



## **Zoning Districts and Uses**

Public Draft February 2021



**CLARION**

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# Article 1: General Provisions

Included in Installment 1.

# Article 2: Zoning Ordinance

## 2.1 Zoning Procedures

Included in Installment 1.

## 2.2 Zoning Districts

### 2.2.1 Zoning Districts, Generally

#### COMMENTARY

This section is based on the current Chapter 146, Zoning Regulation, and Appendix F – Schedules, §F-1, Schedule of Space Limits. It introduces a revised lineup of zoning districts, as outlined in the Assessment Report, and subject to additional input from staff. Each district includes an intent statement, adapted from existing statements in Article III, District Regulations, or newly created for new zoning districts. All regulations regarding the use of land are in §2.3, Use Regulations.

**District Regulations & Space Limits:** In the current McKinney code, “District Regulations” are in a separate section of the code (Article III) from dimensional standards, requiring users to switch back and forth to get a unified picture of any given district’s purpose and standards. Those are consolidated here, with hyperlinked cross-references for greater ease of use and access.

**Dimensional Standards:** Dimensional standards for each district are carried forward as appropriate from existing standards or noted when new or adjusted standards have been applied. Where there is variation in the standards for similar zoning districts that are being combined, we have favored the more permissive standard to avoid creating nonconformities.

**FAR:** As recommended in the Assessment Report, references to Floor Area Ratio have not been carried forward, as dimensional standards should be sufficient to establish the extent and height of what can be built on a lot.

**Legacy & Obsolete Districts:** The Table of Current and Prior Zoning District Correspondence reflects recommendations in the Assessment Report regarding consolidating obsolete and legacy districts. Throughout this draft, notes indicate what obsolete (and current) districts are combined, as well as what standards from each of the districts are carried forward. Many obsolete districts that had more restrictive standards are generally not carried forward, as current districts seem to indicate a trend to less restrictive standards.

**Overlay Districts:** The Historic Commercial Overlay (HCO) and the Historic Preservation Overlay (Director of Planning) have been combined into one overlay, the “H” Historic Overlay. The Commercial Corridor (CC) and Traditional McKinney Neighborhood (TMN) Overlays are carried forward. Regional Employment Center (REC) Overlay standards will be maintained as a legacy district (to which no future rezonings will be allowed) in an Appendix.

**New Districts:** The new R21 district is proposed to provide for half-acre lots. The RU – Urban Residential, MF2 – Multifamily 2, and UTH – Urban Townhome districts offer possibilities for more dense, urban development.

**Notes:** Most notes that appear in the current Appendix F-1, Schedule of space limits table, are carried forward. Where they are not carried forward, as when the standards derived from legacy districts, this is called out in the footnotes. In some cases, where notes from Appendix F-1 have been carried forward, staff will need to determine if these notes still apply.

**A. Zoning Districts Established**

The following zoning districts are established as shown in Table 2-1.  
These districts are established by the City's adoption of the official  
Zoning District Map pursuant to §2.2.2, *Zoning District Map*.

**Table 2-1: Zoning Districts**

Base Zoning Districts	Section
<b>Residential Districts</b>	
RE2 Residential Estate	2.2.3
RE1 Residential Estate	2.2.4
R21 Residential	2.2.5
R12 Residential	2.2.6
R10 Residential	2.2.7
R8 Residential	2.2.8
R6.5 Residential	2.2.9
R5 Residential	2.2.10
RU Urban Residential	2.2.11
RD Duplex Residential	2.2.12
TH Residential Townhomes	2.2.13
UTH Urban Residential Townhomes	2.2.14
MF Residential Multifamily	2.2.15
RMH Residential Manufactured Home	2.2.16
<b>Non-Residential Districts</b>	
C1 Neighborhood Commercial	2.2.17
C2 Local Commercial	2.2.18
C3 Regional Commercial	2.2.19
O1 Office	2.2.20
O2 Regional Office	2.2.21
I1 Light Industrial	2.2.22
I2 Heavy Industrial	2.2.23
<b>Other Districts</b>	
AG Agricultural	2.2.24
AP Airport	2.2.25
MTC McKinney Town Center	Article 8:
PD Planned Development	2.2.27
<b>Overlay Zoning Districts</b>	
H Historic Overlay	2.2.29
CC Corridor Commercial Overlay	2.2.30
TMN Traditional McKinney Neighborhood Overlay	2.2.31

**B. Base Zoning Districts****1. Content**

The base zoning districts in §§2.2.3 through 2.2.25 follow a common structure and describe the intent and intended character of the zoning districts, the lot and building standards that apply to development in the districts, and any district-specific development standards.

**2. Graphics**

For each base zoning district, an illustration is included that depicts how the district's lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards or other text in this Code, the standards in the table and text of this Code shall govern.

### C. Planned Development Districts

Planned Development districts, established in §2.2.27, are separate base zoning districts negotiated with the McKinney Planning Department, reviewed by the Planning and Zoning Commission, and reviewed and approved or disapproved by the City Council, pursuant to the procedures shown in §2.1.3, *Rezoning to a Planned District*.

1. Approved Planned Development zoning districts are labeled "PD" on the Official Zoning Map.
2. Updates and amendments to this Code do not alter any standards or conditions of approval that were applied at the time of approval of the PD.

### D. Overlay Districts

1. Overlay zoning districts, established in §2.2.29 through 2.2.31, are superimposed over one or more underlying base or Planned Development zoning districts.
2. §2.2.28 identifies the overlay zoning districts in the City of McKinney, describes each district's purpose, and describes the standards and regulations that apply in the overlay zone.
3. If any overlay district regulation conflicts with any other regulation in this Code, the provisions of the overlay district shall apply regardless of whether they are more or less restrictive than the base zoning district, except as noted in the Commercial Corridor Overlay.

### E. Legacy Zoning Districts

#### COMMENTARY

McKinney already has experience with legacy districts, which were carried forward during the prior code rewrite. This section will identify those legacy districts that will continue on following adoption of this new code. The specific list of legacy districts requires further discussion. One new such district created in this project is the REC overlay district. However, there may be others, and some of the existing legacy districts may also continue on and be identified for here.

1. Legacy districts were established in the former McKinney Development Code and eventually are intended to be replaced by one or more of the base zoning districts established in this article. The following zoning districts are declared legacy districts upon adoption of this Code:
  - a. REC Overlay
  - b. SF7.2
  - c. RS72
  - d. GC – Government Complex
2. Upon the effective date of this Code, no land will be rezoned to a legacy zoning district and no boundary of a legacy district shall be expanded. The City Council may modify the allowed uses, special uses, and development standards within the legacy zoning districts. Landowners are encouraged to rezone land from a legacy zoning district classification. The City Council may offer incentives, such as modified application fees, in order to accomplish this goal.

Development in a legacy zoning district is subject to the requirements and conditions that were in place at the time the properties were rezoned under the McKinney Code of Ordinances (as amended). In addition, all other standards of this Code shall apply to legacy zoning districts, including the standards in Section 2.4, *Development Standards*, and Section 3.2, *Subdivision Standards*, unless otherwise stated in the requirements and conditions in place at the time the properties were rezoned under the McKinney Code of Ordinances (as amended).

### F. Zoning District Correspondence

The following table shows the correspondence between the current zoning districts and McKinney's prior zoning district designations.

**Table 2-2: Current and Prior Zoning District Correspondence**

Current Zoning Districts	Prior Zoning Districts
Residential Districts	

**Table 2-2: Current and Prior Zoning District Correspondence**

<b>Current Zoning Districts</b>	<b>Prior Zoning Districts</b>
RE2 Residential Estate	RED-2 Residential Estate
RE1 Residential Estate	RED-1 Residential Estate
R21 Residential	N/A
R12 Residential	SF12 Single Family Residential RS 120 Single Family Residence
R10 Residential	SF10 Single Family Residential
R8 Residential	SF8 Single Family Residential RS 84 Single Family Residence
R6.5 Residential	SF7.2 Single Family Residential RS 72 Single Family Residence
R5 Residential	RS 60 Single Family Residence SF5 Single Family Residential
RU Urban Residential	RS 45 Single Family Residential
RD Duplex Residential	DR Duplex Residential RD 30 Duplex Residence
TH Residential Townhomes	TH Townhome Residential RG 27 General Residence Townhome
UTH Urban Residential Townhomes	TH Townhome Residential RG 27 General Residence Townhome
MF Multi Family TBD <sup>1</sup>	MF-1 Multiple Family Residential-Low Density MF-2 Multiple Family Residential-Medium Density MF-3 Multiple Family Residential-Medium-High Density RG 25 General Residence District RG15 [18] General Residence District
RMH Residential Manufactured Home	MP Mobile Home Park
<b>Non-Residential Districts</b>	
C1 Neighborhood Commercial	C1 Neighborhood Commercial NC Neighborhood Convenience BN Neighborhood Business
C2 Local Commercial	C2 Local Commercial BG General Business
C3 Regional Commercial	C3 Regional Commercial C Planned Center BC Commercial Business
O1 Office	Office O1 Neighborhood Office SO Suburban Office
O2 Regional Office	RO Regional Office
I1 Light Industrial	LI Light Industrial ML Light Manufacturing
I2 Heavy Industrial	HI Heavy Industrial MH Heavy Manufacturing
<b>Other Districts</b>	
AG Agricultural	AG Agricultural
AP Airport	AP Airport
MTC McKinney Town Center	MTC McKinney Town Center
PD Planned Development	PD Planned Development
<b>Overlay Zoning Districts</b>	<b>Section</b>
H Historic Overlay	HPO Historic Preservation Overlay CHD Commercial Historic District

<sup>1</sup> Because multi family standards are under review, where Multi Family appears throughout this draft, it is noted as TBD or "under review."



**Table 2-2: Current and Prior Zoning District Correspondence**

Current Zoning Districts	Prior Zoning Districts
CC Corridor Commercial Overlay	CC Corridor Commercial Overlay
TMN Traditional McKinney Neighborhood Overlay	TMN Traditional McKinney Neighborhood Overlay

## 2.2.2 Zoning District Map<sup>2</sup>

### A. Zoning District Map

The location and boundaries of the zoning districts established by this Code are shown in the Official Zoning Map, which has been adopted by the City Council and is incorporated as part of this Code. The Official Zoning Map is maintained by the City Planning Department.

### B. Zoning District Boundaries<sup>3</sup>

#### 1. Boundary Clarification

- a. Official zoning district boundaries shall be determined by the Director of Planning, where the Official Zoning Map does not reflect recent changes.
- b. If there is uncertainty about the location of a zoning district boundary or other feature shown on the Official Zoning Map, a determination shall be made by the Director of Planning.
- c. Any person challenging the accuracy of zoning district boundaries on the Official Zoning Map bears the burden of providing proof of the inaccuracy, to include the ordinances that were omitted or inaccurately recorded in amending the map, to demonstrate the inaccuracy of the updated copy.

#### 2. Interpretation

The zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

- a. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
- b. Where district boundaries are indicated as approximately following the lot lines, such lot lines shall be construed to be said boundaries.
- c. Where district boundaries are indicated as approximately following or parallel to a drainage course or other prominent physical feature, such drainage course, other prominent physical feature, or parallel line shall be construed to be said boundaries.
- d. Where district boundaries are indicated as approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale of said zoning map.
- e. Where district boundaries are indicated as approximately perpendicular to the centerline or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said street, highways, or drainage courses.
- f. If on unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map. Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the centerline of the vacated area and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- g. Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control. This provision is not intended to change the boundaries of districts where streets or alleys are relocated, realigned, vacated, or abandoned.

#### 3. Amendments

Changes in the boundaries of any zoning district require an amendment to the Official Zoning Map per §2.1.2, *Zoning Map Amendment (Rezoning)*.

<sup>2</sup> This is adapted from Chapter 146, Article I, §146-7. The section on Amendments is a new addition.

<sup>3</sup> Carried forward from Chapter 146, Article I, §146-8, with minor edits.

#### COMPARISON OF DISTRICTS

Where zoning districts are being consolidated, we have compared standards for each district being combined. The recommended standard proposed is the least restrictive to minimize the number of potential new nonconformities.

**Brackets and Notes:** Numbers in *[italicized brackets]* in the following tables indicate a more restrictive standard from one or more of the districts being combined. The bracketed dimensions are included to enable staff to compare standards and make a final determination on the most appropriate one for any given district. Once final dimensions are determined for each standard, the bracketed numbers will be removed.

Only references to table notes will remain in brackets in the final version of this Code. For now, some of these note references are adjacent to the standard description, rather than next to the measurement (see R2, Front setback). This is for ease of reading, and to avoid cluttered tables in this draft. When final standards are determined, these bracketed numbers will move back to be next to the measurement.

### 2.2.3 RE2 – Residential Estate<sup>4</sup>

#### A. Intent

The intent of the RE2 zoning district is to accommodate large-lot residential development of single family homes on lots of at least two acres, creating neighborhoods of a rural character. The district permits limited civic, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living and Estate Residential.

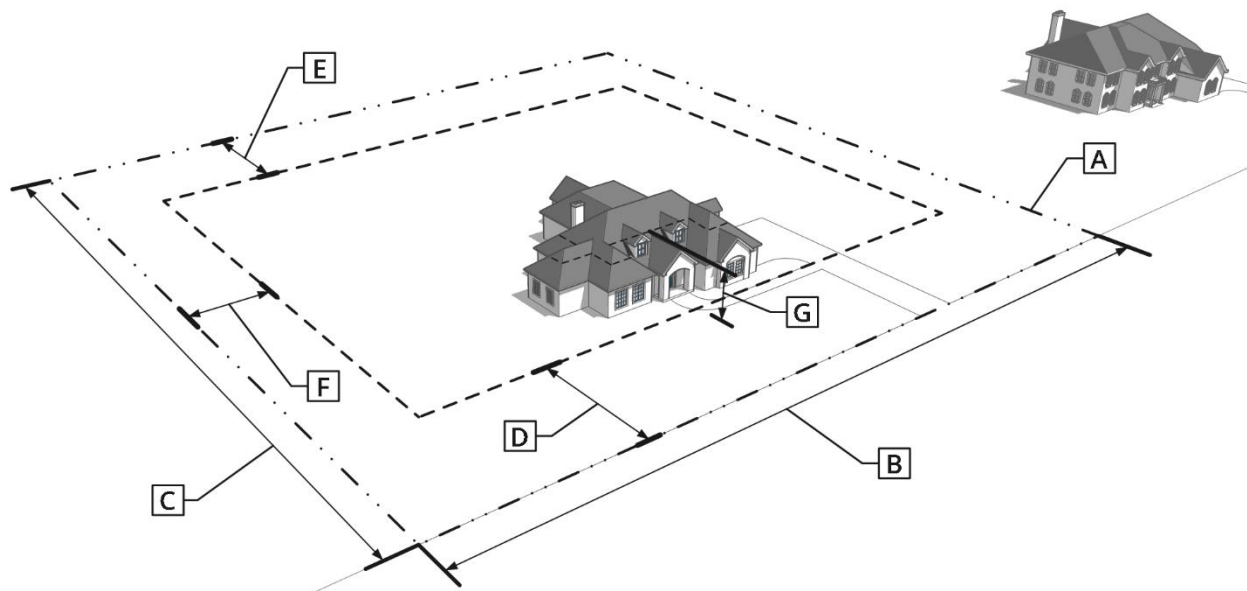
#### B. Standards

**Table 2-3: RE2 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	87,120
B	Lot width (ft)	200
C	Lot depth (ft)	200
Building Setbacks (minimum)		
D	Front (ft)	50
E	Rear (ft)	50
F	Side interior (ft)	30
	Side corner lot (ft)	50
Height (maximum)		
G	Building height (ft)	45

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-1: RE2 District Dimensional Standards**

<sup>4</sup> Formerly RED<sub>2</sub>

## 2.2.4 RE1 – Residential Estate<sup>5</sup>

### A. Intent

The intent of the RE1 zoning district is to accommodate large-lot residential development of single family homes on lots of at least one acre, creating neighborhoods of a rural character. The district permits limited civic, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living and Estate Residential.

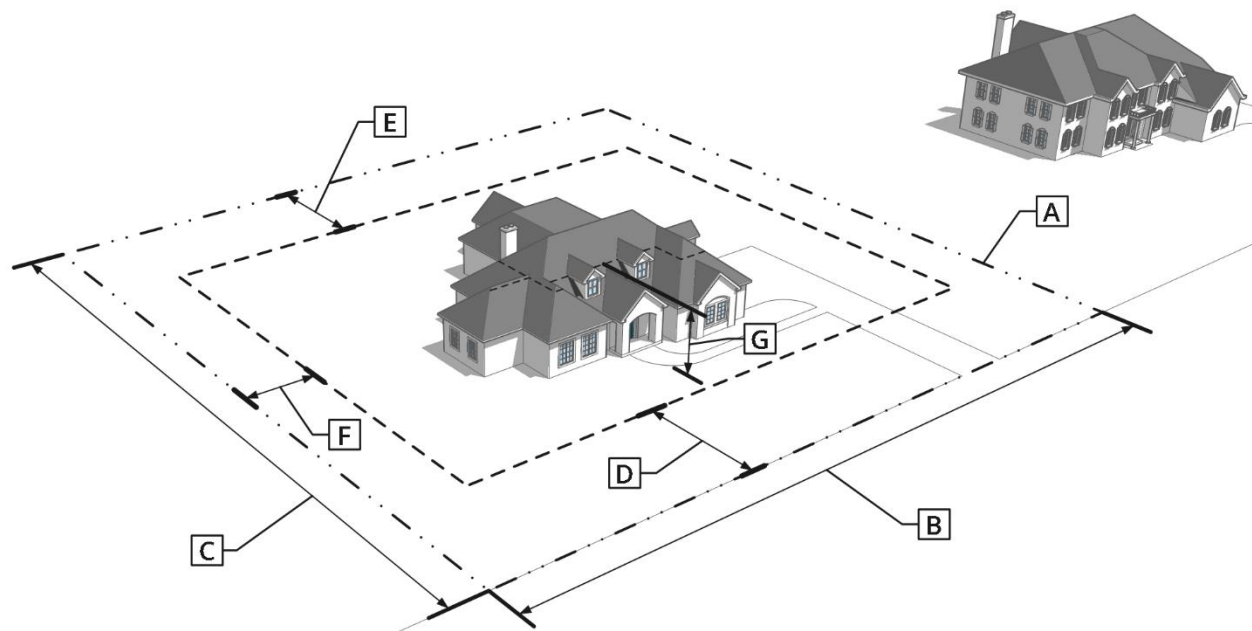
### B. Standards

**Table 2-4: RE1 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	43,560
B	Lot width (ft)	150
C	Lot depth (ft)	150
Building Setbacks (minimum)		
D	Front (ft)	35
E	Rear (ft)	35
F	Side interior (ft)	20
	Side corner lot (ft)	35
Height (maximum)		
G	Building height (ft)	45

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-2: RE1 District Dimensional Standards**

<sup>5</sup> Formerly RED1

## 2.2.5 R21 – Residential Estate<sup>6</sup>

### A. Intent

The intent of the R21 zoning district is to accommodate large-lot residential development of single family homes on lots of at least one-half acre, creating neighborhoods that are either rural or more suburban in character. The district permits limited civic, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Estate Residential and Suburban Living.

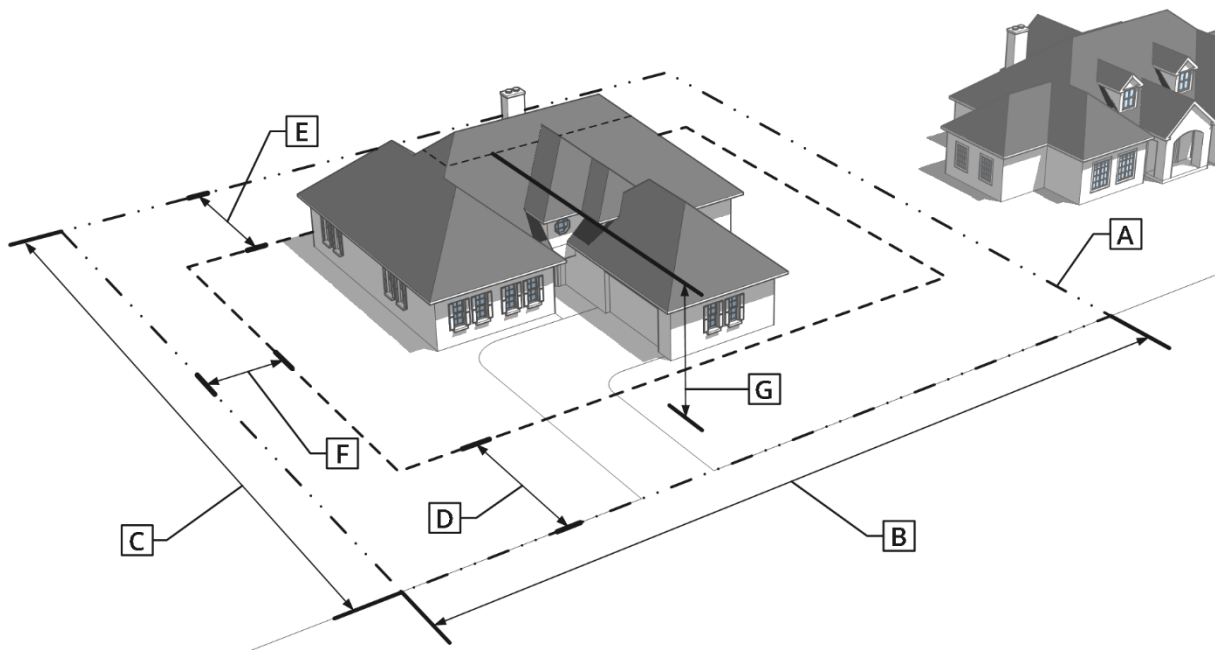
### B. Standards<sup>7</sup>

**Table 2-5: R21 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	21,780
B	Lot width (ft)	125
C	Lot depth (ft)	125
Building Setbacks (minimum)		
D	Front (ft)	30
E	Rear (ft)	30
F	Side interior (ft)	15
	Side corner lot (ft)	25
Height (maximum)		
G	Building height (ft)	45

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-3: R21 District Dimensional Standards**

<sup>6</sup> New district.

<sup>7</sup> The suggested setback and dimensional standards are less than the RE1 district, and greater than the R12 district.

### 2.2.6 R12 – Residential<sup>8</sup>

#### A. Intent

The intent of the R12 zoning district is to accommodate low density, suburban-style, single family residential development. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living.

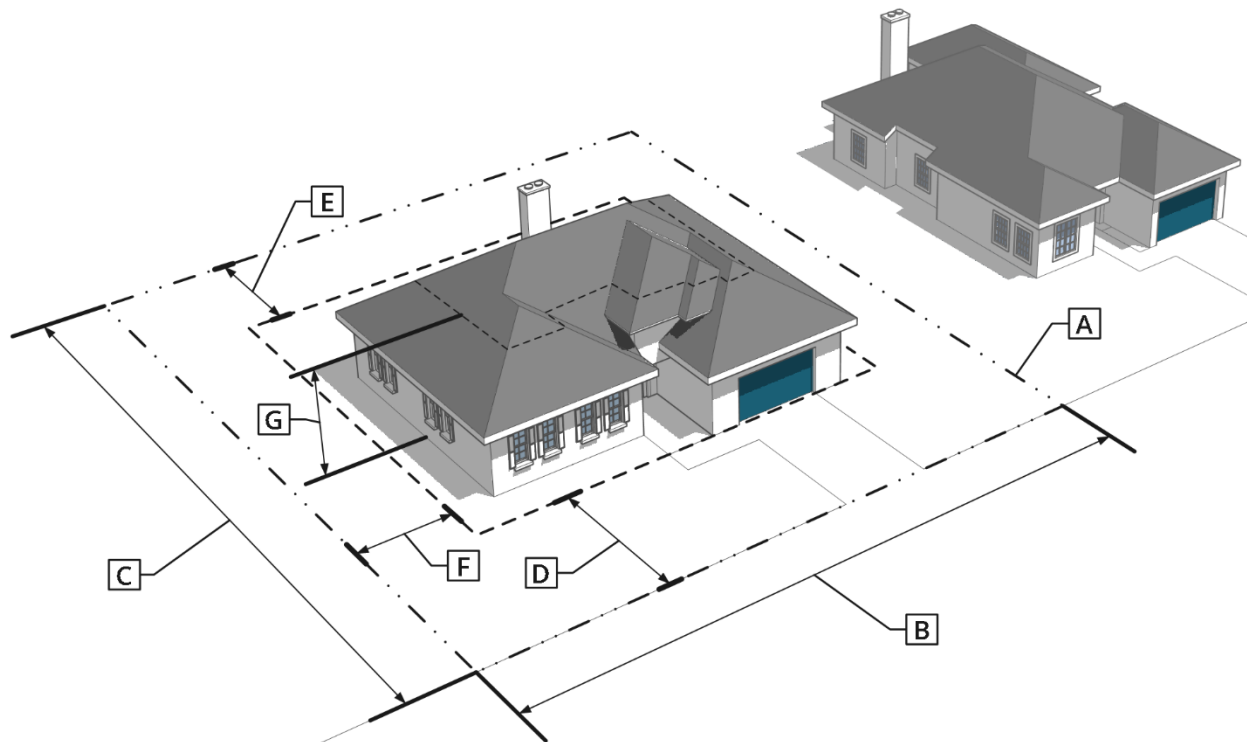
#### B. Standards

**Table 2-6: R12 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	12,000
B	Lot width (ft)	80
C	Lot depth (ft)	120
Building Setbacks (minimum)		
D	Front (ft)	25 [30]
E	Rear (ft)	20 [25]
F	Side interior (ft)	10
	Side corner lot (ft)	20
Height (maximum)		
G	Building height (ft)	35

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-4: R12 District Dimensional Standards**

<sup>8</sup> The R12 district combines SF12 and the obsolete RS120 districts.

## 2.2.7 R10 – Residential<sup>9</sup>

### A. Intent

The intent of the R10 zoning district is to accommodate low-density, suburban-style, single family residential development. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living.

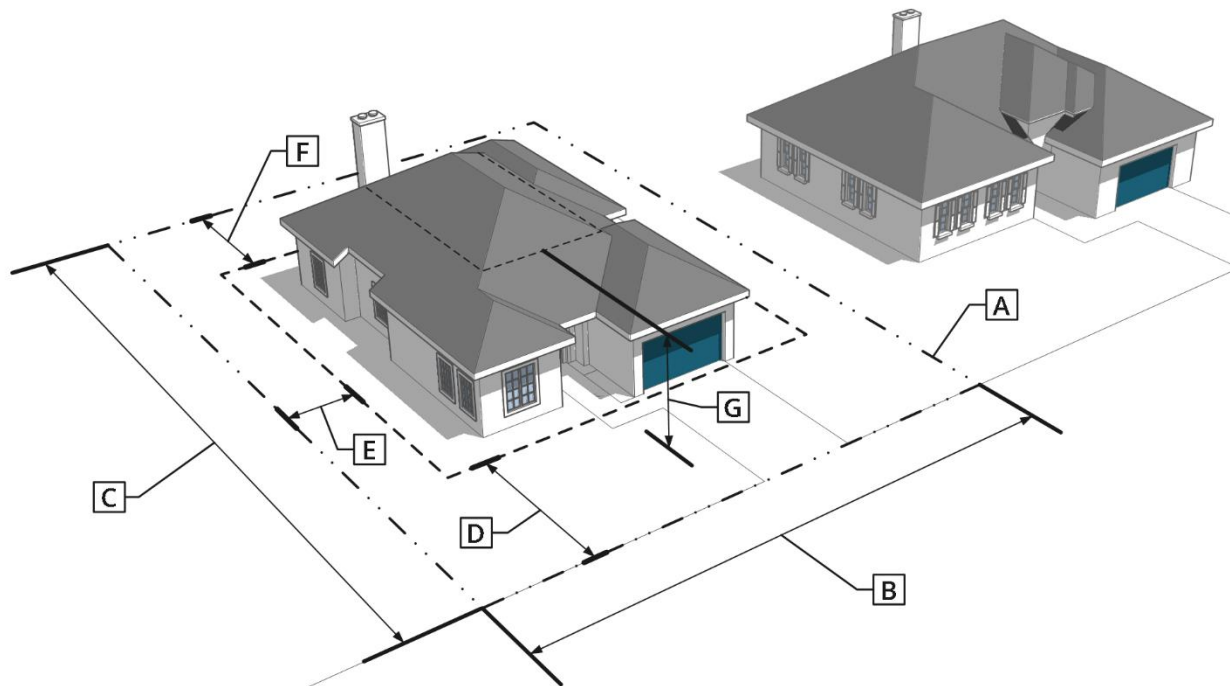
### B. Standards

**Table 2-7: R10 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	10,000
B	Lot width (ft)	70
C	Lot depth (ft)	110
Building Setbacks (minimum)		
D	Front (ft)	25
E	Rear (ft)	20
F	Side interior (ft)	10
	Side corner lot (ft)	20
Height (maximum)		
G	Building height (ft)	35

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-5: R10 District Dimensional Standards**

<sup>9</sup> Formerly SF10.





