municipal authority responsible for approving plats or the  
9 governing body of a municipality may not request or require an  
10 applicant to waive a deadline or other approval procedure under  
11 this subchapter.

12 Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal  
13 action challenging a disapproval of a plan or plat under this  
14 subchapter, the municipality has the burden of proving by clear and  
15 convincing evidence that the disapproval meets the requirements of  
16 this subchapter or any applicable case law. The court may not use a  
17 deferential standard.

18 SECTION 6. Section 212.014, Local Government Code, is  
19 amended to read as follows:

20 Sec. 212.014. REPLATTING WITHOUT VACATING PRECEDING PLAT.  
21 A replat of a subdivision or part of a subdivision may be recorded  
22 and is controlling over the preceding plat without vacation of that  
23 plat if the replat:

24 (1) is signed and acknowledged by only the owners of  
25 the property being replatted;

26 (2) is approved~~[, after a public hearing on the matter~~  
27 ~~at which parties in interest and citizens have an opportunity to be~~

1 ~~heard,~~] by the municipal authority responsible for approving plats;  
2 and

3 (3) does not attempt to amend or remove any covenants  
4 or restrictions.

5 SECTION 7. Section 212.015, Local Government Code, is  
6 amended by adding Subsections (a-1), (f), and (g) and amending  
7 Subsection (b) to read as follows:

8 (a-1) If a proposed replat described by Subsection (a)  
9 requires a variance or exception, a public hearing must be held by  
10 the municipal planning commission or the governing body of the  
11 municipality.

12 (b) Notice of the hearing required under Subsection (a-1)  
13 [~~Section 212.014~~] shall be given before the 15th day before the date  
14 of the hearing by:

15 (1) publication in an official newspaper or a  
16 newspaper of general circulation in the county in which the  
17 municipality is located; and

18 (2) by written notice, with a copy of Subsection (c)  
19 attached, forwarded by the municipal authority responsible for  
20 approving plats to the owners of lots that are in the original  
21 subdivision and that are within 200 feet of the lots to be  
22 replatted, as indicated on the most recently approved municipal tax  
23 roll or in the case of a subdivision within the extraterritorial  
24 jurisdiction, the most recently approved county tax roll of the  
25 property upon which the replat is requested. The written notice may  
26 be delivered by depositing the notice, properly addressed with  
27 postage prepaid, in a post office or postal depository within the



boundaries of the municipality.

(f) If a proposed replat described by Subsection (a) does not require a variance or exception, the municipality shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the municipal planning commission or the governing body of the municipality holds a public hearing and gives notice of the hearing in the manner provided by Subsection (b).

(g) The notice of a replat approval required by Subsection (f) must include:

(1) the zoning designation of the property after the replat; and

(2) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

SECTION 8. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0023 to read as follows:

Sec. 232.0023. APPROVAL PROCEDURE: APPLICABILITY. The plat application approval procedures under this subchapter apply to a county regardless of whether the county has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section 242.001(d).

SECTION 9. The heading to Section 232.0025, Local Government Code, is amended to read as follows:

Sec. 232.0025. APPROVAL PROCEDURE: TIMELY APPROVAL OF PLATS

1 AND PLANS.

2 SECTION 10. Section 232.0025, Local Government Code, is  
3 amended by amending Subsections (d), (f), (g), (h), and (i), and  
4 adding Subsection (d-1) to read as follows:

5 (d) Except as provided by Subsection (f), the commissioners  
6 court or the court's designee shall approve, approve with  
7 conditions, or disapprove ~~[take final action on]~~ a plat  
8 application~~[, including the resolution of all appeals,]~~ not later  
9 than the 30th ~~[60th]~~ day after the date the ~~[a]~~ completed ~~[plat]~~  
10 application is received by the commissioners court or the court's  
11 designee. An application is approved by the commissioners court or  
12 the court's designee unless the application is disapproved within  
13 that period and in accordance with Section 232.0026.

14 (d-1) Notwithstanding Subsection (d), if a groundwater  
15 availability certification is required under Section 232.0032, the  
16 30-day period described by that subsection begins on the date the  
17 applicant submits the groundwater availability certification to  
18 the commissioners court or the court's designee, as applicable.

19 (f) The 30-day ~~[60-day]~~ period under Subsection (d):

20 (1) may be extended for a ~~[reasonable]~~ period not to  
21 exceed 30 days, if:

22 (A) requested and agreed to in writing by the  
23 applicant and approved by the commissioners court or the court's  
24 designee; or

25 (B) ~~[(2) may be extended 60 additional days if]~~  
26 Chapter 2007, Government Code, requires the county to perform a  
27 takings impact assessment in connection with the ~~[a]~~ plat

1 application; and

2           (2) ~~[(3)]~~ applies only to a decision wholly within the  
3 control of the commissioners court or the court's designee.

4           (g) The commissioners court or the court's designee shall  
5 make the determination under Subsection (f)(1) ~~[(f)(2)]~~ of whether  
6 the 30-day ~~[60-day]~~ period will be extended not later than the 20th  
7 day after the date a completed plat application is received by the  
8 commissioners court or the court's designee.

9           (h) The commissioners court or the court's designee may not  
10 require ~~[compel]~~ an applicant to waive the time limits or approval  
11 procedure contained in this subchapter ~~[section]~~.

12           (i) If the commissioners court or the court's designee fails  
13 to approve, approve with conditions, or disapprove a plat  
14 application ~~[take final action on the plat]~~ as required by this  
15 subchapter ~~[Subsection (d)]~~:

16               (1) the commissioners court shall refund the greater  
17 of the unexpended portion of any ~~[plat]~~ application fee or deposit  
18 or 50 percent of an ~~[a plat]~~ application fee or deposit that has  
19 been paid;

20               (2) the ~~[plat]~~ application is granted by operation of  
21 law; and

22               (3) the applicant may apply to a district court in the  
23 county where the tract of land is located for a writ of mandamus to  
24 compel the commissioners court to issue documents recognizing the  
25 plat application's ~~[plat's]~~ approval.

26           SECTION 11. Subchapter A, Chapter 232, Local Government  
27 Code, is amended by adding Sections 232.0026, 232.0027, 232.0028,

232.00285, and 232.0029 to read as follows:

Sec. 232.0026. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A commissioners court or designee that conditionally approves or disapproves of a plat application under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements of this subchapter; and

(B) include a citation to the law, including a statute or order, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Sec. 232.0027. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plat application under Section 232.0026, the applicant may submit to the commissioners court or designee that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The commissioners court or designee may not establish a deadline for an applicant to submit the response.

Sec. 232.0028. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL

1 OF RESPONSE. (a) A commissioners court or designee that receives a  
2 response under Section 232.0027 shall determine whether to approve  
3 or disapprove the applicant's previously conditionally approved or  
4 disapproved plat application not later than the 15th day after the  
5 date the response was submitted under Section 232.0027.

6 (b) A commissioners court or designee that conditionally  
7 approves or disapproves a plat application following the submission  
8 of a response under Section 232.0027:

9 (1) must comply with Section 232.0026; and

10 (2) may disapprove the application only for a specific  
11 condition or reason provided to the applicant for the original  
12 application under Section 232.0026.

13 (c) A commissioners court or designee that receives a  
14 response under Section 232.0027 shall approve a previously  
15 conditionally approved or disapproved plat application if the  
16 applicant's response adequately addresses each condition for the  
17 conditional approval or each reason for the disapproval.

18 (d) A previously conditionally approved or disapproved plat  
19 application is approved if:

20 (1) the applicant filed a response that meets the  
21 requirements of Subsection (c); and

22 (2) the commissioners court or designee that received  
23 the response does not disapprove the application on or before the  
24 date required by Subsection (a) and in accordance with Section  
25 232.0026.

26 Sec. 232.00285. DEVELOPMENT PLAN REVIEW. (a) In this  
27 section, "development plan" includes a preliminary plat,

1 preliminary subdivision plan, subdivision construction plan, site  
2 plan, general plan, land development application, or site  
3 development plan.

4 (b) Unless explicitly authorized by another law of this  
5 state, a county may not require a person to submit a development  
6 plan during the plat approval process required by this subchapter.  
7 If a county is authorized under another law of this state to require  
8 approval of a development plan, the county must comply with the  
9 approval procedures under this subchapter during the approval  
10 process.

11 Sec. 232.0029. JUDICIAL REVIEW OF DISAPPROVAL. In a legal  
12 action challenging a disapproval of a plat application under this  
13 subchapter, the county has the burden of proving by clear and  
14 convincing evidence that the disapproval meets the requirements of  
15 this subchapter or any applicable case law. The court may not use a  
16 deferential standard.

17 SECTION 12. Section [232.0025\(e\)](#), Local Government Code, is  
18 repealed.

19 SECTION 13. The change in law made by this Act applies only  
20 to a plat application filed on or after the effective date of this  
21 Act. A development or plan application filed before the effective  
22 date of this Act is governed by the law in effect immediately before  
23 the effective date of this Act, and that law is continued in effect  
24 for that purpose.

25 SECTION 14. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3167 was passed by the House on May 2, 2019, by the following vote: Yeas 119, Nays 18, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3167 was passed by the Senate on May 21, 2019, by the following vote: Yeas 27, Nays 3, 1 present, not voting.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

**Code Sections:**

**Title:** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances that Regulate the Building Products, Materials, or Methods Used in the Construction or Renovation of Residential or Commercial Buildings to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 2439

**Text of Legislative File 19-0007M**

Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances that Regulate the Building Products, Materials, or Methods Used in the Construction or Renovation of Residential or Commercial Buildings to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 2439

**COUNCIL GOAL:** Operational Excellence  
(2C: Identify opportunities for internal efficiencies and continuous improvement to effect a high performing organizational culture)

**MEETING DATE:** August 13, 2019

**DEPARTMENT:** Planning

**CONTACT:** Kaitlin Gibbon, Planner I  
Samantha Pickett, AICP, Planning Manager  
Jennifer Arnold, AICP, Director of Planning

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the August 20, 2019 meeting.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendments.

**ITEM SUMMARY:** Given the recent changes to state law that will take effect on September 1, 2019, Staff has proposed several modifications to the Zoning Ordinance to ensure compliance. More specifically, these changes are in reference to House Bill 2439, which limits the ability a City has to enforce architectural requirements.

In order to align the Zoning Ordinance with the new state law regulations (Chap. 3000 of the Texas Local Government Code), Staff has modified sections of the Ordinance related



to applicability and enforcement of architectural requirements. More specifically, sections that are no longer enforceable have been removed, while additional language has been added where regulations to clarify where they can be enforced (i.e., within areas of historical, cultural or architectural significance).

**BACKGROUND INFORMATION:** Following the closing of the 86th Legislature, several changes to Texas Local Government Code (TLGC) were adopted on June 16, 2019 and take effect on September 1, 2019, including:

- HB No. 2436 which limits governmental entities from adopting or enforcing a rule, ordinance, code, or provision that “prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building” if it is allowed by a national model code.
  - Restricts a City’s ability to regulate: materials or percentages of materials; color; building massing; rooflines; fenestration; or any other aesthetic details.
  - Applies retroactively; meaning that as of September 1, Staff will no longer be able to enforce architectural requirements dictated by the Zoning Ordinance or by existing Planned Development Districts.
  - Does not apply to our historic areas or areas with specific architectural requirements in development agreements.

**PROPOSED AMENDMENTS:**

- Proposed Changes to Sec. 146-40 (Nonconforming uses and nonconforming structures): These changes specifically relate to reconstruction of a non-conforming building that was damaged or destroyed. Currently, reconstructed buildings must conform to the previous “appearance”; since these requirements are no longer enforceable outside of the Historically Significant Area, references to appearance or design have been removed, except for certain allowances by Chap. 3000 of the TLGC.
- Proposed Changes to Sec. 146-41 (Specific use permits): Currently, specific use permits for mini-warehouse uses dictate a certain material percentage. Since this is no longer enforceable outside of the Historically Significant Area, references to certain materials have been removed, except for certain allowances by Chap. 3000 of the TLGC.
- Proposed Changes to Sec. 146-46 (Definitions): The proposed amendments update the definitions of building and structure to better align with the definition in national model codes. Additionally, two new terms, “Historically Significant Area” and “Significantly Important Building”, have been added to protect buildings within a “place or area designated for historical, cultural, or architectural importance and significance” as established in Chap. 3000 of the TLGC.
- Proposed Changes to Sec. 146-82 (MP - Mobile Home Park District), Sec. 146-92 (AP - Airport District), Sec. 146-93 (GC - Governmental Complex District), and

Sec. 146-101 (CC - Corridor Commercial overlay District): The noted sections include references to materials or construction methods; as these are no longer enforceable outside of the Historically Significant Area, references to certain materials have been removed, except for certain allowances by Chap. 3000 of the TLGC.

- Proposed Changes to Sec. 146-94 (PD - Planned Development District): Currently, proposed Planned Development Districts should include architectural elevations or standards. As architectural standards within a Planned Development District are no longer enforceable outside of the Historically Significant Area, references to this requirement have been removed, except for certain allowances by Chap. 3000 of the TLGC.
- Proposed Changes to Sec. 146-133 (Accessory buildings and uses): This section requires that accessory buildings match the primary building; however, this is no longer enforceable outside of the Historically Significant Area. As such, references to this requirement have been removed, except for certain allowances by Chap. 3000 of the TLGC.
- Proposed Changes to Sec. 146-139 (Architectural and site standards): The proposed amendments modify or remove architectural requirements since these are no longer enforceable outside of the Historically Significant Area, as allowed by Chap. 3000 of the TLGC. More specifically, the multi-family residential portion has been reconfigured to separate architectural requirements of buildings and site specific standards. This division allows site standards to still be applicable to all multi-family projects, whereas architectural requirements are only applicable for the Historically Significant Area.
- Proposed Changes to Appendix B (Urban Design Standards for the Regional Employment Center): This section contains references to preferred or required architectural design standards; however, as these no longer enforceable outside of the Historically Significant Area, references to this requirement have been removed.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has not received any letters in support of or in opposition to the proposed amendments.

**SUPPORTING MATERIALS:**

Chap. 146 Amendments - Redlines

Chap. 146 Amendments - Clean

HB 2439

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

- (a) Purpose. This section is intended to establish regulations for the allowance and alteration of uses, lots, and/or structures which do not conform to currently applicable regulations, but which have been in continuous use and were in conformance with the regulations in place at the time of their inception and have been rendered nonconforming due to a change in the applicable regulations.
- (b) Nonconforming status. A nonconforming status shall exist under the following provisions of this chapter:
  - (1) When a use, lot, or structure, which does not conform to the current regulations of this chapter, was in existence and lawfully operating prior to April 29, 1968, and has been operating since without discontinuance.
  - (2) When a use, lot, or structure does not conform to the current regulations of this chapter, but was legally established at a prior date when the use, lot, or structure was in conformance with applicable regulations and such use, lot, or structure has been in continuous use or operation since its establishment.
  - (3) When a use, lot, or structure, which does not conform to the current regulations of this chapter, was legally established prior to and in existence at the time of annexation to the city, and has been operating since without discontinuance.
- (c) Burden to establish legal nonconformity. The burden of demonstrating that any use, lot, or structure is a legal nonconformity as defined by this section shall belong to the owner(s) or the proponent of such purported nonconformity.
- (d) Continuing lawful use of property and structures. Any nonconforming use, lot, or structure may be continued for definite periods of time as indicated herein-below subject to the board of adjustment's power of amortization:
  - (1) Uses.
    - a. Nonconforming uses may continue to operate indefinitely unless the use ceases to operate for a period longer than 12 months. If a nonconforming use ceases to operate for a period longer than 12 months, the nonconforming use shall be deemed permanently abandoned. The nonconforming use shall not thereafter be renewed or instituted on that property or another property in any district which does not permit the abandoned use, unless otherwise approved by the board of adjustment. For the purposes of this paragraph, the phrase "ceases to operate" shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure and which is moved from the property shall be deemed permanently abandoned.
    - b. A nonconforming use may not be replaced by or changed to another nonconforming use.
    - c. The board of adjustment shall have the authority to reinstate the nonconforming status of a use if the board finds there was clear intent not to abandon the use even though the use was discontinued for more than 12 months. The failure of the owner and/or operator to remove on-premise signs related to the nonconforming use shall not be sufficient, as the sole evidence presented by the applicant, to establish a clear intent or an exigent circumstance not to abandon the use.
  - (2) Structures.
    - a. Nonconforming structures may be occupied by conforming uses and may be repaired and maintained to preserve or extend their usability.
    - b. Structures conforming to all currently applicable regulations may be constructed on nonconforming lots provided that all setbacks and yard areas are observed.

- c. Nonconforming structures may be relocated within the same lot so long as no existing nonconformity is exacerbated.
- (3) Lots.
  - a. Any nonconforming lot may be replatted so long as the existing nonconformities of the lot are not exacerbated by the replat and the size of the nonconforming lot is not reduced.
  - b. Lots containing nonconforming structures may be replatted so long as the nonconformities of the structure are not exacerbated by the replat and the size of the nonconforming lot is not reduced.
- (4) Certain uses and lots in nonresidential zoning districts existing on May 7, 2019.
  - a. Subsection (d)(4) shall apply only to certain uses and lots in existence on May 7, 2019.
  - b. Single-family or two-family residential uses located in nonresidential districts may be improved, maintained, or rebuilt.
  - c. Single-family or two-family dwellings may be constructed on any vacant lot(s) located within a residential subdivision for which such vacant lot was originally-platted solely for single-family or two-family dwellings.
  - d. Any limitation on the construction or reconstruction of a single-family or two-family residential use pursuant to subsection (f) of this Section 146-40 shall not apply to single-family or two-family residential uses which meet the criteria in subsections (d)(4)a.—(d)(4)c. above.
- (e) Expansion of nonconforming uses or structures. A nonconforming use or structure shall not be expanded or increased, except as follows:
  - (1) A nonconforming use located within a building may be expanded throughout the existing building, provided:
    - a. No alterations to the building are required by ordinance to accommodate the expansion of the nonconforming use; and
    - b. The number of dwelling units in a building is not increased.
  - (2) The minimum single family residential lot width, depth, and/or area for the various zoning districts shall be in accordance with their respective district's standards, except that a lot having less width, depth, and/or area than herein required, and which lot was a lot of record prior to the adoption of the chapter, may be used for a single family residential use.
  - (3) In the MTC—McKinney Town Center zoning district, a nonconforming structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new nonconformity nor shall increase the degree of the existing nonconformity of all or any part of such structure. An alteration for a non-air-conditioned space (e.g. patio, porch, roof terrace, balcony, arcade) shall be allowed under any circumstance."
- (f) Destruction of structure by fire, the elements, or other cause. Subject to the provisions of subsection (d)(4) above, if a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this chapter. A restoration or reconstruction in violation of this subsection immediately terminates the right to occupy the nonconforming structure except as specifically provided otherwise herein-below.
  - (1) Partial destruction.
    - a. In the case of partial destruction of a nonconforming structure not exceeding 50 percent of its total appraised value as determined by the Collin Central Appraisal District, reconstruction will be permitted to restore the nonconforming structure to its previously existing condition.
    - b. The nonconforming structure may only be restored or reconstructed so as to have the same, but not greater, height, shape, and floor area that it had immediately prior to the damage or

destruction. In addition, a nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction. The chief building official shall estimate the height, shape, floor area, and when applicable the appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the chief building official, the property owner may appeal the determination of the chief building official to the board of adjustment, in accordance with this chapter.

(2) Total destruction.

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

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

- a. The nonconforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, and floor area that it had immediately prior to the damage or destruction if the damage to the structure(s) represents less than 50 percent of its appraised value, as determined by the Collin Central Appraisal District. In addition, a nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) represents less than 50 percent of its appraised value, as determined by the Collin Central Appraisal District.
- b. The nonconforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, and floor area that it had immediately prior to the damage or destruction if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, but the damage to the structure(s) represents less than 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District. In addition, a nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, but the damage to the structure(s) represents less than 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District.
- c. The nonconforming structure(s) must be rebuilt to all currently applicable regulations if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, and the damage to the structure(s) equals or exceeds 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District.
- d. The chief building official shall estimate the height, shape, and floor area and, when applicable, the appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the chief building official, the property owner may appeal the determination of the chief building official to the board of adjustment, in accordance with this chapter.

- (g) Completion of structures. Nothing contained herein shall require any change in the plans, construction, or designated use of a structure for which a building permit has been issued or a site plan approved prior to the effective date of this section, nor shall any structure for which a substantially complete application for a

building permit was accepted by the chief building official on or before the effective date of this section, provided that the building permit shall comply with all applicable regulations on the date that the application was filed and the building permit is issued within 30 days of the effective date of these regulations.

Sec. 146-41. - Specific use permits.

The city council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the planning and zoning commission that the use is in general conformance with the master plan of the city and containing such requirements and safeguards as are necessary to protect adjoining property, authorize the granting of a specific use permit for those uses indicated by "S" in the schedule of uses to this chapter, according to the following criteria:

- (1) An application for a specific use permit shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions. A specific use permit that will require the construction of a new structure shall be accompanied by said site plan. A site plan may not be required if a specific use permit is applied for that will locate in an existing structure, if the director of planning determines that the existing site adequately addresses the above elements and a site plan is not necessary to evaluate the specific use permit.
- (2) In recommending that a specific use permit for the premises under consideration be granted, the planning and zoning commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and whether the building is compatible for the use under consideration.
- (3) Every specific use permit granted under these provisions shall be considered as an amendment to the zoning chapter and shall remain applicable to the property so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the specific use permit is voluntarily vacated for a period in excess of 180 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same.
- (4) In granting a specific use permit, the city council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the chief building official for use of the building on such property pursuant to such specific use permit. Such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.
- (5) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawings and approved by the city council.
- (6) A building permit shall be applied for and secured within 12 months from the time of granting the specific use permit; provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private street development, which shall have no limit regarding the application and securing of a building permit. A specific use permit shall expire 12 months after its approval or extension date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed.

- (7) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.
- (8) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.
- (9) When the city council authorizes granting of a specific use permit, the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.
- (10) A specific use permit issued by the city shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, and subsection (5) of this section shall be applicable to the new owner or occupant of the property. However, a specific use permit issued for a private club shall not be considered a property right but a personal privilege of the permit holder in accordance with the Alcoholic Beverage Code, and thus shall not be transferable or assignable from one owner or owners of the permitted property to a new owner or occupant of the permitted property.
- (11) Special specific use permit regulations and considerations are as follows:
  - a. Car wash. In the BN neighborhood business district, a specific use permit may be approved to allow a car wash only in connection with an auto fuel sales facility. The car wash shall be limited to a fully automated facility, which will accommodate only one vehicle at a time. The location and orientation of the facility on the site and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate, in determining whether the permit should be approved.
  - b. Service station. In the BN neighborhood business district, motor vehicle fuel sales with facilities to fuel four vehicles at one time is allowed by right and motor vehicle fuel sales with facilities to fuel up to eight vehicles is allowed by right if the gas pumps are located within 350 feet of the intersection of two arterial roadways as shown on the thoroughfare plan. A specific use permit may be approved to allow additional facilities to fuel more than the number of vehicles allowed by right regardless of the location. Additionally, no major automotive repairs, body and fender work or automotive painting may be conducted. All uses and waste materials must be kept within a solid enclosure so that the contents are not visible from the street or other properties, and 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 does not contain a rotating, oscillating or revolving beam or beacon of light. They may be installed at the property line. They shall also conform to chapter 134. In determining whether a specific use permit should be approved to allow this use in a district where such permit would be required, the number of fueling stations, the range of automotive services to be provided and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate.
  - c. Private club. In the C planned center district, BG general business district, BC commercial business district, CHD commercial historic district, and PD planned development district, a private club may be approved to allow for social and dining facilities, as well as alcoholic beverage service. Private clubs shall meet the requirements listed under the definition of "private clubs" in section 146-46.
  - d. Bed and breakfast facilities. Bed and breakfast facilities may be approved in all districts specified in the schedule of uses. Bed and breakfast facilities shall develop according to the regulations set out in chapter 138, article IV, of this Code and made a part hereof.

- e. Private street subdivisions. Private street developments may be approved in all districts specified in the schedule of uses. Private street developments shall develop according to the regulations set out in chapter 142, article VII, and made a part hereof.
- f. Mini-warehouse uses. In the C planned center district and BG general business district, mini-warehouse facilities shall be allowed with the approval of a specific use permit. All proposed mini-warehouse developments in the C planned center district and BG general business district, shall satisfy the following development standards:
  - 1. No overhead bay doors or loading areas shall be visible from an adjacent use or public right-of-way;
  - 2. Buildings located within a Historically Significant Area shall be covered with 100 percent masonry materials (brick or stone);
  - 3. Proposed mini-warehouse buildings located directly adjacent to residential uses or zones shall be limited to a single story; and
  - 4. Proposed mini-warehouse buildings located directly adjacent to single family residential uses or zones shall feature a pitched roof (minimum 4:12 slope).

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

  - 1. The compatibility of the proposed use with the adjacent uses and other uses in the immediate area;
  - 2. The development's proposed location within the city; and
  - 3. Any other factors deemed appropriate.
- g. Other uses. Those uses indicated by "S" in the schedule of uses of this chapter shall require the approval of a specific use permit, and shall comply with the requirements of this chapter.

Sec. 146-46. - Definitions.

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

- (1) Accessory building or use means a building or use which:
  - a. Is subordinate to and serves a principal building or building use;
  - b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
  - c. Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;
  - d. Is located on the same building lot as the principal use served; and
  - e. Meets all building and fire codes.
- (2) Accessory dwelling means a self-contained dwelling unit created either by converting part of or adding on to an existing single family structure, whether attached or detached, or by building a separate apartment onto or along with a home on a single family lot. The use of the accessory dwelling is incidental to the main residence. Both the principal dwelling and the accessory dwelling must contain cooking, eating, sleeping, and sanitary facilities. The accessory dwelling must have a separate outside entrance.



- (3) Alley means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. An alley is a right-of-way with an ultimate width of 20 feet or less.
- (4) Amusement, commercial (indoor), means an amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, an indoor recreational area, bowling alley 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) Assisted living facility, nursing home, or rest home means a private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury.
- (11) Awning means a roof-like cover that can be removed that projects from the wall of a building.
- (12) 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.
- (13) Bay means an opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.
- (14) Bay door means an oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.
- (15) 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.
- (16) 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.
- (17) Boardinghouse or roominghouse means a building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.
- (18) Build means to erect, convert, enlarge, reconstruct, or alter a building or structure.
- (19) 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.
- (20) Building means any structure built for the occupancy of persons, animals, 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.

- (21) 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.
- (22) 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.
- (23) Car wash means a building or portion thereof, containing facilities for washing motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) using automated or manual methods including chain conveyor, blower, steam cleaning device, or other mechanical device. A car wash may also be referred to as an auto laundry.
- (24) 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.
- (25) 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) and/or on-site accessory not-for-profit overnight housing shelter sponsored and operated by the religious entity as a part of its goals, mission or ministry providing temporary free overnight lodging for individuals or families having no regular home or residential address ("guests"). The provision of temporary free overnight lodging allowed hereby shall be limited to a maximum of 30 nights per calendar year, shall provide housing for no more than 14 guests per night, and shall require an annual permit for such accessory use issued by the chief building official.
- (26) 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 ordinances.
  - c. City council means the duly elected governing body of the city.
  - d. City engineer means the director of engineering, or the engineers retained as consultants to the city, or their duly authorized representative.
  - e. City manager means the chief administrative office 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.
- (27) 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.
- (28) 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.
- (29) Community garden means an area with a lot size of less than three acres that is utilized for the cultivation of horticultural goods including, but not limited to fruits, vegetables and herbs. Community gardens shall not include the retail sale or barter of any goods.

- (30) 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.
- (31) 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.
- (32) 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.
- (33) 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.
- (34) 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.
- (35) 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.
- (36) District means a zoning district that is a part of the city.
- (37) Dock means a place for the loading or unloading of goods, materials, or merchandise, with or without a platform.
- (38) 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.
- (39) 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.
- (40) 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.
- (41) Farmers market means an area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products or any other item not specifically allowed per this ordinance.
- (42) 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.
- (43) 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.

- (44) 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.
- (45) Floor area means the total square feet of floor space within the outside dimensions of a building including each floor level.
- (46) 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).
- (47) 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.
- (48) 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.
- (49) Fueling station or gasoline station means a retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.
- (50) 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.
- (51) 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.
- (52) Home occupation means a business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.
- (53) 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.
- (54) 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.
- (55) Household appliance sales means and includes, but not necessarily limited to, the sale and service of radio, television, refrigerators, etc.
- (56) Historically Significant Area means one or more places or areas designated by the City for its historical, cultural, or architectural importance and significance before April 1, 2019. The areas included within the MTC - McKinney Town Center District, CHD – Commercial Historic Overlay District, H – Historic Preservation Overlay District, TMN – Traditional McKinney Neighborhood Overlay District, the Main Street Program area, and the Historic Neighborhood Improvement Zone (HNIZ) per Chapter 98 of the

Code of Ordinances, City of McKinney, Texas, are the Historically Significant Areas designated by the City before April 1, 2019 or as authorized by Chapter 3000 of the Texas Local Government Code..

- (57) Independent living facility (retirement community) means a private age-restricted facility that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for its residents.
- (58) Indoor gun range means an indoor facility where firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.
- (59) 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.
- (60) 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.
- (61) Kennel, outdoor, means an establishment with outdoor pens, and meeting the criteria in the definition of "kennel, indoor."
- (62) Legal height means the maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.
- (63) Livestock auction means barns, pens and sheds for the temporary holding and sale of livestock.
- (64) 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.")
- (65) 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.
- (66) 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).
- (67) Main building means the building or buildings on a lot, which are occupied by the primary use.
  - (68) 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.
  - (69) 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.
  - (70) 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.
  - (71) 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.
  - (72) 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.
  - (73) Multiple family dwelling, senior (senior apartment) means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot. This use shall also be subject to the following requirements:
    - a. At least one person 55 years of age or older shall reside in at least 80 percent of the senior multi-family residential development's dwelling units;
    - b. Prior to the issuance of a certificate of occupancy, each senior multi-family residential development shall adopt a series of deed restrictions and covenants, subject to review and approval by the city attorney, establishing the development's intent to operate as a senior multi-family residential

development in accordance with the requirements established herein and any other applicable law or regulation.

- c. At least once every two years, each senior multi-family residential development shall provide to the development services division of the city a certified affidavit demonstrating that the requirements established herein as well as the requirements of the Fair Housing Act continue to be satisfied.
  - d. Failure to completely adhere to the requirements herein shall be deemed a violation of this chapter and may result in the revocation of the development's certificate of occupancy or other penalties as detailed in section 146-194 of this chapter.
- (74) 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.
- (75) 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.
- (76) Occupancy means the use or intended use of the land or buildings by proprietors or tenants.
- (77) 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.
- (78) 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.
- (79) 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.
- (80) 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 above ground level.
- (81) Outdoor display means the placement of articles for sale in an uncovered area on private property.
- (82) 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.
- (83) 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.
- (84) Parking lot, truck, means any area used for the parking or storage of trucks or trailers larger than three-fourths ton in size.
- (85) 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).
- (86) 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.
- (87) 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.
- (88) 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.
- (89) 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.
- (90) 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.
- (91) 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.
- (92) Recreation area means a privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.
- (93) 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.

- (94) 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.
- (95) Residence. See "dwelling." When called a residence district, it means an area of residential regulations.
- (96) 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).
- (97) 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.
- (98) 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.
- (99) 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.
- (100) 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.
- (101) 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.
- (102) 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.
- (103) 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.
- (104) Service station means any building or premises used for the dispensing, sale, or offering for retail sale of any fuels or oils for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers). 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.
- (105) Significantly Important Building means a building which is:
- (a) located in a Historically Significant Area;
  - (b) located in an area designated as a historic district on the National Register of Historic Places;
  - (c) designated as a Recorded Texas Historic Landmark;
  - (d) designated as a State Archeological Landmark or State Antiquities Landmark;
  - (e) listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

- (f) located in a World Heritage Buffer Zone; or
  - (g) located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Texas Government Code Section 442.014; or as otherwise provided in Chapter 3000 of the Texas Government Code.
- (106) 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."
- (107) 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.
- (108) 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.
- (109) 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 11 feet six inches.
- (110) 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.
- (111) Street line means a dividing line between a lot, tract or parcel of land and a contiguous street or the right-of-way line.
- (112) Structural alterations means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.
- (113) Structure means that which is built or constructed vertically above ground level.
- (114) 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.
- (115) 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.
- (116) 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.
- (117) 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.
- (118) 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.

- (119) Truck fueling station means a retail fuel sales facility selling fuel for motor vehicles and semi-trailer trucks with at least three axles that are designed to tow trailers, limited to no more than one fueling pump per semi-trailer truck fueling bay. The truck fueling station may be attended or automated and include accessory truck scales/weigh stations. Off-site stacking for fueling and weighing purposes shall be prohibited.
- (120) Truck stop means any premises that provides parking facilities for semi-trailer trucks with at least three axles that are designed to tow trailers in conjunction with one or more other uses including, but not limited to the incidental sale of accessories or equipment for such vehicles, fuel sales, truck scales/weigh stations, restroom and showering facilities, and/or other uses typically associated with semi-trailer truck resting areas.
- (121) 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."
- (122) 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.
- (123) 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.
- (124) 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).
- (125) 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.

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) 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. 146-92. - 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) 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 McKinney National 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) 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 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 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) Color elevation renderings for all sides of any proposed structure(s) (for PD Districts requesting modifications to the architectural and site standards of this chapter) as it applies to buildings in a Historically Significant Area or a Significantly Important Building);
- (65) A metes and bounds description of the property to be governed by the proposed district; and
- (76) Any other relevant information as requested by the director of planning.

Sec. 146-101. - CC - Corridor Commercial overlay district (suffix).

- (a) Purpose. The CC Corridor Commercial overlay district is designed to provide standards for the development of non-residential structures that are generally recognized as needing to be of greater height than non-residential structures are otherwise allowed by the base zoning districts contained within this zoning ordinance. These taller structures will generally be located along and within close proximity to the major regional highways passing through the city: University Drive (U.S. Highway 380); Central Expressway (U.S. Highway 75); and, the Sam Rayburn Tollway (State Highway 121). These CC overlay district standards recognize these major regional highways as an economic development engine that may be utilized to leverage a diverse and sustainable non-residential tax base for the city.
- (b) Intent. It is not the intent of the CC overlay district to replace the zoning regulations governing the use on any individual parcel of property. Instead, these regulations are meant to supplement the existing zoning district regulations on individual parcels of property within the overlay district. Examples of this intent are provided below:
  - (1) If the existing underlying zoning regulations or existing base zoning district on a particular property (the "governing zoning district") allow a five story building height but the CC overlay district designates the property as only allowing a maximum building height of three stories, a maximum building height of five stories shall be permitted. Conversely, if the governing zoning district allows a three story building height but the CC overlay district designates the property as allowing a maximum building height of five stories, a maximum building height of five stories shall be permitted. More specifically, it is the intent of the CC overlay district that the more permissive provision regarding maximum building height regulations shall be applicable save and except in the areas designated as part of the suburban subzone.
  - (2) If the property is zoned PD Planned Development district and the governing zoning district specifies architectural design regulations, the PD regulations shall be applicable except where they conflict with the architectural design requirements of the CC overlay district. If a conflict between the governing PD zoning district and the provisions of the CC overlay district exist, the provisions of the CC overlay district shall prevail.
- (c) Areas encompassed. The areas regulated by these standards shall include certain properties generally located within four subzones described as follows:
  - (1) Suburban subzone. This subzone will not allow any increase in the maximum building heights allowed by a specific property's governing zoning district and is intended to protect and maintain the residential character of the area by limiting the allowable building heights to those specified within the property's governing zoning district.
  - (2) Low rise subzone This subzone will generally allow minimal increases in the maximum building heights allowed by a specific property's governing zoning district.
  - (3) Mid rise subzone. This subzone will generally allow moderate increases in the maximum building heights allowed by a specific property's governing zoning district.
  - (4) High rise subzone. This subzone will generally allow substantial increases in the maximum building heights allowed by a specific property's governing zoning district.

The official boundaries of the CC overlay district and its four subzones shall be as delineated on the official boundary map contained in appendix c, section C-3, of this chapter.



- (d) Applicable regulations. All development regulations specified by a particular property's governing zoning district, including planned development regulations, shall be applicable, except that in the event a governing zoning district's regulations conflict with the standards of the Corridor Commercial overlay district, the more permissive regulations shall control save and except in the areas designated as part of the suburban subzone.
- (e) Space limits.
  - (1) Maximum height of non-residential buildings:
    - a. Suburban subzone: The maximum building heights as specified by the property's governing zoning district shall be applicable. More specifically, this overlay district shall not allow any increase in building height beyond the maximum heights as prescribed by the property's governing zoning district.
    - b. Low rise subzone: Three stories.
    - c. Mid rise subzone: Six stories.
    - d. High rise subzone: 12 stories.
  - (2) Minimum non-residential building setbacks: Same as the minimum setbacks required by the governing zoning district regulations.
  - (3) Maximum non-residential lot coverage: Same as the maximum lot coverage required by the governing zoning district regulations, except that there is no maximum lot coverage for buildings four or more stories tall.
  - (4) Maximum non-residential floor area ratio: Same as the maximum floor area ratio required by the governing zoning district regulations, except that there is no maximum floor area ratio for buildings four or more stories tall.
- (f) Architectural and site standards. All non-residential buildings in non-industrial zoning districts that are four or more stories in height and which are either a Significantly Important Building or are located within Historically Significant Area shall not be required to satisfy the minimum standards for approval as prescribed in section 146-139(f)(7) of this chapter, and shall be approved if all of the following criteria are met:
  - (1) Each elevation of each building shall be finished with masonry as specified herein. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to, slate, flagstone, granite, limestone, and marble.
    - a. Each elevation on buildings four to six stories in height shall be finished with at least 25 percent masonry;
    - b. Each elevation on buildings seven to nine stories in height shall be finished with at least 10 percent masonry; and
    - c. No masonry finishing materials shall be required on buildings over nine stories in height.
  - (2) The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall construction, architectural metal panels (not including corrugated metal), and/or glass curtain wall systems.
  - (3) The maximum reflectivity of all exterior glass shall be less than or equal to 27 percent.
  - (4) The colors of 100 percent of total exterior building surfaces (exclusive of glass and architectural metal finishing materials) shall be neutrals, creams, or deep, rich, non-reflective natural 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.

Sec. 146-133. - Accessory buildings and uses.

- (a) Area regulations. The following area regulations shall be observed for all accessory buildings or accessory structures in all residential, multiple family, or mobile home districts:
- (1) Front yard. Attached accessory buildings or structures shall have the same front yard as that of the main building.
  - (2) Side yard.
    - a. There shall be a side yard for any detached accessory building of not less than three feet from any side lot line when such detached accessory building is located in the rear of the lot (the rear of a line connecting the midpoints on the two opposite side lot lines of any lot, tract or plot), and when the detached accessory building is a minimum distance of ten feet from the main structure.
    - b. When a detached accessory building is located in front of the line connecting the two midpoints of the opposite side lot lines as herein described, or is closer than ten feet from the main structure, such accessory building shall observe the same side yard as specified for the main building.
    - c. If an accessory structure is adjacent to a side street, the side yard for the accessory structure must be a minimum of 15 feet from the side property line.
  - (3) Rear yard.
    - a. There shall be a rear yard for accessory buildings not less than three feet from any lot line, alley line, or easement line, except that if no alley exists, the rear yard shall not be less than ten feet as measured from the rear lot line. Where apartments are permitted, the main building and all accessory buildings shall not cover more than 50 percent of the rear of the lot (that portion of the lot lying to the rear of a line erected adjoining the midpoint of one side lot line with the midpoint of the opposite side lot line).
    - b. Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of 20 feet to facilitate access without interference with the use of the street or alley by other vehicles or persons.
    - c. Detached accessory buildings or structures shall be located in the area defined as the rear yard.
  - (4) Air conditioning equipment. Air conditioning compressors, cooling towers, and similar accessory structures shall observe all front, side, or rear yards specified for accessory buildings. When such accessory structures are located in the side yard or that portion of a lot herein designated as the rear of the lot, the minimum side yard shall be three feet.
  - (5) Swimming pools. All swimming pools shall be located behind the front yard or front building line and in no case shall the pool proper be nearer than five feet to any bounding property line of the lot or tract on which it is situated.
  - (6) Accessory buildings. Accessory buildings shall meet the following requirements:
    - a. No accessory building, other than an allowed accessory dwelling, shall be rented or leased.
    - b. No accessory building shall be used for commercial purposes.
    - c. No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.
    - d. No accessory building shall exceed 200 square feet in area, except:
      1. Detached garages are limited to 500 square feet in area; and
      2. Accessory dwellings are limited to 600 square feet in area.
    - e. No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.

- (7) Accessory dwellings. Accessory dwellings, where allowed as an accessory use, shall meet the following requirements:
  - a. An accessory dwelling may not be located on a lot less than 12,000 square feet in area.
  - b. An accessory dwelling must be behind the front building line, and must observe the same setbacks as the main structure.
  - c. An accessory dwelling shall be constructed of the same exterior materials as the main structure when the buildings are located within a Historically Significant Area or the main structure is a Significantly Important Building.
  - d. An accessory dwelling may not be sold separately from the main structure.
  - e. An accessory dwelling shall not have a separate electric meter.
- (b) Allowed accessory uses. Allowed accessory uses are listed in the requirements for each zoning district provided for by this chapter.
- (c) Home occupations. A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.
  - (1) Home occupations shall be conducted entirely within the main building.
  - (2) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
    - a. No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, or outside storage of materials or equipment.
    - b. The home occupation shall not have a separate entrance.
    - c. Not more than two patron or business related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles.
    - d. A maximum of one commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked in the street.
    - e. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of 1½ tons.
    - f. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
  - (3) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
  - (4) The home occupation shall employ no more than one individual who is not an occupant of the residence.
  - (5) The address of the home occupation shall not be included in any classified advertisement, yellow pages listing, or other advertisement.
  - (6) The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed under subsection (c)(8) of this section.
  - (7) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations.
  - (8) Uses allowed as home occupations shall include the following:

- a. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
  - b. Office of a salesman or manufacturer's representative; provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises, except as otherwise expressly permitted by this chapter;
  - c. Author, artist, sculptor;
  - d. Dressmaker, seamstress, tailor, milliner;
  - e. Music/dance teacher, tutoring, or similar instruction; provided that no more than three pupils may be present at any one time;
  - f. Swimming lessons or water safety instruction; provided that a maximum of six pupils may be present at any one time;
  - g. Home craft, such as weaving, model making, etc.;
  - h. Repair shop for small electrical appliances, cameras, watches, or other small items; provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
  - i. Food preparation such as cake decorating, catering, etc.; provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with all health regulations;
  - j. Day care: registered family home in compliance with state law, with a maximum of six children at any one time;
  - k. Barbershop, beauty salon, or manicure studio; provided that no more than one customer is served at any one time; and
  - l. Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, chapter 123 of the Texas Human Resources Code and as amended.
- (9) Uses prohibited as home occupations shall include the following:
- a. Animal hospital, commercial stable, kennel;
  - b. Bed and breakfast inn, boardinghouse or roominghouse;
  - c. Day care center with more than six children;
  - d. Schooling or instruction with more than one pupil (except as noted above);
  - e. Restaurant or on-premises food/beverage consumption of any kind;
  - f. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine, or other repair shops except as specifically provided for in section 146-133(c)(8);
  - g. Cabinetry, metal work, or welding shop;
  - h. Office for doctor, dentist, veterinarian, or other medical-related profession;
  - i. On-premises retail or wholesale 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.
  - i. On-premises retail or wholesale sale of any kind, except home craft items produced entirely on premises, and except garage sales as provided for within chapter 54, article II;
  - j. Commercial clothing laundering or cleaning;
  - k. Mortuary or funeral home;
  - l. Trailer, vehicle, tool, or equipment rental;
  - m. Antique, gift, or specialty shop; and
  - n. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
- (10) The director of planning shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The director of planning shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein. If the applicant disagrees with the determination of the director of planning, the applicant may request that the use be evaluated by the city council.
- (11) Any home occupation that was legally in existence as of the effective date of the ordinance from which this chapter is derived and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.
- (d) Permanent makeup facilities. A permanent makeup facility shall be allowed in conjunction with a doctor's office or beauty shop, and shall meet the following standards.
- (1) Permanent makeup is limited to parts of the body from the neck up, and is generally for cosmetic or reconstructive purposes.
  - (2) The permanent makeup use shall be subordinate to the principal use in terms of area of the building served, extent of services provided, and be in keeping with the purpose of the doctor's office or beauty shop.
  - (3) The permanent makeup use shall not be allowed to maintain hours of operation in excess of the principal use.
  - (4) Access to the area where the permanent makeup procedure is performed must be through the main entrance of the principal use.

Sec. 146-139. - Architectural and site standards.

- (a) Purpose. The purpose of this section is to establish minimum standards for the appearance of non-residential, attached single family residential (townhome), and multi-family residential buildings and corresponding site elements that are recognized as enhancing property values and that are in the interest of the general welfare of the city under the authority granted by Chapter 3000 of the Texas Local Government Code. The standards contained herein are intended to serve as a baseline for the minimum design expectations of the city. These standards are not intended to prohibit architectural innovation nor are they intended to mandate specific architectural styles and concepts. Rather, they are intended to provide for developments of enduring quality that provide visual character and interest. The illustrations contained herein are intended to serve as a visual representation of how the associated standards could be satisfied and not how they must be satisfied. The development community is encouraged to seek out new and innovative ways to implement the standards contained herein that will result in a significant contribution to the visual character of the area and the city as a whole.
- (b) Applicability. The standards contained herein shall be applicable to all multi-family residential, attached single family residential, and non-residential buildings constructed after the effective date of this section, except the provisions of this section shall not apply to the following:

- (1) Buildings constructed within the MTC McKinney town center district, which buildings are subject to the design requirements contained in appendix G of the zoning ordinance.
  - (2) Buildings constructed within the CHD commercial historic overlay district or H historic preservation overlay districts whose design conflicts with any applicable historic preservation design criteria because of the minimum requirements contained herein.
  - (3) Buildings that are four stories in height or taller which are located within the CC corridor commercial overlay district.
  - (4) Portable or temporary buildings for non-profit places of worship or private schools, which are screened from the view of adjacent properties and public rights-of-way via a building and/or a minimum six foot tall opaque screening device with canopy trees planted every 30 linear feet of visible exposure.
  - (5) Portable buildings or temporary buildings for public schools.
  - (6) Temporary uses defined under section 146-42 of this chapter.
  - (7) Buildings for which a site plan for the project was approved prior to the effective date of this section, provided:
    - a. The site plan has not expired;
    - b. A building permit has been issued; and
    - c. Construction is underway prior to the expiration of two years from the effective date of the ordinance from which this section is derived.
  - (8) Any expansion of an existing building that was constructed and occupied prior to the effective date of this section which utilizes exterior finishing materials of equal or higher quality than the existing building.
  - (9) 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 up to not more than 50 percent of the original structure.
- (c) Conflicts with other ordinances. All applicable provisions of the zoning ordinance, subdivision ordinance, building codes, planned development districts, and other ordinances shall apply. Where provisions of the zoning ordinance or other ordinances conflict with this section, the more restrictive provision shall control.
- (d) Administration and interpretation. The provisions of this section shall be administered by the director of planning who shall also make interpretations regarding any subjectivity contained herein. Interpretations of the director of planning may be appealed to the executive director of development services. If the director of planning's interpretation is upheld by the executive director of development services, the applicant may request that the facade plan be forwarded to the planning and zoning commission via the process contained in section 146-139(e) of this chapter.
- (e) Facade plan approval. The director of planning shall have the authority to approve or approve with conditions any facade plan that is deemed to satisfy the minimum requirements of this section. Applications shall include all information deemed necessary by the director of planning to thoroughly evaluate a proposed building's design for conformance with the provisions of this section. Any facade plan that the director of planning cannot approve due to nonconformance shall be forwarded to the planning and zoning commission for consideration and action.
- (1) Facade plans that are considered by the planning and zoning commission shall require the issuance of property owner notification letters and the posting of informational signs on the subject property in accordance with the zoning change requirements outlined in section 146-164 of this chapter prior to holding a public hearing at a planning and zoning commission meeting. The decision of the planning and zoning commission may be appealed by the applicant or city staff to the city council.

- a. If the applicant disagrees with the decision of the planning and zoning commission, the applicant may, within seven days of the planning and zoning commission action, request in writing addressed to the director of planning that the commission's action on the facade plan be appealed to the city council.
- b. If the director of planning disagrees with the decision of the planning and zoning commission, the director of planning may, within seven days of the planning and zoning commission action, notify the applicant in writing of the director of planning's appeal of the commission's action on the facade plan to the city council.
- c. Any appeal of the planning and zoning commission's action regarding a facade plan to the city council shall automatically abate the commission's action until such time as the city council rules upon the appeal. No building or development permit shall be issued for any parcel or structure reflected on a facade plan that has been appealed from the planning and zoning commission to the city council until such time as a decision on the appeal is rendered by the city council.
- d. The appeal of the planning and zoning commission's action regarding a facade plan shall be governed by the following process:
  1. The applicant's or the director of planning's written notice of appeal shall state, generally, the grounds for the appeal.
  2. The applicant and the director of planning shall be provided at least 21 days' notice of the city council meeting at which the appeal will be considered unless such notice is waived in writing by both the applicant and director of planning.
  3. The director of planning shall cause all of the documents and materials presented to the planning and zoning commission, together with any approved minutes of the planning and zoning commission regarding the appealed facade plan, to be presented to the city council with the agenda packet for the city council meeting at which the appeal will be considered. The foregoing shall constitute the record of the action appealed. The director of planning shall provide a copy of such materials to the applicant at the same time as such materials are submitted for inclusion in the city council agenda packet.
  4. The applicant and the director of planning may submit additional materials to be included in the city council's agenda packet for consideration by the city council at least seven days before the date of the city council meeting at which the appeal will be considered. The applicant and the director of planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.
  5. At the hearing, the applicant and the director of planning may appear in person, by agent, or by attorney. The city council may reverse, affirm, wholly or partly, or modify the planning and zoning commission's action regarding the facade plan. The city council shall be the final approval authority for facade plans, and its decision shall be final.
- e. When considering a facade plan application that the director of planning cannot approve due to nonconformance with the provisions of this section, the planning and zoning commission and/or the city council shall consider the following:
  1. The extent to which the application meets other specific standards of this chapter;
  2. 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;
  3. 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

4. The extent to which the proposed project accomplishes city goals as stated in the comprehensive plan or other approved document.
  5. Convenience to the applicant and/or reasons related to economic hardship shall not be grounds for approval of an application.
- (f) Standards for approval. Projects that conform to the minimum standards specified herein shall be approved.
- (1) Multi-family residential (including senior multi-family) architectural design (This provision is only applicable to a Significantly Important Building or buildings that are located in a Historically Significant Area).
    - a. Roof treatment.
      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. No flat roof line shall be visible.
      2. A parapet wall shall be acceptable if constructed so that no flat roof shall be visible.
      3. Standing seam metal roofs, which meet all the criteria of this section shall be acceptable.
      4. 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.
    - b. Exterior finishing materials.
      1. Each elevation of each building shall be finished with at least 50 percent masonry. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to slate, flagstone, granite, limestone, and marble. The area of exterior finish shall be calculated exclusive of doors and windows.
      2. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems. Sheet siding fabricated to look like wood lap siding is prohibited. Architecturally finished metal materials, which does not include corrugated metal, shall be allowed on no more than 20 percent of each elevation. Architectural wood accents shall be allowed on no more than 10 percent of each elevation.
    - c. Exterior color.
      1. One hundred 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.
      2. No more than six 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.
    - d. Building massing.
      1. Horizontal wall planes longer than 30 feet in width shall be segmented in to smaller sections by a structural or ornamental minor facade offset (recess or projection) of a minimum five feet deep and 10 feet wide.
      2. The height of such offsets shall be equal to the building's height at the location of the offset.



3. Exterior stairways shall be covered with a roof, roof overhang, or porch and shall be incorporated into the architectural design of the building rather than appearing as an appendage to the building.
- f. Minor architectural enhancements. All buildings or developments shall be required to provide at least four of the following elements:
1. Each exterior elevation of each building shall be finished with 100 percent masonry. Elevations within internal courtyards and/or elevations that are not visible from adjacent rights-of-way or properties zoned or used for residential purposes shall not be required to satisfy this requirement;
  2. Each elevation of each building that is visible from the right-of-way or property zoned or used for residential purposes contains two types of complementary masonry finishing materials and each of the materials is used on at least 25 percent of the elevation;
  3. A minimum of 15 percent of each elevation of each building which is visible from the right-of-way or property zoned or used for residential purposes features patterned brick work (not including running bond or stacked pattern);
  4. At least one dormer is provided for each roof plane over 1,000 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;
  5. All chimneys are finished on all sides with 100 percent masonry finishing materials;
  8. All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;
  9. All windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;
  10. Downspouts associated with gutters are internally incorporated into the building's construction rather than attached to the building after construction of the façade is complete; and/or
  11. Another minor architectural or site enhancement as approved by the planning and zoning commission as part of the site plan approval process that is comparable to the significance of the other elements listed herein may count as two of the required elements.
- (2) Multi-family residential (including senior multi-family) site design.
- a. Amenities conforming to the regulations provided herein shall be provided.
1. The number of required amenities shall be based on the number of units within the development as follows:
    - i. Developments with less than 20 dwelling units shall provide at least one amenity.
    - ii. Developments with 20 or more dwelling units but less than 100 dwelling units shall provide at least two amenities.
    - iii. Developments with 100 or more dwelling units but less than 180 dwelling units shall provide at least three amenities.
    - iv. Developments with 180 or more dwelling units but less than 260 dwelling units shall provide at least four amenities.

- v. Developments with 260 or more dwelling units but less than 520 dwelling units shall provide at least five amenities;
  - vi. Developments with 520 or more dwelling units but less than 1000 dwelling units shall provide at least seven amenities;
  - vii. Developments with 1000 or more dwelling units shall provide at least ten amenities.
2. The following items shall be classified as acceptable amenities. Providing two or more of the same amenity shall not count as multiple required amenities unless specifically stated:
- i. Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
  - ii. Centralized swimming pool (minimum 3,000 square foot surface area) with cooling deck (minimum 20 feet wide in all areas). This amenity shall qualify as two required amenities;
  - iii. Centralized swimming pool (minimum 5,000 square foot surface area) with cooling deck (minimum 20 feet wide in all areas). This amenity shall qualify as four required amenities;
  - iv. Jacuzzi or hot tub area (minimum eight person);
  - v. At least four barbeque grills with shaded seating areas for at least 16 people;
  - vi. Ramada(s), arbor(s), and/or trellis(es) covering at least 2,000 square feet of recreation space;
  - vii. Tot play lot (minimum 4,000 square foot area);
  - viii. A splash pad (water play amenity for children) which is a minimum of 1,000 square feet in area;
  - ix. A dog park which is at least 5,000 square feet in area which satisfies the following requirements:
    - A. The dog park is enclosed by a minimum five-foot tall vinyl coated chain link fence;
    - B. No side of the enclosure shall be shorter than 50 feet in length;
    - C. One dog waste station which shall include a bag dispenser and waste receptacle must be installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park; and
    - D. One 25 square foot animal washing bay (with associated plumbing) is provided in conjunction with the dog park.
  - x. One regulation size volleyball, basketball, tennis, or other similarly related playing court. Each court shall count as an amenity up to a limit of two;
  - xi. Fitness center and/or weight room (minimum 500 square feet);
  - xii. Library and/or business center (minimum 500 square feet);
  - xiii. Movie theater room including seating for a minimum of 50 people;
  - xiv. Outdoor amphitheater with seating for at least 50 people (if individual seats are not provided, then 150 linear feet of seating shall be provided);
  - xv. Golf putting green (minimum 1,000 square feet);
  - xvi. A centralized internal open space meeting or exceeding the following minimum specifications. This amenity shall qualify as five required amenities:

- A. The minimum size of the centralized internal open space shall be one acre with no side being less than 50 feet in length. The shape of the centralized internal open space shall be rectangular insofar as practicable.
  - B. A five-foot wide handicap accessible concrete sidewalk shall be provided adjacent to the entire perimeter of the open space.
  - C. One seating area which is a minimum of six feet long shall be provided along each side of the open space.
  - D. One canopy tree shall be planted every 30 linear feet adjacent to the perimeter of the open space.
  - E. The centralized internal open space shall be completely covered with grass, unless otherwise specified herein, and shall be provided with an automatic underground irrigation system as specified in section 146-135(e)(2) of the zoning ordinance.
  - F. Other amenities as required herein shall not be located within the centralized internal open space.
  - G. The centralized open space shall be free of any drainage facilities and/or related easements, floodplain, erosion hazard setbacks, or other related facilities.
- xvii. Other amenity as approved by the planning and zoning commission as part of the site plan approval process.
- b. Major site enhancements.
- 1. All buildings or developments shall be required to provide the following element:
    - i. All entrances into the multi-family residential development feature a landscaped median. The median shall be provided as indicated below:
      - A. The landscaped median shall be at least eight feet wide and at least 50 feet long (measured from back of curb to back of curb). The median and its plantings shall not be permitted to interfere with necessary sight visibility lines;
      - B. At least one canopy tree for every 50 linear feet that the median extends (in length);
      - C. At least two ornamental trees for every 50 linear feet that the median extends (in length); and
      - D. The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in section 146-135(e)(2) of the zoning ordinance. Non-living materials including, but not limited to concrete, pavers, stone, decomposed granite, or similar materials may be utilized for secondary design elements, sidewalks, and/or crosswalks.
      - E. The city engineer and/or fire marshal shall be permitted to allow deviations to these standards as needed on a case by case basis to facilitate proper vehicular access, emergency access, sight visibility, and other related engineering design or life safety principles.
  - 2. Developments located within a Historically Significant Area may also select from the options below in order to satisfy the above requirement for a major site enhancement:
    - i. Each unit is provided a private balcony or porch that is at least 50 square feet in area. Balconies shall be designed so that visual and auditory intrusions on private outdoor space of other units or adjacent developments are minimized;

ii. A structured parking garage (at least two levels) is provided and wrapped with or screened from the view of right-of-way by the multi-family residential building(s) it serves; or

iii. Each ground-floor residential unit that fronts onto a public right-of-way, a major internal drive aisle designed to function as a public right-of-way or boulevard, an amenity as required herein, a centralized internal open space as provided for herein, or another similar community gathering space (excluding units that front onto parking fields, multi-level structured parking facilities, minor drive aisles, or other similar vehicular use areas) is provided with an exterior oriented entrance.

3. An alternative major site enhancement may be approved by the planning and zoning commission as part of the site plan approval process which is comparable to the significance of the other elements listed herein may count as one of the required elements.

c. Additional requirements.

1. All enclosed parking located within a Historically Significant Area shall be of similar and conforming architectural design and materials as the main multi-family structures.
2. Exposed steel or timber support columns for covered parking structures shall be prohibited and shall be finished with a masonry finishing material to match the building.
3. All off-street 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 ten linear feet, and with sufficient evergreen landscaping to create a screening effect;
  - v. A multi-family residential building(s) that the off-street parking is serving; or
  - vi. Another alternate screening device as approved by the planning and zoning commission.
4. All paving for drives, fire lanes, and parking shall be concrete and shall feature curbs.
5. All multi-family residential buildings (excluding senior multi-family residential buildings) shall be limited to two stories in height. Multiple family residential developments, that are subject to the requirements of the REC regional employment center overlay district, shall be exempt from this requirement.
6. Multi-family residential structures within a Historically Significant Area and located 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. If a right-of-way with an ultimate width of 120 feet or greater is located between said multi-family residential structure and an adjacent single family residential use or zone, this requirement shall not be applicable. Windows, for the purposes of this subsection, shall be defined as any transparent panel in an otherwise opaque wall surface. Multiple family residential developments, that are subject to the requirements of the REC regional employment center overlay district, shall be exempt from this requirement.
7. All mechanical, heating, ventilation, and air conditioning equipment is either:

i. Located at ground level and completely screened by a masonry screening wall that is at least six feet tall; or

II. Roof-mounted and is screened per section 146-132 (fences, walls, and screening) of this chapter;

- (3) Attached single family residential (townhome) (This provision is only applicable to buildings located within a Historically Significant Area).
- a. The exterior finish on each elevation of every townhome unit shall be a minimum of 85 percent brick, stone, or synthetic stone materials. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems. Sheet siding fabricated to look like wood lap siding is prohibited. Architecturally finished metal materials, which does not include corrugated metal, shall be allowed on no more than 20 percent of each elevation. Architectural wood accents shall be allowed on no more than 10 percent of each elevation. The area of exterior finish shall be calculated exclusive of doors and windows.
- (4) Industrial uses in industrial districts (This provision is only applicable to buildings located within a Historically Significant Area).
- a. One hundred percent of each building elevation facing a public right-of-way shall be finished with brick, stone, synthetic stone, stucco, EIFS, architecturally finished CMU, or architecturally finished concrete tilt-wall.
  - b. Other exterior walls may be finished with metal or any other building material which is allowed by the International Building Code.
  - c. The exterior wall area shall be calculated exclusive of doors and windows.
  - d. Any building three stories or greater in height must be set back from adjacent residential property at least two feet in distance for every one foot of building height.
- (5) Other non-industrial uses in industrial districts.
- a. Building and site design shall conform to the "other non-residential uses in non-industrial districts" regulations contained herein.
- (6) Aircraft hangars (This provision is only applicable to buildings located within a Historically Significant Area).
- a. When more than 50 percent of a structure's total floor area is intended for use as an aircraft hangar, all exterior walls may be metal. 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.
  - c. Colors shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earthtone colors.
  - d. 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.
- (7) Structured parking facilities (This provision is only applicable to buildings located within a Historically Significant Area).
- a. Structured parking facilities shall have architecturally finished facades and shall be complimentary on all sides with the surrounding buildings. Where possible, the narrow portion of the facility shall be oriented to the public right-of-way.

- (8) Non-residential and non-industrial building facade replacement, reconstruction, or rehabilitation (This provision is only applicable to buildings located within a Historically Significant Area.
  - a. Buildings shall utilize exterior finishing materials of equal or higher quality than the existing building.
- (9) Other non-residential uses in non-industrial districts (This provision is only applicable to buildings located within a Historically Significant Area.
  - a. Exterior finishing materials.
    - 1. All elevations for buildings that are three stories or smaller in height shall be finished with at least 50 percent masonry finishing materials. All elevations for buildings that are taller than three stories in height shall feature a minimum of 25 percent masonry finishing materials.
    - 2. Acceptable exterior finishing materials for the remainder of the building include:
      - i. Masonry (brick, stone, synthetic stone which includes, but is not limited to limestone, granite, and slate);
      - ii. Stucco;
      - iii. EIFS;
      - iv. Architecturally finished CMU;
      - v. Glass curtain wall systems;
      - vi. Architecturally finished metal panels (does not include corrugated metal);
      - vii. Lap siding (lap siding may include but not be limited to wood or cementitious fiber lap siding but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding, which sheet siding is prohibited);
      - viii. Architectural wood accents that are not to exceed more than 20 percent of any elevation; and
      - ix. Another material that is visually and physically indistinguishable from one of the aforementioned exterior finishing materials, subject to review and approval by the director of planning.
    - 3. Percentages shall be calculated exclusive of doors, windows and trim.
  - b. Exterior colors.
    - 1. A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earthtone colors.
    - 2. No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.
    - 3. These percentages may be modified by up to 10 percent by the director of planning in special cases if the building's elevations maintain sufficient visual continuity.
  - c. Building massing.
    - 1. All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
    - 2. At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth. This requirement may be suspended or reduced in limited cases by the

director of planning if a proposed building features sufficient architectural interest and composition to make this requirement unnecessary.





Images 1, 2 & 3. Examples of Appropriate Building Massing

d. Fenestration.

1. Windows shall appear as holes that are punched through walls rather than an appendage to the wall. This shall be accomplished through the use of recessed windows, awnings, sills, drip caps, projecting trim casings or surrounds, projecting muntins or mullions and/or other elements which cause the formation of shadows on the window and the adjacent façade.
2. Windows shall be utilized and scaled appropriately so as to remain proportionate to the wall plane within which they are located.



Images 4, 5, 6 & 7. Examples of Appropriate Fenestration

e. Roof treatment.



1. Long uninterrupted roof lines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements. This requirement may be suspended or reduced in limited cases by the director of planning if a proposed building features sufficient architectural interest and composition to make this requirement unnecessary.
2. Parapet roof lines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.



Images 8, 9 & 10. Examples of Appropriate Roof Treatments

- f. Additional requirements.

1. Buildings constructed on a pad site within a larger shopping center or non-residential development shall be designed to be architecturally consistent with the other buildings within the development. Architecturally consistent shall generally mean utilizing the same or similar architectural design elements, colors, roof type, and/or building materials.
2. Additions to existing buildings shall be designed to match the architectural design features and finishing materials of the existing building to the extent possible.
3. The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy or similar architectural feature that serves the same purpose. The covering shall be no smaller than three feet in depth when measured from the face of the adjoining facade. Awnings shall be properly maintained by the building owner over time and shall be replaced if they became faded, tattered or otherwise visibly worn.



Images 11, 12 & 13. Examples of Appropriate Entry Treatments

4. Buildings shall utilize glass with a low reflectivity level.
5. All elevations of each building that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall share the same architectural features and design as the front building elevation.
6. All buildings and/or their corresponding sites shall provide at least one of the following:



- i. The building achieves a LEED certification or other green building certifications as approved by the director of planning.
- ii. All building elevations feature 100 percent masonry finishing materials.
- iii. All building elevations that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes feature at least three types of complimentary masonry finishing materials.
- iv. All building elevations that are visible from a public right-of-way or are oriented toward properties zoned or used for residential purposes shall feature at least two facade offsets (recess or projection) of at least five feet in depth for every 50 feet of horizontal length.
- v. All mechanical and heating, ventilating and air conditioning equipment is roof-mounted and screened by a parapet wall or faux pitched roof that is at least one foot taller than the equipment.
- vi. All building elevations that are visible from the public right-of-way or are oriented toward properties zoned or used for residential purposes feature at least three distinct roof lines.
- vii. All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.
- viii. At least 75 percent of the building's required off-street parking is provided within a structured parking facility.
- ix. The building's required off-street parking is screened from the view of a public right-of-way or properties zoned or used for residential purposes by a four-foot tall masonry wall, planter box, berm or evergreen landscaping.
- x. The building is designed with a strong base, distinctive middle section and a well-defined cornice feature (tripartite building composition) in order to create a visual sense of organization.





Images 14, 15, 16 & 17. Examples of Tripartite Design

- xi. The building features at least two distinctly different significant architectural design concepts that are not already mandated by these requirements which add to the visual interest of the building, subject to review and approval by the director of planning.

## Section B-2. - Regional employment center—Overlay urban design standards.

### I. Overview.

- A. General purpose. The following standards and guidelines implement the amendments to the future land use plan for the city's regional employment center (REC). Proposed zoning of the property shall be in keeping with the future land use plan. These urban design standards and guidelines are implemented by means of an overlay zoning district for the REC, and these standards and guidelines are applicable in the REC base zoning districts.

The purpose of these standards and guidelines is to allow for the development of fully integrated pedestrian-oriented neighborhoods, corridors and districts in the REC. The intent is to minimize traffic congestion, relative infrastructure costs, and environmental degradation while improving quality of life and promoting the health, safety and welfare of neighborhood communities. The standards and guidelines are based on the following principles:

- All neighborhoods have identifiable centers and edges.
- Shopping, recreation and basic neighborhood services are accessible by non-vehicular means in the neighborhoods.
- Each neighborhood shall provide a mixed-use neighborhood center accessible by walking no more than one-half mile.

- Uses and housing types are mixed and in close proximity to one another, utilizing urban design to facilitate the compatibility of different uses.
  - The streets, blocks, and the placement of buildings on lots encourage pedestrian activity.
  - Streets are interconnected, forming a network.
  - Civic buildings and civic space are given prominent sites.
  - Parks are evenly distributed throughout neighborhoods—within one-quarter of a mile from most dwelling units.
  - Schools are located within a ten-minute walk or one-half mile from a majority of the dwelling units in a neighborhood.
- B. Overlay categories. The design standards are organized and divided into three overlay zoning categories. These overlay categories will match appropriate urban design with the desired vision for a given area, while maintaining the projected tax base profile of the REC as generally established in the future land use plan.

The three overlay categories are as follows:

1. Neighborhood zone.

Intent and purpose: Each development shall be predicated on the neighborhood as the basic unit of development, with a distinct edge and center that provides the location for the neighborhood's civic buildings (e.g., churches, libraries and meeting halls), primary civic open spaces and primary neighborhood commercial uses. Generally, larger residential lots should be strategically located so that higher intensity residential development is located within and adjacent to neighborhood activity centers.

2. The Collin-McKinney Parkway corridor zone.

Intent/purpose: This zone shall provide opportunities for the public to live, work, shop, walk, bicycle and drive within and through the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street and parkway environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the pedestrian; to provide adequate and efficient servicing of the development by trucks and utility vehicles throughout the REC, but to minimize the visual and auditory impact of such service; to strengthen relationships and encourage movement between important destinations inside and outside the development.

3. Commercial/employment zone.

Intent/purpose: Commercial/employment districts are located principally along SH 121 and in some locations along Custer Road. The intended uses in these districts are large employers involved in commercial/light industrial activity that are dependent upon SH 121 and are not easily incorporated into the fabric of a town center or neighborhood. Buildings of all sizes, large and small, are allowed in commercial/employment districts, as are the associated parking lots, loading and shipping facilities of light industrial activity. Residential uses are permitted above nonresidential uses to promote with the mixed use strategy for the REC. (See § B-1 of this appendix)

## II. Definitions.

**Alley:** A narrow service access to the rear of buildings providing service areas, parking access, and utility easements.

"A" type streets: Streets designed with, or characterized by, features that promote safety, comfort, and convenience of pedestrians and transit users. "A" Streets shall provide monolithic curbing, sidewalks at least five feet wide (at least ten feet wide in neighborhood centers), "street" trees, narrow streets with narrow curb turning radii at intersections, buildings sited close to the street, pedestrian-scaled lighting, on-street parking, no onsite parking between the street and the building facade facing the street with all onsite parking located behind the rear face of the building, aligned front building facades, and building entrances facing the street. The "A" streets shall be organized in a continuous network so that the pedestrian experience is uninterrupted throughout the neighborhood. On type "A" streets, 100 percent of the off-street surface parking shall be located behind the rear face of the building.

"B" type streets: All other streets that are not "A" type streets.

"Big-box" retail: Typically single stores located in a building larger than 60,000 square feet, which are often grouped with other "big-box" stores and which are distinguished by substantial setbacks and large parking lots with little or no pedestrian access.

Build-to line: The build-to line on a block is the surveyed line of a uniform distance away from the front property line, up to which front building facades are required to be built. Porches, eaves and awnings may encroach across the build-to line. The build-to line shall be established and platted based upon the applicable standards herein in order to create an even building facade line along the street.

Commercial frontage: The utilization of storefronts, entryways, transparent windows, cafes, and courtyards with active uses, creating an active pedestrian environment along a street.

Community green: An area of smooth turf enabling gatherings for outdoor events and activities, bounded by a concentration of uses including commercial, retail, residential, community, civic and public.

Corner store: A retail store no greater than 4,000 square feet in gross floor area that is located on a corner and fronts onto a major local street or greater street, which provides retail services and goods primarily oriented to serve the residents of the immediately surrounding neighborhood. Residential and other permitted uses are encouraged on the upper level.

Courtyard: A hard-surfaced or landscaped space within a lot, open and unobstructed to the sky so as to receive sunlight, located at or above grade level, and bounded on three or more sides by the walls of a building or a vegetative wall.

Developer: Any person seeking approval under these standards and guidelines for any form of development.

Dwelling unit: One or more rooms providing complete living facilities, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

Internal open space: Plazas, commons, greens, tot lots, non-municipally owned urban parks, squares, but not utility easements, which provides a central focus for a neighborhood mixed-use area and which is accessible so that the open space is within walking distance (no more than 1,320 feet) of 90 percent of the lots of the neighborhood.

Live/work unit: A dwelling unit providing for a combination of uses in which employment can occur on a segregated floor of a residential structure. There shall be allowed a maximum of one nonresident employee per live/work unit, requiring one additional off-street parking space.

Mixed-use: A building or connected buildings that contain both residential and commercial uses.

Net average density: The number of dwelling units per acre averaged over the neighborhood portion of a development (i.e., not the Collin McKinney Parkway Corridor portion), net of rights-of-way, open space, and other nonresidential uses.

Neighborhood center: An area reserved as a place for the neighborhood development, which provides a community gathering place such as a green, plaza or commercial Main Street. The neighborhood center shall accommodate civic, restaurant, retail and mixed use residential uses.

Neighborhood development: An area 40 to 160 acres in size with a mix of housing types, providing at least one neighborhood center.

Peripheral open space: Woodlands, areas surrounding creeks or ponds, other preserved natural areas, community gardens, golf courses and other semi-natural recreation areas such as disc-golf courses. Peripheral open space may not be used to meet the internal open space requirement.

Plaza: An animated gathering space, predominately hard-surfaced with complimentary landscaping, water features, and other site furnishings; framed on at least two-sides by the vertical rise of building walls; or framed by closely planted large maturing trees in lieu of buildings.

Retail access "sleeve": A narrow street with sidewalks or an improved pedestrianway that connects a neighborhood internally with a retail center that is typically located on an arterial or at the intersection of major thoroughfares, enabling the residents of the neighborhood to access the retail center without having to travel onto the arterial or major thoroughfares.

ROW: The right-of-way, or the dedicated strip of land that encompasses a publicly owned infrastructure, such as a street and sidewalk.

Single-loaded street: A drive that has improved lots running along only one side of the street and typically providing access to a public open space along the other side of the street.

Street cross-section proportions/ratios: The proportion or ratio, between width and eave height, of the space between facing buildings on opposite sides of a street. For example, a street open space of 60 feet between buildings 30 feet in height would have a streetscape ratio of 2:1.

"Street" trees: Trees planted in the planting strip or parkway between the sidewalk and the street, approximately spaced 30 feet on-center.

Town house/row house: Attached dwellings with each unit providing a separate public street entrance and frontage.

Urban (pedestrian-oriented): A development pattern characterized by a mix of commercial, institutional, residential (often times vertically integrated with non-residential uses), and recreational uses located in close proximity to one another connected via a network of streets accommodating the automobile while encouraging pedestrian interaction and activity. Urban features often include, but are not limited to: Aligned front building facades pulled closely to the street; street trees, pedestrian-scaled lighting, and pedestrian seating defining and protecting the pedestrian realm between streets and building facades; on-street parking offering direct access into building entrances; off-street parking areas located behind buildings; and centrally located open spaces (parks, plazas, courtyards, squares) offering public gathering areas.

III. Overarching design guidelines. The following design standards are applicable for all developments within the REC:

A. The regional context.

1. Neighborhood location shall be consistent with the future land use plan for REC, including the preservation of open space and development of alternative modes of transportation, including hiking, biking and public transit.
2. Neighborhoods should be connected in as many locations as possible to adjacent developments and thoroughfares.
3. Highways and arterial roads shall go around the neighborhoods rather than through them. Where they do come in contact with the neighborhoods, these roads should be designed for low speeds.
4. Arterial roadways through neighborhoods and urban activity centers should take the form of the type "A" or Main Street or an avenue. At the edge of the neighborhood they should take the form of a parkway or a boulevard.

5. A network of interconnecting streets shall be developed to create several alternative routes through and between neighborhoods and commercial/employment districts.
  6. The interconnecting street network is not meant to be and should not provide a cut-through alternative to arterials.
- B. The site context.
1. All lakes, ponds, creeks, wetlands, and other natural features should be retained in the design and development process.
  2. Significant natural amenities should be fronted by streets or paths at least 30 percent of their length rather than privatized behind backyards.
  3. Submitted plans should locate neighborhood centers and sub-centers such as squares, greens, and parks at significant tree stands and other natural amenities.
  4. All developments should conform to the site topography to minimize the amount of grading necessary to achieve a viable street network.
- C. Gateways and vistas.
1. Generally. Views of significant features and buildings should be preserved and enhanced to aid the public in becoming oriented within an area.
  2. View corridors.
    - a. Street vistas should terminate with a significant view or building. A carefully sited building, public tract, a view of a natural feature, or an angle in the street shall terminate street vistas.
    - b. Developments shall include a plan to protect important views by designating the following on subsequent site plans:
      - i. Locations from which significant views of natural features are visible; locations from which water features or parkland can be seen and from which access is possible; and the location of open space, buildings, landscaping, and pathways that will protect, provide access to, or provide a frame for these significant views.
      - ii. Locations from which views of major landmarks of the built environment, such as fountains, sculpture, or important architectural features either within or outside a development are visible, and the location of open space, buildings, landscaping, and pathways that will protect, provide access to, or provide a frame for these significant views.
  3. Focal points.
    - a. The site design should designate major entranceways into a development and include some type of entry feature such as landscaping, an entry monument, sculpture or fountain.
    - b. At gateways into the REC and key intersections of arterials within the REC, ornamental landmarks should be integrated into site design to create visual focal points and a sense of identity. These should include monuments, artwork, and/or ornamental landscaping features.
- D. Connectivity, linkages and access.
1. Because the REC street and pedestrian network can serve as a bicycle route as part of the regional bicycle system, all developments should consider, in the site design, locations for bicycle parking and bicycle access connecting with the regional routes.
  2. Developments shall make provisions for bicycle trails, lanes and routes as part of an interconnected system, as directed by these guidelines and the city master park and trails plan.



3. Single-loaded collector and neighborhood streets should abut at least 30 percent of the total area along creeks and waterways.
- E. Site design.
1. All buildings shall face public streets unless they face a plaza or a courtyard.
  2. Site design shall provide direct access into the buildings from the public sidewalk.
  3. Sites shall be designed with a continuous pedestrian system throughout the development.
  4. All A/C units, HVAC systems, exhaust pipes and stacks, elevator housing, satellite dishes and other such devices shall be thoroughly screened by walls, fencing, roof elements, penthouse-type screening devices, or landscaping.
- G. Sign design standards. All signs within the REC area shall comply with the following sign regulations:
1. For "A" streets, apply commercial historic district sign standards.
  2. Neon signs are permitted on "A" streets.
  3. For all other streets, the regulations of the city sign ordinance shall apply, except that billboards shall be prohibited.
- H. Landscaping standards.
1. Landscaping should be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, fountains and other features, trellises, pergolas, gazebos, fences, walls, street furniture, and public art.
  2. Landscaping and site treatment plans should consider seasonal flowers in planters, planting beds, and hanging baskets.
  3. To conserve energy, landscaping should include the planting of evergreen windbreaks to block the northwest winds in the winter, thereby reducing heating energy costs. Deciduous trees shall be planted near the southern facades of buildings to block summer sun, thereby reducing solar heat gain during the summer months.
  4. Detention basins, headwalls, outlet structures, concrete flow channels, rip rap channels, and other drainage improvements shall be screened with plant material and/or berms. Such drainage structures, as appropriate, shall be situated in the least visible locations or, if visible, incorporated into the natural curves of the land. Detention basin embankment and the basin itself shall be extensively landscaped with wet-site-tolerant plant materials and shall be sized to accommodate the future growth of the planted vegetation.
  5. Shade trees.
    - a. Shade trees shall be provided along each side of all streets, public or private, existing or proposed. Shade trees shall also be massed at critical points, such as at focal points along a curve in the roadway. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified. For single family residential lots, the shade tree requirement shall count as one of the required "lot" trees.
    - b. Shade trees shall have a minimum caliper of three inches and/or a minimum height of ten feet at time of planting, and a maximum spacing of 30 feet on center, with exact spacing to be evaluated on a site specific basis.
- I. Lighting standards.

1. Along all type "A" streets, commercial or mixed use streets, parking areas, sidewalks, walkways, courtyards, community greens, and interior open spaces in a neighborhood, maximum 13-foot high decorative lamps and lamp posts shall be provided. On commercial streets these lamp posts shall be spaced no more than 80 feet on center. On local streets, lighting should be confined to intersections and corners.
2. In parking lots, post height may be extended to maximum of 16 feet.

IV. Neighborhood zone.

Intent and purpose: Each development shall be predicated on the neighborhood as the basic unit of development, with a distinct edge and center that provides the location for the neighborhood's civic buildings (e.g., churches, libraries and meeting halls), primary civic open spaces and primary neighborhood commercial uses. Generally, larger residential lots should be strategically located so that higher intensity residential development is located within and adjacent to neighborhood activity centers.

A. Land use mix and allocation.

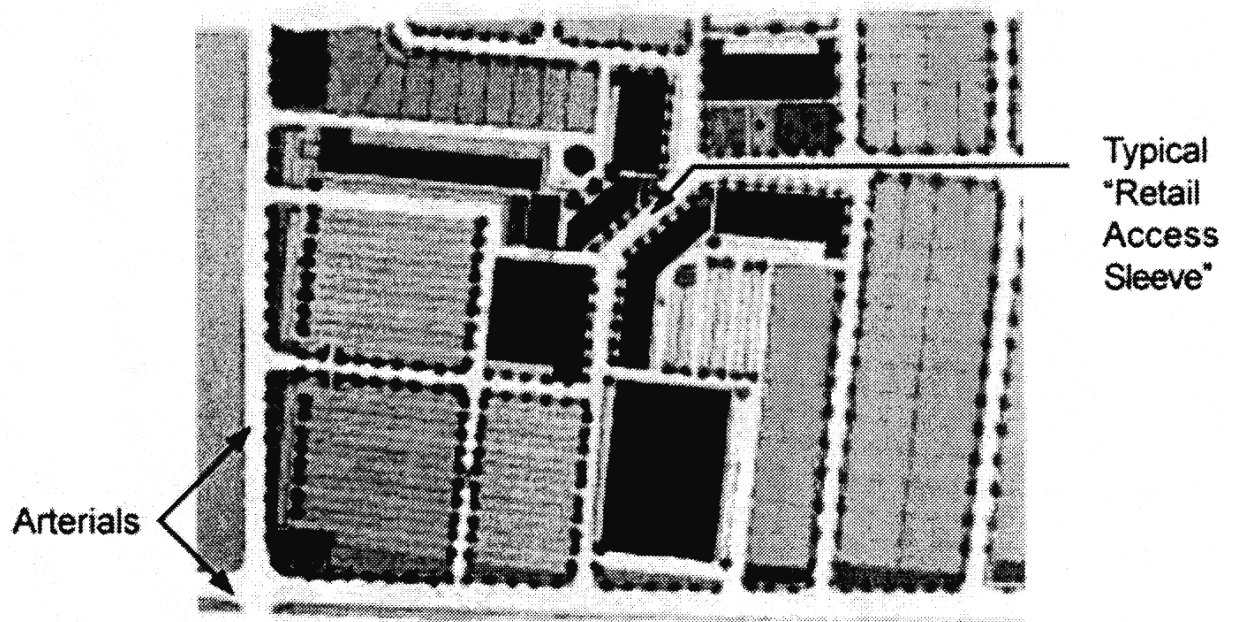
1. Each neighborhood development is defined as an area 40 to 160 acres in size and shall provide at least one neighborhood center. The size of a neighborhood development may be increased as part of the zoning process in order to provide flexibility for large master planned developments. A sustainable neighborhood provides a mix of uses and activities, including shopping, employment, schools, recreation, civic and all types of housing, which enables people of all ages and means to access conveniently the various services and uses needed and desired, whether one is driving, cycling or walking.
2. Each neighborhood shall include a mix of uses as follows on a gross acreage basis:

Public, civic and open space	5—15%
Neighborhood retail center	2—10%
Residential	75—93%

- a. Public and civic uses include non-municipally owned public parks, other improved internal open space, schools, churches, amenity centers (e.g., pools, tennis courts) and other public facilities.



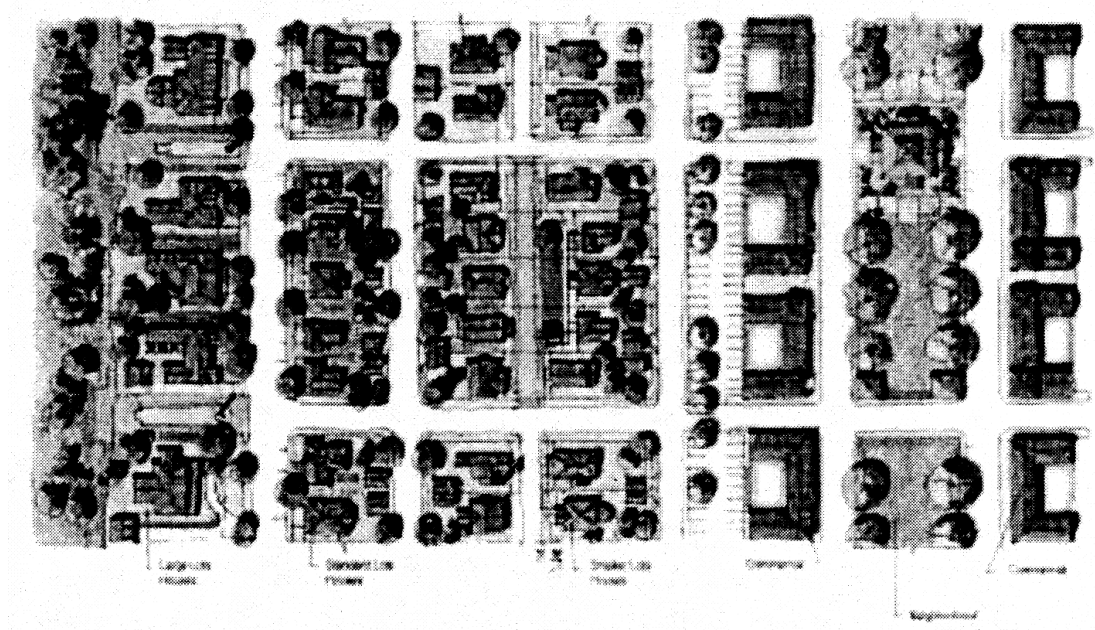
- b. The minimum internal open space for any one neighborhood development shall be the greater of two acres or five percent of the gross acreage of the development. Dedicated trailways may account for no more than 25 percent of the minimum internal open space requirement.
- c. Flood plains can be counted as open space, provided that they abut a single-loaded street with lots on the other side of the street facing the flood plain open space, and that they provide for and permit pedestrian access.
- d. Commercial retail uses are intended to be principally neighborhood services, shopping, professional services, and sit-down restaurants; but they are not intended to be "big box" retail, general office, or any use greater than 20,000 square feet. This notwithstanding, retail uses greater than 20,000 square feet that do not exceed 60,000 square feet are allowed only if they front a major arterial, and if the site design for the uses provides for direct pedestrian and vehicular access from the adjacent neighborhood via the use of an access "sleeve" so that vehicles and pedestrians can access the retail site without the utilization of the arterial.



Craig Ranch, McKinney, Texas Charrette, Duany-Plater Zyberk

3. A diversity of housing types within close proximity of one another is encouraged. For housing types south of F.M. 720 and east of Rowlett Creek, there shall be a minimum of five percent each of at least four of the following seven categories:
  - a. Single family detached dwellings on large lots;
  - b. Single family detached dwellings on standard lots;
  - c. Single family detached dwellings on small lots;
  - d. Town/row houses;
  - e. Dwellings above nonresidential space;
  - f. Two-, three- and four-family dwellings;
  - g. Multifamily apartment buildings;

For neighborhoods north of F.M. 720 and west of Rowlett Creek, the housing type mix is optional.



## Transition of Uses

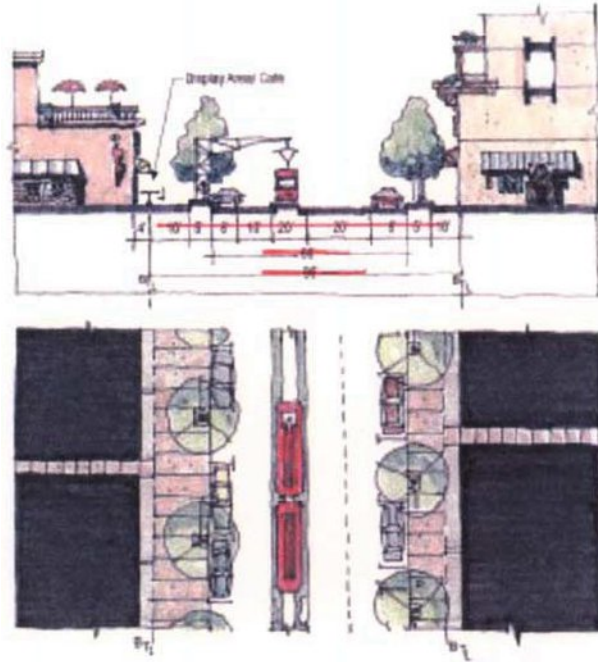
Specifications for each of these housing types are provided in the area and bulk regulations herein.

4. Each single family detached dwelling is permitted to contain an accessory dwelling unit in the rear yard, such as an apartment over the garage, or a freestanding structure.
5. For purposes of residential density calculation, only primary units shall count as dwelling units; accessory residential units on single family residential lots and dwellings above nonresidential uses shall not count as dwelling units.
6. Subsidized housing should be architecturally indistinguishable from market-rate housing. Residential densities shall be as follows:

	For Developments Within 800 Feet of the Right-of-Way of Collin-McKinney Parkway	For All Other Developments in Neighborhoods
Minimum net average density:	N/A	4 dwelling units/acre
Maximum net average density:	No maximum	18 dwelling units/acre

7. Residential net density should generally decrease from the community green and/or neighborhood center towards the periphery. Smaller lots and higher density blocks are generally located closer to the community green and Main Street commercial area. The segregation of dwelling unit types is discouraged and different types of dwelling units may be mixed in any distribution within any single block.

8. Apartments intended to develop in an urban, pedestrian-oriented manner shall be designed in multiple small buildings that are sited on the street's build-to line, and such that each ground floor unit faces the street in order to maximize compatibility with the urban design of the other adjacent residential and commercial uses. Apartment buildings that do not intend to develop in an urban manner shall follow the alternative setbacks provided for in the Area and Bulk Regulations for Apartment Dwellings of the Neighborhood Zone.



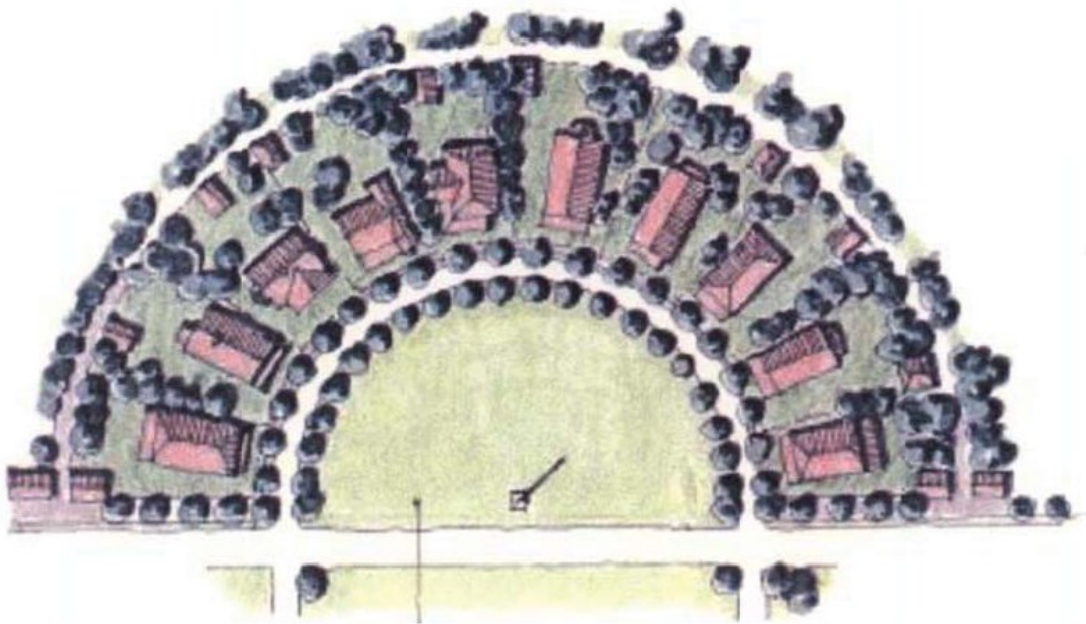
9. Within a mixed-use development in the neighborhood center, residential dwellings shall not be located on the ground floor, although ground floor entryways to internal stairwells are permitted.
10. Like uses should be placed across the street from one another.
11. Elementary schools should be located no more than ten minutes' walking distance from most dwellings, roughly one-half mile, and should be easily accessible on foot. Residential developers should confer with the applicable school district to determine the need and desired location for new school sites.
12. Open space within the neighborhood should not be leftover space, but rather it should be parks, greens, squares, or plazas designed as a network.





Neighborhood Plan, Green and Open Space System

13. Any large area of open space between neighborhoods should be connected.

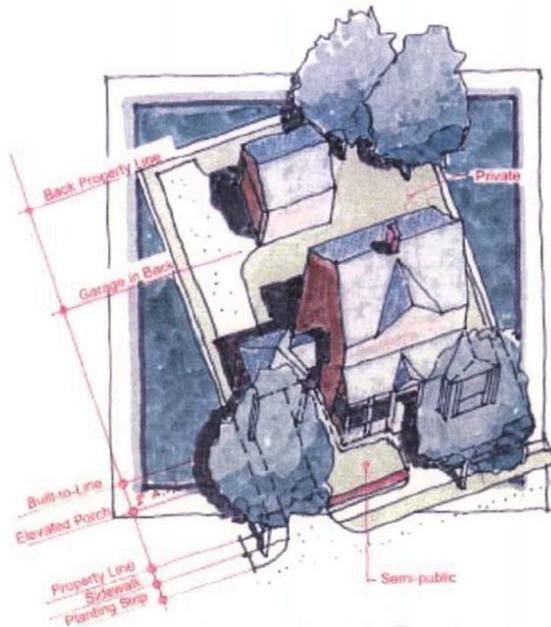


Village Green

- B. Site design.
  1. Residential.
    - a. Residential uses intended to develop in an urban, pedestrian-oriented manner shall establish a single specific build-to line for the respective opposing block faces down a street. The build-to line shall be no greater than one-third and no less than one-tenth of the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the

linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Residential uses that do not intend to develop in an urban manner shall follow the alternative setbacks provided for in the Area and Bulk Regulations for Single Family Detached (Large, Standard, and Small lot) and Townhouse Dwellings of the Neighborhood Zone.

- b. Encroachments by stoops, eaves, overhangs, porches, bay windows and balconies within the area between the property line and the build-to line are permitted. However, no building shall encroach into the area between the build-to line and the property line.

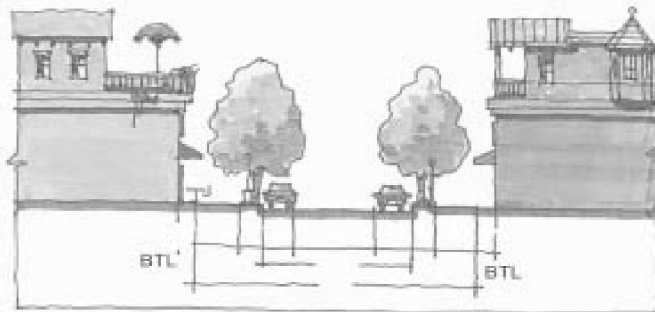


#### Area and Bulk Regulation Elements

- c. Lot widths should vary in order to provide design character along a street.
- d. All dwellings are encouraged to have a finished first floor elevation at least two feet above the finished surface grade of the lot at the front door. This provision does not apply to accessory dwelling units.
- e. The front of detached garages accessed by driveways from the front of the house shall be set back a minimum of ten feet from the back of the house or rotated so that the garage doors do not face adjacent streets.
- f. Attached garages accessed by driveways from the front of the house are encouraged to be set back at least 20 feet from the front facade of the house. Front facing garage doors shall be no closer than 20 feet from the front property line.
- g. There shall be no more than one accessory unit located on a single family dwelling lot.
- h. Dwelling units on any street should have a front entrance articulated by a covered front entry porch. Porches generally should be located on the front of the building or wrapping, and occasionally on the side. Porches are encouraged to be at least four feet in depth.
- i. Residential buildings should have relatively flat fronts and simple roofs, with most wings and plan articulations set at the rear.



- j. At least 35 percent of the facade facing a street of each ground floor apartment dwelling shall consist of window and door openings, except as approved as part of a site plan if found to be in keeping with the overall residential site design principles.
  - k. A corner store may be located in an area zoned residential, provided it fronts onto a major local or greater street and is located on a corner. Corner store buildings shall be designed to appear as residential buildings; and ground level commercial uses shall not exceed 4,000 square feet, with residential uses on the upper level encouraged. Corner stores should be primarily oriented to serve the residents of the immediately surrounding neighborhood.
2. Neighborhood center.
- a. The developer(s) of a neighborhood development shall designate land in a central location and of sufficient size to serve as a neighborhood center. The neighborhood center shall be incorporated in to the zoning and platting of the property. The neighborhood center base zoning district shall be used as the appropriate device for entitling and reserving land for this purpose.
  - b. The amount of land reserved shall be at least 100 square feet and no more than 200 square feet of commercial land area per each primary residential dwelling unit, counting all residential units at build-out.
  - c. The Neighborhood Center component should front on the interior streets of the neighborhood. If the Neighborhood Center fronts on an arterial street, it shall provide for direct pedestrian and vehicular access from the adjacent neighborhood via the use of a "sleeve" so that vehicles and pedestrians can access the retail site without the utilization of the arterial street (see "sleeve" diagram, subsection V.A.2.d. above). Commercial uses can be mixed and integrated with second story dwelling units.



Commercial Main Street at Neighborhood Center

- d. The neighborhood center shall contain or be adjacent to a community green, a main street, a plaza or a square.
- e. If the development includes a main street commercial area and a community green or plaza or square, the community green or plaza or square should either front upon the main street; the main street should terminate at the community green or plaza or square; or the main street and the community green or plaza or square should combine to create a neighborhood focus.
- f. Commercial uses should be contained in multi-story, mixed-use structures with commercial/retail uses on the ground level and apartment dwellings or offices on the upper levels. The maximum ground level footprint of a commercial building should be no more than 10,000 square feet unless the building mass is designed so as not to overwhelm the adjacent areas and buildings.

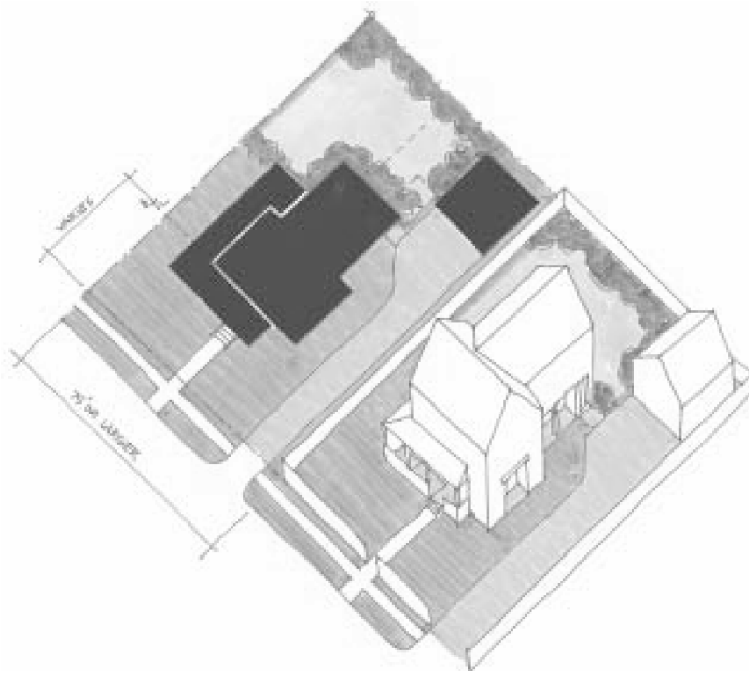
- g. Restaurants are permitted to operate outdoor cafes on sidewalks (including areas in the public right-of-way) and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired, and so long as public health, safety and welfare are maintained.

The following guidelines are applicable:

- i. A minimum of five feet of sidewalk along the curb leading to the entrance of an establishment shall be maintained free of tables and other encumbrances.
- ii. Planters, posts with ropes, or other removable enclosures are encouraged to define the area occupied by the cafe.
- iii. Extended canopies, awnings, and umbrellas are permitted. Colors should compliment building colors.
- iv. Cafes shall provide additional trash receptacles.

C. Area and bulk regulations.

1. Single family detached, large lot.

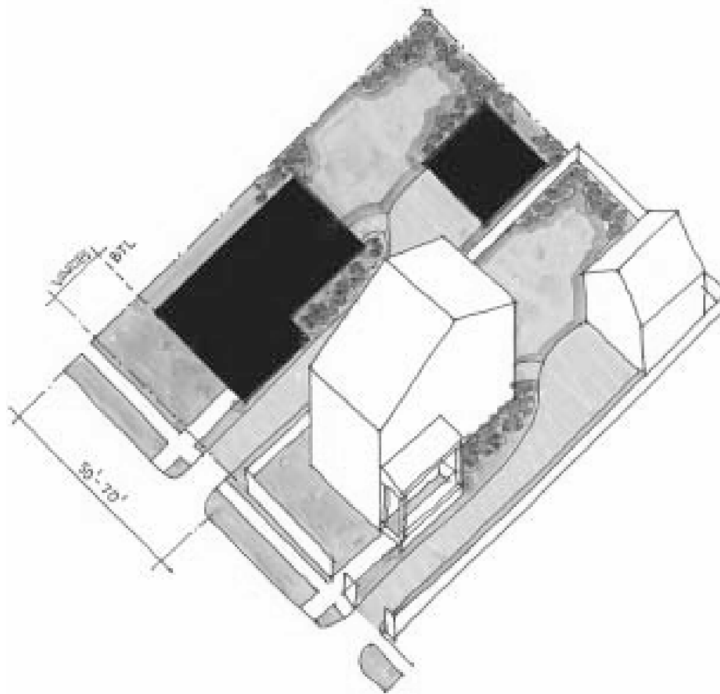


Single family Detached Large Lot with Front Access

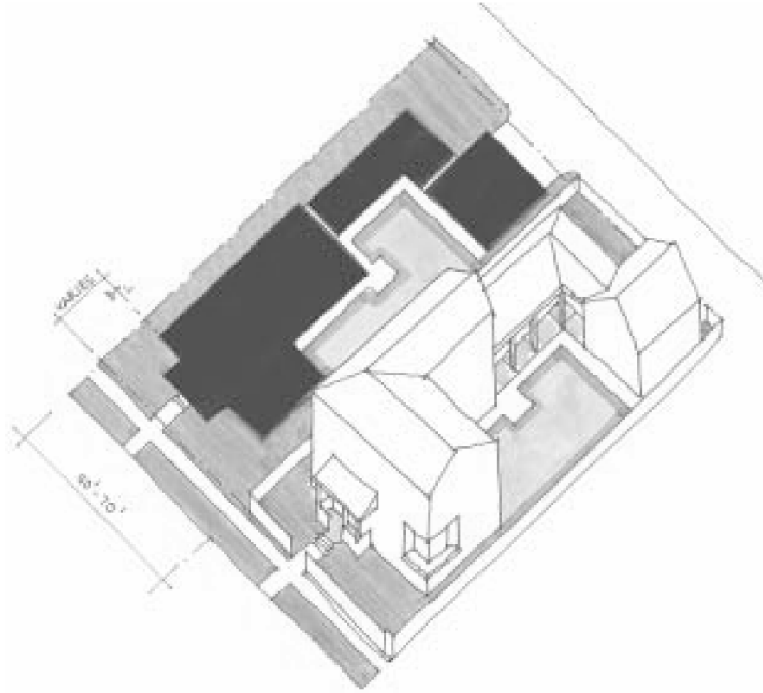
- a. Minimum lot area: 8,400 square feet.
- b. Minimum lot width: 70 feet.
- c. Minimum lot depth: 100 feet.
- d. Yard dimensions:
  - i. Build-to line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Residences that are not

intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

- ii. Side yard: Minimum of ten feet; 15 feet for the side facing the street on a corner lot.
  - e. Maximum building height: 45 feet or 2.5 stories.
  - f. Accessory unit allowed; maximum 750 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.
2. Single family detached, standard lot.



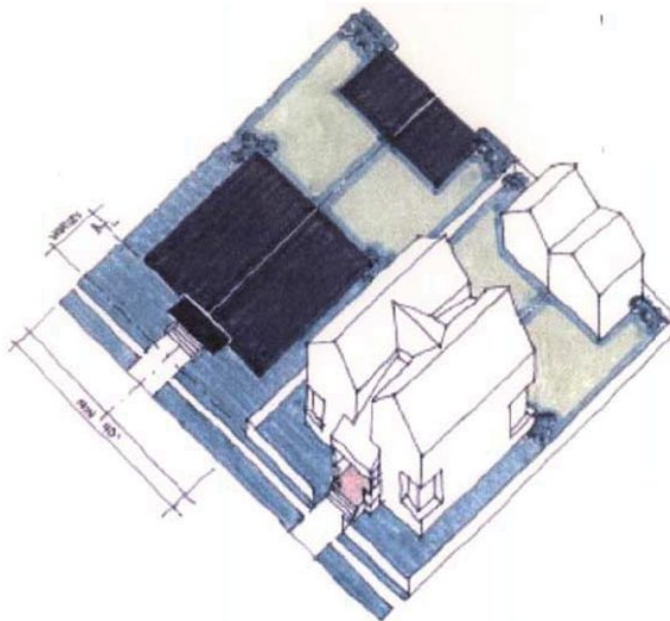
Single family Detached Standard Lot with Front Access



#### Single family Detached Standard Lot with Rear Access

- a. Lot area: A minimum of 5,000 square feet.
  - b. Lot width: Minimum of 50 feet, and less than 70 feet.
  - c. Minimum lot depth: 90 feet.
  - d. Yard dimensions:
    - i. Build-to line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
    - ii. Side yard: Minimum of five feet (if a zero lot line product is to be constructed, a minimum building separation of ten feet shall be maintained and the zero lot line side of each lot intended to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat) except where otherwise warranted to maintain sight visibility requirements as determined by the city engineer.
  - e. Maximum building height: 35 feet or 2.0 stories.
  - f. Rear yard or side yard parking optional, alley optional.
  - g. Ancillary unit allowed; maximum 650 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.
3. Single family detached, small lot.
    - a. Lot area: A minimum of 3,000 square feet.

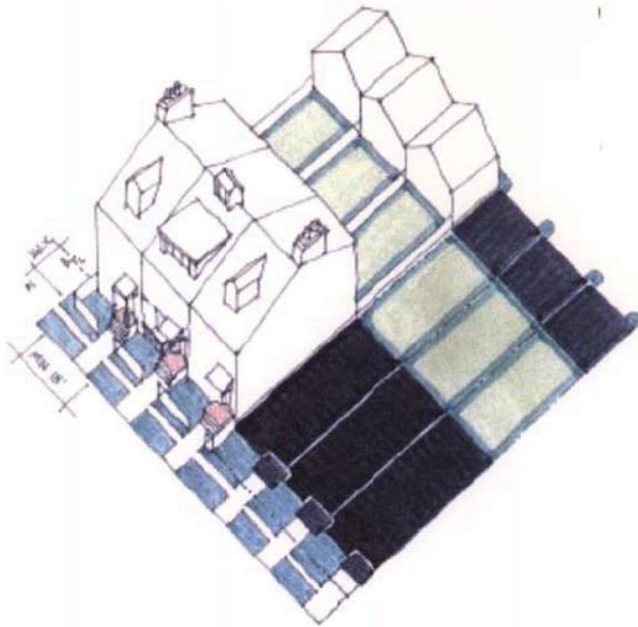
- b. Lot width: 35 feet or greater, but less than 50 feet; and up to 60 feet for a corner lot.
  - c. Minimum lot depth: 70 feet; 100 feet if ancillary unit utilized.
  - d. Yard dimensions:
    - i. Build-to line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
    - ii. Side yard: Minimum of five feet (if a zero lot line product is to be constructed, a minimum building separation of ten feet shall be maintained and the zero lot line side of each lot intended to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat) except where otherwise warranted to maintain sight visibility requirements as determined by the city engineer.
  - e. Maximum building height: 35 feet or 2.0 stories.
  - f. Rear yard or side yard parking required, and an alley is required.
  - g. Ancillary unit allowed (only if minimum lot depth is 100 feet), maximum 500 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.
  - h. Attached structure shall be subordinate to the main structure at a minimum by a lower ridgeline.
4. Two-, three-, and four-family dwellings.



Two-, Three- and Four-Family Dwellings with Rear Access

- a. Lot area: Minimum lot size 5,000 square feet, and minimum of 2,000 square feet per dwelling unit.

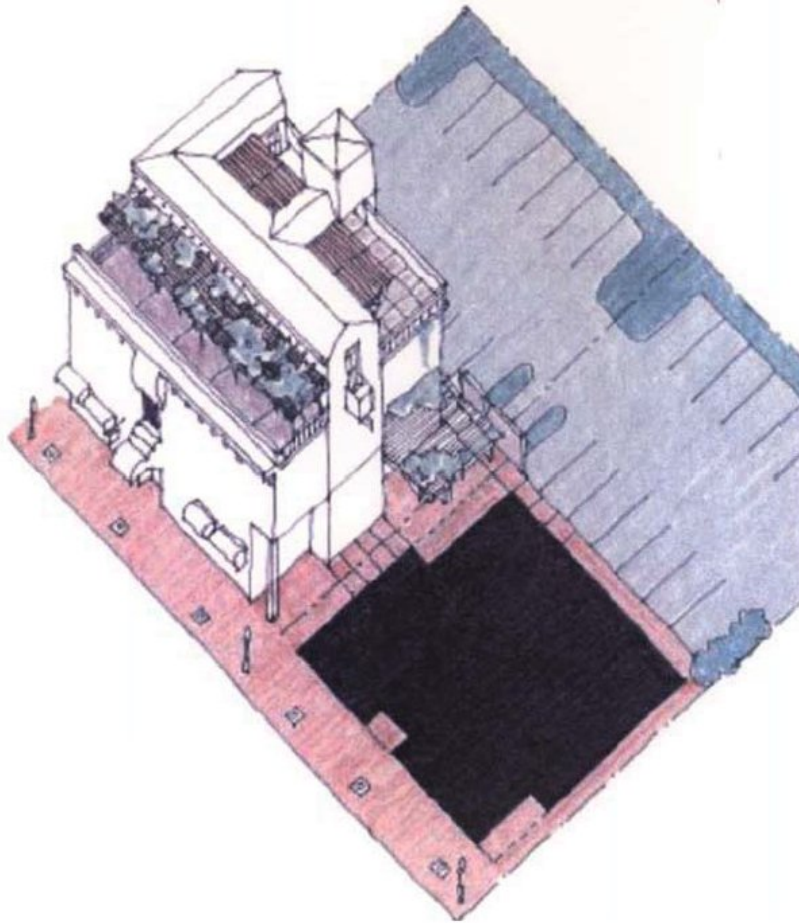
- b. Lot width: Minimum of 40 feet.
- c. Minimum lot depth: 100 feet.
- d. Yard dimensions:
  - i. Build-to line: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line.
  - ii. Side yard: Minimum of five feet; 15 feet for the side facing the street on a corner lot.
- e. Maximum building height: 35 feet or two stories.
- f. Maximum lot coverage: 65 percent.
- g. Rear yard or courtyard parking required; an alley is required for lots less than 50 feet wide.
- h. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings, such as entryways, to facilitate compatibility with single family uses.