### 2.2.8 R8 – Residential <sup>10</sup>

#### A. Intent

The intent of the R8 zoning district is to accommodate low density, suburban-style, single family residential development. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living and Historic Town Center -- Residential.

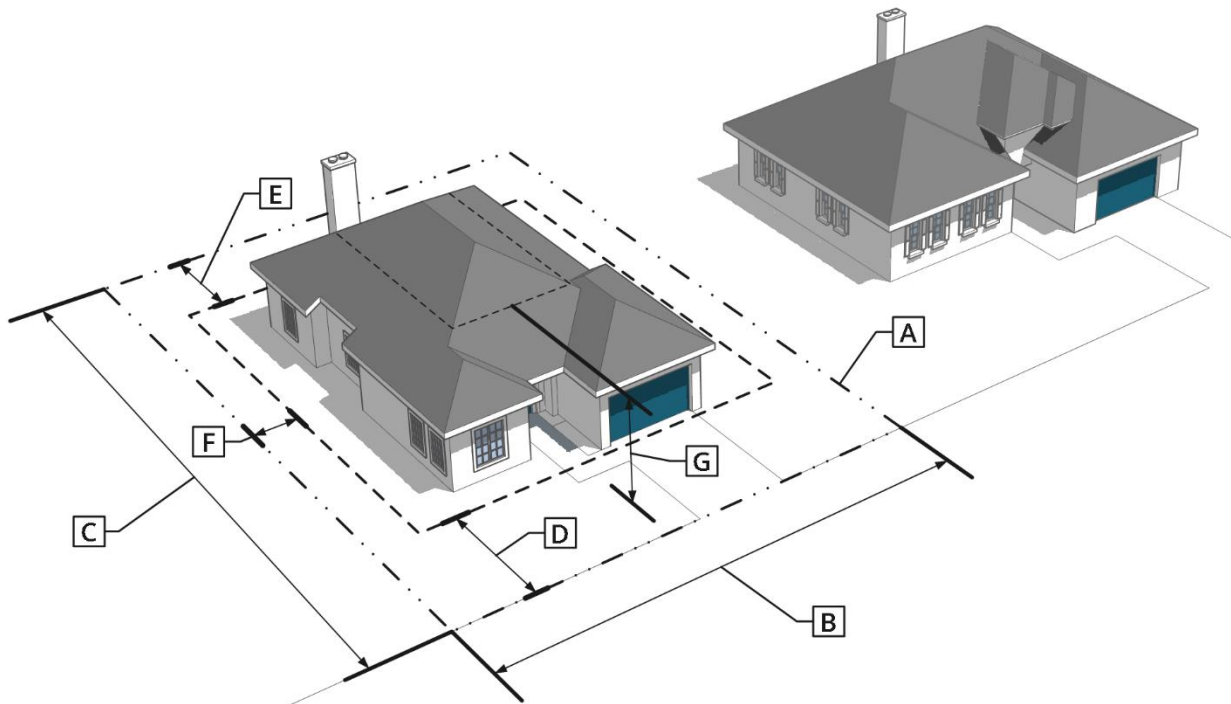
#### B. Standards

**Table 2-8: R8 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	8,000 [8,400]
B	Lot width (ft)	60 [70]
C	Lot depth (ft)	100 [110]
Building Setbacks (minimum)		
D	Front (ft)	20 [25]
E	Rear (ft)	15 [25]
F	Side interior (ft)	7 [10]
	Side corner lot (ft)	15
Height (maximum)		
G	Building height (ft)	35

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-6: R8 District Dimensional Standards**

<sup>10</sup> Combines SF8 and RS8<sub>4</sub> districts. Standards match those of SF8, which is the more permissive district.

## 2.2.9 R6.5 – Residential<sup>11</sup>

### A. Intent

The intent of the R6.5 zoning district is to accommodate medium-density, suburban-style, single family residential development. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living, Historic Town Center – Residential, and Historic Town Center – Mix.

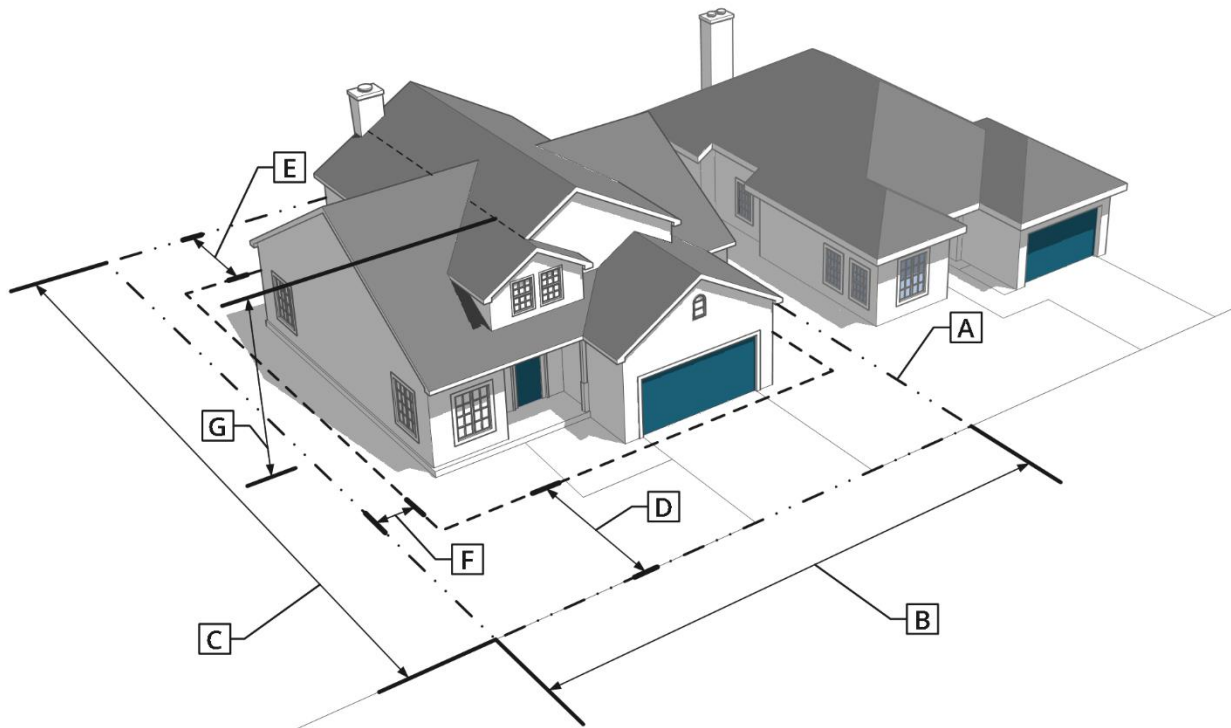
### B. Standards

**Table 2-9: R6.5 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	6,500
B	Lot width (ft)	50
C	Lot depth (ft)	90
Building Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	10
F	Side interior (ft)	5
	Side corner lot (ft)	15
Height (maximum)		
G	Building height (ft)	35

### Other Key Standards

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-7: R6.5 District Dimensional Standards**

<sup>11</sup> Any existing properties zoned RS7.2 or SF7.2 will be governed by the standards and regulations of the R6.5 zone district.



## 2.2.10 R5 – Residential<sup>12</sup>

### A. Intent

The intent of the R5 zoning district is to accommodate medium-density, suburban-style, single family residential development. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living, Historic Town Center – Residential, and Historic Town Center – Mix.

### B. Standards

**Table 2-10: R5 Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	5,000 [1]
B	Lot width (ft)	40
C	Lot depth (ft)	80
Building Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	10
F	Side Interior (ft)	5
	Side Corner Lot (ft)	15
Height (maximum)		
G	Building height (ft)	35
Notes		

[1]: The mean and median lot size for the neighborhood shall be a minimum of 6,500 square feet.<sup>13</sup>

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---

<sup>12</sup> Includes SF5 and RS60.

<sup>13</sup> This is the only district with the mean/median standard. It applies for all development, even a single parcel. "Neighborhood" is not specifically defined in this context and is determined by staff by project (usually by area covered in a subdivision plat). For infill projects, staff looks at the surrounding area to determine "neighborhood." A single tract not within a distinguishable neighborhood or block must meet the mean/median on its own. A lot within an existing neighborhood or distinguishable block may be considered in that context. Further discussion needed as to whether any of this methodology should be codified.

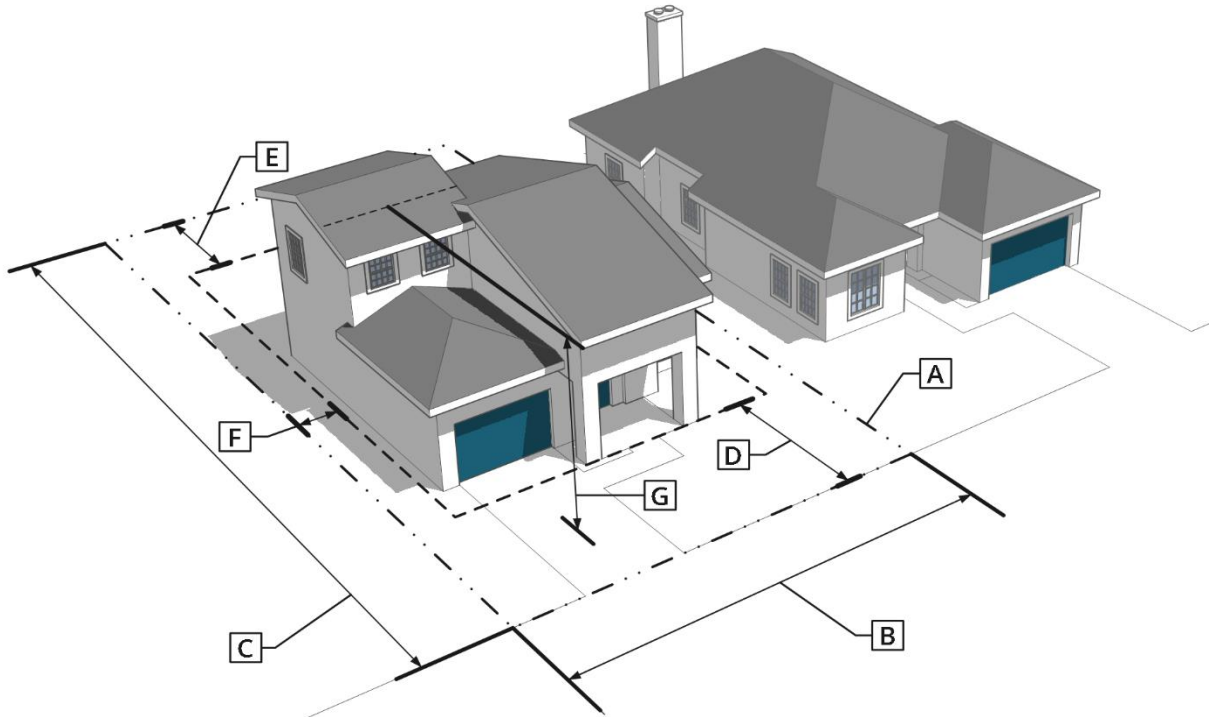


Figure 2-8: R5 District Dimensional Standards

## 2.2.11 RU – Urban Residential<sup>14</sup>

### A. Intent

The intent of the RU zoning district is to accommodate higher density, urban-style, single family, small-lot residential development. The RU District encourages moderate-scale housing that has a single family form and character, but allows lot sizes smaller than those in traditional single family zone districts. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Transit Ready Development, Historic Town Center – Residential, and Historic Town Center – Mix.

### B. Standards

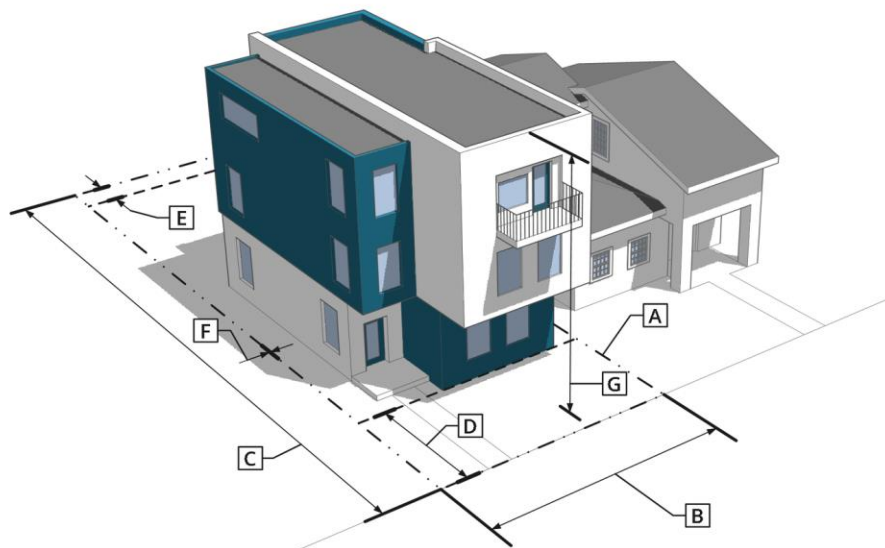
**Table 2-11: RU Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	3,000
B	Lot width (ft)	30
C	Lot depth (ft)	70
Building Setbacks (minimum)		
D	Front (ft)	10
E	Rear (ft)	5
F	Side interior (ft)	5
	Side corner lot (ft)	15
Height (maximum)		
G	Building height (ft)	45

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---

**Urban Street Section:** Development within the Urban Residential district shall utilize an urban street section, as described in the City of McKinney Engineering Manual.<sup>15</sup>



**Figure 2-9: RU District Dimensional Standards**

<sup>14</sup> New. Encompasses RS45 district.

<sup>15</sup> Street sections will be considered as part of drafting of the development standards. It may be appropriate here to include a cross-section image, rather than just a reference that sends a user to an entirely separate document.

## 2.2.12 RD – Duplex Residential<sup>16</sup>

### A. Intent

The intent of the RD zoning district is to accommodate duplex residential development. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living, Urban Living, Historic Town Center – Residential, and Historic Town Center – Mix.

### B. Standards

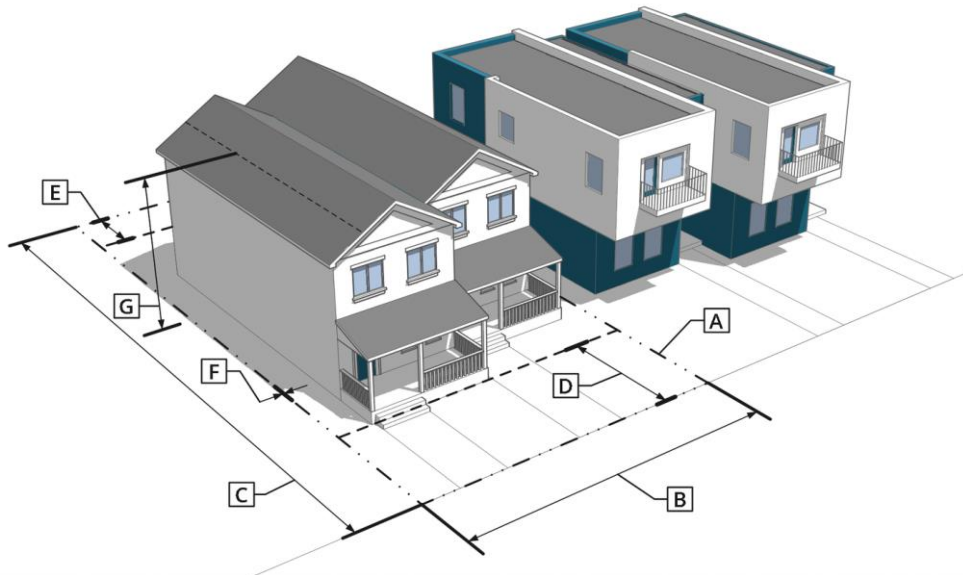
**Table 2-12: RD Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	5,000
B	Lot width (ft)	40 [50]
C	Lot depth (ft)	80 [100]
Building Setbacks (minimum)		
D	Front (ft)	20 [25]
E	Rear (ft)	10 [20-25]
F	Side interior (ft)	5 [7] [1]
	Side corner lot (ft)	15
Height (maximum)		
G	Building height (ft)	35
Notes		

[1]: Zero-lot line houses shall show the desired zero lot line side of each lot indented on a setback exhibit filed with the Planning Department.

### Other Key Standards

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-10: RD District Dimensional Standards**

<sup>16</sup> Combines RD and RD30 zoning districts.



## 2.2.13 TH – Residential Townhomes<sup>17</sup>

### A. Intent

The intent of the TH zoning district is to accommodate high-density townhome residential development. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Suburban Living, Urban Living, Historic Town Center – Residential, and Historic Town Center – Mix.

### B. Standards

**Table 2-13: TH Dimensional Standards**

Lot Dimensions (minimum) [1]		
A	Lot area (sq ft)	1,800
B	Lot width (ft)	22
C	Lot depth (ft)	80
Building Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	5
F	Side interior (ft)	5 [2]
	Side corner lot (ft)	15
Height (maximum)		
G	Building height (ft)	35
	Building separation	10 ft
Notes		

[1]: Developments shall meet two of three minimum lot dimensions: area, width, or depth.

[2]: Zero-lot line houses shall show the desired zero lot line side of each lot indented on a setback exhibit filed with the Planning Department.

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---

<sup>17</sup> Combines TH and RG27 districts.

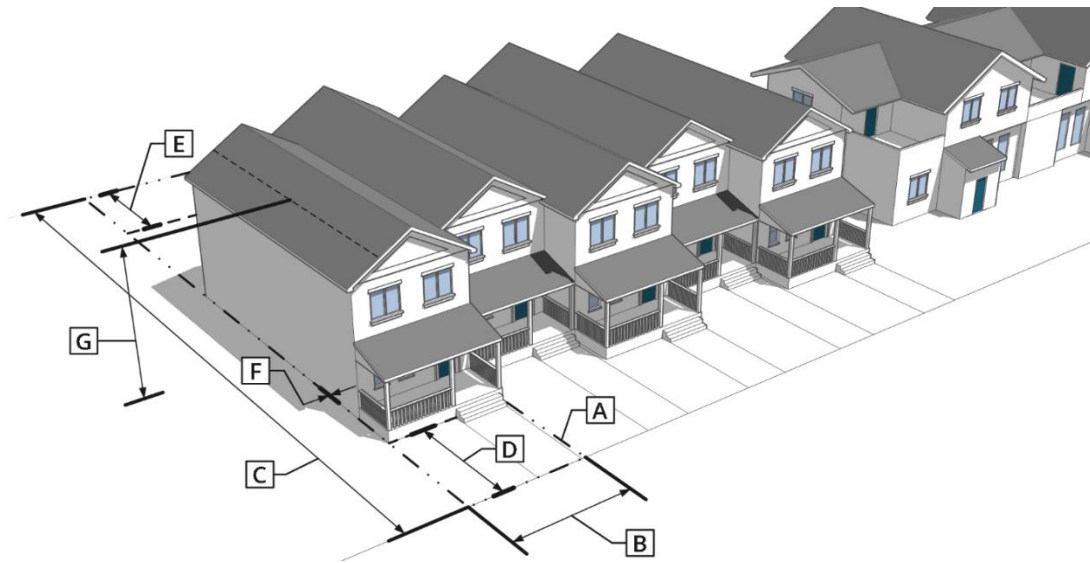


Figure 2-11: TH District Dimensional Standards

## 2.2.14 UTH – Urban Residential Townhomes<sup>18</sup>

### A. Intent

The intent of the UTH zoning district is to accommodate high-density townhome residential development in an urban form. The district permits limited civic, recreational, agricultural, and accessory uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Transit Ready Development, Entertainment Center, Mixed-Use Center, Historic Town Center – Residential, and Historic Town Center – Mix.

### B. Standards

**Table 2-14: UTH Dimensional Standards**

Lot Dimensions (minimum) [1]		
A	Lot area (sq ft)	1,500
B	Lot width (ft)	18
C	Lot depth (ft)	70
Building Setbacks (minimum)		
D	Front (ft)	10
F	Side interior (ft)	5 [2]
	Side corner lot (ft)	10
Height (maximum)		
G	Building height (ft)	45
	Building separation	10 ft
Notes		

[1]: Developments shall meet two of three minimum lot dimensions: area, width, or depth.

[2]: Zero-lot line houses shall show the desired zero lot line side of each lot indented on a setback exhibit filed with the Planning Department.

### Other Key Standards

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---

**Urban Street Section:** Development within the Urban Residential district shall utilize an urban street section, as described in the City of McKinney Engineering Manual.<sup>19</sup>

<sup>18</sup> Combines TH and RG27 districts.

<sup>19</sup> Street sections will be considered as part of drafting of the development standards. It may be appropriate here to include a cross-section image, rather than just a reference that sends a user to an entirely separate document.

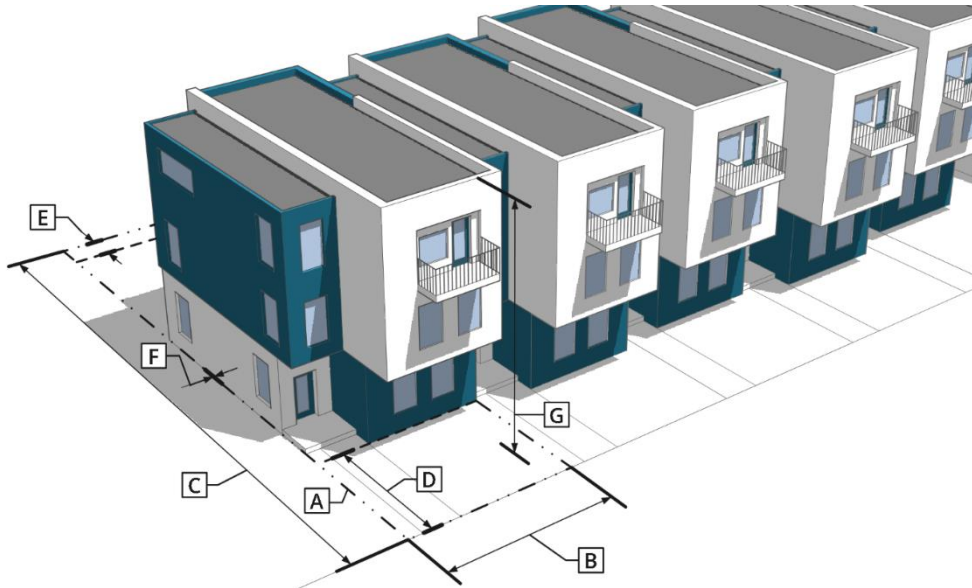


Figure 2-12: UTH District Dimensional Standards

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## **2.2.15 MF – Residential Multi Family**

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[Reserved – Multi Family districts and standards are under review]

## 2.2.16 RMH – Residential Manufactured Home<sup>20</sup>

### A. Intent<sup>21</sup>

The intent of the RMH zoning district is to accommodate mobile and manufactured homes within designated mobile home parks of not less than three acres, along with supporting and accessory uses such as management offices, maintenance buildings, laundry, and storage facilities for residents' use, and open or enclosed recreation areas. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living.

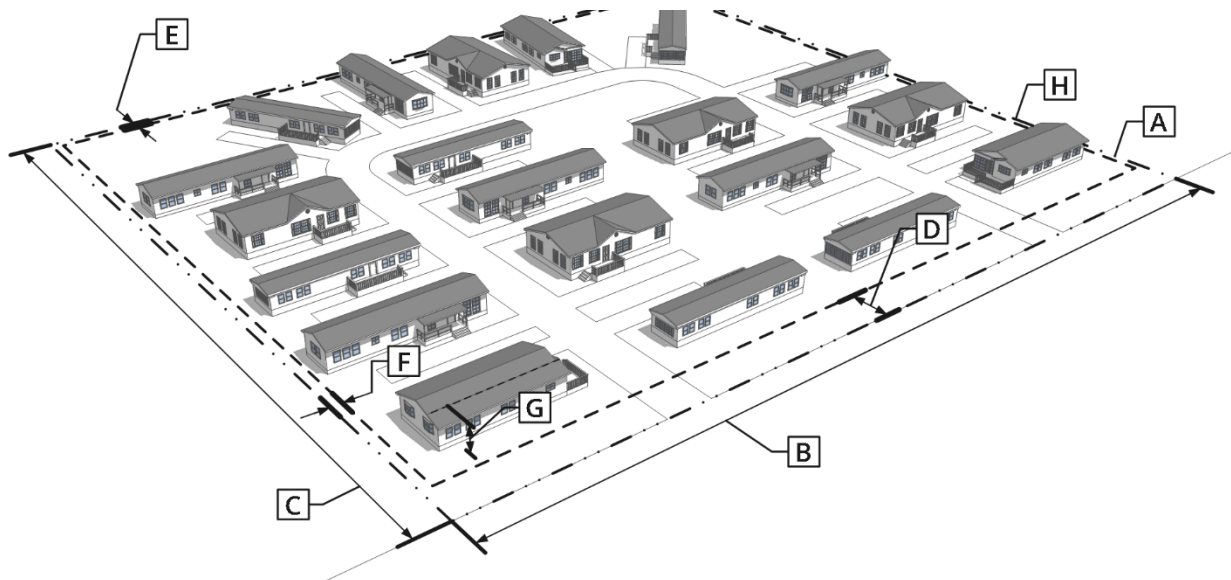
### B. Standards

**Table 2-15: RMH Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	4,500
B	Lot width (ft)	40
C	Lot depth (ft)	95
Building Setbacks (minimum)		
D	Front (ft)	20
E	Rear (ft)	20
F	Side (ft)	20
Height and Coverage (maximum)		
G	Building height (ft)	35

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-13: RMH District Dimensional Standards**

<sup>20</sup> Formerly MP – Mobile Home Park

<sup>21</sup> This is adapted from the current Purpose, Permitted Accessory Uses and Space Limits descriptions in §14.6-82, MP – Mobile Home Park District.

## 2.2.17 C1 – Neighborhood Commercial<sup>22 23</sup>

### A. Intent

The intent of the C1 zoning district is to allow for small-scale, low-intensity commercial, retail, office, service-oriented, and professional uses, and accompanying accessory uses, that serve primarily the surrounding neighborhood. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Neighborhood Commercial and Historic Town Center – Mix.

### B. Standards

**Table 2-16: C1 Dimensional Standards**

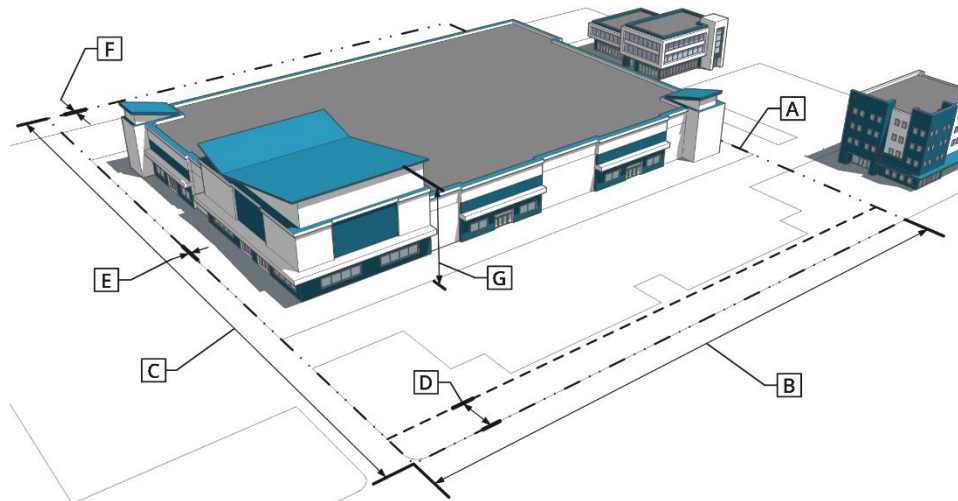
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0 [7,500]
B	Lot width (ft)	0 [50]
C	Lot depth (ft)	0 [50]
Building Setbacks (minimum)		
D	Front (ft)	20 [20/25] [1]
E	Rear (ft)	0, 45 when adjacent to residential [2]
F	Side interior (ft)	0, 45 when adjacent to residential [5][2]
Height (maximum)		
G	Building height (ft)	35
Notes		

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2]: For the purposes of this table, “adjacent to residential” means when adjacent to single family or duplex residential uses or zones.