#### Townhouse Dwellings with Rear Access

- 5. Townhouse (rowhouse) dwellings.
  - a. Lot area: A minimum of 1,800 square feet and a maximum of 4,500 square feet per dwelling unit.
  - b. Lot width at front yard build-to line: Minimum of 18 feet, maximum of 40 feet per dwelling unit.
  - c. Minimum lot depth: 80 feet.
  - d. Yard dimensions:

- i. Build-to line: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line.
    - ii. Side yard (end of row): Minimum of ten feet.
    - iii. Rear yard: Minimum of 20 feet.
  - e. Maximum building height: 35 feet or 2.5 stories, except that it may be increased to three stories per site plan approval.
  - f. Maximum building length: Eight dwelling units in a row along a block face.
  - g. Rear yard garage and alley access or contained internal courtyard parking is required.
  - h. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings to facilitate compatibility with single family uses.
6. Apartment dwellings.
- a. Minimum lot area: 8,800 square feet.
  - b. Lot width: Minimum of 80 feet.
  - c. Minimum lot depth: 100 feet.
  - d. Yard dimensions:
    - i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be 15 feet, unless located on a block along with non-apartment lots, thereby requiring the build-to line to be calculated as prescribed in the residential site design section herein and such that the apartment lot is not utilized in the build-to line average lot width calculation. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 35 feet.
    - ii. Side yard: Minimum of ten feet; 15 feet for the side facing a street on a corner lot.
    - iii. Rear yard: Minimum of 55 feet.
  - e. Maximum building height: For developments intending to develop in an urban, pedestrian-oriented manner, the maximum building height shall be four stories (buildings within 125 feet of a single family residential zoning district shall be limited to two stories). Buildings that are not intended to develop in an urban manner shall be limited to 35 feet or 2.5 stories.
  - f. Maximum lot coverage: 75 percent.
  - g. Maximum building length: Eight dwelling units in a row along a block face.
  - h. Rear yard parking and alley access required on type "A" streets; side yard parking but not front yard parking allowed on "B" streets.
  - i. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings to facilitate compatibility with single family uses, except as approved as part of a site plan if found to be in keeping with the overall residential site design principles.
7. Commercial uses and mixed-use buildings.



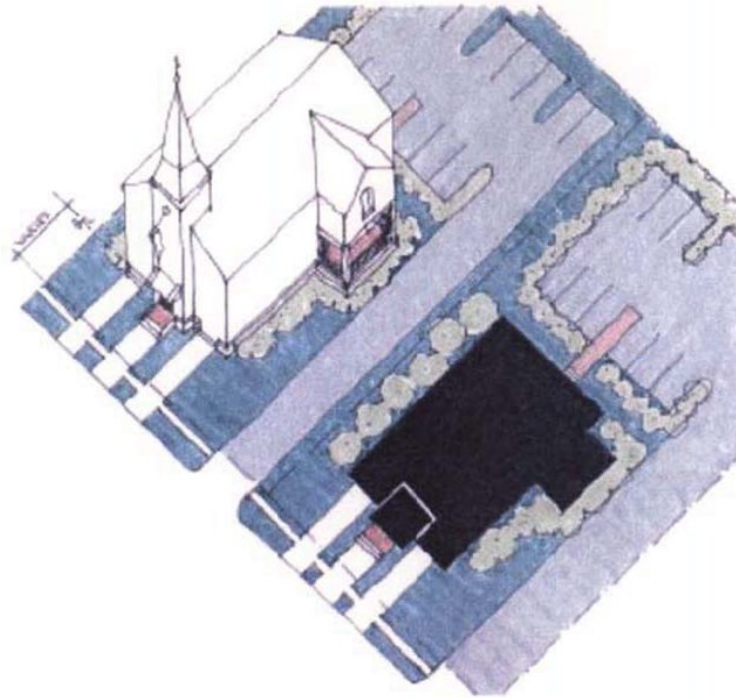
#### Commercial and Mixed-Use Dwellings

- a. Lot width: Minimum of 30 feet, maximum 115 feet.
- b. Minimum lot depth: 100 feet.
- c. Yard dimensions:
  - i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be between two and six feet on commercial (main) streets and on all other streets in neighborhood centers; otherwise, utilize the build-to line calculated as prescribed in the residential site design section herein and such that the commercial lot is not utilized in the build-to line average lot width calculation. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
  - ii. Side yard (each side): Minimum of zero feet if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.
  - iii. Rear yard: Minimum of 55 feet (one row of double parking).
- d. Maximum building height: 35 feet and 2.5 stories.
- e. Maximum lot coverage: 70 percent.
- f. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings, and alleys are required. On type "B" streets, at least 80 percent of



the off-street surface parking spaces for commercial buildings should be located at the side of the building or behind the rear face of the building.

8. Community, civic, institutional and religious buildings.



Community, Civic, Institutional and Religious Dwellings

a. Yard dimensions:

- i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be between two and six feet on commercial (main) streets and on all other streets in neighborhood centers; otherwise, utilize the build-to line calculated as prescribed in the residential site design section herein and such that the subject lot is not utilized in the build-to line average lot width calculation. Community, civic, institutional and religious buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
- ii. Side yard: Minimum of 15 feet.
- iii. Rear yard: Minimum of 55 feet.

b. Maximum building height: 45 feet or three stories.

c. Maximum lot coverage: 70 percent.

d. Off-street parking should be in rear yards or side yards. Alleys recommended.

e. If the structure is a church, the space limits established in Section 146-129(1)c shall apply.

D. Connectivity, linkages and access.

1. Transportation network. The transportation network shall provide opportunities for the public to walk, bicycle and drive within the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the

pedestrian; and to strengthen relationships and encourage movement between important elements inside and outside the development.

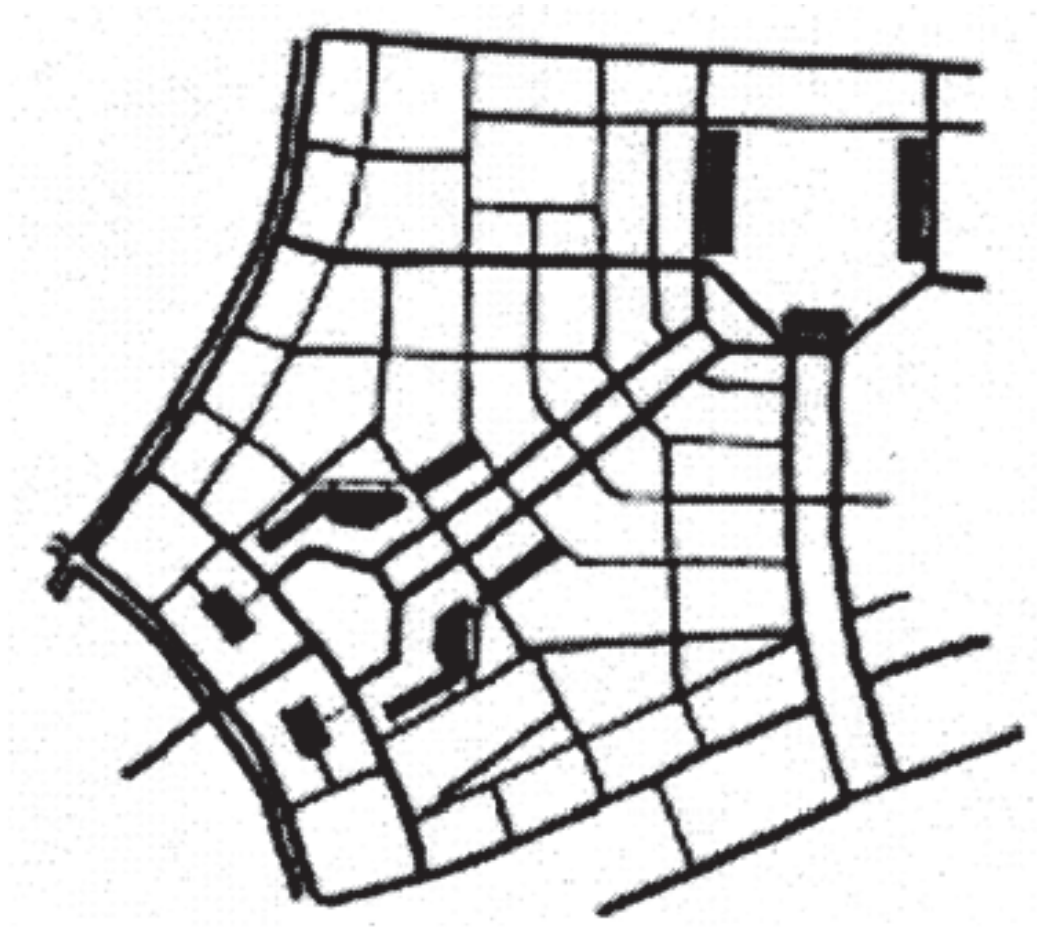
2. Street network.

- a. All streets should be organized in a comprehensible hierarchical network of "A" streets and "B" streets that manifest the structure of the neighborhood.
  - i. Type "A" and type "B" streets shall be identified for each neighborhood such that each development provides at least ten percent in linear footage of type "A" streets of the total linear footage of streets within the development. This provision shall apply to the aggregate areas of multi-phase subdivisions when larger subdivisions are platted in phases, and type "A" streets shall be planned in new developments to connect with existing developments so that effective pedestrian access between developments is achieved.
  - ii. Type "A" streets are designed with, or characterized by, features that promote safety, comfort, and convenience of pedestrians and transit users. "A" streets shall provide monolithic curbing sidewalks on both sides at least five feet wide and at least ten feet wide in neighborhood centers and commercial main streets, "street" trees spaced 30 feet on-center, narrow streets with narrow curb turning radii at intersections, buildings sited close to the street, pedestrian-scaled lighting, on-street parking, no onsite parking between the street and the building facade facing the street, aligned building facades, and building entrances facing the street. The "A" streets shall be organized in a continuous network so that the pedestrian experience is uninterrupted throughout the neighborhood. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings.
  - iii. Type "B" streets may be of lesser pedestrian character as compared to type "A" streets. On type "B" streets, at least 80 percent of the off-street surface parking spaces for commercial buildings should be located at the side of the building or behind the rear face of the building.
- b. Each neighborhood shall be designed with a layout of streets and blocks so that vehicular and pedestrian movement is interconnected throughout the neighborhood, as well as the surrounding neighborhoods. Interconnectivity shall be accomplished by the following:
  - i. The street network shall be laid out to provide multiple access ways between destinations;
  - ii. The street network shall allow bicyclists and pedestrians to travel on local streets to most locations within the neighborhood without the need to follow arterials;
  - iii. The neighborhood street system should be inter-connected, and converge generally at common destinations such as commercial areas, parks and transit centers.



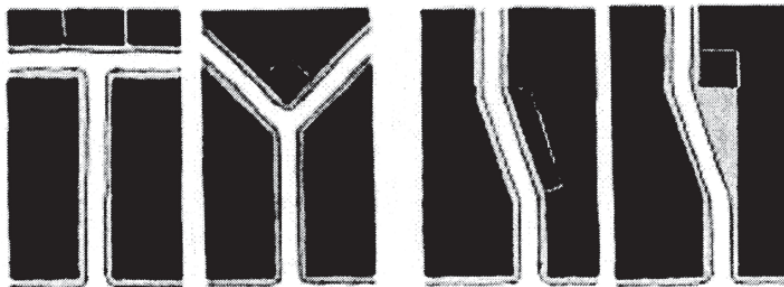
General Development Plan

- iv. The street pattern should be direct and avoid circuitous routes or dead-end streets.



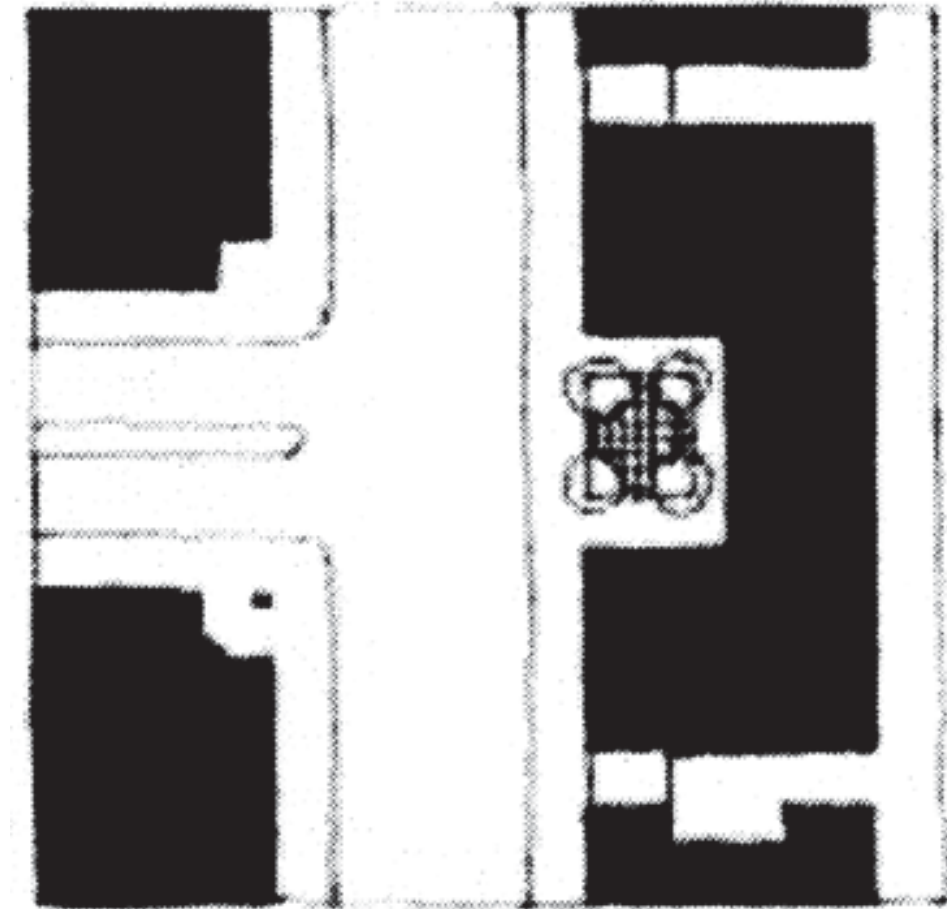
## Street Pattern

- v. Street connections should be designed to keep through trips on collector or arterial streets and local trips within the neighborhood.
- vi. At no time should a collector or arterial street be the only route to and from different land uses in the neighborhood.
- vii. Buildings shall be sited on their respective lots so as to address the street either by their front or side; but they shall not back onto streets.
- viii. A building, a public tract, a view of natural feature, or an angle in the street should terminate most street vistas.



## Vista Termination, Vista Deflection

- ix. Curved streets should maintain roughly the same cardinal orientation (except where steep grades dictate otherwise).



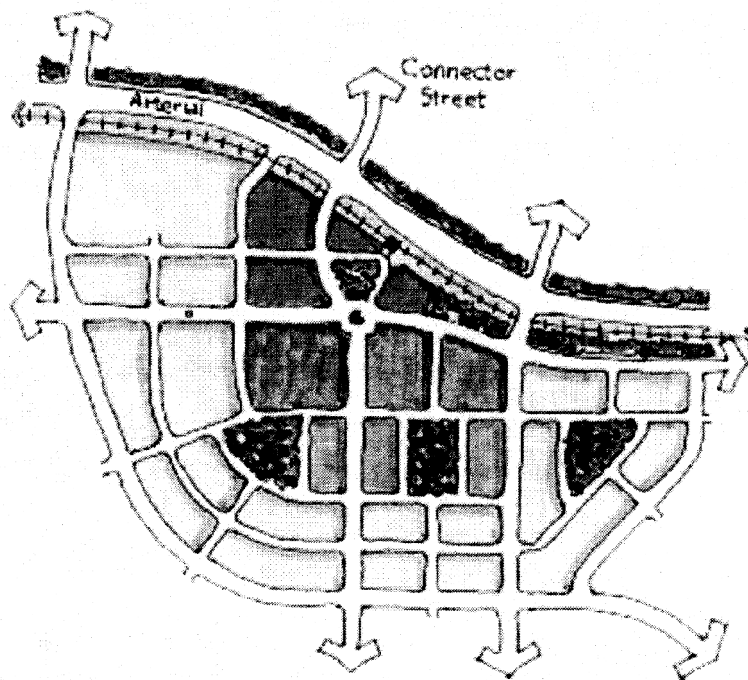
"T" Intersections should terminate at major entries, buildings, plazas or other prominent features

- x. All streets at both ends should terminate at other streets. Use of cul-de-sacs is strongly discouraged. If the use of cul-de-sacs is desired or necessary because of topographical or other environmental necessity, the cul-de-sac shall be connected by a permanently maintained pedestrian/bicycle pathway to the next adjacent street or trail behind the cul-de-sac;
- xi. All retail and neighborhood centers shall have automobile and pedestrian access from local streets to encourage connections within the neighborhood;
- xii. All street blocks should not be longer than 600 feet, measured from the intersecting curb face to curb face for a subdivision with an average buildable lot size of 10,000 square feet or less, and 800 feet for a subdivision with an average buildable lot size greater than 10,000 square feet; for blocks longer than 500 feet, an alley or pedestrian path should provide through access;
- xiii. The street pattern should be laid out to create blocks that are generally rectilinear in shape, a modified rectilinear shape, or another distinct geometric shape;



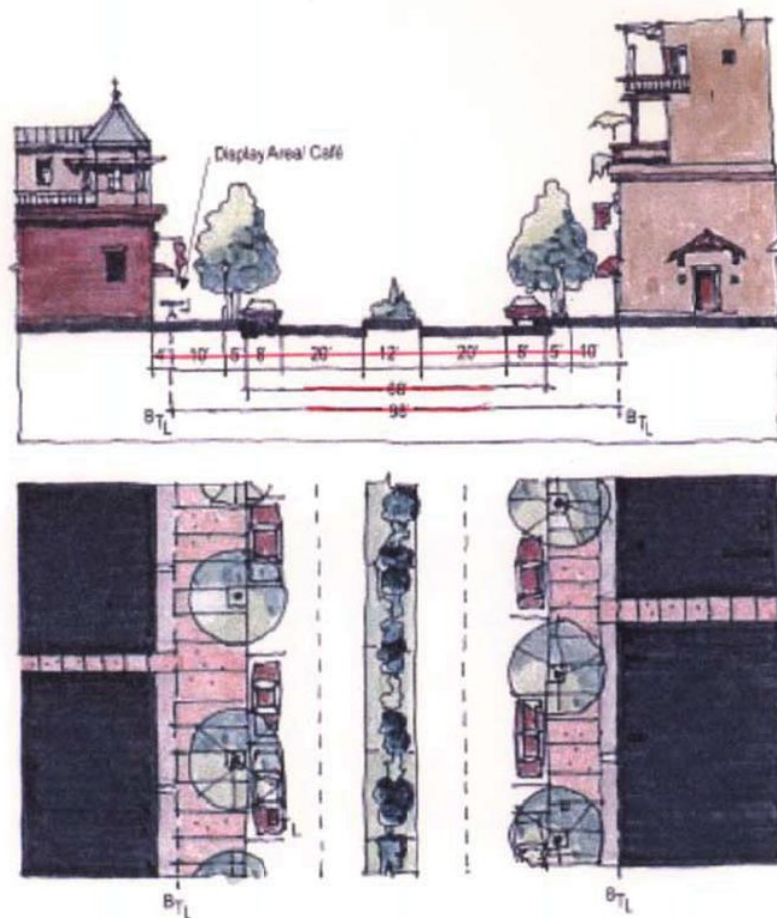


- xiv. Blocks closer to the neighborhood center should be smaller relative to the blocks further from the neighborhood center.
- c. Each neighborhood shall connect to adjacent development through the use of a system of interconnecting streets; if the neighborhood is developed adjacent to undeveloped areas, stub-outs and/or rights-of-way shall be provided at regular intervals so that interconnecting streets can be constructed once the adjacent areas develop. For each neighborhood, there should be at least two interconnections with the existing or planned public street system rated as an arterial or major local, or one every 800 feet, whichever is more frequent.



## Connector Street Diagram Adopted from The Next American Metropolis, Peter Calthorpe

- d. Highways and arterial roads shall go around the neighborhoods rather than through them. Where they do come in contact with the neighborhoods, these roads should be designed and managed to avoid speeds in excess of 30 m.p.h.
- e. Major roads through neighborhoods should be designed as civic thoroughfares. Within a neighborhood they should take the form of an avenue or commercial main street (see street design specifications). At the edge of the neighborhood, roads should take the form of a parkway or boulevard.
- f. The network of interconnecting streets should provide several alternative paths through neighborhoods to the center or to the activity nodes at Collin-McKinney Parkway corridor.

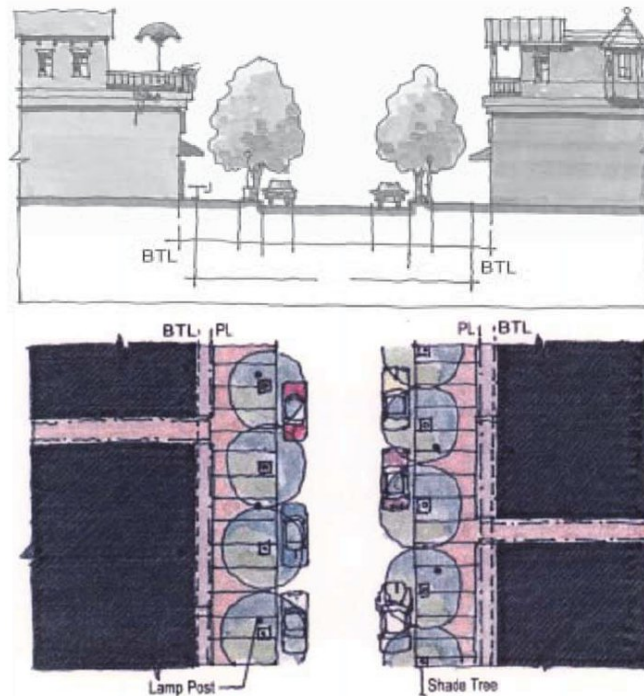


## Street Network and Street Design

- g. The interconnecting street network is not meant to be and should not provide a through-route alternative to arterials.
  - h. Where feasible, alleys should be utilized for utility easements in addition to providing access.
3. Street design specifications.
- a. General design.

- i. The street layout for the REC neighborhood areas shall incorporate a hierarchy of streets as set forth below. The street design shall be in accordance with the city subdivision ordinance. Each development in the REC shall contain a clearly identified "A" street "B" street network. A network of neighborhood streets designed according to the principles in subsections b. thru e. below shall be provided. However, the street design shall meet the city street design manual criteria except as approved through a variance to the subdivision ordinance.
  - ii. Telephone poles or other barriers shall not obstruct sidewalks.
  - iii. All sidewalks should be protected by shade trees to encourage pedestrian use; unless other means are provided, this should be achieved by utilizing, between the roadbed and the sidewalk, a planting strip at least five feet wide with shade trees.
  - iv. Crosswalks for pedestrians shall be provided at all intersections.
  - v. Curb return radii at neighborhood intersections of local streets and minor collectors should be ten to 15 feet in order to reduce the crossing distance for pedestrians, subject to fire marshal review and approval.
  - vi. All streets except arterials should provide for parallel parking.
  - vii. Blocks predominantly containing lots less than 50 feet wide shall utilize alleys to minimize the number of garages fronting streets.
  - viii. Surface parking for commercial uses should not be placed between the building facade and the street curb.
  - ix. If surface parking is located next to a building, the surface parking area should be screened by a fence, wall, landscaping, or similar device in order to continue the build-to line of the adjacent building facades. This provision applies to "B" streets only; this option is not allowed on "A" streets.
  - x. Parking lots serving neighborhood centers should be no larger than 25 spaces per lot. Lots serving businesses adjacent to each other should be connected. Parking lots larger than 25 spaces shall be segregated into multiple, interconnected and landscaped areas.
- b. Commercial (main) street—a commercial mixed-use street within the neighborhood.

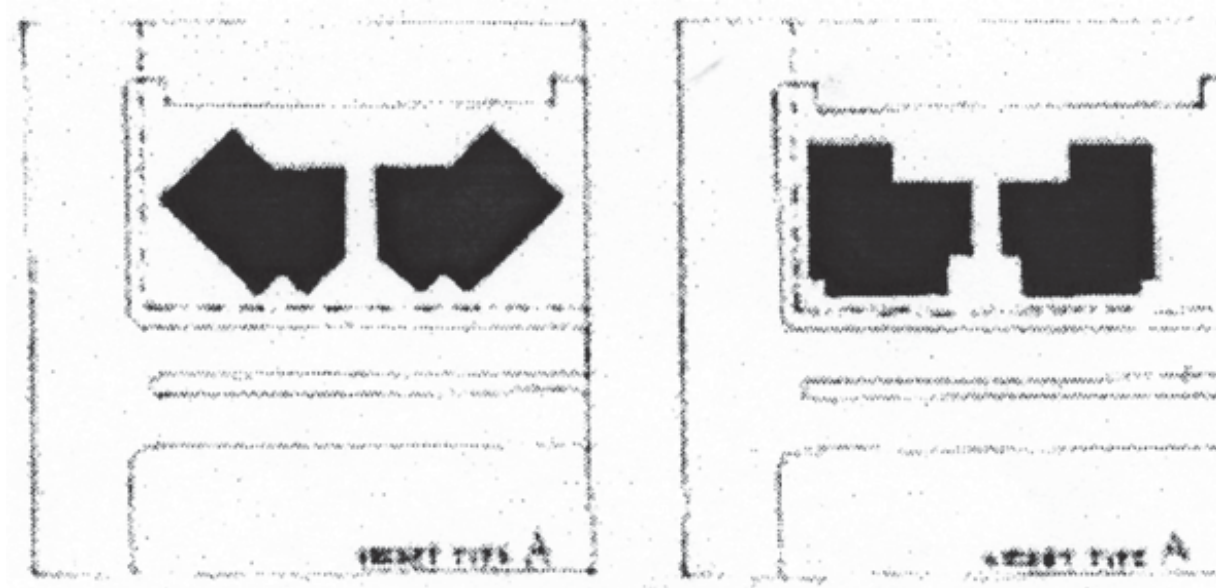




Commercial (Main) Street Diagram

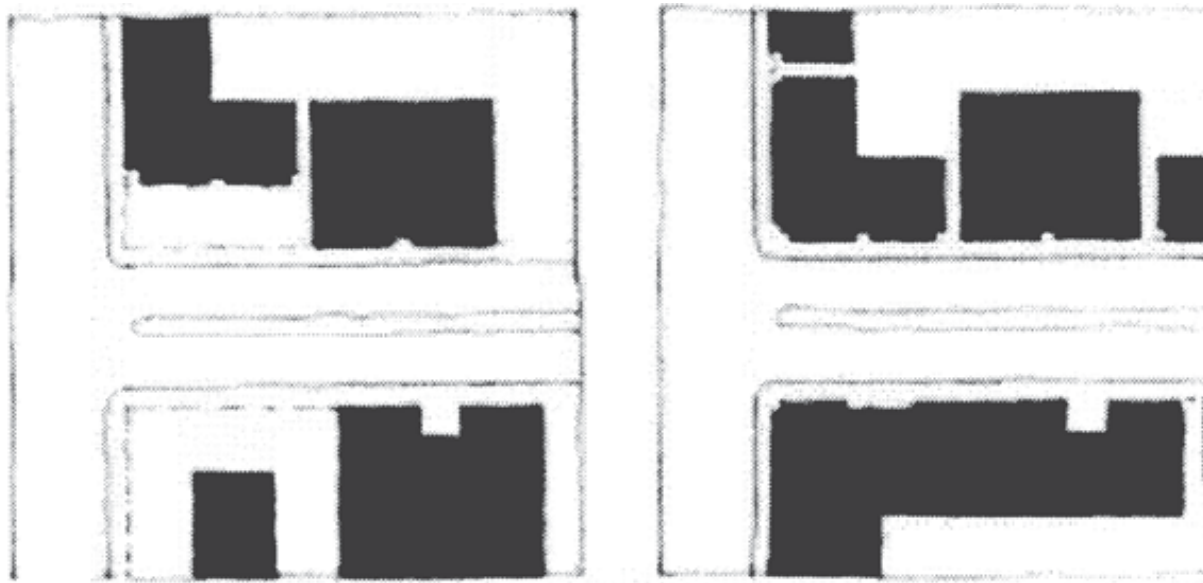
- i. Design: The commercial main street shall be a type "A" street.  
Desirable land uses: Neighborhood commercial, office, retail, and mixed use.  
  
Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be two to six feet from property line. Commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
- ii. The length of the main street or main street segment should be in the range of 400 to 1,000 feet, divided into multiple smaller blocks.
- iii. Parallel parking shall be provided on both sides of the street as approved by the city engineer. Diagonal head-in parking may be permitted along the front of commercial uses and/or community green, in which case no parking shall be permitted on the other side of the street. Curbside parking shall not be permitted within 25 feet of an intersection.
- iv. Planting strips of a minimum width of five feet shall be provided within the right-of-way, except where the road abuts the community green. The planting strip abutting a community green shall be at least nine feet wide.
- v. Along commercial uses, brick pavers or other similar elements may be substituted for vegetative ground cover typically found in parkways and residential areas.
- vi. Sidewalks shall be provided on both sides of the street and shall have a width of ten feet to 15 feet. Included in the 15-foot sidewalk shall be street lighting and street trees. If the sidewalk is ten feet wide, then the planting strip shall be planted with street trees. Light poles shall be no higher than 13 feet spaced 80 feet on-center.
- vii. "Street" trees shall be installed and spaced 30 feet on-center.

- viii. Vehicular access to parking shall not be from an "A" street. Rather it shall be from an alley or from "B" streets adjacent to the rear parking lots so that driveways do not intersect the street. Parking should not be allowed between the main street and the building.
- ix. Commercial buildings shall be allowed up to an additional four feet of setback if a cafe is planned.



Undesirable, Desirable Relationships to Street

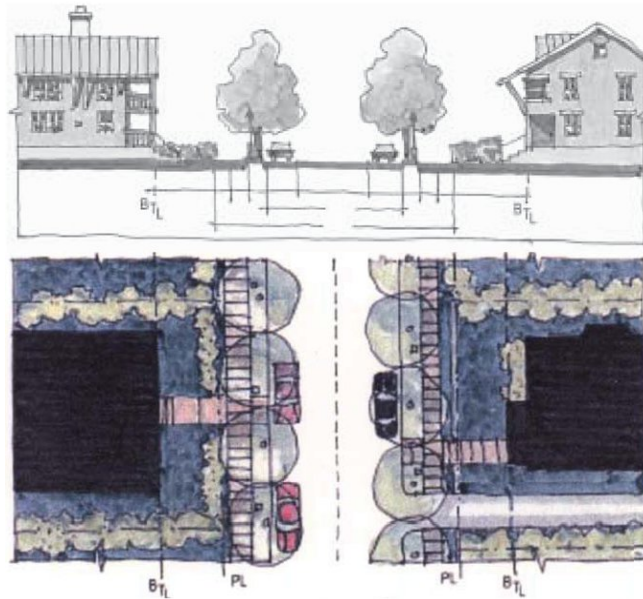
- x. Building frontage should be continuous with small pedestrian paths between buildings leading to parking in the rear.



Undesirable, Desirable Relationships to Street

- xi. Monolithic curbing in Main Street segments shall be required.

c. Major local—two-way street.



Major Local Street

i. Design:

Desirable land uses: All residential types, neighborhood commercial.

Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Single family residential and commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

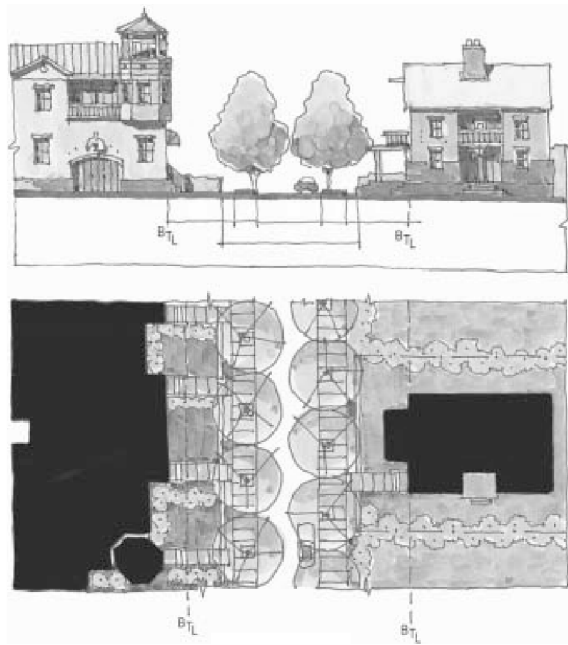
Right-of-way width: 60 feet maximum.

Paved width: 30—36 feet; driving lane ten feet maximum each.

Design speed: 25 m.p.h.

- ii. Parallel parking shall be provided on both sides of the street except within 25 feet of any intersection.
- iii. Planting strips of a minimum width of five feet shall be provided on both sides of the street.
- iv. Decorative street lamps, of a maximum height of 13 feet and spaced at a maximum of 80 feet on-center shall be installed on both sides of the street and at the intersections.
- v. Vehicular access to parking should be from an alley or from "B" streets adjacent to the rear parking lots. This provision is mandatory if the street is Type "A."
- vi. Monolithic curbing is recommended. Monolithic curbing is required in a type "A" street or adjacent to commercial or multi-family (greater than four units per building) uses.

- d. Local street—a two-way residential street.



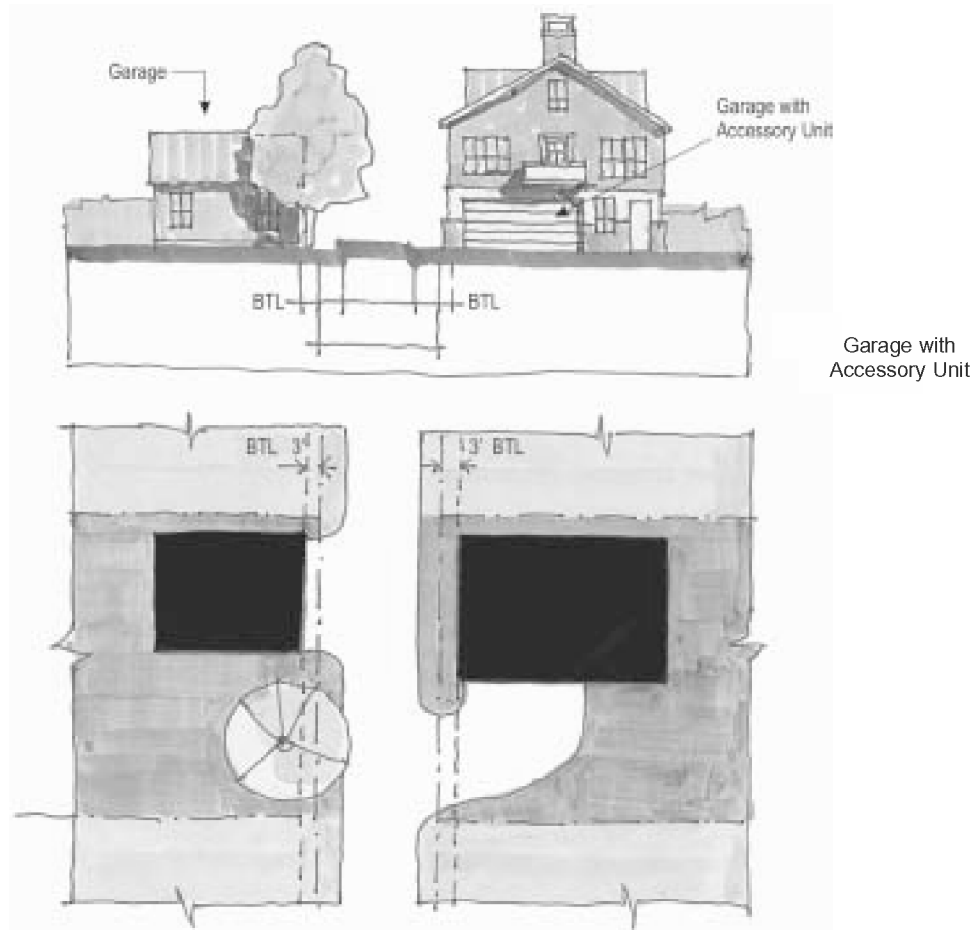
Local Street Diagram

- i. Design:

Desirable land uses: All residential types, except multi-family greater than four units per building.

Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. 20 percent may be set back farther than the build-to line. Single family residential that is not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

- ii. Parallel parking shall be provided on one side of the street except within 25 feet of any intersection.
- iii. Planting strips of minimum five feet shall be provided on both sides of the street.
- iv. Sidewalks shall be provided on both sides of the street and shall have a minimum width of five feet.
- v. Decorative street lamps, maximum 13 feet high and spaced at a maximum of 80 feet on-center shall be installed on both sides of the street and at the intersections.
- vi. Vehicular access to parking should be from an alley.
- vii. Commercial buildings shall get an additional four feet of set back if an outdoor display area or cafe is planned.



#### Alley Diagram

##### e. Alleys.

###### i. Design:

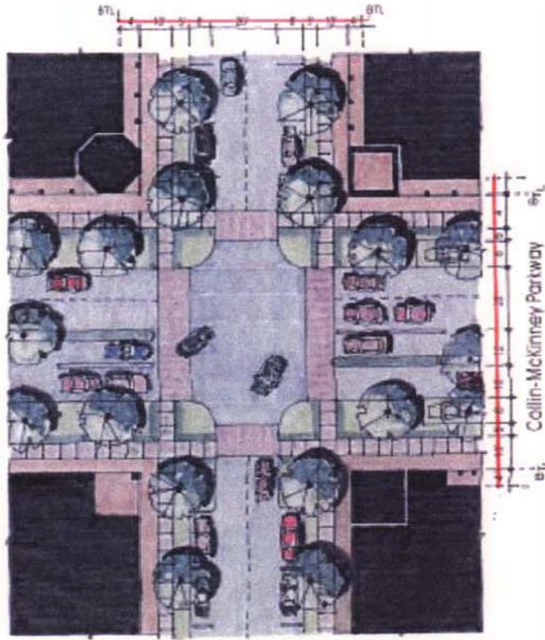
Adjacent land uses: Garages, parking lots, ancillary residential units, ancillary units above garages.

Set-back: Buildings and fences shall be set back a minimum of three feet.

###### ii. Curbing shall not be required except at corners of intersection with streets. At such corner locations, curbing shall be required for the entire corner radius and five feet preceding the same. Such curbing shall not extend more than six inches above the finished pavement.

###### iii. Alley lighting shall be provided on all garages or on poles adjacent to parking areas.

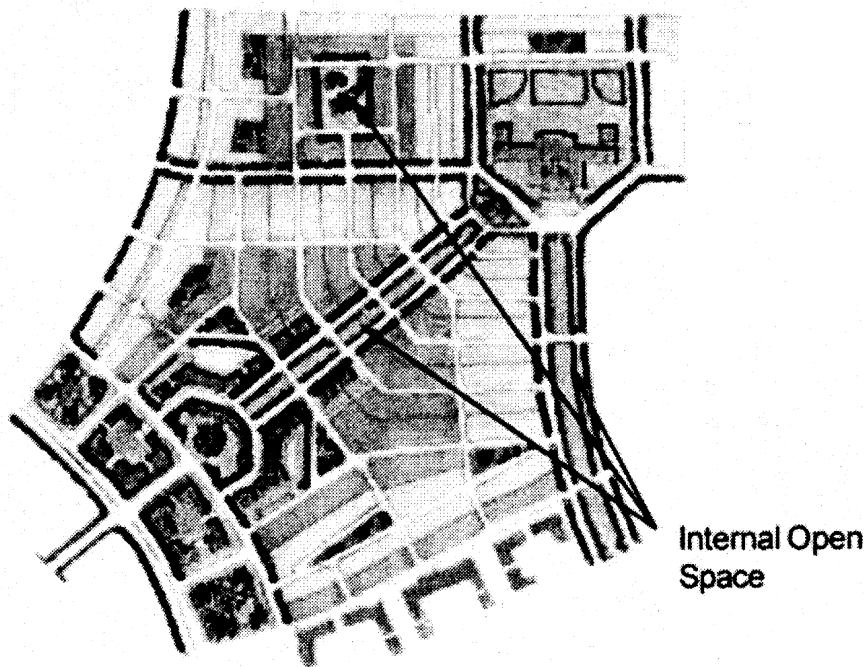
##### 4. Pedestrian network.



Urban Intersection at Collin-McKinney Parkway

- a. The street network shall also function as the primary pedestrian network.
- b. Primary pedestrian routes and bikeways should be bordered by residential fronts, public parks, plazas, or commercial uses; generally they should not meander through vast open areas.
- c. Where street connections are not feasible, short pedestrian paths shall provide connections between residential and commercial areas.
- d. Pedestrian routes through parking lots or at the rear of residential developments should be avoided. Alternate routes should be provided around parks for night use.
- e. Safe pedestrian crossings at arterials shall be provided where major pedestrian movement is anticipated. On-demand pedestrian signals may be required during off-peak hours in these locations if approved by the city engineer.
- f. Pedestrian paths should be shaded with trees.
- g. Under-crossings or bridges designed strictly for pedestrian and bikes are discouraged, unless deemed necessary by the city engineer.
- h. The following maximum walking distances should be employed in neighborhood design:
  - i. Neighborhood center: 1,000 feet from end to end.
  - ii. Between neighborhood center and neighborhood edge: 1,000—1,500 feet.
  - iii. Between houses and transit access: 1,000—1,500 feet.
  - iv. Between houses and jobs: 1,500—2,000 feet.
  - v. Between houses and community facilities, schools, parks or recreation facilities: 1,500—2,500 feet.
- i. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate.

- j. In neighborhood centers, sidewalks should be constructed of brick, slate, colored/textured concrete pavers, exposed aggregate concrete, concrete containing accents of brick, stamped colored concrete or some combination thereof, compatible with style, materials, colors, and details of the surrounding buildings, as approved by the city engineer.
  - k. Walkways shall be raised and curbed along buildings and within parking lots, where suitable.
  - l. Pedestrian street crossings shall be clearly delineated by a change in pavement color and/or texture.
  - m. Bicycle racks shall be provided at internal open space areas, neighborhood centers, and recreation areas in peripheral open space.
- E. Parks, plazas and civic open space.
- 1. Generally. Parks are for recreational uses as well as for views. Parks and open space should be utilized to complement the clustering of uses. Moreover, plazas and civic open spaces provide a focus and community gathering location for a neighborhood.
  - 2. Internal open spaces. The greater of five percent or two acres of the neighborhood development shall be allocated to and shall remain common internal open space in perpetuity. Internal open space should be centrally located so that 90 percent of the lots of the neighborhood are within a walking distance of 1,320 feet from the open space or an open space in an adjoining neighborhood. Internal open space may take the form of a common, square, plaza, community green, tot lot, an urban non-municipally owned park or other similar public space. Internal open space cannot be used for screening and buffering; nor shall it be a landscaped island within the public right-of-way.

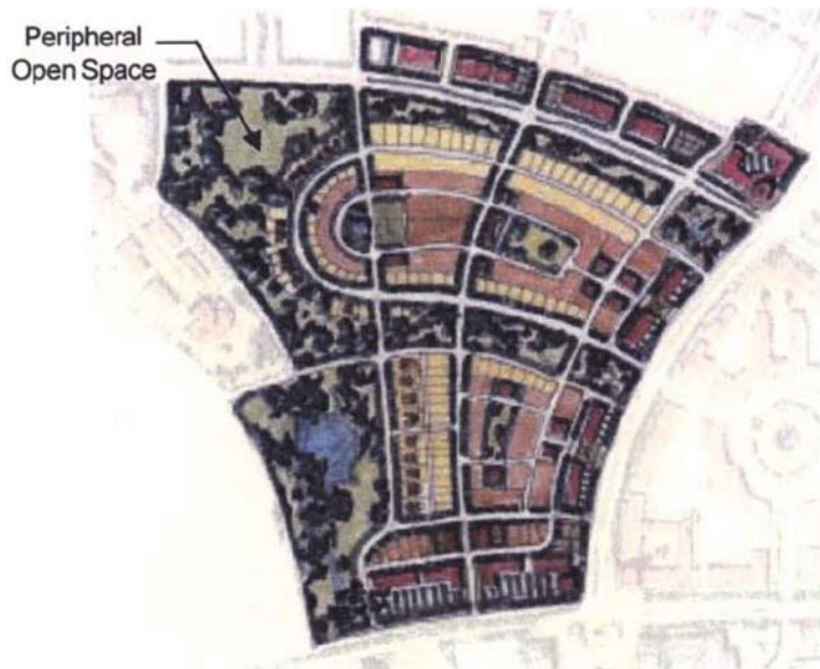


#### General Development Plan

- a. Each neighborhood shall provide at least one internal open space that is greater than 10,000 square feet with a size, shape, and design providing adequate space for outdoor exhibits and community gatherings.



- b. Internal open spaces shall be designed such that approximately 50 percent of the area is landscaped.
  - c. Internal open spaces should be landscaped using elements such as formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian-scaled lamp posts.
  - d. Internal open spaces should be surrounded by a concentration of high-density development that may include commercial, retail, residential, civic and public uses and facilities, in order to encourage activity outside as well as inside the buildings.
- 3. Peripheral open spaces.
  - a. Peripheral open space may be used for community gardens or other similar horticultural purposes.
  - b. Peripheral open space with unique natural features, such as streams, creeks, ponds, woodlands, and specimen trees, may be left unimproved and in a natural state. As a general principle, the preservation of undeveloped open space in a natural state or existing farms, is encouraged.
  - c. Peripheral open space may be used for golf courses, public and semi-public recreation purposes.



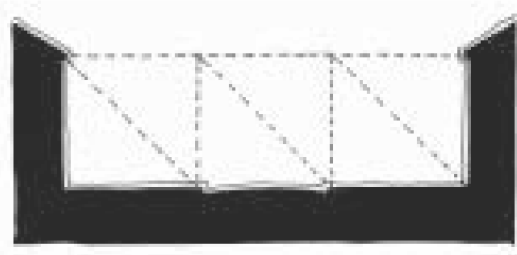
- 4. Other requirements.
  - a. Non-municipally owned parks and other open spaces should be designed for both active and passive uses. Their form should be strategically located and accessible rather than acting as residual space. Their design should respect vistas created by streets.
  - b. Civic services, such as community buildings, government offices, recreation centers, post offices, libraries, and day cares, should be placed in central locations as highly visible focal points. Where feasible, they should be close to future or existing transit stops.
  - c. Dedicated hike and bike trails should connect school sites, parks, community greens, other civic open spaces and neighborhood commercial areas.



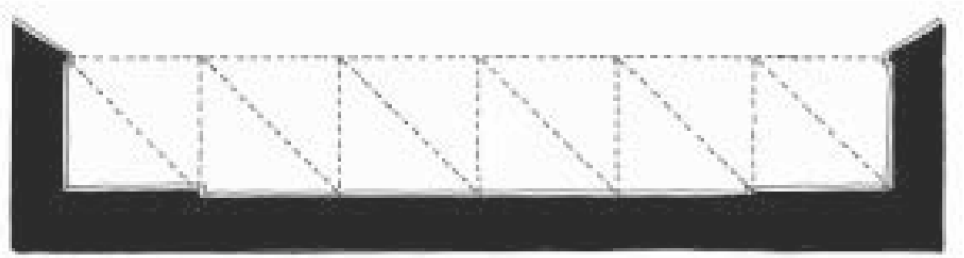
- d. Proportions of squares and plazas should have a ratio between space width and adjacent building heights within the range of 1:1 to 1:3. This ratio should never be greater than 1:6.



1:1 Best for Streets



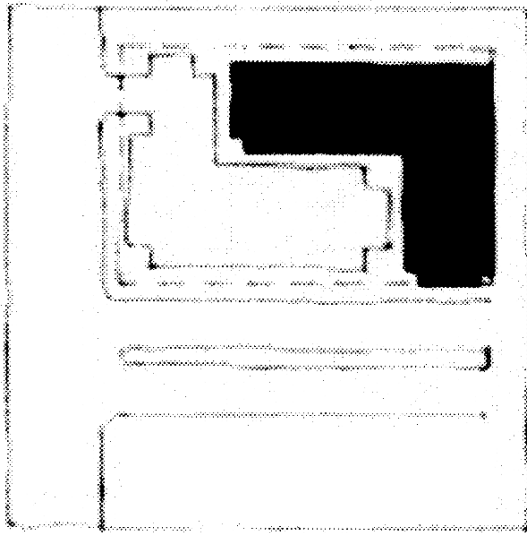
1:3 Best for Squares



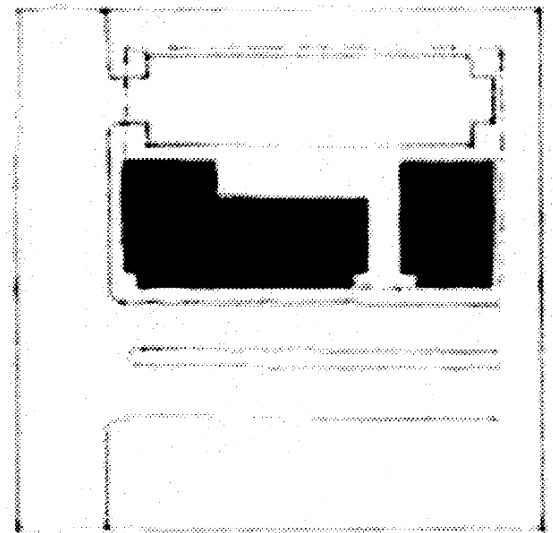
1:6 The Perceivable Maximum

F. Parking.

1. Parking requirements.



Undesirable



Desirable

Parking Location

- a. On-street parking for non-residential uses within 200 feet of the building shall count toward 50 percent of the required onsite parking requirement under section 146-130

- b. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings. On type "B" streets, at least 80 percent of the off-street surface parking spaces for commercial buildings should be located behind or at the side of the building.
  - c. Parking lots should be small-sized (less than 25 spaces) wherever possible, and should be interconnected with commercial parking lots on adjacent properties.
  - d. Joint use off-street parking is encouraged and may be allowed for adjacent uses having staggered peak periods of demand. Retail, office, and entertainment uses shall share parking areas and quantities whenever practical to do so as approved by the director of planning (See section 146-130(5), shared parking agreements).
  - e. Parking for townhouses shall be provided in a common off-street parking area or in garages or parking spaces with access from a rear lane. Private driveways for townhouses shall connect to the alley or a side street.
  - f. Structured parking for apartments may be located in common parking lots located on a lot other than that containing the apartment building, but within 400 feet of the apartment building entrances.
  - g. If access to a residential garage is provided from a street, the front entrance of such a garage is encouraged to be set back at least 20 feet from the front facade of the dwelling unit. Garages shall be set back five feet from the side and the rear property line.
  - h. Lots less than 50 feet wide shall utilize alleys to minimize the number of garages fronting streets.
2. Buffering and screening.
- a. Parking lot layout, landscaping, buffering, and screening shall prevent direct views of parked vehicles from streets and sidewalks, and avoid spill-over light or glare onto adjacent properties, in particular residential properties. Parking lots visible from right-of-way and adjacent property shall be surrounded by a minimum of three-foot high, year-round visually impervious screen, hedge, or wall.
  - b. The interior of all parking lots shall be landscaped to provide shade and visual relief. Minimum of one shade tree shall be planted in or adjacent to parking lots for every 12 parking spaces. All parking shall be within 25 feet of a shaded area.
  - c. Parking lot layout shall take into consideration pedestrian circulation/pedestrian crosswalks shall be provided, and shall be distinguished by textured paving and shall be integrated into the wider network of pedestrian access ways.
  - d. Transformers, HVAC equipment, lift stations, utility meters, grease traps and other machinery, as well as garbage collection points, shall be located at the rear lane or alley.
3. Loading docks.
- a. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear of the buildings or in visually screened locations.
  - b. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties and from the public right-of-way. It should also prevent spillover glare. Screening and buffering should be achieved through walls, fences and landscaping which should be minimum six feet tall and visually impervious, see Section 146-132. Recesses in the buildings and depressed access ramps may be used.

V. Collin-McKinney Parkway corridor zone.

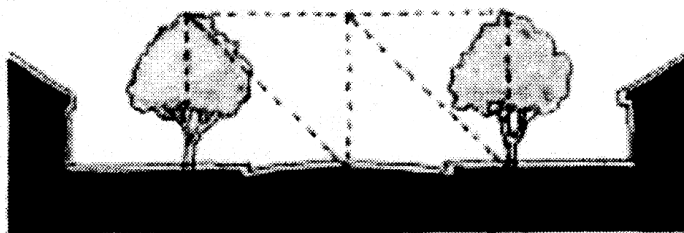
Intent/purpose: This zone shall provide opportunities for the public to live, work, shop, walk, bicycle and drive within and through the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street and parkway environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the pedestrian; to provide adequate and efficient servicing of the development by trucks and utility vehicles throughout the REC, but to minimize the visual and auditory impact of such service; to strengthen relationships and encourage movement between important destinations inside and outside the development.

A. Land use mix and allocation.

1. Because the Collin-McKinney Parkway corridor is the key spine of the REC in terms of access to commercial uses and densities, the land use mix and allocation within the corridor should be based principally on urban elements, including vertical mixed-use. Two or more urban activity centers within the REC should be located within the Collin-McKinney Parkway corridor, facilitated principally by vertical mixed-use designs.
2. The urban activity centers should be areas of vertical mixed-use combining commercial and residential uses in buildings sited and designed in such a way as to promote urban life in the area for most of the 24-hour period. The commercial component should be oriented to serve the immediately surrounding neighborhoods as well as the regional metropolitan area.
3. Single family as well as two-, three- and four-family uses are not allowed, while row/town house uses and dwellings above nonresidential uses are encouraged. (See residential incentive under site design subsection B.6.c. herein).
4. There shall be no maximum and no minimum residential density.

B. Site design.

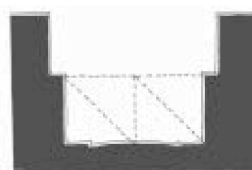
1. Street cross-section should be 1:2, but not more than 1:4. This requirement applies also to the developed space between the two-way segments as it takes the form of a divided pair of two-way streets.



Tree Canopy



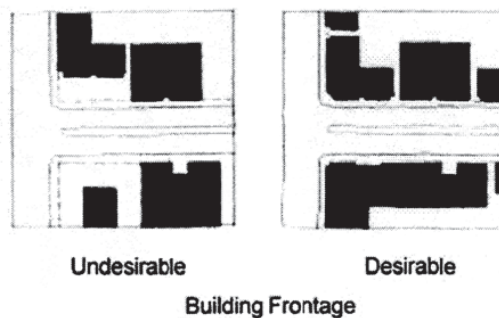
By Building Height



By Recess Line

1:2 Enclosure

2. The design of buildings shall incorporate the following techniques: A defined base and architecturally defined main entrance; an articulated facade and roof; and plane changes within the building elevations. (See architectural standards generally in overarching design guidelines.)
3. All buildings shall front on public streets unless the building fronts a plaza or a courtyard.
4. Encroachments by canopies and balconies within the area between the sidewalk and building facade are permitted.
5. In the Collin-McKinney Parkway corridor there is no height maximum east of Hardin Blvd.
6. West of Hardin Blvd., buildings shall range in height from two to four stories and west of Stacy Road, buildings shall range in height from two to six stories. The director of planning shall have the discretion to increase the height maximum up to a total of eight stories if one or more of the following provisions are met:
  - a. Structured parking is located within the building envelope; or
  - b. The ground floor of commercial buildings utilizes the following special design elements to enhance the pedestrian orientation:
    - i. Cornices, corbelling, molding, string coursing, ornamentation, changes in material and color, or other sculpturing of the base; and
    - ii. Recessed windows or other techniques to distinguish the windows in the facade such as arches, pediments and mullions; and
    - iii. Recessed entryways of at least 100 square feet; or
  - c. At least one floor of the building is dedicated to residential uses.
7. Commercial frontage shall have continuous edge of shops, entrances, and shop windows. The optimum length of this continuous commercial stretch is approximately 800 feet, divided into multiple smaller blocks.



Undesirable and Desirable Building Frontages

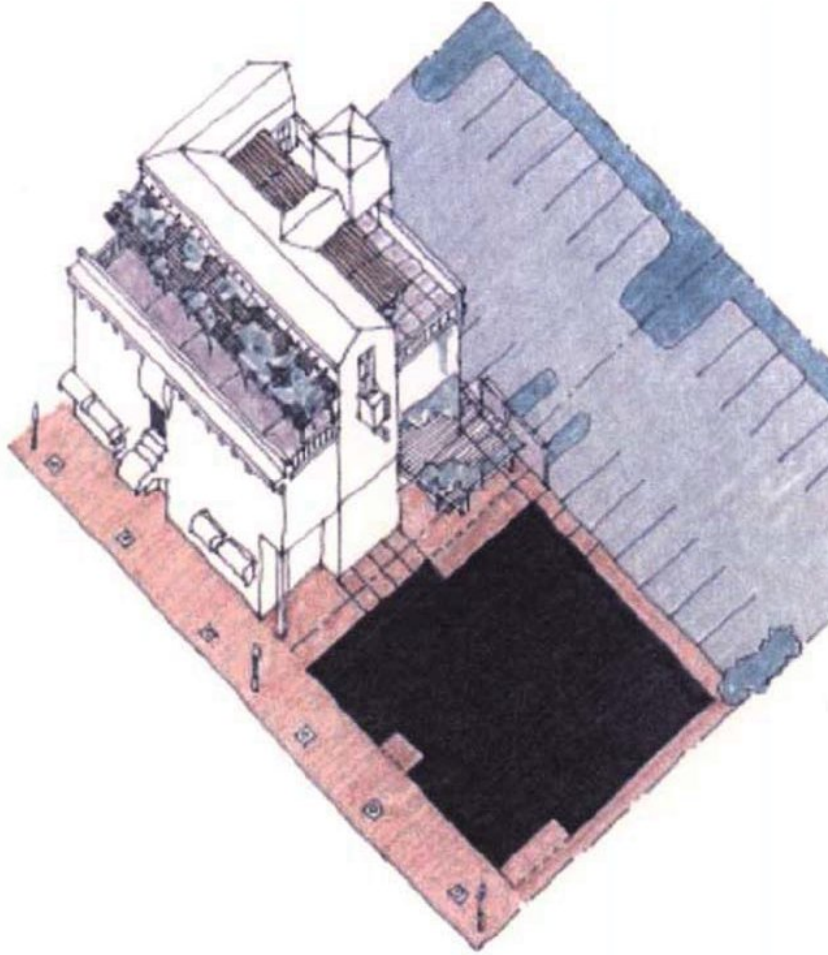
8. Buildings located at gateways entering Collin-McKinney Parkway area should mark the transition in and out of the area in a distinct fashion using massing, additional height, contrasting materials, and/or architectural embellishments.
9. Prominent monumental buildings and structures employing enhanced height, distinctive architectural treatment, or other distinguishing structures should occupy focal points, or points of visual termination.
10. In the Collin-McKinney Parkway corridor, blank walls should be limited where possible.
11. At least 50 percent of the length and 35 percent of the wall area on the ground level floor abutting sidewalks, plazas, or other public open spaces or rights-of-way shall be devoted to windows, doors,

or openings affording views into the building space, pedestrian entrances, or retail display windows. Views into parking areas, truck loading areas and vehicular access ways shall not count towards the 50 percent requirement. Works of art such as mosaics, and recessed garden areas may also be utilized to meet up to half of the 50 percent length requirement. Where windows are used, they must be transparent. Where expanses of solid wall are necessary, they may not exceed 25 feet in length.

12. Windows above the ground floor should be oriented vertically as opposed to horizontally.
13. Primary entrances to commercial and retail establishments shall be located on the street side of the building.
14. To the extent possible, passages between rear parking lots and the streets should be designed in a pedestrian fashion and lined with shop windows or other attractive displays.
15. Restaurants are permitted to operate outdoor cafes on sidewalks (including areas in the public right-of-way) and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired. The following guidelines are applicable:
  - a. A minimum of eight feet of sidewalk along the curb leading to the entrance of an establishment should be maintained free of tables and other encumbrances.
  - b. Planters, posts with ropes, or other removable enclosures are encouraged to define the area occupied by the cafe.
  - c. Extended canopies, awnings, and umbrellas are permitted. Colors should complement building colors.
  - d. Cafes shall be required to provide at least one additional trash receptacle on site.

C. Area and bulk regulations.

1. Town/row house dwellings, the area and bulk regulations in the neighborhood section above shall be applicable in the Collin-McKinney Parkway corridor.
2. Community facilities, institutional and religious buildings, the area and bulk regulations in the neighborhood section shall be applicable in the Collin-McKinney Parkway corridor (except height maximums shall be four stories with exceptions as noted in site design subsection VI.B.6. herein); lot coverage may be increased with site plan approval.
3. Apartment dwellings, the area and bulk regulations in the neighborhood section above shall be applicable in the Collin-McKinney Parkway corridor, unless the ground floor is dedicated entirely to nonresidential uses (lot coverage may be increased with site plan approval).
4. Commercial uses and mixed-use buildings (lot coverage may be increased with site plan approval).



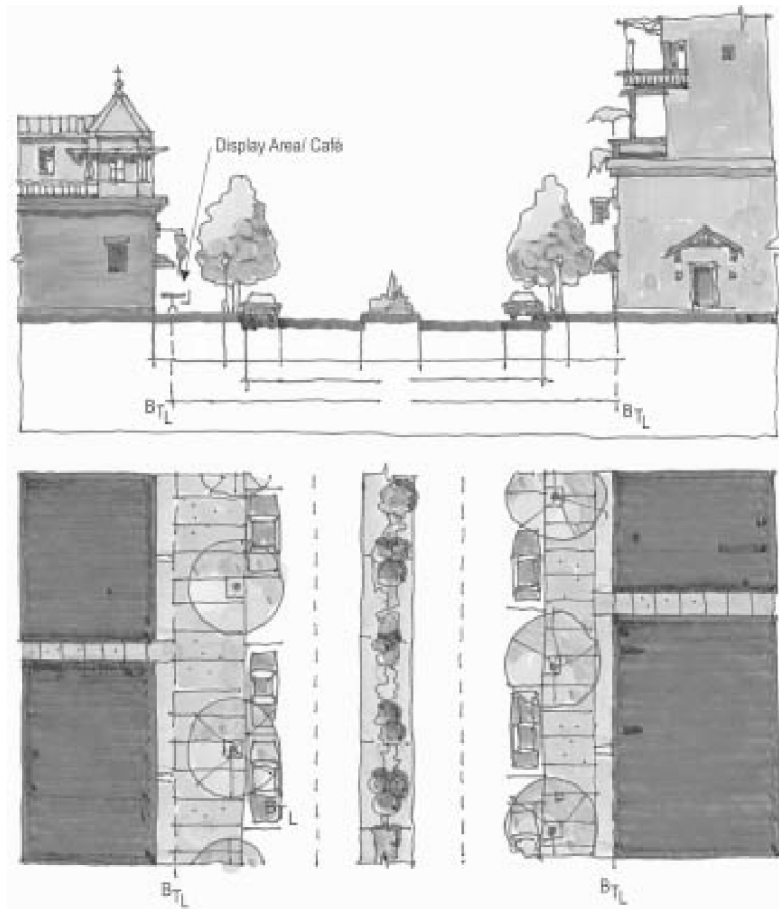
#### Commercial and Mixed-Use Buildings

- a. Lot width: Minimum of 30 feet, maximum 300 feet.
- b. Minimum lot depth: 100 feet.
- c. Yard dimensions:
  - i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet on Collin-McKinney Parkway, provided that a single line must be established for each block face. The build-to line may be reduced as part of site plan approval. Commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
  - ii. Side yard (each side): Minimum of zero feet if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.
  - iii. Rear yard: Minimum of 55 feet (one row of double parking) absent structured parking.
- d. Maximum building height: (See Site Design Subsection VI.B.6. herein).
- e. Maximum lot coverage: 95 percent for lots fronting Collin-McKinney Parkway; 75 percent for all others, except as approved per a site plan if found to be in keeping with the site design principles.

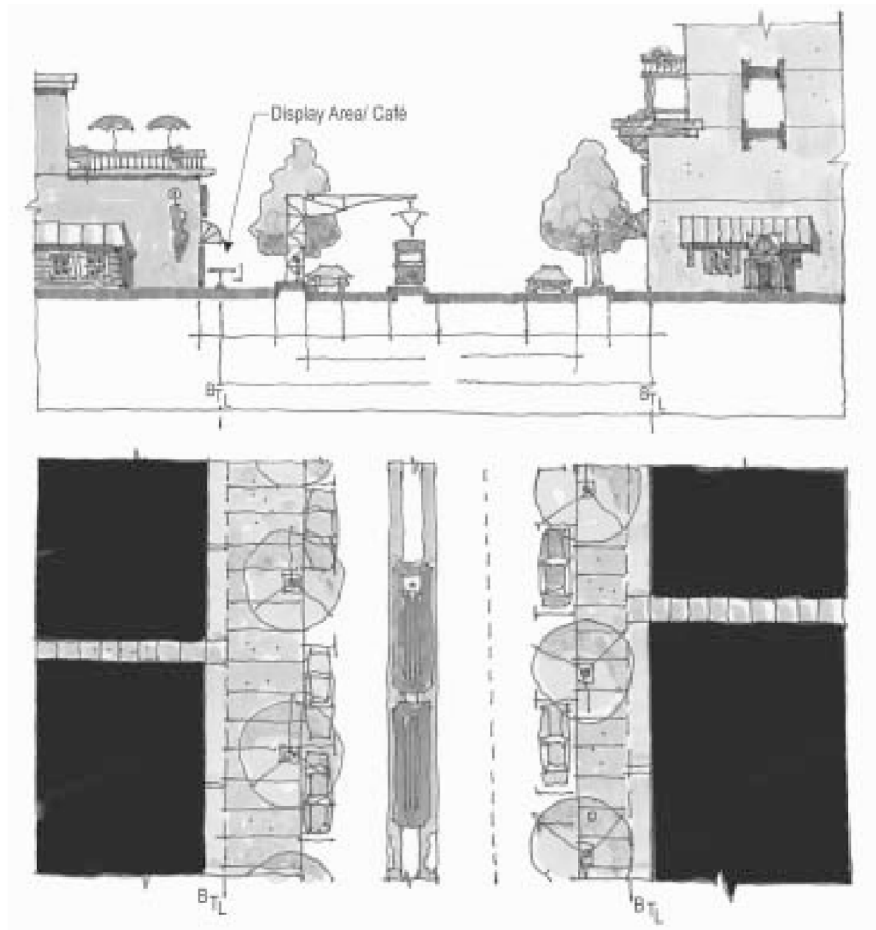
- f. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings. Alleys are required. On type "B" streets, at least two-thirds of the off-street surface parking spaces for commercial and mixed-use buildings should be located behind the rear face of the building. The remaining one-third should be located on the side, not the front.

D. Connectivity, linkages and access.

- 1. Street design specifications. Street designs in the Collin-McKinney Parkway corridor shall be as follows:
  - a. Collin-McKinney Parkway, between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720:



Collin-McKinney Parkway I



#### Collin-McKinney Parkway IA

Design: An "A" Type Street acting as a commercial/mixed-use corridor providing for future transit facilities and parking.

Desirable land uses: Commercial, office, retail, vertical mixed use, civic, institutional.

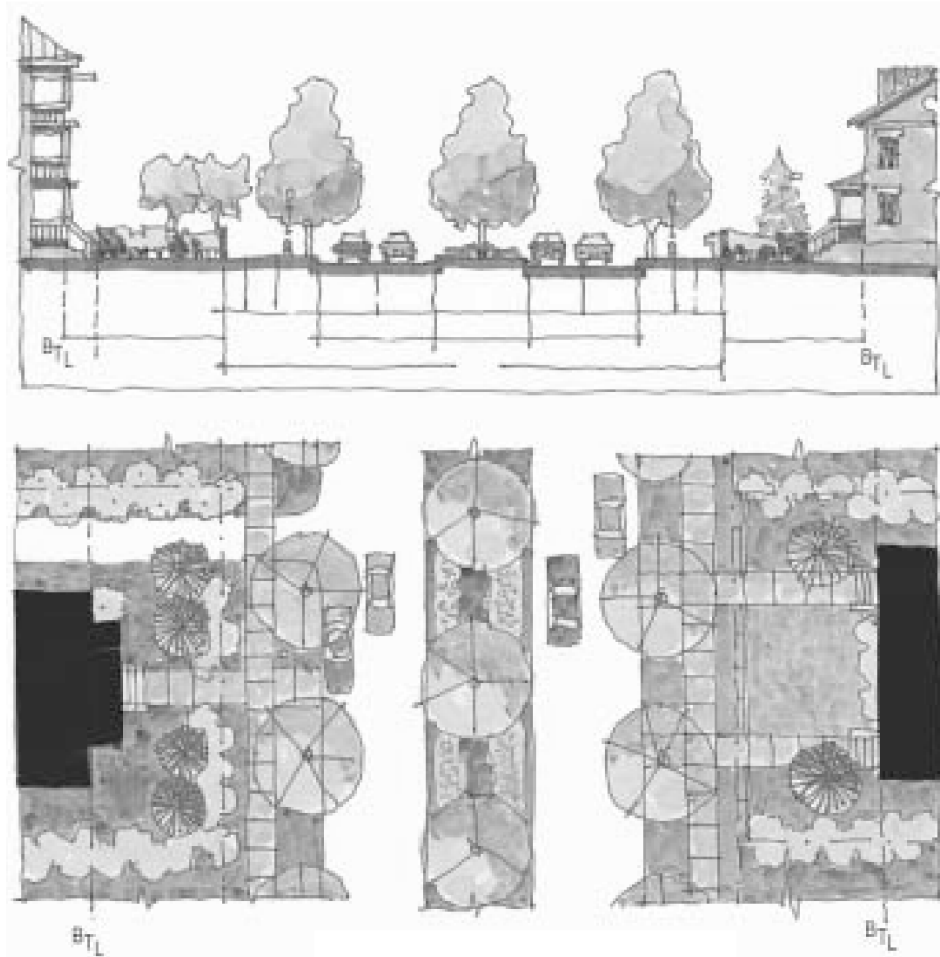
Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

Sidewalks: Sidewalks shall have a minimum width of ten feet with a minimum of eight feet without obstructions and shall be provided on all sides of Collin-McKinney Parkway within a development area.

- b. Collin-McKinney Parkway between Custer Road and Rowlett Creek, and between Lake Forest and Hardin Blvd.:





### Coin-McKinney Parkway II

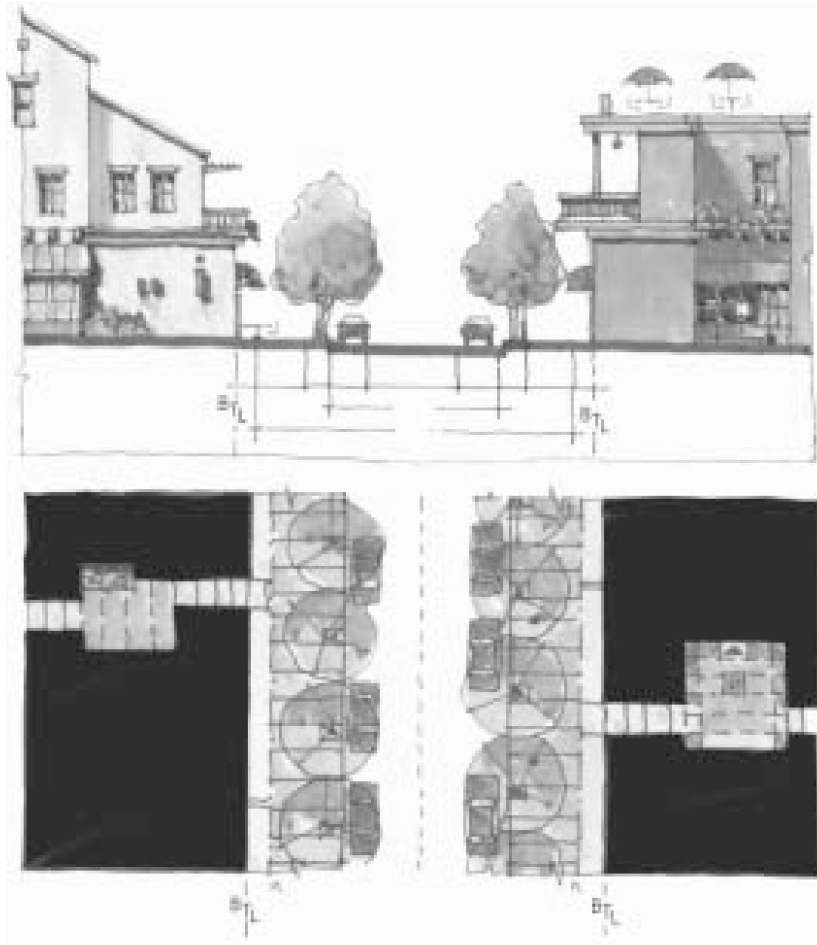
Design: Four-lane divided parkway with two one-way segments.

Desirable land uses: Open space, multi-use, high-density residential, manufacturing and light industrial.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

Setback line: Minimum 20 feet.

- c. Streets perpendicular to Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720:



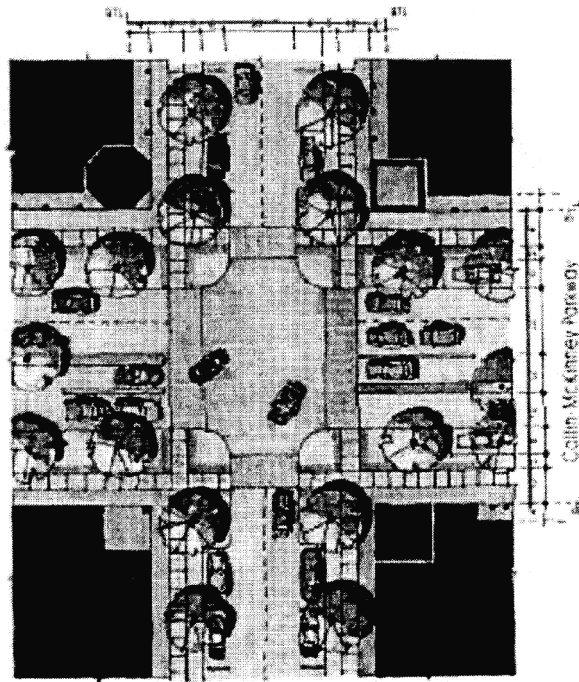
#### Streets Perpendicular to Collin-McKinney Parkway

**Design:** Two-way type "A" streets (as defined herein in the definitions section and neighborhood zone section) shall be constructed for two blocks north and south of Collin-McKinney Parkway.

**Desirable land uses:** Commercial, office, retail, vertical mixed use, multifamily, town/row houses.

**Story height:** Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

**Build-to line:** For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.



Pedestrian Bump-Out Diagram

- d. All other streets within the Collin-McKinney Parkway Corridor except arterials:



Others Streets Diagram

Design: Two-way with on-street parking.

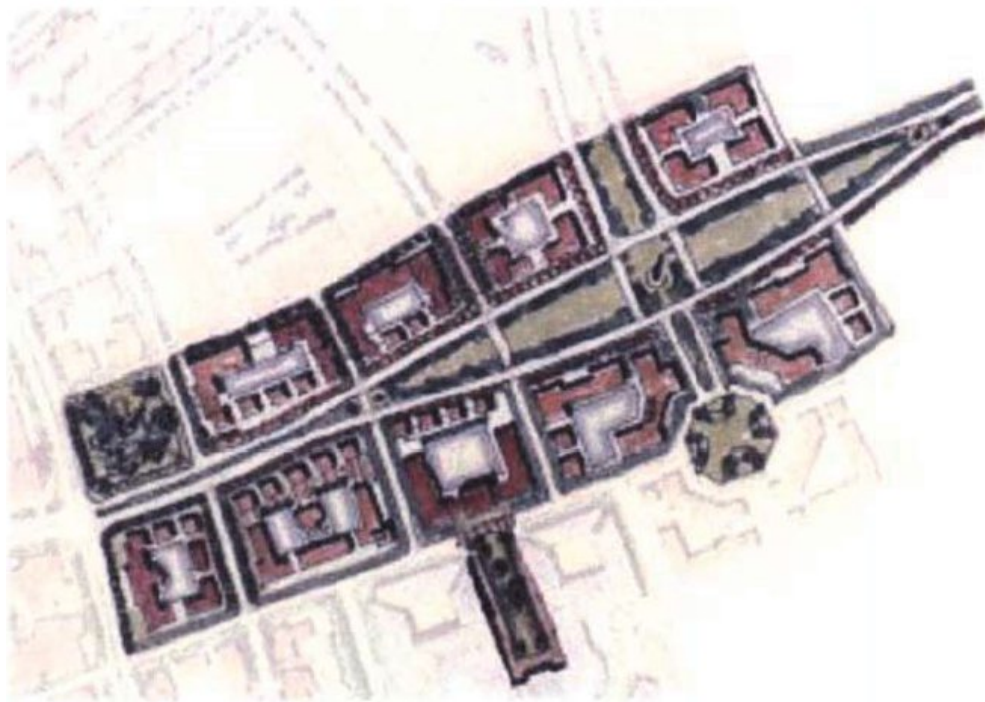
Desirable land uses: High density residential, multi-use, commercial, civic and retail.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

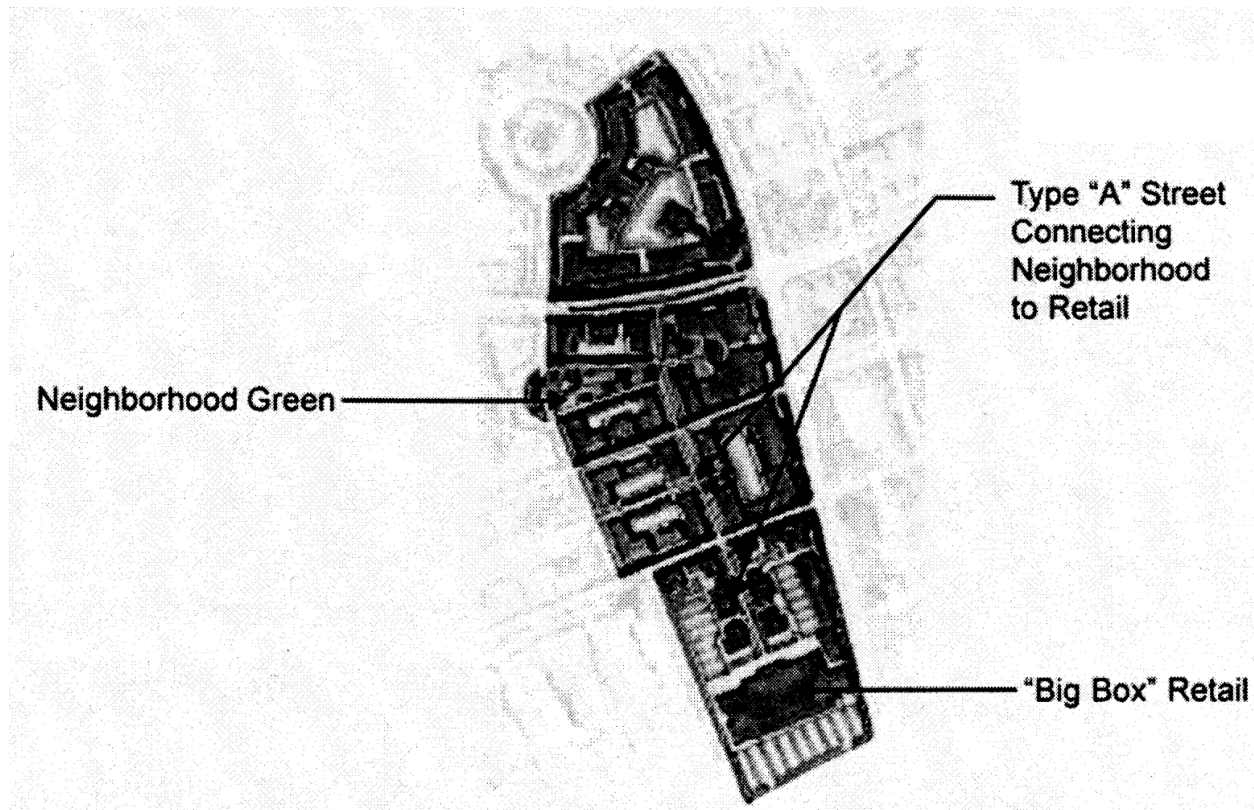
Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

2. Additional street design.

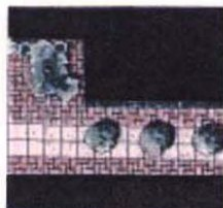
- a. Blocks intersecting Collin-McKinney Parkway in developed areas should not be more than 300 feet in length. Alleys, pedestrian ways or arcades can be substituted for public streets in order to meet the block length maximum standard as long as the alley, pedestrian way or arcade connects completely through the block.



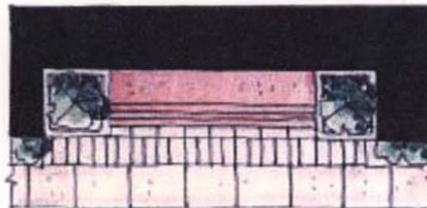
- b. Major local and local streets shall cross at periodic intersections providing direct Collin-McKinney Parkway connections between the commercial/employment districts to the south and the neighborhoods to the north. These streets shall provide access for pedestrians and bicyclists.
- c. Streets intersecting with Collin-McKinney Parkway and connecting with neighborhoods should connect with the commercial main streets or community greens in the neighborhoods.
- d. Streets parallel to Collin-McKinney Parkway should serve as service or side access streets with limited commercial uses fronting on these parallel streets.



- e. All streets should include, between the roadbed and the sidewalk, a planting strip with shade trees such that at maturity the trees will provide a continuous canopy along the sidewalk.
  - f. An improved surface for walking and bicycling along the entire length of the Collin-McKinney Parkway shall be provided continuously from Custer Road to F.M. 720 in accordance with the city's master parks and trail plan, and acceptable to the director of parks and recreation.
- E. Parks, plazas and civic open space.
- 1. Public open space amenities shall be associated with every building, as follows: One square foot of public open space per 50 square feet of floor area for the first 20,000 square feet of floor area; and one square foot of public open space per 100 square feet of floor area for every one square foot thereafter, or as approved by the director of planning.
  - 2. The four types of public open space are as follows:
    - a. Pedestrian way.



Pedestrian Way

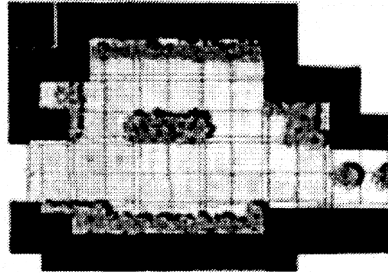


Forecourt

A street-level exterior public pedestrian way through the middle of the block, at least ten feet wide, providing a connection to a public courtyard or a street parallel to the parkway. The pedestrian way should be located only where block size and scale of development are large

enough to allow internalized service and ensure adequate pedestrian flows without detracting from activity on adjacent streets. The design of the enclosing walls should provide adequate sunlight and sky view. Building edges should accommodate public uses, such as shops and restaurants that are accessible from the pedestrian way. Public seating should be integrated where possible.

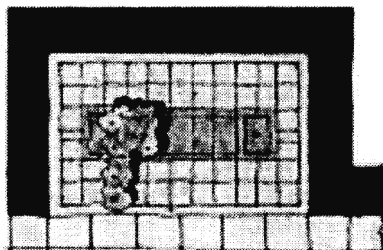
b. Courtyard.



Courtyard

A landscaped open space enclosure in the center of a block with minimal or no street frontage, which is large enough to allow for public activities and sunlight during midday. Although inwardly oriented, the courtyard should be considered part of a larger set of connected public spaces with access through an adjacent building or public places such as a pedestrian way, plaza or galleria. Primarily enclosed by buildings, the courtyard should have a high degree of visibility both at grade and above, to provide overlook and to encourage surveillance of the internal space. The location and design of entrances to the courtyard are critical in order to ensure that they are clearly identifiable and promote public use.

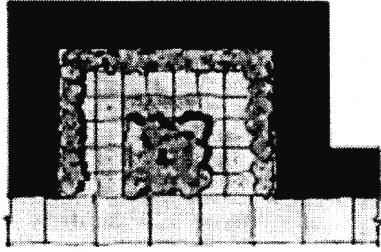
c. Urban garden.



Urban Garden

An intimate scale garden that should be located and oriented to receive maximum sunlight during midday. It should be enclosed by buildings on two or three sides and open to the street on one or two sides. Street edges should be screened with a combination of architectural and landscaped elements. Adjoining buildings should contain windows overlooking the garden, but the garden should not provide primary access to an individual building. The design should not create visual obstructions, dead end spaces or other security hazards. Each garden "room" should contain a high quality focal point such as a water feature or public art.

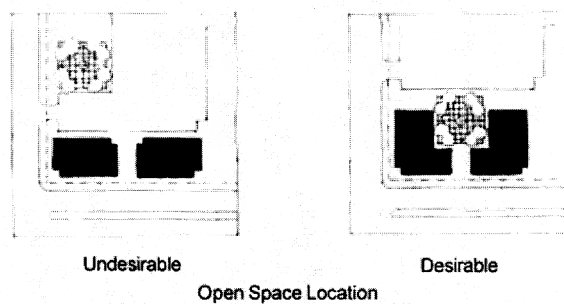
d. Plaza.



## Plaza

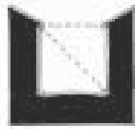
A predominantly hard-surfaced space that is a portion of a block with a minimum of one side open to the street, which is located to provide maximum sunlight during the day but generally not located at the corner of the block. Adjacent buildings primarily define the plaza. Building edges should contain continuous public uses at grade to animate and support the open space. Large plazas should provide substantially continuous weather protection by the utilization of canopies or arcades at their edges. Unlike intimate scale urban gardens, a plaza may contain a primary entrance to an adjacent building. The floor of the plaza should be at the same grade as the sidewalk serving the adjacent street for easy access, with no more than 50 percent of the square footage deviating no more than three feet above or below grade.

3. Alternatives: The director of planning shall have discretion to approve other open space amenities with attributes similar to those described above.



4. All outdoor public open spaces described above shall provide: (i) at least one shade tree or planter; and (ii) at least one linear foot of seating for each 75 square feet of open space. Ledges and benches that provide seating on both sides and are at least 30 inches deep will count double. Level and flat planter rims that are not higher than two feet and are at least eight inches deep also count as seating as long as protruding vegetation does not obstruct them. Movable chairs are counted as 30 inches of linear seating per chair and may be stored after hours of operation. Corners and the space of steps that are wider than 15 feet may count as seating. Prior to the issuance of a certificate of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the side of an outdoor open space, identifying the open space furniture, stating the right of the public to use the space and the hours of use, and stating the name and address of the owner or owner's agent responsible for maintenance including the city if the open space is to be maintained by the city.
5. Cross-sectional proportions of squares and plazas should have a ratio between space width and adjacent building heights of 1:1 to 1:3. This ratio should never be greater than 1:6.

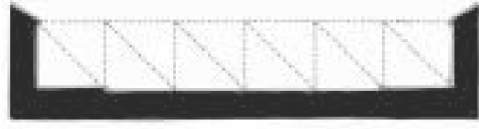




1:1 Best for Streets



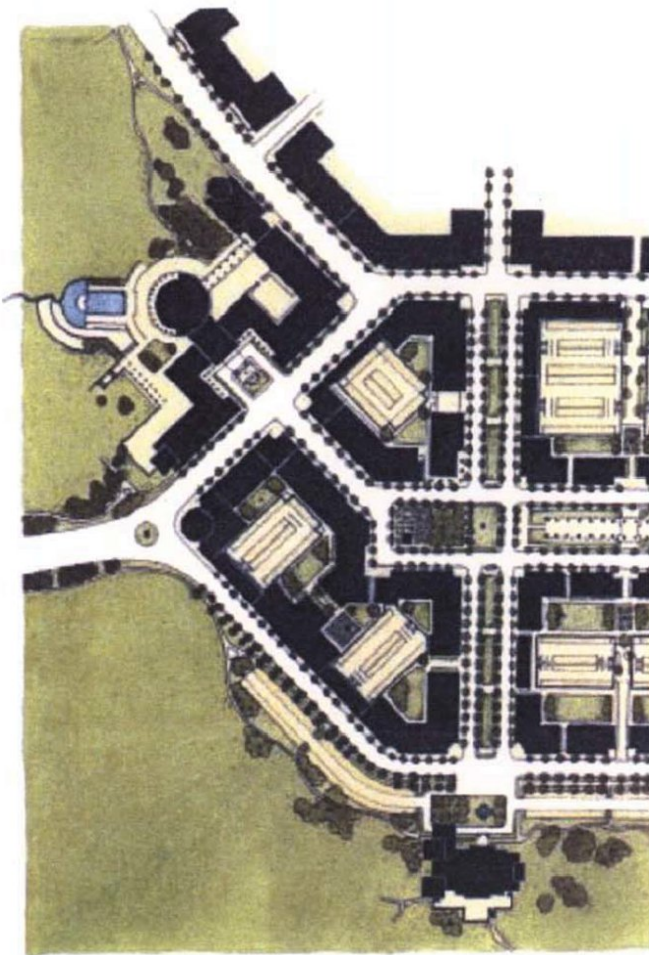
1:3 Best for Squares



1:6 The Perceivable Maximum

#### Recommended Enclosure for Public Spaces

#### F. Parking.



Location of Parking Inside Blocks at Collin-McKinney Parkway Adopted from DPZ Craig Ranch Charrette McKinney, Texas

1. On-street parking shall be provided on every street where feasible. On-street parking for nonresidential uses within 200 feet of the building shall count toward 50 percent of the required onsite parking requirement under section 146-130
2. Parking lots larger than 40 spaces should be segregated into multiple, interconnected and landscaped lots. Surface parking lots with more than one hundred spaces are strongly discouraged.



3. All surface onsite parking should be located behind the rear building face of the buildings along Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720; and only behind the buildings along streets perpendicular to Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720 for two blocks north and south of Collin-McKinney Parkway. For all other locations, parking should be located behind the rear face or side of buildings. If surface parking is provided on the side of the building, the parking frontage to the street should not exceed 50 percent of the linear frontage of the building it serves, and the frontage should be screened by a wall or landscaping that is aligned with the build-to line of the street.
4. If adjacent uses complement one another in terms of the days and time of uses, the director of planning shall have the discretion to count shared parking towards off-street parking requirements, as provided for in the section 146-130(3) and section 146-130(5) of the city zoning ordinance (parking requirements).
5. Structured parking facilities shall be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure. The remainder of the street-level frontage on Collin-McKinney Parkway shall be designed for retail, commercial or civic uses, other than parking. On other streets within the corridor, the street-level frontage shall either be designed for retail, commercial or civic uses, other than parking or designed with an architecturally articulated facade to screen the parking areas of the structure.
6. Facilities designed to park and lock bicycles shall be provided for each building with commercial uses greater than 5,000 square feet.

#### VI. Commercial/employment zone.

Intent/purpose: Commercial/employment districts are located principally along SH 121 and in some locations along Custer Road. The intended uses in these districts are large employers involved in commercial/light industrial activity that are dependent upon SH 121 and are not easily incorporated into the fabric of a town center or neighborhood. Buildings of all sizes, large and small, are allowed in Commercial/Employment Districts, as are the associated parking lots, loading and shipping facilities of light industrial activity. Minimum standards are provided below in order to ensure basic compatibility with the neighborhoods and the Parkway Corridor to the north. Residential uses are permitted above nonresidential uses to promote the mixed-use strategy for the REC.

##### A. Site design.

1. "Big box" retail and shopping center guidelines:
  - a. Developments shall create a continuous public edge and streetscape on all frontages by using a combination of the following:
    - i. Building face;
    - ii. Low wall, canopy structure or attractive fence;
    - iii. Articulated screening wall around service/loading areas to screen trucking activities from pedestrian areas;
    - iv. Street furniture; and
    - v. Landscaping; as well as incorporation of signage into any of the above.
  - b. Buildings shall be designed to face the street. All entrances and exits shall have a continuous pedestrian walkway that is connected to a public sidewalk.
  - c. Additional requirements:
    - i. Pedestrians should have accessibility between the public streets and the building without having to walk through a surface parking lot, unless the parking lot is transected with a covered walkway of at least 15 feet wide that connects the building to the street.

- ii. Pedestrian walkways should be protected from vehicular intrusions with landscaping, curbs, bollards or other elements integrated into the overall streetscape design.
  - iii. At least 35 percent of the facade on the ground level floor facing the primary street shall provide windows and doors that allow for visibility into the commercial building or store.
  - iv. Blank facades shall not be exposed to the public streets. Buildings with long facades (greater than 40 feet) should be massed and articulated by design elements including texture, canopies, fenestrations, and the vertical expression of structural bays so that the scale of the building does not overwhelm streetscapes.
  - v. Buildings shall incorporate traditional horizontal elements such as building bases, sills, cornices and rooflines to add interest, reduce the massive scale of the building and complement the character of adjacent buildings.
  - vi. Rooftop and ground floor mechanical equipment shall be screened from public view from right-of-way and adjacent buildings.
  - vii. Screening through landscaping or appropriate fencing is required for all storage, service portals, garbage areas, and service driveways that are adjacent to other properties.
  - viii. A variety of materials and exterior treatments are encouraged.
- d. Vehicular and pedestrian access to adjacent current and future uses should be incorporated in the initial site planning stages. Driving aisles and vehicular access routes should be designed as extensions of the public realm, with connections to adjacent roads, sidewalks connecting to public sidewalks, curbs, street furniture and protective landscaping.
- e. Access points shall be consolidated, organized and clearly marked to minimize pedestrian, bicycle and auto conflicts.
- f. Parking lots.
  - i. Parking lots should be laid out to continue the street/block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the urban design of the surrounding development.
  - ii. Large surface parking lots shall be screened and broken up visually through landscaping and other elements within the parking area, such as a grid of trees on islands in the parking lot or segmenting the lot with landscaped areas, as well as utilizing defined walkways.
  - iii. Direct, defined and protected pedestrian routes should be provided through parking lots.
  - iv. Landscaped islands should be placed at the ends of each of double row parking bays.
  - v. Lots shall be designed to screen parked cars from the public sidewalk with low, dense planting; a low wall; trees; retaining walls to lower the grade of the lot; or a combination of the above.
- g. Convenient bicycle parking should be provided for employees and customers adjacent to the front doors of the building where possible.
- 2. Large buildings should be articulated (broken into smaller components; avoiding facade flatness; with projections or indentations; with clearly marked and well designed entries; with differentiation between bottom floor, top floor, and the floors in between; and with a variety of roof designs).

3. The scale, massing, articulation, orientation, and architectural features of structures to be located adjacent to State Highway 121 should provide a transition between State Highway 121 and the developments to the north.
- B. Area and bulk regulations. Development within the commercial/employment center zone is generally allowed to be conventional in design. As such, development of property in the commercial/employment center zone shall conform to the special regulations section of the city zoning Ordinance 1270, as amended, in addition to the REC overlay standards herein applicable to property in the commercial/employment center zone. When Ordinance 1270 is applicable, the following additional standards shall also apply: Lot widths shall be a minimum of 50 feet; lot coverage shall be a maximum of 70 percent except that the lot coverage may be increased as part of site plan approval if structured parking is provided; and building setback lines shall be at least 20 feet along SH 121 and Custer Road. In case of any conflict, the REC overlay standards herein shall control over the standards in Ordinance 1270. Ordinance 1270 shall not be applicable in any respect if the property in the commercial/employment center zone is adjacent to or across the street from property within the Collin-McKinney Parkway corridor zone or the neighborhood zone; in which case, development of the property in the commercial/employment center zone shall conform to the area and bulk regulations and all other REC overlay standards of the respective Collin-McKinney Parkway corridor zone or the neighborhood zone.
- C. Connectivity, linkages and access.
1. Districts shall utilize a simple and functional street layout that provides multiple options for moving between destinations and connecting to adjacent developments.
  2. The street and block designs therefore should continue the pattern utilized in the parkway corridor and the neighborhoods so that as the market changes over time, the districts can accommodate increased mixed-uses and achieve higher use land values.
  3. Streets should be interconnected throughout the district. The street layout, public spaces, and buildings in the district should be designed so as to create a coherent focus at a public place.
  4. For buildings containing retail or consumer services uses, covered walkways should be utilized to link sidewalks/bus stops with buildings if the buildings are not placed on the set-to line.
  5. Pedestrian crosswalks shall be provided at all intersections.
  6. On-street parking shall be provided on every street where feasible.
- D. Public spaces.
1. Districts shall provide defined public places and activity centers. This can be accomplished by the utilization of greens, plazas and streets fronted by closely adjacent buildings to provide interest at the pedestrian level.
  2. Proportions of squares and plazas should have a ratio between space width and adjacent building heights of 1:1 to 1:3. This ratio should not exceed 1:6.

#### VII. REC base zoning districts.

The base zoning districts set forth the purpose of each specific district. Permitted uses within each REC base zoning district are set forth in the REC schedule of uses.

The REC overlay design standards and guidelines address site design, area and bulk regulations, lot and building types, connectivity, open space, land use mix and allocation, and compatibility through urban design.

The director of planning shall make a determination if a use not referenced in the REC schedule of uses can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the city council upon recommendation by the planning and zoning commission at a regularly scheduled meeting. It is the intent of this provision to group compatible land uses into specific base zoning districts, either as

permitted uses or as uses authorized by a specific use permit. Compatibility of uses within a particular base district is also facilitated by the urban design standards and guidelines provided in the REC overlay. Uses not listed as a permitted or specific use permit shall be presumed to be prohibited from the applicable base zoning district. In the event that a particular use is not listed in the REC schedule of uses for a given base district, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the director of planning shall determine whether a materially similar use exists in REC schedule of uses for a given base district. Should the director of planning determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the director's decision shall be recorded in writing. Should the director of planning determine that a materially similar use does not exist, the matter shall be processed in accordance with section 146-43.

A. REC residential district.

1. Purpose. This district provides for a mix of residential types, which are supported by neighborhood centers, pedestrian-scale urban design, internal open space, convenient access to adjacent neighborhoods and the town center developments within the Collin-McKinney Parkway corridor. The neighborhood centers, which are required for a neighborhood development (as defined in the REC overlay), shall be zoned separately as an REC neighborhood center district.
2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.

B. REC multi-use and high-density residential district.

1. Purpose. This district provides for a wide mix of uses, integrating residences, shops, retail, restaurants, entertainment, services, offices, civic locations, the arts, and hospitality facilities. This district anchors REC neighborhoods to the north while also supporting destination activity within the Collin-McKinney Parkway corridor zone. This district also supports uses in the commercial and employment center zone along SH 121 and Custer Road.
2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.

C. REC office district.

1. Purpose. This district provides for office buildings with attendant retail and services uses intended primarily to serve occupants of such buildings and complexes.
2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.

D. REC neighborhood center district.

1. Purpose. This district acts principally as a neighborhood center, providing for community gathering places, shops, services, individual workplaces and mixed-use residential. More than one neighborhood center district is permitted within a neighborhood.
2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.

E. REC retail district.

1. Purpose. This district provides for a wide range of retail and service establishments. This district shall be located on an arterial roadway or highway.
  2. Permitted uses.
    - a. If this district is located adjacent to or surrounded by an REC multi-use and high-density residential district, only those retail uses permitted in the multi-use and high-density residential district shall be permitted.
    - b. For all other locations, see REC schedule of uses and applicable REC overlay zone category.
  3. Specific use permits. See REC schedule of uses.
  4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.
- F. REC commercial district.
1. Purpose. This district provides principally for auto-dependent uses in areas not easily accessible to pedestrians. This district serves not only the REC community but also city-wide and region-wide populations including commuters along SH 121.
  2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
  3. Specific use permits. See REC schedule of uses.
  4. Permitted building/lot types and bulk/area standards.
    - a. See applicable REC overlay zone category.
    - b. Buildings in a commercial district fronting streets within or adjacent to the Collin-McKinney Parkway corridor zone shall provide a compatible transition as prescribed in the REC overlay.
- G. REC employment center district.
1. Purpose. Principally for workplace and commerce uses, this district provides for large business or light/clean industrial complexes that, because of scale or the nature of the use, cannot be integrated into a town center or neighborhood. Although smaller scale buildings such as those permitted in the neighborhoods and Collin-McKinney Parkway corridor zones are permitted in the REC employment center district, the employment center district is reserved for those uses such as distribution operations, campus commercial and large retail stores that necessitate immense buildings, expansive parking lots, and substantial loading docks.
  2. Permitted uses. See REC schedule of uses and applicable REC Overlay Zone category.
  3. Specific use permits. See REC schedule of uses.
  4. Permitted building/lot types and bulk/area standards.
    - a. See applicable REC overlay geographic category.
    - b. Building sites located in the commercial/employment zone adjacent to or fronting streets across from properties within the Collin-McKinney Parkway corridor zone or the neighborhood zone shall facilitate a compatible transition by relating to the adjacent properties or streets as prescribed in the standards for the Collin-McKinney Parkway corridor zone or the neighborhood zone.
- H. REC government/civic district.
1. Purpose. This district provides for the creation of a high quality environment for central governmental, civic and community facilities and to contribute to the efficiency of governmental and civic services provided to the citizens of the area.
  2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.

3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards.
  - a. See applicable REC overlay zone category.
  - b. If the structure is a church, the space limits established in section 146-129(1)(c) shall apply.

I. REC schedule of uses.

	Not Permitted
P	Permitted
S	Specific use permit required
T	Temporary use permit required

District:	Residential	Multi-Use & High-Density Residential Center	Office	Neighborhood Center	Retail	Commercial	Employment Center	Govt/ Civic
Type Use:								
Residential Uses								
Bed and breakfast (subject to Ch. 138, Art. IV)	S	P	S	S	P			
Boardinghouse or rooming house (See definition in section 146-46)	P	P	P	S	S			
Dormitories	P	P	P	P	P	P	P	P
Multiple family dwelling (apartment), more than four units per building (See	P	P		S				

definition in section 146-46)								
Two-, three- and four-family dwelling (See definition in section 146-46)	P							
Town/row house (four or more units)	P	P						
Single family detached large lot	P							
Single family detached standard lot	P							
Single family detached small lot	P							
Accessory dwelling	P							
Dwellings above nonresidential uses	P	P	P	P	P	P	P	
Live/work	P	P		P	P			
Educational and Institutional Uses								
Cemetery	P							P
Church or rectory, including church-operated day-care facilities and pre-schools (See definition in section 146-46)	P	P	P	P	P	P	P	P
Clinic (See definition in section 146-46)		P	P	P	P	P	P	P
College or university	P	P	P	P	P	P	P	P

Day-care for children (See definition in section 146-46)	P	P	P	P	P	P	P	P
Fairgrounds or rodeo								
Fraternal organization, lodge, civic club (See definition in section 146-46)		P	P	P		P	P	P
Halfway house	S	S						
Hospital (See definition in section 146-46)		P	P	P	P	P	P	P
Museum, library, art gallery (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Public building (shop or yard) (See definition in section 146-46)						P	P	P
Rest home or nursing home (See definition in section 146-46)	P	P		S			P	
School, businesses or trade (See definition in section 146-46)		P	P	P	P	P	P	P
School, public or denominational (See definition in section 146-46)	P	P		P				P
Accessory, Utility and Incidental Uses								



Accessory building or use (See definition in section 146-46)	P	P	P	P	P	P	P	P
Electrical generating plant						S	S	
Home occupation (See section 146-133) (See definition in section 146-46)	P	P	P	P	P			
Local utility line	P	P	P	P	P	P	P	P
Parking, incidental to main use	P	P	P	P	P	P	P	P
Public building (shop or yard) (See definition in section 146-46)						P	P	P
Grounds-keeper's quarters (See definition in section 146-46)	P							
Sewage treatment plant								S
Stable private								
Swimming pool, private (See definition in section 146-46)	P	P	P	P	P	P	P	P
Telephone exchange, no garage or shop	P	P	P	P	P	P	P	P
Utility business office		P	P		P	P	P	P
Utility distribution lines	P	P	P	P	P	P	P	P

Utility shop or yard						P	P	
Utility substation or regulating station	S	S	S	S	S	S	S	S
Water storage tank	P	P	P	P	P	P	P	P
Water treatment plant								
Recreational and Entertainment Uses								
Amusement commercial (indoor) (See definition in section 146-46)		P	P	S	P	P	P	P
Amusement commercial (outdoor)(See definition in section 146-46)					P	P		P
Carnival or circus (temporary)	T	T	T	T	T	T	T	T
Country club (See definition in section 146-46)	P	P	P	P	P	P	P	
Fairgrounds or rodeo								
Golf course (public)	P	P	P	P	P	P	P	P
Golf course, Par-three (commercial)	S	S	S	S	S	P	P	P
Park or playground (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Playfield or stadium	S	P	P	P	P	P	P	P

(public) (See definition in section 146-46)								
Private club (subject to Ch. 138, Art. II) (See definition in section 146-46)		S	S	S	S	S	S	
Recreation area (private) (See definition in section 146-46)	S	P	P	P	P	P	P	
Recreation center (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Sexually oriented business (subject to Ch. 138, Art. V)						S		
Stable, commercial (See definition in section 146-46)								
Stable, private								
Swim or tennis club (See definition in section 146-46)	S	P	P	S	P	P	P	
Swimming pool (public)	P	P	P	P	P	P	P	P
Swimming pool (private) (See definition in section 146-46)	P	P	P	P	P	P	P	
Theater (indoor)		P	P	S	P	P	P	

Theater (outdoor)	T	T	T	T	S	T	T	T
Transportation Related Uses								
Airport or landing field								
Automobile sales or repair						S		
Boat sales or repair						S		
Boat storage						P		
Bus station (private)		P	P	S	P	P	P	
Heliport or helistop		S	S	S	S	S	S	S
Motor freight terminal						P	P	
Parking incidental to main use	P	P	P	P	P	P	P	P
Parking lot (commercial)		S	P	S	S	P	P	P
Parking lot (truck) (See definition in section 146-46)							S	
Railroad freight station						P	P	
Railroad team truck								
Railroad track or right-of-way	P	P	P	P	P	P	P	P
Trailer, light truck, tool rental					P	P		

Truck sales or repair						S		
Truck storage						P		
Transit station (public)	P	P	P	P	P	P	P	P
Automobile and Related Uses								
Auto display and sales						S		
Auto display and sales (indoor showroom only)		P	P		P	S	S	
Auto laundry (subject to limitations specified by section 146-42(12))					P	P		
Auto painting or body shop						P		
Auto parts sales (indoor)					P	P		
Garage, auto repair (See definition in section 146-46)						P		
Garage, parking (private)	S	P	P	P	P	P	P	P
Garage, parking (commercial)		P	P	P	P	P	P	P
Junk or salvage yard (See definition in section 146-46)								
Motorcycle sales and service						S		

Parking, incidental to main use	P	P	P	P	P	P	P	P
Parking lot (commercial)		P	P	S	P	P	P	P
Service station or motor vehicle fuel sales (subject to section 146-79(102)) (See definition in section 146-46)		S	S	S	P	P	P	
Tires batteries and accessories (113)					P	P		
Tire recapping								
Retail and Service Uses								
Antique shop (See definition in section 146-46)		P	P	P	P	P	P	
Apparel and accessory stores		P	P	P	P	P	P	
Art supplies		P	P	P	P	P	P	
Auto display and sales						S		
Auto display and sales (indoor showroom only)		P	P		S	S	S	
Bait shop						P		
Bakery or confectionery (retail)		P	P	P	P	P	P	
Barber or beauty shops		P	P	P	P	P	P	

Bed and breakfast (subject to Ch. 138, Art. IV)	S	P	S	S	P			
Book or card shop		P	P	P	P	P	P	
Cleaning (small shop and pickup) (See definition in section 146-46)		P	P	P	P	P	P	
Clinic (See definition in section 146-46)		P	P	S	P	P	P	P
Corner store (less than 2,000 square feet gross fl. area)	P	P	P	P	P	P	P	
Day-care for children (See definition in section 146-46)— Primary use	P	P	P	P	P	P	S	P
Day-care for children—Secondary use	P	P	P	P	P	P	P	P
Department or discount store		P	P	P	P	P	P	
Drug-store or pharmacy		P	P	P	P	P	P	
Fabrics or needlework shop		P	P	P	P	P	P	
Florist or garden shop		P	P	P	P	P	P	
Food stores, groceries		P	P	P	P	P	P	
Frozen food lockers		S				P	P	
Furniture sales		P	P	P	P	P	P	

Greenhouse or plant nursery		S		S	P	P	P	
Hardware store		P		P	P	P	P	
Hobby or handcraft shop		P	P	P	P	P	P	
Household appliance sales (See definition in section 146-46)		P	P	P	P	P	P	
Key shop		P	P	P	P	P	P	
Mimeograph or letter shop		P	P	P	P	P	P	
Office supplies		P	P	P	P	P	P	
Paint and related sales		P	P		P	P		
Pawnshops						P		
Personal service (See definition in section 146-46)		P	P	P	P	P	P	
Pet stores (no outside runs)		P	P	P	P	P	P	
Restaurant or cafeteria (indoor service) (See definition in section 146-46)		P	P	P	P	P	P	
Restaurant or cafeteria (including drive-through window) (See definition in section 146-46)			S		P	P	S	



Restaurant or cafeteria (drive-in service) (See definition in section 146-46)					P	P		
Retail store (indoor)		P	P	P	P	P	P	
Service station or motor vehicle fuel sales (subject to section 146-79; see also section 146-42)(See definition in section 146-46)		S	S	S	P	P	S	
Studios, photo, music, art, health, etc.		P	P	P	P	P	P	
Tattoo parlor						P		
Travel agent		P	P	P	P	P	P	
Commercial Type Uses								
Amusement, commercial (indoor) (See definition in section 146-46)		P	P	S	P	P	P	P
Amusement commercial (outdoor) (See definition in section 146-46)					P	P		P
Auto laundry (subject to limitations specified by section 146-42)					P	P		
Bakeries (wholesale)		S			S	P	P	
Banks and financial institutions, no drive-		P	P	P	P	P	P	

up windows								
Banks and financial institutions, including drive-up windows		P	P	S	P	P	P	
Building materials sales					P	P		
Carnival or circus (temporary)					T	T	T	T
Carpentry, painting shop						P		
Cleaning plant, laundry					P	P		
Construction buildings (temporary)	T	T	T	T	T	T	T	T
Creamery, dairy products						P	P	
Department or discount stores		P	P		P	P	P	
Exterminator						P		
Farm implement sales and service						P		
Field office (temporary) (See definition in section 146-46)	T	T	T	T	T	T	T	T
Funeral homes and mortuaries		P			P	P		
Garage, auto repair (See definition in section 146-46)					P	P		

Golf course, Par-three (commercial)	S	S	S	S	S	P	P	P
Hotel or motel (See definition in section 146-46)		P	P	S	P	P	P	
Laboratories, medical, dental, science		P	P	S	P	P	P	
Miniwarehouses			S			S		
Mobile home display and sales								
Monument sales						P		
Motor freight terminal						P	P	
Office building		P	P	P	P	P	P	P
Offices, showrooms, buildings		P	P		P	P	P	P
Office use		P	P	P	P	P	P	P
Pet store or kennel (outside runs)						P		
Plumbing shop		P			P	P		
Printing plant or newspaper						P	P	
Private club (subject to Ch. 138, Art. II) (See definition in section 146-46)		S	S	S	S	S	S	
Radio or TV broadcast studio		P	P		P	P	P	

Real estate sales office (temporary)	T	T	T	T	T	T	T	T
Rest home or nursing home (see definition in section 146-46)	S	P	P	S	P	P		
School, business or trade (see definition in section 146-46)		P	P	S	P	P	P	P
Sign shop						P		
Stable, commercial (see definition in section 146-46)								
Swim or tennis club (see definition in section 146-46)	S	P	P	S	P	P	P	
Theater (indoor)		P	P	S	P	P	P	
Theater (outdoor)					S	P		
Tires, batteries and accessories (see definition in section 146-46)					P	P		
Trailer, light truck, tool rental					P	P		
Upholstery shop		P	P	P	P	P	P	
Veterinarian (no outside runs)		P		P	P	P		
Veterinarian (with outside runs)						S		
Warehousing						P	P	

Wholesale establishments						P	P	
Industrial and Manufacturing Uses								
Acid manufacture								
Apparel and related manufacture						P	P	
Cement, lime, gypsum, plaster								
Chemicals and allied products								
Concrete or asphalt batch plant								
Contractor's yard								
Drugs and pharmaceutical manufacture						S	S	
Dirt or topsoil extraction								
Electrical generating plant								
Electronic products manufacture		P	P		P	P	P	
Fat rendering, animal reduction								
Fertilizer manufacture								
Food processing								
Forge plant								

Gas, butane, propane storage						S		
Heavy machinery sales and storage						P		
High-technology manufacturing and fabrication		S	S		S	P	P	
Industrial and manufacturing plants								
Junk or salvage yard (See definition in section 146-46)								
Laboratories, medical, dental, science		P	P	S	P	P	P	
Machine shop or welding						P		
Metal fabrication						P	P	
Motor freight terminal						P	S	
Open storage (See definition in section 146-46)								
Paper or pulp manufacture								
Parking lot (truck) (See definition in section 146-46)							S	
Petroleum products refining or storage								
Plastic products							S	

manufacture								
Printing plant or newspaper						S	S	
Sand or gravel mining or storage								
Sanitary landfill								
Smelting of ores or metals								
Soft drink bottling plant								
Stockyards or slaughterhouse								
Utility shop or yard						P	P	
Utility substation or regulating station	P	P	P	P	P	P	P	P
Warehousing						P	P	
Welding shop						P		
Agricultural and Related Uses								
Agricultural and ranching uses		P	P	P	P	P	P	P
Feed lots								
Farms, nurseries, truck gardens (See definition in section 146-46)					P	P		
Forestry and mining uses								

Hatchery, poultry, egg farm								
Kennel, animal boarding (outside runs)						S		
Livestock auction (See definition in section 146-46)								
Stable, commercial (See definition in section 146-46)								
Stable, private								

(Ord. No. 2002-08-084, § 1.73, 8-20-2002; Ord. No. 2003-03-021, § 1, 3-4-2003; Ord. No. 2014-05-034, § 1, 5-20-2014; Ord. No. 2018-04-027, §§ 4—7, 4-3-2018; Ord. No. 2018-10-071, § 1, 10-2-2018; Ord. No. [2018-11-075](#), § 1(Exh. A), 11-6-2018)



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

- (a) Purpose. This section is intended to establish regulations for the allowance and alteration of uses, lots, and/or structures which do not conform to currently applicable regulations, but which have been in continuous use and were in conformance with the regulations in place at the time of their inception and have been rendered nonconforming due to a change in the applicable regulations.
- (b) Nonconforming status. A nonconforming status shall exist under the following provisions of this chapter:
  - (1) When a use, lot, or structure, which does not conform to the current regulations of this chapter, was in existence and lawfully operating prior to April 29, 1968, and has been operating since without discontinuance.
  - (2) When a use, lot, or structure does not conform to the current regulations of this chapter, but was legally established at a prior date when the use, lot, or structure was in conformance with applicable regulations and such use, lot, or structure has been in continuous use or operation since its establishment.
  - (3) When a use, lot, or structure, which does not conform to the current regulations of this chapter, was legally established prior to and in existence at the time of annexation to the city, and has been operating since without discontinuance.
- (c) Burden to establish legal nonconformity. The burden of demonstrating that any use, lot, or structure is a legal nonconformity as defined by this section shall belong to the owner(s) or the proponent of such purported nonconformity.
- (d) Continuing lawful use of property and structures. Any nonconforming use, lot, or structure may be continued for definite periods of time as indicated herein-below subject to the board of adjustment's power of amortization:
  - (1) Uses.
    - a. Nonconforming uses may continue to operate indefinitely unless the use ceases to operate for a period longer than 12 months. If a nonconforming use ceases to operate for a period longer than 12 months, the nonconforming use shall be deemed permanently abandoned. The nonconforming use shall not thereafter be renewed or instituted on that property or another property in any district which does not permit the abandoned use, unless otherwise approved by the board of adjustment. For the purposes of this paragraph, the phrase "ceases to operate" shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure and which is moved from the property shall be deemed permanently abandoned.
    - b. A nonconforming use may not be replaced by or changed to another nonconforming use.
    - c. The board of adjustment shall have the authority to reinstate the nonconforming status of a use if the board finds there was clear intent not to abandon the use even though the use was discontinued for more than 12 months. The failure of the owner and/or operator to remove on-premise signs related to the nonconforming use shall not be sufficient, as the sole evidence presented by the applicant, to establish a clear intent or an exigent circumstance not to abandon the use.
  - (2) Structures.
    - a. Nonconforming structures may be occupied by conforming uses and may be repaired and maintained to preserve or extend their usability.
    - b. Structures conforming to all currently applicable regulations may be constructed on nonconforming lots provided that all setbacks and yard areas are observed.