### Other Key Standards

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-14: C1 District Dimensional Standards**

<sup>22</sup> C1 encompasses the NC and BN districts, and adapts the existing C1 district.

<sup>23</sup> Public draft adjustments: Based on staff input, this draft incorporates consistent setbacks for commercial enterprises adjacent to residential zones or uses, as requested by staff. Where the previous version had different standards and ways of phrasing this regulation, we have standardized it in this draft.





## 2.2.18 C2 – Local Commercial<sup>24</sup>

### A. Intent

The intent of the C2 zoning district is to allow for mid-sized, medium-intensity commercial, retail, office, service-oriented, and professional uses, and accompanying accessory uses. Local Commercial areas are characterized by frequent visits of customers and clients and require access to good vehicular circulation. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Neighborhood Commercial, Commercial Center, Professional Center, and Historic Town Center – Mix.

### B. Standards

**Table 2-17: C2 Dimensional Standards**

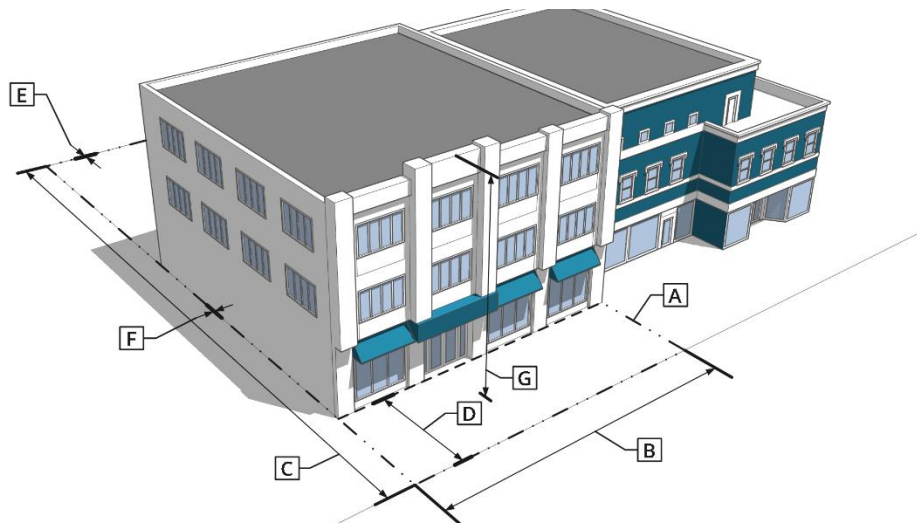
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	0
C	Lot depth (ft)	0
Building Setbacks (minimum)		
D	Front (ft)	20 [0] [1]
E	Rear (ft)	0, 45 when adjacent to residential [2]
F	Side interior (ft)	0, 45 when adjacent to residential [2]
Height (maximum)		
G	Building height (ft)	45
Notes		

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2]: For the purposes of this table, “adjacent to residential” means when adjacent to single family or duplex residential uses or zones.

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-15: C2 District Dimensional Standards**

<sup>24</sup> C2 encompasses the BG district, and adapts the existing C2 district.



## 2.2.19 C3 – Regional Commercial<sup>25</sup>

### A. Intent

The intent of the C3 zoning district is to allow for large-scale, high-intensity commercial, retail, office, service-oriented, and professional uses, and accompanying accessory uses. Regional Commercial uses serve the broader region, often require large land area, and are typically located along major regional highways. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Commercial Center, Professional Center, and Entertainment Center.

### B. Standards

**Table 2-18: C3 Dimensional Standards**

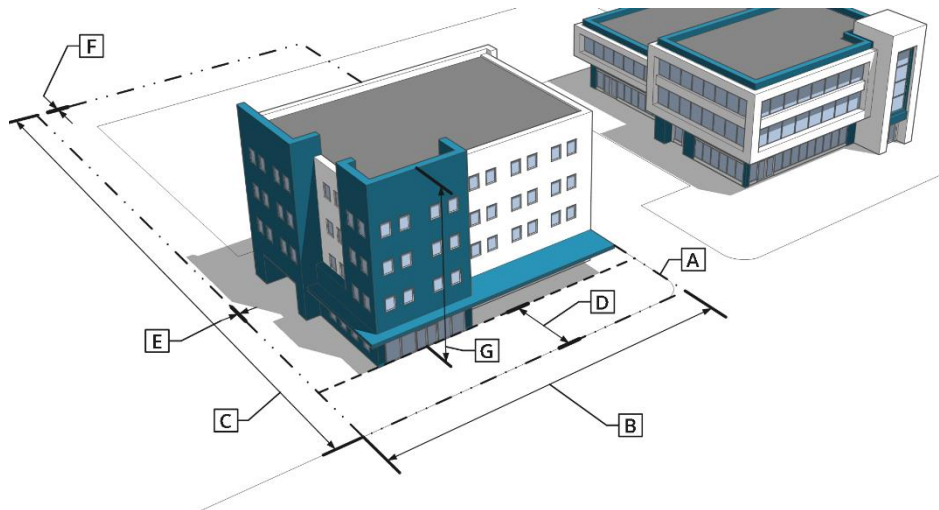
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0 [10,000]
B	Lot width (ft)	0 [50 or 80]
C	Lot depth (ft)	0 [50 or 100]
Building Setbacks (minimum)		
D	Front (ft)	20 [25] [1]
E	Rear (ft)	0, 45 when adjacent to residential [2]
F	Side interior (ft)	0, 45 when adjacent to residential [2]
Height (maximum)		
G	Building height (ft)	55
Notes		

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2] For the purposes of this table, “adjacent to residential” means adjacent to single family or duplex residential uses or zones.

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-16: C3 District Dimensional Standards**

<sup>25</sup> C3 encompasses the C and BC districts, and adapts the existing C3 district.

## 2.2.20 O1 – Office<sup>26</sup>

### A. Intent

The intent of the O1 zoning district is to encourage a concentration of low-intensity office and professional uses while limiting commercial and retail uses in the district. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Neighborhood Commercial, and Professional Center.

### B. Standards

**Table 2-19: O1 Dimensional Standards**

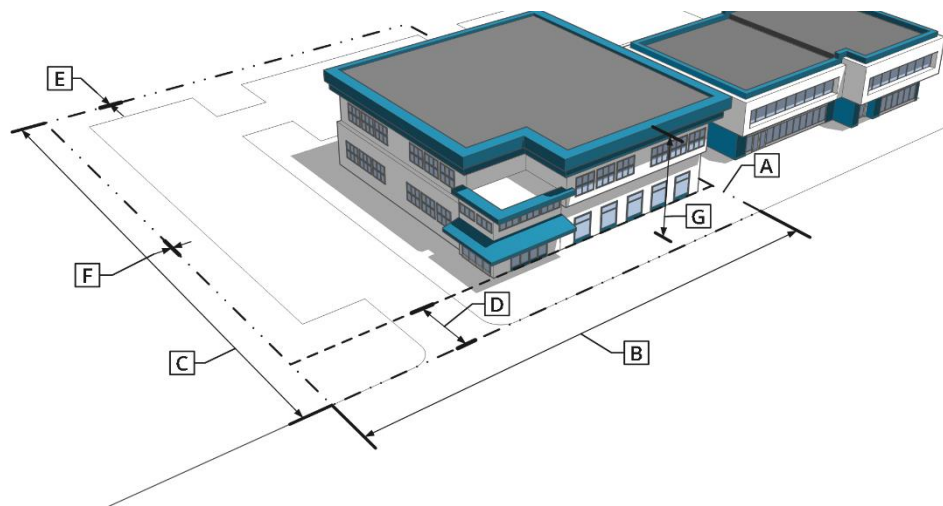
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0 [10,000]
B	Lot width (ft)	0 [50]
C	Lot depth (ft)	0 [50]
Building Setbacks (minimum)		
D	Front (ft)	20 [1]
E	Rear (ft)	0, 45 when adjacent to residential [2]
F	Side interior (ft)	0, 45 when adjacent to residential [2]
Height (maximum)		
G	Building height (ft)	35
Notes		

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2]: For the purposes of this table, “adjacent to residential” means adjacent to single family or duplex residential uses or zones.

### Other Key Standards

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-17: O1 District Dimensional Standards**

<sup>26</sup> O1 encompasses the Office and O1 Office districts, and adapts SO – Suburban Office.

## 2.2.21 O2 – Regional Office<sup>27</sup>

### A. Intent

The intent of the O2 zoning district is to encourage a concentration of high-intensity office and professional uses while allowing commercial and retail uses in the district. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Professional Center.

### B. Standards

**Table 2-20: O2 Dimensional Standards**

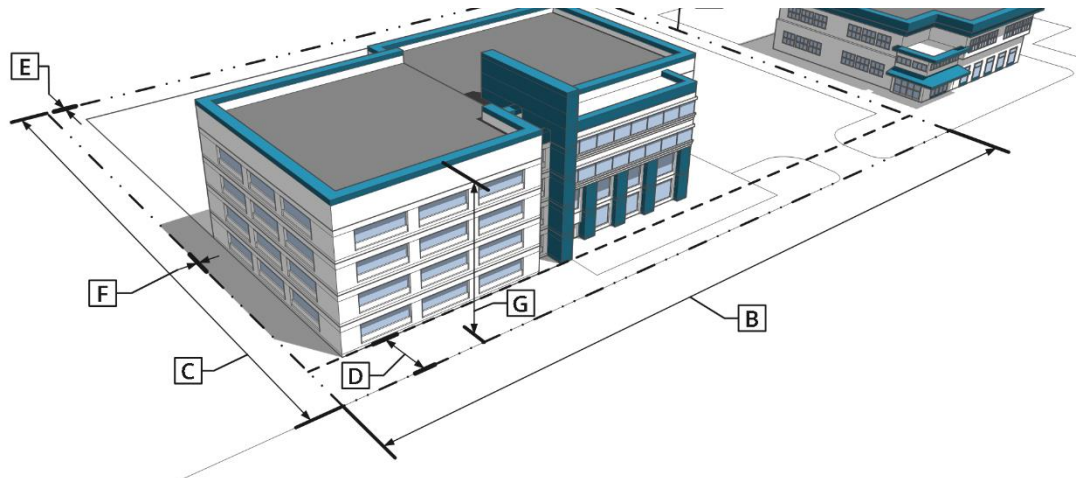
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0 [10,000]
B	Lot width (ft)	0 [50]
C	Lot depth (ft)	0 [50]
Building Setbacks (minimum)		
D	Front (ft)	20 [1]
E	Rear (ft)	0, 45 when adjacent to residential [2]
F	Side interior (ft)	0, 45 when adjacent to residential [2]
Height (maximum)		
G	Building height (ft)	55
Notes		

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2]: For the purposes of this table, “adjacent to residential” means adjacent to single family or duplex residential uses or zones.

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-18: O2 District Dimensional Standards**

<sup>27</sup> Adapted from RO – Regional Office.

## 2.2.22 I1 – Light Industrial<sup>28</sup>

### A. Intent

The intent of the I1 zoning district is to allow a range of light manufacturing, processing, service, storage, wholesale, and distribution operations, auto-oriented uses, and heavier-intensity commercial uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Employment Mix and Manufacturing & Warehouse.

### B. Standards

**Table 2-21: I1 Dimensional Standards**

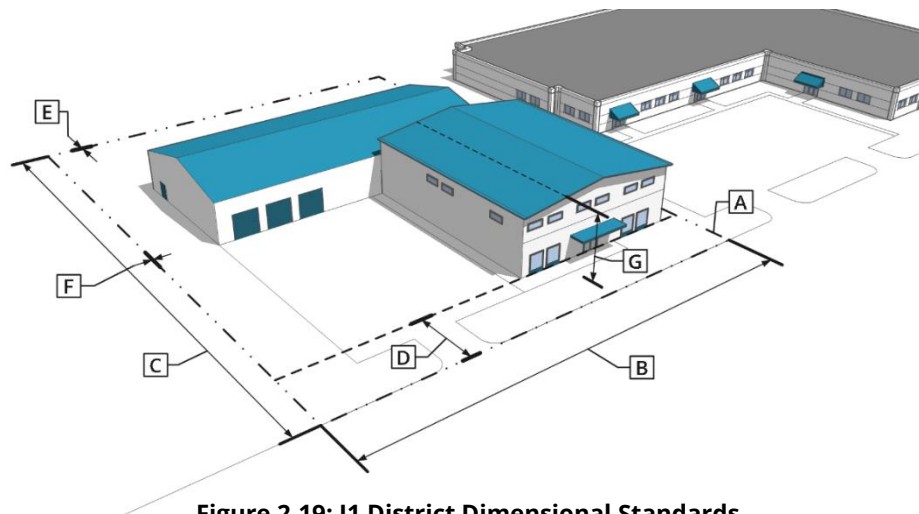
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0 [10,000]
B	Lot width (ft)	50
C	Lot depth (ft)	0 [50]
Building Setbacks (minimum)		
D	Front (ft)	20 [20-LI or 25-ML] [1]
E	Rear (ft)	0, 45 when adjacent to residential [2]
F	Side interior (ft)	0, 45 when adjacent to residential [2]
Height (maximum)		
G	Building height (ft)	45
Notes		

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2]: For the purposes of this table, “adjacent to residential” means adjacent to single family or duplex residential uses or zones.

### Other Key Standards

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-19: I1 District Dimensional Standards**

<sup>28</sup> Encompasses ML and LI – Light Industrial.

## 2.2.23 I2 – Heavy Industrial<sup>29</sup>

### A. Intent

The intent of the I2 zoning district is to allow the widest permitted range of industrial uses, including heavy manufacturing, metalworking, storage, major freight terminals, waste and salvage, resource extraction and refining, stockyards and slaughterhouses, and other related uses. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Manufacturing & Warehouse.

### B. Standards

**Table 2-22: I2 Dimensional Standards**

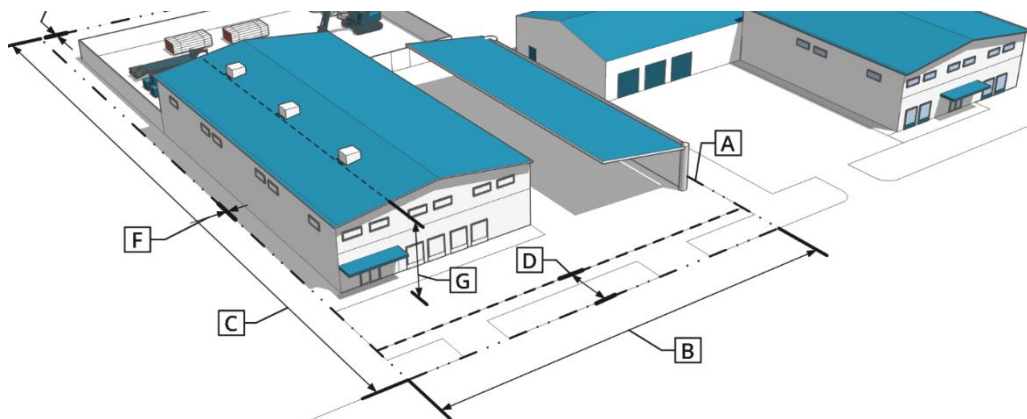
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0 [10,000]
B	Lot width (ft)	50
C	Lot depth (ft)	0 [50]
Building Setbacks (minimum)		
D	Front (ft)	20 [1]
E	Rear (ft)	0, 45 when adjacent to residential [2]
F	Side interior (ft)	0, 45 when adjacent to residential [2]
Height (maximum)		
G	Building height	55
Notes		

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2]: For the purposes of this table, “adjacent to residential” means adjacent to single family or duplex residential uses or zones.

**Other Key Standards**

Measurements and Exceptions	§2.2.33
Table of Allowed Uses	§2.3.2E
Definitions and Use-Specific Standards	§2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-20: I2 District Dimensional Standards**

<sup>29</sup> Encompasses MH and HI – Heavy Industrial.

## 2.2.24 AG – Agriculture

### A. Intent

The intent of the AG zoning district is to allow the commercial cultivation and growth of agricultural products, including livestock, fowl and produce. Residential and compatible accessory uses are also permitted in the AG district. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living and Estate Residential.

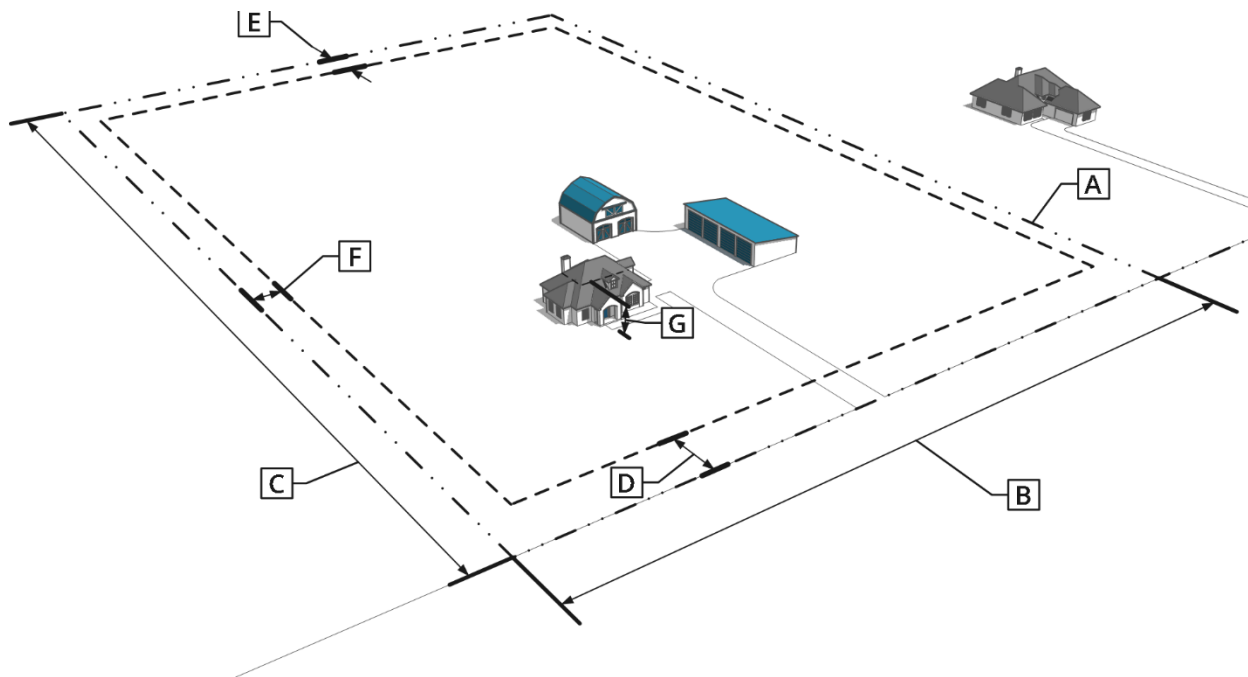
### B. Standards

**Table 2-23: AG Dimensional Standards**

Lot Dimensions (minimum)		
A	Lot area (sq ft)	10 acres
B	Lot width (ft)	100 [150]
C	Lot depth (ft)	0
Building Setbacks (minimum)		
D	Front (ft)	35
E	Rear (ft)	35
F	Side interior (ft)	20
	Side corner lot (ft)	25
Height (maximum)		
G	Building height (ft)	35

**Other Key Standards**

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-21: AG District Dimensional Standards**



## 2.2.25 AP – Airport

### A. Intent

The intent of the AP zoning district is to provide for airports, heliports, and landing areas for public and private aircraft. This district also accommodates accessory uses that support airport and landing field operations. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Aviation.

### B. Standards

**Table 2-24: AP Dimensional Standards**

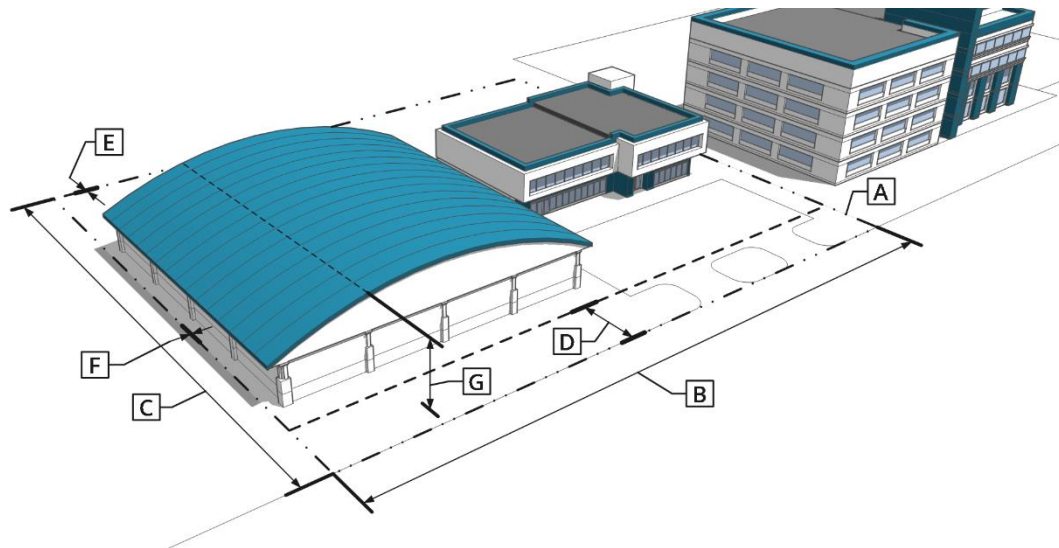
Lot Dimensions (minimum)		
A	Lot area (sq ft)	0
B	Lot width (ft)	0
C	Lot depth (ft)	0
Building Setbacks (minimum)		
D	Front (ft)	20 [25] [1]
E	Rear (ft)	0, 45 when adjacent to residential [2]
F	Side interior (ft)	0, 45 when adjacent to residential [2]
Height and Coverage (maximum)		
G	Building height (ft)	45
Notes		

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2]: For the purposes of this table, “adjacent to residential” means adjacent to single family or duplex residential uses or zones.

### Other Key Standards

Measurements and Exceptions	\$2.2.33
Table of Allowed Uses	\$2.3.2E
Definitions and Use-Specific Standards	\$2.3.3
Development Standards	
Landscaping, Screening, and Fencing	---
Off-Street Parking and Loading	---



**Figure 2-22: AP District Dimensional Standards**

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### 2.2.26 MTC – McKinney Town Center

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See Article 8: MTC – McKinney Town Center.

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### 2.2.27 PD – Planned Development District

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#### A. Intent

The intent of the PD zoning district is to accommodate new and imaginative concepts in urban design and land development that require particular development standards not permitted by the standard zoning districts in this Code. PD districts offer flexibility in design in exchange for substantial added benefit to the City, which may include provision of open space; preservation of natural, environmental, or scenic features of a site; or offering a higher level of amenities. PDs may also be requested to address challenges presented by specific site conditions.

#### B. Standards

General development standards are baseline requirements that apply to each PD unless specific alternatives are approved through the PD process.

#### C. Administration

##### 1. Existing Districts

PD districts approved prior to the adoption of this Code are governed by the standards approved at the time of adoption, unless otherwise noted.

##### 2. New Districts

Proposals for new PD districts require City Council review and approval, as described in §2.1.3, *Zoning or Rezoning to Planned Development (PD)*.

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## 2.2.28 Zoning Overlays

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### UPDATED ZONING OVERLAY DISTRICT

This section incorporates the recommendations from the *Code Assessment Report*, and also incorporates staff input on maintaining some of the existing overlays. The section reflects the following changes.

**Overlays not carried forward:** The following overlay districts are not carried forward.

**-REC – Regional Employment Center.** This will be carried forward as a legacy district only and standards from this overlay will be relocated to an Appendix, to ensure that property owners wishing to development under the standards described in the overlay may continue to do so.

**-FP – Floodplain.** Regulations covered in this overlay will be addressed in §5, Development Standards.

**Overlays maintained and adapted:** The following overlays have been carried forward.

**-H – Historic Overlay.** This overlay combines Historic Commercial District and Historic Preservation, previously separate though regulated using the same standards.

**-TMN – Traditional McKinney Neighborhood and -CC – Corridor Commercial.** Both of these have been carried forward at staff request. They have been copy edited and reformatted, but the content is unchanged.

#### A. Generally

The overlay districts in this section are intended to be used in addition to the base zoning districts established in §2.2.3 through 2.2.25. If any regulation in this section conflicts with any other regulation in this Code, the provisions of this section shall apply regardless of whether they are more or less restrictive than the base zoning district, except as noted in the Commercial Corridor Overlay.

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## 2.2.29 H – Historic Overlay<sup>30</sup>

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### A. Intent<sup>31</sup>

The purpose of the Historic Overlay district is to protect, enhance, and perpetuate districts and landmarks of historical and cultural importance and significance to promote the economic, cultural, educational, and general welfare of the public. Historic districts and landmarks within the city represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage; and, therefore, the H Overlay district is intended to:

1. Foster civic pride in the accomplishments of the past;
2. Protect and enhance the city's attractiveness to visitors and the economic benefits derived therefrom;
3. Ensure that development, redevelopment, and renovations within the historic districts are consistent with the historic character of the City;
4. Ensure the harmonious, orderly, and efficient growth and development of the city;
5. Promote the economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city; and
6. Stabilize and improve the values of such properties.

### B. District Boundary Map<sup>32</sup>

The current H Overlay district boundaries are delineated on the official zoning map and the official boundary map included in this section, with additional parcels added as appropriate sites outside the original boundary are identified and rezoned.

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<sup>30</sup> Formerly H – Historic Preservation Overlay. Also incorporates HCD – Historic Commercial District Overlay.

<sup>31</sup> Adapted from intent statement in Article III, §146-97; content has been significantly edited for brevity and clarity.

<sup>32</sup> If this map is accurate and to be included in this updated code, the title box at top left referring to H Overlay will need to be updated to the current nomenclature, and the center box referencing Appendix C will need to be removed.

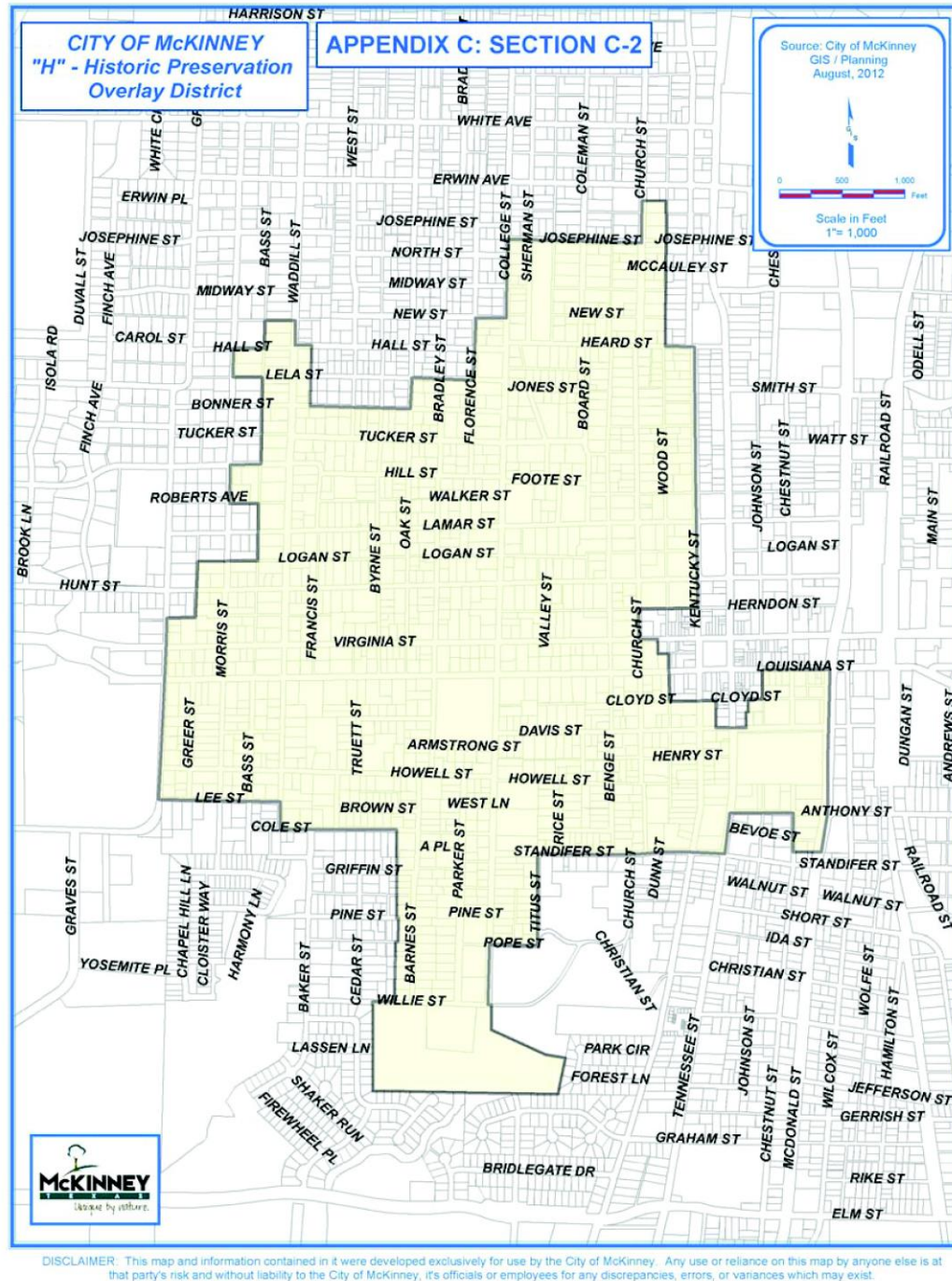


Figure 2-23: H Overlay District Boundary Map

### C. District Regulations

A certificate of appropriateness issued by the Director of Planning is required before undertaking work on a property within the Historic Overlay in the following instances.

#### 1. New Construction, Renovations, and Alterations

A certificate of appropriateness from the Director of Planning is required before undertaking the construction of a new building or structure, including an accessory dwelling unit. A certificate of appropriateness from the Director of Planning is also required before undertaking the reconstruction, alteration, change, restoration, expansion, or demolition of any exterior architectural feature of an

existing building or structure that is visible from a public right-of-way located in the Historic Overlay. Exterior architectural features include but are not limited to: the material and basic texture of all exterior building materials, windows, doors, lights, signs, and other exterior fixtures. A certificate of appropriateness must be obtained prior to the issuance of any building permit.

## **2. Routine Maintenance**

The routine maintenance, replacement, or repair of any exterior architectural feature of a landmark or property within the historic district may be conducted without the need to obtain a certificate of appropriateness. Such maintenance includes any work that does not constitute a change in design, material, or outward appearance of the historic structure. Routine maintenance includes in-kind replacement or repair.

The following alterations do not require a certificate of appropriateness.

### **a. Landscaping**

Addition, removal, or change in landscape materials or landscape design elements. At the request of the property owner, the Director of Planning and city arborist will provide review and comment regarding appropriate plant and landscape materials for designated historic areas. Such review and comment, however, shall not be binding.

### **b. Painting**

Approval of the Director of Planning and a building permit are required to change the paint color on a building's exterior. Repainting the exterior of the building the same color as it currently is does not require an approval or a building permit.

## **3. Criteria for Approval**

Determination on the issuance of a certificate of appropriateness is made according to the following criteria. All referenced materials are available for review from the Director of Planning.

### **a. Secretary of the Interior's Standards**

The primary basis for determining whether to issue a certificate of appropriateness is compliance with the Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings.

### **b. Preservation Priority Rating**

The Director of Planning considers the property's preservation priority rating as assigned in the historic resources survey of the city, as amended.

## **4. Demolition**

**a.** To obtain a demolition permit for an historic landmark or property within the Historic Overlay, including secondary buildings or landscape features, a completed application, and a certificate of appropriateness for demolition issued by the Director of Planning is required. The Director of Planning will approve the certificate of appropriateness, or approve the certificate of appropriateness subject to a 90-day delay<sup>33</sup> prior to commencing any demolition in the historic district.

**b.** If the request for a certificate of appropriateness requires final action by the Building and Standards Commission, the Director of Planning will forward the request to them, along with the Director's recommendation, for their consideration.

**c.** The Director of Planning does not have the authority to disapprove a demolition request. If a certificate of appropriateness cannot be issued for a demolition request, the request is referred to the Historic Preservation Advisory Board (HPAB) for consideration. The Director of Planning may, for any reason, elect to present the demolition application to the HPAB for consideration.

<sup>33</sup> The go-day provision is not clear. We would like to add detail, including: Under what circumstances does the Director of Planning approve demolition without delay? Under what circumstances is the go-day delay imposed? Can there be only one go-day delay, or can additional ones prolong the time until an applicant may demolish a property?



- d. If the applicant is not in agreement with the 90-day delay, the applicant may request in writing to the Director of Planning, within 21 days of Director of Planning action, that the demolition application be reconsidered by the HPAB.
- e. If demolition is subject to a 90-day delay, a demolition permit may only be issued within those 90 days if the Chief Building Official determines that the property poses a threat to the life and safety of the citizens of the city.
- f. In the event that the Director of Planning does not act within 90 days of the receipt of an application, a permit for demolition shall be granted.

### 5. Economic Hardship

Economic hardship may be the basis for a request for deviations from design guidelines.

- a. If the Director of Planning is not able to issue the certificate of appropriateness because the proposed work will not comply with the criteria for approval, and/or any design guidelines for the property, the applicant may seek approval to deviate from the criteria and/or design guidelines from the HPAB on the basis of economic hardship. To obtain approval for this request, the applicant must prove by a preponderance of the evidence that there is no reasonable opportunity to recover the cost of the proposed work if it is performed in strict compliance with the criteria and/or design guidelines.
- b. If the HPAB finds that there is no reasonable opportunity to recover the cost of the proposed work if performed in strict compliance with the criteria and/or design guidelines, the HPAB will allow a deviation from the specific criteria or applicable design guideline, and issue a certificate of appropriateness for the work, with or without conditions. If the HPAB finds that the applicant has failed to satisfy this burden of proof, the certificate of appropriateness will be denied.
- c. The HPAB considers the following factors to determine the extent of the deviation granted:
  - i. The cost to perform the work in compliance with the criteria and design guidelines;
  - ii. The value of the property;
  - iii. The extent to which a deviation is necessary to allow the owner a reasonable opportunity to recover the cost of the work;
  - iv. Whether granting the deviation will harm an existing or proposed historic or landmark district or structure or property designated with a high priority rating; and/or
  - v. Whether the proposed work is in harmony with the intent and purposes of this section.

### 6. Request for Demolition Using Economic Hardship

If an applicant's request for a certificate of appropriateness for a proposed demolition has been denied by the HPAB, the applicant may apply for relief on the basis of economic hardship. To prove the existence of hardship, the applicant must demonstrate by a preponderance of the evidence that:

- a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, that would result in a reasonable return;
- c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or
- d. The structure or property is in such a condition as to be irreparably damaged and, as such, poses a nuisance to the surrounding area and is a threat to the health, safety, and general welfare of the community.

### 7. Demolition by Neglect

No owner or person with an interest in real property designated as a landmark or included within the historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Director of Planning, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include, but are not limited to:

- a. Deterioration of exterior walls or other vertical supports;
- b. Deterioration of roofs or other horizontal members;
- c. Deterioration of exterior chimneys;
- d. Deterioration of crumbling of exterior stucco or mortar;
- e. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors; and
- f. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

**D. Administration****1. Penalties**

Failure to comply with any of the provisions of this chapter shall be deemed a violation, and the violator shall be liable for a misdemeanor charge and be subject to a fine not to exceed \$500.00; and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. These penal provisions shall not prevent an action on behalf of the city to enjoin any violation of the terms of this section or an action for mandatory injunction to remove any previous violation hereof.

**2. Enforcement**

All work performed pursuant to a certificate of appropriateness issued under the terms of this section shall conform to any requirements included therein. The code enforcement department will periodically inspect any such work to ensure compliance. In the event code enforcement finds that work is not being performed in accordance with the certificate of appropriateness, the code enforcement department shall issue a stop work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. The certificate of appropriateness may be reinstated, however, upon assurance that further work will be performed in compliance with the terms, conditions, and specifications of the certificate.

**3. Appeals**

Any applicant or property owner aggrieved by a decision of the Director of Planning or Historic Preservation Advisory Board relating to economic hardship, demolition, or a certificate of appropriateness may, within 21 days of receipt of the written decision, file a written application with the Director of Planning, requesting the City Council review the decision and the approval, denial, modification of, or deviation from, the Director of Planning's and/or HPAB's decision. The appeal application shall be set before the City Council at the first available City Council meeting. The City Council's decision on the appeal shall be final.

**4. No Vested Interest**

No developer or property owner shall acquire any vested interest in this section or specific regulations contained herein. The regulations of this section may be amended or repealed by the City Council in the manner provided by law.



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## 2.2.30 CC – Commercial Corridor Overlay

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### A. Intent

The Commercial Corridor (CC) Overlay district is designed to allow some non-residential structures along important commercial corridors to be of greater height than the base zoning district would otherwise allow. The CC Overlay standards recognize the importance of major regional highways as an economic development engine supporting efforts to leverage a diverse and sustainable non-residential tax base for the City. These taller structures will generally be located along the major regional highways passing through the City:

1. University Drive (U.S. Highway 380);
2. Central Expressway (U.S. Highway 75); and
3. Sam Rayburn Tollway (State Highway 121).

### B. Applicability

1. All development regulations of the underlying base zoning district shall apply, unless otherwise specified in this subsection of this ordinance.
2. Where there is a conflict between the CC Overlay standards, and those of the underlying base zoning district, the more permissive standard shall control, with the exception of properties in the Suburban Subzone. Those properties shall be subject to the more restrictive applicable regulations.
3. Properties with PD zoning are subject to all applicable regulations of the district and any conditions of approval, unless those regulations or conditions conflict with the provisions of this Section. Then the provisions of this section shall control.

### C. District Boundary Map

The official boundaries of the CC Overlay district and its four subzones are shown on the official boundary map. See Figure 2-24.

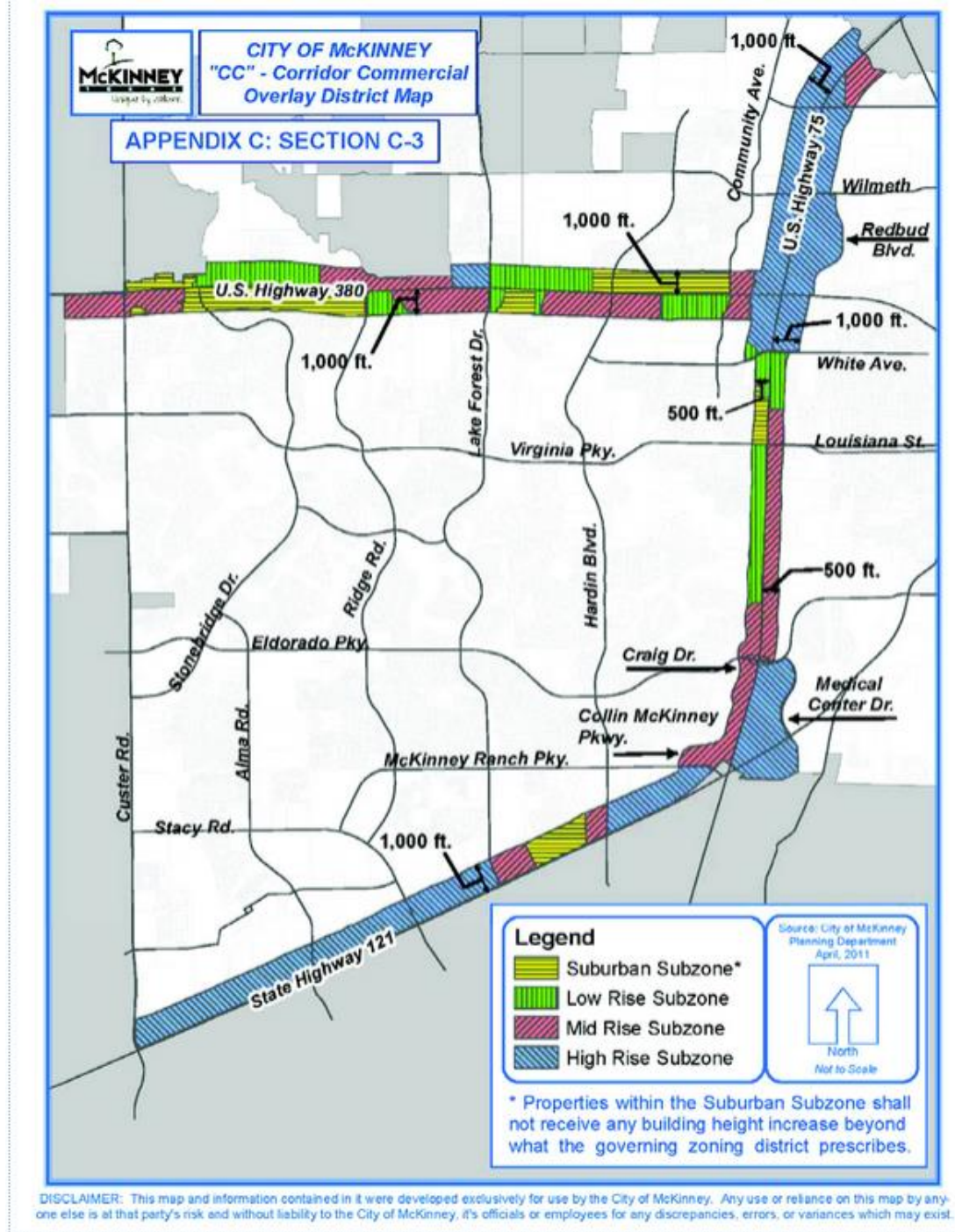


Figure 2-24: CC Overlay Boundary Map

**D. District Subzones**

The CC Overlay contains four subzones, as described below.

**1. Suburban Subzone**

- The intent of this subzone is to protect and maintain the residential character of the area by limiting building height to that prescribed in the base zoning district.
- Properties in this subzone are not permitted any increase in height over that prescribed in the base zoning district.

**2. Low Rise Subzone**

- a. The intent of this subzone is to permit minimal increases to the building height allowed by the underlying base zoning district.
- b. The maximum height of non-residential buildings in the low-rise subzone is three stories.

**3. Midrise Subzone**

- a. The intent of this subzone is to permit moderate increases to the building height allowed by the underlying base zoning district.
- b. The maximum height of non-residential buildings in the midrise subzone is six stories.

**4. High Rise Subzone**

- a. The intent of this subzone is to permit substantial increases to the building height allowed by the underlying base zoning district.
- b. The maximum height of non-residential buildings in the high-rise subzone is 12 stories.

**E. Additional Regulations****1. Setbacks**

The required setbacks are the same as those required by the underlying zoning district.

**2. Lot Coverage**

The maximum lot coverage is the same as that permitted by the underlying zoning district.

**3. Architectural and Site Standards**

[Reserved]

**F. District Subzones**

The CC Overlay contains four subzones, as described below.

**1. Suburban Subzone**

- a. The intent of this subzone is to protect and maintain the residential character of the area by limiting building height to that prescribed in the base zoning district.
- b. Properties in this subzone are not permitted any increase in height over that prescribed in the base zoning district.

**2. Low Rise Subzone**

- a. The intent of this subzone is to permit minimal increases to the building height allowed by the underlying base zoning district.
- b. The maximum height of non-residential buildings in the low-rise subzone is three stories.

**3. Midrise Subzone**

- a. The intent of this subzone is to permit moderate increases to the building height allowed by the underlying base zoning district.
- b. The maximum height of non-residential buildings in the midrise subzone is six stories.

**4. High Rise Subzone**

- a. The intent of this subzone is to permit substantial increases to the building height allowed by the underlying base zoning district.
- b. The maximum height of non-residential buildings in the high-rise subzone is 12 stories.

**G. Additional Regulations****1. Setbacks**

The required setbacks are the same as those required by the underlying zoning district.

**2. Lot Coverage**

The maximum lot coverage is the same as that permitted by the underlying zoning district.

**3. Architectural and Site Standards**

[Reserved]

## 2.2.31 TMN – Traditional McKinney Neighborhood Overlay

### A. Intent

The intent of the Traditional McKinney Neighborhood (TMN) Overlay is to allow for a modified set of standards to apply to the underlying base zoning district in areas where substandard lots exist, either because they existed before the adoption of zoning, or as the result of encroachments resulting from past or future easements, or public right-of-way dedication.

### B. Applicability

The provisions of this section apply only to detached single family residential uses and structures.

### C. District Boundary Map

1. The general boundaries of the TMN Overlay are:
  - a. **North**  
U.S. Highway 380
  - b. **West**  
Graves Street
  - c. **South**  
Industrial Boulevard
  - d. **East**  
McKinney Airport
2. The official boundaries of the TMN Overlay district are shown in Figure X-X, Official TMN Overlay Boundary Map.<sup>34</sup>

### D. District Standards

The following space limits shall apply to the TMN Overlay district:

1. **Minimum Lot Width**  
90 percent of the width of the underlying base zone district.
2. **Minimum Lot Depth**  
90 percent of the depth of the underlying base zone district.
3. **Minimum Lot Area**  
80 percent of the lot area of the underlying base zone district.
4. **Minimum Front Setback**  
80 percent of the front setback of the underlying base zone district.
5. **Minimum Rear Setback**  
80 percent of the rear setback of the underlying base zone district.
6. **Minimum Side Setback**  
The same as required in the underlying base zone district.
7. **Minimum Corner Side Setback**  
80 percent of the corner side setback of the underlying base zone district.
8. **Maximum Lot Coverage**<sup>35</sup>  
50 percent

<sup>34</sup> There is no map of this area in the current ordinance, but for consistency and ease of understanding the area the district encompasses, it would be helpful to include one.

<sup>35</sup> Generally, staff have indicated the desire to move away from lot coverage standards, particularly with single family residential zones. Do you wish to maintain this provision in this Overlay, or eliminate it as has been done elsewhere?

## 2.2.32 Summary Tables of Lot and Building Standards

### A. Residential Districts

**Table 2-25: Residential Zoning Districts**

Zoning District	§ reference	Lot Standards			Building Setbacks				Maximum Height (ft)
		Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Front Yard (ft) [1]	Rear Yard (ft)	Side Interior (ft)	Side Corner (ft)	Building Height (ft) [9]
<b>RE2</b>	2.2.3	87,120	200	200	50	50	30	50	45
<b>RE1</b>	2.2.4	43,560	150	150	35	35	20	35	45
<b>R21</b>	2.2.5	21,780	125	125	30	30	15	25	45
<b>R12</b>	2.2.6	12,000	80	120	25 [7]	20	10	20	35
<b>R10</b>	2.2.7	10,000	70	110	25 [7]	20	10	20	35
<b>R8</b>	2.2.8	8,000	60	100	20 [7]	15 [6]	7	15 [6]	35
<b>R6.5</b>	2.2.9	6,500	50	90	20 [7]	10 [6]	5	15 [6]	35
<b>R5</b>	2.2.10	5,000 [1]	40 [5]	80	20 [7]	10 [6]	5	15 [6]	35
<b>RU [3]</b>	2.2.11	3,000	30 [5]	70	10	5 [6]	5 [8]	15 [6]	45
<b>RD [4]</b>	2.2.12	5,000	40 [5]	80	20 [7]	10 [6]	5	15 [6]	35
<b>TH [2] [4]</b>	2.2.13	1,800	22 [5]	80	20 [7]	5 [6]	5	15 [6]	35
<b>UTH [2] [3]</b>	2.2.14	1,500	18 [5]	70	10	5 [6]	5	10 [6]	45
<b>MF</b>	2.2.15	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
<b>RMH</b>	2.2.16	4,500	40	95	20	20	20	20	35

#### MTC

See Article 8: MTC – McKinney Town Center

#### Notes and General Exceptions:

- [1] The mean and median lot size for the neighborhood shall be a minimum of 6,500 square feet.
- [2] These districts allow for meeting two of three minimum lot standards: area, width, or depth.
- [3] These districts require urban street sections.
- [4] If detached single family residential uses are constructed within these zoning districts, these uses shall adhere to the space limits governing the "SF5" - Single Family Residential district.
- [5] Garages that are accessed from the front of a lot with a width of less than 50 feet shall not be permitted. Garages for lots less than 50 feet wide shall be accessed via alleys abutting the rear of the lot. A driveway with a minimum depth of 20 feet shall be provided in front of the rear-entry garage door.
- [6] Rear or corner side-entry garages shall adhere to a 20' building setback in order to accommodate a 20' driveway between the garage door and the alley or street right-of-way.
- [7] An encroachment zone shall be permitted between the building setback and the property line for architectural features as described below. For the purposes of this section, porches and patios shall mean covered, open air recreation spaces which may or may not feature railings and/or low walls (approximately 30" to 40" in height as measured from the finished floor level of the space) to create a sense of enclosure. Covered, open air spaces that feature floor to ceiling walls with or without windows or other openings (example: sunroom, sun porch, solarium, greenhouse) shall not constitute a porch or patio. The placement of sidewalks and/or steps leading to a porch, patio or similar structure shall not be regulated by this section. If not listed specifically in the table below, no further building encroachments may be permitted.

Type of Encroachment	Extent of Encroachment
Porches and Covered Entries	10 feet (front yard)
Eaves	4 feet <sup>36</sup>
Incidental architectural features, to include cornices, awnings, or wing walls	5 feet, front and rear; 1/2 required setback on side
Mobility access ramps and lifts	As necessary, with written approval from Director of Planning

[8] A minimum building separation of ten feet shall be maintained between dwelling units. If a zero-lot line product is to be constructed, this condition shall be applied on a block-by-block basis. The desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on an approved plat which shall be filed for record with the Collin County Clerk's office.<sup>37</sup>

[9] Building height may be limited by aircraft approach and turning zone height restrictions (as described in Chapter 118).

<sup>36</sup> Highlighted sections are inconsistent with 2.2.33. Covered entries not permitted there, eave encroachment is four feet only in front, whereas side is limited to 24 inches.

<sup>37</sup> Would this note not also apply to TH and UTH?

**B. Non-Residential Districts****Table 2-26: Non-Residential Zoning Districts**

Zoning District	§ reference	Lot Standards			Building Setbacks				Maximum Height (ft)
		Lot Area (sq ft)	Lot Width (ft)	Lot Depth (ft)	Front Yard (ft)	Rear Yard (ft)	Side Interior (ft)	Side Corner (ft)	Building Height (ft) [2]
<b>C1</b>	2.2.17	0	0	0	20	0	0	[1]	35
<b>C2</b>	2.2.18	0	0	0	20	0	0	[1]	45
<b>C3</b>	2.2.19	0	0	0	20	0	0	[1]	55 [3]
<b>O1</b>	2.2.20	0	0	0	20	0	0	[1]	35
<b>O2</b>	2.2.21	0	0	0	20	0	0	[1]	55 [3]
<b>I1</b>	2.2.22	0	50	0	20	0	0	[1]	45 [3]
<b>I2</b>	2.2.23	0	50	0	20	0	0	[1]	55 [3]
<b>AG</b>	2.2.24	10 acres	100	0	35	35	20	25	35
<b>AP</b>	2.2.25	0	0	0	20	0	0	[1]	45

**MTC**

See Article 8: MTC – McKinney Town Center

**Notes and General Exceptions:**

[1]: Non-residential corner parcels must meet front setbacks on both street-facing frontages.

[2] Building height may be limited by aircraft approach and turning zone height restrictions (as described in Chapter 118).

[3] The maximum building height may be increased to a maximum height of 75 feet if each building setback is increased by two feet for every foot of increased building height. The maximum building height may be increased to a maximum height of 180 feet if each building setback is increased by two feet for every foot of increased building height and a property zoned or used for residential purposes is not located within 1,000 feet of the subject property.

## 2.2.33 Measurements and Exceptions

### A. Purpose

The purpose of this subsection is to provide uniform methods of measurement for interpretation and enforcement of the lot and building standards of this Code.

#### COMMENTARY

This subsection is a recommended new addition to the Code. In part, it eliminates repetition, as in the case of "Porches and patios," an encroachment permitted in five districts and noted five times in Appendix F. Inclusion of a Measurements and Exceptions section can also centralize where staff and users can find all such exceptions, rather than needing to search through Appendix F, Appendix E, and the individual District Regulations in Article 2. Where there are no footnotes to the entries, these are suggested new inclusions for the city to consider.

### B. Measurements

#### 1. Setbacks, Generally

- a. Setbacks shall be measured from the lot line, nearest edge of the road easement, nearest edge of right-of-way, or nearest edge of traveled way, whichever is greater. The applicable street and road setback apply to both sides of a street or road adjacent to a lot or that goes through a lot. When an applicable side or rear setback exceeds the street or road setback, the greater setback applies.
- b. Setbacks do not apply to streets or roads that are used for internal circulation in multi family, commercial, or industrial developments.
- c. No part of any structure may extend into or above any easement.

#### 2. Front Yard Setbacks

- a. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see appendix E, illustration 9).<sup>38</sup>
- b. Where a building line has been established by a plat or ordinance approved by the Planning and Zoning Commission and the City Council prior to the effective date of this ordinance, and such line requires a greater or lesser front yard setback than is prescribed for the district in which the building line is located, the required front yard shall comply with the building line established by the ordinance or plat.
- c. Where a building line has been established by a plat or ordinance approved by the Planning and Zoning Commission and the City Council after the effective date of this ordinance, and such building line requires a greater front yard setback than is prescribed for the district in which the building line is located, the required front yard shall comply with the building line established by the plat or ordinance.
- d. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, support of a carport, or attached accessory building.
  - i. Eaves and roof extensions may project into the required front yard for a distance not to exceed four feet.
  - ii. Subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 20 inches above the average grade of the yard (see appendix E, illustration 7).
- e. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets, subject to the following exceptions:
  - i. A rear yard building line for accessory buildings has been established along one frontage on the plat or by ordinance, and identified as such; or

<sup>38</sup> We are recreating these illustrations in the style of the document, and will replace all illustrations in this section that currently reference appendix E.



- ii. A rear line screening area has been identified by a common area or easement, along one frontage on the plat, in which event only one required front yard need be observed (see appendix E, illustration 8).
- f. Where no front yard is required, all stairs, eaves, roofs, and similar building extensions shall be located behind the front street right-of-way line or property line.
- g. Porches, covered entries, and roof extensions may project into the required front yard for a distance not to exceed ten feet, provided, however, that no supporting structure for such extensions may be located within the required front yard (see appendix E, illustration 7).<sup>39</sup>
- h. Where a future right-of-way line has been established for future widening or opening of a street upon which a lot abuts, then the width of a front and/or rear yard shall be measured from the future right-of-way line of the street.
- i. The open space in a required front yard of single family, duplex, or townhome districts shall not be diminished by paving with concrete, asphaltic concrete, or other similar smooth surfacing material, subject to the following exceptions:
  - i. Sidewalks up to a width of six feet;
  - ii. A driveway to the street not more than 20 feet in width or the width of the garage or carport to which it provides access, whichever is greater;
  - iii. A loop driveway, from the street and returning to the street or alley, of not more than 20 feet in width; and
  - iv. Total pavement area shall not exceed 75 percent of the required front yard.
- j. Where any legally existing lot or parcel has no access to a public or private street, and where the lot or parcel fronts on an existing alley, a front yard of not less than one-half the required front yard shall be observed.