- c. Nonconforming structures may be relocated within the same lot so long as no existing nonconformity is exacerbated.
- (3) Lots.
  - a. Any nonconforming lot may be replatted so long as the existing nonconformities of the lot are not exacerbated by the replat and the size of the nonconforming lot is not reduced.
  - b. Lots containing nonconforming structures may be replatted so long as the nonconformities of the structure are not exacerbated by the replat and the size of the nonconforming lot is not reduced.
- (4) Certain uses and lots in nonresidential zoning districts existing on May 7, 2019.
  - a. Subsection (d)(4) shall apply only to certain uses and lots in existence on May 7, 2019.
  - b. Single-family or two-family residential uses located in nonresidential districts may be improved, maintained, or rebuilt.
  - c. Single-family or two-family dwellings may be constructed on any vacant lot(s) located within a residential subdivision for which such vacant lot was originally-platted solely for single-family or two-family dwellings.
  - d. Any limitation on the construction or reconstruction of a single-family or two-family residential use pursuant to subsection (f) of this Section 146-40 shall not apply to single-family or two-family residential uses which meet the criteria in subsections (d)(4)a.—(d)(4)c. above.
- (e) Expansion of nonconforming uses or structures. A nonconforming use or structure shall not be expanded or increased, except as follows:
  - (1) A nonconforming use located within a building may be expanded throughout the existing building, provided:
    - a. No alterations to the building are required by ordinance to accommodate the expansion of the nonconforming use; and
    - b. The number of dwelling units in a building is not increased.
  - (2) The minimum single family residential lot width, depth, and/or area for the various zoning districts shall be in accordance with their respective district's standards, except that a lot having less width, depth, and/or area than herein required, and which lot was a lot of record prior to the adoption of the chapter, may be used for a single family residential use.
  - (3) In the MTC—McKinney Town Center zoning district, a nonconforming structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new nonconformity nor shall increase the degree of the existing nonconformity of all or any part of such structure. An alteration for a non-air-conditioned space (e.g. patio, porch, roof terrace, balcony, arcade) shall be allowed under any circumstance."
- (f) Destruction of structure by fire, the elements, or other cause. Subject to the provisions of subsection (d)(4) above, if a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this chapter. A restoration or reconstruction in violation of this subsection immediately terminates the right to occupy the nonconforming structure except as specifically provided otherwise herein-below.
  - (1) Partial destruction.
    - a. In the case of partial destruction of a nonconforming structure not exceeding 50 percent of its total appraised value as determined by the Collin Central Appraisal District, reconstruction will be permitted to restore the nonconforming structure to its previously existing condition.
    - b. The nonconforming structure may only be restored or reconstructed so as to have the same, but not greater, height, shape, and floor area that it had immediately prior to the damage or

destruction. In addition, a nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction. The chief building official shall estimate the height, shape, floor area, and when applicable the appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the chief building official, the property owner may appeal the determination of the chief building official to the board of adjustment, in accordance with this chapter.

(2) Total destruction.

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

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

- a. The nonconforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, and floor area that it had immediately prior to the damage or destruction if the damage to the structure(s) represents less than 50 percent of its appraised value, as determined by the Collin Central Appraisal District. In addition, a nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) represents less than 50 percent of its appraised value, as determined by the Collin Central Appraisal District.
- b. The nonconforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, and floor area that it had immediately prior to the damage or destruction if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, but the damage to the structure(s) represents less than 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District. In addition, a nonconforming structure that is located in a Historically Significant Area or which is a Significantly Important Building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, but the damage to the structure(s) represents less than 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District.
- c. The nonconforming structure(s) must be rebuilt to all currently applicable regulations if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Collin Central Appraisal District, and the damage to the structure(s) equals or exceeds 50 percent of the appraised value of the overall development, as determined by the Collin Central Appraisal District.
- d. The chief building official shall estimate the height, shape, and floor area and, when applicable, the appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the chief building official, the property owner may appeal the determination of the chief building official to the board of adjustment, in accordance with this chapter.

- (g) Completion of structures. Nothing contained herein shall require any change in the plans, construction, or designated use of a structure for which a building permit has been issued or a site plan approved prior to the effective date of this section, nor shall any structure for which a substantially complete application for a

building permit was accepted by the chief building official on or before the effective date of this section, provided that the building permit shall comply with all applicable regulations on the date that the application was filed and the building permit is issued within 30 days of the effective date of these regulations.

Sec. 146-41. - Specific use permits.

The city council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the planning and zoning commission that the use is in general conformance with the master plan of the city and containing such requirements and safeguards as are necessary to protect adjoining property, authorize the granting of a specific use permit for those uses indicated by "S" in the schedule of uses to this chapter, according to the following criteria:

- (1) An application for a specific use permit shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions. A specific use permit that will require the construction of a new structure shall be accompanied by said site plan. A site plan may not be required if a specific use permit is applied for that will locate in an existing structure, if the director of planning determines that the existing site adequately addresses the above elements and a site plan is not necessary to evaluate the specific use permit.
- (2) In recommending that a specific use permit for the premises under consideration be granted, the planning and zoning commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and whether the building is compatible for the use under consideration.
- (3) Every specific use permit granted under these provisions shall be considered as an amendment to the zoning chapter and shall remain applicable to the property so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the specific use permit is voluntarily vacated for a period in excess of 180 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same.
- (4) In granting a specific use permit, the city council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the chief building official for use of the building on such property pursuant to such specific use permit. Such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.
- (5) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawings and approved by the city council.
- (6) A building permit shall be applied for and secured within 12 months from the time of granting the specific use permit; provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private street development, which shall have no limit regarding the application and securing of a building permit. A specific use permit shall expire 12 months after its approval or extension date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed.

- (7) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.
- (8) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.
- (9) When the city council authorizes granting of a specific use permit, the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.
- (10) A specific use permit issued by the city shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, and subsection (5) of this section shall be applicable to the new owner or occupant of the property. However, a specific use permit issued for a private club shall not be considered a property right but a personal privilege of the permit holder in accordance with the Alcoholic Beverage Code, and thus shall not be transferable or assignable from one owner or owners of the permitted property to a new owner or occupant of the permitted property.
- (11) Special specific use permit regulations and considerations are as follows:
  - a. Car wash. In the BN neighborhood business district, a specific use permit may be approved to allow a car wash only in connection with an auto fuel sales facility. The car wash shall be limited to a fully automated facility, which will accommodate only one vehicle at a time. The location and orientation of the facility on the site and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate, in determining whether the permit should be approved.
  - b. Service station. In the BN neighborhood business district, motor vehicle fuel sales with facilities to fuel four vehicles at one time is allowed by right and motor vehicle fuel sales with facilities to fuel up to eight vehicles is allowed by right if the gas pumps are located within 350 feet of the intersection of two arterial roadways as shown on the thoroughfare plan. A specific use permit may be approved to allow additional facilities to fuel more than the number of vehicles allowed by right regardless of the location. Additionally, no major automotive repairs, body and fender work or automotive painting may be conducted. All uses and waste materials must be kept within a solid enclosure so that the contents are not visible from the street or other properties, and 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 does not contain a rotating, oscillating or revolving beam or beacon of light. They may be installed at the property line. They shall also conform to chapter 134. In determining whether a specific use permit should be approved to allow this use in a district where such permit would be required, the number of fueling stations, the range of automotive services to be provided and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate.
  - c. Private club. In the C planned center district, BG general business district, BC commercial business district, CHD commercial historic district, and PD planned development district, a private club may be approved to allow for social and dining facilities, as well as alcoholic beverage service. Private clubs shall meet the requirements listed under the definition of "private clubs" in section 146-46.
  - d. Bed and breakfast facilities. Bed and breakfast facilities may be approved in all districts specified in the schedule of uses. Bed and breakfast facilities shall develop according to the regulations set out in chapter 138, article IV, of this Code and made a part hereof.

- e. Private street subdivisions. Private street developments may be approved in all districts specified in the schedule of uses. Private street developments shall develop according to the regulations set out in chapter 142, article VII, and made a part hereof.
- f. Mini-warehouse uses. In the C planned center district and BG general business district, mini-warehouse facilities shall be allowed with the approval of a specific use permit. All proposed mini-warehouse developments in the C planned center district and BG general business district, shall satisfy the following development standards:
  - 1. No overhead bay doors or loading areas shall be visible from an adjacent use or public right-of-way;
  - 2. Buildings located within a Historically Significant Area shall be covered with 100 percent masonry materials (brick or stone);
  - 3. Proposed mini-warehouse buildings located directly adjacent to residential uses or zones shall be limited to a single story; and
  - 4. Proposed mini-warehouse buildings located directly adjacent to single family residential uses or zones shall feature a pitched roof (minimum 4:12 slope).

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

  - 1. The compatibility of the proposed use with the adjacent uses and other uses in the immediate area;
  - 2. The development's proposed location within the city; and
  - 3. Any other factors deemed appropriate.
- g. Other uses. Those uses indicated by "S" in the schedule of uses of this chapter shall require the approval of a specific use permit, and shall comply with the requirements of this chapter.

Sec. 146-46. - Definitions.

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

- (1) Accessory building or use means a building or use which:
  - a. Is subordinate to and serves a principal building or building use;
  - b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
  - c. Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;
  - d. Is located on the same building lot as the principal use served; and
  - e. Meets all building and fire codes.
- (2) Accessory dwelling means a self-contained dwelling unit created either by converting part of or adding on to an existing single family structure, whether attached or detached, or by building a separate apartment onto or along with a home on a single family lot. The use of the accessory dwelling is incidental to the main residence. Both the principal dwelling and the accessory dwelling must contain cooking, eating, sleeping, and sanitary facilities. The accessory dwelling must have a separate outside entrance.

- (3) Alley means a public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service. An alley is a right-of-way with an ultimate width of 20 feet or less.
- (4) Amusement, commercial (indoor), means an amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, an indoor recreational area, bowling alley 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) Assisted living facility, nursing home, or rest home means a private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury.
- (11) Awning means a roof-like cover that can be removed that projects from the wall of a building.
- (12) 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.
- (13) Bay means an opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.
- (14) Bay door means an oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.
- (15) 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.
- (16) 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.
- (17) Boardinghouse or roominghouse means a building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.
- (18) Build means to erect, convert, enlarge, reconstruct, or alter a building or structure.
- (19) 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.
- (20) Building means any structure built for the occupancy of persons, animals, 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.

- (21) 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.
- (22) 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.
- (23) Car wash means a building or portion thereof, containing facilities for washing motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) using automated or manual methods including chain conveyor, blower, steam cleaning device, or other mechanical device. A car wash may also be referred to as an auto laundry.
- (24) 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.
- (25) 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) and/or on-site accessory not-for-profit overnight housing shelter sponsored and operated by the religious entity as a part of its goals, mission or ministry providing temporary free overnight lodging for individuals or families having no regular home or residential address ("guests"). The provision of temporary free overnight lodging allowed hereby shall be limited to a maximum of 30 nights per calendar year, shall provide housing for no more than 14 guests per night, and shall require an annual permit for such accessory use issued by the chief building official.
- (26) 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 ordinances.
  - c. City council means the duly elected governing body of the city.
  - d. City engineer means the director of engineering, or the engineers retained as consultants to the city, or their duly authorized representative.
  - e. City manager means the chief administrative office 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.
- (27) 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.
- (28) 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.
- (29) Community garden means an area with a lot size of less than three acres that is utilized for the cultivation of horticultural goods including, but not limited to fruits, vegetables and herbs. Community gardens shall not include the retail sale or barter of any goods.



- (30) 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.
- (31) 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.
- (32) 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.
- (33) 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.
- (34) 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.
- (35) 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.
- (36) District means a zoning district that is a part of the city.
- (37) Dock means a place for the loading or unloading of goods, materials, or merchandise, with or without a platform.
- (38) 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.
- (39) 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.
- (40) 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.
- (41) Farmers market means an area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products or any other item not specifically allowed per this ordinance.
- (42) 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.
- (43) 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.

- (44) 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.
- (45) Floor area means the total square feet of floor space within the outside dimensions of a building including each floor level.
- (46) 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).
- (47) 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.
- (48) 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.
- (49) Fueling station or gasoline station means a retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.
- (50) 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.
- (51) 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.
- (52) Home occupation means a business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.
- (53) 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.
- (54) 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.
- (55) Household appliance sales means and includes, but not necessarily limited to, the sale and service of radio, television, refrigerators, etc.
- (56) Historically Significant Area means one or more places or areas designated by the City for its historical, cultural, or architectural importance and significance before April 1, 2019. The areas included within the MTC - McKinney Town Center District, CHD – Commercial Historic Overlay District, H – Historic Preservation Overlay District, TMN – Traditional McKinney Neighborhood Overlay District, the Main Street Program area, and the Historic Neighborhood Improvement Zone (HNIZ) per Chapter 98 of the

Code of Ordinances, City of McKinney, Texas, are the Historically Significant Areas designated by the City before April 1, 2019 or as authorized by Chapter 3000 of the Texas Local Government Code..

- (57) Independent living facility (retirement community) means a private age-restricted facility that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for its residents.
- (58) Indoor gun range means an indoor facility where firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.
- (59) 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.
- (60) 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.
- (61) Kennel, outdoor, means an establishment with outdoor pens, and meeting the criteria in the definition of "kennel, indoor."
- (62) Legal height means the maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.
- (63) Livestock auction means barns, pens and sheds for the temporary holding and sale of livestock.
- (64) 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.")
- (65) 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.
- (66) 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).
- (67) Main building means the building or buildings on a lot, which are occupied by the primary use.
  - (68) 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.
  - (69) 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.
  - (70) 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.
  - (71) 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.
  - (72) 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.
  - (73) Multiple family dwelling, senior (senior apartment) means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units on a single lot. This use shall also be subject to the following requirements:
    - a. At least one person 55 years of age or older shall reside in at least 80 percent of the senior multi-family residential development's dwelling units;
    - b. Prior to the issuance of a certificate of occupancy, each senior multi-family residential development shall adopt a series of deed restrictions and covenants, subject to review and approval by the city attorney, establishing the development's intent to operate as a senior multi-family residential

development in accordance with the requirements established herein and any other applicable law or regulation.

- c. At least once every two years, each senior multi-family residential development shall provide to the development services division of the city a certified affidavit demonstrating that the requirements established herein as well as the requirements of the Fair Housing Act continue to be satisfied.
  - d. Failure to completely adhere to the requirements herein shall be deemed a violation of this chapter and may result in the revocation of the development's certificate of occupancy or other penalties as detailed in section 146-194 of this chapter.
- (74) 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.
- (75) 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.
- (76) Occupancy means the use or intended use of the land or buildings by proprietors or tenants.
- (77) 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.
- (78) 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.
- (79) 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.
- (80) 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 above ground level.
- (81) Outdoor display means the placement of articles for sale in an uncovered area on private property.
- (82) 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.
- (83) 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.
- (84) Parking lot, truck, means any area used for the parking or storage of trucks or trailers larger than three-fourths ton in size.
- (85) 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).
- (86) 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.
- (87) 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.
- (88) 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.
- (89) 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.
- (90) 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.
- (91) 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.
- (92) Recreation area means a privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.
- (93) 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.

- (94) 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.
- (95) Residence. See "dwelling." When called a residence district, it means an area of residential regulations.
- (96) 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).
- (97) 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.
- (98) 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.
- (99) 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.
- (100) 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.
- (101) 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.
- (102) 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.
- (103) 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.
- (104) Service station means any building or premises used for the dispensing, sale, or offering for retail sale of any fuels or oils for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers). 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.
- (105) Significantly Important Building means a building which is:
- (a) located in a Historically Significant Area;
  - (b) located in an area designated as a historic district on the National Register of Historic Places;
  - (c) designated as a Recorded Texas Historic Landmark;
  - (d) designated as a State Archeological Landmark or State Antiquities Landmark;
  - (e) listed on the National Register of Historic Places or designated as a landmark by a governmental entity;



- (f) located in a World Heritage Buffer Zone; or
  - (g) located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Texas Government Code Section 442.014; or as otherwise provided in Chapter 3000 of the Texas Government Code.
- (106) 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."
- (107) 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.
- (108) 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.
- (109) 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 11 feet six inches.
- (110) 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.
- (111) Street line means a dividing line between a lot, tract or parcel of land and a contiguous street or the right-of-way line.
- (112) Structural alterations means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.
- (113) Structure means that which is built or constructed vertically above ground level.
- (114) 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.
- (115) 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.
- (116) 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.
- (117) 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.
- (118) 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.

- (119) Truck fueling station means a retail fuel sales facility selling fuel for motor vehicles and semi-trailer trucks with at least three axles that are designed to tow trailers, limited to no more than one fueling pump per semi-trailer truck fueling bay. The truck fueling station may be attended or automated and include accessory truck scales/weigh stations. Off-site stacking for fueling and weighing purposes shall be prohibited.
- (120) Truck stop means any premises that provides parking facilities for semi-trailer trucks with at least three axles that are designed to tow trailers in conjunction with one or more other uses including, but not limited to the incidental sale of accessories or equipment for such vehicles, fuel sales, truck scales/weigh stations, restroom and showering facilities, and/or other uses typically associated with semi-trailer truck resting areas.
- (121) 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."
- (122) 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.
- (123) 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.
- (124) 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).
- (125) 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.

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) 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. 146-92. - 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) 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 McKinney National 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) 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 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 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) Color elevation renderings for all sides of any proposed structure(s) (for PD Districts requesting modifications to the architectural and site standards of this chapter) as it applies to buildings in a Historically Significant Area or a Significantly Important Building);
- (65) A metes and bounds description of the property to be governed by the proposed district; and
- (76) Any other relevant information as requested by the director of planning.

Sec. 146-101. - CC - Corridor Commercial overlay district (suffix).

- (a) Purpose. The CC Corridor Commercial overlay district is designed to provide standards for the development of non-residential structures that are generally recognized as needing to be of greater height than non-residential structures are otherwise allowed by the base zoning districts contained within this zoning ordinance. These taller structures will generally be located along and within close proximity to the major regional highways passing through the city: University Drive (U.S. Highway 380); Central Expressway (U.S. Highway 75); and, the Sam Rayburn Tollway (State Highway 121). These CC overlay district standards recognize these major regional highways as an economic development engine that may be utilized to leverage a diverse and sustainable non-residential tax base for the city.
- (b) Intent. It is not the intent of the CC overlay district to replace the zoning regulations governing the use on any individual parcel of property. Instead, these regulations are meant to supplement the existing zoning district regulations on individual parcels of property within the overlay district. Examples of this intent are provided below:
  - (1) If the existing underlying zoning regulations or existing base zoning district on a particular property (the "governing zoning district") allow a five story building height but the CC overlay district designates the property as only allowing a maximum building height of three stories, a maximum building height of five stories shall be permitted. Conversely, if the governing zoning district allows a three story building height but the CC overlay district designates the property as allowing a maximum building height of five stories, a maximum building height of five stories shall be permitted. More specifically, it is the intent of the CC overlay district that the more permissive provision regarding maximum building height regulations shall be applicable save and except in the areas designated as part of the suburban subzone.
  - (2) If the property is zoned PD Planned Development district and the governing zoning district specifies architectural design regulations, the PD regulations shall be applicable except where they conflict with the architectural design requirements of the CC overlay district. If a conflict between the governing PD zoning district and the provisions of the CC overlay district exist, the provisions of the CC overlay district shall prevail.
- (c) Areas encompassed. The areas regulated by these standards shall include certain properties generally located within four subzones described as follows:
  - (1) Suburban subzone. This subzone will not allow any increase in the maximum building heights allowed by a specific property's governing zoning district and is intended to protect and maintain the residential character of the area by limiting the allowable building heights to those specified within the property's governing zoning district.
  - (2) Low rise subzone This subzone will generally allow minimal increases in the maximum building heights allowed by a specific property's governing zoning district.
  - (3) Mid rise subzone. This subzone will generally allow moderate increases in the maximum building heights allowed by a specific property's governing zoning district.
  - (4) High rise subzone. This subzone will generally allow substantial increases in the maximum building heights allowed by a specific property's governing zoning district.

The official boundaries of the CC overlay district and its four subzones shall be as delineated on the official boundary map contained in appendix c, section C-3, of this chapter.

- (d) Applicable regulations. All development regulations specified by a particular property's governing zoning district, including planned development regulations, shall be applicable, except that in the event a governing zoning district's regulations conflict with the standards of the Corridor Commercial overlay district, the more permissive regulations shall control save and except in the areas designated as part of the suburban subzone.
- (e) Space limits.
  - (1) Maximum height of non-residential buildings:
    - a. Suburban subzone: The maximum building heights as specified by the property's governing zoning district shall be applicable. More specifically, this overlay district shall not allow any increase in building height beyond the maximum heights as prescribed by the property's governing zoning district.
    - b. Low rise subzone: Three stories.
    - c. Mid rise subzone: Six stories.
    - d. High rise subzone: 12 stories.
  - (2) Minimum non-residential building setbacks: Same as the minimum setbacks required by the governing zoning district regulations.
  - (3) Maximum non-residential lot coverage: Same as the maximum lot coverage required by the governing zoning district regulations, except that there is no maximum lot coverage for buildings four or more stories tall.
  - (4) Maximum non-residential floor area ratio: Same as the maximum floor area ratio required by the governing zoning district regulations, except that there is no maximum floor area ratio for buildings four or more stories tall.
- (f) Architectural and site standards. All non-residential buildings in non-industrial zoning districts that are four or more stories in height and which are either a Significantly Important Building or are located within Historically Significant Area shall not be required to satisfy the minimum standards for approval as prescribed in section 146-139(f)(7) of this chapter, and shall be approved if all of the following criteria are met:
  - (1) Each elevation of each building shall be finished with masonry as specified herein. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to, slate, flagstone, granite, limestone, and marble.
    - a. Each elevation on buildings four to six stories in height shall be finished with at least 25 percent masonry;
    - b. Each elevation on buildings seven to nine stories in height shall be finished with at least 10 percent masonry; and
    - c. No masonry finishing materials shall be required on buildings over nine stories in height.
  - (2) The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall construction, architectural metal panels (not including corrugated metal), and/or glass curtain wall systems.
  - (3) The maximum reflectivity of all exterior glass shall be less than or equal to 27 percent.
  - (4) The colors of 100 percent of total exterior building surfaces (exclusive of glass and architectural metal finishing materials) shall be neutrals, creams, or deep, rich, non-reflective natural 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.

Sec. 146-133. - Accessory buildings and uses.

- (a) Area regulations. The following area regulations shall be observed for all accessory buildings or accessory structures in all residential, multiple family, or mobile home districts:
- (1) Front yard. Attached accessory buildings or structures shall have the same front yard as that of the main building.
  - (2) Side yard.
    - a. There shall be a side yard for any detached accessory building of not less than three feet from any side lot line when such detached accessory building is located in the rear of the lot (the rear of a line connecting the midpoints on the two opposite side lot lines of any lot, tract or plot), and when the detached accessory building is a minimum distance of ten feet from the main structure.
    - b. When a detached accessory building is located in front of the line connecting the two midpoints of the opposite side lot lines as herein described, or is closer than ten feet from the main structure, such accessory building shall observe the same side yard as specified for the main building.
    - c. If an accessory structure is adjacent to a side street, the side yard for the accessory structure must be a minimum of 15 feet from the side property line.
  - (3) Rear yard.
    - a. There shall be a rear yard for accessory buildings not less than three feet from any lot line, alley line, or easement line, except that if no alley exists, the rear yard shall not be less than ten feet as measured from the rear lot line. Where apartments are permitted, the main building and all accessory buildings shall not cover more than 50 percent of the rear of the lot (that portion of the lot lying to the rear of a line erected adjoining the midpoint of one side lot line with the midpoint of the opposite side lot line).
    - b. Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of 20 feet to facilitate access without interference with the use of the street or alley by other vehicles or persons.
    - c. Detached accessory buildings or structures shall be located in the area defined as the rear yard.
  - (4) Air conditioning equipment. Air conditioning compressors, cooling towers, and similar accessory structures shall observe all front, side, or rear yards specified for accessory buildings. When such accessory structures are located in the side yard or that portion of a lot herein designated as the rear of the lot, the minimum side yard shall be three feet.
  - (5) Swimming pools. All swimming pools shall be located behind the front yard or front building line and in no case shall the pool proper be nearer than five feet to any bounding property line of the lot or tract on which it is situated.
  - (6) Accessory buildings. Accessory buildings shall meet the following requirements:
    - a. No accessory building, other than an allowed accessory dwelling, shall be rented or leased.
    - b. No accessory building shall be used for commercial purposes.
    - c. No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.
    - d. No accessory building shall exceed 200 square feet in area, except:
      1. Detached garages are limited to 500 square feet in area; and
      2. Accessory dwellings are limited to 600 square feet in area.
    - e. No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.



- (7) Accessory dwellings. Accessory dwellings, where allowed as an accessory use, shall meet the following requirements:
- a. An accessory dwelling may not be located on a lot less than 12,000 square feet in area.
  - b. An accessory dwelling must be behind the front building line, and must observe the same setbacks as the main structure.
  - c. An accessory dwelling shall be constructed of the same exterior materials as the main structure when the buildings are located within a Historically Significant Area or the main structure is a Significantly Important Building.
  - d. An accessory dwelling may not be sold separately from the main structure.
  - e. An accessory dwelling shall not have a separate electric meter.
- (b) Allowed accessory uses. Allowed accessory uses are listed in the requirements for each zoning district provided for by this chapter.
- (c) Home occupations. A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.
- (1) Home occupations shall be conducted entirely within the main building.
  - (2) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
    - a. No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, or outside storage of materials or equipment.
    - b. The home occupation shall not have a separate entrance.
    - c. Not more than two patron or business related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles.
    - d. A maximum of one commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked in the street.
    - e. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of 1½ tons.
    - f. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
  - (3) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
  - (4) The home occupation shall employ no more than one individual who is not an occupant of the residence.
  - (5) The address of the home occupation shall not be included in any classified advertisement, yellow pages listing, or other advertisement.
  - (6) The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed under subsection (c)(8) of this section.
  - (7) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations.
  - (8) Uses allowed as home occupations shall include the following:

- a. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
  - b. Office of a salesman or manufacturer's representative; provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises, except as otherwise expressly permitted by this chapter;
  - c. Author, artist, sculptor;
  - d. Dressmaker, seamstress, tailor, milliner;
  - e. Music/dance teacher, tutoring, or similar instruction; provided that no more than three pupils may be present at any one time;
  - f. Swimming lessons or water safety instruction; provided that a maximum of six pupils may be present at any one time;
  - g. Home craft, such as weaving, model making, etc.;
  - h. Repair shop for small electrical appliances, cameras, watches, or other small items; provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
  - i. Food preparation such as cake decorating, catering, etc.; provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with all health regulations;
  - j. Day care: registered family home in compliance with state law, with a maximum of six children at any one time;
  - k. Barbershop, beauty salon, or manicure studio; provided that no more than one customer is served at any one time; and
  - l. Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, chapter 123 of the Texas Human Resources Code and as amended.
- (9) Uses prohibited as home occupations shall include the following:
- a. Animal hospital, commercial stable, kennel;
  - b. Bed and breakfast inn, boardinghouse or roominghouse;
  - c. Day care center with more than six children;
  - d. Schooling or instruction with more than one pupil (except as noted above);
  - e. Restaurant or on-premises food/beverage consumption of any kind;
  - f. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine, or other repair shops except as specifically provided for in section 146-133(c)(8);
  - g. Cabinetry, metal work, or welding shop;
  - h. Office for doctor, dentist, veterinarian, or other medical-related profession;
  - i. On-premises retail or wholesale 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.
  - i. On-premises retail or wholesale sale of any kind, except home craft items produced entirely on premises, and except garage sales as provided for within chapter 54, article II;
  - j. Commercial clothing laundering or cleaning;
  - k. Mortuary or funeral home;
  - l. Trailer, vehicle, tool, or equipment rental;
  - m. Antique, gift, or specialty shop; and
  - n. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
- (10) The director of planning shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The director of planning shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein. If the applicant disagrees with the determination of the director of planning, the applicant may request that the use be evaluated by the city council.
- (11) Any home occupation that was legally in existence as of the effective date of the ordinance from which this chapter is derived and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.
- (d) Permanent makeup facilities. A permanent makeup facility shall be allowed in conjunction with a doctor's office or beauty shop, and shall meet the following standards.
- (1) Permanent makeup is limited to parts of the body from the neck up, and is generally for cosmetic or reconstructive purposes.
  - (2) The permanent makeup use shall be subordinate to the principal use in terms of area of the building served, extent of services provided, and be in keeping with the purpose of the doctor's office or beauty shop.
  - (3) The permanent makeup use shall not be allowed to maintain hours of operation in excess of the principal use.
  - (4) Access to the area where the permanent makeup procedure is performed must be through the main entrance of the principal use.

Sec. 146-139. - Architectural and site standards.

- (a) Purpose. The purpose of this section is to establish minimum standards for the appearance of non-residential, attached single family residential (townhome), and multi-family residential buildings and corresponding site elements that are recognized as enhancing property values and that are in the interest of the general welfare of the city under the authority granted by Chapter 3000 of the Texas Local Government Code. The standards contained herein are intended to serve as a baseline for the minimum design expectations of the city. These standards are not intended to prohibit architectural innovation nor are they intended to mandate specific architectural styles and concepts. Rather, they are intended to provide for developments of enduring quality that provide visual character and interest. The illustrations contained herein are intended to serve as a visual representation of how the associated standards could be satisfied and not how they must be satisfied. The development community is encouraged to seek out new and innovative ways to implement the standards contained herein that will result in a significant contribution to the visual character of the area and the city as a whole.
- (b) Applicability. The standards contained herein shall be applicable to all multi-family residential, attached single family residential, and non-residential buildings constructed after the effective date of this section, except the provisions of this section shall not apply to the following:

- (1) Buildings constructed within the MTC McKinney town center district, which buildings are subject to the design requirements contained in appendix G of the zoning ordinance.
  - (2) Buildings constructed within the CHD commercial historic overlay district or H historic preservation overlay districts whose design conflicts with any applicable historic preservation design criteria because of the minimum requirements contained herein.
  - (3) Buildings that are four stories in height or taller which are located within the CC corridor commercial overlay district.
  - (4) Portable or temporary buildings for non-profit places of worship or private schools, which are screened from the view of adjacent properties and public rights-of-way via a building and/or a minimum six foot tall opaque screening device with canopy trees planted every 30 linear feet of visible exposure.
  - (5) Portable buildings or temporary buildings for public schools.
  - (6) Temporary uses defined under section 146-42 of this chapter.
  - (7) Buildings for which a site plan for the project was approved prior to the effective date of this section, provided:
    - a. The site plan has not expired;
    - b. A building permit has been issued; and
    - c. Construction is underway prior to the expiration of two years from the effective date of the ordinance from which this section is derived.
  - (8) Any expansion of an existing building that was constructed and occupied prior to the effective date of this section which utilizes exterior finishing materials of equal or higher quality than the existing building.
  - (9) 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 up to not more than 50 percent of the original structure.
- (c) Conflicts with other ordinances. All applicable provisions of the zoning ordinance, subdivision ordinance, building codes, planned development districts, and other ordinances shall apply. Where provisions of the zoning ordinance or other ordinances conflict with this section, the more restrictive provision shall control.
- (d) Administration and interpretation. The provisions of this section shall be administered by the director of planning who shall also make interpretations regarding any subjectivity contained herein. Interpretations of the director of planning may be appealed to the executive director of development services. If the director of planning's interpretation is upheld by the executive director of development services, the applicant may request that the facade plan be forwarded to the planning and zoning commission via the process contained in section 146-139(e) of this chapter.
- (e) Facade plan approval. The director of planning shall have the authority to approve or approve with conditions any facade plan that is deemed to satisfy the minimum requirements of this section. Applications shall include all information deemed necessary by the director of planning to thoroughly evaluate a proposed building's design for conformance with the provisions of this section. Any facade plan that the director of planning cannot approve due to nonconformance shall be forwarded to the planning and zoning commission for consideration and action.
- (1) Facade plans that are considered by the planning and zoning commission shall require the issuance of property owner notification letters and the posting of informational signs on the subject property in accordance with the zoning change requirements outlined in section 146-164 of this chapter prior to holding a public hearing at a planning and zoning commission meeting. The decision of the planning and zoning commission may be appealed by the applicant or city staff to the city council.

- a. If the applicant disagrees with the decision of the planning and zoning commission, the applicant may, within seven days of the planning and zoning commission action, request in writing addressed to the director of planning that the commission's action on the facade plan be appealed to the city council.
- b. If the director of planning disagrees with the decision of the planning and zoning commission, the director of planning may, within seven days of the planning and zoning commission action, notify the applicant in writing of the director of planning's appeal of the commission's action on the facade plan to the city council.
- c. Any appeal of the planning and zoning commission's action regarding a facade plan to the city council shall automatically abate the commission's action until such time as the city council rules upon the appeal. No building or development permit shall be issued for any parcel or structure reflected on a facade plan that has been appealed from the planning and zoning commission to the city council until such time as a decision on the appeal is rendered by the city council.
- d. The appeal of the planning and zoning commission's action regarding a facade plan shall be governed by the following process:
  1. The applicant's or the director of planning's written notice of appeal shall state, generally, the grounds for the appeal.
  2. The applicant and the director of planning shall be provided at least 21 days' notice of the city council meeting at which the appeal will be considered unless such notice is waived in writing by both the applicant and director of planning.
  3. The director of planning shall cause all of the documents and materials presented to the planning and zoning commission, together with any approved minutes of the planning and zoning commission regarding the appealed facade plan, to be presented to the city council with the agenda packet for the city council meeting at which the appeal will be considered. The foregoing shall constitute the record of the action appealed. The director of planning shall provide a copy of such materials to the applicant at the same time as such materials are submitted for inclusion in the city council agenda packet.
  4. The applicant and the director of planning may submit additional materials to be included in the city council's agenda packet for consideration by the city council at least seven days before the date of the city council meeting at which the appeal will be considered. The applicant and the director of planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.
  5. At the hearing, the applicant and the director of planning may appear in person, by agent, or by attorney. The city council may reverse, affirm, wholly or partly, or modify the planning and zoning commission's action regarding the facade plan. The city council shall be the final approval authority for facade plans, and its decision shall be final.
- e. When considering a facade plan application that the director of planning cannot approve due to nonconformance with the provisions of this section, the planning and zoning commission and/or the city council shall consider the following:
  1. The extent to which the application meets other specific standards of this chapter;
  2. 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;
  3. 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

4. The extent to which the proposed project accomplishes city goals as stated in the comprehensive plan or other approved document.
  5. Convenience to the applicant and/or reasons related to economic hardship shall not be grounds for approval of an application.
- (f) Standards for approval. Projects that conform to the minimum standards specified herein shall be approved.
- (1) Multi-family residential (including senior multi-family) architectural design (This provision is only applicable to a Significantly Important Building or buildings that are located in a Historically Significant Area).
    - a. Roof treatment.
      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. No flat roof line shall be visible.
      2. A parapet wall shall be acceptable if constructed so that no flat roof shall be visible.
      3. Standing seam metal roofs, which meet all the criteria of this section shall be acceptable.
      4. 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.
    - b. Exterior finishing materials.
      1. Each elevation of each building shall be finished with at least 50 percent masonry. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to slate, flagstone, granite, limestone, and marble. The area of exterior finish shall be calculated exclusive of doors and windows.
      2. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems. Sheet siding fabricated to look like wood lap siding is prohibited. Architecturally finished metal materials, which does not include corrugated metal, shall be allowed on no more than 20 percent of each elevation. Architectural wood accents shall be allowed on no more than 10 percent of each elevation.
    - c. Exterior color.
      1. One hundred 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.
      2. No more than six 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.
    - d. Building massing.
      1. Horizontal wall planes longer than 30 feet in width shall be segmented in to smaller sections by a structural or ornamental minor facade offset (recess or projection) of a minimum five feet deep and 10 feet wide.
      2. The height of such offsets shall be equal to the building's height at the location of the offset.

3. Exterior stairways shall be covered with a roof, roof overhang, or porch and shall be incorporated into the architectural design of the building rather than appearing as an appendage to the building.
- f. Minor architectural enhancements. All buildings or developments shall be required to provide at least four of the following elements:
1. Each exterior elevation of each building shall be finished with 100 percent masonry. Elevations within internal courtyards and/or elevations that are not visible from adjacent rights-of-way or properties zoned or used for residential purposes shall not be required to satisfy this requirement;
  2. Each elevation of each building that is visible from the right-of-way or property zoned or used for residential purposes contains two types of complementary masonry finishing materials and each of the materials is used on at least 25 percent of the elevation;
  3. A minimum of 15 percent of each elevation of each building which is visible from the right-of-way or property zoned or used for residential purposes features patterned brick work (not including running bond or stacked pattern);
  4. At least one dormer is provided for each roof plane over 1,000 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;
  5. All chimneys are finished on all sides with 100 percent masonry finishing materials;
  8. All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;
  9. All windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;
  10. Downspouts associated with gutters are internally incorporated into the building's construction rather than attached to the building after construction of the façade is complete; and/or
  11. Another minor architectural or site enhancement as approved by the planning and zoning commission as part of the site plan approval process that is comparable to the significance of the other elements listed herein may count as two of the required elements.
- (2) Multi-family residential (including senior multi-family) site design.
- a. Amenities conforming to the regulations provided herein shall be provided.
1. The number of required amenities shall be based on the number of units within the development as follows:
    - i. Developments with less than 20 dwelling units shall provide at least one amenity.
    - ii. Developments with 20 or more dwelling units but less than 100 dwelling units shall provide at least two amenities.
    - iii. Developments with 100 or more dwelling units but less than 180 dwelling units shall provide at least three amenities.
    - iv. Developments with 180 or more dwelling units but less than 260 dwelling units shall provide at least four amenities.

- v. Developments with 260 or more dwelling units but less than 520 dwelling units shall provide at least five amenities;
  - vi. Developments with 520 or more dwelling units but less than 1000 dwelling units shall provide at least seven amenities;
  - vii. Developments with 1000 or more dwelling units shall provide at least ten amenities.
2. The following items shall be classified as acceptable amenities. Providing two or more of the same amenity shall not count as multiple required amenities unless specifically stated:
- i. Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
  - ii. Centralized swimming pool (minimum 3,000 square foot surface area) with cooling deck (minimum 20 feet wide in all areas). This amenity shall qualify as two required amenities;
  - iii. Centralized swimming pool (minimum 5,000 square foot surface area) with cooling deck (minimum 20 feet wide in all areas). This amenity shall qualify as four required amenities;
  - iv. Jacuzzi or hot tub area (minimum eight person);
  - v. At least four barbeque grills with shaded seating areas for at least 16 people;
  - vi. Ramada(s), arbor(s), and/or trellis(es) covering at least 2,000 square feet of recreation space;
  - vii. Tot play lot (minimum 4,000 square foot area);
  - viii. A splash pad (water play amenity for children) which is a minimum of 1,000 square feet in area;
  - ix. A dog park which is at least 5,000 square feet in area which satisfies the following requirements:
    - A. The dog park is enclosed by a minimum five-foot tall vinyl coated chain link fence;
    - B. No side of the enclosure shall be shorter than 50 feet in length;
    - C. One dog waste station which shall include a bag dispenser and waste receptacle must be installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park; and
    - D. One 25 square foot animal washing bay (with associated plumbing) is provided in conjunction with the dog park.
  - x. One regulation size volleyball, basketball, tennis, or other similarly related playing court. Each court shall count as an amenity up to a limit of two;
  - xi. Fitness center and/or weight room (minimum 500 square feet);
  - xii. Library and/or business center (minimum 500 square feet);
  - xiii. Movie theater room including seating for a minimum of 50 people;
  - xiv. Outdoor amphitheater with seating for at least 50 people (if individual seats are not provided, then 150 linear feet of seating shall be provided);
  - xv. Golf putting green (minimum 1,000 square feet);
  - xvi. A centralized internal open space meeting or exceeding the following minimum specifications. This amenity shall qualify as five required amenities:



- A. The minimum size of the centralized internal open space shall be one acre with no side being less than 50 feet in length. The shape of the centralized internal open space shall be rectangular insofar as practicable.
  - B. A five-foot wide handicap accessible concrete sidewalk shall be provided adjacent to the entire perimeter of the open space.
  - C. One seating area which is a minimum of six feet long shall be provided along each side of the open space.
  - D. One canopy tree shall be planted every 30 linear feet adjacent to the perimeter of the open space.
  - E. The centralized internal open space shall be completely covered with grass, unless otherwise specified herein, and shall be provided with an automatic underground irrigation system as specified in section 146-135(e)(2) of the zoning ordinance.
  - F. Other amenities as required herein shall not be located within the centralized internal open space.
  - G. The centralized open space shall be free of any drainage facilities and/or related easements, floodplain, erosion hazard setbacks, or other related facilities.
- xvii. Other amenity as approved by the planning and zoning commission as part of the site plan approval process.
- b. Major site enhancements.
- 1. All buildings or developments shall be required to provide the following element:
    - i. All entrances into the multi-family residential development feature a landscaped median. The median shall be provided as indicated below:
      - A. The landscaped median shall be at least eight feet wide and at least 50 feet long (measured from back of curb to back of curb). The median and its plantings shall not be permitted to interfere with necessary sight visibility lines;
      - B. At least one canopy tree for every 50 linear feet that the median extends (in length);
      - C. At least two ornamental trees for every 50 linear feet that the median extends (in length); and
      - D. The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in section 146-135(e)(2) of the zoning ordinance. Non-living materials including, but not limited to concrete, pavers, stone, decomposed granite, or similar materials may be utilized for secondary design elements, sidewalks, and/or crosswalks.
      - E. The city engineer and/or fire marshal shall be permitted to allow deviations to these standards as needed on a case by case basis to facilitate proper vehicular access, emergency access, sight visibility, and other related engineering design or life safety principles.
  - 2. Developments located within a Historically Significant Area may also select from the options below in order to satisfy the above requirement for a major site enhancement:
    - i. Each unit is provided a private balcony or porch that is at least 50 square feet in area. Balconies shall be designed so that visual and auditory intrusions on private outdoor space of other units or adjacent developments are minimized;

ii. A structured parking garage (at least two levels) is provided and wrapped with or screened from the view of right-of-way by the multi-family residential building(s) it serves; or

iii. Each ground-floor residential unit that fronts onto a public right-of-way, a major internal drive aisle designed to function as a public right-of-way or boulevard, an amenity as required herein, a centralized internal open space as provided for herein, or another similar community gathering space (excluding units that front onto parking fields, multi-level structured parking facilities, minor drive aisles, or other similar vehicular use areas) is provided with an exterior oriented entrance.

3. An alternative major site enhancement may be approved by the planning and zoning commission as part of the site plan approval process which is comparable to the significance of the other elements listed herein may count as one of the required elements.

c. Additional requirements.

1. All enclosed parking located within a Historically Significant Area shall be of similar and conforming architectural design and materials as the main multi-family structures.
2. Exposed steel or timber support columns for covered parking structures shall be prohibited and shall be finished with a masonry finishing material to match the building.
3. All off-street 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 ten linear feet, and with sufficient evergreen landscaping to create a screening effect;
  - v. A multi-family residential building(s) that the off-street parking is serving; or
  - vi. Another alternate screening device as approved by the planning and zoning commission.
4. All paving for drives, fire lanes, and parking shall be concrete and shall feature curbs.
5. All multi-family residential buildings (excluding senior multi-family residential buildings) shall be limited to two stories in height. Multiple family residential developments, that are subject to the requirements of the REC regional employment center overlay district, shall be exempt from this requirement.
6. Multi-family residential structures within a Historically Significant Area and located 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. If a right-of-way with an ultimate width of 120 feet or greater is located between said multi-family residential structure and an adjacent single family residential use or zone, this requirement shall not be applicable. Windows, for the purposes of this subsection, shall be defined as any transparent panel in an otherwise opaque wall surface. Multiple family residential developments, that are subject to the requirements of the REC regional employment center overlay district, shall be exempt from this requirement.
7. All mechanical, heating, ventilation, and air conditioning equipment is either:

i. Located at ground level and completely screened by a masonry screening wall that is at least six feet tall; or

II. Roof-mounted and is screened per section 146-132 (fences, walls, and screening) of this chapter;

- (3) Attached single family residential (townhome) (This provision is only applicable to buildings located within a Historically Significant Area).
  - a. The exterior finish on each elevation of every townhome unit shall be a minimum of 85 percent brick, stone, or synthetic stone materials. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems. Sheet siding fabricated to look like wood lap siding is prohibited. Architecturally finished metal materials, which does not include corrugated metal, shall be allowed on no more than 20 percent of each elevation. Architectural wood accents shall be allowed on no more than 10 percent of each elevation. The area of exterior finish shall be calculated exclusive of doors and windows.
- (4) Industrial uses in industrial districts (This provision is only applicable to buildings located within a Historically Significant Area).
  - a. One hundred percent of each building elevation facing a public right-of-way shall be finished with brick, stone, synthetic stone, stucco, EIFS, architecturally finished CMU, or architecturally finished concrete tilt-wall.
  - b. Other exterior walls may be finished with metal or any other building material which is allowed by the International Building Code.
  - c. The exterior wall area shall be calculated exclusive of doors and windows.
  - d. Any building three stories or greater in height must be set back from adjacent residential property at least two feet in distance for every one foot of building height.
- (5) Other non-industrial uses in industrial districts.
  - a. Building and site design shall conform to the "other non-residential uses in non-industrial districts" regulations contained herein.
- (6) Aircraft hangars (This provision is only applicable to buildings located within a Historically Significant Area).
  - a. When more than 50 percent of a structure's total floor area is intended for use as an aircraft hangar, all exterior walls may be metal. 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.
  - c. Colors shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earthtone colors.
  - d. 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.
- (7) Structured parking facilities (This provision is only applicable to buildings located within a Historically Significant Area).
  - a. Structured parking facilities shall have architecturally finished facades and shall be complimentary on all sides with the surrounding buildings. Where possible, the narrow portion of the facility shall be oriented to the public right-of-way.

- (8) Non-residential and non-industrial building facade replacement, reconstruction, or rehabilitation (This provision is only applicable to buildings located within a Historically Significant Area.
  - a. Buildings shall utilize exterior finishing materials of equal or higher quality than the existing building.
- (9) Other non-residential uses in non-industrial districts (This provision is only applicable to buildings located within a Historically Significant Area.
  - a. Exterior finishing materials.
    - 1. All elevations for buildings that are three stories or smaller in height shall be finished with at least 50 percent masonry finishing materials. All elevations for buildings that are taller than three stories in height shall feature a minimum of 25 percent masonry finishing materials.
    - 2. Acceptable exterior finishing materials for the remainder of the building include:
      - i. Masonry (brick, stone, synthetic stone which includes, but is not limited to limestone, granite, and slate);
      - ii. Stucco;
      - iii. EIFS;
      - iv. Architecturally finished CMU;
      - v. Glass curtain wall systems;
      - vi. Architecturally finished metal panels (does not include corrugated metal);
      - vii. Lap siding (lap siding may include but not be limited to wood or cementitious fiber lap siding but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding, which sheet siding is prohibited);
      - viii. Architectural wood accents that are not to exceed more than 20 percent of any elevation; and
      - ix. Another material that is visually and physically indistinguishable from one of the aforementioned exterior finishing materials, subject to review and approval by the director of planning.
    - 3. Percentages shall be calculated exclusive of doors, windows and trim.
  - b. Exterior colors.
    - 1. A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earthtone colors.
    - 2. No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.
    - 3. These percentages may be modified by up to 10 percent by the director of planning in special cases if the building's elevations maintain sufficient visual continuity.
  - c. Building massing.
    - 1. All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
    - 2. At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth. This requirement may be suspended or reduced in limited cases by the

director of planning if a proposed building features sufficient architectural interest and composition to make this requirement unnecessary.





Images 1, 2 & 3. Examples of Appropriate Building Massing

d. Fenestration.

1. Windows shall appear as holes that are punched through walls rather than an appendage to the wall. This shall be accomplished through the use of recessed windows, awnings, sills, drip caps, projecting trim casings or surrounds, projecting muntins or mullions and/or other elements which cause the formation of shadows on the window and the adjacent façade.
2. Windows shall be utilized and scaled appropriately so as to remain proportionate to the wall plane within which they are located.



Images 4, 5, 6 & 7. Examples of Appropriate Fenestration

e. Roof treatment.

1. Long uninterrupted roof lines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements. This requirement may be suspended or reduced in limited cases by the director of planning if a proposed building features sufficient architectural interest and composition to make this requirement unnecessary.
2. Parapet roof lines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.