### 3. Corner Lot Setbacks

- a. On corner lots used for single family, two family, or mobile home dwellings platted after the effective date of Ordinance No. 1270 (December 15, 1981), both street frontages shall be treated as front yards<sup>40</sup>, except where the corner lot is on a block face with no lots fronting on that street. In such cases, the frontage facing the block face with no other lots shall be treated as a side yard with a minimum width of 15 feet. (see appendix E, illustrations 4 and 5).
- b. Front yards of lots with more than one frontage shall orient the building façade to front the same street as the interior lots within the same block. For purposes of this requirement, an interior lot is one which adjoins a street (public or private) on only one side (see appendix E, illustrations 4 and 5).
- c. Where none of these conditions establish a specific street frontage as the front of the lot, during the initial development of a property, a property owner may choose which frontage shall serve as the front yard of the property. Once determined, the chosen front yard orientation shall not be reduced below the requirements of the zoning district in which the property is located.

### 4. Side Yard Setbacks

- a. Every part of the required side yard shall be open and unobstructed from ground to sky, except for permitted accessory buildings or structures, and the ordinary projections of windowsills, belt courses, and other architectural features, that may project up to 12 inches<sup>41</sup> into the required side yard, and roof eaves that may project up to 24 inches into the required side yard.
- b. Where a future right-of-way line has been established for future widening or opening of a street upon which a lot abuts, then the side yard shall be measured from the future right-of-way line.

<sup>39</sup> Requires reconciliation with Note 7 on Encroachments in Table 2-25.

<sup>40</sup> Needs reconciliation. Some zoning districts now allow for a 20-foot front setback, and the corner side of 15 feet. Which standard do you want to maintain?

<sup>41</sup> Inconsistent with Note 7 on Encroachments in Table 2-25.

**5. General Setback Exceptions**

General setback exceptions apply. See §2.2.32A.

**C. Building Height**

[Reserved -- Building height standards are under review.]

## 2.3 Use Regulations

### 2.3.1 Purpose and Organization of this Section

#### A. Purpose

This section identifies the land uses allowed in McKinney's zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

#### B. Organization

1. §2.3.2, *Table of Allowed Uses*, lists uses allowed by district and provides cross-references to applicable use-specific standards.
2. §2.3.3, *Use Definitions and Use-Specific Standards*, defines all land uses and establishes use-specific standards applicable to specific land uses.
3. §2.3.4, *Accessory Uses, Buildings, and Structures*, establishes standards applicable to accessory uses and structures.
4. §2.3.5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

### 2.3.2 Table of Allowed Uses

#### A. Explanation of Use Permission Abbreviations

##### 1. Uses Permitted By-Right

"P" in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of the Code.

##### 2. Uses Permitted By-Right, in Compliance with Use Standards

"C" in a cell indicates that the use is permitted by right in the respective zoning district, provided that it meets the additional use-specific standards that are described in this section of this Code.

##### 3. Uses Permitted by Specific Use Permit

"S" in a cell indicates that the use is permitted in the respective zoning district only if a Specific Use approval is granted pursuant to the procedure described in §2.1.7, *Specific Use Permit*. Approved specific uses continue to be subject to all other applicable regulations of this Code.

##### 4. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

##### 5. Accessory Uses

"A" in a cell indicates that the use is only permitted in the respective zoning district as an accessory use.

##### 6. Temporary Uses

"T" in a cell indicates that the use is only permitted in the respective zoning district as a temporary use.

#### B. Table Organization

In §2.3.2E, *Table of Allowed Uses*, land uses and activities are classified into general use categories and specific use types based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each use category. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory.

**C. Use for Other Purposes Prohibited**

Approval of a use listed in §2.3.2E, *Table of Allowed Uses*, and compliance with the applicable use-specific standards for that use, authorizes that use only. Buildings and structures shall not be erected, altered, or enlarged except for the uses listed in §2.3.2E, *Table of Allowed Uses*. All other uses not specifically listed are prohibited and shall be unlawful unless the Director has determined an appropriate use type for the unlisted use pursuant to the procedure in §2.3.2D.1, below.

**D. Classification of New and Unlisted Uses<sup>42</sup>**

The following procedure shall apply if an application is submitted for a use type that is not specifically listed in §2.3.2E, *Table of Allowed Uses*. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

**1. Determination by the Director of Planning of Appropriate Use Type**

- a. The Director shall determine the appropriate use type for the proposed use. In making such determination, the Director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; as well as employment and operational characteristics, nuisances, requirements for public utilities, and transportation requirements.
- b. During the initial determination, the Director shall also determine whether additional use-specific standards are necessary to reduce potential impacts to the surrounding properties or the community.

**2. Notice of Determination**

The Director shall send a written notification of the use category and use type determination and any proposed use-specific standards to the applicant, the Planning Commission, and the City Council within five days of such determination. The determination shall become effective 14 days after written notification is sent.

**3. Post-Determination Actions**

- a. Appeals of the Director's determination shall be made following the procedures under §2.1.8.A, *Administrative Appeal*.
- b. If the determination of an appropriate use category and use type results in a finding that the use, structure, or activity will be a common use or would create confusion by remaining unlisted, the Director may initiate an application for a code text amendment pursuant to §2.1.4, *Code Text Amendment*, to revise Table 2.3.2E, *Table of Allowed Uses* accordingly. Until final action is taken on the code text amendment application, the use determination by the Director shall be binding.

<sup>42</sup> This is a proposed new major responsibility for the Director. The current procedure for New and Unlisted Uses in §146-43 appears to require every such decision to go before the Planning & Zoning Commission. Many communities, where permitted by state law, allow the Director the authority to make a determination on the proposed new use, and only refer the request to the P&Z if no existing use type corresponds to the new use, or if the new use requires a code text amendment to the Table of Allowed Uses.

## E. Table of Allowed Uses

### COMMENTARY ON CHANGES AND UPDATES TO THE CONSOLIDATED USE TABLE

**New/Updated Uses:** The table includes new uses that were not covered in the current Use Table (highlighted in grey), and contemporary terminology replaces outdated use descriptions. In the residential section, new uses are proposed to promote diversification of allowed housing types and expand where those housing types are permitted.

**Consolidated Uses:** In some instances, various individual uses have been consolidated to eliminate listing specific examples of the type of use, and focus instead on the impacts of that use. This is illustrated particularly in the Retail use category, in which we propose one encompassing use designation, rather than focusing on the specific good or commodity that is being sold, with the exception of retail enterprises selling large goods, such as RVs or Heavy equipment. The same is true with the consolidation of Personal services: the impact of the service is typically the same, whether the specific service is a dry-cleaner or hair salon.

**Deleted Uses:** Obsolete use designations have been eliminated. If staff finds a use has been eliminated that still exists in McKinney, it can be replaced in this table.

**Changes in Use Permissions:** This version of the table reflects staff input on the districts in which uses are to be permitted, and incorporates the “P+” permission requested by staff. Changes to use permissions have been incorporated for varying purposes: to more closely align with the Placetypes in the One McKinney 2040 Plan; to lessen reliance on strict separation of uses where impacts are manageable if standards are imposed; to lessen the pressure on industrial land to be converted to other uses; and to allow more uses by right, thus lessening reliance on PUDs for most development proposals. If staff has questions about the reasoning behind any of the proposed changes, we are happy to discuss and refine the proposed permissions.

**Definitions and Use-Specific Standards:** At the request of staff, each use in the Table now has a cross-reference in the last column of the Table, which links to the definition of that use, and use-specific standards, where they exist. The cross-references facilitate greater ease of use, and help to ensure that users don’t miss extra standards and regulations that apply to a proposed use by not knowing to look elsewhere in the code to find such standards, or not knowing where to find them. Some use standards have been consolidated from various sections of the existing McKinney code, while others are newly proposed for the given use.

Table 2-27: Table of Allowed Uses

**NOTE: See Article 8: MTC – McKinney Town Center for MTC use table.**

P = Permitted use C = Addt'l zone-specific stds. Blank cell = Prohibited use S = Specific use permit required A = Accessory use T = Temporary use		RESIDENTIAL														NON-RESIDENTIAL									
	Use Definition	RE2	RE1	R21	R12	R10	R8	R6.5	R5	RU	RD	TH	UTH	MF <sup>43</sup>	RMH	C1	C2	C3	O1	O2	I1	I2	AG	AP	Additional Standards
Residential Uses																									
Dwelling, manufactured home	2.3.3B.1														P										
Dwelling, mobile home	2.3.3B.2														P										
Dwelling, multi family	2.3.3B.3																								2.3.3B.3.a
Dwelling, single family attached	2.3.3B.4										P	P	P												
Dwelling, single family cluster (NEW)	2.3.3B.5									P			P												
Dwelling, single family detached	2.3.3B.6	P	P	P	P	P	P	P	P	P													P		
Dwelling, two, three, or four family	2.3.3B.7										P	P	P												
Group care home, FHAA small (NEW)	2.3.3B.8	P	P	P	P	P	P	P	P	P	P	P													2.3.3B.8.b
Group care home, FHAA large (NEW)	2.3.3B.8										S	S	S			P	P	P	S	S					2.3.3B.8.b
Manufactured or mobile home park	2.3.3B.9														P										Ch. 138
Transitional living facility, small (NEW)	2.3.3B.10																S	S			S	S			2.3.3B.10.f
Transitional living facility, large (NEW) <sup>44</sup>	2.3.3B.10																	S			S	S			2.3.3B.10.f

<sup>43</sup> Standards and permissions for multi family districts are under review.<sup>44</sup> This term replaces "halfway house," an undefined term in the current code. It is not marked as new since that use already exists, but the proposed differentiation in size is new.

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Non-Residential Uses																									
Agricultural and ranching, private or wholesale (NEW)	2.3.3C.1	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Agricultural and ranching, retail (NEW)	2.3.3C.2																	S			P	P	S		2.3.3C.2.a
Airport, heliport, landing field, and aircraft hangar	2.3.3C.3																							P	
Airport terminal (NEW)	2.3.3C.4																							P	
Amenity center, neighborhood (NEW)	2.3.3C.5	P	P	P	P	P	P	P	P	P	P	P	P		P										
Animal care and services, indoor only	2.3.3C.6															P	P	P	P		P	P	P		2.3.3C.6.b
Animal care and services, outdoor area	2.3.3C.6															S	P	P			P	P	P		2.3.3C.6.b
Animal care and services, outdoor boarding <sup>45</sup>	2.3.3C.6																	S			P	P	S		2.3.3C.6.b
Arts or cultural center	2.3.3C.7	S	S	S	S	S	S	S	S	S	S	S	S		S	P	P	P	P	P	S	S	S	S	2.3.3C.7.a
Assisted living facility	2.3.3C.8										S	S	S			P	P	P	S	S					2.3.3C.8.a
Auto, motorcycle, truck, or boat, rental or sales	2.3.3C.9																	S			S	P			2.3.3C.9.a
Banks and financial services	2.3.3C.10															P	P	P	P	P	P	P			
Batch plant	2.3.3C.11																					P			

<sup>45</sup> Outdoor boarding was included in staff's definitions and standards, but there was not a row for it in staff's edited version of the use table. We have added it, along with suggested permissions for consideration.

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Bed & breakfast	2.3.3C.12	S	S	S	S	S	S	S	S														S		2.3.3C.12.a
Beer and wine sales (NEW)	2.3.3C.13																P	P			P	P			
Body art studio (NEW)	2.3.3C.14																	C			P	P			2.3.3C.14.a
Car wash	2.3.3C.15															S	P	P			P	P			2.3.3C.15.a
Cemetery	2.3.3C.16																					S	S		2.3.3C.16.a
City facilities (excluding airport uses) (NEW)	2.3.3C.17	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Civic club or fraternal organization	0															S	P	P	S	P	P	P			2.3.3C.18.a
Clinic, medical or dental	2.3.3C.19															P	P	P	P	P	P	P			
College or university	2.3.3C.20																P	P	P	P	P	P	S	P	2.3.3C.20.a
Commercial entertainment, indoor	2.3.3C.21															S	P	P			P	P			2.3.3C.21.a
Commercial entertainment, outdoor	2.3.3C.22																S	S		S	P	P	S		2.3.3C.22.a
Commercial laundry	2.3.3C.23																				P	P			
Community garden	2.3.3C.24	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Contractor's yard	2.3.3C.25																				S	C			2.3.3C.25.a
Cottage industrial (NEW)	2.3.3C.26																C	C			C	C			2.3.3C.26.a
Country club	2.3.3C.27	P	P	P	P	P	P	P	P	P	P	P	P		P	C	C	C	C	C	C	C	C		2.3.3C.27.a



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	Use Definition	RE2	RE1	R21	R12	R10	R8	R6.5	R5	RU	RD	TH	UTH	MF <sup>43</sup>	RMH	C1	C2	C3	O1	O2	I1	I2	AG	AP	Additional Standards
Data center (NEW)	2.3.3C.28																	S		P	P	P			2.3.3C.28.a
Day care center (NEW)	2.3.3C.29														C	C	C	C	C	C	C	C		C	2.3.3C.29.a
Dirt or topsoil extraction, sand or gravel mining or storage	2.3.3C.30																				S	P	S		2.3.3C.30.a
Dispatch office (NEW)	2.3.3C.31																C	C	C		C	C		C	2.3.3C.31.a
Fairgrounds or rodeo grounds	2.3.3C.32																				P	P	S		2.3.3C.32.a
Farmers' market, permanent	2.3.3C.33															S	P	P			P	P	P		2.3.3C.33.a
Flex industrial center (NEW)	2.3.3C.34																				P	P			
Food and beverage processing	2.3.3C.35																				P	P			
Food truck court (NEW)	2.3.3C.36														S	S	S	S	S	S	P	P	S		Ch. 138
Forestry, mining, and oil and natural gas well drilling	2.3.3C.37																					P			
Fuel sales, passenger vehicles	2.3.3C.38															S	C	C		S	C	C			2.3.3C.38.a
Fuel sales, trucks & commercial vehicles	2.3.3C.39																				S	S			2.3.3C.39.a
Funeral home or mortuary	2.3.3C.40																S	P			P	P	S		2.3.3C.40.a
Ghost kitchen (NEW)	2.3.3C.41															P	P	P			P	P			
Greenhouse or plant nursery	2.3.3C.42																P	P			P	P	P		

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	RE2	RE1	R21	R12	R10	R8	R6.5	R5	RU	RD	TH	UTH	MF <sup>43</sup>	RMH	C1	C2	C3	O1	O2	I1	I2	AG	AP	
Gun range, indoor																C	P			P	P	S		2.3.3C.43.a
Gun range, outdoor																					S			2.3.3C.44.a
Gym or fitness studio															C	P	P	C	P	P	P			2.3.3C.45.a
Heavy machinery, rental, sales, and storage																	S			S	P			2.3.3C.46.a
Helistop																	A		A	A	A	A	P	
Hospital															S	P	P	S	P	P	P			2.3.3C.48.a
Hotel or motel																P	P	P	P	P	P		P	
Impound lot or yard																				P	P			2.3.3C.50.a
Junk or salvage yard																					S			2.3.3C.51.a
Livestock auction																				P	P	P		
Manufacturing, heavy																					P			
Manufacturing, light																				P	P			
Microbrewery, distillery, winery or cidery (NEW)																P	P			P	P	S		2.3.3C.55.a
Motor freight terminal																				P	P			
Office showroom/warehouse																S	P		P	P	P			2.3.3C.57.a
Office use															P	P	P	P	P	P	P	P	P	

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Parking garage or lot, paid or private															S	P	P	S	P	P	P		P	2.3.3C.59.a
Pawn shop																				P	P			
Personal service															P	P	P	P	P	P	P		P	
Power plant or electrical generating station																				P	P			
Private club															S	S	S		S	S	S	S	S	2.3.3C.63.a
Public building or yard (non-city)																	S			P	P			2.3.3C.64.a
Radio or TV broadcast station															C	C	P	C	P	P	P			2.3.3C.65.a
Railroad freight terminal																				P	P			
Reception or event center, indoor (NEW)																P	P	P	P	P	P	S		2.3.3C.67.a
Reception or event center outdoor (NEW)																S	C		S	P	P	S		2.3.3C.68.a
Recreation area, private	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		
Recreational vehicles, rental or sales																	S			S	P			2.3.3C.70.a
Recycling facility (NEW)																				C	P			2.3.3C.71.a
Refining or storage of petroleum, natural gas, butane, or propane																					P			
Religious assembly	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	2.3.3C.73.a

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Use Definition	RESIDENTIAL														NON-RESIDENTIAL									Additional Standards
	RE2	RE1	R21	R12	R10	R8	R6.5	R5	RU	RD	TH	UTH	MF <sup>43</sup>	RMH	C1	C2	C3	O1	O2	I1	I2	AG	AP	
Restaurant, brew pub															P	P	P	P	P	P	P		P	
Restaurant, carry out															P	P	P	P	P	P	P			
Restaurant, dine-in															P	P	P	P	P	P	P		P	2.3.3C.74.a
Restaurant, drive-in or drive-through															S	P	P			P	P			2.3.3C.74.a
Retail sales (NEW)															C	C	C	S	S	C	C			2.3.3C.75.a
Sanitary landfill																					S			2.3.3C.76.a
School, business or trade															S	P	P	P	P	P	P		P	2.3.3C.77.a
School, public, private or parochial	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Self-storage																S	S			P	P			2.3.3C.79.a
Sexually oriented business																					P			Ch. 138
Shopping center (NEW)															P	P	P			P	P			
Solar farm (NEW)																				P	P	P		
Stable, commercial																	S			P	P	P		2.3.3C.83.a
Stockyard or slaughterhouse																					P			
Storage, automobile (NEW)																	S			P	P			2.3.3C.85.a
Storage, boat, truck, or recreational vehicle (NEW)																				P	P			

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	Use Definition	RE2	RE1	R21	R12	R10	R8	R6.5	R5	RU	RD	TH	UTH	MF <sup>43</sup>	RMH	C1	C2	C3	O1	O2	I1	I2	AG	AP	Additional Standards	
Traders' village (NEW)	2.3.3C.87																					P				
Transportation station (NEW)	2.3.3C.88																	S		S	P	P		P	2.3.3C.88.a	
Truck stop	2.3.3C.89																					S			2.3.3C.89.a	
Utility substation	2.3.3C.90	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	2.3.3C.90.a	
Vehicle repair, major (NEW)	2.3.3C.91																	S			P	P			2.3.3C.91.a	
Vehicle repair, minor (NEW)	2.3.3C.92																S	P			P	P			2.3.3C.92.a	
Warehouse	2.3.3C.93																				P	P				
Water or wastewater treatment plant	2.3.3C.94																					P				
Wind energy conversion system farm	2.3.3C.95																			S	P	S			2.3.3C.95.b	
Wireless telecommunications facility (NEW)	2.3.3C.96	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	2.3.3C.96.a	
Accessory Uses																										
Accessory building	2.3.4B.1	A	A	A	A	A	A	A	A	A	A	A	A		A								A		2.3.4B.1.a	
Accessory dwelling unit	2.3.4B.2	A	A	A	A	A	A	A	A														A		2.3.4B.2.a	
Accessory structure	2.3.4B.3	A	A	A	A	A	A	A	A	A	A	A	A		A								A		2.3.4B.3.a	
Caretaker's or watchman's quarters	2.3.4B.4																A	A			A	A	A			

Table 2-27: Table of Allowed Uses

**NOTE: See Article 8: MTC – McKinney Town Center for MTC use table.**

P = Permitted use C = Add'l zone-specific stds. Blank cell = Prohibited use S = Specific use permit required A = Accessory use T = Temporary use		RESIDENTIAL														NON-RESIDENTIAL									
	Use Definition	RE2	RE1	R21	R12	R10	R8	R6.5	R5	RU	RD	TH	UTH	MF <sup>43</sup>	RMH	C1	C2	C3	O1	O2	I1	I2	AG	AP	Additional Standards
Donation collection container	2.3.4B.5															A	A	A	A	A	A	A			2.3.4B.5.a
Home occupation	2.3.4B.6	A	A	A	A	A	A	A	A	A	A	A	A		A								A		2.3.4B.6.a
Outdoor storage	2.3.4B.7															A	A	A	A	A	A	A	A	A	2.3.4B.7.a
Swimming pool	2.3.4B.8	A	A	A	A	A	A	A	A	A	A	A	A		A								A		2.3.4B.8.a
Temporary Uses																									
Batch plant, temporary	2.3.5C.1	T	T	T	T	T	T	T	T	T	T	T		T		T	T	T	T	T	T	T	T	T	2.3.5C.1.a
Construction field office	2.3.5C.2	T	T	T	T	T	T	T	T	T	T	T		T		T	T	T	T	T	T	T	T	T	2.3.5C.2.a
Model home (NEW)	2.3.5C.3	T	T	T	T	T	T	T	T	T	T	T													
Portable storage container (NEW)	2.3.5C.4	T	T	T	T	T	T	T	T	T	T	T		T									T		2.3.5C.4.a
Religious or philanthropic uses (NEW)	2.3.5C.5	T	T	T	T	T	T	T	T	T	T	T		T		T	T	T	T	T	T	T	T	T	
Seasonal sales (NEW)	2.3.5C.6	T	T	T	T	T	T	T	T	T	T	T		T		T	T	T	T	T	T	T	T	T	2.3.5C.6.a
Warming station (NEW)	2.3.5C.7	T	T	T	T	T	T	T	T	T	T	T		T		T	T	T	T	T	T	T	T	T	2.3.5C.7.a

### 2.3.3 Use Definitions and Use-Specific Standards

#### COMMENTARY

This section contains a definition for every use listed in the Table of Allowed Uses, followed by any applicable use-specific standards for each use.

**Existing definitions:** Where the current code contained a definition for a use in §146-46, we have carried that definition forward, often with edits. Existing terms have no highlighting in the section below; notes indicate edits to the definition and/or updates in terminology.

**New definitions:** In this section, new definitions are highlighted in yellow. In many cases, these are also new uses, but there are instances where an existing use had no definition, so it is highlighted here.

#### A. General Standards

1. The use-specific standards listed in this section apply to those uses listed on the same line of the Table of Allowed Uses in §2.3.2E, regardless of their respective level of permission.
2. Use-specific standards in this section apply to all zoning districts unless otherwise stated.
3. Should any use-specific standards conflict with the standards in Section 2.4, *Development Standards*, these use-specific standards apply unless otherwise stated.

#### B. Residential Uses

##### 1. Dwelling, Manufactured Home

A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974. A dwelling unit that is designed and built in a factory, which bears a seal certifying that it was built in compliance with the standards of the United States Department of Housing and Urban Development applicable to such structures.

##### 2. Dwelling, Mobile Home

A structure built prior to June 15, 1976, on a permanent chassis, and designed to be installed at a building site with or without a permanent foundation; include complete plumbing, heating, air conditioning and electrical systems; and are transportable in one or more sections. This definition includes double-wide mobile homes, which are two such units designed to be used as one dwelling at a building site. This definition is not intended to apply to campers, recreational vehicles, or any other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit that is defined as a "Dwelling, Manufactured Home."

##### 3. Dwelling, Multi Family<sup>46</sup>

Any building or portion of a building, that is designed, built, rented, leased, or let to contain five or more dwelling units on a single lot, or that is occupied as a home or place of residence by five or more families living in independent dwelling units on a single lot. An apartment is one of the individual units within the multi family building.

a. Standards for this use include:

i. [Reserved]

##### 4. Dwelling, Single Family Attached

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 located on a separately platted lot, delineated by front, side and rear lot lines and served by separate utility connections and meters as a single family dwelling.

##### 5. Dwelling, Single Family Cluster

[Reserved]

<sup>46</sup> Threshold increased from three to five dwelling units.

**6. Dwelling, Single Family Detached**

A dwelling unit designed and constructed for occupancy by one family and located on a single lot or tract that has no physical connection to a building located on any other lot or tract. This definition includes a "Zero-Lot-Line Dwelling," and "Manufactured Home (HUD-Code) Dwelling."

**7. Dwelling, Two, Three, or Four Family**

A single structure designed and constructed with two, three, or four dwelling units under a single roof for occupancy by two, three, or four families, respectively. Also known as a "duplex," "triplex," or "quadplex," respectively.

**8. Group Care Home, FHAA<sup>47</sup>**

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons.

**a. Types of this use include:**

- i. Group Care Home, FHAA Small: A facility occupied by no more than six residents and one caregiver.
- ii. Group Care Home, FHAA Large: A facility occupied by seven or more residents plus caregivers.

**b. Standards for this use include:**

Group care homes for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988 (FHAA), as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas, may be established in any Residential zoning district or PD district that permits residential dwellings, provided that they meet the definition of "small" and "large" facilities, and are located in zoning districts where facilities of that size are allowed pursuant to §2.3.2E, *Table of Allowed Uses*, and subject to Specific Use review and approval as applicable, the licensing requirements of the state and the City of McKinney.

**c. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**9. Manufactured or Mobile Home Park**

See Chapter 138.

**10. Transitional Living<sup>48</sup>**

- a. A dwelling where persons with criminal backgrounds, or abusive tendencies with drug and alcohol use, live together with staff, as a single housekeeping unit. Residents receive care, mandated supervision, on-going treatment, and support in learning to care for themselves and prepare to re-integrate into society. The right of such persons to live together is not protected by the federal Fair Housing Act Amendments, as amended, and as interpreted by the courts. This includes and is not limited to:
- b. An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two but not more than eight persons, who, together with staff, live as a single housekeeping unit but do not require 24-hour medical or nursing care.

<sup>47</sup> Based on legal input, we have adjusted the definitions of small and large Group facilities. Correspondingly, we updated Use Table permissions for large facilities, indicating that they require Specific Use approval.

<sup>48</sup> This term replaces "Halfway House," a use for which no definition existed in the code. Based on legal input we recommend against consolidating this use with Group Home, as different levels of protection extend to the residents of the two different use types. However, for consistency, we have adjusted the size limits to match those used in Group Homes. The city may consider whether they wish to consolidate the small and large categories of this use.



- c. A shelter for persons experiencing temporary homelessness.
- d. A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.
- e. Types of this use include:
  - i. **Transitional Living Facility, Small**  
A facility occupied by six or fewer residents living together.
  - ii. **Transitional Living Facility, Large**  
A facility occupied by seven or more residents living together.
- f. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

## C. Non-Residential Uses

### 1. Agriculture and Ranching, Private or Wholesale

A form of agriculture focused on raising animals or crops. Animal agriculture focuses on the breeding, raising, maturing, caring for, and sheltering large or small livestock or poultry for sale or use, or for the sale or use of their products or byproducts, and/or the processing of those products or byproducts as part of a farm. Animal agriculture includes ranching, dairy farming, grazing, and pasturing, but does not include operation of a commercial feedlot, slaughterhouse, creamery, or animal rendering. Crop agriculture focuses on planting, tending, and harvesting fruit, vegetables, forage, grain, timber or trees for sale or use, or for the sale or use of the produce or byproducts, and/or the processing of this produce or byproducts as part of a farm. Uses classified as Agriculture and ranching, private or wholesale, are not open to the general public.

### 2. Agriculture and Ranching, Retail

A form of agriculture focused on raising animals or crops. Animal agriculture focuses on the breeding, raising, maturing, caring for, and sheltering large or small livestock or poultry for sale or use, or for the sale or use of their products or byproducts, and/or the processing of those products or byproducts as part of a farm. Animal agriculture includes ranching, dairy farming, grazing, and pasturing, but does not include operation of a commercial feedlot, slaughterhouse, creamery, or animal rendering. Crop agriculture focuses on planting, tending, and harvesting fruit, vegetables, forage, grain, timber or trees for sale or use, or for the sale or use of the produce or byproducts, and/or the processing of this produce or byproducts as part of a farm. Uses classified as Agriculture and Ranching, Retail are open to the general public, with produce, animal products, and byproducts sold directly to consumers. These establishments may offer on-site tastings, or offer activities including but not limited to allowing customers to pick their own produce, hayrides, or horse rides.

#### a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. If a building is proposed, the building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.
- ### 3. Airport, Heliport, Landing Field, and Aircraft Hangar
- A landing area, runway, or other facility designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, control towers, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces. Auxiliary facilities may include, but are not limited to, parking, waiting rooms, fueling, and maintenance equipment.

**4. Airport Terminal**

A building that serves as an arrival and departure facility for aircraft service, and that offers passenger-serving uses that include, but are not limited to, duty-free and general retail, restaurants, and personal services.

**5. Amenity Center, Neighborhood**

Recreational facilities as part of a private development including but not limited to clubhouse, swimming pool, or play area, operated for the exclusive use of private residents or neighborhood groups and their guests, but not accessible to the general public.

**6. Animal Care and Services**

A commercial facility where dogs, cats, or other domestic animals are housed, groomed, bred, trained, sold, or boarded during the day or overnight, or a facility where such animals receive medical care.

**a. Types of this use include:****i. Animal Care and Services, Indoor Only**

This type of facility does not include an outdoor component, such as an outdoor play area or run.

**ii. Animal Care and Services, Outdoor Area**

This type of facility includes an outdoor component, such as an outdoor play area or run, but does not include outdoor pens or kennels for boarding.

**iii. Animal Care and Services, Outdoor Boarding**

This type of facility includes outdoor pens or kennels for boarding and may also include an outdoor play area or run.

**b. Evaluation criteria for approval of a Specific Use Permit include:**

- i.** The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii.** The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**7. Arts or Cultural Center**

A private or non-profit institution with the purpose of preserving, restoring, collecting, and displaying books, artistic and scientific objects, and presenting educational and cultural programs to the general public. This use includes but is not limited to museums, art galleries, libraries, and performing arts centers.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i.** The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii.** The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii.** The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**8. Assisted Living Facility<sup>49</sup>**

A building or buildings designed to provide housing for residents who need assistance with the activities of daily living, such as bathing, dressing, medication management, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, including central dining rooms and activity rooms. This definition also encompasses nursing homes, convalescent homes, and rest homes.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i.** The proposed use is compatible with existing and anticipated future adjacent land uses; and

<sup>49</sup> Expanded with edits to include description of services.

- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**9. Auto, Motorcycle, Truck, or Boat, Rental or Sales**

A business involved in the sale, leasing, and rental, of new or used automobiles, commercial vans, trucks, semi-trailer trucks, motorcycles, or boats. Dealerships typically have an office building or structure, as well as an on-site area that allows for outdoor display of merchandise. Ancillary uses, such as service, repair, and washing, may take place on-site in conjunction with this use.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**10. Banks and Financial Services**

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This classification includes credit unions, savings institutions, and Automated Teller Machines (ATMs) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

**11. Batch Plant**

A facility for the production of concrete or asphalt, where its ingredients or products are ground up, mixed, or otherwise prepared for use on-site or for transportation to another construction site. Requests for operation of a temporary batch plant shall be reviewed by the Director of Engineering.

**12. Bed & Breakfast<sup>50</sup>**

A lodging facility where paying guests can rent one or more bedrooms in an owner-occupied private home that offers lodging and serves breakfast to guests.

**a. Standards for this use include:**

- i. All bed and breakfast facilities shall be owner-occupied and managed at all times.
- ii. The maximum length of stay for any guest shall be 14 consecutive days in any one calendar month.
- iii. The maximum number of bedrooms that may be rented is five, unless the City Council specifically finds that the structure and tract on which it is located is of sufficient size to permit more bedrooms and that the same will not adversely impact the surrounding properties.
- iv. Breakfast shall be the only meal served to paying overnight guests. No cooking facilities shall be permitted in any of the bedrooms.
- v. One sign shall be permitted on the premises which shall not exceed four square feet in area, and may not include the word "hotel" or "motel."
- vi. Off-street parking shall be provided equal to one parking space per guest bedroom and shall be screened from all streets. No parking shall be permitted in the front yard area.
- vii. The facilities shall meet all of the minimum requirements of the city-county health department and shall conform in all respects to the requirements of the fire code, building code, electrical code, and plumbing code.
- viii. All such facilities shall be responsible for the collection of the city hotel/motel tax.

<sup>50</sup> Do you want to keep 14 days as the maximum length of stay? Many communities allow up to 30 days. The standards are carried forward from Chapter 138, Article IV, §138-394.b. We do not carry forward the provisions in §138-394.a.1 and 3 because the district permissions and the need for a Specific Use permit are shown in the Use table.

- ix. All city-county health officers, building inspectors, the fire marshal and his assistants and other code enforcement officials of the city shall have the right to go on any premises for which a Specific Use Permit for a bed and breakfast facility has been issued during normal business hours for the purpose of verifying compliance with this article and all other applicable ordinances of the city.
  - b. Evaluation criteria for approval of a Specific Use Permit include:
    - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
    - ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.
- 13. Beer and Wine Sales**  
An establishment primarily engaged in the retail sale of beer and wine for off-site consumption.
- 14. Body Art Studio**  
An establishment offering tattooing and/or body piercing services. Tattooing shall mean the permanent placement of designs, letters, figures, symbols, or other marks upon or under the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or other decoration. For the purposes of zoning, jewelry store or other retail facilities that provide piercing as an incidental and accessory use shall not be classified as tattoo or body piercing studios.
- a. Where Table 2.3.2E, *Table of Allowed Uses*, indicates "C" standards for this use include:
    - i. Body art studios shall not be located within 500 feet of any residential use or zone, or within 1,000 feet of any other body art studio.
- 15. Car Wash<sup>51</sup>**  
A facility for washing, cleaning and drying motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles. This definition includes self-service facilities and those that are attended by employees. This definition excludes facilities that serve semi-trailer trucks with at least 3 axles that are designed to tow trailers.
- a. Evaluation criteria for approval of a Specific Use Permit include:
    - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
    - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
    - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.
- 16. Cemetery**  
Land dedicated or designated for the burial of human remains or pet animal remains. Cemeteries can include columbaria and mausoleums, when operated in conjunction with and within the boundaries of cemetery grounds.
- a. Evaluation criteria for approval of a Specific Use Permit include:
    - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
    - ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.
- 17. City Facilities (excluding airport uses)**  
Any facility owned by the City of McKinney, including but not limited to a municipal complex, public safety building, fire station, government office, public infrastructure, golf course, arts or cultural center, park or playground, playfield or stadium, recreation center, or swimming pool.

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<sup>51</sup> Edited to eliminate description of methods and tools for cleaning.

**18. Civic Club or Fraternal Organization<sup>52</sup>**

A nonprofit membership organization that holds regular meetings and pursues a common interest, usually cultural, civic, religious, or social, and has formal written membership rules along with the requirement for members to pay dues. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities; engage professional entertainment for the enjoyment of members and their guests; or store, sell, possess, or serve any alcoholic beverage permitted by the law of the State of Texas. This definition does not include any form of sleeping accommodations.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**19. Clinic, Medical or Dental<sup>53</sup>**

An establishment where patients receive consultation, diagnosis, and therapeutic, preventative, or corrective treatment by doctors, dentists, or similar practitioners. This classification includes emergency medical services offered exclusively on an outpatient basis, such as urgent care centers, as well as licensed facilities offering substance abuse treatment, blood banks, and plasma centers. A medical clinic may offer permanent makeup services, as long as such services are in conjunction with the medical clinic and are limited to body parts above the neck, and are generally for cosmetic or reconstructive purposes.

**20. College or University**

An institute of higher education authorized by the State to award associate, baccalaureate, or higher degrees, which may include on-site student, faculty, and/or employee housing facilities.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**21. Commercial Entertainment, Indoor<sup>54</sup>**

An amusement or recreation enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property lines. Commercial amusement facilities include, but are not limited to, indoor recreation area, bowling alley, billiard parlor, breakout room, axe-throwing, indoor theatre, and enclosed trampoline parks.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**22. Commercial Entertainment, Outdoor**

An amusement or recreation enterprise offering entertainment or games of skill where any portion of the activity takes place in the open including, but not limited to, outdoor recreation area, golf driving range and golf course, archery range, outdoor theatre, and miniature golf course.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and

<sup>52</sup> This definition is more detailed than the current definition.

<sup>53</sup> Expanded definition, and changed name from "Clinic" to "Clinic, Medical or Dental" to make purpose of use more clear.

<sup>54</sup> The definitions for both indoor and outdoor commercial entertainment have been edited and expanded to include new use types.

- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

### 23. Commercial Laundry

An industrial facility that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. Commercial laundries typically serve commercial or institutional customers, but may provide service to individuals as well.

### 24. Community Garden

An area with a lot size of less than three acres used to cultivate goods including, but not limited to, fruits, vegetables, flowers, and herbs. Community gardens may not engage in the retail sale of any goods.

### 25. Contractor's Yard

A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition also includes a contractor's office on the same lot or parcel.

- a. Where Table 2.3.2E, *Table of Allowed Uses*, indicates "C" standards for this use include:
  - i. The use shall be screened from public view on all sides. Machinery and equipment may extend beyond the height of the required screening device.<sup>55</sup>
- b. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The extent to which the proposed request aligns with the stated standards for this use; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

### 26. Cottage Industrial<sup>56</sup>

An establishment or business where the primary purpose is small-scale and individualized (i.e., not mass-produced) assembly and light manufacturing of commodities. This use shall include workshops and studios for cottage industries such as but not limited to pottery, glassblowing, metal-working and fabrication, screen-printing, weaving, and furniture-making. Cottage industrial enterprises may include direct sales to consumers. Cottage industrial uses may also include a repair shop or workshop that serves individuals and households rather than commercial and institutional clients, and is engaged in the maintenance, rehabilitation, or repair of household goods, appliances, or furnishings, but does not include any maintenance or repair work done on automobiles. Such small-scale fabrication or manufacturing is characterized by low- or no external impact.

- a. Where Table 2.3.2E, *Table of Allowed Uses*, indicates "C" standards for this use include:
  - i. All operations shall occur within a fully enclosed building.
  - ii. The maximum square footage allowed for artisanal manufacturing operations is 20,000 square feet.

### 27. Country Club

A privately owned club, with restricted membership. Such a club may include a golf course, swimming pool, cabanas, tennis courts and facilities for dining, entertainment, and other recreational uses.

- a. Where Table 2.3.2E, *Table of Allowed Uses*, indicates "C" standards for this use include:

<sup>55</sup> We understand staff has been debating whether these screening standards should be removed to the Development Standards installment. We recommend keeping it here, as it is a use-specific standard, and adding a cross-referenced link to that section of the development standards. This avoids inconsistency in having a use standard as an evaluation criterion. If you choose to maintain this as an evaluation criterion, we recommend changing the Table permission to an "S" -- again, to maintain consistency.

<sup>56</sup> These standards are derived from Appendix G-2 of the MTC District.



- i. A minimum area of 25 acres is required.

## 28. Data Center

A facility whose primary service is data processing or storage and is used to house computer systems and associated components such as telecommunications and storage systems, including but not limited to web hosting organizations, and internet service organizations. A server farm, telecom hotel, carrier hotel, telco hotel, telehouse co-location center, or any other term applicable to facilities that are used for these purposes shall be deemed to be a data center.

**a.** Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

## 29. Day Care Center

A facility where children, or elderly and/or functionally impaired adults, receive care from a provider for a period of less than 24 hours per day. The term "Day Care Center" includes but is not limited to the following: nursery schools, childcare centers, kindergartens and play groups; but does not include kindergartens accredited or recognized by the Texas State Board of Education or that are supported in whole or in part by state tax funds. Day care facility also does not include "Assisted Living Facility," or any other group living situations where residents remain overnight, or for periods of 24 hours or more.

**a.** Where Table 2.3.2E3, *Table of Allowed Uses*, indicates "C" standards for this use include:

- i. 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.<sup>57</sup>
- ii. In the C3, O2, I1, and I2 zoning districts, a day care center shall only be permitted in conjunction with an office building.
- iii. Where required by state law, day care centers shall be and remain licensed by the state and shall operate in accordance with their license and all applicable state laws. A "Day Care Center" exempt from state licensing requirements shall provide proof of exemption.

## 30. Dirt or Topsoil Extraction, Sand or Gravel Mining or Storage

An area where sand, gravel, or other rocks and minerals are removed from the ground and prepared for sale, along with any structures for containing or storing extracted materials prior to sale.

**a.** Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

## 31. Dispatch Office

An office with the primary purpose of dispatching services to customers off-site. Examples of services provided from such offices include but are not limited to plumbing, heating and air conditioning, extermination, and landscape maintenance. Minor repairs may take place on-site, but the dispatching office shall not serve as a repair shop/workshop. Company vehicles may be stored on site overnight.

**a.** Where Table 2.3.2E3, *Table of Allowed Uses*, indicates "C" standards for this use include:

- i. Storage of service vehicles shall be screened from adjacent public right-of-way and adjacent residential zones or uses.

<sup>57</sup> This provision is carried forward from §146-129.5.a of the current regulations.

**32. Fairgrounds or Rodeo Grounds**

An open area for holding fairs, exhibitions, rodeos, circuses, or other large gatherings, and that contains a combination of indoor display/exhibition areas and outdoor display/staging areas.

a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. If a building is proposed, the proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**33. Farmers' Market, Permanent<sup>58</sup>**

An area where space is rented to individual vendors who sell agricultural or horticultural goods.

Vendors may also include specialty food producers selling baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish, and pasta, but this definition does not include the sale of arts and crafts products or any other item not specifically allowed per this ordinance.

a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. If a building is proposed, the proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**34. Flex Industrial Center**

A single building in an industrial zoning district containing a group of uses permitted in the governing zoning district.

**35. Food and Beverage Processing**

A facility which produces food and/or beverages for human consumption in its final form, such as candy, baked goods, dairy products, canned fruit or vegetables, and other items, and the food is distributed to retailers or wholesalers for off-premises resale. Beverages may be alcoholic or non-alcoholic, and may be bottled or canned on-site. This use does not include commercial feedlots, meatpacking, poultry dressing, stockyards, fat rendering, or the tanning, cutting, curing, cleaning, or storing of green hides or skins.

**36. Food Trucks, Operation Sites, and Food Truck Courts**

See Chapter 138.

**37. Forestry, Mining, and Oil and Natural Gas Well Drilling**

A site where any process with the objective of extracting natural materials from the location of their natural occurrence takes place, and involves the transportation of extracted materials to off-site locations for further processing. See Chapter 138, *Forestry, Mining, and Oil and Natural Gas Well Drilling*.

**38. Fuel Sales, Passenger Vehicles<sup>59</sup>**

A facility for the retail dispensing and sale of vehicle fuels, including but not limited to gasoline, gas/oil mixtures, diesel fuel, ethanol, or compressed natural gas through fixed dispensing equipment, operated by customers or employees. Accessory uses may include the sale of convenience items, food, lubricants, batteries, car washes, and similar accessory uses.

a. Where Table 2.3.2E3, *Table of Allowed Uses*, indicates "C" standards for this use include:

- i. Gasoline pump islands and other surface transfer of fuel points, such as fuel storage tank filling points, must be a minimum of 10 feet from public rights-of-way lines, a minimum of 50

<sup>58</sup> Minor edits for clarity. Is this list complete and inclusive as to what can be sold at farmers' markets? We did not find reference elsewhere in the ordinance to any other items specifically prohibited for sale at farmers' markets.

<sup>59</sup> Edited. Prior definition specifically precluded sale of anything except fuel at the location.



feet from residentially zoned property lines, and a minimum of 10 feet from any other property line.

- ii. In the C2 zoning district only, a maximum of 16 pumps per site may be allowed; however, an increase in the number of pumps may be permitted with approval of a Specific Use Permit.
- b. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The proposed number of fueling pumps is appropriate for the area and the surrounding land uses; and
  - iv. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and
  - v. The extent to which the proposed request aligns with the stated standards for this use.

### **39. Fuel Sales, Trucks & Commercial Vehicles**

A facility for the retail dispensing and sale of fuel to 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. Only trucks awaiting access to fueling pumps may remain on-site.

- a. Standards for this use include:
  - i. Gasoline pump islands and other surface transfer of fuel points, such as fuel storage tank filling points, must be a minimum of 10 feet from public rights-of-way lines, a minimum of 50 feet from residentially zoned property lines, and a minimum of 10 feet from any other property line.
- b. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and
  - iv. The number of fueling pumps is appropriate for the area.

### **40. Funeral Home or Mortuary**

A place for the storage of human bodies prior to their interment (aquamation, burial, cremation, or other similar preparation), or a building used for the preparation of the deceased for burial and the display of the deceased and associated ceremonies prior to interment.

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

### **41. Ghost Kitchen**

A building or structure with commercial cooking facilities where food is prepared on-site and is then transported and served off-site. Such establishments have no facilities for the serving or consumption of food or beverages on the premises.

**42. Greenhouse or Plant Nursery**

An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or outside an enclosed building.

**43. Gun Range, Indoor**

An indoor facility where firearms are discharged at targets and which is designed so that discharges from the firearms are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.

- a. Where Table 2.3.2E, *Tables of Allowed Uses*, indicates "C" standards for this use include:
  - i. Gun ranges shall not be located within 500 feet of any residential use or zone.
- b. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and
  - iv. The extent to which the proposed request aligns with the stated standards for this use.

**44. Gun Range, Outdoor**

An outdoor facility where firearms are discharged at targets and which is designed so that discharges from the firearms are prevented, by means of backstops, berms, or other barriers, from going beyond the boundaries of the facility.

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.
  - iv. The extent to which the proposed request aligns with the stated standards for this use.

**45. Gym or Fitness Studio**

Any facility where members or nonmembers use equipment or space or receive instruction for the purpose of physical exercise, fitness, flexibility, and/or weight control. Facilities and activities can include running, swimming, cycling, weightlifting, court sports, dojos, group instruction classes for activities including but not limited to yoga, pilates, barre, martial arts, dance, aquatics and swim lessons, and personal training. Facilities may include amenities such as whirlpools, saunas, and massage rooms, as well as locker rooms, showers, and lockers. Gyms and fitness studios may also cater to children with instruction classes and lessons, as well as free play areas.

- a. Where Table 2.3.2E, *Tables of Allowed Uses*, indicates "C" standards for this use include:
  - i. Gyms and fitness studios shall not include an outdoor component.

**46. Heavy Machinery, Rental, Sales, and Storage**

A business involved in the sale of large machinery and heavy-duty vehicles designed for executing construction or farming tasks, often ones involving earthwork operations. Such implements include but are not limited to bulldozers, dump trucks, backhoes, scrapers, excavators, cranes, irrigation machinery, soil cultivation tools, planting machines, and harvesting machines. Because of the large size of some of the implements for sale, such establishments often require large land areas and outdoor display capability as part of their operation. Ancillary uses, such as service, repair, and washing, may take place on-site in conjunction with this use.

- a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**47. Helistop**

A designated, marked area on the ground or the top of a structure where helicopters may land, load and takeoff.

**48. Hospital<sup>60</sup>**

A public or private institution providing medical and surgical care to the sick or injured, including surgical facilities and beds for patients to remain overnight. Such establishments may include, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, and training facilities as licensed by the State of Texas.

a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**49. Hotel or Motel<sup>61</sup>**

A building or group of buildings designed for and occupied as a temporary dwelling place of individuals, and providing four or more rooms suitable for daily or long-term occupancy. Services including daily housekeeping and upkeep of furnishings must be provided. Meeting rooms recreational facilities, and restaurants shall be permitted as an accessory use within the buildings. This definition shall not include other dwelling units as defined by this ordinance.

**50. Impound Lot or Yard<sup>62</sup>**

A garage, parking lot, or other facility where operable or temporarily inoperable towed vehicles, automobiles, trucks, buses, and recreational vehicles are kept pending retrieval by the owner. Such facilities may include related towing, recovery, and repossession services. This definition shall not include a wrecking and salvage facility, or primary or accessory surface parking lots or parking garages where the primary use is for short term (under 48 hours) parking of vehicles.

a. Standards for this use include:

- i. An impound lot or yard shall be screened from view on all sides.

**51. Junk or Salvage Yard<sup>63</sup>**

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, where such activities are not conducted entirely within an enclosed building.

a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and

<sup>60</sup> Definition edited for clarity.

<sup>61</sup> As recommended in the Assessment Report, the specific number of rooms (which was 12) has been removed.

<sup>62</sup> This definition is expanded from the one proposed by staff.

<sup>63</sup> Definition edited for clarity. The standard is carried forward verbatim from §146-132.3.f and §146-138.4.

- iii. All junkyards, salvage yards or wrecking yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.

#### **52. Livestock Auction<sup>64</sup>**

Premises with barns, pens, and sheds for the temporary holding of livestock that are to be offered for sale.

#### **53. Manufacturing, Heavy**

Establishments engaged in the fabrication, assembly, processing, or manufacturing of goods and materials that have the potential to create negative impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, noxious odors produced, outdoor processing and storage areas, or other factors. Such uses include but are not limited to the processing or production of petroleum products, heavy machinery manufacture, chemicals manufacturing, cement production, rubber processing, leather tanning, steel and other metal manufacture, fertilizer production, paper/pulp production, animal reduction or fat rendering, and the smelting of ores or metals.

#### **54. Manufacturing, Light**

Establishments for the assembly, fabrication, processing and packaging of goods and materials using processes that allow impacts to be contained within the building and that do not create nuisances to surrounding properties. Such uses include but are not limited to fabrication of apparel, drugs and pharmaceuticals, medical and dental equipment, electronics, plastic, or similar products manufacture. This use may also include a machine shop where tools are used for making, finishing, or repairing machines or machine parts; metalwork, forging and welding where metal is melted, forged, or shaped into castings or other forms; and printing plants engaged in printing or bookbinding, including related large-scale storage and shipment.

#### **55. Microbrewery, Distillery, Winery, or Cidery**

A small-scale commercial operation engaged in the production and distribution of beer, wine, liquor, or cider that may operate in conjunction with a restaurant, and typically offers retail sales for consumption on site or off the premises.

##### **a. Standards for this use include:**

- i. A microbrewery, distillery, winery, or cidery shall not exceed 20,000 square feet.
- ii. A microbrewery can be up to 50,000 square feet if it contains a restaurant component that accounts for at least 30 percent of the building's gross floor area.

##### **b. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

- iii. The extent to which the proposed request aligns with the stated standards for this use.

#### **56. Motor Freight Terminal**

An area or building where trucks, including tractor-trailer units, load and unload cargo on a regular basis, and where this cargo may temporarily be stored prior to or following transport.

#### **57. Office Showroom/Warehouse**

An establishment that primarily consists of sales offices and display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are examples of this use. Incidental retail sales is permitted. Warehousing facilities shall be incidental to the primary use and shall not exceed 50 percent of the total floor area. This designation does not include service contractor.

##### **a. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and

<sup>64</sup> Minor edits for clarity.

- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**58. Office Use**

A building or suite used to provide executive, managerial, administrative, governmental, or professional services; or provide individual services related to personal needs directly to customers at the site of the business; or receive goods from and return goods to the customer, after those goods have been treated or processed at that location or another location. Uses in this category do not sell merchandise except as incidental to a permitted primary use. Typical uses include professional offices for real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, and similar services. Ancillary uses may include on-site cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. The definition of office use excludes medical and dental office uses.

**59. Parking Garage or Lot, Paid or Private**

A paved area or structure where individuals pay to park motor vehicles, and where this is the primary purpose of the lot or structure. This use does not include overnight storage of vehicles.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**60. Pawn Shop**

An establishment where money is loaned on the security of personal goods pledged in the keeping of the owner or proprietor of the shop. A pawn shop also includes the retail sale of pledged items.

**61. Personal Service<sup>65</sup>**

Establishments primarily engaged in providing personal care services, including but not limited to barber shops, beauty salons, spas, nail shops, tailors, laundromat, businesses offering classes for small groups, and dry cleaners. A beauty salon may offer permanent makeup services, as long as such services are in conjunction with the beauty salon and are limited to parts of the body above the neck, and are generally for cosmetic or reconstructive purposes.

**62. Power Plant or Electrical Generating Station**

An industrial facility for the generation and distribution of electric power.

**63. Private Club**

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. Standards for this use include:****i. Location**

- a. A private club may only be located in permitted districts as shown in Table 2.3.2E, *Table of Allowed Uses*, pursuant to Specific Use Permit approval, as described in §2.1.7, *Specific Use Permit*, of this Code.
- b. A private club shall be prohibited within 300 feet of any property line of a church, public or parochial school, hospital, assisted living facility or public park. The City Council may waive

<sup>65</sup> Edited and updated to reflect the consolidation of numerous similar service uses under this category.

the prohibition on proximity to a public park if the Council finds that the approval of a Specific Use permitting the private club will not prove detrimental or injurious to the public health, safety, or general welfare of users of the park facilities.

- c. The 300-foot distance shall be measured from the primary public entrance door of the private club, along the most direct route of a public right-of-way connecting to closest public entrance of the church, school, hospital, or assisted living facility. For a public park, the 300-foot distance shall be measured from the primary public entrance door of the private club, along the most direct route of a public right-of-way connecting to the park's closest property line.<sup>66</sup>

## ii. Operational Requirements

- a. At least 35 percent of the gross receipts of a private club shall be derived from the sale of food consumed on the premises. Food service shall be available at any time alcoholic beverages are being served.
- b. Serving alcoholic beverages without food in dining areas is prohibited. Such service is restricted to a bar or lounge area.
- c. Any bar or lounge area can only be accessed from an area within the primary use, e.g., the dining or reception area of a restaurant, hotel, or motel. Emergency exits with direct outside access are permitted, in compliance with any applicable building or fire code.
- d. The dining area of a private club shall contain a minimum of 50 dining seats, and a minimum of 600 square feet of dining area. Calculation of the square feet of dining area excludes kitchen and storage areas, bar and lounge areas, and cashier and reception areas.
- e. A private club must comply with all provisions of the state alcoholic beverage code and receive the appropriate permit from the State of Texas Alcoholic Beverage Commission within six months from the date of issuance of the Specific Use Permit by the city. The City Council may grant up to two 6-month extensions to this time limit, upon appeal from the applicant.<sup>67</sup>
- f. No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the state alcoholic beverage code and the City sign ordinance.
- g. The City Council may revoke a Specific Use Permit granted hereunder if it finds that any condition imposed at the time of granting the permit 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 the 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.

## iii. Audit Requirements

- a. The holder of a Specific Use Permit to operate a private club within City limits shall engage a certified public accountant to conduct an annual audit of the club's operations. The audit period shall commence on January 1 of a calendar year and conclude on December 31 of that same year. Any private club that has been in operation for less than a year, but more than six months prior to December 31, is subject to this annual audit requirement.
- b. The annual audit shall be performed at the sole expense of the permit holder.
- c. The purpose of this audit is to determine whether the permit holder has complied with the gross sales and receipts requirements described in item C. of this subsection. The report does not need to include audited financials for the overall operation of the establishment, but it must clearly reflect:

<sup>66</sup> This provision appears in Chapter 138, Article II regarding Private Clubs, and §146-129.b.5 in the current regulations. We have made minor edits for brevity.

<sup>67</sup> The current wording is more general, saying "each such [six month] limitation in time being subject to extension by the city council." Do you want to add a limit on how many extensions can be requested, and if so, is 18 months total typically adequate for securing state approval and permits?



- i. The permit holder's total gross receipts for the audit year from all operations on the premises for which the Specific Use Permit for a private club is issued;
    - ii. The percentage of such gross receipts derived from the sale of food; and
    - iii. The percentage of such gross receipts derived from the sale of alcoholic beverages.
  - d. The audit shall indicate whether all requirements for the operation of a private club were satisfied during the audit year, or if further inquiry by the City into the club's operations is warranted.
  - e. A completed copy of the audit shall be submitted to the City Secretary's office for review by the City Council not later than April 1 of the calendar year following the audit year.
  - f. If a completed audit is not received by April 1, the City Council retains the right to appoint a qualified accountant to perform the audit as described above, with the permit holder responsible for reimbursement to the City of all costs incurred in obtaining this audit.
- iv. Noncompliance and Remedies**
- a. The City Council may revoke a Specific Use Permit upon finding that any of the operational requirements imposed at the time of granting the permit are not met or thereafter cease to exist. Said Specific Use Permit shall be subject to review based on recommendation from the Police Department that the public safety has been or is being jeopardized.
  - b. The City Manager and the Police Department are specifically authorized to receive, accept, and investigate complaints regarding operation of private clubs from any source. The Specific Use associated with the club's operation is subject to City Council review when the Police Department asserts that the public safety has been or is being jeopardized.<sup>68</sup>
  - c. Pursuant to a public hearing, the City Council may revoke a Specific Use Permit upon finding that any of the operational or audit requirements associated with the permit are not being met. The purpose of the public hearing is to make a determination on the validity of apparent non-compliance with the requirements of this article.
  - d. The permittee shall be given at least ten days' written notice of the date, time and place of the public hearing, and the Specific Use Permit shall remain in full effect pending the outcome of the public hearing.
  - e. The permit holder, or the permit holder's designated attorney or representative, may appear at the public hearing to offer testimony and evidence regarding the assertion of noncompliance, and shall further have the right to cross examine witnesses testifying at the hearing.
  - f. Upon hearing all evidence with regard to the matter, the City Council shall enter an order finding compliance or noncompliance on the part of the permit holder. If the order finds compliance, the matter shall be concluded for that audit year. If the order finds noncompliance, the City Council shall further provide for:
    - i. Immediate suspension of the operation of the private club, and immediate action to revoke or delete the Specific Use Permit for a private club from the zoning of the permit holder's property; or
    - ii. Establishing a probationary period of up to one year to allow the permit holder to continue to operate the private club while coming back into compliance with those requirements found to be noncompliant at the public hearing.
    - iii. If the cause of noncompliance is the result of an audit regarding receipt requirement as described in item C. of this subsection, the permit holder shall demonstrate achieving the required percentage of food sales for not less than 50 percent of the months of the probationary period. At the behest of the City Manager, this evidence may be provided through an additional audit at the permit holder's expense, performed by an accountant selected by the City Manager.
    - iv. The results of this audit shall be scheduled for consideration at a City Council meeting, with advance notification and participation of the permit holder

<sup>68</sup> Can the City Manager also put forth this assertion, or do they refer any complaints received to the PD for follow up?

conducted as described in items 2.3.3C.63.a.iv.d and 2.3.3C.63.a.iv.e of this subsection.