Images 8, 9 & 10. Examples of Appropriate Roof Treatments

- f. Additional requirements.



1. Buildings constructed on a pad site within a larger shopping center or non-residential development shall be designed to be architecturally consistent with the other buildings within the development. Architecturally consistent shall generally mean utilizing the same or similar architectural design elements, colors, roof type, and/or building materials.
2. Additions to existing buildings shall be designed to match the architectural design features and finishing materials of the existing building to the extent possible.
3. The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy or similar architectural feature that serves the same purpose. The covering shall be no smaller than three feet in depth when measured from the face of the adjoining facade. Awnings shall be properly maintained by the building owner over time and shall be replaced if they became faded, tattered or otherwise visibly worn.



Images 11, 12 & 13. Examples of Appropriate Entry Treatments

4. Buildings shall utilize glass with a low reflectivity level.
5. All elevations of each building that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall share the same architectural features and design as the front building elevation.
6. All buildings and/or their corresponding sites shall provide at least one of the following:



- i. The building achieves a LEED certification or other green building certifications as approved by the director of planning.
- ii. All building elevations feature 100 percent masonry finishing materials.
- iii. All building elevations that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes feature at least three types of complimentary masonry finishing materials.
- iv. All building elevations that are visible from a public right-of-way or are oriented toward properties zoned or used for residential purposes shall feature at least two facade offsets (recess or projection) of at least five feet in depth for every 50 feet of horizontal length.
- v. All mechanical and heating, ventilating and air conditioning equipment is roof-mounted and screened by a parapet wall or faux pitched roof that is at least one foot taller than the equipment.
- vi. All building elevations that are visible from the public right-of-way or are oriented toward properties zoned or used for residential purposes feature at least three distinct roof lines.
- vii. All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.
- viii. At least 75 percent of the building's required off-street parking is provided within a structured parking facility.
- ix. The building's required off-street parking is screened from the view of a public right-of-way or properties zoned or used for residential purposes by a four-foot tall masonry wall, planter box, berm or evergreen landscaping.
- x. The building is designed with a strong base, distinctive middle section and a well-defined cornice feature (tripartite building composition) in order to create a visual sense of organization.





Images 14, 15, 16 & 17. Examples of Tripartite Design

- xi. The building features at least two distinctly different significant architectural design concepts that are not already mandated by these requirements which add to the visual interest of the building, subject to review and approval by the director of planning.

## Section B-2. - Regional employment center—Overlay urban design standards.

### I. Overview.

- A. General purpose. The following standards and guidelines implement the amendments to the future land use plan for the city's regional employment center (REC). Proposed zoning of the property shall be in keeping with the future land use plan. These urban design standards and guidelines are implemented by means of an overlay zoning district for the REC, and these standards and guidelines are applicable in the REC base zoning districts.

The purpose of these standards and guidelines is to allow for the development of fully integrated pedestrian-oriented neighborhoods, corridors and districts in the REC. The intent is to minimize traffic congestion, relative infrastructure costs, and environmental degradation while improving quality of life and promoting the health, safety and welfare of neighborhood communities. The standards and guidelines are based on the following principles:

- All neighborhoods have identifiable centers and edges.
- Shopping, recreation and basic neighborhood services are accessible by non-vehicular means in the neighborhoods.
- Each neighborhood shall provide a mixed-use neighborhood center accessible by walking no more than one-half mile.

- Uses and housing types are mixed and in close proximity to one another, utilizing urban design to facilitate the compatibility of different uses.
  - The streets, blocks, and the placement of buildings on lots encourage pedestrian activity.
  - Streets are interconnected, forming a network.
  - Civic buildings and civic space are given prominent sites.
  - Parks are evenly distributed throughout neighborhoods—within one-quarter of a mile from most dwelling units.
  - Schools are located within a ten-minute walk or one-half mile from a majority of the dwelling units in a neighborhood.
- B. Overlay categories. The design standards are organized and divided into three overlay zoning categories. These overlay categories will match appropriate urban design with the desired vision for a given area, while maintaining the projected tax base profile of the REC as generally established in the future land use plan.

The three overlay categories are as follows:

1. Neighborhood zone.

Intent and purpose: Each development shall be predicated on the neighborhood as the basic unit of development, with a distinct edge and center that provides the location for the neighborhood's civic buildings (e.g., churches, libraries and meeting halls), primary civic open spaces and primary neighborhood commercial uses. Generally, larger residential lots should be strategically located so that higher intensity residential development is located within and adjacent to neighborhood activity centers.

2. The Collin-McKinney Parkway corridor zone.

Intent/purpose: This zone shall provide opportunities for the public to live, work, shop, walk, bicycle and drive within and through the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street and parkway environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the pedestrian; to provide adequate and efficient servicing of the development by trucks and utility vehicles throughout the REC, but to minimize the visual and auditory impact of such service; to strengthen relationships and encourage movement between important destinations inside and outside the development.

3. Commercial/employment zone.

Intent/purpose: Commercial/employment districts are located principally along SH 121 and in some locations along Custer Road. The intended uses in these districts are large employers involved in commercial/light industrial activity that are dependent upon SH 121 and are not easily incorporated into the fabric of a town center or neighborhood. Buildings of all sizes, large and small, are allowed in commercial/employment districts, as are the associated parking lots, loading and shipping facilities of light industrial activity. Residential uses are permitted above nonresidential uses to promote with the mixed use strategy for the REC. (See § B-1 of this appendix)

## II. Definitions.

**Alley:** A narrow service access to the rear of buildings providing service areas, parking access, and utility easements.

"A" type streets: Streets designed with, or characterized by, features that promote safety, comfort, and convenience of pedestrians and transit users. "A" Streets shall provide monolithic curbing, sidewalks at least five feet wide (at least ten feet wide in neighborhood centers), "street" trees, narrow streets with narrow curb turning radii at intersections, buildings sited close to the street, pedestrian-scaled lighting, on-street parking, no onsite parking between the street and the building facade facing the street with all onsite parking located behind the rear face of the building, aligned front building facades, and building entrances facing the street. The "A" streets shall be organized in a continuous network so that the pedestrian experience is uninterrupted throughout the neighborhood. On type "A" streets, 100 percent of the off-street surface parking shall be located behind the rear face of the building.

"B" type streets: All other streets that are not "A" type streets.

"Big-box" retail: Typically single stores located in a building larger than 60,000 square feet, which are often grouped with other "big-box" stores and which are distinguished by substantial setbacks and large parking lots with little or no pedestrian access.

Build-to line: The build-to line on a block is the surveyed line of a uniform distance away from the front property line, up to which front building facades are required to be built. Porches, eaves and awnings may encroach across the build-to line. The build-to line shall be established and platted based upon the applicable standards herein in order to create an even building facade line along the street.

Commercial frontage: The utilization of storefronts, entryways, transparent windows, cafes, and courtyards with active uses, creating an active pedestrian environment along a street.

Community green: An area of smooth turf enabling gatherings for outdoor events and activities, bounded by a concentration of uses including commercial, retail, residential, community, civic and public.

Corner store: A retail store no greater than 4,000 square feet in gross floor area that is located on a corner and fronts onto a major local street or greater street, which provides retail services and goods primarily oriented to serve the residents of the immediately surrounding neighborhood. Residential and other permitted uses are encouraged on the upper level.

Courtyard: A hard-surfaced or landscaped space within a lot, open and unobstructed to the sky so as to receive sunlight, located at or above grade level, and bounded on three or more sides by the walls of a building or a vegetative wall.

Developer: Any person seeking approval under these standards and guidelines for any form of development.

Dwelling unit: One or more rooms providing complete living facilities, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

Internal open space: Plazas, commons, greens, tot lots, non-municipally owned urban parks, squares, but not utility easements, which provides a central focus for a neighborhood mixed-use area and which is accessible so that the open space is within walking distance (no more than 1,320 feet) of 90 percent of the lots of the neighborhood.

Live/work unit: A dwelling unit providing for a combination of uses in which employment can occur on a segregated floor of a residential structure. There shall be allowed a maximum of one nonresident employee per live/work unit, requiring one additional off-street parking space.

Mixed-use: A building or connected buildings that contain both residential and commercial uses.

Net average density: The number of dwelling units per acre averaged over the neighborhood portion of a development (i.e., not the Collin McKinney Parkway Corridor portion), net of rights-of-way, open space, and other nonresidential uses.

Neighborhood center: An area reserved as a place for the neighborhood development, which provides a community gathering place such as a green, plaza or commercial Main Street. The neighborhood center shall accommodate civic, restaurant, retail and mixed use residential uses.

Neighborhood development: An area 40 to 160 acres in size with a mix of housing types, providing at least one neighborhood center.

Peripheral open space: Woodlands, areas surrounding creeks or ponds, other preserved natural areas, community gardens, golf courses and other semi-natural recreation areas such as disc-golf courses. Peripheral open space may not be used to meet the internal open space requirement.

Plaza: An animated gathering space, predominately hard-surfaced with complimentary landscaping, water features, and other site furnishings; framed on at least two-sides by the vertical rise of building walls; or framed by closely planted large maturing trees in lieu of buildings.

Retail access "sleeve": A narrow street with sidewalks or an improved pedestrianway that connects a neighborhood internally with a retail center that is typically located on an arterial or at the intersection of major thoroughfares, enabling the residents of the neighborhood to access the retail center without having to travel onto the arterial or major thoroughfares.

ROW: The right-of-way, or the dedicated strip of land that encompasses a publicly owned infrastructure, such as a street and sidewalk.

Single-loaded street: A drive that has improved lots running along only one side of the street and typically providing access to a public open space along the other side of the street.

Street cross-section proportions/ratios: The proportion or ratio, between width and eave height, of the space between facing buildings on opposite sides of a street. For example, a street open space of 60 feet between buildings 30 feet in height would have a streetscape ratio of 2:1.

"Street" trees: Trees planted in the planting strip or parkway between the sidewalk and the street, approximately spaced 30 feet on-center.

Town house/row house: Attached dwellings with each unit providing a separate public street entrance and frontage.

Urban (pedestrian-oriented): A development pattern characterized by a mix of commercial, institutional, residential (often times vertically integrated with non-residential uses), and recreational uses located in close proximity to one another connected via a network of streets accommodating the automobile while encouraging pedestrian interaction and activity. Urban features often include, but are not limited to: Aligned front building facades pulled closely to the street; street trees, pedestrian-scaled lighting, and pedestrian seating defining and protecting the pedestrian realm between streets and building facades; on-street parking offering direct access into building entrances; off-street parking areas located behind buildings; and centrally located open spaces (parks, plazas, courtyards, squares) offering public gathering areas.

III. Overarching design guidelines. The following design standards are applicable for all developments within the REC:

A. The regional context.

1. Neighborhood location shall be consistent with the future land use plan for REC, including the preservation of open space and development of alternative modes of transportation, including hiking, biking and public transit.
2. Neighborhoods should be connected in as many locations as possible to adjacent developments and thoroughfares.
3. Highways and arterial roads shall go around the neighborhoods rather than through them. Where they do come in contact with the neighborhoods, these roads should be designed for low speeds.
4. Arterial roadways through neighborhoods and urban activity centers should take the form of the type "A" or Main Street or an avenue. At the edge of the neighborhood they should take the form of a parkway or a boulevard.

5. A network of interconnecting streets shall be developed to create several alternative routes through and between neighborhoods and commercial/employment districts.
  6. The interconnecting street network is not meant to be and should not provide a cut-through alternative to arterials.
- B. The site context.
1. All lakes, ponds, creeks, wetlands, and other natural features should be retained in the design and development process.
  2. Significant natural amenities should be fronted by streets or paths at least 30 percent of their length rather than privatized behind backyards.
  3. Submitted plans should locate neighborhood centers and sub-centers such as squares, greens, and parks at significant tree stands and other natural amenities.
  4. All developments should conform to the site topography to minimize the amount of grading necessary to achieve a viable street network.
- C. Gateways and vistas.
1. Generally. Views of significant features and buildings should be preserved and enhanced to aid the public in becoming oriented within an area.
  2. View corridors.
    - a. Street vistas should terminate with a significant view or building. A carefully sited building, public tract, a view of a natural feature, or an angle in the street shall terminate street vistas.
    - b. Developments shall include a plan to protect important views by designating the following on subsequent site plans:
      - i. Locations from which significant views of natural features are visible; locations from which water features or parkland can be seen and from which access is possible; and the location of open space, buildings, landscaping, and pathways that will protect, provide access to, or provide a frame for these significant views.
      - ii. Locations from which views of major landmarks of the built environment, such as fountains, sculpture, or important architectural features either within or outside a development are visible, and the location of open space, buildings, landscaping, and pathways that will protect, provide access to, or provide a frame for these significant views.
  3. Focal points.
    - a. The site design should designate major entranceways into a development and include some type of entry feature such as landscaping, an entry monument, sculpture or fountain.
    - b. At gateways into the REC and key intersections of arterials within the REC, ornamental landmarks should be integrated into site design to create visual focal points and a sense of identity. These should include monuments, artwork, and/or ornamental landscaping features.
- D. Connectivity, linkages and access.
1. Because the REC street and pedestrian network can serve as a bicycle route as part of the regional bicycle system, all developments should consider, in the site design, locations for bicycle parking and bicycle access connecting with the regional routes.
  2. Developments shall make provisions for bicycle trails, lanes and routes as part of an interconnected system, as directed by these guidelines and the city master park and trails plan.

3. Single-loaded collector and neighborhood streets should abut at least 30 percent of the total area along creeks and waterways.
- E. Site design.
1. All buildings shall face public streets unless they face a plaza or a courtyard.
  2. Site design shall provide direct access into the buildings from the public sidewalk.
  3. Sites shall be designed with a continuous pedestrian system throughout the development.
  4. All A/C units, HVAC systems, exhaust pipes and stacks, elevator housing, satellite dishes and other such devices shall be thoroughly screened by walls, fencing, roof elements, penthouse-type screening devices, or landscaping.
- G. Sign design standards. All signs within the REC area shall comply with the following sign regulations:
1. For "A" streets, apply commercial historic district sign standards.
  2. Neon signs are permitted on "A" streets.
  3. For all other streets, the regulations of the city sign ordinance shall apply, except that billboards shall be prohibited.
- H. Landscaping standards.
1. Landscaping should be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, fountains and other features, trellises, pergolas, gazebos, fences, walls, street furniture, and public art.
  2. Landscaping and site treatment plans should consider seasonal flowers in planters, planting beds, and hanging baskets.
  3. To conserve energy, landscaping should include the planting of evergreen windbreaks to block the northwest winds in the winter, thereby reducing heating energy costs. Deciduous trees shall be planted near the southern facades of buildings to block summer sun, thereby reducing solar heat gain during the summer months.
  4. Detention basins, headwalls, outlet structures, concrete flow channels, rip rap channels, and other drainage improvements shall be screened with plant material and/or berms. Such drainage structures, as appropriate, shall be situated in the least visible locations or, if visible, incorporated into the natural curves of the land. Detention basin embankment and the basin itself shall be extensively landscaped with wet-site-tolerant plant materials and shall be sized to accommodate the future growth of the planted vegetation.
  5. Shade trees.
    - a. Shade trees shall be provided along each side of all streets, public or private, existing or proposed. Shade trees shall also be massed at critical points, such as at focal points along a curve in the roadway. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified. For single family residential lots, the shade tree requirement shall count as one of the required "lot" trees.
    - b. Shade trees shall have a minimum caliper of three inches and/or a minimum height of ten feet at time of planting, and a maximum spacing of 30 feet on center, with exact spacing to be evaluated on a site specific basis.
- I. Lighting standards.

1. Along all type "A" streets, commercial or mixed use streets, parking areas, sidewalks, walkways, courtyards, community greens, and interior open spaces in a neighborhood, maximum 13-foot high decorative lamps and lamp posts shall be provided. On commercial streets these lamp posts shall be spaced no more than 80 feet on center. On local streets, lighting should be confined to intersections and corners.
2. In parking lots, post height may be extended to maximum of 16 feet.

IV. Neighborhood zone.

Intent and purpose: Each development shall be predicated on the neighborhood as the basic unit of development, with a distinct edge and center that provides the location for the neighborhood's civic buildings (e.g., churches, libraries and meeting halls), primary civic open spaces and primary neighborhood commercial uses. Generally, larger residential lots should be strategically located so that higher intensity residential development is located within and adjacent to neighborhood activity centers.

A. Land use mix and allocation.

1. Each neighborhood development is defined as an area 40 to 160 acres in size and shall provide at least one neighborhood center. The size of a neighborhood development may be increased as part of the zoning process in order to provide flexibility for large master planned developments. A sustainable neighborhood provides a mix of uses and activities, including shopping, employment, schools, recreation, civic and all types of housing, which enables people of all ages and means to access conveniently the various services and uses needed and desired, whether one is driving, cycling or walking.
2. Each neighborhood shall include a mix of uses as follows on a gross acreage basis:

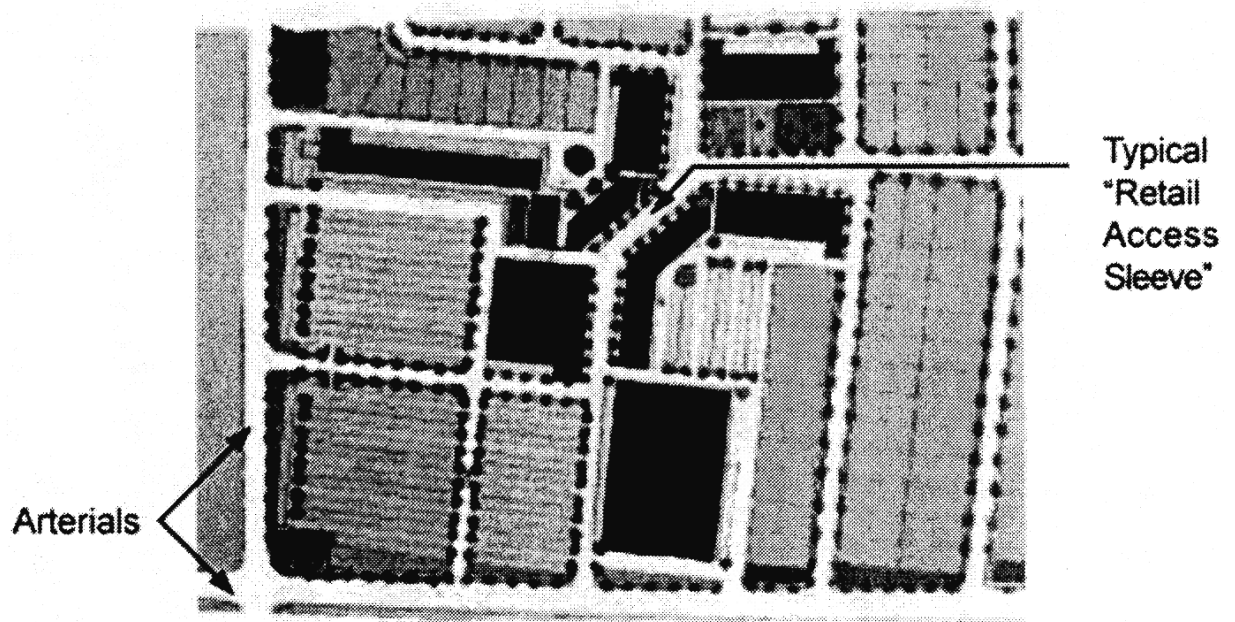
Public, civic and open space	5—15%
Neighborhood retail center	2—10%
Residential	75—93%

- a. Public and civic uses include non-municipally owned public parks, other improved internal open space, schools, churches, amenity centers (e.g., pools, tennis courts) and other public facilities.





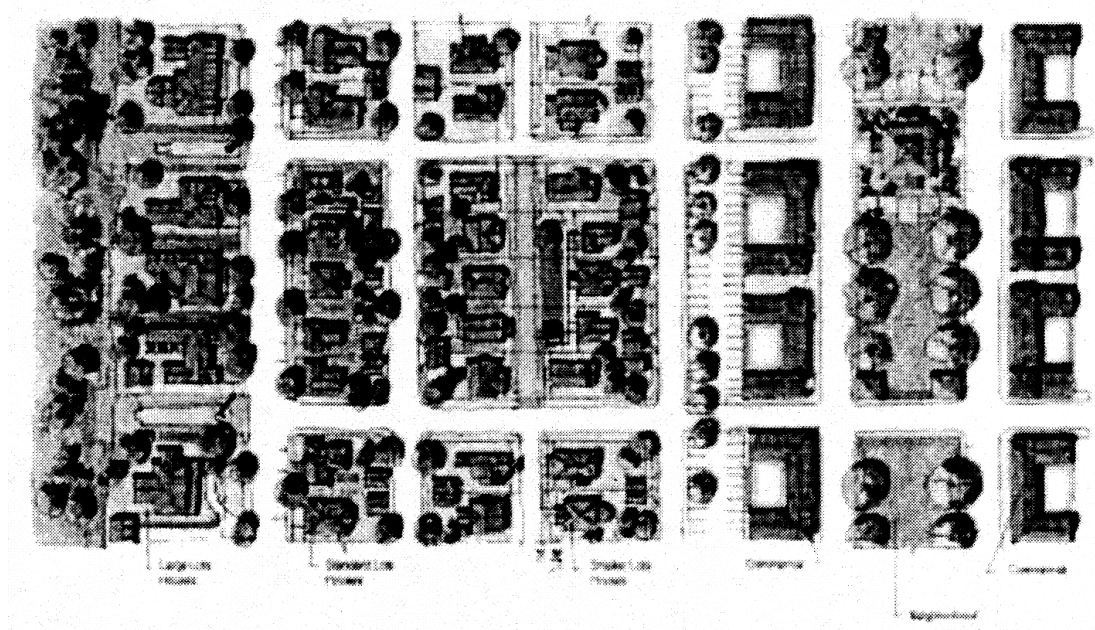
- b. The minimum internal open space for any one neighborhood development shall be the greater of two acres or five percent of the gross acreage of the development. Dedicated trailways may account for no more than 25 percent of the minimum internal open space requirement.
- c. Flood plains can be counted as open space, provided that they abut a single-loaded street with lots on the other side of the street facing the flood plain open space, and that they provide for and permit pedestrian access.
- d. Commercial retail uses are intended to be principally neighborhood services, shopping, professional services, and sit-down restaurants; but they are not intended to be "big box" retail, general office, or any use greater than 20,000 square feet. This notwithstanding, retail uses greater than 20,000 square feet that do not exceed 60,000 square feet are allowed only if they front a major arterial, and if the site design for the uses provides for direct pedestrian and vehicular access from the adjacent neighborhood via the use of an access "sleeve" so that vehicles and pedestrians can access the retail site without the utilization of the arterial.



Craig Ranch, McKinney, Texas Charrette, Duany-Plater Zyberk

3. A diversity of housing types within close proximity of one another is encouraged. For housing types south of F.M. 720 and east of Rowlett Creek, there shall be a minimum of five percent each of at least four of the following seven categories:
  - a. Single family detached dwellings on large lots;
  - b. Single family detached dwellings on standard lots;
  - c. Single family detached dwellings on small lots;
  - d. Town/row houses;
  - e. Dwellings above nonresidential space;
  - f. Two-, three- and four-family dwellings;
  - g. Multifamily apartment buildings;

For neighborhoods north of F.M. 720 and west of Rowlett Creek, the housing type mix is optional.



## Transition of Uses

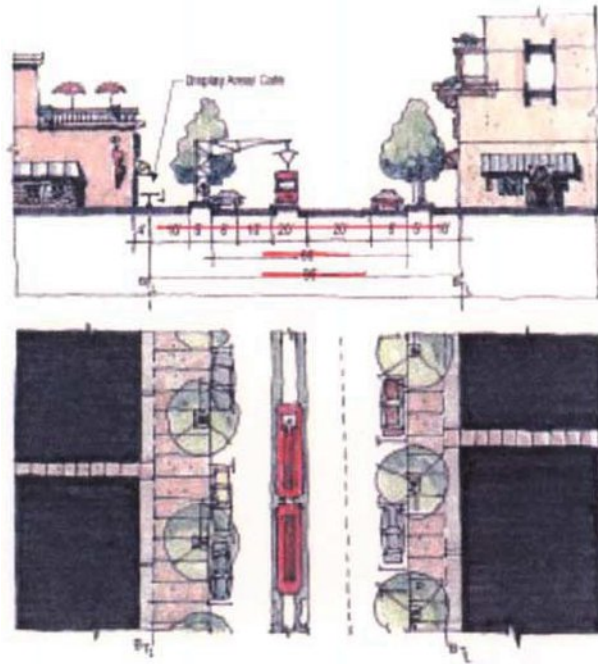
Specifications for each of these housing types are provided in the area and bulk regulations herein.

4. Each single family detached dwelling is permitted to contain an accessory dwelling unit in the rear yard, such as an apartment over the garage, or a freestanding structure.
5. For purposes of residential density calculation, only primary units shall count as dwelling units; accessory residential units on single family residential lots and dwellings above nonresidential uses shall not count as dwelling units.
6. Subsidized housing should be architecturally indistinguishable from market-rate housing. Residential densities shall be as follows:

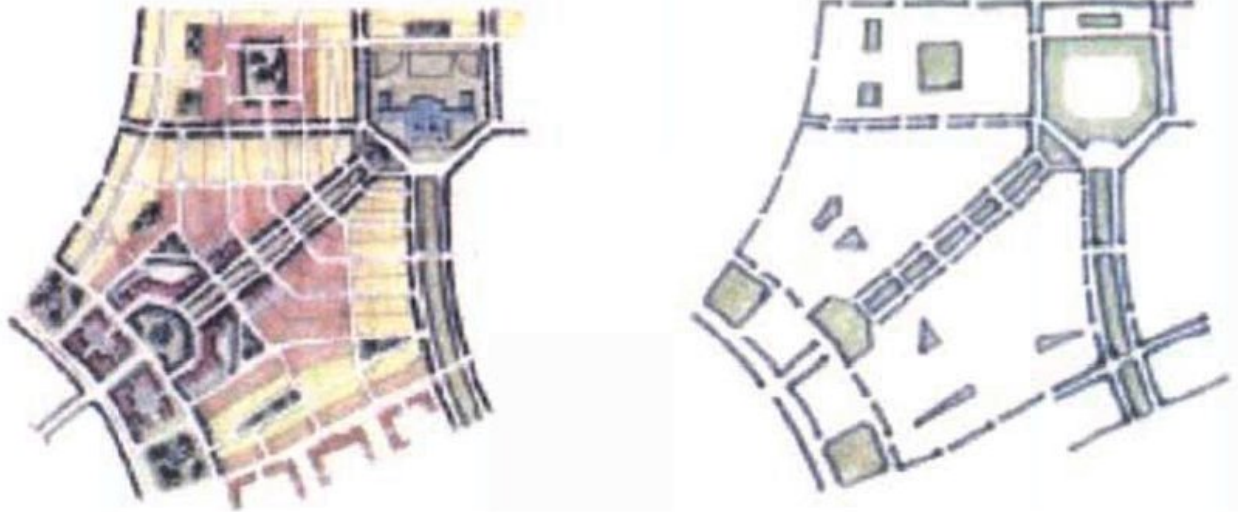
	For Developments Within 800 Feet of the Right-of-Way of Collin-McKinney Parkway	For All Other Developments in Neighborhoods
Minimum net average density:	N/A	4 dwelling units/acre
Maximum net average density:	No maximum	18 dwelling units/acre

7. Residential net density should generally decrease from the community green and/or neighborhood center towards the periphery. Smaller lots and higher density blocks are generally located closer to the community green and Main Street commercial area. The segregation of dwelling unit types is discouraged and different types of dwelling units may be mixed in any distribution within any single block.

8. Apartments intended to develop in an urban, pedestrian-oriented manner shall be designed in multiple small buildings that are sited on the street's build-to line, and such that each ground floor unit faces the street in order to maximize compatibility with the urban design of the other adjacent residential and commercial uses. Apartment buildings that do not intend to develop in an urban manner shall follow the alternative setbacks provided for in the Area and Bulk Regulations for Apartment Dwellings of the Neighborhood Zone.

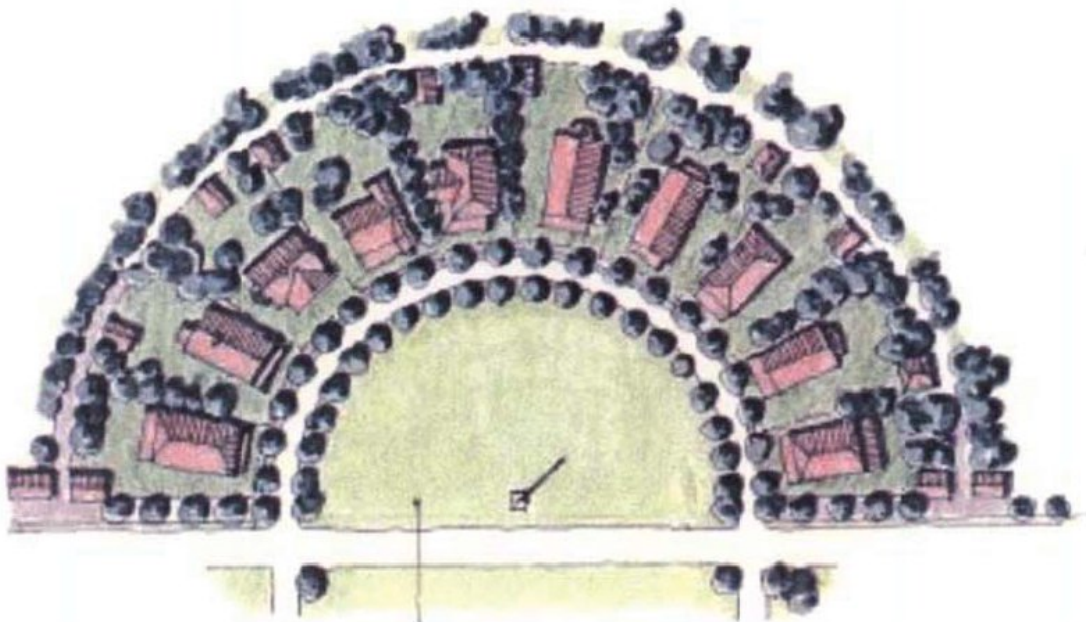


9. Within a mixed-use development in the neighborhood center, residential dwellings shall not be located on the ground floor, although ground floor entryways to internal stairwells are permitted.
10. Like uses should be placed across the street from one another.
11. Elementary schools should be located no more than ten minutes' walking distance from most dwellings, roughly one-half mile, and should be easily accessible on foot. Residential developers should confer with the applicable school district to determine the need and desired location for new school sites.
12. Open space within the neighborhood should not be leftover space, but rather it should be parks, greens, squares, or plazas designed as a network.



Neighborhood Plan, Green and Open Space System

13. Any large area of open space between neighborhoods should be connected.



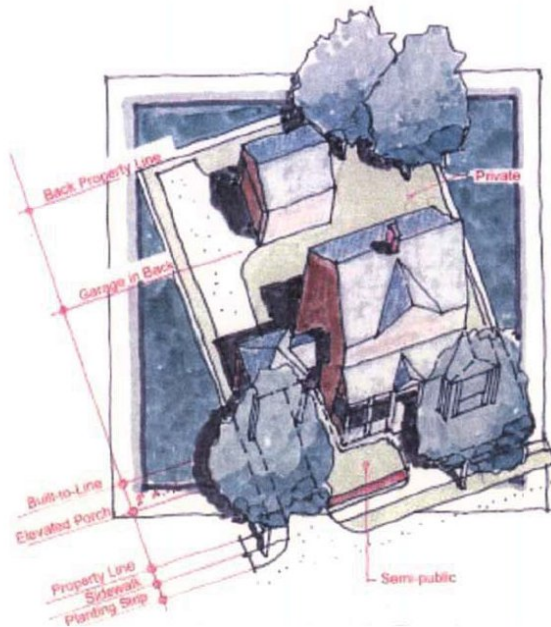
Village Green

- B. Site design.
  1. Residential.
    - a. Residential uses intended to develop in an urban, pedestrian-oriented manner shall establish a single specific build-to line for the respective opposing block faces down a street. The build-to line shall be no greater than one-third and no less than one-tenth of the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the



linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Residential uses that do not intend to develop in an urban manner shall follow the alternative setbacks provided for in the Area and Bulk Regulations for Single Family Detached (Large, Standard, and Small lot) and Townhouse Dwellings of the Neighborhood Zone.

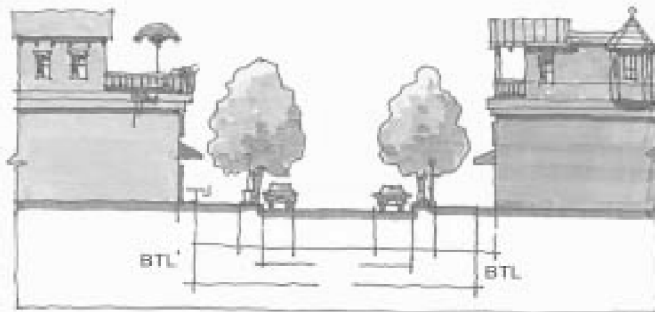
- b. Encroachments by stoops, eaves, overhangs, porches, bay windows and balconies within the area between the property line and the build-to line are permitted. However, no building shall encroach into the area between the build-to line and the property line.



#### Area and Bulk Regulation Elements

- c. Lot widths should vary in order to provide design character along a street.
- d. All dwellings are encouraged to have a finished first floor elevation at least two feet above the finished surface grade of the lot at the front door. This provision does not apply to accessory dwelling units.
- e. The front of detached garages accessed by driveways from the front of the house shall be set back a minimum of ten feet from the back of the house or rotated so that the garage doors do not face adjacent streets.
- f. Attached garages accessed by driveways from the front of the house are encouraged to be set back at least 20 feet from the front facade of the house. Front facing garage doors shall be no closer than 20 feet from the front property line.
- g. There shall be no more than one accessory unit located on a single family dwelling lot.
- h. Dwelling units on any street should have a front entrance articulated by a covered front entry porch. Porches generally should be located on the front of the building or wrapping, and occasionally on the side. Porches are encouraged to be at least four feet in depth.
- i. Residential buildings should have relatively flat fronts and simple roofs, with most wings and plan articulations set at the rear.

- j. At least 35 percent of the facade facing a street of each ground floor apartment dwelling shall consist of window and door openings, except as approved as part of a site plan if found to be in keeping with the overall residential site design principles.
  - k. A corner store may be located in an area zoned residential, provided it fronts onto a major local or greater street and is located on a corner. Corner store buildings shall be designed to appear as residential buildings; and ground level commercial uses shall not exceed 4,000 square feet, with residential uses on the upper level encouraged. Corner stores should be primarily oriented to serve the residents of the immediately surrounding neighborhood.
2. Neighborhood center.
- a. The developer(s) of a neighborhood development shall designate land in a central location and of sufficient size to serve as a neighborhood center. The neighborhood center shall be incorporated in to the zoning and platting of the property. The neighborhood center base zoning district shall be used as the appropriate device for entitling and reserving land for this purpose.
  - b. The amount of land reserved shall be at least 100 square feet and no more than 200 square feet of commercial land area per each primary residential dwelling unit, counting all residential units at build-out.
  - c. The Neighborhood Center component should front on the interior streets of the neighborhood. If the Neighborhood Center fronts on an arterial street, it shall provide for direct pedestrian and vehicular access from the adjacent neighborhood via the use of a "sleeve" so that vehicles and pedestrians can access the retail site without the utilization of the arterial street (see "sleeve" diagram, subsection V.A.2.d. above). Commercial uses can be mixed and integrated with second story dwelling units.



Commercial Main Street at Neighborhood Center

- d. The neighborhood center shall contain or be adjacent to a community green, a main street, a plaza or a square.
- e. If the development includes a main street commercial area and a community green or plaza or square, the community green or plaza or square should either front upon the main street; the main street should terminate at the community green or plaza or square; or the main street and the community green or plaza or square should combine to create a neighborhood focus.
- f. Commercial uses should be contained in multi-story, mixed-use structures with commercial/retail uses on the ground level and apartment dwellings or offices on the upper levels. The maximum ground level footprint of a commercial building should be no more than 10,000 square feet unless the building mass is designed so as not to overwhelm the adjacent areas and buildings.

- g. Restaurants are permitted to operate outdoor cafes on sidewalks (including areas in the public right-of-way) and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired, and so long as public health, safety and welfare are maintained.

The following guidelines are applicable:

- i. A minimum of five feet of sidewalk along the curb leading to the entrance of an establishment shall be maintained free of tables and other encumbrances.
- ii. Planters, posts with ropes, or other removable enclosures are encouraged to define the area occupied by the cafe.
- iii. Extended canopies, awnings, and umbrellas are permitted. Colors should compliment building colors.
- iv. Cafes shall provide additional trash receptacles.

C. Area and bulk regulations.

1. Single family detached, large lot.



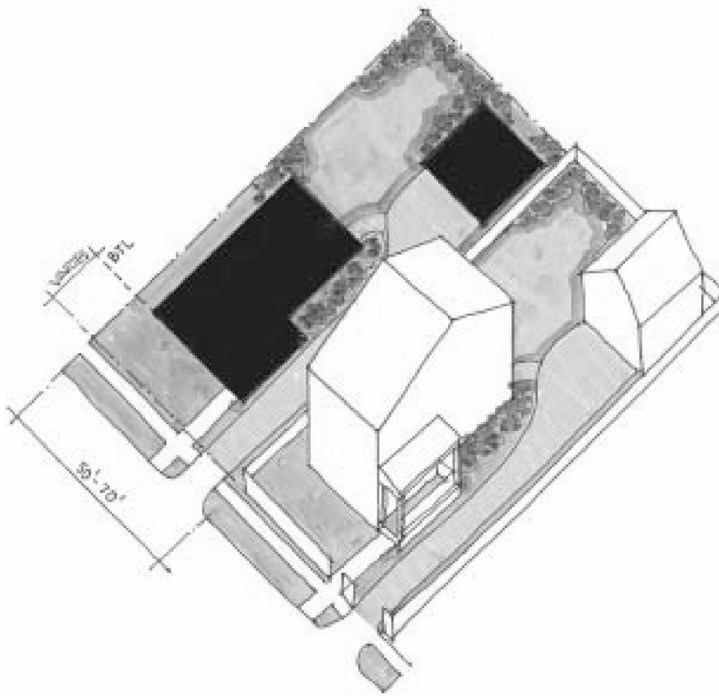
Single family Detached Large Lot with Front Access

- a. Minimum lot area: 8,400 square feet.
- b. Minimum lot width: 70 feet.
- c. Minimum lot depth: 100 feet.
- d. Yard dimensions:
  - i. Build-to line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Residences that are not

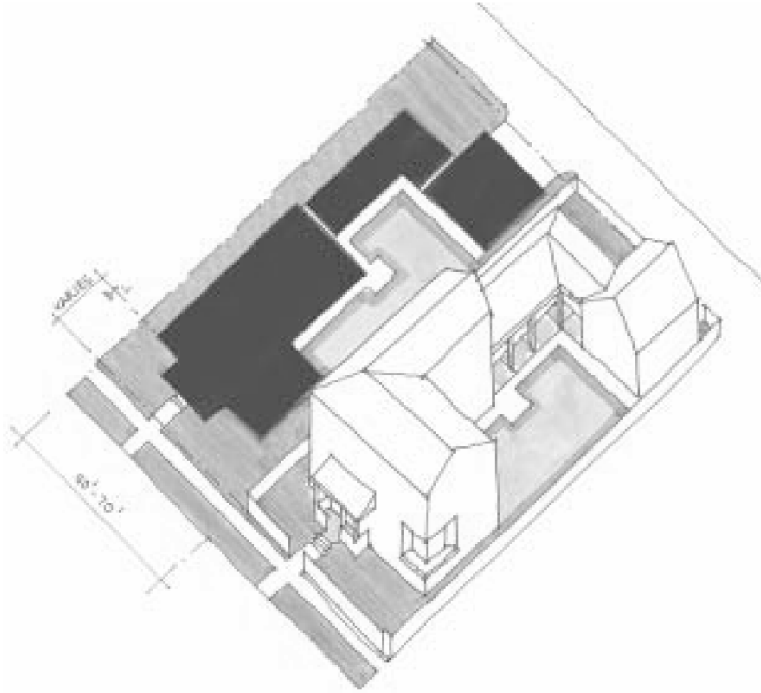


intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

- ii. Side yard: Minimum of ten feet; 15 feet for the side facing the street on a corner lot.
  - e. Maximum building height: 45 feet or 2.5 stories.
  - f. Accessory unit allowed; maximum 750 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.
2. Single family detached, standard lot.



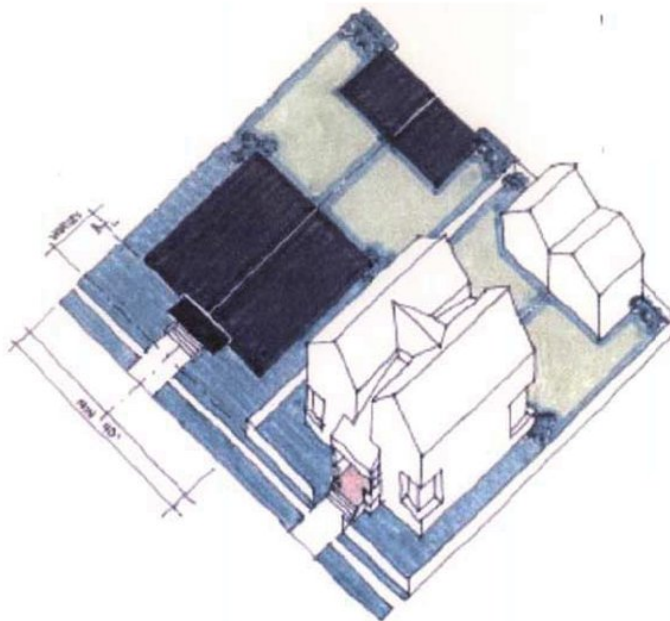
Single family Detached Standard Lot with Front Access



#### Single family Detached Standard Lot with Rear Access

- a. Lot area: A minimum of 5,000 square feet.
  - b. Lot width: Minimum of 50 feet, and less than 70 feet.
  - c. Minimum lot depth: 90 feet.
  - d. Yard dimensions:
    - i. Build-to line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
    - ii. Side yard: Minimum of five feet (if a zero lot line product is to be constructed, a minimum building separation of ten feet shall be maintained and the zero lot line side of each lot intended to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat) except where otherwise warranted to maintain sight visibility requirements as determined by the city engineer.
  - e. Maximum building height: 35 feet or 2.0 stories.
  - f. Rear yard or side yard parking optional, alley optional.
  - g. Ancillary unit allowed; maximum 650 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.
3. Single family detached, small lot.
    - a. Lot area: A minimum of 3,000 square feet.

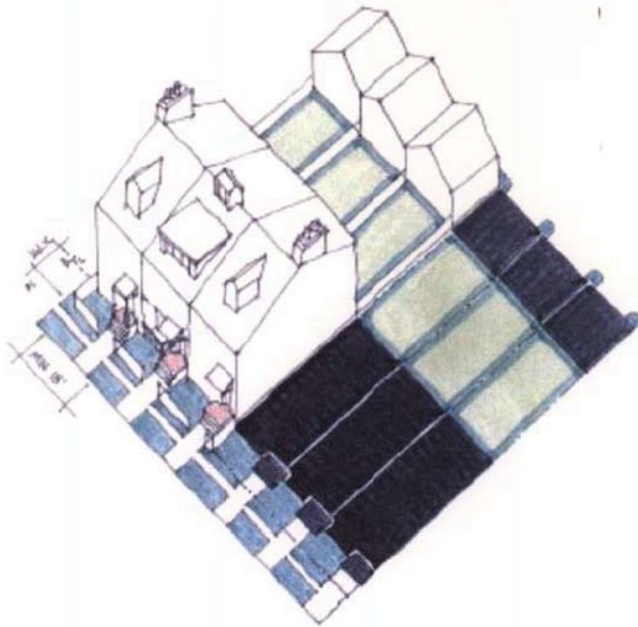
- b. Lot width: 35 feet or greater, but less than 50 feet; and up to 60 feet for a corner lot.
  - c. Minimum lot depth: 70 feet; 100 feet if ancillary unit utilized.
  - d. Yard dimensions:
    - i. Build-to line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
    - ii. Side yard: Minimum of five feet (if a zero lot line product is to be constructed, a minimum building separation of ten feet shall be maintained and the zero lot line side of each lot intended to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat) except where otherwise warranted to maintain sight visibility requirements as determined by the city engineer.
  - e. Maximum building height: 35 feet or 2.0 stories.
  - f. Rear yard or side yard parking required, and an alley is required.
  - g. Ancillary unit allowed (only if minimum lot depth is 100 feet), maximum 500 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.
  - h. Attached structure shall be subordinate to the main structure at a minimum by a lower ridgeline.
4. Two-, three-, and four-family dwellings.



Two-, Three- and Four-Family Dwellings with Rear Access

- a. Lot area: Minimum lot size 5,000 square feet, and minimum of 2,000 square feet per dwelling unit.

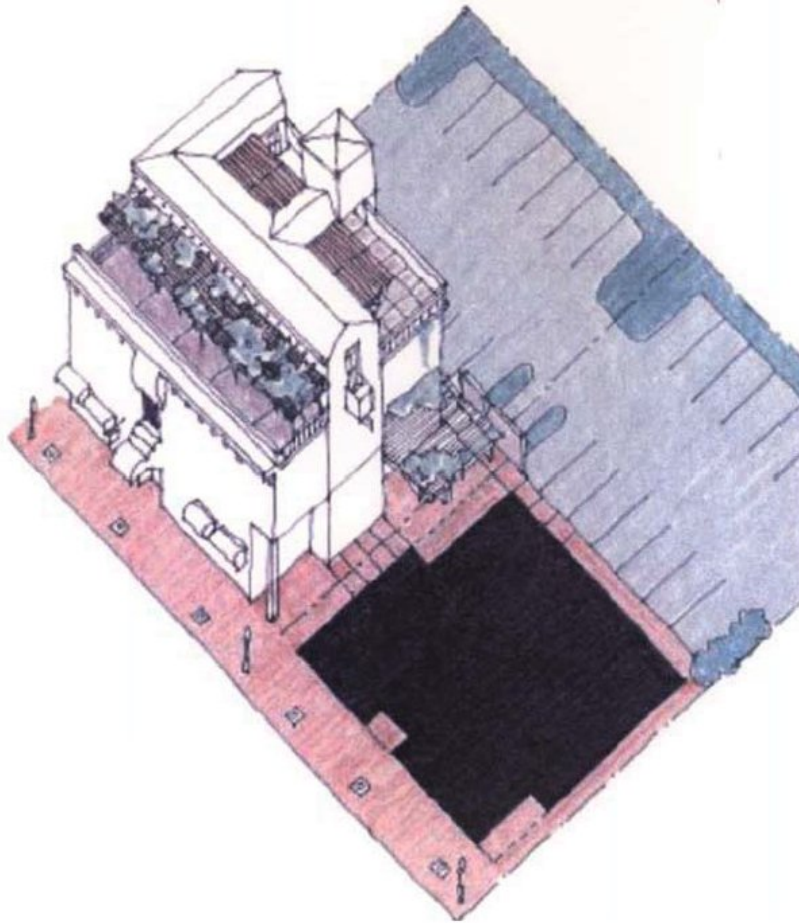
- b. Lot width: Minimum of 40 feet.
- c. Minimum lot depth: 100 feet.
- d. Yard dimensions:
  - i. Build-to line: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line.
  - ii. Side yard: Minimum of five feet; 15 feet for the side facing the street on a corner lot.
- e. Maximum building height: 35 feet or two stories.
- f. Maximum lot coverage: 65 percent.
- g. Rear yard or courtyard parking required; an alley is required for lots less than 50 feet wide.
- h. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings, such as entryways, to facilitate compatibility with single family uses.



#### Townhouse Dwellings with Rear Access

- 5. Townhouse (rowhouse) dwellings.
  - a. Lot area: A minimum of 1,800 square feet and a maximum of 4,500 square feet per dwelling unit.
  - b. Lot width at front yard build-to line: Minimum of 18 feet, maximum of 40 feet per dwelling unit.
  - c. Minimum lot depth: 80 feet.
  - d. Yard dimensions:

- i. Build-to line: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line.
    - ii. Side yard (end of row): Minimum of ten feet.
    - iii. Rear yard: Minimum of 20 feet.
  - e. Maximum building height: 35 feet or 2.5 stories, except that it may be increased to three stories per site plan approval.
  - f. Maximum building length: Eight dwelling units in a row along a block face.
  - g. Rear yard garage and alley access or contained internal courtyard parking is required.
  - h. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings to facilitate compatibility with single family uses.
6. Apartment dwellings.
- a. Minimum lot area: 8,800 square feet.
  - b. Lot width: Minimum of 80 feet.
  - c. Minimum lot depth: 100 feet.
  - d. Yard dimensions:
    - i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be 15 feet, unless located on a block along with non-apartment lots, thereby requiring the build-to line to be calculated as prescribed in the residential site design section herein and such that the apartment lot is not utilized in the build-to line average lot width calculation. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 35 feet.
    - ii. Side yard: Minimum of ten feet; 15 feet for the side facing a street on a corner lot.
    - iii. Rear yard: Minimum of 55 feet.
  - e. Maximum building height: For developments intending to develop in an urban, pedestrian-oriented manner, the maximum building height shall be four stories (buildings within 125 feet of a single family residential zoning district shall be limited to two stories). Buildings that are not intended to develop in an urban manner shall be limited to 35 feet or 2.5 stories.
  - f. Maximum lot coverage: 75 percent.
  - g. Maximum building length: Eight dwelling units in a row along a block face.
  - h. Rear yard parking and alley access required on type "A" streets; side yard parking but not front yard parking allowed on "B" streets.
  - i. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings to facilitate compatibility with single family uses, except as approved as part of a site plan if found to be in keeping with the overall residential site design principles.
7. Commercial uses and mixed-use buildings.

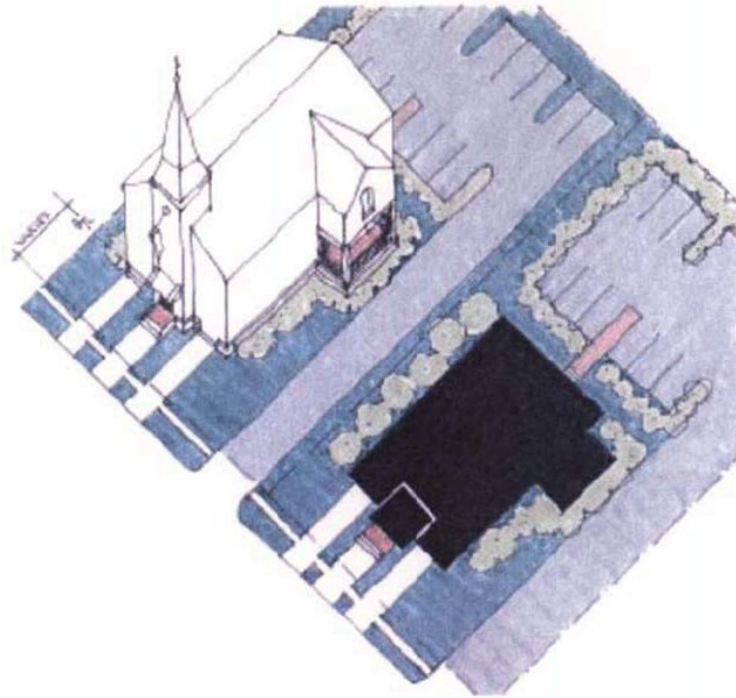


#### Commercial and Mixed-Use Dwellings

- a. Lot width: Minimum of 30 feet, maximum 115 feet.
- b. Minimum lot depth: 100 feet.
- c. Yard dimensions:
  - i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be between two and six feet on commercial (main) streets and on all other streets in neighborhood centers; otherwise, utilize the build-to line calculated as prescribed in the residential site design section herein and such that the commercial lot is not utilized in the build-to line average lot width calculation. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
  - ii. Side yard (each side): Minimum of zero feet if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.
  - iii. Rear yard: Minimum of 55 feet (one row of double parking).
- d. Maximum building height: 35 feet and 2.5 stories.
- e. Maximum lot coverage: 70 percent.
- f. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings, and alleys are required. On type "B" streets, at least 80 percent of

the off-street surface parking spaces for commercial buildings should be located at the side of the building or behind the rear face of the building.

8. Community, civic, institutional and religious buildings.



Community, Civic, Institutional and Religious Dwellings

a. Yard dimensions:

i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be between two and six feet on commercial (main) streets and on all other streets in neighborhood centers; otherwise, utilize the build-to line calculated as prescribed in the residential site design section herein and such that the subject lot is not utilized in the build-to line average lot width calculation. Community, civic, institutional and religious buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

ii. Side yard: Minimum of 15 feet.

iii. Rear yard: Minimum of 55 feet.

b. Maximum building height: 45 feet or three stories.

c. Maximum lot coverage: 70 percent.

d. Off-street parking should be in rear yards or side yards. Alleys recommended.

e. If the structure is a church, the space limits established in Section 146-129(1)c shall apply.

D. Connectivity, linkages and access.

1. Transportation network. The transportation network shall provide opportunities for the public to walk, bicycle and drive within the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the

pedestrian; and to strengthen relationships and encourage movement between important elements inside and outside the development.

2. Street network.

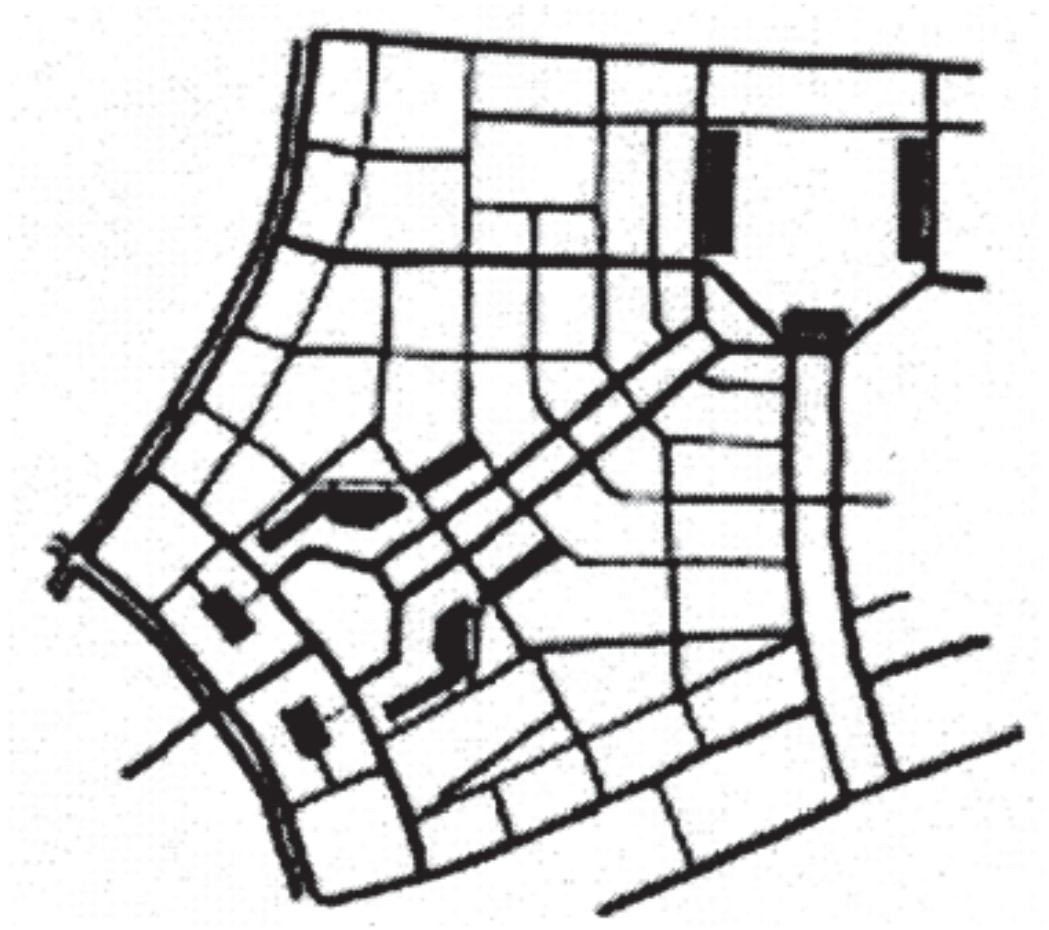
- a. All streets should be organized in a comprehensible hierarchical network of "A" streets and "B" streets that manifest the structure of the neighborhood.
  - i. Type "A" and type "B" streets shall be identified for each neighborhood such that each development provides at least ten percent in linear footage of type "A" streets of the total linear footage of streets within the development. This provision shall apply to the aggregate areas of multi-phase subdivisions when larger subdivisions are platted in phases, and type "A" streets shall be planned in new developments to connect with existing developments so that effective pedestrian access between developments is achieved.
  - ii. Type "A" streets are designed with, or characterized by, features that promote safety, comfort, and convenience of pedestrians and transit users. "A" streets shall provide monolithic curbing sidewalks on both sides at least five feet wide and at least ten feet wide in neighborhood centers and commercial main streets, "street" trees spaced 30 feet on-center, narrow streets with narrow curb turning radii at intersections, buildings sited close to the street, pedestrian-scaled lighting, on-street parking, no onsite parking between the street and the building facade facing the street, aligned building facades, and building entrances facing the street. The "A" streets shall be organized in a continuous network so that the pedestrian experience is uninterrupted throughout the neighborhood. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings.
  - iii. Type "B" streets may be of lesser pedestrian character as compared to type "A" streets. On type "B" streets, at least 80 percent of the off-street surface parking spaces for commercial buildings should be located at the side of the building or behind the rear face of the building.
- b. Each neighborhood shall be designed with a layout of streets and blocks so that vehicular and pedestrian movement is interconnected throughout the neighborhood, as well as the surrounding neighborhoods. Interconnectivity shall be accomplished by the following:
  - i. The street network shall be laid out to provide multiple access ways between destinations;
  - ii. The street network shall allow bicyclists and pedestrians to travel on local streets to most locations within the neighborhood without the need to follow arterials;
  - iii. The neighborhood street system should be inter-connected, and converge generally at common destinations such as commercial areas, parks and transit centers.





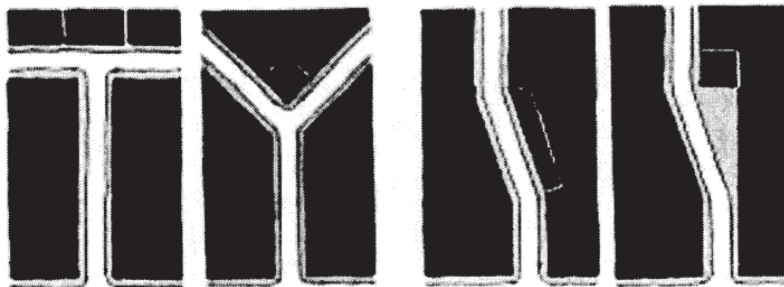
General Development Plan

- iv. The street pattern should be direct and avoid circuitous routes or dead-end streets.



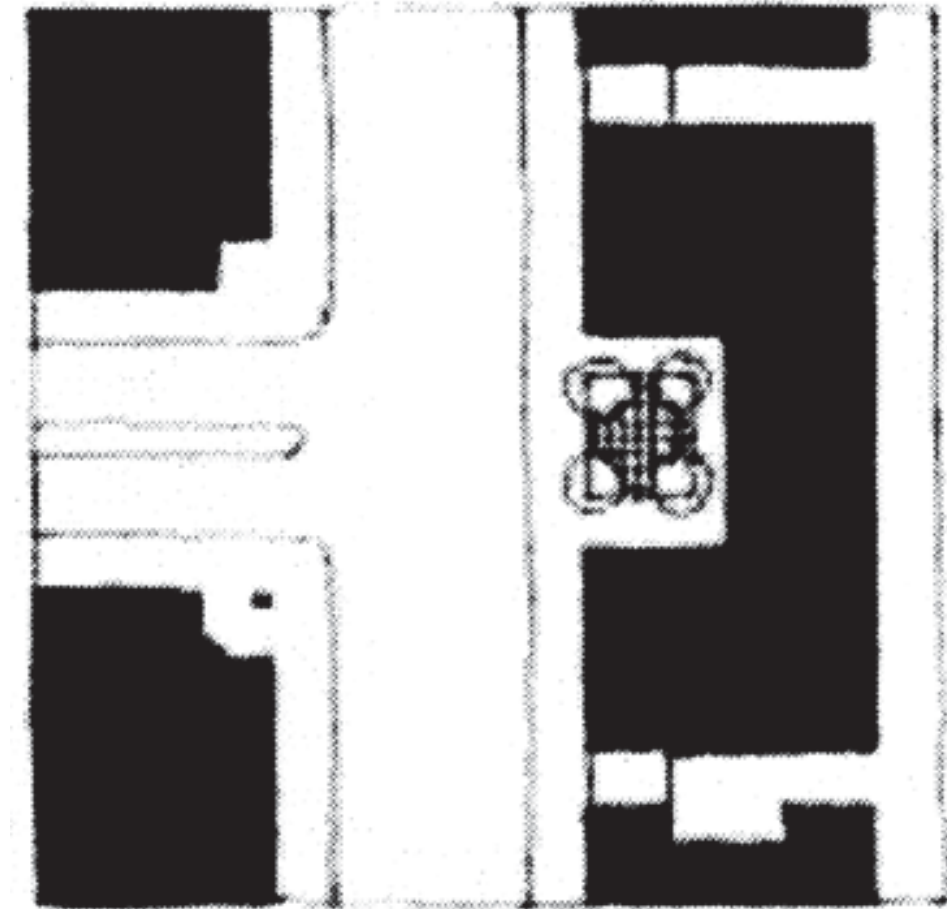
## Street Pattern

- v. Street connections should be designed to keep through trips on collector or arterial streets and local trips within the neighborhood.
- vi. At no time should a collector or arterial street be the only route to and from different land uses in the neighborhood.
- vii. Buildings shall be sited on their respective lots so as to address the street either by their front or side; but they shall not back onto streets.
- viii. A building, a public tract, a view of natural feature, or an angle in the street should terminate most street vistas.



## Vista Termination, Vista Deflection

- ix. Curved streets should maintain roughly the same cardinal orientation (except where steep grades dictate otherwise).

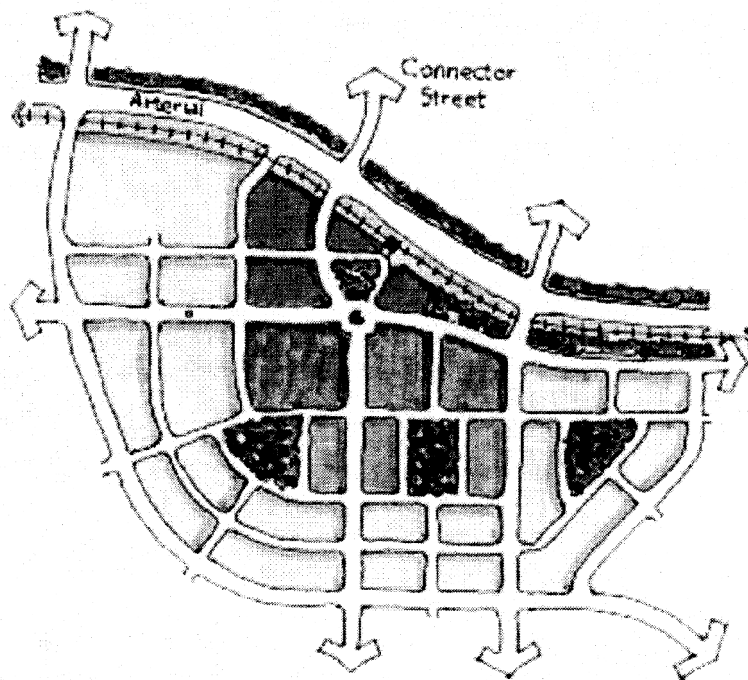


"T" Intersections should terminate at major entries, buildings, plazas or other prominent features

- x. All streets at both ends should terminate at other streets. Use of cul-de-sacs is strongly discouraged. If the use of cul-de-sacs is desired or necessary because of topographical or other environmental necessity, the cul-de-sac shall be connected by a permanently maintained pedestrian/bicycle pathway to the next adjacent street or trail behind the cul-de-sac;
- xi. All retail and neighborhood centers shall have automobile and pedestrian access from local streets to encourage connections within the neighborhood;
- xii. All street blocks should not be longer than 600 feet, measured from the intersecting curb face to curb face for a subdivision with an average buildable lot size of 10,000 square feet or less, and 800 feet for a subdivision with an average buildable lot size greater than 10,000 square feet; for blocks longer than 500 feet, an alley or pedestrian path should provide through access;
- xiii. The street pattern should be laid out to create blocks that are generally rectilinear in shape, a modified rectilinear shape, or another distinct geometric shape;



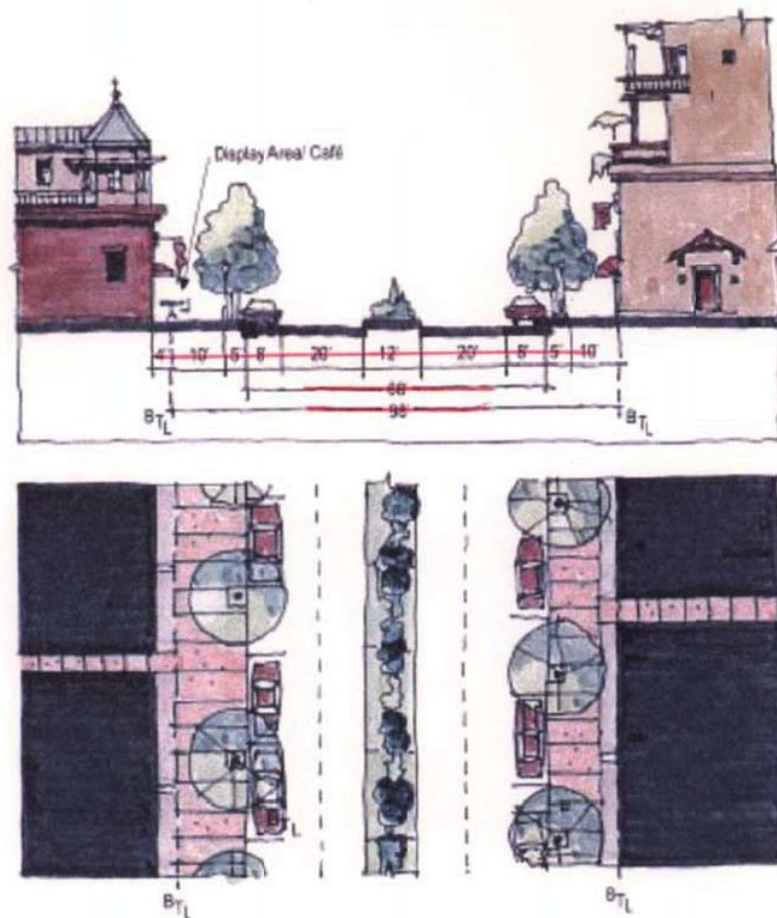
- xiv. Blocks closer to the neighborhood center should be smaller relative to the blocks further from the neighborhood center.
- c. Each neighborhood shall connect to adjacent development through the use of a system of interconnecting streets; if the neighborhood is developed adjacent to undeveloped areas, stub-outs and/or rights-of-way shall be provided at regular intervals so that interconnecting streets can be constructed once the adjacent areas develop. For each neighborhood, there should be at least two interconnections with the existing or planned public street system rated as an arterial or major local, or one every 800 feet, whichever is more frequent.





## Connector Street Diagram Adopted from The Next American Metropolis, Peter Calthorpe

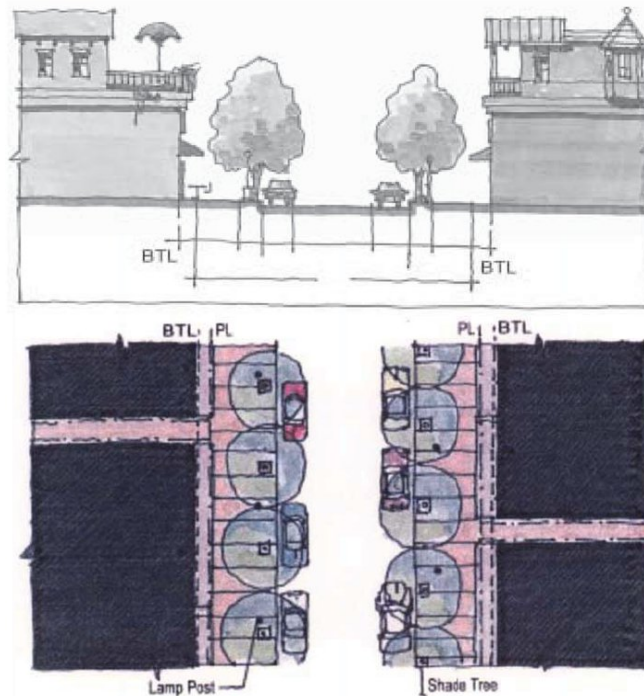
- d. Highways and arterial roads shall go around the neighborhoods rather than through them. Where they do come in contact with the neighborhoods, these roads should be designed and managed to avoid speeds in excess of 30 m.p.h.
- e. Major roads through neighborhoods should be designed as civic thoroughfares. Within a neighborhood they should take the form of an avenue or commercial main street (see street design specifications). At the edge of the neighborhood, roads should take the form of a parkway or boulevard.
- f. The network of interconnecting streets should provide several alternative paths through neighborhoods to the center or to the activity nodes at Collin-McKinney Parkway corridor.



## Street Network and Street Design

- g. The interconnecting street network is not meant to be and should not provide a through-route alternative to arterials.
  - h. Where feasible, alleys should be utilized for utility easements in addition to providing access.
3. Street design specifications.
- a. General design.

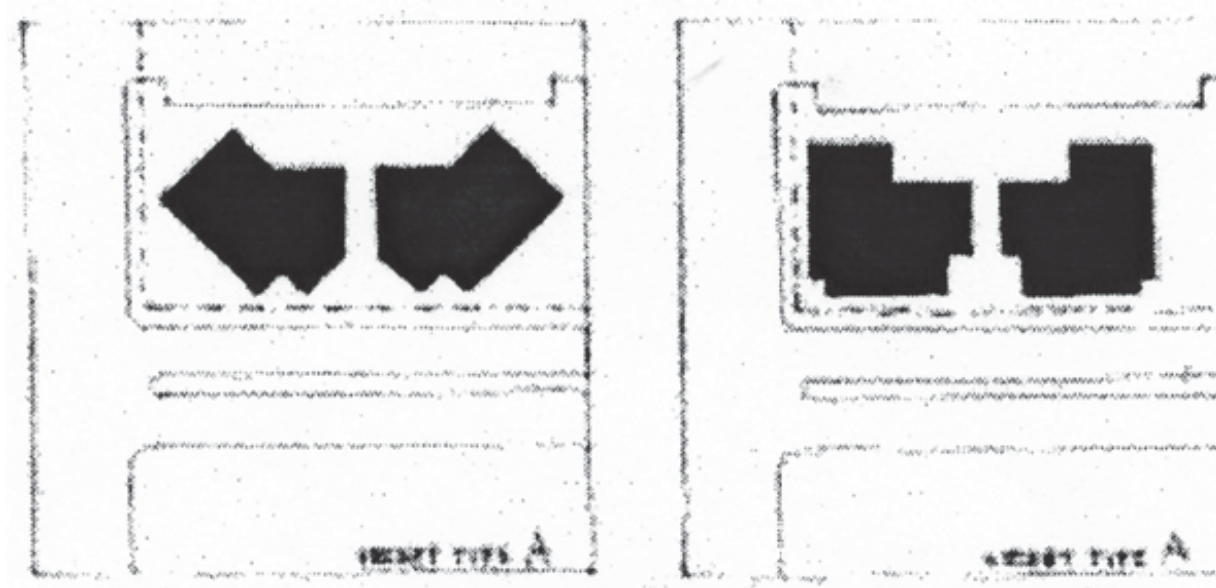
- i. The street layout for the REC neighborhood areas shall incorporate a hierarchy of streets as set forth below. The street design shall be in accordance with the city subdivision ordinance. Each development in the REC shall contain a clearly identified "A" street "B" street network. A network of neighborhood streets designed according to the principles in subsections b. thru e. below shall be provided. However, the street design shall meet the city street design manual criteria except as approved through a variance to the subdivision ordinance.
  - ii. Telephone poles or other barriers shall not obstruct sidewalks.
  - iii. All sidewalks should be protected by shade trees to encourage pedestrian use; unless other means are provided, this should be achieved by utilizing, between the roadbed and the sidewalk, a planting strip at least five feet wide with shade trees.
  - iv. Crosswalks for pedestrians shall be provided at all intersections.
  - v. Curb return radii at neighborhood intersections of local streets and minor collectors should be ten to 15 feet in order to reduce the crossing distance for pedestrians, subject to fire marshal review and approval.
  - vi. All streets except arterials should provide for parallel parking.
  - vii. Blocks predominantly containing lots less than 50 feet wide shall utilize alleys to minimize the number of garages fronting streets.
  - viii. Surface parking for commercial uses should not be placed between the building facade and the street curb.
  - ix. If surface parking is located next to a building, the surface parking area should be screened by a fence, wall, landscaping, or similar device in order to continue the build-to line of the adjacent building facades. This provision applies to "B" streets only; this option is not allowed on "A" streets.
  - x. Parking lots serving neighborhood centers should be no larger than 25 spaces per lot. Lots serving businesses adjacent to each other should be connected. Parking lots larger than 25 spaces shall be segregated into multiple, interconnected and landscaped areas.
- b. Commercial (main) street—a commercial mixed-use street within the neighborhood.



Commercial (Main) Street Diagram

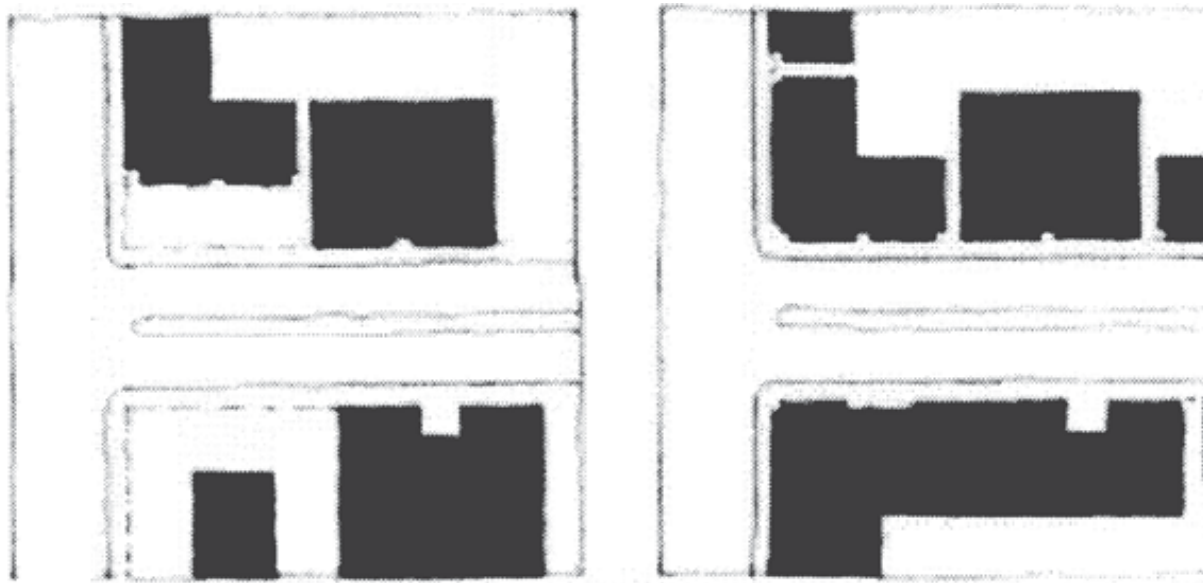
- i. Design: The commercial main street shall be a type "A" street.  
Desirable land uses: Neighborhood commercial, office, retail, and mixed use.  
  
Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be two to six feet from property line. Commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
- ii. The length of the main street or main street segment should be in the range of 400 to 1,000 feet, divided into multiple smaller blocks.
- iii. Parallel parking shall be provided on both sides of the street as approved by the city engineer. Diagonal head-in parking may be permitted along the front of commercial uses and/or community green, in which case no parking shall be permitted on the other side of the street. Curbside parking shall not be permitted within 25 feet of an intersection.
- iv. Planting strips of a minimum width of five feet shall be provided within the right-of-way, except where the road abuts the community green. The planting strip abutting a community green shall be at least nine feet wide.
- v. Along commercial uses, brick pavers or other similar elements may be substituted for vegetative ground cover typically found in parkways and residential areas.
- vi. Sidewalks shall be provided on both sides of the street and shall have a width of ten feet to 15 feet. Included in the 15-foot sidewalk shall be street lighting and street trees. If the sidewalk is ten feet wide, then the planting strip shall be planted with street trees. Light poles shall be no higher than 13 feet spaced 80 feet on-center.
- vii. "Street" trees shall be installed and spaced 30 feet on-center.

- viii. Vehicular access to parking shall not be from an "A" street. Rather it shall be from an alley or from "B" streets adjacent to the rear parking lots so that driveways do not intersect the street. Parking should not be allowed between the main street and the building.
- ix. Commercial buildings shall be allowed up to an additional four feet of setback if a cafe is planned.



Undesirable, Desirable Relationships to Street

- x. Building frontage should be continuous with small pedestrian paths between buildings leading to parking in the rear.

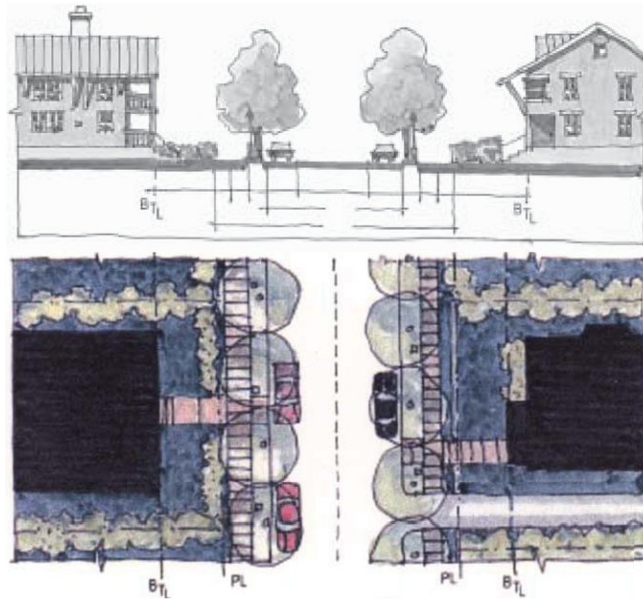


Undesirable, Desirable Relationships to Street

- xi. Monolithic curbing in Main Street segments shall be required.



c. Major local—two-way street.



Major Local Street

i. Design:

Desirable land uses: All residential types, neighborhood commercial.

Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Single family residential and commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

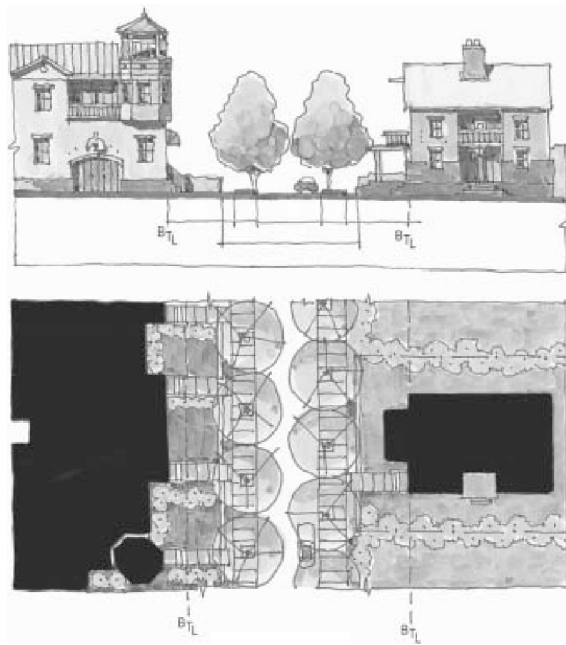
Right-of-way width: 60 feet maximum.

Paved width: 30—36 feet; driving lane ten feet maximum each.

Design speed: 25 m.p.h.

- ii. Parallel parking shall be provided on both sides of the street except within 25 feet of any intersection.
- iii. Planting strips of a minimum width of five feet shall be provided on both sides of the street.
- iv. Decorative street lamps, of a maximum height of 13 feet and spaced at a maximum of 80 feet on-center shall be installed on both sides of the street and at the intersections.
- v. Vehicular access to parking should be from an alley or from "B" streets adjacent to the rear parking lots. This provision is mandatory if the street is Type "A."
- vi. Monolithic curbing is recommended. Monolithic curbing is required in a type "A" street or adjacent to commercial or multi-family (greater than four units per building) uses.

- d. Local street—a two-way residential street.



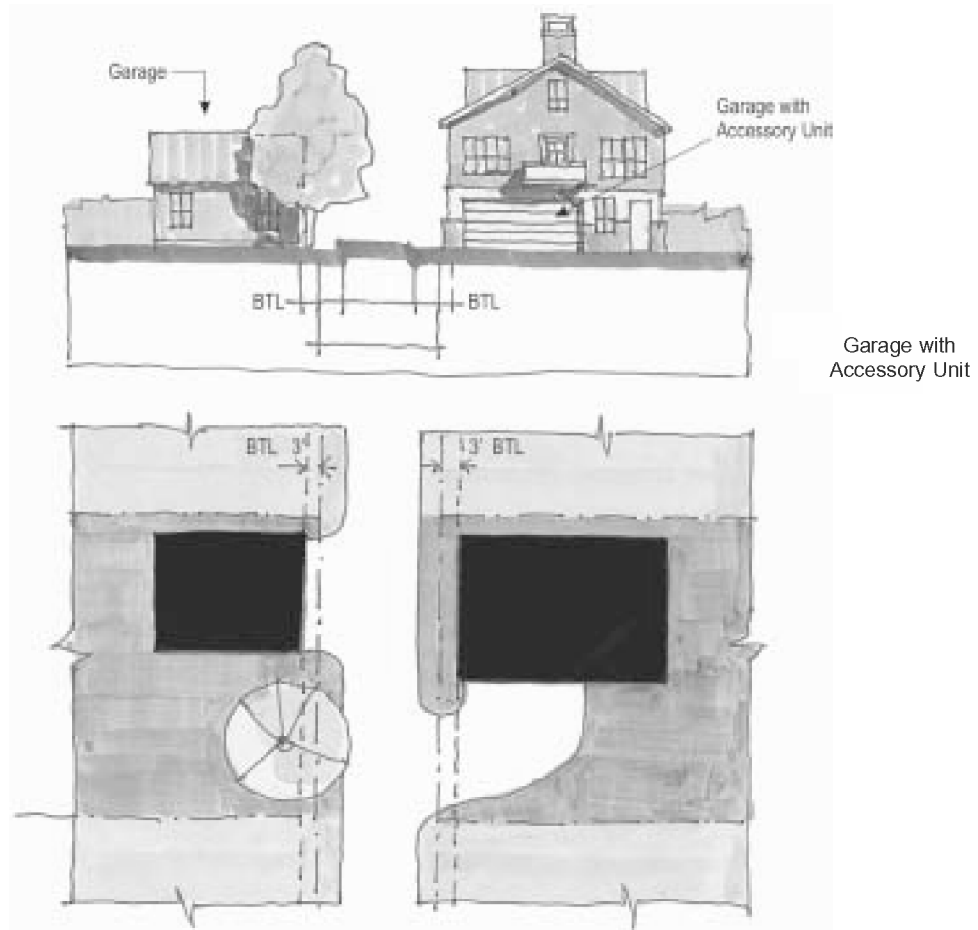
Local Street Diagram

- i. Design:

Desirable land uses: All residential types, except multi-family greater than four units per building.

Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. 20 percent may be set back farther than the build-to line. Single family residential that is not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

- ii. Parallel parking shall be provided on one side of the street except within 25 feet of any intersection.
- iii. Planting strips of minimum five feet shall be provided on both sides of the street.
- iv. Sidewalks shall be provided on both sides of the street and shall have a minimum width of five feet.
- v. Decorative street lamps, maximum 13 feet high and spaced at a maximum of 80 feet on-center shall be installed on both sides of the street and at the intersections.
- vi. Vehicular access to parking should be from an alley.
- vii. Commercial buildings shall get an additional four feet of set back if an outdoor display area or cafe is planned.



#### Alley Diagram

##### e. Alleys.

###### i. Design:

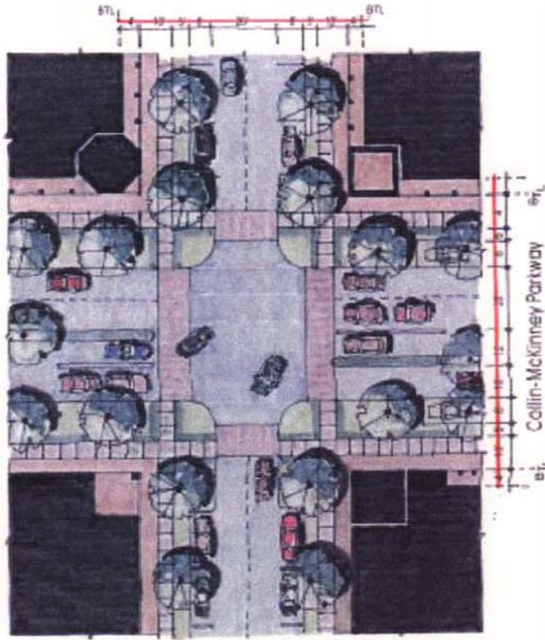
Adjacent land uses: Garages, parking lots, ancillary residential units, ancillary units above garages.

Set-back: Buildings and fences shall be set back a minimum of three feet.

###### ii. Curbing shall not be required except at corners of intersection with streets. At such corner locations, curbing shall be required for the entire corner radius and five feet preceding the same. Such curbing shall not extend more than six inches above the finished pavement.

###### iii. Alley lighting shall be provided on all garages or on poles adjacent to parking areas.

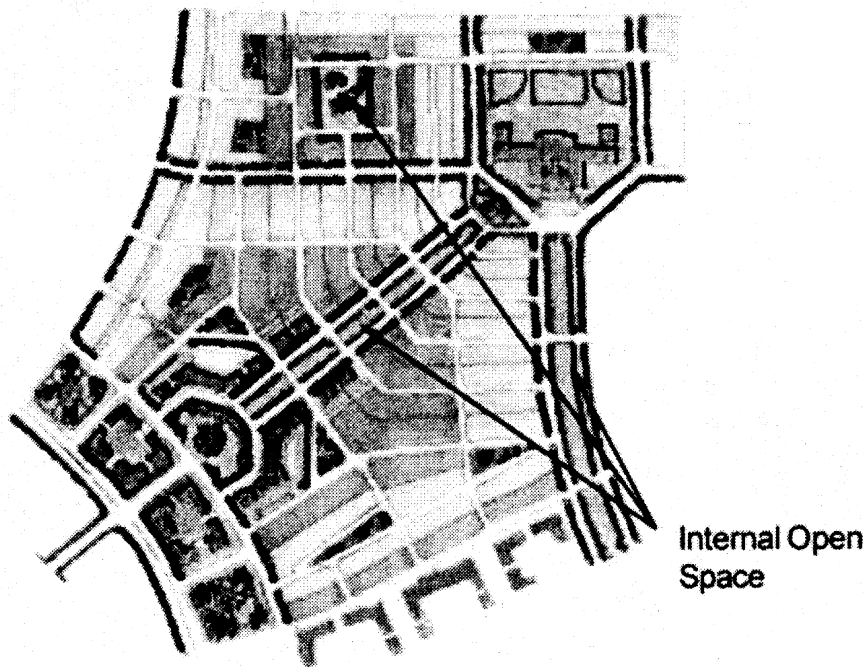
##### 4. Pedestrian network.



Urban Intersection at Collin-McKinney Parkway

- a. The street network shall also function as the primary pedestrian network.
- b. Primary pedestrian routes and bikeways should be bordered by residential fronts, public parks, plazas, or commercial uses; generally they should not meander through vast open areas.
- c. Where street connections are not feasible, short pedestrian paths shall provide connections between residential and commercial areas.
- d. Pedestrian routes through parking lots or at the rear of residential developments should be avoided. Alternate routes should be provided around parks for night use.
- e. Safe pedestrian crossings at arterials shall be provided where major pedestrian movement is anticipated. On-demand pedestrian signals may be required during off-peak hours in these locations if approved by the city engineer.
- f. Pedestrian paths should be shaded with trees.
- g. Under-crossings or bridges designed strictly for pedestrian and bikes are discouraged, unless deemed necessary by the city engineer.
- h. The following maximum walking distances should be employed in neighborhood design:
  - i. Neighborhood center: 1,000 feet from end to end.
  - ii. Between neighborhood center and neighborhood edge: 1,000—1,500 feet.
  - iii. Between houses and transit access: 1,000—1,500 feet.
  - iv. Between houses and jobs: 1,500—2,000 feet.
  - v. Between houses and community facilities, schools, parks or recreation facilities: 1,500—2,500 feet.
- i. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate.

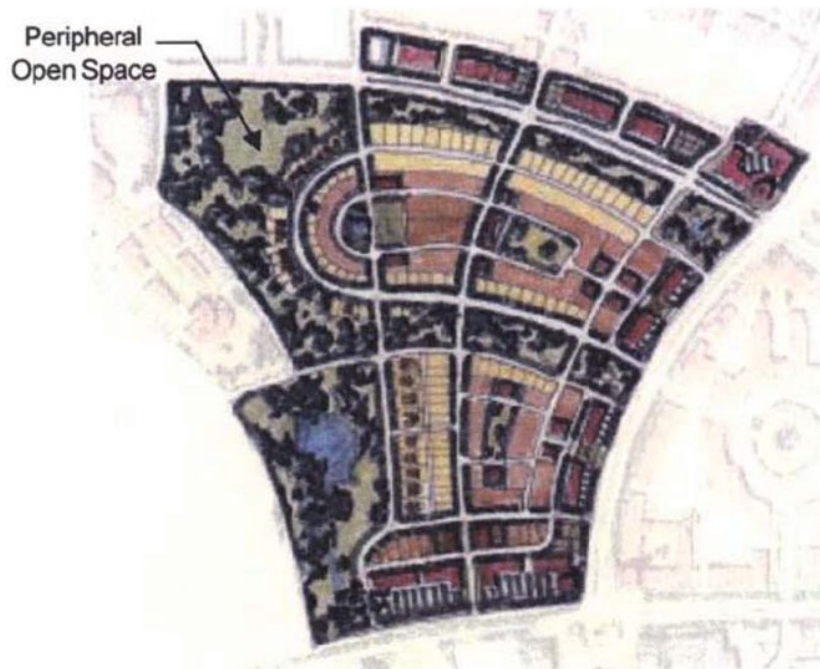
- j. In neighborhood centers, sidewalks should be constructed of brick, slate, colored/textured concrete pavers, exposed aggregate concrete, concrete containing accents of brick, stamped colored concrete or some combination thereof, compatible with style, materials, colors, and details of the surrounding buildings, as approved by the city engineer.
  - k. Walkways shall be raised and curbed along buildings and within parking lots, where suitable.
  - l. Pedestrian street crossings shall be clearly delineated by a change in pavement color and/or texture.
  - m. Bicycle racks shall be provided at internal open space areas, neighborhood centers, and recreation areas in peripheral open space.
- E. Parks, plazas and civic open space.
- 1. Generally. Parks are for recreational uses as well as for views. Parks and open space should be utilized to complement the clustering of uses. Moreover, plazas and civic open spaces provide a focus and community gathering location for a neighborhood.
  - 2. Internal open spaces. The greater of five percent or two acres of the neighborhood development shall be allocated to and shall remain common internal open space in perpetuity. Internal open space should be centrally located so that 90 percent of the lots of the neighborhood are within a walking distance of 1,320 feet from the open space or an open space in an adjoining neighborhood. Internal open space may take the form of a common, square, plaza, community green, tot lot, an urban non-municipally owned park or other similar public space. Internal open space cannot be used for screening and buffering; nor shall it be a landscaped island within the public right-of-way.



#### General Development Plan

- a. Each neighborhood shall provide at least one internal open space that is greater than 10,000 square feet with a size, shape, and design providing adequate space for outdoor exhibits and community gatherings.

- b. Internal open spaces shall be designed such that approximately 50 percent of the area is landscaped.
  - c. Internal open spaces should be landscaped using elements such as formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian-scaled lamp posts.
  - d. Internal open spaces should be surrounded by a concentration of high-density development that may include commercial, retail, residential, civic and public uses and facilities, in order to encourage activity outside as well as inside the buildings.
- 3. Peripheral open spaces.
  - a. Peripheral open space may be used for community gardens or other similar horticultural purposes.
  - b. Peripheral open space with unique natural features, such as streams, creeks, ponds, woodlands, and specimen trees, may be left unimproved and in a natural state. As a general principle, the preservation of undeveloped open space in a natural state or existing farms, is encouraged.
  - c. Peripheral open space may be used for golf courses, public and semi-public recreation purposes.

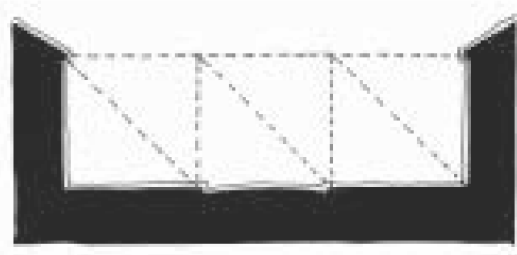


- 4. Other requirements.
  - a. Non-municipally owned parks and other open spaces should be designed for both active and passive uses. Their form should be strategically located and accessible rather than acting as residual space. Their design should respect vistas created by streets.
  - b. Civic services, such as community buildings, government offices, recreation centers, post offices, libraries, and day cares, should be placed in central locations as highly visible focal points. Where feasible, they should be close to future or existing transit stops.
  - c. Dedicated hike and bike trails should connect school sites, parks, community greens, other civic open spaces and neighborhood commercial areas.

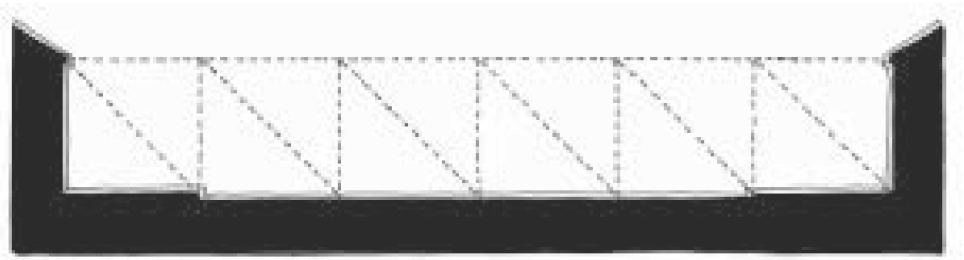
- d. Proportions of squares and plazas should have a ratio between space width and adjacent building heights within the range of 1:1 to 1:3. This ratio should never be greater than 1:6.



1:1 Best for Streets



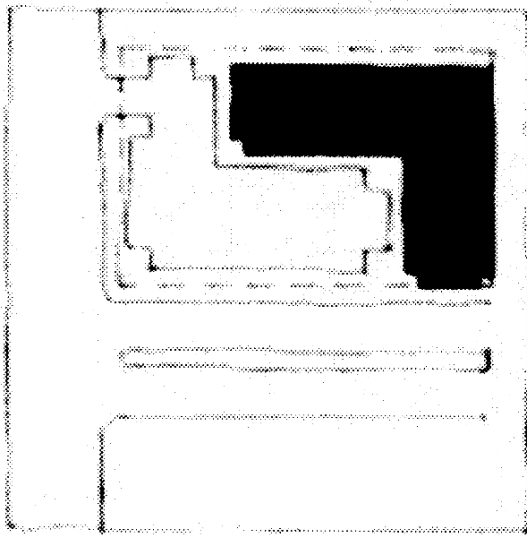
1:3 Best for Squares



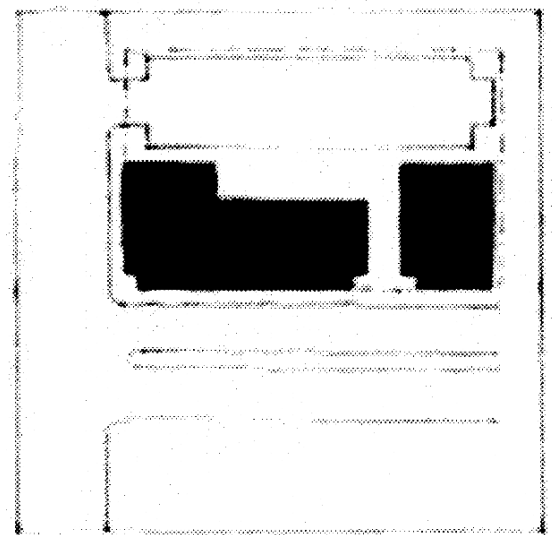
1:6 The Perceivable Maximum

F. Parking.

1. Parking requirements.



Undesirable



Desirable

Parking Location

- a. On-street parking for non-residential uses within 200 feet of the building shall count toward 50 percent of the required onsite parking requirement under section 146-130

- b. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings. On type "B" streets, at least 80 percent of the off-street surface parking spaces for commercial buildings should be located behind or at the side of the building.
  - c. Parking lots should be small-sized (less than 25 spaces) wherever possible, and should be interconnected with commercial parking lots on adjacent properties.
  - d. Joint use off-street parking is encouraged and may be allowed for adjacent uses having staggered peak periods of demand. Retail, office, and entertainment uses shall share parking areas and quantities whenever practical to do so as approved by the director of planning (See section 146-130(5), shared parking agreements).
  - e. Parking for townhouses shall be provided in a common off-street parking area or in garages or parking spaces with access from a rear lane. Private driveways for townhouses shall connect to the alley or a side street.
  - f. Structured parking for apartments may be located in common parking lots located on a lot other than that containing the apartment building, but within 400 feet of the apartment building entrances.
  - g. If access to a residential garage is provided from a street, the front entrance of such a garage is encouraged to be set back at least 20 feet from the front facade of the dwelling unit. Garages shall be set back five feet from the side and the rear property line.
  - h. Lots less than 50 feet wide shall utilize alleys to minimize the number of garages fronting streets.
2. Buffering and screening.
- a. Parking lot layout, landscaping, buffering, and screening shall prevent direct views of parked vehicles from streets and sidewalks, and avoid spill-over light or glare onto adjacent properties, in particular residential properties. Parking lots visible from right-of-way and adjacent property shall be surrounded by a minimum of three-foot high, year-round visually impervious screen, hedge, or wall.
  - b. The interior of all parking lots shall be landscaped to provide shade and visual relief. Minimum of one shade tree shall be planted in or adjacent to parking lots for every 12 parking spaces. All parking shall be within 25 feet of a shaded area.
  - c. Parking lot layout shall take into consideration pedestrian circulation/pedestrian crosswalks shall be provided, and shall be distinguished by textured paving and shall be integrated into the wider network of pedestrian access ways.
  - d. Transformers, HVAC equipment, lift stations, utility meters, grease traps and other machinery, as well as garbage collection points, shall be located at the rear lane or alley.
3. Loading docks.
- a. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear of the buildings or in visually screened locations.
  - b. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties and from the public right-of-way. It should also prevent spillover glare. Screening and buffering should be achieved through walls, fences and landscaping which should be minimum six feet tall and visually impervious, see Section 146-132. Recesses in the buildings and depressed access ramps may be used.

V. Collin-McKinney Parkway corridor zone.



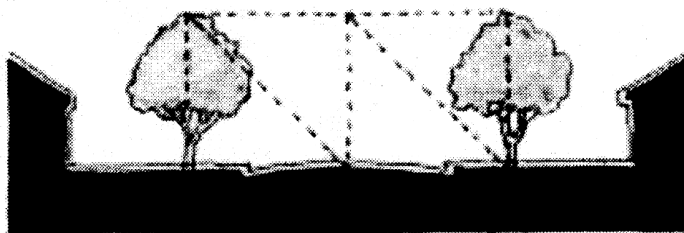
Intent/purpose: This zone shall provide opportunities for the public to live, work, shop, walk, bicycle and drive within and through the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street and parkway environment for workers, residents and visitors; to accommodate the automobile but not at the expense of the pedestrian; to provide adequate and efficient servicing of the development by trucks and utility vehicles throughout the REC, but to minimize the visual and auditory impact of such service; to strengthen relationships and encourage movement between important destinations inside and outside the development.

A. Land use mix and allocation.

1. Because the Collin-McKinney Parkway corridor is the key spine of the REC in terms of access to commercial uses and densities, the land use mix and allocation within the corridor should be based principally on urban elements, including vertical mixed-use. Two or more urban activity centers within the REC should be located within the Collin-McKinney Parkway corridor, facilitated principally by vertical mixed-use designs.
2. The urban activity centers should be areas of vertical mixed-use combining commercial and residential uses in buildings sited and designed in such a way as to promote urban life in the area for most of the 24-hour period. The commercial component should be oriented to serve the immediately surrounding neighborhoods as well as the regional metropolitan area.
3. Single family as well as two-, three- and four-family uses are not allowed, while row/town house uses and dwellings above nonresidential uses are encouraged. (See residential incentive under site design subsection B.6.c. herein).
4. There shall be no maximum and no minimum residential density.

B. Site design.

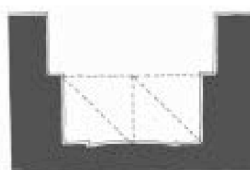
1. Street cross-section should be 1:2, but not more than 1:4. This requirement applies also to the developed space between the two-way segments as it takes the form of a divided pair of two-way streets.



Tree Canopy



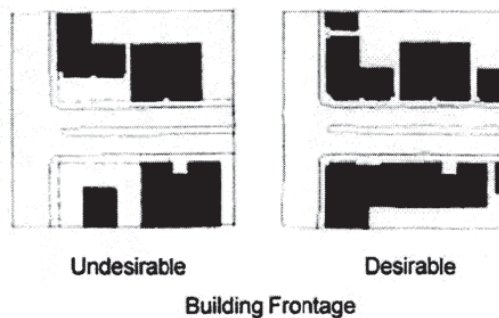
By Building Height



By Recess Line

1:2 Enclosure

2. The design of buildings shall incorporate the following techniques: A defined base and architecturally defined main entrance; an articulated facade and roof; and plane changes within the building elevations. (See architectural standards generally in overarching design guidelines.)
3. All buildings shall front on public streets unless the building fronts a plaza or a courtyard.
4. Encroachments by canopies and balconies within the area between the sidewalk and building facade are permitted.
5. In the Collin-McKinney Parkway corridor there is no height maximum east of Hardin Blvd.
6. West of Hardin Blvd., buildings shall range in height from two to four stories and west of Stacy Road, buildings shall range in height from two to six stories. The director of planning shall have the discretion to increase the height maximum up to a total of eight stories if one or more of the following provisions are met:
  - a. Structured parking is located within the building envelope; or
  - b. The ground floor of commercial buildings utilizes the following special design elements to enhance the pedestrian orientation:
    - i. Cornices, corbelling, molding, string coursing, ornamentation, changes in material and color, or other sculpturing of the base; and
    - ii. Recessed windows or other techniques to distinguish the windows in the facade such as arches, pediments and mullions; and
    - iii. Recessed entryways of at least 100 square feet; or
  - c. At least one floor of the building is dedicated to residential uses.
7. Commercial frontage shall have continuous edge of shops, entrances, and shop windows. The optimum length of this continuous commercial stretch is approximately 800 feet, divided into multiple smaller blocks.

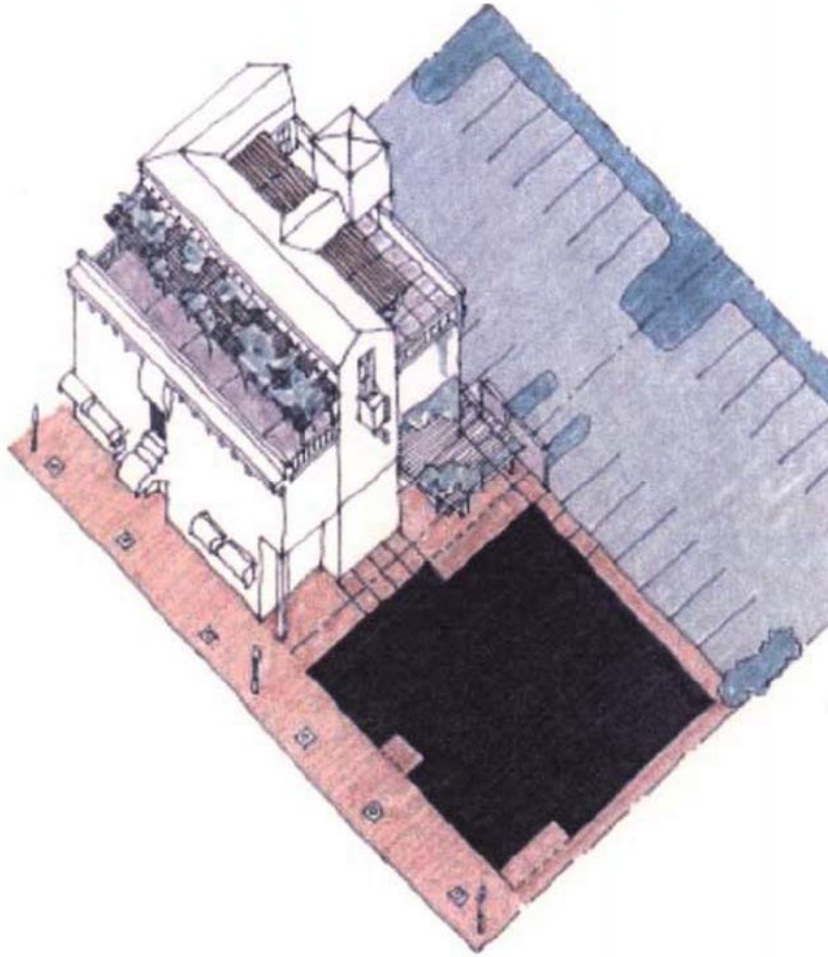


Undesirable and Desirable Building Frontages

8. Buildings located at gateways entering Collin-McKinney Parkway area should mark the transition in and out of the area in a distinct fashion using massing, additional height, contrasting materials, and/or architectural embellishments.
9. Prominent monumental buildings and structures employing enhanced height, distinctive architectural treatment, or other distinguishing structures should occupy focal points, or points of visual termination.
10. In the Collin-McKinney Parkway corridor, blank walls should be limited where possible.
11. At least 50 percent of the length and 35 percent of the wall area on the ground level floor abutting sidewalks, plazas, or other public open spaces or rights-of-way shall be devoted to windows, doors,

or openings affording views into the building space, pedestrian entrances, or retail display windows. Views into parking areas, truck loading areas and vehicular access ways shall not count towards the 50 percent requirement. Works of art such as mosaics, and recessed garden areas may also be utilized to meet up to half of the 50 percent length requirement. Where windows are used, they must be transparent. Where expanses of solid wall are necessary, they may not exceed 25 feet in length.

12. Windows above the ground floor should be oriented vertically as opposed to horizontally.
  13. Primary entrances to commercial and retail establishments shall be located on the street side of the building.
  14. To the extent possible, passages between rear parking lots and the streets should be designed in a pedestrian fashion and lined with shop windows or other attractive displays.
  15. Restaurants are permitted to operate outdoor cafes on sidewalks (including areas in the public right-of-way) and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired. The following guidelines are applicable:
    - a. A minimum of eight feet of sidewalk along the curb leading to the entrance of an establishment should be maintained free of tables and other encumbrances.
    - b. Planters, posts with ropes, or other removable enclosures are encouraged to define the area occupied by the cafe.
    - c. Extended canopies, awnings, and umbrellas are permitted. Colors should complement building colors.
    - d. Cafes shall be required to provide at least one additional trash receptacle on site.
- C. Area and bulk regulations.
1. Town/row house dwellings, the area and bulk regulations in the neighborhood section above shall be applicable in the Collin-McKinney Parkway corridor.
  2. Community facilities, institutional and religious buildings, the area and bulk regulations in the neighborhood section shall be applicable in the Collin-McKinney Parkway corridor (except height maximums shall be four stories with exceptions as noted in site design subsection VI.B.6. herein); lot coverage may be increased with site plan approval.
  3. Apartment dwellings, the area and bulk regulations in the neighborhood section above shall be applicable in the Collin-McKinney Parkway corridor, unless the ground floor is dedicated entirely to nonresidential uses (lot coverage may be increased with site plan approval).
  4. Commercial uses and mixed-use buildings (lot coverage may be increased with site plan approval).



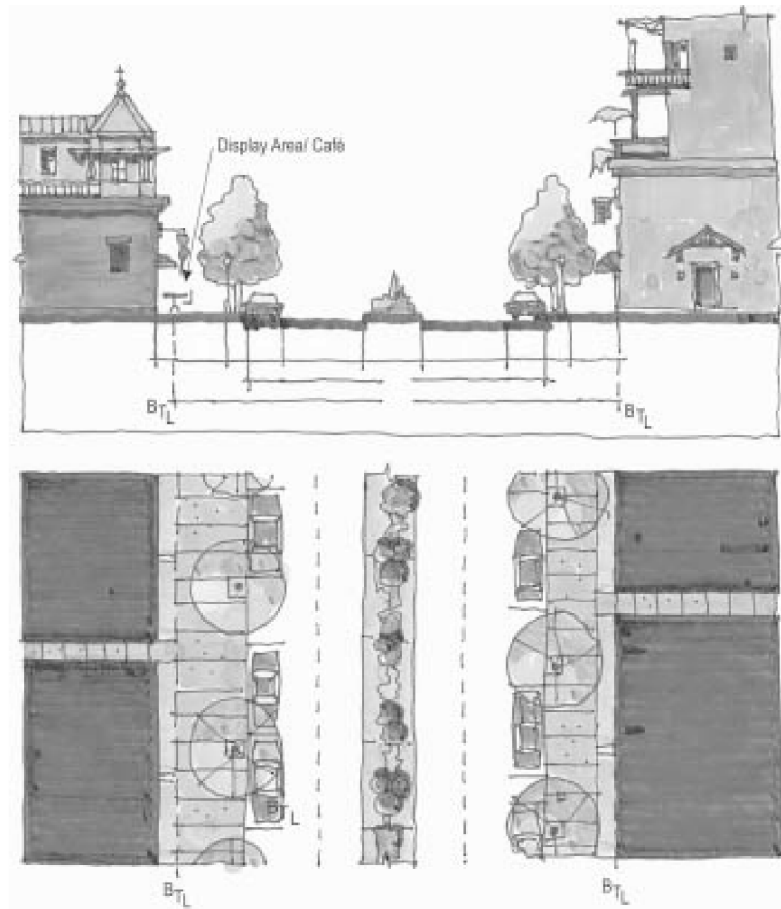
#### Commercial and Mixed-Use Buildings

- a. Lot width: Minimum of 30 feet, maximum 300 feet.
- b. Minimum lot depth: 100 feet.
- c. Yard dimensions:
  - i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet on Collin-McKinney Parkway, provided that a single line must be established for each block face. The build-to line may be reduced as part of site plan approval. Commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.
  - ii. Side yard (each side): Minimum of zero feet if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.
  - iii. Rear yard: Minimum of 55 feet (one row of double parking) absent structured parking.
- d. Maximum building height: (See Site Design Subsection VI.B.6. herein).
- e. Maximum lot coverage: 95 percent for lots fronting Collin-McKinney Parkway; 75 percent for all others, except as approved per a site plan if found to be in keeping with the site design principles.