- v. If the City Council enters an order finding compliance, the probationary period(s) shall be ended and the permit holder's operations under the Specific Use Permit may be continued.
- vi. If the City Council enters an order finding noncompliance, the Council shall order immediate suspension of the operation of the private club, and immediate action to revoke or delete the Specific Use Permit for a private club from the zoning of the permit holder's property.

- g. A Specific Use Permit for the operation of a private club shall not be issued for a period of one year for an establishment that has had a Specific Use Permit revoked pursuant to the procedures described above in this section.

- b. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

#### **64. Public Building or Yard (Non-City)<sup>69</sup>**

Non-city public facilities such as buildings, maintenance yards, shops or equipment storage facilities required by branches of local, state, or federal government.

- a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

#### **65. Radio or TV Broadcast Station**

A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media.

- a. Where Table 2.3.2E, *Table of Allowed Uses*, indicates "C" standards for this use include:

- i. The maximum height of the tower as measured from finished grade to the tower's highest point shall be equal to or less than the setback distance to the nearest residential zone or use.
- ii. No radio or television broadcast tower shall be closer to any residential district boundary line or residential use than a distance equal to twice the height of the support structure. Setback distance shall be measured as the shortest possible distance from the structure to the closest point of a residential district boundary line, or residential use property line.

#### **66. Railroad Freight Terminal**

An area or building where railroad cars load and unload cargo on a regular basis, and where this cargo may temporarily be stored prior to or following transport.

#### **67. Reception or Event Center, Indoor**

A commercial or non-profit facility entirely enclosed within a building that can be rented to accommodate large groups of persons for entertainment, conferences, conventions, exhibitions, weddings, and similar activities.

- a. Evaluation criteria for approval of a Specific Use Permit include:

<sup>69</sup> This was formerly called "Public building, shop or yard of local, state federal government."



- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

#### **68. Reception or Event Center, Outdoor**

A commercial or non-profit facility that may have an indoor component, in combination with an outdoor space, that can be rented to accommodate large groups of persons for entertainment, conferences, conventions, exhibitions, weddings, and similar activities.

- a. Where Table 2.3.2E, *Table of Allowed Uses*, indicates "C" standards for this use include:
  - i. No outdoor facilities shall be permitted within 500 feet of residential zones or uses; however, a reduction in this distance may be permitted with approval of a Specific Use Permit.
- b. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and
  - iv. The extent to which the proposed request aligns with the stated standards for this use.

#### **69. Recreation Area, Private**

A privately owned park, garden, courtyard, or open space maintained by a community club, property owners' association or similar organization.

#### **70. Recreational Vehicles, Rental or Sales**

A business involved in the sale or rental of recreational vehicles (RVs), campers, travel trailers, or similar wheeled vehicles primarily used for temporary lodging during travel. RVs do not meet the specifications for permanent habitability required of mobile or manufactured homes. Ancillary uses may include service or repair. Because of the large size of the items for sale, such establishments often require large land areas and outdoor display capability as part of their operation.

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

#### **71. Recycling Facility**

A facility for the collection and/or processing of recyclable materials, primarily household and communal waste. Processing of recyclable materials for shipment may entail baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding, or other similar means. A recycling facility does not include "Scrap or Salvage" establishments and does not include the washing of equipment.

- a. Where Table 2.3.2E, *Tables of Allowed Uses*, indicates "C" standards for this use include:
  - i. All storage and recycling activities shall be conducted within a fully enclosed building.

**72. Refining or Storage of Petroleum, Natural Gas, Butane, or Propane**

A production facility where raw materials are converted into products of value, typically as a result of chemical or materials engineering processes. Refining facilities may also include the storage tanks where finished materials are held prior to transshipment.

**73. Religious Assembly<sup>70</sup>**

Any structure dedicated to worship and religious training, that may also include on-site housing for religious personnel. Religious assembly uses may also include preschools or day cares in compliance with applicable regulations, and/or temporary free overnight lodging sponsored and operated by the religious entity as a part of its goals, mission, or ministry, provided to individuals or families having no regular home or residential address.

- a. Where Table 2.3.2E, *Table of Allowed Uses*, indicates “C” standards for this use include:
  - i. In any district (except the MTC - McKinney Town Center zoning district) where religious assembly use is allowed, the maximum height of the primary structure may exceed the standard maximum height of the district, provided that:
    - a. The maximum height of the primary structure shall not exceed 75 feet;
    - b. The standard minimum setback of the zoning district shall be increased by three feet for each additional one foot of building height in excess of the standard maximum height of the district;
    - c. The minimum setback shall be 50 feet;
    - d. The first 25 feet from all property lines shall be reserved as a landscape buffer, with evergreen trees planted a minimum of one for every 40 linear feet.
  - b. Standards for any religious assembly providing temporary overnight lodging include:
    - i. The provision of temporary free overnight lodging is limited to a maximum of 30 nights per calendar year.
    - ii. Facilities shall provide housing for no more than 14 guests per night.
    - iii. Provision of temporary lodging requires an annual permit for such accessory use issued by the Chief Building Official.

**74. Restaurant**

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the principal building, or in an outdoor seating area on the premises, or within a motor vehicle parked on the premises, or off the premises as carry-out orders, or has drive-in or drive-through facilities.

- a. Types of this use include:
  - i. **Restaurant, Brew Pub**  
A restaurant that includes a microbrewery as an accessory use. The microbrewery in conjunction with the restaurant allows limited manufacturing and production for the primary sale on-site. Off-site distribution associated with the microbrewery shall not be permitted.
  - ii. **Restaurant, Carry-Out**  
An eating establishment that is open to the public, where food and beverages are prepared and sold for off-premises consumption.
  - iii. **Restaurant, Dine-In**  
An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the principal building, or in a designated outdoor dining area, such as a deck or patio. Outdoor patios ancillary to an indoor restaurant use shall be permitted subject to the following standards:
    - a. The outdoor patio shall not exceed 30 percent of the overall floor area of the restaurant, or 3,000 square feet, whichever is less.

<sup>70</sup> This was formerly called “Church or Rectory...” Updated to more general term, and edited definition accordingly.

- i. The Director of Planning may approve, as part of a site plan, an outdoor patio greater than 30 percent of the overall floor area or greater than 3,000 square feet, if it is determined that the size of the outdoor patio is in keeping with the scale and character of the surrounding area.
    - ii. In cases where outdoor patios are larger than 3,000 square feet, the use shall be classified as Commercial Entertainment, Outdoor, and shall only be permitted as indicated in Table 2.3.2E, *Table of Allowed Uses*.
  - b. The outdoor patio shall not include any fixed stage or performance area.
  - c. Outdoor entertainment shall only be permitted within a confined patio.
  - d. No outdoor entertainment shall be permitted within 500 feet of a residential property line or zoning district.
- iv. Restaurant, Drive-In or Drive-Through<sup>71</sup>**
- An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the principal building, or in an outdoor seating area on the premises, or within a motor vehicle parked on the premises, or off the premises as carry-out orders, and has drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles.
- a. Standards for this use include:
    - i. Location of drive-through lane is beside or behind the building, and not adjacent to the public right-of-way.
    - ii. Dumpster location and speaker box location will not have an adverse impact on adjacent residential uses.
  - b. Evaluation criteria for approval of a Specific Use Permit include:
    - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
    - ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

## 75. Retail Sales

Establishments engaged in selling goods, commodities, or merchandise to the general public for personal, household, or business consumption or use.

- a. Where Table 2.3.2E, *Table of Allowed Uses*, indicates "C" standards for this use include:
  - i. For those retail sales establishments with an outdoor display component, the following standards shall apply:
    - a. Occasional sidewalk sales of merchandise normally sold within the retail establishment are permitted.
    - b. Outdoor display shall occur within 100 feet from a customer entrance and no further than 25 feet in depth from the front façade of the principal building.
    - c. Outdoor display shall not impede pedestrian walkways or vehicular access aisles.
    - d. Goods shall not be displayed in required parking areas.
    - e. Goods that are completely surrounded by an approved screening device as described in Section X.X shall not be considered to be an outdoor display.
    - f. Occasional sidewalk sales of merchandise normally sold within the retail establishment are permitted for up to 16 hours per day. All sale items and display structures shall be brought indoors outside of store operating hours.
    - g. Outdoor display shall not impede pedestrian walkways or vehicular access aisles.
    - h. Goods shall not be displayed in required parking areas.

<sup>71</sup> Combines "drive-in" and "drive-through" into this designation; updated and edited definition accordingly. Also, we did not find any specific standards for stacking lanes, screening, or location of drive-through (beside or behind building, not adjacent to public right-of-way)? Do any exist?

- b. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and
  - iv. The extent to which the proposed request aligns with the stated standards for this use.

#### **76. Sanitary Landfill**

A publicly or privately owned solid waste disposal facility designed to accommodate and dispose of certain types of solid waste, not to include hazardous waste substances. A sanitary landfill must be certified and licensed by the state department of health (TDH) and the Texas Commission on Environmental Quality (TCEQ).

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. If a building is proposed, the building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and
  - iv. The subject property is a minimum of 100 acres. This land area requirement may be reduced in size as part of a site plan approval process, subject to discretionary approval by the City Council.

#### **77. School, Business or Trade<sup>72</sup>**

A business operating for profit and offering instruction and training in a service or art such as automotive mechanics, barbering, cosmetology, information technology, or commercial art school. Such establishments may also include on-site faculty or employee housing.

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

#### **78. School, Public, Private, or Parochial**

A school under the sponsorship of a public or religious agency providing a curriculum generally equivalent to public elementary or secondary schools, but not including trade or business schools. Such establishments may also include on-site housing for faculty, students, and employees.

#### **79. Self-Storage<sup>73</sup>**

A building containing separate, individual, compartmentalized storage units of 500 square feet or less that can be rented or leased for the storage of customers' household goods. The premises may only be used for storage, and conducting sales, business, or any other activity shall be prohibited within any individual storage unit.

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. No overhead bay doors or loading areas shall be visible from an adjacent use or public right-of-way; and
  - ii. Buildings located within a Historically Significant Area shall be covered with 100 percent masonry materials (brick or stone); and

<sup>72</sup> Edited to update examples of trades.

<sup>73</sup> This was formerly called Mini-Warehouse/Personal Storage. Made minor edits to the definition for clarity.

- iii. Proposed storage structures located directly adjacent to residential uses or zones shall be limited to a single story; and
  - iv. Proposed storage structures located directly adjacent to single family residential uses or zones shall feature a pitched roof (minimum 4:12 slope); and
  - v. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - vi. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - vii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.
- 80. Sexually Oriented Business**  
See Chapter 138.
- 81. Shopping Center**  
A single building in a non-industrial zoning district containing a group of uses permitted in the governing zoning district. Site design requirements include provision for delivery of goods separated from customer access; provision of aesthetically appropriate design; and protection from the elements.
- 82. Solar Farm**  
An area of land with equipment for the commercial production of solar energy. This may include solar panels, arrays, and related equipment, pipes, batteries, and wiring that converts sunlight to heat or electricity for use either off-site or through delivery to a power grid.
- 83. Stable, Commercial**  
A structure where horses are quartered, along with accompanying pasture, other than for the property owner's personal use, on a fee basis.
- a. Standards for this use include:
    - i. No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.
  - b. Evaluation criteria for approval of a Specific Use Permit include:
    - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
    - ii. If a building is proposed, the building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
    - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and
    - iv. The extent to which the proposed request aligns with the stated standards for this use.
- 84. Stockyard or Slaughterhouse**  
A facility for the slaughtering and processing of animals and the refining of their byproducts, where the slaughter or processing is not conducted by the owner of the animal, and the processed meat is not intended for sale by the owner of the animal.
- 85. Storage, Automobile**  
A lot or tract on which operable motor vehicles are held for the purpose of sale, lease, distribution, or storage. This use shall not include vehicles or equipment awaiting repair, or inoperable vehicles or equipment.
- a. Evaluation criteria for approval of a Specific Use Permit include:
    - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
    - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and

- iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**86. Storage, Boat, Truck, or Recreational Vehicle**

An area or structure designed for the short- or long-term storage of recreational vehicles, boats, vehicles with three or more axes, or equipment. This use shall not include vehicles or equipment awaiting repair, or inoperable vehicles or equipment.

**87. Traders' Village**

A site where space is rented to multiple vendors on a short-term basis for the sale of merchandise. Items for sale may include new and used household goods, personal effects, tools, artwork, small household appliances, and other similar merchandise, objects, or equipment in small quantities. Traders' villages shall not include wholesale sales establishments or rental services establishments, but may include personal service, food service, retail sales, and auction establishments.

**88. Transportation Station**

Indoor and outdoor facilities for the storage and parking of motor-driven buses, trains, light rail, or other transit vehicles, as well as the loading and unloading of passengers. This use does not include bus stops.

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**89. Truck Stop**

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, and restaurant facilities mainly for the use of truck drivers and passengers.

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. The proposed building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**90. Utility Substation**

A facility used to convert electric power, natural gas, and telephone or television signals for transmission through a regional interconnecting grid system for distribution. This use may include a distribution and/or dedicated substation.

- a. Evaluation criteria for approval of a Specific Use Permit include:
  - i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
  - ii. If a building is proposed, the building massing and form (specifically building height and proximity to property lines) are compatible with adjacent land uses; and
  - iii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**91. Vehicle Repair, Major**

An establishment primarily engaged in providing heavy motor vehicle repair and maintenance, including activities such as engine overhauls, transmission or differential repair or replacement, automobile/truck painting, body and fender work, and welding. This definition does not include vehicle fuel sales or car washes.

a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**92. Vehicle Repair, Minor**

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. This definition does not include vehicle fuel sales.

a. Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

**93. Warehouse**

An establishment where the primary activity is the storage of commercial, industrial, or other goods, including inventory and/or finished products, and where no such goods are sold either at wholesale or at retail. Commercial warehouse may entail open, on-site storage, but does not include storage for personal and household goods. Commercial warehouse encompasses wholesale distribution, which involves the storage of products, supplies, and equipment offered for sale to retailers, commercial, institutional, or professional business users, but not the general public. Accessory uses may include offices, truck fleet parking, and maintenance areas.

**94. Water or Wastewater Treatment Plant**

A water treatment plant is a facility for the treatment of water from a defined service area before the treated water is released back into local waterways. A wastewater treatment plant is a facility for the primary, secondary, and tertiary treatment of wastewater.

**95. Wind Energy Conversion System Farm**

An area of land with equipment used for the commercial production of wind energy. This may include devices such as a wind charger, windmill, turbine, energy ball, vane, wind tower, or other similar device and its associated mechanical and electrical equipment, typically mounted on a tower or pole and designed to convert wind energy to a usable form. Standards for this use include:

**a. Purpose**

This section is intended to encourage the preservation of the environment through the expanded use of alternate energy sources, such as wind energy, and to establish guidelines for the location, design, and appearance of wind energy conversion systems (WECS).

**b. General Regulations**

- i. All WECS shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA) and any other governmental agency with the authority to regulate such systems.
- ii. No WECS shall exceed the height limitations imposed by virtue of aircraft approach and turning zone height restrictions.
- iii. No grid-interconnected WECS shall be installed until evidence has been provided to the city that the appropriate electric power provider has approved the customer's intent to install a



grid-connected customer-owned WECS and that the customer's system meets the utility's approved specifications for interconnection.

- iv. A maximum of one WECS shall be permitted by right on each tract. The allowable number of WECS on each tract may be increased to a maximum of three WECS with the planning and zoning commission's approval of a proposed site plan. Prior to approving the additional number of WECS, the planning and zoning commission shall consider the same factors that are considered when approving a Specific Use Permit as specified herein. The allowable number of WECS on each tract may be increased beyond a maximum of three WECS with approval of a Specific Use Permit.
  - v. WECS shall only be permitted on a tract of land as an accessory use to a separate, principal use.
  - vi. All WECS shall be located behind the front face of the primary structure.
  - vii. Any mechanical, electrical, or other equipment associated with the tower or other support structure shall comply with the accessory building setbacks as specified in section 146-133 of the zoning regulations.
  - viii. Building-mounted WECS' blade arc spheres shall have a minimum five-foot clearance from any structure, tree or any other impediment. Free-standing WECS' blade arc spheres shall have a minimum 30-foot clearance from any structure, tree or any other impediment.
  - ix. No free-standing WECS shall include a ladder or any other tower climbing apparatus within 12 feet of the ground.
  - x. All commercial signs, flags, lights, and attachments shall be prohibited on a WECS, unless required for communications operations, structural stability, or as required for flight visibility by the FAA.
  - xi. All WECS shall be filtered, shielded, or otherwise designed and constructed so as not to cause electrical, radio frequency, television, and other communication signal interference.
  - xii. All WECS shall be painted a neutral or earth tone color. The paint type shall be a dull or matte finish so as to reduce the possibility of any glares or reflections and to minimize the visual obtrusiveness of the WECS.
  - xiii. All WECS shall be constructed in a monopole design of tubular steel and shall be self-supporting without the use of guy wires or other similar features.
  - xiv. All WECS shall be equipped with a manual and/or an automatic braking device capable of stopping the WECS operation in high winds.
  - xv. All WECS shall be grounded and shielded to protect against natural lightning strikes and stray voltage, including the blades, in accordance with the National Electric Code.
  - xvi. All WECS shall be designed to withstand loads including, but not limited to ice and wind, as detailed in the International Building Code.
  - xvii. All WECS shall be adequately designed structurally, electrically, and in all other respects to accommodate the safety and general wellbeing of the public. All WECS shall be required to meet all applicable regulations specified in the International Building Code, National Electric Code, and any other applicable regulatory documents.
  - xviii. All WECS shall be maintained at all times according to the manufacturer's specifications and all other applicable regulations including, but not limited to the International Building Code and the National Electric Code.
  - xix. All WECS shall adhere to the maximum sound pressure levels as specified in section 146-134 of the zoning regulations.
- c. District-Specific Regulations**
- i. **Single Family Residential Zoning Districts**  
WECS shall not be permitted.



**ii. Multiple Family Residential Zoning Districts**

WECS are only permitted for multiple family residential uses and are subject to the following:

**a. Maximum Height**

The maximum height for a WECS shall be the maximum height allowed in the governing zoning district plus 10 feet.

Setbacks From a Property Line WECS shall be set back a distance equal to half the height of the WECS, unless adjacent to a property zoned or used for single family or two family residential uses, when the setback shall a distance equal to the height of the WECS.

**iii. Industrial Districts**

WECS are permitted only as follows:

**a. Maximum Height**

150 feet.

**b. Setbacks from a Property Line**

WECS shall be set back a distance equal to half the height of the WECS, unless adjacent to a property zoned or used for single family or two family residential uses, when the setback shall be a distance equal to the height of the WECS.

**iv. Historic Districts**

In the "H" Overlay, McKinney Town Center, or PDs encompassing historic districts, WECS are permitted only as follows:

**a.** WECS shall be allowed within the historic districts with approval of a Specific Use Permit, provided they are designed and located to blend with and conform to the historic district design standards and character in order to preserve the historic integrity of the district and are approved through the normal historic district design review process for each historic district, subject to the approval of the Director of Planning.

**b.** All proposed WECS shall require a certificate of appropriateness issued by the Director of Planning, prior to the approval of a Specific Use Permit.

**v. Non-Residential Zoning Districts**

Except as otherwise specified in subsections iii. and iv. above, WECS are permitted in non-residential zoning districts only as follows:

**a. Maximum Height**

The maximum height for a WECS shall be the maximum height allowed in the governing zoning district plus ten feet. The height of a WECS may be increased to a maximum of 125 feet with approval of a Specific Use Permit.

**b. Setbacks from a Property Line**

WECS shall be set back a distance equal to half the height of the WECS, unless adjacent to a property zoned or used for single family or two family residential uses, when the setback shall be a distance equal to the height of the WECS.

**d. Abandoned Systems**

Any WECS which is not used in operation for 12 consecutive months shall be deemed abandoned and shall be removed by the owner of the property where the WECS is located. The city shall notify the WECS property owner of the issue and the WECS property owner shall have 60 days to take down the WECS. An extension of 30 days may be granted by the Chief Building Official.

**e. Systems in Disrepair**

A WECS that has become unstable, leans so as to be no longer perpendicular with the ground, or that poses a danger of collapse shall be removed or brought into repair within 60 days following notice by the city to the owner of the lot upon which the WECS is located. The city may order immediate repairs in the event of imminent collapse.

**f. WECS Permit Required**

No WECS shall be erected without first obtaining a WECS (wind turbine) permit from the Chief Building Official, or their designee. The permit's application shall be submitted with the required numbers and types of plans as deemed necessary by the Chief Building Official to adequately review the proposal.

**g. Specific Use Permit**

Evaluation criteria for approval of a Specific Use Permit include:

- i. The proposed use is compatible with adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening; and
- iii. The proposed use is compatible with the Comprehensive Plan.

**96. Wireless Telecommunications Facility<sup>74</sup>**

Any freestanding facility, building, pole, tower, or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

**a. Evaluation criteria for approval of a Specific Use Permit include:**

- i. The proposed use is compatible with existing and anticipated future adjacent land uses; and
- ii. The extent to which potential negative impacts to adjacent land uses are mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening.

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<sup>74</sup> From notes in the edited staff draft, we understand that the standards for this use will be part of the Development Standards module.

### 2.3.4 Accessory Uses, Buildings, and Structures

#### COMMENTARY

This section consolidates standards for accessory uses and structures that are currently dispersed throughout the current ordinance. Several of the current standards are unclear and difficult to administer (e.g., setback standards, building material standards, and heights are not consistent among districts). This section updates all accessory use and structure standards and includes a range of performance standards designed to make the regulation of such uses clear, efficient, and consistent (e.g., location on site, hours of operation, expiration times for temporary uses, signage, etc.).

#### A. Purpose

1. The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to principal uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.
2. Accessory uses and structures are intended to allow property owners the full use of their property while maintaining the integrity and character of the neighborhood. To accomplish these goals, accessory uses and buildings shall be erected and used only for purposes that are clearly secondary and incidental to the principal use of the property and shall be located on the same lot with the principal use. Accessory uses and structures are subject to the standards in this section as well as any applicable standards for the associated principal use pursuant to §2.3.3, *Use Definitions and Use-Specific Standards*.

#### B. Accessory Uses Definitions and Standards

##### 1. Accessory Building

A building on the same lot with, and of a size and nature customarily subordinate to, a principal residential building. In residential districts, this may include, but is not limited to, storage sheds and garages. On agricultural lots, accessory buildings such as barns or stables may be larger than the primary structure. Accessory buildings attached to the principal building are considered an extension of the principal building and shall be subject to the regulations that apply to the principal building. Accessory buildings are permitted in the zoning districts as listed in Table 2.3.2E, *Table of Allowed Uses*.

##### a. Standards for this use include:

- i. The total square footage of all accessory buildings on a lot shall not exceed the square footage of the primary building, unless located in an agricultural zoning district.
- ii. Accessory buildings shall be located behind the front face of the primary structure.
- iii. No accessory building shall be located in a front or side corner setback, or in any recorded easement.
- iv. Where a detached garage is accessed from an alley or a side street, the structure shall be setback from the alley or the side street a minimum distance of 20 feet.
- v. Single story accessory buildings shall observe setbacks of at least five feet from any rear or side property line.
- vi. Two story accessory buildings shall observe the same setbacks as the primary building.
- vii. No accessory building, other than an allowed accessory dwelling unit, shall be rented or leased.
- viii. No accessory building shall be used for commercial purposes unless it is approved and permitted as a home occupation.
- ix. Single story accessory buildings may be erected no closer than five feet from any rear or side property line.
- x. Accessory buildings that are 200 square feet or less in area, and less than eight feet in height, may be located five feet from side interior and rear property lines.

- xi. Accessory buildings that are greater than 200 square feet in area shall observe the setbacks and building height of the primary building.
  - xii. Accessory buildings are not allowed prior to or independent of the establishment of the principal use or building.
- 2. Accessory Dwelling Unit<sup>75</sup>**
- A dwelling unit that is subordinate to and detached from the primary dwelling unit on the same lot. Accessory dwelling units may also be referred to as backyard cottages.
- a. Standards for this use include:
    - i. An accessory dwelling unit may be located on any conforming lot as identified in Table ---.
    - ii. An accessory dwelling unit shall not exceed 50 percent of the floor area of the primary structure.<sup>76</sup>
    - iii. An accessory dwelling unit shall observe the same building height and setbacks as the main structure and may not sit further forward on a lot than the primary dwelling.<sup>77</sup>
    - iv. An accessory dwelling unit shall be constructed of the same exterior materials and similar or complementary architectural style as the main structure when the buildings are located within a Historically Significant Area or the main structure is a Significantly Important Building.
    - v. Detached accessory dwelling units shall be separated from the primary structure by at least 10 feet.
    - vi. An accessory dwelling unit may not be sold separately from the main structure.
    - vii. An accessory dwelling unit shall not have a separate electric meter.
    - viii. An accessory dwelling unit shall contain its own cooking, sleeping, and sanitary facilities.
- 3. Accessory Structure**
- A structure built vertically above ground level, that is open on at least two sides unless stated otherwise herein. Examples include, but are not limited to, gazebos, pergolas, arbors, decks, shade structures, ground-mounted solar panels, and geothermal equipment. Accessory structures attached to the principal building shall be considered an extension of the principal structure and shall be subject to the regulations that apply to the principal building. Accessory structures are permitted in the zoning districts as listed in Table 2.3.2E, *Table of Allowed Uses*.
- a. Standards for this use include:
    - i. The total square footage of all accessory buildings on a lot shall not exceed the square footage of the primary building, unless located in an agricultural zoning district.
    - ii. Accessory structures shall be located behind the front face of the primary structure.
    - iii. No accessory structure shall be closer than 5 feet to any side or rear property line and corner side setbacks of the principal building shall be observed.
    - iv. Where a carport is accessed from an alley or a side street, the structure shall be setback from the alley or the side street a minimum distance of 20 feet.
    - v. No accessory structure shall be used for commercial purposes unless it is approved and permitted as a home occupation.
    - vi. Accessory structures that are 200 square feet or less in area, and less than eight feet in height, may be located five feet from side interior and rear property lines.
    - vii. Accessory structures that are greater than 200 square feet in area shall observe the setbacks and building height of the primary building.
    - viii. No accessory structure shall be located in any recorded easement.

<sup>75</sup> Standards in this section are derived from §146-133.a.7, Accessory Dwelling Units.

<sup>76</sup> We recommend that staff consider applying an upper limit to this, or a lot coverage limitation, or you may end up, effectively, permitting two residences on one lot. For example, on a 6,500 foot lot, there could be a 3,000 square foot house, and an "accessory dwelling unit" of 1,500 square feet.

<sup>77</sup> We understand that further discussion on ADUs over garages is needed.

- ix. Accessory structures are not allowed prior to or independent of the establishment of the principal use or building.
- 4. **Caretaker's or Watchman's Quarters**  
An accessory residential dwelling unit located on a lot with a separate principal use, intended for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal buildings and uses.
- 5. **Donation Collection Container**  
A box, bin, container, receptacle, trailer, mobile vehicle, or similar facility where individuals may drop off reusable clothing, household goods, furniture, and other items of personal property for resale, reuse, or repurposing, typically by a charitable organization. This definition does not include residential book exchange receptacles and food/hygiene exchange receptacles.
  - a. Standards for this use include:
    - i. **Purpose**  
These performance standards are intended to ensure the operation of donation containers in a manner that prevents blight and the accumulation of debris and excess items outside the collection containers, eliminates poor maintenance of the containers, and minimizes visual clutter from their proliferation.
    - ii. **Size**
      - a. **Small Container**  
A small donation container is one that occupies up to and not more than 175 cubic feet. It may not be taller than seven feet above finished grade.
      - b. **Large Container**  
A large donation container is one that is larger than 175 cubic feet. It may not be taller than 14 feet above finished grade.
    - iii. **Location**
      - a. No donation container shall be located within 300 feet of any other donation container.
      - b. Donation containers are only permitted in non-residential zoning districts.
      - c. No donation container shall be located on or within 300 feet of a property zoned or used for residential purposes.
      - d. From dusk until dawn, donation containers must be located within 25 feet of a light source such as street lighting, parking lot lighting, or a building wall pack, in order to discourage theft or vandalism of the container.
      - e. No donation container shall be located on or within:
        - i. A required landscaping area;
        - ii. A parking space, loading space or driveway area that is required to satisfy applicable regulations for the principal use on the site;
        - iii. The public right-of-way, unless approved by the City Council as part of a license agreement; and
        - iv. No large container shall be located within any zoning district's building setback.
      - f. No donation container shall be placed in a manner that blocks, limits, or impedes the function of, access to, or maintenance of any of the following:
        - i. Required parking, loading or driveway areas;
        - ii. Pedestrian, wheelchair and/or bicycle routes or trails;
        - iii. Building ingress and egress;
        - iv. Required disabled access routes;
        - v. Required easements;
        - vi. Refuse and/or recycling enclosure areas or access to refuse and/or recycling bins or enclosures; or
        - vii. Exhaust, ventilation, mechanical, electrical or fire suppression systems, including, but not limited to, fire department connections or fire hydrants.

- g.** No more than one collection container shall be located on any parcel or tract of land, except as otherwise permitted herein.

**iv. Materials**

All donation containers shall:

- a.** Be fabricated of durable and waterproof materials;
- b.** Be placed on ground that is paved with durable cement;
- c.** Have a tamper-resistant locking mechanism for all collection openings;
- d.** Not be electrically, mechanically, or hydraulically powered or otherwise mechanized.

**v. Restrictions on Operations**

**a. In General**

- i.** Collection containers cannot be used for the collection of refuse, solid waste and/or any hazardous materials.
- ii.** Donation containers are not considered a fixture of the site or an improvement to real property.

**b. For All Containers**

All donation containers shall have the following information prominently visible on the container, in type of at least two inches or larger:

- i.** The name, an active email address, and if available, the website of the operator of the container and the agent or representative of the property owner; as well as a 24-hour contact telephone number with recording capability for the public to register complaints;
- ii.** The type of material that may be deposited into the donation container; and
- iii.** A notice stating that no material shall be left outside the donation container.

**c. For Large Containers**

Large containers shall have an attendant present at the container at all times that items are being received, and the container shall display have the following additional notification:

- i.** A statement that no items may be left for collection unless an attendant is on duty.

**vi. Maintenance**

- a.** Drop-off materials are not allowed to accumulate outside of the donation container; and no overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within 20 feet of the container;
- b.** The donation containers shall remain free of graffiti and blight, rust, peeling paint, and all signs and notifications shall be maintained in legible condition.
- c.** The donation container shall be in good working order, with functional collection operating mechanisms.
- d.** The collection containers shall be maintained in sanitary conditions;
- e.** The collection containers may not be placed without the approval of property owners; and
- f.** Contact information shall remain readily visible on the container so that the operators can be contacted if there are any blight-related questions or concerns.
- g.** Donation containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays, and 10:00 a.m. and 6:00 p.m. on weekends. In addition to removal of collected materials, this servicing is to include maintenance of the container, and the removal of any graffiti, litter, or other nuisance conditions.
- h.** Any condition that constitutes a violation of the requirements of this section shall be remedied or abated within 48 hours of being reported to the operator or property owner.

**vii. Permit Required<sup>78</sup>**

An annually renewable permit from the Environmental Health Manager is required for the operation of a donation container.

**6. Home Occupation**

A business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.

**a. Standards for this use include:**

- i.** The home occupation shall maintain the residential character of the neighborhood.
- ii.** The home occupation shall be clearly incidental and secondary to the primary use of the premises for residential purposes.
- iii.** The home occupation shall be conducted entirely within the enclosed primary structure, or entirely within an enclosed accessory structure.<sup>79</sup>
- iv.** The proprietor or operator of the home occupation shall be a resident of the dwelling unit from which it is conducted. More than one home occupation may be conducted from a dwelling unit, provided each proprietor or operator resides in the dwelling.<sup>80</sup>
- v.** Home occupations conducted from within garages may not occupy parking spaces required to meet the minimum off-street parking requirements.
- vi.** Home occupations shall not produce any alteration or change to the residence or the environment which is inconsistent with the typical appearance of a residential dwelling.
- vii.** The home occupation shall not have a separate entrance.
- viii.** 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.
- ix.** A maximum of one commercial vehicle may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be loaded or unloaded, parked, or idled in the street.
- x.** The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of 1½ tons.
- xi.** The home occupation shall not display advertising or signs or other visual or audio devices which call attention to the business use.
- xii.** The address of the home occupation shall not be listed in any advertisement.
- xiii.** The home occupation shall employ no more than one individual who is not an occupant of the residence, and no more than three non-residents shall be on-site at any time in connection with the operation of the home occupation.<sup>81</sup>
- xiv.** Retail sale of commodities is not permitted, except items produced by the home occupation, sales incidental to a service, or orders previously made by telephone, internet or at a sales party.
- xv.** The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation does not apply to in-home day cares, which are permitted to operate between 6 a.m. and 12 a.m.
- xvi.** Uses allowed as home occupations shall include the following:

<sup>78</sup> An application procedure is described in the ensuing section, 138-504. We recommend relocating this and the ensuing sections on permit expiration, approval, and revocation (138-505-507) to an Admin Manual.

<sup>79</sup> Currently, §146-133c.1 limits home occupations only to the primary structure. Our recommendation is to allow them in accessory structures such as garages also, as long as they do not impact the required number of parking spaces for the dwelling.

<sup>80</sup> It is standard in many codes to allow more than one home occupation to be conducted from a dwelling, and particularly in light of on-going COVID implications, we recommend that here.

<sup>81</sup> The second part of this provision, allowing up to 3 persons on-site at one time, is a recommended addition to this section, based on standards provisions in other codes.

- a. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
  - b. Office of a salesperson or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on remises, except as otherwise expressly permitted by this chapter;
  - c. Author, artist, or sculptor;
  - d. Dressmaker, seamstress, tailor, or 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., is allowed, provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with health regulations;
  - j. Day care in a registered family home in compliance with state law, with a maximum of six children permitted 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.
  - m. The following uses are specifically prohibited as home occupations:<sup>82</sup>
  - n. Animal hospital, commercial stable, kennel;
  - o. Bed & breakfast;
  - p. In-home day care with more than six children;
  - q. Schooling or instruction with more than three students present at one time;
  - r. Restaurant or on-premises food/beverage consumption of any kind;
  - s. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine;
  - t. Cabinetry, metal work, or welding shop;
  - u. Office for doctor, dentist, veterinarian, or other medical-related profession;
  - v. On-premises retail or wholesale sales of any kind, except as permitted in item 2.3.4B.6.a.xiv of this section, and garage sales as provided for in Chapter 54, Article II of this code.
  - w. Commercial clothing laundering or cleaning;
  - x. Mortuary or funeral home;
  - y. Trailer, vehicle, tool, or equipment rental; and/or
  - z. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
- xvii. If there is a concern about the suitability of a proposed home occupation occurring in residential setting, the Director of Planning shall determine whether the proposed home occupation is appropriate, and may proceed. 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 of this section. 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.

<sup>82</sup> This list of prohibited uses is substantially similar to the existing one in §146-133c.9, with edits to eliminate redundancy regarding permissions for retail sales.



- xviii. 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.
- 7. Outdoor Storage<sup>83</sup>**
- Storage of goods on a lot in the open air or within a structure that has no roof. Outdoor storage does not include a wreckage, junk, or salvage yard.
- a.** Standards for this use include:
- i.** Outdoor storage is permitted as an accessory use only. It may not be the primary or only use on a parcel.
  - ii.** Outdoor storage areas must be screened on all sides from public view using an approved screening device as described in Section X.X.
  - iii.** No materials shall be stacked higher than the top of a required screening device.
  - iv.** Wall openings shall not exceed 26 feet in width, and shall have a gate or door that provides an opaque screen.
- v. Prohibited Areas**
- a.** Outdoor storage shall not be located in front of the main building or within any required setback;
  - b.** Outdoor storage shall not be located within any drainage or other type of easement;
  - c.** Outdoor storage shall not be located within any required parking areas, parking spaces, loading areas, fire lanes, vehicular travel aisles, or customer pick-up lanes.
- vi. Size Limitations**
- a.** In commercial and agricultural districts, outdoor storage shall not occupy an area exceeding 25 percent of the gross floor area of the primary use building on the site, or more than ten percent of the lot area, whichever is less.
  - b.** In industrial and airport districts, outdoor storage shall have no size limits.
  - c.** The Director of Planning may approve, as part of a site plan process, an outdoor storage area that exceeds 25 percent of the gross floor area of the primary use building on the site, or more than ten percent of the lot area, if it is determined that the size of the outdoor storage area does not adversely impact the surrounding area. The decision of the Director of Planning may be appealed to the Planning and Zoning Commission.
- 8. Swimming Pool**
- A pool or spa constructed or installed below or above ground, located on private residential property, under the control of the property owner.
- a.** Standards for this use include:
- i.** All swimming pools shall be located behind the front yard setback or front face of the primary building, whichever is greater. In no case shall the pool proper be constructed closer than five feet to any property line of the lot or tract on which it is situated.

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<sup>83</sup> Standards are derived from those in §146-138.

### 2.3.5 Temporary Uses and Structures

#### COMMENTARY

This section consolidates existing and introduces new temporary use and structure standards and includes a range of performance standards designed to make the regulation of such uses clear, efficient, and consistent (e.g., location on site, hours of operation, expiration times for temporary uses, signage, etc.).

#### A. Purpose

The purpose of this section is to describe certain uses and structures which are permitted for a limited duration of time, subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.

#### B. General Standards for All Temporary Uses and Structures<sup>84</sup>

The following standards apply to all temporary uses and structures.

1. Any temporary signs associated with a temporary use or structure shall be removed when the activity ends or when the permit expires, whichever occurs first;
2. A temporary use or structure shall not impede compliance with or violate any use-specific standards or conditions of approval applicable to a principal use on the site;
3. Temporary uses may not be located within a floodplain, nor may they disturb any sensitive or protected resources, or interfere with required site landscaping;
4. At the conclusion of a temporary use or structure, all disturbed areas shall be restored to a condition equivalent to or improved from that which existed prior to the temporary use;
5. Temporary uses or structures shall not impede the normal operations or circulation patterns of the permanent use located on the lot;
6. Temporary uses or structures shall not block handicapped parking areas, parking lot access aisles, designated walkways or sidewalk areas, bicycle lanes or bicycle parking areas, fire lanes, or public rights-of-way;
7. The temporary use may not occupy any vehicle parking spaces that reduces the number of available spaces below the minimum requirement for the primary use.

#### C. Temporary Uses and Structures Definitions and Standards

Temporary uses are time-delimited or episodic land uses established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

##### 1. Batch Plant, Temporary

A temporary facility for the production of concrete or asphalt, where its ingredients or products are ground up, mixed, or otherwise prepared for use on-site or for transportation to another construction site.

##### a. Standards for this use include:

- i. Requests for operation of a temporary batch plant shall be reviewed by the Director of Engineering.

##### 2. Construction Field Office<sup>85</sup>

A mobile trailer or any other temporary structure used by a construction contractor for office/headquarters purposes at the site of and for the duration of the construction of a structure or building project. This use also includes equipment storage, portable lavatories permitted on or

<sup>84</sup> Is a permit required for temporary uses? §146-42.5 seems to indicate that one is, and that it is issued by the Chief Building Official. Can you give us additional detail on how this works, and if every temporary use requires a permit, so we can incorporate that information into the standards?

<sup>85</sup> Formerly "Field Office."

adjacent to the construction site, or on lots or parcels owned or controlled by the owner of the lot or parcel on which the construction is taking place. Standards for this use include:

- a. Standards for this use include:
  - i. Construction field offices may only be approved for licensed contractors working on construction projects for which any required permits have been obtained.
  - ii. No structure may encroach into any public right-of-way.
  - iii. The field office shall be required to comply with adopted Building Code.
- b. The use may only occur up to 14 days before construction activity commences.
  - i. All temporary facilities shall be removed within 30 days after completion of construction.<sup>86</sup>
  - ii. No structure may contain sleeping or cooking facilities.
  - iii. Portable lavatories shall be located on-site and serviced regularly to minimize impacts to adjacent residential uses.
  - iv. Upon failure to comply with these or any other applicable regulations, the Building Official may order the construction activities to be discontinued, until such time as adequate compliance is demonstrated.

### 3. Model Home

A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision that may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than one display facility shall be allowed for any purpose for any subdivision. Such temporary use shall be allowed for one year, with extensions of up to six months possible, upon application and approval, provided construction remains continuous and no more than ten lots remain unsold<sup>87</sup> in the subdivision. In no case shall more than four such extensions be granted.

### 4. Portable Storage Container

Any container, storage unit, pod, or other portable structure used for the storage of personal property of any kind, located for such purposes outside an enclosed building other than an accessory building or shed, complying with all building codes and land use requirements.

- a. Standards for this use include:
  - i. Single family and duplex lots shall be limited to no more than one portable storage container on a lot or parcel at one time.
  - ii. The portable storage container shall be placed only on a paved surface.
  - iii. A portable storage container may be located on a lot or parcel for a period not exceeding five consecutive days, from the time of delivery to the time of removal.
  - iv. A portable storage container shall not be located on the same lot or parcel more than one time in any given 30-calendar-day period. Each day that a portable storage container remains after the removal date shall constitute a violation.
  - v. It is the obligation of the owner or user of the portable storage container to secure it in a manner that assures the safety of persons or property in the vicinity of the container.

### 5. Religious or Philanthropic Uses

Uses of a religious or philanthropic nature by those organizations not normally conducting business-for-profit may be allowed for the period of their actual duration up to a maximum of 30 days, with the exception that two extensions of up to 30 days may be possible, upon application and approval.

<sup>86</sup> The 30-day limit comes from §146-42.1, where the specific wording is: "Such buildings shall be removed within 30 days following final acceptance of the construction by the city." What does "acceptance of construction" mean? Is it issuance of a certificate of occupancy? Do you want to change it to that phrasing, rather than completion of construction?

<sup>87</sup> Is this a typo? It seems you would allow it when more than ten lots remain unsold, rather than fewer than ten?

**6. Seasonal Sales**

A location temporarily used for the sale of goods or products associated with a seasonal or cultural event, such as the sale of Christmas trees, pumpkins, snow cones and shaved ice, firewood, plants, or seasonal produce. This use may also include a temporary farmers' market. Such sales are limited in duration and typically take place in locations not devoted to such sales for the remainder of the year.

**a. Standards for this use include:**

- i.** Temporary use permits issued for seasonal sales shall be valid for a maximum of 30 consecutive days, with the possibility of two extensions, of up to 30 days each, not to exceed 120 days over a 12-month period.
- ii.** No more than three unique temporary use permits shall be issued for a single lot in a calendar year.
- iii.** Temporary tents, structures, or stands used for seasonal sales shall not exceed 150 square feet.
- iv.** Temporary seasonal sales shall not be located within 300 feet of any residential structure.

**7. Warming Station**

A facility in which temporary shelter for the homeless may be provided during periods of inclement or freezing weather.

**a. Standards for this use include:**

- i.** A warming station must be operated by a religious institution or philanthropic organization.
- ii.** Operation is permitted only during inclement weather, when temperatures are forecast to drop below 32 degrees Fahrenheit.
- iii.** Hours of operation are 6:00 pm to 8:00 am.
- iv.** Maximum length of operation is 45 days, with the possibility of one 30-day renewal.
- v.** No more than 40 warming station guests may be in the facility at one time.
- vi.** The operating entity must have the ability to provide security if this is deemed necessary by the Chief of Police.
- vii.** A temporary use permit to operate a warming station must be renewed annually through the Building Inspections Department.
- viii.** Operation may occur for no more than 120 calendar days per year.
- ix.** Bathroom access for clients shall be provided.
- x.** A warming station shall not provide sleeping accommodations.
- xi.** No evidence of the warming station shall be visible from the outside of the structure containing the temporary use.

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# Article 3: Subdivision Regulations

## 3.1 Subdivision Procedures

Included with Installment 1.

## 3.2 Subdivision Standards

To be included with Installment 3.

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# Article 4: Sign Ordinance

To be included with Installment 3.

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# Article 5: Lighting Regulations

To be included with Installment 3.

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# Article 6: Stormwater Management Regulations

To be included with Installment 3.

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# Article 7: Rules of Construction and Definitions

## 7.1 Rules of Construction

To be included with Installment 3.

## 7.2 Definitions

To be included with Installment 3.

# Article 8: MTC -- McKinney Town Center

## COMMENTARY

Following internal staff discussions, the McKinney Town Center is proposed to be carried forward in the new Development Code as its own freestanding article with its own district and subdistrict descriptions, use regulations, and development standards. Since its establishment, the MTC district has been treated independently from the other zoning districts and that approach will continue. Structurally, this will be similar to how the MTC is treated in the current code where it stands as a separate appendix; however, where possible the MTC will be integrated more closely into the new code structure than is done in the current code.

The intent of this new Article will be to carry forward the substance of the current MTC, while updating it where possible to ensure consistency with the rest of the code and to eliminate redundancies. Additional work to flesh out the contents of this article will occur in the drafting of the third installment, the development standards.

## 8.1 Purpose

- A.** The "MTC" -- McKinney Town Center zoning district is intended to implement the Town Center Study Phase 1 Report and associated illustrative vision (known together as the "Town Center Master Plan") adopted by City Council in March 2008. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services.
- B.** This is achieved by promoting an efficient, compact, and walkable development pattern; encouraging pedestrian activity; reducing the reliance on private automobiles; positioning the historic Town Center as a viable transit-oriented development (TOD); promoting a more functional and attractive community through the use of recognized and time-tested principles of urban design; and allowing developers flexibility in land use and site design. A high level of attention to site and building design is required to promote an attractive and functional Town Center as envisioned in the Master Plan.
- C.** While revitalization of the historic Town Center area is a high priority, it must be accomplished in a manner that preserves and perpetuates the history and heritage of this community. It is the City's goal to enhance the significance of the City's authentic core to residents, tourists and visitors and serve as a support and stimulus to business and industry.
- D.** The McKinney Town Center zoning district is created to support economic development, sustainable tax base, and job creation/retention by: (a) providing a streamlined and simplified zoning process, (b) establishing adjacency predictability in the built environment, (c) offering flexibility to address changing market conditions, (d) reducing risk to private investment/development, (e) synchronizing private investment/development with public capital investment policies, and (f) calibrating zoning regulations with the existing physical context and character of the downtown core area of McKinney.

## 8.2 Components

### 8.2.1 Zoning District

The "MTC" -- McKinney Town Center zoning district shall apply to the geographical boundaries as established in the McKinney Town Center Regulating Plan.

### 8.2.2 Regulating Plan

The Regulating Plan shall be the official Zoning Map for the McKinney Town Center. It shall establish the development standards for all properties within the McKinney Town Center including:

**A. Character Districts**

The McKinney Town Center is further distinguished by “Character Districts.” A Character District is intended to preserve and/or create an urban form that is distinct from other Character Districts. Each Character District shall establish use and building standards including but not limited to building placement, height, parking, service access, and other functional design standards for all properties within that Character District. The Regulating Plan classifies all properties within the Town Center into one of seven Character Districts (Historic Core; Downtown Core; Downtown Edge; Transit Village Core; Transit Village Edge; Cotton Mill Core; and Cotton Mill Edge). The different Character Districts are based on historic and regional architectural traditions and development intended to create a built environment that is consistent with the adopted Town Center Master Plan.

**B. Street Designations**

The Regulating Plan shall identify existing streets within the McKinney Town Center as Pedestrian Priority “A” Streets, Pedestrian Priority “B” Streets, or Service Streets. In addition, it shall identify the location and the level of pedestrian priority for recommended new streets as well as the location of streets recommended for vacation.

**C. Special Requirement**

The Regulating Plan shall identify the location of Required Commercial Frontage.

**D. Other**

The Regulating Plan shall identify existing civic building sites and existing civic/open spaces and shall recommend the location of future civic building sites, civic/open spaces, passenger rail station/platform, and vista termini within the McKinney Town Center.

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**8.2.3 McKinney Town Center Zoning District Text**


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The McKinney Town Center zoning district text (i.e., this article) shall enumerate the use and development standards with text and graphics including but not limited to Definitions, Administration, Permitted Uses, Building Form and Site Development Standards, Building Design Standards, and Open Space Standards relating to the regulation of private development within the McKinney Town Center.

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**8.2.4 Zoning Regulations of General Application**


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The zoning regulations of general application, which apply across zoning districts, within the City of McKinney Zoning Regulations (Chapter 146), as amended, shall not apply to the “MTC” -- McKinney Town Center Zoning District except as specifically referenced herein or unless the subject matter of any such zoning regulation of general application is not specifically addressed in this document and such zoning regulation is not otherwise in conflict with the spirit and intent of the “MTC” -- McKinney Town Center Zoning District’s regulations.

## 8.3 Regulating Plan

The Regulating Plan is hereby adopted as the official Zoning Map for the McKinney Town Center zoning district. The development standards in the McKinney Town Center zoning district shall apply mandatorily to all properties within the geographical boundaries of the McKinney Town Center Regulating Plan (see Appendix G-1 of the City of McKinney Zoning Regulations (Chapter 146).

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**8.3.1 Character Districts Established**


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The following Character Districts are established, and the boundaries of the specific Character Districts are established in the Regulating Plan. Per the standards for minor modifications in §8.5, the McKinney Town Center Development Coordinator shall have the authority to make minor adjustments to internal boundaries of the Character Districts as established in the Regulating Plan.

**A. Historic Core**

The Historic Core District is intended to preserve and enhance the existing National Register Commercial Historic District in and around the Historic Square. Development standards in this district require new buildings and additions to existing buildings to be consistent with the historic form and architectural traditions of the area.

**B. Downtown Core**

The Downtown Core District is intended to encourage compatible infill and redevelopment of the area immediately surrounding the Historic Core. Development standards in this district emphasize a pedestrian orientation and street walls along Virginia, Louisiana, Hunt, Lamar, Davis, Anthony, Church, Kentucky, Tennessee, Chestnut, and McDonald Streets.

**C. Downtown Edge**

The Downtown Edge District is intended to provide for a range of relatively smaller scale commercial (retail, office, and live-work) and residential transitions between the Downtown Core and the adjacent neighborhoods to the north, south, and west. Development standards emphasize keeping a smaller scale for residential uses and limiting non-residential building forms to be compatible with the adjacent residential neighborhoods.

**D. Transit Village Core**

The Transit Village Core District is intended to provide the highest intensity of residential and commercial infill and redevelopment around the future passenger rail transit station. Development standards emphasize pedestrian frontages along Virginia, Louisiana, and McDonald Streets.

**E. Transit Village Edge**

The Transit Village Edge District is intended to provide for a range of commercial (retail, office, cottage industrial and live-work) uses and sensitive building scale transitions between the Transit Village Core and the adjacent residential neighborhoods. Development standards emphasize transitioning the area from existing heavier industrial uses to buildings, uses, forms, and/or scales that are more compatible with adjacent residential neighborhoods and are more complementary to the Transit Village Core.

**F. Cotton Mill Core**

The Cotton Mill Core District is intended to provide for adaptive reuse/redevelopment of the historic Cotton Mill building complex as well as for development of compatible new buildings with a flexible range of commercial, institutional, or residential uses based on specific market conditions. The mix of uses and development standards are based on the McKinney Economic Development Alliance's (MEDA) 2010-11 economic development study specifically identifying the Cotton Mill area as an opportunity for a technology business development center (i.e., "Entrepreneurial Village") to foster a unique, inspiring, and collaborative built environment that incubates emerging entrepreneurs and technologists.

**G. Cotton Mill Edge**

The Cotton Mill Edge District is intended to provide for a range of commercial (retail, office, cottage industrial and live-work) uses and sensitive building scale transitions between the Cotton Mill Core and the adjacent residential neighborhoods. Development standards emphasize buildings, uses, forms, and/or scales that are more compatible with adjacent residential neighborhoods and are more complementary to the Cotton Mill Core.

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### 8.3.2 Street Designations Established

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The Regulating Plan establishes the following Street Designations for existing streets.

**A. Pedestrian Priority "A" Streets**

Pedestrian Priority "A" Streets are intended to be the primary pedestrian streets, and building frontages along Pedestrian Priority "A" Streets shall be held to the highest standard of pedestrian-oriented design.



Any requirement for Pedestrian Priority "A" Streets fronting on Recommended Civic/Open Space shall be dependent on the actual location of the Civic/Open Space recommended.

**B. Pedestrian Priority "B" Streets**

Pedestrian Priority "B" Streets are intended to balance pedestrian orientation with automobile orientation. Building frontages along Pedestrian Priority "B" Streets may be permitted to accommodate some service and auto-related functions.

**C. Service Streets**

Service Streets are intended to provide service and auto-related functions such as loading/unloading and trash pick-up. Building frontages and lot frontages along Service Streets may be designed based on utility and functionality over pedestrian orientation. Service Streets may include existing or future alleys.

**D. Street Vacations**

The Street Vacation designation indicates the location of streets recommended for vacation by the City of McKinney and for reclamation by private development.

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### 8.3.3 Street Designations Recommended

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The Regulating Plan indicates the location and the level of pedestrian priority for recommended new streets intended to implement the Town Center Master Plan.

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### 8.3.4 Special Requirement

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The Regulating Plan indicates the location of Required Commercial Frontage along all streets fronting on the Historic Square. Ground floors of all buildings with this requirement shall not be occupied by residential units and/or lodging rooms in hotels to a minimum depth of 25 feet as measured from the front building facade line.

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### 8.3.5 Other Standards

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**A. Existing Civic Building Sites**

The Existing Civic Building Sites designation indicates the location of existing civic buildings (public and community buildings).

**B. Existing Civic/Open Space**

The Existing Civic/Open Space designation indicates the location of existing civic/open spaces (including parks, plazas, greens, and squares).

**C. Recommended Civic Building Sites**

The Recommended Civic Building Sites designation indicates the recommended location of future civic buildings (public and community buildings) intended to implement the Town Center Master Plan.

**D. Recommended Civic/Open Space**

The Recommended Civic/Open Space designation indicates the recommended location of future civic/open spaces (including parks, plazas, greens, and squares) intended to implement the Town Center Master Plan. Any requirement for Pedestrian Priority "A" Streets fronting on Recommended Civic/Open Space shall be dependent on the actual location of the Civic/Open Space recommended.

**E. Recommended Passenger Rail Station/Platform**

The Recommended Passenger Rail Station/Platform designation indicates the recommended location of the future passenger rail station/platform intended to implement the Town Center Master Plan.

**F. Recommended Vista Terminus**

The Recommended Vista Terminus designation indicates the recommended location of vista termini at the end of key streets or view corridors intended to implement the Town Center Master Plan. Special attention should be given to the design of new buildings and sites to take advantage of these vista termini.

## **8.4 Administration**

[RESERVED; will include section 5 of current MTC appendix.]

## **8.5 Schedule of Permitted Uses**

[RESERVED; will include section 6 of current MTC appendix.]

## **8.6 Building Form and Development Standards**

[RESERVED; will include section 7 of current MTC appendix.]

## **8.7 Building Design Standards**

[RESERVED; will include section 8 of current MTC appendix.]

## **8.8 Open Space Standards**

[RESERVED; will include section 9 of current MTC appendix.]