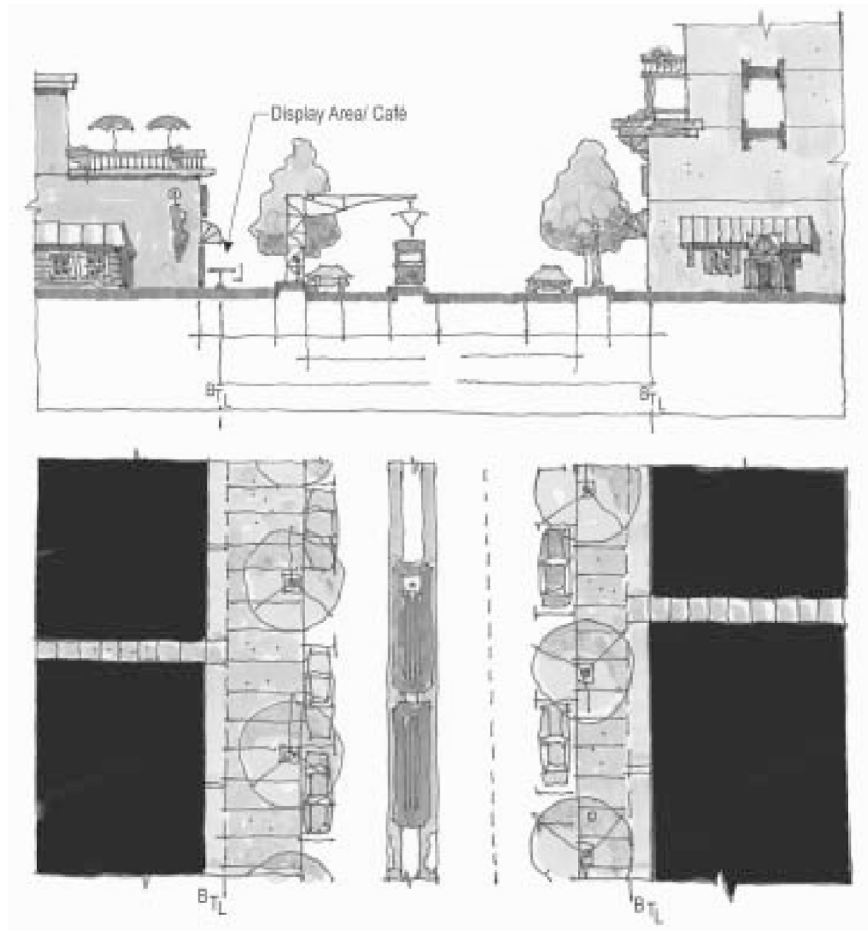
- f. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings. Alleys are required. On type "B" streets, at least two-thirds of the off-street surface parking spaces for commercial and mixed-use buildings should be located behind the rear face of the building. The remaining one-third should be located on the side, not the front.

D. Connectivity, linkages and access.

- 1. Street design specifications. Street designs in the Collin-McKinney Parkway corridor shall be as follows:
  - a. Collin-McKinney Parkway, between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720:



Collin-McKinney Parkway I



#### Collin-McKinney Parkway IA

Design: An "A" Type Street acting as a commercial/mixed-use corridor providing for future transit facilities and parking.

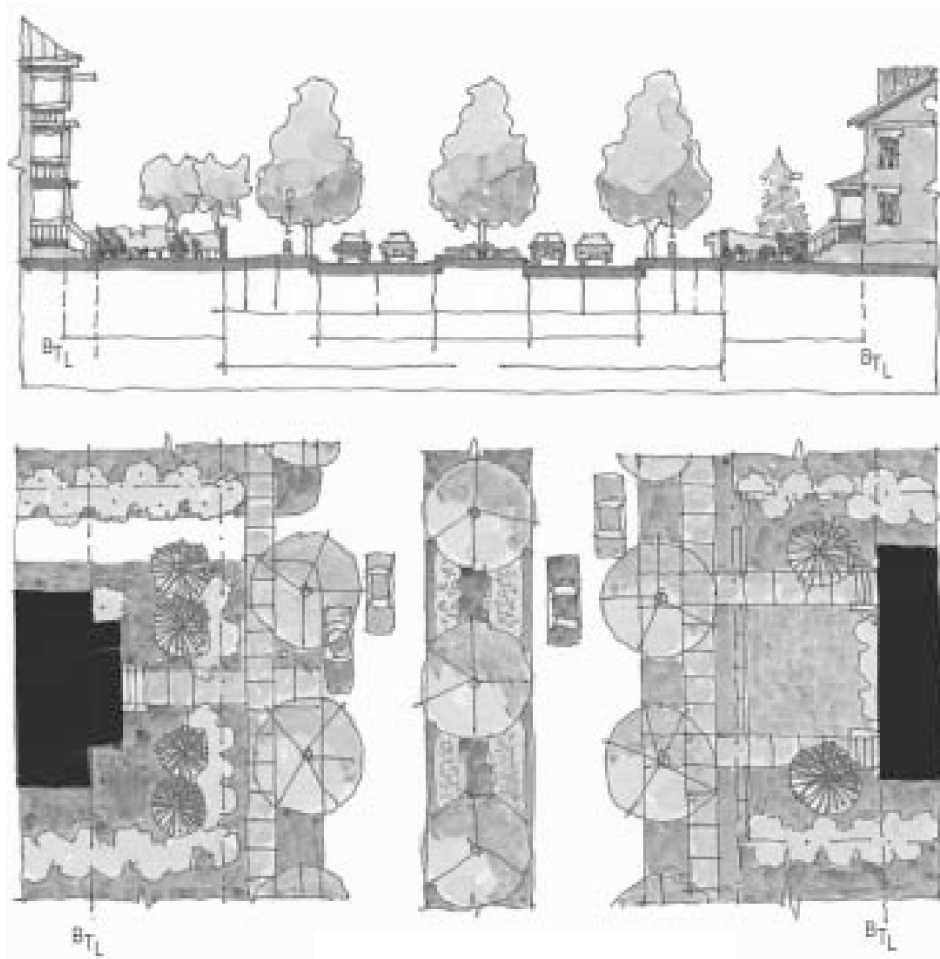
Desirable land uses: Commercial, office, retail, vertical mixed use, civic, institutional.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

Sidewalks: Sidewalks shall have a minimum width of ten feet with a minimum of eight feet without obstructions and shall be provided on all sides of Collin-McKinney Parkway within a development area.

- b. Collin-McKinney Parkway between Custer Road and Rowlett Creek, and between Lake Forest and Hardin Blvd.:



### Coin-McKinney Parkway II

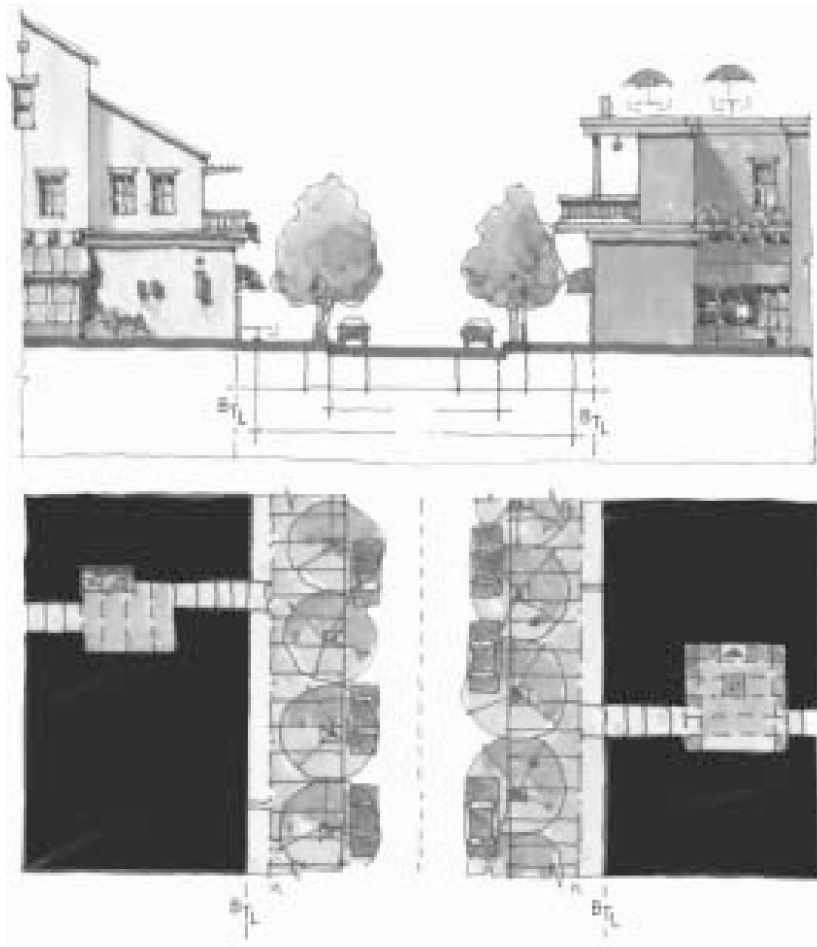
Design: Four-lane divided parkway with two one-way segments.

Desirable land uses: Open space, multi-use, high-density residential, manufacturing and light industrial.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

Setback line: Minimum 20 feet.

- c. Streets perpendicular to Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720:



#### Streets Perpendicular to Collin-McKinney Parkway

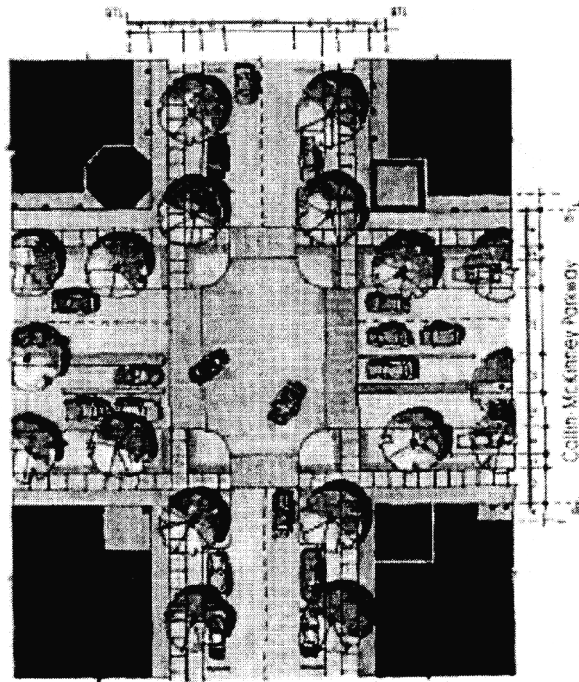
**Design:** Two-way type "A" streets (as defined herein in the definitions section and neighborhood zone section) shall be constructed for two blocks north and south of Collin-McKinney Parkway.

**Desirable land uses:** Commercial, office, retail, vertical mixed use, multifamily, town/row houses.

**Story height:** Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

**Build-to line:** For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.





Pedestrian Bump-Out Diagram

- d. All other streets within the Collin-McKinney Parkway Corridor except arterials:



Others Streets Diagram

Design: Two-way with on-street parking.

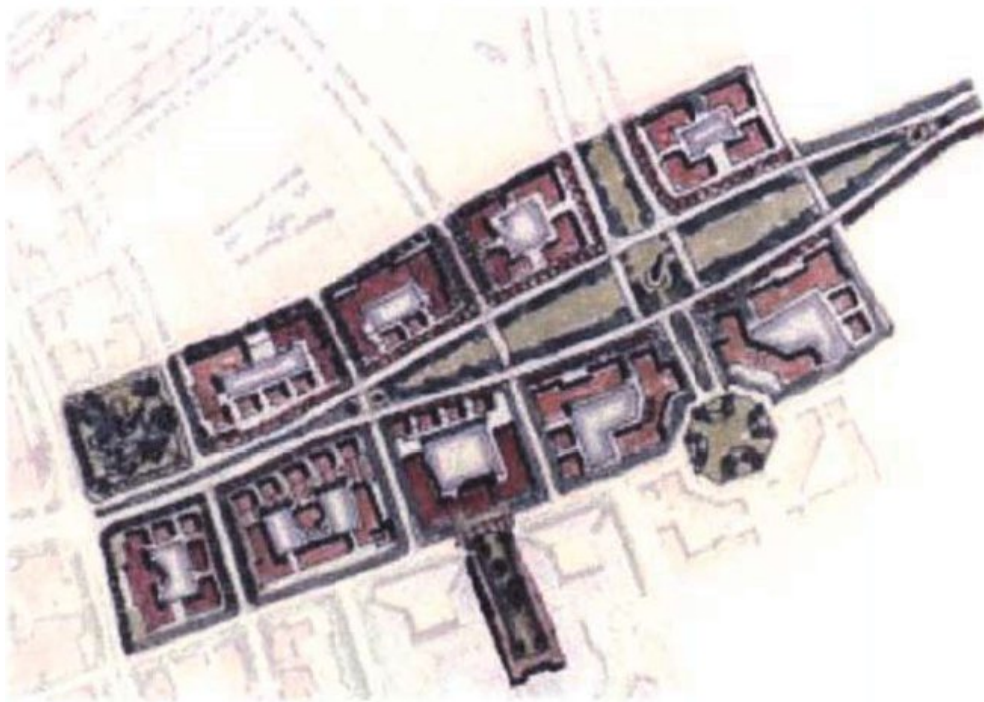
Desirable land uses: High density residential, multi-use, commercial, civic and retail.

Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

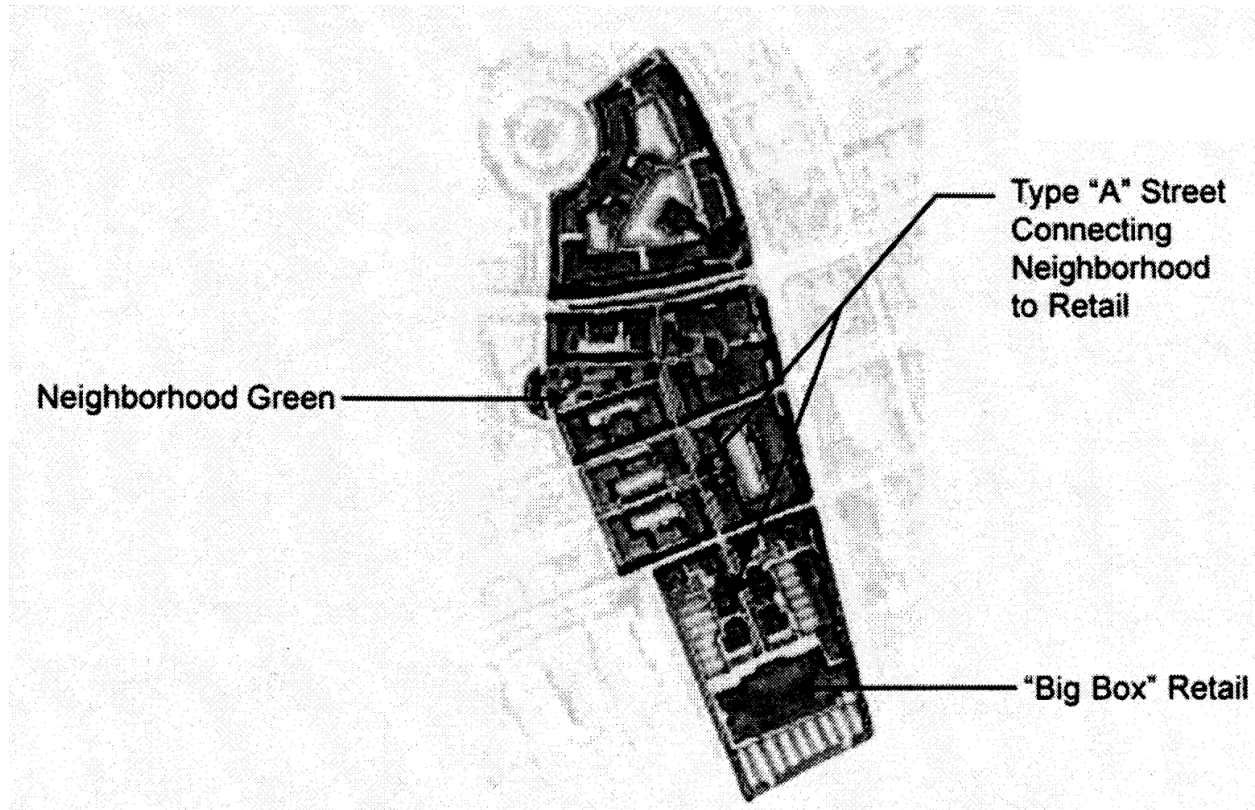
Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

2. Additional street design.

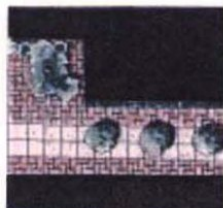
- a. Blocks intersecting Collin-McKinney Parkway in developed areas should not be more than 300 feet in length. Alleys, pedestrian ways or arcades can be substituted for public streets in order to meet the block length maximum standard as long as the alley, pedestrian way or arcade connects completely through the block.



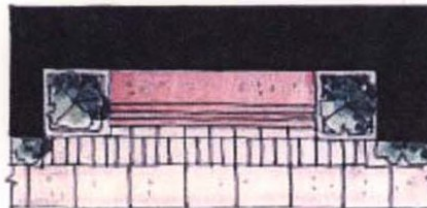
- b. Major local and local streets shall cross at periodic intersections providing direct Collin-McKinney Parkway connections between the commercial/employment districts to the south and the neighborhoods to the north. These streets shall provide access for pedestrians and bicyclists.
- c. Streets intersecting with Collin-McKinney Parkway and connecting with neighborhoods should connect with the commercial main streets or community greens in the neighborhoods.
- d. Streets parallel to Collin-McKinney Parkway should serve as service or side access streets with limited commercial uses fronting on these parallel streets.



- e. All streets should include, between the roadbed and the sidewalk, a planting strip with shade trees such that at maturity the trees will provide a continuous canopy along the sidewalk.
  - f. An improved surface for walking and bicycling along the entire length of the Collin-McKinney Parkway shall be provided continuously from Custer Road to F.M. 720 in accordance with the city's master parks and trail plan, and acceptable to the director of parks and recreation.
- E. Parks, plazas and civic open space.
- 1. Public open space amenities shall be associated with every building, as follows: One square foot of public open space per 50 square feet of floor area for the first 20,000 square feet of floor area; and one square foot of public open space per 100 square feet of floor area for every one square foot thereafter, or as approved by the director of planning.
  - 2. The four types of public open space are as follows:
    - a. Pedestrian way.



Pedestrian Way

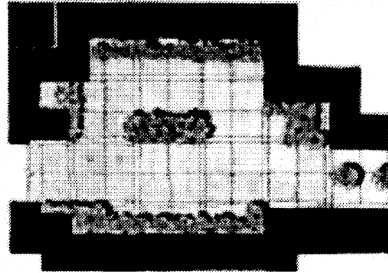


Forecourt

A street-level exterior public pedestrian way through the middle of the block, at least ten feet wide, providing a connection to a public courtyard or a street parallel to the parkway. The pedestrian way should be located only where block size and scale of development are large

enough to allow internalized service and ensure adequate pedestrian flows without detracting from activity on adjacent streets. The design of the enclosing walls should provide adequate sunlight and sky view. Building edges should accommodate public uses, such as shops and restaurants that are accessible from the pedestrian way. Public seating should be integrated where possible.

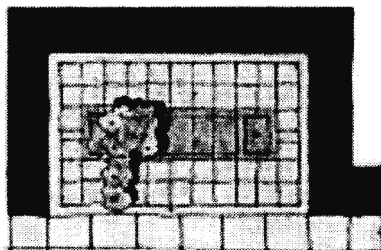
b. Courtyard.



Courtyard

A landscaped open space enclosure in the center of a block with minimal or no street frontage, which is large enough to allow for public activities and sunlight during midday. Although inwardly oriented, the courtyard should be considered part of a larger set of connected public spaces with access through an adjacent building or public places such as a pedestrian way, plaza or galleria. Primarily enclosed by buildings, the courtyard should have a high degree of visibility both at grade and above, to provide overlook and to encourage surveillance of the internal space. The location and design of entrances to the courtyard are critical in order to ensure that they are clearly identifiable and promote public use.

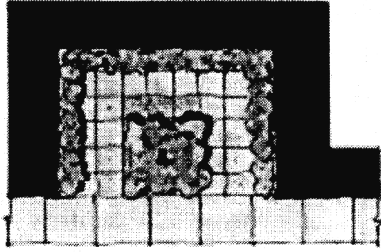
c. Urban garden.



Urban Garden

An intimate scale garden that should be located and oriented to receive maximum sunlight during midday. It should be enclosed by buildings on two or three sides and open to the street on one or two sides. Street edges should be screened with a combination of architectural and landscaped elements. Adjoining buildings should contain windows overlooking the garden, but the garden should not provide primary access to an individual building. The design should not create visual obstructions, dead end spaces or other security hazards. Each garden "room" should contain a high quality focal point such as a water feature or public art.

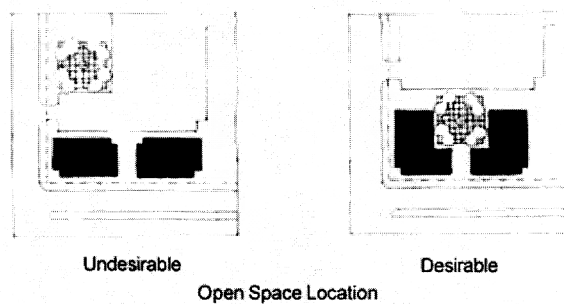
d. Plaza.



## Plaza

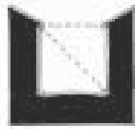
A predominantly hard-surfaced space that is a portion of a block with a minimum of one side open to the street, which is located to provide maximum sunlight during the day but generally not located at the corner of the block. Adjacent buildings primarily define the plaza. Building edges should contain continuous public uses at grade to animate and support the open space. Large plazas should provide substantially continuous weather protection by the utilization of canopies or arcades at their edges. Unlike intimate scale urban gardens, a plaza may contain a primary entrance to an adjacent building. The floor of the plaza should be at the same grade as the sidewalk serving the adjacent street for easy access, with no more than 50 percent of the square footage deviating no more than three feet above or below grade.

3. Alternatives: The director of planning shall have discretion to approve other open space amenities with attributes similar to those described above.



4. All outdoor public open spaces described above shall provide: (i) at least one shade tree or planter; and (ii) at least one linear foot of seating for each 75 square feet of open space. Ledges and benches that provide seating on both sides and are at least 30 inches deep will count double. Level and flat planter rims that are not higher than two feet and are at least eight inches deep also count as seating as long as protruding vegetation does not obstruct them. Movable chairs are counted as 30 inches of linear seating per chair and may be stored after hours of operation. Corners and the space of steps that are wider than 15 feet may count as seating. Prior to the issuance of a certificate of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the side of an outdoor open space, identifying the open space furniture, stating the right of the public to use the space and the hours of use, and stating the name and address of the owner or owner's agent responsible for maintenance including the city if the open space is to be maintained by the city.
5. Cross-sectional proportions of squares and plazas should have a ratio between space width and adjacent building heights of 1:1 to 1:3. This ratio should never be greater than 1:6.

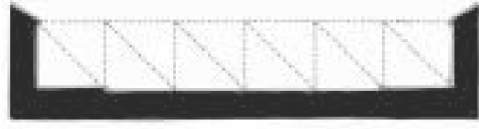




1:1 Best for Streets



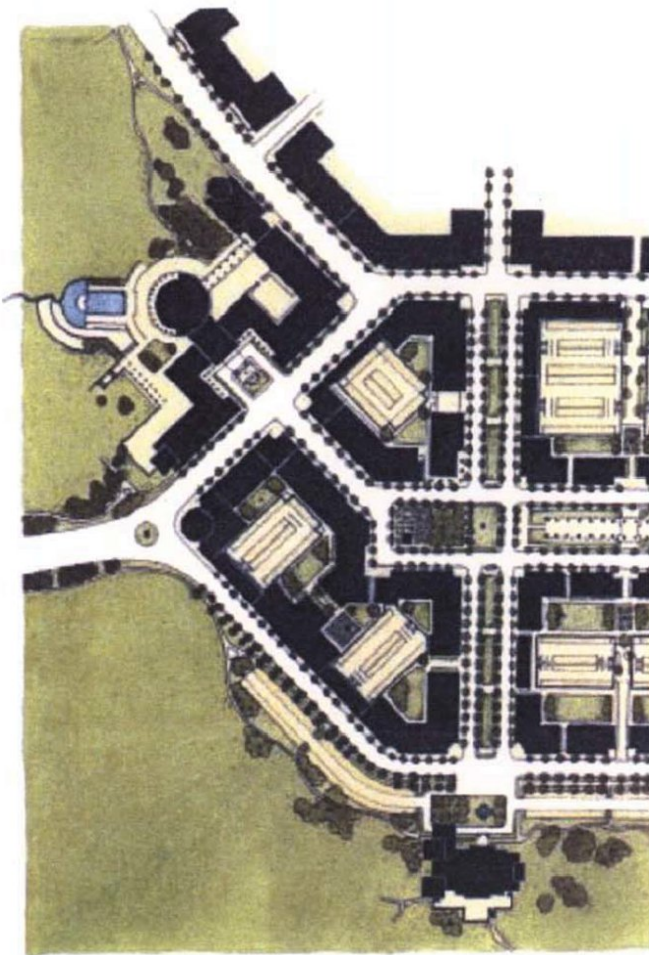
1:3 Best for Squares



1:6 The Perceivable Maximum

#### Recommended Enclosure for Public Spaces

##### F. Parking.



Location of Parking Inside Blocks at Collin-McKinney Parkway Adopted from DPZ Craig Ranch Charrette McKinney, Texas

1. On-street parking shall be provided on every street where feasible. On-street parking for nonresidential uses within 200 feet of the building shall count toward 50 percent of the required onsite parking requirement under section 146-130
2. Parking lots larger than 40 spaces should be segregated into multiple, interconnected and landscaped lots. Surface parking lots with more than one hundred spaces are strongly discouraged.

3. All surface onsite parking should be located behind the rear building face of the buildings along Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720; and only behind the buildings along streets perpendicular to Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720 for two blocks north and south of Collin-McKinney Parkway. For all other locations, parking should be located behind the rear face or side of buildings. If surface parking is provided on the side of the building, the parking frontage to the street should not exceed 50 percent of the linear frontage of the building it serves, and the frontage should be screened by a wall or landscaping that is aligned with the build-to line of the street.
4. If adjacent uses complement one another in terms of the days and time of uses, the director of planning shall have the discretion to count shared parking towards off-street parking requirements, as provided for in the section 146-130(3) and section 146-130(5) of the city zoning ordinance (parking requirements).
5. Structured parking facilities shall be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure. The remainder of the street-level frontage on Collin-McKinney Parkway shall be designed for retail, commercial or civic uses, other than parking. On other streets within the corridor, the street-level frontage shall either be designed for retail, commercial or civic uses, other than parking or designed with an architecturally articulated facade to screen the parking areas of the structure.
6. Facilities designed to park and lock bicycles shall be provided for each building with commercial uses greater than 5,000 square feet.

#### VI. Commercial/employment zone.

Intent/purpose: Commercial/employment districts are located principally along SH 121 and in some locations along Custer Road. The intended uses in these districts are large employers involved in commercial/light industrial activity that are dependent upon SH 121 and are not easily incorporated into the fabric of a town center or neighborhood. Buildings of all sizes, large and small, are allowed in Commercial/Employment Districts, as are the associated parking lots, loading and shipping facilities of light industrial activity. Minimum standards are provided below in order to ensure basic compatibility with the neighborhoods and the Parkway Corridor to the north. Residential uses are permitted above nonresidential uses to promote the mixed-use strategy for the REC.

##### A. Site design.

1. "Big box" retail and shopping center guidelines:
  - a. Developments shall create a continuous public edge and streetscape on all frontages by using a combination of the following:
    - i. Building face;
    - ii. Low wall, canopy structure or attractive fence;
    - iii. Articulated screening wall around service/loading areas to screen trucking activities from pedestrian areas;
    - iv. Street furniture; and
    - v. Landscaping; as well as incorporation of signage into any of the above.
  - b. Buildings shall be designed to face the street. All entrances and exits shall have a continuous pedestrian walkway that is connected to a public sidewalk.
  - c. Additional requirements:
    - i. Pedestrians should have accessibility between the public streets and the building without having to walk through a surface parking lot, unless the parking lot is transected with a covered walkway of at least 15 feet wide that connects the building to the street.

- ii. Pedestrian walkways should be protected from vehicular intrusions with landscaping, curbs, bollards or other elements integrated into the overall streetscape design.
  - iii. At least 35 percent of the facade on the ground level floor facing the primary street shall provide windows and doors that allow for visibility into the commercial building or store.
  - iv. Blank facades shall not be exposed to the public streets. Buildings with long facades (greater than 40 feet) should be massed and articulated by design elements including texture, canopies, fenestrations, and the vertical expression of structural bays so that the scale of the building does not overwhelm streetscapes.
  - v. Buildings shall incorporate traditional horizontal elements such as building bases, sills, cornices and rooflines to add interest, reduce the massive scale of the building and complement the character of adjacent buildings.
  - vi. Rooftop and ground floor mechanical equipment shall be screened from public view from right-of-way and adjacent buildings.
  - vii. Screening through landscaping or appropriate fencing is required for all storage, service portals, garbage areas, and service driveways that are adjacent to other properties.
  - viii. A variety of materials and exterior treatments are encouraged.
- d. Vehicular and pedestrian access to adjacent current and future uses should be incorporated in the initial site planning stages. Driving aisles and vehicular access routes should be designed as extensions of the public realm, with connections to adjacent roads, sidewalks connecting to public sidewalks, curbs, street furniture and protective landscaping.
- e. Access points shall be consolidated, organized and clearly marked to minimize pedestrian, bicycle and auto conflicts.
- f. Parking lots.
  - i. Parking lots should be laid out to continue the street/block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the urban design of the surrounding development.
  - ii. Large surface parking lots shall be screened and broken up visually through landscaping and other elements within the parking area, such as a grid of trees on islands in the parking lot or segmenting the lot with landscaped areas, as well as utilizing defined walkways.
  - iii. Direct, defined and protected pedestrian routes should be provided through parking lots.
  - iv. Landscaped islands should be placed at the ends of each of double row parking bays.
  - v. Lots shall be designed to screen parked cars from the public sidewalk with low, dense planting; a low wall; trees; retaining walls to lower the grade of the lot; or a combination of the above.
- g. Convenient bicycle parking should be provided for employees and customers adjacent to the front doors of the building where possible.
- 2. Large buildings should be articulated (broken into smaller components; avoiding facade flatness; with projections or indentations; with clearly marked and well designed entries; with differentiation between bottom floor, top floor, and the floors in between; and with a variety of roof designs).



3. The scale, massing, articulation, orientation, and architectural features of structures to be located adjacent to State Highway 121 should provide a transition between State Highway 121 and the developments to the north.
- B. Area and bulk regulations. Development within the commercial/employment center zone is generally allowed to be conventional in design. As such, development of property in the commercial/employment center zone shall conform to the special regulations section of the city zoning Ordinance 1270, as amended, in addition to the REC overlay standards herein applicable to property in the commercial/employment center zone. When Ordinance 1270 is applicable, the following additional standards shall also apply: Lot widths shall be a minimum of 50 feet; lot coverage shall be a maximum of 70 percent except that the lot coverage may be increased as part of site plan approval if structured parking is provided; and building setback lines shall be at least 20 feet along SH 121 and Custer Road. In case of any conflict, the REC overlay standards herein shall control over the standards in Ordinance 1270. Ordinance 1270 shall not be applicable in any respect if the property in the commercial/employment center zone is adjacent to or across the street from property within the Collin-McKinney Parkway corridor zone or the neighborhood zone; in which case, development of the property in the commercial/employment center zone shall conform to the area and bulk regulations and all other REC overlay standards of the respective Collin-McKinney Parkway corridor zone or the neighborhood zone.
- C. Connectivity, linkages and access.
1. Districts shall utilize a simple and functional street layout that provides multiple options for moving between destinations and connecting to adjacent developments.
  2. The street and block designs therefore should continue the pattern utilized in the parkway corridor and the neighborhoods so that as the market changes over time, the districts can accommodate increased mixed-uses and achieve higher use land values.
  3. Streets should be interconnected throughout the district. The street layout, public spaces, and buildings in the district should be designed so as to create a coherent focus at a public place.
  4. For buildings containing retail or consumer services uses, covered walkways should be utilized to link sidewalks/bus stops with buildings if the buildings are not placed on the set-to line.
  5. Pedestrian crosswalks shall be provided at all intersections.
  6. On-street parking shall be provided on every street where feasible.
- D. Public spaces.
1. Districts shall provide defined public places and activity centers. This can be accomplished by the utilization of greens, plazas and streets fronted by closely adjacent buildings to provide interest at the pedestrian level.
  2. Proportions of squares and plazas should have a ratio between space width and adjacent building heights of 1:1 to 1:3. This ratio should not exceed 1:6.

#### VII. REC base zoning districts.

The base zoning districts set forth the purpose of each specific district. Permitted uses within each REC base zoning district are set forth in the REC schedule of uses.

The REC overlay design standards and guidelines address site design, area and bulk regulations, lot and building types, connectivity, open space, land use mix and allocation, and compatibility through urban design.

The director of planning shall make a determination if a use not referenced in the REC schedule of uses can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the city council upon recommendation by the planning and zoning commission at a regularly scheduled meeting. It is the intent of this provision to group compatible land uses into specific base zoning districts, either as

permitted uses or as uses authorized by a specific use permit. Compatibility of uses within a particular base district is also facilitated by the urban design standards and guidelines provided in the REC overlay. Uses not listed as a permitted or specific use permit shall be presumed to be prohibited from the applicable base zoning district. In the event that a particular use is not listed in the REC schedule of uses for a given base district, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the director of planning shall determine whether a materially similar use exists in REC schedule of uses for a given base district. Should the director of planning determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the director's decision shall be recorded in writing. Should the director of planning determine that a materially similar use does not exist, the matter shall be processed in accordance with section 146-43.

A. REC residential district.

1. Purpose. This district provides for a mix of residential types, which are supported by neighborhood centers, pedestrian-scale urban design, internal open space, convenient access to adjacent neighborhoods and the town center developments within the Collin-McKinney Parkway corridor. The neighborhood centers, which are required for a neighborhood development (as defined in the REC overlay), shall be zoned separately as an REC neighborhood center district.
2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.

B. REC multi-use and high-density residential district.

1. Purpose. This district provides for a wide mix of uses, integrating residences, shops, retail, restaurants, entertainment, services, offices, civic locations, the arts, and hospitality facilities. This district anchors REC neighborhoods to the north while also supporting destination activity within the Collin-McKinney Parkway corridor zone. This district also supports uses in the commercial and employment center zone along SH 121 and Custer Road.
2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.

C. REC office district.

1. Purpose. This district provides for office buildings with attendant retail and services uses intended primarily to serve occupants of such buildings and complexes.
2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.

D. REC neighborhood center district.

1. Purpose. This district acts principally as a neighborhood center, providing for community gathering places, shops, services, individual workplaces and mixed-use residential. More than one neighborhood center district is permitted within a neighborhood.
2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.

E. REC retail district.

1. Purpose. This district provides for a wide range of retail and service establishments. This district shall be located on an arterial roadway or highway.
  2. Permitted uses.
    - a. If this district is located adjacent to or surrounded by an REC multi-use and high-density residential district, only those retail uses permitted in the multi-use and high-density residential district shall be permitted.
    - b. For all other locations, see REC schedule of uses and applicable REC overlay zone category.
  3. Specific use permits. See REC schedule of uses.
  4. Permitted building/lot types and bulk/area standards. See applicable REC overlay zone category.
- F. REC commercial district.
1. Purpose. This district provides principally for auto-dependent uses in areas not easily accessible to pedestrians. This district serves not only the REC community but also city-wide and region-wide populations including commuters along SH 121.
  2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.
  3. Specific use permits. See REC schedule of uses.
  4. Permitted building/lot types and bulk/area standards.
    - a. See applicable REC overlay zone category.
    - b. Buildings in a commercial district fronting streets within or adjacent to the Collin-McKinney Parkway corridor zone shall provide a compatible transition as prescribed in the REC overlay.
- G. REC employment center district.
1. Purpose. Principally for workplace and commerce uses, this district provides for large business or light/clean industrial complexes that, because of scale or the nature of the use, cannot be integrated into a town center or neighborhood. Although smaller scale buildings such as those permitted in the neighborhoods and Collin-McKinney Parkway corridor zones are permitted in the REC employment center district, the employment center district is reserved for those uses such as distribution operations, campus commercial and large retail stores that necessitate immense buildings, expansive parking lots, and substantial loading docks.
  2. Permitted uses. See REC schedule of uses and applicable REC Overlay Zone category.
  3. Specific use permits. See REC schedule of uses.
  4. Permitted building/lot types and bulk/area standards.
    - a. See applicable REC overlay geographic category.
    - b. Building sites located in the commercial/employment zone adjacent to or fronting streets across from properties within the Collin-McKinney Parkway corridor zone or the neighborhood zone shall facilitate a compatible transition by relating to the adjacent properties or streets as prescribed in the standards for the Collin-McKinney Parkway corridor zone or the neighborhood zone.
- H. REC government/civic district.
1. Purpose. This district provides for the creation of a high quality environment for central governmental, civic and community facilities and to contribute to the efficiency of governmental and civic services provided to the citizens of the area.
  2. Permitted uses. See REC schedule of uses and applicable REC overlay zone category.

3. Specific use permits. See REC schedule of uses.
4. Permitted building/lot types and bulk/area standards.
  - a. See applicable REC overlay zone category.
  - b. If the structure is a church, the space limits established in section 146-129(1)(c) shall apply.

I. REC schedule of uses.

	Not Permitted
P	Permitted
S	Specific use permit required
T	Temporary use permit required

District:	Residential	Multi-Use & High-Density Residential Center	Office	Neighborhood Center	Retail	Commercial	Employment Center	Govt/ Civic
Type Use:								
Residential Uses								
Bed and breakfast (subject to Ch. 138, Art. IV)	S	P	S	S	P			
Boardinghouse or rooming house (See definition in section 146-46)	P	P	P	S	S			
Dormitories	P	P	P	P	P	P	P	P
Multiple family dwelling (apartment), more than four units per building (See	P	P		S				

definition in section 146-46)								
Two-, three- and four-family dwelling (See definition in section 146-46)	P							
Town/row house (four or more units)	P	P						
Single family detached large lot	P							
Single family detached standard lot	P							
Single family detached small lot	P							
Accessory dwelling	P							
Dwellings above nonresidential uses	P	P	P	P	P	P	P	
Live/work	P	P		P	P			
Educational and Institutional Uses								
Cemetery	P							P
Church or rectory, including church-operated day-care facilities and pre-schools (See definition in section 146-46)	P	P	P	P	P	P	P	P
Clinic (See definition in section 146-46)		P	P	P	P	P	P	P
College or university	P	P	P	P	P	P	P	P

Day-care for children (See definition in section 146-46)	P	P	P	P	P	P	P	P
Fairgrounds or rodeo								
Fraternal organization, lodge, civic club (See definition in section 146-46)		P	P	P		P	P	P
Halfway house	S	S						
Hospital (See definition in section 146-46)		P	P	P	P	P	P	P
Museum, library, art gallery (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Public building (shop or yard) (See definition in section 146-46)						P	P	P
Rest home or nursing home (See definition in section 146-46)	P	P		S			P	
School, businesses or trade (See definition in section 146-46)		P	P	P	P	P	P	P
School, public or denominational (See definition in section 146-46)	P	P		P				P
Accessory, Utility and Incidental Uses								

Accessory building or use (See definition in section 146-46)	P	P	P	P	P	P	P	P
Electrical generating plant						S	S	
Home occupation (See section 146-133) (See definition in section 146-46)	P	P	P	P	P			
Local utility line	P	P	P	P	P	P	P	P
Parking, incidental to main use	P	P	P	P	P	P	P	P
Public building (shop or yard) (See definition in section 146-46)						P	P	P
Grounds-keeper's quarters (See definition in section 146-46)	P							
Sewage treatment plant								S
Stable private								
Swimming pool, private (See definition in section 146-46)	P	P	P	P	P	P	P	P
Telephone exchange, no garage or shop	P	P	P	P	P	P	P	P
Utility business office		P	P		P	P	P	P
Utility distribution lines	P	P	P	P	P	P	P	P

Utility shop or yard						P	P	
Utility substation or regulating station	S	S	S	S	S	S	S	S
Water storage tank	P	P	P	P	P	P	P	P
Water treatment plant								
Recreational and Entertainment Uses								
Amusement commercial (indoor) (See definition in section 146-46)		P	P	S	P	P	P	P
Amusement commercial (outdoor)(See definition in section 146-46)					P	P		P
Carnival or circus (temporary)	T	T	T	T	T	T	T	T
Country club (See definition in section 146-46)	P	P	P	P	P	P	P	
Fairgrounds or rodeo								
Golf course (public)	P	P	P	P	P	P	P	P
Golf course, Par-three (commercial)	S	S	S	S	S	P	P	P
Park or playground (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Playfield or stadium	S	P	P	P	P	P	P	P



(public) (See definition in section 146-46)								
Private club (subject to Ch. 138, Art. II) (See definition in section 146-46)		S	S	S	S	S	S	
Recreation area (private) (See definition in section 146-46)	S	P	P	P	P	P	P	
Recreation center (public) (See definition in section 146-46)	P	P	P	P	P	P	P	P
Sexually oriented business (subject to Ch. 138, Art. V)						S		
Stable, commercial (See definition in section 146-46)								
Stable, private								
Swim or tennis club (See definition in section 146-46)	S	P	P	S	P	P	P	
Swimming pool (public)	P	P	P	P	P	P	P	P
Swimming pool (private) (See definition in section 146-46)	P	P	P	P	P	P	P	
Theater (indoor)		P	P	S	P	P	P	

Theater (outdoor)	T	T	T	T	S	T	T	T
Transportation Related Uses								
Airport or landing field								
Automobile sales or repair						S		
Boat sales or repair						S		
Boat storage						P		
Bus station (private)		P	P	S	P	P	P	
Heliport or helistop		S	S	S	S	S	S	S
Motor freight terminal						P	P	
Parking incidental to main use	P	P	P	P	P	P	P	P
Parking lot (commercial)		S	P	S	S	P	P	P
Parking lot (truck) (See definition in section 146-46)							S	
Railroad freight station						P	P	
Railroad team truck								
Railroad track or right-of-way	P	P	P	P	P	P	P	P
Trailer, light truck, tool rental					P	P		

Truck sales or repair						S		
Truck storage						P		
Transit station (public)	P	P	P	P	P	P	P	P
Automobile and Related Uses								
Auto display and sales						S		
Auto display and sales (indoor showroom only)		P	P		P	S	S	
Auto laundry (subject to limitations specified by section 146-42(12))					P	P		
Auto painting or body shop						P		
Auto parts sales (indoor)					P	P		
Garage, auto repair (See definition in section 146-46)						P		
Garage, parking (private)	S	P	P	P	P	P	P	P
Garage, parking (commercial)		P	P	P	P	P	P	P
Junk or salvage yard (See definition in section 146-46)								
Motorcycle sales and service						S		

Parking, incidental to main use	P	P	P	P	P	P	P	P
Parking lot (commercial)		P	P	S	P	P	P	P
Service station or motor vehicle fuel sales (subject to section 146-79(102)) (See definition in section 146-46)		S	S	S	P	P	P	
Tires batteries and accessories (113)					P	P		
Tire recapping								
Retail and Service Uses								
Antique shop (See definition in section 146-46)		P	P	P	P	P	P	
Apparel and accessory stores		P	P	P	P	P	P	
Art supplies		P	P	P	P	P	P	
Auto display and sales						S		
Auto display and sales (indoor showroom only)		P	P		S	S	S	
Bait shop						P		
Bakery or confectionery (retail)		P	P	P	P	P	P	
Barber or beauty shops		P	P	P	P	P	P	

Bed and breakfast (subject to Ch. 138, Art. IV)	S	P	S	S	P			
Book or card shop		P	P	P	P	P	P	
Cleaning (small shop and pickup) (See definition in section 146-46)		P	P	P	P	P	P	
Clinic (See definition in section 146-46)		P	P	S	P	P	P	P
Corner store (less than 2,000 square feet gross fl. area)	P	P	P	P	P	P	P	
Day-care for children (See definition in section 146-46)— Primary use	P	P	P	P	P	P	S	P
Day-care for children—Secondary use	P	P	P	P	P	P	P	P
Department or discount store		P	P	P	P	P	P	
Drug-store or pharmacy		P	P	P	P	P	P	
Fabrics or needlework shop		P	P	P	P	P	P	
Florist or garden shop		P	P	P	P	P	P	
Food stores, groceries		P	P	P	P	P	P	
Frozen food lockers		S				P	P	
Furniture sales		P	P	P	P	P	P	

Greenhouse or plant nursery		S		S	P	P	P	
Hardware store		P		P	P	P	P	
Hobby or handcraft shop		P	P	P	P	P	P	
Household appliance sales (See definition in section 146-46)		P	P	P	P	P	P	
Key shop		P	P	P	P	P	P	
Mimeograph or letter shop		P	P	P	P	P	P	
Office supplies		P	P	P	P	P	P	
Paint and related sales		P	P		P	P		
Pawnshops						P		
Personal service (See definition in section 146-46)		P	P	P	P	P	P	
Pet stores (no outside runs)		P	P	P	P	P	P	
Restaurant or cafeteria (indoor service) (See definition in section 146-46)		P	P	P	P	P	P	
Restaurant or cafeteria (including drive-through window) (See definition in section 146-46)			S		P	P	S	

Restaurant or cafeteria (drive-in service) (See definition in section 146-46)					P	P		
Retail store (indoor)		P	P	P	P	P	P	
Service station or motor vehicle fuel sales (subject to section 146-79; see also section 146-42)(See definition in section 146-46)		S	S	S	P	P	S	
Studios, photo, music, art, health, etc.		P	P	P	P	P	P	
Tattoo parlor						P		
Travel agent		P	P	P	P	P	P	
Commercial Type Uses								
Amusement, commercial (indoor) (See definition in section 146-46)		P	P	S	P	P	P	P
Amusement commercial (outdoor) (See definition in section 146-46)					P	P		P
Auto laundry (subject to limitations specified by section 146-42)					P	P		
Bakeries (wholesale)		S			S	P	P	
Banks and financial institutions, no drive-		P	P	P	P	P	P	

up windows								
Banks and financial institutions, including drive-up windows		P	P	S	P	P	P	
Building materials sales					P	P		
Carnival or circus (temporary)					T	T	T	T
Carpentry, painting shop						P		
Cleaning plant, laundry					P	P		
Construction buildings (temporary)	T	T	T	T	T	T	T	T
Creamery, dairy products						P	P	
Department or discount stores		P	P		P	P	P	
Exterminator						P		
Farm implement sales and service						P		
Field office (temporary) (See definition in section 146-46)	T	T	T	T	T	T	T	T
Funeral homes and mortuaries		P			P	P		
Garage, auto repair (See definition in section 146-46)					P	P		



Golf course, Par-three (commercial)	S	S	S	S	S	P	P	P
Hotel or motel (See definition in section 146-46)		P	P	S	P	P	P	
Laboratories, medical, dental, science		P	P	S	P	P	P	
Miniwarehouses			S			S		
Mobile home display and sales								
Monument sales						P		
Motor freight terminal						P	P	
Office building		P	P	P	P	P	P	P
Offices, showrooms, buildings		P	P		P	P	P	P
Office use		P	P	P	P	P	P	P
Pet store or kennel (outside runs)						P		
Plumbing shop		P			P	P		
Printing plant or newspaper						P	P	
Private club (subject to Ch. 138, Art. II) (See definition in section 146-46)		S	S	S	S	S	S	
Radio or TV broadcast studio		P	P		P	P	P	

Real estate sales office (temporary)	T	T	T	T	T	T	T	T
Rest home or nursing home (see definition in section 146-46)	S	P	P	S	P	P		
School, business or trade (see definition in section 146-46)		P	P	S	P	P	P	P
Sign shop						P		
Stable, commercial (see definition in section 146-46)								
Swim or tennis club (see definition in section 146-46)	S	P	P	S	P	P	P	
Theater (indoor)		P	P	S	P	P	P	
Theater (outdoor)					S	P		
Tires, batteries and accessories (see definition in section 146-46)					P	P		
Trailer, light truck, tool rental					P	P		
Upholstery shop		P	P	P	P	P	P	
Veterinarian (no outside runs)		P		P	P	P		
Veterinarian (with outside runs)						S		
Warehousing						P	P	

Wholesale establishments						P	P	
Industrial and Manufacturing Uses								
Acid manufacture								
Apparel and related manufacture						P	P	
Cement, lime, gypsum, plaster								
Chemicals and allied products								
Concrete or asphalt batch plant								
Contractor's yard								
Drugs and pharmaceutical manufacture						S	S	
Dirt or topsoil extraction								
Electrical generating plant								
Electronic products manufacture		P	P		P	P	P	
Fat rendering, animal reduction								
Fertilizer manufacture								
Food processing								
Forge plant								

Gas, butane, propane storage						S		
Heavy machinery sales and storage						P		
High-technology manufacturing and fabrication		S	S		S	P	P	
Industrial and manufacturing plants								
Junk or salvage yard (See definition in section 146-46)								
Laboratories, medical, dental, science		P	P	S	P	P	P	
Machine shop or welding						P		
Metal fabrication						P	P	
Motor freight terminal						P	S	
Open storage (See definition in section 146-46)								
Paper or pulp manufacture								
Parking lot (truck) (See definition in section 146-46)							S	
Petroleum products refining or storage								
Plastic products							S	

manufacture								
Printing plant or newspaper						S	S	
Sand or gravel mining or storage								
Sanitary landfill								
Smelting of ores or metals								
Soft drink bottling plant								
Stockyards or slaughterhouse								
Utility shop or yard						P	P	
Utility substation or regulating station	P	P	P	P	P	P	P	P
Warehousing						P	P	
Welding shop						P		
Agricultural and Related Uses								
Agricultural and ranching uses		P	P	P	P	P	P	P
Feed lots								
Farms, nurseries, truck gardens (See definition in section 146-46)					P	P		
Forestry and mining uses								

Hatchery, poultry, egg farm								
Kennel, animal boarding (outside runs)						S		
Livestock auction (See definition in section 146-46)								
Stable, commercial (See definition in section 146-46)								
Stable, private								

(Ord. No. 2002-08-084, § 1.73, 8-20-2002; Ord. No. 2003-03-021, § 1, 3-4-2003; Ord. No. 2014-05-034, § 1, 5-20-2014; Ord. No. 2018-04-027, §§ 4—7, 4-3-2018; Ord. No. 2018-10-071, § 1, 10-2-2018; Ord. No. [2018-11-075](#), § 1(Exh. A), 11-6-2018)

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN

GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND

COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the

1 construction, renovation, maintenance, or other alteration of a  
2 residential or commercial building if the building product or  
3 material is approved for use by a national model code published  
4 within the last three code cycles that applies to the construction,  
5 renovation, maintenance, or other alteration of the building; or

6 (2) establishes a standard for a building product,  
7 material, or aesthetic method in construction, renovation,  
8 maintenance, or other alteration of a residential or commercial  
9 building if the standard is more stringent than a standard for the  
10 product, material, or aesthetic method under a national model code  
11 published within the last three code cycles that applies to the  
12 construction, renovation, maintenance, or other alteration of the  
13 building.

14 (b) A governmental entity that adopts a building code  
15 governing the construction, renovation, maintenance, or other  
16 alteration of a residential or commercial building may amend a  
17 provision of the building code to conform to local concerns if the  
18 amendment does not conflict with Subsection (a).

19 (c) This section does not apply to:

20 (1) a program established by a state agency that  
21 requires particular standards, incentives, or financing  
22 arrangements in order to comply with requirements of a state or  
23 federal funding source or housing program;

24 (2) a requirement for a building necessary to consider  
25 the building eligible for windstorm and hail insurance coverage  
26 under Chapter 2210, Insurance Code;

27 (3) an ordinance or other regulation that regulates



outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or

(B) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April

1 1, 2019;

2 (7) a building located in an area designated as a  
3 historic district on the National Register of Historic Places;

4 (8) a building designated as a Recorded Texas Historic  
5 Landmark;

6 (9) a building designated as a State Archeological  
7 Landmark or State Antiquities Landmark;

8 (10) a building listed on the National Register of  
9 Historic Places or designated as a landmark by a governmental  
10 entity;

11 (11) a building located in a World Heritage Buffer  
12 Zone; and

13 (12) a building located in an area designated for  
14 development, restoration, or preservation in a main street city  
15 under the main street program established under Section [442.014](#).

16 (d) A municipality that is not a municipality described by  
17 Subsection (c)(5)(A) or (B) may adopt or enforce a regulation  
18 described by Subsection (a) that applies to a building located in a  
19 place or area designated on or after April 1, 2019, by the  
20 municipality for its historical, cultural, or architectural  
21 importance and significance, if the municipality has the voluntary  
22 consent from the building owner.

23 (e) A rule, charter provision, ordinance, order, building  
24 code, or other regulation adopted by a governmental entity that  
25 conflicts with this section is void.

26 Sec. 3000.003. INJUNCTION. (a) The attorney general or an  
27 aggrieved party may file an action in district court to enjoin a

1 violation or threatened violation of Section 3000.002.

2 (b) The court may grant appropriate relief.

3 (c) The attorney general may recover reasonable attorney's  
4 fees and costs incurred in bringing an action under this section.

5 (d) Sovereign and governmental immunity to suit is waived  
6 and abolished only to the extent necessary to enforce this chapter.

7 Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter  
8 does not affect provisions regarding the installation of a fire  
9 sprinkler protection system under Section 1301.551(i), Occupations  
10 Code, or Section 775.045(a)(1), Health and Safety Code.

11 Sec. 3000.005. SEVERABILITY. If any provision of a rule,  
12 charter provision, ordinance, order, building code, or other  
13 regulation described by Section 3000.002(a) is held invalid under  
14 this chapter, the invalidity does not affect other provisions or  
15 applications of the rule, charter provision, ordinance, order,  
16 building code, or other regulation that can be given effect without  
17 the invalid provision or application, and to this end the  
18 provisions of the rule, charter provision, ordinance, order,  
19 building code, or other regulation are severable.

20 SECTION 2. This Act takes effect September 1, 2019.

H.B. No. 2439

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2439 was passed by the House on April 30, 2019, by the following vote: Yeas 124, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2439 on May 23, 2019, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2439 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 26, Nays 5.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor