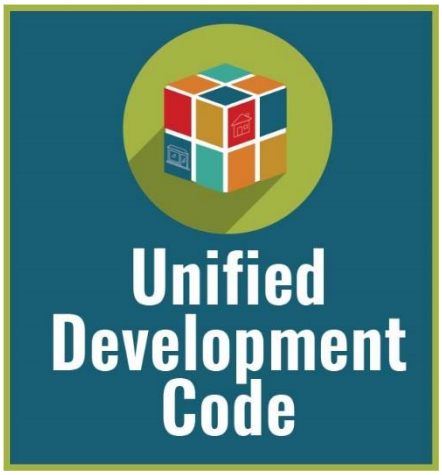



**Adopted**

November 15, 2022

McKINNEY
TEXAS
Unique by nature.

## Record of Amendments

| Edition Number | Description | Approval Date |
|---|---|---|
| 1. | Adoption of Unified Development Code | 11/15/2022 |
| 2. | Amendment to Articles 3, 4, 5, 6, and 7 (Ord. 2023-09-062) | 09/19/2023 |
| 3. | Amendment to Articles 1, 2, and 8, plus new Article 4 and associated Article renumbering (Ord. 2023-09-063) | 09/19/2023 |
| 4. | Amendment to Article 4 – Tree Preservation (Ord. 2023-09-064) | 09/19/2023 |
| 5. | Amendment to Article 3 – Subdivision Regulations (Ord. 2023-10-066) | 10/17/2023 |
| 6. | Amendment to Article 5 – Sign Regulations (Ord. 2024-04-022) | 04/16/2024 |
| 7. | Amendment to Article 2 – Zoning Regulations (Ord. 2024-06-039) | 06/04/2024 |
| 8. | Amendment to Articles 1, 2, and 9 (Ord. 2024-11-099) | 11/19/2024 |
| 9. | Amendment to Article 3 (Ord. 2024-11-100) | 11/19/2024 |
| 10. | Amendment to Article 2 (Ord. 2025-03-023) | 03/31/2025 |
| 11. | Amendment to Article 2 (Ord. 2025-05-036) | 05/06/2025 |
| 12. | Amendment to Article 2 (Ord. 2025-05-045) | 05/20/2025 |

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# Article 1: General Provisions

## 101 Title

This chapter may be cited and referred to as the "Unified Development Code of the City of McKinney, Texas," the "McKinney UDC," or "this Code." This Code includes articles governing multiple development topics including but not limited to zoning, subdivisions, stormwater, and signage.

## 102 Purpose

This Code consolidates development-related regulations, including zoning, subdivision, signage, fencing, and stormwater standards, for property within corporate limits of the City of McKinney and, to the extent allowed by law, its extraterritorial jurisdiction (ETJ). This Code is intended to align development in McKinney with the vision outlined within the Comprehensive Plan, along with any other applicable goals, policies, regulations, and standards adopted by the City. This Code's purpose is to ensure that developments are compatible; they can be served by existing and planned infrastructure; and they support the health, safety, and welfare of the residents of McKinney.

## 103 Applicability

Unless otherwise stated or permitted by law, this Code applies to all land, buildings, structures, site features, and uses located within the City and, if applicable, its ETJ. Unless otherwise stated in this Code, whenever provisions in this Code conflict with provisions in other city regulations or with other provisions within this Code, the provision that is more restrictive or particular shall govern over the provision that is less restrictive or general. No land shall be used or divided, and no structure shall be constructed, occupied, enlarged, altered, or moved until:

1. All applicable development review and approval processes have been followed in accordance with this Code;
2. All applicable approvals have been obtained; and
3. All required permits or authorizations to proceed have been issued.

## 104 Compliance Required

The requirements in this Code shall be considered the minimum information the applicant must submit for a review procedure to begin. The applicant may need to submit additional information to demonstrate satisfaction of the applicable review criteria.

## 105 Relationship to Private Covenants and Conditions

This Code is not intended to interfere with, revoke, or repeal any easement, covenant, or other agreement between private parties. However, where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant, or agreement, then the regulations of this Code shall govern. Nothing in this Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Code. In no case shall the City be obligated to monitor or enforce the provision of any easement, covenant, or agreement between private parties.

# 106 Transition from Previous Ordinances

## A. Continuity

The provisions of this Code, insofar as they are substantially the same as previously existing provisions of the McKinney Code relating to the same subject matter, shall be construed as restatements and continuations thereof and not new enactments. Any actions, proceedings, or permits commenced or issued pursuant to any previously existing ordinance and subject to Texas Local Government Code Chapter 245 shall not be affected by the enactment of this Code.

## B. Specific Use Permits

Specific Use Permits approved prior to adoption of this Code shall remain in effect pursuant to the provisions of 203C.3, *Specific Use Permit*. In cases where an SUP has previously been approved but is no longer required based on Table 2-26: Table of Uses, a request to void said previous SUP may be approved by the City Council following notice and a Public Hearing as required by law.

## C. Violations Continue

Any violation of the previous ordinances and regulations will continue to be a violation under this Code and will be subject to penalties and enforcement under this Code, unless the use, development, construction, or other activity complies with the provisions of this Code. The enactment of this Code shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of a previously existing ordinance occurring before the effective date of this Code.

# 107 Severability

**A.** It is expressly declared that this Code and each section, subsection, sentence, and phrase would have been adopted regardless of whether one or more other portions of the Code is declared invalid or unconstitutional.

**B.** A determination by a court of competent jurisdiction that any section, subsection, sentence, or phrase of this Code is unconstitutional or invalid for any reason does not make the remainder of the Code unconstitutional or invalid. A determination by a court of competent jurisdiction that the application of this Code to a particular structure or parcel of land is unconstitutional or invalid does not affect the application of that provision to any other building, structure, or use not specifically included in that judgment. A determination by a court of competent jurisdiction that a condition attached to the approval of an application for development is unconstitutional or invalid does not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

# 108 Maintenance, Enforcement, and Penalties

## A. Authority

**1.** The appropriate Administrative Official shall have the right, subject to their compliance with applicable state and federal law, to enter upon any premises at any reasonable time for the purpose of enforcement of this Code.

**2.** Whenever any construction work is being performed contrary to the provisions of this Code, the appropriate Administrative Official may order the work stopped by notice in writing served on the owner or contractor performing or causing such work to be performed, and any such persons shall stop such work until authorized by the appropriate Administrative Official to proceed with the work.

**3.** Whenever the Chief Building Official or Director of Code Services has reasonable cause to believe that there exists any condition or violation which makes a structure or premises unsafe, dangerous, or hazardous, the Administrative Official, as authorized by law, may, subject to their compliance with applicable state and federal law, request entry into such structure or premises to inspect the same or to perform any duty imposed upon the Administrative Official by this Code. If the structure or premises is occupied, the Official shall first present proper credentials and request entry. If the structure or premises is unoccupied, they shall first make a reasonable effort to request entry from the owner or other persons in control of the structure or premises. If such entry is refused or permission to enter cannot be obtained, the Official shall have recourse to every remedy provided by law to obtain entry.

## B. Maintenance

### 1. Generally

**a.** All applications, agreements, developments, properties, lots, buildings, structures, accessory structures, fences, site features, or other items required herein shall comply with applicable provisions of this Code.

**b.** The property owner shall be responsible for maintaining all buildings, structures, accessory structures, and site features in good repair and in a structurally sound condition in compliance with this Code.

**c.** The property owner shall be responsible for all repairs and for correction of use violations. Failure to maintain or restore buildings, structures, or site features in compliance with this Code is considered a violation and may be subject to penalties under §108D, *Violations and Penalties.*

**d.** Those properties with a legal nonconforming status shall be maintained in compliance with §201C, *Legal Nonconformities.*

### 2. Landscaping Maintenance

**a.** The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, both living and non-living. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to:

**I.** Mowing (of grass of 12 inches or higher);

**II.** Edging;

**III.** Pruning;

**IV.** Watering;

**V.** Weeding;

**VI.** Tree Maintenance;

**VII.** Removal of any trash or debris; and

**VIII.** Other such activities common to the maintenance of landscaping.

**b.** Responsibility for landscape maintenance in common open areas shall be assigned to the homeowners' association (HOA) or the property owners' association (POA) via a note on the plat.

**c.** The maintenance of landscaping, both living and non-living, adjacent to the public roadway, including a street's parkways and alleys, shall be the responsibility of the owner of the adjacent property or the HOA or POA.

**d.** Living and non-living landscaping, including trees, shall not obstruct any right-of-way or sight visibility areas, including sidewalks, streets, fire lanes, or drive aisles. All landscaping shall be maintained in accordance with Section 70-56 Weeds, brush, and other objectionable or unsightly matter, etc. Low ground cover shall be maintained not to obstruct visibility based on topography and a sight visibility analysis, as defined by the Engineering Design Manual.

**e.** Landscape areas shall be kept free of trash, debris, weeds, and other such material or plants not a part of the landscaping.

**f.** All plant material shall be maintained in a healthy and growing condition as appropriate for the season of the year.

**g.** Plant materials used to meet minimum required landscaping provisions that die or are removed for any reason shall be replaced with plant material of similar variety and size, within 90 days of issuance of a citation from the City.

**I.** Trees with a trunk less than four inches in caliper at six inches above the ground shall be replaced with a four-inch caliper tree of a similar variety.

**II.** Trees with a trunk greater than four inches in caliper measured 12 inches above the ground shall be replaced with a six-inch caliper tree of a similar variety.

**III.** If any tree that was preserved and used as a credit toward landscaping requirements in accordance with Table 2-29: *Tree Preservation Credits* is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of four inches in caliper measured six inches above the ground.

**IV.** A time extension may be granted by the Director of Code Services if substantial evidence is presented to indicate abnormal circumstances, such as persistent drought, beyond the control of the owner, tenant, or his agent.

### 3. Parking and Drive Aisle Maintenance

**a.** The property owner shall be responsible for adequately maintaining all paving to the edge of street pavement in a continuous, undamaged condition. Pavement striping, including on driveway approaches, shall be maintained by the property owner in a condition sufficient to ensure proper visibility and function. The property owner shall also be responsible for the correction of use violations.

**b.** All on-site parking areas shall be kept free of trash, debris, weeds, vehicle repair operations, display, and advertising uses. Any Donation Containers, as described in Section 205I.2, shall be maintained in accordance with the regulations of this Code.

### 4. Signs Maintenance

**a.** Any property owner or permit holder for a sign shall maintain all parts and supports of the sign in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions.

**b.** The Building Inspection Department shall inspect annually, or at such other times as deemed necessary, each sign regulated by Article 5: *Signs*, for the purpose of determining whether the sign is secure and whether it is in need of removal or repair.

## C. Enforcement

**1.** The City may utilize any enforcement remedies available in compliance with state law in order to gain compliance with the standards of this Code. Remedies include, but are not limited to, ordering repair, removal, replacement, alteration, fees/fines, or discontinuance of those features or uses found to be out of compliance with this Code.

**2.** Additional enforcement regulations are provided in Article 8: Stormwater Management.

## D. Violations and Penalties

### 1. General Violations

Any person, firm, or corporation who violates any provision of this Code or fails to comply with any of the requirements thereof, or who shall build or alter any building, land, or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine in accordance with Section 1-18 of the McKinney Code, which may be amended from time to time by ordinance. The owner or owners or tenant of any building or premises or part thereof, where anything in violation of this Code shall be placed or shall exist, and any architect, engineer, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense punishable under this section. Additional procedures for violations and penalties may be imposed as outlined in specific sections of this Code and below.

### 2. Reserved

### 3. Certificates of Appropriateness

**a.** In the Commercial Area of the historic overlay district. Any person, firm, or corporation who shall violate any of the provisions of sections §204Z *H – Historic Overlay* or §203E.6 *Certificate of Appropriateness* or who shall fail to comply with the provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed the maximum permissible fine allowed by state law; and each day that such violation continues shall constitute a separate offence and shall be punishable accordingly**.**

**b.** In the residential area of the historic overlay district. Any person, firm, or corporation who shall violate any of the provisions sections §204Z *H – Historic Overlay* or §203E.6 *Certificate of Appropriateness* or who shall fail to comply with the provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed $200.00; and each day that such violation continues shall constitute a separate offence and shall be punishable accordingly**.**

**c.** 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 thereof.

### 4. Signs

**a.** Any person, firm, corporation, association, or other entity who violates any of the provisions of Article 5: *Signs*, or causes or permits the same to be done in violation of this section shall be guilty of a class C misdemeanor and, upon conviction, shall be subject to a fine not to exceed the maximum permissible fine allowed by state law. It shall be presumed that a person, firm, corporation, association, or other entity is responsible for the violation if the person, firm, corporation, association, or other entity is:

**I.** The permit holder for the sign, or

**II.** The owner, operator, agent or manager of an entity or business that, or person who, is promoted by the sign or listed on the sign as responsible for the sign.

**b.** This presumption may be rebutted if the named violator provides the full name, date of birth (person) or date of formation (entity), physical and mailing address, and telephone number or numbers for the person, firm, corporation, association, or other entity responsible for the violation.

# 109 Filing Fees and Charges

Fees and charges shall be paid in accordance with Appendix A – Schedule of Fees of the Code of Ordinances, which may be amended from time to time by ordinance.

**1.** Fees and charges shall be paid to the City when any application, petition, or appeal is submitted to the City.

**2.** Fees and charges shall be paid regardless of the action taken by a Commission, Council, Board, or official of the City, and whether the application, petition, or appeal is approved or denied by the final decision maker.

Such fees and charges shall not, however, be charged or paid for any amendment, change, or other action initiated by the City.

# 110 Administrative Authority

## A. Executive Director of Development Services

**1.** The provisions of this Code shall be administered by the Executive Director of Development Services, unless otherwise stated herein.

## B. Boards and Commissions

### 1. Board of Adjustment

A Board of Adjustment is hereby established in accordance with the provisions of TLGC §211.008 et seq. and shall have the authority and responsibilities outlined in this Code and as prescribed by state law and the City Charter. The Board of Adjustment may also serve as the Sign Board.

#### a. Powers and Duties of Board

**I. Appeals of Administrative Decisions**

Appeals of an Administrative Official's zoning decision may be heard by the Board of Adjustment. These appeals may be made by any person aggrieved by the Administrative Official's decision, or by any officer, department, board, or bureau of the City affected by the decision.

**II. Reinstate a Legal Nonconforming Use**

The Board of Adjustment may reinstate the legal nonconforming status of a use that had been determined to be abandoned, if the Board finds that evidence presented by the property owner is sufficient to demonstrate the lack of abandonment or lack of intent to abandon the use.

**III. Subpoena Witnesses**

The presiding officer or acting presiding officer shall have the power to compel the attendance of witnesses, administer oaths, and may require the production of documents, under this Code and such rules as the board may establish.

**IV. Appeals Based on Error**

The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an Administrative Official in the enforcement of this Code.

**V. Special Exceptions**

The Board shall have the power to hear and decide Special Exceptions in accordance with §203G.2, *Special Exception*.

**VI. Variances**

The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Code in accordance with §203G.3, *Variance*.

**VII. Changes**

The Board shall have no authority to change any provisions of this Code. The Board may not change the zoning district designation of any land either to a more restrictive or less restrictive zoning district and may not approve or authorize a specific use permit or any use in a zoning district where such use is not otherwise allowed.

**VIII. Amortization of Nonconforming Land Uses**

The Board shall have the authority to establish a compliance date for nonconforming uses at the request of the City Council in accordance with §201C.8, *Amortization of Legal Nonconforming Uses*.

### 2. City Council

The City Council shall have the authority and responsibilities outlined in this Code and as prescribed by state law and the City Charter.

### 3. Historic Preservation Advisory Board

A Historic Preservation Advisory Board (HPAB) is hereby established.

**a. Membership**

The Board shall consist of seven members appointed by the City Council and may be comprised of any citizen of the City interested in historic preservation. To the extent possible, the members should be appointed in the following areas of expertise: architect, city planner, or representative of a design profession; historian; licensed real estate broker; attorney; or property owner of a landmark or of a building in a historic district. All board members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge of historic preservation within the City. Board members shall serve for staggered terms of two years and at the will and pleasure of the City Council. The chairman and vice chairman of the Board shall be elected by and from the members of the Board and shall serve for a term of one year.

**b. Powers and Duties of Board**

The Board shall have the power to:

**I.** Adopt rules and procedures as necessary to provide for the orderly conduct of Board meetings;

**II.** Recommend criteria for the identification of historic, architectural, and cultural landmarks;

**III.** Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and historic districts within the City;

**IV.** Maintain written minutes, which record all recommendations and actions taken by the Board and the reasons for taking such actions;

**V.** Recommend conferral of recognition upon the owners of landmarks or within districts by means of certificates, plaques, or markers;

**VI.** Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the Historic Preservation Officer;

**VII.** Make recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the City;

**VIII.** Recommend the acquisition of landmark structures by the City where the preservation of such structures is essential, but private preservation is not feasible;

**IX.** Recommend specific design guidelines for the review of landmarks and districts to ensure compatibility within the district;

**X.** Approve or disapprove applications for a historic marker under the historic neighborhood improvement zone program. An application denied under this subsection may be appealed to the City Council; and

**XI.** Approve or disapprove Certificate of Appropriateness, as defined in §203E.6, applications forwarded by the Director of Planning, plus any appeals for Certificate of Appropriateness decisions made by the Director of Planning.

**c. Meetings and Quorums**

**I.** The Board shall meet monthly when business is at hand. Special meetings may be called at any time as requested by the HPO. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

**II.** A quorum for the transaction of business shall consist of four of the Board's members.

## 4. Planning and Zoning Commission

The Planning and Zoning Commission shall have the authority and responsibilities outlined in this Code and as prescribed by state law and the City Charter. The Planning and Zoning Commission may also serve as the Tree Board.

## 5. Sign Board

The board, appointed by the City Council, that is charged with considering and acting on meritorious exception requests, variances, appeals, and other similar requests related to signage. Typically, the Board of Adjustment serves as the Sign Board.

### 6. Tree Board

A Tree Board is hereby established to review and make recommendations to the City Council regarding amendments to the City's Reforestation Plan. The Planning and Zoning Commission shall constitute the Tree Board unless the City Council appoints a separate board. Any appeals of Tree Board decisions shall be processed in accordance with §203F.2, *Certain Appeals to City Council.*

# Article 2: Zoning Regulations

## 201 Administration

### A. Authority and Jurisdiction

1. This Article is enacted pursuant to the powers granted and limitations imposed by the laws of the State of Texas, including the statutory authority granted in Texas Local Government Code Chapter 211, and all other relevant laws of the State of Texas. Whenever any provision of this Code refers to or cites a section of the Texas Revised Statutes and that section is later amended or superseded, this Code shall be deemed amended to refer to the current version of the Texas Revised Statutes.
2. The Director of Planning shall be responsible for interpreting and administering this Article.
3. The Director may waive or adjust any of the submittal requirements prior to formal application submittal if such requirements are unnecessary to demonstrate satisfaction of the applicable review criteria.
4. The Director of Planning shall have the authority to appoint a qualified staff person to serve as the Historic Preservation Officer (HPO), who meets the minimum qualifications as delineated in the Secretary of the Interior's Professional Qualification Standards.

### B. Applicability

This Article shall govern any and all buildings, structures, site features, and land located within the corporate limits of the City and shall further apply to any and all legal annexations of land or additions made to the City subsequent to the adoption of this Code. This Article is not intended to abrogate or annul any permits issued before the effective date of the ordinance from which this section is derived; or any easement, covenant, or other private agreement provided that the permit, easement, covenant, or agreement was valid and not lapsed or expired.

### C. Legal Nonconformities

#### 1. Purpose

a. This section governs uses, buildings, structures, lots, and site features that came into existence legally prior to the effective date of this Code or the effective date of any future amendments to this Code and remained in continuous use from at the time of their inception but do not now comply with or conform to one or more requirements of this Code or due to an amendment to this Code. All such situations are collectively referred to in this Code as "legal nonconformities."

b. Any legal nonconforming use, structure, lot, or site feature that becomes legal nonconforming as a result of any subsequent rezoning or amendment to the text of this Code may be continued or maintained only in accordance with the terms of this Article.

#### 2. Legal Nonconforming Status

A legal nonconforming status shall exist under the following provisions of this Code:

a. When a use, lot, building, structure, or site feature does not conform to the current regulations of this Code, but was legally established at a prior date when the use, lot, building, structure, or site feature was in conformance with applicable regulations and such use, lot, building, structure, or site feature has been in continuous use or operation since its establishment.

b. When a use, lot, building, structure, or site feature does not conform to the current regulations of this Code, but was legally established prior to and in existence at the time of annexation to the City and has been in continuous use, existence, or operation without interruption since being annexed. Any legal nonconforming use, lot, building, structure, or site feature may be registered with the City at the time of annexation.

**c.** One or more changes in ownership, tenant, or management for a property with an existing legal nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this section.

**d.** If a nonconforming use, lot, building, structure, or site feature exists but does not comply with the provisions of this section, said nonconformity shall be deemed to be in violation of this Code.

### 3. Burden to Establish Proof of Legal Nonconformity

The burden of proof for establishing the existence of a legal nonconformity shall be the sole responsibility of the property owner. The Director of Planning shall have the authority to determine whether a use, building, structure, lot, or site feature is legal nonconforming.

### 4. Continuing Legal Nonconformity

**a. Uses**

**I.** Legal nonconforming uses may continue to operate indefinitely, unless the legal nonconforming use is discontinued as described in §201C.6, *Discontinuance of a Legal Nonconforming Use*.

**II.** A nonconforming use may not be replaced by or changed to another nonconforming use.

**III.** Legal nonconforming uses shall not be modified in any way that increases the degree of nonconformity, unless otherwise stated herein.

**b. Buildings or Structures**

**I.** Legal nonconforming structures may continue to be used, occupied, or otherwise exist, subject to the Board of Adjustment's power of amortization.

**II.** A legal nonconforming building may be occupied by a conforming use and may be maintained and repaired in accordance with this code as needed to preserve or extend its usability.

**III.** Legal nonconforming buildings or structures shall not be modified in any way that increases the degree of nonconformity, unless otherwise stated herein.

**c. Lots**

**I.** A lot created by a subdivision plat that was made nonconforming by the enactment of this Code may be used for construction of a building or structure allowed in the applicable zoning district, provided all other zoning district and dimensional standards are met with exception of lot size.

**II.** Any legal nonconforming lot or tract of land may be platted or replatted so long as the existing legal nonconformities of the lot or tract of land are not exacerbated by the plat or replat, and the size of the legal nonconforming lot or tract of land is not reduced. Required right-of-way dedications reducing a lot's area shall not be deemed an exacerbation of a nonconforming lot area.

**III.** Legal nonconforming lots may continue to be used, occupied, or otherwise exist subject to the Board of Adjustment's power of amortization.

**IV.** Legal conforming lots or tracts of land containing legal nonconforming buildings or structures may be platted or replatted so long as the legal nonconformities of the building or structure are not exacerbated by the plat or replat, and the size of the legal nonconforming lot or tract of land is not reduced.

**d. Site Features**

**I.** Legal nonconforming site features may be maintained indefinitely, unless proposed changes to the site require modification per an applicable development standard.

**II.** Site features shall not be modified in any way that increases the degree of nonconformity.

**e. Certain Uses and Lots in Existence Prior to 2019**

This subsection shall apply only to certain uses and lots in existence prior to May 7, 2019.

**I.** Single-family residential dwellings located within a non-residential district may be improved, expanded, maintained, or rebuilt as they existed when originally constructed.

**II.** Single-family residential dwellings may be constructed on any platted vacant lot(s) located within a non-residential district provided such vacant lot was originally platted and specifically identified solely for single-family residential dwellings.

## 5. Expansion or Relocation of Nonconforming Uses, Buildings, or Structures

**a.** A legal nonconforming use within a building or structure shall not be expanded or increased, except as follows:

**I.** A nonconforming use within a building may be expanded throughout the existing building, provided that:

a. No alterations to the building are required by ordinance to accommodate the expansion of the legal nonconforming use; and

b. The number of dwelling units in a building is not increased.

**II.** A nonconforming structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new legal nonconformity nor shall increase the degree of the existing legal nonconformity of all or any part of the structure. An alteration for a non-air-conditioned space (e.g., patio, porch, roof terrace, balcony, arcade) may be allowed subject to approval by the appropriate Administrative Official.

**III.** Any expansion of a nonconforming non-residential building or structure shall meet the required development standards of this Code at the time of the expansion.

**b.** Legal nonconforming buildings or structures may be relocated within the same lot so long as the footprint of any existing legal nonconformity is not increased, expanded, or exacerbated except as follows:

**I.** The minimum single-family residential lot width, depth, and/or area for the various zoning districts shall be in accordance with the respective district's standards, except that a lot having less width, depth, and/or area than herein required, which was created as a lot of record prior to the adoption of this Code, may continue to be used for a single-family residential use.

## 6. Discontinuance of a Legal Nonconforming Use

**a.** If a legal nonconforming use is discontinued or ceases to operate for any reason for a period of more than 12 consecutive months, the use shall be deemed to be abandoned. Once abandoned, the legal nonconforming status shall be lost and the right to operate the nonconforming use shall cease. Reestablishment of the legal nonconforming use shall be prohibited, unless reestablishment is approved by the Board of Adjustment through a Special Exception, as described in §203G.2, *Special Exception.*

**b.** If a nonconforming use operates out of a non-permanent structure, and that structure is removed from the property on which the use has been operating, the use shall be deemed permanently abandoned.

**c.** The Board of Adjustment shall have the authority to reinstate the legal nonconforming status of a use by approving a Special Exception, as described in §203G.2, if the Board finds there was clear intent not to abandon the use even though the use was discontinued for more than 12 consecutive months, or if extraordinary circumstances caused the discontinuance. The failure of the owner and/or operator to remove on-premises signs related to the legal nonconforming use shall not be sufficient, as the sole evidence presented by the applicant, to establish a clear intent not to discontinue or abandon the use.

## 7. Destruction of Building, Structure, or Site Feature by Fire, the Elements, or Other Cause

Nonconforming buildings, structures, or site features shall not be rebuilt, unless they adhere to all applicable provisions of this Code. Nonconforming buildings or structures shall lose their legal nonconforming status if they are restored or reconstructed in violation of this subsection, except as specifically provided otherwise below.

### a. Partial Destruction

**I.** In the event of partial destruction of a legal nonconforming building, structure, or site feature not exceeding 50 percent of the total market value for the building as determined by the Collin Central Appraisal District, reconstruction will be permitted to restore the legal nonconforming building,

structure, or site feature to its previously existing condition. If the Collin Central Appraisal District does not offer an market value for the building, structure, or site feature, a contractor's estimate to fully reconstruct the building, structure, or site feature shall be used.

**II.** The legal nonconforming building or structure may only be restored or reconstructed to have the same, but not greater, height, shape, floor area, and appearance as it had immediately prior to the damage or destruction. The Chief Building Official shall estimate the height, shape, floor area, and appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination.

**III.** The property owner may appeal the determination of the Chief Building Official to the Board of Adjustment, as described in §203F.1, *Administrative Appeal*. The property owner shall be responsible for providing proof in support of their contention about the size or extent of the structure.

**b. Total Destruction**

**I.** If a legal nonconforming building, structure, or site feature is totally destroyed by fire, the elements, or other cause, it may not be rebuilt unless it adheres to all currently applicable regulations. For the purposes of this section, "total destruction" shall mean destruction of 50 percent or more of the structure's total market value as determined by the Collin Central Appraisal District. If the Collin Central Appraisal District does not offer an market value for the building, structure, or site feature, a contractor's estimate to fully reconstruct the building, structure, or site feature shall be used.

**II.** Exceptions

a. Multi-family residential developments with multiple legal nonconforming multi-family residential building(s) or structure(s) that have been totally destroyed may be restored or reconstructed to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction, as long as the damage to the building(s) or structure(s) represents less than 50 percent of the market value of the overall development, as determined by the Collin Central Appraisal District. If the Collin Central Appraisal District does not offer an market value for the building, structure, or site feature, a contractor's estimate to fully reconstruct the building, structure, or site feature shall be used.

b. A legal nonconforming single-family residential building that is destroyed by more than 50 percent of its market value, as determined by the Collin Central Appraisal District, may be reconstructed and shall not lose its legal nonconforming status, except it must comply with all currently applicable building codes.

## 8. Amortization of Legal Nonconforming Uses

**a. Request to Establish Compliance Date**

**I.** The City Council may request that the Board of Adjustment consider establishing a compliance date for a legal nonconforming use. Upon receiving such a request, the Board shall upon providing proper notice hold a public hearing to determine whether the continued operation of the legal nonconforming use will have an adverse effect on nearby properties or the community's welfare.

**II.** Notice of the public hearing shall be provided in the manner established in §203A.4, Public Notice, for published notice and mailed notice. If, based on the evidence presented at the public hearing, the Board determines that continued operation of the legal nonconforming use will have an adverse impact on nearby properties, it shall call for a second public hearing to establish a compliance date for the legal nonconforming use.

**III.** Nothing in this section shall prohibit the City and the owner(s) of a nonconforming use from mutually agreeing upon a compliance date. Any such agreement shall be in writing, approved by the City Council and said owner(s), fully executed and attested by all parties, and filed in the real property records of Collin County, Texas.

**b. Factors to be Considered**

The Board of Adjustment shall consider the following factors when determining whether the continued operation of the legal nonconforming use will have an adverse effect on nearby properties or the community's welfare:

**I.** The Comprehensive Plan;

**II.** The character of the surrounding or nearby properties;

**III.** The degree of incompatibility of the use with the zoning district in which it is located;

**IV.** The manner in which the legal nonconforming use is being conducted;

**V.** The hours of operation of the use;

**VI.** The extent to which continued operation of the use may threaten public health or safety;

**VII.** The environmental impacts of the use's operation, including, but not limited to, the impacts of noise, glare, dust, and odor;

**VIII.** The extent to which public disturbances and nuisances may be created or perpetuated by the continued operation of the use;

**IX.** The extent to which traffic or parking problems may be created or perpetuated by the continued operation of the use; and

**X.** Any other factors relevant to the issue of whether the continued operation of the use will adversely affect nearby properties.

**c. Determination of Amortization Period**

**I.** If the Board of Adjustment determines that the continued operation of the legal nonconforming use has an adverse effect on nearby properties or the community welfare, it shall hold a second public hearing, in accordance with state law, to set a compliance date for the legal nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became legal nonconforming can be amortized within a defined time period. Notice of the second public hearing shall be in the manner established in §203A.4, Public Notice.

**II.** The Board of Adjustment shall have the authority to require and request, through the issuance of a subpoena, the owner to produce the financial documentation and records within its possession, custody, or control (collectively "documents") relating to the factors listed in provision V. below. The owner shall provide to the Board such documents at least 30 days before the second public hearing.

**III.** The Board of Adjustment shall also have the authority to request that the owner allow the City and its representatives or experts reasonable access to, upon, and about the property on which the legal nonconforming use in question is situated, together with a reasonable amount of time to examine, photograph, videotape, and inspect all aspects of the legal nonconforming use including, but not limited to, the property, structure, fixtures, assets, records, architectural drawings, and all appurtenances thereto, relating to the factors listed in provision V. below (collectively the "physical inspection"). The owner shall cooperate with the City to schedule a date and time period that is acceptable to both the owner and the City to provide reasonable access together with a reasonable amount of time to allow for the City to conduct the physical inspection at least 30 days before the second public hearing.

**IV.** If the owner does not timely provide the Board of Adjustment any requested documents or fails to timely cooperate with the Board in allowing the City to perform the physical inspection, the Board is authorized to make its determination of a compliance date based upon any reasonably available public records, comparisons to physical inspection of one or more other similar uses, as well as public or expert testimony at the hearing. Failure or refusal by owner to timely provide any requested documents or to timely provide reasonable accommodation for the City to perform a physical inspection shall not prevent the Board from setting a compliance date. In addition, an owner's failure or refusal to timely provide any requested documents or to timely provide reasonable accommodation for the City to perform a physical inspection shall constitute the owner's waiver of any and all rights to challenge the qualifications of any witness providing testimony,

opinions, or evidence of any kind or nature to the Board, submitted to the Board for its consideration in establishing a compliance date. An owner's failure or refusal to timely provide any requested documents or to timely provide reasonable accommodation to the City to perform a physical inspection shall also result in the owner's waiver of any and all rights to challenge any evidence, information, testimony, theories, conclusions, analysis, opinions, and results submitted to the Board for its consideration in establishing a compliance date.

**V.** The Board of Adjustment shall provide a compliance date for the legal nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became legal nonconforming can be amortized within a defined time period. The following factors shall be considered by the Board in determining a reasonable amortization period:

a. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became legal nonconforming;

b. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;

c. Any return on investment since inception of the use, including net income and depreciation;

d. The anticipated annual recovery of investment, including net income and depreciation; and/or

e. A reasonable wind down period for the nonconforming use.

**VI.** If the Board of Adjustment elects not to provide a compliance date the use may continue to operate as a legal nonconforming use.

**VII.** For purposes of evaluating legal nonconforming uses, "owner" means the owner of the legal nonconforming use at the time of the Board of Adjustment's determination of a compliance date for the legal nonconforming use.

**d. Compliance Requirement**

If the Board establishes a compliance date for a legal nonconforming use, the use must cease operations on or before that date and it may not operate thereafter unless such operations constitute a conforming use.

**e. Appeals and Final Decisions**

**I.** A decision by the Board of Adjustment to establish a compliance date is not a final decision and cannot be immediately appealed.

**II.** A decision by the Board of Adjustment that the continuing operation of a nonconforming use will have an adverse effect on neighboring property or the community's welfare and the Board of Adjustment's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

**III.** A decision by the Board of Adjustment to deny a request to establish a compliance date is final unless appealed to state court within 10 calendar days in accordance with Chapter 211 of the Texas Local Government Code.

**IV.** A decision by the Board of Adjustment setting a compliance date is final unless appealed to state court within ten calendar days in accordance with Chapter 211 of the Texas Local Government Code.

**9. Completion of Buildings or Structures**

Changes or amendments to this Code shall not warrant any changes to any building or structure that is subject to a valid building permit and is currently under construction. Approved site plans need not be modified to comply with any changes or amendments to this Code so long as a building permit is issued for the project within 30 days of the effective date of the amendment.

## D. Compliance Required

All land, uses, buildings, structures, or site features thereon located within the City, shall comply with the zoning regulations prescribed for the zoning district in which it is located as provided in this Code.

## E. Existing Sites Impacted by the Acquisition of Right-of-Way or Easements

For properties on which a Site Plan was previously approved or a certificate of occupancy issued, and on which right-of-way or easements were subsequently acquired for a highway or other roadway project that impacts the site, the following shall apply:

**1.** Impacted site features shall be considered a legal nonconforming site feature and subject to the provisions of Section 201C Legal Nonconformities.

**2.** The Director of Planning may approve a new Site Plan and a new Landscape Plan that do not strictly conform to the requirements of this Article based on the following factors:

- **a.** The site is not being demolished for a new development:
- **b.** The expansion, redevelopment, or alteration does not create a new legal nonconformity nor increase the degree of the existing legal nonconformity.
- **c.** The site strictly conforms to as many applicable development regulations as is practicable;
- **d.** The site still provides adequate pedestrian access and vehicular mobility as determined by the Director of Engineering under the authority found in the Engineer Design Manual;
- **e.** The property maintains at least two points of access to a public roadway;
- **f.** There are no site visibility or other public safety hazards;
- **g.** Refuse and recycling is still possible;
- **h.** There are no conflicts with existing or required easements or other dedications; and
- **i.** There are no other health or safety concerns.

# 202 Special Provisions

## A. Platting Required

No approval shall be granted for any plat within the city limits until the area has been permanently zoned by the City Council.

## B. Creation of Building Site

A permit for the construction of a building or buildings upon any tract or plot shall be issued only if a building site, building tract, or building lot has been created in compliance with one of the following:

1. The site, lot, or tract where any building is to be constructed is part of a plat of record, properly approved by the City and filed for record with the County Clerk;
2. The proposed non-residential or multi-family residential site, lot, or tract is all or part of a Site Plan that has been officially approved by the City;
3. The site, lot, or tract faces upon a dedicated paved public right-of-way of adequate width and structure as determined by the Fire Marshal and Director of Engineering and existed prior to April 29, 1968, or prior to the annexation of the property into the city, whichever is applicable; however, only one building permit for a single main building conforming to all the requirements of this Code may be issued on each site, tract, or lot, unless another subsection of this section is complied with; or
4. The non-residential land has been reflected on an approved final plat or plat of record. A Certificate of Occupancy shall not be issued until said plat of record has been filed for record with the County Clerk, and all other applicable regulations have been satisfied.

# 203 Procedures

## A. Standard Procedures

### 1. Application Required

Unless expressly stated otherwise in this Code, an application shall be submitted by the owner of the property on which development is proposed, or their authorized agent. If the property has multiple owners, then signatures for all owners are required. When the City is the applicant, no property owner signature shall be required. All applications shall include the following information:

**a.** Name, address, email, and phone number of the property owner(s);

**b.** Authorization of the property owner(s); and

**c.** Description of the request.

### 2. Withdrawal of Application Submittal

An application may be withdrawn by written request to the Director of Planning.

### 3. Payment of Fees

All application fees as outlined in Appendix A – Schedule of Fees of the Code of Ordinances shall be paid prior to action being taken on an application and future development applications for the project or property in question may be refused if any required fees are not paid.

### 4. Public Notice

When required, public notice shall be provided as outlined below and as required by state law. See the Development Guide for example photos and signs.

**a. Posted Notice**

Posted notice shall meet the following requirements:

**I.** The Director of Planning shall have the authority to determine if the notice posting on the subject property meets the intent of the requirements contained herein.

**II.** Process:

a. The applicant shall post the required number of notification signs, as determined below, on the subject property at least seven days prior to the date of the public hearing before the Planning and Zoning Commission.

b. The applicant shall provide a signed affidavit and time-stamped photos of the notification signs between 8 A.M. on Monday and 12 p.m. (noon) on Wednesday, the week before the scheduled Planning and Zoning Commission meeting. The applicant shall provide the following photos:

i. One legible photo of a sign showing the required information meeting the standards is provided on the signs,

ii. One photo of each right-of-way frontage showing that the signs are facing the right-of-way, and






iii. An exhibit showing the location of the signs along the rights-of-way.

c. Failure to post the sign at least seven days prior to the Planning and Zoning Commission public hearing and to submit the required photo evidence and accompanying affidavit of timely posting shall result in the postponement of the zoning change consideration by the commission.

d. The applicant is responsible for maintaining the required number of notification signs posted on the subject property until final action is taken on the application by the City Council. An affidavit and photos shall be provided one week prior to the City Council meeting in accordance with requirements above to show that the notification signs have been maintained on the site.

e. The signs shall be removed within five business days after final action on the application by the City Council.

f. Costs of procuring, installing, or replacing signs shall be at the applicant's expense.

**III. Location:**

a. Signs shall be posted on private property with an unobstructed view and in a manner where they can be clearly read from the public right-of-way.

b. Signs shall be posted along the site's right-of-way frontage so that no sign is greater than 200 feet apart unless the site meets one of the following conditions.

i. The right-of-way frontage is less than 250 feet in length, or

ii. The site is a corner lot and both right-of-way frontages are less than 250 feet in length.

**IV. Sign Specifications:**

a. Zoning change signs shall be obtained from a vendor that can provide signs which are designed to meet the specifications noted herein.

b. All required signs shall be approximately four feet by four feet in size, as approved by the Director of Planning, and shall contain the following:

i. The city logo at a minimum width of 1-foot,

ii. Provide the following language along the top of the sign, "NOTICE OF PUBLIC HEARING",

iii. State the requested action,

iv. Provide a "for more info:" section where additional information may be requested that includes the following:

a. The city website for public notices,
b. the case number for the property,
c. A telephone number at the city, and
d. Planning department email address, and

v. Other information deemed relevant, as may be needed and as approved by the Director of Planning.

**b. Mailed Notice**

Mailed notice shall be provided in accordance with Texas Local Government Code Chapter 211.

**c. Published Notice (Legal Notice)**

Published notice shall be provided in accordance with Texas Local Government Code Chapter 211. The applicant shall be subject to an additional legal notice publication fee if the item is postponed, and re-notice is required.

**d. Constructive Notice**

Minor defects in the content of any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, like the omission of a course or distance, or typographical or grammatical errors that do not impede communication of the notice to affected

parties and an understanding regarding the general location of the property involved and the zoning change requested. In all cases, however, the requirements for the timing of the notice; the description of the affected area; and for specifying the time, date, and place of a hearing shall be strictly construed.

### 5. New Approvals Override Previous Approvals

When a new plan or permit is approved in accordance with §203E, Plan and Permit Procedures, any previously approved plans or permits shall be deemed withdrawn without the need for a withdrawal letter and any previous approvals shall become null and void.

# B. Annexation Procedure

## 1. Applicability

Properties in the City of McKinney's extraterritorial jurisdiction (ETJ) that meet the requirements of Chapter 43 of the Texas Local Government Code are eligible for Annexation.

## 2. Submittal Requirements

Annexation applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures,* and shall include the following:

**a.** Application and submittal fees (see Appendix A – Schedule of Fees);

**b.** Letter of intent, including an explanation of which of the following objectives the proposed annexation will achieve:

**I.** Economic Development: Facilitates public-private partnerships intended to stimulate economic growth, diversify the economic base, and/or create job opportunities.

**II.** Long Range Planning: Accomplishes the goals of the Comprehensive Plan, City Council strategic goals, and/or other goals outlined in City policy documents.

**III.** Protect Future Development: Protects future development from inadequate design and construction standards through the extension of the City's land use regulations and building codes.

**IV.** Capital Investments: Promotes a sustainable community through the efficient planning and provision of capital investments and the rational extension of public improvements.

**V.** Fiscal Responsibility: Balances the resources generated by taxes and other revenues to accommodate current needs as well as anticipated future needs.

**c.** Petition (with authorization of all property owners);

**d.** Annexation exhibit; and

**e.** Metes and bounds.

## 3. Approval Procedure

**a.** Annexation into the City of McKinney's corporate limits may occur in accordance with the procedures in Texas Local Government Code, Chapter 43, and Chapter 1 - Incorporation and Annexation of the City's Charter; and other applicable provisions of the McKinney Code.

**b.** An Annexation request shall be considered by the City Council for action in accordance with Chapter 43 of Texas Local Government Code.

**c.** The City Council may concurrently hold a hearing on the annexation and a permanent zoning classification to the subject area or tract of land, after a recommendation by the Planning and Zoning Commission for the permanent zoning classification request.

# C. Zoning Procedures

## 1. Code Text Amendment

A Code Text Amendment is any change to the standards of the zoning districts or to the content of this Code.

### a. Applicability

Code Text Amendments may only be initiated by an official of the City or the City Council.

### b. Public Notice Required

Code Text Amendments shall be scheduled for public hearings and noticed in accordance with the procedures established in Chapter 211 of Texas Local Government Code.

### c. Approval Procedure

Code Text Amendments shall be considered by the City Council for action in accordance with the approval criteria below and Chapter 211 of Texas Local Government Code, after a recommendation by the Planning and Zoning Commission.

### d. Approval Criteria

**I.** Whether the proposed change is consistent with the Comprehensive Plan and any other adopted plans as well as the intent and purpose of this Code;

**II.** Whether the proposed change is necessary to correct an omission or error in the Code;

**III.** Whether the proposed amendment is supported by sound planning principles; and

**IV.** Whether the amendment promotes the public health, safety, or welfare.

## 2. Zoning Change

A Zoning Change is the procedure that establishes a new zoning designation on a property within the corporate limits of the City.

### a. Applicability

**I.** The Zoning Change procedure is applicable only for properties within the city limits or properties in the process of annexing into the city limits.

**II.** A Zoning Change shall not be used when a Specific Use Permit or other flexibility procedure could achieve a similar result.

**III.** Zoning to Planned Development shall not be used in the following circumstances:

a. When an existing standard zoning district could achieve a similar result;

b. Solely to reduce the costs of development; or

c. To modify use and development regulations outside Article 2.

### b. Submittal Requirements

Zoning applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures,* and shall include the following:

**I.** Application and submittal fee (see Appendix A – Schedule of Fees);

a. Provide the signature and contact information of the owner or applicant (not applicable if the City is the applicant).

**II.** Letter of intent, including the following information:

a. Detailed justification and/or supporting documentation as to why the applicant is requesting to rezone the subject property to a specific zoning district;

b. If requesting a PD – Planned Development District, provide justification as to why a straight zoning district cannot satisfy the development needs thereby requiring the request for a "PD" District; and

c. Any other special considerations or unique characteristics of subject property.

**III.** Zoning exhibit, including the following information;

a. Detailed description of the location of subject property;

b. Current and proposed zoning of the subject property;

c. Clear boundary of the subject property;

d. The bearings and distances of the boundary lines of the subject property (and any tract lines if applicable in a Planned Development District);

e. Acreage of the subject property;

f. Neighboring parcels labeled with corresponding zoning and current land uses; and

g. Adjacent right-of-way names and widths;

**IV.** Legal description submitted on a separate exhibit.

**V.** Development regulations (for PD-Planned Development District Zoning Changes);

**VI.** Metes and bounds description; and

**VII.** Any additional information as deemed necessary to adequately evaluate the application, as determined by the Director of Planning.

**c. Public Hearing and Notice Required**

Zoning Changes shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council and noticed in accordance with §203A.4, Public Notice. The following notice types are required for Zoning Changes:

**I.** Mailed Notice;

**II.** Posted Notice; and

**III.** Published Notice.

**d. Approval Procedure**

Zoning Changes shall be considered for action in accordance with the approval criteria below and Chapter 211 of the Texas Local Government Code, including a recommendation by the Planning and Zoning Commission and action by the City Council.

**e. Approval Criteria for All Zoning Changes**

The following criteria shall be considered when evaluating a Zoning Change request:

**I.** Whether the proposed zoning district and allowed uses are consistent with the Comprehensive Plan and other adopted plans;

**II.** Whether the Zoning Change would have an adverse impact on the character of the surrounding properties;

**III.** Whether the uses permitted in the requested zoning district would result in an overconcentration of certain uses.

**IV.** Whether the proposed zoning district and uses support and further the City Council's strategic goals; and

**V.** Any other special circumstances that may be unique to the subject property.

**f. Additional Approval Criteria for Planned Development Zoning Requests**

In addition to the criteria in subsection e. above, *Approval Criteria for All Zoning Changes*, the following shall be considered when evaluating a Zoning Change to PD - Planned Development district:

**I.** Whether the proposed Planned Development provides a greater level of public benefits than would otherwise be achieved if the property were developed under a standard zoning district; and

**II.** The degree to which the proposed Planned Development incorporates a creative site design to achieve the purposes of this Code, and represents an improvement in quality over what is possible through strict application of the otherwise applicable zoning district or development standards.

**g. Denial**

If a Zoning Change request is denied, no new application that is the same or substantially similar, as determined by the Director of Planning, for the same property will be accepted within one calendar year of the date of denial.

## 3. Specific Use Permit

The Specific Use Permit (SUP) procedure establishes a right to operate a specific use on a property within the corporate limits of the City. An approved Specific Use Permit shall be considered an amendment to the zoning map.

### a. Applicability

A SUP, as identified with an "S" in Table 2-26, *Table of Allowed Uses,* is required prior to establishing certain land uses in particular zoning districts, pursuant to the procedure below, and all other requirements of this Code.

### b. Submittal Requirements

SUP applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures,* and shall include the following:

**I.** Application, to include the following, and the submittal fee (see Appendix A – Schedule of Fees);

a. Provide the signature and contact information of the owner or applicant,

b. Acreage of subject property,

c. Detailed description of the property,

d. Specify the existing zoning district(s),

e. A detailed justification and/or supporting documentation as to why the applicant is requesting a Specific Use Permit,

f. Provide detailed justification and/or supporting documentation as to why the specific use permit is appropriate on the subject property, and

g. Describe any other special considerations or unique characteristics of the subject property.

**II.** Specific Use Permit exhibit, including the following information:

a. Site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities;

b. Size, height, and locations of buildings;

c. The uses to be permitted;

d. Means of ingress and egress to public streets;

e. The type of visual screening such as walls, plantings, and fences; and

f. The relationship of the intended use to all existing properties and land uses in all directions.

**III.** Metes and bounds description; and

**IV.** Any additional information as deemed necessary to adequately evaluate the application, as determined by the Director of Planning.

### c. Public Hearing and Notice Required

SUP requests shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council, and noticed in accordance with §203A.3203A.4, Public Notice. The following notice types are required for SUPs:

**I.** Mailed Notice;

**II.** Posted Notice; and

**III.** Published Notice.

### d. Approval Procedure

SUP applications shall be considered for action in accordance with the approval criteria below and Chapter 211 of the Texas Local Government Code, which includes a recommendation by the Planning and Zoning Commission and action by the City Council. Approved SUPs shall be notated on the zoning map.

### e. Approval Criteria

The following approval criteria shall be considered when evaluating a SUP request:

**I.** Whether the request complies with all site specifications adopted by the City, including the base zoning district and/or the PD entitlements;

**II.** Whether the site, buildings, and use meet the criteria specified for the use in §205C, *Use Definitions and Use-Specific Standards;*

**III.** Whether the proposed use will be detrimental to the adjacent properties or to the City as a whole;

**IV.** Whether the proposed uses are compatible in terms of scale (building massing, form, orientation, and location), intensity, and operating characteristics with uses and structures on adjacent properties and properties in the vicinity of the proposed application; and

**V.** Whether potential impacts associated with such use are adequately mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening, to minimize adverse impacts on surrounding uses and the City.

**f. Transfer of Specific Use Permit**

A SUP issued by the City shall be transferable from an owner or occupant of the subject property to a new owner or occupant of the subject property.

**g. Denial**

If a SUP request is denied, no new application that is the same or substantially similar, as determined by the Director of Planning, for the same property will be accepted within one year of the date of denial.

**h. Expiration**

**I.** A SUP shall expire 5 years after its approval or extension date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed, with the exception that a SUP authorizing a private street development shall have no expiration.

## 4. Designation of Historic Landmarks and Districts

The City Council may designate certain buildings, sites, structures, and objects as historic landmarks and certain areas as historic districts. After approval, such landmarks and districts shall bear the word "historic" in their zoning designation. Upon the designation of an area as a historic landmark or district, the designation shall be recorded in the official public records of real property of Collin County, the tax records of the City and the City's official zoning maps.

**a. Landmark Designation Eligibility**

Any building, structure, site, or object that is at least 50 years old may be designated as a historic landmark if it meets at least one of the following:

**I.** It possesses significance in history, architecture, archeology and/or culture;

**II.** It is associated with events that made a significant contribution to the broad patterns of local, regional, state, or national history;

**III.** It is associated with the lives of persons significant in our past;

**IV.** It embodies the distinctive characteristics of a type, period, or method of construction;

**V.** It represents the work of a master designer, builder, or craftsman; or

**VI.** It represents an established and familiar visual feature of the city.

**b. Historic District Eligibility**

A district may be designated if it contains two or more properties meeting one or more of the criteria for designation of a landmark as established in §203.C.4.a, and constitutes a distinct section of the city.

**c. Public Hearing and Notice Required**

Designations of historic landmarks and districts shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council and noticed in accordance with §203A.4, Public Notice. The following notice types are required for all such requests:

**I.** Mailed Notice;

**II.** Posted Notice; and

**III.** Published Notice.

**d. Approval Procedure**

**I.** The historic landmark or district designation process begins with one of the following actions:

a. The property owner(s) shall submit a written request to the Historic Preservation Officer to designate a property as historic. In the case of multiple property owners, all owners must sign the request; or

b. The Historic Preservation Advisory Board recommends to the Historic Preservation Officer that a building, site, structure, or object be designated as a landmark or an area of the city be designated as a historic district; or

c. The Historic Preservation Officer forwards a recommendation to the Planning and Zoning Commission that a building, site, structure, or object within the Commercial area of the H - Historic Overlay district be designated as a landmark.

**II.** Within 30 days of receipt of the designation request, the Historic Preservation Officer shall make a recommendation to the Planning and Zoning Commission.

**III.** Within 45 business days of receipt of the recommendation from the Historic Preservation Officer, the recommendation shall be scheduled for a hearing before the Planning and Zoning Commission. The Planning and Zoning Commission shall give notice, conduct a hearing and make a recommendation to the City Council. The request shall then be scheduled for the next available City Council Meeting.

**IV.** At least 15 days prior to the first hearing of the Planning and Zoning Commission on the historic designation or inclusion in a local historic district of the property, the Historic Preservation Officer shall provide the owner a statement that describes the impact that a historic designation or inclusion in a local historic district may have on the owner and the owner's property. The historic designation impact statement must include lists of the:

a. Regulations that may be applied to the property after the designation;

b. Procedures for designation;

c. Tax benefits that may be applied to any structure on the property after the designation; and

d. Rehabilitation or repair programs that the municipality offers for a property designated as historic.

**V.** The Planning and Zoning Commission and the City Council shall approve, approve with conditions, or deny the landmark or historic district designation based on the following criteria:

a. The property or district meets the eligibility requirements set forth in this section; and

b. The owner(s) consents to the designation or inclusion; or

c. If the owner does not consent, the designation or inclusion of the owner's property is approved by a three-fourths vote of the Planning and Zoning Commission and the City Council as permitted by the TLGC §211.0165; or

d. If the property is owned by an organization that qualifies as a religious organization under section 11.20 of the Texas Tax Code, the City may designate the property as a local landmark or include the property in a local historic district only if the organization consents to the designation or inclusion.

**VI.** The property owner may withdraw consent to designation as a landmark or inclusion in a historic district at any time during the designation process.

## D. Protest Procedures

A proposed zoning action may be protested pursuant to Chapter 211 of the Texas Local Government Code and the requirements below. A valid, written protest shall require an affirmative vote of at least three-fourths of all members of the City Council for approval of the protested zoning action.

### 1. Submittal Requirements

**a.** A signed written protest may be submitted by property owners of at least 20% of the area of the lots or land either covered by the proposed change or located immediately adjoining and extending 200 feet from the area covered by the proposed change.

**b.** A written protest shall be submitted on a form provided by the City and shall contain the following information:

**I.** A description of the zoning case at issue;

**II.** Email and phone number of the protest petitioner(s);

**III.** The names and original signatures of all persons protesting the proposed zoning action; and

**IV.** A description or address of the area of lots or land owned by the protesting parties.

**c.** The written protest form must be signed by the owner of the property, or by their authorized representative. The signature of any one owner of a property with multiple owners shall bind the entire property to the protest.

**d.** In the case of a property owned by a corporation, the protest must be signed by the president, a vice-president, or by an attorney-in-fact authorized to sign the protest on behalf of the corporation. In the case of a property owned by a general or limited partnership, the protest must be signed by a general partner or by an attorney-in-fact authorized to sign the protest on behalf of the partnership.

**e.** For condominium lots or land to be included in calculating the lots or land area protesting a zoning action, the written protest form must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to the owner's respective undivided interest in the common elements of the condominium.

**f.** Except for those properties owned by corporations or jointly owned by multiple people as described in provisions d and e of this subsection, all signatures on a written protest form shall be notarized or witnessed. The notary requirement is fulfilled if the person who obtains the signatures signs a certification stating that:

**I.** They witnessed those signatures; and

**II.** The signatory represented their authority to sign the petition.

**g.** In all cases where a written protest form has been properly signed pursuant to this subsection, the City shall presume that the signatures are authentic and that the persons or officers whose signatures appear on the protest form are either owners of the property or authorized to sign on behalf of one or more owners as represented. The City Attorney may advise the City Council that this presumption of validity should not be followed in a specific case based on evidence presented.

### 2. Filing Deadline

**a.** A written protest must be filed with the City Secretary before 5:00 p.m. of the 4$^{th}$ working day prior to the City Council public hearing when the proposed zoning action is scheduled to be acted upon. For example, a written protest must be received by 5:00 p.m. on the Wednesday prior to a regularly scheduled Tuesday City Council meeting. A written protest form sent through the mail must be received by the City Secretary before the deadline.

**b.** Before the public hearing on the zoning action begins, the filing deadline for a protest is automatically extended whenever the public hearing is re-advertised in the official newspaper of the City pursuant to statutory notice requirements.

**c.** After the public hearing has begun, the filing deadline may only be extended by calling a subsequent public hearing and advertising that public hearing in the official newspaper of the City pursuant to statutory notice requirements or if the item is tabled or continued. In such a case, the new filing deadline is noon of the 2nd working day immediately preceding the newly advertised public hearing date or the date to which the item is tabled or continued. For example, the written protest must be received by 12:00 p.m. on the Friday prior to the newly scheduled Tuesday City Council meeting.

### 3. Withdrawal of Protest Signature(s) or Protest Form(s)

**a.** A protest, once filed, remains in effect unless withdrawn in accordance with this subsection, irrespective of any amendments made to the zoning proposal, although a reduction in the land area proposed to be zoned may impact the protest's application. Requests to withdraw a protest form or individual protest signature(s) that have been filed must be in writing and filed with the City Secretary before the filing deadline.

**b.** The provisions of this subsection governing the form and filing of protests apply equally to withdrawals.

### 4. Conflicting Submissions

If multiple protests and withdrawals are filed on behalf of the same owner, the submission with the latest date and time of execution controls.

# E. Plan and Permit Procedures

## 1. Site Plan

### a. Applicability

Prior to any new development, redevelopment, expansion, alteration, or changes in use on a property or lot, a Site Plan is required to ensure compliance with the development and design standards of this Code.

### b. Exceptions

**I.** Single-family, duplex, triplex, and quadplex residential developments do not require a Site Plan.

**II.** A change in use that does not necessitate changes to site features or improvements required by this Code does not require a Site Plan.

### c. Submittal Requirements

Site Plan applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following information:

**I.** Application and submittal fee (see Appendix A – Schedule of Fees);

**II.** Site Plan Exhibit, including the following information:

a. The applicant's name, address, and phone number;

b. The development location (include subdivision, lot number, and/or street address);

c. The proposed use(s);

d. The site plan case number;

e. The applicable zoning district (attach copy of ordinance governing subject property);

f. The lot area (net and gross) and boundary;

g. The location of all existing buildings or structures on the lot that are to remain subsequent to any proposed development;

h. The impervious area on the lot;

i. The building or structure size, height, and total floor area (separated by use);

j. The adjacent land uses and improvements within 200 feet of the subject property;

k. The location of hazardous chemical storage;

l. The sign locations;

m. A scale with the following dimensions: one inch equals 20 feet, 30 feet, or 40 feet, or as determined by the Director of Planning;

n. The location of any on-site accessory structures (kiosks, sanitation containers, drop boxes, etc.);

o. The location of any surface utility improvements (fire hydrants, water meters, vaults, etc.);

p. Any existing or proposed easements and rights-of-way;

q. Any existing or proposed floodplain area (FEMA and fully-developed);

r. The location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;

s. The required landscape areas;

t. The following standard notations:

i. The sanitation container screening walls shall be brick masonry, stone masonry, or other architectural masonry finish, including a metal gate, primed and painted, and the sanitation container screening walls, gate, and pad site shall be constructed in accordance with the city design specifications.

ii. Mechanical and heating and air conditioning equipment for non-residential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential properties.

iii. The lighting for the subject property shall be constructed and operated in conformance with Article 6: of this Code.

u. Street improvements required by the Engineering Design Manual, including roadways, sidewalks, turn lanes, median openings, and their corresponding dimensions.

v. The drive approach dimensions and radii;

w. The delineation and width of internal circulation roadways;

x. The distances between driveways and intersecting streets;

y. The number of required parking spaces and number of parking spaces provided, including handicapped parking spaces;

z. The parking dimensions;

aa. The stacking spaces and drive-through lane location;

bb. The location of curb stops relative to front of parking stall. (Note: Wheel stops are not permitted in lieu of curbs);

cc. The handicap ramps (required where all accessible routes intersect a curb);

dd. The building entrances;

i. The sidewalk dimensions;

ii. The fire lanes meeting fire code standards;

iii. The location and dimension of delivery truck docks;

iv. The location and dimension of loading spaces;

ee. The location of bay doors;

ff. The location of freestanding lighting sources (ex: poles or bollards);

gg. The sanitation container locations;

hh. The medians, islands, barriers, and channelization;

ii. The width of adjacent streets, alleys, or other access abutting property;

jj. The length, width, and taper of turn bays; and

kk. The directional arrows for one-way traffic driveways.

ll. Airport Information: The following information shall be provided on the site or development plans, if requested by the Director of Planning:

i. The site elevation above sea level;

ii. The height of the proposed building or structure above sea level; and

iii. The latitude and longitude coordinates of the location of the maximum building or structure height in NAD 83 format.

mm. Any additional information as deemed necessary to adequately evaluate the Site Plan, as determined by the Director of Planning.

**III.** Landscape Plan, as a separate exhibit (see §203E.2);

**IV.** Utility Plans, including the following information (may be preliminary), as a separate exhibit:

a. The existing and proposed water mains (include size and valve locations);

b. The water meter size and location (domestic and irrigation);

c. The existing and proposed sewer mains (include size, manholes, and cleanout);
d. The sewer service size and location;
e. The existing and proposed utility easements (public or private) and its size;
f. The existing and proposed fire hydrants (including any nearby off-site hydrants);
g. The existing and proposed fire lines, fire department connections, and appurtenances;
h. The location and size of grease and sand traps, if required;
i. The location and size of sampling pits, if required; and
j. The location and type of pre-treatment, if required.

**V.** Drainage Plans, as a separate drawing from the Site Plan, and including the following information (may be preliminary):

a. The existing and proposed contours at two-foot intervals, including existing and proposed spot elevations at critical points;
b. The direction of surface drainage (must be discharged into existing waterway or public right-of-way).
c. The drainage area map and drainage area calculations (if site is over one acre);
d. The on-site collection system, including existing and proposed pipes, culverts, stormwater detention areas, and other drainage structures;
e. The 100-year flood elevation and boundary including both FEMA and fully-developed conditions (if in flood prone area), and erosion hazard setback easement (if adjacent to an open drainage channel);
    i. Where in or adjacent to a flood prone area, a flood study shall be approved or conditionally approved prior to site plan approval;
    ii. Where adjacent to an open drainage channel, topographic cross-sections shall be provided to determine the erosion hazard setback easement.

**VI.** Tree Preservation Plan (if applicable) or Statement of No Trees;

**VII.** Façade Plan (if applicable);

**VIII.** If the proposal involves phases, each phase of the proposed development shall contain all of the required improvements that are necessary to provide adequate public facilities unless approved by a separate agreement; and

**IX.** Design Exception request (if applicable).

**d. Approval Required**

Approval of a Site Plan shall be required prior to the submittal of any plats, construction plans, or permits for development, redevelopment, alteration, or change in use of a property.

**e. Approval Procedure**

**I.** The Director of Planning shall have the authority to approve or approve with conditions a Site Plan that complies with the regulations of this Code, unless the PD requires approval by another approval body.

**II.** The Director of Planning shall not have the authority to disapprove a Site Plan and shall forward any application they cannot approve to the Planning and Zoning Commission for action.

**III.** The Director of Planning shall forward any application that includes a request for Design Exception to the Planning and Zoning Commission for action at a public hearing.

**IV.** Site Plans for City Government Facilities that do not strictly comply with the requirements of the code shall be forwarded to City Council for approval.

**f. Public Hearing and Notice Required**

No public hearing is required for approval of a Site Plan unless a Variance or Design Exception is being requested. When a public hearing is required, public notice shall be provided in accordance with

§203A.4, Public Notice, prior to the public hearing. The following notice type is required for a Variance or Design Exception request:

**I.** Mailed Notice.

**g. Appeals**

Decisions of the Planning and Zoning Commission may be appealed in accordance with §203F.2, *Appeals to City Council.*

**h. Post-Approval Review**

In the event that changes to the approved Site Plan are proposed, the Director of Planning shall have the authority to require that a revised site plan be submitted to the City for review and approval.

**i. Expiration**

A Site Plan shall expire two years after its approval, if no permits for development or construction have been issued for the site, or if a permit has been issued but has subsequently lapsed.

## 2. Landscape Plan

**a. Applicability**

Prior to any new development, redevelopment, expansion, alteration, or changes in use on a property or lot that necessitates landscaping pursuant to this Code, a Landscape Plan is required.

**b. Exceptions**

**I.** Single-family, duplex, triplex, and quadplex residential developments do not require a Landscape Plan.

**II.** Changes in use that do not necessitate changes to site features or improvements required by this Code do not require a Landscape Plan.

**c. Submittal Requirements**

A Landscape Plan, conforming to the requirements below, shall be submitted and processed as part of a Site Plan pursuant to §203E.1,*Site Plan.*

**d. Landscape Plan Exhibit Requirements**

The Landscape Plan exhibit shall be prepared by a registered landscape architect and include the following information:

**I.** The name, Texas license number, signature, and seal of the person responsible for the preparation of the Landscape Plan;

**II.** A scale with the following dimensions: one inch equals 30 feet or as determined by the Director of Planning;

**III.** The location, size, and species of all trees to be preserved;

**IV.** The location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), or other landscape features (except that location of plants and landscaping materials may be generalized on a conceptual landscape plan);

**V.** The number of required trees and number of trees provided;

**VI.** The species, size, spacing, and quantities of all plant material to be used in a tabular form (except that conceptual landscape plans may provide general plant types in lieu of species);

**VII.** The dimensions of all landscape areas;

**VIII.** The date of the landscape plan, including any revision dates;

**IX.** The planting details percentage of total site in permanent landscaping;

**X.** The percentage of street yard in permanent landscaping;

**XI.** The location of freestanding lighting sources (ex: poles or bollards);

**XII.** The location of all existing and planned intersection visibility easements; and

**XIII.** The location of all the following existing and planned utilities and easements shall be on the landscape plan:

a. Water lines and meters or vaults;

b. Sanitary sewer lines;

c. Storm drainage lines;

d. Powerlines (overhead and underground) and pad mount transformers;

e. Gas lines;

f. Fire hydrants, FDC, and fire lines from FDC to building; and

g. Telecommunications (if available);

**XIV.** An affidavit on the plan stating that all required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors, and said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator; and

**XV.** Any additional information as deemed necessary to adequately evaluate the Landscape Plan, as determined by the Director of Planning.

**e. Approval Required**

Approval of a Landscape Plan shall be required prior to the submittal of any plats, construction plans, or permits for development, redevelopment, alteration, or change in use of a property, subject to exceptions as noted in §203E.2.b of this Section.

**f. Approval Procedure**

A Landscape Plan shall be reviewed and approved as part of the Site Plan review process, as described in §203E.1.e, *Approval Procedure.*

**g. Public Hearing and Notice**

No public hearing is required for approval of a Landscape Plan unless a Variance or Design Exception is being requested. When a public hearing is required, public notice shall be provided in accordance with §203A.4, Public Notice, prior to the public hearing. The following notice types are required for Variance or Design Exception requests:

**I.** Mailed Notice.

**h. Appeals**

Decisions of the Planning and Zoning Commission may be appealed in accordance with §203F.2, *Certain Appeals to City Council.*

**i. Expiration**

A Landscape Plan shall expire in same manner as the associated site plan with which it was approved.

## 3. Reserved

## 4. Reserved

## 5. Façade Plan

**a. Applicability**

A Façade Plan application shall be required concurrently with any required Site Plan for all new construction, expansions, or renovations within the Historically Significant Area (HSA). A Façade Plan is required to ensure compliance with the architectural standards of this Code.

**b. Exceptions**

Façade Plans are not required for single-family, duplex, triplex, and quadplex residential construction.

**c. Submittal Requirements**

Facade Plan applications shall be submitted and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

**I.** Application and submittal fees (see Appendix A – Schedule of Fees);

**II.** Site Plan;

**III.** Façade Plan exhibit, including the following information:

a. Title block including the contact information for the owner and architect, name of the project, address, and corresponding Site Plan case number;

b. Architectural elevations in color;

c. Table with the following information for each elevation:

i. Percentages of exterior finishing materials on each elevation, excluding windows, doors, and trims;

ii. Percentages of accent colors on each elevation, including moldings, cornices, canopies, and awnings;

d. Window details for each window type to demonstrate conformance with fenestration requirements; and

e. Exhibit showing screening of all rooftop equipment.

**d. Approval Required**

Approval of a Facade Plan shall be required prior to the submittal of construction plans for development, redevelopment, alteration, or renovations of property.

**e. Approval Procedure**

**I.** The Director of Planning shall have the authority to approve or approve with conditions a Facade Plan that complies with the regulations of this Code.

**II.** All Façade Plan applications that the Director of Planning cannot approve shall be forwarded to the Planning and Zoning Commission for action in accordance with the approval criteria below.

**III.** The Director of Planning shall forward any application that includes a request for a Design Exception to the Planning and Zoning Commission for action at a public hearing.

**f. Approval Criteria**

**I.** The extent to which the application meets the spirit and intent of this Code through the use of building materials, colors, and facade design to create a building of exceptional quality and appearance;

**II.** The positive or negative impact of the proposed project on surrounding property use and property values, in comparison to the expected impact of a project, which could be built in conformance with standards of this Code;

**III.** The extent to which the proposed project accomplishes City goals as stated in the Comprehensive Plan or other approved document; and

**IV.** Convenience to the applicant and/or reasons related to economic hardship shall not be grounds for approval of an application.

**g. Public Hearing and Notice Required**

No public hearing is required for Façade Plan approval unless a Design Exception is being requested. When a public hearing is required, public notice shall be provided in accordance with §203A.4, Public Notice, prior to the public hearing. The following notice type is required for a Design Exception request:

**I.** Mailed Notice.

**h. Appeals**

Decisions of the Planning and Zoning Commission may be appealed in accordance with §203F.2, *Certain Appeals to City Council.*

**i. Expiration**

A Façade Plan shall expire two years after its approval, if no building permits have been issued for the site, or if a Site Plan or building permit has been issued but has subsequently lapsed.

## 6. Certificate of Appropriateness

### a. For Commercial Areas within the Historic Overlay District

#### I. Applicability

Prior to any work for new development, redevelopment, restoration, reconstruction, expansion, alteration, change of materials, relocation, or demolition on any property that is visible from the public right-of-way located within the Historic Overlay District, a Certificate of Appropriateness is required to ensure appropriateness in the Historic Overlay District.

#### II. Submittal Requirements

An application for a Certificate of Appropriateness (COA) shall be processed in accordance with §203A, *Standard Procedures.* The following information is required:

a. An application with the following:
   i. The name, address, and telephone number of the applicant;
   ii. The location of the property; and
   iii. The priority rating of the property as indicated by the City's records.
b. Photographs of the property and adjacent properties (historical photographs if available);
c. A letter of intent describing in detail the work proposed;
d. The elevation drawings or renderings of the proposed changes;
e. Samples of materials to be used, if requested by the Historic Preservation Officer;
f. If the proposal includes signs or lettering, a scale drawing shall be provided showing:
   i. The type of lettering to be used;
   ii. All dimensions and colors;
   iii. Description of materials to be used;
   iv. The method of illumination (if any); and
   v. A plan showing the proposed location of the sign on the property; and
g. Any other information which the Historic Preservation Officer may deem necessary in order to visualize the proposed work.

#### III. Approval Required

An approval of a Certificate of Appropriateness shall be required prior to commencement of any work or issuance of a building permit for those items identified in the applicability statement above, except as noted in §204Z.6.

#### IV. Approval Procedure

All certificate of appropriateness applications for properties in the Commercial Area of the Historic Overlay District must be approved by the Historic Preservation Officer. The HPO will have 10 business days after a completed application is received by the Planning Department to take action on a Certificate of Appropriateness application.

a. The HPO shall have the authority to approve, approve with conditions, or deny a COA in the commercial area of the Historic Overlay District within 10 days after the receipt of a complete application.
b. All decisions of City Officials shall be in writing. A copy of the decision shall be sent to the applicant and kept on file in the Planning Department along with the Certificate of Appropriateness. The decision shall state the reasons for modifying or denying any application.

#### V. Approval Criteria

Determination regarding the issuance of a Certificate of Appropriateness is made according to the following criteria:

a. Whether the proposed work complies with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

b. The HPO considers the property's preservation priority rating as assigned in the historic resources survey of the City, as amended.

**VI. Appeals within the Commercial Area**

a. **Appeals of a decision by the HPO**

i. Within 10 days of receipt of a written COA decision from the HPO, any applicant or property owner aggrieved by that decision may file a written application requesting the City Council review the decision and the approval, approval with conditions, or denial of the COA.

ii. The City Council shall consider any appeals at the next available City Council meeting following receipt of the applicant's appeal, at which time an opportunity will be provided for proponents and opponents of the application to represent their views.

b. **Hardship appeal procedure for demolition**

i. Within 10 days of receiving a written notification from the HPO of a denial of a COA for demolition, an applicant may apply to the City Council for relief on the ground of hardship. No building permit or demolition permit shall be issued unless the city council makes a finding that a hardship exists.

ii. The city council shall consider the request on the hardship application and whether the applicant has met the hardship criteria at the first available city council meeting following receipt of the applicant's appeal, at which time an opportunity will be provided for proponents and opponents of the application to present their views.

iii. Hardship criteria. In order to prove the existence of a hardship, the applicant shall establish that all three of the following criteria have been met:

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, which would result in a reasonable return; and
c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

iv. The applicant shall consult in good faith with the historic preservation officer, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property.

v. A copy of the city council's decision shall be sent to the applicant and a copy filed with the planning department for public inspection. The city council's decision shall state the reasons for granting or denying the hardship application.

**b. For Residential Areas within the Historic Overlay District**

**I. Applicability**

Prior to any work for new development, redevelopment, restoration, reconstruction, expansion, alteration, change of materials, relocation, or demolition of any exterior architectural feature, building, or structure on any property that is visible from the public right-of-way located within the Residential Area of the Historic Overlay District, a Certificate of Appropriateness is required to ensure compliance with the regulations of the Historic Overlay District.

**II. Submittal Requirements**

An application for a Certificate of Appropriateness (COA) shall be processed in accordance with §203A, *Standard Procedures.* The following information is required:

a. An application with the following:

i. The name, address, and telephone number of the applicant;
ii. The location of the property;
iii. The priority rating of the property as indicated by the City's records.

b. Photographs of the property and adjacent properties (historical photographs if available);
c. A letter of intent describing in detail the work proposed;
d. The elevation drawings or renderings of the proposed changes;
e. Samples of materials to be used, if requested by the Historic Preservation Officer;
f. If the proposal includes signs or lettering, a scale drawing shall be provided showing:
i. The type of lettering to be used;
ii. All dimensions and colors;
iii. Description of materials to be used;
iv. The method of illumination (if any); and
v. A plan showing the proposed location of the sign on the property; and
g. Any other information, which the Historic Preservation Officer may deem necessary in order to visualize the proposed work.

**III. Approval Required**

An approval of a Certificate of Appropriateness shall be required prior to commencement of any work or issuance of a building permit for those items identified in the applicability statement above, except as noted in §204Z.6.

**IV. Approval Procedure**

a. For all Certificate of Appropriateness applications for any property in the Residential Area of the Historic Overlay district, the HPO shall have the authority to approve or approve with conditions any Certificates of Appropriateness (COA) or shall forward the application to the Historic Preservation Advisory Board (HPAB) for consideration and action within 30 days of the receipt of a complete application. The HPO may elect, for any reason, to present the COA to the Historic Preservation Advisory Board (HPAB)for Approval.
b. The HPO shall not have the authority to deny a COA application located with the Residential Area of the Historic Overlay District. Should the HPO not be able to approve or approve with conditions a COA, they will forward that application to the HPAB for consideration and action.
c. When approving a COA for Demolition, the HPO may approve or approve with a 90-day delay in the Residential Area of the Historic Overlay District.
i. If the applicant disagrees with the 90-day delay, the applicant may request in writing to the Director of Planning, within 21 days of HPO action, that the demolition application be reconsidered by the HPAB.
ii. If demolition has been delayed for 90 days by the HPO, a demolition permit shall not be issued during those 90 days unless the Chief Building Official determines that the property poses a threat to the life and safety of the citizens of the City.
iii. In the event that the HPO does not act within 90 days of the receipt of the application, a permit for demolition may be granted.
d. Certificates of Appropriateness shall be considered for action in accordance with the approval criteria in this section.
e. An applicant, within 21 days, may appeal a decision of the HPO or HPAB in accordance with the appeal procedures in this section.
f. An applicant, within 10 days of receiving written notification of a denial of a COA, may appeal the decision based on a hardship for a deviation or demolition in accordance with the hardship procedures below.

g. All decisions of City Officials shall be in writing. A copy of the decision shall be sent to the applicant and kept on file in the Planning Department along with the Certificate of Appropriateness. The decision shall state the reasons for modifying or denying any application.

**V. Approval Criteria**

The following criteria will used to provide a balanced review when considering a Certificate of Appropriateness application:

a. Whether the proposed work complies with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

b. The HPO considers the property's preservation priority rating as assigned in the historic resources survey of the City, as amended.

c. The HPO shall utilize a checklist of design elements to be reviewed and considered in reaching their determination. Such checklist shall be initially approved by the City Council and thereafter modified by the Director of Planning, or the City Council as deemed necessary.

**VI. Hardship Procedure**

a. Within 10 days of written notification of a denial of a COA by the HPAB, an applicant may apply for relief on the grounds of a hardship. A hardship may be for a deviation from the approval criteria above or for a demolition. The applicant must prove by a preponderance of evidence that a hardship exists in accordance with the factors below. No building permit or demolition permit shall be issued unless a finding that a hardship exists has been made.

b. The HPAB shall hold a public hearing where proponent and opponents will have the opportunity to present their views

c. The HPAB and the HPO, in consultation with local preservation groups and other interested parties, shall explore with the applicant, or his designated representative, alternative for the performance of the proposed work that will preserve the structure or property to the greatest extent possible, while being economically feasible.

d. The HPAB will consider and act on Hardship applications based on the following:

i. **Consideration Factors for Deviations**

The following factors shall be considered by the HPAB in determining the extent of the deviation granted:

a. The cost to perform the work in compliance with the criteria and design guidelines;
b. The value of the property;
c. The extent to which a deviation is necessary to allow the owner a reasonable opportunity to recover the cost of the work;
d. Whether granting the deviation will harm an existing or proposed historic district or historic landmark, structure, or property designated with a high priority rating; and/or
e. Whether the proposed work is in harmony with the intent and purposes of this section.

ii. **Consideration Factors for Demolition**

The applicant must prove by a preponderance of 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, which 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, not as a result of negligence, and, as such, poses a nuisance to the surrounding area and is a threat to the health, safety and general welfare of the community.

e. The HPAB shall have the authority to:

   i. Approve the hardship application for a deviation and issue a Certificate of Appropriateness for the required work with or without conditions, if the applicant would have no reasonable opportunity to recover the cost of the proposed work if performed in accordance with the criteria and guidelines.

   ii. Approve the hardship application for demolition and issue a Certificate of Appropriateness if the applicant has met all of consideration factors and proven that a hardship exists.

   iii. Deny the hardship application and COA if the HPAB finds that the applicant has failed to satisfy this burden of proof.

f. All decisions of City Officials shall be in writing. A copy of the decision shall be sent to the applicant and kept on file in the Planning Department along with the hardship application. The decision shall state the reasons for granting or denying the hardship application. If granted, the Certificate of Appropriateness for the proposed work shall state the terms and conditions of the deviation.

g. The hardship determination may be appealed in accordance with subsection VII of this section.

**VII. Appeals**

a. Appeals of a decision by the HPO. Within 21 days of receipt of a COA decision from the HPO, any applicant or property owner aggrieved by that decision may file a written request to the Director of Planning appealing the HPO's decision to the HPAB for consideration and action.

b. Appeals of a decision by the HPAB. Within 21 days of receipt of the Board's written decision, any applicant or property owner aggrieved by a decision of the Historic Preservation Advisory Board relating to economic hardship, demolition, or a Certificate of Appropriateness may, file a written request to the Director of Planning appealing the HPAB's decision to the City Council for review of the decision and the approval, denial, modification of, or deviation from, the HPAB's decision. The appeal application shall be set before the City Council at the first available City Council meeting. Refer to §203F.2, *Certain Appeals to City Council*, for further information on the procedure.

# F. Appeal Procedures

## 1. Administrative Appeal

Decisions made by an Administrative Official of the City in the administration of this Code may be appealed to the Board of Adjustment. The Director of Engineering's application and enforcement of the Engineering Design Manual may not be appealed.

### a. Applicability

Appeals of an Administrative Official's decision may be taken to the Board of Adjustment for review and decision.

**I.** An appeal of an Administrative Official's determination that is not related to a specific application, address, or project may be filed by a person aggrieved by the decision, or any officer, department, board, or bureau of the City affected by the decision.

**II.** An appeal of an Administrative Official's determination that is related to a specific application, address, or project may be filed by the person who filed the application that is the subject of the decision, the owner or representative of the owner of the property that is the subject of the decision, or any person aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision, or by any officer, department, board, or bureau of the City affected by the decision. The Board in exercising its authority shall have the same authority as the Administrative Official and department from whose decision the appeal is taken. The Board may reverse or affirm in whole or in part, or may modify the order, requirement, decision, or determination from which the appeal is taken.

### b. Submittal Requirements

Board of Adjustment application, specifying the grounds for the appeal.

### c. Public Hearing and Notice Required

The appeal shall be scheduled for a public hearing before the Board of Adjustment. Mailed notice shall be provided to property owners within a 200-foot radius of the subject property and due notice shall be provided to the parties in interest.

### d. Procedure

Appeals of administrative decisions shall be considered in accordance with the following procedure, and Texas Local Government Code §211.009 and §211.010.

**I.** Within 20 days of the original decision that the appellant wishes to appeal, the appellant must file an application with the City specifying the grounds for the appeal. The application shall be filed with the Board and the Administrative Official from whom the appeal is taken.

**II.** On receiving notice of the appeal, the Administrative Official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record of the action that is being appealed.

**III.** An appeal stays all proceedings, construction activities of any kind, and any and all other work in furtherance of the action that is appealed. If the appeal is taken from an Administrative Official's decision, the Administrative Official may certify in writing to the Board facts supporting the Administrative Official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the Administrative Official, if due cause is shown by the appellant.

**IV.** A party may appear at the appeal hearing in person or by agent or attorney. The Administrative Official and the appellant may each provide a legal brief to the Board in support of their respective argument(s). If a brief is first provided at the hearing, the Board may recess to review the brief before conducting the hearing.

**V.** The Board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60$^{th}$ day after the date the appeal is filed.

**VI.** The concurring vote of seventy-five percent (75%) or more of the members of the Board of Adjustment is necessary to reverse an order, requirement, decision, or determination of an Administrative Official. Any appeal not approved by the concurring vote of seventy-five percent (75%) or more of the members of the Board of Adjustment shall be considered denied.

**e. Approval Criteria**

The Board of Adjustment shall base their decision on the specific standards and approval criteria applicable to the original decision being appealed.

**f. Appeals**

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the state courts of Collin County, Texas in accordance with state law.

## 2. Certain Appeals to City Council

An applicant or the Director of Planning may appeal an action to the City Council in accordance with the following procedure.

**a. Applicability**

The following official actions may be appealed directly to City Council:

**I.** Planning and Zoning Commission decisions;

**II.** Director of Planning decisions regarding specimen tree removal; or

**III.** Historic Preservation Advisory Board decisions.

**b. Submittal Requirements**

**I.** Letter describing grounds for appeal; and

**II.** All related documents.

**c. Public Hearing and Notice Required**

**I.** An appeal of a Site Plan that includes a Design Exception or a Variance shall require a public hearing and Mailed Notice shall be provided in accordance with §203A.4, Public Notice.

**II.** All other appeals of Planning and Zoning Commission decisions shall follow the notice requirements of the original application from which the appeal was taken.

**d. Procedure**

**I.** Within seven calendar days of an official action sought to be appealed, the applicant or the Director of Planning may appeal the decision to the City Council.

a. The appellant shall provide a written request of intent to appeal to the Director of Planning within seven calendar days of the official action; or

b. The Director of Planning shall provide written notification of the appeal to the applicant within seven calendar days of the official action.

c. If no appeal is requested within seven calendar days of the official action, the action shall be deemed final and no further appeals may be requested.

d. Exception: For all appeals of Historic Preservation Advisory Board actions, the deadlines specified above in provisions a through c of this subsection shall be 21 calendar days.

**II.** The official action being appealed to the City Council shall be automatically stayed until the City Council rules upon the appeal. No building or development permit shall be issued for any parcel or structure that is the subject of an official action which has been appealed to the City Council until a decision on the appeal is rendered by the City Council.

**III.** The applicant and the Director of Planning shall be provided at least 21 calendar days' notice of the City Council meeting at which the appeal will be considered, unless such notice is waived in writing by both the applicant and the Director of Planning.

**IV.** The Director of Planning shall provide all documents relevant to the official action being appealed to the City Council, including meeting minutes and documents presented at any hearing(s) or

meeting(s). The Director of Planning shall provide a copy of these materials to the applicant at the time they are submitted for inclusion in the City Council agenda packet.

**V.** The applicant and the Director of Planning may submit additional materials to be considered by the City Council at least seven calendar days prior to the scheduled hearing date. The applicant and the Director of Planning shall simultaneously provide copies of such additional materials to each other upon submittal under this subsection.

**VI.** The City Council may reverse or affirm, wholly or partly, or modify the original action.

**e. Approval Criteria**

The City Council shall base their decision on the specific standards and approval criteria applicable to the original decision being appealed.

**f. Appeals**

The decision of the City Council shall be final. Any further appeals shall be made to the courts of Collin County, Texas in accordance with state law.

# G. Flexibility and Relief Procedures

## 1. Design Exception

A Design Exception may be approved by the Planning and Zoning Commission to allow deviations from specific standards in this Code arising out of a Site Plan review.

### a. Applicability

**I.** A Design Exception may be requested only for those standards that are specifically identified in this Code.

**II.** Each Design Exception request shall be reviewed on its own merits. Approval or disapproval of a Design Exception in one instance shall not be interpreted to set a precedent for future requests of the same or similar Design Exception.

**III.** Approval of a Design Exception shall apply only to the property associated with the Design Exception request and shall not be transferable to any other property.

**IV.** When changes to an approved Site Plan or land use are proposed, the Director of Planning may determine that a previously approved Design Exception(s) associated with that Site Plan or land use may no longer be appropriate.

**V.** If a property zoned PD – Planned Development District or with a Specific Use Permit (SUP) includes a specific standard that differs from the requirements of the Zoning Regulations, a Design Exception shall not be permitted to alter from that specific standard.

### b. Submittal Requirements

Design Exceptions may be considered as part of a Site Plan and shall be submitted, accepted, and revised, and may be withdrawn in accordance with §203A, *Standard Procedures*, and §203E.1, *Site Plan.*

### c. Public Notice Required

Design Exceptions shall be scheduled for a public hearing for the Planning and Zoning Commission to take action and noticed in accordance with §203A.4, Public Notice. The following notice type(s) are required for Design Exceptions:

**I.** Mailed Notice.

### d. Approval Procedure

The Planning and Zoning Commission shall take action on a Design Exception pursuant to the approval criteria below.

### e. Approval Criteria

The Planning and Zoning Commission may approve a request for a Design Exception if they find that:

**I.** There is a compelling reason why the existing standard cannot be satisfied;

**II.** The Design Exception will not have an adverse impact on adjacent existing or future developments;

**III.** The Design Exception will not have an adverse impact on the public health, safety, and general welfare;

**IV.** The Design Exception is not proposed to reduce financial costs or serve as a convenience to the applicant; and

**V.** The Design Exception complies with all additional standards outlined in the specific section from which the Design Exception originates.

### f. Appeals

**I.** The Planning and Zoning Commission's action on a Design Exception may be appealed to the City Council by the applicant or Director of Planning if:

a. The applicant provides a written request to the Director of Planning within 7 calendar days of the Planning and Zoning Commission's action; or

b. The Director of Planning provides written notification of the appeal to the applicant within 7 calendar days of the Planning and Zoning Commission's action.

**II.** If no appeal is requested within 7 calendar days of the Planning and Zoning Commission's action, the Commission's action shall be deemed final and no appeal may be requested.

**III.** If appealed, the City Council shall hold a public hearing on the Design Exception pursuant to §203F.2, *Appeals to City Council*.

**IV.** The City Council may reverse or affirm, in whole or part, or modify the Planning and Zoning Commission's action to render the determination the City Council believes correct. The City Council has final approval authority regarding the Site Plans and its decision regarding an appeal of the Planning and Zoning Commission's action regarding a Design Exception shall in all things be final.

## 2. Special Exception

Through the Special Exception procedure, the Board of Adjustment may evaluate certain adjustments and modifications to the standards in this Code based on necessity or unusual circumstances.

### a. Applicability

Special Exceptions may be used to:

**I.** Permit a public utility or public service building or structure in any district, or a public utility or public service building of a ground area and of a height otherwise in conflict with the standards provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare;

**II.** Permit the extension of a use, height, and/or area regulation into an adjoining zoning district, where the boundary line of the zoning district divides a lot in a single ownership on the effective date of the ordinance from which this section is derived;

**III.** Permit the reconstruction of a legal nonconforming building that has been damaged by explosion, fire, the elements, the public enemy, or any other cause, to the extent of more than 50 percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly;

**IV.** Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Comprehensive Plan and present no conflict or nuisance to adjacent properties; and

**V.** A Special Exception may also be granted for certain fences or portions of a fence that meet all of the requirements set out in Article 7: Fences. A hardship for fences may be found regardless of when the unusual condition was created.

### b. Exceptions

The Special Exception procedure may not be used to award special privilege or convenience to an applicant.

### c. Submittal Requirements

Applications shall be submitted, accepted, and revised, and may be withdrawn in accordance with §203A, *Standard Procedures,* and shall include the following:

**I.** Board of Adjustment application, including the written authorization from the owner of the property on which the Special Exception is sought;

**II.** Existing plot/Site Plan or survey drawn to scale of the subject property;

**III.** Proposed plot/Site Plan or survey drawn to scale of proposed project for which Special Exception is sought;

**IV.** Elevation renderings of proposed Special Exception request; and

**V.** Aerial map of properties adjacent to the subject property.

### d. Public Hearing and Notice Required

The Special Exception application shall be scheduled for a public hearing before the Board of Adjustment to take action and notice shall be provided in accordance with §203A.4, Public Notice. The following notice type(s) are required for Special Exceptions:

**I.** Mailed Notice; and

**II.** Published Notice.

**e. Approval Procedure**

**I.** Board of Adjustment Action

a. The Board of Adjustment shall review and approve or disapprove the Special Exception in accordance with the approval criteria in subsection f. of this section.

b. A concurring vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be required to approve a Special Exception request. Any request for a Special Exception that is not approved by affirmative vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be considered denied.

c. The Board of Adjustment shall decide the request no later than the 60th day after the public hearing at which the Board heard the request.

d. The Building Official shall provide a written notification of the Board of Adjustment's decision to the applicant.

**f. Approval Criteria**

The Board of Adjustment may approve a Special Exception if they find the request:

**I.** Is not contrary to the public interest or otherwise injurious to adjacent property owners;

**II.** Is the minimum modification necessary to gain the relief requested; and

**III.** Is not solely for the purpose of mitigating a financial hardship.

**g. Appeals**

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the state courts of Collin County, Texas in accordance with state law.

**h. Expiration**

If the property owner has not shown progress toward completion associated with the required permits to carry out the approved Special Exception within two years of approval, the Special Exception shall automatically expire.

## 3. Variance

A Variance may be approved by the Board of Adjustment to provide relief from the strict application of the zoning provisions of this Code where literal enforcement of the requirements of this Code will result in unnecessary hardship and where the Variance is necessary to develop a parcel of land that cannot otherwise be developed due to unique conditions on the property.

**a. Applicability**

The Variance procedure may be used to:

**I.** Permit a Variance to requirements of any district where there are unusual and practical difficulties or unnecessary hardships due to an irregular shape of the lot or topographical or other conditions; and

**II.** Authorize Variances from the strict application of this Code that are in harmony with its general purpose and intent, provided such Variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty, while at the same time, the surrounding properties will be properly protected.

**b. Submittal Requirements**

Applications shall be submitted, accepted, and revised, and may be withdrawn in accordance with §203A, *Standard Procedures,* and shall include the following:

**I.** Board of Adjustment application, including the written authorization from the owner of the property on which the Variance is sought;

**II.** Existing plot/Site Plan or survey drawn to scale of the subject property;

**III.** Proposed plot/Site Plan or survey drawn to scale of proposed project for which Special Exception is sought;

**IV.** Aerial map of properties adjacent to the subject property; and

**V.** Any other supporting documentation.

**c. Public Hearing and Notice Required**

The Variance application shall be scheduled for a public hearing before the Board of Adjustment to take action and notice shall be provided in accordance with §203A.4, Public Notice. The following notice type(s) are required for Variance requests:

**I.** Mailed Notice; and

**II.** Published Notice.

**d. Approval Procedure**

This procedure is established to comply with TLGC, §§211.008 and 211.009.

**I.** The Board of Adjustment shall review and approve or disapprove the Variance in accordance with the approval criteria in subsection d. of this section.

**II.** A concurring vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be required to approve a Variance request. Any request for a Variance that is not approved by affirmative vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be considered denied.

**III.** The Board of Adjustment shall decide the request no later than the 60$^{th}$ day after the public hearing at which the Board heard the request.

**IV.** The Building Official shall provide a written notification of the Board of Adjustment's decision to the applicant.

**e. Approval Criteria**

The Board of Adjustment may approve a Variance from the requirements of the Zoning regulations of this Code where such request:

**I.** Is not contrary to the public interest;

**II.** Is the minimum Variance necessary to gain the relief requested;

**III.** Is not solely for the purpose of mitigating a financial hardship;

**IV.** Is not the direct result from actions by the property owner; and

**V.** Due to special conditions, a literal enforcement of the Code would result in unnecessary hardship, and so that the spirit of the Code is observed and substantial justice is done.

**VI.** When the Variance requested involves an existing structure the Board of Adjustment may also consider the following criteria as grounds to determine where compliance with the Zoning Regulations of this Code would result in unnecessary hardship:

a. The financial cost of compliance is greater than fifty percent of the appraised value of the structure as shown on the most recent tax roll accepted by the City;

b. Compliance would result in a loss to the lot on which the structure is located of at least twenty-five percent of the area on which development may physically occur;

c. Compliance would result in the structure not being in compliance with a requirement of the McKinney Code;

d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

e. The City will consider the structure to be nonconforming.

**f. Approval Non-Transferable**

An approved Variance shall only apply to the property or structure associated with the Variance and shall not be transferable to any other property or structure.

**g. Appeals**

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the courts of Collin County, Texas in accordance with state law.

**h. Expiration**

If the property owner has not shown progress toward completion associated with the required permits to carry out the approved Variance within two years of the Variance approval, the Variance shall automatically expire.

# 204 Zoning Districts

## A. Purpose

This section identifies the zoning districts permitted in McKinney and establishes standards that apply within each individual zoning district. The illustrations contained in this section are intended to serve as a visual representation of how the associated standards could be satisfied and not how they must be satisfied.

## B. Zoning Districts, Generally

### 1. 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 §204C, *Zoning District Map.*

**Table 2-1: Zoning Districts Established**

| Base Zoning Districts | Section |
|---|---|
| **Residential Districts** | |
| R43 Residential Estate | 204D |
| R12 Residential | 204E |
| R8 Residential | 204F |
| R6 Residential | 204G |
| R5 Residential | 204H |
| TR1.8 Townhome Residential | 204I |
| FR Flex Residential | 204J |
| MR Mixed Residential | 204K |
| MF30 Multi-Family Residential | 204L |
| MHR Manufactured Home Residential | 204M |
| **Non-Residential Districts** | |
| C1 Neighborhood Commercial | 204N |
| C2 Local Commercial | 204O |
| C3 Regional Commercial | 204P |
| O1 Office | 204Q |
| O2 Regional Office | 204R |
| AG Agricultural | 204V |
| AP Airport | 204W |
| **Industrial Districts** | |
| I1 Light Industrial | 204S |
| I2 Heavy Industrial | 204T |
| **Other Districts** | |
| GC Government Complex | 204U |
| MTC McKinney Town Center | 204Y |
| PD Planned Development | 204V |
| **Overlay Zoning Districts** | **Section** |
| H Historic Overlay | 204Z |
| HC Highway Commercial Overlay | 204AA |
| TMN Traditional McKinney Neighborhood Overlay | 204BB |

## 2. Conflicting Zoning Requirements

**a.** 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 requirements that may apply to a particular development. If a requirement shown in an illustration is inconsistent with the respective table of lot and building requirements or other text in this Code, the standards in the table and text of this Code shall govern.

**b.** If any overlay zoning district requirement conflicts with any other regulation in this Code, the requirements 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 Highway Commercial Overlay district.

## 3. Zoning District Correspondence

The UDC does not rezone property within the corporate limits of the City from the zoning existing on the property at the time the UDC was adopted. Rather, the textural requirements of the previously existing zoning districts ("Prior Zoning Districts") are amended, generally to less restrictive conditions, and the Prior Zoning Districts consolidated with other Prior Zoning Districts that allowed similar uses and then collectively renamed to the new zoning districts identified in Table 2-2 below, in an effort to simplify and unify the use regulations for similar uses. Table 2-2: Current and Prior Zoning District Correspondence shows how the zoning districts that existed prior to this ordinance correspond with the current zoning district requirements. On the effective date of this Article, any property with a previous zoning district, as shown in the left column, shall develop in accordance with the new use regulations and development standards of the corresponding zoning district in the right column.

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

| Prior Zoning Districts | Corresponding District Standards and Use Regulations |
|---|---|
| **Residential Districts** | |
| RED-1 - Residential Estate<br>RED-2 - Residential Estate | R43 - Residential Estate |
| SF12 - Single family Residential<br>RS 120 - Single family Residence | R12 - Residential |
| SF10 - Single Family Residential<br>SF8 - Single Family Residential<br>RS 84 - Single Family Residence | R8 - Residential |
| SF7.2 - Single Family Residential<br>RS 72 - Single Family Residence<br>RS 60 - Single Family Residence | R6 - Residential |
| SF5 - Single Family Residential | R5 - Residential |
| TH - Townhome Residential<br>RS 45 - Single Family Residence<br>RD 30 - Duplex Residential<br>DR - Duplex Residential<br>RG 27 - General Residence Townhome | TR1.8 - Townhome Residential |
| N/A | FR - Flex Residential |
| RG 25 - General Residence District<br>RG15 [18] - General Residence District | MR - Mixed Residential |
| MF-1 - Multiple Family Residential-Low Density<br>MF-2 - Multiple Family Residential-Medium Density<br>MF-3 - Multiple Family Residential-Medium-High Density | MF30 - Multi-Family Residential |
| MP - Mobile Home Park | MHR - Manufactured Home Residential |
| **Non-Residential Districts** | |
| C1 - Neighborhood Commercial<br>NC - Neighborhood Convenience<br>BN - Neighborhood Business | C1 - Neighborhood Commercial |
| C2 - Local Commercial | C2 - Local Commercial |

| Table 2-2: Current and Prior Zoning District Correspondence | |
|---|---|
| **Prior Zoning Districts** | **Corresponding District Standards and Use Regulations** |
| BG - General Business | |
| C3 - Regional Commercial<br>C - Planned Center<br>BC - Commercial Business | C3 - Regional Commercial |
| O - Office<br>O1 - Neighborhood Office<br>SO - Suburban Office | O1 - Office |
| RO - Regional Office | O2 - Regional Office |
| AG - Agricultural | AG - Agriculture |
| AP - Airport | AP - Airport |
| **Industrial Districts** | |
| LI - Light Industrial<br>ML - Light Manufacturing | I1 - Light Industrial |
| HI - Heavy Industrial<br>MH - Heavy Manufacturing | I2 - Heavy Industrial |
| **Other Districts** | |
| GC - Government Complex | GC - Government Complex |
| PD - Planned Development | PD - Planned Development |
| MTC - McKinney Town Center | MTC - McKinney Town Center |
| **Overlay Zoning Districts** | **Section** |
| HPO - Historic Preservation Overlay<br>CHD - Commercial Historic District | H - Historic Overlay |
| CC - Corridor Commercial Overlay | HC - Highway Commercial Overlay |
| TMN - Traditional McKinney Neighborhood Overlay | TMN - Traditional McKinney Neighborhood Overlay |

# C. Zoning District Map

## 1. 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.

## 2. Zoning District Boundaries

### a. Boundary Clarification

**I.** In cases when the Official Zoning Map does not reflect recent changes, boundaries shall be determined by the Director of Planning.

**II.** 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.

**III.** 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.

### b. Interpretation

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

**I.** Where district boundaries are indicated as approximately following, parallel to, or perpendicular to any of the following lines or features, such lines and features shall be construed as said boundaries:

a. The centerlines of streets or highways, street lines or highway right-of-way lines;

b. Lot lines, drainage course(s), or other prominent physical features.

**II.** 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. When only one side of a street, alley, or other public way is vacated, the zoning district adjoining that side of such street, alley, or public way shall be automatically extended to the limit of the vacated area and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

**III.** If no distance is given, such dimension shall be determined using the scale of said zoning map.

**IV.** If on unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.

**V.** 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, except when streets or alleys have been relocated or realigned.

### c. Amendments

Changes in the boundaries of any zoning district require an amendment to the Official Zoning Map per §203C.2, *Zoning Change*.

# D. R43 – Residential Estate

## 1. Purpose

The purpose of the R43 zoning district is to accommodate large-lot residential development of single-family homes on lots of at least one acre (43,560 square feet), creating neighborhoods of a rural character. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living, Estate Residential, and Suburban Living.

## 2. Standards

**Table 2-3: R43 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)** | | |
| | Height (ft) | 45 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

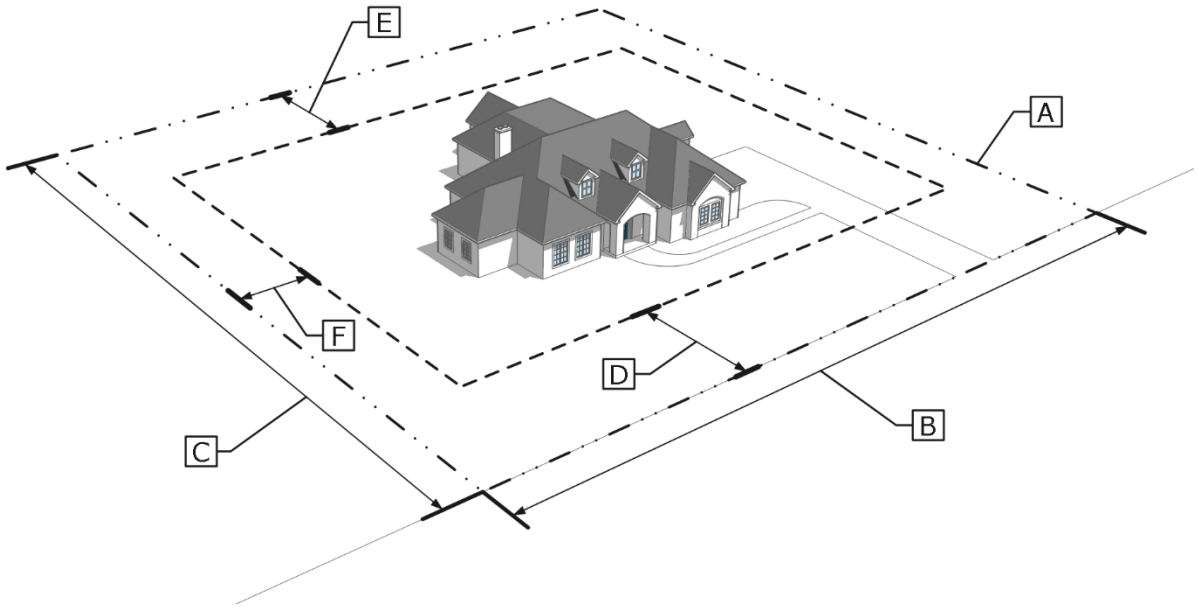



**Figure 2-1: R43 District Dimensional Standards**

# E. R12 – Residential

## 1. Purpose

The purpose of the R12 zoning district is to accommodate low density, suburban-style, single family residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Estate Residential and Suburban Living.

## 2. Standards

| Table 2-4: 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 |
| E | Rear (ft) | 20 |
| F | Side interior (ft) | 10 |
| | Side corner lot (ft) | 20 |
| **Height (maximum)** | | |
| | Height (ft) | 35 |

| Other Key Standards | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

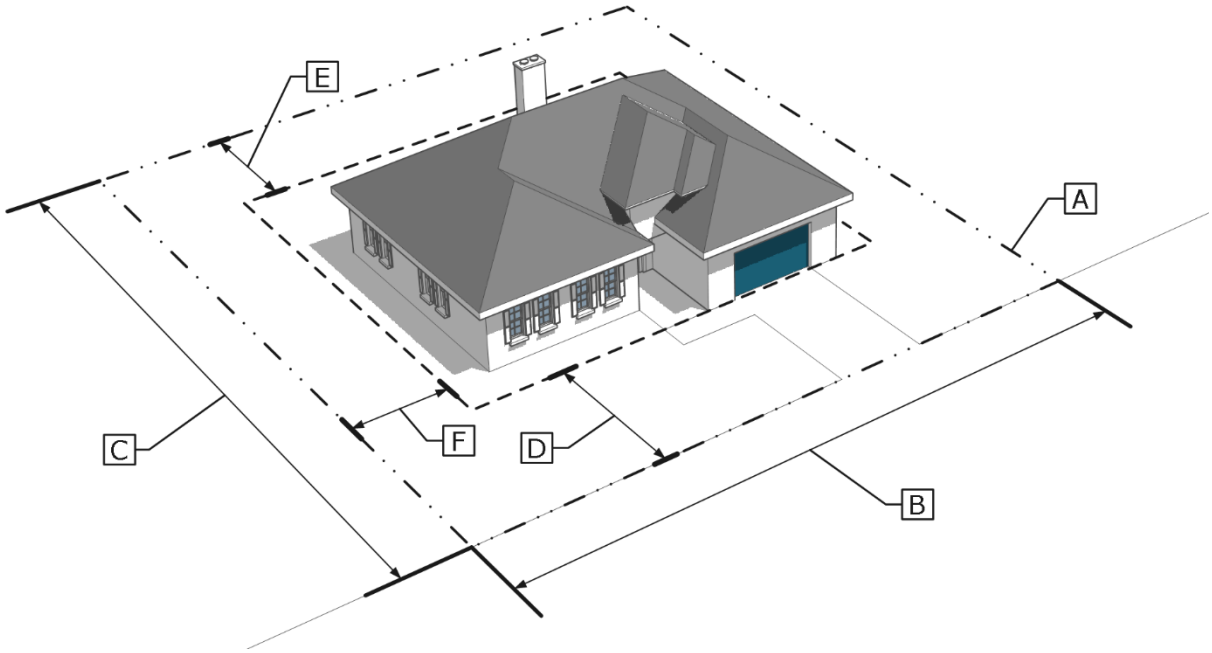



**Figure 2-2: R12 District Dimensional Standards**

# F. R8 – Residential

## 1. Purpose

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

## 2. Standards

**Table 2-5: R8 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 8,000 |
| B | Lot width (ft) | 60 |
| C | Lot depth (ft) | 100 |
| **Building Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 15 [2] |
| F | Side interior (ft) | 5 [1] |
| | Side corner lot (ft) | 15 [2] |
| **Height (maximum)** | | |
| | Height (ft) | 35 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

[1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. 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 a setback exhibit associated with an approved plat.

[2] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-38: Minimum Vehicle Parking and Stacking Requirements.

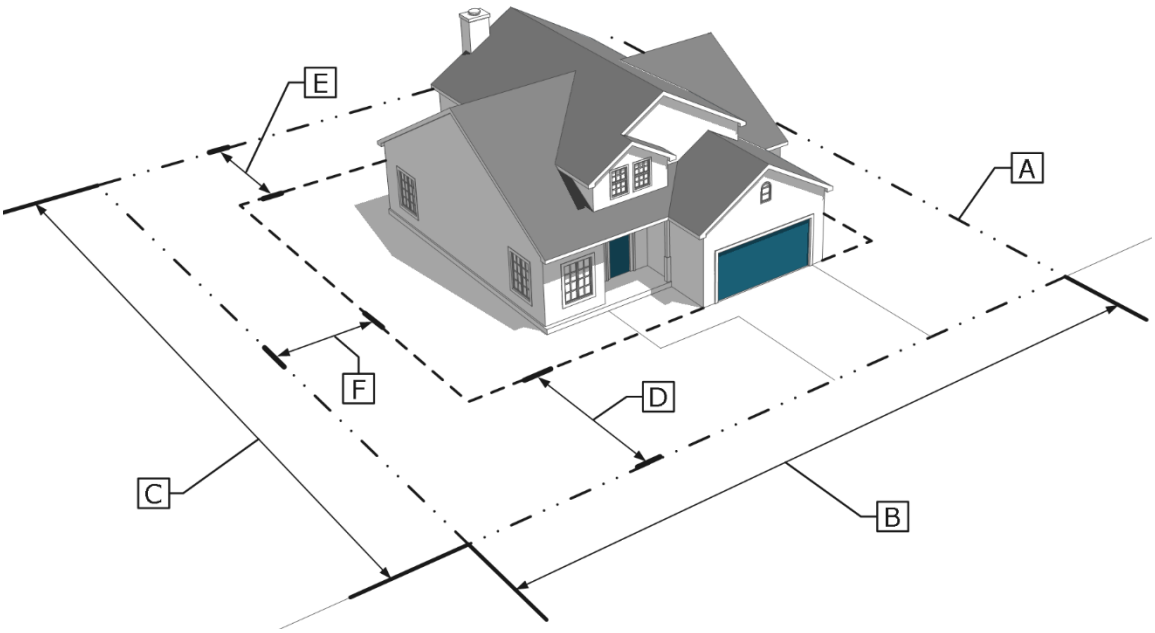



**Figure 2-3: R8 District Dimensional Standards**

# G. R6 – Residential

## 1. Purpose

The purpose of the R6 zoning district is to accommodate medium-density, suburban-style, single-family residential development. This 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.

## 2. Standards

**Table 2-6: R6 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 6,000 |
| B | Lot width (ft) | 50 |
| C | Lot depth (ft) | 90 |
| **Building Setbacks (minimum)** | | |
| D | Front (ft) | 20 [2] |
| E | Rear (ft) | 10 [2] |
| F | Side interior (ft) | 5 [1] |
| | Side corner lot (ft) | 15 [2] |
| **Height (maximum)** | | |
| | Height (ft) | 35 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Notes**

[1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. 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 a setback exhibit associated with an approved plat.

[2] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-38: Minimum Vehicle Parking and Stacking Requirements.

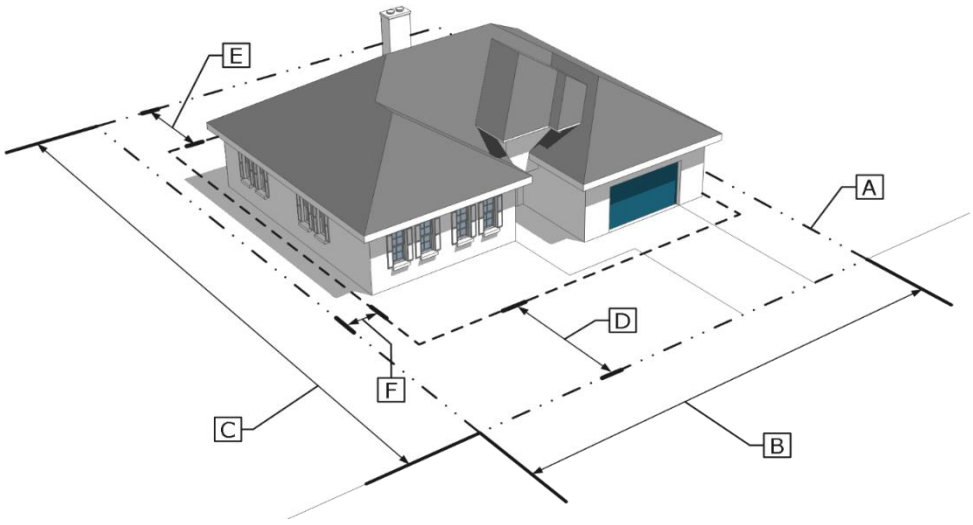



**Figure 2-4: R6 District Dimensional Standards**

# H. R5 – Residential

## 1. Purpose

The purpose of the R5 zoning district is to accommodate medium-density, single-family residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Entertainment Center, Transit Ready Development, Historic Town Center – Residential, and Historic Town Center – Mix. The R5 zoning district may also be appropriate in the Suburban Living placetype in unique circumstances.

## 2. Standards

**Table 2-7: R5 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 5,000 |
| B | Lot width (ft) | 40 [2] |
| C | Lot depth (ft) | 80 |
| **Building Setbacks (minimum)** | | |
| D | Front (ft) | 20 [3] |
| E | Rear (ft) | 10 [3] |
| F | Side Interior (ft) | 5 [1] |
| | Side Corner Lot (ft) | 15 [3] |
| **Height (maximum)** | | |
| | Height (ft) | 35 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Notes**

[1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. 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 a setback exhibit associated with an approved plat.

[2] Lots less than 50 feet in width shall be accessed via alleys abutting the rear of the lot, as required by the Engineering Design Manual.

[3] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-38: Minimum Vehicle Parking and Stacking Requirements.

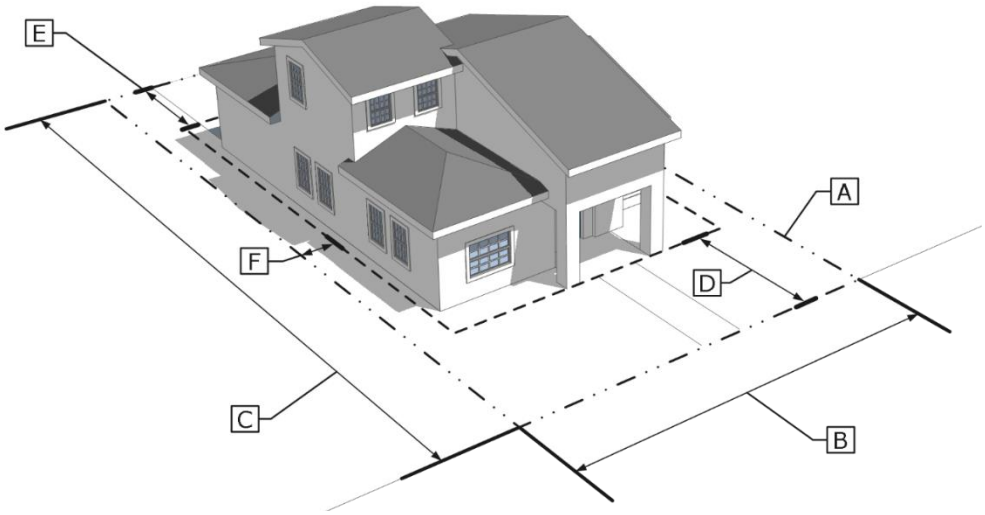



**Figure 2-5: R5 District Dimensional Standards**

# I. TR1.8 – Townhome Residential

## 1. Purpose

The purpose of the TR1.8 zoning district is to accommodate high-density townhome residential development. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Urban Living, Mixed-Use Center, Entertainment Center, Transit-Ready Development, Historic Town Center – Residential, and Historic Town Center – Mix. The Townhome Residential zoning district may also be appropriate in the Suburban Living placetype in unique circumstances.

## 2. Standards

**Table 2-8: TR1.8 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum) [1] [2] [3]** | | |
| A | Lot area (sq ft) | 1,800 |
| B | Lot width (ft) | 22 [2] |
| C | Lot depth (ft) | 80 |
| **Building Setbacks (minimum)** | | |
| D | Front (ft) | 20 [4] |
| E | Rear (ft) | 5 [4] |
| F | Side interior (ft) | 5 [1] |
| | Side corner lot (ft) | 15 [4] |
| **Height (maximum)** | | |
| | Height (ft) | 35 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Building Separation (minimum)**

| | |
|---|---|
| Building separation | 10 feet |

**Notes**

[1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. 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 a setback exhibit associated with an approved plat.

[2] Lots less than 50 feet in width shall be accessed via alleys abutting the rear of the lot, as required by the Engineering Design Manual.

[3] This district allows for meeting two of three minimum lot dimensions: area, width, or depth.

[4] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-38: Minimum Vehicle Parking and Stacking Requirements.

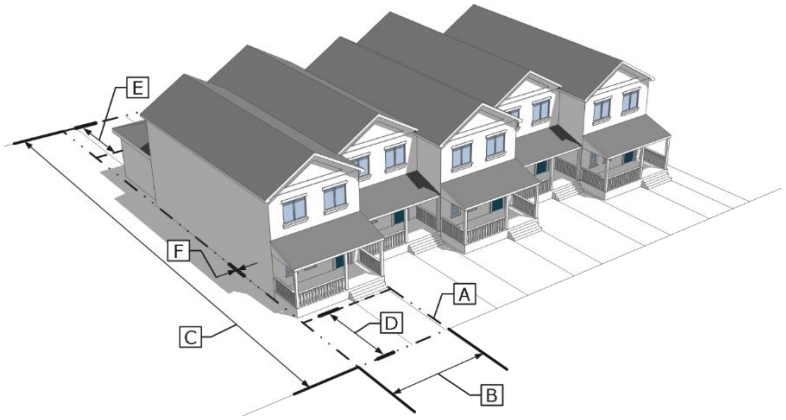



**Figure 2-6: TR1.8 District Dimensional Standards**

# J. FR – Flex Residential

## 1. Purpose

The purpose of the FR District is to accommodate a wide variety of low intensity multi-family residential development. 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. The FR zoning district may be appropriate in the Suburban Living placetype in unique circumstances.

## 2. Standards

**Table 2-9: FR Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area | N/A |
| B | Lot width (ft) | 60 |
| C | Lot depth (ft) | 100 |
| **Building Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 20 |
| F | Side interior (ft) | 20 |
| **Height (maximum)** | | |
| | Height (ft) | 35 |
| **Density (maximum)** | | |
| | Dwelling units per acre | 12 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a multi-family or non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s) unless developing according to the urban standards of the REC:

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 20 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

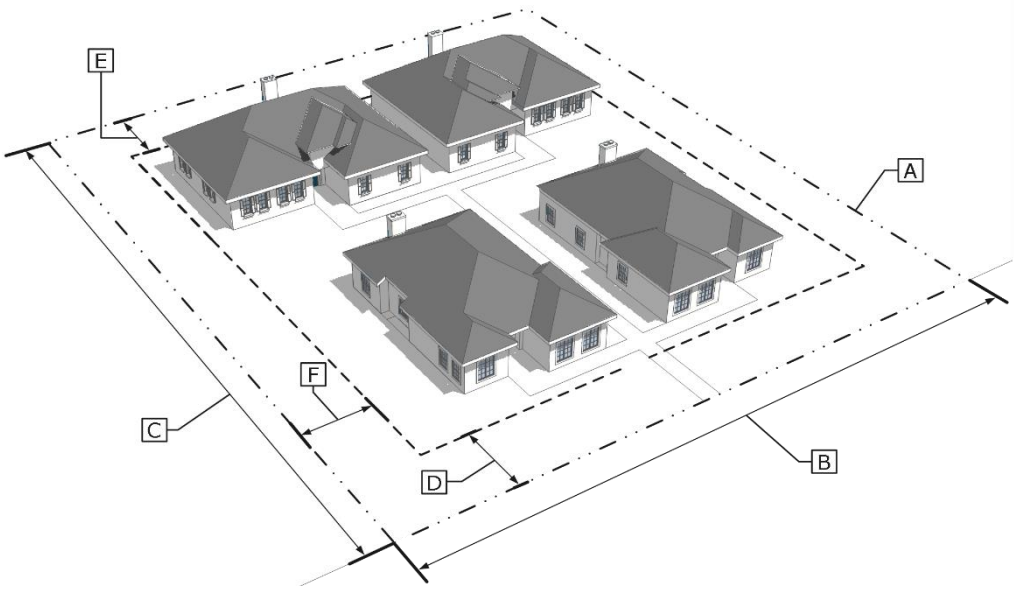



**Figure 2-7: FR District Dimensional Standards**

# K. MR – Mixed Residential

## 1. Purpose

The purpose of the MR District is to accommodate a mix of housing types, such as single-family dwellings, duplexes, triplexes, and quadplexes alongside lower density multi-family buildings with a maximum height of two stories. This 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. The MR zoning district may be appropriate in the Suburban Living placetype in unique circumstances.

## 2. Standards

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

| | | SF Detached | SF Attached | Duplex | Triplex | Quadplex | Multi-family, cottage | Multi-family, traditional |
|---|---|---|---|---|---|---|---|---|
| A | Lot area (sf) | 5,000 | 1,800 | 5,000 | 7,500 | 10,000 | N/A | 3,600 per unit |
| B | Lot width (ft) | 50 | 22 [2] | 50 | 50 | 50 | 60 | 60 |
| C | Lot depth (ft) | 100 | 80 | 100 | 100 | 100 | 100 | 100 |
| D | Front (ft) | 25 | 20 [3] | 25 | 25 | 25 | 20 | 35 |
| E | Rear (ft) | 25 | 5 [3] | 25 | 25 | 25 | 20 | 25 |
| F | Side interior (ft) | 5 | 5 [1] | 7 | 20 | 20 | 20 | 20 |
| | Side corner lot (ft) | 15 [3] | 15 [3] | 15 [3] | 35 | 35 | N/A | N/A |
| | Height (ft) | 35 | 35 | 35 | 35 | 35 | 35 | 35 |
| | Dwelling units per acre | 7 | N/A | 14.5 | 17 | 17 | 12 | 24 |

[1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet shall be maintained between buildings. 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 a setback exhibit associated with an approved plat.

[2] Lots of 50 feet or less in width shall be accessed via alleys abutting the rear of the lot.

[3] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-38: Minimum Vehicle Parking and Stacking Requirements.

### Residential Adjacency

When a multi-family or non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s): 45 feet. Residential adjacency does not apply to properties that are located in the REC and develop in accordance with the urban standards.

### Other Key Standards

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

# L. MF30 – Multi-Family Residential

## 1. Purpose

The purpose of the MF30 zoning district is to accommodate multi-family residential development. This 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. The MF30 zoning district may exist in the Suburban Living placetype in unique circumstances.

## 2. Standards

**Table 2-11: MF30 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | N/A |
| B | Lot width (ft) | 60 |
| C | Lot depth (ft) | 100 |
| **Building Setbacks (minimum)** | | |
| D | Front (ft) | 35 |
| E | Rear (ft) | 20 |
| F | Side interior (ft) | 20 |
| **Height (maximum)** | | |
| | Height (ft) | 55 |
| **Density (maximum)** | | |
| | Dwelling units per acre | 30 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a multi-family or non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s), unless developing according to the urban standards of the REC:

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 stories | 2 feet of setback for each foot of building height |
| 4 stories | 3 feet of setback for each foot of building height |

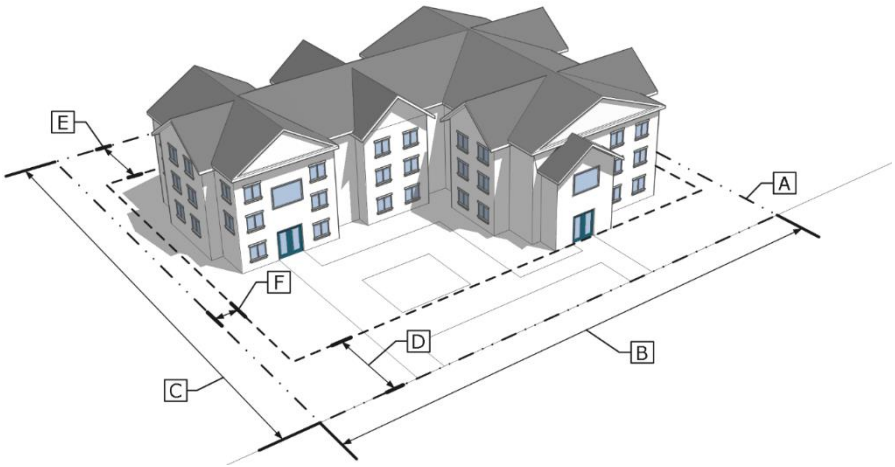



**Figure 2-8: MF30 District Dimensional Standards**

# M. MHR – Manufactured Home Residential

## 1. Purpose

The purpose of the MHR zoning district is to allow manufactured homes 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. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living, Estate Residential, Suburban Living, and Urban Living.

## 2. Standards

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

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | N/A |
| B | Lot width (ft) | 60 |
| C | Lot depth (ft) | 100 |
| **Building Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 20 |
| F | Side (ft) | 20 |
| **Height (maximum)** | | |
| | Height (ft) | 35 |
| **Density (maximum)** | | |
| | Dwelling units per acre | 12 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

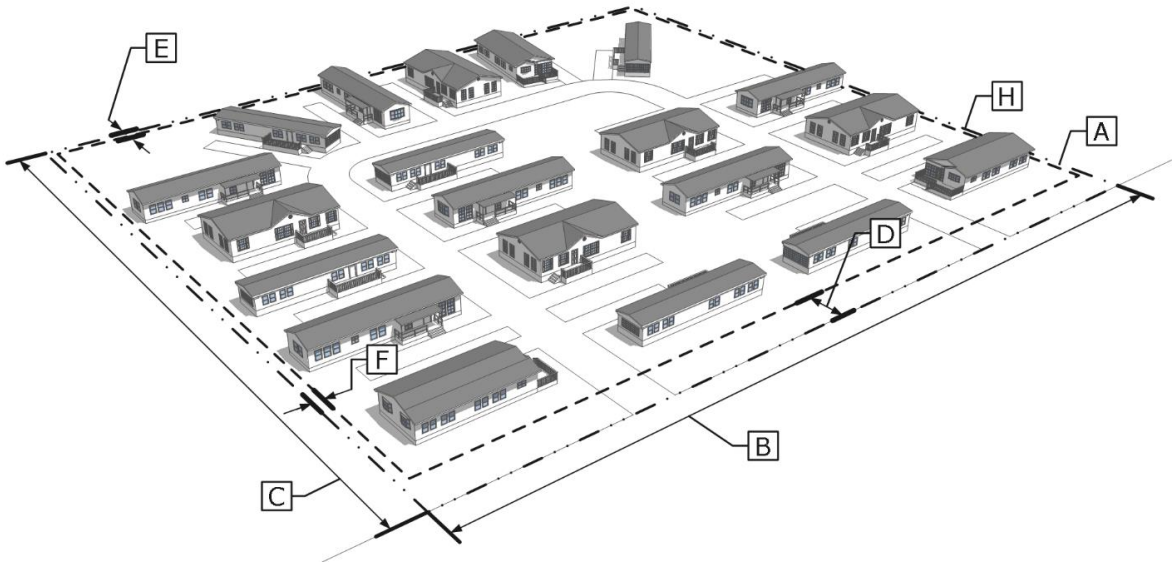



**Figure 2-9: MHR District Dimensional Standards**

# N. C1 – Neighborhood Commercial

## 1. Purpose

The purpose 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, and are typically located where collector roads intersect with other collector roads or arterial roads. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Neighborhood Commercial and Historic Town Center – Mix.

## 2. Standards

**Table 2-13: C1 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 0 |
| B | Lot width (ft) | 0 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 0 |
| F | Side interior (ft) | 0 |
| **Height (maximum)** | | |
| | Height (ft) | 35 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

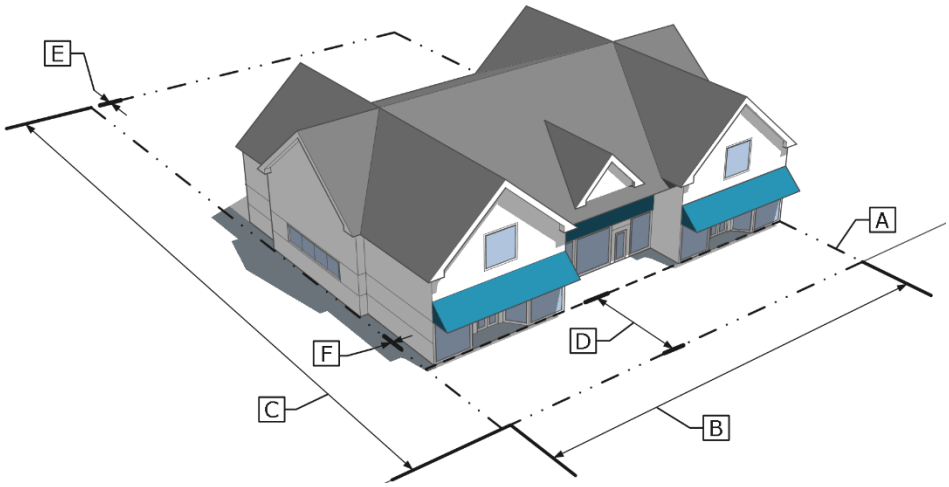



**Figure 2-10: C1 District Dimensional Standards**

# O. C2 – Local Commercial

## 1. Purpose

The purpose 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, so are typically located where arterial roads intersect other arterial roads. This 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.

## 2. Standards

**Table 2-14: C2 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 0 |
| B | Lot width (ft) | 0 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 0 |
| F | Side interior (ft) | 0 |
| **Height (maximum)** | | |
| | Height (ft) | 45 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

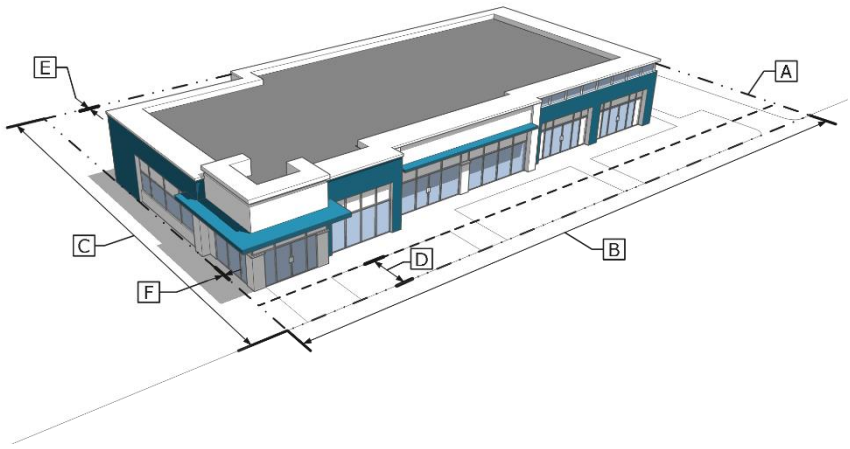



**Figure 2-11: C2 District Dimensional Standards**

# P. C3 – Regional Commercial

## 1. Purpose

The purpose 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, and where arterial roads intersect with major regional highways. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Commercial Center, Professional Center, and Entertainment Center.

## 2. Standards

**Table 2-15: C3 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 0 |
| B | Lot width (ft) | 0 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 0 |
| F | Side interior (ft) | 0 |
| **Height (maximum)** | | |
| | Height (ft) | 55 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

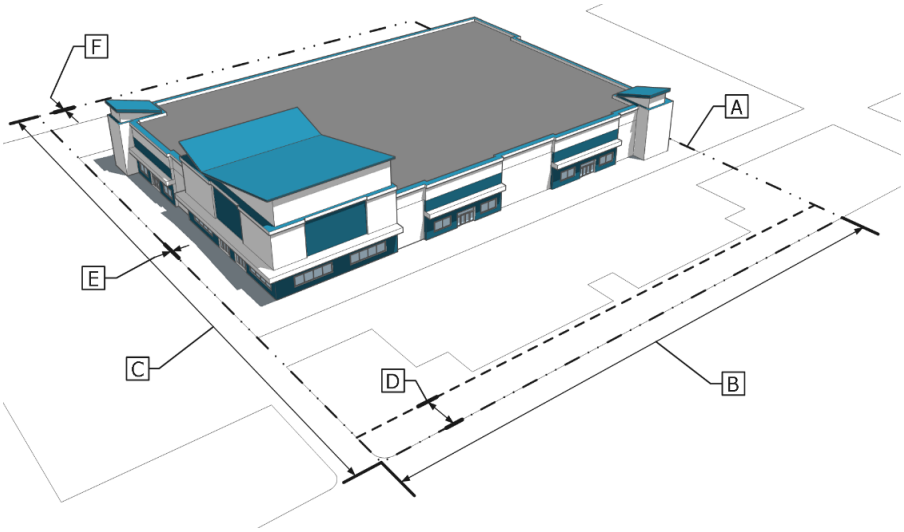



**Figure 2-12: C3 District Dimensional Standards**

# Q. O1 – Office

## 1. Purpose

The purpose 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. This district is typically located at the intersection of arterial roads and collector roads. The district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Neighborhood Commercial, and Professional Center.

## 2. Standards

**Table 2-16: O1 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 0 |
| B | Lot width (ft) | 0 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 0 |
| F | Side interior (ft) | 0 |
| **Height (maximum)** | | |
| | Height (ft) | 35 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

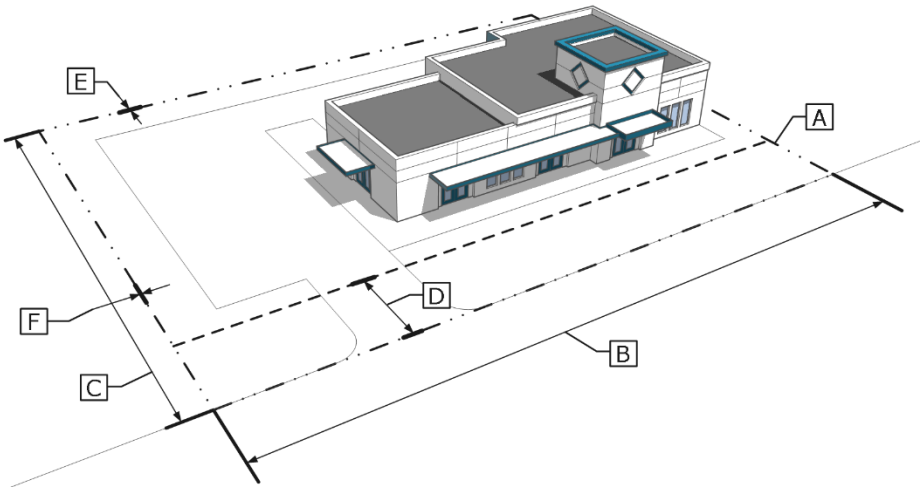



**Figure 2-13: O1 District Dimensional Standards**

# R. O2 – Regional Office

## 1. Purpose

The purpose 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 typically located along major regional highways, or at intersections with major regional highways. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Professional Center.

## 2. Standards

**Table 2-17: O2 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 0 |
| B | Lot width (ft) | 0 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 0 |
| F | Side interior (ft) | 0 |
| **Height (maximum)** | | |
| | Height (ft) | 75 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

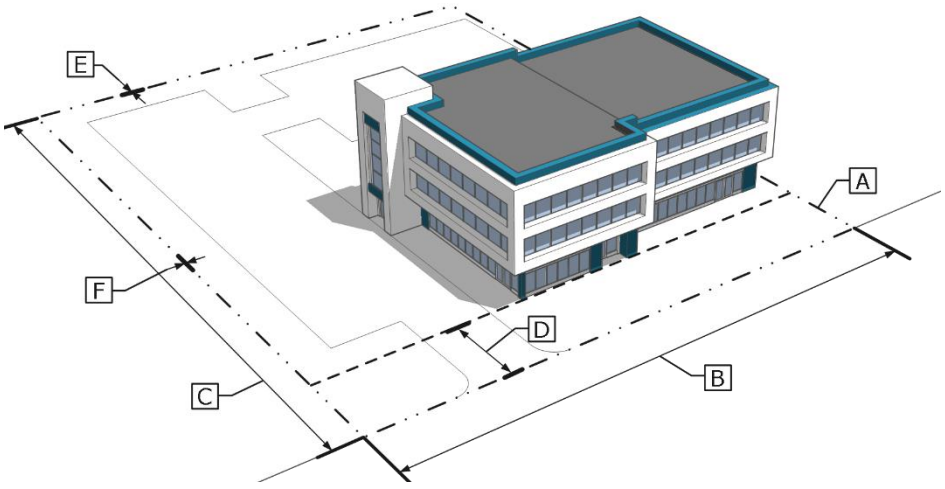



**Figure 2-14: O2 District Dimensional Standards**

# S. I1 – Light Industrial

## 1. Purpose

The purpose of the I1 zoning district is to allow a range of lower-intensity industrial uses. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Employment Mix and Manufacturing & Warehouse.

## 2. Standards

**Table 2-18: I1 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 0 |
| B | Lot width (ft) | 50 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 0 |
| F | Side interior (ft) | 0 |
| **Height (maximum)** | | |
| | Height (ft) | 45 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

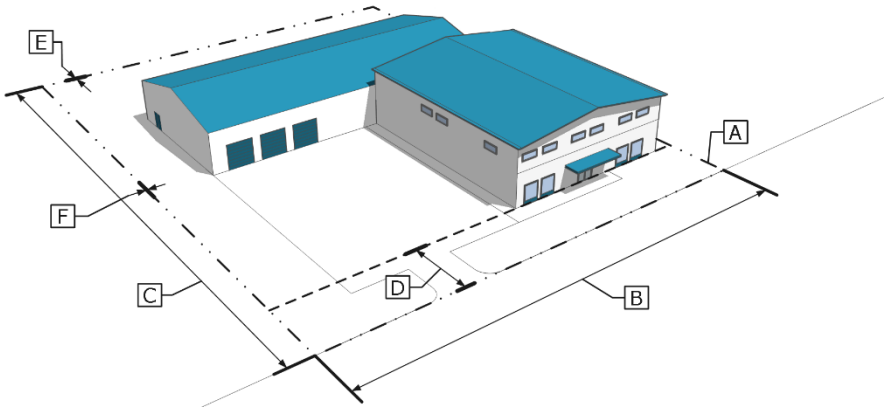



**Figure 2-15: I1 District Dimensional Standards**

# T. I2 – Heavy Industrial

## 1. Purpose

The purpose of the I2 zoning district is to allow the widest permitted range of more intense industrial uses. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Manufacturing & Warehouse.

## 2. Standards

**Table 2-19: I2 Dimensional Standards**

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 0 |
| B | Lot width (ft) | 50 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 0 |
| F | Side interior (ft) | 0 |
| **Height (maximum)** | | |
| | Height (ft) | 55 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

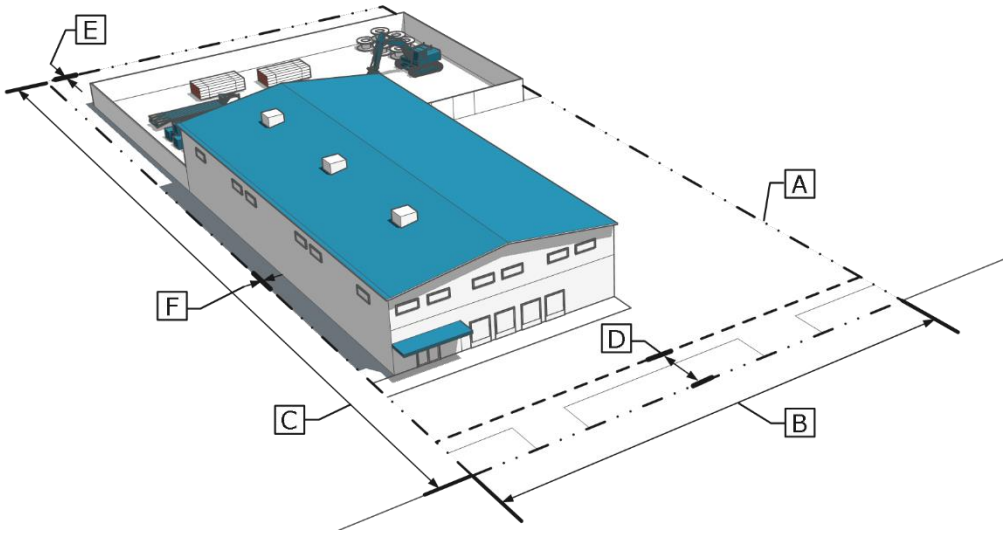



**Figure 2-16: I2 District Dimensional Standards**

# U. GC – Government Complex

## 1. Purpose

The purpose of the GC zoning district is to provide standards that are conducive to the construction of public and government facilities that contribute to the provision of public services. This district is generally appropriate within all placetypes in the ONE McKinney 2040 Comprehensive Plan.

## 2. Standards

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

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq. ft.) | N/A |
| B | Lot width (ft) | N/A |
| C | Lot depth (ft) | N/A |
| **Setbacks (minimum)** | | |
| D | Front (ft) | N/A |
| E | Rear (ft) | N/A |
| F | Side interior (ft) | N/A |
| **Height (maximum)** | | |
| | Height (ft) | N/A |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

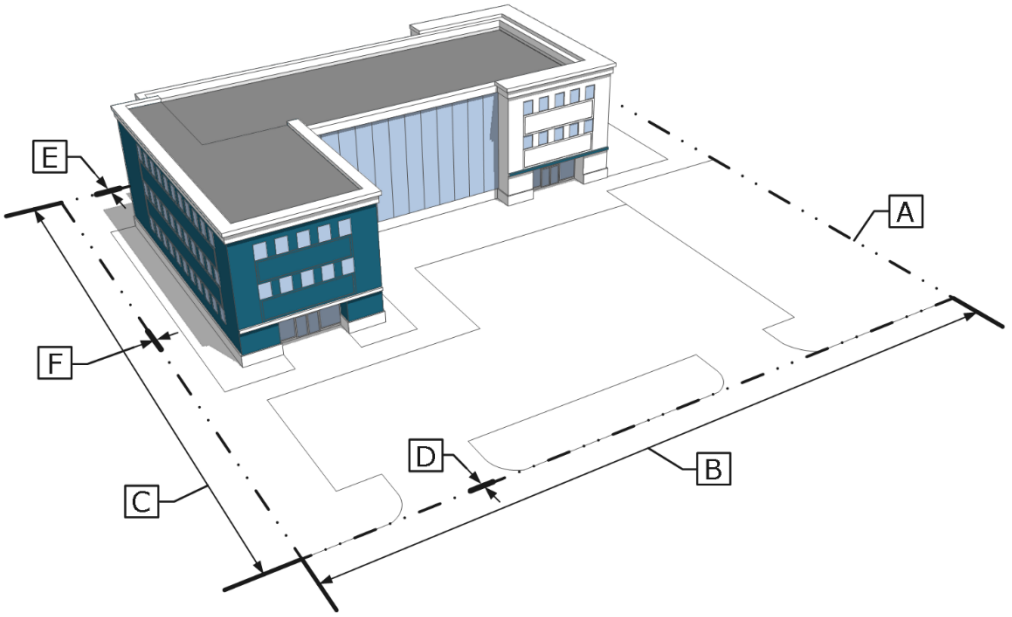



**Figure 2-17: GC District Dimensional Standards**

# V. AG – Agriculture

## 1. Purpose

The purpose of the AG zoning district is to allow for rural and agricultural uses. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Rural Living and Estate Residential.

## 2. Standards

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

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 5 acres |
| B | Lot width (ft) | 100 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 35 |
| E | Rear (ft) | 35 |
| F | Side interior (ft) | 20 |
| | Side corner lot (ft) | 25 |
| **Height (maximum)** | | |
| | Height (ft) | 35 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

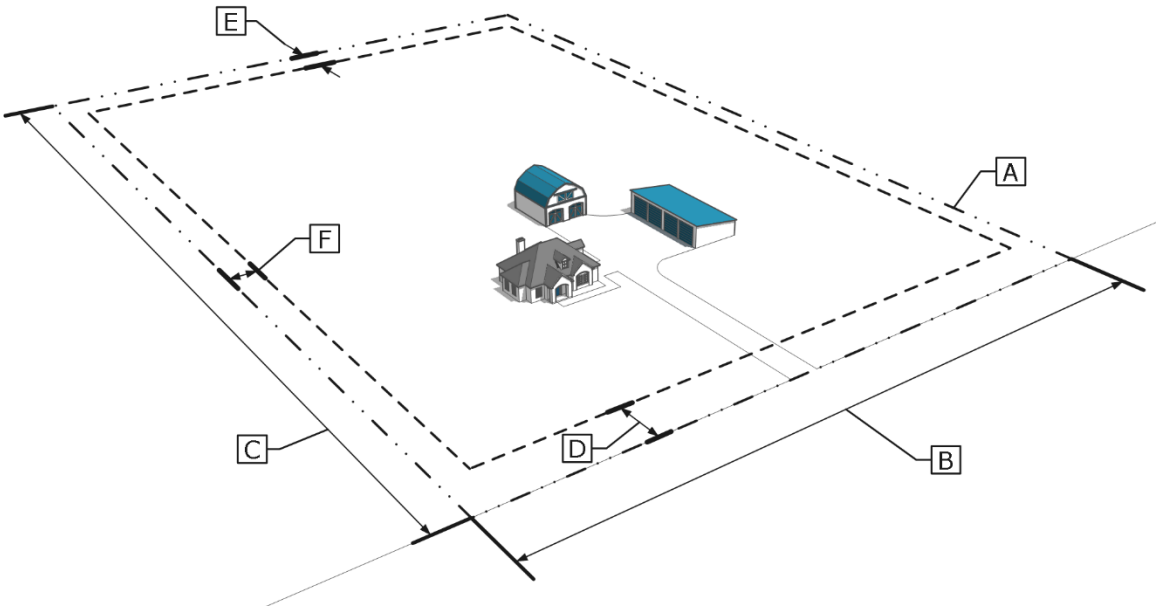



**Figure 2-18: AG District Dimensional Standards**

# W. AP – Airport

## 1. Purpose

The purpose of the AP zoning district is to provide for air transportation and associated uses. This district is generally appropriate within the following placetype(s) in the ONE McKinney 2040 Comprehensive Plan: Aviation. The following provision will be applied only to the extent that they are compatible with the provisions set out in Chapter 118, "Airport Height, Hazard, and Land Use Regulations," of the McKinney Code. In the event of any conflict between the provisions of this subsection W and any provision in Chapter 118 of the McKinney Code the provisions and requirements of Chapter 118 of the McKinney Code shall control.

## 2. Standards

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

| | | |
|---|---|---|
| **Lot Dimensions (minimum)** | | |
| A | Lot area (sq ft) | 0 |
| B | Lot width (ft) | 0 |
| C | Lot depth (ft) | 0 |
| **Setbacks (minimum)** | | |
| D | Front (ft) | 20 |
| E | Rear (ft) | 0 |
| F | Side interior (ft) | 0 |
| **Height (maximum)** | | |
| | Height (ft) | 45 |

**Other Key Standards**

| | |
|---|---|
| Special Setback Requirements & Encroachments for Residential Lots | §204DD |
| Height Measurements and Exceptions | §204EE |
| Table of Uses | §205B |
| Use Definitions and Use-Specific Standards | §205C |
| Landscaping | §206A |
| Screening | §206C |
| Vehicle Parking and Loading | §206E |

**Residential Adjacency**

When a non-residential use shares a property line(s) with a single-family, duplex, triplex, or quadplex residential use or a single-family residential zone, the following building setbacks shall apply along the shared property line(s):

| Building Stories | Setback (minimum) |
|---|---|
| 1 story | 30 feet |
| 2 stories | 50 feet |
| 3 or more stories | 2 feet of setback for each foot of building height |

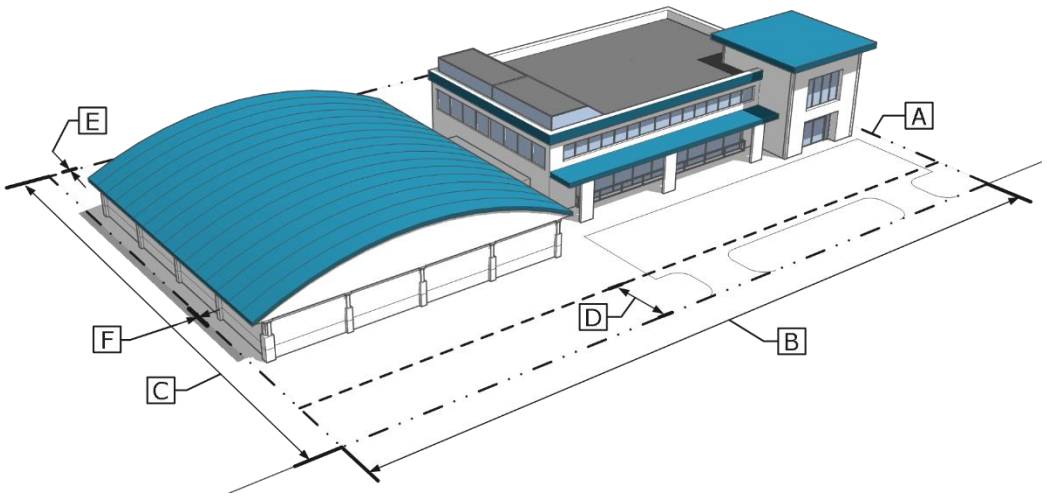



**Figure 2-19: AP District Dimensional Standards**

# X. PD – Planned Development District

## 1. Purpose

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

## 2. Administration

An approved PD Ordinance shall:

**a.** Be considered an amendment to this Code and to the zoning map; and

**b.** Include standards for use and development in every PD ordinance; where specific standards are not stated in the PD ordinance, the standards of the zoning ordinance shall prevail, and as amended.

## Y. MTC – McKinney Town Center

See Appendix 2B: McKinney Town Center MTC.

# Z. H – Historic Overlay

## 1. Purpose

The purpose of the H -- 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. It is intended as supplemental regulation, used in conjunction with the base zoning districts established in §204D through §204Y. 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:

**a.** Foster civic pride in the accomplishments of the past;

**b.** Protect and enhance the city's attractiveness to visitors and the economic benefits derived therefrom;

**c.** Ensure that development, redevelopment, and renovations within the historic districts are consistent with the historic character of the City;

**d.** Ensure the harmonious, orderly, and efficient growth and development of the city;

**e.** Promote the economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city; and

**f.** Stabilize and improve the values of such properties.

## 2. Origination

The H – Historic Overlay has been created for ease of use and is a combination of the H – Historic Preservation Overlay and HCD – Historic Commercial District Overlay districts. Combining the overlay districts does not repeal or replace the ordinances that established the H – Historic Preservation Overlay and HCD – Historic Commercial District Overlay.

## 3. Overlay Boundary Map

The H – Historic Overlay district boundaries map shall be shown on the Official Zoning Map and as pictured below.

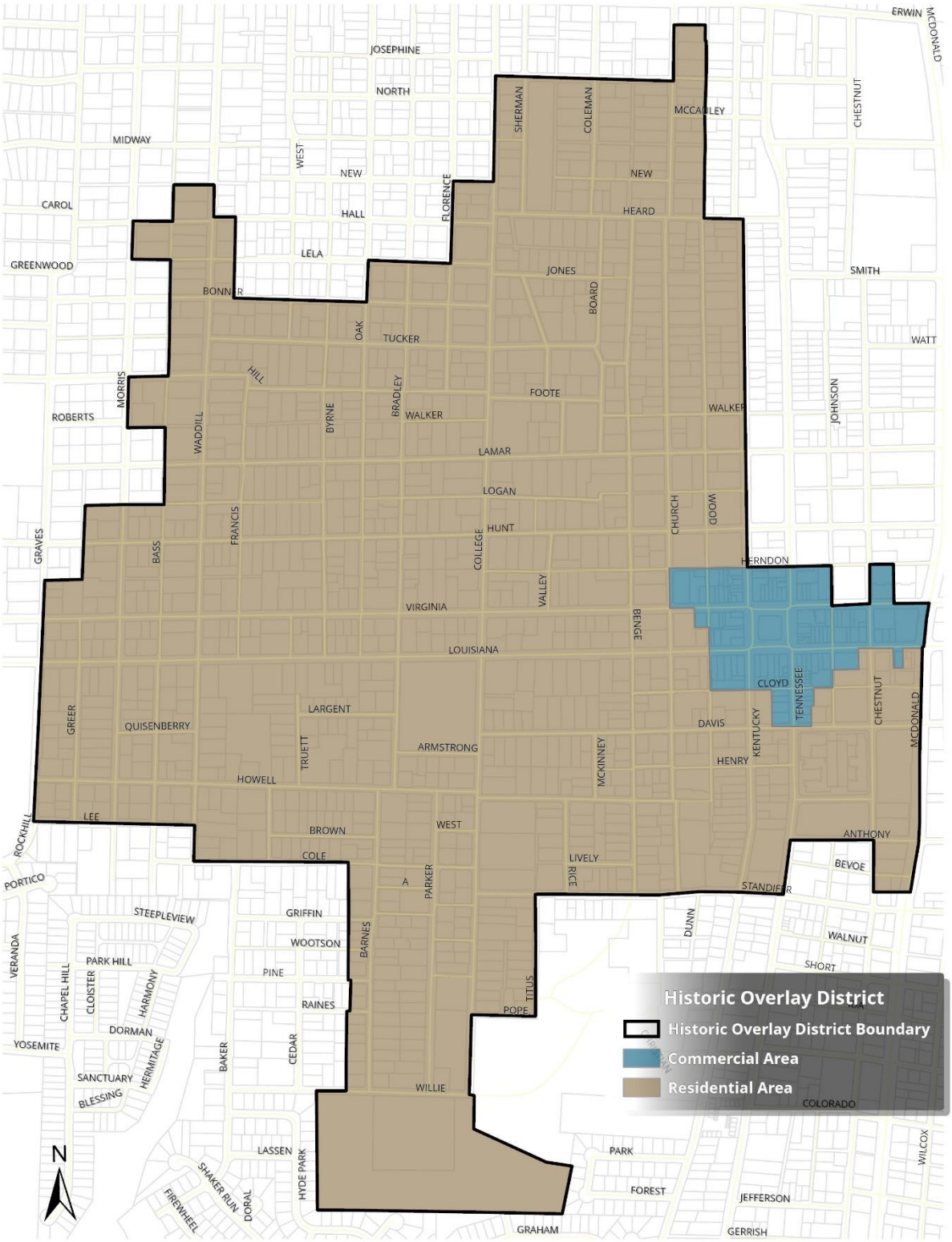



**Figure 2-20: H - Historic Overlay District Boundary Map**

## 4. Applicability

The standards in this Section apply to all properties located within the boundaries of the Historic Overlay district, as shown in Figure 2-20: H - Historic Overlay District Boundary Map.

## 5. Regulations

**a.** A Certificate of Appropriateness (COA) is required to be approved prior to the commencement of any work or issuance of any permit for properties within the Historic Overlay district for the following:

**I.** Construction of a new building or structure, including an accessory dwelling unit.

**II.** Reconstruction, alteration, change, restoration, expansion, or demolition of any building or structure and any exterior architectural features on an existing building or structure that is visible from a public right-of-way, including the material and basic texture of all exterior building materials, windows, doors, lights, signs, fences, sidewalks, and other exterior fixtures.

**III.** Change the paint color on a building's exterior or to within the Commercial Area of the Historic Overlay District.

**IV.** Obtain a demolition permit to demolish any property, structure, or portion thereof within the Historic Overlay district, or for a historic landmark, including for demolition of secondary buildings or landscape features.

**V.** No building permit may be issued for such proposed work until a certificate of appropriateness has been issued by the HPO, or upon appeal, to the Historic Preservation Advisory Board and/or City Council pursuant to this section, §203E.6 *Certificate of Appropriateness*. The certificate of appropriateness required by this section shall be in addition to not in lieu of any building permit that may be required by other city ordinances.

**VI.** Prior to the Building and Standards Commission taking action on a building recommended for demolition, the commission must first receive a recommendation regarding a COA for demotion from the HPO on any building that would require a COA.

**b.** The HPO, with a recommendation by the HPAB and approval of the City Council, may establish guidelines to issue a certificate of appropriateness for exterior restorations and renovations.

## 6. Exceptions

**a. Within the H – Historic Overlay District:**

**I.** Routine maintenance and repair of any exterior architectural feature of a landmark or any property within the H – Historic Overlay district, when such maintenance does not involve a change in design, material, or outward appearance. Routine maintenance includes in-kind replacement or repair; or

**II.** Repainting the exterior of the building the same color as it currently is does not require approval of a COA.

**b. Additional exceptions within the Residential Area of the H – Historic Overlay District:**

**I.** Painting of existing properties;

**II.** Sidewalks and paving; or

**III.** Any addition or removal of landscape materials or landscape design elements.

## 7. Demolition by Neglect

No owner or person with an interest in real property designated as a landmark or included within the Historic Overlay 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 HPO, produce a detrimental effect upon the character of the Historic Overlay 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 or 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.

**8. Conformance and Enforcement**

All work performed pursuant to the issuance of a certificate of appropriateness, building permit, or demolition permit issued under this section or sections 203.E.5 and**/or** 203.E.6 shall conform to any requirements included in each of such sections. It shall be the duty of the Administrative Official to periodically inspect such work to ensure compliance. In the event work is found that is not being performed in accordance with the certificate of appropriateness, the Administrative Official 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 upon assurance that compliance will henceforth exist.

**9. Penalties**

For penalties or violations of this section and/or sections §203E.6 *Certificate of Appropriateness* see section §108D *Violations and Penalties*.

**10. No Vested Interest**

No developer or property owner shall acquire any vested interest in this section or specific regulations contained herein.

# AA. HC – Highway Commercial Overlay

## 1. Purpose

The Highway Commercial (HC) Overlay district is designed to allow some non-residential buildings along important highway corridors to be of greater height than the base zoning district would otherwise allow. It is intended as supplemental regulation, used in conjunction with the property's underlying zoning district. The HC Overlay district 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 buildings will generally be located along the major regional highways passing through the City:

**a.** University Drive (U.S. Highway 380);

**b.** Central Expressway and Sam Johnson Highway (U.S. Highway 75); and

**c.** Sam Rayburn Tollway (State Highway 121).

## 2. Applicability

**a.** All development regulations of the underlying base zoning district shall apply, unless otherwise specified in this subsection.

**b.** Where there is a conflict between the HC Overlay district 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.

**c.** Properties with PD – Planned Development zoning district are subject to all applicable regulations of the PD 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.

## 3. District Boundary Map

The official boundaries of the HC Overlay district and its four subzones are shown on the official boundary map.

## 4. District Subzones

The HC Overlay district contains four subzones, as described below.

**a. Suburban Subzone**

**I.** 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.

**II.** Properties in this subzone are not permitted any increase in height over that prescribed in the base zoning district.

**b. Low-Rise Subzone**

**I.** The intent of this subzone is to permit minimal increases to the building height allowed by the underlying base zoning district.

**II.** The maximum height of non-residential buildings in the low-rise subzone is three stories.

**c. Mid-Rise Subzone**

**I.** The intent of this subzone is to permit moderate increases to the building height allowed by the underlying base zoning district.

**II.** The maximum height of non-residential buildings in the mid-rise subzone is six stories.

**d. High-Rise Subzone**

**I.** The intent of this subzone is to permit substantial increases to the building height allowed by the underlying base zoning district.

**II.** The maximum height of non-residential buildings in the high-rise subzone is 12 stories.

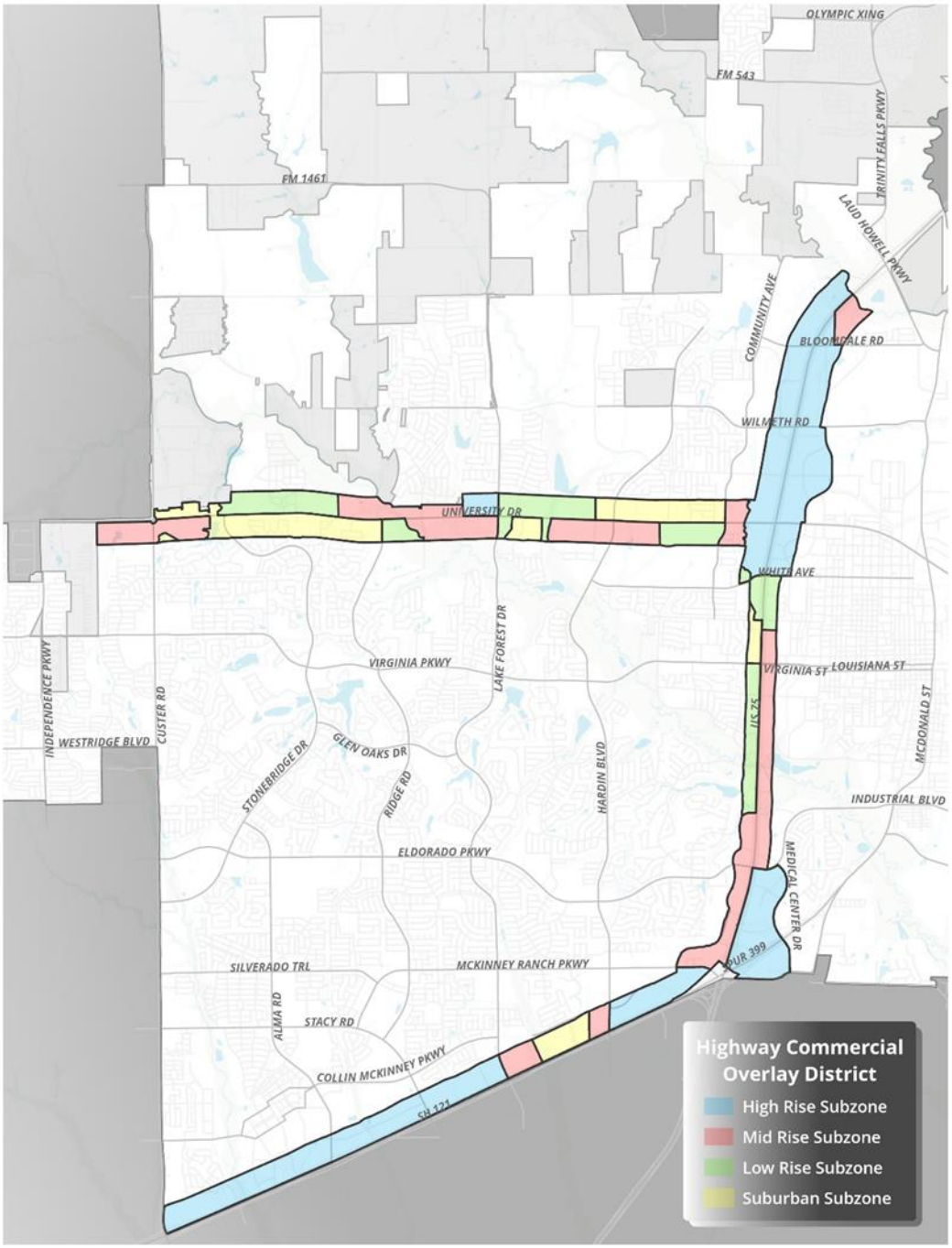



**Figure 2-21: HC Overlay Boundary Map**

## BB. TMN – Traditional McKinney Neighborhood Overlay

### 1. Purpose

The intent of the Traditional McKinney Neighborhood (TMN) Overlay district is to allow modifications to the standards of the underlying base zoning district to help facilitate redevelopment. The overlay district is intended as supplemental regulation, used in conjunction with the property's underlying zoning district.

### 2. Applicability

The provisions of this section apply only to those uses and lots specifically identified herein.

### 3. District Boundary Map

The official boundaries of the TMN Overlay district are shown in Figure 2-22: TMN Overlay Boundary Map.

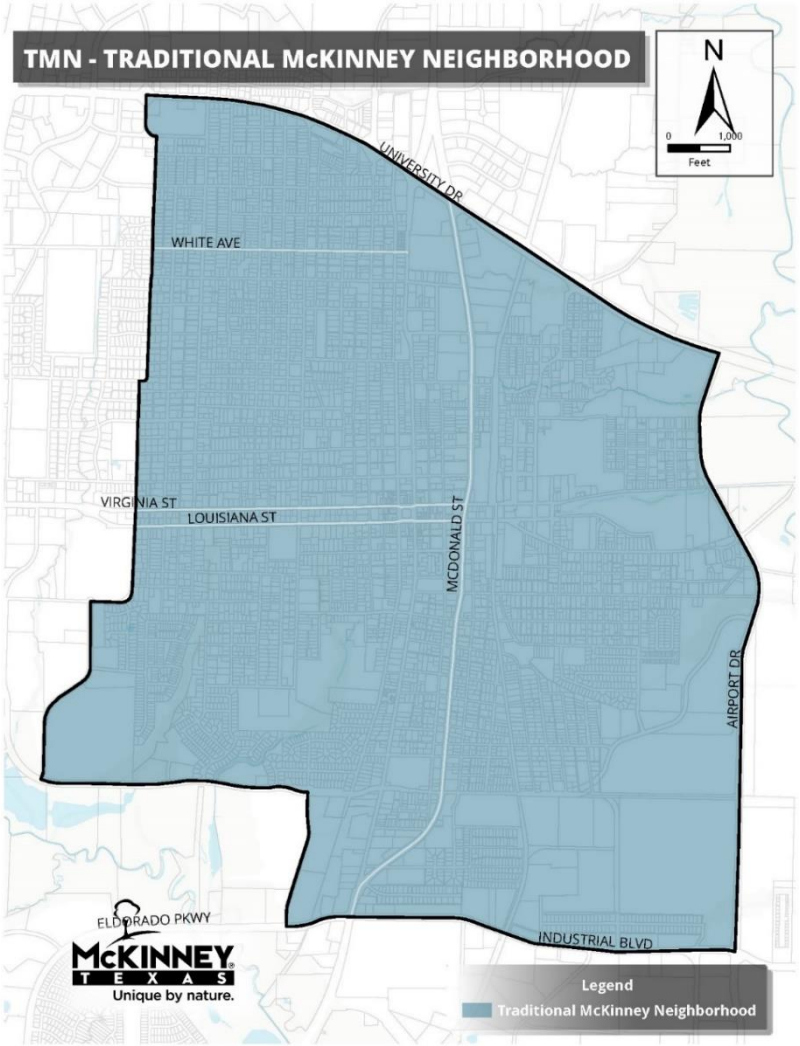



**Figure 2-22: TMN Overlay Boundary Map**

## 4. District Standards

### a. Single-Family Residential Uses and Structures

The following space limits shall apply to single-family residential lots and structures in the TMN Overlay district:

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

| | |
|---|---|
| **Lot Dimensions (minimum, as percent of underlying base district)** | |
| Lot area (sq ft) | 80% |
| Lot width (ft) | 90% |
| Lot depth (ft) | 90% |
| **Building Setbacks (minimum, as percent of underlying base district)** | |
| Front (ft) | 80% |
| Rear (ft) | 80% |
| Side interior (ft) | Same as required in underlying base district |
| Side corner lot (ft) | 80% |
| **Coverage (maximum)** | |
| Lot coverage | 95% |

### b. Lots zoned BN – Neighborhood Business or BG – General Business Zoning Districts

Pursuant to §203G.1, Design Exception, the following zoning district requirements may be eligible for a Design Exception:

**I.** Residential Adjacency: Residential adjacency setbacks may be reduced to a setback that is no less that the associated standard building setback of the base zoning district.

# CC. Summary Tables of Lot and Building Standards

## 1. Residential Districts

**Table 2-24: Residential Zoning Districts**

| Zoning District | § reference | Lot Standards | | | Building Setbacks [5] | | | | Max. Height [6] | Max. Density |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Lot Area (sq ft) | Lot Width (ft) | Lot Depth (ft) | Front (ft) | Rear (ft) | Side Interior (ft) | Side at Corner (ft) | Building Height (ft) | Density (du/ acre) |
| **Single-Family Residential Districts** | | | | | | | | | | |
| **R43** | 204D | 43,560 | 150 | 150 | 35 | 35 | 20 | 35 | 45 | n/a |
| **R12** | 204E | 12,000 | 80 | 120 | 25 | 20 | 10 | 20 | 35 | n/a |
| **R8** | 204F | 8,000 | 60 | 100 | 20 | 15 | 5 | 15 | 35 | n/a |
| **R6** | 204G | 6,000 | 50 | 90 | 20 | 10 | 5 [1] | 15 | 35 | n/a |
| **R5** | 204H | 5,000 | 40 [2] | 80 | 20 | 10 | 5 [1] | 15 | 35 | n/a |
| **TR1.8 [4]** | 204I | 1,800 [3] | 22 [2][3] | 80 [3] | 20 | 5 | 5 [1] | 15 | 35 | n/a |
| **Multi-Family Residential Districts** | | | | | | | | | | |
| **FR** | 204J | N/A | 60 | 100 | 20 | 20 | 20 | N/A | 35 | 12 |
| **MR** | 204K | Varies by use – see district standards | | | | | | | 35 | 24 |
| **MF30** | 204L | N/A | 60 | 100 | 35 | 20 | 20 | N/A | 45 | 30 |
| **MHR** | 204M | 4,500 | 40 | 95 | 20 | 20 | 20 | N/A | 35 | n/a |
| **MTC** | See Appendix 2B: McKinney Town Center MTC | | | | | | | | | |

**Notes:**

[1] Setback may be reduced to zero feet, so long as, a minimum building separation of ten feet is maintained between buildings. 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 a setback exhibit associated with an approved plat.

[2] Lots less than 50 feet in width shall be accessed via alleys abutting the rear of the lot.

[3] This district allows for meeting two of three minimum lot standards: area, width, or depth.

[4] If detached single-family residential uses are constructed within these zoning districts, these uses shall adhere to the dimensional standards governing the "R5" Single-Family Residential district.

[5] A minimum driveway length of 20 feet shall be provided from the garage door to the street or alley right-of-way line, as required by the Engineering Design Manual. The driveway length may be reduced if a variance is granted by the Director of Engineering and the number of required spaces is provided in an offsite common area or approved on-street parking per Table 2-38: Minimum Vehicle Parking and Stacking Requirements.

[5] See §204DD, *Special Setback Requirements and Encroachments*.

[6] See §204EE, *Height Measurements and Exceptions*.

## 2. Non-Residential Zoning Districts

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

| Zoning District | § reference | Lot Standards | | | Building Setbacks | | | | Max. Height [2] |
|---|---|---|---|---|---|---|---|---|---|
| | | Lot Area (sq ft) | Lot Width (ft) | Lot Depth (ft) | Front (ft) | Rear (ft) | Side Interior (ft) | Side at Corner (ft) | Building Height (ft) |
| **C1** | 204N | 0 | 0 | 0 | 20 | 0 | 0 | [1] | 35 |
| **C2** | 204O | 0 | 0 | 0 | 20 | 0 | 0 | [1] | 45 |
| **C3** | 204P | 0 | 0 | 0 | 20 | 0 | 0 | [1] | 55 |
| **O1** | 204Q | 0 | 0 | 0 | 20 | 0 | 0 | [1] | 35 |
| **O2** | 204R | 0 | 0 | 0 | 20 | 0 | 0 | [1] | 75 |
| **AG** | 204V | 5 acres | 100 | 0 | 35 | 35 | 20 | 25 | 35 |
| **AP** | 204W | 0 | 0 | 0 | 20 | 0 | 0 | [1] | 45 |
| **I1** | 204S | 0 | 50 | 0 | 20 | 0 | 0 | [1] | 45 |
| **I2** | 204T | 0 | 50 | 0 | 20 | 0 | 0 | [1] | 55 |
| **GC** | See §204U | | | | | | | | |
| **MTC** | See Appendix 2B: McKinney Town Center MTC | | | | | | | | |

**Notes:**

[1] Non-residential corner parcels must meet front setbacks on both street-facing frontages.
[2] See §204EE, *Height Measurements and Exceptions.*

# DD. Special Setback Requirements and Encroachments for Residential Lots

## 1. 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.

## 2. Setbacks

### a. Setbacks on Plats

**I.** Where a setback has been established by a filed plat, that setback shall prevail over any setback prescribed by the governing zoning.

### b. Front Setbacks

**I.** Where a block is divided by two or more zoning districts, all lots shall comply with the requirements of the most restrictive front setback for the entire frontage.

**II.** Where existing lots front and back to a street:

a. A front yard shall be provided along both streets.

b. Buildings shall be oriented in a manner that creates a consistent block face, unless noted on the associated plat.

**III.** 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 setback of not less than one-half the required front setback shall be observed.

### c. Corner Lots

**I.** Corner lots shall be required to provide a front setback for all property frontages adjacent to a street, 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 at corner established by the zoning district.

**II.** Corner lots shall orient the building façade in the same direction 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.

**III.** Where none of these conditions establish a specific lot frontage, during the initial development of a property, a property owner may choose which frontage shall serve as the lot frontage of the property. Once determined, the chosen lot frontage shall not be reduced below the requirements of the zoning district in which the property is located.

## 3. Encroachments

### a. Generally

**I.** Encroachments not specifically listed in this section are not permitted.

**II.** The placement of sidewalks and/or steps leading to a porch, patio or similar structure shall not be considered an encroachment.

### b. Front Yard Encroachments

**I.** Paving with concrete, asphaltic concrete, or other similar smooth surfacing material in order to provide necessary pedestrian or vehicular access shall be permitted within the front yard, subject to the following limitations:

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

b. Pavement for vehicle maneuvering and parking shall not be permitted between the front door and front property line save and except when a J-swing drive or circle drive is provided.

**II.** Subsurface structures, platforms, or slabs may not project beyond the front setback to a height greater than 20 inches above the average grade of the yard.

**III.** Eaves and roof extensions may project into the required front yard for a distance no more than four feet.

**IV.** Within the R6 and R5 residential districts, a ten-foot encroachment zone shall be permitted between the front setback and the front property line within which porches, patios, and similar structures may be constructed. 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 inches 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: sun rooms, sun porch, solarium, greenhouse) shall not constitute a porch or patio.

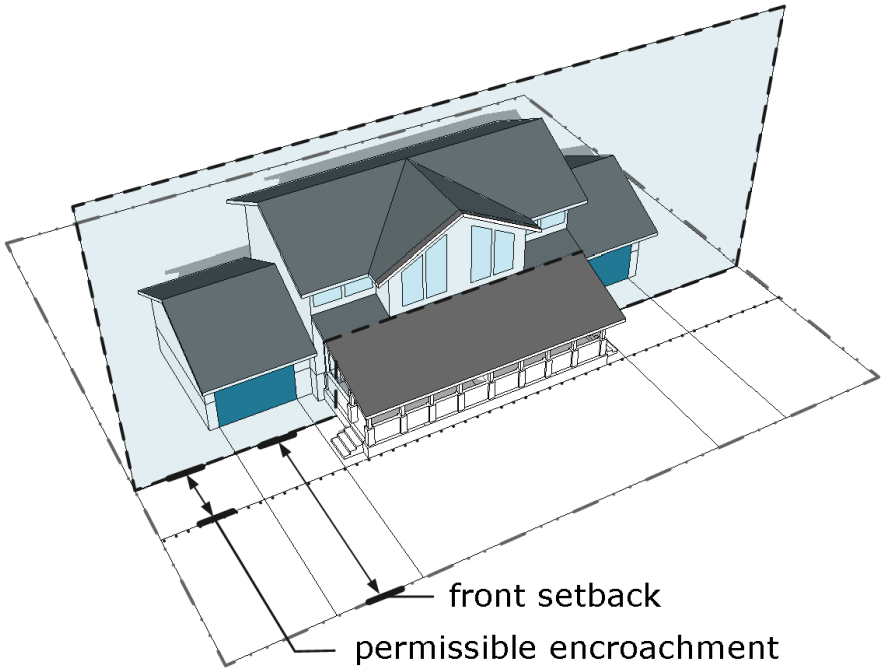



**Figure 2-23: Front Yard Encroachment**

### c. Side Yard Encroachments

**I.** 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 into the required side yard, and roof eaves that may project up to 24 inches into the required side yard.

# EE. Height Measurements and Exceptions

## 1. Building Height

### a. Measuring Building Height

Building height shall be measured as the vertical distance between the average of the highest and lowest points of grade of the lot to the highest point of the structure. For buildings with roofs that have a slope of 5:12 or greater, the height shall be measured to the midpoint of the roof.

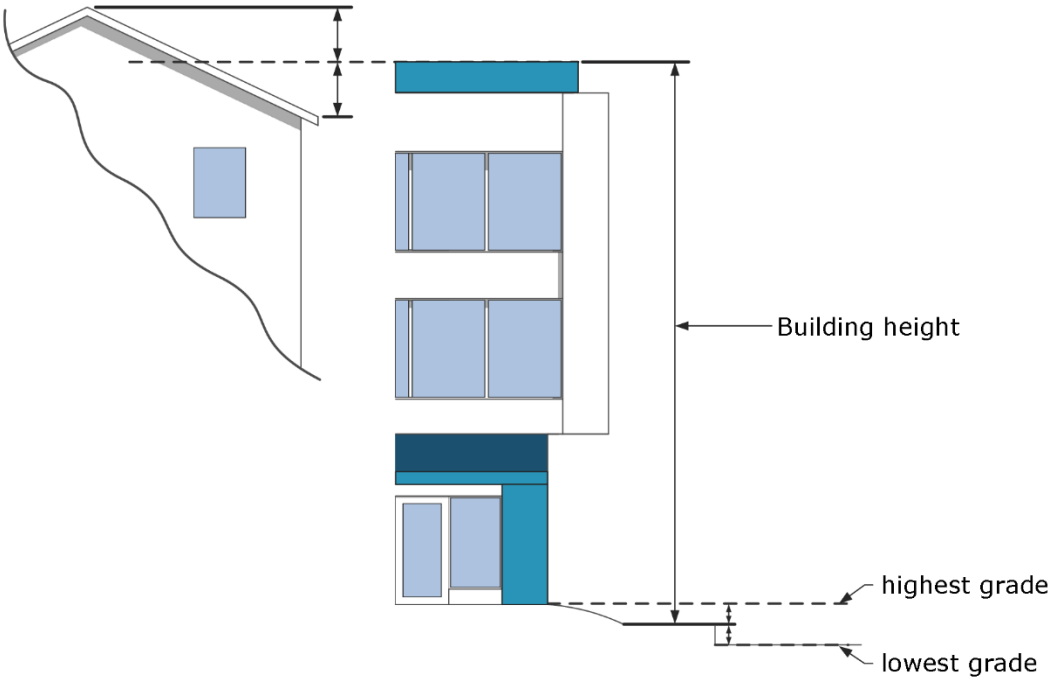



**Figure 2-24: Building Height**

### b. Exceptions

**I.** In the districts where the height of buildings is restricted to 35 feet, cooling towers, chimneys, and vent stacks may extend above the maximum height not to exceed 40 feet above the finished floor of the building. Water standpipes and tanks, church steeples, domes, spires, school buildings, and institutional buildings may be erected to exceed three stories in height; provided that one additional foot shall be added to the width and depth of the front, side, and rear yards for each foot that such structures exceed the maximum building height. This provision shall not apply to the MTC - McKinney Town Center zoning district.

**II.** No structure may be erected to a height that exceeds the heights permitted by the Federal Aviation Administration (FAA) regulations and Chapter 118 of the Code of Ordinances. If there is a conflict between the maximum height allowed by the zoning district or this section and the FAA's regulations, the FAA's height regulations shall prevail. If there is a conflict between the maximum height allowed by the zoning district or this section and Chapter 118 of the Code of Ordinances, Chapter 118's height regulations shall prevail.

**III.** In any district (except the MTC - McKinney Town Center zoning district) where religious assemblies are 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 be 75 feet;

b. The standard minimum setback for the district for the religious assembly property shall be increased by three feet for each additional one foot of building height in excess of the standard maximum height of the district;

c. The minimum setback shall be 50 feet; and

d. The first 25 feet from all property lines shall be reserved as a landscape buffer, with evergreen trees planted a minimum of every 40 feet.

# 205 Use Regulations

## 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. Table of Uses

### 1. Explanation of Use Permission Abbreviations

**a. 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.

**b. Uses Permitted By-Right, in Compliance with Use-Specific Criteria**
"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 criteria that are described in this section of this Code.

**c. 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 §203C.3, *Specific Use Permit.* Approved specific uses continue to be subject to all other applicable regulations of this Code.

**d. Prohibited Uses**
A blank cell indicates that the use is prohibited in the respective zoning district.

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

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

### 2. Table Organization

In Table 2-26: Table of Uses, land uses and activities are classified into general use categories and specific use types based on common functional or physical characteristics. 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.

### 3. Use for Other Purposes Prohibited

All uses not specifically listed are prohibited and shall be unlawful unless the Director of Planning has determined an appropriate use type for the unlisted use pursuant to the procedure in §205B.4 below.

### 4. Classification of New and Unlisted Uses

New types of land uses will develop over time and such uses may seek to locate within the City. The following procedure shall apply if an application is submitted for a use type that is not specifically listed in Table 2-26: Table of 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.

**a. Review and Approval Process**

**I.** The Director of Planning shall review the new and unlisted use to determine if it is materially similar to a listed use type by considering characteristics including the following: whether it includes dwellings, sales, processing, or storage; employment and operational characteristics; potential nuisances; requirements for public utilities; and transportation requirements.

**II.** If the Director determines that the new and unlisted use is materially similar to a listed use type, the new and unlisted use type shall be treated as being the same as the listed use type to which it is materially similar.

**III.** If the Director determines that the new and unlisted use is not materially similar to any listed use type, the application shall be forwarded to the Planning and Zoning Commission for

recommendation and to the City Council for a decision. The referral from the Director shall include recommendations regarding the following:

a. The zoning district(s) in which the use type should be allowed;

b. The parking ratio, existing or new, that should be applied to the use type;

c. The definition for the proposed use type; and

d. Any other conditions or standards that should be adopted to ensure the proper development of the use type.

**IV.** New and unlisted uses which are approved by the City Council shall be adopted by resolution until the approved new and unlisted use can be formally incorporated into this Article through the procedure outlined in §203C.1, *Code Text Amendment*.

## 5. Table of Uses

**Table 2-26: Table of Uses**

**NOTE: See Appendix 2B: MTC – McKinney Town Center for MTC use table.**

**P** = Permitted use
**C** = Addt'l use-specific criteria
**Blank cell** = Prohibited use
**S** = Specific Use Permit required
**A** = Accessory use
**T** = Temporary use

| | | SINGLE-FAMILY RESIDENTIAL | | | | | | MULTI-FAMILY RESIDENTIAL | | | | NON-RESIDENTIAL | | | | | INDUS-TRIAL | | OTHER | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Definition & Standards | R43 | R12 | R8 | R6 | R5 | TR1.8 | FR | MR | MF30 | MHR | C1 | C2 | C3 | O1 | O2 | I1 | I2 | GC | AG | AP |
| **Residential Uses** | | | | | | | | | | | | | | | | | | | | | |
| Single-family detached | 205D.1 | P | P | P | P | P | | | P | | | | | | | | | | | P | |
| Single-family attached | 205D.2 | | | | | | P | | P | | | | | | | | | | | | |
| Duplex | 205D.3 | | | | | | P | | P | | | | | | | | | | | | |
| Triplex | 205D.4 | | | | | | P | | P | | | | | | | | | | | | |
| Quadplex | 205D.5 | | | | | | P | | P | | | | | | | | | | | | |
| Manufactured home | 205D.6 | | | | | | | | | | C | | | | | | | | | | |
| Multi-family, cottage | 205D.7 | | | | | | | P | P | P | | | | | | | | | | | |
| Multi-family, traditional | 205D.8 | | | | | | | S | P | P | | | | | | | | | | | |
| Independent living | 205D.9 | | | | | | | S | P | P | | S | S | S | S | S | | | | | |
| **Group Living** | | | | | | | | | | | | | | | | | | | | | |
| Assisted living facility | 205E.1 | | | | | | S | P | P | P | | P | P | P | S | S | | | | | |
| Community care home | 205E.2 | C | C | C | C | C | C | C | C | C | C | | | | | | | | | | |
| Community care facility | 205E.3 | | | | | | | | | | | S | P | P | | | P | P | | | |
| Community transition facility | 205E.4 | | | | | | | | | | | | | | | | S | P | | | |
| Crisis support home | 205E.5 | C | C | C | C | C | C | C | C | C | | | | | | | | | | | |
| Crisis support facility | 205E.6 | | | | | | | | | | | | | C | | | P | P | | | |
| Displacement shelter | 205E.7 | | | | | | | | | | | | | S | | | S | P | | | |

## Table 2-26: Table of Uses

**NOTE: See Appendix 2B: MTC – McKinney Town Center for MTC use table.**

**P** = Permitted use
**C** = Addt'l use-specific criteria
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| | | SINGLE-FAMILY RESIDENTIAL | | | | | | MULTI-FAMILY RESIDENTIAL | | | | NON-RESIDENTIAL | | | | | INDUS-TRIAL | | OTHER | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Definition & Standards | R43 | R12 | R8 | R6 | R5 | TR1.8 | FR | MR | MF30 | MHR | C1 | C2 | C3 | O1 | O2 | I1 | I2 | GC | AG | AP |
| **Non-Residential Uses** | | | | | | | | | | | | | | | | | | | | | |
| Agricultural and ranching, private or wholesale | 205F.1 | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Agricultural and ranching, retail | 205F.2 | | | | | | | | | | | | | S | | | P | P | | S | |
| Airport, heliport, landing field, and aircraft hangar | 205F.3 | | | | | | | | | | | | | | | | | S | | | P |
| Airport terminal | 205F.4 | | | | | | | | | | | | | | | | | | | | P |
| Amenity center, neighborhood | 205F.5 | P | P | P | P | P | P | P | P | P | P | | | | | | | | | | |
| Animal care and services, indoor only | 205F.6 | | | | | | | | | | | P | P | P | P | | P | P | | P | |
| Animal care and services, outdoor area | 205F.7 | | | | | | | | | | | S | S | P | | | P | P | | P | |
| Animal care and services, outdoor boarding | 205F.8 | | | | | | | | | | | | | S | | | P | P | | S | |
| Arts or cultural center | 205F.9 | S | S | S | S | S | S | S | S | P | S | P | P | P | P | P | P | P | P | S | S |
| Auto, motorcycle, truck, or boat, rental or sales | 205F.10 | | | | | | | | | | | | | S | | | S | P | | | |
| Banks and financial services | 205F.11 | | | | | | | | | | | P | P | P | P | P | P | P | | | |
| Batch plant | 205F.12 | | | | | | | | | | | | | | | | | P | | | |
| Body art studio | 205F.13 | | | | | | | | | | | | | C | | | P | P | | | |
| Car wash | 205F.14 | | | | | | | | | | | S | C | C | | | P | P | | | |
| Cemetery | 205F.15 | | | | | | | | | | | | | | | | | S | | S | |
| Civic club or fraternal organization | 205F.16 | | | | | | | P | P | P | | S | P | P | S | P | P | P | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Definition & Standards | R43 | R12 | R8 | R6 | R5 | TR1.8 | FR | MR | MF30 | MHR | C1 | C2 | C3 | O1 | O2 | I1 | I2 | GC | AG | AP |
| Clinic, medical or dental | 205F.17 | | | | | | | | | | | P | P | P | P | P | P | P | | | |
| College or university | 205F.18 | | | | | | | P | P | P | | | P | P | P | P | P | P | P | S | P |
| Commercial entertainment, indoor | 205F.19 | | | | | | | | | | | S | P | P | | P | P | P | P | | |
| Commercial entertainment, outdoor | 205F.20 | | | | | | | S | | S | | | S | S | | S | P | P | P | S | |
| Commercial laundry | 205F.21 | | | | | | | | | | | | | | | | P | P | | | |
| Community garden | 205F.22 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | |
| Contractor's yard | 205F.23 | | | | | | | | | | | | | | | | S | P | | | |
| Cottage industrial | 205F.24 | | | | | | | | | | | | C | C | | | C | C | | | |
| Country club | 205F.25 | P | P | P | P | P | P | P | P | P | P | C | C | C | C | C | C | C | | C | |
| Craft Consumables | 205F.26 | | | | | | | | | | | | C | P | | | P | P | | S | |
| Data center | 205F.27 | | | | | | | | | | | | | S | | P | P | P | P | | |
| Day care center | 205F.28 | | | | | | | | | | C | C | C | C | C | C | C | C | | | C |
| Dirt or topsoil extraction, sand or gravel mining or storage | 205F.29 | | | | | | | | | | | | | | | | S | P | | S | |
| Dispatch office | 205F.30 | | | | | | | | | | | | C | C | C | | C | C | C | | C |
| Electric vehicle charging facility | 205F.31 | | | | | | | | | | | | C | C | | C | C | C | C | | C |
| Fairgrounds or rodeo grounds | 205F.32 | | | | | | | | | | | | | | | | P | P | | S | |
| Farmers' market, permanent | 205F.33 | | | | | | | | | | | S | P | P | | | P | P | P | P | |
| Food and beverage processing | 205F.34 | | | | | | | | | | | | | | | | P | P | | | |
| Fuel sales, passenger vehicles | 205F.35 | | | | | | | | | | | S | C | C | | S | C | C | | | |

## Table 2-26: Table of Uses

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Definition & Standards | R43 | R12 | R8 | R6 | R5 | TR1.8 | FR | MR | MF30 | MHR | C1 | C2 | C3 | O1 | O2 | I1 | I2 | GC | AG | AP |
| Fuel sales, truck | 205F.36 | | | | | | | | | | | | | | | | S | S | | | |
| Funeral home or mortuary | 205F.37 | | | | | | | S | | S | | | S | P | | | P | P | | S | |
| Government facilities (city, excluding airport uses) | 205F.38 | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Government or public facility (non-city) | 205F.39 | | | | | | | | | | | | C | C | | C | C | C | C | C | C |
| Greenhouse or plant nursery | 205F.40 | | | | | | | | | | | | P | P | | | P | P | | P | |
| Gun range, indoor | 205F.41 | | | | | | | | | | | | C | P | | | P | P | P | S | |
| Gun range, outdoor | 205F.42 | | | | | | | | | | | | | | | | | S | S | | |
| Gym or fitness studio | 205F.43 | | | | | | | | | | | C | P | P | C | P | P | P | | | |
| Heavy machinery, rental, sales, and storage | 205F.44 | | | | | | | | | | | | | S | | | S | P | | | |
| Hospital | 205F.45 | | | | | | | | | P | | S | P | P | S | P | P | P | | | |
| Hotel or motel | 205F.46 | | | | | | | | | | | | P | P | P | P | P | P | | | P |
| Impound lot or yard | 205F.47 | | | | | | | | | | | | | | | | P | P | | | |
| Junk or salvage yard | 205F.48 | | | | | | | | | | | | | | | | | S | | | |
| Livestock auction | 205F.49 | | | | | | | | | | | | | | | | P | P | | P | |
| Manufacturing, heavy | 205F.50 | | | | | | | | | | | | | | | | | P | | | |
| Manufacturing, light | 205F.51 | | | | | | | | | | | | | | | | P | P | | | |
| Motor freight terminal | 205F.52 | | | | | | | | | | | | | | | | P | P | | | |
| Office showroom/warehouse | 205F.53 | | | | | | | | | | | | S | P | | P | P | P | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Definition & Standards | R43 | R12 | R8 | R6 | R5 | TR1.8 | FR | MR | MF30 | MHR | C1 | C2 | C3 | O1 | O2 | I1 | I2 | GC | AG | AP |
| Office | 205F.54 | | | | | | | | | | | P | P | P | P | P | P | P | | P | P |
| Parking garage or lot, paid or private | 205F.55 | | | | | | | P | | P | | S | P | P | S | P | P | P | | | P |
| Pawn shop | 205F.56 | | | | | | | | | | | | | | | | P | P | | | |
| Personal service | 205F.57 | | | | | | | | | | | P | P | P | P | P | P | P | | | P |
| Power plant or electrical generating station | 205F.58 | | | | | | | | | | | | | | | | P | P | | | |
| Radio or TV broadcast station | 205F.59 | | | | | | | | | | | C | C | P | C | P | P | P | | | |
| Railroad freight terminal | 205F.60 | | | | | | | | | | | | | | | | P | P | | | |
| Reception or event center, indoor | 205F.61 | | | | | | | | | | | | P | P | P | P | P | P | | S | |
| Reception or event center outdoor | 205F.62 | | | | | | | | | | | | S | C | | S | P | P | | S | |
| Recreation area, private | 205F.63 | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | P | |
| Recreational vehicles, rental or sales | 205F.64 | | | | | | | | | | | | | S | | | S | P | | | |
| Recycling facility | 205F.65 | | | | | | | | | | | | | | | | C | P | | | |
| Refining or storage of petroleum, natural gas, butane, or propane | 205F.66 | | | | | | | | | | | | | | | | | P | | | |
| Religious assembly | 205F.67 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | C | C |
| Restaurant, brew pub | 205F.68 | | | | | | | | | | | C | C | C | C | C | C | C | | | C |
| Restaurant, carry out and delivery only | 205F.69 | | | | | | | | | | | C | C | P | | P | P | P | | | |
| Restaurant, dine-in | 205F.70 | | | | | | | | | | | C | C | C | C | C | C | C | | | C |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Definition & Standards | R43 | R12 | R8 | R6 | R5 | TR1.8 | FR | MR | MF30 | MHR | C1 | C2 | C3 | O1 | O2 | I1 | I2 | GC | AG | AP |
| Restaurant, drive-in or drive-through | 205F.71 | | | | | | | | | | | S | C | C | | | C | C | | | |
| Retail sales | 205F.72 | | | | | | | | | | | C | C | C | S | S | C | C | C | | |
| Sanitary landfill | 205F.73 | | | | | | | | | | | | | | | | | S | S | | |
| School, business or trade | 205F.74 | | | | | | | | | | | S | P | P | P | P | P | P | | S | P |
| School, public, private or parochial | 205F.75 | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Self-storage | 205F.76 | | | | | | | | | | | | S | S | | | P | P | | | |
| Solar farm | 205F.77 | | | | | | | | | | | | | | | | P | P | | P | |
| Stable, commercial | 205F.78 | | | | | | | | | | | | | S | | | C | C | | C | |
| Stockyard or slaughterhouse | 205F.79 | | | | | | | | | | | | | | | | | P | | | |
| Storage, automobile | 205F.80 | | | | | | | | | | | | | S | | | P | P | | | |
| Storage, boat, truck, or recreational vehicle | 205F.81 | | | | | | | | | | | | | | | | P | P | | | |
| Traders' village | 205F.82 | | | | | | | | | | | | | | | | | P | | | |
| Transportation station | 205F.83 | | | | | | | | | | | | | S | | | S | S | S | | |
| Truck stop | 205F.84 | | | | | | | | | | | | | | | | | S | | | |
| Utility substation | 205F.85 | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Vehicle repair, major | 205F.86 | | | | | | | | | | | | | S | | | P | P | | | |
| Vehicle repair, minor | 205F.87 | | | | | | | | | | | | S | P | | | P | P | | | |
| Warehouse | 205F.88 | | | | | | | | | | | | | | | | P | P | | | |
| Water or wastewater treatment plant | 205F.89 | | | | | | | | | | | | | | | | | P | P | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Definition & Standards | R43 | R12 | R8 | R6 | R5 | TR1.8 | FR | MR | MF30 | MHR | C1 | C2 | C3 | O1 | O2 | I1 | I2 | GC | AG | AP |
| **Accessory Uses** | | | | | | | | | | | | | | | | | | | | | |
| *Note: for all allowed accessory uses, specific requirements shall apply; see section 205G.* | | | | | | | | | | | | | | | | | | | | | |
| Accessory building, detached | 205G.2.a | A | A | A | A | A | A | A | A | A | A | | | | | | | | | A | |
| Accessory dwelling unit | 205G.2.b | A | A | A | A | A | A | | | | | | | | | | | | | A | |
| Accessory structure | 205G.2.c | A | A | A | A | A | A | A | A | A | A | | | | | | | | | A | |
| Caretaker's or watchman's quarters | 205G.2.d | | | | | | | | | | | | A | A | | | A | A | | A | |
| Drone delivery | 205G.2.e | | | | | | | | | | | A | A | A | | | A | A | | | |
| Electric vehicle charging station | 205G.2.f | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Helistop | 205G.2.g | | | | | | | | | | | | A | A | A | A | A | A | A | A | A |
| Home occupation | 205G.2.h | A | A | A | A | A | A | A | A | A | A | | | | | | | | | A | |
| Outdoor storage | 205G.2.i | | | | | | | | | | | A | A | A | A | A | A | A | A | A | A |
| Swimming pool | 205G.2.j | A | A | A | A | A | A | A | A | A | A | | | | | | | | | A | |
| **Temporary Uses** | | | | | | | | | | | | | | | | | | | | | |
| *Note: for all allowed Temporary uses, specific requirements shall apply; see section 205H.* | | | | | | | | | | | | | | | | | | | | | |
| Batch plant (outdoor), temporary | 205H.3.a | T | T | T | T | T | T | | | | | | | T | | T | T | T | T | T | T |
| Construction field office | 205H.3.b | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Model home | 205H.3.c | T | T | T | T | T | T | | | | | | | | | | | | | | |
| Portable storage container | 205H.3.d | T | T | T | T | T | T | T | T | T | T | | | | | | | | | T | |
| Religious or philanthropic uses | 205H.3.e | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | | T | T |
| Seasonal sales | 205H.3.f | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Definition & Standards | R43 | R12 | R8 | R6 | R5 | TR1.8 | FR | MR | MF30 | MHR | C1 | C2 | C3 | O1 | O2 | I1 | I2 | GC | AG | AP |
| Warming station | 205H.3.g | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T |
| **Special Uses** | | | | | | | | | | | | | | | | | | | | | |
| Bed & breakfast | 205I.1 | S | S | S | S | S | | | | | | | | | | | | | | S | |
| Donation collection container | 205I.2 | | | | | | | | | | | A | A | A | A | A | A | A | | | |
| Food truck courts | 205I.3 | | | | | | | | | S | S | S | S | S | S | S | C | C | C | S | |
| Food truck operation sites | 205I.4 | | | | | | | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Oil and natural gas well drilling and operations | 205I.5 | | | | | | | | | | | | | | | | | P | | | |
| Private club | 205I.6 | | | | | | | | | | | S | S | S | | S | S | S | | S | S |
| Sexually-oriented business | 205I.7 | | | | | | | | | | | | | | | | | C | | | |
| Telecommunication Structure, High Rise | 205I.8 | | | | | | | | | S | | S | S | S | S | S | S | S | S | | S |
| Telecommunication Structure, Low Rise | 205I.9 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Telecommunication Structure, Stealth | 205I.10 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Wind energy conversion system (WECS) | 205I.11 | | | | | | | C | C | C | | C | C | C | C | C | C | C | C | C | C |

## C. Use Definitions and Use-Specific 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 §205B.5, 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 §206, *Development Standards*, these use-specific standards apply unless otherwise stated.

## D. Residential Uses

1. **Single-Family Detached** *(back to table)*
   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.
2. **Single-Family Attached** *(back to table)*
   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.
3. **Duplex** *(back to table)*
   A single structure designed and constructed with two dwelling units under a single roof for occupancy by two families on a single lot or tract.
4. **Triplex** *(back to table)*
   A single structure designed and constructed with three dwelling units under a single roof for occupancy by three families on a single lot or tract.
5. **Quadplex** *(back to table)*
   A single structure designed and constructed with four dwelling units under a single roof for occupancy by four families on a single lot or tract.
6. **Manufactured Home** *(back to table)*
   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. This definition shall also include manufactured housing as described in Chapter 138, Article III, of the City's Code of Ordinances.
   a. Where Table 2-26: Table of Uses indicates an "C":
      I. The use shall comply with the standards in Chapter 138, Article III, *Mobile Homes, Manufactured Homes, and Recreational Vehicles*.
7. **Multi-Family, Cottage** *(back to table)*
   A single lot containing five or more dwelling units. Each individual building shall contain no more than four dwelling units and may be built as single-unit, duplex, triplex, quadplex, or rowhouse-style buildings.
8. **Multi-Family, Traditional** *(back to table)*
   A single lot containing five or more dwelling units. No less than five dwelling units shall be provided within each individual building. An apartment is one of the individual units within the multi-family building(s).
   a. Where Table 2-26: Table of Uses indicates an "S":
      I. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and
      II. All buildings are set back from the front property line a minimum distance of 35 feet.

### 9. Independent Living *(back to table)*

A private age-restricted facility, also known as a retirement community, that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational/enrichment/socialization activities. These facilities do not provide any on-site health supervision or related care for residents. Senior Independent Living is considered to be a multi-family use and shall follow the multi-family development standards.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit.*

## E. Group Living

### 1. Assisted Living Facility *(back to table)*

A building (s) designed to provide housing for persons who need assistance with the activities of daily living, such as bathing, dressing, medication management, meal preparation, or other functions. This type of facility may also provide meals, housekeeping, transportation, and community facilities, including central dining rooms and activity rooms for persons who reside in the facility. This definition also includes nursing homes, convalescent homes, and rest homes.

**a. Where Table 2-26: Table of Uses indicates an "S":**

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 2. Community Care Home *(back to table)*

A community-based residential home as defined and regulated by Chapter 123 of the Human Resources Code for persons with disabilities (limited to no more than 6 persons with disabilities plus 2 staff in the home at the same time).

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** This use shall be limited to no more than six residents and two staff members; and

**II.** No new community care home shall be established within a half-mile of any other use in the Group Living category.

### 3. Community Care Facility *(back to table)*

Housing for persons who need assistance with the activities of daily living, such as bathing, dressing, medication management, meal preparation, or other functions. This type of facility may also provide meals, housekeeping, transportation, and community facilities, including central dining rooms and activity rooms for persons who reside in the facility. This definition also includes nursing homes, convalescent homes, rest homes, and other facilities that may serve people with a variety of medical needs, including treatment for drug or alcohol addiction.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 4. Community Transition Facility *(back to table)*

A facility that provides housing and support for people who are preparing to reintegrate into society after incarceration. Support services may be provided at this type of facility, including employment and education support, food, and clothing.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 5. Crisis Support Home *(back to table)*

A temporary residence which provides special care for survivors of domestic violence or emotional or mental abuse.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** This use shall be limited to no more than 6 persons plus two staff members; and

**II.** No new crisis support home shall be established within a half-mile of any other use in the Group Living category.

### 6. Crisis Support Facility (back to table)

A temporary residence which provides special care for survivors of domestic violence or emotional or mental abuse, except in the C2 zoning district.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** This use shall be limited to no more than 12 residents at the same time. The maximum number of allowable residents may be increased with the approval of a Specific Use Permit.

### 7. Displacement Shelter (back to table)

A supervised private facility that provides temporary living accommodations for homeless persons. Such shelters are temporary housing for individuals and families experiencing homelessness.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

## F. Non-Residential Uses

### 1. Agriculture and Ranching, Private or Wholesale (back to table)

A form of agriculture focused on raising animals or crops. Animal agriculture focuses on the breeding, raising, and sheltering large or small livestock or poultry for sale or use, or for the sale or use of their products or byproducts. 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 and harvesting fruit, vegetables, grain, and timber or trees for sale or use. Uses classified as agriculture and ranching, private or wholesale, are not open to the general public.

### 2. Agriculture and Ranching, Retail (back to table)

A form of agriculture focused on raising animals or crops. Animal agriculture focuses on the breeding, raising, and sheltering large or small livestock or poultry for sale or use, or for the sale or use of their products or byproducts. Crop agriculture focuses on planting and harvesting fruit, vegetables, grain, and timber or trees for sale or use. Agriculture and ranching, retail uses 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 hayrides, horse rides, or allowing customers to pick their own produce.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 3. Airport, Heliport, Landing Field, and Aircraft Hangar (back to table)

A landing area, runway, or other facility designed, used, or intended to be used for air transportation, including all necessary taxiways, control towers, aircraft storage and tie-down areas, hangars, and other necessary buildings, facilities, and open spaces. Auxiliary facilities may include parking, waiting rooms, fueling, and maintenance equipment.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit,* together with any applicable requirements set out in Chapter 30 - Aviation and Chapter 118 – Airport Height, Hazard, and Land Use Regulations of the McKinney Code.

### 4. Airport Terminal (back to table)

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** *(back to table)*

Recreational facilities as part of a private residential development including clubhouses, swimming pools, or play areas, operated for the exclusive use of private residents or neighborhood groups and their guests, but not accessible to the general public. A neighborhood amenity center may serve any type of residential development.

**6. Animal Care and Services, Indoor Only** *(back to table)*

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

**7. Animal Care and Services, Outdoor Area** *(back to table)*

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. 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.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**8. Animal Care and Services, Outdoor Boarding** *(back to table)*

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

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**9. Arts or Cultural Center** *(back to table)*

A public, private, or non-profit institution with the purpose of preserving and displaying objects with cultural significance. This use includes museums, art galleries, libraries, and performing arts centers.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**10. Auto, Motorcycle, Truck, or Boat, Rental or Sales** *(back to table)*

A business involved in the sale, leasing, and rental, of new or used automobiles, commercial vans, trucks, semi-trailer trucks, motorcycles, or boats. Ancillary uses such as service, repair, and washing, may take place on-site in conjunction with this use.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**11. Banks and Financial Services** *(back to table)*

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.

**12. Batch Plant** *(back to table)*

A permanent facility that produces 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 and approved by the Director of Engineering.

### 13. Body Art Studio *(back to table)*

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 body art studios.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**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.

### 14. Car Wash *(back to table)*

A self-service or full-service facility for washing, cleaning and drying vehicles including automobiles, motorcycles, buses, or recreational vehicles. This definition excludes facilities that serve semi-trailer trucks with at least 3 axles that are designed to tow trailers.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** This use may not be located within ½ mile of another car wash.

**II.** All buildings, vacuums, outdoor speakers, air and water dispensers, and other structures in conjunction with a car wash use shall be located a minimum of 200 feet away from any residential use or zoning district. This provision shall not apply to a car wash use within 200 feet of a residential use or zoning district that is separated from the residential use or zone by an existing street.

**III.** The provisions above may be modified or eliminated with approval of a Specific Use Permit.

**b.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

**II.** The extent to which the proposed request aligns with the "C" standards for this use.

### 15. Cemetery *(back to table)*

Land dedicated or designated for the burial of human remains or pet animal remains. Cemeteries may include columbaria and mausoleums, when operated in conjunction with and within the boundaries of cemetery grounds.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 16. Civic Club or Fraternal Organization *(back to table)*

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 17. Clinic, Medical or Dental *(back to table)*

An establishment where patients receive consultation, diagnosis, and treatment by doctors, dentists, or similar practitioners. This use includes medical services offered exclusively on an outpatient basis, including emergency services such as urgent care centers, and 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 generally for cosmetic or reconstructive purposes.

### 18. College or University (back to table)

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 19. Commercial Entertainment, Indoor (back to table)

An amusement or recreation enterprise wholly enclosed in a building that is treated acoustically to reduce the transmission of sound from the indoor activities. Commercial amusement facilities include indoor recreation area, bowling alley, indoor theatre, skating rink, sports courts, and enclosed trampoline parks.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 20. Commercial Entertainment, Outdoor (back to table)

An amusement or recreation enterprise offering entertainment or games of skill where any portion of the activity takes place in the open including outdoor recreation area, golf driving range and golf course, archery range, axe-throwing, outdoor theatre, performance venue, miniature golf course, stadiums, and sports courts.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 21. Commercial Laundry (back to table)

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

### 22. Community Garden (back to table)

An area with a lot size of less than 3 acres used to cultivate goods including fruits, vegetables, flowers, and herbs.

**a.** Where Table 2-26: Table of Uses indicates "C":

**I.** The use shall not engage in the retail sale of any goods.

### 23. Contractor's Yard (back to table)

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 includes a contractor's office on the same lot or parcel.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 24. Cottage Industrial (back to table)

An establishment or business where the primary purpose is small-scale and individualized (i.e., not mass-produced) assembly and light manufacturing of commodities and is characterized by low to no external impact. This use includes workshops and studios for cottage industries such as pottery, glassblowing, metal-working and fabrication, weapon bluing, and furniture-making. Cottage industrial enterprises may include direct sales to consumers and repair or rehabilitation of household goods, appliances, or furnishings. This use does not include any maintenance or repair work done on automobiles.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**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.

### 25. Country Club (back to table)

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 2-26: Table of Uses, indicates "C":

**I.** A minimum area of 25 acres is required.

### 26. Craft Consumables (back to table)

A small-scale commercial operation engaged in the production and distribution of any variety of nonalcoholic beverages, alcoholic beverages, and/or food in conjunction with a restaurant or with retail sales for on-site or off-premises consumption, and may offer limited off-site distribution. A Craft Consumables establishment that is less than 20,000 square feet in area shall not be required to have a retail or restaurant component.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** A Craft Consumables establishment shall not exceed 20,000 square feet.

**II.** A Craft Consumables establishment 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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, Specific Use Permit; and

**II.** The extent to which the proposed request aligns with the "C" standards for this use.

### 27. Data Center (back to table)

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 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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 28. Day Care Center (back to table)

A facility where children, or elderly and/or people with special needs, receive care from a provider for a period of less than 24 hours per day. The term "Day Care Center" includes the following: nursery schools, childcare centers, Montessori schools, private pre-kindergartens, and play groups. Day care center 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 2-26: Table of Uses, indicates "C":

**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.

**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.

**IV.** The provisions above may be modified or eliminated with approval of a Specific Use Permit.

### 29. Dirt or Topsoil Extraction, Sand or Gravel Mining or Storage (back to table)

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 30. Dispatch Office *(back to table)*

An office with the primary purpose of dispatching services to customers off-site. Examples of services provided from such offices include 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 2-26: Table of Uses, indicates "C":

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

### 31. Electric Vehicle Charging Facility *(back to table)*

A property that is primarily devoted to charging electric vehicles for free or for a charge. An Electric Vehicle Charging Facility may include structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** Electric vehicle charging parking spaces shall maintain a minimum width of 10 feet.

**II.** EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.

**III.** Cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

### 32. Fairgrounds or Rodeo Grounds *(back to table)*

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 33. Farmers' Market, Permanent *(back to table)*

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 34. Food and Beverage Processing *(back to table)*

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, or the processing or storing of green hides or skins.

### 35. Fuel Sales, Passenger Vehicles *(back to table)*

A facility for the retail dispensing and sale of vehicle fuels, including gasoline, gas/oil mixtures, diesel fuel, ethanol, electricity, 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, inspection of vehicles for state registration, car wash tunnels, and similar accessory uses.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** Fuel pump islands shall be located at least 250 feet from a property line of a single family, duplex, triplex, and quadplex residential zone or use.

**II.** No more than two fueling stations may be allowed at any roadway intersection.

**III.** In the C2 zoning district only, a maximum of 16 pumps per site may be allowed.

**IV.** The provisions above may be modified or eliminated with approval of a Specific Use Permit.

**b.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;

**II.** The proposed number of fueling pumps is appropriate for the area and the surrounding land uses; and

**III.** The extent to which the proposed request aligns with the "C" standards for this use.

### 36. Fuel Sales, Truck *(back to table)*

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;

**II.** In addition to the evaluation criteria listed in §203C.3, *Specific Use Permit*, the following criteria shall also be considered:

a. Whether the number of fueling pumps is appropriate for the area.

### 37. Funeral Home or Mortuary *(back to table)*

A place for the storage of human bodies prior to their interment (burial, cremation, aquamation, 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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 38. Government Facilities (city, excluding airport uses) *(back to table)*

Any building, structure, facility, site feature, or property owned, leased, or operated by the City of McKinney, including but not limited to a municipal complex, public safety building, fire station, fleet maintenance facility, equipment and material storage yard, government office, public infrastructure, golf course, library, arts or cultural center, park or playground, playfield or stadium, recreation center, or swimming pool.

### 39. Government or Public Facilities (non-city) *(back to table)*

Any non-municipal public or governmental building, structure, facility, site feature, or property owned, leased, or operated by a public or governmental agency including but not limited to a public building, fleet maintenance facility, equipment and material storage yard, government office, public infrastructure, arts or cultural center, park, or playfield or stadium.

**a.** Where Table 2-26: Table of Uses indicates "C":

**I.** The outdoor storage of materials and the equipment and vehicle repair and storage areas shall adhere to all applicable screening requirements for these uses; and

**II.** Where the outdoor storage of materials and equipment and vehicle repair or storage is proposed adjacent to a residential zone or use, a specific use permit shall be required pursuant to §203C.3, *Specific Use Permit*.

### 40. Greenhouse or Plant Nursery (back to table)

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.

### 41. Gun Range, Indoor (back to table)

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 2-26: Table of 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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

**II.** The extent to which the proposed request aligns with the "C" standards for this use.

### 42. Gun Range, Outdoor (back to table)

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

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 43. Gym or Fitness Studio (back to table)

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 may include amenities such as whirlpools, saunas, and massage rooms, as well as locker rooms, and showers. Gyms and fitness studios may also cater to children with instruction classes and lessons, as well as free play areas.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** Gyms and fitness studios shall not include an outdoor component.

### 44. Heavy Machinery, Rental, Sales, and Storage (back to table)

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. Ancillary uses, such as service, repair, and washing, may take place on-site in conjunction with this use.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 45. Hospital (back to table)

An institution providing medical and surgical care to the sick or injured, including surgical facilities and beds for patients to remain overnight. Hospitals may include facilities such as helipads, operating rooms, laboratories, outpatient facilities, and training facilities as licensed by the State of Texas.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 46. Hotel or Motel (back to table)

A non-residential building or group of buildings designed for and occupied as a temporary dwelling place of individuals and providing short-term occupancy. Services including daily housekeeping and upkeep of furnishings must be provided. Meeting rooms, fitness facilities, indoor and outdoor pools, recreational facilities, and dining services shall be permitted as accessory uses. This definition shall not include bed-and-breakfasts, or other dwelling units as defined by this Code.

### 47. Impound Lot or Yard (back to table)

A garage, parking lot, or other facility where operable or temporarily inoperable towed 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, where vehicles may be stored for more than 90 days, or surface parking lots or parking garages where the primary use is for short term (under 48 hours) parking of vehicles.

### 48. Junk or Salvage Yard (back to table)

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

**II.** 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.

### 49. Livestock Auction (back to table)

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

### 50. Manufacturing, Heavy (back to table)

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 the processing or production of petroleum products, heavy machinery manufacture, chemicals manufacturing, leather tanning, steel and other metal manufacture, fertilizer production, paper/pulp production, animal reduction or fat rendering, and the smelting of ores or metals.

### 51. Manufacturing, Light (back to table)

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 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; and printing plants, including related large-scale storage and shipment.

### 52. Motor Freight Terminal (back to table)

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.

### 53. Office Showroom/Warehouse (back to table)

An establishment that primarily consists of sales offices and display areas for products and/or services delivered or performed off-premises. Catalog and telephones 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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 54. Office (back to table)

A building or suite used to provide 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. Sale of merchandise is not considered an office use, except as incidental to a permitted primary use. Ancillary uses

include on-site cafeterias 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.

### 55. Parking Garage or Lot, Paid or Private (back to table)

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

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 56. Pawn Shop (back to table)

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.

### 57. Personal Service (back to table)

Establishments primarily engaged in providing personal care services, including barber shops, beauty salons, spas, laundromat, businesses offering classes for small groups or individuals, 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.

### 58. Power Plant or Electrical Generating Station (back to table)

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

### 59. Radio or TV Broadcast Station (back to table)

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

**a.** Where Table 2-26: Table of Uses, indicates "C":

**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.

### 60. Railroad Freight Terminal (back to table)

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.

### 61. Reception or Event Center, Indoor (back to table)

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

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 62. Reception or Event Center, Outdoor (back to table)

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 people for entertainment, weddings, and similar activities.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

**II.** The extent to which the proposed request aligns with the "C" standards for this use.

### 63. Recreation Area, Private (back to table)

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

### 64. Recreational Vehicles, Rental or Sales (back to table)

**a.** A business involved in the sale or rental of recreational vehicles (RVs) 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. Generally, a recreational vehicle is:

**I.** Built on a single chassis;

**II.** 400 square feet in area or less when measured at the largest horizontal projection;

**III.** Designed to be self-propelled or permanently towable by a light duty truck; and

**IV.** Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, rather than for use as a permanent dwelling.

**b.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 65. Recycling Facility (back to table)

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 "Junk or Salvage" establishments and does not include the washing of equipment.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** All storage and recycling activities shall be conducted within a fully enclosed building.

### 66. Refining or Storage of Petroleum, Natural Gas, Butane, or Propane (back to table)

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.

### 67. Religious Assembly (back to table)

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.** 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.

### 68. Restaurant, Brew Pub (back to table)

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the primary building or in an outdoor seating area on the premise. This use also 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. Outdoor patios ancillary to an indoor restaurant use shall be permitted subject to the following standards:

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** The outdoor patio shall not exceed 30 percent of the overall floor area of the restaurant, or 3,000 square feet, whichever is less.

a. 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.

b. 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 2-26: Table of Uses.

c. The outdoor patio shall not include any fixed stage or performance area.

**II.** Outdoor performances shall only be permitted within a confined patio.

**III.** No outdoor performances shall be permitted within 500 feet of a residential property line or zoning district, without the approval of a Specific Use Permit.

### 69. Restaurant, Carry-Out and Delivery Only *(back to table)*

An establishment that is open to the public, where food and beverages are prepared and sold for off-premises consumption.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** Carry-out restaurants shall be no greater than 4,000 square feet in floor area.

### 70. Restaurant, Dine-In *(back to table)*

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and primarily consumed within the primary 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.** Where Table 2-26: Table of Uses, indicates "C":

**I.** The outdoor patio shall not exceed 30 percent of the overall floor area of the restaurant, or 3,000 square feet, whichever is less.

a. 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.

b. 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 2-26: Table of Uses.

c. The outdoor patio shall not include any fixed stage or performance area.

**II.** Outdoor performances shall only be permitted within a confined patio.

**III.** No outdoor performances shall be permitted within 500 feet of a residential property line or zoning district, without the approval of a Specific Use Permit.

### 71. Restaurant, Drive-In or Drive-Through *(back to table)*

An eating/drinking establishment that is open to the public, where food and beverages are prepared and served to customers in motor vehicles. Food or drink may also be served for off-premises consumption as carry-out orders at drive-in or drive-through points of service. Outdoor patios ancillary to an indoor restaurant use shall be permitted subject to the following standards:

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** All buildings and speaker boxes shall be more than 200 feet from any single-family residential zone or use.

a. This minimum distance may be decreased to 150 feet if a public right-of-way separates the building or speaker box and the use or zone.

b. This distance requirement may be reduced or eliminated by approval of a Specific Use Permit.

**II.** Speaker boxes shall be placed at least 20 feet from any other residential zone or use not included above.

**III.** The outdoor patio shall not exceed 30 percent of the overall floor area of the restaurant, or 3,000 square feet, whichever is less.

a. 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, character, and context of the restaurant and surrounding area.

b. Unless otherwise approved in *above*, outdoor patios that are larger than 3,000 square feet shall be classified as Commercial Entertainment, Outdoor, and shall only be permitted as indicated in Table 2-26: Table of Uses.

c. The outdoor patio shall not include any fixed stage or performance area.

**IV.** Outdoor performances shall only be permitted within a confined patio.

**V.** No outdoor performances shall be permitted within 500 feet of a residential property line or zoning district, without the approval of a Specific Use Permit.

**b.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;

**II.** Restaurants may not exceed 5,000 square feet;

**III.** Location of drive-through lane is beside or behind the building, and not adjacent to the public right-of-way; and

**IV.** Dumpster location and speaker box location will be a minimum of 30 feet from the nearest adjacent property line and will not have an adverse impact on adjacent residential uses.

### 72. Retail Sales *(back to table)*

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

**a.** Where Table 2-26: Table of Uses, indicates "C":

**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 primary 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 Table 2-35: *Site Feature Screening Requirements* 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.

**b.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

**II.** The extent to which the proposed request aligns with the "C" standards for this use.

### 73. Sanitary Landfill *(back to table)*

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

**II.** 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.

### 74. School, Business or Trade *(back to table)*

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 75. School, Public, Private, or Parochial *(back to table)*

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.

### 76. Self-Storage *(back to table)*

A building containing separate, individual, compartmentalized storage units that can only be rented or leased for the storage of customers' household goods. Conducting sales, business, or any other activity shall be prohibited within any individual self-storage unit. This use is also commonly referred to as mini-warehouse.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;

### 77. Solar Farm *(back to table)*

Land with the necessary equipment for the commercial production of solar energy as the primary land use.

### 78. Stable, Commercial *(back to table)*

A structure where horses are quartered, along with accompanying pasture, other than for the property owner's personal use, on a fee basis.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.

**b.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

**II.** The extent to which the proposed request aligns with the "C" standards for this use.

### 79. Stockyard or Slaughterhouse *(back to table)*

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.

### 80. Storage, Automobile (back to table)

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 81. Storage, Boat, Truck, or Recreational Vehicle (back to table)

An area or structure designed for the short- or long-term storage of recreational vehicles, boats, vehicles with 3 or more axles, or equipment. This use shall not include vehicles or equipment awaiting repair, or inoperable vehicles or equipment.

### 82. Traders' Village (back to table)

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.

### 83. Transportation Station (back to table)

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. A single bus stop would not constitute a transportation station.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 84. Truck Stop (back to table)

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, waste disposal or storage, and restaurant facilities mainly for the use of truck drivers and passengers.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 85. Utility Substation (back to table)

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 86. Vehicle Repair, Major (back to table)

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

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 87. Vehicle Repair, Minor (back to table)

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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 88. Warehouse (back to table)

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 includes 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. Commercial warehouse may entail open, on-site storage, but does not include storage for personal and household goods.

### 89. Water or Wastewater Treatment Plant (back to table)

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.

## G. Accessory Uses, Buildings, and Structures

### 1. Purpose

**a.** The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to primary uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.

**b.** Accessory uses and structures are intended to allow property owners the full use of their property while maintaining the integrity and character of the area. To accomplish these goals, accessory uses and buildings shall be erected and used only for purposes that are clearly secondary and incidental to the primary use of the property and shall be located on the same lot with the primary use. Accessory uses and structures are subject to the standards in this section as well as any applicable standards for the associated primary use pursuant to §205C, *Use Definitions and Use-Specific Standards.*

### 2. Accessory Uses Definitions and Standards

**a. Accessory Building, Detached** (back to table)

A building on the same lot with, and of a size and nature customarily subordinate to, a primary residential building. In residential districts, this may include, but is not limited to, storage sheds and garages. Accessory buildings attached to the primary building are considered an extension of the primary building and shall be subject to the regulations that apply to the primary building. Accessory buildings are permitted in the zoning districts as listed in Table 2-26: Table of Uses. See Table 2-27: *Standards for Detached Accessory Buildings and Structures*.

**b. Accessory Dwelling Unit** (back to table)

A residential dwelling unit that is subordinate to and detached from the primary dwelling unit but located on the same lot. An accessory dwelling unit may also be referred to as a backyard cottage.

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

a. No more than one accessory dwelling unit may be located on any conforming lot as identified in the summary for residential district standards, Table 2-24: Residential Zoning Districts.

b. An accessory dwelling unit shall not exceed 50 percent of the total square footage of the primary dwelling. If the primary dwelling is 1,200 square feet or less, the ADU shall not exceed 75 percent of the total square footage of the primary dwelling.

c. An accessory dwelling unit shall observe the same building height and setbacks as the primary dwelling and shall be set behind the front face of the primary building.

d. An accessory dwelling unit shall be constructed in a similar or complementary architectural style as the primary dwelling and constructed with exterior materials complementary to those of the primary dwelling when located within the Historically Significant Area or the primary dwelling is a Significantly Important Building.

e. An accessory dwelling unit must be under the same ownership as the primary dwelling.

f. An accessory dwelling unit shall not have a separate electric meter.

g. An accessory dwelling unit shall contain facilities for its own cooking, sleeping, eating, living, and sanitation accommodations.

**c. Accessory structure** *(back to table)*

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, and geothermal equipment. Accessory structures attached to the primary building shall be considered an extension of the primary structure and shall be subject to the regulations that apply to the primary building. See Table 2-27: *Standards for Detached Accessory Buildings and Structures* for standards.

**Table 2-27: Standards for Detached Accessory Buildings and Structures**

| | Detached Accessory Building | Detached Accessory Structure |
|---|---|---|
| **Maximum Height** | As permitted in applicable zoning district | 12 feet |
| **Setbacks** | **If 100 sq. ft. or less:**<br>Front yard: Not permitted<br>Corner: Follow zoning district<br>Rear yard: 1 foot<br>Side yard: 1 foot<br><br>**If 101 to 300 sq. ft.:**<br>Front yard: Not permitted<br>Corner: Follow zoning district<br>Rear yard: 3 feet<br>Side yard: 3 feet<br><br>**If 301 to 500 sq. ft.:**<br>Front yard: Not permitted<br>Corner: Follow zoning district<br>Rear yard: 5 feet<br>Side yard: 5 feet<br><br>**If greater than 500 sq. ft.:**<br>Front yard: Not permitted<br>Per applicable zoning district setbacks | **If 100 sq. ft. or less:**<br>Front yard: Not permitted<br>Corner: Follow zoning district<br>Rear yard: 1 foot<br>Side yard: 1 foot<br><br>**If 101 to 300 sq. ft.:**<br>Front yard: Not permitted<br>Corner: Follow zoning district<br>Rear yard: 3 feet<br>Side yard: 3 feet<br><br>**If 301 to 500 sq. ft.:**<br>Front yard: Not permitted<br>Corner: Follow zoning district<br>Rear yard: 5 feet<br>Side yard: 5 feet<br><br>**If greater than 500 sq. ft.:**<br>Front yard: Not permitted<br>Per applicable zoning district setbacks |
| | | |
| | **If greater than or equal to 2 stories:**<br>Per applicable zoning district setbacks | **If greater than or equal to 2 stories:**<br>Not applicable |

| | | |
|---|---|---|
| **Limitations** | • Shall be located behind the front face of the primary building.<br>• Shall not be used for commercial purposes unless approved and permitted as home occupation.<br>• Shall not be located in any easement.<br>• Shall not be rented or leased.<br>• Shall not be constructed or installed prior to or independent of a primary use or building. | • Shall be located behind the front face of the primary building.<br>• Shall not be used for commercial purposes unless approved and permitted as home occupation.<br>• Shall not be located in any easement.<br>• Shall not be rented or leased.<br>• Shall not be constructed or installed prior to or independent of a primary use or building. |

**d. Caretaker's or Watchman's Quarters** *(back to table)*
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 primary buildings and uses.

**e. Drone Delivery** *(back to table)*
An area or structure for the staging or storage of one or more drones, for the purpose of distributing commercial goods or products, and associated equipment.

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

a. Shall be located a minimum of 200 feet away from any residential use or zoning district. This shall not apply a drone delivery use within 200 feet of a residential use or zoning district that is separated from the residential use or zone by an existing street.

b. Shall not be located within any required setbacks.

c. Shall not be located within any required landscape buffers.

d. Shall not be more than 10 percent of the lot area if the area is not located on the roof of the primary structure or located within the primary structure.

e. Enclosures shall be located behind the front of the primary building.

f. Storage buildings, if provided, shall be constructed using similar materials and color as the exterior walls of the primary structure.

g. The provisions above may be modified or eliminated with approval of a Specific Use Permit.

**f. Electric Vehicle Charging Station** *(back to table)*
Electric charging-ready parking spaces made available as an accessory use, incidental to a primary use.

**I.** Standards for this use in Non-Residential and Multi-family Districts include:

a. Electric vehicle charging parking spaces shall maintain a minimum width of 10 feet.

b. As an accessory use, the EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.

c. Cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

**II.** Standards for this use in Single-Family Residential Districts include:

a. Individual dwellings may have electric vehicle charging units that are not subject to these regulations.

b. If electric vehicle charging-ready spaces are provided in a common or shared parking area, they shall observe the requirements for non-residential districts.

**g. Helistop** *(back to table)*
A designated, marked area on the ground or the top of a building or structure where helicopters may land, load and takeoff subject to the owner or operator having previously obtained an FAA letter of

airspace determination and an FAA statement of no objection to the proposed approach and departure routes plus compliance with all other applicable local, state, and federal rules, laws, and requirements. This accessory use does not include the fueling or storage of aircrafts.

**h. Home Occupation** *(back to table)*

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

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

a. The home occupation shall maintain the residential character of the neighborhood.

b. The home occupation shall be clearly incidental and secondary to the primary residential use of the premises.

c. The home occupation shall be conducted entirely within the enclosed primary structure, or entirely within an enclosed accessory structure.

d. Home occupations are not permitted in accessory dwelling units.

e. 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.

f. Home occupations conducted from within garages may not occupy parking spaces required to meet the minimum off-street parking requirements.

g. 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.

h. The home occupation shall not have a separate entrance.

i. Not more than two patron or business-related vehicles shall be present at any time, and the proprietor shall provide adequate off-street parking for such vehicles.

j. 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. Additional standards for commercial vehicles are provided in Chapter 70 of the McKinney Code of Ordinances.

k. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of 1½ tons.

l. The home occupation shall not display advertising or signs or other visual or audio devices which call attention to the business use.

m. The address of the home occupation shall not be listed in any advertisement.

n. 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.

o. 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.

p. 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.

q. Uses allowed as home occupations shall include the following:

i. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;

ii. Office of a salesperson or manufacturer's representative, provided that no retail or wholesale transactions or provision of services many be personally and physically made on remises, except as otherwise expressly permitted by this chapter;

iii. Author, artist, or sculptor;

iv. Dressmaker, seamstress, tailor, or milliner;

v. Music/dance teacher, tutoring, or similar instruction, provided that no more than three pupils may be present at any one time;

vi. Swimming lessons or water safety instruction, provided that a maximum of six pupils may be present at any one time;

vii. Home craft such as weaving, model-making, etc.;

viii. 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;

ix. 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;

x. Day care in a registered family home in compliance with state law, with a maximum of six children permitted at any one time;

xi. Barbershop, beauty salon, or manicure studio, provided that no more than one customer is served at any one time; and

xii. 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.

r. The following uses are specifically prohibited as home occupations:

i. Animal hospital, commercial stable, kennel;

ii. Bed and breakfast;

iii. In-home day care for more than six people;

iv. Schooling or instruction with more than three students present at one time;

v. Restaurant or on-premises food/beverage consumption of any kind;

vi. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine;

vii. Cabinetry, metal work, or welding shop;

viii. Office for doctor, dentist, veterinarian, or other medical-related profession;

ix. On-premises retail or wholesale sales of any kind, except as permitted in item 205G.2.g.I.o of this section, and garage sales as provided for in Chapter 54, Article II of the Code of Ordinances.

x. Commercial clothing laundering or cleaning;

xi. Mortuary or funeral home;

xii. Trailer, vehicle, tool, or equipment rental; and/or

xiii. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.

s. 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.

t. 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.

**i. Outdoor Storage** *(back to table)*

Storage of goods or products, including vehicle storage, 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.

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

a. Outdoor storage is permitted as an accessory use only. It may not be the primary or only use on a parcel.

b. Outdoor storage areas must be screened on all sides from public view using an approved screening device as described in Table 2-35: *Site Feature Screening Requirements*.

c. No materials shall be stacked higher than the top of a required screening device.

d. Wall openings shall not exceed 26 feet in width, and shall have a gate or door that provides an opaque screen.

e. Prohibited Areas

i. Outdoor storage shall not be located in front of the main building or within any required setback;

ii. Outdoor storage shall not be located within any drainage or other type of easement;

iii. 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.

f. Size Limitations

i. In industrial and airport districts, outdoor storage shall have no size limits.

ii. In non-residential 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 10 percent of the lot area, whichever is less.

iii. 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 10 percent of the lot area, if it is determined that the size of the outdoor storage area would not adversely impact the surrounding area. The decision of the Director of Planning may be appealed in accordance with §203F, Appeal Procedures.

**j. Swimming Pool** *(back to table)*

A pool or spa constructed or installed below or above ground, located on private residential property, under the control of the property owner.

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

a. 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.

## H. Temporary Uses and Structures

### 1. 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.

## 2. General Standards for All Temporary Uses and Structures

The following standards apply to all temporary uses and structures.

**a.** Applications for temporary uses or structures shall be submitted to the Chief Building Official, unless otherwise specified herein. No temporary use or structure shall be permitted unless approved by the appropriate Administrative Official;

**b.** Temporary uses or structures shall not occupy, impede, or block required pedestrian or vehicular circulation patterns, handicapped parking areas, designated walkways or sidewalk areas, bicycle lanes or bicycle parking areas, loading areas, drive aisles, fire lanes, or public rights-of-way;

**c.** 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;

**d.** Temporary uses or structures shall not be located within a floodplain, nor may they disturb any sensitive or protected resources, or interfere with required site landscaping;

**e.** Any temporary signs associated with a temporary use or structure shall be removed when the temporary use concludes or when the permit expires, whichever occurs first; and

**f.** When a temporary use concludes, all disturbed areas shall be restored to a condition equivalent to or improved from that which existed prior to the temporary use.

## 3. Temporary Uses and Structures Definitions and Standards

Temporary uses are time-limited 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.

**a. Batch Plant (outdoor), Temporary** *(back to table)*

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.

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

a. Requests for operation of a temporary batch plant shall include all necessary permitting by TCEQ and be reviewed by the Director of Engineering; and

b. The Director of Engineering shall be responsible for determining the period of time which a temporary batch plant may operate.

**b. Construction Field Office** *(back to table)*

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 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:

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

a. Construction field offices may only be approved for licensed contractors working on construction projects for which any required permits have been obtained.

b. No structure may encroach into any public right-of-way or easement.

c. The field office shall be required to comply with adopted Building Code.

d. The use may only occur up to 14 days before construction activity commences.

e. All temporary facilities shall be removed within 30 days after issuance of a certificate of occupancy, upon completion of construction.

f. No structure may contain sleeping or cooking facilities.

g. Portable lavatories shall be located on-site and serviced regularly to minimize impacts to adjacent residential uses.

h. 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.

**c. Model Home** *(back to table)*

A single-family dwelling in a developing subdivision located on a legal lot that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision. This temporary use may exist as long as the subdivision is still developing.

**d. Portable Storage Container** *(back to table)*

Any container, storage unit, pod, or other portable structure used for the storage of personal property of any kind, which is temporarily located on the same property as the primary building.

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

a. No more than one portable storage container may be stored on a lot or parcel with a residential use, except for multi-family and mobile home, at a time.

b. The portable storage container shall be placed only on a paved surface and shall not encroach into the public right-of-way.

c. A portable storage container may be located on a lot or parcel for a period not exceeding ten consecutive days, from the time of delivery to the time of removal.

d. 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 for each owner or tenant. Each day that a portable storage container remains after the removal date shall constitute a violation.

e. 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.

f. Portable storage containers may be allowed on multi-family residential properties as long as the minimum required parking is maintained.

**e. Religious or Philanthropic Uses** *(back to table)*

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 2 extensions of up to 30 days may be possible, upon application and approval by the Chief Building Official.

**f. Seasonal Sales** *(back to table)*

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.

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

a. Temporary use permits issued for seasonal sales shall be valid for a maximum of 30 consecutive days, with the possibility of three extensions, of up to 30 days each, not to exceed 120 days over a 12-month period.

b. No more than three unique temporary use permits shall be issued for a single lot in a calendar year.

c. Temporary tents, structures, or stands used for seasonal sales shall not exceed 150 square feet.

d. Temporary seasonal sales shall not be located within 300 feet of any residential structure.

**g. Warming Station** *(back to table)*

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

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

a. A warming station must be operated by a religious institution or philanthropic organization.

b. Operation is permitted only during inclement weather, when temperatures are forecast to drop below 32 degrees Fahrenheit.

c. Hours of operation are 6:00 pm to 8:00 am.

d. Maximum length of operation is 45 days, with the possibility of one 30-day renewal.

e. No more than 40 warming station guests may be in the facility at one time.

f. The operating entity must have the ability to provide security if this is deemed necessary by the Chief of Police.

g. A temporary use permit to operate a warming station must be renewed annually through the Chief Building Official.

h. Operation may occur for no more than 120 calendar days per year.

i. Bathroom access for clients shall be provided.

j. A warming station shall not provide permanent sleeping accommodations.

k. No evidence of the warming station shall be visible from the outside of the structure containing the temporary use.

**II.** Modifications:

a. Temporary Use Permits that require a modification to any of the operational standards b-e, above, shall require City Council approval following a public hearing. Mailed notice for the public hearing shall be provided in accordance with §203A.4, *Public Notice*.

## I. Special Uses

### 1. Bed & Breakfast *(back to table)*

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.** Bed and breakfasts may be established only in single-family or duplex structures.

**II.** All bed and breakfast facilities shall be owner-occupied and managed at all times.

**III.** Meals may be served to paying overnight guests. No cooking facilities shall be permitted in any of the bedrooms.

**IV.** Only 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."

**V.** 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.

**VI.** 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.

**VII.** All such facilities shall be responsible for the collection of the city hotel/motel tax.

**VIII.** All City health officers, building inspectors, the Fire Marshal, 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.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

### 2. Donation Collection Container *(back to table)*

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 7 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. A public right-of-way or easement, 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. Garbage and/or recycling enclosure areas or access to garbage 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;

ii. A 24-hour contact telephone number with recording capability for the public to register complaints;

iii. The type of material that may be deposited into the donation container; and

iv. 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 additional notification that no items may be left for collection except when the 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**

An annually renewable permit from the Director of Code Services is required for the operation of a donation container.

### 3. Food Truck Courts *(back to table)*

A property used or developed to accommodate one or more food trucks as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** A permanent building with restrooms is required to be located on the site;

**II.** No portable or temporary restrooms shall be allowed on the site;

**III.** Food trucks shall meet the requirements of the section 206I Food Trucks, Food Truck Operation Sites, and Food Truck Courts and Chapter 46 Food Establishment Regulations; and

**IV.** Location requirements:

a. No food truck operations including, but not limited to food preparation, sales or consumption shall be permitted within 100 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food trucks shall be exempted from this requirement with the express written permission of the restaurants' or food service establishments' owner or authorized representative;

b. Food trucks shall not engage in sales operations within 100 feet of any property used for single-family residential purposes. This distance may be eliminated if unanimous written consent from each property owner located within the 100-foot buffer is provided;

c. Food trucks and their customers shall be prohibited from utilizing public rights-of-ways for food sales, preparation and/or consumption;

d. All portions of a food truck and its associated operations shall be located within 150 feet, as determined by the Fire Marshal, of a dedicated fire lane easement or a public street;

e. Food trucks must be parked, situated and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements; and

f. Food trucks may not occupy required off-street parking or loading spaces.

**b.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*;

**II.** In addition to the evaluation criteria listed in §203C.3, *Specific Use Permit*, the following criteria shall also be considered:

a. The nature of the proposed use;

b. Proximity to other food truck courts and food truck operation sites;

c. Proximity to existing "brick and mortar" restaurants;

d. The number of food trucks allowed within the food truck court at a single time;

e. Existing uses in surrounding areas;

f. Noise, dust, light, and traffic generated;

g. Health and sanitary conditions; and

h. Compliance with other regulations of the Code of Ordinances; and

i. The extent to which the proposed request aligns with the "C" standards for this use.

### 4. Food Truck Operation Sites *(back to table)*

The geographic area, not located within a food truck court, within which the food truck will park, prepare, and sell food and/or associated non-alcoholic beverages. This also includes areas where the food truck's customers go to park and consume food and/or non-alcoholic beverages sold from the food truck. The sale of merchandise other than food and non-alcoholic beverages shall not be permitted at food truck operation sites.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** Operation sites must have a valid food truck temporary site permit in addition to all other applicable permits and inspections.

**II.** Food trucks shall meet the requirements of the section 206I Food Trucks, Food Truck Operation Sites, and Food Truck Courts and Chapter 46 Food Establishment Regulations.

**III.** A maximum of one food truck shall be permitted for every one acre of land area. There shall be a maximum of six food trucks on an individual tract of land.

**IV.** Operation sites must meet the following location requirements:

a. No food truck operations including, but not limited to food preparation, sales or consumption shall be permitted within 100 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food trucks shall be exempted from this requirement with the express written permission of the restaurants' or food service establishments' owner or authorized representative.

b. Food trucks shall not engage in sales operations within 100 feet of any property used for single-family residential purposes. This distance may be eliminated if unanimous written consent from each property owner located within the 100-foot buffer is provided.

c. All portions of a food truck and its associated operation site shall be located within 150 feet, as determined by the fire marshal, of a dedicated fire lane easement or a public street.

d. Food trucks and their customers shall be prohibited from utilizing public rights-of-ways for food sales, preparation, and/or consumption.

e. Food trucks must be parked, situated and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.

f. Food trucks and operation sites may not occupy required off-street parking or loading spaces.

### 5. Oil and Natural Gas Well Drilling and Operations *(back to table)*

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 off-site for processing. See Chapter 138, Article VI, *Oil and Natural Gas Well Drilling and Operations*, of the Code of Ordinances for standards for this use.

### 6. Private Club *(back to table)*

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. Specific Use Permit**

**I.** Where Table 2-26: Table of Uses indicates an "S":

a. Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

b. 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.

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

**I. Location**

a. A private club may only be located in permitted districts as shown in Table 2-26: Table of Uses, pursuant to Specific Use Permit approval, as described in §203C.3X,*Specific Use Permit*, of this Code.

b. Private clubs must comply with the regulations in Chapter 14 – Alcoholic Beverages, including the distance requirements found in Section 14-54 – Development Standards.

c. 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.

**II. Operational Regulations**

a. The service of alcoholic beverages without food is prohibited in dining areas and is restricted to a bar or lounge area as described in this article.

b. Such establishments shall contain a minimum of 50 dining seats with a minimum of 600 square feet of dining area. Calculation of the square feet of dining area shall exclude kitchen and storage areas, bar and lounge areas, and cashier and reception areas.

c. A private club with a bar or lounge area shall be designed so that patrons can enter only from an area within the primary use, e.g., the dining or reception area of a restaurant, hotel or motel. Emergency exits direct to the outside are permitted.

d. 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.

e. Such establishments shall comply with all of the provisions of the state alcoholic beverage code and receive a private club permit from the state within one year from the date of issuance of the special use permit by the city, each such limitation in time being subject to extension by the city council.

**III. Noncompliance and Remedies**

a. City Council may revoke a Specific Use Permit if it finds that any condition imposed at the time of granting the permit is not met, or thereafter ceases to exist.

b. 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. A 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.

c. 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 Permit 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.

d. Pursuant to a public hearing, the City Council may revoke a Specific Use Permit upon finding that any of the operational 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.

e. The permittee shall be given at least 10 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.

f. 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.

g. 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 III. 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 conducted as described in provisions d. and e. above in 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.

h. 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.

### 7. Sexually Oriented Business *(back to table)*

A sexually oriented business is an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** The use shall comply with the standards in Chapter 138, Article V, *Sexually Oriented Businesses*.

### 8. Telecommunication Structure, High Rise *(back to table)*

A support structure that exceeds 40 feet in height in which commercial broadcasting or telecommunication antennae are mounted. This definition also includes any ancillary ground equipment needed to facilitate communication or broadcasting activities. This definition shall also include a satellite dish exceeding twelve (12) feet in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended.

**a.** Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*; and

**II.** The extent to which the proposed antenna complies with the provisions of §206.H, Communication Antennas, Support Structures and Satellite Dishes of this Article;

### 9. Telecommunication Structure, Low Rise *(back to table)*

A support structure that does not exceed 40 feet in height in which commercial broadcasting or telecommunication antennae are mounted. This definition also includes any ancillary ground equipment needed to facilitate communication or broadcasting activities. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health

and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** Shall be subject to the provisions of this section.

**II.** The maximum height of the structure may extend above the allowable height of the governing zoning district, not to exceed 40 feet even if an applicable overlay district allows a taller height. Heights greater than 40 feet may be approved by the City Council via the Specific Use Permit Process.

### 10. Telecommunication Structure, Stealth *(back to table)*

A structure that is designed to accommodate commercial communication or broadcasting antennae that is concealed or camouflaged in a manner that any antennae appear to a casual observer to be something other than a telecommunications facility.

**a.** Where Table 2-26: Table of Uses, indicates "C":

**I.** Shall be subject to the provisions of this section;

**II.** Shall be designed and constructed in such a manner to be consistent with the existing landscape, streetscape, or development pattern of the area;

**III.** Stealth Telecommunication Structures shall only include:

a. A commercial antenna placed wholly within any permitted building or structure;

b. A structure without any visible antennae that is designed to resemble something other than a telecommunication device including, but not limited to a development identification monument, flagpole, clock tower, or athletic field light pole;

c. A commercial antenna attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) regardless of the height of said structure;

d. A commercial antenna on the roof of a building in a non-residential zoning district that is not visible from an adjacent property or right-of-way;

e. A commercial antenna mounted flush to the exterior of a building/structure in a non-residential zoning district that is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties; or

f. Another type of stealth telecommunication structure that has been approved by the City Council via the Specific Use Permit Process.

**IV.** The maximum height of the structure may extend 25 percent above the allowable height of the governing zoning district, not to exceed 75 feet even if an applicable overlay district allows a taller height. Heights greater than 25 percent or 75 feet may be approved by the City Council via the Specific Use Permit Process.

**V.** Structures that exceed the height allowances of this section shall be treated as high-rise telecommunication structures.

### 11. Wind Energy Conversion System *(back to table)*

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, 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. Specific Use Permit**

Where Table 2-26: Table of Uses indicates an "S":

**I.** Approval of an SUP is required pursuant to the evaluation criteria and procedure specified in §203C.3, *Specific Use Permit*.

**b. General Regulations**

**I.** No WECS shall be erected without first obtaining a WECS (wind turbine) permit from the Chief Building Official. 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.

**II.** 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.

**III.** No WECS shall exceed the height limitations imposed by virtue of aircraft approach and turning zone height restrictions.

**IV.** 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.

**V.** WECS shall only be permitted as an accessory use to a separate, primary use, except WECS may be permitted as the primary use on industrially zoned properties that are 50 acres or larger.

**VI.** All WECS shall be located behind the front face of the primary building unless the property is industrial zoned and there is no primary building.

**VII.** Any mechanical, electrical, or other equipment associated with the tower or other support structure shall comply with the accessory structure setbacks as specified in §205G.2.c of this Article.

**VIII.** Building-mounted WECS' blade arc spheres shall have a minimum 5-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.

**c. District-Specific Regulations**

**I. Single Family Residential Zoning Districts**

WECS shall not be permitted.

**II. Multi-Family Residential Zoning Districts**

WECS are only permitted for multi-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.

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 single-family district or a residential use, except multi-family and mobile home, when the setback shall be a distance equal to the height of the WECS.

**III. Industrial Districts**

WECS are permitted only as follows:

a. **Maximum Number of Allowable WECS**
1 WECS shall be permitted on each lot. The allowable number of WECS may be increased beyond a maximum of 3 WECS with approval of a Specific Use Permit.

b. **Maximum Height**
150 feet.

c. **Setbacks from a Property Line**
WECS shall be set back a distance equal to half the height of the WECS, unless adjacent to a single-family district or a residential use, except multi-family and mobile home, when the setback shall be a distance equal to the height of the WECS.

**IV. Historic Districts**

In the H – Historic Overlay, MTC -- 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 II. and IV. above, WECS are permitted in non-residential zoning districts, including the Government Complex District, only as follows:

a. **Maximum Number of Allowable WECS**
One WECS shall be permitted on each lot however the allowable number of WECS may be increased to a maximum of 3 WECS with the Planning and Zoning Commission's approval of a proposed site plan. The allowable number of WECS on each lot may be increased beyond a maximum of 3 WECS with approval of a Specific Use Permit.

b. **Maximum Height**
The maximum height for a WECS shall be the maximum height allowed in the governing zoning district plus 10 feet. The height of a WECS may be increased to a maximum of 125 feet with approval of a Specific Use Permit.

c. **Setbacks from a Property Line**
WECS shall be set back a distance equal to half the height of the WECS, unless adjacent to a single-family district or a residential use, except multi-family and mobile home, 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.

# 206 Development Standards

## A. Landscaping

### 1. Purpose

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. Accordingly, this section requires the provision of landscaping with development to:

**a.** Protect and enhance the visual appeal of the City of McKinney;

**b.** Contribute to high-quality development;

**c.** Improve air quality;

**d.** Buffer potentially incompatible neighboring land uses;

**e.** Protect and enhance residential and commercial property values; and

**f.** Mitigate the environmental and visual impacts of surface parking areas.

### 2. Applicability

Information required to demonstrate compliance with this section shall be shown on a Landscape Plan pursuant to the procedure outlined in §203E.2, *Landscape Plan.*

**a. New Development**

Landscaping is required as provided in this section for all new development.

**b. Redevelopment and Changes in Use**

Landscaping is required as provided in this section for:

**I.** Any expansion or alteration of any existing parking lot, with the exception of re-striping; and

**II.** Any change of use that requires the expansion of the parking area shall result in a requirement for landscaping adjacent to the expansion being brought into conformance with the requirements of this section.

**c. Exceptions**

**I. MTC -- McKinney Town Center**

Uses within the MTC – McKinney Town Center zoning district shall be exempt from the landscape requirements set forth in this section, unless it is determined by the Director of Planning that compliance with any of these standards is achievable and would contribute to the purpose and intent of the MTC – McKinney Town Center zoning district. See Appendix 2B: McKinney Town Center MTC, of this Code for any additional landscaping requirements that may be specifically applicable to the MTC – McKinney Town Center zoning district.

**II. Airfields**

Airfields (commonly known as the "air side" of an airport's perimeter boundary fence or wall) which accommodate fixed-wing aircrafts on a concrete runway with a length of at least 5,000 feet and allow for the operation of rotary-wing aircrafts shall be exempt from the landscape requirements of §206A.5.c, *Non-Residential Development*, of this section.

**III. Parks**

City-owned neighborhood parks as defined in the Parks Master Plan, as amended, that are developed, redeveloped, or expanded shall be exempt from the requirements of this section.

### 3. Site Landscape Standards for All Uses

**a. Generally**

The following standards shall apply to all properties regardless of the land use or zoning district.

**I.** Required landscaped areas shall be completely covered with living plant material, unless otherwise noted herein.

**II.** Required landscaped areas shall be protected by a monolithic curb.

**III.** Sidewalks and driveways crossing the street buffer by the shortest distance possible shall be allowed. Meandering sidewalks and shared use trails shall be allowed within the street buffer, so long as required tree plantings are not affected.

**IV.** All trees shall be provided with a permeable surface that does not impede the absorption of water, extending a minimum two-foot, six-inch radius from the trunk of the tree.

**V.** Earthen berms shall not have side slopes that exceed 4:1 (four feet of horizontal distance for each one foot of height), if applicable.

**VI.** Detention and retention easements shall not be located in a required street or adjacency buffer, unless otherwise approved by the Directors of Engineering and Planning. In no case shall the detention and retention easement encroach on more than 50 percent of the required street or adjacency buffer. If a portion of the required street or adjacency buffer is used for a detention and retention easement the slope within the landscape or perimeter buffer shall not exceed 6:1 (six feet of horizontal distance for each one foot of height).

**VII.** Artificial turf is prohibited in the front yard and corner side yard of single-family residential properties. Artificial turf is prohibited in required landscaping areas on non-residential and multi-family residential properties.

**VIII.** All required landscape areas shall be irrigated. When provided, all automatic underground irrigation systems shall:

a. Be equipped with rain and freeze sensors, or a weather-aware internet device;

b. Be designed by a qualified professional, and installed by a licensed irrigator after receiving a permit, as may be required under the construction code; and

c. Comply with the City's water conservation ordinance as it exists or may be amended.

**IX.** Required plant materials shall conform to the standards of the approved plant lists for the City, provided in Appendix 2A: Approved Plant List. The Director of Planning may approve plants for use that are not on the approved plant lists so long as they meet the following criteria:

a. A specification sheet is provided to show that the proposed plant is compatible with the area and is not vulnerable to major diseases or pests.

## 4. Planting Requirements

### a. Minimum Plant Material Dimensions

Required plant materials shall conform to the minimum dimensions in Table 2-28: Minimum Landscape Measurements and Standards.

**Table 2-28: Minimum Landscape Measurements and Standards**

| | At Time of Planting (All Apply) | At Maturity |
|---|---|---|
| **Canopy trees** | Caliper: 4 inches [1]<br>Height: 12 feet | Capable of attaining a crown spread of at least 25 feet. |
| **Ornamental trees** | Caliper: 2 inches [1]<br>Height: 8 feet | Capable of attaining a crown spread of 15 feet. [2] |
| **Tall Evergreen Shrubs** | Height: 3 feet<br>Spacing: No further apart than 3 feet on center | Screening shall form a continuous, unbroken, solid visual screen 6 feet in height within 2 years after time of planting, unless otherwise approved by the Director of Planning. |
| **Low Evergreen Shrubs** | Height: 2 feet<br>Spacing: No further apart than 3 feet on center | Shrubs shall be maintained at 3 feet in height within 2 years after time of planting. |
| **Evergreen Vines** | May be used in conjunction with fences, screens, or walls to meet landscape screening and/or buffering requirements, as approved by the Director of Planning. | |

| Table 2-28: Minimum Landscape Measurements and Standards | | |
|---|---|---|
| | At Time of Planting (All Apply) | At Maturity |
| **Grass Areas** | Shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion.<br>Shall be established with 100 percent coverage and 70 percent density with an approved perennial grass prior to the issuance of a certificate of occupancy.<br>Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pest and insects.<br>Ground covers used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting. | |

[1] Caliper measurement of the trunk shall be taken 6 inches above the ground for new plantings.
[2] Ornamental trees with a crown spread of less than 15 feet at maturity may be grouped to create the equivalent of a 15-foot crown width.

**b. Tree Placement and Clearances**

**I.** If a required canopy tree is proposed within 12 feet of a building foundation, an alternate planting location on-site may be approved by the Director of Planning.

**II.** No tree shall be planted closer than four feet to a right-of-way line, nor closer than eight feet to any public water line, wastewater line, fire protection connection, or drainage line, nor within any detention pond, unless approved by the Director of Engineering.

**III.** A landscape area in which trees are to be provided shall not overlap or otherwise infringe upon a utility easement, unless no alternative is available.

**IV.** No tree that has a mature height of 25 feet or greater shall be planted within ten feet of an existing or proposed overhead utility line. Where canopy trees are required adjacent to or underneath overhead utility lines, ornamental trees shall be provided instead of the required canopy trees at a ratio of two ornamental trees per every one required canopy tree.

**c. Tree Preservation Credit**

Any trees preserved on a site that meet the specifications below may be used to satisfy the tree requirements of §206A.4, *Planting Requirements.* Trees preserved for landscape requirements cannot be used to offset mitigation.

**I.** Quality trees shall receive credit.

**II.** Existing non-quality trees may receive credit, subject to the approval of the Director of Planning.

**III.** In a non-residential context, tree preservation credits shall only apply to the buffer or parking area where the tree is preserved.

**IV.** Any trees proposed for tree preservation credit shall be designated on the Landscape Plan, with description of the species, size, and exact location.

**V.** Trees that are diseased, compromised, or nearing the end of their viable lifespan shall not be eligible for credit, as determined by the Director of Planning.

**VI.** All existing trees eligible for tree preservation credit shall be subject to the provisions of §206B, *Tree Preservation.*

| Table 2-29: Tree Preservation Credits | |
|---|---|
| DBH [1] of Existing Tree | Credit against Tree Requirement |
| Trees 6" or greater located in required landscape buffers adjacent to residential zones or uses | 1 tree |
| 6 to 8 inches | 2 trees |
| 9 to 15 inches | 3 trees |
| 16 to 30 inches | 4 trees |
| 31 to 46 inches | 5 trees |
| 47 or more inches | 8 trees |

[1] DBH means diameter at breast height.

**d. Sight Distance and Visibility**

**I.** Compliance with these landscaping requirements shall not be permitted to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more streets, streets and driveways (other than residential), and two fully-on-site non-residential driveways occur, a triangular visibility area shall be maintained.

**II.** Landscaping within the visibility triangle shall be designed to provide unobstructed cross-visibility between two and seven feet in height, or as otherwise specified in the Engineering Design Manual. At the discretion of the Director of Engineering, trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area.

**III.** Sight visibility triangles shall remain unobstructed from all other impediments.

**e. Delayed Landscape Installation**

When special circumstances exist, the installation of required landscaping may be delayed up to six (6) months by the Director of Planning. However, when the installation of required landscaping is delayed during stage 3 or stage 4 drought conditions, the required landscaping may be delayed until the drought restrictions are lifted. Once the drought restrictions are lifted, the required landscaping must be installed within three (3) months. Prior to delaying any landscaping required by this article, the developer shall provide the city with an escrow payment, or some other financial assurance deemed acceptable to the Director of Planning, equal to all cost of installing the landscaping, plus an additional 20 percent (collectively the "financial assurance"). During periods where landscaping has been temporarily delayed, temporary certificates of occupancies may be issued by the city. If the required landscaping is not installed within the prescribed timeframes, the development shall be deemed to be in violation of this section and no additional permits, temporary certificates of occupancy, certificates of occupancy, or certificates of completion will be issued. The financial assurance provided by the developer shall not be returned until all required landscaping has been installed and approved by the city. The provision of such financial assurance shall not limit the city's right to pursue civil penalties therefrom under Chapter 54 of the Texas Local Government Code if developer fails or refuses to timely install the required landscaping. The requirement to establish permanent vegetation to address erosion control may not be delayed using this section.

## 5. Site-Specific Landscape Standards

**a. Single-Family Residential Uses**

**I. Required Trees**

In single-family residential zoning districts, tree planting requirements as shown in Table 2-30: *Tree Requirements by Zoning District,* must be met before obtaining a certificate of completion.

**Table 2-30: Tree Requirements by Zoning District**

| Zoning District | Minimum Number of Canopy Trees per Residential Lot [1] |
|---|---|
| R43 | 6 |
| R12 | 4 |
| R8, R6, R5 | 2 |
| TR1.8 | 1 |

[1] A minimum of one tree or half the required trees for any lot, whichever is greater, must be planted in the front yard.

[2] For PD and MR zoning districts, multi-family uses shall follow the multi-family landscaping standards in 206.A.5.b and single-family residential uses shall follow the zoning district with a similar minimum lot size.

**II. Street Trees in Lieu of Trees per Lot**

Residential developments in the R6, R5, and TR1.8 zoning districts may provide street trees in lieu of the canopy trees required in Table 2-30. Street trees shall be provided in compliance with the standards of the Engineering Design Manual. Street trees shall:

a. Be shown on a Screening and Buffering Plan submitted as part of a Development Permit and Final Plat; and

b. Be provided in accordance with Appendix 2A: Approved Plant List.

**b. Multi-Family Residential Development**

In multi-family residential zoning districts, the following shall apply:

**I. Site Standards**

a. A minimum of 10 percent of the site area shall be living landscaping, including grass, ground cover, plants, shrubs, or trees.

b. To achieve species diversity on a site, no single species may account for more than 25 percent of the total required trees to be planted on a site.

**II. Specific Requirements**

a. Single-family residential uses that develop in a multi-family residential zoning district shall follow the single-family residential landscape standards provided in Section 206A.5.a.

b. The landscaping requirements shown in Table 2-31 and Figure 2-25 shall apply to all multi-family residential development.

## Table 2-31: Multi-Family Landscaping Requirements

| | | |
|---|---|---|
| **Landscape Buffer Requirements** | | |
| A | Street Buffer [1] | Minimum 20 feet in width parallel to front property line, unless the existing or planned adjacent right-of-way exceeds 200 feet in width, then a 30-foot landscape buffer shall be provided. |
| B | Adjacency Buffer | Minimum 20 feet in width parallel to side and rear property lines. |
| **Tree Requirements [2]** | | |
| C | Street Buffer trees | 1 canopy tree per 30 linear feet or portion thereof shall be planted within the associated Street Buffer;<br>Trees may be clustered to facilitate site design. |
| D | Adjacency Buffer trees | 1 canopy tree per 30 linear feet or portion thereof shall be planted within the associated Adjacency Buffer; trees may not be clustered. |
| **Parking Area Requirements** | | |
| | Landscaping Required | Canopy trees shall be required at a rate of 1 tree for every 7 surface parking spaces (based on the total number of parking spaces).<br>Every surface parking space shall be located within 65 feet of a tree. |
| | Circulation | All parking, loading, maneuvering, and circulation areas shall be well-defined by a curb, unless a drainage condition exists where curb cuts would be approved by the Director of Engineering.<br>Landscape areas are required at the end of every parking row.<br>Landscaping, except required grass and low ground cover, shall not be located any closer than 3 feet to a parking space, drive aisle, or fire lane. |
| | Landscape Areas | Minimum width: 6 feet [3]<br>Minimum width with tree: 9 feet<br>Up to 50 percent of each landscape area located at the end of a parking row may be finished with non-living materials. |

[1] Necessary driveways from the public right-of-way and shared drives shall be allowed to intersect perpendicularly with required landscaping areas in accordance with City regulations, as long as it does not overly degrade the function of the required landscape areas.
[2] Where unavoidable utility conflicts exist, trees may be planted adjacent to the required buffer.
[3] Additional width may be required to accommodate fire access, utilities, and equipment required by the fire department.

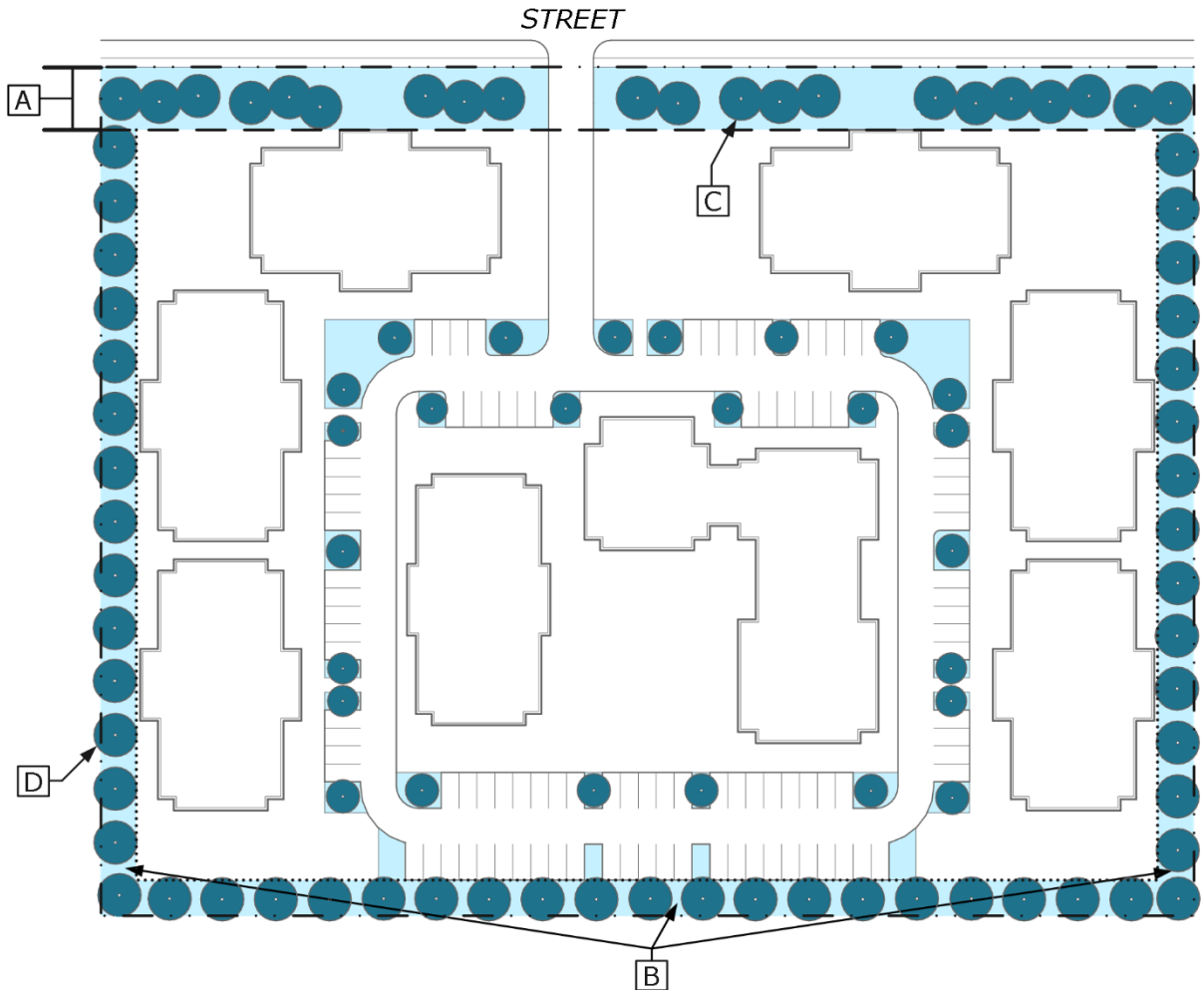



**Figure 2-25: Multi-Family Landscaping Requirements**

### c. Non-Residential Uses

#### I. Site Standards

a. A minimum of 10 percent of the site area shall be living landscaping, including grass, ground cover, plants, shrubs, or trees.

b. To achieve species diversity on a site, no single species may account for more than 25 percent of the total required trees to be planted on a site.

#### II. Specific Requirements

The landscaping requirements shown in Table 2-32 and Figure 2-26 shall apply to all non-residential development.

## Table 2-32: Non-Residential Landscaping Requirements

**Landscape Buffer Requirements**

| | | | | |
|---|---|---|---|---|
| A | Street Buffer [1] [2] | **Based on Adjacent Right-of-Way Width** | | |
| | *ROW width* | 0-59 ft | 60-199 ft | 200+ ft |
| | *Required Buffer Width* | 10 ft | 20 ft | 30 ft |
| | | 100 percent of the street buffer shall be living landscaping. | | |
| B | Adjacency Buffer | 10 feet in width parallel to side and rear property lines that are adjacent to a single-family district or a residential use, except multi-family and mobile home. | | |
| C | Vehicular Use Buffer | Minimum 5 feet wide landscape area where parking or drive aisles abut a property line, except when a mutual access easement (shared drive aisle) is located on a property line. | | |

**Tree Requirements [6]**

| | | |
|---|---|---|
| D | Street Buffer Trees [4] | 1 canopy tree per 40 linear feet or portion thereof shall be planted within the associated Street Buffer;<br>Trees may be clustered to facilitate site design. |
| E | Adjacency Buffer Trees [3] | 1 canopy tree per 40 linear feet or portion thereof shall be planted within the associated Adjacency Buffer.<br>Trees may not be clustered. |

**Parking Area Requirements**

| | | |
|---|---|---|
| | Landscaping Required | Canopy trees shall be required at a rate of 1 tree for every 7 surface parking spaces (based on the total number of parking spaces)<br>Every surface parking space shall be located within 65 feet of a tree. [7] |
| | Circulation | All parking, loading, maneuvering, and circulation areas shall be well-defined by a curb, unless a drainage condition exists where curb cuts would be approved by the Director of Engineering.<br>Landscape areas are required at the end of every parking row.<br>Landscaping, except required grass and low ground cover, shall not be located any closer than 3 feet to a parking space, drive aisle, or fire lane. |
| | Landscape Area | Minimum width: 6 feet [5]<br>Minimum width with tree: 9 feet<br>Up to 50 percent of each landscape area located at the end of a parking row may be finished with non-living materials. |

[1] For lots with multiple frontages, all frontages shall observe the greatest minimum street buffer width.
[2] Necessary driveways from the public right-of-way and shared drives shall be allowed to intersect perpendicularly with required landscaping areas in accordance with city regulations, as long as it does not overly degrade the function of the required landscape areas.
[3] When the side or rear property line of a lot is located in or directly adjacent to a floodplain, existing trees within that lot may be used to meet the requirement for Adjacency Buffer Trees, regardless of tree species or type.
[4] Trees located within a floodplain area on an applicable lot may be used to meet the requirement for Street Buffer Trees along a public right-of-way, subject to the approval of the Director of Planning.
[5] Additional width may be required to accommodate access and utilities required by the fire department.
[6] Where unavoidable utility conflicts exist, trees may be planted adjacent to the required buffer.
[7] Areas designated vehicle display parking associated with an auto, motorcycle, truck, or boat, rental or sales, are exempt from this requirement. However, the required trees for vehicle display parking areas shall not be clustered.




**Figure 2-26: Non-Residential Landscaping Requirements**

## 6. Design Exceptions

Pursuant to §203G.1, *Design Exception*, the following landscape requirements may be eligible for a Design Exception:

**a.** Street Buffer. The Street Buffer width may be reduced to no less than 10 feet in accordance with the approval criteria in §203G.1 and with the following additional criteria:

**I.** The reduction establishes a consistent street buffer with adjacent developed properties, which are not separated by a street or an alley, and

**II.** The reduction will create a unified landscape design along the street frontage.

**b.** Tree Plantings. The required tree ratio requirements may be reduced in accordance with §203G.1, *Design Exception.*

**c.** Parking Area. The materials used or the percentage of non-living materials in a landscape area at the end of a parking row may be modified in accordance with §203G.1, *Design Exception.*

## B. Reserved

## C. Screening

### 1. Purpose

The purpose of this section is to minimize potential conflicts between adjacent land uses, protect the privacy and value of adjacent land uses, and provide minimum standards for the provision of screening devices.

### 2. Applicability

Information required to demonstrate compliance with this section shall be shown on a Site Plan and Landscape Plan pursuant to the procedures outlined in §203E.1, *Site Plan,* and §203E.2, *Landscape Plan*.

**a.** Parks owned by the City of McKinney shall not be required to meet the requirements of this Section.

### 3. Screening Requirements

#### a. Screening of Uses Required

**Table 2-33: Screening of Uses**

| Use | Requirements | Minimum Height | Maximum Height | |
|---|---|---|---|---|
| | | All districts | Non-industrial districts | Industrial districts |
| **Single-family residential [1]** | Screen along all side and rear property lines where adjacent to non-residential uses or zoning districts, and along adjacent thoroughfares as required in 206C.3.c. | 6 feet | 8 feet, 4 inches | N/A |
| **Multi-family residential and manufactured housing [1]** | Screen along all side and rear property lines with a solid masonry screening device. | 6 feet | 8 feet, 4 inches | 10 feet |
| **Non-residential [1]** | Screen along all side and rear property lines where adjacent to existing residential uses or zoning districts | 6 feet | 8 feet, 4 inches | 10 feet |
| **Contractor's Yard, Impound Lot or Yard, and Salvage Yard** | Shall be enclosed with a screening device except associated offices and customer parking. Machinery and equipment may extend beyond the height of the required screening device. | 7 feet | 8 feet, 4 inches | 10 feet |
| **MTC – McKinney Town Center Zoning District** | See Appendix 2B: *McKinney Town Center MTC* | | | |

[1] See subsection b. for Exceptions.

#### b. Exceptions

Screening devices for screening of uses in Table 2-33 shall not be required in the following conditions:

**I.** If a street is located between the uses.

**II.** If an approved screening device already exists along the property line;

**III.** The portion of the subject property to be screened contains a wooded area that shall be maintained for the life of the project and a tree survey indicates that a majority of the trees in the wooded area

on the subject property are found to be "quality trees," as defined in Appendix 2A: Approved Plant List; or

**IV.** The portion of the subject property to be screened is adjacent to a floodplain, as defined in Section 805A, containing existing trees that provide natural screening.

**V.** For neighborhood amenity centers, as defined in 205F.5, built within residential neighborhoods.

**c. Screening of Residential Developments from Thoroughfares**

**I.** Residential developments with lots that back or side to a thoroughfare, including those lots that may not be immediately adjacent to a public thoroughfare, shall utilize one of the screening options in Table 2-34 to screen the residential developments.

**II.** All required screening improvements within residential developments, including walls and any other improvements, shall be located within a landscape buffer that has been designated as a common area(s) that is owned and maintained by the homeowners' association or property owners' association.

**III.** The plan shall provide for a consistent landscaping and fencing design and materials along both the backing and siding lots to create an overall desirable effect.

**Table 2-34: Screening Options**

| Option | Requirements |
|---|---|
| **A** | • Continuous masonry wall between 6 feet and 8 feet four inches in height; [1]<br>• Minimum one 4-inch caliper canopy tree per 50 linear feet of frontage; and<br>• Minimum 50% of length of screening to have bed of shrubs & groundcover. |
| **B** | • Continuous wrought iron or tubular steel fence with masonry columns at 20 feet on center between 6 feet and 8 feet 4 inches in height and 6-foot tall evergreen shrubs; [1][2]<br>• Minimum one 4-inch caliper canopy tree per 50 linear feet of frontage; and<br>• Minimum 50% of length of screening to have bed of groundcover. |
| **C** | • Continuous 6-foot height evergreen shrubs, the center shall be planted 6 feet from the property line; [2]<br>• Minimum one 4-inch caliper canopy tree per 50 linear feet of frontage;<br>• Minimum two 2-inch caliper ornamental tree per 50 linear feet of frontage; and<br>• Minimum 50% of length of screening to have bed of groundcover. |

[1] Wall/Fence offsets shall be provided for all walls/fences with 1,000 feet or greater distance between openings. The offsets shall be between 1 to 3 feet in depth and between 100 to 300 feet in length.

[2] Shrubs must reach required height within two full growing seasons or 18 months, whichever is less.

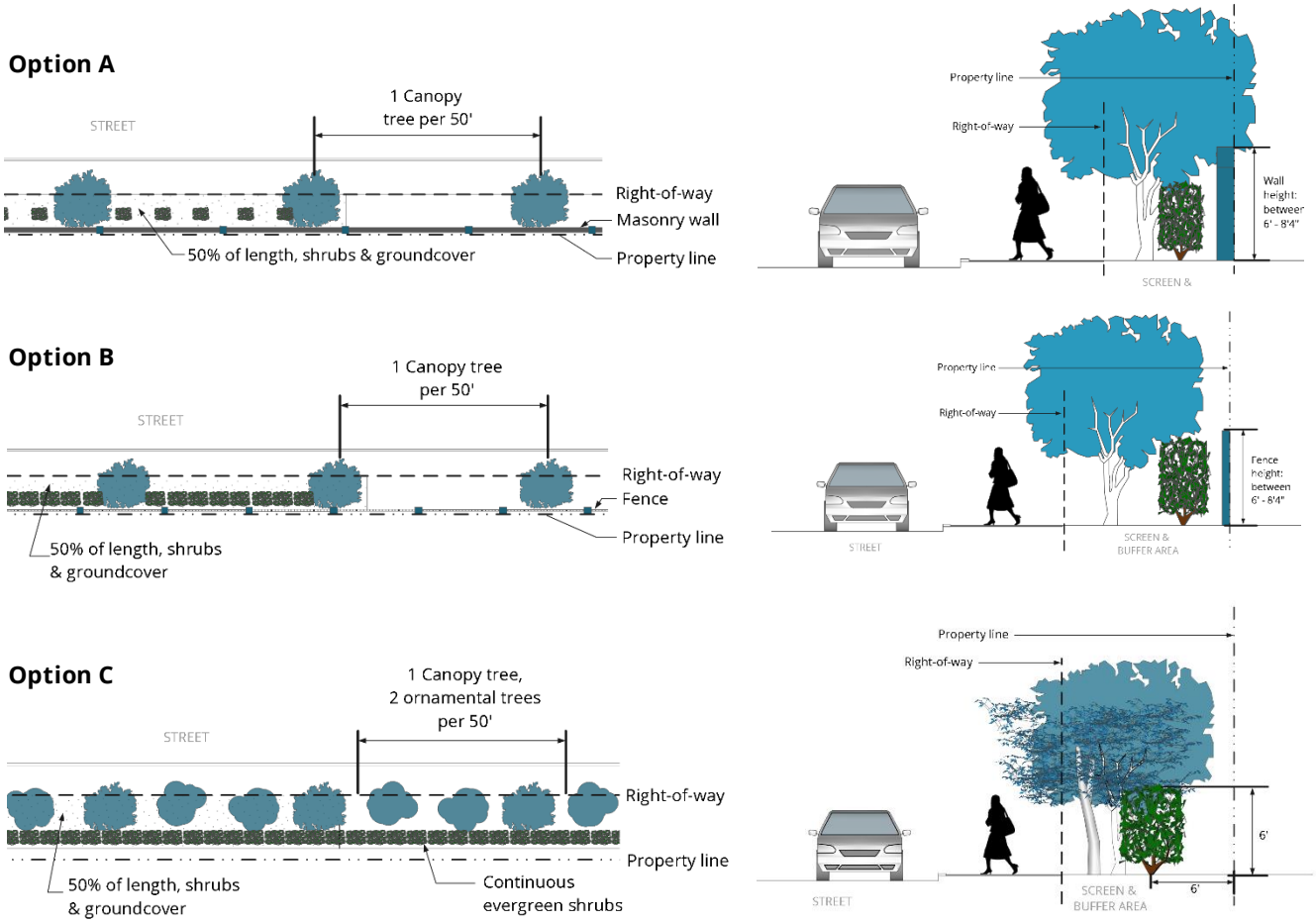



**Figure 2-27: Screening Options**

### d. Site Feature Screening Required

**Table 2-35: Site Feature Screening Requirements**

| Site Feature | Requirements | Minimum Height | Maximum Height | |
|---|---|---|---|---|
| | | All districts | Non-industrial districts | Industrial districts |
| **Drone Delivery Storage [1]** | **Ground-Level Storage** shall be:<br>• Screened from public view and from adjacent single family residential use or zone.<br>• No equipment shall be stacked higher than the top of the required screening device.<br>• Wall openings shall not exceed 26 feet in width and shall have an opaque gate or door. | 7 feet | 8 feet, 4 inches | 10 feet |
| | **Roof-Mounted Storage** shall be:<br>• Screened from public view and adjacent single family residential use or zone.<br>• Screened with architectural metal or another material that is consistent with the materials of the building on which the equipment is placed. | One foot taller than the equipment | One foot taller than the equipment | One foot taller than the equipment |
| **Outdoor Storage** | • Screen from public view and from adjacent single-family residential use or zone.<br>• No materials shall be stacked higher than the top of the required screening device.<br>• Wall openings shall not exceed 26 feet in width and shall have an opaque gate or door. | 7 feet | 8 feet, 4 inches | 10 feet |
| **Parking Lots** | • At least 75 percent of the frontage of parking lots adjacent to a public right-of-way shall be screened from public streets with low evergreen shrubs (meeting the planting requirements in Table 2-28), earthen berm, a low masonry wall, or a combination of the above within the street yard. | 3 feet | 3 feet | 3 feet |
| **Vehicle Storage** | • Vehicle storage shall be screened from public view and from adjacent single-family residential use or zone. | 6 feet | 8 feet, 4 inches | 10 feet |
| **Loading Docks and Loading Bays** | Loading docks and loading bays shall be:<br>• Oriented away from single-family residential use or zone.<br>• Screened with a door that is primarily opaque when closed.<br>• Loading docks and loading bays facing a public ROW shall provide street frontage canopy trees at an increased ratio of 1 tree per 30 linear feet of frontage within the landscape buffer adjacent to the public right-of-way. | | | |

**Table 2-35: Site Feature Screening Requirements**

| Site Feature | Requirements | Minimum Height | Maximum Height | |
|---|---|---|---|---|
| **Bays for Auto or Equipment Servicing** | • Bays shall be oriented away from single-family residential use or zone, unless no other option is available.<br>• Bays shall be screened with a door that is finished with glass and shall be constructed to appear as a window when closed.<br>• Bays facing a public ROW shall provide street frontage canopy trees at an increased ratio of 1 tree per 30 linear feet of frontage within the landscape buffer adjacent to the public right-of-way.<br>• Bays facing Residential Uses or Zoning Districts shall provide adjacency buffer trees at an increased ratio of 1 tree per 30 linear feet within the entire landscape buffer adjacent to the property line. | | | |
| **Mechanical, Heating, and Air Conditioning Equipment (Non-residential and multi-family residential uses only)[1]** | **Roof-Mounted Equipment** shall be:<br>• Screened from public view and adjacent residential property.<br>• Screened with architectural metal or another material that is consistent with the materials of the building on which the equipment is placed. | One foot taller than the equipment | One foot taller than the equipment | One foot taller than the equipment |
| | **Ground-Level Equipment** shall be:<br>• Screened from public view and from adjacent residential property.<br>• Screened with materials that are opaque and of an architecturally finished material; or that create a screening effect using evergreen shrubs for screening purposes, which shall be considered acceptable if provided in accordance with §206A, Landscaping. | Equal to height of the equipment | 8 feet, 4 inches | 10 feet |
| | **Equipment Flush with Building** shall be:<br>• Completely contained within the footprint of the exterior walls of a building.<br>• Integrated into the overall exterior of the building.<br>• Not readily visible or identifiable as mechanical, heating, and air conditioning equipment. | | | |
| **Commercial Garbage/Recycling Containers** | • See §206D, Commercial Garbage/Recycling Sanitation Containers and Enclosures.<br>• Design Exception is not allowed. | 7 feet | 8 feet, 4 inches | 10 feet |
| **Service Vehicles** | • Service vehicles shall be screened from adjacent public rights-of-way and adjacent residential uses or zones. | 7 feet | 8 feet, 4 inches | 10 feet |

[1] No screening shall be required if a sight line exhibit demonstrates that the mechanical, heating, and air conditioning equipment or drone delivery storage will not be visible from any adjacent residential property or public view.

**e. Screening Device Standards**

**I. Minimum Requirements for All Screening Devices**

a. All required screening devices must be equally finished on both sides.

b. All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified, but need not be of the same material as the main fence or wall.

c. A minimum five-foot (5') wide wall maintenance easement, dedicated to the HOA (if applicable), shall be provided on all lots abutting the required screening along the full length of the required screening wall or fence, unless separated by an alley. Such easement shall be shown on the Preliminary and Final Plats.

**II. Materials**

Screening device materials shall consist of the materials specified in Table 2-36.

**Table 2-36: Screening Device Materials**

| Material | Standards |
|---|---|
| **Masonry** | Brick, stone, or other architectural masonry finish (excludes stucco) |
| **Metal with Masonry Columns and Landscaping** | Primed and painted tubular steel, or wrought iron with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every 10 feet. Plus, evergreen landscaping at least 3 feet in height at planting and spaced 3 feet apart on center, to create a solid screening effect |
| **Living Screening** | A living screen meeting the requirements for Tall Evergreen Shrubs identified in Table 2-28: Minimum Landscape Measurements and Standards may be permitted under the following conditions:<br>• Use of a living plant screen would result in preservation of existing trees in a wooded area as compared to another type of screening device; or<br>• When screening heating, ventilation, and air conditioning (HVAC) equipment from the right-of-way.<br><br>All living screens shall consist of evergreen shrubs identified as acceptable for screening at least 6 feet in height or greater in Appendix 2A: Approved Plant List and shall meet the standards identified in Table 2-28: *Minimum Landscape Measurements and Standards* |
| **Architectural Metal** | An architecturally finished metal material, not including corrugated metal, which positively contributes to the design of the building. Architectural metal shall only be an allowable screening material for roof-mounted mechanical, heating, and air conditioning equipment, unless otherwise approved as part of a Design Exception. |
| **Alternate Screening Device** | Another screening device material approved as part of a Design Exception. |

**f. Design Exception**

Pursuant to §203G.1, *Design Exception*, the following screening requirements may be eligible for a Design Exception:

**I.** Screening Device Material: A Design Exception to utilize an alternate screening device material may be requested pursuant to §203G.1, *Design Exception,* except a Design Exception for commercial garbage/recycling container screening shall not be allowed.

# D. Commercial Garbage/Recycling Containers and Enclosures

## 1. Purpose

The purpose of this section is to provide minimum standards for the provision of commercial garbage/recycling containers and enclosures.

## 2. Applicability

Information required to demonstrate compliance with this section for all non-residential and multi-family residential uses shall be shown on a Site Plan and Landscape Plan pursuant to the procedures outlined in §203E.1, *Site Plan,* and §203E.2, *Landscape Plan*. All commercial garbage/recycling containers and enclosures shall be subject to the review and approval of the Environmental Services Division of the Public Works Department.

## 3. Violations and Penalties

Violations and penalties shall be as described in Chapter 86, *Solid Waste,* of the McKinney Code.

## 4. Container Requirements

**a.** A minimum of one commercial garbage container is required for non-residential and multi-family residential uses or as otherwise prescribed in the Public Works Department's Solid Waste Reference Manual. Sufficient capacity must always be provided to maintain compliance with all applicable codes.

**b.** Any deviation from these standards shall require review and approval of the Environmental Services Division.

## 5. Enclosure Requirements

### a. Location, Access, and Maneuverability Requirements

Commercial garbage/recycling containers and enclosures shall meet the following requirements:

**I.** Enclosures shall be located behind the front of the main building unless no other option is available.

**II.** Enclosures shall provide a minimum of 40 feet of straight back-up distance, as measured from the front gates of the enclosure, to accommodate a sanitation truck's maneuverability. If special circumstances prevent the provision of straight back-up distance, the Environmental Services Division shall have the authority to approve angled or alternative backing movements.

**III.** Enclosures shall provide a 24-foot vertical clear zone, including trees and other natural obstructions.

**IV.** Enclosures shall be located to facilitate pickup by garbage/recycling collection agencies, even during business hours.

**V.** Enclosures shall not be located in a designated landscape buffer, parking space, or loading area.

**VI.** Reinforced concrete pavement shall be provided for commercial garbage/recycling enclosure approaches for loading and unloading.

**VII.** Only commercial garbage/recycling container shall be stored within the enclosures. Separate storage with full screening shall be provided for other items including but not limited to: barrels for oil or grease, non-functioning equipment, linens, pallets, or other items associated with the business.

### b. Design Requirements

**I.** All containers and barrels shall be fully screened on all sides by an enclosure. A solid metal gate shall be provided and is to be kept closed except when in use for access. Enclosure gates or doors shall not swing into a fire lane, drive aisle, or obstruct vehicular visibility at any time.

**II.** Enclosures shall be constructed using masonry and a similar color as the exterior walls of the primary structure.

**III.** Garbage/recycling containers shall meet the screening requirements defined in §206C, *Screening.*

**c. Enclosure Size Requirements**

All enclosures for commercial garbage/recycling containers shall comply with the size requirements in Table 2-37 below.

**Table 2-37: Minimum Non-Residential and Multi-Family Enclosure Size Requirements**

| Container Type | Width (inside wall measurement) | Depth (inside wall measurement) |
|---|---|---|
| **Single Container** | 12 feet | 14 feet |
| **Double Container** | 25.5 feet | 14 feet |
| **Single Compactor, Self-contained** | 14 feet | 34 feet |
| **Single Compactor, Stationary** | 14 feet | 40 feet |
| **Double Trash Compactor** | 28 feet | 40 feet |

## 6. Residential Adjacency for Refuse Container Enclosures

Garbage/recycling container enclosures required for non-residential and multi-family residential uses shall not be located within 20 feet of an adjacent single-family residential use or zone, unless no alternative location is available, as determined by the Director of Planning.

# E. Vehicle Parking and Loading

## 1. Purpose

The purpose of this section is to establish the minimum parking and loading standards to ensure that the parking and loading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes.

## 2. Applicability

Information required to demonstrate compliance with this section shall be shown on a Site Plan and Landscape Plan pursuant to the procedures outlined in §203E.1, *Site Plan,* and §203E.2, *Landscape Plan*.

### a. New Development

The standards in this section shall apply when a new primary structure is constructed; or

### b. Expansion or Enlargement

For any expansion or enlargement that results in a greater amount of floor area, number of dwelling units, seating capacity, or otherwise creates a need for an increase in the number of existing parking spaces required by Table 2-38: *Minimum Vehicle Parking and Stacking Requirements*, such parking spaces shall be provided on the basis of the expansion or enlargement.

### c. Change in Use

Except as otherwise specified in §206E.3.c below regarding multiple tenants or occupants on a site, on-site parking shall be provided in compliance with the schedule described in Table 2-38: *Minimum Vehicle Parking and Stacking Requirements*, for any change in use that increases the minimum number of required vehicle parking spaces above those that currently exist on the site or on permitted off-site locations.

### d. Change of Parking Area Requires Approval

At no time after initial approval of the parking area layout can changes be made to the location or number of provided spaces, unless approved through the Site Plan process, or through the processes described in §206E.4, *Parking Modifications and Reductions.*

### e. MTC – McKinney Town Center Requirements

Refer to Appendix 2B: McKinney Town Center MTC of this Code for parking requirements specifically applicable to properties located in the MTC -- McKinney Town Center zoning district.

## 3. Parking Calculations

### a. Generally

**I.** All parking and requirements that are based on square footage shall be calculated based on gross floor area of the subject use, including patio area, unless otherwise specified.

**II.** Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of vehicle parking requirements unless otherwise stated.

### b. Fractions of Calculated Parking Spaces

**I.** When measurements of the number of required vehicle parking spaces result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number.

**II.** When calculating parking requirements for a combination of uses or a shared parking arrangement, individual fractional numbers are not subject to rounding. Only the cumulative total of the combined uses is subject to rounding.

### c. Parking for Multiple Uses

Lots containing more than one use shall provide parking spaces equal to the sum of the requirements of the various uses computed separately or based on the shared parking calculations in Table 2-39: *Shared Parking*.

### d. ADA Accessible Parking

ADA accessible parking spaces shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans with Disability Act (ADA) of 1991, as amended, accessibility guidelines (ANSI Standards).

**e. Unlisted Uses**

For uses not expressly listed in Table 2-38, the Director of Planning shall have the authority to make the following determinations, in conjunction with a Site Plan consideration:

**I.** Apply the minimum on-site parking space requirement specified in Table 2-38 for the listed use that is deemed most similar to the proposed use; or

**II.** Establish the minimum on-site parking space requirement by reference to standards in parking resources published by the National Parking Association, American Planning Association, Institute of Traffic Engineers (ITE) or other acceptable sources of parking data.

**f. Minimum Required On-Site Parking**

**I.** Unless otherwise specified by this Ordinance, each development or land use listed in Table 2-26: *Table of Uses,* in the City of McKinney shall provide the minimum required on-site parking and stacking spaces in compliance with the schedule specified in Table 2-38: *Minimum Vehicle Parking and Stacking Requirements*. Where different requirements apply to one or more zoning districts, those requirements are noted after the general requirement.

**II.** Under no circumstances shall a required parking space be used for any purpose other than parking except as otherwise permitted herein.

**III.** No required parking or loading area shall be used for storage of inventory, materials, display, sanitation containers, supplies, or for any other use, except in the following circumstances:

a. Uses as described by the use-specific standards in §205C, Use Definitions and Use-Specific Standards; or

b. Use of the parking or loading area as approved through the Site Plan process described in §203E.1 or through the issuance of a temporary use permit.

## Table 2-38: Minimum Vehicle Parking and Stacking Requirements

**Abbreviations: DU = dwelling unit**
**Sq. ft. = square feet**
***Note: All requirements refer to gross floor area, unless otherwise specified.***

| Use | Use Definition | Parking Requirement |
|---|---|---|
| **Residential Uses** | | |
| Single-family detached [1] | 205D.1 | 4 spaces per DU, 2 of which must be enclosed and on-site. Up to 2 required spaces may be provided off-site within a common area owned and maintained by the HOA. Any off-site parking shall be located within 500 feet of the lot it serves.<br><br>H overlay: 2 spaces per DU<br><br>NOTE: If a dwelling is constructed under a program for affordable housing sponsored by the City or sponsored by a non-profit corporation approved by the City, 2 parking spaces must be provided for each unit, including a minimum of 1 covered or enclosed space. |
| Single-family attached [1] | 205D.2 | |
| Duplex | 205D.3 | 4 spaces per lot |
| Triplex | 205D.4 | 6 spaces per lot; parking shall be accessed from a shared rear alley |
| Quadplex | 205D.5 | 8 spaces per lot; parking shall be accessed from a shared rear alley |
| Manufactured home | 205D.6 | 2 spaces per DU |
| Multi-family, cottage | 205D.7 | 1.75 spaces per DU, of which, a minimum 30% of the units shall have an enclosed parking space; may be reduced to no less than 20% enclosed pursuant to §206.E.4.d. |

## Table 2-38: Minimum Vehicle Parking and Stacking Requirements

**Abbreviations: DU = dwelling unit**
**Sq. ft. = square feet**
***Note: All requirements refer to gross floor area, unless otherwise specified.***

| Use | Use Definition | Parking Requirement |
|---|---|---|
| Multi-family, traditional | 205D.8 | 1.75 spaces per DU, of which, a minimum 30% of the units shall have an enclosed space; may be reduced to no less than 20% enclosed pursuant to §206.E.4.d. |
| Independent Living | 205D.9 | 1.5 spaces per DU |
| **Group Living** | | |
| Assisted living facility | 205E.1 | 1 space per 5 beds |
| Community care home | 205E.2 | 4 spaces per home, 2 of which must be enclosed |
| Community care facility | 205E.3 | 1 space per 5 beds |
| Community transition facility | 205E.4 | 1 space per 5 beds |
| Crisis support home | 205E.5 | 4 spaces per home, 2 of which must be enclosed |
| Crisis support facility | 205E.6 | 1 space per 5 beds |
| Displacement shelter | 205E.7 | 1 space per 10 beds |
| **Non-Residential Uses** | | |
| Agricultural and ranching, private or wholesale | 205F.1 | None required |
| Agricultural and ranching, retail | 205F.2 | 3 spaces per acre of lot area |
| Airport, heliport, landing field, and aircraft hangar | 205F.3 | None required |
| Airport terminal | 205F.4 | None required |
| Amenity center, neighborhood | 205F.5 | None required |
| Animal care and services, indoor only | 205F.6 | 1 space per 500 sq. ft. |
| Animal care and services, outdoor area | 205F.7 | 1 space per 500 sq. ft. |
| Animal care and services, outdoor boarding | 205F.8 | 1 space per 500 sq. ft. |
| Arts or cultural center | 205F.9 | 1 space per 300 sq. ft. If an auditorium is included as a part of the building, its floor area shall be deducted from the total, with parking for the auditorium provided at a rate of 1 space for each 4 seats. |
| Auto, motorcycle, truck, or boat, rental and sales | 205F.10 | 1 space per 750 sq. ft. |
| Banks and financial services | 205F.11 | 1 space per 500 sq. ft., plus 3 stacking spaces per drive-through teller or ATM station<br>Speaker boxes shall be placed no closer than 20 feet from any residential zone or use<br>Free-standing ATM stations are not required to provide parking or stacking spaces |
| Batch plant | 205F.12 | 1 space per 1,000 sq. ft. up to 20,000 sq. ft. of lot area, plus<br>1 space for each 2,000 sq. ft. over 20,000 sq. ft. |
| Body art studio | 205F.13 | 1 space per 500 sq. ft. |
| Car wash | 205F.14 | 4 stacking spaces per automated wash tunnel, plus 1 space per 500 sq. ft. of indoor floor area (not including wash tunnel) |
| Cemetery | 205F.15 | None required |
| Civic club or fraternal organization | 205F.16 | 1 space per 200 sq. ft. |

## Table 2-38: Minimum Vehicle Parking and Stacking Requirements

**Abbreviations: DU = dwelling unit**
**Sq. ft. = square feet**
***Note: All requirements refer to gross floor area, unless otherwise specified.***

| Use | Use Definition | Parking Requirement |
|---|---|---|
| Clinic, medical or dental | 205F.17 | 1 space per 300 sq. ft. |
| College or university | 205F.18 | 10 spaces per classroom, plus 1 space per 500 sq. ft. for buildings and facilities other than classrooms |
| Commercial entertainment, indoor | 205F.19 | 1 space per 150 sq. ft. for uses not otherwise listed below<br><br>Bowling, miniature golf, axe-throwing or similar use: 2 spaces per lane or hole<br><br>Theaters, auditoriums, stadiums, gymnasiums, or similar uses: 1 space per 4 seats in assembly areas or 1 space per 8 linear feet of seating<br><br>Sports courts: 4 spaces per court |
| Commercial entertainment, outdoor | 205F.20 | Stadiums, outdoor theaters, or similar uses: 1 space per 4 seats in assembly areas or 1 space per 8 linear feet of seating<br><br>Playing fields: 40 spaces per field. If fixed seating is provided the ratio shall be 1 space per 4 seats or 1 space per 8 linear feet of seating<br><br>Golf course: 5 spaces per hole<br><br>Miniature golf or driving range: 3 spaces per hole; or 1.5 spaces per driving bay<br><br>Sports courts: 4 spaces per court; or if fixed seating is provided the ratio shall be 1 space per 4 seats or 1 space per 8 linear feet of seating |
| Commercial laundry | 205F.21 | 1 space per 1,000 sq. ft. up to 20,000 sq. ft., plus<br>1 space for each 2,000 sq. ft. over 20,000 sq. ft. |
| Community garden | 205F.22 | None required |
| Contractor's yard | 205F.23 | 1 space per 5,000 sq. ft. of lot area, with a minimum of 5 spaces required |
| Cottage industrial | 205F.24 | 1 space per 4,000 sq. ft. |
| Country club | 205F.25 | 1 space per 200 sq. ft. |
| Craft Consumables Establishment | 205F.26 | 1 space per 300 sq. ft. |
| Data center | 205F.287 | 1 space per 2,000 sq. ft. |
| Day care center | 205F.298 | 3 spaces per classroom, plus 3 stacking spaces per drive-through/pick-up lane if provided |
| Dirt or topsoil extraction, sand or gravel mining, or storage | 205F.3029 | 1 space per 1,000 sq. ft. up to 20,000 sq. ft. of lot area plus<br>1 space for each 2,000 sq. ft. over 20,000 sq. ft. of lot area |
| Dispatch office | 205F.310 | 1 space per 400 sq. ft. |
| Electric vehicle charging facility | 205F.321 | 1 space per 250 sq. ft. |
| Fairgrounds or rodeo grounds | 205F.332 | 1 space per 1,000 sq. ft. of lot area up to 20,000 sq. ft., plus<br>1 space for each 2,000 sq. ft. over 20,000 sq. ft. |
| Farmers' market, permanent | 205F.343 | 1 space per 500 sq. ft. of market area |
| Food and beverage processing | 205F.354 | 1 space per 1,000 sq. ft. up to 20,000 sq. ft. plus<br>1 space for each 2,000 sq. ft. over 20,000 sq. ft. |

## Table 2-38: Minimum Vehicle Parking and Stacking Requirements

**Abbreviations: DU = dwelling unit**
**Sq. ft. = square feet**
***Note: All requirements refer to gross floor area, unless otherwise specified.***

| Use | Use Definition | Parking Requirement |
|---|---|---|
| Fuel sales, passenger vehicles | 205F.365 | 1 space per 250 sq. ft. |
| Fuel sales, trucks | 205F.376 | 1 space per 250 sq. ft. |
| Funeral home or mortuary | 205F.387 | 1 space per 250 sq. ft. |
| Government facilities (city, excluding airport uses) | 205F.398 | Spaces as required by most similar land use, unless otherwise approved by the City Council as part of a site plan. |
| Government or public facilities (non-city) | 205F.4039 | 1 space per 20,000 sq. ft. of lot area |
| Greenhouse or plant nursery | 205F.410 | 1 space per 250 sq. ft. |
| Gun range, indoor | 205F.421 | 2 spaces per firing lane; plus 1 space per 200 sq. ft. of retail, classroom, or office area |
| Gun range, outdoor | 205F.432 | 2 spaces per firing lane; plus 1 space per 200 sq. ft. of retail, classroom, or office area |
| Gym or Fitness Studio | 205F.443 | 1 space per 200 sq. ft. |
| Heavy machinery, rental, sales, and storage | 205F.454 | 1 space per 2,000 sq. ft. |
| Hospital | 205F.465 | 1 space per patient bed |
| Hotel or motel | 205F.476 | 1 space per guestroom; plus 1 space per 200 sq. ft. of restaurant, retail, conference, or office area |
| Impound lot or yard | 205F.47 | 1 space per 10,000 sq. ft. of lot area |
| Industrial Flex Center | 902, Definitions | 1 space per 1,000 sq. ft. up to 40,000 sq. ft., plus 1 space for each 2,000 sq. ft. over 40,000 sq. ft. |
| Junk or salvage yard | 205F.498 | 1 space per 10,000 sq. ft. of lot area |
| Livestock auction | 205F.5049 | 1 space per 1,000 sq. ft. |
| Manufacturing, heavy | 205F.510 | 1 space per 1,000 sq. ft. up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft. |
| Manufacturing, light | 05F.51 | 1 space per 1,000 sq. ft. up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. over 20,000 sq. ft. |
| Motor freight terminal | 205F.52 | 1 space per 2,000 sq. ft. of lot area |
| Office showroom/warehouse | 205F.53 | 1 space per 750 sq. ft. |
| Office | 205F.54 | 1 space per 400 sq. ft. |
| Parking garage or lot, paid or private | 205F.55 | None required |
| Pawn shop | 205F.56 | 1 space per 250 sq. ft. |
| Personal service | 205F.57 | 1 space per 250 sq. ft. |
| Power plant or electrical generating station | 205F.58 | None required |
| Radio or TV broadcast station | 205F.59 | 1 space per 400 sq. ft. |
| Railroad freight terminal | 205F.60 | 1 space per 2,000 sq. ft. |
| Reception or event center, indoor | 205F.61 | 1 space per 150 sq. ft. |
| Reception or event center, outdoor | 205F.62 | 1 space per 150 sq. ft. of indoor space; plus 1 space per 10,000 sq. ft. outdoor event area |
| Recreation area, private | 205F.63 | None required |
| Recreational vehicles, rental and sales | 205F.64 | 1 space per 500 sq. ft. of indoor sales/leasing area |

## Table 2-38: Minimum Vehicle Parking and Stacking Requirements

**Abbreviations: DU = dwelling unit**
**Sq. ft. = square feet**
***Note: All requirements refer to gross floor area, unless otherwise specified.***

| Use | Use Definition | Parking Requirement |
|---|---|---|
| Recycling facility | 205F.65 | 1 space per 4,000 sq. ft. |
| Refining or storage of petroleum, natural gas, butane, propane | 205F.66 | 1 space per 1,000 sq. ft. of lot area up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. of lot area over 20,000 sq. ft. |
| Religious assembly | 205F.67 | 1 space per 50 sq. ft. of gross floor area of the main sanctuary or auditorium |
| Restaurant, brew pub | 205F.68 | 1 space per 150 sq. ft. |
| Restaurant, carry out | 205F.69 | 1 space per 250 sq. ft. |
| Restaurant, dine-in | 205F.70 | 1 space per 150 sq. ft. |
| Restaurant, drive-in or drive-through | 205F.71 | 1 space per 150 sq. ft., plus 6 stacking spaces from the point where the order is placed and 3 stacking spaces for mobile order windows |
| Retail sales | 205F.72 | 1 space per 250 sq. ft. |
| Sanitary landfill | 205F.73 | 1 space per 400 sq. ft. of office area |
| School, business or trade | 205F.74 | 1 space per 500 sq. ft. of office, workshop, and library area, plus 1 space per 200 sq. ft. of assembly areas and classrooms |
| School, public, private, or parochial | 205F.75 | Elementary, junior high, and middle schools: 2.5 spaces per classroom, plus 1 pick-up/drop-off lane with a minimum of 10 stacking spaces<br><br>High school: 8 spaces per classroom, plus 1 pick-up/drop-off lane with a minimum of 10 stacking spaces |
| Self-storage | 205F.76 | 4 spaces required, plus a 12-foot wide loading zone in front of all access areas for each unit. Loading zone shall not conflict with required fire lanes. A single loading zone may accommodate units on both sides of fire lane. |
| Shopping center | 902, Definitions | 1 space per 250 sq. ft. up to 50,000 sq. ft., plus 1 space per 350 sq. ft. over 50,000 sq. ft. |
| Solar farm | 205F.77 | None required |
| Stable, commercial | 205F.78 | 1 space per 2 stalls |
| Stockyard or slaughterhouse | 205F.79 | 1 space per 1,000 sq. ft. of lot area up to 20,000 sq. ft. plus 1 space for each 2,000 sq. ft. of lot area over 20,000 sq. ft. |
| Storage, automobile | 205F.80 | 4 spaces for customers |
| Storage, boat, truck, or recreational vehicle | 205F.81 | 4 spaces for customers |
| Traders' village | 205F.82 | 1 space per 500 sq. ft. of market area |
| Transportation station | 205F.83 | None required |
| Truck stop | 205F.84 | 1 space per 300 sq. ft. of site area |
| Utility substation | 205F.85 | None required |
| Vehicle repair, major | 205F.86 | 1 space per 750 sq. ft., plus 3 stacking spaces per service lane, plus facilities shall have a designated on-site area for overnight storage of vehicles awaiting repair |
| Vehicle repair, minor | 205F.87 | 1 space per 750 sq. ft., plus 3 stacking spaces per service lane, plus<br>facilities shall have a designated on-site area for overnight storage of vehicles awaiting repair |

## Table 2-38: Minimum Vehicle Parking and Stacking Requirements

**Abbreviations: DU = dwelling unit**
**Sq. ft. = square feet**
***Note: All requirements refer to gross floor area, unless otherwise specified.***

| Use | Use Definition | Parking Requirement |
|---|---|---|
| Warehouse | 205F.88 | 1 space per 4,000 sq. ft. |
| Water or wastewater treatment Plant | 205F.89 | None required |
| **Accessory Uses** | | |
| Accessory building, detached | 205G.2.a | None required |
| Accessory dwelling unit | 205G.2.b | 1 space if at least 4 spaces are not already provided on-site; or<br><br>H Overlay: 1 space if at least 3 spaces are not already provided on-site |
| Accessory structure | 205G.2.c | None required |
| Caretaker's or watchman's quarters | 205G.2.d | 1 space |
| Drone delivery | 205G.2.e | None required |
| Electric vehicle charging station | 205G.2.f | None required |
| Helistop | 205G.2.g | None required |
| Home occupation | 205G.2.h | No additional spaces beyond those required for the dwelling |
| Outdoor storage | 205G.2.i | None required |
| Swimming pool | 205G.2.j | None required |
| **Temporary Uses** | | |
| Batch plant (outdoor), temporary | 205H.3.a | None required |
| Construction field office | 205H.3.b | None required |
| Model home | 205H.3.c | None required |
| Portable storage container | 205H.3.d | None required |
| Religious or philanthropic uses | 205H.3.e | No additional spaces beyond those required for the primary use |
| Seasonal sales | 205H.3.f | 1 space per 500 sq. ft. of sales area |
| Warming station | 205H.3.g | None required |
| **Special Uses** | | |
| Bed & breakfast | 205I.1 | 1 space per guest room in addition to the requirements for the residential use |
| Donation collection container | 205I.2 | None required |
| Food Trucks Courts | 205I.3 | 1 space per 150 sq. ft. of dining area |
| Food Truck Operation Sites | 205I.4 | 1 space per table provided. If no tables are provided, no off-street parking shall be required. Food truck parking may not also be used to satisfy the minimum parking requirements of another land use. |
| Oil and natural gas well drilling and operations | 205I.5 | 1 space per 1,000 sq. ft. of lot area up to 20,000 sq. ft., plus 1 space for each 2,000 sq. ft. of lot area over 20,000 sq. ft. |
| Private club | 205I.6 | 1 space per 150 sq. ft. |
| Sexually oriented business | 205I.7 | 1 space per 250 sq. ft. |
| Telecommunications Structure, High, Low, or Stealth | 205I.8 | None required |

**Table 2-38: Minimum Vehicle Parking and Stacking Requirements**

**Abbreviations: DU = dwelling unit**
**Sq. ft. = square feet**
***Note: All requirements refer to gross floor area, unless otherwise specified.***

| Use | Use Definition | Parking Requirement |
|---|---|---|
| Wind energy conversion system farm | 205I.11 | None required |

[1] No parking or loading area required to satisfy the minimum parking or loading requirements shall be used for storage of inventory, materials, display, sanitation containers, supplies, or for any other use, except for uses as described by the use-specific standards in §205C, *Use Definitions and Use-Specific Standards,* or as approved through the Site Plan process described in §203E.1 or through the issuance of a temporary use permit. Under no circumstances shall a required parking space be used for any purpose other than parking except as otherwise permitted herein.

[2] ADA accessible parking spaces shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans with Disability Act (ADA) of 1991, as amended, accessibility guidelines (ANSI Standards).

## 4. Parking Modifications and Reductions

### a. Parking Reduction Limitations

Except for a parking study reduction approved as part of the Design Exception process, if 1 of the parking reductions in this section is utilized, the overall parking reduction shall not exceed 10 percent of the sum of the total required parking for the development. If 2 or more of the parking reductions in this section are utilized, excluding shopping and industrial flex centers, the overall parking reduction shall not exceed 15 percent of the sum of the total required parking for the development.

### b. Shopping Centers and Industrial Flex Centers

Developments that utilize the shopping center parking ratio or the industrial flex center parking ratio shall not be required to update parking based on changes in the use of tenant spaces over time. However, if these parking ratios are utilized for the development, use of additional parking reductions shall not be permitted.

### c. Shared Parking

**I.** Under specific circumstances listed below, some off-street parking spaces may be shared between different uses and properties. The Director of Planning may approve a proposed shared parking arrangement during the Site Plan process for up to 50 percent of the parking spaces required, as shown below in Table 2-39.

**Table 2-39: Shared Parking**

| Option | Requirements |
|---|---|
| **Off-Peak Shared Parking** | Parking spaces may be shared if the peak business hours do not overlap for the businesses that propose to share. Businesses sharing parking shall be within 500 feet of one another. |
| **Surplus Shared Parking** | Parking spaces may be shared if they exceed a use's minimum parking requirements and are located on a non-residential property within 500 feet of the other use to share parking. |
| **Public Parking in the McKinney Town Center (MTC)** | Public off-street parking spaces and striped public on-street parking spaces may be used to satisfy up to 100 percent of the use's parking requirements so long as these public parking spaces are located within 200 feet of the use's property. In these cases, no shared parking agreement shall be required. |

**II.** For any shared parking arrangement or off-site parking arrangement described above, a written parking agreement ensuring retention of parking spaces for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the County as part of the Site Plan approval process. The agreement shall meet the following:

a. A permanent easement for shared or off-site parking facilities shall be dedicated and recorded as a condition of such use.

b. The City shall be made a party to any shared parking agreement necessary for meeting parking requirements.

**d. Multi-Family Residential Enclosed Parking Reduction**

**I.** As part of the Site Plan approval process, enclosed parking space requirement for multi-family residential uses may be reduced from 30 percent of the units having an enclosed parking space to no less than 20 percent of the units having an enclosed parking space, if the proposed project satisfies the following:

a. Provide trees at a ratio of one tree per 20 feet in the street and adjacency buffers; and

b. provide one additional amenity from the required amenity list.

**e. Tree Preservation Reduction**

The total required parking for a development may be reduced as shown in Table 2-40 if quality trees of the specified diameter are preserved when those trees otherwise could have been removed with no mitigation obligation.

**Table 2-40: Diameter of Preserved Tree(s)**

| Tree Size (DBH) [1] | Parking Space Reduction |
|---|---|
| 6 to 8 inches | 2 parking spaces |
| 9 to 15 inches | 3 parking spaces |
| 16 to 30 inches | 4 parking spaces |
| 31 to 41 inches | 5 parking spaces |

[1] DBH shall be rounded to the nearest whole number.

**f. Food Truck Court Parking Reduction**

The minimum number of required customer parking spaces for a food truck court or operation site may be reduced by the Planning and Zoning Commission as part of the Site Plan approval process should the commission find that the full provision of required parking may not be necessary.

**g. Parking Study Reduction**

A reduction in the number of required parking spaces may be requested by submitting a parking study pursuant to §203G.1, *Design Exception,* and the following additional criteria:

**I.** A reduction in the number of required spaces may be requested for the uses listed in Table 2-38, *Minimum Vehicle Parking and Stacking Requirements.* The following are not eligible for parking study reductions:

a. Shopping centers and industrial flex centers.

b. Stacking spaces.

c. Enclosed or covered parking spaces and structured parking required for multi-family residential uses.

**II.** The parking study shall be prepared by a licensed Professional Engineer.

**III.** The Planning and Zoning Commission may approve a reduction in the number of required parking spaces, if it meets the following criteria is satisfied:

a. The parking study demonstrates that the proposed use is unique and therefore requires a modified parking standard;

b. The parking study demonstrates that the parking demand for the site is less than the requirement found in Table 2-38, *Minimum Vehicle Parking and Stacking Requirements*;

c. The parking study demonstrates that the proposed alternative will not exacerbate an existing deficiency in parking; and

d. The parking study demonstrates that the proposed alternative will not result in parking spillover into adjacent neighborhoods.

**IV.** Developments that utilize a parking study to determine the on-site parking required shall not be eligible for any other parking reduction.

## 5. On-Site Parking Design and Pavement

All on-site parking facilities required by this section shall comply with the minimum requirements for parking and maneuvering space specified in this section, as well as the requirements specified in §206A.3, *Site Landscape Standards for All Uses*. Where on-street parking is allowed within the MTC, Planned Development zonings, or as approved by the Director of Planning, it shall meet the requirements of the Engineering Design Manual.

### a. On-Site Parking Dimensions and Markings

**I.** The minimum dimensions for on-site parking shall be provided as follows:

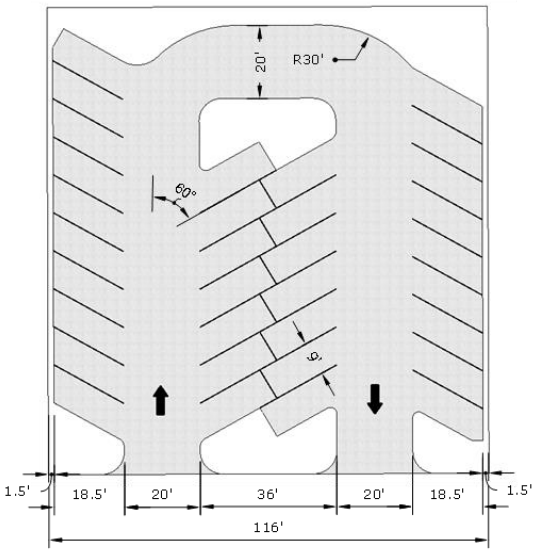
a. Standard space: 9 feet by 18 feet

b. Parallel space: 8 feet by 22 feet

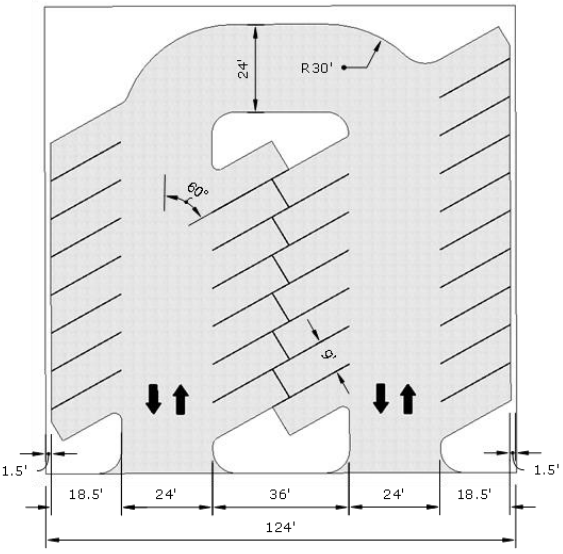
c. Stacking space: 10 feet by 20 feet

**II.** Any on-site angled parking, the parking shall be provided using the minimum standards illustrated in the following options:

a. 60-degree parking:

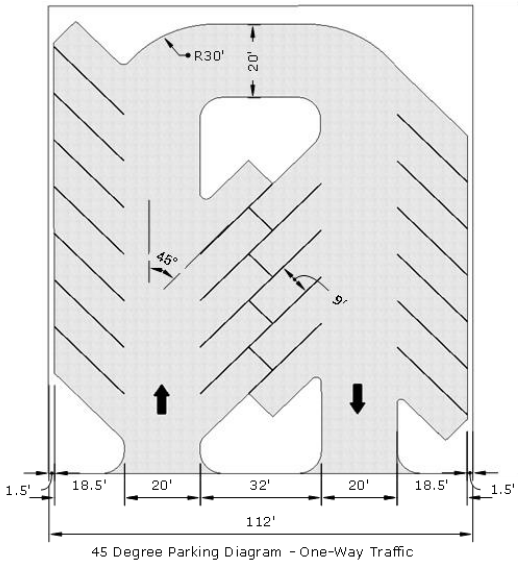



60 Degree Parking Diagram - One-Way Traffic

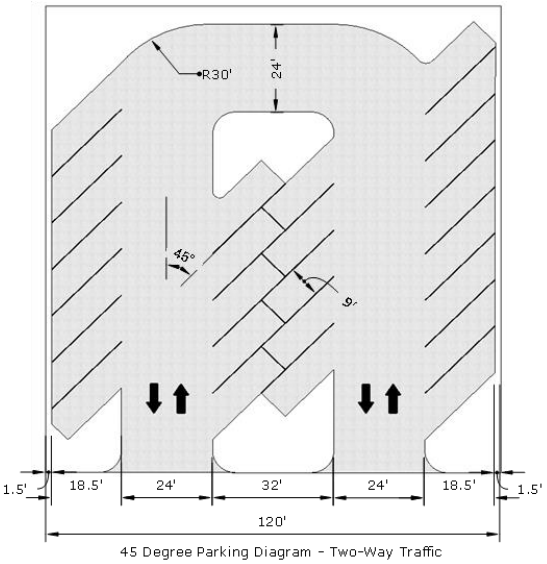



60 Degree Parking Diagram - Two-Way Traffic

b. 45-degree parking:




45 Degree Parking Diagram - One-Way Traffic




45 Degree Parking Diagram - Two-Way Traffic

**III.** Parking spaces shall be clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods.

**b. Encroachments**

**I.** No encroachments shall be permitted into any required parking or stacking space, fire lane, drive aisle, or required landscape area. Encroachments include both horizontal and vertical obstructions and shall include wheel stops.

**II.** If an encroachment into a required parking space is necessary, the required parking space shall be resized to ensure that minimum dimensions for on-site parking are provided.

**c. Drive Aisles**

**I.** Stacking spaces shall not overlap or conflict with drive aisles.

**II.** The minimum dimensions for drive aisles shall be as follows:

a. Two-way drive aisles: 24 feet wide

b. One-way drive aisles with angled parking spaces: 20 feet wide

c. One-way drive aisles or drive-through lane (when not provided in conjunction with parking spaces): 12 feet wide

**d. Fire Lanes**

**I.** Fire lanes (also known as fire apparatus access roads) shall be provided as required by the Fire Code.

**II.** Parking, queuing, stacking, and drive-through lanes shall not or otherwise conflict with fire lanes or emergency access.

**e. Residential Adjacency for Off-Street Parking**

Non-residential parking areas shall not be located closer than 20 feet to an adjacent single-family residential use or zone.

**f. Electric Vehicle Charging Spaces**

**I.** The minimum width of electric vehicle parking spaces shall be 10 feet.

**II.** Charging cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading areas.

**III.** An Electric Vehicle (EV) charging space may count towards required parking of any use other than an Electric Vehicle Charging Facility, if the EV spaces are not limited to a specific vehicle manufacturer.

## 6. Vehicle Maneuvering

**a.** Vehicular access and circulation for the proposed development shall extend internal public roadways, alleyways, and rights-of-way to the boundaries of the development site to ensure that:

**I.** There are at least two vehicular access points, as defined in the Engineering Design Manual and/or currently adopted Fire Code;

**II.** Emergency services have convenient and efficient access to the development, as approved by the Fire Marshal;

**III.** Vehicles providing other public services have convenient and efficient access to the development; and

**IV.** Upon future development of any abutting vacant parcels, there are connection points for extending the public roadways system.

**b.** All maneuvering of vehicles shall take place on-site or within a mutual access easement. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within a parking lot, except as described in provision III. below as it relates to public alleys.

**c.** When on-site parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement. Additional pavement width may be required to satisfy the drive aisle width requirements for the parking facility.

**d.** In the MTC – McKinney Town Center zoning district, the Director of Engineering and/or Fire Marshal shall be permitted to allow deviations to the maneuvering standards for on-site parking as needed on a case-by-case basis while ensuring adequate vehicle access, emergency access, sight visibility, and other related engineering design or life safety principles.

**e.** For safety and firefighting purposes, cross-access between parking areas of adjacent non-residential parcels shall be provided as required by the Fire Marshal and/or the Director of Engineering.

**f.** Vehicle maneuvering shall not occur within the minimum required throat length as specified in the Engineering Design Manual.

**g.** Vehicle maneuvering areas shall be well defined by curbs or other approved methods.

## 7. Driveway and Parking Surfacing Material

### a. Residential Uses (Except Multi-Family Residential)

**I.** Parking shall only be permitted on an improved, dust-free surface unless the non-dust-free parking surface was in place prior to December 15, 1981.

**II.** Any time a new residential driveway is constructed, the pavement surface shall be as follows:

**Table 2-41: Residential Driveway and Surface Parking**

| Adjacent Street Surface | New Driveway and Parking Surface |
|---|---|
| Concrete | Concrete |
| Surface other than concrete | Asphalt or concrete |

NOTE: This table shall not apply to the AG and R43 zoning districts.

**III.** Any time a residential driveway is reconstructed or replaced, the pavement surface shall be as follows:

**Table 2-42: Reconstruction or Replacement of Residential Driveway and Parking Surface**

| Existing Surface | New Surface |
|---|---|
| Dirt or gravel | Gravel, asphalt, or concrete |
| Asphalt | Asphalt or concrete |
| Concrete | Concrete |

NOTE: If a dwelling unit is reconstructed or rehabilitated and construction of a new driveway would otherwise be required, lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981), shall not be required to construct a new driveway.

**IV.** All existing paved parking surfaces shall be maintained in a serviceable condition. Deteriorated paving materials and surfaces shall be replaced or reconstructed using materials as described in Table 2-42 above.

### b. Non-Residential and Multi-Family Residential Uses

**I.** All required on-site parking, maneuvering, and loading areas shall be paved with concrete, unless otherwise specified herein. No parking shall be allowed on unpaved surfaces.

**II.** Decomposed granite and pervious parking areas, including those comprised of loose aggregate materials, shall be permitted for trailheads at public parks and public parks which allow overnight camping. Other surface materials may also be approved through the Site Plan process for rural and agricultural uses, City parkland, and special loading/unloading operations such as storage or use of tracked equipment.

## 8. On-Site Loading Minimum Requirements

Any non-residential building or site which provides on-site loading spaces shall be subject to the minimum requirements of this section.

**a.** Each loading space shall meet the following minimum size requirements:

**I.** Industrial or warehouse uses: 12 feet by 60 feet

**II.** Commercial and institutional uses: 12 feet by 35 feet

**III.** Minimum vertical clearance: 14 feet

**b.** Access and maneuvering areas shall be provided on the same building lot as the principal use for which the loading space is intended, unless an access easement is provided on a recorded plat.

**c.** Bays for auto or equipment servicing in non-industrial districts shall not be oriented toward any adjacent residential zones or uses, unless no other option is available.

**d.** Loading docks and loading bays shall be:

**I.** Set back a minimum distance of 200 feet from any adjacent residential use or zoning district; and

**II.** Set back a minimum distance of 75 feet from any public street or front property line; and

**III.** Oriented away from any adjacent residential use or zoning district.

**e.** Any loading spaces not associated with a loading dock or loading bay shall be set back a minimum distance of 50 feet from any adjacent residential use or zoning district. There shall be no minimum setback if the subject property abuts a non-residential use or lot line.

**f.** In instances where a property has more than one street frontage, the bay doors shall be oriented away from the street frontage with the greatest width. If the streets are the same width, then the bay doors shall be oriented away from the property's front lot line.

## 9. Design Exception

Pursuant to §203G.1, *Design Exception*, the following vehicle parking and loading requirements may be eligible for a Design Exception:

**a.** Residential Adjacency. The Residential Adjacency Buffer width may be reduced to no less than 10 feet in accordance with the approval criteria in §203G.1 and with the following additional criteria:

**I.** The reduction establishes a consistent adjacency buffer with adjacent developed properties, and

**II.** The reduction will create a unified landscape design along the property line.

**b.** On-Site Loading Orientation. The orientation of loading docks and loading bays may be modified in accordance with §203G.1, *Design Exception.*

**c.** On-Site Loading Distance. The minimum distance of loading docks and loading bays to the property line may be modified in accordance with §203G.1, *Design Exception.*

# F. Architectural Standards

## 1. Purpose

This section establishes minimum standards for the appearance of multi-family residential, attached single-family residential (townhome), and non-residential buildings and corresponding site elements which are recognized as enhancing property values and are in the interest of the general welfare of the City. These standards are not intended to prohibit architectural innovation, nor are they intended to mandate specific architectural styles and concepts.

## 2. Authority

The requirements of this section are enacted pursuant to the powers granted and limitations imposed by the laws of the State of Texas, including the statutory authority granted in Texas Government Code Chapter 3000 and all other relevant laws of the state.

## 3. Applicability

Information required to demonstrate compliance with this section shall be shown on a Façade Plan pursuant to the procedures outlined in §203E.3, *Facade Plan.* The provisions of this section shall only apply to properties within the city limits.

### a. Plan and Permit Required

**I.** The provisions of this section shall be shown on a façade plan as required, pursuant to the procedures outlined in §203E.1, *Site Plan*.

**II.** The Façade Plan shall be approved prior to issuance of a building permit.

### b. New Development and Significant Buildings

The standards in this section shall apply to all new development and Significantly Important Buildings in all zoning districts and for all uses within the Historically Significant Area (HSA) constructed after the effective date of this section.

### c. Redevelopment

For the rehabilitation, maintenance, and expansion of existing buildings and Significantly Important Buildings located in all zoning districts, or for all uses within the Historically Significant Area (HSA), the proposed exterior colors and finishing materials shall be of equal or greater quality than the existing building.

### d. Illustrations

The illustrations in this section are intended to serve as visual representations of how the associated standards could be satisfied and not how they must be satisfied. The development community is encouraged to seek out new and innovative ways to implement the standards contained in this section that will result in a significant positive contribution to the visual character of the area and the city as a whole.

### e. Additional Standards

Additional allowances, modifications, or limitations to the Architectural Standards contained in this section may exist for properties located in the following zoning districts or zoning overlays;

**I.** MTC -- McKinney Town Center, see Appendix 2B: McKinney Town Center MTC of this Code;

**II.** H – Historic Overlay District, see §204Z.

**III.** HC – Highway Commercial Overlay District, see §204AA; and

**IV.** REC – Regional Employment Center Overlay District, see Appendix 2C: Regional Employment Center (REC).

### f. Exemptions

This section shall not apply to the following:

**I.** Portable or temporary buildings for non-profit places of worship or private schools that are screened from the view of adjacent properties and public rights-of-way via a building and/or a minimum 6-foot-tall opaque screening device with canopy trees planted every 30 linear feet of visible exposure.

**II.** Portable buildings or temporary buildings for public schools.

**III.** Temporary uses defined under §205H.3.

**IV.** Buildings located within the Airport (AP) zoning district.

**V.** Buildings for which a Site Plan for the project was approved prior to the effective date of this section, provided:

a. The Site Plan has not expired;

b. A building permit has been issued; and

c. Construction is underway prior to the expiration of two years from the effective date of the ordinance from which this section is derived.

## 4. Standards for Residential Development

### a. Multi-Family Residential Development

#### I. Roof Treatment

a. A pitched roof of any style, including hipped, gabled, or shed roofs shall be acceptable. The roof must cover 100 percent of the total roof area, excluding porches and porte-cocheres. No flat roof line shall be visible from public view.

b. A parapet wall shall be acceptable if constructed so that no flat roof shall be visible from public view.

c. Standing seam metal roofs, which meet all the criteria of this section shall be acceptable.

d. No more than one color shall be used for visible roof surfaces, however, if more than one type of roofing material is used, the materials shall be varying hues of the same color.

#### II. Exterior Finishing Materials

a. All building elevations shall be finished with at least 50 percent masonry. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including slate, flagstone, granite, limestone, and marble. The area of exterior finish shall be calculated exclusive of doors and windows.

b. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems. Sheet siding fabricated to look like wood lap siding is prohibited. Architecturally finished metal materials, not including corrugated metal, shall be allowed on no more than 20 percent of each elevation. Architectural wood accents shall be allowed on no more than 10 percent of each elevation.

#### III. Exterior Color

a. One hundred percent of total exterior building surfaces (exclusive of glass) shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earth-tone colors (including approved finishing materials).

b. No more than 6 colors shall be used; however, natural, unaltered materials such as brick or stone used on the building shall not be counted toward the maximum number of colors allowed.

#### IV. Building Massing

a. Each wall plane shall be segmented into horizontal lengths of 30 feet or less by a structural or ornamental minor facade offset (recess or projection) that is a minimum five feet deep and ten feet wide.

b. The height of such offsets shall be equal to the building's height at the location of the offset.

c. Exterior stairways shall be covered with a roof, roof overhang, or porch and shall be incorporated into the architectural design of the building rather than appearing as an appendage to the building.

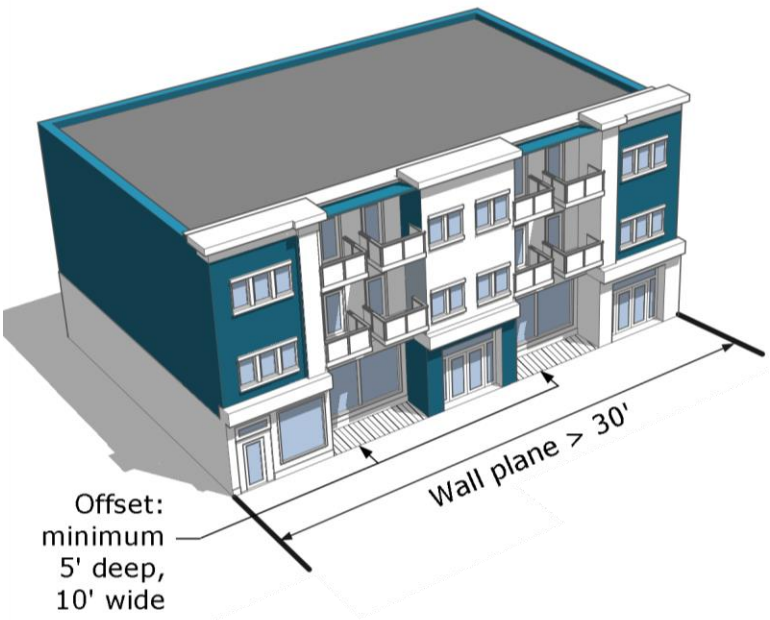



**Figure 2-28: Multi-Family Building Massing**

**V. Building Enhancements**

All buildings or developments shall be required to provide at least four of the following elements:

a. All exterior building elevations shall be finished with 100 percent masonry. Elevations within internal courtyards and/or elevations that are not visible from adjacent rights-of-way or properties zoned or used for residential purposes shall not be required to satisfy this requirement;

b. All building elevations that are visible from the right-of-way or property zoned or used for residential purposes shall contain two types of complementary masonry finishing materials, and each of the materials is used on at least 25 percent of the elevation;

c. A minimum of 15 percent of each elevation of any building which is visible from the right-of-way or property zoned or used for residential purposes shall feature patterned brickwork (not including running bond or stacked pattern);

d. At least one dormer is provided for each roof plane over 1,000 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;

e. All chimneys are finished on all sides with 100 percent masonry finishing materials;

f. All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;

g. All windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;

h. Downspouts associated with gutters are internally incorporated into the building's construction rather than attached to the building after construction of the façade is complete; and/or

i. Another building enhancement as approved by the Director of Planning as part of the Façade Plan approval process that is comparable to the significance of the other elements listed herein may count as two of the required elements.

**b. Single-Family Attached Residential Development**

**I. Exterior Finishing Materials:**

a. The exterior finish on each elevation of every townhome unit shall be a minimum of 85 percent brick, stone, or synthetic stone materials. The balance of any exterior finishing materials shall be masonry, stucco, EIFS, architecturally finished concrete masonry units (CMU), lap siding (excluding vinyl siding), and/or glass curtain wall systems.

b. Sheet siding fabricated to look like wood lap siding is prohibited.

c. Architecturally finished metal materials, which does not include corrugated metal, shall be allowed on no more than 20 percent of each elevation.

d. Architectural wood accents shall be allowed on no more than 10 percent of each elevation.

e. The area of exterior finish shall be calculated exclusive of doors and windows.

## 5. Standards for Non-Residential Development

**a. Industrial Uses in Industrial Districts**

**I. Exterior Finishing Materials**

a. One hundred percent of each building elevation facing a public right-of-way shall be finished with brick, stone, synthetic stone, stucco, EIFS, architecturally finished CMU, or architecturally finished concrete tilt-wall.

b. Other exterior walls may be finished with metal or any other building material that is allowed by the International Building Code.

c. The exterior wall area shall be calculated exclusive of doors and windows.

**b. Non-Industrial Uses in Industrial Districts**

Buildings shall conform to the provisions of §206F.5.d, *Other Non-Residential Uses in Non-Industrial Districts,* described below.

**c. Uses in the Airport District**

**I.** A minimum of 80 percent of all building elevations shall be finished with complementary neutral, cream, or deep, rich, non-reflective earth tone colors.

**II.** No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to, window and door frames, moldings, cornices, canopies, and awnings.

**d. Other Non-Residential Uses in Non-Industrial Districts**

**I. Exterior Finishing Materials**

a. All elevations for buildings that are 3 stories or less in height shall be finished with at least 50 percent masonry finishing materials. All elevations for buildings that are taller than 3 stories in height shall feature a minimum of 25 percent masonry finishing materials.

b. Acceptable exterior finishing materials for the remainder of the building include:

i. Masonry (brick, stone, synthetic stone which includes, but is not limited to, limestone, granite, and slate);
ii. Stucco;
iii. EIFS;
iv. Architecturally finished CMU;
v. Glass curtain wall systems;
vi. Architecturally finished metal panels (does not include corrugated metal);
vii. Lap siding (lap siding may include but not be limited to, wood or cementitious fiber lap siding, but does not include vinyl lap siding or sheet siding fabricated to look like wood lap siding; such sheet siding is prohibited);
viii. Architectural wood accents that are not to exceed more than 20 percent of any elevation; and
ix. Another material that is visually and physically indistinguishable from one of the aforementioned exterior finishing materials, subject to review and approval by the Director of Planning.

c. Percentages shall be calculated excluding doors, windows, and trim.

**II. Exterior Colors**

a. A minimum of 80 percent of all building elevations shall be finished with complementary neutral, cream, or deep, rich, non-reflective earth tone colors.
b. No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to, window and door frames, moldings, cornices, canopies, and awnings.
c. These percentages may be modified by up to 10 percent by the Director of Planning in special cases, if the building's elevations maintain sufficient visual continuity.

**III. Building Massing**

a. All buildings shall utilize façade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations. See Figure 2-29.

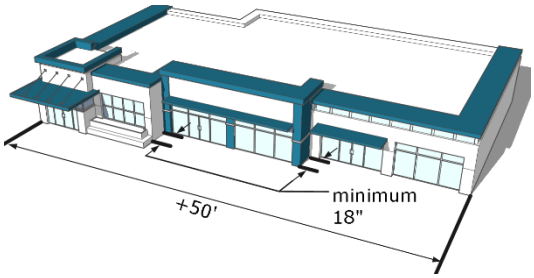



**Figure 2-29: Non-Residential Building Massing**

b. At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth. This requirement may be suspended or reduced in limited cases by the Director of Planning if a proposed building features have sufficient architectural interest and composition to make this requirement unnecessary.




**Figure 2-30: Examples of Appropriate Building Massing**

**IV. Windows**

a. Windows shall be utilized and scaled appropriately to remain proportionate to the wall plane within which they are located.

b. Mirrored glass shall be prohibited.

### V. Roof Treatment

a. Long uninterrupted roof lines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments using appropriately scaled gables and/or dormers, changes in height, changes in roof form, type or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements. This requirement may be suspended or reduced in limited cases by the Director of Planning if a proposed building features have sufficient architectural interest and composition to make this requirement unnecessary. See Figure 2-31.

b. Parapet roof lines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.




**Figure 2-31: Examples of Appropriate Roof Treatments**

## VI. Additional Requirements

a. Buildings constructed on a pad site within a larger shopping center or non-residential development shall be designed to be architecturally consistent with the other buildings within the development.

b. Additions to existing buildings shall be designed to match the architectural design features and finishing materials of the existing building to the extent possible.

c. The primary entrance for all buildings shall feature a protected entry using a recessed entry, porte-cochere, awning, canopy, or similar architectural feature that serves the same purpose. The covering shall be no smaller than 3 feet in depth when measured from the face of the

adjoining facade. Awnings shall be properly maintained by the building owner over time and shall be replaced if they became faded, tattered or otherwise visibly worn. See Figure 2-32.

d. All building elevations that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall share the same architectural features and design as the front building elevation.

e. All buildings and/or their corresponding sites shall provide at least one of the following:




**Figure 2-32: Examples of Appropriate Entry Treatment**

i. The building achieves a LEED certification or other green building certifications as approved by the Director of Planning.

ii. All building elevations feature 100 percent masonry finishing materials.

iii. All building elevations that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes feature at least 3 types of complementary masonry finishing materials.

iv. All building elevations that are visible from a public right-of-way or are oriented toward properties zoned or used for residential purposes shall feature at least 2 facade offsets (recess or projection) of at least 5 feet in depth for every 50 feet of horizontal length.

v. All building elevations that are visible from the public right-of-way or are oriented toward properties zoned or used for residential purposes feature at least 3 distinct roof lines.

vi. All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least 50 square feet.

vii. At least 75 percent of the building's required off-street parking is provided within a structured parking facility.

viii. The building is designed with a strong base, distinctive middle section, and a well-defined cornice feature (tripartite building composition) to create a visual sense of organization. See Figure 2-33.

ix. The building features at least 3 distinctly different significant architectural design concepts that are not already mandated by these requirements which add to the visual interest of the building, subject to review and approval by the Director of Planning.




**Figure 2-33: Examples of Tripartite Design**

## 6. Parking Facilities

Structured and detached parking facilities shall have architecturally finished facades and shall be architecturally consistent with the surrounding buildings, as determined by the Director of Planning.

### 7. Design Exception

The requirements of this section may be modified or waived pursuant to §203G.1, *Design Exception*.

# G. Multi-Family Residential Site Design

## 1. Purpose

This section establishes minimum standards for site elements that are recognized as enhancing property values and that are in the interest of the general welfare of the City.

## 2. Applicability

The standards in this section shall apply to all residential development in multi-family zoning districts within the City, unless the property is located within the MTC – McKinney Town Center, in which case it shall be exempt from these requirements.

## 3. Plan and Permit Required

**a.** The provisions of this section shall be shown on a Site Plan pursuant to the procedures outlined in §203E.1, *Site Plan.*

**b.** The Site Plan shall be approved prior to issuance of a building permit.

## 4. Amenities

Amenities conforming to the regulations in this section shall be provided in all new multi-family development.

### a. Number of Required Amenities

The number of required amenities shall be based on the number of units within the development as set forth in Table 2-43 below:

**Table 2-43: Required Amenities for Multi-Family Development**

| Number of Dwelling Units | Amenities Required |
|---|---|
| < 20 | 1 |
| 20-99 | 2 |
| 100-179 | 3 |
| 180-259 | 4 |
| 260-519 | 5 |
| 520-999 | 7 |
| 1000+ | 10 |

### b. Acceptable Amenities

Table 2-44 lists acceptable amenities for purposes of meeting the minimum requirements of this section. Providing two or more of the same amenity shall not count as multiple required amenities unless specifically stated.

**Table 2-44: Acceptable Amenities**

| Type of Amenity | Minimum Size/Capacity | Other Requirements/Notes |
|---|---|---|
| Barbecue grills with shaded seating area | 4 grills; seating for 16 people | |
| Dog park | 4,000 sq. ft. | • Shall be enclosed by a minimum 5-foot-tall fence and shall meet the fence standards provided in section 704.<br>• No side of the enclosure shall be shorter than 50 feet in length.<br>• One dog waste station which shall include a bag dispenser and waste receptacle to be installed along the perimeter of the enclosure for every 2,500 square feet of the associated dog park. |

## Table 2-44: Acceptable Amenities

| Type of Amenity | Minimum Size/Capacity | Other Requirements/Notes |
|---|---|---|
| | | • One 25 square foot animal washing bay (with associated plumbing) shall be provided in conjunction with the dog park. |
| Electric vehicle charging stations | 3 spaces | • Charging stations for at least 3 electric vehicles shall be provided in a centralized location on-site for residents. |
| Fitness center and/or weight room | 500 sq. ft. | |
| Gazebo(s), arbor(s), and/or shade structure(s) | Covering at least 2,000 sq. ft. of programmed recreation space | |
| Jacuzzi, hot tub, or sauna area | Minimum 8-person capacity | |
| Library and/or business center | 500 sq. ft. | |
| Movie theater room | Seating for minimum 20 people | |
| Open space, centralized internal | One acre with no side being less than 50 feet in length | • Shall qualify as 5 required amenities.<br>• The shape of the centralized internal open space shall be rectangular insofar as practicable.<br>• A 5-foot-wide handicap accessible concrete sidewalk shall be provided adjacent to the entire perimeter of the open space.<br>• One seating area which is a minimum of 6 feet long shall be provided along each side of the open space.<br>• One canopy tree shall be planted every 30 linear feet adjacent to the perimeter of the open space.<br>• The centralized internal open space shall be completely covered with grass, unless otherwise specified herein, and shall be provided with an automatic underground irrigation system as specified in §206A.3.a.VIII.<br>• Other amenities as required herein shall not be located within the centralized internal open space.<br>• The centralized open space shall be free of any drainage facilities and/or related easements, floodplain, erosion hazard setbacks, or other related facilities. |
| Outdoor amphitheater | Seating for minimum 20 people | • If individual seats are not provided, then 150 linear feet of seating shall be provided. |
| Outdoor or indoor jogging trail | 1/8 mile minimum for indoor; 1/4 mile minimum for outdoor | • Shall be a minimum of 5 feet with demarcated lanes and constructed of a dust-free surface.<br>• An indoor jogging trail shall qualify as two amenities. |
| Playing court (volleyball, basketball, tennis, or similar) | Regulation-size | • Each court shall count as an amenity up to a limit of two. |
| Playground | 4,000 sq. ft. | |
| Splash pad | 1,000 sq. ft. | |
| Storage (for residents) | 1 enclosed storage space for a minimum of 25 percent of the number of dwelling units in the community | • At least one enclosed 5-foot by 5-foot storage space shall be provided for a minimum of one quarter of the dwelling units within the community.<br>• The provided storage units may be available for rent by any dwelling unit and need not be reserved for any specific unit within the community. |
| Swimming pool | 1,000 sq. ft. surface area | • Cooling deck required; minimum 10 ft wide in all areas. Counts as one amenity. |

**Table 2-44: Acceptable Amenities**

| Type of Amenity | Minimum Size/Capacity | Other Requirements/Notes |
|---|---|---|
| Swimming pool, centralized | 3,000 sq. ft. surface area | • Cooling deck required; minimum 20 ft wide in all areas. Counts as 2 amenities. |
| Swimming pool, centralized | 5,000 sq. ft. surface area | • Cooling deck required; minimum 20 ft wide in all areas. Counts as 4 amenities. |
| Other amenity | | • As approved by the Planning and Zoning Commission as part of the Site Plan approval process. |

## 5. Site Enhancements

At least one of the following shall be provided for all residential developments in multi-family districts:

**a.** A landscaped median which separates entering and exiting traffic at all entrances. The median shall meet the following standards:

**I.** The landscaped median shall be enclosed by a minimum 6-inch-tall vertical curb and shall be at least 8 feet wide and at least 50 feet long (measured from back of curb to back of curb). The median and its plantings shall not interfere with necessary sight visibility lines.

**II.** At least 1 canopy tree shall be provided for every 50 linear feet of median.

**III.** At least 2 ornamental trees shall be provided for every 50 linear feet of median.

**IV.** The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in §206A.3.a.VIII, *Site Landscape Standards.*

**V.** The Director of Engineering and/or Fire Marshal may allow deviations to these standards on a case-by-case basis to facilitate proper vehicular access, emergency access, sight visibility, and other related engineering design or life safety principles.

**b.** Each unit is provided a private balcony or porch that is at least 50 square feet in area. Balconies shall be designed so that visual and auditory intrusions on private outdoor space of other units or adjacent developments are minimized;

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

**d.** Each ground-floor residential unit shall have an exterior oriented entrance that fronts onto:

**I.** A public right-of-way;

**II.** A major internal drive aisle designed to function as a public right-of-way or boulevard;

**III.** A centralized internal open space, if provided as part of the required amenities; or

**IV.** Another similar community gathering space (excluding units that front onto parking fields, multi-level structured parking facilities, minor drive aisles, or other similar vehicular use areas).

**e.** As part of the Site Plan approval process, the Planning and Zoning Commission may approve alternative major site enhancement(s) that are comparable to the significance of the other elements listed above in provisions a. through d. of this subsection.

# H. Communication Antennas, Support Structures, and Satellite Dishes

## 1. Purpose

The purpose of this section is to regulate the installation of communications antennas, satellite dishes and support structures in order to:

**a.** Encourage joint use of (collocation) of new and existing structures;

**b.** Minimize the total number of structures throughout the community;

**c.** Encourage the use of stealth structures;

**d.** Protect the character and integrity of McKinney neighborhoods and districts, including the historic district; and

**e.** Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

## 2. Applicability

Information required to demonstrate compliance with this section shall be shown on a Site Plan and Landscape Plan pursuant to the procedures outlined in §203E.1, *Site Plan,* and §203E.2, *Landscape Plan*.

### a. Exceptions

**I.** Small cell node support poles, transport facilities, and network nodes, as they are defined by Chapter 90, Article V of the McKinney Code of Ordinances and Texas Local Government Code Ch. 284, within the rights-of-way in the City shall not be subject to this section but shall be subject to the provisions of Chapter 90, Article V of the McKinney Code of Ordinances.

**II.** Regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

## 3. Site Standards for All Commercial Antennas and Antenna Support Structures/Towers

### a. Collocation Required

**I.** Collocation of antennas on telecommunication structures shall be required. No new antennas or telecommunication structures shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city that the service provider is experiencing a significant gap in service for which no existing telecommunication structure can accommodate the applicant's proposed antennae. Evidence submitted to demonstrate the factors shall consist of a propagation map and corresponding data that identifies the following:

a. That a large number of the service provider's subscribers are unable to connect or maintain a connection to the national telephone network through applicant's wireless telecommunications network;

b. That no existing telecommunication structures, including elevated storage tanks, are located within the geographic service area which meet the applicant's engineering requirements;

c. That existing telecommunication structures are not of sufficient height or structural strength to meet the applicant's engineering requirements; and

d. That there are other limiting factors that render existing telecommunication structures unsuitable.

**II.** A "dead spot" or small area within a service area where the field strength is lower than the minimum level for reliable service, does not constitute a significant gap in service.

**b. Minimum Distance Between Structures Required**

**I.** When new telecommunication structures are proposed, the following separation between structures must be maintained:

| | Antenna and/or Antenna Support Structure, High Rise | Antenna and/or Antenna Support Structure, Low Rise | Stealth |
|---|---|---|---|
| Antenna and/or Antenna Support Structure, High Rise | 1,500 ft | 750 ft | n/a |
| Antenna and/or Antenna Support Structure, Low Rise | 750 ft | 750 ft | n/a |
| Stealth | n/a | n/a | n/a |
| | | | |

**II.** Separation distances may be reduced with the approval of a Specific Use Permit, in accordance with §203C.3.

**c. Design Standards for All Commercial Antennas and Telecommunication Structures**

**I.** Telecommunication structures (high-rise and low-rise) shall be of a monopole design with all associated antennae fully encased within the structure.

**II.** Unless otherwise permitted herein, all commercial signs, lights, and attachments shall be prohibited on any antennae or telecommunication structure, unless required for communications operations, structural stability, or as required for flight visibility by the FCC and the Federal Aviation Administration (FAA).

**III.** Any proposed telecommunications structure shall be designed in all respects to accommodate both the applicant's antennae and comparable antennae as follows:

| Height of Proposed Tower/Structure | Additional User Accommodation Required |
|---|---|
| 40' to 100' | 2 |
| Greater than 100' | 3 |

**IV.** Telecommunication structures must be designed to allow for future rearrangements of antennae upon the tower and to accept antennas mounted at varying heights.

**V.** A minimum 6-ft tall masonry screening wall with Low Evergreen Shrubs shall be provided around all associated ground equipment and/or materials. The maximum height of the masonry screening wall shall not exceed the maximum allowable screening device height of the governing zoning district.

**d. Heights and Setbacks**

**I.** Notwithstanding any height restrictions and exceptions within this section, antenna and telecommunication structures (low-rise and high-rise):

a. shall not exceed 125' if located in a non-residential district;

b. shall not exceed a height of 175' if located in an industrial district; and

c. shall not exceed height limitations imposed by virtue of aircraft approach and turning zone height restrictions.

**II.** Telecommunication structures (low-rise and high-rise) shall be setback from all property lines a distance equal to the height of the telecommunication structure. This setback may be reduced with the approval of a Specific Use Permit.

### 4. Satellite dishes, parabolic antennas, and other similar antennas.

Satellite dishes, parabolic antennas, and other similar antennas shall also comply with the following:

**a.** In residential districts, the following regulations shall apply:

**I.** All (any size) satellite dishes, parabolic antennas, and other similar antennas shall be prohibited within the front yard and side yard at corner setback areas.

**II.** Satellite dishes, parabolic antennas, and other similar antennas greater than three feet shall not exceed 12 feet in diameter, shall be allowed only in the rear half of a lot, shall observe accessory building setbacks, and shall be required to receive a permit from the chief building official.

**III.** Satellite dishes shall be permitted on the roof of a building, provided they do not exceed three feet in diameter and do not extend more than ten feet above the roof of the building, except satellite dishes shall be prohibited upon roofs of residential uses within the H overlay district if visible from a public right-of-way.

**IV.** Satellite dishes, parabolic antennas, and other similar antennas greater than three feet in diameter within the H historic overlay district shall be so located and screened within the rear half of the lot so as to blend with and conform to the historic district's design standards and/or character in order to preserve the historic integrity of the district. Design approval shall be through the normal historic district design review process prior to submitting a permit application to the chief building official.

**V.** Only one satellite dish, parabolic antenna, or other similar antenna shall be permitted per dwelling unit.

**b.** In all zoning districts except residential districts, the following regulations shall apply:

**I.** All (any size) satellite dishes, parabolic antennas, and other similar antennas shall be allowed only in the rear half of a lot, and shall observe accessory building setbacks.

**II.** Satellite dishes, parabolic antennas, and other similar antennas shall be permitted on the roof of a building, provided they do not exceed three feet in diameter and do not extend more than ten feet above the roof of the building, except satellite dishes shall be prohibited upon roofs of residential uses within the H overlay district if visible from a public right-of-way.

**III.** Satellite dishes over three feet in diameter, but not exceeding 12 feet in diameter, may be mounted on the roof of a structure, provided a letter affirming its structural stability is written by a registered architect or engineer and submitted to the chief building official. Roof-mounted satellite dishes may not extend more than 12 feet above the roof of the building. Roof-mounted satellite dishes that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.

**IV.** Satellite dishes greater than three feet in diameter within the H-Overlay, MTC, and PD districts shall be so located and screened within the rear half of a lot as to blend with and conform to the historic district's design standards and character in order to preserve the historic integrity of the district. Design approval shall be through the normal historic district design review process prior to submitting a permit application to the chief building official.

**V.** Only one satellite dish, parabolic antenna, or other similar antenna shall be permitted per primary structure, unless specifically required for business needs and approved through the site plan process.

# I. Food Trucks, Food Truck Operations Sites, and Food Truck Courts

## 1. Purpose

The purpose of this section is to establish regulations governing food trucks, food truck operation sites, and food truck courts. These regulations are intended to promote the health, safety, and welfare of the public, and to protect the property rights of the owners of land located adjacent to and within the vicinity of properties containing a food truck or an operation site.

## 2. Applicability

Compliance with the standards in this section is required for all food trucks, food truck operation sites, and food truck courts within the city limits. Property owners shall be responsible for ensuring that any food truck which operates as part of a food truck court or operation site obtains all necessary permits prior to operation and conforms to all applicable city, county, state and federal regulations.

### a. Plan and Permit Required

Food trucks shall be responsible for identifying and obtaining all applicable permits and shall be responsible for conforming to all applicable city, county, state and federal regulations, including:

**I.** Food truck vendor permit; and

**II.** Health permit.

### b. Exemptions

These regulations shall not apply to food trucks that operate:

**I.** At a special event that is properly licensed pursuant to a special event permit issued by the city, provided that the food truck is identified in the special event permit application as a participating concessionaire or caterer; or

**II.** As a vendor at a properly permitted farmers' market for which the food truck has rented space from the farmers' market and/or its organizer(s); or

**III.** On public property including, but not limited to a public park, public library, recreation or aquatics center, or performing art center at the request of and with the express written permission of the property owner.

## 3. General Standards (applicable to all)

### a. Inspections

Food truck courts, food truck operation sites, and food trucks may be inspected from time to time by appropriate city personnel. Food truck courts, food truck operation sites, and food trucks shall immediately be made available for inspection upon request of such city personnel.

### b. Safety

The Chief Building Official, Fire Marshal and/or the Director of Code Services shall have the authority to require that additional safety measures be provided at a food truck court, food truck operation site, or food truck to ensure the health, safety, and welfare of the general public. These additional safety measures may include, but are not limited to, limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the food truck, providing fire extinguisher(s), and adding limitations to the use of deep fat fryers or flat top grills in specific instances.

### c. Refuse, recycling, litter, and food preparation byproducts.

**I.** Food truck courts, food truck operation sites, and/or food trucks shall provide, on or within 20 feet of each food truck, containers of sufficient size and number for the disposal of refuse and recyclables resulting from the food truck's operation and sales. The containers shall be identified as being for the disposal of refuse and/or recyclables.

**II.** City-provided refuse and recycling containers shall not be used to satisfy provision c.I. above, unless written authorization has first been obtained from the city for such use.

**III.** Any refuse, recycling and/or litter on the ground at the food truck court or operation site shall be immediately picked up and discarded appropriately by the food truck operator or the food truck

court's on-site manager. Refuse and/or recycling must be removed from the operation site or food truck court at least daily or more frequently as needed to remove excess refuse and/or recycling from the property thereby avoiding the creation of an unsanitary or unhealthy condition or nuisance.

**IV.** Greases, oils, vapors and other similar food preparation byproducts shall be kept inside the food truck at all times. Dumping, or the improper disposal, of food preparation byproducts onto the ground, pavement or other surface or into a stormwater collection system or other system not designed for that specific use is strictly prohibited and may result in the immediate revocation of all permits and licenses of the food truck, food truck court, and/or food truck operation site in addition to the performance of any necessary remediation and the issuance of citations and fines.

**V.** Sewage, liquid wastes and food preparation byproducts shall be removed from a food truck at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.

## 4. Standards for Food Trucks

### a. Operation Requirements.

**I.** All food trucks shall remain fully mobile and operational, unless a commissary is provided on a food court site and said food trucks are authorized to utilize the on-site commissary.

**II.** Food trucks shall report to their designated commissary at least once per day for food, supplies, cleaning and servicing.

**III.** Food truck parking must be of sufficient size to park and operate and be finished with a compacted gravel base, concrete, or asphaltic surface materials.

**IV.** Customer parking must be finished with concrete or asphaltic surface materials.

### b. Food truck Log

Each food truck operator shall maintain a log that contains each date of servicing and the signature of the commissary operator certifying that servicing occurred at the commissary. In lieu of a log, receipts showing the type of purchases, date and time of purchases, and the location of the commissary where purchases were made may be accepted in lieu of a food truck log. The food truck log or receipts shall be made available to city personnel for inspection upon request.

### c. Hours of operation.

Food trucks shall only be able to operate within the following hours for each of the following land uses:

**I.** Food truck courts: 7:00 am to 12:00 am

**II.** Food truck operation sites: 8:00 am and 10:00 pm.

### d. Noise.

**I.** Food trucks shall be subject to the noise requirements of chapter 70, Article V (noise) of the Code of Ordinances.

**II.** No amplified sound shall be permitted after 10:00 p.m.

### e. Signage.

All signage pertaining to or advertising a food truck and/or its menu shall be attached to the food truck. There shall be no limit to the amount of signage that is allowed on a food truck while the food truck is parked at a food truck court or operation site. A food truck shall not be outfitted with a "changeable electronic variable message sign" or any manner of "prohibited signage" as defined and/or set forth in Article 5: *Signs*.

## 5. Additional Standards for Food Truck Operation Sites

### a. Food truck temporary site permit (for an operation site)

**I.** The owner or the owner's authorized representative of a property containing an operation site where a food truck may be located from time to time must apply for a food truck temporary site permit from the building inspections department prior to allowing a food truck to operate on their property. The permit application, which shall be verified in the same manner as required for a deed,

shall include information that details where the food truck will be located on the property along with the location of any refuse receptacle(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the food truck on and about the operation site. As part of the permit application, any necessary authorization letters from adjacent property owners and businesses shall be provided. Consent and authorization letters that limit the allowance of food trucks to a specific type or style of food will not be accepted. Any additional information as may be deemed necessary by the chief building official to thoroughly review the request shall also be submitted as part of the permit application.

**II.** A food truck temporary site permit for an operation site issued by the building inspections department shall only remain valid for a maximum of 12 months and regardless of the date of issuance shall expire on December 31 of such calendar year.

**III.** A food truck temporary site permit may accommodate any licensed food truck vendor that the property owner/temporary site permit holder deems acceptable for an operation site.

**IV.** The chief building official, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; availability of parking and satisfaction of all minimum parking requirements; health and sanitary conditions; and compliance with other regulations of this chapter. The chief building official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any request. After which revocation, such temporary use shall immediately cease and all temporary structures shall be removed within ten days of notification of such finding.

## 6. Additional Standards for Food Truck Courts

### a. Required permits, plans, and inspections

#### I. Specific Use Permit

When required by Table 2-26: Table of Uses, a Specific Use Permit shall be required to be submitted and approved by the City Council prior to the issuance of any permits for a food truck court.

#### II. Site plan

A Site Plan shall be required to be submitted and approved as specified in 203E.1, *Site Plan*, prior to the issuance of any permits for a food truck court.

#### III. Certificate of occupancy

Each food truck court shall be required to receive a certificate of occupancy from the chief building official or their designee subsequent to the approval of a specific use permit and corresponding site plan. As part of the request for a certificate of occupancy, the following information, at a minimum, shall be provided:

a. The name and address of the owner and/or operator;

b. A description of the owner and/or operator;

c. If the applicant represents a corporation, association, partnership or any other business entity, the names and addresses of the officers, partners or principals;

d. The address and name under which the food truck court will be operated; and

e. Any other information reasonably required by the chief building official to document the use and operation of the food truck court.

### b. Restrooms required.

Restrooms for each sex, or a gender-neutral restroom(s), located within a permanent building that has been issued a valid certificate of occupancy shall be provided for the use of the food truck's customers, operators, and employees. Such restroom(s) must remain open and available for use at all times during which the food truck is in operation.

**c. Utility services required at food truck courts.**
Each site at the food truck court on which a food truck will be located and operated shall be provided hookups for electricity and potable water. Each individual food truck is not permitted to operate a generator at the site unless emergency circumstances necessitate the need for the use of a generator on a temporary basis not to exceed two hours within any given six-hour period of time.

# Appendix 2A: Approved Plant List

## A. Plants Approved for Meeting Landscaping Requirements

The following lists of plant materials are allowed to satisfy the landscape requirements and tree preservation ordinance of this ordinance. Drought tolerant plants are encouraged and listed below in **bold**. Trees not specifically listed, including cultivars, may be utilized to meet landscaping requirements with approval from the Director of Planning. Alternate plant species may be approved if the Director of Planning finds that they are not prone to major diseases or pests, will be compatible with the local climate, and are appropriate for the McKinney area. Artificial plants or turf are expressly prohibited.

### 1. CANOPY TREES

Size standard: 4" caliper and 12' height

| Common Name | Botanical Name |
|---|---|
| **Southern Sugar Maple** | ***Acer barbatum*** |
| Trident Maple | *Acer buergerianum* |
| **Bigtooth Maple** | ***Acer grandidientatum*** |
| **October Glory Maple** | ***Acer rubrum 'October Glory'*** |
| **Sugar Maple** | ***Acer saccharum*** |
| **Caddo Maple** | ***Acer saccharum 'Caddo'*** |
| **Autumn Blaze Maple** | ***Acer x freemanii 'Autumn Blaze'*** |
| Texas Buckeye | Aesculus glabra |
| **Pecan** | ***Carya illinoinensis*** |
| **Shagbark Hickory** | ***Carya ovate*** |
| **Texas Hickory (Black Hickory)** | ***Carya texana*** |
| **Deodar Cedar** | ***Cedrus deodara*** |
| **Leylandii Cypress** | ***Cupressocyparis 'Leylandii'*** |
| Autumn Gold Ginkgo | *Ginkgo biloba 'Autumn Gold'* |
| Princeton Sentry | *Ginkgo biloba 'Princeton Sentry'* |
| Thornless Honey Locust | *Gleditsia triacanthos form inermis* |
| **Kentucky Coffeetree** | ***Gymnocladus dioicus*** |
| **Black Walnut** | ***Juglans nigra*** |
| Rotundiloba Sweetgum | *Liquidambar styraciflua* 'Rotundiloba' |
| **Southern Magnolia** | ***Magnolia grandiflora*** |
| **Chinese Pistache** | ***Pistacia chinensis*** |
| **Mexican Sycamore** | ***Platanus mexicana*** |
| Sycamore | *Platanus occidentalis* |
| Sawtooth Oak | *Quercus acutissima* |
| Bluff Oak | *Quercus austrina* |
| **Texas Red Oak** | ***Quercus buckleyi*** |
| Canby Oak | *Quercus canbyi* |
| Lacey Oak | *Quercus laceyi* |
| Overcup Oak | *Quercus lyrata* |
| **Bur Oak** | ***Quercus macrocarpa*** |
| Swamp Chestnut Oak | *Quercus michauxii* |
| **Chinquapin Oak** | ***Quercus muhlenbergii*** |
| **Mexican White Oak** | ***Quercus polymorpha*** |
| **English Oak** | ***Quercus robur*** |
| **Shumard Oak** | ***Quercus shumardii*** |

| Common Name | Botanical Name |
|---|---|
| **Durand Oak** | ***Quercus sinuate*** |
| **Bigelow Oak** | ***Quercus sinuate var. breviloba*** |
| **Texas Live Oak** | ***Quercus fusiformis*** |
| **Live Oak** | ***Quercus virginiana*** |
| **Princeton Upright Scholartree** | ***Sophora japonica 'Princeton Upright'*** |
| Pond Cypress | *Taxodium ascendens* |
| **Bald Cypress** | ***Taxodium distichum*** |
| Winged Elm | *Ulmus alata* |
| **Jefferson Elm** | ***Ulmus americana 'Jefferson'*** |
| **Princeton Elm** | ***Ulmus americana 'Princeton'*** |
| **Valley Forge Elm** | ***Ulmus americana 'Valley Forge'*** |
| **Cedar Elm** | ***Ulmus crassifolia*** |
| **Lacebark Elm** | ***Ulmus parvifolia*** |
| **Japanese Zelkova** | ***Zelkova serata*** |

**2. STREET TREES** (applicable when using *Street Trees in Lieu of Trees per Lot* section)
Size standard: 4" caliper and 12' height

| Common Name | Botanical Name |
|---|---|
| **Southern Sugar Maple** | ***Acer barbatum*** |
| **Pecan** | ***Carya illinoensis*** |
| Princeton Sentry | *Ginkgo biloba 'Princeton Sentry'* |
| **Sweetgum** | ***Liquidambar styraciflua*** |
| **Chinese Pistache** | ***Pistacia chinensis*** |
| **Mexican Sycamore** | ***Platanus mexicana*** |
| Sycamore | *Platanus occidentalis* |
| Bluff Oak | *Quercus austrina* |
| Canby Oak | *Quercus canbyi* |
| Lacey Oak | *Quercus laceyi* |
| **Bur Oak** | ***Quercus macrocarpa*** |
| **Chinquapin Oak** | ***Quercus muhlenbergii*** |
| **Mexican White Oak** | ***Quercus polymorpha*** |
| **English Oak** | ***Quercus robur*** |
| **Shumard Oak** | ***Quercus shumardii*** |
| **Princeton Upright Scholartree** | ***Sophora japonica 'Princeton Upright'*** |
| **Bald Cypress** | ***Taxodium distichum*** |
| Winged Elm | *Ulmus alata* |
| **Princeton Elm** | ***Ulmus americana 'Princeton'*** |
| **Cedar Elm** | ***Ulmus crassifolia*** |
| **Lacebark Elm** | ***Ulmus parvifolia*** |
| Japanese Zelkova | *Zelkova serata* |

## 3. ORNAMENTAL TREES

Size standard: 2" caliper and 8' height

| Common Name | Botanical Name |
|---|---|
| Japanese Maple | *Acer palmatum* |
| Shantung Maple | *Acer trucatum* |
| **Texas Madrone** | ***Arbutus texana*** |
| River Birch | *Betula nigra* |
| **Redbud** | ***Cercis spp.*** |
| **Desert Willow** | ***Chilopsis linearis*** |
| Chinese Fringe Tree | *Chionanthus virginica* |
| **Roughleaf Dogwood** | ***Cornus drummondii*** |
| **American Smoketree** | ***Cotinus obovatus*** |
| **Native Hawthorn** | ***Crataegus mollis*** |
| Washington Hawthorn | *Crataegus phaenopyrm* |
| Arizona Cypress | *Cupressus arizonica* |
| **Texas Persimmon** | ***Diospros texana*** |
| Common Persimmon | *Diospyros virginiana* |
| **Possumhaw Holly** | ***Ilex deciua*** |
| **Nellie R. Stevens** | ***Ilex x 'NRS'*** |
| Foster Holly | *Ilex opaca 'Foster'* |
| **Savannah Holly** | ***Ilex opaca (x attenuate) 'Savannah'*** |
| **Yaupon Holly** | ***Ilex vomitoria*** |
| **Mountain Cedar** | ***Juniperus ashei*** |
| **Eastern Red Cedar** | ***Juniperus virginiana*** |
| **Golden Raintree** | ***Koelreuteria paniculata*** |
| Crape Myrtle (Tree Form) | *Lagerstroemia indica* |
| Goldenball Leadtree | *Leucaena retusa* |
| Star Magnolia | *Magnolia stellate* |
| Saucer magnolia | *Magnolia soulangiana* |
| Little Gem Magnolia | *Magnolia grandiflora 'Little Gem'* |
| **Wax Myrtle (Tree form)** | ***Myrica cerifera*** |
| Eldarica Pine | *Pinus eldarica* |
| **Mesquite** | ***Prosopis glandulosa*** |
| Cherry Laurel | *Prunus caroliniana* |
| **Mexican Plum** | ***Prunus mexicana*** |
| Lacey Oak | *Quercus laceyi or glaucoides* |
| Carolinia Buckthorn | *Rhamnus caroliniana* |
| **Aromatic Sumac** | ***Rhus aromatic*** |
| **Smooth Sumac** | ***Rhus glabra*** |
| **Prairie Flameleaf Sumac** | ***Rhus lanceolata*** |
| **Eve's Necklace** | ***Sophora affinis*** |
| **Texas Mountain Laurel** | ***Sophora secundiflora*** |
| **Mexican Buckeye** | ***Ungnadia speciosa*** |
| **Rusty Blackhaw** | ***Viburnum rufidulum*** |
| **Vitex** | ***Vitex agnus-castus*** |

## 4. TREES APPROVED UNDER OVERHEAD UTILITIES

Size Standard: 2" caliper and 8' height

Note: These species were selected due to their relatively small mature size and growth characteristics. Trees planted in these areas shall be planted at a ratio of 2 trees for every 1 tree required.

| Common Name | Botanical Name |
|---|---|
| Shantung Maple | *Acer trucatum* |
| **Redbuds/Whitebuds** | ***Cercis spp.*** |
| **Desert Willow** | ***Chilopsis linearis*** |
| **Wax Myrtle** | ***Myrica cerifera*** |
| **Mexican Plum** | ***Prunus mexicana*** |
| **Texas Mountain Laurel** | ***Sophora secundiflora*** |
| **Vitex** | ***Vitex agnus-castus*** |

## 5. LOW EVERGREEN SHRUBS

Acceptable screening 5' or less

Planting size: 24" height

| Common Name | Botanical Name |
|---|---|
| **Dwarf Glossy Abelia** | ***Abelia grandiflora*** |
| **Dwarf Elaeagnus or Silverberry** | ***Elaeagnus pungens*** |
| Dwarf Burford Holly | *Ilex cornuta 'Dwarf Burfordii'* |
| **Texas Sage** | ***Leucolphyllum frutescens*** |
| **Dwarf Wax Myrtle** | ***Myrica pusilla*** |

## 6. TALL EVERGREEN SHRUBS

Acceptable screening 6' or greater

Planting size: 36" height

| Common Name | Botanical Name |
|---|---|
| Foster Holly | *Ilex x attenuate 'Foster'* |
| Nellie R. Stevens Holly | *Ilex x 'Nellie R. Stevens'* |
| **Eastern Red Cedar** | ***Juniperus virginiana*** |
| Wayleaf Ligustrum | *Ligustrum japonicum* |
| Little Gem Magnolia | *Magnolia 'Little Gem'* |
| **Wax Myrtle (Tree form)** | ***Myrica cerifera*** |
| Holly Podocarpus | *Podocarpus macrophyllus* |
| Cherry Laurel | *Prunus caroliniana* |
| Cleyera | *Ternstroemia japonica* |
| Sweet Viburnum | *Viburnum ordoatissimu* |

## 7. SHRUBS

| Common Name | Botanical Name |
|---|---|
| **Glossy Abelia** | ***Abelia grandiflora*** |
| **Barberry** | ***Berberis thunbergii spp.*** |
| Horizontal Cotoneaster | *Cotoneaster horizontalis* |
| **Dwarf Elaeagnus or Silverberry** | ***Eleagnus pungens*** |
| Aralia | *Fatsia japonica* |
| **Red Yucca** | ***Hesperaloe parviflora*** |
| St. John's Wort | *Hypericum spp.* |
| Holly | *Ilex spp.* |
| **Juniper** | ***Juniper spp.*** |
| **Dwarf Crape Myrtle** | ***Lagerstroemia indica 'Dwarf'*** |
| **Texas Sage** | ***Leucophyllum frutescens*** |
| Chinese Fringe Flower | *Loropetalum chinensis* |
| Leatherleaf Mahonia | *Mahonia bealei* |
| **Agarito** | ***Mahonia trifoliate*** |
| **Dwarf Wax Myrtle** | ***Myrica pusilla*** |
| Nandina | *Nandina spp.* |
| **Prickly Pear** | ***Opuntia spp.*** |
| Indian Hawthorn | *Raphiolepis indica* |
| Rose | *Rosa spp.* |
| **Autumn sage** | ***Salvia greggii*** |
| **Spirea** | ***Spirea spp.*** |
| **Coralberry** | ***Symphoricarpos orbiculatus*** |

## 8. GROUNDCOVER/VINES

| Common Name | Botanical Name |
|---|---|
| Ajuga | *Ajuga reptans* |
| Crossvine | *Bignonia capreolata* |
| Trumpet Vine | *Campsis radicans* |
| Purple Wintercreeper | *Euonymus fortunei 'Coloratus'* |
| Carolina Jessamine | *Gelesmium sempervirens* |
| Liropie | *Liriope muscari* |
| **Winter Honeysuckle** | ***Lonicera albiflora*** |
| **Honeysuckle** | ***Lonicera japonica*** |
| Coral Honeysuckle | *Lonicera sempervirens* |
| Monkey Grass | *Ophiopogon japonicus* |
| Boston Ivy | *Parthenocissus tricuspidata 'Lowii'* |
| Climbing Rose | *Rosa* |
| **Sedum** | ***Sedum spp.*** |
| Asian Jasmine | *Trachelopspermum asiaticum* |
| Wysteria | *Wisteria sinensis* |

## 9. ORNAMENTAL GRASSES

| Common Name | Botanical Name |
|---|---|
| Bluestem | *Andropogon spp.* |
| **Grama Grass** | *Bouteloua spp.* |
| Feather Reed Grass, Karl Foerster | *Calamagrostis acutiflora 'Karl Foerster'* |
| **Pampas Grass** | ***Cortaderia selloana*** |
| **Dwarf Pampas Grass** | ***Cortaderia selloana pumila*** |
| **Lovegrass** | ***Eragrostis spp.*** |
| **Spangletop** | ***Leptochloa spp.*** |
| **Dwarf Maiden Grass** | ***Miscanthus sinensis 'Adagio'*** |
| **Maiden Grass** | ***Miscanthus sinensis 'Gracellimus'*** |
| **Morning Light Maiden Grass** | ***Miscanthus sinensis 'Morning Light'*** |
| **Variegated Japanese Silver Grass** | ***Miscanthus sinensis 'Variegatus'*** |
| **Zebra Grass** | ***Miscanhus sinensis 'Zebrinus'*** |
| Muhly Grass | *Muhlenbergia spp.* |
| **Fountain Grass** | ***Pennisetum alopecuroides*** |
| **Hameln's Fountain Grass** | ***Pennisetum a. 'Hameln'*** |
| Indian Grass | *Sorghasun nutans* |
| **Mexican Feathergrass** | ***Stipa tenuissima*** |

## 10. GRASSES

| Common Name | Botanical Name |
|---|---|
| **Blue Grama** | ***Bouteloua gracilis*** |
| **Buffalograss** | ***Buchloe dactyloides*** |
| **Bermuda grass** | ***Cynodon dactylon*** |
| St. Augustine | *Stenotaphrum secundatum* |

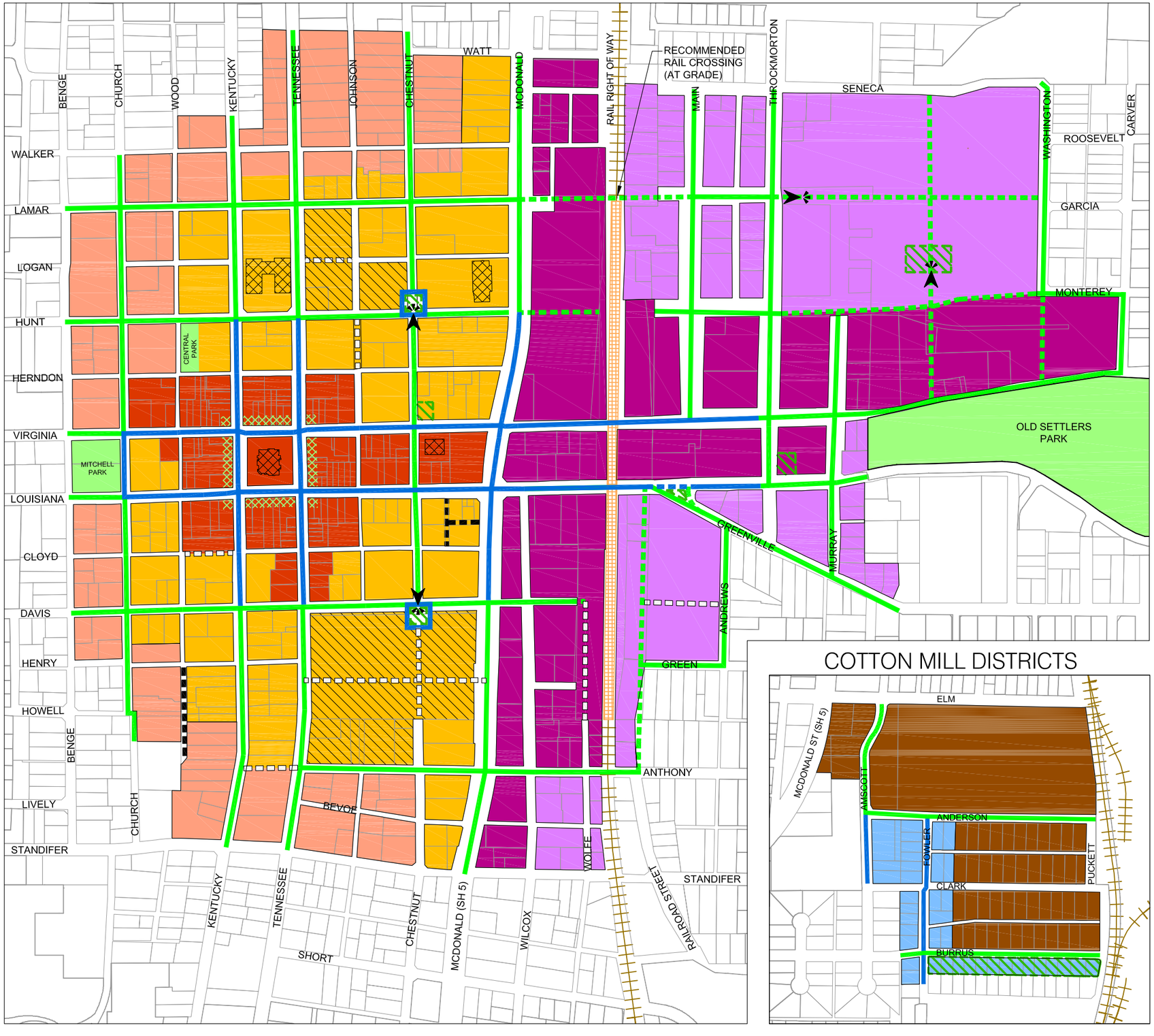
## B. Reserved

## C. Do Not Plant List

The following plants are not approved for use in required landscape areas.

| Common Name | Botanical Name |
|---|---|
| Silver Maple | *Acer saccharinum* |
| Mimosa | *Albizia julibissin* |
| Catalpa | *Catalpa bignonioides* |
| Hackberry | *Celtis occidentalis* |
| Ash Species | *Fraxinus spp.* |
| Bois d' Arc | *Maclura pomifera* |
| Mulberry | *Morus alba* |
| Cottonwood | *Populus deltoids* |
| Silver Poplar | *Populus deltoids* |
| Lombardy Poplar | *Populus nigra italic* |
| Aristocrat Pear | *Pyrus calleryana 'Aristocrat'* |
| Bradford Pear | *Pyrus calleryana 'Bradford'* |
| Siberian Elm | *Ulmus pumila* |

# Appendix 2B: McKinney Town Center MTC




## CHARACTER DISTRICTS

- Historic Core
- Downtown Core
- Downtown Edge
- Transit Village Core
- Transit Village Edge
- Cotton Mill Core
- Cotton Mill Edge

## STREET DESIGNATIONS

- Pedestrian Priority 'A'
- Pedestrian Priority 'B'
- Recommended Priority 'A'
- Recommended Priority 'B'
- Recommended Service Street
- Recommended Street Vacation

Note: Streets with no designation are service street

## SPECIAL REQUIREMENT

- Required Commercial Frontage

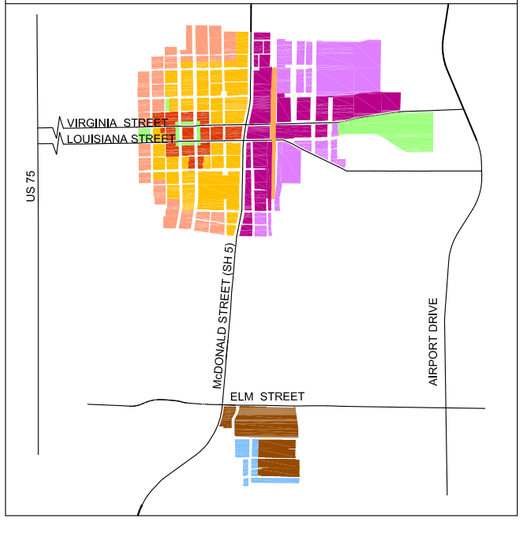
## OTHER

- Existing Civic Building
- Existing Civic/Open Space
- Recommended Civic Building Site
- Recommended Civic/Open Space
- Recommended Passenger Rail Station & Platform
- Recommended Vista Terminus

## COTTON MILL DISTRICTS




## LOCATOR MAP




APPENDIX G, SECTION G-1

GATEWAYPLANNING
Design • Implementation • Value Capture

McKINNEY TEXAS
Unique by nature.

# McKinney Town Center Regulating Plan

N

# "MTC" -- MCKINNEY TOWN CENTER ZONING DISTRICT

1. Purpose and Intent
2. Components
3. Regulating Plan
4. Definitions
5. Administration
6. Schedule of Permitted Uses
7. Building Form and Site Development Standards
8. Building Design Standards
9. Open Space Standards

## 1. PURPOSE AND INTENT

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.

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.

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.

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.

## 2. COMPONENTS

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

**2.2** 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:

**2.2.1** 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.

**2.2.2** 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.

**2.2.3** Special Requirement: The Regulating Plan shall identify the location of Required Commercial Frontage.

**2.2.4** 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.

**2.3** McKinney Town Center zoning district text: The McKinney Town Center zoning district text (i.e., this document) 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.

**2.4** The zoning regulations of general application, which apply across zoning districts, within the City of McKinney Zoning Regulations (Article 2), 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.

## 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 2B-1 of the City of McKinney Zoning Regulations (Article 2).

**3.1** Character Districts Established: 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 Section 5.5, 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.

**3.1.1 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.

**3.1.2 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.

**3.1.3 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.

**3.1.4 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.

**3.1.5 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.

**3.1.6 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.

**3.1.7 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.

**3.2 Street Designations Established**: The Regulating Plan establishes the following Street Designations for existing streets.

**3.2.1 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.

**3.2.2 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.

**3.2.3 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.

**3.2.4 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.

**3.3 Street Designations Recommended**: The Regulating Plan indicates the location and the level of pedestrian priority for recommended new streets intended to implement the Town Center Master Plan.

**3.4 Special Requirement**: 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.

**3.5 Other:**

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

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

**3.5.3** 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.

**3.5.4** 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.

**3.5.5** 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.

**3.5.6** 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.

## 4. DEFINITIONS

In addition to Definitions in Article 2, Section 205 and in Article 9 of the Unified Development Code, the following terms shall have the corresponding interpretations for the McKinney Town Center zoning district.

*Attic/Mezzanine* is the interior part of a building contained within a pitched roof structure or a partial story between two main stories of a building.

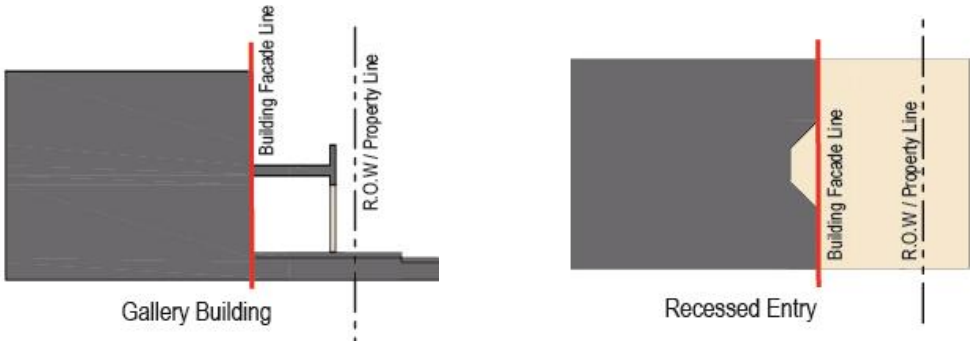
*Boardinghouse or rooming house* means a building, other than a hotel, where lodging with or without meals for three or more persons are provided for compensation.

*Build-to Line* is the line at which the principal building's front façade shall be built.

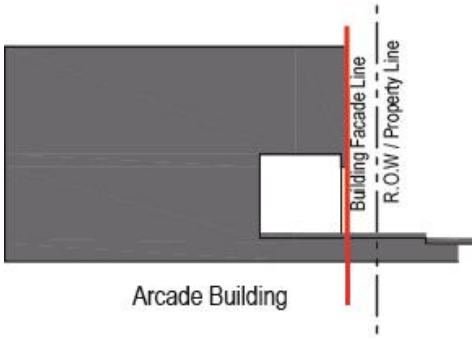
*Build-to Zone* is the area between the minimum and maximum front setbacks and within which the principal building's front façade shall be built.

*Building Form and Site Development Standards* are the standards established for each Character District including but not limited to building placement, building height, parking, service access, and other functional design standards.

*Building Façade Line* means the vertical plane along a lot where the portion of the building's front façade closest to the street is actually located.




*Section View*




*Building Façade Line Illustrations*

*Building Frontage* is the percentage of the principal building's front façade that is required to be located at the Build-to Line or within the Build-to Zone as a proportion of the lot's width along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

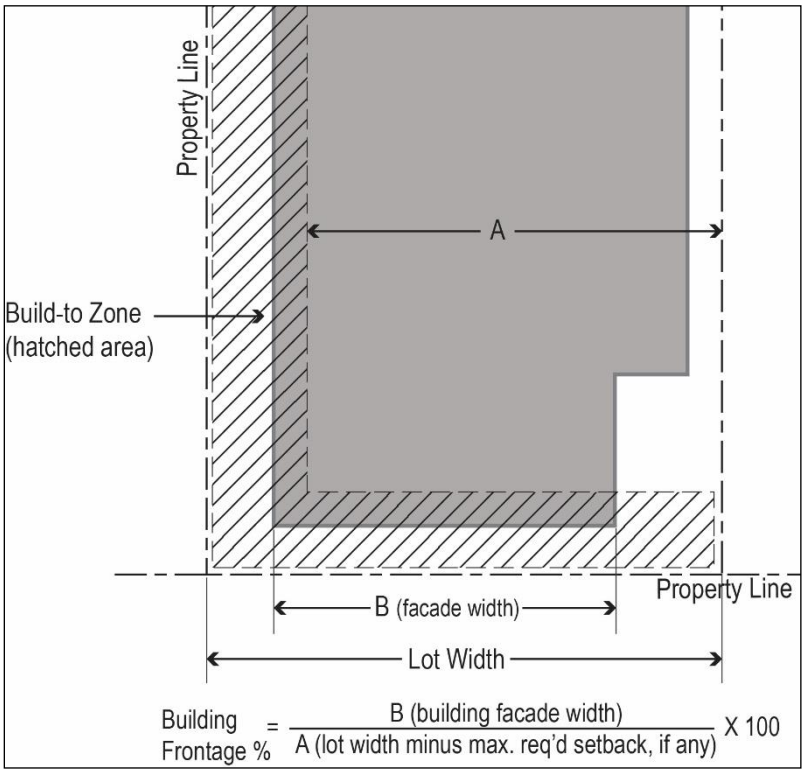



*Image showing Building Frontage calculation*

*Character District* means an area within the McKinney Town Center that is intended to preserve and/or create an urban form that is distinct from other areas within the McKinney Town Center. Character Districts are identified in the Regulating Plan.

*Civic/Open Space* is publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. Civic/open space may be privately or publicly owned and maintained.

*Commercial or Mixed Use Building* means a building in which at least the ground floor of the building is built to Commercial Ready standards and any of the floors are occupied by non-residential or residential uses.

*Commercial Ready* means space constructed at a minimum ground floor height as established in each Character District which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

*Design Exception* means a requested deviation from any standards in Section 7 Building Form and Site Development Standards, Section 8 Building Design Standards, and Section 9 Open Space Standards beyond minor deviations specified in the Minor Modifications provision of Section 5 Administration.

*Encroachment* means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

*Live-Work Dwelling* is a mixed use building type with a dwelling unit that is also used for work purposes, provided that the 'work' component is (1) restricted to the uses of professional office, personal service, cottage industrial, artist's workshop, studio, or other similar uses, (2) is located on the street level and constructed to Commercial Ready standards, and (3) is constructed as separate units under a condominium regime or as a single unit. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work dwelling is distinguished from a home occupation otherwise defined by Section 205.G.2.g of the City of McKinney Zoning Regulations in that the "work" component is not required to be incidental and secondary to the "live" component. Additionally, the "work" component may employ more than one (1) individual who is not an occupant of the "live" component.

*McKinney Town Center Development Coordinator* is a senior City staff person (Director of Planning or designee) who is the single point of contact to facilitate development and redevelopment within the McKinney Town Center and is responsible for administering standards in the McKinney Town Center zoning district.

*McKinney Town Center Master Plan:* In March 2008, the Town Center Study Phase 1 Report and associated illustrative vision were unanimously approved by City Council and adopted by reference into the City of McKinney Comprehensive Plan. Known together as the Town Center Master Plan, it serves as a meaningful policy guide for City officials, City staff, property owners, private developers, and citizens when considering development/redevelopment decisions in the Town Center. The Town Center Study Phase 1 Report includes a number of preferred redevelopment concepts such as encouraging adaptive reuse of historic buildings, encouraging new mixed use and urban residential infill growth, improving pedestrian walkability and connectivity, creating compatible physical scales and transitions, and fostering long-term economic development through the concept of "place."

The associated illustrative vision is a composite of several building scale illustrations of preferred redevelopment concepts.

*McKinney Town Center Regulating Plan (Regulating Plan)* is the official Zoning Map for the McKinney Town Center zoning district. The Regulating Plan graphically depicts development standards including Character Districts, Street Designations, and Special Requirement(s) applicable to properties within the McKinney Town Center geographical area.

*McKinney Town Center Zoning District* is the zoning designation 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. The McKinney Town Center zoning district supports 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 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.

*Minor Modification* means a requested deviation from MTC zoning district standards specified in the Minor Modifications provision of Section 5 Administration. The McKinney Town Center Development Coordinator shall have the authority to administratively approve a request for a Minor Modification.

*Multiple family dwelling* means any building or portion thereof, which is designed, built, rented, leased or let to contain three or more dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more families living in independent dwelling units on a single lot.

*Psychic or paranormal readings* means a business that utilizes, stages, or engages in or with alleged clairvoyance, psychic phenomena, or other paranormal or parapsychological disciplines.

*Public, Civic, or Landmark Building* means any building that houses a public or civic use that is located on a prominent site within the McKinney Town Center Zoning District. Such a building may incorporate a specialized or unique use within the building which may require alternative design and development standards per Section 5.7 of the MTC Zoning District regulations.

*Residential Building* means a building type that is built to accommodate only residential uses on all floors of the building such as a detached single family home, attached single family home (i.e. townhome), two family home (i.e. duplex), multiple family (3 or more) apartment building (under single ownership or under multiple owners within a condominium regime).

*Special Requirement*: As identified on the Regulating Plan, a special development standard called Required Commercial Frontage is applied to ground floor uses, to a minimum depth of 25 feet, along all streets fronting on historic square in the Historic Core Character District.

*Street Designation*: As identified on the Regulating Plan, existing streets in the McKinney Town Center are designated as Pedestrian Priority "A" Streets, Pedestrian Priority "B" Streets, or Service Streets. Each designation establishes a certain development context in order to improve walkability and pedestrian orientation within the McKinney Town Center area. The Regulating Plan also identifies the location and the level of pedestrian priority for recommended new streets as well as the location of streets recommended for vacation.

## 5. ADMINISTRATION

**5.1 Applicability.** Approval of a site plan shall be required prior to the issuance of any building permit for the construction of a new residential building, a new non-residential building, or a new mixed use building (this requirement specifically does not apply to new single family detached residential dwellings and new two-family residential dwellings); prior to the issuance of any building permit for any modification to a structure which affects its size, shape, orientation, or volume; prior to a structure's change in use that requires modifications to existing parking configurations; or as otherwise determined by the Chief Building Official. All building permits must conform to an approved site plan. Single family detached residential dwellings shall be subject to the requirements of Chapter 122 of the City of McKinney Code of Ordinances, and as amended.

**5.2 McKinney Town Center Development Coordinator.** The McKinney Town Center Development Coordinator is a senior City staff person (Director of Planning or designee) who shall be the primary point of contact to facilitate development and redevelopment within the McKinney Town Center and shall be responsible for administering the McKinney Town Center zoning district regulations.

**5.3 Site Plan Application.** The applicant shall prepare a site plan application demonstrating compliance with the McKinney Town Center Regulating Plan and the McKinney Town Center zoning district regulations as well as with all other applicable regulations in the City of McKinney Zoning Regulations. A site plan application shall include:

**5.3.1** All information described in sections 203.E.1.c of the City of McKinney Zoning Regulations;

**5.3.2** The location of the subject property relative to the delineation of applicable Character District(s), Street Designation(s), Special Frontage Requirements (if any), and other recommended elements depicted on the McKinney Town Center Regulating Plan;

**5.3.3** A Building Plan with architectural elevations and/or renderings of all proposed building(s) to demonstrate compliance with the Building Form and Site Development Standards as well as with the Building Design Standards of the McKinney Town Center zoning district.

**5.4 Site Plan Application Approval Process.** The McKinney Town Center Development Coordinator shall have the authority to approve, approve with conditions, or schedule the site plan for a Planning and Zoning Commission meeting for action according to the procedures in Section 203.E.1 of the City of McKinney Zoning Regulations. The McKinney Town Center Development Coordinator shall not have the authority to disapprove a site plan application. Unless otherwise provided for in this Code, the McKinney Town Center Development Coordinator shall forward any application which

they cannot approve to the Planning and Zoning Commission for action. The actions of the Planning and Zoning Commission may be appealed to City Council. The City Council shall be the final approval authority for site plans. Approval of a site plan application does not constitute approval of a building permit application for construction.

**5.5 Minor Modifications.** A Minor Modification means a requested deviation from the McKinney Town Center zoning district standards as specified below. The McKinney Town Center Development Coordinator shall have the authority to approve requests for minor modifications to the McKinney Town Center zoning district standards that:

**5.5.1** Do not substantially change the circulation and building location on the site;
**5.5.2** Do not increase the building area permitted under the McKinney Town Center zoning district;
**5.5.3** Do not change the relationship between the buildings and the street;
**5.5.4** Do not allow a use not otherwise authorized under the McKinney Town Center zoning district; or
**5.5.5** Do not allow greater height of any building or reduction of any parking requirement established under the McKinney Town Center zoning district.

The McKinney Town Center Development Coordinator shall also have the authority to approve minor modifications outlined in Table 5.1 below, including minor adjustments to internal boundaries of the Character Districts pursuant to the criteria established below.

**Table 5.1 Minor Modifications Allowed**

| *Standard* | *Minor Modification Allowed* | *Criteria* |
|---|---|---|
| Area/Boundary of Character Districts (including any recommended Civic/Open Spaces) | No more than a 15% change (increase or decrease) in the area of any Character District (aggregate or per block). | ▪ Shall not eliminate any Character District or any Special Frontage designation.<br>▪ Shall not change the overall boundary of the Regulating Plan.<br>▪ Modified area shall be contiguous with the corresponding Character District that is changed and shall be changed to only one of the adjacent Character Districts.<br>▪ Any modification of Character Districts shall include entire lots. |
| Location of Recommended Streets | Location shall not move more than 25' in any direction. | ▪ Shall maintain the connectivity intended by the Regulating Plan |
| Build-to Line<br>Build-to Zone | No more than a 10% change in the build-to line or zone. | ▪ Changes to the build-to lines and build-to zones may only be due to any changes to the street cross-sections or changes in the width of a sidewalk.<br>▪ In no case shall a sidewalk be less than 6 feet in width. |
| Building Frontage | No more than a 10% reduction in the required Building Frontage along each block of a Pedestrian Priority "A" Street. | ▪ Any reduction in the required building frontage shall be to accommodate porte-cocheres for drop-off and pick-up. |
| Street Screening Device | Waiver of Street Screening Device requirement along a Pedestrian Priority "B" Street. | ▪ Requirement for a street screening device may only be waived along a Pedestrian Priority "B" Street along the frontage of any interim surface parking lot (off-street) that is planned to be in-filled with a parking structure through a phased site plan or other agreement with the city.<br>▪ In no case shall any portion of the surface parking have frontage along a Pedestrian Priority "A" Street without a required street screening device.<br>▪ In no case shall the surface parking lot (off-street) be located at a street intersection for a minimum depth of 20' along each street (regardless of the Street Type designation). |
| Transparency | Reduction from 65% to no less than 50% transparency on Pedestrian Priority "A" and "B" Streets | ▪ Shall maintain the pedestrian interaction and overall intent of the MTC Zoning District |

| *Standard* | *Minor Modification Allowed* | *Criteria* |
|---|---|---|
| Any numerical standard (other than those specifically listed in this Table) in the MTC Zoning District | Maximum of 10% change | ▪ Shall maintain the frontages, transitions, and overall intent of the MTC Zoning District |

Any appeals of the decisions of the McKinney Town Center Development Coordinator regarding minor modifications shall be heard by the Planning and Zoning Commission for action.

**5.6 Design Exceptions.** A Design Exception means a requested deviation from any Building Form and Site Development Standard, Building Design Standard, or Open Space Standard beyond the minor deviations specified in the Minor Modifications provision. A Design Exception shall also mean a requested deviation from the Design Criteria of the Schedule of Permitted Uses. Requests for Design Exceptions shall be forwarded by the McKinney Town Center Development Coordinator to the Planning and Zoning Commission for action in accordance with Section 203.G.1 of the UDC; however, requests for Design Exceptions involving building height(s) shall instead be forwarded directly to the City Council for action.

**5.6.1 Review Considerations.** In reviewing any site plan application or site plan application with a Design Exception Request forwarded by the McKinney Town Center Development Coordinator, or when hearing appeals, the Planning and Zoning Commission and/or City Council shall use the following criteria:

i. The goals, intent, and vision of the adopted McKinney Town Center Master Plan;
ii. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
iii. The extent to which the proposal provides public benefits such as usable civic and open spaces, livable streets, structured and/or shared parking, and linkages to transit;
iv. The extent to which the proposal hinders future opportunities for higher intensity Town Center development; and
v. Considerations of health and welfare of the general public.

**5.6.2** An appeal by the applicant for the denial of a Design Exception by the Planning and Zoning Commission shall be made to the City Council.

**5.7 Public, Civic, or Landmark buildings.** The McKinney Town Center Development Coordinator shall not have the authority to approve site plan applications for public, civic, or landmark buildings and shall forward all such applications to the Planning and Zoning Commission for action. The action of the Planning and Zoning Commission may be appealed to City Council. In reviewing such applications, the following shall be taken into consideration:

**5.7.1** Public, Civic, or Landmark buildings should occupy prominent sites such as at the end of a terminated vista.

**5.7.2** Major entrances and exits should be clearly marked and should front on plazas or wide sidewalks that allow pedestrians safe ingress and egress into the building.

**5.7.3** Major entrances and key street intersections, including locations recommended for vista terminations, shall be emphasized with vertical elements that create a unique identity to the civic building.

**5.7.4** Public, Civic, or Landmark buildings may be larger in scale than commercial and mixed use buildings and thus may not necessarily be built to the sidewalk. They should be articulated horizontally and vertically with architectural elements to break the mass of the structure down.

**5.7.5** Major street frontages shall not be blank walls. Windows, changing building materials, arcades, building articulation, and other architectural elements shall be used to add interest at the street level.

**5.7.6** Building materials used should convey the impression of permanence and stability and to the extent possible, masonry (brick, stone, stucco using the three step process, marble, or granite) should be used for a majority of the exterior building facades.

**5.8** Nonconforming Uses and Structures. Nonconforming Uses and Structures in the McKinney Town Center zoning district shall be regulated pursuant to Section 201.C Legal Nonconformities of the City of McKinney Zoning Regulations.

**5.9** Plat Approval. All land subdivision, plat approval, and public improvement requirements in the McKinney Town Center zoning district shall follow the City of McKinney Subdivision Regulations (Article 3 of the UDC). Any variances to the Subdivision Regulations shall require the approval of the City Council per Section 303.B.

**5.10** Vacations of Public Rights-of-Way. Right-of-way vacations in the McKinney Town Center zoning district shall follow City of McKinney Subdivision Regulations Section 306.B.

**5.11** Amendments/Changes. Amendments and changes to the McKinney Town Center zoning district Regulating Plan or text not otherwise permitted by the administrative provisions stated herein shall be considered by the Planning and Zoning Commission and approved by the City Council in accordance with the procedure set out in Section 203.C.1 of the City of McKinney Zoning Regulations.

## 6. SCHEDULE OF PERMITTED USES

| | Historic Core | Downtown Core | Downtown Edge | Transit Village Core | Transit Village Edge | Cotton Mill Core | Cotton Mill Edge |
|---|---|---|---|---|---|---|---|
| ***Residential Uses*** | | | | | | | |
| Bed & breakfast | | S | S | | S | | |
| Boardinghouse or rooming house | | P | P | | P | P | P |
| Caretaker's or watchman's quarters | | | | | | A | A |
| Duplex | | P | P | | P | P | P |
| Independent living | P | P | P | P | P | P | P |
| Live-work dwelling | P | P | P | P | P | P | P |
| Multiple family dwelling | C | C | P | C | P | P | P |
| Single family attached | | P | P | P | P | P | P |
| Single family detached | | P | P | | P | P | P |
| ***Educational and Institutional Uses*** | | | | | | | |
| Arts or Cultural Center | P | P | P | P | P | P | P |
| Assisted living facility | | P | | P | P | P | P |
| Civic club or fraternal organization | P | P | P | P | P | P | P |
| College or university | P | P | | P | P | P | P |
| Community Garden | C | P | P | P | P | P | P |
| Day care | C | C | C | C | C | C | C |
| Government facilities (city, excluding airport uses) | P | P | P | P | P | P | P |
| Government or public facilities (non-city) | P | P | P | P | P | P | P |
| Hospital | | P | | P | P | P | P |
| Religious assembly | P | P | P | P | P | P | P |
| School, business or trade | | P | P | P | P | P | P |
| School, public, private or parochial | P | P | P | P | P | P | P |
| Warming station | T | T | T | T | T | T | T |
| ***Recreational and Entertainment Uses*** | | | | | | | |
| Commercial entertainment, indoor | P | P | C | P | C | P | C |
| Commercial entertainment, outdoor | S | S | S | S | S | S | S |
| Gym or fitness studio | P | P | | P | P | P | P |
| Private club | S | S | S | S | S | S | S |
| Reception or event center, indoor | P | P | C | P | C | P | C |
| Reception or event center, outdoor | S | S | S | S | S | S | S |
| Recreation area, private | P | P | P | P | P | P | P |
| Sexually oriented business (See Ch. 138) | | | | | | | |

| | Historic Core | Downtown Core | Downtown Edge | Transit Village Core | Transit Village Edge | Cotton Mill Core | Cotton Mill Edge |
|---|---|---|---|---|---|---|---|
| ***Transportation, Automobile, and Related Uses*** | | | | | | | |
| Auto, motorcycle, truck, or boat, rental or sales | | | | | S | C | |
| Electric Vehicle Charging Station | A | A | A | A | A | A | A |
| Fuel sales, passenger vehicles | | | | C | C | C | |
| Parking garage or lot, paid or private | P | P | P | P | P | P | P |
| Transportation station | | C | | C | | C | |
| Vehicle repair, major | | | | | | | |
| Vehicle repair, minor | | | | | C | C | |
| ***Commercial Type, Retail, and Service Uses*** | | | | | | | |
| Animal care and services, indoor only | | P | | P | P | P | |
| Banks and financial services (with no drive-through service facility) | P | P | P | P | P | P | |
| Banks and financial services (with drive-through service facility) | | C | | C | | C | |
| Body art studio | | | | | | | |
| Clinic, medical or dental | P | P | P | P | P | P | P |
| Craft consumables | C | C | C | C | C | C | C |
| Dispatch office | | | | | P | P | |
| Construction field office | T | T | T | T | T | T | T |
| Farmer's market, permanent | P | P | P | P | P | P | |
| Food Truck Court | C | C | C | C | C | C | C |
| Food Truck Operation Site | C | C | C | C | C | C | C |
| Funeral home or mortuary | | C | | C | C | C | |
| Greenhouse or plant nursery | | P | P | P | P | P | |
| Hotel or motel | C | C | | C | C | C | |
| Office | P | P | P | P | P | P | P |
| Office showroom/warehouse | | | | P | P | P | P |
| Pawn shop | | | | | | | |
| Personal service (with drive-through service facility) | | C | | C | C | C | C |
| Personal service (with no drive-through service facility) | C | P | P | P | P | P | P |
| Radio or TV broadcast studio | | | | | P | P | |
| Retail sales (no drive-through service) | P | P | C | P | C | P | C |
| Retail sales (with drive-through service) | | C | | C | C | C | |
| Restaurant, brew pub | P | P | C | P | C | P | C |
| Restaurant, carry-out and delivery only | P | P | P | P | P | P | P |
| Restaurant, dine-in | P | P | C | P | C | P | C |
| Restaurant, drive-in or drive-through | | C | | C | C | C | |

| | Historic Core | Downtown Core | Downtown Edge | Transit Village Core | Transit Village Edge | Cotton Mill Core | Cotton Mill Edge |
|---|---|---|---|---|---|---|---|
| ***Industrial and Manufacturing Uses*** | | | | | | | |
| Cottage industrial | C | C | | C | C | C | |
| Manufacturing, light | | | | C | C | C | |
| Outdoor storage | | | | | | | |
| Utility substation | S | S | S | S | S | S | S |
| Warehouse | | | | C | C | C | |

- All uses not specifically listed are prohibited and shall be unlawful unless the Director of Planning has determined an appropriate use type for the unlisted use pursuant to the procedure in UDC §205B.4
- The following is the legend for interpreting the schedule of uses for the "MTC" -- McKinney Town Center zoning district:

| | |
|---|---|
| P | Use is permitted by right. |
| C | Use is permitted only if the design criteria in the following table are satisfied. |
| | Use is prohibited. |
| S | Use is permitted only with a Specific Use Permit under Section 203C.3. |
| T | Use is permitted with a Temporary Use Permit under Section 205H.2 & 205H.3. |
| A | Use is permitted as an Accessory Use under Section 205G.2 & MTC Section 7 |

**Design Criteria Table**

| Use | Character Districts | Design Criteria |
|---|---|---|
| Any use with a drive-through or drive-up facility (including banks and financial services; day cares; personal service; funeral homes and mortuaries; retail sales; restaurants) | ▪ All (see individual uses in Schedule of Permitted Uses) | ▪ Drive-through access (driveways) shall only be from Pedestrian Priority "B" Streets or from Service Streets.<br>▪ Drive-through lanes and/or canopies shall not have frontage along Pedestrian Priority "A" Streets. |
| Auto, motorcycle, truck, or boat, rental or sales | ▪ Transit Village Edge<br>▪ Cotton Mill Core | ▪ Sales shall not include truck or boat sales. |
| Auto, motorcycle, truck, or boat, rental or sales; Fuel sales, passenger vehicles; Vehicle repair, minor | ▪ Transit Village Core<br>▪ Transit Village Edge<br>▪ Cotton Mill Core | ▪ Service bays shall not be oriented towards Pedestrian Priority "A" Streets.<br>▪ Fuel pumps and canopies shall not be located with any frontage along Pedestrian Priority "A" Streets.<br>▪ Along Pedestrian Priority "B" Streets, service bays, fuel pumps and/or canopies shall not exceed 50% of the lot's street frontage.<br><br>(cont. on next page) |

| Use | Character Districts | Design Criteria |
|---|---|---|
| | | ▪ No outdoor storage along any Pedestrian Priority "A" Streets.<br>▪ Outdoor storage along any Pedestrian Priority "B" or Service Streets shall be screened with a street screen at least as high as the items being stored. |
| Commercial entertainment, indoor; reception or event center, indoor | ▪ Downtown Edge<br>▪ Transit Village Edge<br>▪ Cotton Mill Edge | ▪ Shall be located a minimum of 300 feet from any residential use or zone.<br>▪ This provision may be reduced or eliminated with a Specific Use Permit (SUP). |
| Community Garden | ▪ Historic Core | ▪ The use shall not engage in the retail sale of any goods. |
| Cottage industrial | ▪ Historic Core<br>▪ Downtown Core<br>▪ Transit Village Core<br>▪ Transit Village Edge<br>▪ Cotton Mill Core | ▪ All operations shall occur within a fully enclosed building.<br>▪ Shall be located only in buildings less than 20,000 square feet. |
| Craft Consumables | ▪ All | ▪ A Craft Consumables establishment shall not exceed 20,000 square feet.<br>▪ A Craft Consumables establishment 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. |
| Food truck courts; food truck operation sites | ▪ All | ▪ Shall meet the requirements for the corresponding use found in Section 205I.3 or 205I.4. |
| Hotel or motel | ▪ Historic Core<br>▪ Downtown Core<br>▪ Transit Village Core<br>▪ Transit Village Edge<br>▪ Cotton Mill Core | ▪ Room entrances shall be accessible only from a lobby or interior hallway. |
| Manufacturing, light; warehouse | ▪ Transit Village Core<br>▪ Transit Village Edge<br>▪ Cotton Mill Core | ▪ Only machine shops and welding operations shall be permitted for light manufacturing.<br>▪ Shall be located only in buildings less than 20,000 square feet. |
| Multiple family dwelling | ▪ Historic Core<br>▪ Downtown Core<br>▪ Transit Village Core | ▪ Along Pedestrian Priority "A" Streets, ground floors shall be built to Commercial Ready standards, including floor-to-floor height and at-grade to the sidewalk. |
| Personal Service | ▪ Historic Core | ▪ Shall not include any psychic or paranormal readings as described in MTC Section 4. |
| Retail sales; restaurant, (dine-in); restaurant, (brew pub) | ▪ Downtown Edge<br>▪ Transit Village Edge<br>▪ Cotton Mill Edge | ▪ Shall not exceed 20,000 square feet in area. |
| Transportation Station | ▪ Downtown Core<br>▪ Transit Village Core<br>▪ Cotton Mill Core | ▪ Shall not include taxi or shuttle services. |

# 7. BUILDING FORM AND SITE DEVELOPMENT STANDARDS

## 7.1 Historic Core

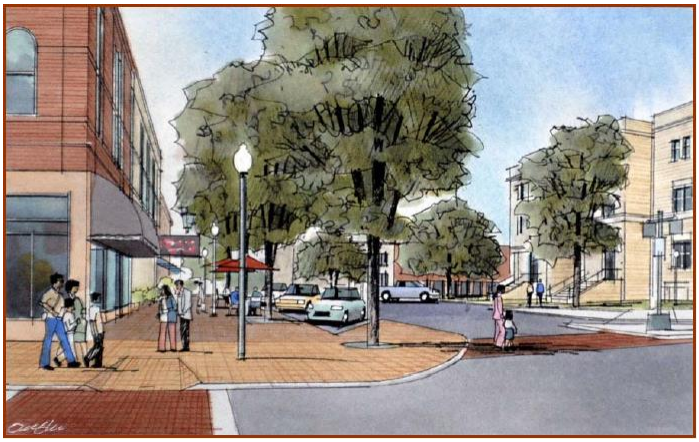
### 7.1.1 Illustrations and Intent

*Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.*

The Historic Core building form and site development standards are intended to encourage the preservation and redevelopment of the block around McKinney's historic courthouse square based on the Town Center Master Plan. Development standards will emphasize the redevelopment in keeping with the scale and historic significance of the area.

Generally, this character district may accommodate commercial or mixed use buildings in addition to requiring a minimum of 2 story building heights along the Historic Square frontage. Remodeling of existing historic buildings shall meet standards in Section 204.Z of the McKinney Zoning Regulations. The goal is to keep the blocks around the square viable for boutique and destination retail, restaurant, entertainment and civic uses that complement one another.



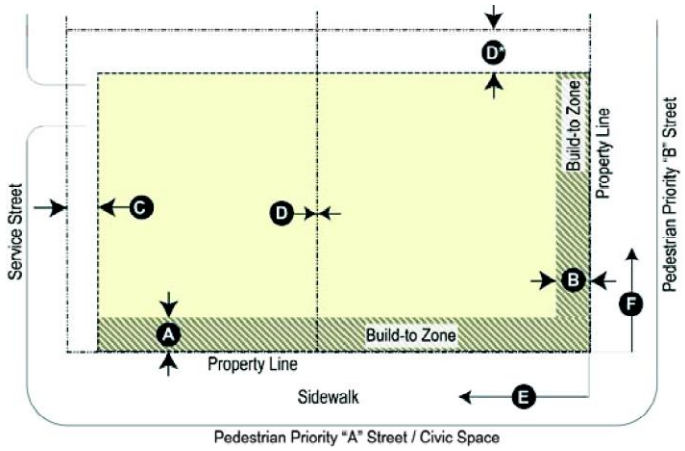






*Images from the McKinney Town Center Master Plan illustrating the development intent and existing context in the Historic Core Character District*

## 7.1.2 Building Placement




**Legend**

Property Line — Build-to Zone

Setback Line — Building Area

### (i) Build-to Zone (BTZ)
**(Distance from property line to edge of the zone)**

| | | |
|---|---|---|
| Pedestrian Priority "A" Street / Civic Space | 0' (min.) - 5' (max.) (see #1) | A |
| Pedestrian Priority "B" Street | 0' (min.) – 5' (max.) | B |
| Service Street | NA (see below for min. setback) | |

### (ii) Setbacks

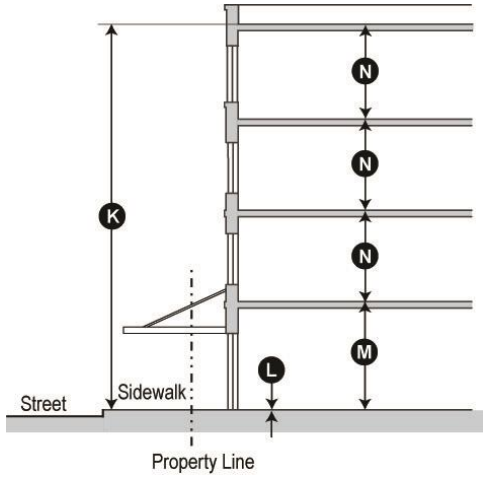
| | | |
|---|---|---|
| Service Street | 0' min. | C |
| Side | 0' min.; (see #2) | D |
| Rear | 0' min. (see #2) | D* |

### (iii) Building Frontage

| | | |
|---|---|---|
| Building Frontage required along Pedestrian Priority "A" Street/Civic Space BTZ | 95% (min.) (see #3 and #6) | E |
| Building Frontage required along Pedestrian Priority "B" BTZ | 25% (min.) (see #3 and #6) | F |
| Building Frontage required along Service Street | None Required | |

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

## 7.1.3 Building Height




### (i) Principal Building Standards

| | | |
|---|---|---|
| Building minimum | 2 stories min. fronting on the Historic Square (including corners of adjacent street intersections)<br>1 story min. along all other street frontages | K* |
| Building maximum | 4 stories (see #5 and #7) | K |
| First floor to floor height | Match adjoining historic building (if any) or no less than 14' for all commercial/mixed use buildings or for any building fronting Ped. Priority "A" Street<br>10' min. for any residential uses/buildings fronting on Ped. Priority "B" or Service Streets (see #4) | M |
| Ground floor finish level | 12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or buildings fronting on Ped. "A" Priority Streets) or<br>18 inches (min) for residential uses/buildings fronting on Ped. Priority "B" or Service Streets (see #12) | L |
| Upper floor(s) to floor height | 10' min. | N |

### (ii) Accessory Building Standards

Accessory buildings shall meet the standards for Principal Building standards in the Historic Core Character District.

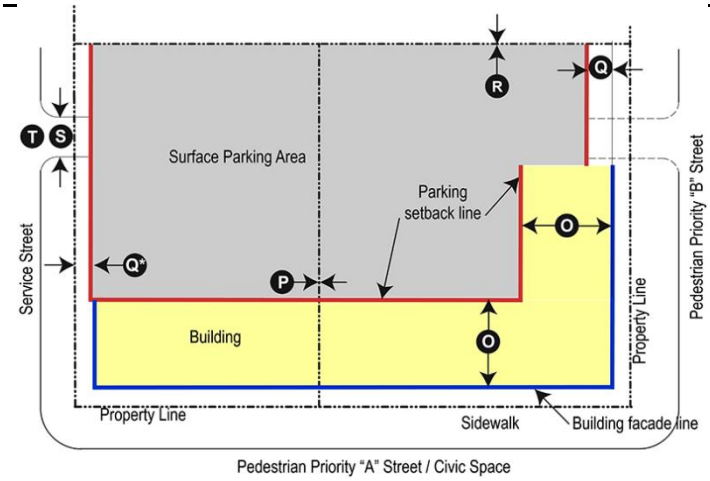
## 7.1.4 Commercial Frontage Requirements

(i) Ground floors of all buildings fronting on the Historic Square (including corners) shall not be occupied by residential uses and/or lodging rooms to a minimum depth of 25 feet as measured from the front building façade line.

(ii) Ground floors of all buildings fronting on Pedestrian Priority "A" Streets shall be constructed to Commercial Ready standards including but not limited to first floor-to-second floor height, ingress and egress, and accessibility. This standard shall not apply to civic buildings.

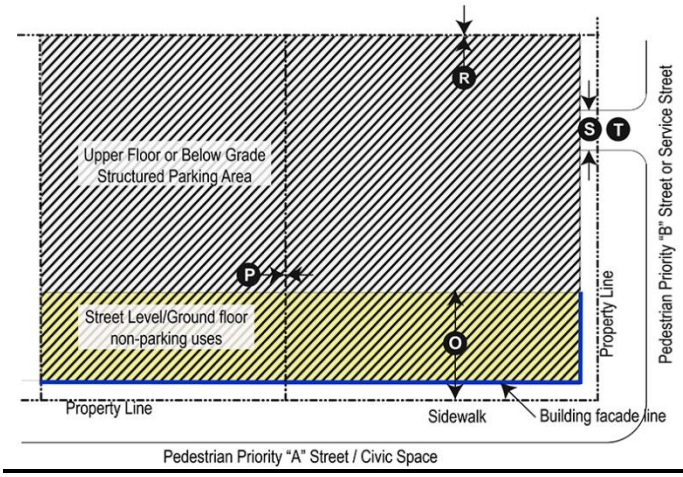
## 7.1.5 Parking & Service Access

### (i) Surface Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street Setback | Shall be located behind the principal building | O |
| Pedestrian Priority "B" Street Setback | Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage) | O Q |
| Service Street Setback | Shall be located 6' (min.) behind the property line | Q* |
| Side and Rear setbacks | 0' (see #2) | P R |

### (ii) Structured Parking or Below Grade Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street Setback | Min. of 30' from the property line | O |
| Pedestrian Priority "B" /Service Street setback | May be built up to the building façade line along each street or 6' behind the property line (if no building along the street frontage) | |
| Side and rear setback | 0' min. (see #2) | P R |

**Partially Below Grade Parking**

May be built up to the building façade line or 6' behind the property line (if no building along the street frontage) along Pedestrian Priority "B" and Service Streets only.

### (iii) Required Off-Street Parking Spaces

Existing buildings (non-residential and residential uses): No off-street parking is required. Conversions of non-residential uses into residential uses in existing buildings shall also not be required to provide off-street parking.

New Construction (including building additions):

- Non-residential uses shall not be required to provide any off-street parking.
- Residential uses shall provide 1 off-street parking space per dwelling unit.
- Shared parking may be provided per Section 206.E of the City of McKinney Zoning Regulations.

### (iv) Driveways and Service Access

| | | |
|---|---|---|
| Parking driveway width | 24' max. (at the throat) | S |
| Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. (see #13) | | T |

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "B" Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "A" Street only if the property has no access to either a Pedestrian Priority "B" or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority "A" or "B" Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

## 7.1.6 Encroachments

| | |
|---|---|
| Pedestrian Priority "A" Street / Civic Space | 50% of the depth of the sidewalk or 10' (whichever is less) (see #9) |
| Pedestrian Priority "B" Street | 50% of the depth of the sidewalk or 10' (whichever is less) (see #9) |
| Service Street | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line on to a Service Street R-O-W |
| Rear and side | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line |

## Notes on the Historic Core Character District

#1 – Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority "A" Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

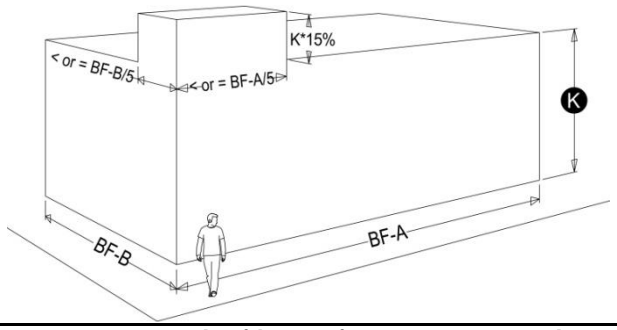
#3 – Corner building street facades along Pedestrian Priority "A" and "B" Streets shall be built to the BTZ for a minimum of 25' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent from incorporation of curved, chamfered corners of buildings or recessed entries.

#4 – First floor heights shall not apply to parking structures.

#5 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 – Any frontage along a Pedestrian Priority "A" or "B" Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 206.C.3.e for more specifications.

#7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.




#8 – Section 206.E.5, 6, and 7 of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

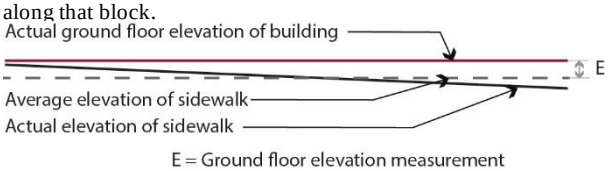
#9 – Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over on-street parking, a travel lane or over a side or rear property line.

#10 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 – Building frontage requirements for lots with frontage along two or more Pedestrian Priority "A" Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority "A" Street frontage. In such cases, the standard for one of the "A" Streets may be replaced by the required "B" Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority "B" Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority "B" Street frontage. In such cases, the standard for one of the "B" Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 – Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.




E = Ground floor elevation measurement

#13 – Driveway requirements for lots with frontage along two or more streets may be modified so that a second point of access may be located on a Pedestrian Priority "B" Street, provided that the primary access point is located on a Service Street.

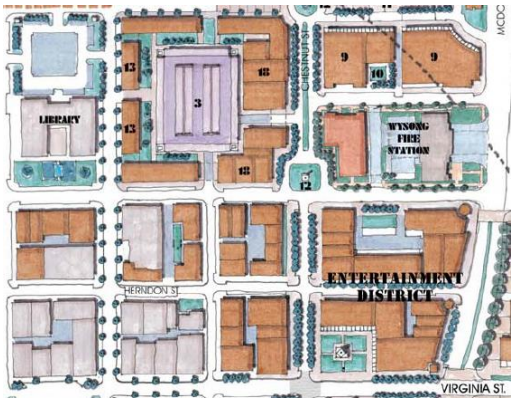
## 7.2 Downtown Core

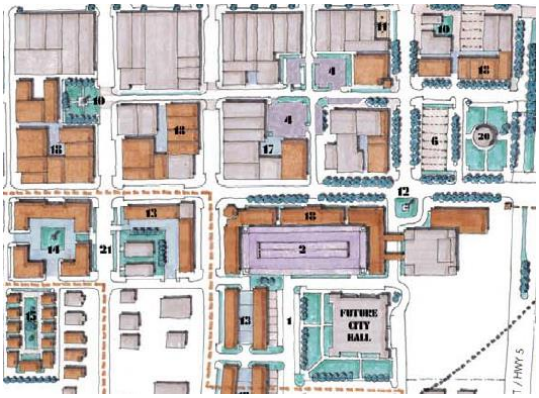
### 7.2.1 Illustrations and Intent

*Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.*

The Downtown Core building form and site development standards are intended to encourage the redevelopment of the blocks immediately surrounding the Historic Core based on the Town Center Master Plan. Development standards will emphasize the redevelopment of these blocks to support a mix of commercial and residential uses in a walkable urban form.

The Downtown Core blocks have the most potential for new development due to a significant amount of vacant or underutilized properties. In addition, the Master Plan shows preferred conceptual locations for parking structures and surface parking lots. These conceptual locations assume build-out of the plan as well as realization of the market economics of the build-out density. The location of parking structures should not preclude other locations. The preferred conceptual locations, however, provide guidance as to how parking structures should be scaled and sited relative to adjacent buildings and how they can provide shared parking opportunities.



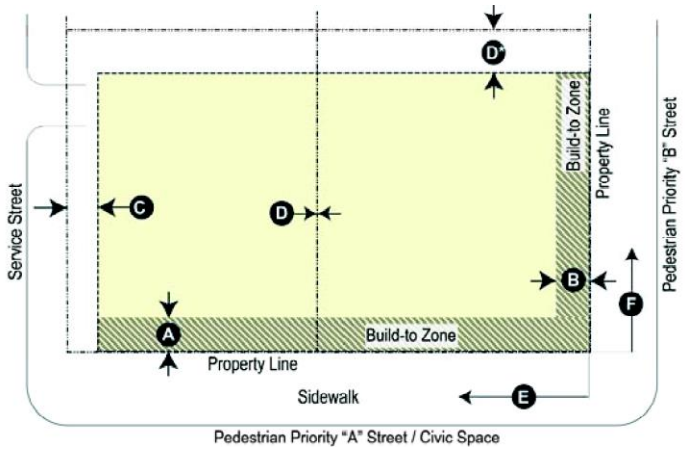






*Vision for the character of new development in the Downtown Core*



## 7.2.2 Building Placement




**Legend**

Property Line — Build-to Zone

Setback Line — Building Area

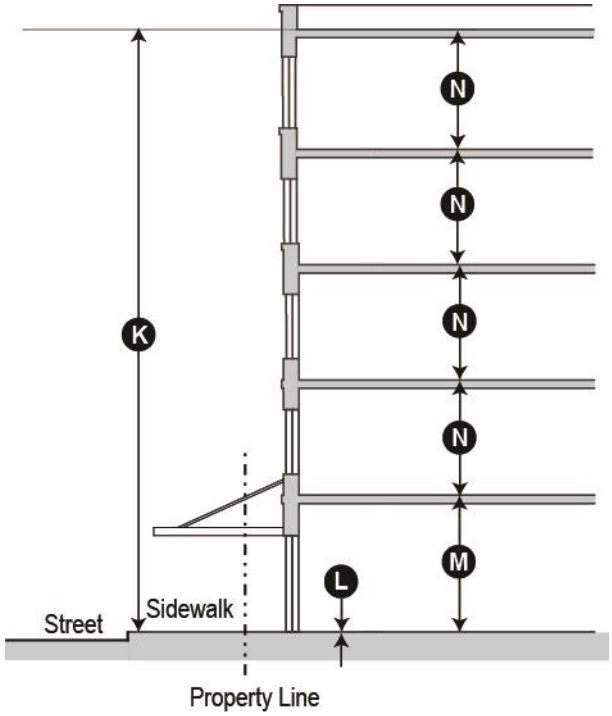
| (i) Build-to Zone (BTZ) (Distance from property line to edge of the zone) | | |
|---|---|---|
| Pedestrian Priority "A" Street / Civic Space | 0' (min.) - 10' (max.) (see #1) | A |
| Pedestrian Priority "B" Street | 0' (min.) – 10' (max.) | B |
| Service Street | NA (see below for min. setback) | |

| (ii) Setbacks | | |
|---|---|---|
| Service Street | 0' min. | C |
| Side | 0' min.; (see #2) | D |
| Rear | 0' min. (see #2) | D* |

| (iii) Building Frontage | | |
|---|---|---|
| Building Frontage required along Pedestrian Priority "A" Street/Civic Space BTZ | 90% (min.) (see #3 and #6) | E |
| Building Frontage required along Pedestrian Priority "B" BTZ | 50% (min.) (see #3 and #6) | F |
| Building Frontage required along Service Street | None Required | |

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

## 7.2.3 Building Height




| (i) Principal Building Standards | | |
|---|---|---|
| Building maximum | 5 stories (see #5, #7, and #14) | K |
| First floor to floor height | 12' (min.) for all commercial/mixed use buildings or any building fronting Ped. Priority "A" Street<br>10' (min.) for buildings fronting Ped. Priority "B" or Service Streets (see #4) | M |
| Ground floor finish level | 12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or buildings fronting on Ped. Priority "A" Streets)<br>18" (min.) above sidewalk for buildings fronting Ped. Priority "B" or Service Streets (see # 12) | L |
| Upper floor(s) to floor height | 10' min. | N |

### (ii) Accessory Building Standards

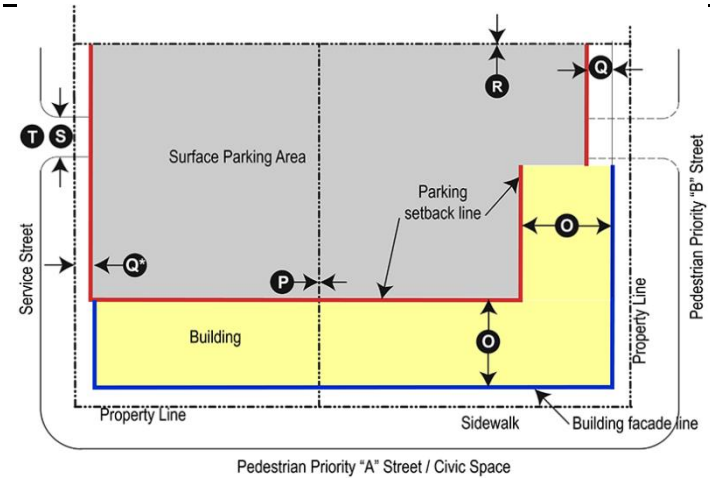
Accessory buildings shall meet the standards for Principal Building standards in the Downtown Core Character District.

## 7.2.4 Commercial Frontage Requirements

(i) Ground floors of all buildings fronting on Pedestrian Priority "A" Streets shall be constructed to Commercial Ready standards including but not limited to first floor-to-second floor height, ingress and egress, and accessibility. This standard shall not apply to civic buildings.

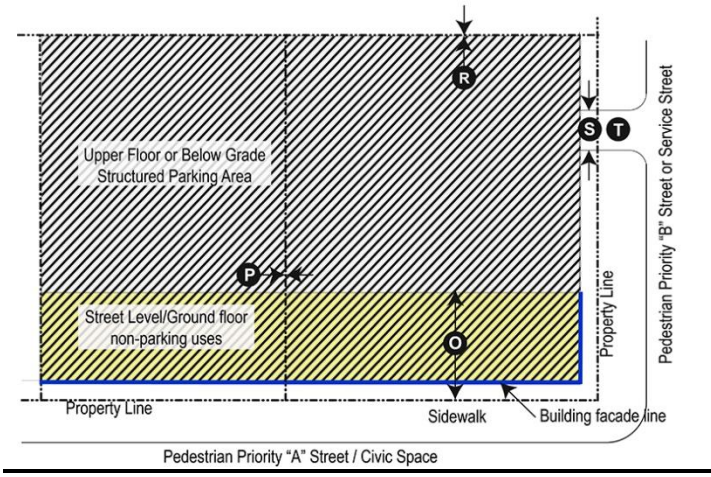
## 7.2.5 Parking & Service Access

### (i) Surface Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street Setback | Shall be located behind the principal building | O |
| Pedestrian Priority "B" Street Setback | Shall be located either behind the principal building or<br>3' (min.) behind the building façade line along that street only or<br>6' (min.) behind the property line (if not building along the street frontage) | O<br>Q |
| Service Street Setback | Shall be located 6' (min.) behind the property line | Q* |
| Side and Rear setbacks | 0' (see #2) | P R |

### (ii) Structured Parking or Below Grade Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street Setback | Min. of 30' from the property line | O |
| Pedestrian Priority "B" /Service Street setback | May be built up to the building façade line along each street or 6' behind the property line (if no building along the street frontage) | |
| Side and rear setback | 0' min. (see #2) | P R |

**Partially Below Grade Parking**

May be built up to the building façade line or 6' behind the property line (if no building along the street frontage) along Pedestrian Priority "B" and Service Streets only.

### (iii) Required Off-Street Parking Spaces

Existing buildings (non-residential and residential uses): No off-street parking is required. Conversions of non-residential uses into residential uses in existing buildings shall also not be required to provide off-street parking.

New Construction (including building additions):

- Non-residential uses shall not be required to provide any off-street parking.
- Residential uses shall provide 1 off-street parking space per dwelling unit.
- Shared parking may be provided per Section 206.E of the City of McKinney Zoning Regulations.

### (iv) Driveways and Service Access

| | | |
|---|---|---|
| Parking driveway width | 24' max. (at the throat) | S |
| Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. (see #13) | | T |

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "B" Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "A" Street only if the property has no access to either a Pedestrian Priority "B" or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority "A" or "B" Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

## 7.2.6 Encroachments

| | |
|---|---|
| Pedestrian Priority "A" Street / Civic Space | 50% of the depth of the sidewalk or 10' (whichever is less) (see #9) |
| Pedestrian Priority "B" Street | 50% of the depth of the sidewalk or 10' (whichever is less) (see #9) |
| Service Street | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line on to a Service Street R-O-W |
| Rear and side | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line |

## Notes on the Downtown Core Character District

#1 – Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority "A" Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

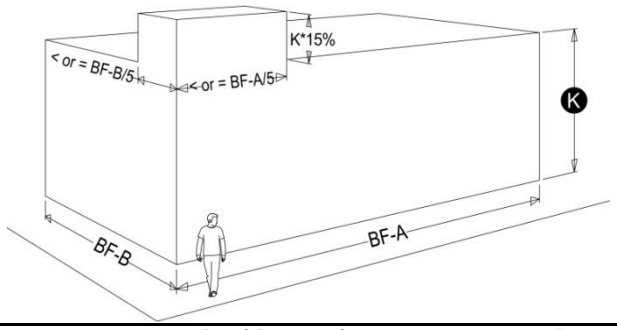
#3 – Corner building street facades along Pedestrian Priority "A" and "B" Streets shall be built to the BTZ for a minimum of 25' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 – First floor heights shall not apply to parking structures.

#5 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 – Any frontage along a Pedestrian Priority "A" or "B" Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 206.C.3.e for more specifications.

#7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.




#8 – Section 206.E.5, 6, and 7 of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

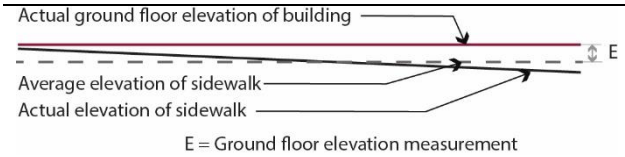
#9 – Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 – Building frontage requirements for lots with frontage along two or more Pedestrian Priority "A" Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority "A" Street frontage. In such cases, the standard for one of the "A" Streets may be replaced by the required "B" Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority "B" Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority "B" Street frontage. In such cases, the standard for one of the "B" Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 – Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.




#13 – Driveway requirements for lots with frontage along two or more streets may be modified so that a second point of access may be located on a Pedestrian Priority "B" Street, provided that the primary access point is located on a Service Street.

#14 – Bonus provisions to exceed the maximum building height: Building heights over 5 stories may be permitted with the following amenities with City Council approval only:

- Provision of plazas, squares, or civic open spaces based on the Town Center Master Plan
- Provision of structured parking

Building stepbacks required at the 6th story level

## 7.3 Downtown Edge

### 7.3.1 Illustrations and Intent

*Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.*

The Downtown Edge building form and site development standards are intended to encourage the redevelopment of the blocks between the Downtown Core and existing residential neighborhoods. Development standards will emphasize the transition of these blocks from the higher intensity of the Downtown Core to the lower intensity building types of the adjoining residential neighborhoods.

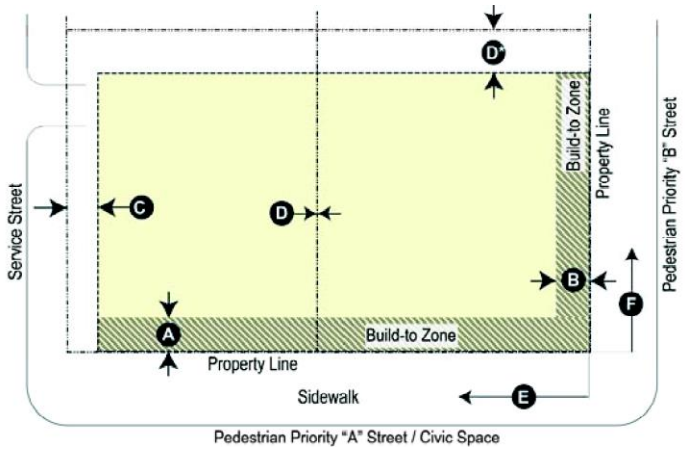
Townhomes and live-work units would be utilized within the Downtown Edge District to facilitate a transition of uses from commercial to noncommercial and a lessening of intensity in terms of residential building types. And, finally, cottages in several site configurations are depicted to complete the transition around the Downtown Core.

The Downtown Edge standards emphasize the retention of existing residential building types while allowing for limited commercial and a range of urban residential uses.




*Images representing character of existing development and intended new development in Downtown Edge*

## 7.3.2 Building Placement




**Legend**

Property Line — Build-to Zone

Setback Line — Building Area

### (i) Build-to Zone (BTZ)
### (Distance from property line to edge of the zone)

| | | |
|---|---|---|
| Pedestrian Priority "A" Street / Civic Space | 5' (min.) - 20' (max.) (see #1) | A |
| Pedestrian Priority "B" Street | 5' (min.) – 20' (max.) | B |
| Service Street | NA (see below for min. setback) | |

### (ii) Setbacks

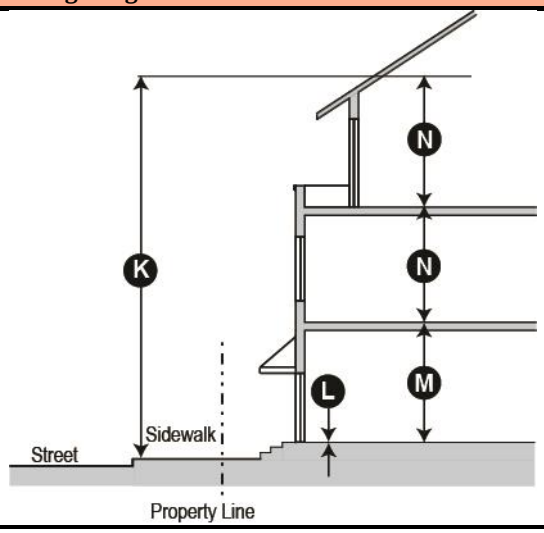
| | | |
|---|---|---|
| Service Street | 0' min. | C |
| Side (for single-family attached/townhome buildings) | 0' min. | D |
| Side (for all other detached building types) | 5' min. (see #2) | D |
| Rear | 5' min. (see #2) | D* |

### (iii) Building Frontage

| | | |
|---|---|---|
| Building Frontage required along Pedestrian Priority "A" Street/Civic Space BTZ | 75% (min.) (see #3 and #6) | E |
| Building Frontage required along Pedestrian Priority "B" BTZ | 50% (min.) (see #3 and #6) | F |
| Building Frontage required along Service Street | None Required | |

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

## 7.3.3 Building Height




### (i) Principal Building Standards

| | | |
|---|---|---|
| Building maximum | 3 stories (see #5 and #7) | K |
| First floor to floor height | 12' (min.) for all commercial/mixed use buildings<br>10' (min.) for residential uses/buildings or buildings fronting on Ped. Priority "B" and Service Streets (see #4) | M |
| Ground floor finish level | 12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings)<br>18" (min.) above sidewalk for residential uses/buildings (see # 12) | L |
| Upper floor(s) to floor height | 10' min. | N |

### (ii) Accessory Building Standards

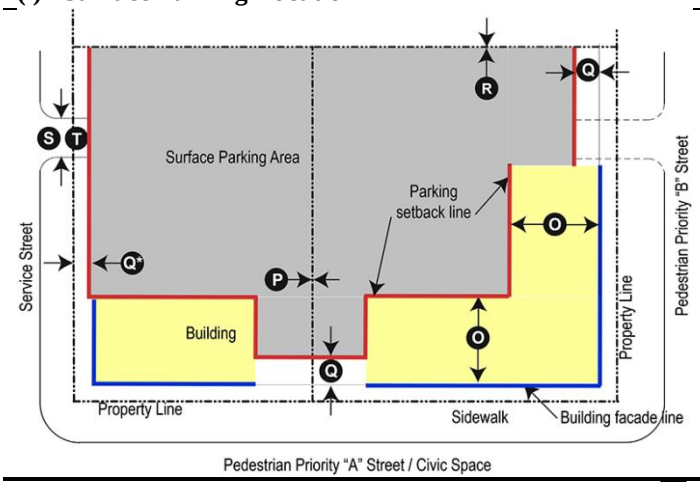
| | |
|---|---|
| Building Height | 2 stories (max.) |
| BTZ/Setbacks | Shall be placed behind the front façade of the principal building along Pedestrian Priority "A" Streets. If the principal building has no Pedestrian Priority "A" Street frontage, then the accessory building shall be place behind the front façade of the building along either a Pedestrian Priority "B" or Service Street. |
| Building Footprint | Shall be limited to no more than 75% of the principal building footprint |

## 7.3.4 Lot and Block Standards

| | |
|---|---|
| Lot Width | Min. 20' for single-family attached/ townhome buildings<br>Min. 35' for single-family detached and duplex buildings |
| Lot Depth | Min. 75' |
| Block Length | Max. 500' |

## 7.3.5 Parking & Service Access

### (i) Surface Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street /Civic Space Setback | Shall be located behind the principal building | O |
| Pedestrian Priority "B" Street Setback | Shall be located either behind the principal building or<br>3' (min.) behind the building façade line along that street only or<br>6' (min.) behind the property line (if not building along the street frontage) | O<br>Q |
| Service Street Setback | Shall be located 6' (min.) behind the property line | Q* |
| Side and Rear setbacks | 0' (see #2) | P R |

### (ii) Required Off-Street Parking Spaces

Non-residential uses (existing and new construction): Shall provide 1 off-street parking space per 500 gross square feet. The first 2,000 gross square feet of every non-residential building or portion thereof may be exempt from this parking requirement.

Residential uses: All residential uses (conversions in existing buildings and new construction) shall provide 1 off-street parking space per dwelling unit.

Shared parking may be provided per Section 206.E of the City of McKinney Zoning Regulations.

### (iii) Driveways and Service Access

| | | |
|---|---|---|
| Parking driveway width | 24' max. (at the throat) | S |

*Commercial Driveways:*

Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. (see #13) T

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "B" Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "A" Street only if the property has no access to either a Pedestrian Priority "B" or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority "A" or "B" Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

*Residential Driveways and Garages:*

Garages for Residential Buildings shall be located on Service Streets or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport.

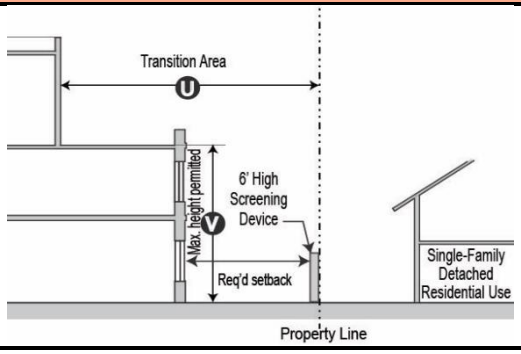
Front-loaded garages on residential lots less than 40 feet wide shall not be allowed.

Town homes and courtyard apartments shall utilize garages with access from Service Streets only.

## 7.3.6 Encroachments

| | |
|---|---|
| Pedestrian Priority "A" Street / Civic Space | 50% of the depth of the sidewalk or 10' (whichever is less)<br>(see #9) |
| Pedestrian Priority "B" Street | 50% of the depth of the sidewalk or 10' (whichever is less)<br>(see #9) |
| Service Street | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line on to a Service Street R-O-W |
| Rear and side | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line |

## 7.3.7 Residential Transition Standards




The following residential transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to existing single family detached residential uses but shall not apply when an improved public street or railroad right-of-way separates the new building construction from the existing single-family detached residential use.

| | | |
|---|---|---|
| Transition Area | 35' (min.) | U |
| Max. Building Height within Transition Area | 2 stories | V |

A Residential Transition Area Screening Device (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single family detached residential use and shall be optional for all other adjacencies. Refer to the City of McKinney Zoning Regulations Section 206C.3.e for more information.

**Notes on the Downtown Edge Character District**

#1 – Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority "A" Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

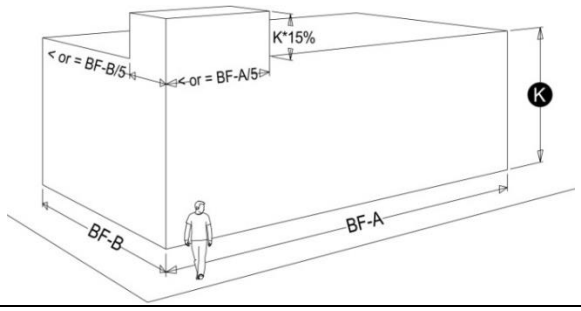
#3 – Corner building street facades along Pedestrian Priority "A" and "B" Streets shall be built to the BTZ for a minimum of 20' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 – First floor heights shall not apply to parking structures.

#5 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 – Any frontage along a Pedestrian Priority "A" or "B" Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 206.C.3.e for more specifications.

#7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.




#8 – Section 206.E.5, 6, and 7 of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

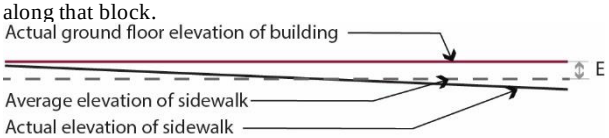
#9 – Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 – Building frontage requirements for lots with frontage along two or more Pedestrian Priority "A" Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority "A" Street frontage. In such cases, the standard for one of the "A" Streets may be replaced by the required "B" Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority "B" Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority "B" Street frontage. In such cases, the standard for one of the "B" Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 – Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.




E = Ground floor elevation measurement

#13 – Driveway requirements for lots with frontage along two or more streets may be modified so that a second point of access may be located on a Pedestrian Priority "B" Street, provided that the primary access point is located on a Service Street.

## 7.4 Transit Village Core

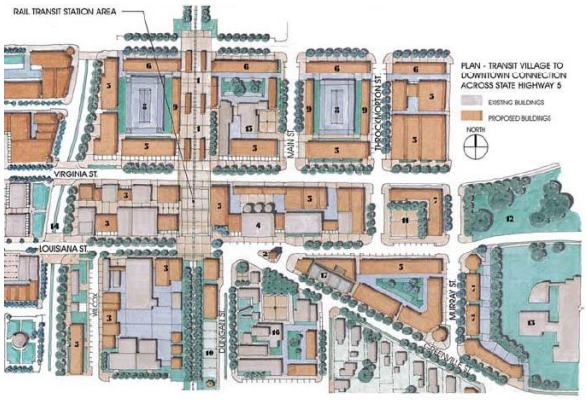
### 7.4.1 Illustrations and Intent

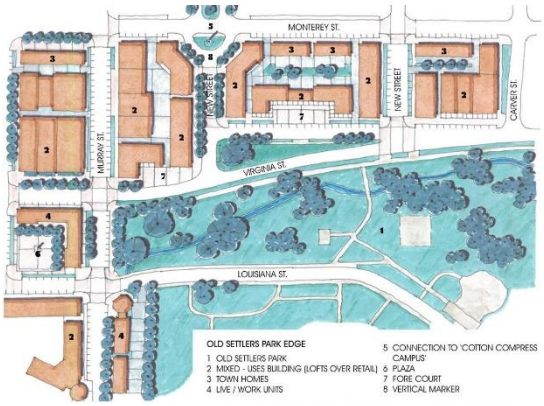
*Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.*

The Town Center Master Plan illustrates several concepts for the redevelopment of the area east of SH 5 and the location of a future transit-oriented development. One key goal is to link the Historic Square with Old Settlers Park by providing a better pedestrian environment across State Highway 5.

Key concepts include:

- A transit-oriented development pattern around the future transit station
- A redesign of State Highway 5 to foster a more pedestrian friendly environment
- Preservation and adaptive reuse of historic buildings
- Stronger east-west connectivity
- Infill redevelopment (mixed use and urban residential)





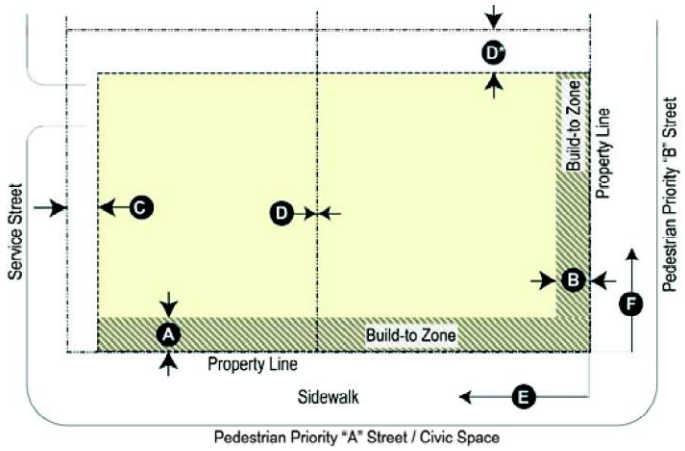







*Images representative of the character of existing development and intended new development in the Transit Village Core Character District*

## 7.4.2 Building Placement




**Legend**

Property Line — Build-to Zone

Setback Line — Building Area

**(i) Build-to Zone (BTZ)**
**(Distance from property line to edge of the zone)**

| | | |
|---|---|---|
| Pedestrian Priority "A" Street / Civic Space | 5' (min.) - 10' (max.) (see #1) | A |
| Pedestrian Priority "B" Street | 5' (min.) – 10' (max.) | B |
| Service Street | NA (see below for min. setback) | |

**(ii) Setbacks**

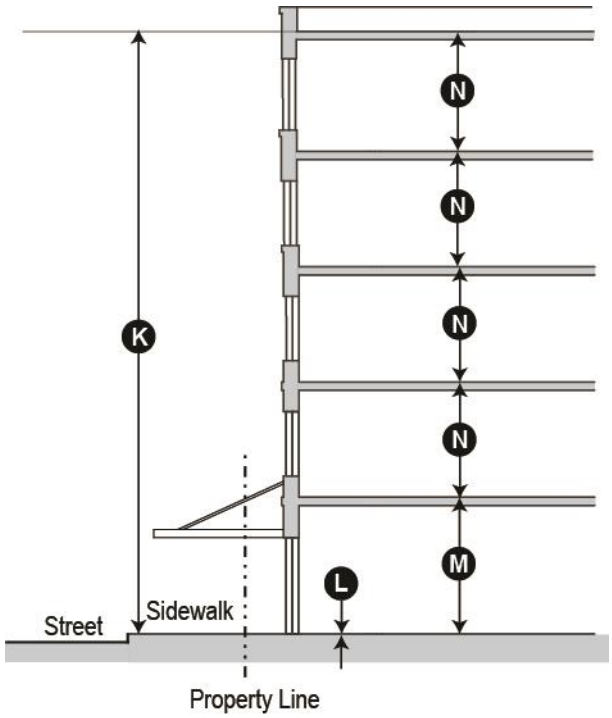
| | | |
|---|---|---|
| Service Street | 0' min. | C |
| Side | 0' min.; (see #2) | D |
| Rear | 0' min. (see #2) | D* |

**(iii) Building Frontage**

| | | |
|---|---|---|
| Building Frontage required along Pedestrian Priority "A" Street/Civic Space BTZ | 85% (min.) (see #3 and #6) | E |
| Building Frontage required along Pedestrian Priority "B" BTZ | 50% (min.) (see #3 and #6) | F |
| Building Frontage required along Service Street | None Required | |

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

## 7.4.3 Building Height




**(i) Principal Building Standards**

| | | |
|---|---|---|
| Building maximum | 5 stories (see #5, #7, and #14) | K |
| First floor to floor height | 12' (min.) for all commercial/mixed use buildings or any building fronting Ped. Priority "A" Street<br>10' (min.) for buildings fronting Ped. Priority "B" or Service Streets (see #4) | M |
| Ground floor finish level | 12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or buildings fronting on Ped. Priority "A" Streets)<br>18" (min.) above sidewalk for buildings fronting Ped. Priority "B" or Service Streets (see # 12) | L |
| Upper floor(s) to floor height | 10' min. | N |

**(ii) Accessory Building Standards**

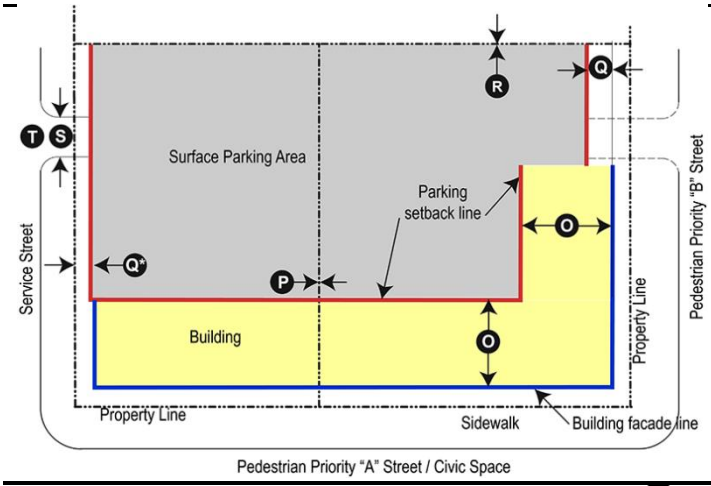
Accessory buildings shall meet the standards for Principal Building standards in the Transit Village Core Character District.

## 7.4.4 Commercial Frontage Requirements

(i) Ground floors of all buildings fronting on Pedestrian Priority "A" Streets shall be constructed to Commercial Ready standards including but not limited to first floor-to-second floor height, ingress and egress, and accessibility. This standard shall not apply to civic buildings.

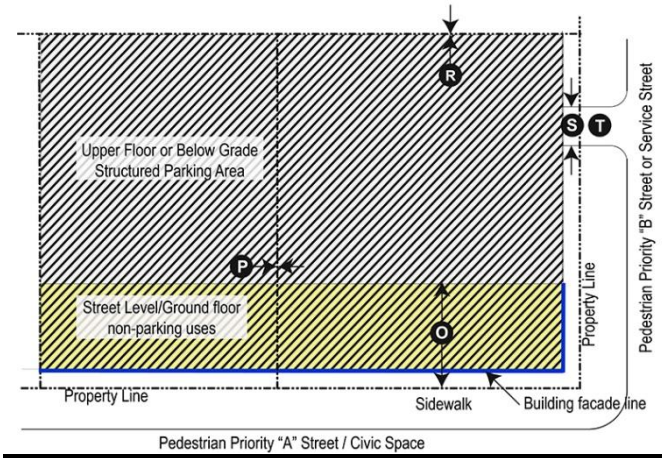
## 7.4.5 Parking & Service Access

### (i) Surface Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street Setback | Shall be located behind the principal building | O |
| Pedestrian Priority "B" Street Setback | Shall be located either behind the principal building or<br>3' (min.) behind the building façade line along that street only or<br>6' (min.) behind the property line (if not building along the street frontage) | O<br>Q |
| Service Street Setback | Shall be located 6' (min.) behind the property line | Q* |
| Side and Rear setbacks | 0' (see #2) | P R |

### (ii) Structured Parking or Below Grade Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street Setback | Min. of 30' from the property line | O |
| Pedestrian Priority "B" /Service Street setback | May be built up to the building façade line along each street only or<br>6' (min.) behind the property line (if not building along the street frontage) | |
| Side and rear setback | 0' min. (see #2) | P R |

**Partially Below Grade Parking**

May be built up to the building façade line only or 6' (min.) behind the property line (if not building along the street frontage) along Pedestrian Priority "B" and Service Streets only.

### (iii) Required Off-Street Parking Spaces

Existing buildings (non-residential and residential uses): No off-street parking is required. Conversions of non-residential uses into residential uses in existing buildings shall also not be required to provide off-street parking.

New Construction (including building additions):

- Non-residential uses shall provide 1 off-street parking space per 500 gross square feet, with the exception of light industrial uses which shall provide 1 off-street parking space for every 1,000 square feet unless a lower parking requirement is provided per Section 206.E of the City of McKinney Zoning Regulations.

Residential uses shall provide 1 off-street parking space per dwelling unit.

Shared parking may be provided per Section 206.E of the City of McKinney Zoning Regulations.

### (iv) Driveways and Service Access

| | | |
|---|---|---|
| Parking driveway width | 24' max. (at the throat) | S |
| Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. (see #13) | | T |
| Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "B" Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street. | | |
| Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "A" Street only if the property has no access to either a Pedestrian Priority "B" or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street. | | |
| Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority "A" or "B" Street. | | |
| Screening of service and loading/unloading areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations. | | |

## 7.4.6 Encroachments

| | |
|---|---|
| Pedestrian Priority "A" Street / Civic Space | 50% of the depth of the sidewalk or 10' (whichever is less)<br>(see #9) |
| Pedestrian Priority "B" Street | 50% of the depth of the sidewalk or 10' (whichever is less)<br>(see #9) |
| Service Street | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line on to a Service Street R-O-W |
| Rear and side | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line |

## Notes on the Transit Village Core Character District

#1 – Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority "A" Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

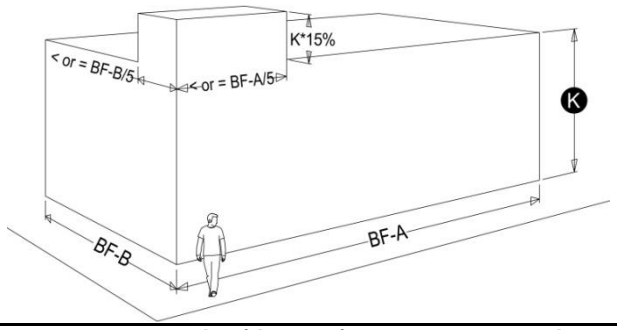
#3 – Corner building street facades along Pedestrian Priority "A" and "B" Streets shall be built to the BTZ for a minimum of 25' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 – First floor heights shall not apply to parking structures.

#5 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 – Any frontage along a Pedestrian Priority "A" or "B" Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 206.C.3.e for more specifications.

#7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.




#8 – Section 206.E.5, 6, and 7 of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

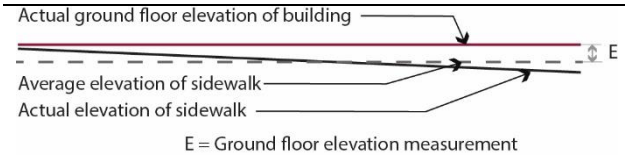
#9 – Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 – Building frontage requirements for lots with frontage along two or more Pedestrian Priority "A" Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority "A" Street frontage. In such cases, the standard for one of the "A" Streets may be replaced by the required "B" Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority "B" Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority "B" Street frontage. In such cases, the standard for one of the "B" Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 – Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.




#13 – Driveway requirements for lots with frontage along two or more streets may be modified so that a second point of access may be located on a Pedestrian Priority "B" Street, provided that the primary access point is located on a Service Street.

#14 – Bonus provisions to exceed the maximum building height: Building heights over 5 stories may be permitted with the following amenities with City Council approval only:

- Provision of plazas, squares, or civic open spaces based on the Town Center Master Plan
- Provision of structured parking

Building stepbacks required at the 6th story level

## 7.5 Transit Village Edge

### 7.5.1 Illustrations and Intent

*Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.*

The Transit Village Edge building form and site development standards implement the recommendations of the Town Center Master Plan for the blocks around the Transit Village Core. The standards emphasize the reuse of existing buildings, re-establishing a walkable street grid, and allowing for an eclectic mix of building types and uses from residential to cottage and light industrial uses.

The Transit Village Edge acts as the transition from the higher intensity Transit Village Core to the existing residential neighborhoods north and south of the Town Center and the rail station area. One of the key concepts is the potential redevelopment of the Cotton Compress site as a cultural and educational institution.





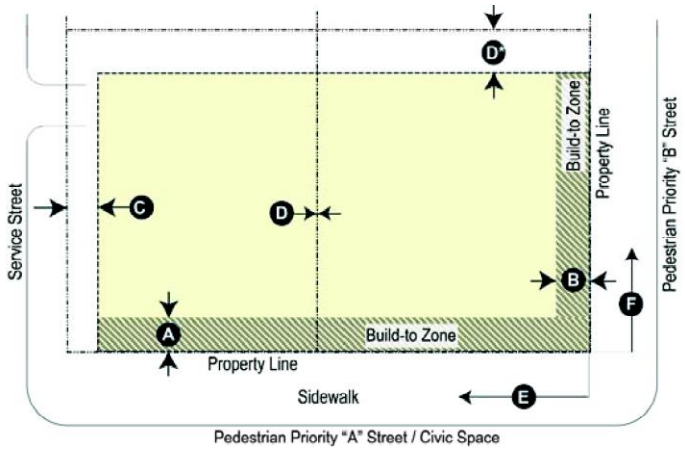







*Images showing the character of intended new development in the Transit Village Edge Character District*

## 7.5.2 Building Placement




**Legend**

Property Line — Build-to Zone

Setback Line — Building Area

### (i) Build-to Zone (BTZ)
**(Distance from property line to edge of the zone)**

| | | |
|---|---|---|
| Pedestrian Priority "A" Street / Civic Space | 5' (min.) - 20' (max.) (see #1) | A |
| Pedestrian Priority "B" Street | 5' (min.) – 20' (max.) | B |
| Service Street | NA (see below for min. setback) | |

### (ii) Setbacks

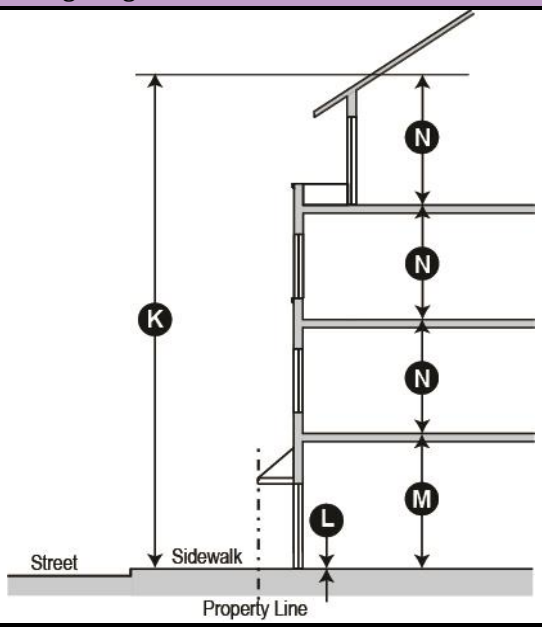
| | | |
|---|---|---|
| Service Street | 0' min. | C |
| Side (for single-family attached/townhome buildings) | 0' min. | D |
| Side (for all other detached building types) | 5' min. (see #2) | D |
| Rear | 5' min. (see #2) | D* |

### (iii) Building Frontage

| | | |
|---|---|---|
| Building Frontage required along Pedestrian Priority "A" Street/Civic Space BTZ | 70% (min.) (see #3 and #6) | E |
| Building Frontage required along Pedestrian Priority "B" BTZ | 25% (min.) (see #3 and #6) | F |
| Building Frontage required along Service Street | None Required | |

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

## 7.5.3 Building Height




### (i) Principal Building Standards

| | | |
|---|---|---|
| Building maximum | 4 stories (see #5 and #7) | K |
| First floor to floor height | 12' (min.) for all commercial/mixed use buildings<br>10' (min.) for residential uses/buildings or buildings fronting on Service Streets (see #4) | M |
| Ground floor finish level | 12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings)<br>18" (min.) above sidewalk for residential uses/buildings (see # 12) | L |
| Upper floor(s) to floor height | 10' min. | N |

### (ii) Accessory Building Standards

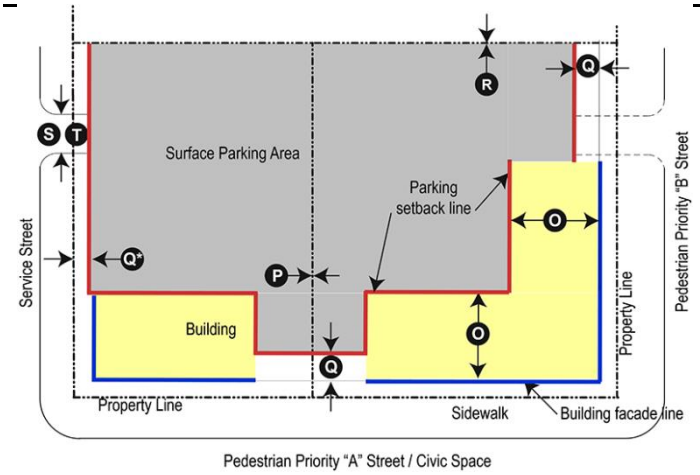
| | |
|---|---|
| Building Height | 2 stories (max.) |
| BTZ/Setbacks | Shall be placed behind the front façade of the principal building along Pedestrian Priority "A" Streets. If the principal building has no Pedestrian Priority "A" Street frontage, then the accessory building shall be place behind the front façade of the building along either a Pedestrian Priority "B" or Service Street. |
| Building Footprint | Shall be limited to no more than 75% of the principal building footprint |

## 7.5.4 Lot and Block Standards

| | |
|---|---|
| Lot Width | Min. 20' for single-family attached/ townhome buildings<br>Min. 35' for single-family detached and duplex buildings<br>No min. for commercial, mixed use or cottage/light industrial uses |
| Lot Depth | No min. or max. |
| Block face dimensions | Max. 600' |
| Block Perimeter | Max. 1,600' |

## 7.5.5 Parking & Service Access

### (i) Surface Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street /Civic Space Setback | Shall be located behind the principal building | O |
| Pedestrian Priority "B" Street Setback | Shall be located either behind the principal building or<br>3' (min.) behind the building façade line along that street only or<br>6' (min.) behind the property line (if not building along the street frontage) | O<br>Q |
| Service Street Setback | Shall be located 6' (min.) behind the property line | Q* |
| Side and Rear setbacks | 0' (see #2) | P R |

### (ii) Required Off-Street Parking Spaces

Non-residential uses (existing and new construction): Shall provide 1 off-street parking space per 500 gross square feet with the exception of light or cottage industrial uses which shall provide 1 off-street parking space for every 1,000 sq.ft. unless a lower parking requirement is provided per Section 206.E of the City of McKinney Zoning Regulations. The first 2,000 gross square feet of every non-residential use/building or portion thereof may be exempt from this parking requirement.

Residential uses: All residential uses (conversions in existing buildings and new construction) shall provide 1 off-street parking space per dwelling unit.

Shared parking may be provided per Section 206.E of the City of McKinney Zoning Regulations.

### (iii) Driveways and Service Access

| | | |
|---|---|---|
| Parking driveway width | 30' max. (at the throat) for truck access only<br>24' max. (at the throat) for all other driveways | S |

*Commercial Driveways:*

Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "B" Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street. (see #13)

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "A" Street only if the property has no access to either a Pedestrian Priority "B" or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority "A" or "B" Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

*Residential Driveways and Garages:* T

Garages for Residential Buildings shall be located on Service Streets or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport.

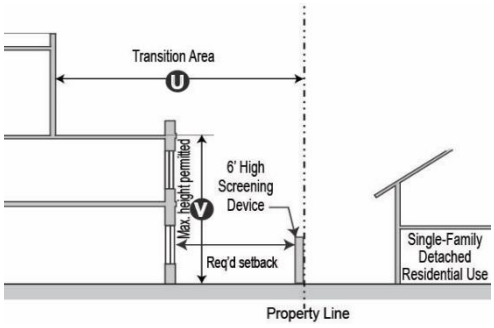
Front-loaded garages on residential lots less than 40 feet wide shall not be allowed.

Town homes and courtyard apartments shall utilize garages with access from Service Streets only.

## 7.5.6 Encroachments

| | |
|---|---|
| Pedestrian Priority "A" Street / Civic Space | 50% of the depth of the sidewalk or 10' (whichever is less)<br>(see #9) |
| Pedestrian Priority "B" Street | 50% of the depth of the sidewalk or 10' (whichever is less)<br>(see #9) |
| Service Street | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line on to a Service Street R-O-W |
| Rear and side | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line |

## 7.5.7 Residential Transition Standards




The following residential transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to existing single family detached residential uses but shall not apply when an improved public street or railroad right-of-way separates the new building construction from the existing single-family detached residential use.

| | | |
|---|---|---|
| Transition Area | 25' (min.) | U |
| Max. Building Height within Transition Area | 2 stories | V |

A Residential Transition Area Screening Device (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single family detached residential use and shall be optional for all other adjacencies. Refer to the City of McKinney Zoning Regulations Section 206C.3.e for more information.

**Notes on the Transit Village Edge Character District**

#1 – Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority "A" Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

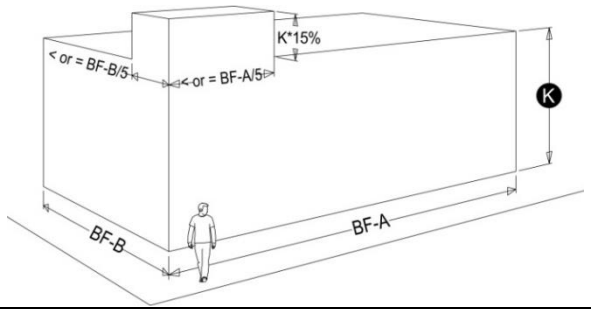
#3 – Corner building street facades along Pedestrian Priority "A" and "B" Streets shall be built to the BTZ for a minimum of 20' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 – First floor heights shall not apply to parking structures.

#5 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 – Any frontage along a Pedestrian Priority "A" or "B" Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 206.C.3.e for more specifications.

#7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.




#8 – Section 206.E.5, 6, and 7 of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

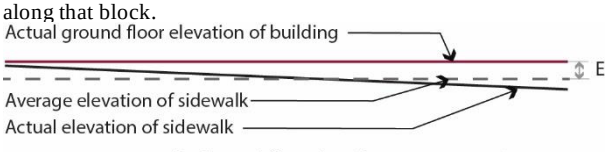
#9 – Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 – Building frontage requirements for lots with frontage along two or more Pedestrian Priority "A" Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority "A" Street frontage. In such cases, the standard for one of the "A" Streets may be replaced by the required "B" Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority "B" Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority "B" Street frontage. In such cases, the standard for one of the "B" Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 – Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.




#13 – Driveway requirements for lots with frontage along two or more streets may be modified so that a second point of access may be located on a Pedestrian Priority "B" Street, provided that the primary access point is located on a Service Street.

## 7.6 Cotton Mill Core

### 7.6.1 Illustrations and Intent

*Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.*

The Cotton Mill Core District standards are intended to implement the recommendations for an Entrepreneurial Village at this location. It is intended to take advantage of its regional location, access to SH 5, proximity to the airport, and the historic Cotton Mill buildings.

The Cotton Mill Core would anchor the area, serving as a de facto incubator for emerging technology firms. The land around the mill could be developed to house "graduates" of the Cotton Mill who need more space but want to stay in the area and in a similar space. The main goal is to preserve the historic architecture of the Cotton Mill and facilitate its adaptive reuse, while at the same time creating a modern environment suitable for high tech businesses.

The concept plan shows a walkable "campus" of general office buildings that could support some small-service retail as well as additional space that support the large events within the Cotton Mill building. Higher density residential and civic/open space should be used to buffer the campus from the residential neighborhoods.



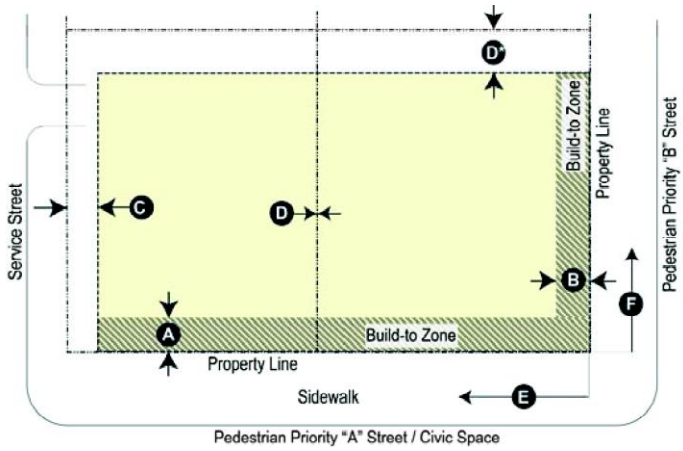







*Images representative of the character of existing development and intended new development in the Cotton Mill Core Character District*

## 7.6.2 Building Placement




**Legend**

Property Line
Build-to Zone
Setback Line
Building Area

### (i) Build-to Zone (BTZ)
**(Distance from property line to edge of the zone)**

| | | |
|---|---|---|
| Pedestrian Priority "A" Street / Civic Space | 5' (min.) - 45' (max.) (see #1) | A |
| Pedestrian Priority "B" Street | 5' (min.) – 70' (max.) (see #1) | B |
| Service Street | NA (see below for min. setback) | |

### (ii) Setbacks

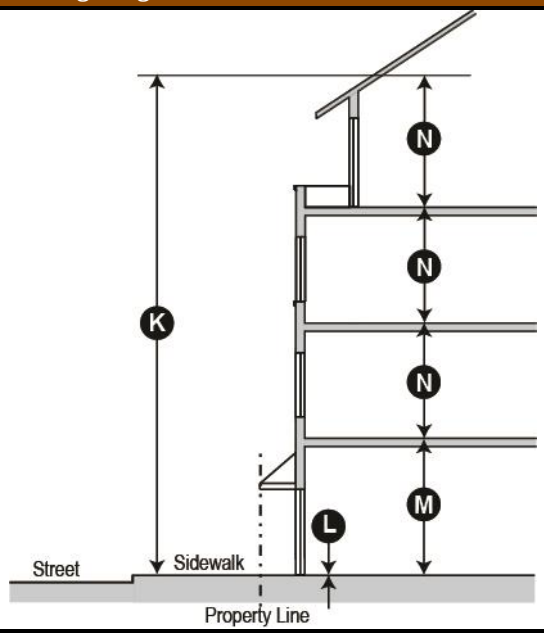
| | | |
|---|---|---|
| Service Street | 5' min. | C |
| Side (for single-family attached/townhome buildings) | 0' min. | D |
| Side (for all other detached building types) | 10' min. (see #2) | D |
| Rear | 10' min. (see #2) | D* |

### (iii) Building Frontage

| | | |
|---|---|---|
| Building Frontage required along Pedestrian Priority "A" Street/Civic Space BTZ | 60% (min.) (see #3 and #6) | E |
| Building Frontage required along Pedestrian Priority "B" BTZ | 25% (min.) (see #3 and #6) | F |
| Building Frontage required along Service Street | None Required | |

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

## 7.6.3 Building Height




### (i) Principal Building Standards

| | | |
|---|---|---|
| Building maximum | 4 stories (see #5 and #7) | K |
| First floor to floor height | 12' (min.) for all commercial/mixed use buildings or any building fronting Ped. Priority "A" Street<br>10' (min.) for buildings fronting Ped. Priority "B" or Service Streets (see #4) | M |
| Ground floor finish level | 12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings)<br>18" (min.) above sidewalk for residential buildings (see # 12) | L |
| Upper floor(s) to floor height | 10' min. | N |

### (ii) Accessory Building Standards

Accessory buildings shall meet the standards for Principal Building standards in the Cotton Mill Core Character District.

## 7.6.4 Commercial Frontage Requirements

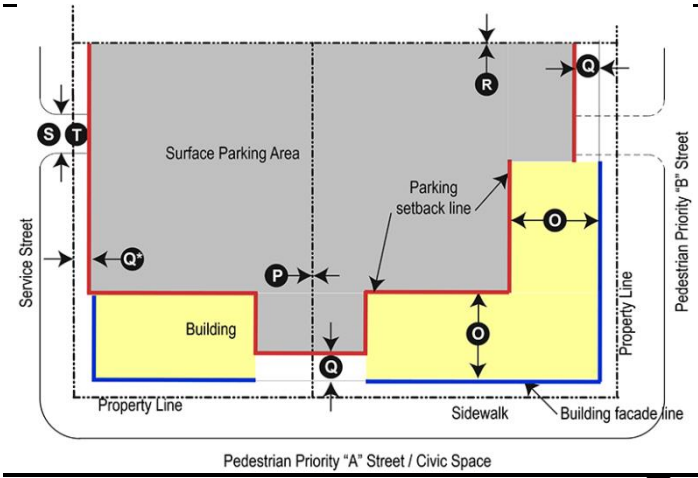
(i) Ground floors of all buildings fronting on Pedestrian Priority "A" Streets shall be constructed to Commercial Ready standards including but not limited to first floor-to-second floor height, ingress and egress, and accessibility. This standard shall not apply to civic buildings.

## 7.6.5 Lot Standards

| | |
|---|---|
| Lot Width | Min. 20' for single-family attached/ townhome buildings<br>Min. 35' for single-family detached and duplex buildings<br>No min. for non-residential or multi-family uses |
| Lot Depth | No min. or max. |

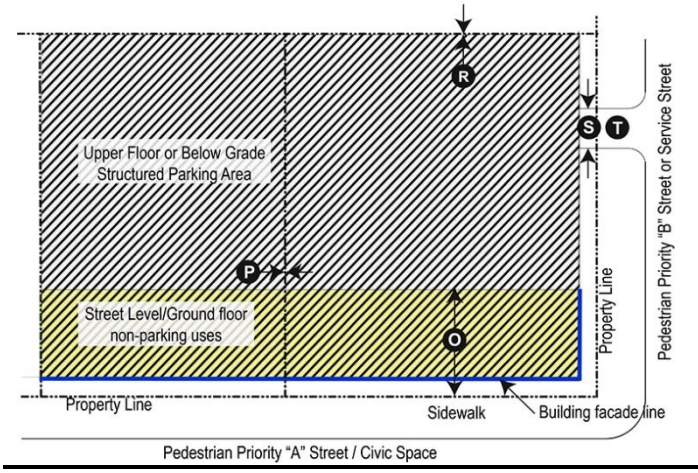
## 7.6.6 Parking & Service Access

### (i) Surface Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street Setback | Shall be located either behind the principal building or a min. of 3' behind the building façade line along that street only | O Q |
| Pedestrian Priority "B" Street Setback | Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage) | O Q |
| Service Street Setback | Shall be located 6' (min.) behind the property line | Q* |
| Side and Rear setbacks | 0' (see #2) | P R |

### (ii) Structured Parking or Below Grade Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street Setback | Min. of 30' from the property line | O |
| Pedestrian Priority "B" /Service Street setback | May be built up to the building façade line along each street or 6' (min.) behind the property line (if not building along the street frontage) | |
| Side and rear setback | 0' min. (see #2) | P R |

**Partially Below Grade Parking**

May be built up to the building façade line or 6' (min.) behind the property line (if not building along the street frontage) along Pedestrian Priority "B" and Service Streets only.

### (iii) Required Off-Street Parking Spaces

Non-residential uses (existing buildings and new construction): Shall provide a quantity of off-street parking in accordance with the ratios specified in Section 206.E.3 of the City of McKinney Zoning Regulations.

Residential Uses (existing buildings and new construction): Shall provide a quantity of off-street parking in accordance with the ratios specified in Section 206.E.3 of the City of McKinney Zoning Regulations, except, for multiple family dwellings, which shall provide 1 off-street parking space for each dwelling unit.

Shared parking may be provided per Section 206.E of the City of McKinney Zoning Regulations.

### (iv) Driveways and Service Access

| | | |
|---|---|---|
| Parking driveway width | 24' max. (at the throat) | S |
| Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. (see #13) | | T |

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "B" Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "A" Street only if the property has no access to either a Pedestrian Priority "B" or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority "A" or "B" Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

## 7.6.7 Encroachments

| | |
|---|---|
| Pedestrian Priority "A" Street / Civic Space | 50% of the depth of the sidewalk or 10' (whichever is less) (see #9) |
| Pedestrian Priority "B" Street | 50% of the depth of the sidewalk or 10' (whichever is less) (see #9) |
| Service Street | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line on to a Service Street R-O-W |
| Rear and side | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line |

## Notes on the Cotton Mill Core Character District

#1 – Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority "A" Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

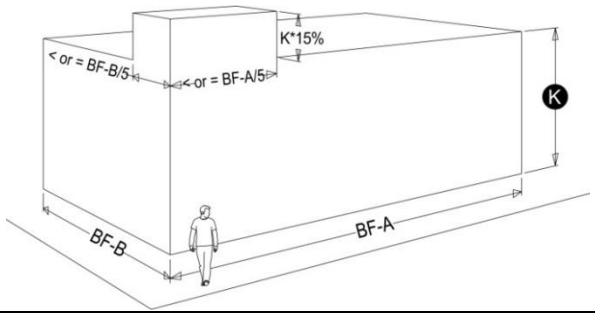
#3 – Corner building street facades along Pedestrian Priority "A" and "B" Streets shall be built to the BTZ for a minimum of 25' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 – First floor heights shall not apply to parking structures.

#5 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 – Any frontage along a Pedestrian Priority "A" or "B" Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 206.C.3.e for more specifications.

#7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.




#8 – Section 206.E.5, 6, and 7 of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

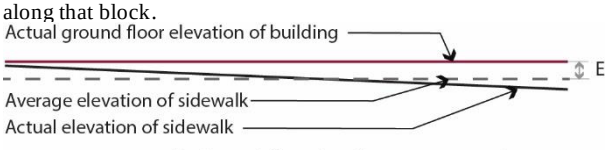
#9 – Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 – Building frontage requirements for lots with frontage along two or more Pedestrian Priority "A" Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority "A" Street frontage. In such cases, the standard for one of the "A" Streets may be replaced by the required "B" Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority "B" Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority "B" Street frontage. In such cases, the standard for one of the "B" Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 – Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.




E = Ground floor elevation measurement

#13 – Driveway requirements for lots with frontage along two or more streets may be modified so that a second point of access may be located on a Pedestrian Priority "B" Street, provided that the primary access point is located on a Service Street.

## 7.7 Cotton Mill Edge

### 7.7.1 Illustrations and Intent

*Note: The images and graphics on this page are provided as illustrations of intent and are advisory only without the power of law. Refer to the standards on the following pages for the specific Building Form and Site Development Standards.*

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.

The concept plan shows a range of urban residential and open spaces as transitions between the Cotton Mill Core and adjoining residential neighborhoods. The Cotton Mill Edge standards emphasize the retention of existing residential building types while allowing for limited commercial, live-work, and a range of urban residential uses that complement the Cotton Mill Core.



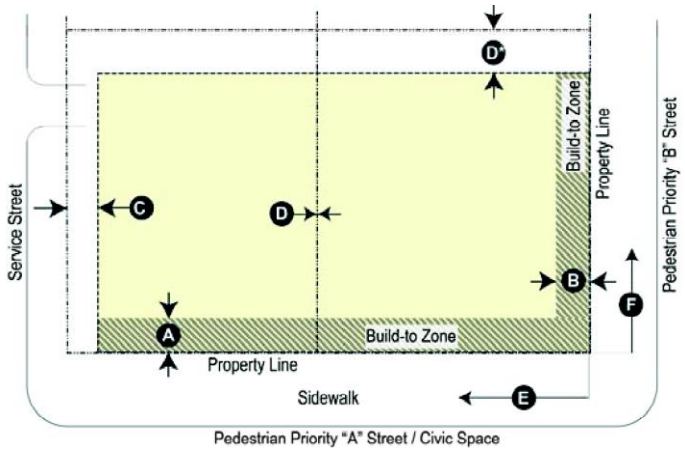







*Images of uses and building types that are appropriate within the Cotton Mill Edge District*

## 7.7.2 Building Placement




**Legend**

Property Line — Build-to Zone

Setback Line — Building Area

### (i) Build-to Zone (BTZ)
### (Distance from property line to edge of the zone)

| | | |
|---|---|---|
| Pedestrian Priority "A" Street / Civic Space | 5' (min.) - 20' (max.) (see #1) | A |
| Pedestrian Priority "B" Street | 5' (min.) – 20' (max.) | B |
| Service Street | NA (see below for min. setback) | |

### (ii) Setbacks

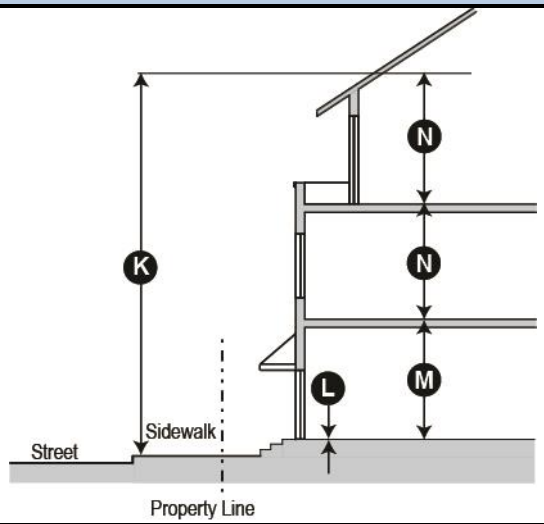
| | | |
|---|---|---|
| Service Street | 5' min. | C |
| Side (for single-family attached/townhome buildings) | 0' min. | D |
| Side (for all other detached building types) | 5' min. (see #2) | D |
| Rear | 5' min. (see #2) | D* |

### (iii) Building Frontage

| | | |
|---|---|---|
| Building Frontage required along Pedestrian Priority "A" Street/Civic Space BTZ | 60% (min.) (see #3 and #6) | E |
| Building Frontage required along Pedestrian Priority "B" BTZ | 25% (min.) (see #3 and #6) | F |
| Building Frontage required along Service Street | None Required | |

See note # 11 for frontage standards on lots with 2 or more frontages along the same street type.

## 7.7.3 Building Height




### (i) Principal Building Standards

| | | |
|---|---|---|
| Building maximum | 3 stories (see #5 and #7) | K |
| First floor to floor height | 12' (min.) for all commercial/mixed use buildings<br>10' (min.) for residential uses/buildings or buildings fronting on Service Streets (see #4) | M |
| Ground floor finish level | 12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings)<br>18" (min.) above sidewalk for residential uses/buildings (see # 12) | L |
| Upper floor(s) to floor height | 10' min. | N |

### (ii) Accessory Building Standards

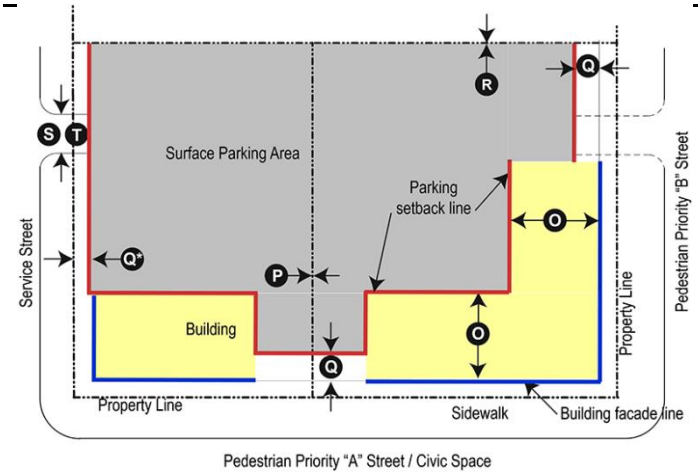
| | |
|---|---|
| Building Height | 2 stories (max.) |
| BTZ/Setbacks | Shall be placed behind the front façade of the principal building along Pedestrian Priority "A" Streets. If the principal building has no Pedestrian Priority "A" Street frontage, then the accessory building shall be place behind the front façade of the building along either a Pedestrian Priority "B" or Service Street. |
| Building Footprint | Shall be limited to no more than 75% of the principal building footprint |

## 7.7.4 Lot and Block Standards

| | |
|---|---|
| Lot Width | Min. 20' for single-family attached/ townhome buildings<br>Min. 35' for single-family detached and duplex buildings<br>No min. for commercial, mixed use or cottage/light industrial uses |
| Lot Depth | No min. or max. |

## 7.7.5 Parking & Service Access

### (i) Surface Parking Location




| | | |
|---|---|---|
| Pedestrian Priority "A" Street /Civic Space Setback | Shall be located either behind the principal building or a min. of 3' behind the building façade line along that street only | O Q |
| Pedestrian Priority "B" Street Setback | Shall be located either behind the principal building or 3' (min.) behind the building façade line along that street only or 6' (min.) behind the property line (if not building along the street frontage) | O Q |
| Service Street Setback | Shall be located 6' (min.) behind the property line | Q* |
| Side and Rear setbacks | 0' (see #2) | P R |

### (ii) Required Off-Street Parking Spaces

Non-residential uses (existing buildings and new construction): Shall provide a quantity of off-street parking in accordance with the ratios specified in Section 206.E.3 of the City of McKinney Zoning Regulations.

Residential Uses (existing buildings and new construction): Shall provide a quantity of off-street parking in accordance with the ratios specified in Section 206.E.3 of the City of McKinney Zoning Regulations, except, for multiple family dwellings, which shall provide 1 off-street parking space for each dwelling unit.

Shared parking may be provided per Section 206.E of the City of McKinney Zoning Regulations.

| | | |
|---|---|---|
| Parking driveway width | 30' max. (at the throat) for truck access only<br>24' max. (at the throat) for all other driveways | S |

### (iii) Driveways and Service Access

*Commercial Driveways:* T

Driveways and off-street loading and unloading shall only be located with access from or frontage along a Service Street. (see #13)

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "B" Street only if the property has no access to either a Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Driveways and off-street loading and unloading may be located with access from or frontage along a Pedestrian Priority "A" Street only if the property has no access to either a Pedestrian Priority "B" or Service Street or shared/joint access easement to an adjoining property with access to a Pedestrian Priority "B" or Service Street.

Shared driveways, mutual access easements or cross access easements may be required to adjoining properties when driveway and service access is off a Pedestrian Priority "A" or "B" Street.

Screening of service and loading/unloading areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

*Residential Driveways and Garages:*

Garages for Residential Buildings shall be located on Service Streets or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport.

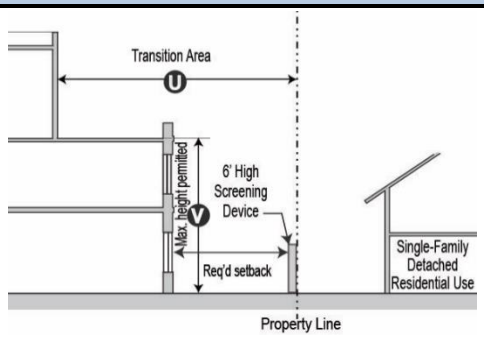
Front-loaded garages on residential lots less than 40 feet wide shall not be allowed.

Town homes and courtyard apartments shall utilize garages with access from Service Streets only.

## 7.7.6 Encroachments

| | |
|---|---|
| Pedestrian Priority "A" Street / Civic Space | 50% of the depth of the sidewalk or 10' (whichever is less) (see #9) |
| Pedestrian Priority "B" Street | 50% of the depth of the sidewalk or 10' (whichever is less) (see #9) |
| Service Street | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line on to a Service Street R-O-W |
| Rear and side | Encroachments allowed over any required setbacks<br>No encroachments permitted over the property line |

## 7.7.7 Residential Transition Standards




The following residential transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to existing single family detached residential uses but shall not apply when an improved public street or railroad right-of-way separates the new building construction from the existing single-family detached residential use.

| | | |
|---|---|---|
| Transition Area | 25' (min.) | U |
| Max. Building Height at within Transition Area | 2 stories | V |

A Residential Transition Area Screening Device (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single family detached residential use and shall be optional for all other adjacencies. Refer to the City of McKinney Zoning Regulations Section 206.C for more information.

**Notes on the Cotton Mill Edge Character District**

#1 – Area between the building facade and property line or edge of existing sidewalk along Pedestrian Priority "A" Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

#2 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

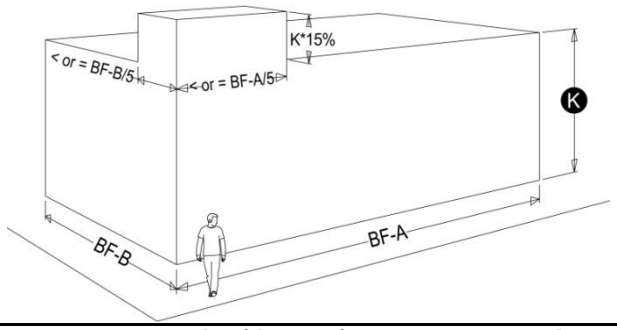
#3 – Corner building street facades along Pedestrian Priority "A" and "B" Streets shall be built to the BTZ for a minimum of 20' from the corner along each street or the width of the corner lot, whichever is less. Nothing in this requirement shall prevent the incorporation of curved, chamfered corners of buildings or recessed entries.

#4 – First floor heights shall not apply to parking structures.

#5 – Attics and mezzanines less than 7' (avg.) height shall not be counted as a story.

#6 – Any frontage along a Pedestrian Priority "A" or "B" Street not defined by a building or driveway within the BTZ shall be defined by a Street Screening Device (minimum of 2' and maximum of 4' in height). This required Street Screening Device shall be located at the front edge of the BTZ along that street. Refer to the City of McKinney Zoning Regulations Section 206.C.3.e for more specifications.

#7 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.




#8 – Section 206.E.5, 6, and 7 of the City of McKinney Zoning Regulations shall apply for design of off-street parking areas.

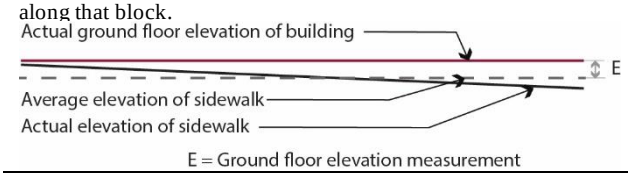
#9 – Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking, travel lane or over a side or rear property line.

#10 – Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of the façade with the recessed entry or arcade.

#11 – Building frontage requirements for lots with frontage along two or more Pedestrian Priority "A" Streets may be modified based on an administrative modification to reduce the frontage requirement along one Pedestrian Priority "A" Street frontage. In such cases, the standard for one of the "A" Streets may be replaced by the required "B" Street standard.

Building frontage requirements for lots with frontage along two or more Pedestrian Priority "B" Streets may be modified based on a minor modification to reduce the frontage requirement along one Pedestrian Priority "B" Street frontage. In such cases, the standard for one of the "B" Streets may be replaced by the required Service Street standard (See Section 5 of this code for more details).

#12 – Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.




#13 – Driveway requirements for lots with frontage along two or more streets may be modified so that a second point of access may be located on a Pedestrian Priority "B" Street, provided that the primary access point is located on a Service Street.

## 8. BUILDING DESIGN STANDARDS

The Building Design Standards for the McKinney Town Center Zoning District shall establish a coherent urban character and encourage authentic, enduring, and attractive development. Site plans shall be reviewed by the McKinney Town Center Development Coordinator for compliance with the standards below.

The following key design principles establish essential goals for the redevelopment within the Town Center to be consistent with the vision for a vibrant downtown with a range of commercial, civic, educational and residential uses serving the residents and visitors alike.

i. New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with sidewalks, street trees, and glazing;

ii. Design compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity and authenticity;

iii. Strengthen and celebrate McKinney's historic architectural traditions;

iv. Building facades shall include appropriate architectural details and ornamentation to create variety and interest; and

v. A range of open space(s) shall be incorporated to provide usable public areas integral to making the McKinney Town Center a true urban neighborhood.

The following standards shall be applicable to development in all character districts, except as specifically noted.

## 8.1 Historic Core

### 8.1.1 Commercial and Mixed Use Buildings

#### 8.1.1.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

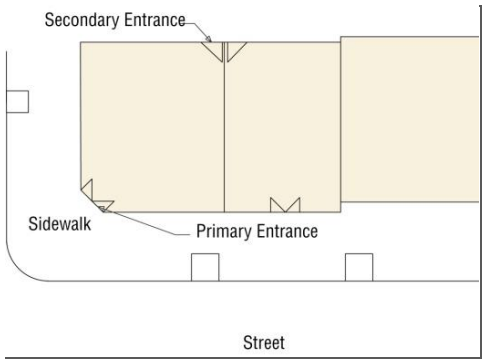



*Figure showing required building orientation and location of primary entrances*

#### 8.1.1.2 Roof Forms

I. Commercial and mixed use buildings shall have flat or low pitched roofs with parapets. Corner hip roof elements and gable accents at the parapet may be permitted.

a. Mansard roofs shall only be used on buildings that are three stories or higher.

b. The mansard roof shall project no more than 18" forward of the building façade line.

c. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.



*Images showing appropriate roof lines for commercial and mixed use buildings*

### 8.1.1.3 Façade Composition

I. Commercial and mixed use buildings shall be simple, rectilinear forms with a clear base, middle, and top.




*Image showing base, middle, and top for a commercial/mixed use building*

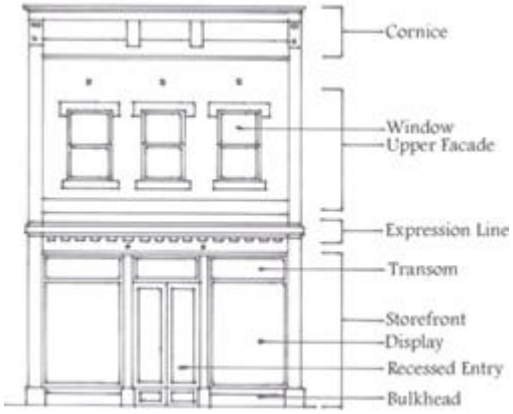
II. Facades along all Pedestrian Priority "A" and "B" streets and Civic/Open Spaces shall maintain the traditionally prevalent façade rhythm of 20' – 30' or multiples thereof. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.




*Image showing appropriate building rhythm for commercial and mixed use buildings.*

III. Commercial Ready buildings shall be built with ground floor retail storefronts that include a transom, display window area, and bulkhead at the base.

IV. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.




*Required design of a Commercial Ready building*

V. Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along the block.



*Figure showing how horizontal elements should match in the design of infill buildings.*

VI. Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along retail storefronts to add pedestrian interest.




*Buildings with architectural features and storefront elements that add interest along the street.*

VII. Primary Entrance Design: Primary building entrances along Pedestrian Priority "A" and "B" Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

a. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings

b. Integral planters or wing walls that incorporate landscape or seating elements

c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

d. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

VIII. Windows and Doors: Windows and doors on street fronting facades (except Service Streets) shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.



*Images showing appropriate window and door designs and proportions for commercial and mixed use buildings.*

IX. Transparency: All ground floor facades along all Pedestrian Priority "A" and "B" Streets shall have transparent storefront windows covering no less than 65% of said façade area. All upper floor facades along Pedestrian Priority "A" and "B" Streets shall have transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.




*Images showing appropriate storefront display windows with transparency*

### 8.1.1.4 Building Materials

I. At least 85% of each façade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be externally finished with the primary material of masonry (brick, stone, or cast stone).

II. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood, vinyl and cementitious fiber.



*Images showing appropriate building materials within the Historic Core.*

III. No more than 15% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall use accent materials such as wood, architectural metal, architectural concrete masonry units, tile, glass block, stucco (utilizing three-step process), or Exterior Insulation and

Finishing System (EIFS). EIFS shall not be used on any ground floor façade.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from a public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.

### 8.1.1.5 Automotive-Related Elements

I. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.







*Images showing appropriate design of parking structures*

II. Design of Automobile Related Building and Site Elements

a. Drive-through lanes, drive-up windows, service bays, and other auto-related site elements shall not be located along or be visible from any Pedestrian Priority "A" Street.

b. Along Pedestrian Priority "B" Streets, no more than two drive-through lanes shall be permitted along that lot's street frontage. In addition, no more than 50% of the lot's frontage along a Pedestrian Priority "B" Street shall be dedicated to auto-related site elements.

c. Drive-through lanes shall be hidden behind a Street Screening Device along the Pedestrian Priority "B" street frontage. There shall be no limit to the number or frontage of drive-through lanes located along Service Streets.

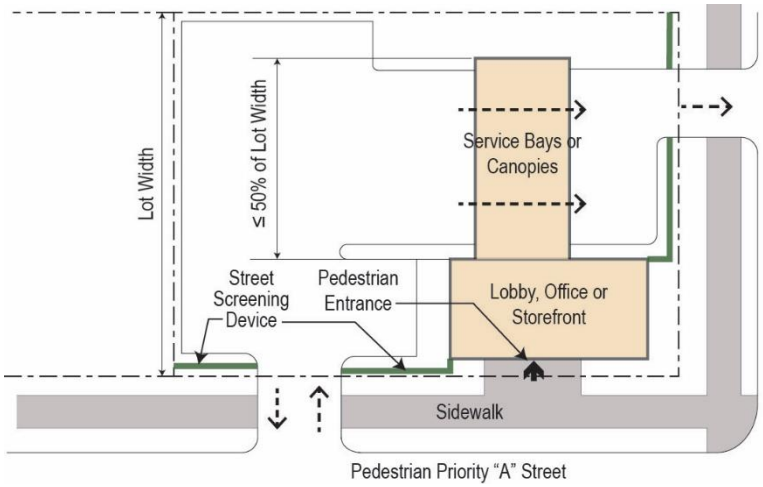



*Image showing appropriate design of auto-related site elements*

d. All off-street loading, unloading, and trash pick-up areas shall be located along service streets only unless permitted in the character district Building Form and Site Development Standards in Section 7. Screening of any off-street loading, unloading, or trash pick-up areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

### 8.1.2 Residential Buildings

#### 8.1.2.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

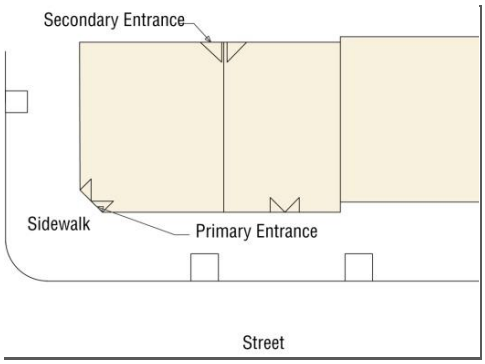



*Figure showing required building orientation and location of primary entrances*

#### 8.1.2.2 Roof Forms

I. Mansard roofs shall only be used on buildings that are three stories or higher.

II. The mansard roof shall project no more than 18" forward of the building façade line.

III. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.

IV. Gable roofs shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Porch roofs may be a minimum pitch of 3/12.

### 8.1.2.3 Façade Composition

I. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.




*Images showing appropriate massing and scale for residential buildings*

II. At least one of the following shall be added along residential building facades to add pedestrian interest along the street: porches, stoops, eaves, or balconies.

III. If a residential building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (complying with the fence standards of Article 6 of the UDC) shall be provided along the front property line.








*Residential buildings with porches, balconies, and stoops to add interest along the street.*

IV. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.

V. Windows and Doors: All building facades of residential buildings fronting on all Pedestrian Priority Type "A" Streets and Civic/Open Spaces shall have transparent windows covering at least 30% of each such façade. Windows shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.

VI. If window shutters are used, they shall be approximately half the window width and the same height of the associated opening (including casing for masonry walls; not including casing for siding walls). All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building.







*Images showing appropriate window designs and proportions for residential buildings.*

### 8.1.2.4 Building Materials

I. At least 85% of each façade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be externally finished with the primary material of masonry (brick, stone, or cast stone).

II. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated

sheet metal and lap or shingle siding of any material including wood, vinyl and cementitious fiber.



*Images showing appropriate building materials within the Historic Core.*

III. No more than 15% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall use accent materials such as wood, architectural metal, architectural concrete masonry units, tile, glass block, stucco (utilizing three-step process), or Exterior Insulation and Finishing System (EIFS). EIFS shall not be used on any ground floor façade.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from a public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.

### 8.1.2.5 Automotive-Related Elements

I. Residential Garages

a. Detached or attached garages for residential buildings shall be oriented towards Service Streets at the rear of residential buildings.

b. Front-loaded garages and pull-through garages on residential lots less than 40 feet wide shall not be allowed.

c. Town homes and courtyard apartments shall utilize rear-loaded garages.

d. Pull-through garages shall be allowed only if the garage door is set back behind the rear façade of the main structure.

e. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.

f. All garage doors shall be divided into single bays separated by at least a 16-inch pier or column.

II. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.






*Images showing appropriate design of parking structures*

## 8.2 Downtown Core

### 8.2.1 Commercial and Mixed Use Buildings

#### 8.2.1.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

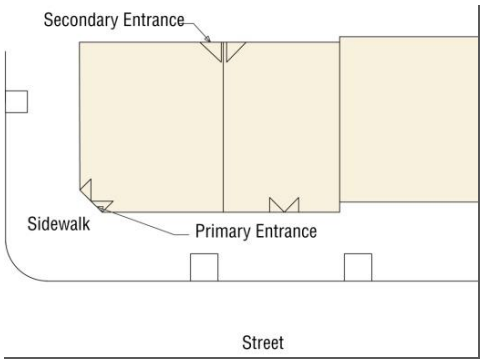



*Figure showing required building orientation and location of primary entrances*

#### 8.2.1.2 Building Massing

I. Commercial and mixed use buildings shall be simple, rectilinear forms with a clear base, middle, and top.




*Image showing base, middle, and top for a commercial/mixed use building*

### 8.2.1.3 Roof Forms

I. Commercial and mixed use buildings shall have flat or low pitched roofs with parapets. Corner hip roof elements and gable accents at the parapet may be permitted.

a. Mansard roofs shall only be used on buildings that are three stories or higher.

b. The mansard roof shall project no more than 18" forward of the building façade line.

c. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.



*Images showing appropriate roof lines for commercial and mixed use buildings*

### 8.2.1.4 Façade Composition

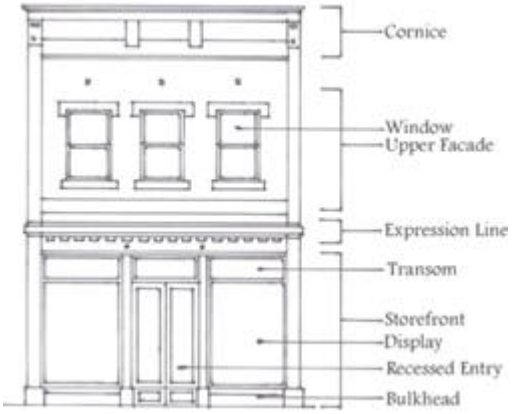
I. Facades along all Pedestrian Priority "A" and "B" streets and Civic/Open Spaces shall maintain the traditionally prevalent façade rhythm of 20' – 30' or multiples thereof. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.




*Image showing appropriate building rhythm for commercial and mixed use buildings.*

II. Commercial Ready buildings shall be built with ground floor retail storefronts that include a transom, display window area, and bulkhead at the base.

III. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.




*Required design of a Commercial Ready building*

IV. Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along the block.



*Figure showing how horizontal elements should match in the design of infill buildings.*

V. Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along retail storefronts to add pedestrian interest.



*Buildings with architectural features and storefront elements that add interest along the street.*

VI. Primary Entrance Design: Primary building entrances along Pedestrian Priority "A" and "B" Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

a. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings

b. Integral planters or wing walls that incorporate landscape or seating elements

c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.



*Images showing appropriate window and door designs and proportions for commercial and mixed use buildings.*

d. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

I. Windows and Doors: Windows and doors on street fronting facades (except Service Streets) shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.

II. Transparency: All ground floor facades along all Pedestrian Priority "A" and "B" Streets shall have transparent storefront windows covering no less than 65% of said façade area. All upper floor facades along Pedestrian Priority "A" and "B" Streets shall have transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.





*Images showing appropriate storefront display windows with transparency*

### 8.2.1.5 Building Materials

I. At least 80% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be externally finished in one or more of the following primary materials:

a. Masonry (brick, stone, synthetic stone, or cast stone)

b. Pre-cast concrete panels made to look like stone.

II. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood, vinyl and cementitious fiber.



*Images showing appropriate building materials within the Downtown and Transit Village Cores.*

III. No more than 20% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall use accent materials such as wood, architectural metal, architectural concrete masonry units, tile, glass block, stucco (utilizing three-step process), or Exterior Insulation and Finishing System (EIFS). EIFS shall not be used on any ground floor façade.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.




*Images showing the side and rear façades buildings finished to match the color and materials of the front facades*

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.

### 8.2.1.6 Automotive-Related Elements

I. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

II. Design of Automobile Related Building and Site Elements

a. Drive-through lanes, drive-up windows, service bays, and other auto-related site elements shall not be located along or be visible from any Pedestrian Priority "A" Street.

b. Along Pedestrian Priority "B" Streets, no more than two drive-through lanes shall be permitted along that lot's street frontage. In addition, no more than 50% of the lot's frontage along a Pedestrian Priority "B" Street shall be dedicated to auto-related site elements.

c. Drive-through lanes shall be hidden behind a Street Screening Device along the Pedestrian Priority "B" street frontage. There shall be no

limit to the number or frontage of drive-through lanes located along Service Streets.

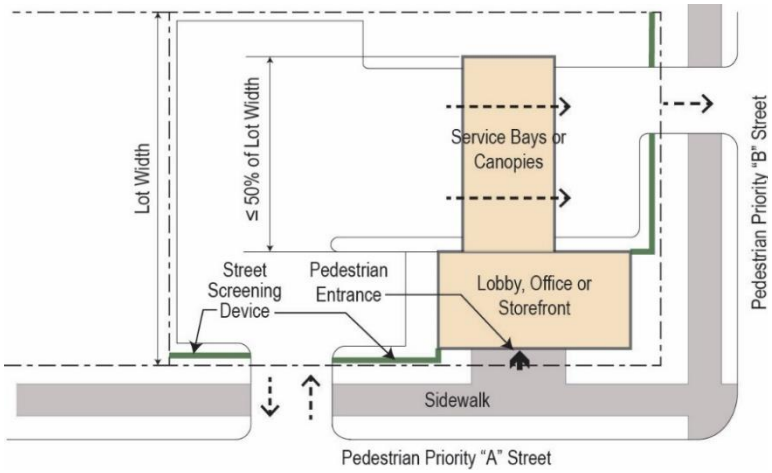



*Image showing appropriate design of auto-related site elements*

a. All off-street loading, unloading, and trash pick-up areas shall be located along service streets only unless permitted in the character district Building Form and Site Development Standards in Section 7. Screening of any off-street loading, unloading, or trash pick-up areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

### 8.2.2 Residential Buildings

#### 8.2.2.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

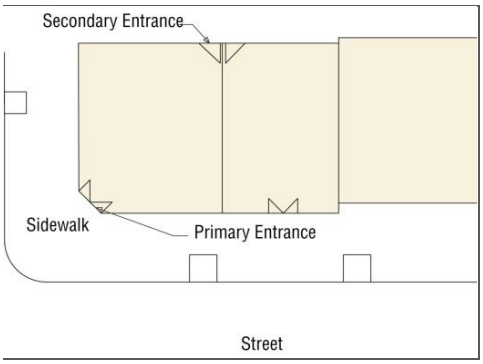



*Figure showing required building orientation and location of primary entrances*

### 8.2.2.2 Building Massing

I. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.




*Images showing appropriate massing and scale for residential buildings*

### 8.2.2.3 Roof Forms

I. Mansard roofs shall only be used on buildings that are three stories or higher.

II. The mansard roof shall project no more than 18" forward of the building façade line.

III. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.

IV. Gable roofs shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Porch roofs may be a minimum pitch of 3/12.

### 8.2.2.4 Façade Composition

I. At least one of the following shall be added along residential building facades to add pedestrian interest along the street: porches, stoops, eaves, or balconies.

II. If a residential building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (complying with the fence standards of Article 6 of the UDC) shall be provided along the front property line.



*Residential buildings with porches, balconies, and stoops to add interest along the street.*

III. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.

IV. Windows and Doors: All building facades of residential buildings fronting on all Pedestrian Priority Type "A" Streets and Civic/Open Spaces shall have transparent windows covering at least 30% of each such façade. Windows shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.

V. If window shutters are used, they shall be approximately half the window width and the same height of the associated opening (including casing for

masonry walls; not including casing for siding walls). All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building.



*Images showing appropriate window designs and proportions for residential buildings.*

### 8.2.2.5 Building Materials

I. At least 80% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be externally finished in one or more of the following primary materials:

   a. Masonry (brick, stone, synthetic stone, or cast stone)

   b. Pre-cast concrete panels made to look like stone.

II. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood, vinyl and cementitious fiber.



*Images showing appropriate building materials within the Downtown and Transit Village Cores.*

III. No more than 20% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall use accent materials such as wood, architectural metal, architectural concrete masonry units, tile, glass block, stucco (utilizing three-step process), or Exterior Insulation and

Finishing System (EIFS). EIFS shall not be used on any ground floor façade.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.




*Images showing the side and rear façades buildings finished to match the color and materials of the front facades*

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.

### 8.2.2.6 Automotive-Related Elements

I. Residential Garages

a. Detached or attached garages for residential buildings shall be oriented towards Service Streets at the rear of residential buildings.

b. Front-loaded garages and pull-through garages on residential lots less than 40 feet wide shall not be allowed.

c. Town homes and courtyard apartments shall utilize rear-loaded garages.

d. Pull-through garages shall be allowed only if the garage door is set back behind the rear façade of the main structure.

e. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.

f. All garage doors shall be divided into single bays separated by at least a 16-inch pier or column.

II. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

## 8.3 Downtown Edge

### 8.3.1 Commercial and Mixed Use Buildings

#### 8.3.1.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

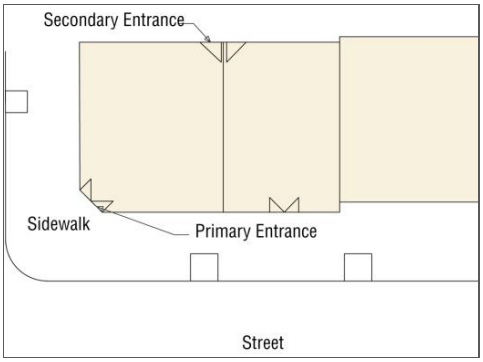



*Figure showing required building orientation and location of primary entrances*

#### 8.3.1.2 Building Massing

I. Commercial and mixed use buildings shall be simple, rectilinear forms with a clear base, middle, and top.




*Image showing base, middle, and top for a commercial/mixed use building*

### 8.3.1.3 Roof Forms

I. Commercial and mixed use buildings shall have flat or low pitched roofs with parapets. Corner hip roof elements and gable accents at the parapet may be permitted.

a. Mansard roofs shall only be used on buildings that are three stories or higher.

b. The mansard roof shall project no more than 18" forward of the building façade line.

c. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.



*Images showing appropriate roof lines for commercial and mixed use buildings*

### 8.3.1.4 Façade Composition

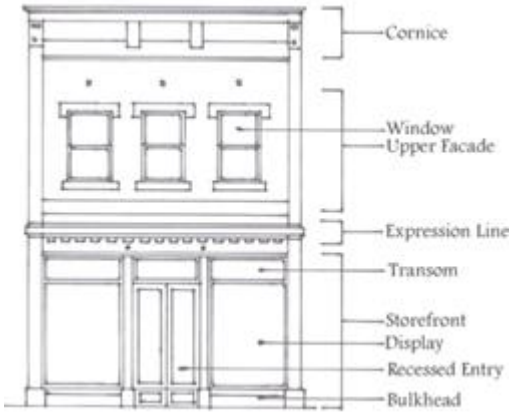
I. Facades along all Pedestrian Priority "A" and "B" streets and Civic/Open Spaces shall maintain the traditionally prevalent façade rhythm of 20' – 30' or multiples thereof. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.




*Image showing appropriate building rhythm for commercial and mixed use buildings.*

II. Commercial Ready buildings shall be built with ground floor retail storefronts that include a transom, display window area, and bulkhead at the base.

III. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.




*Required design of a Commercial Ready building*

IV. Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along the block.



*Figure showing how horizontal elements should match in the design of infill buildings.*

V. Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along retail storefronts to add pedestrian interest.




*Buildings with architectural features and storefront elements that add interest along the street.*

VI. Primary Entrance Design: Primary building entrances along Pedestrian Priority "A" and "B" Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

a. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings

b. Integral planters or wing walls that incorporate landscape or seating elements

c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

d. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

VII. Windows and Doors: Windows and doors on street fronting facades (except Service Streets) shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.






*Images showing appropriate window and door designs and proportions for commercial and mixed use buildings.*

VIII. Transparency: All ground floor building facades along all Pedestrian Priority "A" streets shall have transparent storefront windows covering no less than 65% of said façade area. All ground floor facades along Pedestrian Priority "B" Streets shall have transparent storefront windows covering no less than 30% of said façade area. All upper floor facades along Pedestrian Priority "A" and "B" Streets shall contain transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.




*Images showing appropriate storefront display windows with transparency*

### 8.3.1.5 Building Materials

I. At least 75% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be finished in one or more of the following primary materials:

a. Masonry (brick, stone, synthetic stone, or cast stone)

b. Architectural concrete masonry unit

c. Pre-cast or poured in place concrete

d. Cementitious fiber lap or shingle siding may only be used on upper floor facades

e. Tilt-up concrete panels that have a grid like appearance

f. Architectural metal

g. Stucco (utilizing three-step process)

h. Tile

i. Terra cotta

II. Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood or vinyl.

III. No more than 25% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall use accent materials such as wood, glass block, or Exterior Insulation and Finishing System (EIFS).

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.





*Images of appropriate building materials in the Downtown Edge, Transit Village Edge, Cotton Mill Core, and Cotton Mill Edge Character Districts*

### 8.3.1.6 Automotive-Related Elements

I. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

II. Design of Automobile Related Building and Site Elements

a. Drive-through lanes, drive-up windows, service bays, and other auto-related site elements shall not be located along or be visible from any Pedestrian Priority "A" Street.

b. Along Pedestrian Priority "B" Streets, no more than two drive-through lanes shall be permitted along that lot's street frontage. In addition, no more than 50% of the lot's frontage along a Pedestrian Priority "B" Street shall be dedicated to auto-related site elements.

c. Drive-through lanes shall be hidden behind a Street Screening Device along the Pedestrian Priority "B" street frontage. There shall be no limit to the number or frontage of drive-through lanes located along Service Streets.

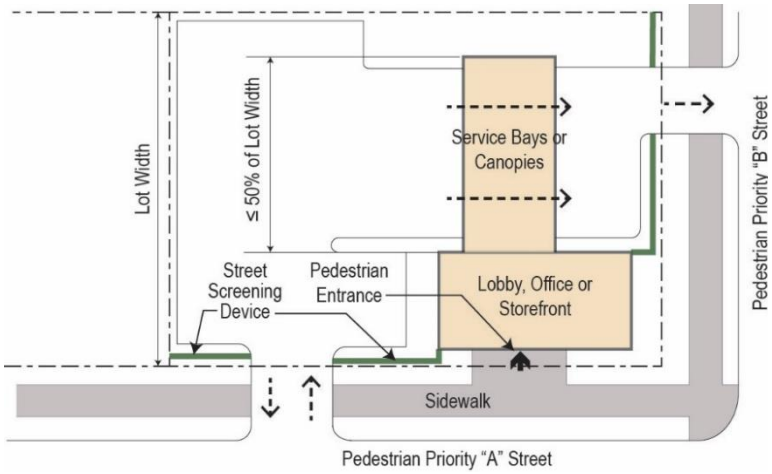



*Image showing appropriate design of auto-related site elements*

d. All off-street loading, unloading, and trash pick-up areas shall be located along service streets only unless permitted in the character district Building Form and Site Development Standards in Section 7. Screening of any off-street loading, unloading, or trash pick-up areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

### 8.3.2 Residential Buildings

8.3.2.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

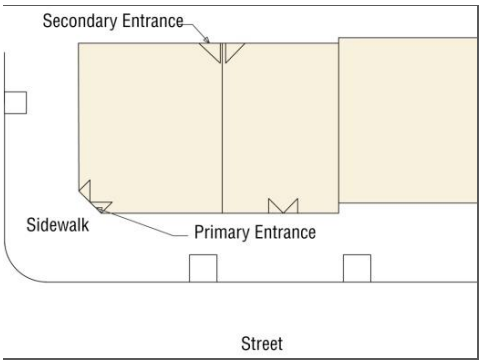



*Figure showing required building orientation and location of primary entrances*

### 8.3.2.2 Building Massing

I. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.





*Images showing appropriate massing and scale for residential buildings*

### 8.3.2.3 Roof Forms

II. Mansard roofs shall only be used on buildings that are three stories or higher.

III. The mansard roof shall project no more than 18" forward of the building façade line.

IV. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.

V. Gable roofs shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Porch roofs may be a minimum pitch of 3/12.

### 8.3.2.4 Façade Composition

I. At least one of the following shall be added along residential building facades to add pedestrian interest along the street: porches, stoops, eaves, or balconies.

II. If a residential building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (complying with the fence standards of Article 6 of the UDC) shall be provided along the front property line.



*Residential buildings with porches, balconies, and stoops to add interest along the street.*

III. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.

IV. Windows and Doors: All building facades of residential buildings fronting on all Pedestrian Priority Type "A" Streets and Civic/Open Spaces shall have transparent windows covering at least 30% of each such façade. Windows shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.

V. If window shutters are used, they shall be approximately half the window width and the same height of the associated opening (including casing for masonry walls; not including casing for siding walls). All shutters shall be

louvered, paneled, or constructed of boards as appropriate to the style of the building.



*Images showing appropriate window designs and proportions for residential buildings.*

### 8.3.2.5 Building Materials

I. At least 80% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall be externally finished in one or more of the following primary building materials and no more than two materials shall be used on any single façade:

a. Cementitious fiber lap or shingle siding may be used on ground and upper floor facades

b. Wood lap or shingle siding

c. Masonry (brick; stone; synthetic stone, or cast stone)

d. Stucco (utilizing three-step process)

e. Architectural metal

f. Architectural masonry unit

II. Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and vinyl siding.

III. No more than 20% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall use accent materials such as Exterior Insulation and Finishing System (EIFS), glass block or tile.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, terra cotta, or asphalt shingles.

### 8.3.2.6 Automotive-Related Elements

I. Residential Garages

a. Detached or attached garages for residential buildings shall be oriented towards Service Streets at the rear of residential buildings.

b. Front-loaded garages and pull-through garages on residential lots less than 40 feet wide shall not be allowed.

c. Town homes and courtyard apartments shall utilize rear-loaded garages.

d. Pull-through garages shall be allowed only if the garage door is set back behind the rear façade of the main structure.

e. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.

f. All garage doors shall be divided into single bays separated by at least a 16-inch pier or column.

II. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

## 8.4 Transit Village Core

### 8.4.1 Commercial and Mixed Use Buildings

#### 8.4.1.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

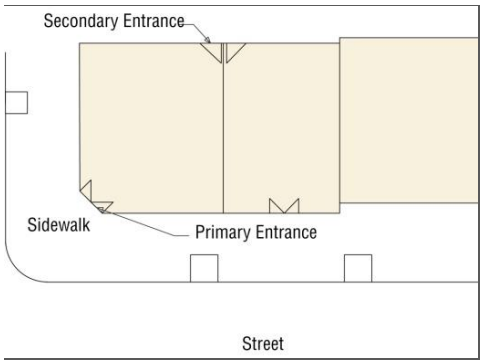



*Figure showing required building orientation and location of primary entrances*

### 8.4.1.2 Building Massing

I. Commercial and mixed use buildings shall be simple, rectilinear forms with a clear base, middle, and top.




*Image showing base, middle, and top for a commercial/mixed use building*

### 8.4.1.3 Roof Forms

I. Commercial and mixed use buildings shall have flat or low pitched roofs with parapets. Corner hip roof elements and gable accents at the parapet may be permitted.

a. Mansard roofs shall only be used on buildings that are three stories or higher.

b. The mansard roof shall project no more than 18" forward of the building façade line.

c. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.



*Images showing appropriate roof lines for commercial and mixed use buildings*

### 8.4.1.4 Façade Composition

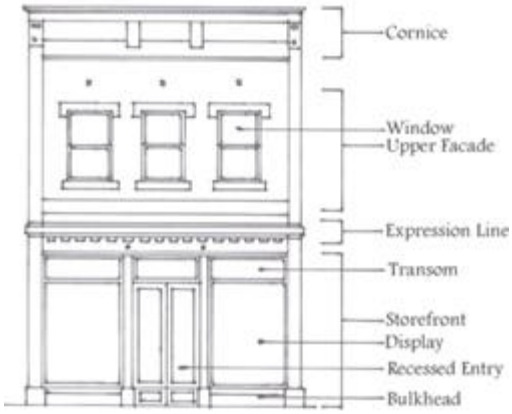
I. Facades along all Pedestrian Priority "A" and "B" streets and Civic/Open Spaces shall maintain the traditionally prevalent façade rhythm of 20' – 30' or multiples thereof. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.




*Image showing appropriate building rhythm for commercial and mixed use buildings.*

II. Commercial Ready buildings shall be built with ground floor retail storefronts that include a transom, display window area, and bulkhead at the base.

III. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.




*Required design of a Commercial Ready building*

IV. Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along the block.

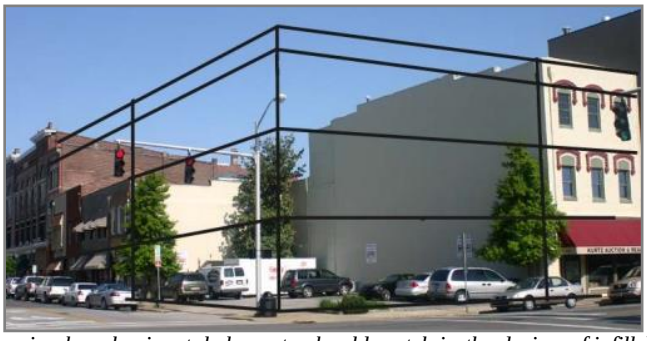


*Figure showing how horizontal elements should match in the design of infill buildings.*

V. Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along retail storefronts to add pedestrian interest.



*Buildings with architectural features and storefront elements that add interest along the street.*

VI. Primary Entrance Design: Primary building entrances along Pedestrian Priority "A" and "B" Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

a. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings

b. Integral planters or wing walls that incorporate landscape or seating elements

c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

d. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

VII. Windows and Doors: Windows and doors on street fronting facades (except Service Streets) shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.



*Images showing appropriate window and door designs and proportions for commercial and mixed use buildings.*

VIII. Transparency: All ground floor facades along all Pedestrian Priority "A" and "B" Streets shall have transparent storefront windows covering no less than 65% of said façade area. All upper floor facades along Pedestrian Priority "A" and "B" Streets shall have transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.




*Images showing appropriate storefront display windows with transparency*

### 8.4.1.5 Building Materials

I. At least 80% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be externally finished in one or more of the following primary materials:
Masonry (brick, stone, synthetic stone, or cast stone)
Pre-cast concrete panels made to look like stone.

II. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood, vinyl and cementitious fiber.



*Images showing appropriate building materials within the Downtown and Transit Village Cores.*

III. No more than 20% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall use accent materials such as

wood, architectural metal, architectural concrete masonry units, tile, glass block, stucco (utilizing three-step process), or Exterior Insulation and Finishing System (EIFS). EIFS shall not be used on any ground floor façade.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.




*Images showing the side and rear façades buildings finished to match the color and materials of the front facades*

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.

### 8.4.1.6 Automotive-Related Elements

I. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

II. Design of Automobile Related Building and Site Elements

a. Drive-through lanes, drive-up windows, service bays, and other auto-related site elements shall not be located along or be visible from any Pedestrian Priority "A" Street.

b. Along Pedestrian Priority "B" Streets, no more than two drive-through lanes shall be permitted along that lot's street frontage. In addition, no more than 50% of the lot's frontage along a Pedestrian Priority "B" Street shall be dedicated to auto-related site elements.

c. Drive-through lanes shall be hidden behind a Street Screening Device along the Pedestrian Priority "B" street frontage. There shall be no limit to the number or frontage of drive-through lanes located along Service Streets.

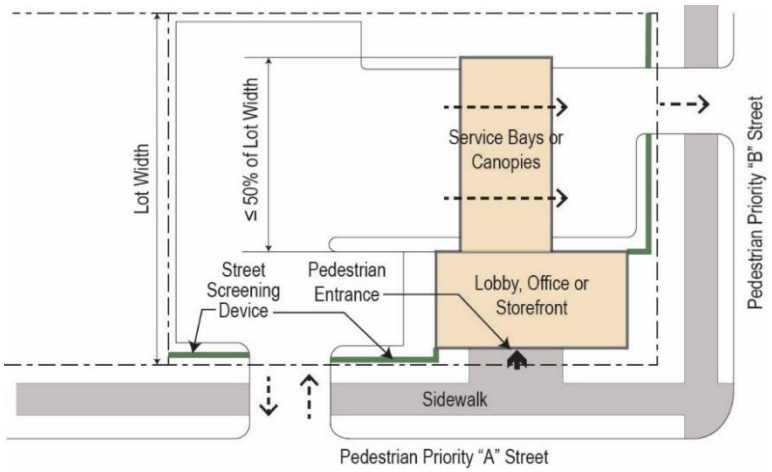



*Image showing appropriate design of auto-related site elements*

d. All off-street loading, unloading, and trash pick-up areas shall be located along service streets only unless permitted in the character district Building Form and Site Development Standards in Section 7. Screening of any off-street loading, unloading, or trash pick-up areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

### 8.4.2 Residential Buildings

#### 8.4.2.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

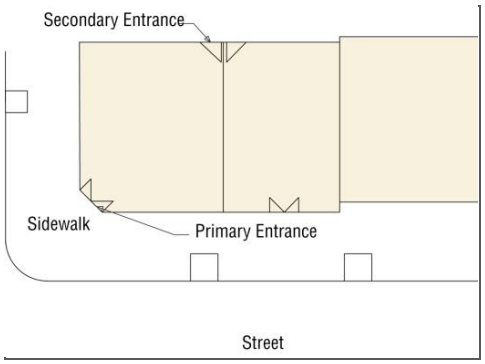



*Figure showing required building orientation and location of primary entrances*

### 8.4.2.2 Building Massing

I. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.



*Images showing appropriate massing and scale for residential buildings*

8.4.2.3 Roof Forms

I. Mansard roofs shall only be used on buildings that are three stories or higher.

II. The mansard roof shall project no more than 18" forward of the building façade line.

III. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.

IV. Gable roofs shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Porch roofs may be a minimum pitch of 3/12.

V. Shed, gambrel, butterfly, and barrel roofs may be permitted for residential buildings.

### 8.4.2.4 Façade Composition

I. At least one of the following shall be added along residential building facades to add pedestrian interest along the street: porches, stoops, eaves, or balconies.

II. If a residential building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (complying with

the fence standards of Article 6 of the UDC) shall be provided along the front property line.






*Residential buildings with porches, balconies, and stoops to add interest along the street.*

III. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.

IV. Windows and Doors: All building facades of residential buildings fronting on all Pedestrian Priority Type "A" Streets and Civic/Open Spaces shall have transparent windows covering at least 30% of each such façade. Windows shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.

V. If window shutters are used, they shall be approximately half the window width and the same height of the associated opening (including casing for masonry walls; not including casing for siding walls). All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building.



*Images showing appropriate window designs and proportions for residential buildings.*

### 8.4.2.5 Building Materials

I. At least 80% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be externally finished in one or more of the following primary materials:
   a. Masonry (brick, stone, synthetic stone, or cast stone)

   b. Pre-cast concrete panels made to look like stone.

II. Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood, vinyl and cementitious fiber.



*Images showing appropriate building materials within the Downtown and Transit Village Cores.*

III. No more than 20% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall use accent materials such as wood, architectural metal, architectural concrete masonry units, tile, glass block, stucco (utilizing three-step process), or Exterior Insulation and Finishing System (EIFS). EIFS shall not be used on any ground floor façade.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be

finished with painted EIFS or painted concrete block matching the same color as the rest of the building.






*Images showing the side and rear façades buildings finished to match the color and materials of the front facades*

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.

### 8.4.2.6 Automotive-Related Elements

I. Residential Garages

a. Detached or attached garages for residential buildings shall be oriented towards Service Streets at the rear of residential buildings.

b. Front-loaded garages and pull-through garages on residential lots less than 40 feet wide shall not be allowed.

c. Town homes and courtyard apartments shall utilize rear-loaded garages.

d. Pull-through garages shall be allowed only if the garage door is set back behind the rear façade of the main structure.

e. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.

f. All garage doors shall be divided into single bays separated by at least a 16-inch pier or column.

II. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

## 8.5 Transit Village Edge

### 8.5.1 Commercial and Mixed Use Buildings

#### 8.5.1.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary

entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

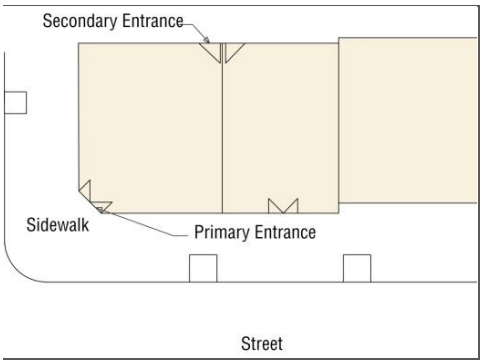



*Figure showing required building orientation and location of primary entrances*

### 8.5.1.2 Building Massing

I. Commercial and mixed use buildings shall be simple, rectilinear forms with a clear base, middle, and top.




*Image showing base, middle, and top for a commercial/mixed use building*

### 8.5.1.3 Roof Forms

I. Commercial and mixed use buildings shall have flat or low pitched roofs with parapets. Corner hip roof elements and gable accents at the parapet may be permitted.
   a. Mansard roofs shall only be used on buildings that are three stories or higher.

   b. The mansard roof shall project no more than 18" forward of the building façade line.

   c. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.



*Images showing appropriate roof lines for commercial and mixed use buildings*

### 8.5.1.4 Façade Composition

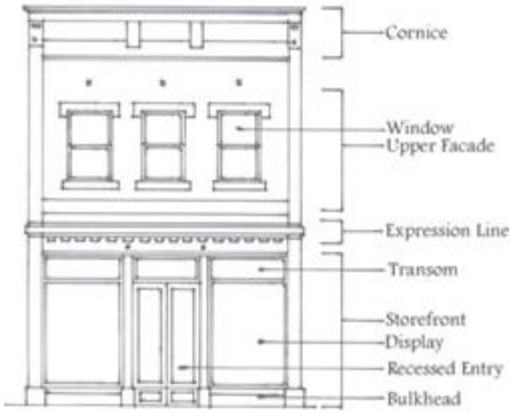
I. Facades along all Pedestrian Priority "A" and "B" streets and Civic/Open Spaces shall maintain the traditionally prevalent façade rhythm of 20' – 30' or multiples thereof. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.




*Image showing appropriate building rhythm for commercial and mixed use buildings.*

II. Commercial Ready buildings shall be built with ground floor retail storefronts that include a transom, display window area, and bulkhead at the base.

III. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.



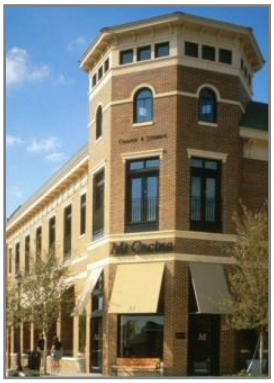

*Required design of a Commercial Ready building*

IV. Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along the block.



*Figure showing how horizontal elements should match in the design of infill buildings.*

V. Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along retail storefronts to add pedestrian interest.





*Buildings with architectural features and storefront elements that add interest along the street.*

VI. Primary Entrance Design: Primary building entrances along Pedestrian Priority "A" and "B" Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

a. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings

b. Integral planters or wing walls that incorporate landscape or seating elements

c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

d. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

VII. Windows and Doors: Windows and doors on street fronting facades (except Service Streets) shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.



*Images showing appropriate window and door designs and proportions for commercial and mixed use buildings.*

VIII. Transparency: All ground floor building facades along all Pedestrian Priority "A" streets shall have transparent storefront windows covering no less than 65% of said façade area. All ground floor facades along Pedestrian Priority "B" Streets shall have transparent storefront windows covering no less than 30% of said façade area. All upper floor facades along Pedestrian Priority "A" and "B" Streets shall contain transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.




*Images showing appropriate storefront display windows with transparency*

### 8.5.1.5 Building Materials

I. At least 75% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be finished in one or more of the following primary materials:
   a. Masonry (brick, stone, synthetic stone, or cast stone)
   b. Architectural concrete masonry unit
   c. Pre-cast or poured in place concrete
   d. Cementitious fiber lap or shingle siding may only be used on upper floor facades
   e. Tilt-up concrete panels that have a grid like appearance
   f. Architectural metal
   g. Stucco (utilizing three-step process)
   h. Tile
   i. Terra cotta

II. Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials:

corrugated sheet metal and lap or shingle siding of any material including wood or vinyl.

III. No more than 25% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall use accent materials such as wood, glass block, or Exterior Insulation and Finishing System (EIFS).

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.





*Images of appropriate building materials in the Downtown Edge, Transit Village Edge, Cotton Mill Core, and Cotton Mill Edge Character Districts*

### 8.5.1.6 Automotive-Related Elements

I. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

II. Design of Automobile Related Building and Site Elements

a. Drive-through lanes, drive-up windows, service bays, and other auto-related site elements shall not be located along or be visible from any Pedestrian Priority "A" Street.

b. Along Pedestrian Priority "B" Streets, no more than two drive-through lanes shall be permitted along that lot's street frontage. In addition, no more than 50% of the lot's frontage along a Pedestrian Priority "B" Street shall be dedicated to auto-related site elements.

c. Drive-through lanes shall be hidden behind a Street Screening Device along the Pedestrian Priority "B" street frontage. There shall be no limit to the number or frontage of drive-through lanes located along Service Streets.

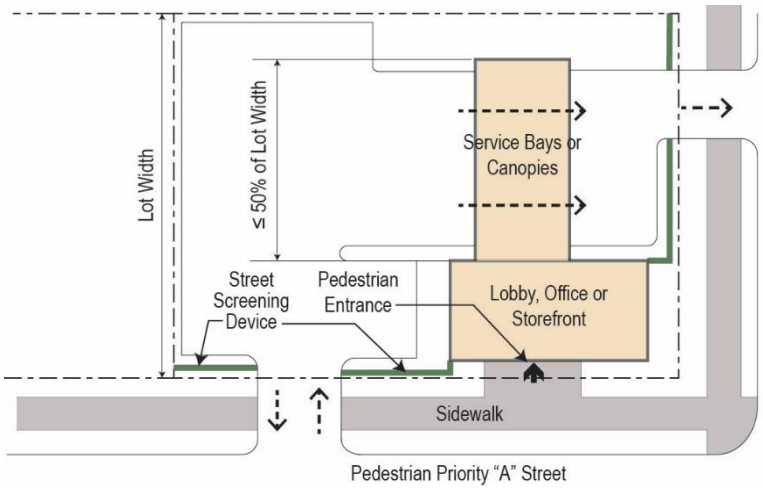



*Image showing appropriate design of auto-related site elements*

d. All off-street loading, unloading, and trash pick-up areas shall be located along service streets only unless permitted in the character district Building Form and Site Development Standards in Section 7. Screening of any off-street loading, unloading, or trash pick-up areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

### 8.5.2 Residential Buildings

#### 8.5.2.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

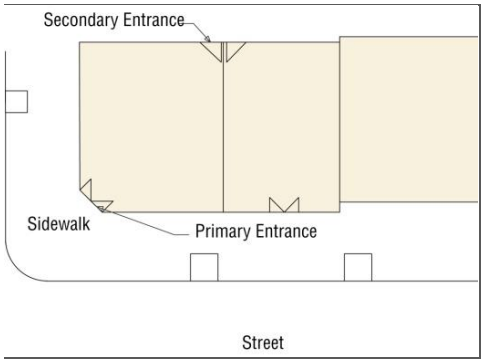



*Figure showing required building orientation and location of primary entrances*

### 8.5.2.2 Building Massing

I. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.




*Images showing appropriate massing and scale for residential buildings*

### 8.5.2.3 Roof Forms

I. Mansard roofs shall only be used on buildings that are three stories or higher.

II. The mansard roof shall project no more than 18" forward of the building façade line.

III. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.

IV. Gable roofs shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Porch roofs may be a minimum pitch of 3/12.

V. Shed, gambrel, butterfly, and barrel may be permitted for residential.

### 8.5.2.4 Façade Composition

I. At least one of the following shall be added along residential building facades to add pedestrian interest along the street: porches, stoops, eaves, or balconies.

II. If a residential building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (complying with

the fence standards of Article 6 of the UDC) shall be provided along the front property line.



*Residential buildings with porches, balconies, and stoops to add interest along the street*

III. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.

IV. Windows and Doors: All building facades of residential buildings fronting on all Pedestrian Priority Type "A" Streets and Civic/Open Spaces shall have transparent windows covering at least 30% of each such façade. Windows shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.

V. If window shutters are used, they shall be approximately half the window width and the same height of the associated opening (including casing for masonry walls; not including casing for siding walls). All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building.



*Images showing appropriate window designs and proportions for residential buildings.*

### 8.5.2.5 Building Materials

I. At least 80% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall be externally finished in one or more of the following primary building materials and no more than two materials shall be used on any single façade:

   a. Cementitious fiber lap or shingle siding may be used on ground and upper floor facades

   b. Wood lap or shingle siding

   c. Masonry (brick; stone; synthetic stone, or cast stone)

   d. Stucco (utilizing three-step process).

   e. Architectural metal

   f. Architectural masonry unit

II. Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and vinyl siding.

III. No more than 20% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall use accent materials such as Exterior Insulation and Finishing System (EIFS), glass block or tile.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, terra cotta, or asphalt shingles.

### 8.5.2.6 Automotive-Related Elements

I. Residential Garages

a. Detached or attached garages for residential buildings shall be oriented towards Service Streets at the rear of residential buildings.

b. Front-loaded garages and pull-through garages on residential lots less than 40 feet wide shall not be allowed.

c. Town homes and courtyard apartments shall utilize rear-loaded garages.

d. Pull-through garages shall be allowed only if the garage door is set back behind the rear façade of the main structure.

e. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.

f. All garage doors shall be divided into single bays separated by at least a 16-inch pier or column.

II. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

## 8.6 Cotton Mill Core

### 8.6.1 Commercial and Mixed Use Buildings

#### 8.6.1.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

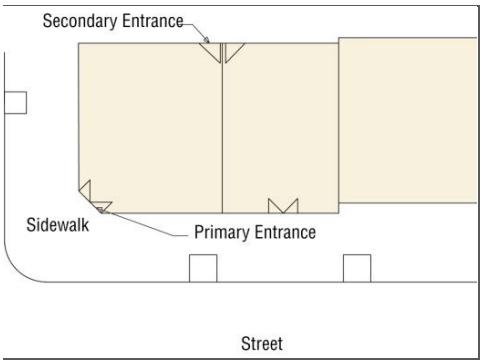



*Figure showing required building orientation and location of primary entrances*

### 8.6.1.2 Building Massing

I. Commercial and mixed use buildings shall be simple, rectilinear forms with a clear base, middle, and top.




*Image showing base, middle, and top for a commercial/mixed use building*

### 8.6.1.3 Roof Forms

I. Commercial and mixed use buildings shall have flat or low pitched roofs with parapets. Corner hip roof elements and gable accents at the parapet may be permitted.
   a. Mansard roofs shall only be used on buildings that are three stories or higher.

   b. The mansard roof shall project no more than 18" forward of the building façade line.

   c. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.



*Images showing appropriate roof lines for commercial and mixed use buildings*

### 8.6.1.4 Façade Composition

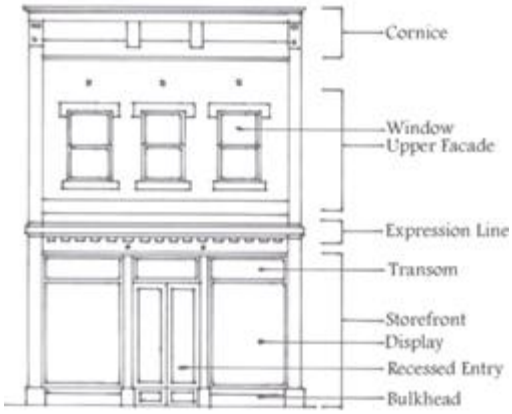
I. Facades along all Pedestrian Priority "A" and "B" streets and Civic/Open Spaces shall maintain the traditionally prevalent façade rhythm of 20' – 30' or multiples thereof. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.




*Image showing appropriate building rhythm for commercial and mixed use buildings.*

II. Commercial Ready buildings shall be built with ground floor retail storefronts that include a transom, display window area, and bulkhead at the base.

III. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.




*Required design of a Commercial Ready building*

IV. Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along the block.

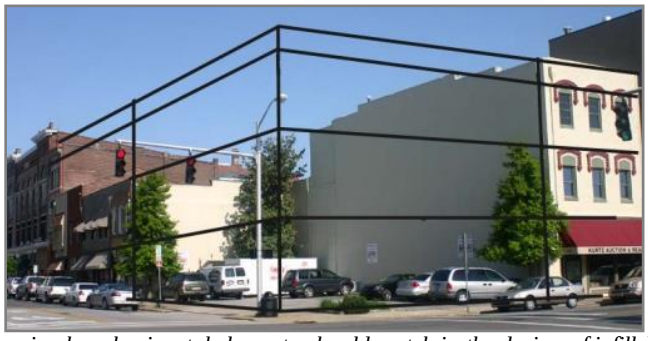


*Figure showing how horizontal elements should match in the design of infill buildings.*

V. Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along retail storefronts to add pedestrian interest.





*Buildings with architectural features and storefront elements that add interest along the street.*

VI. Primary Entrance Design: Primary building entrances along Pedestrian Priority "A" and "B" Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

a. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings

b. Integral planters or wing walls that incorporate landscape or seating elements

c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

d. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

VII. Windows and Doors: Windows and doors on street fronting facades (except Service Streets) shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.











*Images showing appropriate window and door designs and proportions for commercial and mixed use buildings.*

VIII. Transparency: All ground floor facades along all Pedestrian Priority "A" and "B" Streets shall have transparent storefront windows covering no less than 65% of said façade area. All upper floor facades along Pedestrian Priority "A" and "B" Streets shall have transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.




*Images showing appropriate storefront display windows with transparency*

### 8.6.1.5 Building Materials

I. At least 75% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be finished in one or more of the following primary materials:
   a. Masonry (brick, stone, synthetic stone, or cast stone)
   b. Architectural concrete masonry unit
   c. Pre-cast or poured in place concrete
   d. Cementitious fiber lap or shingle siding may only be used on upper floor facades
   e. Tilt-up concrete panels that have a grid like appearance
   f. Architectural metal

g. Stucco (utilizing three-step process)

h. Tile

i. Terra cotta

II. Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood or vinyl.

III. No more than 25% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall use accent materials such as wood, glass block, or Exterior Insulation and Finishing System (EIFS).

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.



*Images of appropriate building materials in the Downtown Edge, Transit Village Edge, Cotton Mill Core, and Cotton Mill Edge Character Districts*

### 8.6.1.6 Automotive-Related Elements

I. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and

horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

II. Design of Automobile Related Building and Site Elements

a. Drive-through lanes, drive-up windows, service bays, and other auto-related site elements shall not be located along or be visible from any Pedestrian Priority "A" Street.

b. Along Pedestrian Priority "B" Streets, no more than two drive-through lanes shall be permitted along that lot's street frontage. In addition, no more than 50% of the lot's frontage along a Pedestrian Priority "B" Street shall be dedicated to auto-related site elements.

c. Drive-through lanes shall be hidden behind a Street Screening Device along the Pedestrian Priority "B" street frontage. There shall be no limit to the number or frontage of drive-through lanes located along Service Streets.

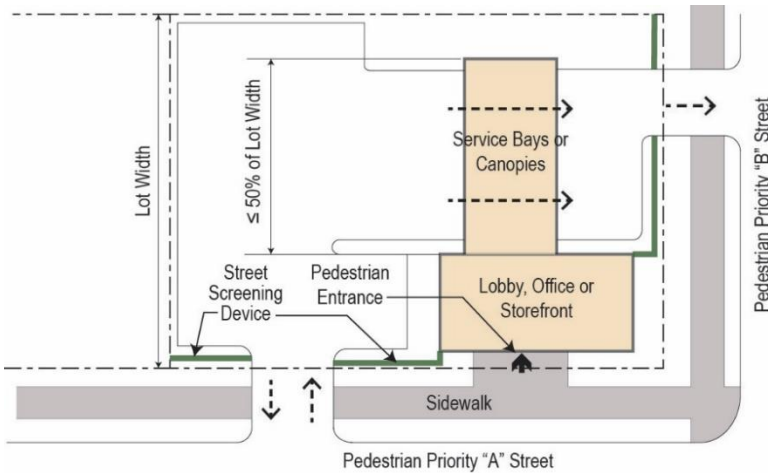



*Image showing appropriate design of auto-related site elements*

d. All off-street loading, unloading, and trash pick-up areas shall be located along service streets only unless permitted in the character district Building Form and Site Development Standards in Section 7. Screening of any off-street loading, unloading, or trash pick-up areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

### 8.6.2 Residential Buildings

#### 8.6.2.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

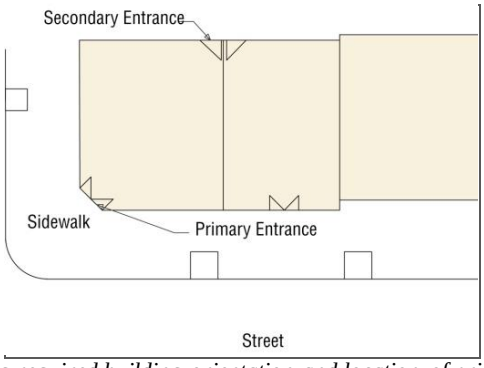



*Figure showing required building orientation and location of primary entrances*

### 8.6.2.2 Building Massing

I. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.





*Images showing appropriate massing and scale for residential buildings*

### 8.6.2.3 Roof Forms

I. Mansard roofs shall only be used on buildings that are three stories or higher.

II. The mansard roof shall project no more than 18" forward of the building façade line.

III. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.

IV. Gable roofs shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Porch roofs may be a minimum pitch of 3/12.

V. Shed, gambrel, butterfly, and barrel roofs may be permitted for residential buildings.

### 8.6.2.4 Façade Composition

I. At least one of the following shall be added along residential building facades to add pedestrian interest along the street: porches, stoops, eaves, or balconies.

II. If a residential building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (complying with

the fence standards of Article 6 of the UDC) shall be provided along the front property line.



*Residential buildings with porches, balconies, and stoops to add interest along the street.*

III. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.

IV. Windows and Doors: All building facades of residential buildings fronting on all Pedestrian Priority Type "A" Streets and Civic/Open Spaces shall have transparent windows covering at least 30% of each such façade. Windows shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.

V. If window shutters are used, they shall be approximately half the window width and the same height of the associated opening (including casing for masonry walls; not including casing for siding walls). All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building.



*Images showing appropriate window designs and proportions for residential buildings.*

### 8.6.2.5 Building Materials

I. At least 80% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall be externally finished in one or more of the following primary building materials and no more than two materials shall be used on any single façade:

a. Cementitious fiber lap or shingle siding may be used on ground and upper floor facades

b. Wood lap or shingle siding

c. Masonry (brick; stone; synthetic stone, or cast stone)

d. Stucco (utilizing three-step process).

e. Architectural metal

f. Architectural masonry unit

II. Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and vinyl siding.

III. No more than 20% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall use accent materials such as Exterior Insulation and Finishing System (EIFS), glass block or tile.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, terra cotta, or asphalt shingles.

### 8.6.2.6 Automotive-Related Elements

I. Residential Garages

a. Detached or attached garages for residential buildings shall be oriented towards Service Streets at the rear of residential buildings.

b. Front-loaded garages and pull-through garages on residential lots less than 40 feet wide shall not be allowed.

c. Town homes and courtyard apartments shall utilize rear-loaded garages.

d. Pull-through garages shall be allowed only if the garage door is set back behind the rear façade of the main structure.

e. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.

f. All garage doors shall be divided into single bays separated by at least a 16-inch pier or column.

II. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

## 8.7 Cotton Mill Edge

### 8.7.1 Commercial and Mixed Use Buildings

#### 8.7.1.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

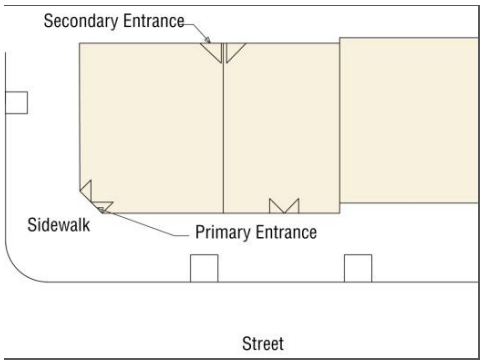



*Figure showing required building orientation and location of primary entrances*

### 8.7.1.2 Building Massing

I. Commercial and mixed use buildings shall be simple, rectilinear forms with a clear base, middle, and top.




*Image showing base, middle, and top for a commercial/mixed use building*

### 8.7.1.3 Roof Forms

I. Commercial and mixed use buildings shall have flat or low pitched roofs with parapets. Corner hip roof elements and gable accents at the parapet may be permitted.

a. Mansard roofs shall only be used on buildings that are three stories or higher.

b. The mansard roof shall project no more than 18" forward of the building façade line.

c. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.



*Images showing appropriate roof lines for commercial and mixed use buildings*

### 8.7.1.4 Façade Composition

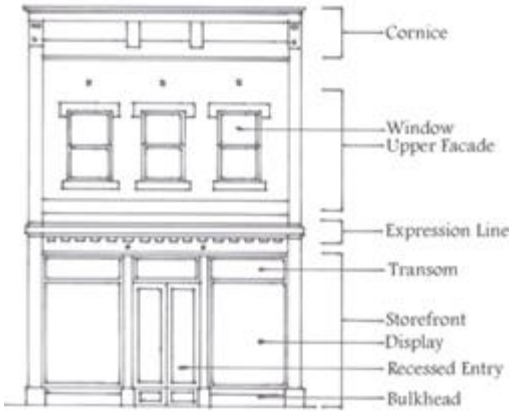
I. Facades along all Pedestrian Priority "A" and "B" streets and Civic/Open Spaces shall maintain the traditionally prevalent façade rhythm of 20' – 30' or multiples thereof. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade.




*Image showing appropriate building rhythm for commercial and mixed use buildings.*

II. Commercial Ready buildings shall be built with ground floor retail storefronts that include a transom, display window area, and bulkhead at the base.

III. Storefronts on facades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.




*Required design of a Commercial Ready building*

IV. Infill buildings shall generally maintain the alignment of horizontal elements already prevalent along the block.



*Figure showing how horizontal elements should match in the design of infill buildings.*

V. Corner-emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades, café seating, and balconies should be used along retail storefronts to add pedestrian interest.



*Buildings with architectural features and storefront elements that add interest along the street.*

VI. Primary Entrance Design: Primary building entrances along Pedestrian Priority "A" and "B" Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

a. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings

b. Integral planters or wing walls that incorporate landscape or seating elements

c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

d. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

VII. Windows and Doors: Windows and doors on street fronting facades (except Service Streets) shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.



*Images showing appropriate window and door designs and proportions for commercial and mixed use buildings.*

VIII. Transparency: All ground floor building facades along all Pedestrian Priority "A" streets shall have transparent storefront windows covering no less than 65% of said façade area. All ground floor facades along Pedestrian Priority "B" Streets shall have transparent storefront windows covering no less than 30% of said façade area. All upper floor facades along Pedestrian Priority "A" and "B" Streets shall contain transparent windows covering at least 30% of said upper floor façade area. First floor store front windows shall NOT be double hung or casement. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.




*Images showing appropriate storefront display windows with transparency*

### 8.7.1.5 Building Materials

I. At least 75% of each facade facing a Pedestrian Priority "A" or "B" Street (excluding doors and windows) shall be finished in one or more of the following primary materials:

a. Masonry (brick, stone, synthetic stone, or cast stone)

b. Architectural concrete masonry unit

c. Pre-cast or poured in place concrete

d. Cementitious fiber lap or shingle siding may only be used on upper floor facades

e. Tilt-up concrete panels that have a grid like appearance

f. Architectural metal

g. Stucco (utilizing three-step process)

h. Tile

i. Terra cotta

II. Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are

specifically prohibited as primary external finishing materials: corrugated sheet metal and lap or shingle siding of any material including wood or vinyl.

III. No more than 25% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall use accent materials such as wood, glass block, or Exterior Insulation and Finishing System (EIFS).

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of a similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, or similar materials.




*Images of appropriate building materials in the Downtown Edge, Transit Village Edge, Cotton Mill Core, and Cotton Mill Edge Character Districts*

### 8.7.1.6 Automotive-Related Elements

I. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

II. Design of Automobile Related Building and Site Elements

a. Drive-through lanes, drive-up windows, service bays, and other auto-related site elements shall not be located along or be visible from any Pedestrian Priority "A" Street.

b. Along Pedestrian Priority "B" Streets, no more than two drive-through lanes shall be permitted along that lot's street frontage. In addition, no more than 50% of the lot's frontage along a Pedestrian Priority "B" Street shall be dedicated to auto-related site elements.

c. Drive-through lanes shall be hidden behind a Street Screening Device along the Pedestrian Priority "B" street frontage. There shall be no limit to the number or frontage of drive-through lanes located along Service Streets.

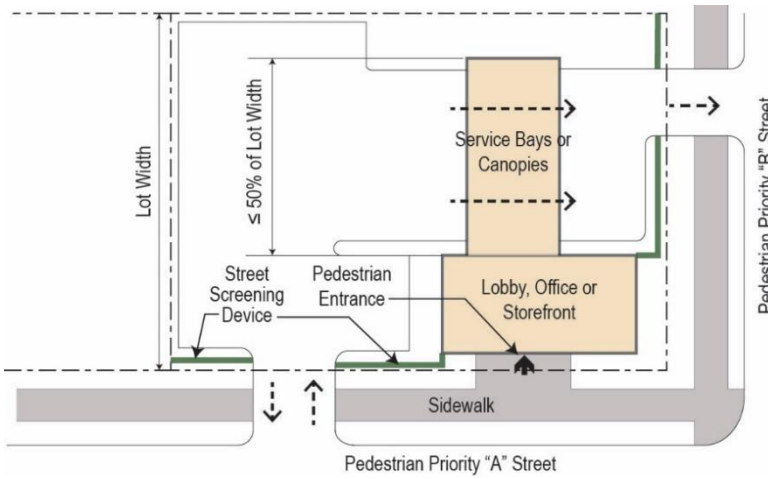



*Image showing appropriate design of auto-related site elements*

d. All off-street loading, unloading, and trash pick-up areas shall be located along service streets only unless permitted in the character district Building Form and Site Development Standards in Section 7. Screening of any off-street loading, unloading, or trash pick-up areas shall be regulated pursuant to Section 206.C of the City of McKinney Zoning Regulations.

### 8.7.2 Residential Buildings

#### 8.7.2.1 Building Orientation

I. Buildings shall be oriented towards Pedestrian Priority "A" Streets, where the lot has frontage along Pedestrian Priority "A" Streets. All other buildings shall be oriented towards Pedestrian Priority "B" Streets or Civic/Open Spaces. If the lot does not front a Pedestrian Priority "B" Street or Civic/Open Space, then it may front a Service Street.

II. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or Service Streets.

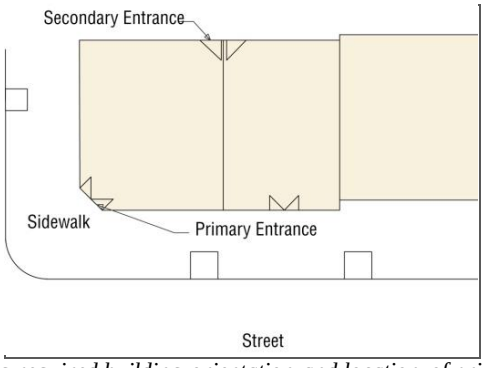



*Figure showing required building orientation and location of primary entrances*

### 8.7.2.2 Building Massing

I. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.




*Images showing appropriate massing and scale for residential buildings*

### 8.7.2.3 Roof Forms

II. Mansard roofs shall only be used on buildings that are three stories or higher.

III. The mansard roof shall project no more than 18" forward of the building façade line.

IV. The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.

V. Gable roofs shall have a minimum pitch of 5/12. When hipped roofs are used, the minimum pitch shall be 5/12. Porch roofs may be a minimum pitch of 3/12.

VI. Shed, gambrel, butterfly, and barrel roofs may be permitted for residential buildings.

### 8.7.2.4 Façade Composition

I. At least one of the following shall be added along residential building facades to add pedestrian interest along the street: porches, stoops, eaves, or balconies.

II. If a residential building is setback less than 10' from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10' or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (complying with

the fence standards of Article 6 of the UDC) shall be provided along the front property line.






*Residential buildings with porches, balconies, and stoops to add interest along the street.*

III. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.

IV. Windows and Doors: All building facades of residential buildings fronting on all Pedestrian Priority Type "A" Streets and Civic/Open Spaces shall have transparent windows covering at least 30% of each such façade. Windows shall be vertically proportioned and similar in size and shape to those used historically in McKinney's downtown area.

V. If window shutters are used, they shall be approximately half the window width and the same height of the associated opening (including casing for masonry walls; not including casing for siding walls). All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building.



*Images showing appropriate window designs and proportions for residential buildings.*

### 8.7.2.5 Building Materials

I. At least 80% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall be externally finished in one or more of the following primary building materials and no more than two materials shall be used on any single façade:

a. Cementitious fiber lap or shingle siding may be used on ground and upper floor facades

b. Wood lap or shingle siding

c. Masonry (brick; stone; synthetic stone, or cast stone)

d. Stucco (utilizing three-step process).

e. Architectural metal

f. Architectural masonry unit

II. Other materials will be considered as primary building materials on a case-by case basis and may only be approved by the McKinney Town Center Development Coordinator. However, the following materials are specifically prohibited as primary external finishing materials: corrugated sheet metal and vinyl siding.

III. No more than 20% of each façade (excluding doors and windows) facing a Pedestrian Priority "A" or "B" Street shall use accent materials such as Exterior Insulation and Finishing System (EIFS), glass block or tile.

IV. Rear facades (i.e. facades facing Service Streets) and internally-facing facades (i.e. facades not viewable from a public street) shall be of similar finished quality and color that blend with the façade(s) facing Pedestrian Priority "A" or "B" Streets. In addition to the primary and accent façade materials listed above, rear facades and internally-facing facades may be finished with painted EIFS or painted concrete block matching the same color as the rest of the building.

V. When visible from any public street, roofs shall be externally finished in one or more of the following materials: copper, architectural metal, slate, synthetic slate, terra cotta, or asphalt shingles.

### 8.7.2.6 Automotive-Related Elements

I. Residential Garages

a. Detached or attached garages for residential buildings shall be oriented towards Service Streets at the rear of residential buildings.

b.

c. Front-loaded garages and pull-through garages on residential lots less than 40 feet wide shall not be allowed.

d. Town homes and courtyard apartments shall utilize rear-loaded garages.

e. Pull-through garages shall be allowed only if the garage door is set back behind the rear façade of the main structure.

f. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than 12 feet wide and set back at least 20 feet measured from the face of the main structure closest to the garage/carport or rotated 90 degrees with windows on the wall facing the street. On corner lots, the garage may be rotated with windows facing the primary street with driveway access from the secondary street.

g. All garage doors shall be divided into single bays separated by at least a 16-inch pier or column.

II. Design of Parking Structures

a. All frontages of parking structures located on Pedestrian Priority "A" and "B" Streets shall be lined by active commercial uses on the ground floor to a minimum depth of 25'.

b. Parking structure facades on all public streets (except service streets) shall be designed with both vertical (façade rhythm of 20' – 30') and horizontal (aligning with horizontal elements in the block) articulation.

c. Where above ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are not visible from adjacent buildings or the street. Parking garage ramps shall not be visible from any public street. Ideally, ramps shall not be located along the perimeter of the parking structure. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting.



*Images showing appropriate design of parking structures*

## 9. OPEN SPACE STANDARDS

**9.1** This section establishes the public civic/open space standards and the private open space standards specifically for the "MTC" -- McKinney Town Center zoning district. The MTC Regulating Plan (Appendix 2B, Section 2B-1 of the City of McKinney Zoning Regulations) designates recommended locations for future public civic/open spaces intended to implement the Town Center Master Plan. The detailed civic/open space standards for each type are included in this Section. These standards include general character, typical size, frontage requirements, and typical uses.

Given the urban infill redevelopment context within the McKinney Town Center, all residential development within the McKinney Town Center zoning district shall comply with the open space standards established in this Section. The provisions of Section 309 of the City of McKinney Subdivision Regulations (Conveyance of Land for Recreational Areas and Facilities) shall not apply to residential development within the McKinney Town Center zoning district.

**9.2 Open Space Standards.** Table 9.1 establishes the open space standards in the "MTC" – McKinney Town Center zoning district based on the number of residential dwelling units in a proposed development.

Table 9.1 Open Space Standards

| ***Number of Residential Units*** | ***Open Space Standard*** |
|---|---|
| 1-- 4 | None |
| 5-- 25 | The development shall provide:<br>• One balcony, patio, or roof terrace for at least 50% of all residential units fronting on a street, civic/open space, forecourt, or courtyard; or<br>• One playground or other private open space amenity.<br><br>All other private open spaces are optional. |
| | |
| 26– 50 | The development shall provide:<br>• One balcony, patio, or roof terrace for at least 50% of all residential units fronting on a street, civic/open space, forecourt, or courtyard; and<br>• Any 2 of the other private open space types on the list in Table 9.2 |
| Over 50 | The development shall provide at least one public civic/open space such as a plaza, square, or green described in Section 9.4. |

**9.3 Private Open Space Types**. Table 9.2 establishes the standards for different types of private open space in the "MTC" -- McKinney Town Center zoning district. For purposes of this Section, private open spaces shall be privately owned and privately maintained and may or may not be accessible to the general public.

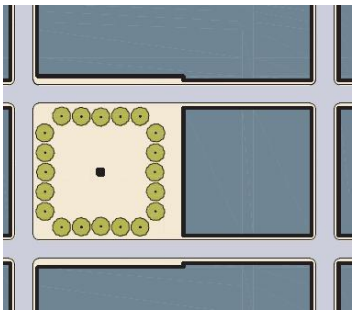
## Table 9.2 Private Open Space Types

| *Private Open Space Type* | *Description and Image* | *Standards and Criteria* |
|---|---|---|
| Balcony | A **Balcony** is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.   | A Balcony that is not flush shall be a minimum of 5 feet clear in depth and a minimum of 8 feet in width.<br><br>A Balcony may be semi-recessed or recessed. Projecting metal or slab balconies are only permitted if they have some means of visible support. |
| Patio | A **Patio** is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Spanish and Spanish-style dwellings.  | A Patio shall be a minimum of 100 square feet.<br><br>A Patio shall have a clear sense of enclosure and separation from the public realm. |
| Courtyard | A **Courtyard** is a landscaped open space in the center of the block with no street frontage, surrounded by walls or buildings on all sides. It shall be large enough to allow for public activities and have sunlight during midday. It should be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.   | A Courtyard shall be surrounded on all sides by buildings with at least one pedestrian connection to an adjoining building or public sidewalk.<br><br>A Courtyard shall be a minimum of 200 square feet.<br><br>A Courtyard may be landscaped or a combination of landscape and hardscape. However, a courtyard shall contain amenities for residents such as seating, water features, etc. |
| Forecourt | A **Forecourt** is similar to a courtyard; however, it is located in the front of a building such that the forecourt is surrounded on two or three sides by wings of the building.   | A Forecourt shall be surrounded on at least two sides by buildings.<br><br>A Forecourt shall be a minimum of 150 square feet. |

| *Private Open Space Type* | *Description and Image* | *Standards and Criteria* |
|---|---|---|
| Playground | A **Playground** is specifically designed and equipped for the recreation of children. A playground should serve as a quiet, safe place -- protected from the street and typically located where children do not have to cross major streets to access the playground. A playground may be fenced. An open shelter, play structures or interactive art and fountains may also be included. Shaded areas and seating shall be provided.   | A Playground shall be a minimum of 400 square feet. |
| Community Garden | A **Community Garden** is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).   | The maximum size of a Community Garden shall be 1 acre.<br><br>A Community Garden shall be enclosed by a fence on all open sides. |
| Roof Terrace | A **Roof Terrace** is a flat area on top of a building which is accessible for use as a recreation space for the residents and users of the building.   | A Roof Terrace shall be at least 50% of the building footprint area.<br><br>A Roof Terrace shall provide landscaping in the form of potted plants, seating, and other amenities for the users of the building. |
| Other Private Open Space Amenity | Other private open space amenities include but may not be limited to: pool (swimming, lap pool, spa area), play court (e.g. basketball), or shaded picnic area. | Such private open space may be incorporated with roof terraces or courtyards based on the appropriateness of the design and accommodation of privacy. |

**9.4 Public Civic/Open Space Types**. The design of all public civic/open spaces proposed within the McKinney Town Center zoning district shall be regulated by the standards included herein.

9.4.1 **Plaza Standards**





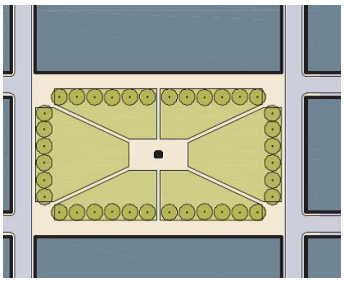





Plazas add to the vibrancy of streets within urban areas and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, shall be provided. Plazas shall be located at the intersection of important streets.

| **Typical Characteristics** |
|---|
| **General Character** |
| Formal open space |
| Primarily hardscape surfaces |
| Trees and shrubs optional |
| Spatially defined by building frontages |
| **Location and Size** |
| Plazas are appropriate in the Historic Core, Downtown Core, Transit Village Core, and Cotton Mill Core character districts.<br>Size shall range from 0.25 ac to 1 ac. |
| Shall front on at least one (1) Pedestrian Priority "A" or "B" Street. |
| **Typical Uses** |
| Commercial and civic uses |
| Casual seating |
| Tables and chairs for outdoor dining |
| Retail and food kiosks |

### 9.4.2 Square Standards











A square serves as an open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. A square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square. The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating shall be provided. A civic element or small structure such as an open shelter, pergola, or fountain should be provided within the square.

| **Typical Characteristics** |
|---|
| **General Character** |
| Formal open space |
| Spatially defined by buildings and tree-lined streets |
| Open shelters, paths, lawns, and trees formally arranged |
| Walkways and plantings at all edges |
| Located at important intersections |
| **Location and Size** |
| Squares are appropriate in the Historic Core, Downtown Core, Transit Village Core, and Cotton Mill Core character districts<br>Size shall range from 0.5 ac. to 2 ac. |
| **Typical Uses** |
| Unstructured and passive recreation |
| Casual seating |
| Commercial and civic uses |

### 9.4.3 Green Standards







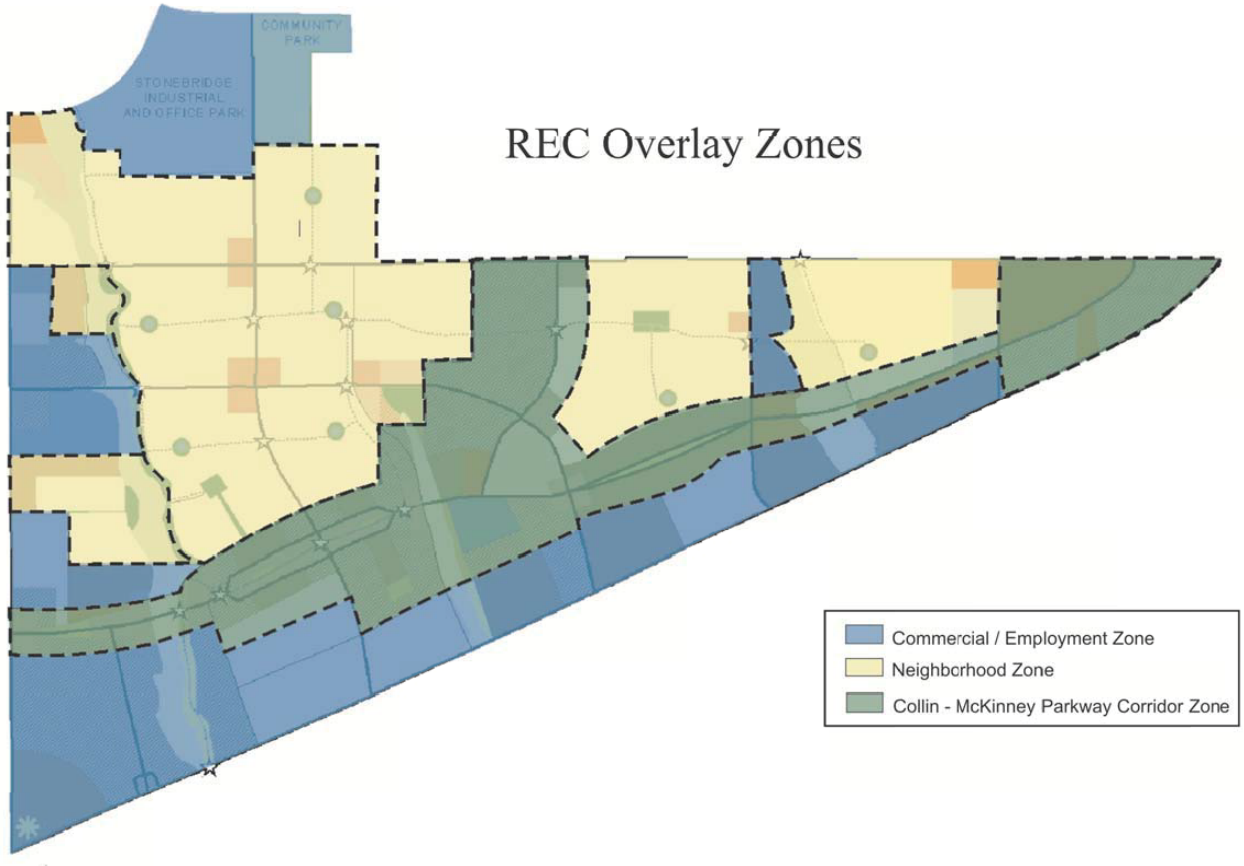


A green serves as an open space available for civic purposes, commercial activity, unstructured recreation, and other passive uses. A green shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains or open shelters should be included and should be formally placed within a green. Mixed use or urban residential buildings shall front onto and activate a green.

| **Typical Characteristics** |
|---|
| **General Character** |
| Open space |
| Spatially defined by landscaping and building frontages |
| Lawns, trees and shrubs naturally disposed |
| Open shelters and paths formally disposed |
| **Location and Size** |
| Greens are appropriate in the Downtown Core, Downtown Edge, Transit Village Core, Transit Village Edge, Cotton Mill Core, and Cotton Mill Edge character districts<br>Size shall range from 0.5 ac. to 5 ac. |
| **Typical Uses** |
| Unstructured and passive recreation |
| Casual seating |
| Commercial and civic uses |
| Residential address |

# Appendix 2C: Regional Employment Center (REC)

Section 1. - Map of regional employment center overlay zones.




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

I. Overview.

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

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

- All neighborhoods have identifiable centers and edges.
- Shopping, recreation and basic neighborhood services are accessible by non-vehicular means in the neighborhoods.

- Each neighborhood shall provide a mixed-use neighborhood center accessible by walking no more than one-half mile.
- Uses and housing types are mixed and in close proximity to one another, utilizing urban design to facilitate the compatibility of different uses.
- The streets, blocks, and the placement of buildings on lots encourage pedestrian activity.
- Streets are interconnected, forming a network.
- Civic buildings and civic space are given prominent sites.
- Parks are evenly distributed throughout neighborhoods—within one-quarter of a mile from most dwelling units.
- Schools are located within a ten-minute walk or one-half mile from a majority of the dwelling units in a neighborhood.

B. Overlay categories. The design standards are organized and divided into three overlay zoning categories. These overlay categories will match appropriate urban design with the desired vision for a given area, while maintaining the projected tax base profile of the REC as generally established in the future land use plan.

The three overlay categories are as follows:

1. Neighborhood zone.

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

2. The Collin-McKinney Parkway corridor zone.

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

3. Commercial/employment zone.

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

II. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. The regional context.

1. Neighborhood location shall be consistent with the future land use plan for REC, including the preservation of open space and development of alternative modes of transportation, including hiking, biking and public transit.

2. Neighborhoods should be connected in as many locations as possible to adjacent developments and thoroughfares.

3. Highways and arterial roads shall go around the neighborhoods rather than through them. Where they do come in contact with the neighborhoods, these roads should be designed for low speeds.

4. Arterial roadways through neighborhoods and urban activity centers should take the form of the type "A" or Main Street or an avenue. At the edge of the neighborhood they should take the form of a parkway or a boulevard.

5. A network of interconnecting streets shall be developed to create several alternative routes through and between neighborhoods and commercial/employment districts.

6. The interconnecting street network is not meant to be and should not provide a cut-through alternative to arterials.

B. The site context.

1. All lakes, ponds, creeks, wetlands, and other natural features should be retained in the design and development process.

2. Significant natural amenities should be fronted by streets or paths at least 30 percent of their length rather than privatized behind backyards.

3. Submitted plans should locate neighborhood centers and sub-centers such as squares, greens, and parks at significant tree stands and other natural amenities.

4. All developments should conform to the site topography to minimize the amount of grading necessary to achieve a viable street network.

C. Gateways and vistas.

1. Generally. Views of significant features and buildings should be preserved and enhanced to aid the public in becoming oriented within an area.

2. View corridors.

a. Street vistas should terminate with a significant view or building. A carefully sited building, public tract, a view of a natural feature, or an angle in the street shall terminate street vistas.

b. Developments shall include a plan to protect important views by designating the following on subsequent site plans:

i. Locations from which significant views of natural features are visible; locations from which water features or parkland can be seen and from which access is possible; and the location of open space, buildings, landscaping, and pathways that will protect, provide access to, or provide a frame for these significant views.

ii. Locations from which views of major landmarks of the built environment, such as fountains, sculpture, or important architectural features either within or outside a development are visible, and the location of open space, buildings, landscaping, and pathways that will protect, provide access to, or provide a frame for these significant views.

3. Focal points.

a. The site design should designate major entranceways into a development and include some type of entry feature such as landscaping, an entry monument, sculpture or fountain.

b. At gateways into the REC and key intersections of arterials within the REC, ornamental landmarks should be integrated into site design to create visual focal points and a sense of identity. These should include monuments, artwork, and/or ornamental landscaping features.

D. Connectivity, linkages and access.

1. Because the REC street and pedestrian network can serve as a bicycle route as part of the regional bicycle system, all developments should consider, in the site design, locations for bicycle parking and bicycle access connecting with the regional routes.

2. Developments shall make provisions for bicycle trails, lanes and routes as part of an interconnected system, as directed by these guidelines and the city master park and trails plan.

3. Single-loaded collector and neighborhood streets should abut at least 30 percent of the total area along creeks and waterways.

E. Site design.

1. All buildings shall face public streets unless they face a plaza or a courtyard.

2. Site design shall provide direct access into the buildings from the public sidewalk.

3. Sites shall be designed with a continuous pedestrian system throughout the development.

4. All A/C units, HVAC systems, exhaust pipes and stacks, elevator housing, satellite dishes and other such devices shall be thoroughly screened by walls, fencing, roof elements, penthouse-type screening devices, or landscaping.

F. Reserved.

G. Sign design standards. All signs within the REC area shall comply with the following sign regulations:

1. For "A" streets, apply commercial historic district sign standards.

2. Neon signs are permitted on "A" streets.

3. For all other streets, the regulations of the city sign ordinance shall apply, except that billboards shall be prohibited.

H. Landscaping standards.

1. Landscaping should be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, fountains and other features, trellises, pergolas, gazebos, fences, walls, street furniture, and public art.

2. Landscaping and site treatment plans should consider seasonal flowers in planters, planting beds, and hanging baskets.

3. To conserve energy, landscaping should include the planting of evergreen windbreaks to block the northwest winds in the winter, thereby reducing heating energy costs. Deciduous trees shall be planted near the southern facades of buildings to block summer sun, thereby reducing solar heat gain during the summer months.

4. Detention basins, headwalls, outlet structures, concrete flow channels, rip rap channels, and other drainage improvements shall be screened with plant material and/or berms. Such drainage structures, as appropriate, shall be situated in the least visible locations or, if visible, incorporated into the natural curves of the land. Detention basin embankment and the basin itself shall be extensively landscaped with wet-site-tolerant plant materials and shall be sized to accommodate the future growth of the planted vegetation.

5. Shade trees.

a. Shade trees shall be provided along each side of all streets, public or private, existing or proposed. Shade trees shall also be massed at critical points, such as at focal points along a curve in the roadway. In locations where healthy and mature shade trees currently exist, the requirements for new tress may be waived or modified. For single family residential lots, the shade tree requirement shall count as one of the required "lot" trees.

b. Shade trees shall have a minimum caliper of three inches and/or a minimum height of ten feet at time of planting, and a maximum spacing of 30 feet on center, with exact spacing to be evaluated on a site specific basis.

I. Lighting standards.

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

2. In parking lots, post height may be extended to maximum of 16 feet.

## IV. Neighborhood zone.

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

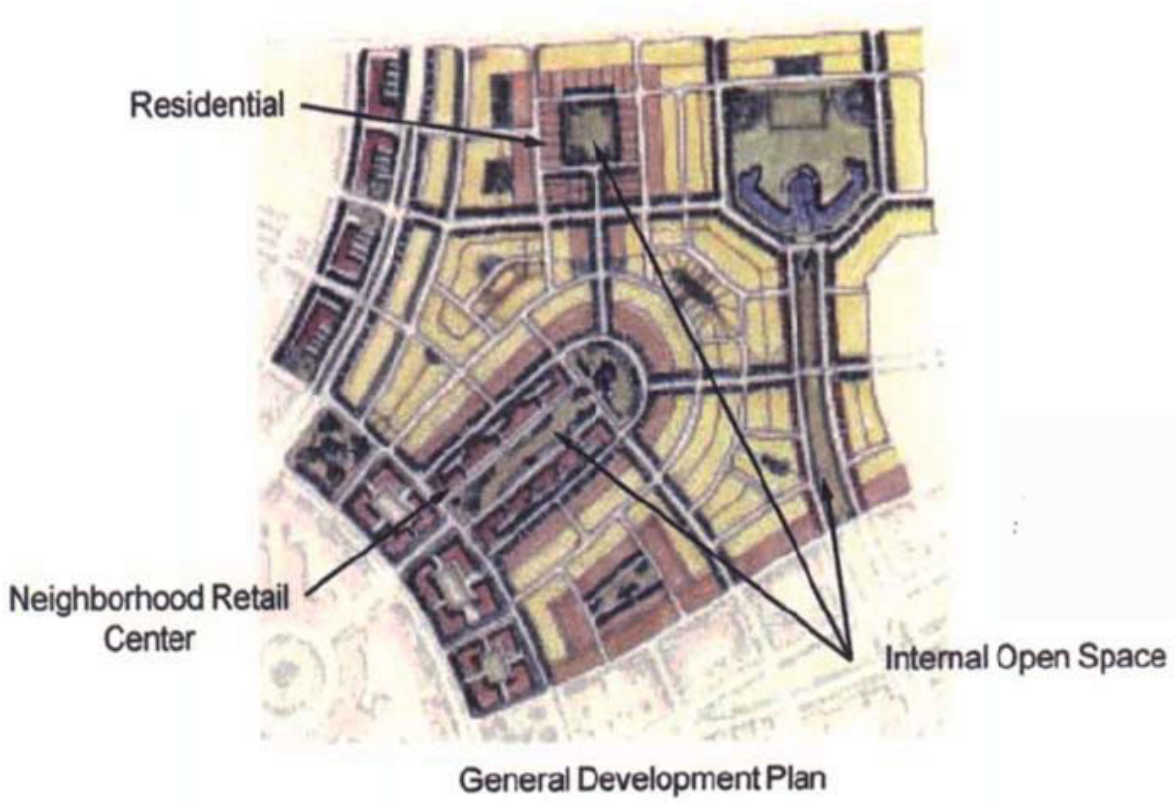
A. Land use mix and allocation.

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

2. Each neighborhood shall include a mix of uses as follows on a gross acreage basis:

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

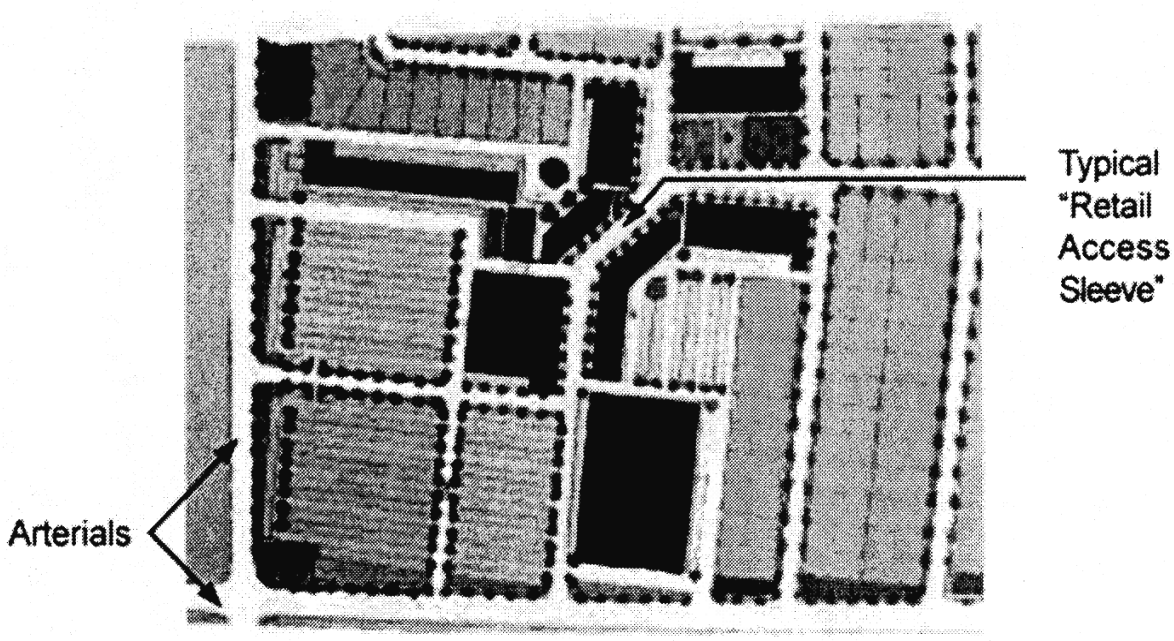
a. Public and civic uses include non-municipally owned public parks, other improved internal open space, schools, churches, amenity centers (e.g., pools, tennis courts) and other public facilities.




b. The minimum internal open space for any one neighborhood development shall be the greater of two acres or five percent of the gross acreage of the development. Dedicated trailways may account for no more than 25 percent of the minimum internal open space requirement.

c. Flood plains can be counted as open space, provided that they abut a single-loaded street with lots on the other side of the street facing the flood plain open space, and that they provide for and permit pedestrian access.

d. Commercial retail uses are intended to be principally neighborhood services, shopping, professional services, and sit-down restaurants; but they are not intended to be "big box" retail, general office, or any use greater than 20,000 square feet. This notwithstanding, retail uses greater than 20,000 square feet that do not exceed 60,000 square feet are allowed only if they front a major arterial, and if the site design for the uses provides for direct pedestrian and vehicular access from the adjacent neighborhood via the use of an access "sleeve" so that vehicles and pedestrians can access the retail site without the utilization of the arterial.




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

3. A diversity of housing types within close proximity of one another is encouraged. For housing types south of F.M. 720 and east of Rowlett Creek, there shall be a minimum of five percent each of at least four of the following seven categories:

   a. Single family detached dwellings on large lots;

   b. Single family detached dwellings on standard lots;

   c. Single family detached dwellings on small lots;

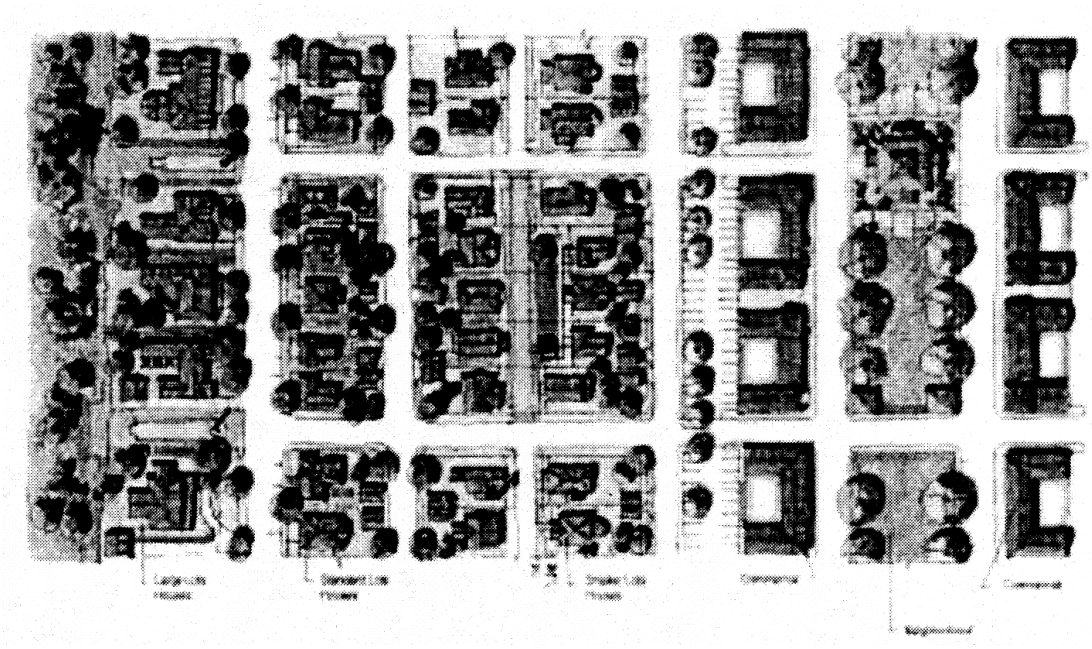
   d. Town/row houses;

   e. Dwellings above nonresidential space;

   f. Two-, three- and four-family dwellings;

   g. Multifamily apartment buildings;

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



*Transition of Uses*

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

4. Each single family detached dwelling is permitted to contain an accessory dwelling unit in the rear yard, such as an apartment over the garage, or a freestanding structure.

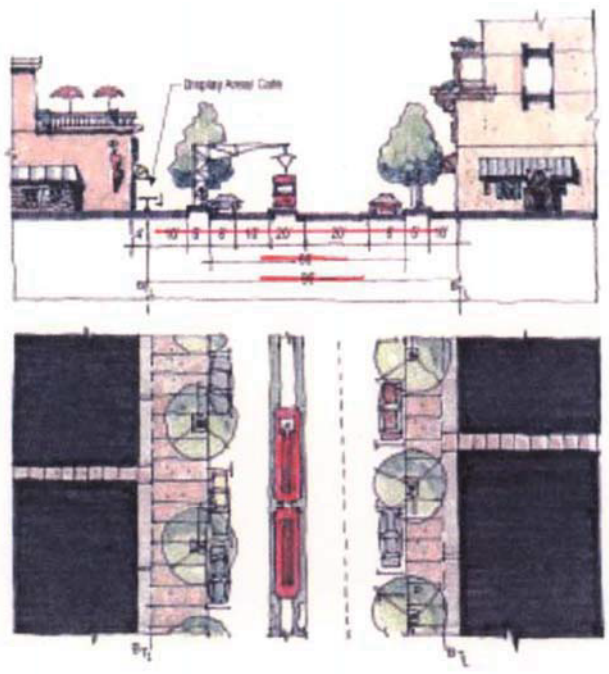
5. For purposes of residential density calculation, only primary units shall count as dwelling units; accessory residential units on single family residential lots and dwellings above nonresidential uses shall not count as dwelling units.

6. Subsidized housing should be architecturally indistinguishable from market-rate housing. Residential densities shall be as follows:

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

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

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

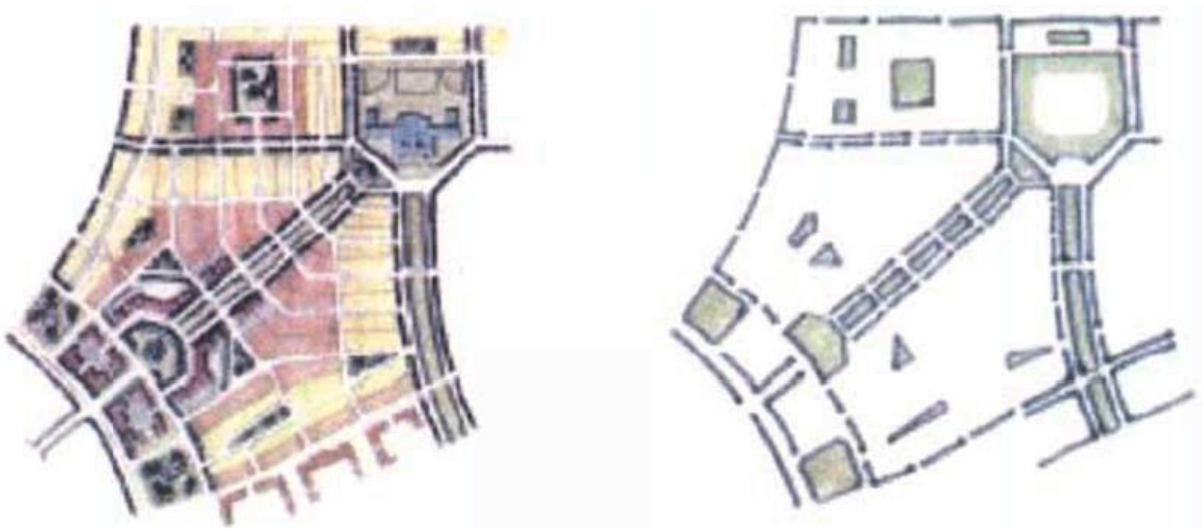


9. Within a mixed-use development in the neighborhood center, residential dwellings shall not be located on the ground floor, although ground floor entryways to internal stairwells are permitted.

10. Like uses should be placed across the street from one another.

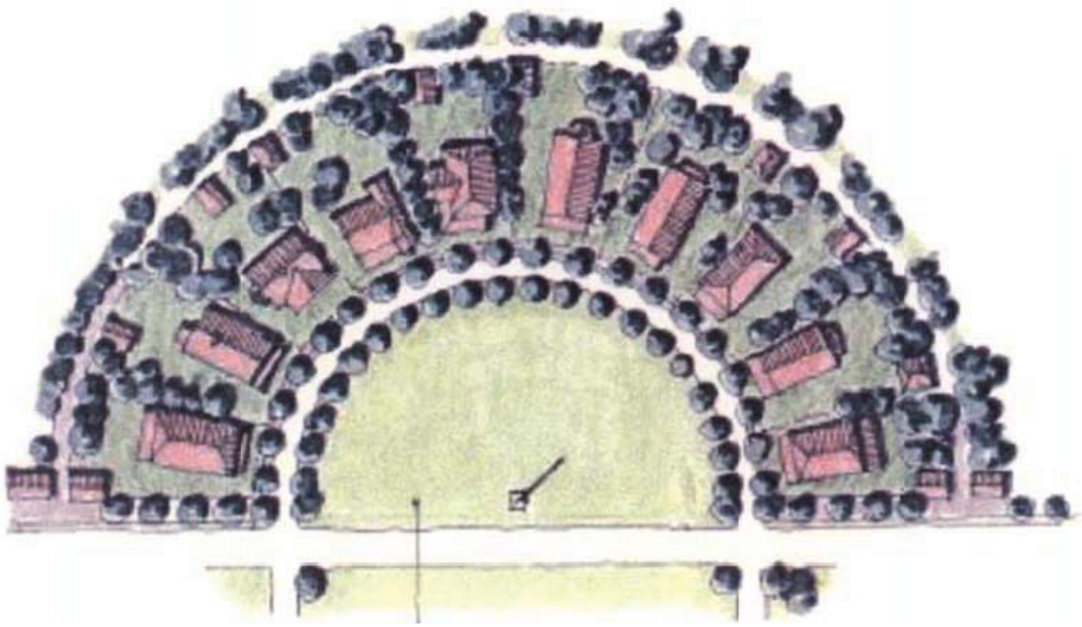
11. Elementary schools should be located no more than ten minutes' walking distance from most dwellings, roughly one-half mile, and should be easily accessible on foot. Residential developers should confer with the applicable school district to determine the need and desired location for new school sites.

12. Open space within the neighborhood should not be leftover space, but rather it should be parks, greens, squares, or plazas designed as a network.



*Neighborhood Plan, Green and Open Space System*

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



*Village Green*

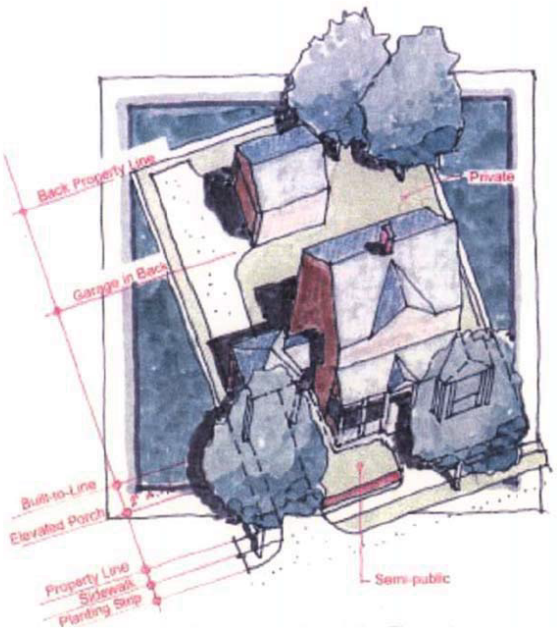
B. *Site design.*

1. *Residential.*

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

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

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




*Area and Bulk Regulation Elements*

c. Lot widths should vary in order to provide design character along a street.

d. All dwellings are encouraged to have a finished first floor elevation at least two feet above the finished surface grade of the lot at the front door. This provision does not apply to accessory dwelling units.

e. The front of detached garages accessed by driveways from the front of the house shall be set back a minimum of ten feet from the back of the house or rotated so that the garage doors do not face adjacent streets.

f. Attached garages accessed by driveways from the front of the house are encouraged to be set back at least 20 feet from the front facade of the house. Front facing garage doors shall be no closer than 20 feet from the front property line.

g. There shall be no more than one accessory unit located on a single family dwelling lot.

h. Dwelling units on any street should have a front entrance articulated by a covered front entry porch. Porches generally should be located on the front of the building or wrapping, and occasionally on the side. Porches are encouraged to be at least four feet in depth.

i. Residential buildings should have relatively flat fronts and simple roofs, with most wings and plan articulations set at the rear.

j. At least 35 percent of the facade facing a street of each ground floor apartment dwelling shall consist of window and door openings, except as approved as part of a site plan if found to be in keeping with the overall residential site design principles.

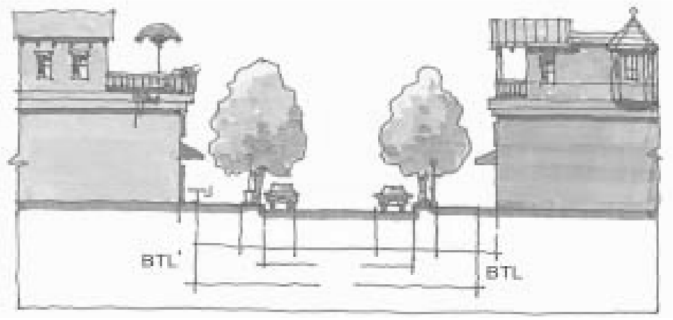
k. A corner store may be located in an area zoned residential, provided it fronts onto a major local or greater street and is located on a corner. Corner store buildings shall be designed to appear as residential buildings; and ground level commercial uses shall not exceed 4,000 square feet, with residential uses on the upper level encouraged. Corner stores should be primarily oriented to serve the residents of the immediately surrounding neighborhood.

2. *Neighborhood center.*

a. The developer(s) of a neighborhood development shall designate land in a central location and of sufficient size to serve as a neighborhood center. The neighborhood center shall be incorporated in to the zoning and platting of the property. The neighborhood center base zoning district shall be used as the appropriate device for entitling and reserving land for this purpose.

b. The amount of land reserved shall be at least 100 square feet and no more than 200 square feet of commercial land area per each primary residential dwelling unit, counting all residential units at build-out.

c. The Neighborhood Center component should front on the interior streets of the neighborhood. If the Neighborhood Center fronts on an arterial street, it shall provide for direct pedestrian and vehicular access from the adjacent neighborhood via the use of a "sleeve" so that vehicles and pedestrians can access the retail site without the utilization of the arterial street (see "sleeve" diagram, subsection V.A.2.d. above). Commercial uses can be mixed and integrated with second story dwelling units.




*Commercial Main Street at Neighborhood Center*

d. The neighborhood center shall contain or be adjacent to a community green, a main street, a plaza or a square.

e. If the development includes a main street commercial area and a community green or plaza or square, the community green or plaza or square should either front upon the main street; the main street should terminate at the community green or plaza or square; or the main street and the community green or plaza or square should combine to create a neighborhood focus.

f. Commercial uses should be contained in multi-story, mixed-use structures with commercial/retail uses on the ground level and apartment dwellings or offices on the upper levels. The maximum ground level footprint of a commercial building should be no more than 10,000 square feet unless the building mass is designed so as not to overwhelm the adjacent areas and buildings.

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

The following guidelines are applicable:

i. A minimum of five feet of sidewalk along the curb leading to the entrance of an establishment shall be maintained free of tables and other encumbrances.

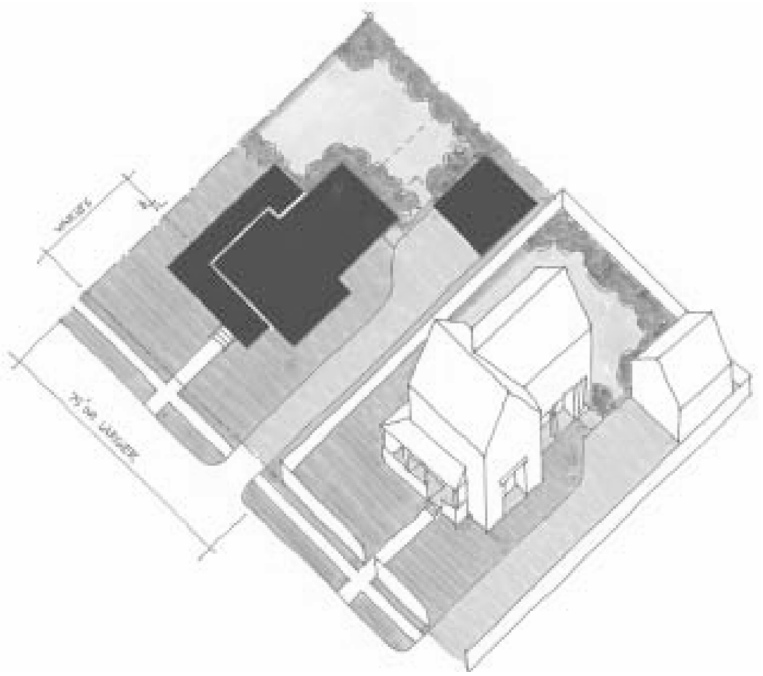
ii. Planters, posts with ropes, or other removable enclosures are encouraged to define the area occupied by the cafe.

iii. Extended canopies, awnings, and umbrellas are permitted. Colors should compliment building colors.

iv. Cafes shall provide additional trash receptacles.

C. *Area and bulk regulations.*

1. *Single family detached, large lot.*



*Single family Detached Large Lot with Front Access*

a. Minimum lot area: 8,400 square feet.

b. Minimum lot width: 70 feet.

c. Minimum lot depth: 100 feet.

d. Yard dimensions:

i. Build-to line for developments intending to develop in an urban, pedestrian-oriented manner: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Residences that are not

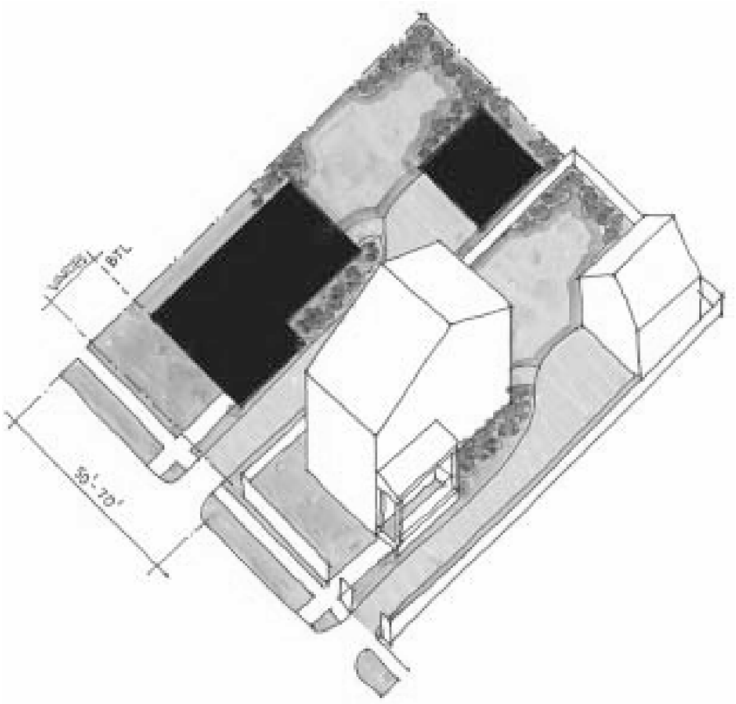
intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

ii. Side yard: Minimum of ten feet; 15 feet for the side facing the street on a corner lot.

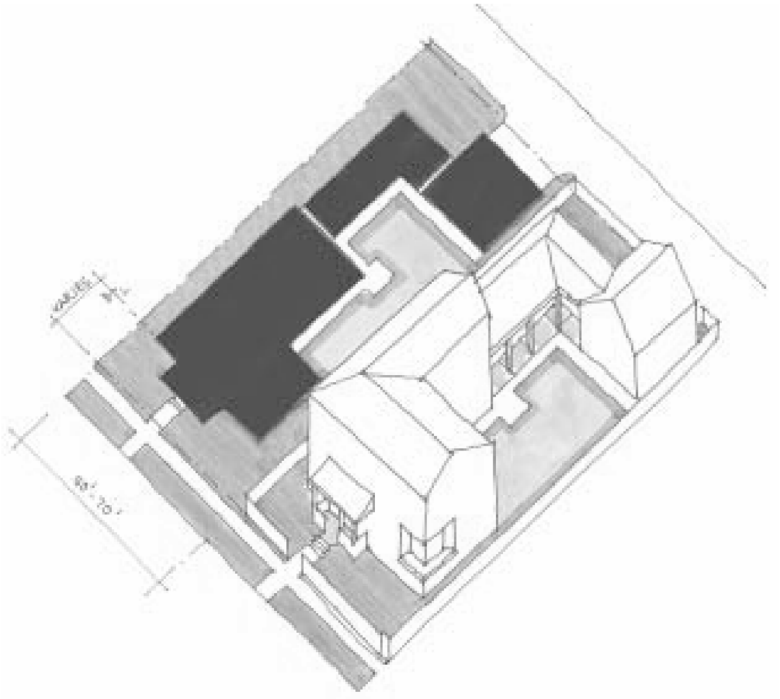
e. Maximum building height: 45 feet or 2.5 stories.

f. Accessory unit allowed; maximum 750 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.

2. *Single family detached, standard lot.*




*Single family Detached Standard Lot with Front Access*



*Single family Detached Standard Lot with Rear Access*

a. Lot area: A minimum of 5,000 square feet.

b. Lot width: Minimum of 50 feet, and less than 70 feet.

c. Minimum lot depth: 90 feet.

d. Yard dimensions:

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

ii. Side yard: Minimum of five feet (if a zero lot line product is to be constructed, a minimum building separation of ten feet shall be maintained and the zero lot line side of each lot intended to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat) except where otherwise warranted to maintain sight visibility requirements as determined by the city engineer.

e. Maximum building height: 35 feet or 2.0 stories.

f. Rear yard or side yard parking optional, alley optional.

g. Ancillary unit allowed; maximum 650 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.

3. *Single family detached, small lot.*

a. Lot area: A minimum of 3,000 square feet.

b. Lot width: 35 feet or greater, but less than 50 feet; and up to 60 feet for a corner lot.

c. Minimum lot depth: 70 feet; 100 feet if ancillary unit utilized.

d. Yard dimensions:

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

ii. Side yard: Minimum of five feet (if a zero lot line product is to be constructed, a minimum building separation of ten feet shall be maintained and the zero lot line side of each lot intended to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat) except where otherwise warranted to maintain sight visibility requirements as determined by the city engineer.

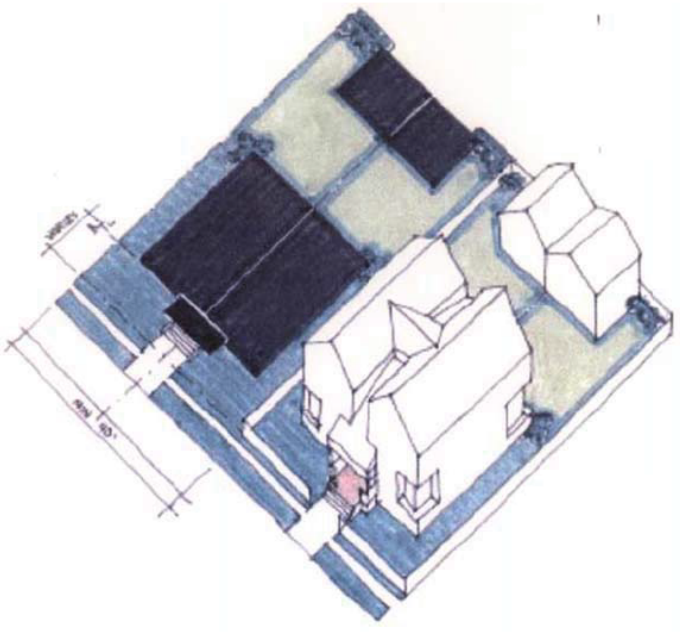
e. Maximum building height: 35 feet or 2.0 stories.

f. Rear yard or side yard parking required, and an alley is required.

g. Ancillary unit allowed (only if minimum lot depth is 100 feet), maximum 500 square feet footprint and 1,000 square feet of dwelling space; and maximum height 25 feet.

h. Attached structure shall be subordinate to the main structure at a minimum by a lower ridgeline.

4. *Two-, three-, and four-family dwellings.*



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

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

b. Lot width: Minimum of 40 feet.

c. Minimum lot depth: 100 feet.

d. Yard dimensions:

i. Build-to line: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line.

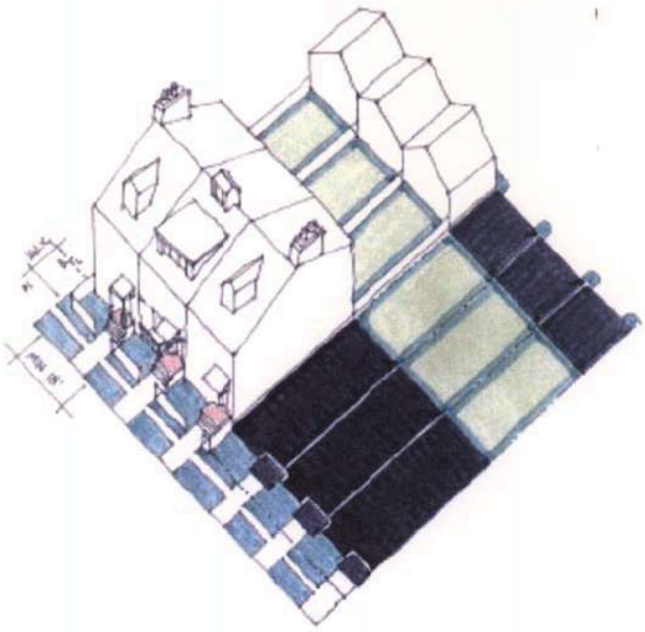
ii. Side yard: Minimum of five feet; 15 feet for the side facing the street on a corner lot.

e. Maximum building height: 35 feet or two stories.

f. Maximum lot coverage: 65 percent.

g. Rear yard or courtyard parking required; an alley is required for lots less than 50 feet wide.

h. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings, such as entryways, to facilitate compatibility with single family uses.



*Townhouse Dwellings with Rear Access*

5. *Townhouse (rowhouse) dwellings.*

a. Lot area: A minimum of 1,800 square feet and a maximum of 4,500 square feet per dwelling unit.

b. Lot width at front yard build-to line: Minimum of 18 feet, maximum of 40 feet per dwelling unit.

c. Minimum lot depth: 80 feet.

d. Yard dimensions:

i. Build-to line: The build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line.

ii. Side yard (end of row): Minimum of ten feet.

iii. Rear yard: Minimum of 20 feet.

e. Maximum building height: 35 feet or 2.5 stories, except that it may be increased to three stories per site plan approval.

f. Maximum building length: Eight dwelling units in a row along a block face.

g. Rear yard garage and alley access or contained internal courtyard parking is required.

h. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings to facilitate compatibility with single family uses.

6. *Apartment dwellings.*

a. Minimum lot area: 8,800 square feet.

b. Lot width: Minimum of 80 feet.

c. Minimum lot depth: 100 feet.

d. Yard dimensions:

i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner the build-to line shall be 15 feet, unless located on a block along with non-apartment lots, thereby requiring the build-to line to be calculated as prescribed in the residential site design section herein and such that the apartment lot is not utilized in the build-to line average lot width calculation. Buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 35 feet.

ii. Side yard: Minimum of ten feet; 15 feet for the side facing a street on a corner lot.

iii. Rear yard: Minimum of 55 feet.

e. Maximum building height: For developments intending to develop in an urban, pedestrian-oriented manner, the maximum building height shall be four stories (buildings within 125 feet of a single family residential zoning district shall be limited to two stories). Buildings that are not intended to develop in an urban manner shall be limited to 35 feet or 2.5 stories.

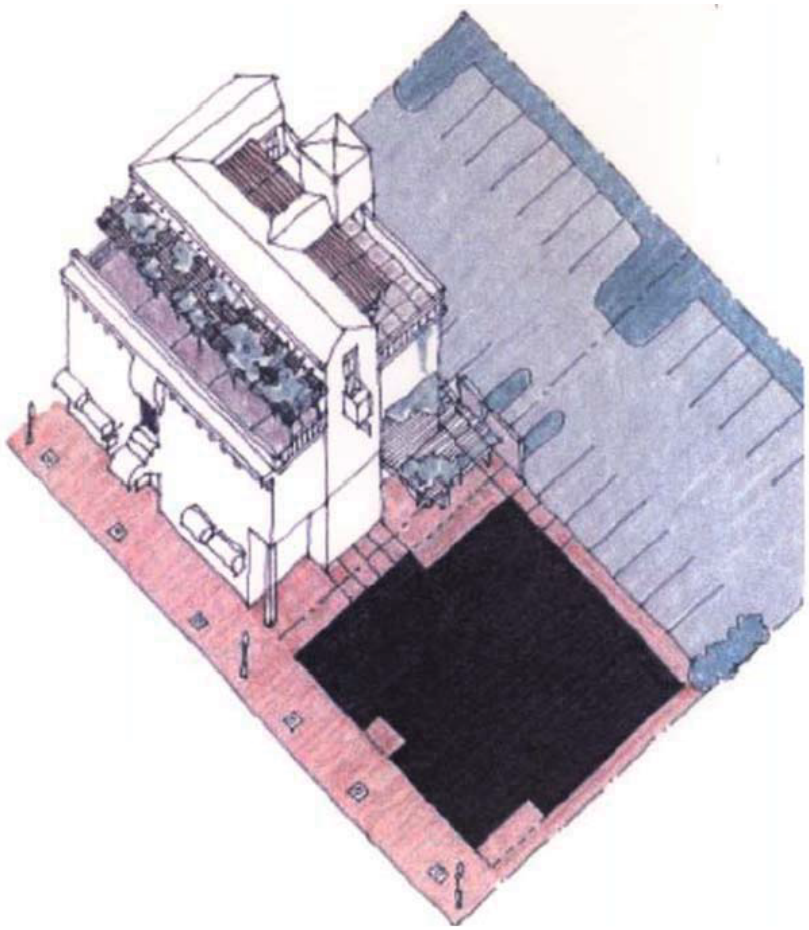
f. Maximum lot coverage: 75 percent.

g. Maximum building length: Eight dwelling units in a row along a block face.

h. Rear yard parking and alley access required on type "A" streets; side yard parking but not front yard parking allowed on "B" streets.

i. For all residential buildings other than single family dwellings, the first floor of the front facade shall have as a minimum 35 percent of the surface area constructed in windows, doors, or other openings to facilitate compatibility with single family uses, except as approved as part of a site plan if found to be in keeping with the overall residential site design principles.

7. *Commercial uses and mixed-use buildings.*



*Commercial and Mixed-Use Dwellings*

a. Lot width: Minimum of 30 feet, maximum 115 feet.

b. Minimum lot depth: 100 feet.

c. Yard dimensions:

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

   ii. Side yard (each side): Minimum of zero feet if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.

   iii. Rear yard: Minimum of 55 feet (one row of double parking).

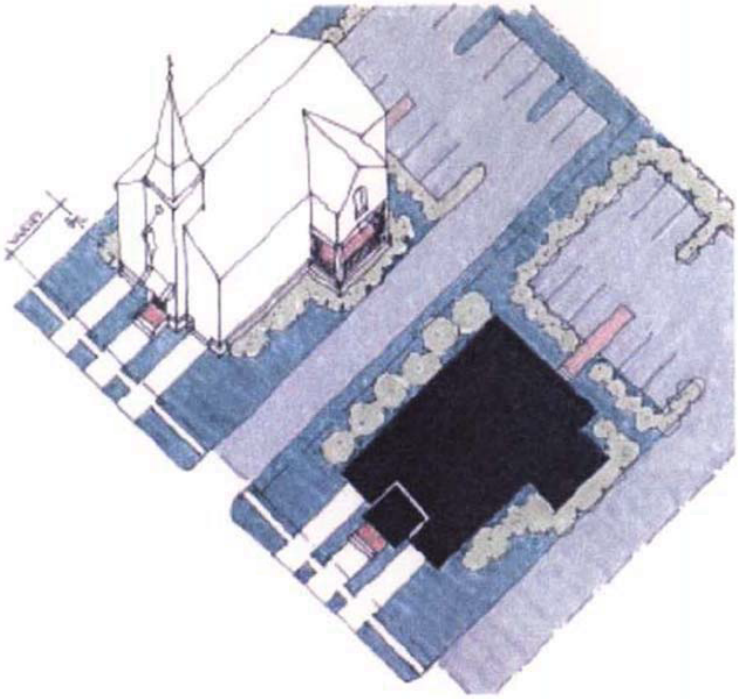
d. Maximum building height: 35 feet and 2.5 stories.

e. Maximum lot coverage: 70 percent.

f. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings, and alleys are required. On type "B" streets, at least 80 percent of

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

8. *Community, civic, institutional and religious buildings.*



*Community, Civic, Institutional and Religious Dwellings*

a. Yard dimensions:

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

ii. Side yard: Minimum of 15 feet.

iii. Rear yard: Minimum of 55 feet.

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

c. Maximum lot coverage: 70 percent.

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

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

D. *Connectivity, linkages and access.*

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

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

2. *Street network.*

   a. All streets should be organized in a comprehensible hierarchical network of "A" streets and "B" streets that manifest the structure of the neighborhood.

      i. Type "A" and type "B" streets shall be identified for each neighborhood such that each development provides at least ten percent in linear footage of type "A" streets of the total linear footage of streets within the development. This provision shall apply to the aggregate areas of multi-phase subdivisions when larger subdivisions are platted in phases, and type "A" streets shall be planned in new developments to connect with existing developments so that effective pedestrian access between developments is achieved.

      ii. Type "A" streets are designed with, or characterized by, features that promote safety, comfort, and convenience of pedestrians and transit users. "A" streets shall provide monolithic curbing sidewalks on both sides at least five feet wide and at least ten feet wide in neighborhood centers and commercial main streets, "street" trees spaced 30 feet on-center, narrow streets with narrow curb turning radii at intersections, buildings sited close to the street, pedestrian-scaled lighting, on-street parking, no onsite parking between the street and the building facade facing the street, aligned building facades, and building entrances facing the street. The "A" streets shall be organized in a continuous network so that the pedestrian experience is uninterrupted throughout the neighborhood. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings.

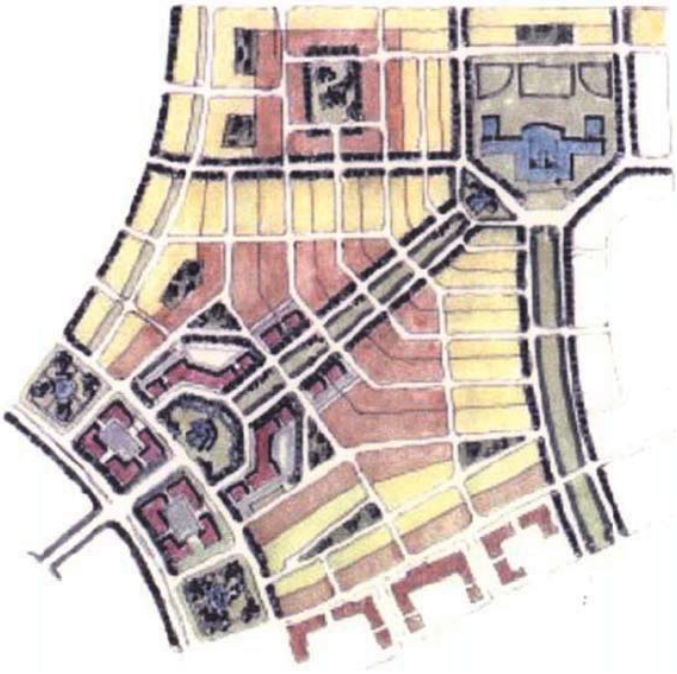
      iii. Type "B" streets may be of lesser pedestrian character as compared to type "A" streets. On type "B" streets, at least 80 percent of the off-street surface parking spaces for commercial buildings should be located at the side of the building or behind the rear face of the building.

   b. Each neighborhood shall be designed with a layout of streets and blocks so that vehicular and pedestrian movement is interconnected throughout the neighborhood, as well as the surrounding neighborhoods. Interconnectivity shall be accomplished by the following:

      i. The street network shall be laid out to provide multiple access ways between destinations;

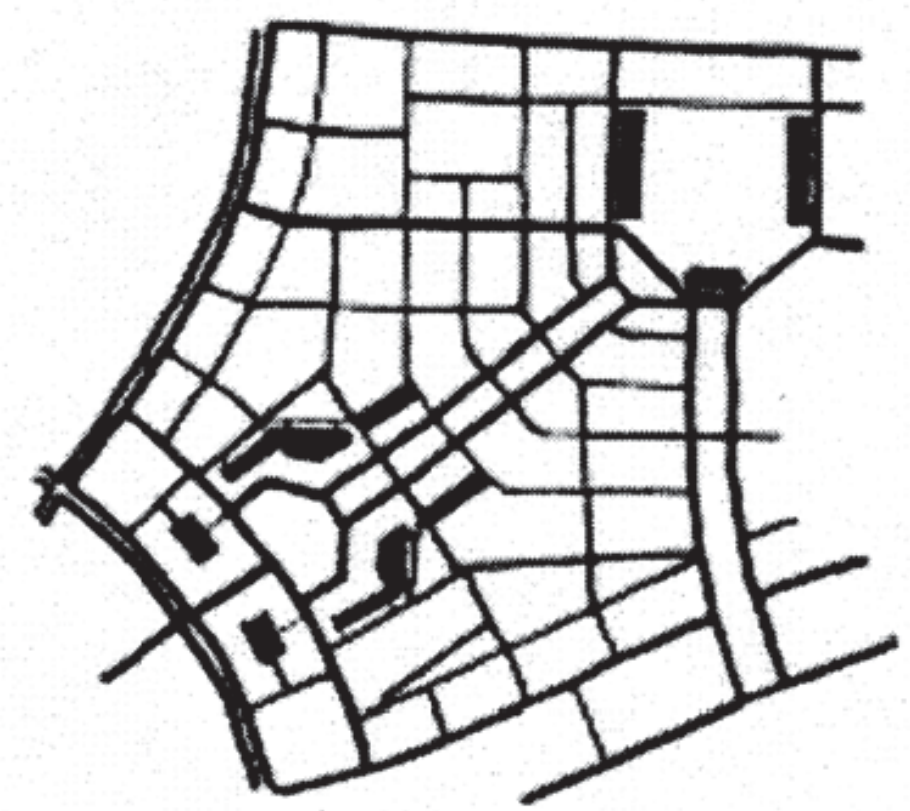
      ii. The street network shall allow bicyclists and pedestrians to travel on local streets to most locations within the neighborhood without the need to follow arterials;

      iii. The neighborhood street system should be inter-connected, and converge generally at common destinations such as commercial areas, parks and transit centers.



*General Development Plan*

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



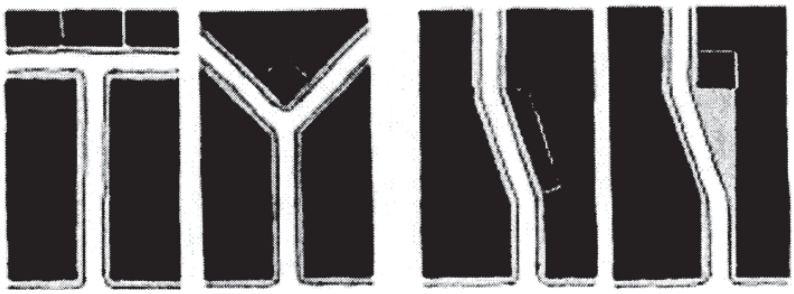
*Street Pattern*

v. Street connections should be designed to keep through trips on collector or arterial streets and local trips within the neighborhood.

vi. At no time should a collector or arterial street be the only route to and from different land uses in the neighborhood.

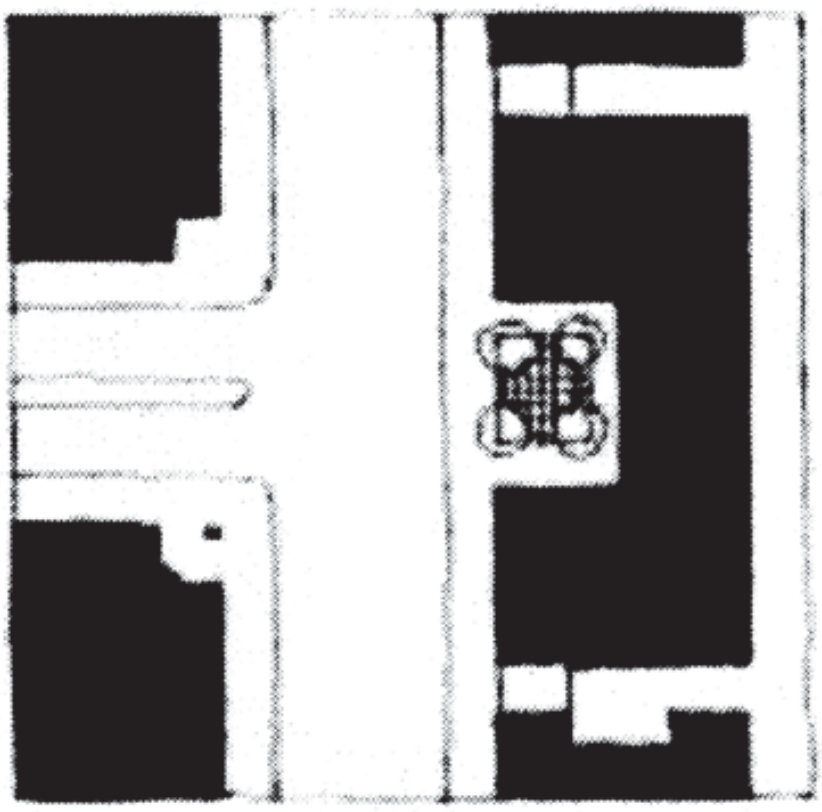
vii. Buildings shall be sited on their respective lots so as to address the street either by their front or side; but they shall not back onto streets.

viii. A building, a public tract, a view of natural feature, or an angle in the street should terminate most street vistas.



*Vista Termination, Vista Deflection*

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



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

x. All streets at both ends should terminate at other streets. Use of cul-de-sacs is strongly discouraged. If the use of cul-de-sacs is desired or necessary because of topographical or other environmental necessity, the cul-de-sac shall be connected by a permanently maintained pedestrian/bicycle pathway to the next adjacent street or trail behind the cul-de-sac;

xi. All retail and neighborhood centers shall have automobile and pedestrian access from local streets to encourage connections within the neighborhood;

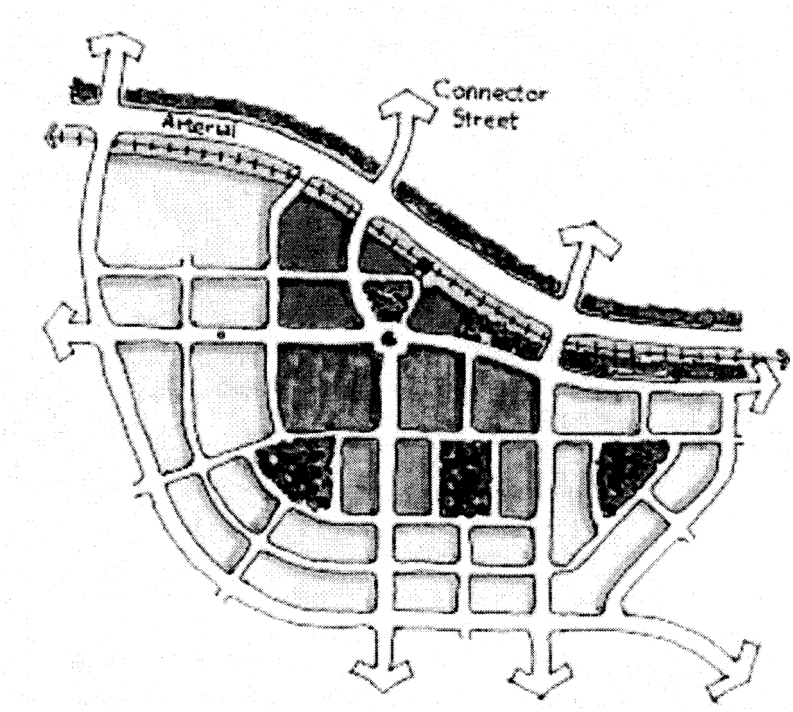
xii. All street blocks should not be longer than 600 feet, measured from the intersecting curb face to curb face for a subdivision with an average buildable lot size of 10,000 square feet or less, and 800 feet for a subdivision with an average buildable lot size greater than 10,000 square feet; for blocks longer than 500 feet, an alley or pedestrian path should provide through access;

xiii. The street pattern should be laid out to create blocks that are generally rectilinear in shape, a modified rectilinear shape, or another distinct geometric shape;



xiv. Blocks closer to the neighborhood center should be smaller relative to the blocks further from the neighborhood center.

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

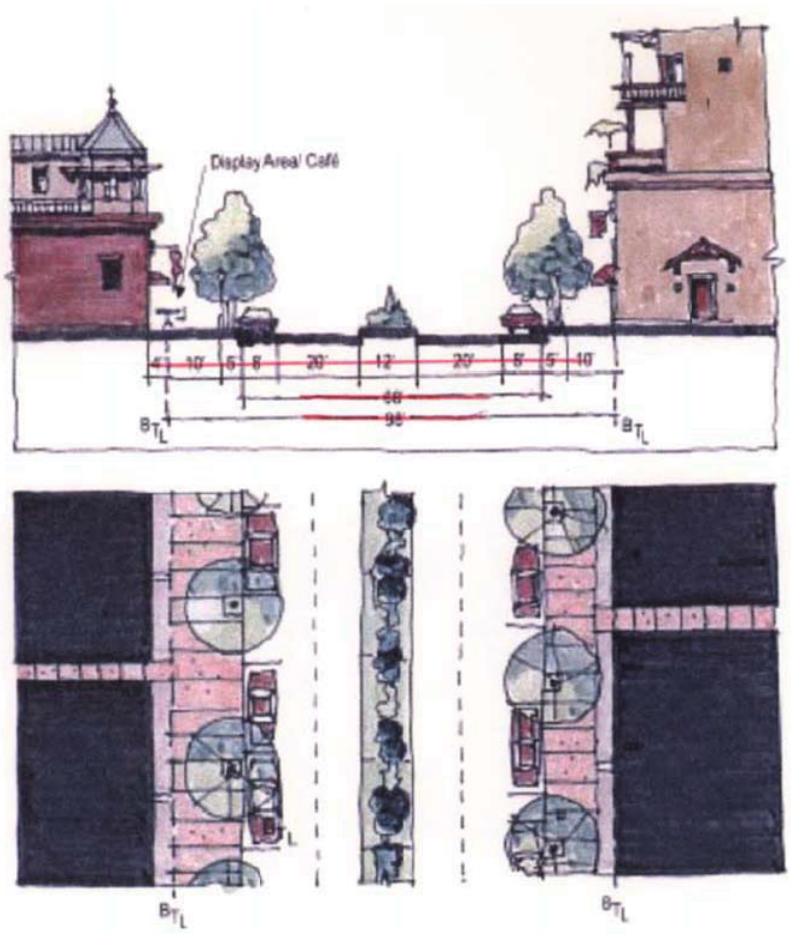



*Connector Street Diagram Adopted from*
*The Next American Metropolis,* Peter Calthorpe

d. Highways and arterial roads shall go around the neighborhoods rather than through them. Where they do come in contact with the neighborhoods, these roads should be designed and managed to avoid speeds in excess of 30 m.p.h.

e. Major roads through neighborhoods should be designed as civic thoroughfares. Within a neighborhood they should take the form of an avenue or commercial main street (see street design specifications). At the edge of the neighborhood, roads should take the form of a parkway or boulevard.

f. The network of interconnecting streets should provide several alternative paths through neighborhoods to the center or to the activity nodes at Collin-McKinney Parkway corridor.




*Street Network and Street Design*

g. The interconnecting street network is not meant to be and should not provide a through-route alternative to arterials.

h. Where feasible, alleys should be utilized for utility easements in addition to providing access.

3. *Street design specifications.*

a. General design.

i. The street layout for the REC neighborhood areas shall incorporate a hierarchy of streets as set forth below. The street design shall be in accordance with the city subdivision ordinance. Each development in the REC shall contain a clearly identified "A" street "B" street network. A network of neighborhood streets designed according to the principles in subsections b. thru e. below shall be provided. However, the street design shall meet the city street design manual criteria except as approved through a variance to the subdivision ordinance.

ii. Telephone poles or other barriers shall not obstruct sidewalks.

iii. All sidewalks should be protected by shade trees to encourage pedestrian use; unless other means are provided, this should be achieved by utilizing, between the roadbed and the sidewalk, a planting strip at least five feet wide with shade trees.

iv. Crosswalks for pedestrians shall be provided at all intersections.

v. Curb return radii at neighborhood intersections of local streets and minor collectors should be ten to 15 feet in order to reduce the crossing distance for pedestrians, subject to fire marshal review and approval.

vi. All streets except arterials should provide for parallel parking.

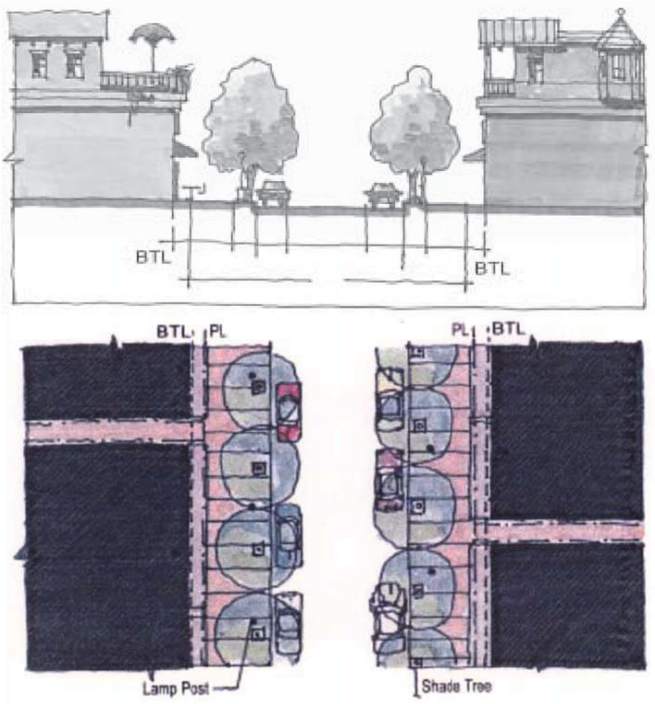
vii. Blocks predominantly containing lots less than 50 feet wide shall utilize alleys to minimize the number of garages fronting streets.

viii. Surface parking for commercial uses should not be placed between the building facade and the street curb.

ix. If surface parking is located next to a building, the surface parking area should be screened by a fence, wall, landscaping, or similar device in order to continue the build-to line of the adjacent building facades. This provision applies to "B" streets only; this option is not allowed on "A" streets.

x. Parking lots serving neighborhood centers should be no larger than 25 spaces per lot. Lots serving businesses adjacent to each other should be connected. Parking lots larger than 25 spaces shall be segregated into multiple, interconnected and landscaped areas.

b. Commercial (main) street—a commercial mixed-use street within the neighborhood.




*Commercial (Main) Street Diagram*

i. Design: The commercial main street shall be a type "A" street.

Desirable land uses: Neighborhood commercial, office, retail, and mixed use.

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

ii. The length of the main street or main street segment should be in the range of 400 to 1,000 feet, divided into multiple smaller blocks.

iii. Parallel parking shall be provided on both sides of the street as approved by the city engineer. Diagonal head-in parking may be permitted along the front of commercial uses and/or community green, in which case no parking shall be permitted on the other side of the street. Curbside parking shall not be permitted within 25 feet of an intersection.

iv. Planting strips of a minimum width of five feet shall be provided within the right-of-way, except where the road abuts the community green. The planting strip abutting a community green shall be at least nine feet wide.

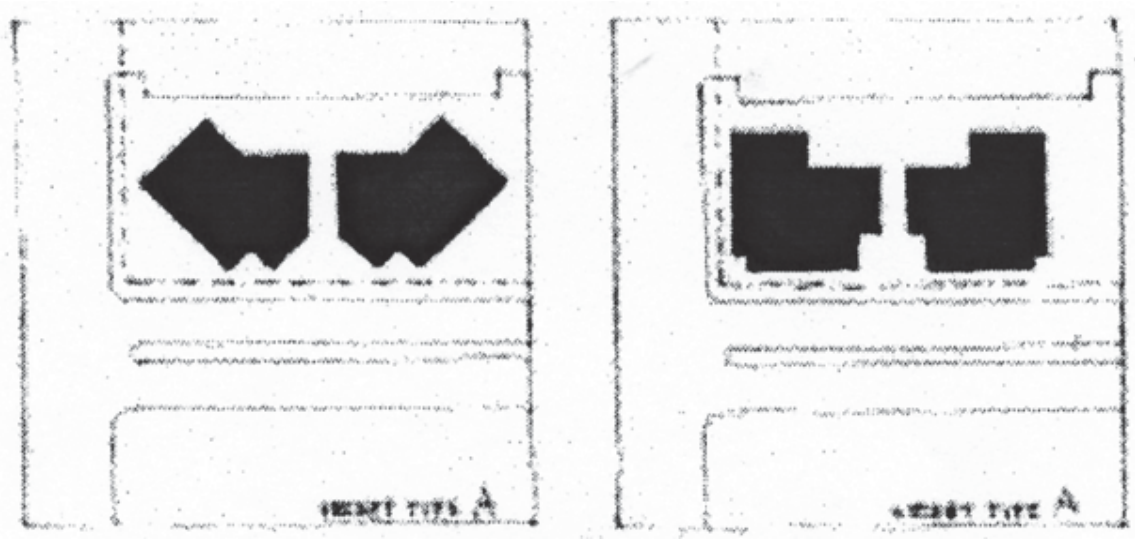
v. Along commercial uses, brick pavers or other similar elements may be substituted for vegetative ground cover typically found in parkways and residential areas.

vi. Sidewalks shall be provided on both sides of the street and shall have a width of ten feet to 15 feet. Included in the 15-foot sidewalk shall be street lighting and street trees. If the sidewalk is ten feet wide, then the planting strip shall be planted with street trees. Light poles shall be no higher than 13 feet spaced 80 feet on-center.

vii. "Street" trees shall be installed and spaced 30 feet on-center.

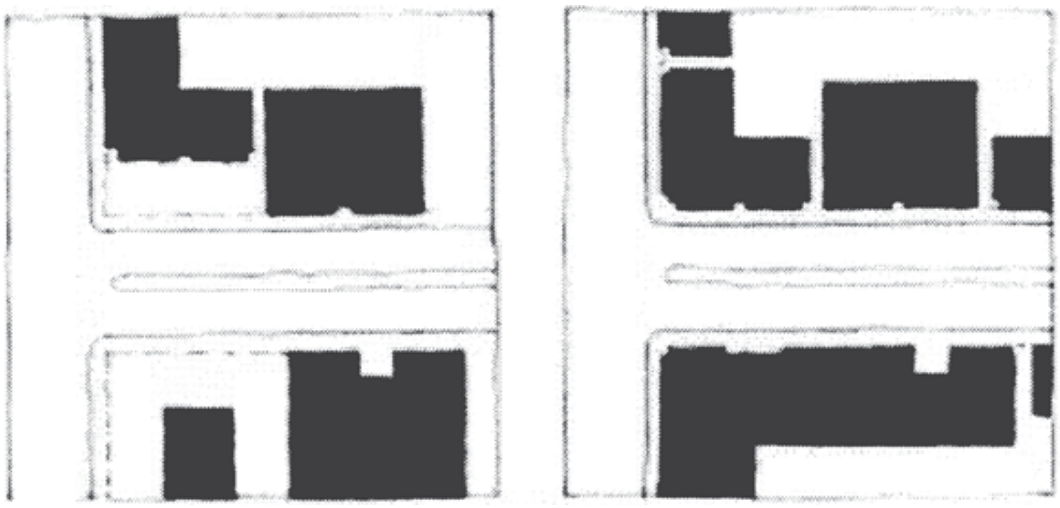
viii. Vehicular access to parking shall not be from an "A" street. Rather it shall be from an alley or from "B" streets adjacent to the rear parking lots so that driveways do not intersect the street. Parking should not be allowed between the main street and the building.

ix. Commercial buildings shall be allowed up to an additional four feet of setback if a cafe is planned.



*Undesirable, Desirable Relationships to Street*

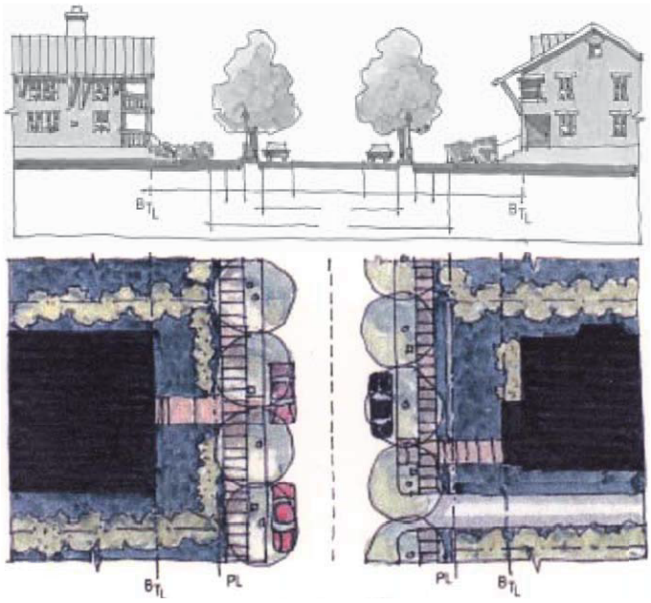
x. Building frontage should be continuous with small pedestrian paths between buildings leading to parking in the rear.



*Undesirable, Desirable Relationships to Street*

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

c. Major local—two-way street.




*Major Local Street*

i. Design:

Desirable land uses: All residential types, neighborhood commercial.

Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied with by at least 80 percent of the linear footage of the buildings along the street block. Twenty percent may be set back further than the build-to line. Single family residential

and commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

Right-of-way width: 60 feet maximum.

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

Design speed: 25 m.p.h.

ii. Parallel parking shall be provided on both sides of the street except within 25 feet of any intersection.

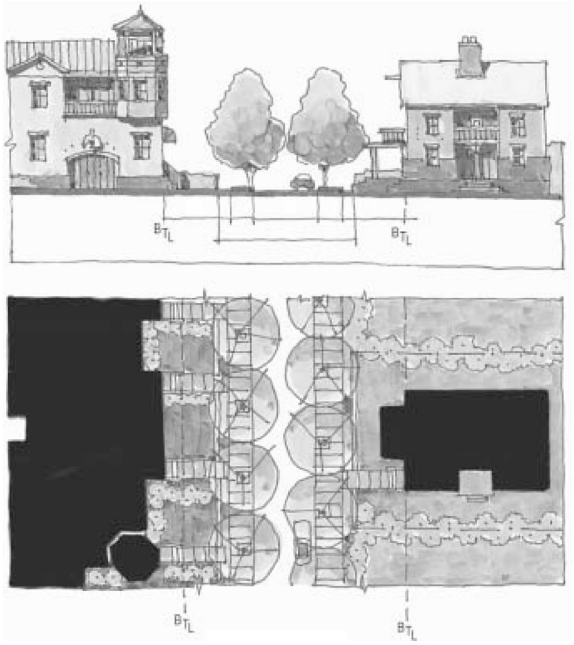
iii. Planting strips of a minimum width of five feet shall be provided on both sides of the street.

iv. Decorative street lamps, of a maximum height of 13 feet and spaced at a maximum of 80 feet on-center shall be installed on both sides of the street and at the intersections.

v. Vehicular access to parking should be from an alley or from "B" streets adjacent to the rear parking lots. This provision is mandatory if the street is Type "A."

vi. Monolithic curbing is recommended. Monolithic curbing is required in a type "A" street or adjacent to commercial or multi-family (greater than four units per building) uses.

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



*Local Street Diagram*

i. Design:

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

Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be no greater than one-third and no less than one-tenth the width of the average residential lot width along the street and shall be complied

with by at least 80 percent of the linear footage of the buildings along the street block. 20 percent may be set back farther than the build-to line. Single family residential that is not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

ii. Parallel parking shall be provided on one side of the street except within 25 feet of any intersection.

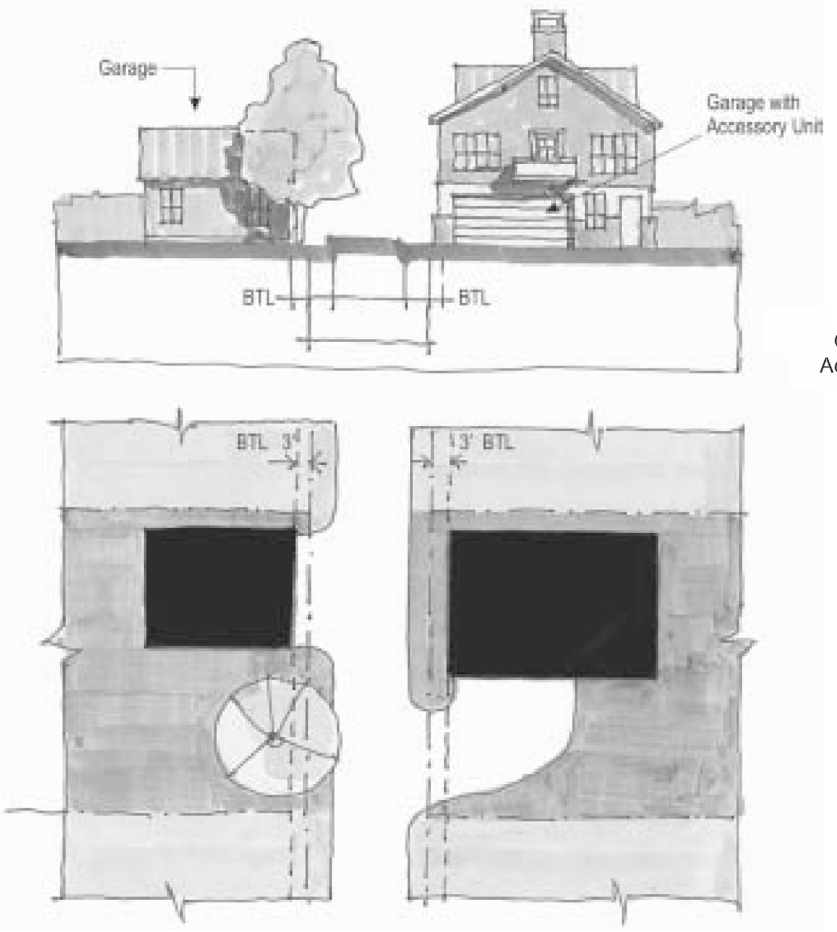
iii. Planting strips of minimum five feet shall be provided on both sides of the street.

iv. Sidewalks shall be provided on both sides of the street and shall have a minimum width of five feet.

v. Decorative street lamps, maximum 13 feet high and spaced at a maximum of 80 feet on-center shall be installed on both sides of the street and at the intersections.

vi. Vehicular access to parking should be from an alley.

vii. Commercial buildings shall get an additional four feet of set back if an outdoor display area or cafe is planned.




Garage with Accessory Unit

*Alley Diagram*

e. Alleys.

i. Design:

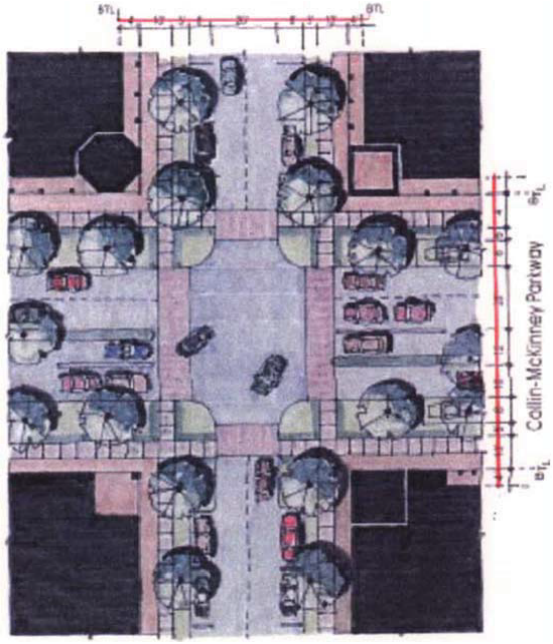
Adjacent land uses: Garages, parking lots, ancillary residential units, ancillary units above garages.

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

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

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

4. *Pedestrian network.*




*Urban Intersection at Collin-McKinney Parkway*

a. The street network shall also function as the primary pedestrian network.

b. Primary pedestrian routes and bikeways should be bordered by residential fronts, public parks, plazas, or commercial uses; generally they should not meander through vast open areas.

c. Where street connections are not feasible, short pedestrian paths shall provide connections between residential and commercial areas.

d. Pedestrian routes through parking lots or at the rear of residential developments should be avoided. Alternate routes should be provided around parks for night use.

e. Safe pedestrian crossings at arterials shall be provided where major pedestrian movement is anticipated. On-demand pedestrian signals may be required during off-peak hours in these locations if approved by the city engineer.

f. Pedestrian paths should be shaded with trees.

g. Under-crossings or bridges designed strictly for pedestrian and bikes are discouraged, unless deemed necessary by the city engineer.

h. The following maximum walking distances should be employed in neighborhood design:

i. Neighborhood center: 1,000 feet from end to end.

ii. Between neighborhood center and neighborhood edge: 1,000—1,500 feet.

iii. Between houses and transit access: 1,000—1,500 feet.

iv. Between houses and jobs: 1,500—2,000 feet.

v. Between houses and community facilities, schools, parks or recreation facilities: 1,500—2,500 feet.

i. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate.

j. In neighborhood centers, sidewalks should be constructed of brick, slate, colored/textured concrete pavers, exposed aggregate concrete, concrete containing accents of brick, stamped colored concrete or some combination thereof, compatible with style, materials, colors, and details of the surrounding buildings, as approved by the city engineer.

k. Walkways shall be raised and curbed along buildings and within parking lots, where suitable.

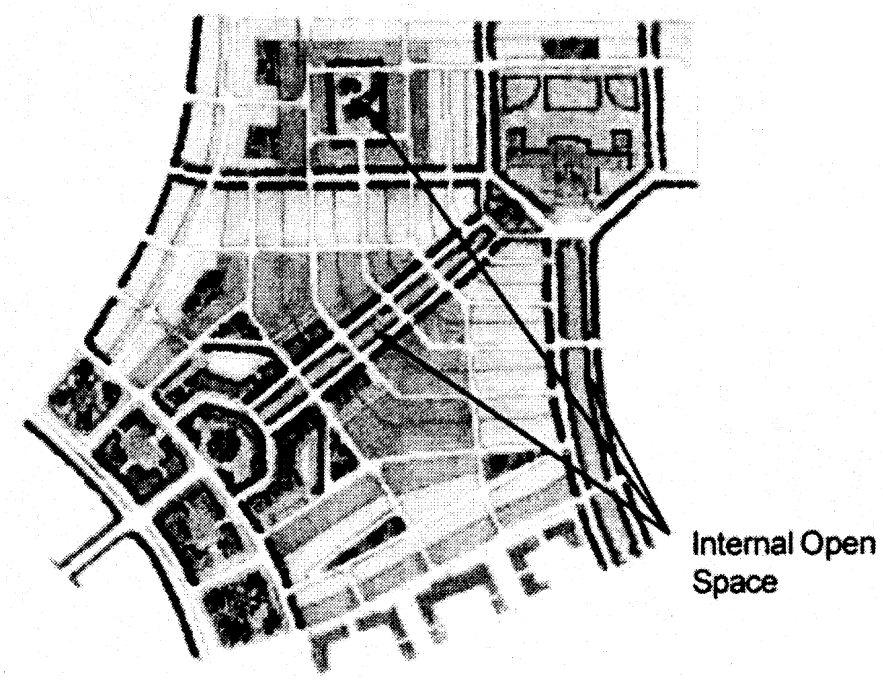
l. Pedestrian street crossings shall be clearly delineated by a change in pavement color and/or texture.

m. Bicycle racks shall be provided at internal open space areas, neighborhood centers, and recreation areas in peripheral open space.

E. *Parks, plazas and civic open space.*

1. *Generally.* Parks are for recreational uses as well as for views. Parks and open space should be utilized to complement the clustering of uses. Moreover, plazas and civic open spaces provide a focus and community gathering location for a neighborhood.

2. *Internal open spaces.* The greater of five percent or two acres of the neighborhood development shall be allocated to and shall remain common internal open space in perpetuity. Internal open space should be centrally located so that 90 percent of the lots of the neighborhood are within a walking distance of 1,320 feet from the open space or an open space in an adjoining neighborhood. Internal open space may take the form of a common, square, plaza, community green, tot lot, an urban non-municipally owned park or other similar public space. Internal open space cannot be used for screening and buffering; nor shall it be a landscaped island within the public right-of-way.




*General Development Plan*

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

b. Internal open spaces shall be designed such that approximately 50 percent of the area is landscaped.

c. Internal open spaces should be landscaped using elements such as formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian-scaled lamp posts.

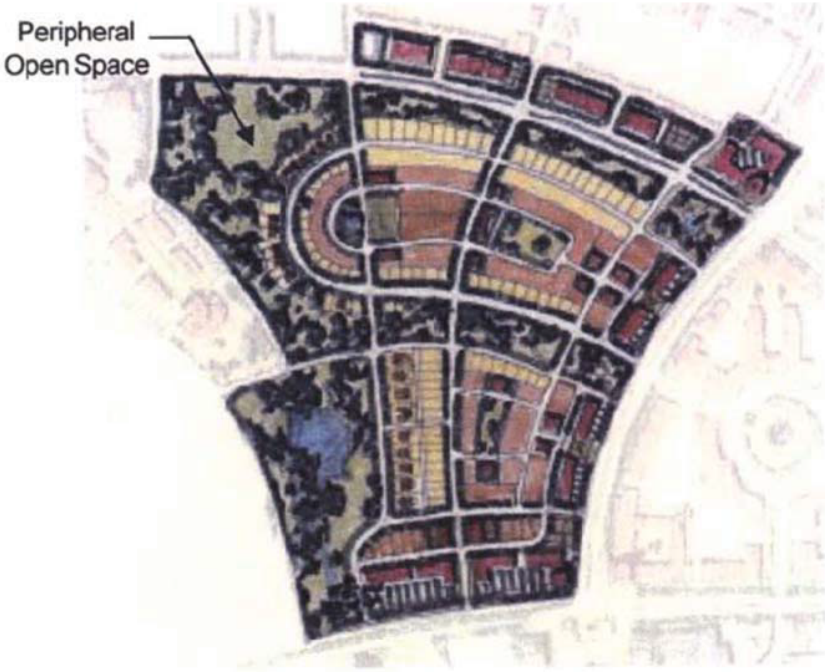
d. Internal open spaces should be surrounded by a concentration of high-density development that may include commercial, retail, residential, civic and public uses and facilities, in order to encourage activity outside as well as inside the buildings.

3. *Peripheral open spaces.*

a. Peripheral open space may be used for community gardens or other similar horticultural purposes.

b. Peripheral open space with unique natural features, such as streams, creeks, ponds, woodlands, and specimen trees, may be left unimproved and in a natural state. As a general principle, the preservation of undeveloped open space in a natural state or existing farms, is encouraged.

c. Peripheral open space may be used for golf courses, public and semi-public recreation purposes.



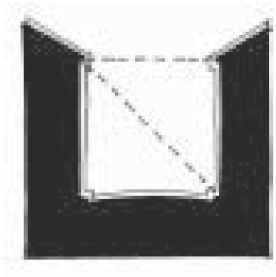

4. *Other requirements.*

   a. Non-municipally owned parks and other open spaces should be designed for both active and passive uses. Their form should be strategically located and accessible rather than acting as residual space. Their design should respect vistas created by streets.

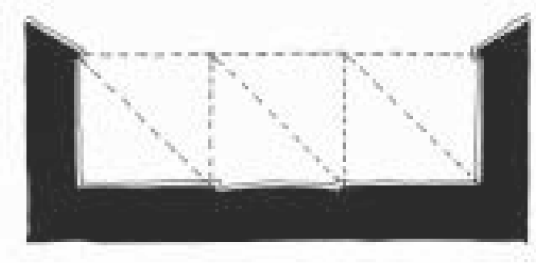
   b. Civic services, such as community buildings, government offices, recreation centers, post offices, libraries, and day cares, should be placed in central locations as highly visible focal points. Where feasible, they should be close to future or existing transit stops.

   c. Dedicated hike and bike trails should connect school sites, parks, community greens, other civic open spaces and neighborhood commercial areas.

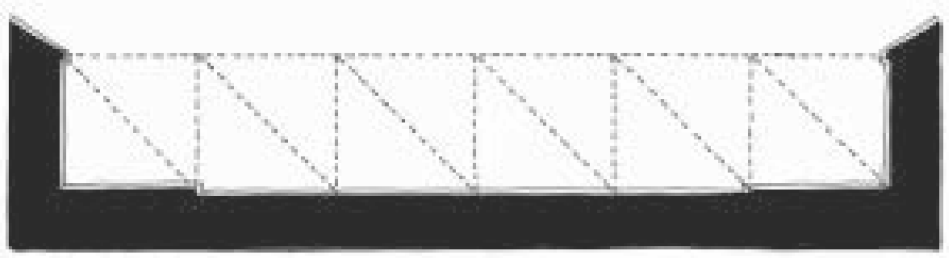
   d. Proportions of squares and plazas should have a ratio between space width and adjacent building heights within the range of 1:1 to 1:3. This ratio should never be greater than 1:6.



1:1 Best for Streets



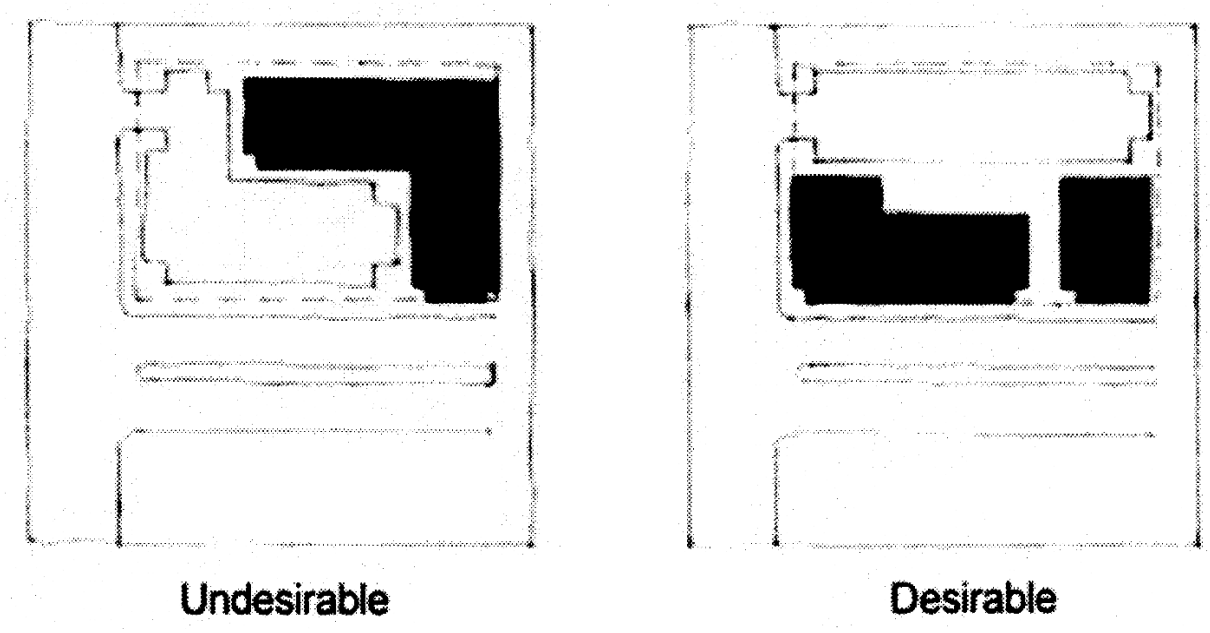
1:3 Best for Squares



1:6 The Perceivable Maximum

F. *Parking.*

1. *Parking requirements.*




*Parking Location*

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

b. On type "A" streets, 100 percent of the off-street surface parking should be located behind the rear face of the buildings. On type "B" streets, at least 80 percent of the off-street surface

parking spaces for commercial buildings should be located behind or at the side of the building.

c. Parking lots should be small-sized (less than 25 spaces) wherever possible, and should be interconnected with commercial parking lots on adjacent properties.

d. Joint use off-street parking is encouraged and may be allowed for adjacent uses having staggered peak periods of demand. Retail, office, and entertainment uses shall share parking areas and quantities whenever practical to do so as approved by the director of planning (See section 146-130(5), shared parking agreements).

e. Parking for townhouses shall be provided in a common off-street parking area or in garages or parking spaces with access from a rear lane. Private driveways for townhouses shall connect to the alley or a side street.

f. Structured parking for apartments may be located in common parking lots located on a lot other than that containing the apartment building, but within 400 feet of the apartment building entrances.

g. If access to a residential garage is provided from a street, the front entrance of such a garage is encouraged to be set back at least 20 feet from the front facade of the dwelling unit. Garages shall be set back five feet from the side and the rear property line.

h. Lots less than 50 feet wide shall utilize alleys to minimize the number of garages fronting streets.

2. *Buffering and screening.*

a. Parking lot layout, landscaping, buffering, and screening shall prevent direct views of parked vehicles from streets and sidewalks, and avoid spill-over light or glare onto adjacent properties, in particular residential properties. Parking lots visible from right-of-way and adjacent property shall be surrounded by a minimum of three-foot high, year-round visually impervious screen, hedge, or wall.

b. The interior of all parking lots shall be landscaped to provide shade and visual relief. Minimum of one shade tree shall be planted in or adjacent to parking lots for every 12 parking spaces. All parking shall be within 25 feet of a shaded area.

c. Parking lot layout shall take into consideration pedestrian circulation/pedestrian crosswalks shall be provided, and shall be distinguished by textured paving and shall be integrated into the wider network of pedestrian access ways.

d. Transformers, HVAC equipment, lift stations, utility meters, grease traps and other machinery, as well as garbage collection points, shall be located at the rear lane or alley.

3. *Loading docks.*

a. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear of the buildings or in visually screened locations.

b. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties and from the public right-of-way. It should also prevent spillover glare. Screening and buffering should be achieved through walls, fences and landscaping which should be minimum six feet tall and visually impervious, see Section 146-132. Recesses in the buildings and depressed access ramps may be used.

V. *Collin-McKinney Parkway corridor zone.*

Intent/purpose: This zone shall provide opportunities for the public to live, work, shop, walk, bicycle and drive within and through the REC and adjacent developments while minimizing conflicts between different modes; to promote an orderly, visually pleasing and active street and parkway environment for workers, residents and

visitors; to accommodate the automobile but not at the expense of the pedestrian; to provide adequate and efficient servicing of the development by trucks and utility vehicles throughout the REC, but to minimize the visual and auditory impact of such service; to strengthen relationships and encourage movement between important destinations inside and outside the development.

A. *Land use mix and allocation.*

1. Because the Collin-McKinney Parkway corridor is the key spine of the REC in terms of access to commercial uses and densities, the land use mix and allocation within the corridor should be based principally on urban elements, including vertical mixed-use. Two or more urban activity centers within the REC should be located within the Collin-McKinney Parkway corridor, facilitated principally by vertical mixed-use designs.

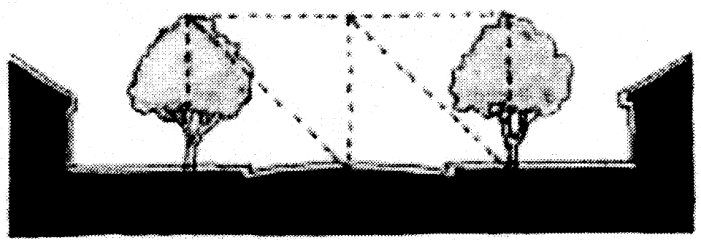
2. The urban activity centers should be areas of vertical mixed-use combining commercial and residential uses in buildings sited and designed in such a way as to promote urban life in the area for most of the 24-hour period. The commercial component should be oriented to serve the immediately surrounding neighborhoods as well as the regional metropolitan area.

3. Single family as well as two-, three- and four-family uses are not allowed, while row/town house uses and dwellings above nonresidential uses are encouraged. (See residential incentive under site design subsection B.6.c. herein).

4. There shall be no maximum and no minimum residential density.

B. *Site design.*

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



*Tree Canopy*




*1:2 Enclosure*

2. The design of buildings shall incorporate the following techniques: A defined base and architecturally defined main entrance; an articulated facade and roof; and plane changes within the building elevations. (See architectural standards generally in overarching design guidelines.)

3. All buildings shall front on public streets unless the building fronts a plaza or a courtyard.

4. Encroachments by canopies and balconies within the area between the sidewalk and building facade are permitted.

5. In the Collin-McKinney Parkway corridor there is no height maximum east of Hardin Blvd.

6. West of Hardin Blvd., buildings shall range in height from two to four stories and west of Stacy Road, buildings shall range in height from two to six stories. The director of planning shall have the discretion to increase the height maximum up to a total of eight stories if one or more of the following provisions are met:

   a. Structured parking is located within the building envelope; or

   b. The ground floor of commercial buildings utilizes the following special design elements to enhance the pedestrian orientation:

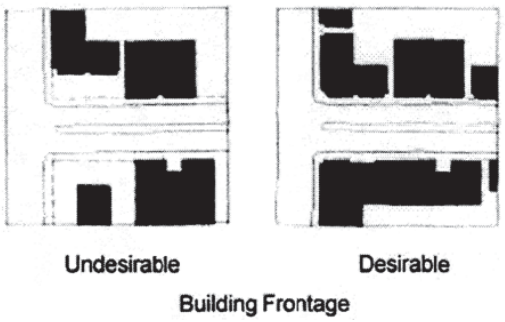
      i. Cornices, corbelling, molding, string coursing, ornamentation, changes in material and color, or other sculpturing of the base; and

      ii. Recessed windows or other techniques to distinguish the windows in the facade such as arches, pediments and mullions; and

      iii. Recessed entryways of at least 100 square feet; or

   c. At least one floor of the building is dedicated to residential uses.

7. Commercial frontage shall have continuous edge of shops, entrances, and shop windows. The optimum length of this continuous commercial stretch is approximately 800 feet, divided into multiple smaller blocks.




*Undesirable and Desirable Building Frontages*

8. Buildings located at gateways entering Collin-McKinney Parkway area should mark the transition in and out of the area in a distinct fashion using massing, additional height, contrasting materials, and/or architectural embellishments.

9. Prominent monumental buildings and structures employing enhanced height, distinctive architectural treatment, or other distinguishing structures should occupy focal points, or points of visual termination.

10. In the Collin-McKinney Parkway corridor, blank walls should be limited where possible.

11. At least 50 percent of the length and 35 percent of the wall area on the ground level floor abutting sidewalks, plazas, or other public open spaces or rights-of-way shall be devoted to windows, doors, or openings affording views into the building space, pedestrian entrances, or retail display windows. Views into parking areas, truck loading areas and vehicular access ways shall not count towards the 50 percent requirement. Works of art such as mosaics, and recessed garden areas may also be utilized to meet up to half of the 50 percent length requirement. Where windows are

used, they must be transparent. Where expanses of solid wall are necessary, they may not exceed 25 feet in length.

12. Windows above the ground floor should be oriented vertically as opposed to horizontally.

13. Primary entrances to commercial and retail establishments shall be located on the street side of the building.

14. To the extent possible, passages between rear parking lots and the streets should be designed in a pedestrian fashion and lined with shop windows or other attractive displays.

15. Restaurants are permitted to operate outdoor cafes on sidewalks (including areas in the public right-of-way) and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired. The following guidelines are applicable:

    a. A minimum of eight feet of sidewalk along the curb leading to the entrance of an establishment should be maintained free of tables and other encumbrances.

    b. Planters, posts with ropes, or other removable enclosures are encouraged to define the area occupied by the cafe.

    c. Extended canopies, awnings, and umbrellas are permitted. Colors should complement building colors.

    d. Cafes shall be required to provide at least one additional trash receptacle on site.

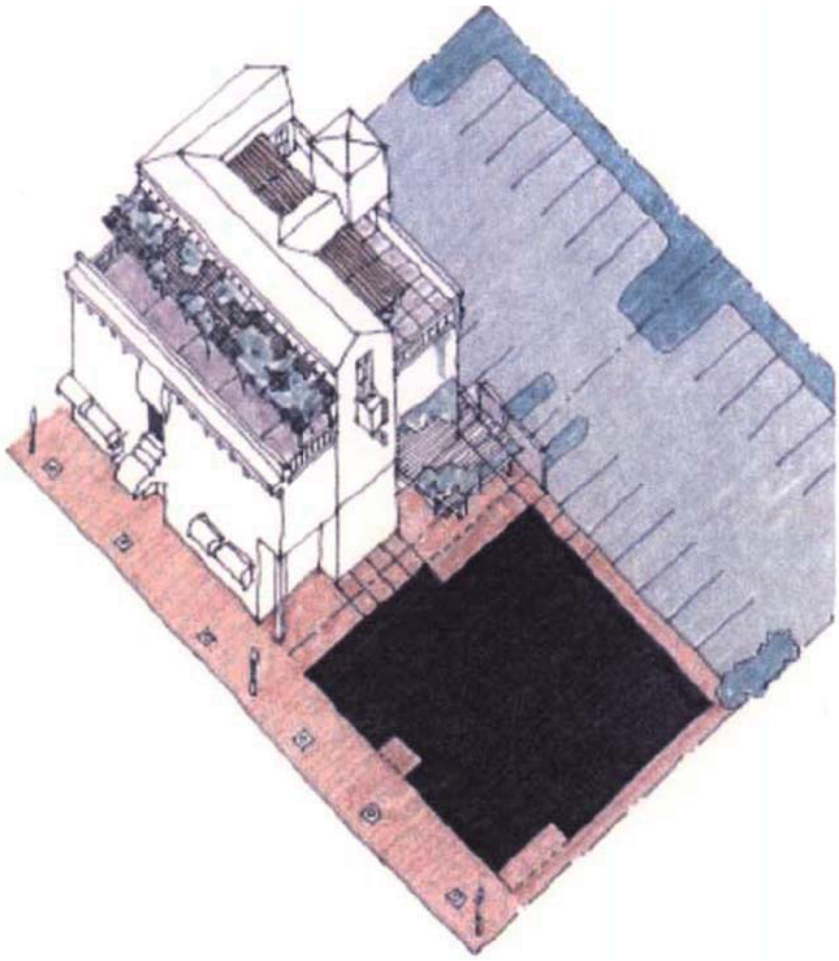
C. *Area and bulk regulations.*

1. Town/row house dwellings, the area and bulk regulations in the neighborhood section above shall be applicable in the Collin-McKinney Parkway corridor.

2. Community facilities, institutional and religious buildings, the area and bulk regulations in the neighborhood section shall be applicable in the Collin-McKinney Parkway corridor (except height maximums shall be four stories with exceptions as noted in site design subsection VI.B.6. herein); lot coverage may be increased with site plan approval.

3. Apartment dwellings, the area and bulk regulations in the neighborhood section above shall be applicable in the Collin-McKinney Parkway corridor, unless the ground floor is dedicated entirely to nonresidential uses (lot coverage may be increased with site plan approval).

4. Commercial uses and mixed-use buildings (lot coverage may be increased with site plan approval).



*Commercial and Mixed-Use Buildings*

a. Lot width: Minimum of 30 feet, maximum 300 feet.

b. Minimum lot depth: 100 feet.

c. Yard dimensions:

   i. Build-to line: For developments intending to develop in an urban, pedestrian-oriented manner, the build-to line shall be between two and six feet on Collin-McKinney Parkway, provided that a single line must be established for each block face. The build-to line may be reduced as part of site plan approval. Commercial buildings that are not intended to develop in an urban manner shall provide a minimum front yard setback of 20 feet.

   ii. Side yard (each side): Minimum of zero feet if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.

   iii. Rear yard: Minimum of 55 feet (one row of double parking) absent structured parking.

d. Maximum building height: (See Site Design Subsection VI.B.6. herein).

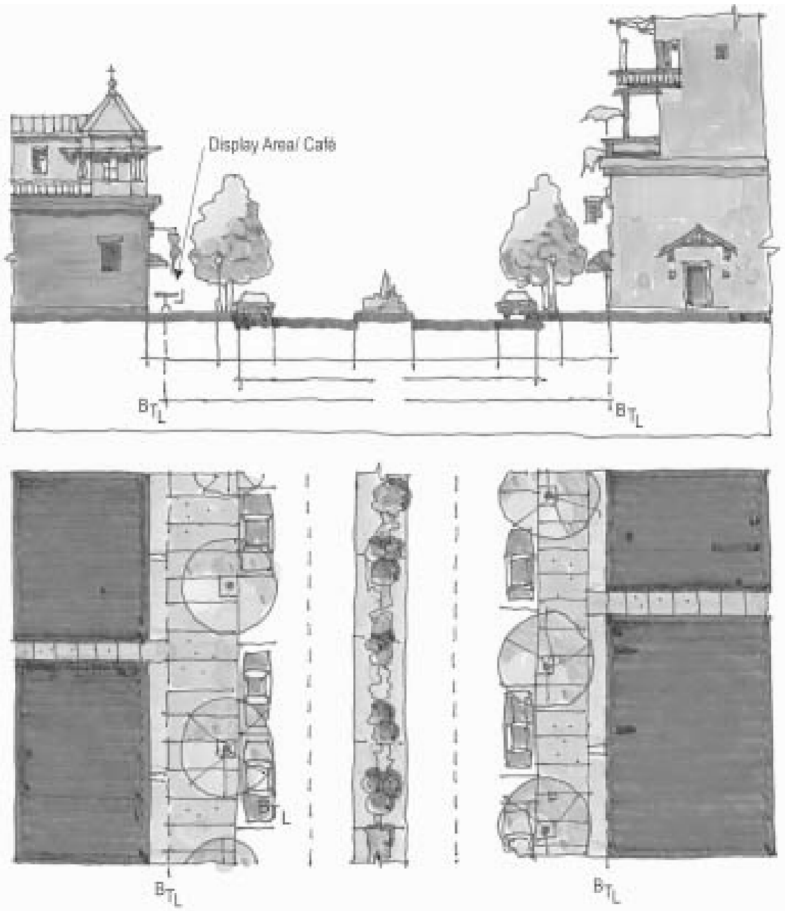
e. Maximum lot coverage: 95 percent for lots fronting Collin-McKinney Parkway; 75 percent for all others, except as approved per a site plan if found to be in keeping with the site design principles.

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

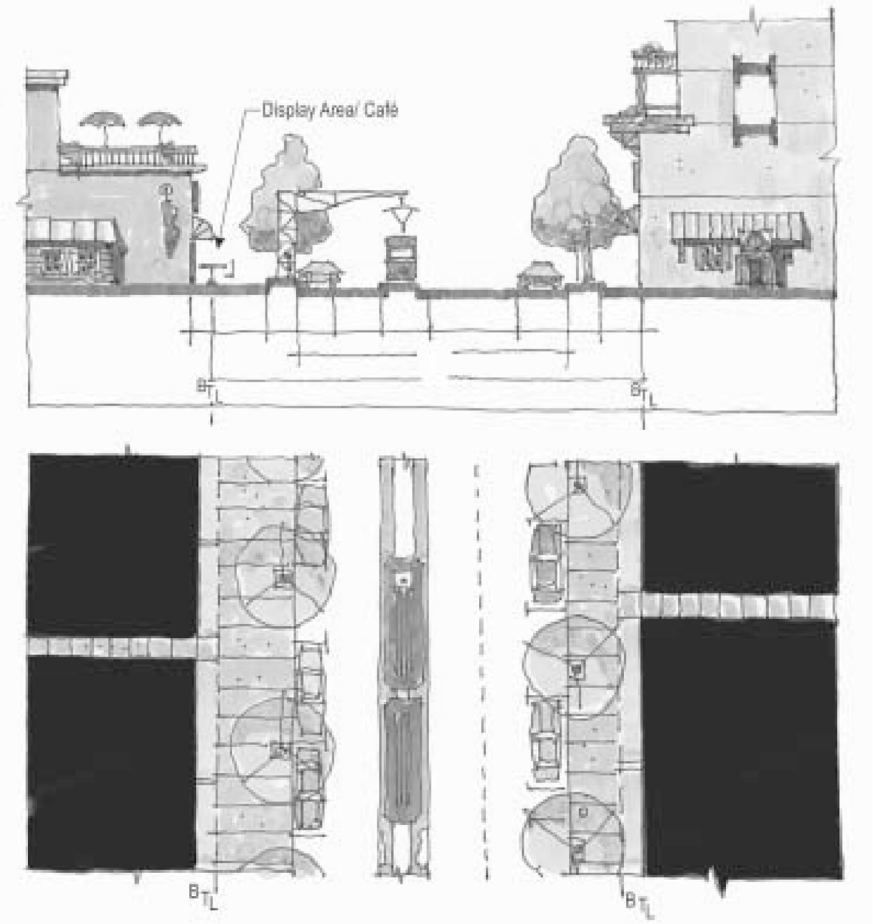
D. *Connectivity, linkages and access.*

1. *Street design specifications.* Street designs in the Collin-McKinney Parkway corridor shall be as follows:

a. Collin-McKinney Parkway, between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720:




*Collin-McKinney Parkway I*




*Collin-McKinney Parkway IA*

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

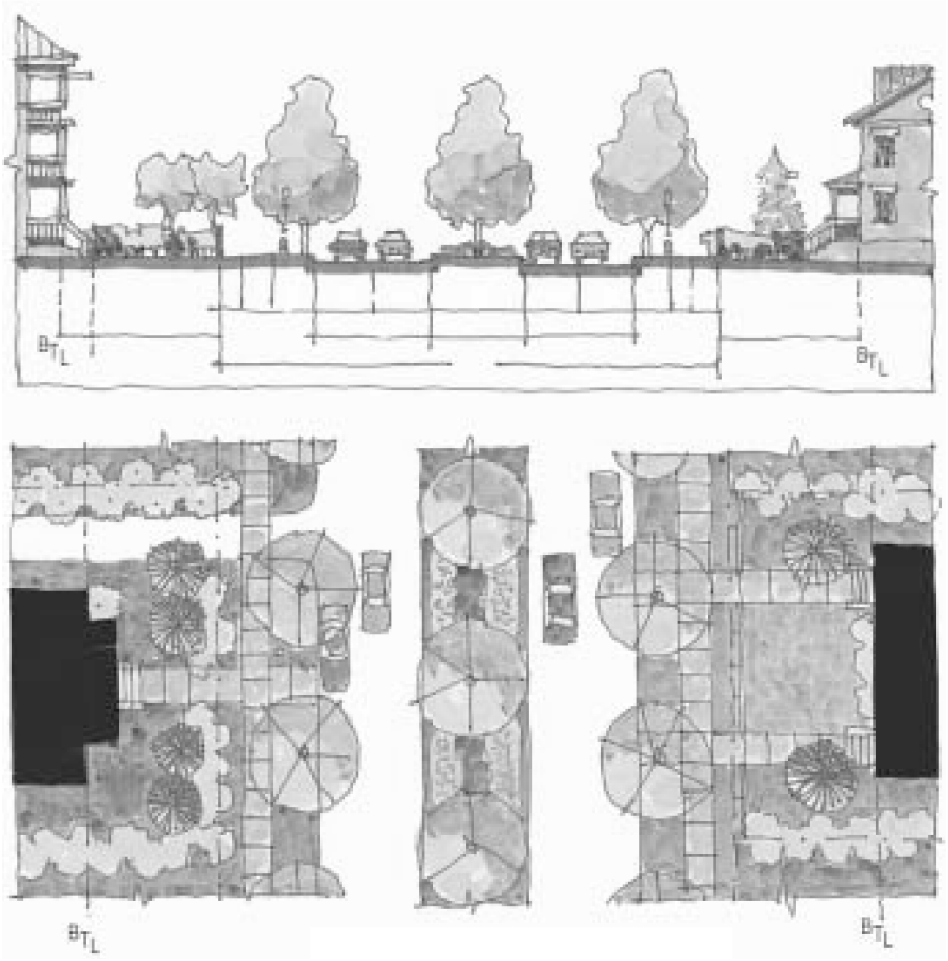
Desirable land uses: Commercial, office, retail, vertical mixed use, civic, institutional.

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

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

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

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



*Coin-McKinney Parkway II*

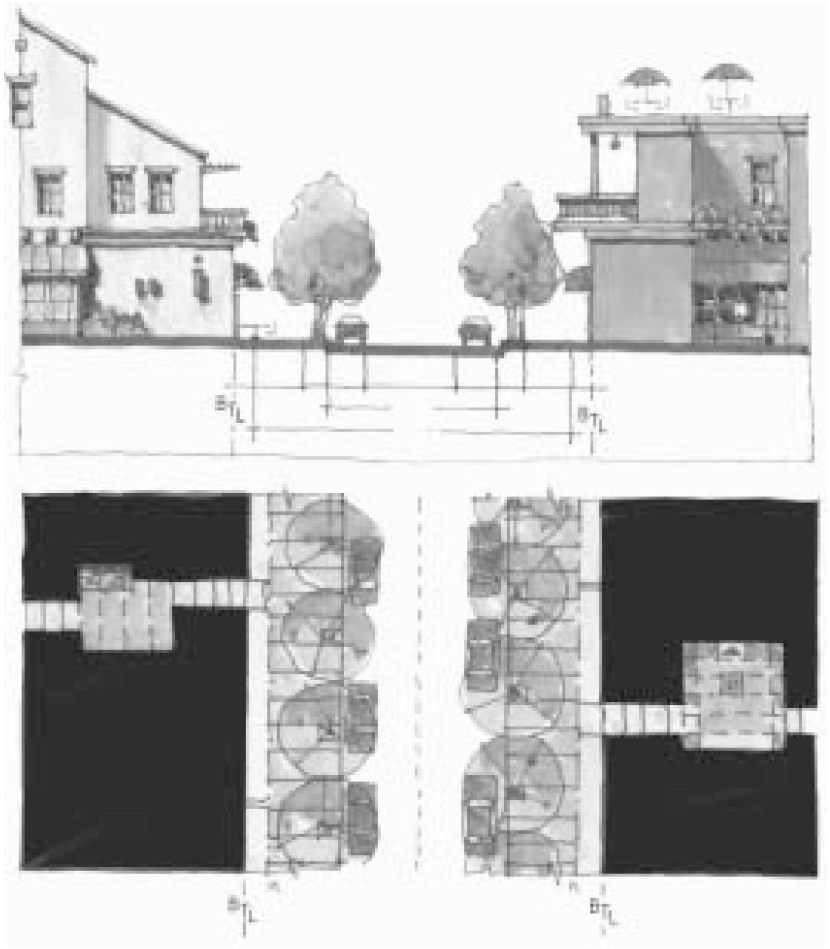
Design: Four-lane divided parkway with two one-way segments.

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

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

Setback line: Minimum 20 feet.

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



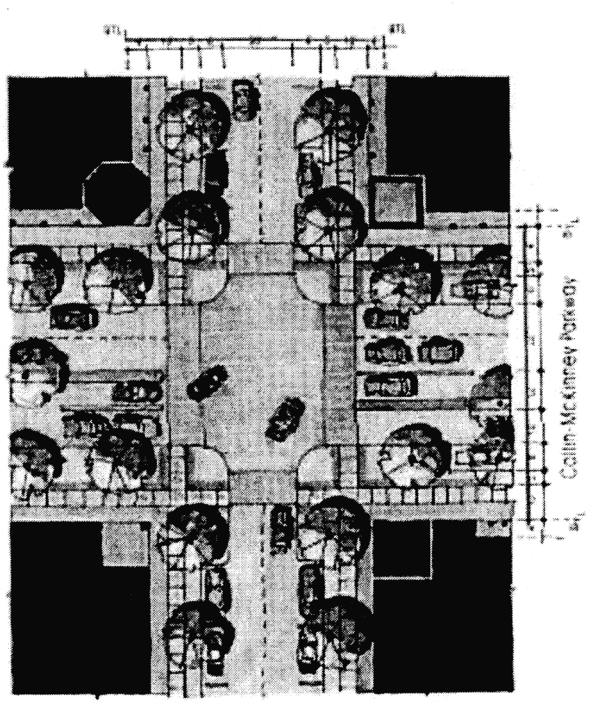
*Streets Perpendicular to Collin-McKinney Parkway*

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

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

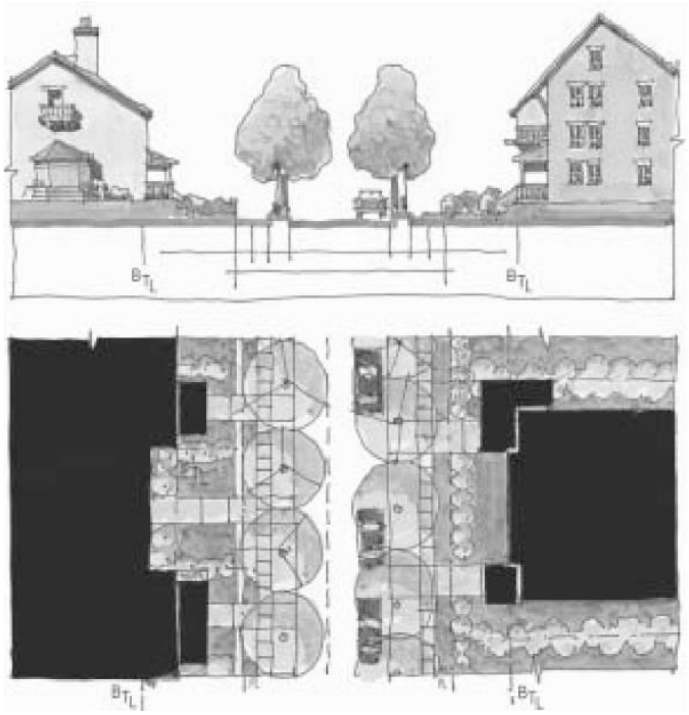
Story height: Between two and four stories (with exceptions as noted in site design subsection VI.B.6. herein).

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




*Pedestrian Bump-Out Diagram*

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



*Other Streets Diagram*

Design: Two-way with on-street parking.

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

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

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

2. *Additional street design.*

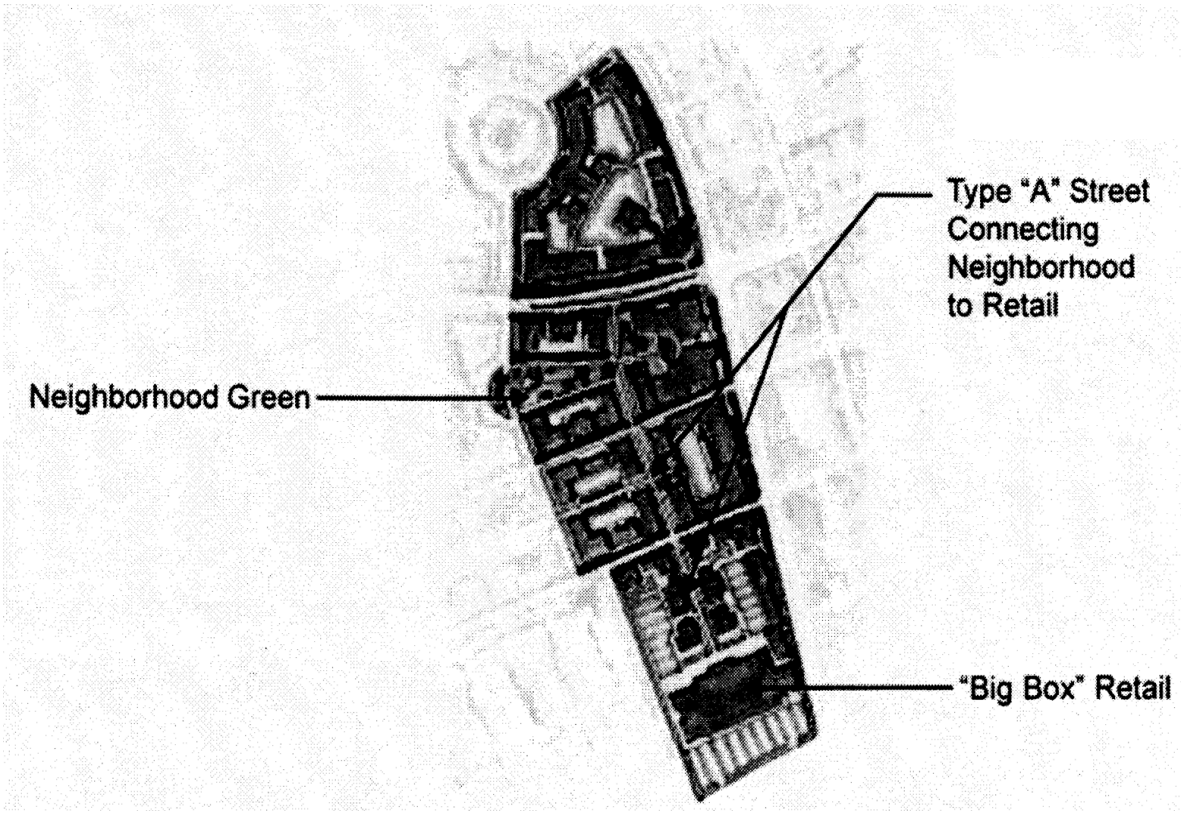
a. Blocks intersecting Collin-McKinney Parkway in developed areas should not be more than 300 feet in length. Alleys, pedestrian ways or arcades can be substituted for public streets in order to meet the block length maximum standard as long as the alley, pedestrian way or arcade connects completely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



b. Major local and local streets shall cross at periodic intersections providing direct Collin-McKinney Parkway connections between the commercial/employment districts to the south and the neighborhoods to the north. These streets shall provide access for pedestrians and bicyclists.

c. Streets intersecting with Collin-McKinney Parkway and connecting with neighborhoods should connect with the commercial main streets or community greens in the neighborhoods.

d. Streets parallel to Collin-McKinney Parkway should serve as service or side access streets with limited commercial uses fronting on these parallel streets.




e. All streets should include, between the roadbed and the sidewalk, a planting strip with shade trees such that at maturity the trees will provide a continuous canopy along the sidewalk.

f. An improved surface for walking and bicycling along the entire length of the Collin-McKinney Parkway shall be provided continuously from Custer Road to F.M. 720 in accordance with the city's master parks and trail plan, and acceptable to the director of parks and recreation.

E. *Parks, plazas and civic open space.*

1. Public open space amenities shall be associated with every building, as follows: One square foot of public open space per 50 square feet of floor area for the first 20,000 square feet of floor area; and one square foot of public open space per 100 square feet of floor area for every one square foot thereafter, or as approved by the director of planning.

2. The four types of public open space are as follows:

a. Pedestrian way.

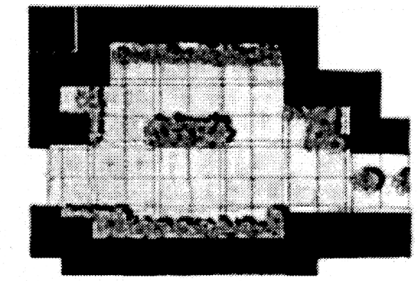


Pedestrian Way Forecourt

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

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

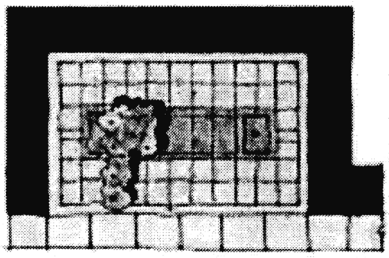
b. Courtyard.



*Courtyard*

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

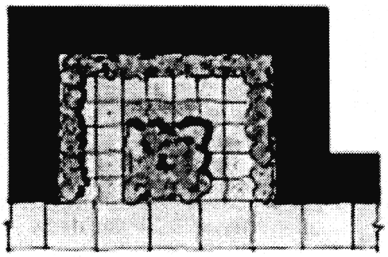
c. Urban garden.



*Urban Garden*

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

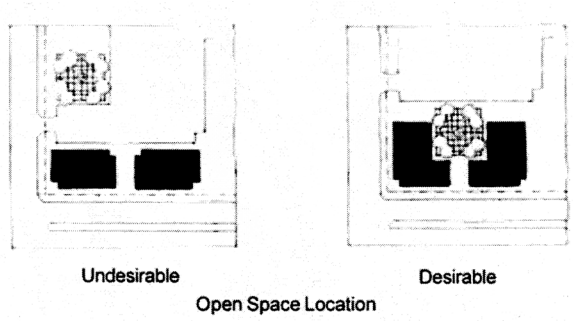
d. Plaza.



*Plaza*

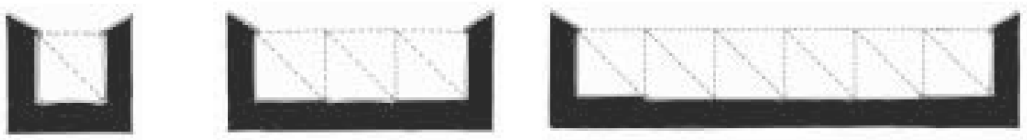
A predominantly hard-surfaced space that is a portion of a block with a minimum of one side open to the street, which is located to provide maximum sunlight during the day but generally not located at the corner of the block. Adjacent buildings primarily define the plaza. Building edges should contain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

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



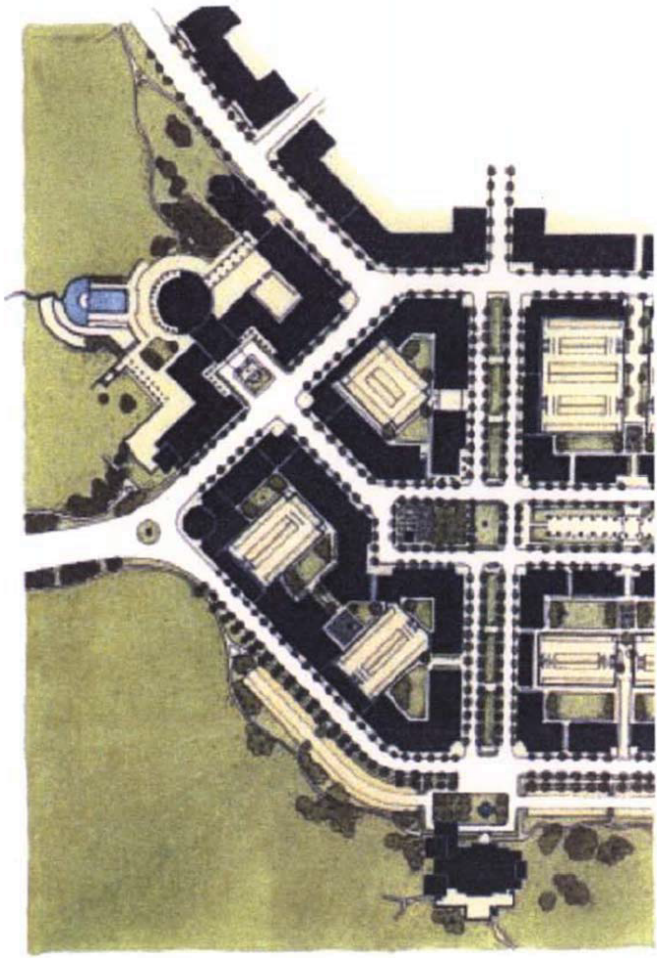

4. All outdoor public open spaces described above shall provide: (i) at least one shade tree or planter; and (ii) at least one linear foot of seating for each 75 square feet of open space. Ledges and benches that provide seating on both sides and are at least 30 inches deep will count double. Level and flat planter rims that are not higher than two feet and are at least eight inches deep also count as seating as long as protruding vegetation does not obstruct them. Movable chairs are counted as 30 inches of linear seating per chair and may be stored after hours of operation. Corners and the space of steps that are wider than 15 feet may count as seating. Prior to the issuance of a certificate of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the side of an outdoor open space, identifying the open space furniture, stating the right of the public to use the space and the hours of use, and stating the name and address of the owner or owner's agent responsible for maintenance including the city if the open space is to be maintained by the city.

5. Cross-sectional proportions of squares and plazas should have a ratio between space width and adjacent building heights of 1:1 to 1:3. This ratio should never be greater than 1:6.




*Recommended Enclosure for Public Spaces*

F. *Parking.*



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

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

3. All surface onsite parking should be located behind the rear building face of the buildings along Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720; and only behind the buildings along streets perpendicular to Collin-McKinney Parkway between Rowlett Creek and Lake Forest, and between Hardin Blvd. and FM 720 for two blocks north and south of Collin-McKinney Parkway. For all other locations, parking should be located behind the rear face or side of buildings. If surface parking is provided on the side of the building, the parking frontage to the street should not exceed 50 percent of the linear frontage of the building it serves, and the frontage should be screened by a wall or landscaping that is aligned with the build-to line of the street.

4. If adjacent uses complement one another in terms of the days and time of uses, the director of planning shall have the discretion to count shared parking towards off-street parking requirements, as provided for in the section 146-130(3) and section 146-130(5) of the city zoning ordinance (parking requirements).

5. Structured parking facilities shall be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure. The remainder of the street-level frontage on Collin-McKinney Parkway shall be designed for retail, commercial or civic uses, other than parking. On other streets within the corridor, the street-level frontage shall either be designed for retail, commercial or civic uses, other than parking or designed with an architecturally articulated facade to screen the parking areas of the structure.

6. Facilities designed to park and lock bicycles shall be provided for each building with commercial uses greater than 5,000 square feet.

VI. *Commercial/employment zone.*

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

A. *Site design.*

1. "Big box" retail and shopping center guidelines:

a. Developments shall create a continuous public edge and streetscape on all frontages by using a combination of the following:

i. Building face;

ii. Low wall, canopy structure or attractive fence;

iii. Articulated screening wall around service/loading areas to screen trucking activities from pedestrian areas;

iv. Street furniture; and

v. Landscaping; as well as incorporation of signage into any of the above.

b. Buildings shall be designed to face the street. All entrances and exits shall have a continuous pedestrian walkway that is connected to a public sidewalk.

c. Additional requirements:

i. Pedestrians should have accessibility between the public streets and the building without having to walk through a surface parking lot, unless the parking lot is transected with a covered walkway of at least 15 feet wide that connects the building to the street.

ii. Pedestrian walkways should be protected from vehicular intrusions with landscaping, curbs, bollards or other elements integrated into the overall streetscape design.

iii. At least 35 percent of the facade on the ground level floor facing the primary street shall provide windows and doors that allow for visibility into the commercial building or store.

iv. Blank facades shall not be exposed to the public streets. Buildings with long facades (greater than 40 feet) should be massed and articulated by design elements including texture, canopies, fenestrations, and the vertical expression of structural bays so that the scale of the building does not overwhelm streetscapes.

v. Buildings shall incorporate traditional horizontal elements such as building bases, sills, cornices and rooflines to add interest, reduce the massive scale of the building and complement the character of adjacent buildings.

vi. Rooftop and ground floor mechanical equipment shall be screened from public view from right-of-way and adjacent buildings.

vii. Screening through landscaping or appropriate fencing is required for all storage, service portals, garbage areas, and service driveways that are adjacent to other properties.

viii. A variety of materials and exterior treatments are encouraged.

d. Vehicular and pedestrian access to adjacent current and future uses should be incorporated in the initial site planning stages. Driving aisles and vehicular access routes should be designed as extensions of the public realm, with connections to adjacent roads, sidewalks connecting to public sidewalks, curbs, street furniture and protective landscaping.

e. Access points shall be consolidated, organized and clearly marked to minimize pedestrian, bicycle and auto conflicts.

f. Parking lots.

i. Parking lots should be laid out to continue the street/block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the urban design of the surrounding development.

ii. Large surface parking lots shall be screened and broken up visually through landscaping and other elements within the parking area, such as a grid of trees on islands in the parking lot or segmenting the lot with landscaped areas, as well as utilizing defined walkways.

iii. Direct, defined and protected pedestrian routes should be provided through parking lots.

iv. Landscaped islands should be placed at the ends of each of double row parking bays.

v. Lots shall be designed to screen parked cars from the public sidewalk with low, dense planting; a low wall; trees; retaining walls to lower the grade of the lot; or a combination of the above.

g. Convenient bicycle parking should be provided for employees and customers adjacent to the front doors of the building where possible.

2. Large buildings should be articulated (broken into smaller components; avoiding facade flatness; with projections or indentations; with clearly marked and well designed entries; with differentiation between bottom floor, top floor, and the floors in between; and with a variety of roof designs).

3. The scale, massing, articulation, orientation, and architectural features of structures to be located adjacent to State Highway 121 should provide a transition between State Highway 121 and the developments to the north.

B. *Area and bulk regulations.* Development within the commercial/employment center zone is generally allowed to be conventional in design. As such, development of property in the commercial/employment center zone shall conform to the special regulations section of the city zoning Ordinance 1270, as amended, in addition to the REC overlay standards herein applicable to property in the commercial/employment center zone. When Ordinance 1270 is applicable, the following additional standards shall also apply: Lot widths shall be a minimum of 50 feet; lot coverage shall be a maximum of 70 percent except that the lot coverage may be increased as part of site plan approval if structured parking is provided; and building setback lines shall be at least 20 feet along SH 121 and Custer Road. In case of any conflict, the REC overlay standards herein shall control over the standards in Ordinance 1270. Ordinance 1270 shall not be applicable in any respect if the property in the commercial/employment center zone is adjacent to or across the street from property within the Collin-McKinney Parkway corridor zone or the neighborhood zone; in which case, development of the property in the commercial/employment center zone shall conform to the area and bulk regulations and all other REC overlay standards of the respective Collin-McKinney Parkway corridor zone or the neighborhood zone.

C. *Connectivity, linkages and access.*

1. Districts shall utilize a simple and functional street layout that provides multiple options for moving between destinations and connecting to adjacent developments.

2. The street and block designs therefore should continue the pattern utilized in the parkway corridor and the neighborhoods so that as the market changes over time, the districts can accommodate increased mixed-uses and achieve higher use land values.

3. Streets should be interconnected throughout the district. The street layout, public spaces, and buildings in the district should be designed so as to create a coherent focus at a public place.

4. For buildings containing retail or consumer services uses, covered walkways should be utilized to link sidewalks/bus stops with buildings if the buildings are not placed on the set-to line.

5. Pedestrian crosswalks shall be provided at all intersections.

6. On-street parking shall be provided on every street where feasible.

D. *Public spaces.*

1. Districts shall provide defined public places and activity centers. This can be accomplished by the utilization of greens, plazas and streets fronted by closely adjacent buildings to provide interest at the pedestrian level.

2. Proportions of squares and plazas should have a ratio between space width and adjacent building heights of 1:1 to 1:3. This ratio should not exceed 1:6.

## VII. *REC base zoning districts.*

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

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

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

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

A. *REC residential district.*

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

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

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

C. *REC office district.*

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

D. *REC neighborhood center district.*

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

E. *REC retail district.*

1. *Purpose.* This district provides for a wide range of retail and service establishments. This district shall be located on an arterial roadway or highway.
2. *Permitted uses.*
    a. If this district is located adjacent to or surrounded by an REC multi-use and high-density residential district, only those retail uses permitted in the multi-use and high-density residential district shall be permitted.
    b. For all other locations, see REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.* See applicable REC overlay zone category.

F. *REC commercial district.*

1. *Purpose.* This district provides principally for auto-dependent uses in areas not easily accessible to pedestrians. This district serves not only the REC community but also city-wide and region-wide populations including commuters along SH 121.
2. *Permitted uses.* See REC schedule of uses and applicable REC overlay zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.*
    a. See applicable REC overlay zone category.
    b. Buildings in a commercial district fronting streets within or adjacent to the Collin-McKinney Parkway corridor zone shall provide a compatible transition as prescribed in the REC overlay.

G. *REC employment center district.*

1. *Purpose.* Principally for workplace and commerce uses, this district provides for large business or light/clean industrial complexes that, because of scale or the nature of the use, cannot be integrated into a town center or neighborhood. Although smaller scale buildings such as those permitted in the neighborhoods and Collin-McKinney Parkway corridor zones are permitted in the REC employment center district, the employment center district is reserved for those uses such as distribution operations, campus commercial and large retail stores that necessitate immense buildings, expansive parking lots, and substantial loading docks.
2. *Permitted uses.* See REC schedule of uses and applicable REC Overlay Zone category.
3. *Specific use permits.* See REC schedule of uses.
4. *Permitted building/lot types and bulk/area standards.*
    a. See applicable REC overlay geographic category.
    b. Building sites located in the commercial/employment zone adjacent to or fronting streets across from properties within the Collin-McKinney Parkway corridor zone or the neighborhood zone shall facilitate a compatible transition by relating to the adjacent properties or streets as prescribed in the standards for the Collin-McKinney Parkway corridor zone or the neighborhood zone.

H. *REC government/civic district.*

1. *Purpose.* This district provides for the creation of a high quality environment for central governmental, civic and community facilities and to contribute to the efficiency of governmental and civic services provided to the citizens of the area.
2. *Permitted uses.* See REC schedule of uses and applicable REC overlay zone category.

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

I. *REC schedule of uses.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# Article 3: Subdivision Regulations

## 301 Administration

### A. Purpose

It is the purpose of this section to provide for the safe, efficient, and orderly development of the City, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the Comprehensive Plan for the City.

### B. Authority and Jurisdiction

1. These subdivision regulations are adopted under the authority of Texas Local Government Code Chapter 212, which chapter is hereby made a part of these regulations.
2. The Director of Planning shall be responsible for interpreting and administering this Article, unless otherwise stated herein.
3. The Director may waive or adjust any of the submittal requirements prior to formal application submittal if such requirements are unnecessary to demonstrate satisfaction of the applicable review criteria.
4. In accordance with Texas Local Government Code §212.0065, the City Council delegates authority to the Director of Planning to approve, approve with conditions, or disapprove a plat submitted to the city. The Director of Planning may, for any reason, elect to present the plat to the municipal authority for action.

### C. Applicability

These provisions shall be applicable to any property within the corporate limits of the City and the extraterritorial jurisdiction (ETJ) where the owner or proprietor desires to subdivide the land into two or more parts.

**1. Plat or Replat Required**

A plat or replat must be submitted:

- **a.** Prior to subdividing any tract of land into two or more parts any resulting part of which is five acres or less in size;
- **b.** Prior to subdividing any tract of land into two or more parts that are greater than five acres in size and any of which resulting parts are without access;
- **c.** Prior to connecting to or commencing any construction activity associated with any public utility or roadway;
- **d.** Prior to the construction of any streets, utilities, drainage, public improvements, or any related roadway or other public improvements within or adjacent to any tract of land, unless otherwise authorized by the Director of Engineering;
- **e.** Prior to the City issuing a permit for the construction any building or structure on any tract of land; or
- **f.** When building additions, alterations, or repairs on a property that is not platted exceed 50 percent of the value of an existing building or structure on that property within any 12-month period.

**2. Exemption**

From and after September 5, 2017, a plat or replat otherwise required by Section 301C.1 shall not be required prior to the constructing, repair, renovating, or remodeling of one existing or new single-family residential dwelling unit, private utility service lines, or any accessory residential structures, such as a barn, residential storage shed, arbor, gazebo, or swimming pool on a single, undivided tract of land in the ETJ that is not being conveyed or created from a larger tract.

**3. Zoning Required**

If property located within the City is not zoned, permanent zoning shall be obtained prior to filing a plat for recordation.

## D. Plat Expiration

### 1. Plat Expiration Exceptions

**a.** Approvals for all plats or plans of any kind or nature for properties for which a development agreement, annexation agreement, or facilities agreement has been approved and executed by the City prior to September 8, 2014, shall be valid indefinitely.

**b.** If the executed development agreement, annexation agreement, or facilities agreement regarding the subject property is terminated, voided for any reason, or otherwise expires, the approvals for affected plats and plans of any kind and nature shall be subject to the expiration timeline described in the specific subdivision application procedure.

**c.** The approval expirations contained in these subdivision approval procedures shall not apply to plats or plans approved prior to September 8, 2014. Approval expirations that existed within Chapter 142 of the Code of Ordinances before September 8, 2014, shall apply to any plats or plans approved before September 8, 2014.

### 2. Plat Expiration Extensions

**a.** The Planning and Zoning Commission may grant one expiration extension of up to 1 year for good cause shown by the applicant.

**b.** All requests for extensions shall be submitted in writing to the Director of Planning at least 30 days prior to the expiration of approval.

**c.** An extension request shall include:

**I.** A narrative stating the reasons for the applicant's inability to comply with the specified deadlines;

**II.** A narrative describing any changes in the character of the neighborhood, the Comprehensive Plan, or this Code that have occurred since approval of the permit or plan, and how any such changes affect the permit or plan; and

**III.** The anticipated time schedule for completing the approved project.

**d.** Additional review of the permit, plat, or plan may result in additional conditions, as applicable and to the extent allowed by state law.

### 3. Modification or Amendment of Approval

Unless otherwise provided in this Code, any substantial modification of an approved plat shall require a new application to be submitted and reviewed in accordance with all procedures and requirements applicable to that particular type of application at the time the new application is submitted.

## E. Improvements Required

### 1. Generally

**a.** With the exception of conveyance plats, public improvements shall be constructed, at the sole cost of the developer, including all required testing and studies, to, upon, and across the subject property being platted and through to any adjacent properties, as deemed necessary by the Director of Engineering to facilitate the orderly development of the area. These improvements shall satisfy the requirements of the following:

**I.** The Comprehensive Plan;

**II.** Master Thoroughfare Plan;

**III.** The Hike and Bike Trails Master Plan;

**IV.** The Water Distribution System Master Plan;

**V.** The Wastewater Collection System Master Plan;

**VI.** The Engineering Design Manual; and

**VII.** Other requirements as deemed necessary by the Director of Engineering.

**b.** No property shall be subdivided or phased in a manner that circumvents the design, acquisition, and construction of any required public improvements, and/or public right-of-way or easement dedications, unless otherwise stated herein. For phased construction, all required public improvements shall be constructed prior to the filing of a final plat which, together with previously filed final plats, contains more than 50 percent of the parent tract's gross developable land area.

**c.** The construction of improvements specified in this Article may be deferred, delayed, or waived, or the City may choose to share in the costs for such improvements in certain circumstances, with the approval of a facilities agreement as specified in §302A, *Facilities Agreement*.

### 2. Acceptance of Public Improvements

Following completion and final inspection of public improvements, the developer shall provide the City with a statement or affidavit specifying the value of street, drainage, and other general fixed assets and the value of water, sewerage, and other utility assets being dedicated to the City together with a "bills paid" affidavit form and a maintenance bond acceptable to the City. The Director of Engineering shall accept such improvements in writing and thereafter make such payments, if any, to the developer as specified in the facilities agreement, if applicable.

### 3. Acceptance of Residential Screening and Buffering Improvements

**a.** A certificate of acceptance shall be required for all screening required by Article 2 of this Code and for all buffering required by this Article for specific residential lots prior to filing of a plat with the County Clerk. Upon completion of construction of the required screening and buffering improvements, the developer shall request an inspection of said improvements from the Director of Planning. If the required screening and buffering is installed per the approved screening and buffering plan, the Director of Planning shall issue a certificate of acceptance.

**b.** Exception: Where installation of landscaping is required to occur during a stage 3 or stage 4 drought situation as determined by the City and subject to approval by the Director of Planning, the developer may provide the city with a letter of credit or some other financial assurance deemed acceptable to the Director of Planning that is equal to the cost of installing the landscaping, plus 20 percent, which will remain in effect until the screening and buffering improvements are installed and accepted by the city. Once stage 3 or stage 4 restrictions are lifted, the required landscaping must be installed within 6 months, or the development shall be deemed to be in violation of this section and no additional permits, certificates of completion, or certificates of occupancy will be issued.

### 4. Maintenance Bond

The subdivider shall furnish a maintenance bond in the amount of 15 percent of the contract price of all public improvements, or in such amount as approved by the Director of Engineering, with a reputable and solvent corporate surety in favor of the City to indemnify the City against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials, for a period of two full years from the date of final acceptance of the improvements. Final acceptance will be withheld until the required maintenance bond is furnished to the City.

### 5. Final Acceptance

Upon satisfactory completion of the required improvements, the Director of Engineering shall issue a release of covenants to the property owner.

## F. Engineering and Construction Standards

**1.** The Director of Engineering is authorized and directed to apply and enforce all standards found in the Engineering Design Manual, Master Thoroughfare Plan, Stormwater Design Manual, Stream Bank Stabilization Manual, Standard Details, Construction Specifications, North Texas Council of Governments (NCTCOG) Public Works Standards and other rules and regulations adopted by the City (collectively "Requirements") to the design and construction of public improvements in the City and in the ETJ.

**2.** The adoption and amendment of such standards shall be carried out in accordance with 212.0021 of the Texas Local Government Code.

# 302 Special Provisions

## A. Facilities Agreement

**1.** A property owner may request to enter into an agreement with the City, which shall govern the property included within a plat, if the property owner is seeking:

**a.** Pro rata reimbursements;

**b.** City participation in cost;

**c.** The escrowing of funds in lieu of constructing improvements;

**d.** If all improvements required to be dedicated to the city will not be completed prior to filing the plat; or

**e.** Other nonstandard development regulations or terms.

**2.** The Director of Engineering, at their sole discretion, may determine if all improvements required to be dedicated to the City are unable to be constructed and accepted prior to filing a plat.

**3.** The City may participate with the property owner or developer on major items of construction such as lift stations, bridges, streets adjacent to the subdivision, or oversized utilities, which benefit existing or future development in addition to the current subdivision.

**4.** This agreement shall be based upon the requirements of this Article and shall provide the City with specific authority to complete the improvements required in the agreement in the event of default by the developer, and to recover the full completion cost of any deferred improvements plus all related administrative and legal costs of such measures. The City may subordinate its facilities agreement to the prime lender if provided for in said agreement.

**5.** The facilities agreement shall be a legally binding agreement between the City and the property owner that runs with the land, specifying the individual and joint responsibilities of both the City and the property owner. Unusual circumstances relating to the development of land shall be considered in the facilities agreements such that the purpose of this Article is best served for each development. The property owner shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the City harmless against any claim arising out of the development of the property or any actions taken therein. The property owner shall also provide a performance bond, irrevocable letter of credit, or cash deposit in an amount equal to 120 percent of the cost to complete any improvements deferred by the facilities agreement. The facilities agreement shall be accompanied by either or both of the following documents, as approved by the City:

**a.** A signed and sealed opinion of probable cost prepared a Texas-licensed Professional Engineer; or

**b.** A fully executed construction contract for the construction of the improvements being deferred together with a conditional assignment of the completed contract to the City.

**6.** The City Council delegates to the City Manager the ability to approve standard facilities agreements. In the event of a non-standard agreement or a disagreement between the property owner and City staff concerning stipulations of the facilities agreement, the City Council shall review the stipulations and make recommendations regarding the non-standard agreement or resolving the disagreement.

**7.** The City shall impose an application fee for the preparation of a facilities agreement as well as any subsequent release of the facilities agreement that may be requested. The amount of the application fee shall be an amount as specified in Appendix A – Schedule of Fees of the Code of Ordinances which may be amended from time to time by ordinance.

**8.** The property owner shall have a continuing responsibility under this facilities agreement until all required improvements, per the terms of the agreement, have been completed. When the construction of required improvements has proceeded to the point that certain parts of the development are adequately served, the property owner may request that the Director of Engineering release specified portions of the development for use prior to the completion of all improvements, unless the release of such improvements will jeopardize or hinder the continued construction of required improvements.

**9.** A fee for filing facilities agreements and any releases for recordation with the County is also required and shall be paid by the property owner. The amount of this fee is determined by Collin County and may be amended from time to time.

**10.** A copy of the executed facilities agreement shall be kept on file with the City Secretary, subsequent to filing the facilities agreement with the County Clerk.

## B. Permits

### 1. Permits Required

**a.** Within the city limits, a permit shall be obtained from the City before commencing any construction or development activity on a property.

**b.** In the ETJ, a permit shall be required prior to commencing any construction activity associated with any public improvements.

**c.** A facilities agreement, if required as described in §302A, shall be approved by the City prior to issuance of a development permit. The executed facilities agreement shall be filed in the records of the County by the City.

**d.** All public improvements required by this Article must be installed and accepted prior to filing a plat for recordation, unless otherwise specified in an approved facilities agreement or waived by approval of a Variance.

### 2. Expiration

All permits shall expire two years after issuance, or two years after application if no permit has been issued, unless continuous progress towards completion of the project is demonstrated or another expiration timeline is specifically referenced herein. If construction has not been completed within the allotted two years, another permit shall be required, and the required fees associated with the permit type shall be paid. If this provision conflicts with an expiration provision contained in another City code or ordinance, the more restrictive provision shall apply.

## C. Pro Rata Payment

**1.** The developer shall be fully responsible for the construction of public improvements necessary for the development and the surrounding area. Provisions for reimbursement of costs required by the City but exceeding those necessary to serve the development shall be made a part of a facilities agreement. For any subsequent subdivision utilizing such public improvements, any costs due to the original developer(s) shall be prorated by the use the new subdivision bears to the amount due.

**2.** All such reimbursements or prorations due to the original developer(s) shall be based on the actual cost of the improvements at the time of their construction, subject to comparison with other current unit and/or project costs. The original developer shall provide the City with acceptable documentation of actual construction costs. Collection of funds shall be for a maximum 10-year period after final acceptance of the improvements. Where no actual cost exists, the fee noted in the Appendix A – Schedule of Fees of the Code of Ordinances shall apply.

**3.** In the case that the subdivision shall utilize utilities already constructed through the use of city funds or developer funds, the developer shall pay to the city/developer for the use of such facilities an amount equal to that amount which would be required to serve the subdivision under the requirements of this Article.

**4.** Any rebates or other payments to the developer by the City for the cost of oversized improvements or off-site improvements required as a part of the subdivision or development and necessary for the adequate and efficient development of surrounding areas of the city, shall be paid only from monies received by the City from the subdividing or development of surrounding areas and such rebates or payments shall not be made unless and until such moneys are received by the City.

**5.** The adjacent owner shall pay 100 percent of the costs incurred by the original developer(s) to acquire an easement from the adjacent owner. All pro rata payments levied are a personal liability and charge against

the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

## D. Floodplains and Other Natural Areas

1. Prior to issuing a permit within or adjacent to a flood prone area, a flood study shall be submitted to and approved by the Director of Engineering in accordance with §805, *Floodplain Regulations*.
2. All lands remaining within the 100-year floodplain shall be dedicated as an easement.
3. Any required no-build areas within residential subdivisions shall be contained within an easement and designated as a common area in accordance with §302G, *Common Areas and Homeowners'/Property Owners' Associations*.
4. A homeowners' or property owners' association shall be established and responsible for the supervision, maintenance, and restoration any no-build areas that are included in the plat of the parent tract, including any no-build areas contained in a common area or on a buildable lot, and shall be conveyed as follows:
   a. The ownership of any common areas containing no-build areas shall be conveyed to the property owners' or homeowners' association in fee simple; and
   b. An irrevocable perpetual easement of any no-build area included in and proposed as a part of an otherwise buildable lot on a plat shall be conveyed to the homeowners' or property owners' association.
5. Floodplain and no-build areas shall adhere to the same requirements for platting, phasing, deferral, delay, and other modifications of improvements as specified in §301E, *Improvements Required.*

## E. Additional Studies or Technical Analyses

It is generally understood and accepted that additional studies or analyses may be necessary prior to the consideration of a plat or permit, as determined by the Director of Engineering. This may include, but not be limited to, flood studies, drainage analyses, utility analyses, and traffic impact analyses, the results of which may have significant impacts regarding the feasibility or final layout of the plat or permit. When required with a preliminary plat submittal, such studies must be reviewed by the Director of Engineering and considered substantially complete prior to approval of the preliminary plat. Prior to the approval of all other plats and permits, such studies shall be reviewed and approved by the Director of Engineering.

## F. Finding of Proportionality

Any payment of fees or construction costs or required easement, dedication, or reservation of land included on any plat application required by this section shall meet the requirements of Texas Local Government Code §212.904.

## G. Common Areas and Homeowners'/Property Owners' Associations

1. If common areas are to be a part of a plat, the common areas shall be shown on the plat along with an adequate form for dedication thereof. This dedication form shall accomplish the following purposes:
   a. Save the title to common area property or properties for the benefit of the homeowners' association ("HOA") within residential developments, or the property owners' association ("POA") in non-residential developments;
   b. Express a definite undertaking by the developer to convey the common area property or properties to the HOA/POA; and
   c. Tie the covenants and HOA/POA use provisions to the plat so that collection of fees and denying use is legally supportable.
2. The HOA/POA's restrictive covenants, bylaws, and articles of incorporation shall:
   a. Require the continuous ownership, maintenance, and control of the common area(s) by a responsible body, in perpetuity, for the benefit of the homeowners or property owners without using public funds;
   b. Require that membership in the HOA/POA shall run with the title to each lot and shall not be voluntary;

**c.** Require that HOA/POA's primary source of operating funds is a periodic assessment levied against each parcel of land within the development under recorded covenants, which shall be incorporated into each deed, and which shall run with the land to bind each and every owner of it and which are enforceable as a lien against the land;

**d.** Include a provision that if the HOA/POA defaults, the City shall have the rights of the association to either file a lien on the property within the development or assess homeowners or property owners within the development; and

**e.** Be submitted to the Planning Department for approval before recording along with the associated plat, and be recorded as a part thereof.

**3.** Prior to recording a plat with the County Clerk that creates a common area and before the City accepts any public improvements associated with the plat, the developer shall:

**a.** Include sufficient language on the plat to require the perpetual ownership and maintenance of the common area(s) by the HOA/POA, including any landscaping, walls, irrigation, or other improvements, or otherwise establish ownership and maintenance through an associated facilities agreement or restrictive covenants in favor of the City;

**b.** Create an incorporated nonprofit HOA/POA with bylaws reflecting the requirements in §302G.2; and

**c.** Record covenants that automatically make every lot owner a mandatory member of the association, give the property owner the right to use the common area(s), and establish their voting rights and their obligations to pay assessments.

**4.** In approving the documents referenced in §302G.3, the City shall determine that the proper legal position is ensured and that the proposed HOA/POA will function properly both during and after the time in which the developer is active in the development. The City may require the association to provide on-going reporting of budgetary actions, financial reports, and collection activity on homeowners' or property owners' assessments. Should the funding of the common area(s) maintenance not support the level of maintenance required by applicable ordinance, the City may require additional security for the provision of such maintenance.

# 303 Submittal Procedures

## A. Authority to Submit Application

Unless expressly stated otherwise herein, an application for a permit, plat, or plan established by this Article shall be submitted by:

1. The property owner on whose land development is proposed as evidenced by the most recent municipal or county tax roll or recorded deed;
2. A person authorized to submit an application on behalf of the owner, as evidenced by a letter or document signed by the owner or other person; or
3. If there are multiple owners authorized to submit the application, all such persons shall sign separate applications or provide a letter or document consenting to the application.

## B. Submittal Requirements

### 1. Application Filing Date

The filing date of a plat submittal ("plat application") is the date on which a full and complete application is received by the City in accordance with the procedures and requirements prescribed herein, including any supporting documents and information required of this Article and the associated payment of all application fees.

### 2. Submittal Requirements

Submittal requirements for each plat or plan type are specified in the following sections of this Article.

### 3. Payment of Application Fees

All application fees as outlined in Appendix A – Schedule of Fees of the Code of Ordinances must be paid at the time of plat, permit, or plan submittal.

### 4. Incomplete Applications

Submitted applications that do not include the required documents, information prescribed herein, or the payment of associated application fees shall be returned to the applicant without any further action by the City. The fact that a City employee reviewed an application to determine whether it can be considered complete shall not be binding on the City as the official acceptance of the application for filing, nor shall it vest any rights under the Texas Local Government Code, Chapter 245.

### 5. Right to Refile Application

If an application is deemed incomplete and returned to the applicant, the applicant may submit a new application on the next submittal day.

### 6. Vested Rights

No vested rights accrue solely from the filing of an application that is incomplete or has expired pursuant to this section, or from the filing of a full and complete application that is subsequently denied.

## C. Plat Review and Approval

### 1. Procedures Governing the Review and Approval of Plats

Once a full and complete plat application has been filed with the City, City staff will begin a technical review of the plat application, and shall approve, approve with conditions, or disapprove the plat application in accordance with the procedures prescribed in Texas Local Government Code Chapter 212 and the authority delegated to staff by the City Council.

### 2. Approval, Conditional Approval, Disapproval or Denial

**a.** The Director of Planning shall have the authority to approve, approve with conditions, or disapprove an application in accordance with the requirements and procedures described herein and in TLGC §212.009, 212.0091, 212.0093, and 212.0095.

**b.** Any conditions of approval or reasons for disapproval shall be listed in or attached to the action letter document, as required by TLGC §212.0091.

**c.** If an application is approved with conditions or disapproved, the applicant may submit a response to the Director of Planning in accordance with TLGC §212.0093.

**d.** Pursuant to TLGC §212.0065, an applicant has the right to appeal the decision of the Director of Planning to disapprove a plat in accordance with §306A, *Appeals*.

**e.** Pursuant to TLGC §212.0095, an applicant has the right to appeal the decision of the Director of Planning to disapprove an applicant's response to a disapproval in accordance with §306A, *Appeals*.

## D. Application Withdrawal

### 1. Application Withdrawal

**a.** After an application has been deemed filed with the City, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director of Planning.

**b.** An applicant is not entitled to a refund of application fees for withdrawn applications; however, the Director of Planning may refund fees if the review has not yet started.

**c.** If a plat, plan, or other development application is received for a property which is subject to a previous approval, the previous plat, plan, or other development application approval shall be deemed withdrawn without the need for a withdrawal letter and any previous approvals shall become null and void.

# 304 Subdivision Regulations Amendments

Under the provisions of Texas Local Government Code Chapter 212, the City Council may from time to time after a public hearing amend, supplement, or change by ordinance the rules and regulations contained herein.

# 305 Platting

## A. Preliminary Plat

### 1. Applicability

A preliminary plat is required if the proposed development or subdivision is to occur in phases or for any single-family, duplex, triplex, or quadplex residences when located on land that has not yet been platted for development and when it:

**a.** Includes more than 4 lots; or

**b.** Includes lots without frontage on an existing street; or

**c.** Requires the creation of a new street; or

**d.** Requires the extension of municipal facilities.

### 2. Submittal Requirements

**a.** Submittals shall be processed in accordance with the procedures described in §303, *Submittal Procedures*.

**b.** An application for review and approval of a preliminary plat shall include the following:

**I.** Application;

**II.** Payment of submittal fees (see Appendix A – Schedule of Fees);

**III.** The preliminary plat;

**IV.** Preliminary utility plans;

**V.** Preliminary drainage plans;

**VI.** Setback exhibit (required for single-family developments only); and

**VII.** Off-site parking exhibit for single-family developments (as needed).

**c.** In instances of residential development within the City limits, a Tree Preservation Plan is required to be submitted with the plat application, in accordance with the specifications described in §404C, *Development Permit Process.*

**d.** In instances of non-residential and multi-family residential development within the City limits, a preliminary plat may not be submitted prior to the approval of an associated Site Plan in accordance with the provisions of §203E.1, *Site Plan.*

### 3. Preliminary Plat Requirements

The preliminary plat shall include the following information:

**a.** Drawn at a scale of 20 feet to 1 inch to 100 feet to 1 inch on a page size of 24x36 inches.

**b.** An exhibit showing the entire proposed subdivision layout on a single page, with match lines and page numbers shown, will be required if a multiple page preliminary plat is submitted;

**c.** Existing features on the property and within 200 feet of the property's perimeter including:

**I.** Location, widths, names and filing information of all existing or platted streets, alleys, rights-of-way, easements, railroad rights-of-way, and other important features such as creeks, and abstract lines;

**II.** Existing easements, including but not limited to sanitary sewer easements, water easements, storm sewer and drainage easements, utility easements, and erosion hazard setback easements; and

**III.** Property lines and names of adjacent subdivisions, parcels, and filing information or ownership information (distinguished from within the property/subdivision by a lighter line weight)

**d.** New features inside the subdivision, including:

**I.** The boundary line, accurate in scale, of the tract to be subdivided, with accurate distances and bearings and accurate acreage indicated;

**II.** One copy of the traverse closure sheet shall accompany the plat;

**III.** The layout, designations, names, widths, and accurate dimensions of any and all proposed rights-of-way and easements;

**IV.** The layout, lot numbers, blocks and approximate dimensions of proposed lots and blocks;

**V.** For all lots located wholly or partially within or immediately adjacent to a flood prone area, a designation of the minimum finished floor elevation allowed as defined by Article 8: Stormwater Management;

**VI.** A series of connected mutual access easements, fire lane easements, and pedestrian access easements must be shown for any lot(s) being created that does not have direct access to a public street by frontage on such street from the proposed lot(s) to a public street(s). It is understood that the final alignment of all easements may not be known at the time of preliminary platting. As such, any easements shown on a proposed preliminary plat may be revised as necessary on a subsequent associated final plat so long as adequate access and utilities are provided to the proposed lot(s), subject to the review and approval of the Director of Engineering and the Fire Marshal; and

**VII.** The layout and designation of all parcels of land intended to be dedicated or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision (common areas), or reservations for other uses, together with the purpose or conditions and limitations of such reservations and/or dedications, if any.

**e.** The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents. This data shall be provided on a table keyed to the curves on the plat;

**f.** A location map of the proposed subdivision indicating major roadways or platted streets within 1,000 feet of the proposed subdivision.

**g.** North indicator and scale;

**h.** Title information including the following:

**I.** The proposed name of the subdivision with section or sequencing designation, as appropriate, followed by the lot(s) and block(s);

**II.** Acreage of the proposed subdivision;

**III.** The names and addresses of the owner, developer and land planner, engineer, and/or surveyor, as appropriate;

**IV.** The tract designation, abstract and other description according to the real estate records of the city or county; and

**V.** The total number of lots, and designation and amounts of land of the proposed uses within the subdivision.

**i.** State plane coordinates tied to two points on the plat boundary;

**j.** Owner's certificate with metes and bounds description;

**k.** Approval certificate with a signature block and date for the approving presiding officer and attesting signatory.

**I.** The presiding officer identified on the certificate shall be determined as indicated below:

a. For plats requiring administrative staff approval, the City Manager shall be the presiding officer and the City Secretary shall be the attesting signatory.

b. For plats requiring Planning and Zoning Commission approval, the chairman of the commission shall be the presiding officer. However, if the vice-chair presides over a meeting where a plat is approved, the vice-chair shall be authorized to serve as the presiding officer. The Planning and Zoning Commission secretary shall be the attesting signatory.

c. For plats requiring City Council approval, the mayor, or mayor pro-tem in the mayor's absence, shall be the presiding officer and the City Secretary shall be the attesting signatory.

**l.** Additional Notes, including:

**I.** PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY; and

**II.** For lots in the corporate limits, "All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the subdivision ordinance."; or

**III.** For lots in the Extraterritorial Jurisdiction, "All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the requirements of the subdivision ordinance or associated development agreement."

**m.** For single-family, duplex, triplex, and quadplex residential subdivisions:

**I.** A separate plan ("setback exhibit") at the same scale as the plat showing the proposed layout, lot numbers, setback lines, and any existing or proposed easements or rights-of-way.

**II.** A table of all lots' sizes.

### 4. Preliminary Utility and Drainage Plan Requirements:

The preliminary utility and drainage plans shall include the following information:

**a.** A plan showing existing topography with contour lines of five feet, or less, with the proposed lot layout shown, and topographic cross-sections where an Erosion Hazard Setback Easement is required;

**b.** A plan of the proposed water and sanitary sewer lines and related facilities, including preliminary profiles where utility lines are anticipated to be greater than ten feet in depth;

**c.** A plan showing the proposed drainage facilities including drainage areas, stormwater detention areas, preliminary estimated runoff calculations, points of concentration, and the location of proposed lines, inlets, culverts, and bridges;

### 5. Standards for Approval

Preliminary plats shall be considered for approval by the Director of Planning based on the following approval criteria:

**a.** The proposed plat complies with applicable dimensional and development standards in this Code;

**b.** The proposed plat does not affect a recorded easement without approval from the easement holder;

**c.** The proposed plat provides a layout of lots, roads, utilities, drainage, and other public facilities and services that aligns with the requirements in the Engineering Design Manual;

**d.** The proposed plat provides evidence of adequate public facilities to serve the proposed development; and

**e.** The proposed plat does not remove or attempt to remove recorded covenants or restrictions.

### 6. Effect of Approval

Approval of the preliminary plat shall in no way constitute final acceptance or approval of the development. A preliminary plat is not recorded. The Director of Planning shall maintain the approved preliminary plat.

### 7. Approval Expiration

**a.** When a preliminary plat has been approved, a final plat for all or a part of the area shall be submitted within 180 days; otherwise, the approval of the preliminary plat shall terminate and shall be void. However, prior to the expiration of such approval, the time for filing of the application for the final plat may be extended at the written request of the property owner. The first filing extension (not to exceed 90 days) shall be granted by the Director of Planning. Any further requests for extensions shall be considered by the Planning and Zoning Commission in accordance with §301D.2, *Plat Expiration Extensions.*

**b.** If a final plat for any portion of the area shown on the preliminary plat has been filed for record with the County Clerk, the preliminary plat's approval shall remain valid indefinitely.

**c.** In no plat is filed, the preliminary plat's approval shall remain valid for as long as the development agreement, annexation agreement, or facilities agreement remains binding or in effect.

# B. Final Plat

## 1. Applicability

A final plat is required if the proposed development or subdivision is located on land that has not yet been platted for development and:

**a.** Includes more than 4 lots; or

**b.** Includes lots without frontage on an existing street; or

**c.** Requires the creation of a new street; or

**d.** Requires the extension of municipal facilities.

## 2. Submittal Requirements

**a.** Final plat submittals shall be processed in accordance with §303, *Submittal Procedures*.

**b.** An application for review and approval of a final plat shall include the following:

**I.** Application;

**II.** Payment of submittal fees (see Appendix A – Schedule of Fees);

**III.** The final plat;

**IV.** Setback Exhibit (for single-family residential developments); and

**V.** Off-site parking exhibit for single-family developments (as needed);

**c.** In instances of non-residential and multi-family residential development within the City limits, a final plat may not be submitted prior to the approval of an associated Site Plan in accordance with the provisions of §203E.1, *Site Plan*.

**d.** Civil engineering plans associated with a development permit shall be approved prior to the submittal of a final plat.

## 3. Final Plat Requirements

**a.** The final plat shall be drawn on sheets measuring 24x36 inches, and shall be at a scale of 100 feet to the inch or as determined by the Director of Planning.

**b.** An exhibit showing the entire proposed subdivision layout on a single page will be required if a multiple page final plat is submitted; and

**c.** All features and necessary data to locate and reproduce the final plat on the ground must be shown on the final plat, including:

**I.** The boundary line, accurate in scale, of the tract to be subdivided, with accurate distances, bearings, and acreage indicated;

**II.** One copy of the traverse closure sheet shall accompany the plat;

**III.** Bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be found and accurately described on the final plat. Abstract lines and municipal and school district boundaries shall be shown;

**IV.** An accurate location of the subdivision in reference to the deed records of the County which shall include the volume and page of the deed of the property to be subdivided (or the full complete County Clerk's Document Number);

**V.** Immediately adjacent properties, including lot and street layouts, and the county filing information. Features situated outside the subdivision shall be appropriately distinguished from features situated within the subdivision;

**VI.** The layout, width, and names of all street and/or alley rights-of-way with the bearings and distances between points of curvature;

**VII.** The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents. This data shall be provided on a table keyed to the curves on the final plat;

**VIII.** The location, width, and description of all easements for right-of-way provided for public services, utilities or fire lanes and any limitations on use of the easements;

**IX.** All lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines to the nearest second;

**X.** For all lots located wholly or partially within or immediately adjacent to a flood prone area, a designation of the minimum finished floor elevation allowed as defined by Article 8: *Stormwater Management*;

**XI.** A continuous and sequential lettering and/or numbering of blocks and lots within the subdivision;

**XII.** A layout and designation to the nearest hundredth of an acre of all parcels of land that are to be dedicated or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision (common areas), or reservations for other uses, together with the purpose and conditions or limitations of such reservations and/or dedications, if any;

**XIII.** The accurate location, material, and approximate size of all monuments and benchmarks;

**XIV.** The official monuments shall be tied at two points into the plane coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication, No. 252, Plane Coordinate Projection Tables for Texas, published and printed by United States Department of Commerce, Coast and Geodetic Survey. State plane coordinates tied to two points on the plat boundary shall be shown on the plat; and

**d.** For single-family, duplex, triplex, and quadplex residential subdivisions:

**I.** A separate plan (known as a "setback exhibit") at the same scale as the plat showing the proposed layout, lot numbers, setback lines, any existing or proposed easements and rights-of-way.

**II.** A table of all lots' sizes.

**e.** A location map of the proposed subdivision indicating major roadways or platted streets within 1,000 feet of the proposed subdivision shall be included.

**f.** North indicator and scale;

**g.** The following title information shall be included:

**I.** The proposed name of the subdivision with section or sequencing designation, as appropriate, followed by the lot(s) and block(s);

**II.** The previous plat information, when applicable;

**III.** Acreage of the proposed subdivision;

**IV.** The names and addresses of the owner, developer and land planner, engineer, and/or surveyor responsible for actual design of the subdivision.

**V.** The tract designation, abstract and other description according to the real estate records of the city or county; and

**VI.** The total number of lots, and designation and amounts of land of the proposed uses within the subdivision.

**h.** The following certificates shall be included:

**I.** Certification by a public surveyor registered in the state, that the plat represents a survey made by him or under their direct supervision, and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown;

**II.** A certificate of ownership and dedication, on a form approved by the director of planning, of all streets, alleys, parks, open spaces and public ways to public use forever, signed and acknowledged before a notary public by the owner and any and all lienholders of the land, and a complete and accurate description of the land subdivided and dedications made;

**III.** Approval certificate.

a. The following certificate shall be placed on the plat in a manner that will allow the completion of the certificate by the proper party:

| |
|---|
| Approved<br><br>_____<br>Presiding Officer<br>City of McKinney, Texas<br><br>_____<br>Date |

| |
|---|
| Attest<br><br>_____<br>City Secretary or Board/Commission Secretary<br><br>_____<br>Date |

b. The presiding officer identified on the certificate shall be determined as indicated below:

i. For plats requiring administrative staff approval, the City Manager shall be the presiding officer and the City Secretary shall be the attesting signatory.

ii. For plats requiring Planning and Zoning Commission approval, the chairman of the commission shall be the presiding officer. However, if the vice-chair presides over a meeting where a plat is approved, the vice-chair shall be authorized to serve as the presiding officer. The Planning and Zoning Commission secretary shall be the attesting signatory.

iii. For plats requiring City Council approval, the mayor, or mayor pro-tem in the mayor's absence, shall be the presiding officer and the City Secretary shall be the attesting signatory.

**IV.** The Applicant shall place the following notation on each page of a final plat:

a. For lots in the City limits: "All proposed lots situated in whole or in part within the City's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the subdivision ordinance."; or

b. For lots in the ETJ: "All proposed lots situated entirely outside the City's corporate limits and within the City's extraterritorial jurisdiction comply with the requirements of the subdivision ordinance or associated development agreement."

**V.** If applicable, a tree planting plan for any neighborhoods utilizing street trees for the required lot trees.

## 4. Standards for Approval

Final plats shall be considered for approval by the Directo of Planning based on the following approval criteria:

**a.** The proposed plat complies with applicable dimensional and development standards in this Code;

**b.** The proposed plat does not affect a recorded easement without approval from the easement holder;

**c.** The proposed plat provides a layout of lots, roads, utilities, drainage, and other public facilities and services that aligns with the requirements in the Engineering Design Manual;

**d.** The proposed plat provides evidence of adequate public facilities to serve the proposed development;

**e.** The proposed plat does not remove or attempt to remove recorded covenants or restrictions;

**f.** The proposed final plat is consistent with the approved preliminary plat, if a preliminary plat was required, including any conditions of approval; and

**g.** The proposed final plat complies with the approved development permit.

### 5. Approval Expiration

**a.** The approval of a final plat shall remain in effect for five years following the date of approval except that the plat's approval shall remain valid indefinitely as long as consistent progress toward the filing of the final plat is demonstrated. If after the 5-year approval time period, progress toward the filing of the final plat has not been shown for a period of at least 180 days, the plat's approval shall immediately terminate and become void.

**b.** If the final plat expires and no other final plat has been submitted or filed on the same preliminary plat, the preliminary plat of the property shall also expire concurrently with the expiration of the final plat.

**c.** An extension of the approval expiration may be granted pursuant to §301D.2, *Plat Expiration Extensions.*

### 6. Recording

**a.** The final plat shall be filed for recordation with the County Clerk by the City after the following have been completed:

**I.** All conditions of approval are satisfied;

**II.** All public improvements in subdivisions, unless otherwise described by a facilities agreement, have been accepted; and

**III.** An original certificate, signed by the county tax assessor-collector, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.

**b.** The final plat applicant shall be responsible for paying all applicable fees associated with filing a plat for recordation.

## C. Minor Plat

### 1. Applicability

A minor plat is required for any development or subdivision of land that has not yet been platted for development that**:**

**a.** Involves four or fewer lots;

**b.** All such lots front onto an existing street;

**c.** Does not require the dedication of public right-of-way or other public improvements; and

**d.** Does not require the creation of any new street or the extension of municipal facilities.

### 2. Submittal Requirements

**a.** Submittals shall be processed in accordance with §303, *Submittal Procedures.*

**b.** An application for review and approval of a minor plat shall include the following:

**I.** Application;

**II.** Payment of submittal fees (see Appendix A – Schedule of Fees);

**III.** The minor plat;

**IV.** Tree Preservation Plan, as described in §404C, *Development Permit Process*;

**V.** Setback Exhibit (for residential lots);

**VI.** Screening and buffering plans (for residential lots); and

**VII.** Any supporting documents deemed necessary or as otherwise required by the Director of Planning.

**c.** In instances of non-residential and multi-family residential development with the city limits, a minor plat may not be submitted prior to the approval of a Site Plan in accordance with the provisions of §203E.1, *Site Plan*.

**d.** Civil engineering plans associated with a development permit, if necessary, shall be approved prior to the submittal of a minor plat.

### 3. Minor Plat Requirements

The requirements for a minor plat shall be the same as a final plat, found in §305B.3, *Final Plat Requirements.*

### 4. Standards for Approval

Minor Plats shall be considered for approval by the Director of Planning based on the following approval criteria:

**a.** The proposed plat complies with applicable dimensional and development standards in this Code;

**b.** The proposed plat does not affect a recorded easement without approval from the easement holder; and

**c.** The proposed plat provides a layout of lots, roads, utilities, drainage, and other public facilities and services that aligns with the requirements of the Engineering Design Manual;

**d.** The proposed plat provides evidence of adequate public facilities to serve the proposed development;

**e.** The proposed plat does not remove or attempt to remove recorded covenants or restrictions; and

**f.** The proposed plat complies with the approved development permit, if a development permit is required.

### 5. Approval Expiration

**a.** The approval of a minor plat shall remain in effect for five years following the date of approval except that the plat's approval shall remain valid indefinitely as long as consistent progress toward the filing of the minor plat is demonstrated. If after the 5-year approval time period, progress toward the filing of the minor plat has not been shown for a period of at least 180 days, the plat's approval shall immediately terminate and become void.

**b.** An extension of the approval expiration may be granted pursuant to §301D.2, *Plat Expiration Extensions.*

### 6. Recording

**a.** The minor plat shall be filed for recordation with the County Clerk by the City after the following have been completed:

**I.** All conditions of approval are satisfied;

**II.** All public improvements in subdivisions, unless otherwise described by a facilities agreement, have been accepted; and

**III.** An original certificate, signed by the county tax assessor-collector, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.

**b.** The minor plat applicant shall be responsible for paying all applicable fees associated with filing a plat for recordation.

## D. Replat

### 1. Applicability

**a.** A replat is required to subdivide all or part of an existing platted development or subdivision.

**b.** A replat may be recorded and supersede the prior plat without vacating that plat if the replat:

**I.** Is signed and acknowledged by the owners of the property being replatted;

**II.** Is approved in accordance with Chapter 212 of the Texas Local Government Code; and

**III.** Does not attempt to amend or remove any covenants or restrictions.

### 2. Submittal Requirements

**a.** Submittals shall be processed in accordance with §303, *Submittal Procedures.*

**b.** An application for review and approval of a replat shall include the following:

**I.** Application;

**II.** Payment of submittal fees (see Appendix A – Schedule of Fees);

**III.** The replat;

**IV.** Tree Preservation Plan;

**V.** Setback Exhibit (for single-family residential developments); and

**VI.** Screening and buffering plans (for residential lots).

**c.** Civil engineering plans associated with a development permit, if necessary, shall be approved prior to the submittal of a replat.

### 3. Replat Requirements

The requirements for a replat shall be the same as a final plat, found in§305B.3, *Final Plat Requirements.*

### 4. Standards for Approval

Replats shall be considered for approval based on the following approval criteria:

**a.** The proposed plat complies with applicable dimensional and development standards in this Code;

**b.** The proposed plat does not affect a recorded easement without approval from the easement holder; and

**c.** The proposed plat provides a layout of lots, roads, utilities, drainage, and other public facilities and services that aligns with the requirements in the Engineering Design Manual;

**d.** The proposed plat provides evidence of adequate public facilities to serve the proposed development;

**e.** The proposed plat does not remove or attempt to remove recorded covenants or restrictions; and

**f.** The proposed plat complies with the approved development permit, if a development permit is required.

### 5. Approval Procedure for Certain Plats

In accordance with TLGC §212.015, the following approval procedures shall apply to replats:

**a. Residential Replats without a Variance**

If a proposed replat includes residentially zoned or deed-restricted property as specified in TLGC §212.015, notice of the replat approval shall be provided to each lot owner of record within 200 feet of the lots replatted no later than the 15th day after the date the replat is approved.

**b. Residential Replats with a Variance**

**I.** Pursuant to Chapter 212 of the Texas Local Government Code, a proposed replat requires a Variance shall not be considered for action by the Planning and Zoning Commission or City Council until a public hearing has been held in accordance with TLGC §212.015 and notice of the public hearing is given before the 15th day before the date of the hearing by:

a. Publication in an official newspaper of general circulation in the county in which the municipality is located; and

b. By written notice, with a copy of subsection (II) attached, forwarded to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision with the ETJ the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city.

**II.** Proposed replats may be protested and shall be approved pursuant to TLGC §212.015.

If a proposed replat for residentially zoned or deed-restricted property as specified in TLGC §212.015 does not require a Variance or Special Exception and is approved by the Director of Planning, City Council, or Planning and Zoning Commission, notice of the replat approval shall be provided to each lot owner of record within 200 feet of the lots replatted no later than the 15th day after the date the replat is approved.

### 6. Approval Expiration

**a.** The approval of a replat shall remain in effect for five years following the date of approval except that the plat's approval shall remain valid indefinitely as long as consistent progress toward the filing of the replat is demonstrated. If after the 5-year approval time period, progress toward the filing of the replat has not been shown for a period of at least 180 days, the replat's approval shall immediately terminate and become void.

**b.** An extension of the approval expiration may be granted pursuant to §301D.2, *Plat Expiration Extensions.*

### 7. Recording

**a.** The replat shall be filed for recordation with the County Clerk by the City after the following have been completed:

**I.** All conditions of approval are satisfied; and

**II.** All public improvements in subdivisions, unless otherwise described by a facilities agreement, have been accepted;

**III.** An original certificate, signed by the county tax assessor-collector, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.

**b.** The replat applicant shall be responsible for paying all applicable fees associated with filing a plat for recordation.

## E. Amending Plat

### 1. Applicability

An amending plat may be used as a means to correct minor errors or make minor adjustments to an existing, filed plat solely for one or more purposes prescribed in Texas Local Government Code §212.016 and:

**a.** Does not attempt to amend or remove any covenants or restrictions; and

**b.** Civil engineering plans associated with a development permit, if necessary, shall be approved prior to the submittal of an amending plat.

### 2. Submittal Requirements

**a.** Submittals shall be processed in accordance with §303, *Submittal Procedures.*

**b.** An application for review and approval of an amending plat shall include the following:

**I.** Application;

**II.** Payment of submittal fees (see Appendix A – Schedule of Fees)

**III.** The amending plat; and

**IV.** Setback Exhibit (for single-family residential developments).

### 3. Amending Plat Requirements

The requirements for an amending plat shall be the same as a final plat, found in §305B.3, *Final Plat Requirements,* plus the following additional items:

**a.** A purpose statement shall be provided on the proposed amending plat that includes a brief synopsis of the reason for the proposed plat.

### 4. Approval Procedure

**a.** Amending plats shall be considered for approval by the Director of Planning based on the following approval criteria:

**I.** The proposed plat complies with applicable dimensional and development standards in this Code;

**II.** The proposed plat does not affect a recorded easement without approval from the easement holder;

**III.** The proposed plat provides evidence of adequate public facilities to serve the proposed development; and

**IV.** The proposed plat does not remove or attempt to remove recorded covenants or restrictions.

### 5. Approval Expiration

**a.** The approval of an amending plat shall remain in effect for five years following the date of approval except that the plat's approval shall remain valid indefinitely as long as consistent progress toward the filing of the amending plat is demonstrated. If after the five-year approval time period, progress toward the filing of the amending plat has not been shown for a period of at least 180 days, the plat's approval shall immediately terminate and become void.

**b.** An extension of the approval expiration may be granted pursuant to §301D.2, *Plat Expiration Extensions.*

### 6. Recording

**a.** The amending plat shall be filed for recordation with the County Clerk by the City after all conditions of approval are satisfied.

**I.** An original certificate, signed by the county tax assessor-collector, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.

**b.** The amending plat applicant shall be responsible for paying all applicable fees associated with filing a plat for recordation.

## F. Conveyance Plat

### 1. Purpose

The purpose of a conveyance plat is to subdivide land and to provide for the recordation of the same, for the purpose of conveying the property to another owner without developing it. A conveyance plat may be used to sell the property or interests in the property, but a conveyance plat does not constitute approval of any type of development on the property. A conveyance plat is merely a map of the subject property approved by the City for the purpose of sale or conveyance by the owner thereof to another party. A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. The submission and approval of a conveyance plat does not vest any rights in the property, or "freeze" the rules, laws, statutes, ordinances, or regulations applicable to the development and subdivision of land.

### 2. Applicability

A conveyance plat may be used in lieu of a final plat or minor plat to record the subdivision of property within the City or its ETJ, if each parcel of the subdivision:

**a.** Has direct access to all required public improvements (water, sanitary sewer, storm sewer) via dedicated easements or direct adjacency to existing infrastructure;

**b.** Has access to an existing public right-of-way via frontage on that right-of-way or via the dedication of necessary access easements; and

**c.** No portion of the parcel is smaller than 50 feet wide.

### 3. Submittal Requirements

**a.** Submittals shall be processed in accordance with §303, *Submittal Procedures.*

**b.** An application for review and approval of a conveyance plat shall include the following:

**I.** Application;

**II.** Payment of submittal fees (see Appendix A – Schedule of Fees); and

**III.** The conveyance plat.

### 4. Conveyance Plat Requirements

The requirements for a conveyance plat shall be the same as a final plat, found in §305B.3, *Final Plat Requirements,* and the following additional items:

**a.** All conveyance plats shall include the following notation:

**I.** CONVEYANCE PLAT ONLY: NOT FOR DEVELOPMENT;

**II.** A conveyance plat is a map of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. Lots created by a conveyance plat may not have all necessary public utilities available for immediate use. No certificate of occupancy shall be issued nor permanent public utility service provided to any lot(s) created by a conveyance plat until all required public improvements have been constructed and accepted and a final plat is filed for record with the county clerk. Selling a portion of property by metes and bounds, except as shown on an approved, filed and accepted conveyance plat, final plat, minor plat or replat is a violation of the city's Code of Ordinances and State Law.

**b.** If a parcel is to be created adjacent to a right-of-way shown on the city's master thoroughfare plan or another existing roadway with insufficient right-of-way based on its classification type, the appropriate amount of right-of-way based on its roadway classification, as defined by the engineering design manual, shall be dedicated to the city via the proposed conveyance plat.

**c.** If a parcel is to be created adjacent to a hike and bike trail, water line, sewer line, drainage area, or some other public infrastructure as shown by the comprehensive plan, easements of adequate size to accommodate said infrastructure shall be dedicated to the city via the proposed conveyance plat.

**d.** A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.

**e.** No permits for development shall be issued for land that has platted under this section. A permit for public infrastructure only may be issued for land that has only been platted under this section.

### 5. Approval Procedure

**a.** Conveyance plats shall be considered for approval by the Director of Planning based on the following:

**I.** The proposed plat complies with applicable dimensional and development standards in this Code;

**II.** The proposed plat does not affect a recorded easement without approval from the easement holder;

**III.** The proposed plat provides evidence of adequate public facilities to serve the proposed development; and

**IV.** The proposed plat does not remove or attempt to remove recorded covenants or restrictions.

### 6. Effect of Approval

**a.** A conveyance plat may be superseded by a revised conveyance plat or a preliminary plat, final plat, minor plat, or replat, in total or in part, through compliance with the procedures and requirements of this Code.

**b.** No permits for development shall be issued nor permanent utility service provided for land that has only been platted via the conveyance plat process. A preliminary plat, final plat, minor plat, or replat must be approved subsequent to the filing of a conveyance plat prior to the issuance of permits for development.

### 7. Approval Expiration

**a.** The approval of a conveyance plat shall be valid for two years from the date of approval. If the conveyance plat has not been filed for record within the allotted two-year time period, the conveyance plat approval shall terminate and become void. However, the validity of a conveyance plat approval may be extended once for a period not to exceed an additional 180 days, subject to the approval of the Director of Planning.

**b.** An extension of the approval expiration may be granted pursuant to §301D.2, *Plat Expiration Extensions.*

### 8. Recording

**a.** The conveyance plat shall be filed for recordation with the County Clerk by the City after all conditions of approval are satisfied.

**I.** An original certificate, signed by the county tax assessor-collector, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.

**b.** The conveyance plat applicant shall be responsible for paying all applicable fees associated with filing a plat for recordation.

## G. Vacating Plat

### 1. Applicability

The property owner of the tract covered by a plat may vacate the plat pursuant to TLGC §212.013, as amended. If dedicated by an instrument other than a plat, then the applicant shall follow the procedure established in Charter, Article XIII: Public Improvements.

## 2. Submittal Requirements

**a.** Submittals shall be processed in accordance with §303, *Submittal Procedures.*

**b.** An application for review and approval of a vacating plat shall include the following:

**I.** Application;

**II.** Payment of submittal fees (see Appendix A – Schedule of Fees); and

**III.** The vacating instrument, plat, letter, or exhibit.

## 3. Approval Procedure

**a.** The vacation of a plat or portion thereof shall be approved in the same manner defined for the original plat, including any public meeting, hearing, and notices, pursuant to Chapter 212 of the Texas Local Government Code, which includes action by the Planning and Zoning Commission or City Council.

**b.** The applicant may appeal the decision of the Planning and Zoning Commission to disapprove the applicant's response under TLGC §212.0093 in accordance with §306A, *Appeals.*

## 4. Recording

**a.** The vacating plat shall be filed for recordation with the County Clerk by the City after all conditions of approval are satisfied.

**b.** The vacating plat applicant shall be responsible for paying all applicable fees associated with filing a plat for recordation.

## 5. Effect of the Recorded Vacating Plat

**a.** On the execution and recording of the vacating instrument, the previously filed plat shall have no effect. Regardless of the Planning and Zoning Commission's or City Council's action on the petition, the property owner(s) will have no right to a refund of any monies, fees, or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.

**b.** The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

**c.** The Planning or Zoning Commission or City Council, at its discretion, shall have the right to retain all or specific portions of road rights-of-way or easements shown on the plat being considered for vacation. However, the Planning and Zoning Commission or City Council shall consider plat vacation upon satisfactory conveyance of easements and/or rights-of-way in a separate legal document using forms provided by the City Attorney's office.

# 306 Flexibility and Relief Procedures

## A. Appeals

**1.** Appeals shall be made in accordance with applicable state law and in accordance with this Article.

**2.** The property owner or applicant of a tract of land under consideration who is aggrieved by the disapproval of a plat under Texas Local Government Code §212.0095 for which Staff is the decision maker, may appeal such disapproval to the City Council within 21 days of the denial.

- **a.** All requests for appeals must be made in writing, identify the specific basis for the appeal, and be submitted to the Director of Planning.
- **b.** The Director of Planning shall prepare a report and place the project on the agenda for consideration by the City Council.
- **c.** Any appeal to City Council under this provision shall not be considered a filing under Texas Local Government Code chapter 212, and thus shall not require City Council action within 30 days or 15 days, respectively.

## B. Variance

**1.** Suspension of any of these rules and regulations may be granted by the City Council or, in the circumstances described in provision 2. below, the Planning and Zoning Commission upon a good and sufficient showing by the owner that:

- **a.** There are special circumstances or conditions affecting the property in question; or
- **b.** Enforcement of the provisions of this Article will deprive the applicant of a substantial property right, and
- **c.** Such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

**2.** If the suspension of any of the rules and regulations of this Article is sought, the Variance request will usually and primarily be considered by the City Council. In the event, however, that a City Council meeting will not occur within the timelines required pursuant to Texas Local Government Code chapter 212, the Director of Planning shall have the authority to send the Variance request to the Planning and Zoning Commission for its approval or disapproval.

**3.** Each and every application for Variance shall be decided solely and entirely on its own merits; and the disposition of any prior or pending application for Variance shall not be allowed to enter into or affect any decision on the application in question.

**4.** Pecuniary interests standing alone shall not be justification for the granting of a Variance.

# 307 Design Standards

## A. Lots and Blocks

### 1. Minimum Lot Dimensions

**a.** Lot dimensions shall be determined by the appropriate zoning classification, in addition to any requirements contained in this Article.

**b.** Minimum usable lot depths for lots backing on natural drainage areas and any associated easements shall not be less than 80 feet measured between front lot property line and the limits of the area or easement.

### 2. Lot Shape

Lots shall be rectangular insofar as is practical. Sharp angles between lot lines shall be avoided. The ratio of depth to width shall not ordinarily exceed 2.5 to 1.

### 3. Lot Frontage

**a.** All lots shall have frontage on an existing or proposed public street, unless the lot is part of an approved private street development, in which case lots may front on an existing or proposed private street. Non-residential lots may provide access to an existing or proposed street via a series of mutual access easements connecting lots with no street frontage to a public street.

**b.** Wherever feasible, each lot shall face the front of a similar lot across the street. In general, an arrangement placing facing lots at right angles to each other shall be avoided.

**c.** Single-family, duplex, triplex, or quadplex residential lots shall not front and back to a street. Single-family residential lots may front to a street and back to an alley or back to another lot.

### 4. Block Length

The maximum block length for residential use shall be in accordance with the Engineering Design Manual.

### 5. Lot Numbering and Block Lettering

**a.** All lots are to be numbered consecutively within each block on a plat.

**b.** Blocks are to be lettered consecutively within the overall plat and shall be a new block when separated by a street.

## B. Easements and Rights-of-Way

### 1. Applicability

Where necessary to provide for the purposes of maintenance, construction, access, or other service requirements in the city and the ETJ, easements and rights-of-way shall be provided for public and franchise utilities and any other improvements as deemed required by the City.

### 2. Size

Easements and rights-of-way for public improvements required by this Article shall be provided as specified by the Engineering Design Manual. Easements for franchise utilities shall be provided as specified by the individual utility company. All utility easements intended for the shared use of franchised utilities shall not be less than 10 feet in width unless located adjacent to a right-of-way.

### 3. Fire Lane Easements

**a.** Where adequate access for firefighting purposes may not otherwise be provided, easements for fire lanes shall be required in accordance with the City's currently adopted fire code, and as deemed necessary by the Fire Marshal.

**b.** Fire lane easements shall be maintained by the property owner, shall be marked as such on the ground, and shall be kept free and clear at all times.

## C. Improvements

### 1. Franchise Utilities

Franchise utilities shall be provided for each lot. Franchise utilities include electrical, telephone, television, internet, and other wire carrier type utilities.

### 2. Hike and Bike Trails

Hike and bike trails shall be provided as referenced in the Parks Master Plan and the Engineering Design Manual.

### 3. Streets, Alleys, Sidewalks, and Lighting

Streets, alleys, sidewalks, and lighting shall be provided as referenced in the Engineering Design Manual. These improvements shall be provided to and through the property being subdivided, including in locations along the perimeter of the property line. Street connections shall also be provided to adjacent tracts in all cardinal directions.

### 4. Storm Sewer and Storm Drainage Facilities

Storm sewer and storm drainage facilities shall be provided as referenced in the Engineering Design Manual and as specified in Article 8: *Stormwater Management*. Storm sewer and storm drainage facilities shall be provided to and through the property being subdivided, including in locations along the perimeter of the property line.

### 5. Sanitary Sewers

**a.** Sanitary sewer systems shall be provided as referenced in the Engineering Design Manual and the Wastewater Collection System Master Plan. Sanitary sewer systems shall be provided to and through the property being subdivided, including in locations along the perimeter of the property line.

**b.** On-site sewerage facilities (OSSF, more commonly known as septic systems) shall only be allowed on lots of 1.5 acres or larger, if there is no feasible way to provide a sanitary sewer system to the property, and if approved by the Director of Engineering. In no case shall the net developable area of the lot (the total area less any easements) be less than 1 acre. A review must be conducted by the OSSF permitting authority prior to the filing of a plat where an OSSF has been approved.

### 6. Water

**a.** Water systems shall be provided as referenced in the Engineering Design Manual and the Water Distribution Master Plan. Water systems shall be provided to and through the property being subdivided, including in locations along the perimeter of the property line.

**b.** Water wells shall not be used for domestic water service. Water wells may be used for large irrigation systems if approved by the Director of Engineering and registered with the applicable groundwater conservation district.

### 7. Median Landscaping

Landscaping improvements shall be installed within the medians of all proposed or planned or divided roadways within the city limits as shown on the Master Thoroughfare Plan.

**a.** Only developments abutting or adjacent to a divided roadway which is owned and maintained by the City, as identified in the Master Thoroughfare Plan, shall be subject to this section.

**b.** The developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of 1 year.

**c.** Landscape, irrigation, and construction plans shall be subject to review and approval by the Director of Engineering. The location of landscaping shall conform to the Engineering Design Manual and shall be placed to accommodate the ultimate number of traffic lanes. The minimum number of trees required in the median shall be calculated as follows:

**I.** One canopy tree, minimum of 12 feet tall with a 4-inch caliper trunk, shall be provided for 50 linear feet of median.

**II.** One ornamental tree, minimum of 8 feet tall with a minimum 2-inch caliper trunk, shall be provided for every 100 feet of median.

**III.** Trees may be clustered together to facilitate design and to accommodate future road widening.

**IV.** Irrigation in accordance with City specifications is required for new landscape plantings.

**d.** The developer may pay a fee in lieu of construction:

**I.** In the event that the Director of Parks and Recreation determines that construction of improvements is impractical, the developer shall pay a fee in lieu of construction, as specified in Appendix A – Schedule of Fees.

**II.** The fee in lieu of construction shall be collected once from each frontage.

**III.** The Director of Parks and Recreation may allow the developer to install landscaping across the full width of the median and be reimbursed by the City for the landscaping provided for the additional frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever amount is less, if funds are available.

**IV.** The collected fee in lieu of construction shall be applied to construction, reconstruction, upgrading, and installation of medians of divided roadways within the adjacent roadway benefits area (see §902, *Definitions*) pertaining to roadway impact fees. Any fees not expended within 10 years of collection shall be returned to the developer or subdivider that deposited the fees with the City.

**V.** Notwithstanding the 10-year limitation specified above, the City shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping by the City. The time period for the expenditure of fees escrowed with the City for the construction of median landscaping shall not begin to run until such time as the roadway medians within the applicable roadway benefits area have been constructed on such divided roadways, the roadway medians have been accepted by the City, and the roadway medians are ready for standard median landscaping.

# 308 Residential Screening and Buffering

## A. Purpose

The purpose of this section is to establish standards for the buffering of residential lots and to create aesthetically pleasing corridors which encourage harmony while ensuring safety and security and reducing noise and glare in neighborhoods.

## B. Applicability

All single-family, duplex, triplex, and quadplex residential developments located within the City limits and the ETJ shall provide buffering in accordance with this Section. For single-family, duplex, triplex, and quadplex residential developments located within the City limits, screening shall also be provided within the landscape buffer as required in §206C, *Screening,* including a wall maintenance easement.

## C. Approval Required

**1.** Plans for screening and buffering shall be submitted and reviewed concurrently with the application for development permit approval. Approval of the screening and buffering plans by the Director of Planning is required prior to the approval of a Minor Plat, Replat, or Final Plat.

**2.** Construction drawings of all improvements shall be approved by the appropriate Administrative Official prior to the installation of any proposed screening and buffering improvements.

## D. Buffering Standards

**1.** Within the City limits and in the ETJ, a landscape buffer shall be provided in the form of a common area wherever a single-family, duplex, triplex, or quadplex residential lot would otherwise back or side to a street, including those lots separated by an alley, parallel road, or common area, and shall be the minimum width indicated in Table 3-1.

**Table 3-1: Width of Required Common Area Landscape Buffer**

| | | Lots Backing a Street (in feet) | Lot Siding a Street (in feet) |
|---|---|---|---|
| **Ultimate Width of Adjacent Right-of-Way (in feet) [1]** | 50 or less | 10 | 0 |
| | 51-59 | 20 | 0 |
| | 60-199 | 20 | 20 |
| | 200 or greater | 30 | 30 |

[1] Round to the nearest whole number.

**2.** A residential lot may be exempted from this requirement if it is determined that the back or side of such residential lot will be screened from view or separated from the right-of-way by a future development or a future phase of the larger platted development that contains the subject residential lot.

**3.** Buffer areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects. Grass areas shall be established with 100 percent coverage and 70 percent density with an approved perennial grass prior to final acceptance.

## E. Irrigation

All required landscaped common areas shall be provided with an automatic underground irrigation system which features rain and freeze sensors or a weather-aware internet device and are designed by a qualified professional. Irrigation systems shall be designed for maximum irrigation efficiency, including the maximization of bubblers and drip emitters and the minimization of rotors and spray sprinklers.

## F. Conflicts Prohibited

No improvements shall conflict with vehicular or pedestrian traffic movement. No improvements, including trees or shrubs which do not meet the guidelines established by a utility company or the City shall be planted over or under existing utilities. Sidewalk or hike and bike trail locations shall be coordinated with other improvements and shall be shown on the screening and buffering plan.

# 309 Conveyance of Land for Recreational Areas & Facilities

## A. Purpose

It is hereby declared by the City Council that public parks, recreational facilities, and open spaces are valuable assets that advance the public's health, safety, and welfare, and improve the overall quality of life of the community's residents. New residential development in the city creates the need for additional parks and recreation resources because of the increased population. Requiring that new residential development dedicate parkland and pay park development fees in proportion to its impacts on the City's parks and recreation resources is recognized as a fair, reasonable and uniform method of financing these assets that does not impose an unfair burden on new or existing development. The parkland dedication and park development fee requirements established in this article aim to maintain the current level of service in the City and generally flow from the assessment of needs reported in the McKinney Parks, Recreation, Open Space, Trails & Streetscape Visioning Master Plan (2017), as it may be amended from time to time (the "Parks Master Plan"). Accordingly, this article requires the dedication of parkland and payment of park development fees to:

1. Meet the goals and objectives set forth in the Parks Master Plan.
2. Deliver new and/or updated parks, recreation, trails and open space resources to meet the increased demand generated by new development on the parks system.
3. Establish proportionate costs that are associated with providing new or updated parks and facilities, so the increased costs are borne by those who are responsible for creating the additional demand.
4. Create a variety of recreational opportunities for residents within reasonable proximity to their homes.
5. Provide credit for applicable private and semi-public parkland and/or park-like amenities that offset the increased demand on the parks system generated by new development.

## B. Authority

Unless otherwise specified, the provisions of this section shall be administered by the Director of Parks and Recreation ("Director") or their designee. The standards and criteria contained within this article are deemed to be minimum standards.

## C. Applicability

### 1. New Residential Development and Redevelopment

This article applies to a landowner that develops or redevelops land located within the City for residential use.

### 2. Exemptions

- **a.** Non-residential uses.
- **b.** Assisted Living/Memory Care/Skilled Nursing Uses.
- **c.** Properties located within the City's ETJ at the time development occurs.
- **d.** The remodeling, rehabilitation, or other improvements to an existing residential structure, or the rebuilding of a damaged structure that does not increase the number of residential units.
- **e.** If a parkland dedication requirement was satisfied or a park development fee was paid for residential development on a particular tract prior to the amendment of this Article, then subsequent development of the subject tract to which the parkland dedication requirement and/or park development fee applies may be exempt from any increased requirements. However, if there is an increase in the number of dwelling units on such a site, then there shall be a proportional increase in the parkland dedication requirement and the payment of park development fees.

**f.** Residential development on a lot of record that was approved prior to the effective date of the ordinance from which this Article derives. However, if there is an increase in the number of dwelling units on such a site, then there shall be a proportional increase in the parkland dedication requirement and the payment of park development fees.

**g.** Residential development constructed or to be constructed in accordance with a building permit issued prior to the effective date of the ordinance from which this Article derives provided such building permit has not lapsed or otherwise expired and has not been modified to increase the number of residential units allowed.

**h.** Residential development within the MTC – McKinney Town Center zoning district. Refer to Appendix 2B: McKinney Town Center MTC for open space standards applicable to all new residential development within the MTC.

### 3. Effective Date

**a.** The provisions of this Article shall take effect on October 1, 2022.

**b.** Notwithstanding provision 3.a. of this subsection, a developer may request that all of the parkland dedication and park development fee requirements established by this article be applied to a new residential development after its adoption and publication as required by state law and prior to October 1, 2022, subject to the approval of the Director.

## D. Parkland Dedication and Park Development Fee Standards in General

**1.** As a condition of subdivision development, a developer of property for residential uses shall dedicate land for parks or pay a fee in lieu of dedicating land or a combination of both as approved by the Director.

**2.** In addition to the parkland dedication requirement, a developer of residential property shall pay a park development fee. Subject to the approval of the City, a developer may elect to construct required park improvements as identified by the Director on City-owned parkland in lieu of paying the associated park development fee as set forth in this Article.

**3.** City Council has established seven geographical park zones and one citywide park zone as depicted on Appendix 3A: Parkland Dedication Zones attached hereto and incorporated herein by reference for all purposes allowed by law. Except as provided below, parkland dedications including any fees paid in lieu of parkland dedication and park development fees from a residential development shall (with certain exceptions identified in this Article) be located, conveyed, held, and utilized in the geographical park zone in which the subject development is located or in an adjacent geographical park zone where the subject development occurs near the perimeter of or overlaps geographic park zones subject to the discretion of the Director.

**4.** Up to 10 percent of any fees paid in lieu of parkland dedication and park development fee(s) collected may be applied to the citywide park zone for use anywhere in the City's parks system at the discretion of the Director. No less than 90 percent of any fees paid in lieu of parkland dedication and park development fee(s) collected shall (with certain exceptions identified in this Article) be applied to the applicable geographical park zone.

**5.** The transfer of fees identified in this Article between and among geographical park zones are permitted subject to review and approval by the Director and the repayment of such fees to the originating geographical park zone.

**6.** Parkland dedication requirements (and/or payment of fees in lieu of parkland dedication) and payment of Park Development Fees shall be satisfied at the time of plat recordation for single family and duplex residential units, and prior to the issuance of any building permits for all other residential development.

**7.** Requirements herein are based on the actual number of dwelling units for an entire development. Increases or decreases in the final unit count may require an adjustment in park development fees paid or parkland dedicated.

**8.** The required parkland dedications and schedules of park development fees are listed in Table 3-2 with supporting analysis attached hereto as Appendix 3B: Park Dedication Calculations for Developed Parks and made a part of this article for all purposes allowed by law.

**9.** City Council has adopted a Discount Schedule to reduce certain park development fees over an established timeframe listed in Table 3-2.

**10.** Certain developments and use types may qualify for credits as listed in Table 3-3 (see Section 309J) if all conditions precedent thereto are satisfied in the determination of the Director.

**Table 3-2: Minimum Parkland Dedication and Park Development Fee Requirements**

| | | Parkland Dedication [1] | | Park Development Fee [1] | |
|---|---|---|---|---|---|
| | | **Acres of Land** | **Fee in Lieu of Land** | **Single-Family** | **Multi-Family** |
| **Required** | | One acre outside of floodplain per 37 Units (3 acres of floodplain equate to one acre of parkland, with not more than 20% of any parkland dedication site being allowed in a floodplain) | Fair Market Value of one acre of Land within the tract being developed multiplied by the number of acres required | $1,993 per unit | $1,631 per unit |
| **Discount Schedule [2]** | 2022 & 2023 | None | | $1,000 per unit | $1,600 per unit |
| | 2024 & 2025 | | | $1,400 per unit | $1,600 per unit |
| | 2026 and beyond [3] | | | $1,400 per unit | $1,600 per unit |

[1] See Appendix 3B for supporting analysis
[2] Effective October 1st of each calendar year
[3] Unless otherwise modified by City Council

**Table 3-3: Parkland Dedication and Park Development Fee Credits**

| Use | Parkland Dedication – Reduction in Required Acres or Fee in Lieu | Park Development Fee – Credit for Private Park Amenities |
|---|---|---|
| **Single-Family Residential** | None | Up to 50 % |
| **Multi-Family Residential** | None | Up to 50 % |
| **Mixed-Use Residential Structure** | 25% | Up to 50 % |
| **Senior/Independent Living** | 50% | Not required |
| **Affordable Housing** | 50% | Not required |
| **Assisted Living/Memory Care/Skilled Nursing** | Not required | Not required |

## E. Parkland Dedication Procedures

Through the Planning Department's pre-development meeting process, it may be determined whether parkland shall be conveyed or cash in lieu of parkland dedication shall be paid to the City under this article. Additional meetings between the developer and the Parks and Recreation Department ("PARD") may be needed in order to evaluate the suitability of potential land for parkland dedication. Additionally, PARD may request a site visit to

the subject property as a part of its determination. The following information may be required as a part of the process, prior to the City accepting land as a public parks dedication.

1. A narrative outlining the intended use, number of residential units proposed, and description of housing type(s) within the subject property.
2. Lot dimensions or metes and bounds acreage of parkland to be dedicated.
3. Total acreage of floodplain as well as the land located outside of the floodplain proposed to be dedicated to the City for parkland.
4. A tree survey of the proposed parkland.
5. A slope analysis of the proposed parkland.
6. An environmental survey identifying critical environmental features such as, but not limited to, protected species, habitat, and water features within and about the proposed parkland.

## F. Parkland Acceptance Criteria

### 1. General Parkland Dedication Requirements

**a.** Must be conveyed in fee simple by general warranty deed.

**b.** Must be by lot and block and shown on a recorded plat of record.

**c.** For a phased development the entire parkland dedication area shall not be deeded to the City until such time that all necessary roadway, utility and other public improvements are constructed to provide accessibility to the proposed parkland and have been accepted by the City, or at the request of the Director.

### 2. Guidelines

**a.** The City of McKinney generally will not accept dedications of land for parks that are less than 10 acres in area. Maintaining many small parks is inefficient and too costly for the City to sustain over the long-term.

**b.** Parkland shall be dedicated to the City free and clear of any and all liens and encumbrances that may interfere with the use of the land for park purposes. The City's representatives must be permitted to make onsite inspections of the proposed parkland for the purposes of determining site suitability and identifying any visual hazards or impediments to park development and use.

**c.** If the property owner or developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided to the City. The City may initiate and/or require the developer to initiate specific environmental studies or assessments if the City's visual inspection of the proposed parkland gives rise to the belief that an environmental problem may exist on the site. The Director may also require the employment of consultants necessary to evaluate any environmental issues relating to the site. If an environmental hazard is identified, the developer must remove or remediate the hazard prior to City's acceptance of the proposed parkland dedication. The City will not accept parkland dedication sites previously or currently encumbered by hazardous and/or waste materials or dump sites.

**d.** The developer is responsible for providing infrastructure, at no cost to City, that ensures convenient access by improved streets, sidewalks, and adequate drainage improvements so the proposed parkland is suitable for the purpose intended. The developer is responsible for providing water, sewer, and electrical utilities to the proposed parkland in accordance with the procedures applicable to other public improvements as specified in the City's subdivision ordinances.

**e.** If soils have been disturbed, they shall be restored to their pre-disturbance condition, and the soil stabilized by vegetative cover by the developer prior to dedication of the proposed parkland to the City.

**f.** Parks should be easy to access and open to public view to benefit area development, enhance the visual character of the City, protect public safety, and minimize conflict with adjacent land uses.

**g.** A current title insurance policy acceptable to the City in an amount equal to the fair market value of the proposed parkland dedication must be provided to the City.

**h.** The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the parkland dedication by the City. A tax certificate from the County Tax Assessor shall be submitted with the parkland dedication.

### 3. Land Requirements

**a.** Land parcels that are unsuitable for development are typically unsuitable for neighborhood/community parks. Hence, parkland dedication sites should be selected by the developer prior to a subdivision being platted and acquired as a part of the development process.

**b.** Parkland dedication sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize the number of users crossing arterial roadways to access the proposed parkland dedication site.

**c.** Where feasible, parkland dedication sites should be located adjacent to schools to encourage shared facilities and joint development of new sites.

**d.** Parks should have well-drained and suitable soils and level topography. Parkland dedication sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities.

**e.** Parks must be adjacent to a street for ease of access and pedestrian, bike or parking accommodations.

**f.** No more than two sides of a park may be adjacent to the rear lot lines of homes.

**g.** Parks must include visible, attractive and suitable means of ingress and egress proportionate to the size and amenities of the parkland dedication site.

**h.** The parkland dedication site should not be encumbered by overhead utility lines or above-ground improvements or easements that might create a dangerous condition or limit the opportunity for park development and use.

**i.** Where appropriate, proposed parkland dedication sites with existing trees or other scenic elements are preferred and may be reviewed by the City's Arborist to make recommendations.

**j.** Rare, unique, endangered, historic or other significant natural areas will be given a high priority for consideration of a parkland dedication site pursuant to this article.

**k.** Consideration will be given to a potential parkland dedication site that is in the floodplain or an area which may be considered "floodable" even though not in a federally regulated floodplain if the proposed parkland site is suitable for park improvements. At the discretion of the City, land in floodplains may be considered as part of a parkland dedication requirement on a 3:1 basis; that is, 3 acres of floodplain will be deemed equal to 1 acre of parkland, but not more than 20% of any parkland dedication site shall be allowed in a floodplain.

**l.** Detention/retention areas may not be used to meet parkland dedication requirements but may be accepted by City in addition to the required parkland dedication. If accepted as part of a park, the detention/retention area design must meet the City's specifications.

## G. Payment of Fees in Lieu of Parkland Dedication

The City may require that a fee be paid in lieu of parkland dedication in amounts as set forth in Table 3-2 and Appendix 3B: Park Dedication Calculations for Developed Parks.

**1.** The fee to be paid in lieu of parkland dedication will be the average fair market value per acre of the land which is being subdivided determined at the time of the final plat approval or the issuance of a building permit, as applicable. The fair market value shall be established by the most recent appraisal of all or part of the subject property as adopted by the Collin Central Appraisal District and in effect on the date on which the land for which the payment of fees in lieu of parkland dedication is required is final platted. At its discretion, the City may opt to commission an independent appraisal of the subject land by a third party and adjust the amount of assessed value based on any difference between the independent appraisal and the Appraisal District's valuation.

**2.** Fees collected in lieu of parkland dedication shall be used for the purpose of acquisition, development and/or improvement of park facilities.

## H. Park Development Fee

**1.** In addition to the parkland dedication requirements, park development fees are hereby established and imposed on residential development for the purpose of assuring that park facilities, including neighborhood/community parks and passive park conservation areas, are available and adequate to meet the needs created by such development while maintaining current and proposed parks and recreation standards that meet the City of McKinney's standards. Park development fees are supplementary to, and not in substitution of, the parkland dedication requirement.

**2.** The amount of park development fees assessed to a residential development and the basis for the calculation is shown in Table 3-2, *Minimum Parkland Dedication and Park Development Fee Requirements,* and Appendix 3B: Park Dedication Calculations for Developed Parks. Park development fees shall be processed simultaneously with the parkland dedication requirements. Park development fees shall be imposed by the City on all residential development, and all park development fees collected shall be used for the purpose of acquisition, development and/or improvement of park facilities.

## I. Providing Public Park Improvements In lieu of Paying Park Development Fees

**1.** Subject to the City's approval, a developer may enter into a development agreement with the City to construct required park improvements in lieu of paying the associated park development fees, in whole or in part, as set forth herein. In such event:

**a.** Facilities and improvements provided by a developer shall be constructed on lands dedicated to the City as public parkland, and shall be designed and installed to meet the terms, conditions and requirements under this article, the Parks Master Plan, and as approved by the Director, in accordance with related federal, national, state or local codes including, but not limited to, the following:

**I.** International Play Equipment Manufacturer's Association (IPEMA);

**II.** Consumer Product Safety Commission (CPSC) Handbook for Public Safety;

**III.** American Society for Testing and Materials (ASTM and ASTM F08);

**IV.** Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);

**V.** Illuminating Engineering Society of North American (IESNA RP-6-01); and/or

**VI.** Sports Turf Management Association (STMA).

**b.** The amount of park development fees that the developer must pay will be reduced by the actual costs paid by the developer for developer's construction of the park improvements required and approved by City on the City's parklands as such costs are demonstrated by and through approved pay applications and invoices submitted to developer by developer's contractors and materialmen together with documentation demonstrating developer's payment thereof and such additional information as may be requested by City to confirm compliance with the standards referenced in this section. In no event shall City be responsible for paying developer any amounts in excess of the park development fees that developer must otherwise pay, or any amounts for park improvements not approved in advance by City or park improvements not properly constructed and installed.

### 2. General Requirements for Public Park Improvements

**a.** A park site plan, developed in cooperation with the PARD staff, shall be submitted by the developer. The park site plan will be reviewed and if acceptable approved by the Director.

**b.** All proposed public park improvements must be shown on a site plan and/or construction plans unless the Director authorizes another method of approval. The proposed park improvements must also be reviewed and approved by the City's Director of Engineering.

**c.** Detailed plans and specifications for proposed park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to the construction and installation of public improvements.

**d.** All plans and specifications for the proposed park improvements shall meet or exceed the City's standards in effect at the time of the submission.

**e.** If the park improvements are constructed on land that is being dedicated to, has already been dedicated to, and/or is owned by the City, then the developer shall provide at no cost to the City payment and performance bonds in the form approved by the City that identify the City as a Beneficiary in an amount equal to the greater of the park development fees due or the cost of the park improvements pursuant to Texas Government Code §§2253.001, et seq. The park improvements shall be completed, and final accepted by the City prior to plat recordation.

**f.** The developer shall also provide to City, at no cost to City, a two-year maintenance bond that is equal in amount to 15 percent of the construction cost of said park improvements. The developer shall also provide to City a manufacturer's letter certifying that any play structure, equipment, facilities, and safety surfaces were installed in accordance with the manufacturer's installation requirements.

**g.** All manufacturers' warranties shall be provided to City, at no cost to City, for any park equipment installed in and upon the City's parkland as part of these improvements.

**h.** Upon issuance of a Certificate of Completion and Acceptance, the developer shall warrant the park improvements for a period of two years.

**i.** The developer shall be liable for costs required to complete the Public Park Improvements if:

**I.** Developer fails to complete the park improvements in accordance with the approved plans; or

**II.** Developer fails to complete any warranty work.

**j.** All Park improvements shall be inspected by the City while construction is in progress, and when complete to verify all requirements have been satisfied.

**k.** Once the park improvements are constructed, and after the Director has accepted such improvements, the developer shall convey such park improvements to the City free and clear of any lien or other encumbrances.

**l.** The park improvements will be considered complete with a Letter of Completion and Acceptance from the City and will be issued after the following requirements are met:

**I.** Park improvements have been constructed in accordance with the approved plans; and

**II.** Park improvements have been inspected and reviewed by PARD staff and determined to satisfy the terms, conditions and requirements under this Chapter; and

**III.** Developer has provided City with a bills paid affidavit and such additional documentation as City may require to confirm that all of developer's contractors and materialmen have been fully paid; and

**IV.** Developer has provided City with all warranties and the required Maintenance Bond.

## J. Credits for Private Amenities

**1.** Up to 50 percent of the total park development fee required by this article to be paid by a developer may be eligible for reimbursement if the developer provides private parkland and/or park-like amenities on the site situated within the property being subdivided as determined in the sole discretion of the Director. The remaining 50 percent of the park development fee is retained for deposit in the City's park development fund for the purpose of defraying the financial burden that new residential units impose on the City's existing public park system within the citywide park zone and the applicable geographical park zone as provided above in this article.

**2.** Private facilities eligible for credit are those outdoor park-like amenities typically found in McKinney's public parks that will substitute for the park improvements otherwise funded by a park development fee to meet the outdoor recreation needs of the development's residents. These park-like amenities might include by

way of illustration, and not limitation, parkland (minimum size of 1 acre), playground equipment, shade structures, splash pads, "pick-up" basketball courts or volleyball courts, tennis courts, walking and jogging trails, and any associated lighting improvements.

3. The design of private park amenities must be reviewed and approved by the Director prior to the platting of the first unit within the subdivision.

4. The amount of park development fee credit shall be based on actual out-of-pocket dollar costs that the developer incurred in providing the outdoor and/or indoor private park recreation improvements evidenced as follows:

   a. The developer is required to submit all invoices and checks paid toward the construction of the private park-like amenities; and

   b. The developer must allow PARD staff to conduct a site visit to verify the private park-like improvements.

5. Yards, court areas, setbacks and other open areas required to be maintained by the zoning and subdivision rules and regulation ordinances shall not be included in any park development fee credit computation.

6. Private park recreation improvements shall be owned by an incorporated nonprofit homeowners' association comprised of all property owners in the subdivision. The organization should operate under recorded land agreements through which each property unit owner in the subdivision is automatically a member, and each unit is subject to a charge for a proportionate share of expenses for maintaining the private park facilities.

7. Should the homeowners' association fail to maintain the developer-provided private park facilities in a safe and clean condition, then each property owner agrees that the Director may access the provided private park facilities to operate, maintain and repair them. The costs of such maintenance, operations and repairs by the City shall be charged to the homeowners' association.

8. Use of the private parkland and facilities shall be restricted for park and recreation purposes by a recorded covenant that runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the prior written consent of the City.

9. Private park facilities must be similar or comparable to the facilities that would be required to meet public park standards and recreational needs as required per the City's development regulations and Parks Master Plan and other federal, state and local laws.

10. All private park-like amenities must be constructed and accepted prior to the plat recordation of the same phase in which the private park improvements are located.

11. Subject to the Director's approval, Senior/Independent Living developments and Affordable Housing developments (for which a park development fee is not required) may receive credits against their required payment of fees in lieu of dedicating parkland for that portion of the cost incurred in providing on-site private park amenities hereunder that exceeds one hundred percent (100%) of the amount of park development fees that would have been required for a similar development which is not excepted from the payment of park development fees.

12. For example, a multi-family affordable housing development of ten (10) residential units could receive credits against their required payment of fees in lieu of dedicating parkland for those costs of providing on-site private park amenities that exceed the amount of park development fees for a multi-family development of the same size (ten residential units) – 10 units x $1,600 per unit or $16,000. In this scenario if the cost of the on-site private park amenities amounted to $30,000 the multi-family affordable housing development could receive up to $14,000 in credits applied against their required payment of fees in lieu of dedicating parkland.

## K. Reimbursement for City Acquired Parkland

1. The City may from time to time acquire land for parks and develop and improve park facilities on such land in advance of actual or potential development. If the City acquires parkland and/or develops and improves park facilities thereon in advance of development, the City may require subsequent parkland dedications to be made in the form of paying a fee in lieu of parkland dedication only.

2. The fees paid in lieu of parkland dedication may, in the discretion of the Director, be used to reimburse the City for the cost(s) of such prior parkland acquisition. In addition, any park development fees collected may, in the discretion of the Director, be used to reimburse the City for the cost(s) of development and improvement of park facilities on such parkland in advance of actual or potential development.

## L. Affordable Housing Exemption

Notwithstanding any other provision contained in this article new residential dwelling units that are rented or sold to persons or households of low income shall receive a partial exemption from the parkland dedication and park development fee requirements set out in this article.

1. An affordable housing unit for the purpose of this article is a household at or below 120 percent of Area Median Income (AMI).
2. In projects with a mix of market-rate and affordable housing units, only the affordable housing units shall receive this exemption.
3. For any affordable housing unit qualifying for an exemption, a covenant acceptable to the McKinney Housing and Community Development Department shall be recorded in the Collin County Deed Records, guaranteeing that the affordability criterion will be observed for a time period of at least 50 years from the issuance of the final green tag or certificate of occupancy or a longer period of time if required by the construction or mortgage financing assistance program or rental subsidy program applicable to the affordable housing unit(s).
4. Should any qualifying affordable housing unit cease to operate as a qualifying affordable housing unit before the 50-year time period has expired, then the fee in lieu of parkland dedication and park development fee requirements for each said unit shall be paid to the City at the rate in effect at the time of permitting.

## M. Appeal Process

Any decision under this article made by the Director may be appealed to the City's Zoning Board of Adjustment within 30 days following the Director's decision. Filing an appeal shall not stay the required parkland dedication (and/or payment of fees in lieu of parkland dedication) or the payment and collection of the park development fee due.

## N. Review and Indexing of Fees

1. The city shall review the park development fees established and the amount of parkland dedication required in this article at least once every five years. Failure to timely commence or complete review by the City Council shall not invalidate this ordinance.
2. If the City fails to timely review the park development fees any person who has paid a park development fee may present a written request that the City perform the review of the park development fees within 60 days after the date of the request. If the City finds it is late performing such review, the City will cause the review of the park development fees to commence within 60 days after the date of the request and continue until completion.
3. The park development fee shall be updated annually in the interim 5-year period as part of City of McKinney's annual budgeting process in accordance with the U.S. Department of Labor Statistics Dallas-Fort Worth-Arlington Consumer Price Index for All Urban Consumers.

## O. Right to Refund

The City shall account for all fees paid in lieu of parkland dedication and all park development fees paid under this article with reference to the individual plat(s) involved. Any fees paid for such purposes should be encumbered or expended by the City within 15 years from the date received by the City for acquisition, development and/or improvement of parks as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated share of such sum without interest, computed based on the number of dwelling units in the residential development for which such unencumbered and unexpended park related fees were paid. The

owners of such property must request such refund within 1 year of entitlement, in writing. Failure to timely submit the required application for refund shall constitute an absolute waiver of any right to the refund.

## P. Severability

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions and, to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

## Q. Penalties, Sanctions, and Redeterminations

### 1. Requirements to be Satisfied Prior to Development

It shall be unlawful for any person who is required to convey land or pay money in lieu of dedicating parkland and pay park development fees as required by this article, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any residential development to which this article applies until the required conveyance of parkland or payment of money in lieu of dedicating parkland and the payment of park development fees is made to the city in accordance with this article.

### 2. Permits and Services to be Withheld

No building permits shall be issued for, and no permanent utility services shall be provided to, any land within any residential development to which this article applies until the required conveyance of parkland or payment of money in lieu of dedicating parkland and the payment of park development fees is made to the city in accordance with this article.

### 3. Redetermination of Requirements for Proposed Additional Dwelling Units

After the city council has made a determination of the requirements of this article, or after the requirements of this article have been met, based upon the proposed number of residential dwelling units for any land to which this article applies, any person who desires to construct a number of dwelling units in excess of the number of dwelling units for which the requirements of this article were determined or met must submit to the city council a revised zoning proposal for additional dwelling units for the residential development. Once the city council has approved a zoning ordinance increasing the number of dwelling units allowed on a platted lot or within a residential subdivision, the developer shall either convey the additional parkland through a plat or replat or shall pay a fee in lieu of dedicating parkland and pay additional park development fees for the additional dwelling units at the issuance of the building permits. Where a payment of money in lieu of dedicating parkland was originally made to meet the requirements of this article, the person proposing to construct additional dwelling units may be required to convey parkland for all or part of the development. In such case, after the required conveyance is made, the payments, or portion thereof, previously made, which are satisfied by the dedication of parkland shall be returned by the city.

## R. Penalties

Any person violating any of the provisions of this article shall, upon conviction, be fined a sum not exceeding $500.00; and each day and every day or portion of a day that the provisions of this article are violated shall constitute a separate and distinct offense. This penalty is in addition to and cumulative of any other remedies as may be available at law and equity.

# 310 Private Street Regulations

## A. Purpose

The purpose of these private street regulations is to provide regulations governing the development of private street neighborhoods, which allows the City to provide a broader variety of residential neighborhood types to meet the needs of the residents of the City.

## B. Applicability

### 1. General

These provisions shall apply to properties within the City's corporate limits where private streets are constructed that are not owned or maintained by the City. Private street developments shall be permitted in all single family and agriculture zoning districts so long as all requirements of this Code are satisfied.

### 2. Permits and Plans Required

No construction shall commence until the Director of Engineering has approved construction plans and issued a Development Permit for the proposed private street development.

## C. Development Requirements

Proposed private street developments shall be evaluated for conformance with following standards as part of the review and approval process.

**1.** The design and construction of a private street development shall conform to the same rules, regulations, standards, and specifications established for public street developments in this code and as regulated in the Engineering Design Manual.

**2.** A plat for a private street development shall not:

- **a.** Impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or adequate access to any adjoining tract;
- **b.** Disrupt an existing or proposed city public pedestrian pathway, hike and bike trail or park; or
- **c.** Impede or prohibit access for emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and government employees in pursuit of their official duties.

**3.** Any proposed gate or controlled access mechanism and vehicle maneuvering is subject to the approval of the City's Fire Marshal. Queueing, stacking, maneuvering, and other similar access requirements at gates shall be as required by the Engineering Design Manual

**4.** No non-residential, multi-family residential, or manufactured housing uses shall be permitted within a private street development. Amenity centers and security stations shall not be considered a non-residential use for the purposes of this section.

**5.** Structures

- **a.** Perimeter fences at development entry access points, entry monuments, and security stations, may be erected within the public utility, fire lane, access, and drainage easements, provided they do not impede the installation, maintenance, repair, or replacement of public utilities and storm sewers within the easements. As part of the City's approval of a private street development, the developer and subsequent homeowner's association agree to hold the City harmless for any damage that occurs to structures constructed in the public utility, fire lane, access, and drainage easements during any maintenance or reconstruction activities.
- **b.** Where security stations are a part of a larger, multipurpose structure, only that portion of the structure which functions as a security station may encroach upon the building line adjacent to the private street.

## D. Plat Requirements

### 1. Required Wording on Plat

Each private street development plat shall contain the following wording on the face of the plat:

**a.** "PRIVATE STREET DEVELOPMENT"

**b.** The streets, alleys, and drainage systems within this development have not been dedicated to the public for public access nor been accepted by the City as public improvements. All private streets, alleys, drainage systems, and other associated improvements shall be owned and maintained by the homeowners' association. All private streets and alleys shall always remain open to emergency vehicles, public and private utility service personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties."

### 2. Easements

Private street developments shall provide the following easements:

**a.** Private streets shall be dedicated as common areas which are owned and maintained by the HOA;

**b.** Private streets shall be equal in size and shape to the right-of-way required for public streets, as required by the Engineering Design Manual;

**c.** Private streets shall be overlaid with a public utility, fire lane, access, and drainage easement;

**d.** Additional franchise utility easements required by public agencies that are located outside the private street;

**e.** Pre-existing easements unaffected by the platting process; and

**f.** Additional easements, including, but not limited to, franchise utilities, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary as determined by the appropriate Administrative Official.

## E. Conversion of Public Streets to Private Streets

For existing public street developments to become private:

**1.** A replat application, as described in §305D must contain signatures of all owners of existing lots that would be part of the proposed private street development;

**2.** The applicants must purchase installed infrastructure and right-of-way from the city and establish a reserve fund in accordance with §310F.2, *Reserve Fund,* within this section; and

**3.** The applicants must conform to all other provisions of this section.

## F. Homeowners' Association

### 1. Required

Developments with private streets shall have a HOA which shall own and be responsible for the maintenance of private streets and appurtenances. The HOA shall provide for the payment of dues and assessments required to maintain the private streets. The HOA documents must be submitted to the City for review and be acceptable to the City at the time of final plat approval. The approved document must be filed for record contemporaneously with the filing of the final plat or replat.

### 2. Reserve Fund

The HOA documents must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant HOA infrastructure. This reserve fund shall not be commingled with any other HOA fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements. The life expectancy for a subdivision with concrete streets shall be a minimum of 20 years.

**a.** The HOA shall have an annual review performed by a certified public accounting firm verifying the amount in the reserve fund. A copy of this review shall be provided to the City.

**b.** If the private streets convert to public streets, the full balance of the reserve fund shall be transferred to the City.

### 3. Membership Requirements

Every owner of a lot within the private street development shall be a member of the HOA.

### 4. Required Disclosures

The HOA documents shall address, but shall not be limited to, the following 4 subsections:

**a.** The HOA documents must indicate that the streets within the development are private, owned and maintained by the HOA and that the City has no obligation to maintain or reconstruct the private streets.

**b.** The HOA documents shall include a statement indicating that the City may, but is not obligated to, inspect private streets, and require repairs necessary to ensure that the same are maintained to city standards.

**c.** The HOA may not be dissolved without the prior written consent of the City.

**d.** Section 310G.2, *Mandatory Conversion,* of these regulations shall be included in the HOA documents, to increase the opportunity for awareness of mandatory conversion of private streets to public streets.

### 5. Assignment of Homeowners' Association Lien Rights

The HOA declaration shall provide that, should the association fail to carry out its duties as specified in these regulations or of any applicable City codes, regulations or agreements with the City, the City or its lawful agents shall have the right and ability, after due notice to the HOA, to perform the responsibilities of the association, and to assess the HOA or the lot owners for all costs incurred by the City in performing said responsibilities if the association fails to do so. The City shall further have any and all liens and lien rights granted to the HOA to enforce the assessments required by the declaration, and/or to avail itself of any other enforcement actions available pursuant to state or City codes and regulations. No portion of the HOA documents pertaining to the maintenance of the private improvements may be amended without the written consent of the City.

### 6. Services Not Provided

The HOA documents shall note that certain City services shall not be provided on private streets, including routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. Depending on the characteristics of the proposed development, other services may not be provided.

### 7. Access Required

The HOA documents shall contain a provision that requires access to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties.

## G. Conversion of Private Streets to Public Streets

### 1. Voluntary Conversion

The City may, at its sole discretion, accept private streets for public access and maintenance. The procedure must conform to all of the following provisions:

**a.** The HOA must submit a petition signed by at least 51 percent of its members (or a greater number of signatures if required by the HOA document).

**b.** All the infrastructure must be in a condition that is acceptable to the City, as documented by a report prepared by a Professional Engineer retained by the homeowner's association and approved by the Director of Engineering. Any repairs, if necessary, shall be performed at the expense of the homeowner's associations.

**c.** All security stations, gates, and other structures not consistent with a public street development must be removed at the expense of the homeowner's association.

**d.** The full balance of the reserve fund must be delivered to the City.

**e.** A plat shall be submitted to the City and upon review and approval, shall be filed with the County Clerk to dedicate the streets, public utility easements, storm sewer easements, and any other public easements to the City. Existing private street subdivisions that are subject to a Specific Use Permit ordinance must seek the City Council's approval of an ordinance voiding the Specific Use Permit ordinance prior to the filing of said subdivision plat.

**f.** The HOA documents must be modified and refiled to remove requirements specific to private street developments.

## 2. Mandatory Conversion

The City will notify the HOA of violations of the private street regulations. Failure by the HOA to bring the development into compliance with the regulations may cause the City correct all remaining violations, remove the security stations and unilaterally replat the development thereby dedicating the streets to the public. All monies in the reserve fund will become the property of the City and will be used to offset any costs associated with converting the private streets to public streets. In the event the balance is not sufficient to cover all expenses, the HOA and/or the property owners will be responsible for unpaid work.

## 3. Variance to Preliminary Plat (by City Council)

All private streets shall meet the following standards:

**a.** The area shall be within the corporate limits of the city.

**b.** The development plan shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or adequate access to any adjoining tract.

**c.** Area shall not disrupt an existing or proposed city public pedestrian pathway, hike and bike trail or park.

**d.** The extent to which the proposal meets the following criteria, shall be considered in decision-making on a variance to the final plat. The following criteria shall be considered by the Planning and Zoning Commission and City Council as part of the decision-making process on any associated plat. While they are recommended guidelines, the degree to which each is satisfied should be reviewed by staff, the planning and zoning commission, and city council, as a part of the determination of the merits of any individual proposed private street development.

**e.** If the area is intended for residential use (may be an existing or proposed residential development), it should be zoned solely as a residential zoning district (that is, a zoning district the stated purpose of which is to provide for primarily residential uses), except in the case of a PD (planned development) zoning district, in which case the area should be designated solely for residential use.

**f.** The area should be bounded on all sides by natural barriers, manmade barriers such as a greenbelt, hike and bike trail, golf course or park, screening walls, or collector roadways.

**g.** Except where substantial existing natural or manmade barriers would render the requirement unreasonable, each such development should have direct access to a two-lane collector street (C2U - 37-foot pavement width, unless a lesser width two-lane collector is determined adequate by the director of engineering due to an absence of need for on-street parking), in addition to any access to one or more arterial streets that may be proposed. Any private street development of such limited size that it does not require direct collector street access for appropriate traffic service may instead have access to a collector street within the neighborhood by way of another local street.

**h.** The proposed private street subdivision should not result in an overconcentration of private streets, such that more than four contiguous developments contain private streets.

# 311 Right-of-Way Vacation/Alley Abandonment

## A. Purpose

As the City's vehicular circulation needs and traffic patterns change, rights-of-way previously dedicated to, or acquired by, the City for public travel may no longer be necessary. As such, in accordance with the Texas Transportation Code §311.007, the City may choose to vacate, abandon, or close a street or alley, on its own accord or upon receipt of a petition from all owners of property adjacent to, abutting, or directly served by the right-of-way sought to be closed and/or abandoned.

## B. Applicability

The property owner adjacent to any right-of-way may request that the City vacate said right-of-way. The City may also choose to vacate any right-of-way without the request of adjacent property owners.

## C. Submittal Requirements

**1.** Right-of-way vacation/alley abandonment submittals shall be processed in accordance with §303, *Submittal Procedures*.

**2.** The Director of Engineering shall be furnished with the following:

- **a.** Application and submittal fee (see Appendix A – Schedule of Fees);
- **b.** The appropriate application fee as specified in Appendix A – Schedule of Fees;
- **c.** A letter of intent detailing the reasons for the requested right-of-way vacation;
- **d.** A right-of-way vacation petition signed by all property owners whose property shares a boundary line with, or is directly served by, the right-of-way in question;
- **e.** An affidavit signed by the applicant identifying all private utilities situated within the right-of-way to be vacated;
- **f.** An exhibit, drawn to a scale of up to 100 feet to the inch, or as determined by the director of planning, showing the location of the right-of-way to be vacated;
- **g.** A metes and bounds description of the right-of-way to be vacated; and
- **h.** Any other relevant information as requested by the Director of Planning or Director of Engineering.

## D. Public Hearing Required

Prior to the vacation of a public street or alley right-of-way, a public hearing shall be held at a City Council meeting.

**1.** Written notice for the public hearing shall be sent to all owners of property, or to the person rendering the same for City taxes, located within 200 feet of the right-of-way in question, not less than 10 days before such hearing is held. Such notice shall be served by using the most recently approved City tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail.

**2.** Published notice of the public hearing shall also be given at least 15 days prior to the hearing by publication one time in the City's official newspaper, stating the time and place of the public hearing.

## E. Procedure

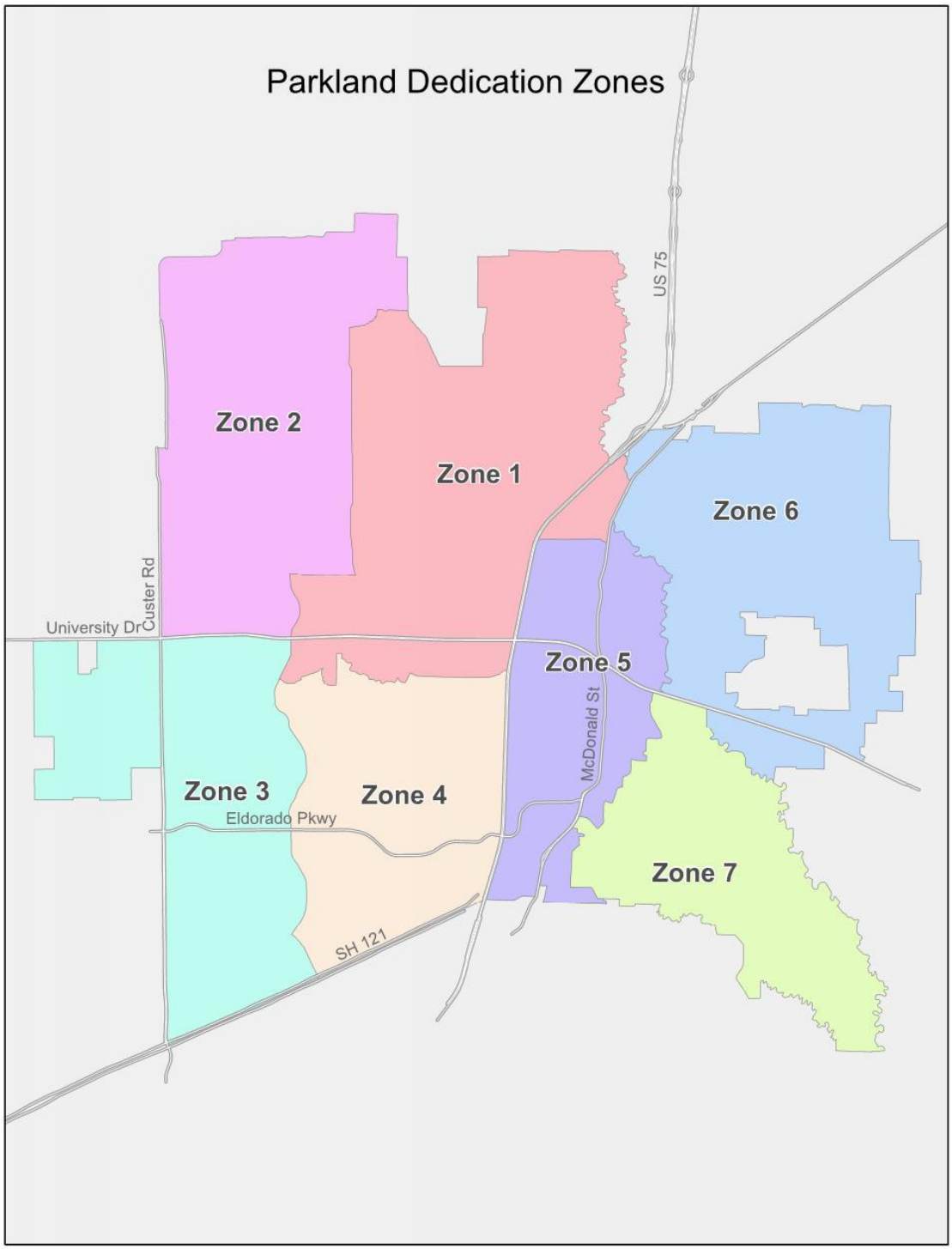
### 1. Utility Verification and Easements

The applicant for a right-of-way vacation or alley abandonment shall verify with the appropriate entity that the right-of-way to be vacated is free of all public and private utilities including, but not limited to water, sanitary sewer, storm sewer, electricity, cable television, internet, telephone, and gas. If public or private utilities are present within the right-of-way, a utility easement of an appropriate size and location, as determined by the Director of Engineering, will be retained. A drainage easement may also be retained over the right-of-way to be vacated, as determined by the Director of Engineering, to maintain adequate storm water drainage in the area.

### 2. City Council Action

If the City Council chooses to vacate or abandon a portion of the City's right-of-way, an ordinance shall be adopted and that ordinance shall be filed for record with the County Clerk. A metes and bounds description and a visual depiction or exhibit showing the location and limits of the vacated right-of-way shall be attached to the adopted ordinance as exhibits.

# Appendix 3A: Parkland Dedication Zones



# Appendix 3B: Park Dedication Calculations for Developed Parks

## A. Fee-in-lieu of Land

| | |
|---|---|
| Total developed neighborhood and community park acreage: | 630.36 (32%) |
| Total undeveloped/passive park acreage: | 1,311.82 (68%) |
| Total park acreage: | 1,942 |

Total number of dwelling units:

| | |
|---|---|
| Single-Family Unit (SFU) (3 persons per household): | 54,931 |
| Multi-Family Units (MFU) (2.4 persons per household): | 16,911 |
| | 71,842 |

Ratio of MFU/SFU persons per household: 2.4/3.0 = .8
Dwelling units per acre of parks: 71,842/1,942 = 37
Assume FMV of an acre of land in the subdivision is $100,000.
Average fee-in-lieu: $100,000/37 = $2,703
Adjust for .8 ratio of MFU/SFU
SFU: $2,703*1.1 = $2,973 per unit
MFU: $2,703*.9 = $2,433 per unit.

## B. Park Development Fee

Recent park construction bids for active parks:

| | | |
|---|---|---|
| Cottonwood Park | 3.59 acres | $2.57 million |
| Finch Park | 28.08 acres | $2.02 million |
| George Webb Park | 11.22 acres | $2.16 million |
| **TOTAL** | **42.89 acres** | **$6.75 million** |

Average development cost per acre for active/developed parks: $6.75/42.89 = $157,379.
Average development cost per acre for passive/undeveloped parks at (say)15% = $23,609
Weighted average development cost per acre [(157,379*630.36) + (23,609*1311.82) = 130,176,184/1942] = $67,032
Average development cost per dwelling unit: $67,032/37 = $1,812
Adjust for .8 ratio of MFU/SFU
SFU: $1,812/1.1 = $1,993 per unit MFU: $1,812/.9 = $1,631 per unit
TOTAL FEE: SFU ($2,973 + $1993) = $4,966. MFU: ($2,433 + $1,631) = $4,064

## C. Assumptions

1. The draft ordinance states that the land value will be "the fair market value per acre of land that is being subdivided). This value will vary among sites. For the purpose of illustration only, the land value in the calculation is arbitrarily shown as $100,000 per acre.
2. The McKinney Planning Department supplied the person per household numbers for single- family (3.0) and multi-family (2.4) dwellings.
3. The park development cost for passive/undeveloped parks was arbitrarily assumed to be 15% of the cost of developing active parks.

# Article 4: Tree Preservation

## 401 Administration

### A. Purpose

The purpose of this section is to preserve, protect, and enhance existing trees and natural landscapes to contribute to a safe and livable community; to enhance a positive community image that attracts new residents and business enterprises; and to support the long-term viability of existing trees through protection measures that promote the natural, ecological, environmental, and aesthetic qualities of the City. The Director of Planning, or their designee, is appointed by the city manager to administer city ordinances related to tree preservation.

### B. Applicability

All properties within the City of McKinney are subject to Tree Preservation, and all trees shall be preserved, protected, and mitigated according to the regulations of this Section.

## 402 Tree Preservation Standards

### A. Prohibited Activities

The critical alteration, removal, or disturbance of any tree is prohibited unless otherwise authorized in this Article.

### B. Critical Alteration of Trees

#### 1. General Standards

**a.** Prior to the critical alteration of any tree, a permit must be submitted and approved in compliance with §404, *Tree Removal Procedures*.

**b.** Specimen Trees shall not be critically altered, unless approved by the Director of Planning. Approval shall be based on the type of tree, health of the tree, location of the tree on site, elevation of the tree, and impact of the tree on the proposed site or development plan.

**c.** Critical alteration of any Protected Tree, including Specimen Trees, is subject to the tree mitigation and replacement requirements of §405, *Tree Mitigation and Replacement*.

### C. Protected Trees

Table 4-1, *Protected Trees*, indicates protected trees that are subject to the protection measures and mitigation and replacement requirements of this Article. Protected trees located in the perimeter tree zone are not allowed to be removed.

**Table 4-1 Protected Trees**

● *Protected Tree*
⊙ *Protected Tree when adjacent to existing platted residential lots*

| Location | Quality Tree (6" or greater) | Quality Tree (27" or greater) | Specimen Tree (42" or greater) |
|---|---|---|---|
| **Existing Single-Family (attached and Detached), Duplex, Triplex, and Quadplex Uses** | | ● | ● |
| **Existing Non-Residential, Manufactured Housing, and Multi-Family Residential Uses** | ● | ● | ● |
| **Qualified Ag Land [1]** | ● | ● | ● |

| | | | |
|---|---|---|---|
| **Development Projects** | ● | ● | ● |
| **Other Properties [2]** | ● | ● | ● |
| *Special Locations* | | | |
| **Perimeter Tree Zone** | ○ | ○ | ○ |
| **Floodplain** | ● | ● | ● |

[1] A property receiving a special use appraisal as a qualified agricultural, timber land, and wildlife management property from the Collin Central Appraisal District (CCAD). An agricultural exemption is not the same as a qualified agricultural, timber land, and wildlife management property special use appraisal.

[2] Unless otherwise determined by the Director of Planning.

**NOTE: sizes measured at DBH**

## 1. Special Protected Tree Locations

All protected trees shall be protected as identified in Table 4-1, plus the following additional regulations shall apply to protected trees in the following locations:

### a. Perimeter Tree Zone

If a protected tree exists within 15 feet of the boundary line between a proposed development and an existing platted residential development with four or fewer units per lot, a perimeter tree zone shall be provided. The perimeter tree zone shall extend 15 feet out from each protected tree onto the proposed development for a maximum 30-foot-wide perimeter tree zone. No protected tree within the perimeter tree zone may be critically altered. See Figure 4-1.

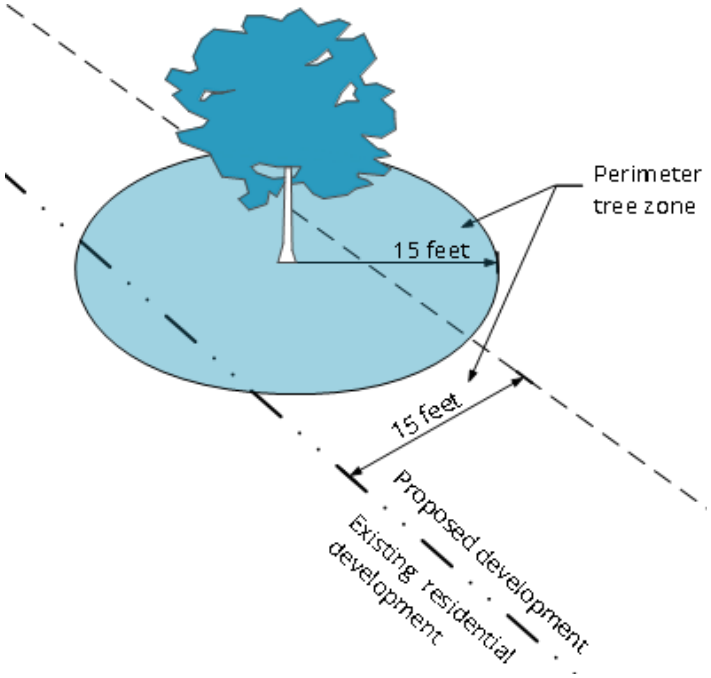



**Figure 4-1: Perimeter Tree Zone**

### b. Floodplain

**I.** Within the 100-year fully developed floodplain, no more than 30 percent of protected trees may be critically altered. The following conditions are exempt from the requirement:

a. If the floodplain area is located within the interior of a commercially zoned property and construction of buildings or parking is to occur on both sides of the floodplain; or

b. When the construction of roads is required by the City to provide cross access to adjacent properties or a second point of access.

**II.** A request to remove greater than 30 percent of quality trees may be made pursuant to §203G.1, *Design Exception*.

## D. Quality Tree List

The following list of tree species are quality trees.

**Table 4-2 Quality Tree List**

| Common Name (Botanical Name) | Common Name (Botanical Name) |
|---|---|
| Maple Species (*Acer spp.)* [1] | Crabapple (*Mallus spp.*) |
| Chittamwood (*Bumelia lanuginose*) | Dawn Redwood (*Metasequoia glyptostroboides*) |
| Birch Species (*Betula spp.*) | Wax Myrtle (*Myrica cerifera*) |
| Buckeye Species (*Aesculus spp.*) | Pine (*Pinus spp.*) |
| Texas Madrone(*Arbutus xalapensis*) | Chinese Pistache (*Pistacia chinensis*) |
| Hickory Species (*Carya spp.*) | Sycamore (*Platanus occidentalis*) |
| Pecan (*Carya illioinensis*) | Mesquite (*Prosopis glandulosa*) |
| Redbud (*Cercis canadensis*) | Cherry Laurel (*Prunus caroliniana*) |
| Desert Willow (*Chilopsis linearis*) | Mexican Plum (*Prunus mexicana*) |
| Chinese Fringe Tree (*Chionanthus virginica*) | Oak Species (*Quercus spp.*) |
| Dogwood Species (*Cornus spp.*) | Carolina Buckthorn (*Rhamnus caroliniana*) |
| Smoketree (*Cotinus coggygria*) | Aromatic Sumac (*Rhus aromatic*) |
| Hawthorn (*Crataegus spp.*) | Smooth Sumac (*Rhus glabra*) |
| Arizona Cypress (*Cupressus arizonica*) | Prairie Flameleaf Sumac (*Rhus lanceolata*) |
| Leyland Cypress (*Cupressocyparis leylandii*) | Western Soapberry (*Sapindus drummondii*) |
| Persimmon (*Diospyros spp.*) | Gum Bully (*Sideroxylon lanuginosum*) |
| Gingko (*Ginkgo biloba*) | Eve's Necklace (*Sophora affinis*) |
| Holly Species (*Ilex spp.*) | Texas Mountain Laurel (*Sophora secundiflora*) |
| Juniper Species (*Juniperus spp.*) | Pond Cypress (*Taxodium ascendens*) |
| Walnut Species (*Juglans spp.*) | Bald Cypress (*Taxodium distichum*) |
| Golden Raintree (*Koelreuteria paniculata*) | Elm Species (*Ulmus spp.*) [2] |
| Crape Myrtle (*Lagerstroemia indica*) | Mexican Buckeye (*Ungnadia speciosa*) |
| Goldenball Leadtree (*Leucaena retusa*) | Viburnum (*Viburnum spp.*) |
| Sweetgum (*Liquidambar styraciflua*) | Vitex (*Vitex agnus-castus*) |
| Magnolia (*Magnolia spp.*) | |

[1] Except: Box Elder (*Acer negundo*) *and* Silver Maple (*Acer saccharinum*).

[2] Except: American Elm (*Ulmus americana*) and Siberian Elm (*Ulmus pumila*).

# 403 Tree Protection Measures

## A. Applicability

Trees being preserved on- or off-site are subject to the following procedures, unless otherwise exempted.

## B. Prohibited and Limited Activities in Critical Root Zone

The following activities are prohibited within the limits of the critical root zone of any tree being preserved, unless otherwise specified in this section.

### 1. Material Storage

No materials intended for use in construction or waste materials shall be placed within the critical root zone of any tree being preserved.

### 2. Equipment Cleaning/Liquid Disposal

No cleaning or other liquids shall be deposited or allowed to flow over land within the critical root zone of any tree being preserved. This includes, but is not limited to paint, oil, solvents, asphalt, concrete, mortar or similar materials.

### 3. Tree Attachments

No signs, wires or other attachments, other than those of a protective nature, shall be attached to any tree being preserved.

### 4. Construction Equipment/Vehicular Traffic

No vehicular and/or construction equipment traffic or parking shall take place within the critical root zone of any tree being preserved other than on existing street pavement, unless otherwise approved by the Director of Planning. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service, or routine mowing operations. No heavy equipment including trucks and tractors shall be allowed inside the dripline of any protected tree on any construction site without the specific approval of the Director of Planning.

### 5. Grade Changes

No grade changes shall be allowed within the critical root zone of any tree being preserved, unless the Director of Planning and/or the Director of Engineering approves adequate construction methods.

### 6. Impervious Paving Near Protected Trees

No paving shall occur within the critical root zone of a protected tree that is being preserved. Paving with asphalt, concrete, or other impervious materials may be allowed to encroach within the first 25 percent from the edge of the critical root zone of a protected tree that is being preserved only when a health, safety, or welfare issue arises due to access and circulation requirements.

### 7. Impervious Paving Near Non-Protected Trees

Unless otherwise approved by the Director of Planning, for any non-protected tree that is being preserved, the following shall apply:

**a.** No paving with asphalt, concrete, or other impervious materials may be placed within a 5-foot radius of the trunk; and

**b.** A total of 400 square feet of area on the critical root zone shall be kept free of impervious materials. This pervious area may be in the shape of a circle, rectangle, or other shape, and shall include and be contiguous with the area within a 5-foot radius of the trunk.

### 8. Boring

Where it is not possible to trench around the critical root zone of the protected tree, boring of utilities under a protected tree shall be required. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of 48 inches.

**9. Trenching**

Trenching shall be designed to avoid the critical root zone of any protected tree, unless otherwise approved by the Director of Planning. Mechanical trenching within the critical root zone shall be prohibited. Trenching by hand shall not critically alter the root system. The placement of irrigation systems and underground utility lines such as electric, phone, gas, etc., shall be located outside of the critical root zone of protected trees. The minimum required single head supply line for irrigation systems is allowed to extend into the critical root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the critical root zone.

## C. Construction Methods

**1. Ground-Level Cuts**

Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree. Stump grinding in such situations is allowed with the approval of the Director of Planning.

**2. Root Pruning**

All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

## D. Protective Measures Required Prior to Construction

Prior to the commencement of any site work or construction, the contractor shall construct and maintain a protective fence and bark protection around each tree being protected as shown on standard drawing 1180M of the City of McKinney Construction Standard Details, until all work on-site has been completed.

# 404 Tree Removal Procedures

## A. Permits Required

Table 4-3, *Permit Requirements* indicates the type of permit required to critically alter a tree.

**Table 4-3 Permit Requirements**

| Type of Work | Type of Permit |
|---|---|
| **Critical Alteration (not part of a Development Project)** | Tree Permit |
| **Critical Alteration (Development Project)** | Development Permit:<br>Tree Preservation Plan |
| **Critical Alteration (Demolition of a Building)** | Limited Purpose Tree Permit |
| *Maintenance Activities* | |
| **Selective Thinning** | Limited Purpose Tree Permit |
| **Grubbing under the drip line** | Limited Purpose Tree Permit |
| **Clearing underbrush with mechanical equipment** | Limited Purpose Tree Permit |

### 1. Permit Exceptions

**a. Tree Permit Exceptions**

A Tree Permit is not required if:

**I.** The tree, other than a specimen tree, is being critically altered on an existing lot being used for Single-Family Residential.

**II.** The tree endangers the public health, welfare, or safety and immediate alteration is required from an arborist, including documentation stating the diameter, species and reason for removal;

**III.** The tree has disrupted a public utility service due to a tornado, storm, flood, or any force of nature. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service;

**IV.** The tree is being critically altered as part of routine utility maintenance;

**V.** The tree is located on city owned property and is being critically altered as part of routine maintenance by the Parks and Recreation Department;

**VI.** The tree is dead as documented by an arborist, including information citing the diameter, species, and reason for removal, unless the tree was required under a Landscape Plan or was a required replacement tree under this section;

**VII.** The tree is located on the property of a plant or tree nursery, or an orchard, where trees are planted and grown on the premises for the sale or intended sale to the general public in the ordinary course of the nursery's or orchard's business; or

**VIII.** Removing underbrush with hand tools, not including grubbing under drip lines.

**b. Tree Preservation Plan Exceptions**

An approved Tree Preservation Plan is not required prior to the critical alteration of any protected tree for the following:

**I.** If no trees exist on the property. The Director of Planning may request additional information to confirm that no trees exist on the site.

**II.** For the areas outside the width of construction and maintenance easements when constructing off-site public infrastructure and utilities. The Director of Planning may request that additional areas be included if impacts are anticipated beyond the limits of construction.

**III.** For developments 35 acres or greater in size, an Aerial Tree Exhibit may be submitted in lieu of a Tree Preservation Plan, along with a payment into the Reforestation Fund, pursuant to Appendix A – Schedule of Fees of the Code of Ordinances.

**IV.** For all projects constructed by the city, regardless of size, an Aerial Tree Exhibit may be accepted in lieu of a Tree Preservation Plan.

## B. Tree Permit

### 1. Tree Permit Application

A Tree Permit application and submittal fees (see Appendix A – Schedule of Fees) shall be submitted in conformance with the requirements of this section and shown on one of the following:

**a.** For existing single-family residential (single-family (detached and attached), Duplex, Triplex, and Quadplex) uses, a tree permit exhibit shall include the following information:

**I.** The location of any proposed tree for removal or transplanting on an aerial exhibit or plot plan;

**II.** The diameter at breast height (DBH) of the proposed tree for removal or transplanting; and

**III.** the following standard notations;

a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.

b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

**IV.** Tree protection measures.

**b.** For existing non-residential uses, manufactured homes, multi-family residential uses, and Qualified Ag Land, a tree permit exhibit shall include the following information:

**I.** The location of any proposed tree for removal or transplanting on an aerial exhibit, Site Plan, or approved Landscape Plan;

**II.** The diameter at breast height (DBH) of the proposed tree for removal or transplanting;

**III.** the following standard notations;

a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.

b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

**IV.** Tree protection measures; and

**V.** Summary tables including mitigation information, if applicable.

**c.** For other properties, a tree permit exhibit shall include the following information:

**I.** The location of any proposed tree for removal or transplanting on an aerial exhibit, Site Plan, or approved Landscape Plan;

**II.** The diameter at breast height (DBH) of the proposed tree for removal or transplanting;

**III.** the following standard notations;

a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.

b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

**IV.** Tree protection measures; and

**V.** Summary tables including mitigation information, if applicable.

**d.** Alternate submittal materials may be deemed appropriate in limited instances and may be accepted, subject to the sole discretion of the Director of Planning.

### 2. Approval Procedure

The Director of Planning shall have the authority to issue a Tree Permit if it complies with all the regulations of this Code;

### 3. Appeals

If the Director of Planning denies the Tree Permit, the owner/applicant may appeal the decision to the Board of Adjustment in accordance with §203F.1, *Administrative Appeal.*

### 4. Expiration

A Tree Permit shall expire two years after its issuance.

## C. Development Permit Process

### 1. Development Permit Application

A Tree Preservation Plan or Aerial Tree Exhibit, conforming to the requirements below, shall be submitted for a development project with the Site Plan or Plat, unless otherwise approved by the Director of Planning.

### 2. Tree Preservation Plan Exhibit Requirements

A Tree Preservation Plan shall be prepared by a registered engineer, arborist, surveyor, architect, or landscape architect and include the following:

**a.** The location of any tree with a diameter at breast height (DBH) of six inches and greater;

**b.** The proposed and existing contours;

**c.** The property lines, with dimensions;

**d.** The location of all rights-of-way, and easements (existing and proposed);

**e.** The location of all buildings, structures, pools, parking and vehicular maneuvering areas, utilities, sidewalks, and other improvements (existing and proposed);

**f.** The adjacent land uses, and zoning of adjacent properties;

**g.** The creeks, lakes, and other water features (existing and proposed);

**h.** The location of FEMA 100-year floodplain, the 100-year fully developed floodplain, and erosion hazard setback easement (existing and proposed);

**i.** The major site construction features;

**j.** Any proposed non-disturbance area;

**k.** Identification of the DBH, species, and location of trees that are to remain;

**l.** Identification of the DBH, species, and location of trees to be removed;

**m.** the following standard notations;

- **I.** Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
- **II.** All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

**n.** The tree protection measures; and

**o.** Summary tables and mitigation information tables (if required).

### 3. Aerial Tree Exhibit Requirements (if applicability qualifications are met)

**a.** An Aerial Tree Exhibit shall be submitted in conformance with the following requirements and processed in accordance with §203A, *Standard Procedures.*

**b.** An aerial exhibit which includes a transparent overlay of the proposed plat or site plan at the same scale as a color-aerial image of the property with all non-disturbance areas, floodplain limits, and tree protection measures clearly identified.

**c.** An Aerial Tree Exhibit shall include the same information required by a Tree Preservation Plan as described in provisions a. through o. in the preceding subsection, for the following areas:

- **I.** Area(s) identified as a required Perimeter Tree Zone(s) unless a 30-foot non-disturbance area is identified along the property line of the proposed development and any existing, platted single family residential development; and

**II.** Area(s) identified as floodplain if reclamation or land disturbing activities are to occur within said areas. The mitigation requirements of §405, *Tree Mitigation and Replacement*, for the areas being disturbed shall still apply.

### 4. Approval Procedure

The Director of Planning shall have the authority to approve or deny a Tree Preservation Plan or Aerial Tree Exhibit as part of the development or building permit process.

### 5. Expiration

A Tree Preservation Plan shall expire at the same time as the development or building permit expires, whichever expires first.

## D. Limited Purpose Tree Permit Process

### 1. Limited Purpose Tree Permit Application

**a.** A Limited Purpose Tree Permit shall be submitted to perform the following types of work on a property located within the City:

**I.** Building demolition;

**II.** Selective thinning;

**III.** Grubbing under drip lines; and

**IV.** Clearing underbrush with mechanical equipment, not including hand tools.

**b.** An application for a Limited Purpose Tree Permit shall include the following:

**I.** Application;

**II.** Submittal fees (see Appendix A – Schedule of Fees);

**III.** Affidavit certifying how the work is to be done and any unauthorized protected trees;

**IV.** Exhibit showing the limits of work;

**V.** the following standard notations;

a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.

b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

**VI.** Tree protection measures; and

**VII.** Additional information deemed necessary by the Director of Planning.

**c.** The Director of Planning, at their sole discretion, may in limited instances exempt requirements for a permit that are deemed unnecessary.

### 2. Approval Procedures

The Director of Planning shall have the authority to issue a Limited Purpose Tree Permit if it complies with all the regulations of this Code.

### 3. Appeals

If the Director of Planning denies the request for a Limited Purpose Tree Permit, the owner/applicant may appeal the decision to the Board of Adjustment in accordance with §203F.1, *Administrative Appeal*.

### 4. Expiration

A limited use permit shall expire 90 days after the permit was issued if work has not started.

# 405 Tree Mitigation and Replacement

## A. Applicability

The following tree mitigation requirements shall be applied when a protected tree, including specimen trees, for which a Tree Permit or Development Permit is required, is critically altered or removed. Replacement trees shall be provided in accordance with the requirements of this section and shown on an approved landscape Plan or another similar plan approved by the Director of Planning. The replacement trees shall be in addition to trees otherwise required by §206A, *Landscaping*, of this Article.

### 1. Exemptions

The following shall be exempt from the tree mitigation and replacement requirements described herein:

**a. Public parks, infrastructure, and improvements**

**I.** Public projects including the construction of hike/bike trails;

**II.** City-owned parks and sports fields open for public use;

**III.** Construction of master planned public utilities within permanent utility easements;

**IV.** Stabilization of creeks and streams; and

**V.** Construction of thoroughfares as shown on the Master Thoroughfare Plan within the limits of the right-of-way when approved by the Director of Parks and Recreation or the Director of Engineering.

**b. Development Activities and Improvements**

**I.** Install and maintain any utility lines;

**II.** Dedicate public rights-of-way;

**III.** Construct any public or private streets or alleys at the minimum required width only;

**IV.** Provide any required easement up to the minimum width needed to accommodate the required service;

**V.** Construct any fire lanes at the minimum required width only;

**VI.** Construct any sidewalks;

**VII.** Construct any driveways;

**VIII.** Construct fences and screening walls;

**IX.** Construct patios;

**X.** Construct swimming pools and associated deck areas;

**XI.** Construct required parking;

**XII.** Install a building pad site;

**XIII.** Construct any hike/bike trails; or

**XIV.** Achieve cut and fill drainage as designed in master drainage construction plan, including required detention or retention ponds. Transitional slopes to the original grade, which are less steep than the maximum allowed slope shall not be exempt.

**c. Demolition**

The critical alteration of a protected tree is permitted if such critical alteration is necessary to allow demolition of a structure. The protected tree covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.

**d. Selective Thinning**

Selective thinning of certain protected trees from a densely forested area in a manner specified by a certified arborist in a management plan that will enhance the likelihood of survival for the remaining trees is permitted. The protected trees covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.

**e. Grubbing under Drip Lines**
Clearing and grubbing of brush located within or under the drip lines of protected trees is permitted with a management plan specified by a certified arborist that will enhance the likelihood of survival for the remaining trees.

**f. Diseased Trees**
A diseased protected tree may be critically altered to reduce the chances of spreading the disease to adjacent healthy trees. The protected trees covered by the Tree Permit shall be exempt from the tree replacement and protection requirements of this section.

## B. Responsibility

The property owner shall be responsible for replacing a protected tree, including specimen trees, subject to the provisions of this section if the tree is critically altered, removed, or dies.

## C. Size and Number

A sufficient number of canopy trees shall be planted to equal or exceed the protected trees, including specimen trees, that are critically altered, pursuant to Table 4-4 Tree Replacement Requirements, below.

**Table 4-4 Tree Replacement Requirements**

| **Single-Family Residential Uses** | | |
|---|---|---|
| **DBH of critically altered tree [1]** | **Replacement ratio (number of trees)** | **Minimum size of replacement tree (at time of planting) [2]** |
| 27 inches and greater | 1:1 | 4 inches in caliper and 12 feet in height |
| **Non-Residential, Manufactured Home, and Multi-Family Uses** | | |
| **DBH of critically altered tree [1]** | **Replacement ratio (DBH removed: caliper inch replaced)** | **Minimum size of replacement tree (at time of planting) [2]** |
| 6-16 inches | 1:1 | 4 inches in caliper and 12 feet in height |
| 17-41 inches | 1:2 | 6 inches in caliper and 12 feet in height |
| 42 inches and greater | 1:2 | 6 inches in caliper and 12 feet in height |

[1] When determining the diameter of each tree(s) being critically altered, individual fractional numbers shall be rounded to the nearest whole number.
[2] Caliper for replacement trees shall be measured at 6 inches above the ground.

## D. Tree Preservation Credit

When trees are preserved that would otherwise have been exempt from the tree mitigation and replacement requirements, credit toward mitigation may be approved on an inch-per-inch basis. Credits for the size of trees preserved (DBH) can be applied to those trees of an equal or lesser size category, as listed in Table 4-4 Tree Replacement Requirements. Trees being preserved to meet landscape requirements cannot be used towards mitigation credits.

## E. Location

Each replacement tree shall be planted on the same property as the tree that was critically altered. However, if the Director of Planning deems that the replacement tree cannot be planted on the same property in accordance with acceptable arboriculture standards, the following may be allowed:

1. Replacement on public property;
2. Replacement on private property if also approved by the Director of Planning; or

3. Require payment to the Tree Reforestation Fund in accordance with subsection §405G of this section.

## F. Timing

1. For Development Permits: Replacement trees shall be planted prior to receiving Final Acceptance of public infrastructure or a Certificate of Occupancy for the development.
2. For Tree Permits: Replacement trees shall be planted within 90 days of critical alteration. If replacement trees cannot be planted within 90 days of critical alteration, the Director of Planning may approve a delay in replacement of up to six months after the date of critical alteration, provided the following conditions are met:
   a. The applicant provides an affidavit that all replacement trees will be planted within six months.
   b. The Director of Planning may require a cash deposit or surety bond in the approximate amount of the cost to replace the trees.

## G. Tree Replacement Payment

If an applicant cannot replace trees on the same property or gain approval to plant on an alternate site, a mitigation payment into the Tree Reforestation Fund shall be required, prior to the issuance of a tree permit or development permit, as follows.

1. The amount of payment required for each replacement tree shall be calculated based on a schedule published and reviewed annually by the Director of Planning which sets forth the average cost of a quality tree added to the average cost of planting a tree.

# 406 Violations

## A. Violation

A violation shall occur when any tree that is preserved or protected by this code is critically altered without authorization.

## B. Occurrence

Each tree that is critically altered shall be considered a separate occurrence. If individual trees cannot be identified but there is evidence of a violation, each square foot of tree canopy removed, as identified on an aerial image within the last 12 months, shall be considered a separate occurrence.

## C. Reforestation Fund Payment Required

1. For every occurrence (tree), a payment as specified in Appendix A – Schedule of Fees of the Code of Ordinances, shall be paid into the Reforestation Fund.
2. For every occurrence (tree) found to include a Specimen Tree, a payment as specified in Appendix A – Schedule of Fees of the Code of Ordinances, shall be paid into the Reforestation Fund.
3. For every occurrence (tree canopy), a payment as specified in Appendix A – Schedule of Fees of the Code of Ordinances, shall be paid into the Reforestation Fund.

# 407 Tree Reforestation Fund

**A.** Reforestation funds shall be expended only for purchasing, planting, growing and/or irrigating trees as per the City's Reforestation Plan. Tree reforestation funds shall not be used for routine maintenance.

**B.** It shall be the responsibility of the Director of Planning to develop and administer a Tree Reforestation Plan for the planting, growing, replanting, and appropriate irrigation of trees on all municipal and public domain property. The Director of Planning shall present the Reforestation Plan to the City Council and, when adopted by the Council, the plan shall represent the Reforestation Plan for the City.

**C.** Funds paid into the Tree Reforestation Fund shall be spent within 10 years of payment or shall be returned to the payer.

**D.** The Director of Planning shall submit periodic reports of the deposits and disbursements from the Tree Reforestation Fund to the Tree Board and City Council.

# Article 5: Signs

## 501 Administration

### A. Purpose

It is the intention of this section to establish regulations governing the display of signs and in part to achieve the following:

**1.** To promote the safety of persons and property by providing that signs:

- **a.** Promote and protect the public health, safety, comfort, morals, and convenience;
- **b.** Do not obstruct firefighting or police surveillance; and
- **c.** Do not overload the public's capacity to receive information or increase the probability of injury or harm through distraction or obstruction of vision.

**2.** To enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs and thereby encourage increased communication with the public, so that:

- **a.** Businesses and services may identify themselves; and
- **b.** Customers and other persons may locate a business or service.

**3.** To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- **a.** Do not interfere with scenic views, and protect and preserve the unique and natural beauty and historic values of the City;
- **b.** Do not interfere with a person's ability to use the public rights-of-way;
- **c.** Do not create a nuisance to adjacent and contiguous property by their brightness, size, height, or movement; and
- **d.** Are not detrimental to land or property values.

### B. Authority and Jurisdiction

**1.** The terms and conditions of this Article shall apply to all signs located within the corporate limits of the City, pursuant to Chapter 216 of the Texas Local Government Code as amended. The Chief Building Official shall be responsible for interpreting and administering this Article. Allegations of errors in orders, decisions, and/or determinations by the Chief Building Official shall be handled in accordance with §203F.1, *Administrative Appeals.*

**2.** Signs located on property owned by the City of McKinney, an independent school district, or any other governmental agency are not required to meet the requirements of this Article, but shall still be required to obtain a permit pursuant to §502, *Procedures*.

### C. Revocation

All rights and privileges acquired under the provisions of this Article or any amendment hereto are mere licenses, revocable at any time by the City Council, and all permits issued hereunder shall contain this provision.

### D. Removal of Certain Signs

**1. Unlawful Signs**

The following signs shall be considered unlawful:

- **a.** Any sign erected without a required permit, either prior to or after the adoption of this Article;
- **b.** Any sign erected in violation of the provisions of this Article; and
- **c.** Any sign that is dangerous due to being electrically or structurally defective.

### 2. Removal of Unlawful and Abandoned Signs

**a.** Unless otherwise stated by this Article, signs described in §subsection 1. above shall be removed from the property or premises where they are located, or defects as specified shall be remedied, upon written notification by the Chief Building Official to the owner of the property on which the sign is located and/or the permit holder for the sign. The notification required by this provision shall state that if the sign is not removed or the specified defect is not remedied within the prescribed time frame from the date of the notice, a citation may be issued.

**b.** Abandoned signs shall be removed from the site within 30 days after the associated business or activity ceases.

### 3. Removal of Public Nuisance or Hazardous Signs

**a.** The Chief Building Official or the Director of Code Services shall, without the requirement of notification or impoundment, order the immediate removal and disposal of the following signs:

**I.** Any non-permanent sign erected or existing that constitutes a traffic hazard; or

**II.** Any sign erected in, on or over a public right-of-way or easement or designated fire lane, either prior to or after the adoption of this section, except those non-permanent signs permitted as described in §504F, *Signs in the MTC -- McKinney Town Center Zoning District.*

**b.** A person is responsible for the violation if the person is the permit holder, owner, agent, or person having the beneficial use of the sign and a citation may be issued.

### 4. Removal of Temporary Signs

The Director of Code Services shall promptly remove and dispose of any unlawful temporary sign(s) erected in, on, or over a public right-of-way or any other City-Owned or City-controlled property.

# 502 Procedures

## A. Sign Permit Required

No person shall erect, conduct major repair of, or relocate any sign within the City without first obtaining a permit to do so from the Building Inspection Department. Minor repair, however, is allowed without a permit, as defined in §503B.4.a, *Minor Repairs*. Prior to a permit being issued the applicant shall:

1. Submit an application for a permit required by this Article to the Chief Building Official.
2. Pay a permit fee for all signs, except those exempt from the provisions of this Article, calculated from the sign valuation based on the fee schedule set forth in Appendix A – Schedule of Fees of the Code of Ordinances, as amended.
3. Carry a liability insurance policy (minimum $20,000.00), for any sign, as defined in this Code, erected or maintained in accordance with §504, *Permitted Signs,* applying for a permit under this Article that covers the subject sign during erection. The policy shall be carried by an approved insurance company authorized to do business in the state. A bond covering the subject sign is also acceptable.
4. For any signs using electrical wiring and connections, provide all information required by and be subject to the approval of the Chief Building Official.
5. Within the H – Historic Overlay District, signs must submit and receive approval of a COA prior to a sign permit being issued.

## B. Refusal of Permit for Failure to Pay Costs

The Chief Building Official may refuse to issue a permit under this Article to any person who has refused or failed to pay any costs relating to signs.

## C. Sign Permit Issuance

Upon the filing of an application for a sign permit, the Chief Building Official shall examine the plans and specifications and any other data, and the premises upon which the sign is proposed to be erected, and if it shall appear that the proposed sign complies with all the requirements of this Article, the building code and all other laws and ordinances of the City, the permit shall then be issued.

## D. Time Limit for Completion of Work

If the work authorized by a permit issued under the provisions of this Article has not been completed within 90 days after the date of issuance of the certificate of occupancy or the issuance of a sign permit, whichever is later, the permit shall become null and void.

## E. Exemptions

The following signs may be erected and maintained under the exceptions and conditions listed and shall not require a permit, provided all other provisions of this section are met:

1. **Gasoline and Service Station Signage**
   Signs located beneath a canopy that do not advertise the premises are exempt. Governmentally mandated signage and signage contained within the individual pumps are also exempt. In addition, 10 square feet of signage is permitted per side under the canopy per set of gasoline dispensers. Letters less than 3 inches in height shall not be counted as part of the sign allowance.
2. **Government Flags**
   Government flags are permitted in conjunction with any use for which a building permit or certificate of occupancy has been issued, provided that each flag does not exceed 40 square feet. A maximum of 3 flags are permitted per site.

### 3. Human Signs

Human signs may be displayed daily from sunrise to sunset and shall comply with the following requirements:

**a.** Each sign shall be located on private property or adjacent right-of-way in conjunction with a special event permit.

**b.** Human signs are not permitted in residential districts.

**c.** A person acting as a human sign is not permitted to hold or carry wind devices, flags, or balloons. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.

**d.** No more than 1 human sign per business location may be actively engaged per major thoroughfare.

### 4. Incidental Window Signs

Incidental window signs are exempt from the provisions of this Article, provided not more than 40 percent of the transparent window area is occupied at any one time. See Figure 5-1 : Incidental Window Sign.

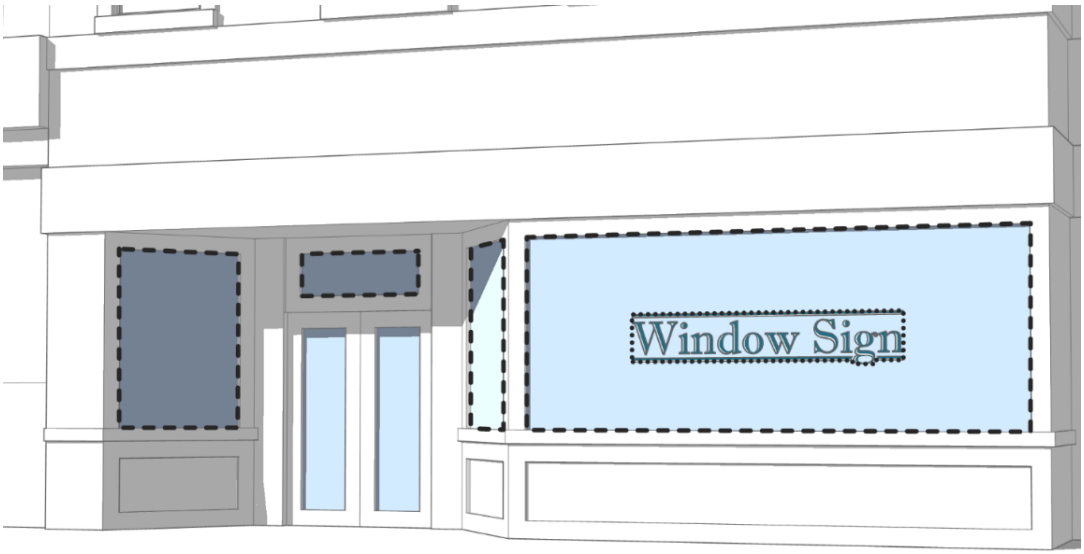



**Figure 5-1 : Incidental Window Sign**

### 5. Integral Signs

Monumental citations and commemorative tablets that are carved into stone, concrete, or similar permanent materials and constructed as an integral part of a structure.

### 6. Menu Board Signs

Restaurants with drive-through service are permitted two menu board signs per premises, limited to 36 square feet in area and six feet in height.

### 7. Mobile Billboards

Mobile billboards shall be permitted as long as they are not parked, driven, stationed, or moving in any manner on private property within the City limits for longer than 20 minutes per 24-hour day.

### 8. Private Signs

Signs not visible from any public right-of-way.

### 9. Public Entrance Signs

One sign per public entrance per business, not exceeding four square feet of sign area per face.

### 10. Public Signs

Signs erected by or at the direction of a public officer in furtherance of the public interest in the performance of their public duty; however, public signs shall be removed as soon as the public purpose is complete or otherwise no longer applicable.

### 11. Residential Garage Sale Event Signs

Residential garage sale event signs may be installed only on private property with the consent of the property owner. Said signs shall not be installed earlier than 12:00 p.m. on the immediately preceding Thursday before the event and must be removed within 24 hours following the event. The maximum sign area shall be limited to 4 square feet on each sign face. Signs shall not be attached to any tree, fence, utility pole, or other prohibited location as outlined in §507, *Prohibited Signage.*

### 12. Vehicular Signs

Vehicular signs or trailers with signs are permitted, provided that the vehicle or trailer on which the sign is located move from a site at least once every 24 hours, and are not being used to serve in the same manner as an additional freestanding sign or temporary sign. Vehicles, vans, trailers or trucks that are parked continuously at the same site for longer than 24 hours and that are being used to display signs are prohibited. Any such vehicle on which signage is located shall be operable and currently registered and licensed to operate on public streets. See Figure 5-2: Vehicular Sign.




**Figure 5-2: Vehicular Sign**

# 503 Flexibility and Relief Procedures

## A. Meritorious Exceptions

### 1. Generally

Primary objectives of this section include ensuring the prohibition of signage that has low visual quality, while guarding against the over-regulation of signage.

### 2. Approval Criteria

It is not the intent of these regulations to discourage innovation. It is possible that signage proposals could be made that, while clearly nonconforming to the requirements of this Article, and thus not allowable under these regulations, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment. In such cases, the Chief Building Official may approve a meritorious exception, if the proposal meets any of the following:

**a.** The signage is creative, innovative, or otherwise visually appealing so as to result in a positive contribution to the built environment;

**b.** The signage contains an architectural element that positively supplements the visual environment;

**c.** The regulations of this section do not adequately describe or regulate the proposed signage;

**d.** The signage will promote a strong public interest, including but not limited to wayfinding and the positive identification of essential services; or

**e.** The relocation of allowed signage is necessary based on difficulties resulting from building design, orientation, or location.

### 3. Sign Board Consideration

**a.** The Chief Building Official, at their sole discretion, may refer the meritorious exception application to the Sign Board, for consideration and action.

**b.** The Chief Building Official may deny a meritorious exception if the proposed sign does not meet the criteria included in subsection 2 above. The applicant whose request was denied may appeal the decision of the Chief Building Official to the Sign Board, in accordance with the procedures outlined in §203F.1, *Administrative Appeals.*

## B. Historic Sign Exceptions

### 1. Generally

A list of Exceptional Historic Signs within the Historic Neighborhood Improvement Zone (HNIZ) shall be maintained by the Director of Planning and is available on the City's website. These signs shall be considered exempt from the requirements of this Article.

### 2. Designation of Exceptional Historic Sign

For designation as an Exceptional Historic Sign, the Historic Preservation Advisory Board shall find that a sign:

**a.** Is at least 50 years in age; and

**b.** Possesses a unique quality or character that contributes to the historic character of the HNIZ, MTC -- McKinney Town Center, the sign's immediate neighborhood, or the property on which the sign is located.

### 3. Appeals

Any appeal of the determination of the Historic Preservation Advisory Board with regard to denial of designation of an Exceptional Historic Sign shall be heard by the Sign Board, as described in §203F.1, *Administrative Appeals*.

### 4. Replacement or Repair

#### a. Minor Repairs

**I.** Minor repairs for Exceptional Historic Signs shall be exempt from the requirements of this Article.

**II.** Minor repairs consist of cleaning, painting, and replacement of defective parts, which will keep the sign legible and safe, and which does not change the total area of the sign.

**b. Major Repairs or Replacement**

**I.** In the event that an Exceptional Historic Sign is damaged or destroyed, it may be rebuilt or repaired to its original dimensions.

**II.** In the event that the sign requires replacement or repair beyond those that constitute minor repairs as described above, a request in writing shall be submitted to the Historic Preservation Officer.

a. Such a request shall specify the proposed materials, colors, and any other description of the replacement sign's character.

b. The sign shall be reconstructed or repaired using the same materials as the original, to the greatest extent feasible.

### 5. Approval of Requests for Major Repair or Replacement

Written requests for replacement or major repair of an Exceptional Historic Sign shall require approval by the Historic Preservation Officer and the Chief Building Official, and shall meet the following standards, where applicable:

**a.** New signs replacing Exceptional Historic Signs shall comply with the current adopted building code.

**b.** Applications for attached signs shall show the method of attachment. For wall signs attached to historic buildings, attached signs shall be mounted in the mortar of the building, not the brick.

**c.** Applications for illuminated signs shall include details for electrical wiring and connections. Electrical wiring shall meet current electrical code.

## C. Variances

### 1. Generally

The rules and regulations found in this Article are the standard requirements of the City. Suspension of any of these rules and regulations may be granted by the Sign Board, upon a good and sufficient showing by the sign owner or his or her agent that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this section will deprive the owner of a substantial property right, and that such suspension, if granted, will not be materially detrimental to the public welfare or to other property or property rights in the vicinity.

### 2. Application and Standing

All appeals applications related to the denial of a permit shall be deemed complete by the Chief Building Official before being accepted for filing. The Sign Board is responsible for hearing appeals, except those related to content, which are the responsibility of the City Council, as described in provision 4 of this subsection. Appeals may be filed by the owner of the property, or his or her agent, or by a person aggrieved by the denial or a permit under this section, subject to regulations of this Article 5: *Signs.*

### 3. Appeals of Sign Board Determinations

Any appeals of Sign Board determinations shall be made to a district court, county court, or a county court at law in accordance with state statute, Texas Local Government Code, §211.011 et seq., as amended.

### 4. Content-Based Appeals

The City Council shall hear all variance requests related to content-based speech issues.

# 504 Permitted Signs

The following provisions apply to signs, with the exception of the MTC -- McKinney Town Center Zoning District, which is governed by §504F, *Signs in the MTC -- McKinney Town Center Zoning District*.

## A. Illuminated Signs

All illuminated signs shall bear the Underwriters' Laboratories, Inc. (ULI) label or be built in conformance with the City's electrical code requirements, as amended. Additionally, illuminated signs shall comply with the following provisions:

1. No sign or associated luminaire shall create light spillover of more than 0.1 foot-candles at any property line within or bounding a residential use or residential district.
2. Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
3. External illumination is allowed on the following signs:
   a. Signs in the MTC -- McKinney Town Center zoning district;
   b. Detached signs on tracts 25 acres or greater in industrial zoning districts;
   c. Ground signs in business districts; and
   d. Institutional signs and multi-family residential signs.

## B. Attached Signs: Non-Residential Zoning Districts

Only the following attached on-site signs are allowed in non-residential zoning districts.

### 1. Projecting Signs

**a. Sign Allowance**
Projecting signs shall be no more than 15 square feet in area and shall not exceed five feet in height.

**b. Sign Location**
Projecting signs may project a maximum of five feet from the façade of the building, or up to 50 percent of the width of the sidewalk adjacent to the building, whichever is less. The sign may extend into the right-of-way or above a pedestrian walkway or sidewalk.

**c. Sign Clearance**
When projecting over a public or private sidewalk, a projecting sign shall have a minimum clearance between the ground and the bottom of the sign of 8.5 feet. See Figure 5-3: Projecting Sign Clearance.

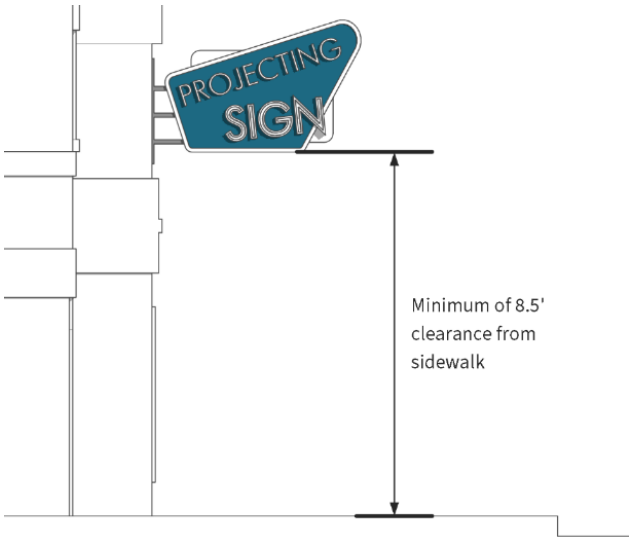



**Figure 5-3: Projecting Sign Clearance**

## 2. Wall Signs

### a. Sign Allowance

#### I. Sign Area

The total area per face of a sign shall not exceed one and one-half square feet of face area for each linear foot of building frontage.

#### II. Multiuse Building

Allowances for individual occupancies within a multiuse building shall be calculated on leased or occupied length of frontage.

#### III. Multiple Frontages

a. If the lot on which the building is located has frontage on more than one right-of-way, each street frontage shall be counted for purposes of determining attached sign allowance.

b. Signage is to be distributed on the sides of the building directly adjacent to a public right-of-way.

c. Alternate signage is allowed on sides of the building not adjacent to a public right-of-way, not to exceed 25 square feet. See Figure 5-4: Sign Allowance.

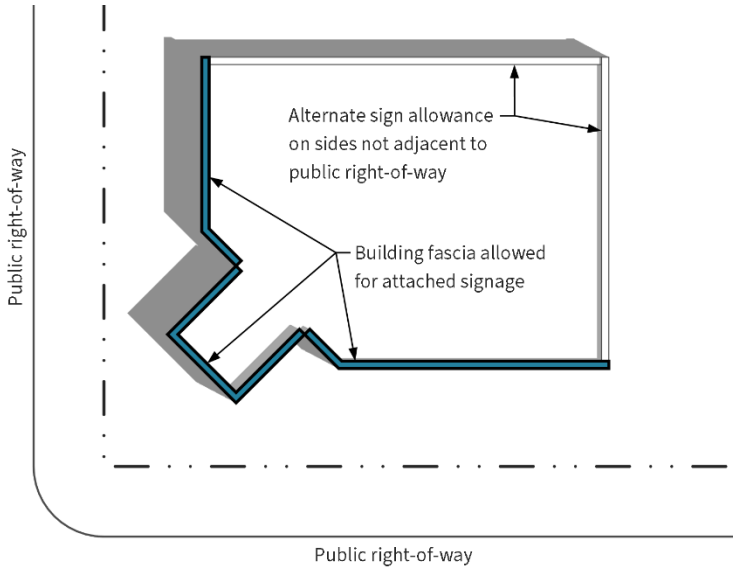



**Figure 5-4: Sign Allowance**

**b. Sign Location**

**I.** Attached signs may be located on a building wall.

**II.** If any part of the sign projects above the ceiling line of the first floor, then no window or part of a window shall be situated within or blocked by the flat wall sign.

**III.** No sign shall extend above the roofline of the building or more than 12 inches beyond the building wall.

**IV.** Where such signs are located on mansard-style roofs, and the building fascia is not vertical, the bottom of the sign shall not project more than 12 inches from said roof and the sign can be oriented in a vertical manner.

**c. Sign and Letter/Logo Height in Relation to Structure Height**

**I.** For multistory structures, attached signage is allowed between the ground level up to a height of 24 feet.

**II.** For multistory structures that are four stories in height or more, the standards shown in Table 5-1 below shall apply to letter/logo height in relation to building height:

**Table 5-1: Sign and Letter Height on Multistory Structures**

| Height of Structure | Maximum Letter/Logo Height (inches) |
|---|---|
| 4 stories | 36 |
| 5 to 10 stories | 48 |
| 11 to 15 stories | 60 |
| 16 stories and above | 72 |

**III.** Additionally, Table 5-1 represents the maximum letter and/or logo height in each sign height category. When a sign is totally composed of individually mounted letters, either one letter or one logo may be 25 percent taller than the maximum letter/logo height.

**IV.** Such signage shall be located between the floor level of the top floor and the top of the fascia wall. See Figure 5-5: Sign and Letter/Height in Relation to Structure Height.




**Figure 5-5: Sign and Letter/Height in Relation to Structure Height**

## C. Detached Signs: Non-Residential Districts

### 1. Generally

Ground signs shall be engineered to withstand a wind load of 30 pounds per square foot.

### 2. Location

**a.** Detached signs generally shall be restricted to ground signs only; however, pole signs shall be allowed when located within 50 feet from the right-of-way lines of the linear segments of the streets listed below, and when such signs are situated so as to be viewed from such streets:

**I.** U.S. Highway 75 (Central Expressway/Sam Johnson Highway), full length within the corporate limits of the City;

**II.** State Highway 121 (Sam Rayburn Tollway), full length within the corporate limits of the City;

**III.** U.S. Highway 380 (University Drive), between U.S. Highway 75 and State Highway 5 (McDonald Street).

**b.** The Sign Board, upon specific application, may approve an exception to allow a pole sign at a location where prohibited herein if the Sign Board determines that pole signs exist in the immediate vicinity and the proposed pole sign would be consistent with existing conditions in the vicinity.

**c.** No such sign shall be erected within 20 feet of the street intersection, unless the bottom of the sign exceeds 42 inches in height above ground level, and the sign is set back from the right-of-way as stated in Table 4-3: *Pole Signs*. See Figure 5-7: Visibility Triangle – Pole Signs.

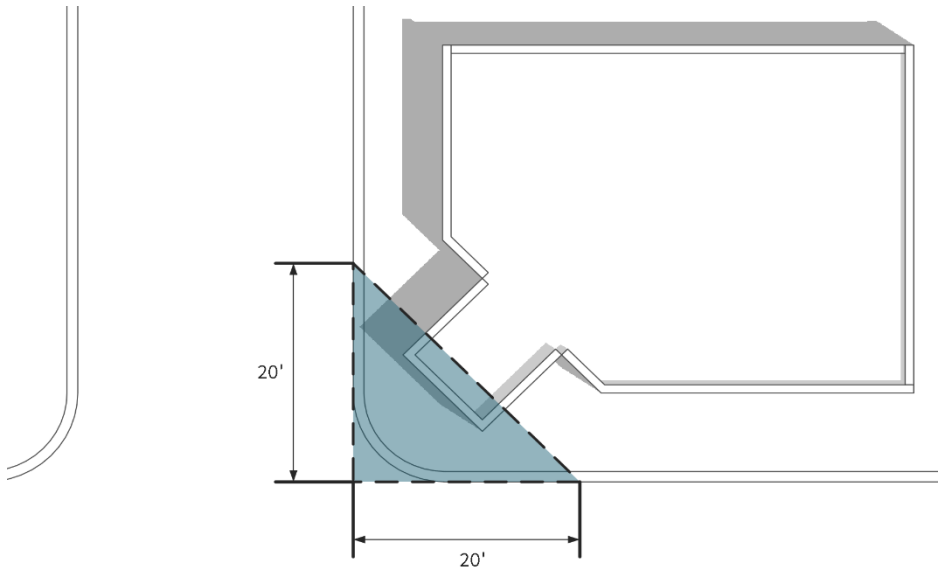



**Figure 5-7: Visibility Triangle – Pole Signs**

**d.** When determining requirements for allowable detached pole or ground signs pursuant to Table 5-5: Pole Signs, or Table 5-4: Ground Signs, first determine the right-of-way width adjacent to the subject lot, then determine the lot frontage. Next, determine the maximum square footage per side, setback from adjacent rights-of-way, and the maximum height by reading vertically below the applicable lot frontage. See Figure 5-6: Maximum Sign Height and Square Footage – Pole Signs.

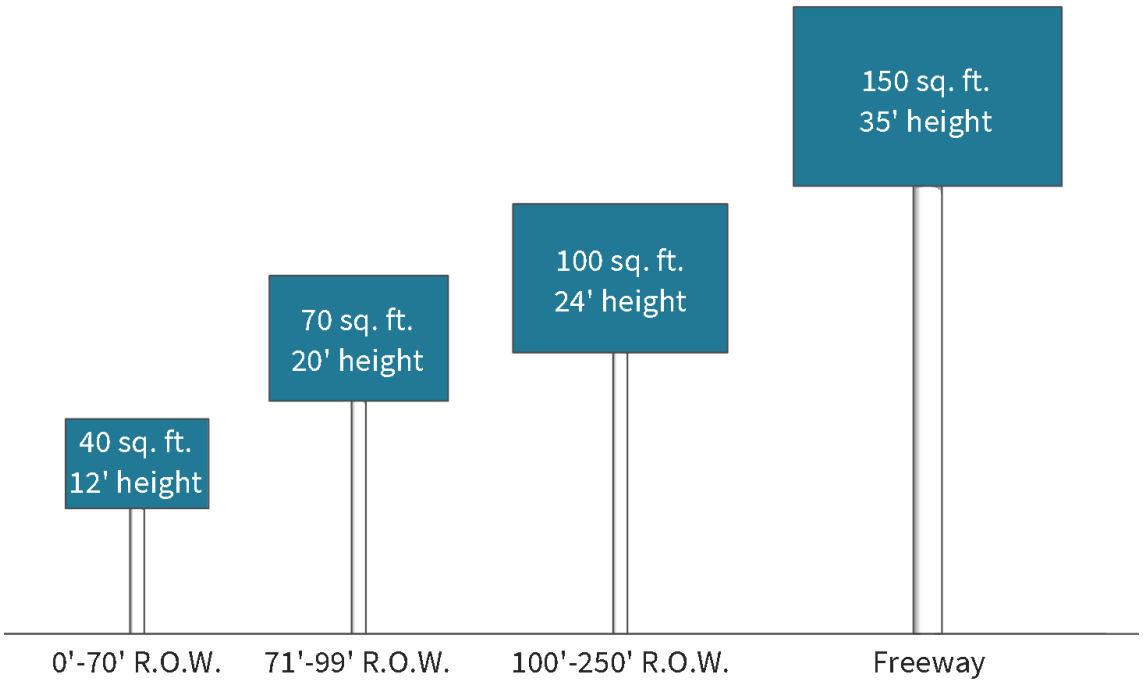



**Figure 5-6: Maximum Sign Height and Square Footage – Pole Signs**

**e. Separation**

Where there is more than one detached sign on a site, there shall be a minimum separation of 20 feet between each detached sign.

### 3. Size and Number of Signs for Lots with Multiple Frontages

For lots on which a building or buildings have multiple frontages, the size and number of detached signs allowed shall be based on the lot size and location, as set forth in the following table:

**Table 5-2: Allowed Size and Number of Detached Signs for Lots with Multiple Frontages**

| Lot Size or Location | Detached Signs Allowed |
|---|---|
| 3 acres or more | One ground or pole sign is permitted per street frontage based on sign allowances in Table 5-5: Pole Signs, or Table 5-4: Ground Signs. |
| Less than 3 acres | One ground or pole sign is permitted per street frontage with a maximum of 60 square feet per side per sign and a maximum height of 20 feet. |
| Any lot located at the intersection of a major thoroughfare and a freeway | One ground or pole sign is permitted per street frontage, the size to be based on allowances in Table 5-5: Pole Signs or Table 5-4: Ground Signs. |

Exception: If two of the allowable detached signs are combined into 1 detached sign, then the signage may exceed by 50 percent the total allowable signage of the largest permitted sign up to a maximum of 200 square feet per side.

### 4. Calculation of Sign Height

**a.** To calculate the height of a sign, measurement shall be made from the top of the curb adjacent to the street upon which a sign faces or from the natural ground level, if above curb level, to the top of the sign.

**b.** Construction of a berm or earthen mound for the purpose of increasing height of signage is prohibited.

### 5. Calculation of Sign Setback

**a.** For the purpose of calculating the distance from a street right-of-way line where the existing street right-of-way width is less than that required in the Master Thoroughfare Plan and Subdivision Regulations, such distance shall be measured from the line of such right-of-way as required by the Plan or Regulations (adding equal amounts to each side of the existing right-of-way) rather than from the existing right-of-way line.

**b.** Freeways are as proposed by the Master Thoroughfare Plan of the City.

### 6. Other Regulations

**a.** When electrical service is provided to detached signs, all such electrical service shall be underground.

**b.** All detached ground signs shall be framed, and finish materials used on the sign frame shall match or be complementary to exterior finishing materials of the primary structure on the site.

### 7. Detached Sign Types

**a. Automobile Dealership Signs**

**I. Number Per Lot**

a. **Primary Detached Signs**
Each franchise within an automobile dealership shall be allowed 1 primary detached sign, although no automobile dealership shall be allowed more than 3 primary signs.

b. **Secondary Detached Signs**
One secondary detached sign per automobile dealership shall be allowed.

**II. Area, Location, and Height Requirements**

a. All primary detached signs shall conform to provisions of this section.

b. Secondary signs shall be limited to one-half of the area of the primary detached sign and a maximum of 24 feet in height.

c. All signs shall be separated by a minimum distance of 100 feet.

**b. Banners and Pennants**

Such signage is allowed on light standards and poles, as long as signage does not exceed 20 square feet per pole or sign and is not strung or affixed in any manner other than from brackets on single poles. See Figure 5-8: Allowed Banner Attachment to Poles.

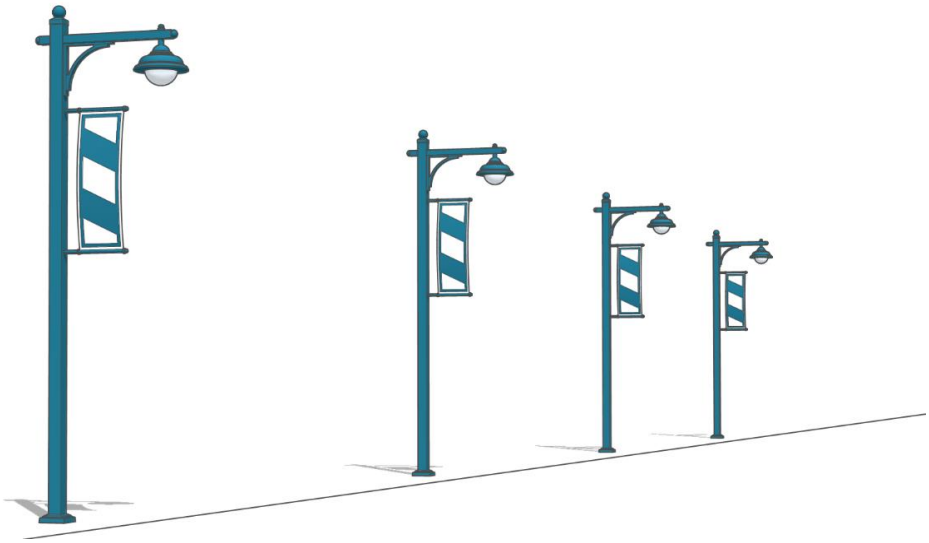


**Figure 5-8: Allowed Banner Attachment to Poles**

**c. Changeable Electronic Variable Message Signs**

**I.** Signs shall not exceed 60 square feet.

**II.** A sign shall display static images for a period of at least 8 seconds.

**III.** Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.

**IV.** In all zoning districts, signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light. A sign existing prior to the adoption of this ordinance shall only be required to include automatic dimming technology upon any upgrade or retrofit of the existing sign.

**V.** A sign shall not exceed a brightness level of 0.3 foot-candles above ambient light as measured by the guidelines below:

a. At least 30 minutes past sunset, use a foot-candle meter to record the ambient light reading for the area. This reading is performed while the digital sign is off or displaying all black copy.

b. Take a reading using foot-candle meter at five feet above grade and 45 feet from the sign.

c. The meter shall be aimed directly at the digital sign.

d. Turn the sign on and illuminate entirely in white or red.

e. The meter shall be aimed directly at the digital sign.

f. If the difference between the two readings taken above is 0.3 foot-candles or lower, then the sign is in compliance. If the result is greater than 0.3 foot-candles, the sign is out of compliance and must be adjusted to meet standards or turned off until compliance can be met.

g. All measurements shall be taken in foot-candles.

**VI.** Temporary signs required by government agencies for road and street repairs, public notifications, traffic control, and similar are exempt from the provisions of this section.

**d. Development Entrance Signs (Commercial Non-Residential Zoning Districts)**

Detached ground signs are permitted at the entrances of developments located in commercial zoning districts located on more than one lot and bisected by one or more publicly dedicated streets. Such signs may be located at each corner of the intersection. Such signs shall conform to the size restrictions in Table 5-3: Development Entrance Signs:

**Table 5-3: Development Entrance Signs**

| Size | Maximum size (square feet) | Maximum height (feet) |
|---|---|---|
| Under 10 acres | 36 | 6 |
| 10 acres and above | 64 | 8 |

**e. Ground Signs**

Ground signs shall conform to the standards in the following table.

**Table 5-4: Ground Signs [1]**

| | Zero to 70-foot ROW (feet) | | | 71- to 99-foot ROW (feet) | | | 100- to 250-foot ROW (feet) | | Freeway (feet) |
|---|---|---|---|---|---|---|---|---|---|
| Minimum width of lot frontage | 50 | 100 | 150 | 50 | 80 | 100 | 100 | 200 | 125 |
| Maximum square footage per side | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 100 | 150 |
| Setback from street ROW line | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 |
| Setback from any property line other than ROW | 5 | 5 | 10 | 10 | 10 | 15 | 15 | 15 | 15 |
| Maximum height | 3.5 | 6 | 6 | 6 | 6 | 6 | 8.5 | 8.5 | 10 |

[1] Lots with multiple frontages are permitted 1 sign per frontage. Sign area allowances for multiple frontages may be combined into 1 sign, with area up to 150% of the largest allowance, or 200 square feet, whichever is less.

**f. Kiosk Signs**

Shopping centers, office parks, industrial parks, and medical centers shall be permitted no more than five kiosk signs. Such signs shall be limited to six feet in height and a maximum 16 square feet in sign area per side. Once permitted, content on a kiosk sign may be amended without the necessity of additional permitting as tenants change within the development.

**g. Multiuse Signs**

A multiuse sign that identifies a coordinated development site with more than one use, such as a shopping center, office center, or industrial park, may have a sign area not larger than 1.5 times the area allowed for a single-use sign on the site, or a maximum of 200 square feet, whichever is less. If a multiuse sign area exceeds the allowance for a single use, no additional detached ground or pole sign is allowed for any single use within the center or development.

**h. Pole Signs**

Pole signs, only in locations expressly permitted in §504C.2, shall conform to the standards in the following table.

**Table 5-5: Pole Signs [1]**

| | Zero to 70-foot ROW (feet) | | | 71- to 99-foot ROW (feet) | | | 100- to 250-foot ROW (feet) | | Freeway (feet) |
|---|---|---|---|---|---|---|---|---|---|
| Minimum width of lot frontage | 50 | 100 | 150 | 50 | 80 | 100 | 100 | 200 | 125 |
| Maximum square footage per side | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 100 | 150 |
| Setback from street ROW line or any property line | 5 | 5 | 10 | 10 | 10 | 15 | 15 | 15 | 15 |
| Maximum height | [2] | 8 | 10 | 20 | 20 | 20 | 24 | 24 | 40 |

[1] Lots with multiple frontages are permitted 1 sign per frontage. Sign area allowances for multiple frontages may be combined into 1 sign, with area up to 150% of the largest allowance, or 200 square feet, whichever is less.
[2] Pole sign not allowed.

## D. Detached Signs: Residential and Non-Residential Zoning Districts

The following detached signs are allowed in residential and non-residential zoning districts, subject to the following regulations:

### 1. Development Entrance Signs (Residential Subdivisions)

In residential zoning districts, detached ground signs are permitted at the entrance of residential subdivisions that are bisected by one or more publicly dedicated streets. The maximum size shall be 32 square feet per sign with a maximum height of six feet. Signs may be located at each corner of the intersection of an entrance street.

### 2. Institutional Use Signs

An institutional use shall be allowed one sign, not to exceed 25 square feet per face, and eight feet in height, erected upon the site of the institutional use. Such sign shall require a permit and may be illuminated according to §504A, *Illuminated Signs*.

### 3. Multi-Family Use Signs

One sign per multi-family development shall be allowed, provided such sign does not exceed 25 square feet in area at the primary entrance; and one sign per secondary entrance that is not to exceed 16 square feet. Such signs shall require a permit and may be illuminated according to §504A, *Illuminated Signs*.

## E. Temporary Signs

This section is applicable in both residential and non-residential zoning districts.

### 1. Change in Occupancy or Ownership Temporary Event Signage

**a.** One additional permit may be obtained per year in conjunction with a change in occupancy or ownership event.

**b.** A change of ownership of less than 75 percent of the owners does not qualify as a new business.

**c.** Such permits may only be issued within 90 days of the issuance of a certificate of occupancy and shall be limited to seven days.

**d.** A permit for change of occupancy signage may include banners, balloons, pennants, feather flags, inflatable, and wind-driven signs.

**e.** Banners, balloons, pennants, and inflatable and wind-driven signs shall be securely tethered, fastened, or affixed to the ground or structure.

**f.** Feather flags used for a change of occupancy or ownership event shall be limited to two flags per site.

### 2. Construction Site Signs

**a. Residential Districts**

On building construction sites, one non-illuminated sign shall be allowed on the site provided that the sign shall not exceed 32 square feet in area, and eight feet in height. Such sign shall be removed prior to the issuance of a certificate of occupancy for said building.

**b. Non-Residential Districts**

On building construction sites, one sign shall be permitted for all participating building contractors and subcontractors, one for all participating professional firms, one for all participating lending institutions and 1 for each property owner on the construction site, subject to a maximum of three signs for each construction site. Each sign shall be no greater than 32 square feet with a maximum height of eight feet and shall be removed prior to the issuance of a certificate of occupancy for said building.

### 3. Neighborhood Construction Signs

1 non-illuminated sign shall be permitted upon the approval of a plat for a residential subdivision containing an area of not less than seven lots. The neighborhood construction sign shall be erected upon the property and shall not exceed 32 square feet in area, and eight feet in height, and not more than one such sign is permitted per street frontage. Such signs shall be removed no later than 30 days after the closing of the final real estate conveyance or the issuance of a certificate of occupancy, whichever is later.

### 4. Temporary A-Frame Sidewalk Signs

Temporary A-frame sidewalk signs are only permitted in the MTC – McKinney Town Center zoning district for businesses that have an entrance immediately adjacent to a public sidewalk. The temporary signs shall meet the standards in §504F.6.

### 5. Temporary Banners, Posters, and Pennants

Temporary signs, including, but not limited to, banners, posters, and pennants shall be permitted, subject to the following standards:

**a.** Temporary banners, posters, and pennants shall be permitted for a maximum of a 30-day period, up to four times per year.

**b.** Such signs shall not exceed 50 square feet.

**c.** The means of attachment shall not be visible from the public right-of-way.

**d.** A permit fee as determined from time to time by City Council shall be applicable per 30-day period, unless all four periods are scheduled in advance; then a permit fee as determined from time to time by City Council will be applicable covering all four such periods.

### 6. Temporary On-Premise Yard Signs

**a.** One temporary freestanding yard sign shall be allowed subject to the following standards:

**I.** On tracts of land 50 acres or less, one freestanding yard sign, not exceeding 32 square feet in sign area and 12 feet in height.

**II.** On tracts of land over 50 acres, one freestanding yard sign, not exceeding 96 square feet in area and 16 feet in height.

**III.** On tracts of land over 50 acres with 1,000 feet of frontage adjacent to the public right-of-way, one free-standing yard sign, not exceeding 200 square feet per side and 16 feet in height.

**b.** For setback requirements, refer to Table 5-4: Ground Signs.

**c.** Freestanding yard signs measuring 32 square feet or less shall not require a permit.

### 7. Temporary Signs During Public Right-of-Way Improvements

During periods where the City of McKinney, Collin County, or Texas Department of Transportation street improvements alter driveway approaches or entrances into non-residential property, temporary signs may be permitted. Such signs shall conform to the following standards:

**a.** Signs shall be limited to a total of 16 square feet in area and may not be more than six feet in height.

**b.** Only one sign is permitted per driveway.

**c.** Signs shall be attached to a temporary post and must be located on private property. Sign placement shall not block the line of sight for traffic and the sign shall be maintained by the property owner.

**d.** An application for a temporary sign under this subsection must include a map showing the proposed location of the sign and must be completed by the property owner prior to sign placement. The City maintains the right to remove the sign without notice in the event there is a violation of any of the above-listed requirements.

**e.** During reconstruction of any highway, arterial or collector street, additional temporary signs and banners may be permitted. Such signs shall conform to the following standards:

**I.** One temporary banner per property not to exceed 150 square feet in area. Each banner shall be securely fastened and mounted flat against the face of a permanent structure and facing the right-of-way under construction.

**II.** Businesses adjacent to active roadway construction may be allowed temporary signs up to a maximum of 36 square feet in area and may not be more than eight feet in height. Signs shall be located on private property and maintained by the property owner. One such sign is permitted per driveway and shall not block the line of sight for traffic.

**III.** All such signs and banners must be removed from the property within 30 days of final completion of that portion of the reconstruction immediately adjacent to the property in question.

### 8. Undeveloped Real Estate Site Signs

**a.** On undeveloped real estate sites, one non-illuminated sign per right-of-way frontage shall be allowed on the site.

**b.** The sign shall not exceed 64 square feet in area, and 12 feet in height.

**c.** The sign shall not face a residential neighborhood, unless separated by a major thoroughfare.

**d.** The sign shall be located a minimum of 15 feet from any property line.

**e.** The sign may be constructed of wood, metal, plastic, or equivalent durable material.

**f.** The sign shall have attached, written, or painted in a weatherproof manner the date of the placement and the sign permit number on the sign, in letters not less than one inch in height, in a conspicuous place on the sign face.

## F. Signs in the MTC -- McKinney Town Center Zoning District

### 1. Applicability

The MTC -- McKinney Town Center zoning district is that area established by the MTC regulating plan as shown in Appendix 2B: McKinney Town Center MTC. All signs within the MTC district shall adhere to the standards in this section.

### 2. Design

**a.** Signs shall be designed and constructed in keeping with the historic character and pedestrian-oriented urban design of the district. Signs are subject to review by the Director of Planning and approval is a prerequisite for the issuance of a sign permit.

**b.** Materials suggested for use for signs are finished hardwoods, softwoods, metals, glass, or neon.

**c.** Internally illuminated signs (three-dimensional cabinet, can, or box construction) with single-sided or double-sided face panels made of plastic or synthetic materials are specifically not allowed. However, signs comprised of internally illuminated individual letters are allowed.

### 3. Minimum Clearance

**a.** Hanging signs shall be allowed when such signs have a minimum clearance of seven feet from the sidewalk and do not extend beyond an awning or canopy projection.

**b.** Projecting signs shall have a minimum clearance from the sidewalk of eight feet, six inches and shall not project more than five feet from the building or more than 50 percent of the width of the sidewalk adjacent to the building, whichever is less. See Figure 5-3.

**4. Size**

Maximum size shall be based on the following:

**a.** For every one linear foot of building primary or entrance frontage, a maximum of one and one-half square feet of sign area shall be allowed.

**b.** The area of a sign on secondary side-street frontage shall not exceed half the size of the area of a sign on the primary or entrance frontage.

**c.** Window signs shall cover no more than 40 percent of the total glass area, and this will count as one of the signs permitted.

**d.** Each face of a hanging sign shall be no more than five square feet.

**e.** Projecting signs shall be no more than 15 square feet in size.

**f.** Temporary A-frame signs placed on any public sidewalk shall be no greater than 24 inches in width.

**5. Number**

**a.** Two signs are permitted per primary entrance, plus one additional hanging sign if a canopy is used.

**b.** One secondary entrance sign is permitted.

**6. A-Frame Signs, Portable Signs, or Display Signs**

A-frame signs, portable signs, or display signs are allowed, provided they adhere to the following criteria:

**a.** One such sign shall be permitted per primary entrance.

**b.** Such signs may extend out a maximum depth of two feet from the building, with a maximum length over the right-of-way of four feet.

**c.** Such signs shall not occupy more than six square feet of the public right-of-way.

**d.** A clear path of a minimum of three feet in width shall be maintained on the public right-of-way at all times.

**e.** Materials not allowed include plastics, fluorescent materials, paper, or fluorescent paints. Such signs shall also not be illuminated or lighted.

**f.** Such signs shall be displayed during business hours only.

# 505 Comprehensive Sign Package

## A. Eligibility

**1.** Notwithstanding anything contained in the foregoing, if property is developed in a non-residential zoning district, in a PD planned development district, or in the MTC -- McKinney Town Center district, all signs on such property may be reviewed and approved as part of a comprehensive sign package, as described in this section.

**2.** Total signage allowed for all sites in the development may be aggregated and the total allowance redistributed.

**3.** Sign locations, types, and sizes may be varied; however, they shall be consistent with site and landscape planning principles and will be considered as part of the review process. Such signage shall also comply with the requirements of §505B *Compatibility of Design*.

**4.** Roof signs may be considered in the MTC -- McKinney Town Center district only if reviewed and approved through the comprehensive sign package process.

## B. Compatibility of Design

All signs applied for under the provisions of this section are subject to the approval by the Director of Planning and the Chief Building Official. The following criteria shall be considered:

**1.** The sign's compatibility with surrounding signage as related to location, height, size, and setback;

2. The sign's compatibility with aesthetics as related to color scheme, shapes, design, and materials;
3. The sign's compatibility with surrounding urban design and context; and
4. The sign's relationship to proposed or existing landscaping.

# 506 Nonconforming Signs

## A. Generally

Signs existing as of November 15, 2022 that were in compliance with the then-current ordinance and not in compliance herewith shall be regarded as nonconforming signs, which may continue to exist until structurally altered, removed, or destroyed as an act of God or until the business that they are advertising is no longer in existence, except for billboards (third-party outdoor advertising). Nonconforming signs that are structurally altered, relocated, or replaced shall comply immediately with all provisions of this section.

**1.** Any nonconforming sign that has been damaged by fire, wind, or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with the provisions of this section.

**2.** Those signs designated as Exceptional Historic Signs and located in the Historic Neighborhood Improvement Zone (HNIZ) as described in §503B shall be regarded as nonconforming signs. These signs may be repaired or replaced as described in §503B.4with the approval of the Historic Preservation Advisory Board.

## B. Billboard Signs

**1.** New billboards are prohibited.

**2.** Existing billboards shall be considered nonconforming signs and shall comply with §506, *Nonconforming Signs,* with the exception of billboard signs fronting U.S. Highway 75 (Central Expressway/Sam Johnson Highway), which may be structurally altered and/or replaced, but shall not exceed a height of 40 feet or an area of 300 square feet per side. Height shall be measured from the ground level of the street or road upon which the sign faces (including frontage roads), or from the ground level of the billboard sign location, if such ground level is above the street or road level.

**3.** An existing billboard sign may be converted to a digital billboard sign if:

**a.** A second billboard sign is removed; and

**b.** The digital billboard:

**I.** Does not exceed 300 square feet in size per side;

**II.** Does not exceed 40 feet in height; and

**III.** The pole is encased in brick, stone, or synthetic stone material.

# 507 Prohibited Signage

The following signs are specifically prohibited, except as otherwise prescribed within this section:

## A. Billboards

All new billboard signs are prohibited. Billboards permitted prior to July 1, 2012, may remain in accordance with the regulations of this Article regarding nonconforming signs, as described in §506B, *Billboard Signs.*

## B. Certain Illuminated Signs

Any illuminated sign that operates at brightness levels of more than 0.3 foot-candles above ambient light conditions at the property line, or at a distance equal to the square root of the area of the sign x 100 ($\sqrt{(Area\ of\ Sign\ in\ Sq.Ft. x\ 100)}$, whichever is closer to the sign, as measured using a foot-candle meter. Illumination levels shall be measured at an approximate height of five feet above grade.

## C. Handbills

Distribution of handbills shall be in accordance with Chapter 78 of the Code of Ordinances.

## D. Inflatable Signs

Inflatable signs are prohibited in all zoning districts, except as permitted as part of a change in occupancy or ownership event as described in §504E.1, *Change in Occupancy or Ownership Temporary Event Signage*.

## E. Painting, Marking Streets, Sidewalks, Buildings, Utility Poles, Trees

No person shall attach any sign, paper, or other material to, or paint, stencil, or write on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public building or structure unless authorized by this section or by the City Council or its delegated representatives. See Figure 5-8.

## F. Portable and/or Display Signs

Portable and/or display signs, except as described in §504E,*Temporary Signs.*

## G. Roof Signs

Signs that are erected upon or applied to any roof are prohibited. A mansard-style roof shall be considered as part of the building facade and not the roof for the purpose of attached sign location. The term "sign" in this section shall not apply to the cornice, tower, or spire of a place of worship.

## H. Searchlights

Searchlights are prohibited, unless specially permitted through the Chief Building Official. An application for such permit shall be submitted to the Chief Building Official 20 days prior to the event for which they are requested, and shall indicate the number of searchlights, time of use, intended purpose, and location.

## I. Signs Containing Obscene Matter

Any sign that contains statements, words, or pictures of an obscene character.

## J. Signs in, on, or over Public Right-Of-Way, Railroad Right-Of-Way, Public Easements or Designated Fire Lanes

No person shall place, erect, or allow to be placed or erected any sign in, on, or over public rights-of-way and easements, railroad right-of-way, or designated fire lanes except as described in §504F, *Signs in the MTC -- McKinney Town Center Zoning District*, or if erected by the City for public purposes. Detached signs shall maintain a setback as described in §504C.5**,** *Calculation of Sign Setback.*

## K. Signs Interfering with Traffic

Any sign that imitates an official traffic sign or signal. Any sign that is of a size, location, movement, coloring, or manner of illumination that may be confused with a traffic control device; or that hides from view any traffic or street sign or signal; or that obstructs the view in any direction at a street or road intersection.

## L. Signs on Fences or Railings

No person shall paint a sign or attach a sign to the outside of a fence or railing.

## M. Wind-Driven Signs

Wind-driven signs are prohibited in all zoning districts, except as permitted as part of a change in occupancy or ownership event as described in §504E.1, *Change in Occupancy or Ownership Temporary Event Signage*.

# Article 6: Exterior Lighting

## 601 Administration

### A. Purpose

These standards exist to allow the reasonable enjoyment of property by owners and occupants while reducing inconvenience and hazards to others.

### B. Applicability

The provisions of this Article shall apply to all new construction and new exterior lighting, including substantial changes and additions, but shall not apply to the following:

1. Lighting installed by a governmental agency for public benefit on public rights-of-way, parks, and public recreation areas;
2. Navigation and airport lighting required by the Federal Aviation Administration for operation of airplanes;
3. Emergency lighting by public safety and/or other government authorities;
4. For single-family (attached and detached), duplex, triplex, and quadplex residential uses, lighting for security and night recreation use is permitted, provided the following requirements are met:
   a. Direct lighting over 10 feet in height is shielded from adjacent property;
   b. No light source or luminaire shall exceed a 30-foot mounting height; and
   c. Lighting shall not shine directly onto any dwelling beyond the property line.
5. Temporary special effects of holiday lighting if in compliance with the limitations at property lines as outlined in Table 6-1: *Maximum Illumination Levels on Private Property*. Other temporary lighting effects may be used if approved by Board of Adjustment in accordance with §602B, *Appeals and Variances*; and
6. The Board of Adjustment may approve Special Exceptions to the requirements of this Article, as described in §203F.2, *Special Exception,* for private recreational uses if the exception will have minimal impact, if any, on the surrounding land uses, and no adverse impact on the public health, safety, and general welfare.

### C. Permit Required

A permit shall be required prior to the installation, alterations, additions, or changes to new exterior lighting.

### D. Inspection Required

1. When any exterior lighting for which a permit has been issued under this Article is completed, it must be inspected by the City for compliance with the applicable construction codes.
2. The Building Inspection Department shall be notified upon completion of the any exterior lighting.
3. The Chief Building Official will certify acceptance if the exterior lighting complies with the provisions of this Article or reject the exterior lighting and require modification to the exterior lighting if it does not comply.

### E. Measuring Light

1. Light measuring meters used to ensure compliance with this section shall satisfy the following requirements:
   a. The light measuring meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus 5 percent; and
   b. It shall be tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one year of its use.
2. Measurements and readings utilized to ensure compliance with this section shall satisfy the following requirements:

**a.** Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of 3 feet above grade; and

**b.** Maximum illumination readings are to be taken directly beneath the luminaires.

# 602 Procedures

## A. Submittal Requirements

**1.** As part of any building permit application or prior to altering any existing lighting the applicant shall submit the following to the Chief Building Official:

**a.** Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, and the mounting height of the light;

**b.** Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);

**c.** Photometric plans showing illumination and ground elevation levels on the property, at the property line and just beyond the property line, as well as other data such as that furnished by manufacturers or similar data showing the angle of cutoff for light emissions; and

**d.** Any additional information deemed necessary by the Chief Building Official.

**2.** Prior to issuance of a certificate of occupancy, the applicant shall submit to the Chief Building Official an as-built photometric plan, stamped by a certified testing laboratory or engineering firm, attesting that the installed lighting complies with the requirements of this Article.

**3.** If modification to the information submitted in accordance with this subsection is warranted after the permit is issued, the proposed changes must first be coordinated with the Chief Building Official before any installation occurs.

## B. Appeals and Meritorious Exceptions

**1.** The Board of Adjustment shall hear appeals from the denial of a permit due to lack of conformance with this section. Criteria for granting such a variance is as stated in the state statute, Texas Local Government Code §211.008 et seq., as it may be amended.

**2.** Meritorious Exceptions. The provisions of this Article are not intended to discourage innovation. It is possible that lighting plans could be developed that do not conform to the strict requirements of this Article but have obvious merit and may be in keeping with the spirit of this Article. In these cases, the City Council may act on such a design via the meritorious exception process. Meritorious exception requests shall be considered at a public hearing by the City Council after mailed notice is sent to all property owners in accordance with Texas Local Government Code Chapter 211.

# 603 Standards

The following standards shall apply to all exterior lighting located outside the public right-of-way, unless otherwise stated herein.

## A. General Requirements

1. All luminaires must have a total cutoff angle equal to or less than 90 degrees.
2. The use of exterior lighting with a cutoff angle greater than 90 degrees shall be permitted only when the Chief Building Official finds the following:
   a. That the proposed lighting is not in conflict with the Purpose of this section;
   b. That the proposed lighting will not have a negative impact on adjacent properties; and
   c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

## B. Freestanding Luminaire Height

1. Freestanding luminaires are permitted to be a maximum of 30 feet in height.
2. Special lighting or lighting higher than 30 feet may be approved as specifically noted on a Site Plan, as described in §203E.1.
3. In the MTC -- McKinney Town Center zoning district, the maximum height of poles with lights is 20 feet.

## C. Residential Adjacency (Luminaire Height)

When a luminaire is located within 100 feet of a residentially zoned or used property, the maximum permitted luminaire height shall be 20 feet.

## D. Shielded Light Source Required

1. All luminaires located shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of at a point 3 feet above grade on a property line abutting a residential zone or use.
2. In all other instances, the light source must be completely shielded from direct view of at a point six feet above grade on a bounding property line.
3. Low intensity neon, krypton, or argon discharge tube lighting need not be shielded.
4. Examples of shielded or cutoff fixtures are shown in Figure 6-1 below:

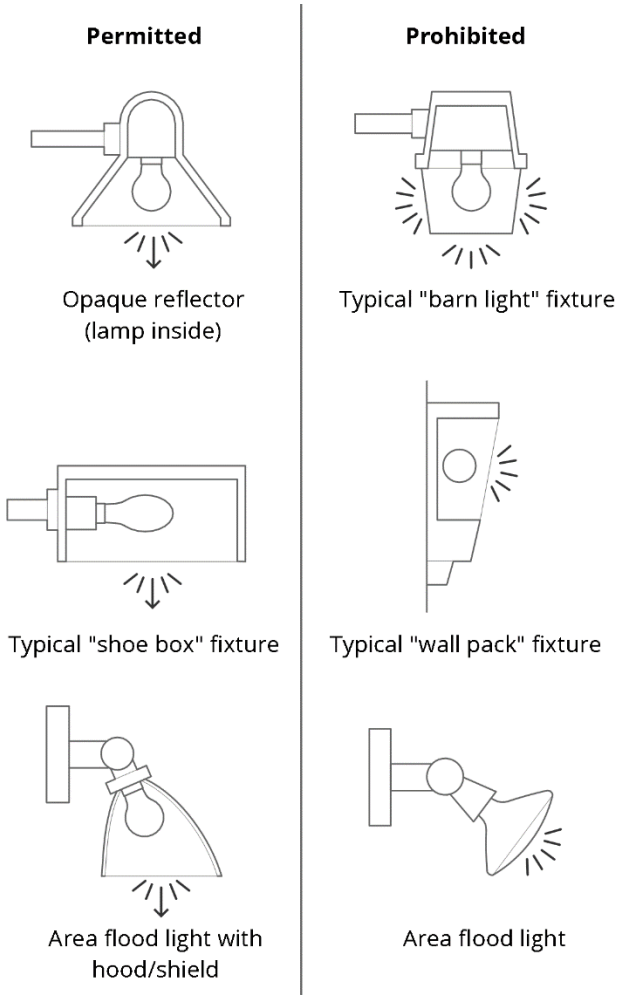



**Figure 6-1: Permitted and Prohibited Light Source Shields**

## E. Canopy Lighting

Lighting recessed for canopies covering fueling stations at automobile service station and drive-through facilities shall be designed so that the light source and lenses (bulb or lamp) are completely shielded from direct view at a point five feet above the grade on the boundary property line.

## F. Wall or Roof Lighting

1. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within 30 feet of the building.
2. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the Chief Building Official finds the proposed lighting:
   a. Is not in conflict with the Purpose of this section;
   b. Will not have a negative impact on adjacent properties; and
   c. Will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

## G. Motor Vehicle Parking, Storage, or Access

Any area used for motor vehicle parking, storage or access may be illuminated with freestanding luminaires.

## H. Signs

Internal and external sign illumination shall adhere to the requirements of Article 3:Article 5: Signs.

## I. Flag, Statues, and Similar Objects

Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

## J. Buildings

Building facades and architectural features of buildings may be floodlighted when the following conditions are met:

1. Floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated; and
2. The configuration of the floodlight installation shall block all view to the floodlight fixture's lamps from adjacent properties.

## K. Quality of Illumination

The quality of the light source shall be a minimum of 65 CRI (color rendering index) as indicated by the lamp manufacturer's data.

## L. Maximum Illumination Levels

**Table 6-1: Maximum Illumination Levels on Private Property**

| Use of property | Maximum allowable foot-candles |
|---|---|
| Agricultural/Residential/Manufactured Housing | 20 |
| Non-residential [1] [2] [3] | 20 |

[1] Lighting under canopies shall not exceed 30 foot-candles. All other lighting on the property shall comply with the provisions of this section.

[2] Lighting for vehicle dealerships shall not exceed 30 foot-candles within the front yard, defined as the area between the side lot lines that extends from the main building to the front lot or street line. Lighting levels on the remainder of the property shall not exceed 20 foot-candles.

[3] Illumination at interior property lines on contiguous lots in a multi-tenant, non-residential development may exceed the above criteria when necessary to provide constant lighting levels of adjoining parking areas, fire lanes, and interior access aisles as determined by the Chief Building Official.

## M. Light Trespass Limitation

**Table 6-2: Limits of Illumination on Neighboring Property**

| Zoning of neighboring property | Foot-candles |
|---|---|
| Single-family residential districts | 0.25 |
| Manufactured housing district | 0.5 |
| Multi-family residential districts | 0.5 |
| Agricultural district | 1.0 |
| Non-residential districts (except Industrial), and private streets | 3.0 |
| Industrial districts | 5.0 |

## N. Prohibited Lighting

The following shall be prohibited:

1. Light sources or luminaires in buffer areas and within required building setback yard areas except on pedestrian walkways or hike and bike trails;
2. "Cobra head" type lighting fixtures having dished or "drop" lenses or refractors which house other than incandescent light sources; or
3. Flickering or flashing lights.

# Article 7: Fences

## 701 Administration

### A. Purpose

The purpose of this Article is to mitigate or minimize potential conflicts between adjacent land uses, protect the privacy and value of adjacent land uses, and provide minimum standards for the provision of fences and walls.

### B. Authority and Jurisdiction

1. This Article is enacted pursuant to the powers granted and limitations imposed by Texas Local Government Code chapter 214 and all other relevant laws of the state of Texas.
2. The Chief Building Official shall be responsible for interpreting and administering this Article, unless otherwise stated herein.

### C. Applicability

The provisions of this Article shall apply to the construction of any new fence or wall or when replacing an existing fence that increases in height or changes location, except for properties located within the AG-Agricultural zoning district; however sight visibility triangles shall apply to all zoning districts.

### D. Permit Required

1. A permit shall be required prior to the construction or installation of any fence making any alterations, additions, or changes to a fence.
2. Unless otherwise reflected on an approved Site Plan, the Chief Building Official shall require a plot plan showing the lot size, all improvements on the lot and the proposed location of the fence, or screening device to be constructed before a permit will be issued under this section.
3. No fence permit shall be issued unless the property on which the fence will be located has an existing structure or a permit to construct a structure has been issued. This requirement shall not apply to the agricultural zoning district or park property in any district.

### E. Inspection Required

1. When any fence or wall for which a permit has been issued under this Article is completed, it must be inspected by the City for compliance with the applicable construction codes.
2. The Building Inspection Department shall be notified upon completion of the fence.
3. The Chief Building Official will certify acceptance if the fence complies with the provisions of this Article or reject the fence and require modification to the fence if it does not comply.

# 702 Procedures

## A. Submittal Requirements

The following items shall be included with the submittal package:

1. Application; and,
2. Site Plan that includes the following:
   - **a.** Property lines;
   - **b.** Location of fence;
   - **c.** Height of fence;
   - **d.** Fence material;
   - **e.** Fence builder; and,
   - **f.** Location of structure.

## B. Approval Procedure

Upon the filing of an application for a fence permit, the Building Inspection Department shall examine the plans and specifications and any other data, and the premises upon which the fence is proposed to be erected, and if it shall appear that the proposed fence is in compliance with all the requirements of this Article, the building code and all other laws and ordinances of the City, the permit shall then be issued. If the property is located in the H – Historic Overlay District, the applicant shall also submit and receive approval of a COA prior to the fence permit being issued.

# 703 Flexibility and Relief Procedures

## A. Appeals

Any appeal from an interpretation of an Administrative Official of the provisions of this Article shall be made to the Board of Adjustment as provided for in §203F.1, *Administrative Appeals.*

## B. Special Exceptions

**1.** The Board of Adjustment may grant a Special Exception, as described in §203G.2, *Special Exception,* that will allow a fence or wall up to a maximum height of 8 feet 6 inches when it is adjacent to a required screening device, if the Board finds that:

**a.** The lot has unusual topographical conditions that distinguish it from other similarly sized and shaped lots, and such conditions create a hardship that renders privacy inadequate without such relief; and

**b.** The following required provisions have all been met:

**I.** The lot shall have an existing residential structure on it or a building permit to construct a residential structure has been issued;

**II.** The subject property shall not be located within the H -- Historic Overlay district;

**III.** The subject fence shall not be a corner lot fence as described in Table 6-1 of this section; and

**IV.** Such fences shall be constructed of either:

a. Stained wood, board-on-board construction, or double-sided construction, with a stained trim cap and steel posts; or

b. An engineered brick, stone, or masonry wall in a color and style that is consistent with and compatible with the surrounding vicinity.

**c.** A Special Exception is only appropriate for those sides of a fence that meet the requirements set out above. A hardship may be found regardless of when the unusual condition was created.

**2.** The Board of Adjustment may grant a Special Exception, as described in §203F.2203G.2, that will allow a fence up to a maximum height of 6 feet which is situated between the front building line and the public right-of-way line of a lot (a "front yard fence") provided the Board finds that:

**a.** The subject property shall not be located within the H -- Historic Overlay district;

**b.** A front yard fence shall not be a corner lot fence as described in Table 6-1 of this section;

**c.** The lot shall have an existing structure on it or a building permit to construct a structure has been issued;

**d.** All fences in the front yard shall be at least 50 percent open and the open portions shall be for the entire height of the fence; and

**e.** The 6-foot front yard fences must be consistent and appropriate to the area where they are proposed.

**3.** The Board of Adjustment may grant a Special Exception, as described in §203F.2203G.2, allowing side and/or rear yard fences in the H -- Historic Overlay district up to a maximum height of 8 feet 6 inches, if the Board finds that:

**a.** The lot has unusual topographical conditions that distinguish it from other similarly sized and shaped lots, and such conditions create a hardship that renders privacy and security inadequate without such relief; or

**b.** All of the following provisions have been met:

**I.** The lot shall have an existing residential structure on it or a building permit to construct a residential structure has been issued;

**II.** The proposed fence does not negatively impact the health, safety, and welfare of the public;

**III.** The proposed fence's design is complementary to other existing fences in the area; and

**IV.** The proposed fence's design, location, and height is appropriate for the context of the area.

# 704 Standards

## A. Materials and Construction Requirements

1. Except as otherwise stated herein, fences shall be constructed of standard residential fencing material or other materials of like kind that the Chief Building Official determines have the same quality, appearance, and durability.
2. Chain link fences less than five feet in height in residential districts shall have the finished edge of the material on the top of the fence.
3. A fence constructed in such a manner that it may conduct electrical current shall only be permitted in the AG Agricultural zoning district.
4. Barbed wire fences shall only be permitted in industrial districts or on public properties to secure critical public infrastructure and facilities. No portion of the barbed wire fence may extend beyond the bounding property line.
5. Fence arms shall only be permitted on fences located in industrial districts or on public properties to secure public infrastructure and facilities, so long as they do not extend beyond the property line. See Figure 7-1.

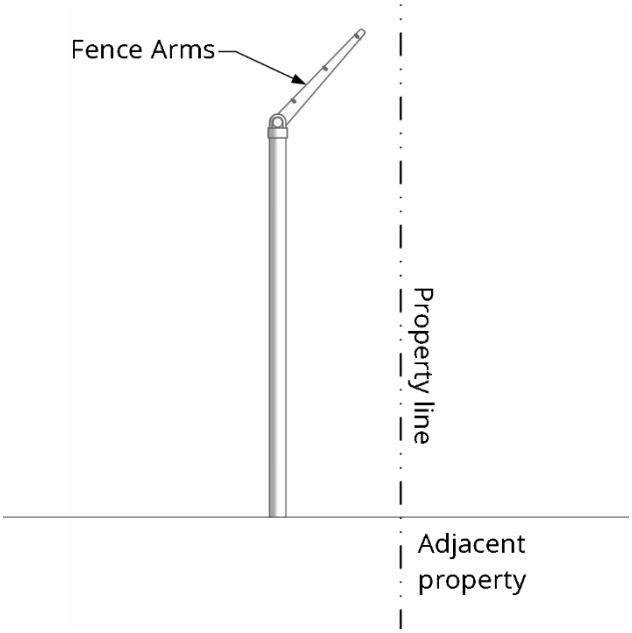



**Figure 7-1: Fence Arms within Property Lines**

6. Any stone, masonry or brick wall constructed of similar materials greater than 4 feet in height shall be engineered, designed, and the plans sealed by a state professional engineer.
7. Every fence enclosure constructed under the provisions of this Article shall have at least 1 gate in its perimeter.

## B. Fence Height

| Table 7-1: Maximum Fence Height in Certain Locations | | | |
|---|---|---|---|
| **Fence Location** | **Maximum Fence Height [1] [2]** | | **Standards** |
| | **All Zoning Districts** | **H – Historic Overlay District** | |
| Front Yard | 4 feet | 4 feet | • Minimum 50 percent open fencing the entire height of fence<br>• Wire fences are prohibited [3] |
| Side Yard | 8 feet 6 inches | 6 feet 8 inches [4] | For fences located along the side property line behind the front building line |
| Rear Yard | 8 feet 6 inches | 6 feet 8 inches [4] | Located in the rear portion of the yard |
| **Midblock Lot Configurations** | | | |
| Rear Yard adjacent to Front Yard (including across alleys) | 4 feet [5] | 4 feet [5] | • For fences located along the side property line in front of the adjacent front building line<br>• Minimum 50 percent open fencing the entire height of fence<br>Wire fences are prohibited [3] |
| **Corner Lot Configurations** | | | |
| Side Yard adjacent to Front Yard (including across alleys) | 4 feet [5] | 4 feet [5] | • For fences located along the side property line in front of the adjacent front building line<br>• Minimum 50 percent open fencing the entire height of fence<br>• Wire fences are prohibited [3] |
| Side Yard adjacent to Rear Yard (including across alleys) | 8 feet 6 inches | 6 feet 8 inches [4] | Located along the rear and side property line |
| Rear Yard adjacent to Side Yard (including across alleys) | 8 feet 6 inches | 6 feet 8 inches [4] | Located along the rear and side property line |
| Rear Yard adjacent to Rear Yard (including across alleys) | 8 feet 6 inches | 6 feet 8 inches [4] | Located along the rear property line |

[1] Maximum height of fences may be increased to 10 feet in industrial districts and on public property.
[2] Fences adjacent to a screening device, whether parallel or perpendicular to the device, shall be built at the same height, unless they are granted a special exception pursuant to §203G.2, *Special Exception*.
[3] Chain link fences are allowed in the front yard in industrial districts and on public property.
[4] Within the H – Historic Overlay District, an increased fence or wall height of up to 8 feet 6 inches may be allowed if granted a special exception pursuant to §203G.2, *Special Exception*.
[5] Fence height may be increased to 6 feet if the fence is constructed out of wrought iron and does not create a sight distance issue or safety concern in the opinion of the appropriate Chief Building Official. See Figure 7-3.

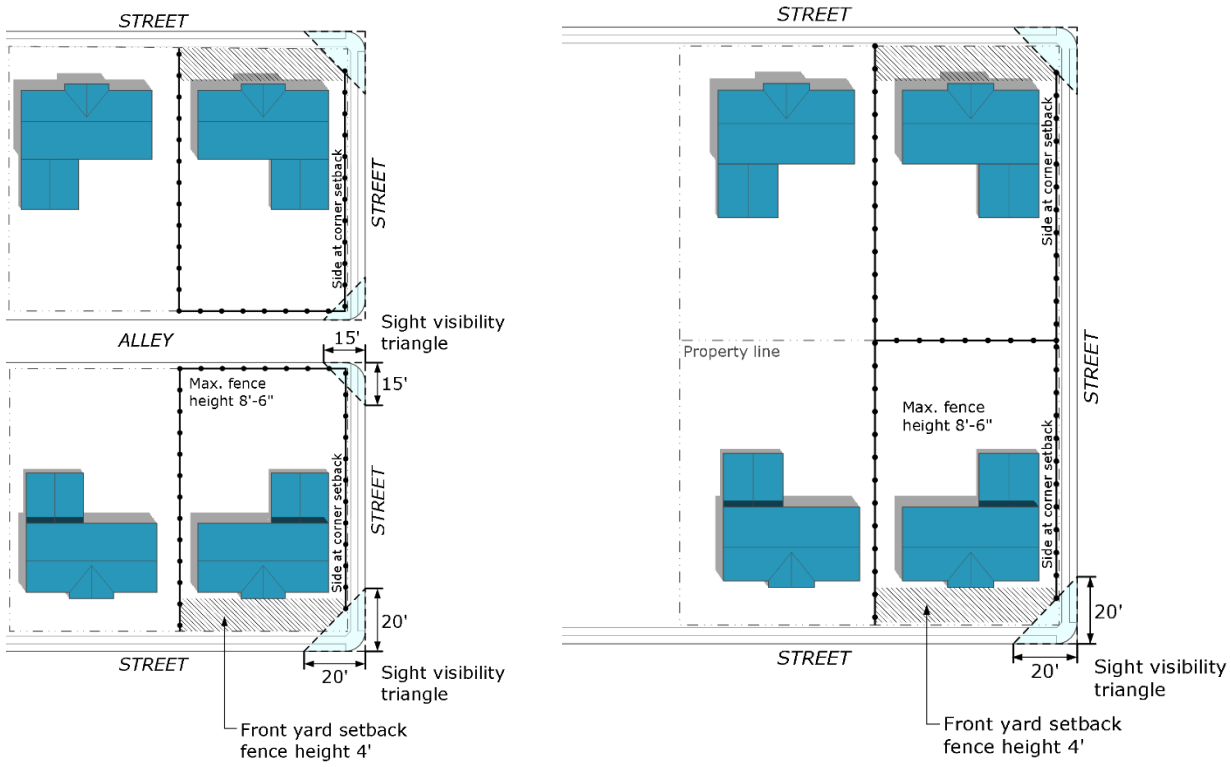



**Figure 7-2: Corner Lots with Opposing Rear Lots Lines**

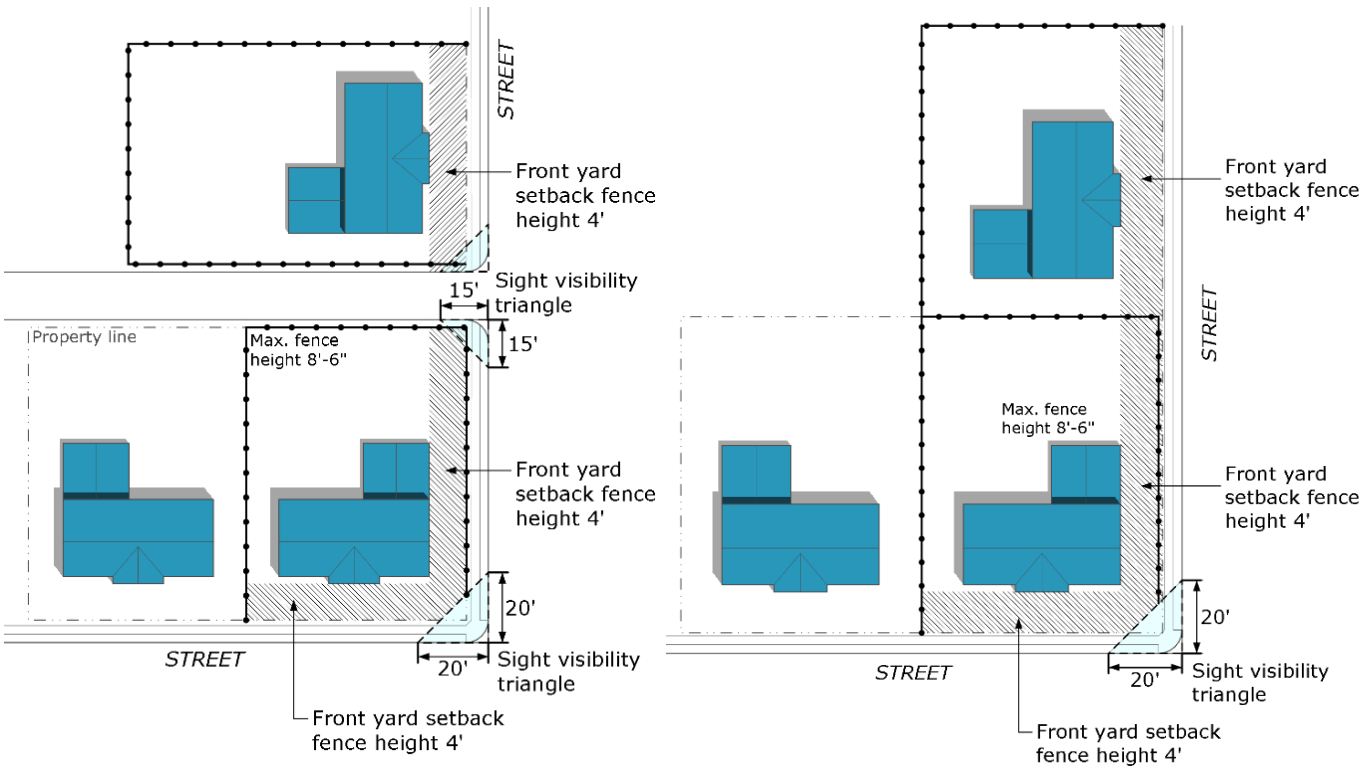



**Figure 7-3: Corner Lots, Fence or Wall Heights**

## C. Swimming Pool Enclosures

All swimming pool enclosures shall comply with the following:

1. Residential pools shall conform with the International Swimming Pool and Spa Code for pool fencing standards, as amended; and
2. Public pools, including homeowners' association and apartment complex pools, shall conform with the most current edition of the International Swimming Pool and Spa Code adopted under Texas Local Government Code, Chapter 214, Subchapter C, by the City.
3. Every swimming pool, or excavation designed or intended to ultimately become a swimming pool, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool or excavated area in such a manner as to make such pool or excavated area reasonably inaccessible to small children or animals. This provision shall not apply to:
   a. Bodies of water other than swimming pools that are owned or controlled by the federal government, state, county or any agency, subdivision or department thereof; and
   b. Bodies of water located in natural drainageways.
   c. All plans submitted to the City for swimming pools to be constructed shall show compliance with the requirements of this section, and the final inspection and approval of all pools constructed shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant, or licensee.

## D. Fence Prohibitions

### 1. Sight Visibility at Intersections

No fence shall be constructed in the triangle formed by measuring 20 feet back from the intersection of two streets or 15 feet back from the intersection of a street and an alley. The Director of Engineering may require additional sight distances to be maintained where specific conditions render such provisions necessary to provide for the public health and safety.

### 2. Construction within Drainage Easements

No fence shall be constructed within any drainage easement unless the City determines such fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement.

### 3. On or Over City Property

No privately owned fence, wall, screening device, or associated guy wires, braces, or any other part of a privately owned fence shall be constructed upon or caused to protrude over public right-of-way or other property owned by the City, unless otherwise approved by an agreement with the City.

# Article 8: Stormwater Management

## 801 General Regulations

### A. Purpose

This Article sets forth the minimum requirements necessary to provide and maintain a safe, efficient, and effective drainage system within the city and to establish the various public and private responsibilities for the provision thereof. Further, it is the purpose of this Article to:

1. Protect human life, health, and property;
2. Minimize the expenditure of public money for building and maintaining flood control and storm drainage projects and cleaning sediment out of storm drains, streets, sidewalks, and watercourses;
3. Minimize damage due to drainage and erosion to public facilities and utilities, such as water and gas mains, electric service, telephone and sewer lines, streets, and bridges;
4. Help maintain a stable tax base and preserve land values;
5. Ensure that potential buyers are notified that property is in an area of special flood hazard;
6. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
7. Preserve the natural beauty and aesthetics of the community;
8. Control and manage stormwater runoff, and the sediment load in that runoff from points and surfaces within subdivisions;
9. Establish a reasonable standard of design for development that prevents potential flood and erosion damage; and
10. Reduce the pollutant loading to streams, ponds, and other watercourses.

### B. Authority and Jurisdiction

1. The legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, §16.315, delegated to local governmental units the responsibility to adopt regulations designed to minimize flood losses. Therefore, the City has adopted this Article as follows.
2. The Director of Engineering shall be responsible for interpreting and administering this Article, unless otherwise stated herein.

### C. Findings of Fact

1. The drainageways, creeks, and flood hazard areas of the city are subject to periodic inundation that may result in the loss of life and property, health, and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affects the public health, safety, and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains that increase flood heights and velocities and by placing structures and other improvements that are vulnerable to floods in flood hazard areas.
3. The development of land causes large quantities of soil to be displaced and transported to downstream locations. This soil displacement can create significant soil erosion and sedimentation problems. Erosion is a dangerous activity in that it contaminates water supplies and water resources. A buildup of sediment degrades water quality, destroys valuable environmental resources, and clogs watercourses and storm drains, which can cause flooding, thereby damaging public and private lands and property. These problems result in a serious threat to the health, safety, and general welfare of the city.

4. Creek and floodplain areas in the city are valuable resources to the citizens of the city in that they provide recreational opportunities, improve the aesthetics of the community, convey stormwater runoff, and filter out water quality pollutants. As valuable resources, creeks and floodplains warrant protection.
5. The development of land can cause significant changes in the manner, quality, frequency, rate, and volume of stormwater runoff entering a stream or lake. Changes in stormwater runoff can upset the natural balance of erosion and deposition in lakes and streams resulting in increased flooding and loss of bank stability, thus endangering adjacent public and private improvements and causing impacts to lake and stream characteristics that are generally viewed as negative.

## D. Stormwater Management Policy

### 1. Purpose

Stormwater management policies shall govern the planning, design, construction, operation, and maintenance of storm drainage and erosion control facilities within the city. This stormwater management policy is written for purposes of instruction to City staff to give guidance to draft changes to our current stormwater ordinance. For this policy to be enforceable, the ordinance must be amended to reflect this policy and approved by the City Council through a public hearing process.

### 2. Design Standards

It is the policy of the City to adopt and maintain design standards that protect and provide for the safety and general welfare of the community.

### 3. Drainage and Erosion Control Standards

It is the policy of the City to implement drainage and erosion control standards to minimize flood damage and soil erosion to private and public facilities within the community and to protect water quality.

### 4. Review and Permit Process

The review and permit process established under §802, *Administration* of this Article shall be utilized by the City to provide control of development activities related to erosion control and stormwater runoff through natural and constructed facilities.

### 5. Implementation

These stormwater management policies are defined by stormwater management ordinance No. 1773, adopted on February 16, 1988, and amendments thereto. All amendments, additions, or modifications to this Article are considered effective upon the date of acceptance, in whole or in part by the City. These stormwater management policies shall apply to any stormwater management system improvement not having plans released for construction on or before the date of City Council approval of revised ordinance provisions.

### 6. Stormwater Management Ordinance and Engineering Design Standards

The stormwater management ordinance and engineering design standards have been adopted by official action of the City of McKinney City Council. The stormwater management ordinance and engineering design standards, as they may be amended from time to time, are part of the official stormwater management plan for streams, channels, NRCS dams and lakes, and pipe drainage systems to the limits shown in the engineering design standards. Deviations will not be permitted unless the following criteria are met:

- **a.** It can be clearly shown by approved procedures that the deviation will not adversely affect conditions either upstream or downstream of the point of deviation;
- **b.** The owners directly affected by the deviation are in agreement; and
- **c.** The deviation is not in conflict with any other plans adopted by the City.
- **d.** Request for deviation shall be approved by the Director of Engineering.

### 7. Relocation and Reclamation

To implement stormwater control measures in existing areas of private ownership, the City may consider the acquisition of private land or the relocation and reclamation of existing developed areas.

## E. Scope of Authority

Except as exempted by §806, *Erosion Control Regulations, Applicability,* any person, firm, public utility, corporation, or business proposing to develop land or improve property within the jurisdiction of the City is subject to the provisions of this Article. This Article shall also apply to individual building structures, subdivisions, excavation and fill operations, and similar activities.

## F. Applicability

This Article shall apply to all areas of land within the incorporated limits and extraterritorial jurisdiction of the city. Certain provisions of this Article apply only to special flood hazard areas within the jurisdiction of the city, while other provisions exempt certain other tracts. These limited areas of application are explained in §805A, *Floodplain Regulations, Applicability,* and §806A, *Erosion Control Regulation, Applicability.* The erosion control provisions of this Article do not apply to land under active agricultural use. As soon as construction or modification to the lands under active agricultural use is proposed so that the use of land will change from agriculture to any other use, then the provisions of this Article shall be applicable to the previously exempted land.

## G. Establishment of Special Flood Hazard Areas

The areas of special flood hazard, identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Collin County, Texas and Incorporated Areas," dated June 7, 2017, with accompanying flood insurance rate maps dated June 7, 2017, and any revisions thereto, are hereby adopted by reference and declared to be a part of this Article. The flood insurance study is on file in the office of the Director of Engineering.

## H. Abrogation and Greater Restrictions

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## I. Interpretation

In the interpretation and application of this Article, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

## J. Warning and Disclaimer of Liability

The degrees of flood, storm drainage, and erosion protection required by this Article are considered reasonable for regulatory purposes and are based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the areas of flood hazard or uses permitted within such areas will be free from flooding or flood damages. In addition, this Article does not imply that erosion controls will survive inundation by runoff from storms greater than the design flood for erosion controls. This Article shall not create liability on the part of the City, any officer or employee thereof, or FEMA for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

## K. Regulatory Permits

It shall be the developer's responsibility to secure all regulatory permits associated with development, construction, and drainage improvements. These permits include but are not limited to U.S. Corps of Engineer 404 permits, TCEQ permits, and U.S. Environmental Protection Agency discharge permits.

## L. Maintenance

1. Subsurface public drainage improvements dedicated in rights-of-way, subsurface drainage easements, or by fee simple dedication to the public, and accepted by the City shall be maintained and operated by the City as required to maintain flow in the system.
2. Private drainage systems shall be owned and maintained by a homeowner's association or property owner (where no homeowner's association exists). The City shall not be responsible for maintenance and operations of any private drainage system.

## M. Prohibited Discharges

No person may introduce into any lake, pond, stream, or municipal separate storm sewer system (MS4) within the city:

1. Any pollutants or materials other than stormwater that may have an adverse effect on the environment; may endanger life, health, or property; or constitute a public nuisance;
2. Any discharges that would cause or has the reasonable potential to cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses;
3. Substances specifically prohibited from being discharged into the stormwater system are as follows:
   - **a.** Polluted wastewater or other liquid wastes containing concrete, building materials, oil, chemicals, or other liquid industrial wastes;
   - **b.** Any liquids, solids, or gases, including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, or any other substances that are a fire or other hazard to the system, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fires, explosions, or be injurious in any other way to the facilities or operation of the stormwater system;
   - **c.** Any non-stormwater, groundwater, or process water that is mixed or contaminated with gasoline or oil in concentrations exceeding a total BTEX limit of 0.5 ppm with a maximum allowable benzene concentration of 0.05 ppm or TPH limit of 15 ppm, tested on a weekly basis;
   - **d.** Any non-stormwater having a pH less than 6.5 or greater than 9.0, or any non-stormwater capable of having any other corrosive property capable of causing damage or hazard to the stormwater system;
   - **e.** Petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, transmission fluid, hydraulic fluid, brake fluid, power steering fluid, antifreeze, or other household hazardous wastes;
   - **f.** Solid or liquid substances that may cause obstruction to the flow in storm sewers or other interference with the proper operation of the stormwater system such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, bulk solids, wastepaper, or floatables;
   - **g.** Wastewater or industrial wastes generated or produced outside the city unless approval in writing from the Director of Engineering has been given to the person discharging the wastes in advance of such discharge;
   - **h.** Any noxious or malodorous liquids, gases, or solids, which either singly or by interaction with other substances are sufficient to prevent entry into the stormwater system for maintenance and repair;
   - **i.** Any trucked or hauled pollutants, except at discharge points specifically designated by the City, and subject to any required permits;
   - **j.** Any free or emulsified fats, waxes, greases, or oils;
   - **k.** Trash, junk, refuse, garbage, grass clippings, tree limbs, tree branches, leaves, brush, or firewood;
   - **l.** Any non-stormwater containing, but not limited to, detergents, surfactants, phosphates or cleaning residues generated from commercial car washing or cleaning services;

**m.** Swimming pool or spa water containing detectable levels of chlorine, acid, or filtering agent; or

**n.** Discharges in violation of a TPDES industrial or general construction stormwater permit.

**4.** Any person subject to an industrial or general construction TPDES stormwater permit shall comply with all provisions of such permit. Upon inspection of the facility or site during any enforcement proceeding or action, or for any other reasonable cause, proof of compliance with said permit may be required in a form acceptable to the Director of Engineering.

## N. Allowable Discharges

Discharge from the following sources shall not be considered a source of pollutants to the storm sewer system, the waters of the state, or waters of the United States when properly managed to ensure that no potential pollutants are present, unless determined to cause a violation of the provisions of the Clean Water Act or this Article:

**1.** Water line flushing, excluding discharges of hyper-chlorinated water, unless the water is first de-chlorinated and discharges are not expected to adversely affect aquatic life;

**2.** Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

**3.** Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;

**4.** Diverted stream flows;

**5.** Rising ground waters and springs;

**6.** Uncontaminated ground water infiltration;

**7.** Uncontaminated pumped ground water;

**8.** Foundation and footing drains;

**9.** Air conditioning condensation;

**10.** Water from crawl space pumps;

**11.** Individual residential vehicle washing;

**12.** Flows from wetlands and riparian habitats;

**13.** De-chlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;

**14.** Street wash water excluding street sweeper waste water;

**15.** Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

**16.** Other allowable non-stormwater discharges listed in 40 CFR §122.26(d)(2)(iv)(B)(1);

**17.** Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;

**18.** Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted;

**19.** Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges; and

**20.** Any other non-stormwater discharges that are specifically exempted in writing by the City and which are not a source of pollutants to the municipal separate storm sewer system or the waters of the state.

## O. Illicit Connections

The construction, use, maintenance, or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, any illicit connections made in the past, regardless of whether the said connection was permissible under law or practices applicable or prevailing at the time of connection.

## P. Penalties

Any person, firm, or corporation violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in §108D, *Violations and Penalties.* Each and every day such offense continues, or is continued, shall constitute a new and separate offense. In addition, the violator shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. Section 802C.3, *Proceeding without Applicable Permits,* states an additional penalty against persons proceeding with construction without obtaining the necessary permits from the city. Section 806F, *Enforcement*, states the possible additional penalty for any private property owner, developer, or builder who is in violation of the erosion control guidelines.

# 802 Administration

## A. Duties of City Officials

The Director of Engineering or designee is hereby appointed to administer and implement this Article and other appropriate sections of 44 CFR (Emergency Management and Assistance National Flood Insurance Program Regulations) pertaining to floodplain management. The duties of the Director of Engineering shall include, but not be limited to:

1. Reviewing and approving or disapproving all development permits to determine that the permit requirements of this Article have been met and that all necessary, local, state, and federal permits have been obtained;
2. Submitting and enacting the components of the municipal stormwater management program as required by TCEQ;
3. Obtaining and recording the actual elevation in relation to mean sea level of the finished pad for all new residential or commercial building sites;
4. Maintaining for public inspection all records pertaining to the provisions of this Article, including floodproofing certifications;
5. Notifying adjacent communities and the state coordinating agency, the Texas Water Development Board (TWDB), and also the Texas Commission on Environmental Quality (TCEQ) prior to any alteration or relocation of a watercourse and submitting evidence of such notification to FEMA;
6. Requiring that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
7. Making interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions;
8. Obtaining, reviewing, and reasonably utilizing any base flood elevation data available from a federal, state, or other source in order to administer this Article when base flood elevation data has not been provided;
9. Inspecting sites to determine compliance with the erosion control guidelines; and
10. Reviewing and allowing any appropriate modifications to the residential lot drainage requirements.

## B. Responsibilities of Owners

1. The owner or developer of a property shall be responsible for all storm drainage flowing through or abutting such property. Construction of stormwater detention facilities only relieves the owner or developer of any responsibility for off-site drainage improvements with the exception of the NRCS lakes provisions of this Article and does not relieve an owner or developer of the responsibility for improvements on-site or adjacent to a proposed development. This responsibility also includes drainage directed to that property by ultimate development as well as the drainage naturally flowing through the property by reason of topography.
2. The owner, builder, or developer of a property shall be responsible for any silt or soils transported from the property by drainage.
3. Where the improvement or construction of a storm drainage facility is required along a property line common to two or more owners, the owner hereafter proposing the development of the property shall be responsible for obtaining the necessary permits, making the required improvements at the time of development, and acquiring or dedicating the necessary rights-of-way or easements to accommodate the improvements. The initial owner or developer may recover a portion of the cost from the adjacent owner or developer in accordance with a predetermined facilities agreement.
4. Where an applicant proposes development or use of only a portion of the property, provisions for storm drainage and erosion control shall only be required in that portion of the property proposed for immediate development, except as construction or improvements of a drainage facility or erosion controls outside that

designated portion of the property are deemed essential to the development of that designated portion or if the remainder parcel is not large enough to support the required improvements financially.

5. Floodplain and surface drainage easements shall be maintained by the property owner; save and except subsurface structure maintenance as provided by §801L, *Maintenance*; or where maintenance is otherwise expressly assumed by the City. Regardless of maintenance responsibility, adequate maintenance easements and physical access alongside and to and from the easements so conveyed shall be provided.

6. The owner and developer shall use their best efforts to protect trees and vegetation during and after all development activities. To the extent practicable, trees removed along natural channels by stormwater improvements shall be replaced in accordance with the city's tree preservation ordinance, as described in §405.

## C. Plat Approval and Development Permit

The City has several approval processes and permits related to storm drainage and floodplains. These processes and permits are listed below and explained in detail in the following subsections.

### 1. Platting Process

In accordance with the City's subdivision regulations, a construction plan and profile sheets for all public improvements, including drainage facilities, shall be submitted with the final plat. Approval of the final plat is contingent upon the City's approval of the construction plans. The required information to be shown on the construction plans for drainage facilities can be found in the engineering design standards. Platting of public drainage systems, drainage channels, and floodplains requires:

**a. Dedication of Drainage Easements**

Public drainage systems designed to convey the design storm runoff shall be contained within a drainage easement or a floodplain easement or property dedicated to the public for that purpose. Drainage easements shall be established such that no parcel will be landlocked as a result of the platting action.

**b. Platting of Property along Drainage Channels**

Future platting along streams and drainage channels within the 100-year floodplain, based on fully developed watershed conditions, will require dedication of a floodplain easement. The developer platting the property shall enter into a hold-harmless agreement with the City on behalf of the current and future landowners, or shall include language on the final plat, approved by the city, that relieves the City of any responsibility for future channel or bank stabilization or tree protection measures along the channel. The final plat language shall identify and obligate the responsible party(s) to address any sediment, erosion, or flooding related issues emanating from the reach of the creek in question that is adversely affecting private property. The agreement shall be filed for record with Collin County and shall be a covenant running with the land clearly obligating current and/or future owners to the conditions of the agreement.

**c. Platting of Detention/Retention Facilities**

Detention and retention facilities and all associated appurtenances shall be contained within a drainage easement. The final plat shall include language that obligates the property owner to perform all maintenance of stormwater detention and retention facilities consistent with requirements of the Engineering Design Manual and shall hold the City harmless from and against any damages to persons, to the owner's lot, or any other affected lot arising from such maintenance or lack thereof.

**d. Erosion Hazard Setbacks**

Erosion hazard setbacks will be utilized to provide stream bank protection for all streams within the City. In all cases, a buffer shall be created and protected by easement for the determined setbacks. The setback limits may be altered through mechanical stream bank protection if such mechanical stabilization is approved by the Director of Engineering and final platted consistent with the protected bank area. Where erosion hazard setback easements are established, no building, fence, wall, deck, swimming pool, or other structure shall be located, constructed, or maintained within the area encompassing the setback. The exception to this restriction shall be any hike and bike trail dedicated to the City which may be constructed within the outer 10 feet of the determined erosion hazard setback

easement or as otherwise determined appropriate by the Director of Engineering. The setback requirement for each stream or channel shall be determined as described in the Engineering Design Manual and shall be shown on the final plat. The channel and the area adjacent to the channel shall be platted as a common area lot to be owned and maintained by the applicable homeowners' association. This common area lot shall encompass all of the erosion hazard setback easement. Commercial developments are exempt from platting the erosion hazard setback easement as a dedicated common area.

### 2. Development Permit (Floodprone Areas)

All developers, owners, or builders shall submit a floodplain application and obtain a development permit before beginning any projects in floodplain areas, such as constructing new buildings and infrastructure, filling land, altering waterways, substantially improving existing structures located in flood hazard areas or channelizing, impounding, realigning, deepening or other altering of a natural drainageway. Application forms can be obtained from the Director of Engineering. The Director of Engineering uses the application, along with duplicate copies of the accompanying engineering or architectural plans, to identify those construction or renovation projects that would occur in a special flood hazard area. The Engineering Design Manual identifies the information that must be submitted to the Director of Engineering as part of the permit application. Construction or renovation projects cannot begin until the city issues the development permit, and building permits cannot be issued before obtaining a development permit.

### 3. Proceeding without Applicable Permits

Any developer, owner, or builder who fails to obtain a development permit before beginning a project is in violation of this Article. In addition to the penalties outlined in §801P, *Penalties*, no building permit, plat, Site Plan, certificate of occupancy, or other use permit shall be issued for any construction, reconstruction, or development upon any land where such construction, reconstruction, or development is not in conformity with the requirements and intent of this Article. Anyone who violates any of the terms and provisions of this Article shall be denied the use permit until the violation is corrected. The City floodplain administrator shall not approve or forward application materials for altering the federal flood insurance maps to FEMA until the application materials comply with the terms of this Article. No land disturbing activity for development purposes may be undertaken on undeveloped land until a Site Plan has been approved and a development or building permit has been issued. Plans for any associated land disturbing off-site improvements shall be submitted and approved along with the Site Plan. Any infrastructure construction not related to a Site Plan shall require approval of construction plans prior to issuance of a development permit.

### 4. Deviations from Permit Terms

Permits may be revoked by the Director of Engineering if, upon periodic inspection, it is determined that the work is not progressing in accordance with specifications of the approved plan and permit, or if the Director determines that erosion from a building or construction site is not being controlled in a satisfactory manner.

### 5. Field Changes to Storm Sewer Plans; Record of As-Built Drawings

Field changes to storm sewer plans can be made upon the approval of the Director of Engineering. Record of as-built drawings of storm sewers shall be submitted to the Director of Engineering at the completion of the project.

## D. Plan Requirements

Application materials and plan requirements for storm sewers or floodplain alterations are listed below. All engineering plans for storm sewers, floodplain alteration projects, and tracts greater than 1 acre in size shall be sealed by a professional engineer who is registered in the state and experienced in civil engineering work. The total cost for preparing the engineering plans and implementing the plans shall be borne by the applicant.

### 1. Storm Drainage Plans

Storm drainage plans shall be prepared in accordance with the Engineering Design Manual.

### 2. Application Materials for Development Permits

**a.** Owners or builders who are proposing to renovate existing structures or construct new structures shall apply for a building permit. Prior to submitting an application for a building permit, the owner or builder shall determine whether the property on which such existing or proposed structures are situated, or will be situated, is located within a floodprone area. If the property is located within a floodprone area the owners or builders shall submit a floodplain application. Such floodplain application shall be submitted and approved by the City prior to the owner's or builder's submission of an application for a building permit. If the owner or builder fails to obtain approval before submitting an application for building permit and the City's floodplain administrator and/or City staff determines during the permit review that the proposed project is located in a floodprone area, then any further review and approval of a building permit shall be suspended and withheld until such time as the building permit applicant applies for and receives approval through the Director of Engineering as provided in §802C.2, *Development Permit (Floodprone Areas)*. The owner or builder shall submit for review duplicate copies of the appropriate materials as required by the Engineering Design Manual.

**b.** Owners or developers who are proposing to build or expand subdivisions shall submit a floodplain application and a development permit application as provided in §802C.2, *Development Permit (Floodprone Areas)*. If the owner or developer proposing to build or expand a subdivision fails to obtain a development permit before submitting an application for a building permit and the city staff determines the proposed work to be in floodprone areas, then any further review and approval of a building permit shall be suspended and withheld until such time as the applicant applies for and receives approval through the Director of Engineering as provided in §802C.2, *Development Permit (Floodprone Areas)*. The owner or developer shall submit for review copies of the additional appropriate materials outlined in the Engineering Design Manual.

**c.** It is recommended that applicants coordinate the application materials listed with those needed with other city permits and with the data requirements of FEMA. Such coordination will facilitate staff review, and drawings could be combined to save the applicant from making multiple drawings.

### 3. Water Quality Protection

McKinney's stormwater management program requires that all new development and redevelopment projects provide water quality protection by implementation of post construction, structural, and non-structural best management practices. Prior to the start of construction activities for both new development and redevelopment, developers and/or builders must submit a detailed post construction water quality protection plan, incorporating current and appropriate best management practices to the Director of Engineering for review and approval. A maintenance plan for the approved water quality BMPs must be included with the plan submittal. Maintenance performance for the approved plan shall be the responsibility of the HOA or property owner and this maintenance performance responsibility must be clearly indicated on the final plat. The specific requirements for a water quality protection plan and guidelines for water quality protection BMPs can be found in the Engineering Design Manual.

## E. Appeal and Variance Procedure

### 1. Appeal

Any person aggrieved by a decision of the Director of Engineering regarding the application of this Article may appeal from any order, requirement, decision, or determination of the Director of Engineering to the City Manager. The aggrieved person shall file an appeal in writing with the City Manager within 10 days from the date of the decision. If no resolution of the appeal can be reached with the City Manager, the City Council shall hear the appeal within 30 days from the date received by the City Manager.

### 2. Variance

**a.** Variances concerning development permits may be issued by the City Council for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.

**b.** Variances for any type of permit or storm sewer facilities shall be issued only upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard, drainage problems, and soil loss. The variance shall be issued only upon meeting all three of the criteria below:

**I.** A showing of good and sufficient cause;

**II.** A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

**III.** A determination that the granting of a variance will not result in additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws.

**c.** Any applicant to whom a variance for building or renovating in a floodplain is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**d.** In considering variance requests, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, and the:

**I.** Danger that material may be swept onto other lands to the injury of others;

**II.** Danger to life and property due to drainage, flooding or erosion damage;

**III.** Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

**IV.** Importance of the services provided by the proposed facility to the community;

**V.** Necessity to the facility of a waterfront location, where applicable;

**VI.** Availability of alternative locations for the proposed use that are not subject to flood damage;

**VII.** Compatibility of the proposed use with existing and anticipated development;

**VIII.** Relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;

**IX.** Safety of access to the property in times of flood for ordinary and emergency vehicles;

**X.** Expected heights, velocity, duration, rate of rise, and sediment transport by the floodwaters and the effects of wave action, if applicable, expected at the site; and

**XI.** Costs of providing governmental services during and after storm events, including maintenance and repair of public utilities and facilities, such as streets, bridges, and sewer, gas, electrical, and water systems.

**e.** Upon consideration of the factors listed above and the purposes of this Article, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

**f.** The Director of Engineering shall maintain the records of all appeal actions, including technical information, and report any variances of the floodplain management portions of this Article to FEMA upon request.

# 803 Drainage Requirements

## A. Impact of Runoff on Downstream Facilities

**1.** Stormwater runoff, based on fully developed watershed conditions, is allowed from all new developments provided that throughout the downstream zone of influence:

**a.** The receiving drainage facilities and/or natural channels have the capacity to convey the fully developed 100-year storm event with appropriate freeboard,

**b.** The fully developed 100-year storm event is conveyed within public right-of-way or existing drainage and/or floodplain easements, and

**c.** The increased volume of runoff does not have an adverse impact on downstream properties.

**2.** If the conditions of the first paragraph are not met, the developer shall:

**a.** Construct on-site detention facilities to limit the peak discharge of the development to pre-project levels for both the 5-year and 100-year storm events at the point(s) of discharge, or for such other storms that may cause an adverse impact; or

**b.** Construct off-site improvements and/or acquire off-site easements such that the conditions of the first paragraph are met.

**3.** A downstream assessment may be required if the Director of Engineering has reason to believe that on-site detention may increase the fully developed 100-year peak flow due to coincidental peaks. If the assessment demonstrates coincidental peaks, on-site detention facilities will not be an acceptable option. Downstream improvements may be required if downstream capacity and easements are inadequate to convey the increased site flow. This will be determined by the Director of Engineering on a case-by-case basis.

## B. Drainage Improvements Required for Development

**1.** All drainage systems, whether upstream, downstream, or on-site, shall be designed for fully developed watershed conditions, unless directed otherwise by the Director of Engineering. All drainage systems shall be designed in accordance with the Engineering Design Manual.

**2.** All developments shall provide for any new drainage facilities, the improvement of any existing drainage facilities, channel improvements, grading, driveway adjustments, culvert improvements, or any other improvement, drainage facility, or work that is necessary to provide for the stormwater drainage needs of the development and to protect property situated downstream of the development. At all storm sewer outfall points, discharges shall be limited to non-erosive velocities or the discharge point shall be stabilized by the developer.

## C. Drainage of Residential Lots

Existing drainage between developed lots will remain the responsibility of the affected property owners. New development is required to drain surface runoff from an individual lot to a public right-of-way or to a drainage system contained in a drainage easement. The Director of Engineering shall have the discretion to allow modifications to the lot-to-lot drainage requirements where adherence to these requirements would be in conflict with the tree preservation ordinance where the lot size is one quarter acre or larger, or within the Historically Significant Area, and it is determined by the Director of Engineering to not pose a burden on a future property owner.

# 804 Special Drainage Facilities

## A. Lakes and Dams

**1.** All existing dams located on a property to be developed shall meet the criteria listed below and current TCEQ dam safety standards. If necessary, the property owner or developer shall upgrade existing dams to meet the criteria listed below and current TCEQ dam safety standards.

**2.** In the event that a property owner or developer desires to modify an existing pond or lake or desires to impound stormwater by filling or constructing an aboveground dam, thereby creating a lake, pond, lagoon, or basin as part of the planned development of that property, the criteria listed below shall be met before city approval of the impoundment can be given. Ponds or lakes created by excavation of a channel area without erecting a dam above natural ground elevation or in-stream low water check dams are also subject to the criteria listed below, with the exception of spillway capacity requirements. The Director of Engineering has the final authority to determine the design criteria for a proposed dam, check dam, or excavated lake. The requirements of the state must also be met for the construction of dams, lakes, and other impoundments.

**3.** The design criteria for a dam are dependent on the size and hazard classification of the dam. The size and hazard classification will be based on the recommended guidelines adopted by the Texas Commission on Environmental Quality (TCEQ) under Texas Water Code §12.052, which provides for the safe construction, maintenance, repair, and removal of dams located in the state, and will be determined by the Director of Engineering based on information furnished by the owner. The following criteria will be used to classify a dam:

**a. Size**

The classification for size is based on the height of the dam and storage capacity, whichever gives the larger size category. The term "height" is defined as the distance between the top of the dam and the existing streambed at the downstream toe. The term "storage" is defined as the maximum water volume impounded at the top of the dam.

**b. Hazard Classification**

The hazard classification for a dam is a measure of the potential loss of life, property damage, and/or economic impact of the area downstream of the dam in the event of a failure or malfunction of the dam and/or any appurtenant structures.

**c. Spillway Design Flood**

**I.** The classification of a dam based on the above criteria will be used to determine the spillway design flood (SDF). The total capacity of a dam structure, including principal and emergency spillways, shall be adequate to pass the SDF without exceeding the top of dam elevation. The SDFs for various dam classifications are shown in the Engineering Design Manual.

**II.** In all cases, the minimum principal spillway design capacity is the total 100-year inflow design flood assuming fully developed upstream conditions.

**III.** In all cases, a dam breach analysis shall be required to determine the proper hazard classification of the structure. A dam breach analysis is required to determine the downstream consequences of a failure for all dams over 6 feet in height. If the consequences of a breach failure are determined to pose a significant threat to life or properties, the spillway design flood will be equal to the probable maximum flood (PMF). All dams shall be constructed with a minimum freeboard of two feet above the SDF elevation except in the case of dam designed to pass the PMF, which will have top of dam set at the maximum water surface achieved by the passage of the PMF. *See* §6.4.3, Natural Resources Conservation Service (NRCS) Lakes, for NRCS dam requirements.

### 4. Maintenance and Liability Criteria

**a.** The owner or developer shall retain their private ownership of the constructed lake, pond, lagoon, or basin and shall assume full responsibility for the protection of the general public from any health or safety hazards related to the lake, pond, lagoon, or basin constructed. For NRCS assisted watershed dams, the land and lakes are in private ownership, with operation and maintenance of the dam and its appurtenances provided by the city or by the county and the County Soil and Water Conservation District.

**b.** The owner or developer shall assume full responsibility for the maintenance of the lake, pond, lagoon, or basin constructed. The owner or developer shall keep the Director of Engineering advised of the currently responsible agent for this maintenance.

**c.** The developer shall develop and submit an Emergency Action Plan (EAP) for any dam associated with the above as required by TCEQ. A copy of the EAP shall also be provided to the Director of Engineering.

## B. Natural Resources Conservation Service (NRCS) Lakes

**1.** There are a number of Natural Resources Conservation Service (NRCS) assisted watershed dams and lakes within the city limits and extraterritorial jurisdiction of the city. These dams and lakes were constructed to NRCS (previously Soil Conservation Service) and TCEQ standards. Although the land and lakes are in private ownership, the dams are maintained according to the operations and maintenance agreement pertaining to each dam. NRCS lakes provide stormwater retention and water quality enhancement as a design feature. This retention volume was considered in the design of the structure and shall be maintained with regard to their original design to collect silt from stormwater runoff and to provide regional flood control. The city is responsible for floodplain management of those areas upstream, downstream, and adjacent to the lakes.

**2.** The city shall control future development upstream, downstream, and adjacent to all NRCS dams and lakes. Planning for future development that impacts on or is impacted by NRCS dams shall require a detailed engineering study to provide a technical basis for development. Design for upgrading dams shall comply with other sections of this Article and the Engineering Design Manual. Furthermore, the dam shall be upgraded as follows:

**a.** Provide principal spillway capacity adequate to discharge the routed 100-year flood event based on fully developed watershed conditions and limited to constraints including both hydraulic capacity and channel stability immediately downstream;

**b.** Provide total capacity of the dam structure, including principal and auxiliary spillways to accommodate the probable maximum flood (PMF);

**c.** Maintain existing flood storage and planned sediment storage capacities;

**d.** Prohibit upstream development within the contour line determined by the auxiliary spillway crest elevation plus two feet, or the routed 100-year flood elevation (based on fully developed watershed conditions and the improved dam) plus two feet, whichever elevation is greater. In addition, the areas required for reasonable maintenance access to the lake, dam, and associated appurtenances and for safe operation of the spillway for the existing and rehabilitated dam shall be preserved and protected from encroachment through easement. These easements shall be described by a metes and bounds survey; and

**e.** Restrict development and improvements within the floodplain established by a breach flow analysis from the dam to the downstream limit of the dam breach impact. Commercial development may be allowed below NRCS dams that have been rehabilitated to safely pass the PMF, if conditions warrant and with approval of the Director of Engineering.

**3.** The detailed study of the NRCS floodwater retarding structure shall include an evaluation of the existing lake sediment level.

**4.** At the discretion of the Director of Engineering, a developer may, in lieu of upgrading an NRCS floodwater retarding structure, offer a contribution toward the future upgrade of the structure. However, easements as described in subsection (b)(4) of this section shall be required.

**5.** A metes and bounds description of an easement with elevation two feet above the emergency spillway elevation or an elevation two feet above the routed 100-year flood elevation, whichever is higher, shall be provided on a plat prior to filing.

# 805 Floodplain Regulations

## A. Applicability

Floodplain areas shall include all areas inundated by the fully developed 100-year flood and special flood hazard areas shown in the flood insurance study and on the FEMA flood insurance rate maps for the county dated June 7, 2017, and subsequent amendments thereto. Applicants shall comply with the requirements of this Article for floodplain areas before making substantial improvements to or increasing the outside dimensions of an existing structure or developing land within the floodplain as defined above.

## B. General Floodplain Regulations

Utilization of natural floodplains shall be the preferred consideration in providing stormwater management control within the city. Where maintaining natural floodplains is deemed impractical by the city, structural improvements and drainage systems will be designed and constructed to minimize adverse impact on the floodplain.

### 1. Permitted Uses of Floodplain Areas

**a.** To minimize possible losses of life and property, the following uses are permitted in a floodplain area, provided such uses are also permitted in the underlying zoning district:

**I.** Farms and ranches;

**II.** Local utilities, electrical substation, water reservoir or pumping stations, and water treatment plants;

**III.** Public parks, hike and bike trails and playgrounds, private recreation clubs or areas, private community centers, and golf courses;

**IV.** Parking lots in accordance with §805B.7 provisions e. through g. of this subsection;

**V.** Outside commercial amusements, approved by a Specific Use Permit;

**VI.** Helistops, approved by a Specific Use Permit;

**VII.** Radio, television, or microwave towers and amateur communications towers with a special permit; and

**VIII.** Water quality enhancement facilities such as ponds, wetlands, etc.

**b.** Structures customarily associated with the above uses may be constructed within a floodplain area only if the proposed structure meets the engineering requirements of subsection (l) of this section.

**c.** Open private recreation clubs or areas and private community centers without exterior walls are permitted in floodplain areas. Private facilities listed above, with enclosed walls that could incur damage, are not permitted in floodplain areas.

**d.** Uses and structures other than those permitted above shall not be permitted in floodplain areas.

### 2. Regional Detention/Retention of Stormwater Runoff

Existing NRCS lakes provide for up to 200 acre feet of stormwater retention within the constructed sediment pool as a design feature. This volume was considered in establishment of the design flood and shall be maintained below the level of the designed flood pool, or restored in lakes being improved. In addition, the flood pools of these facilities were sized to accommodate a specific volume of flood storage and this volume shall not be reduced in any case.

### 3. Residential Construction

**a.** New construction in reclaimed floodplain areas and substantial improvements of any existing residential structure in floodplain areas shall have the lowest floor, including basements or fully enclosed areas, elevated to at least two feet above either the base flood or the fully developed 100-year flood elevation, whichever elevation is greater. Pad elevations for residential lots raised out of the floodplain shall be at least 1 foot above the elevation of either the base flood or the fully developed 100-year flood elevation, whichever elevation is greater. Incremental improvements, either at one time or over a period of time, the cumulative cost of which equals or exceeds 50 percent of the market value at the time of the first improvement, shall be considered as a substantial improvement. New residential structures on stilts or behind ring levees serving individual lots shall not be permitted.

**b.** Improvements to an existing residential structure located within a designated floodplain that increase the outside dimensions, but that do not result in making a substantial improvement to that structure, must meet the floodproofing requirements of subsection (l) of this section.

### 4. Non-Residential Construction

**a.** New construction in reclaimed floodplain areas and substantial improvement of any existing commercial, industrial, or other non-residential structure in floodplain areas shall either have the lowest floor, including basements, elevated to at least two feet above either the base flood or the fully developed 100-year flood elevation, whichever elevation is greater, or, together with attendant utility and sanitary facilities, shall:

**I.** Be floodproofed so that, below two feet above the design flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;

**II.** Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

**III.** Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Director of Engineering; and

**IV.** Meet the requirements of subsection (l) of this section.

**b.** Incremental improvements, either at one time or over a period of time, the cumulative cost of which equals or exceeds 50 percent of the market value at the time of the first improvement, shall be considered as a substantial improvement. Improvements to an existing commercial, industrial, or non-residential structure that increase the outside dimensions, but do not result in a substantial improvement, must meet the requirements of subsection (l) of this section.

### 5. Manufactured Homes

**a.** All existing manufactured homes located within either a FEMA or fully developed floodplain shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:

**I.** Over-the-top ties be provided at each of the 4 corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring 1 additional tie per side;

**II.** Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring 4 additional ties per side;

**III.** All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

**IV.** Any additions to the manufactured home be similarly anchored.

**b.** For all new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; for manufactured homes not placed in a manufactured home park or manufactured home subdivision; and for new manufactured homes moved into an existing site in an existing manufactured home park, require that:

**I.** Stands or lots are elevated on compacted fill, so that the lowest floor of the manufactured home will be at least two feet above the design flood elevation;

**II.** Adequate surface drainage and access for a hauler are provided; and

**III.** No new manufactured homes shall be placed in a floodplain, except on a pad site created by compacted fill in which the new pad site is elevated so that the lowest finished floor of the manufactured home is elevated at least two feet above the design flood elevation.

### 6. Recreational Vehicles

A recreational vehicle placed on a site in an SFHA shall:

**a.** Meet the elevation and anchoring requirements for manufactured homes; or

**b.** Be on the site for fewer than 180 consecutive days; or

**c.** Be fully licensed and ready for highway use. "Ready for highway use" means that it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and has no permanently attached additions.

### 7. Streets, Parking Lots, and Bridges

**a.** The top of the curb or street crown of all new streets to be built in reclaimed floodplain areas shall be at least 1 foot above the design flood elevation.

**b.** The low beam of all new bridges to be constructed across floodplains shall be a minimum of 1 foot above the design flood elevation.

**c.** All new private bridges to individual homes shall have their low beams at 1 foot above the design flood elevation.

**d.** To the extent practicable, street crossings and bridges shall be designed such that, if a larger flood or blockage should occur, they do not cause flood damages of areas that would otherwise not flood (overflow back to the creek).

**e.** Parking lots associated with residential uses in reclaimed floodplain areas shall be at least at the design flood elevation.

**f.** Parking lots for commercial and industrial uses may be built at 1 foot below the design flood elevation.

**g.** Parking lots for public parks or playgrounds, private recreation clubs or areas, private community centers, and golf courses may be located below the design flood elevation.

### 8. Utilities

All new and replacement water supply systems, sanitary sewer facilities, and other public utilities shall be designed to minimize or eliminate infiltration of floodwaters into the system. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### 9. Fences

In any floodplain or positive overflow areas, fences (private and public screening) shall be constructed such that blockage or diversion of surface water flow does not occur. No fence having openings less than 10 feet measured horizontally, by 1 foot measured vertically, may be constructed within an effective flow area and perpendicular to the direction of flow unless a flood study is provided showing the fence is completely blocked but does not cause an adverse impact.

### 10. Trees

The planting of trees in existing drainage channels, designated floodways, floodway easements, floodplain effective flow areas, positive overflow areas, or on slopes greater than 4:1 is prohibited unless it is for the purpose of replacing trees destroyed by stormwater improvements as cited in §802B, *Responsibilities of Owners*, or if approved by the Director of Engineering. Trees may be planted outside of these areas, but within the erosion hazard setback, so long as a 15-foot wide maintenance path would not be blocked by the planting of such trees.

### 11. Fill Areas

Where fill is proposed for placement to raise the ground surface, design engineers proposing the reclamation shall demonstrate that the fill will not settle below the design elevation of the fill through proper compaction; and that the fill will be adequately protected from erosion, scour, or differential settlement. Fill slopes shall be permanently protected from erosion losses by grassing, establishing vegetative cover approved by the Director of Engineering, or installing channel linings or stabilization measures when allowed by the other provisions of this Article. Additional fill requirements are included in §6.5, Floodplain Regulations.

### 12. Additional Construction Standards for Structures

All substantial improvements and new construction permitted in a floodplain area must comply with the following requirements:

**a.** Structures must be securely anchored to the foundation to prevent flotation and collapse during inundation and designed to prevent damage to nonstructural elements during inundation.

**b.** Thermal insulation used below the first floor elevation must be of a type that does not absorb water.

**c.** Adhesives must have a bonding strength that is unaffected by inundation.

**d.** Doors and all wood trim must be sealed with a waterproof paint or similar product.

**e.** Mechanical, electrical and utility equipment shall be located above the fully developed 100-year flood elevation.

**f.** Water heaters, furnaces, electrical distribution panels and other critical mechanical or electrical installations must not be placed in basements. Electrical circuits for basements shall be separate from circuits serving floors above the basement, and circuits for basements shall be installed lowered from above.

**g.** Basements are permitted for non-residential structures only if they are designed to preclude inundation by the design flood elevation, either by:

  **I.** The elimination of exterior openings below the design flood elevation; or

  **II.** The use of watertight closures, such as bulkheads and flood shields. However, no basements are permitted in soils whose permeability meets or exceeds the minimum local standards of permeability established for the installation of individual sewer disposal systems.

**h.** Plywood used at or below the lowest floor elevation must be of an exterior or marine grade and of a water-resistant or waterproof variety.

**i.** Wood flooring used at or below the lowest floor elevation must be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

**j.** Basement ceilings for non-residential structures must be of sufficient wet strength and be so installed as to survive inundation.

**k.** Paints or other finishes used at or below the lowest floor elevation must be capable of surviving inundation.

**l.** All air ducts, large pipes and storage tanks located at or below the lowest floor elevation must be firmly anchored to prevent flotation.

**m.** Tanks must be vented at a location above the design flood elevation.

## C. Criteria for Approval of Floodplain Alterations

**1.** No new construction is allowed in floodplain areas, but construction is allowed in those areas that can be reclaimed from the floodplain. Portions of the 100-year floodplain, based on fully developed conditions, may be reclaimed; provided that there is not a significant rise in the water surface elevation, acceptable velocities are maintained, and channel stability is maintained in the reach being reclaimed. Additionally, in any stream with a contributing watershed of 200 acres or more at the point of a proposed development, an equivalent volume of valley storage must be provided in the same reach to offset any fill placed in the floodplain. Arterial roadway and/or pedestrian bridge projects may be exempt from the valley storage requirement. A development permit for floodplain reclamation or alteration for all types of reclamation shall be allowed only if all of the following criteria are met:

- **a.** Alterations shall comply with FEMA guidelines. A portion of the 100-year floodplain may be reclaimed provided there is no upstream or downstream increase in the water surface elevation and acceptable channel stability and velocities are maintained.
- **b.** Any alteration of floodplain areas shall not cause any additional expense in any current or projected public improvements.
- **c.** Maximum slopes of filled areas or excavated areas not in sound rock shall not exceed 3 to 1 (3 horizontal to 1 vertical). Any city-maintained land shall be at least on a 4 to 1 slope regardless of the existence of rock with the following exceptions: When proposed as part of a landscape plan, fill slopes, vertical walls, terracing and other slope treatments may be considered where public safety and maintenance are not jeopardized and where no unbalancing of stream flow or upsetting of the channel's stability results.
- **d.** Alterations to the floodplain are permitted without consideration to the water surface elevations when the entire floodplain is on the owner's, builder's or developer's own property. No rise in water surface elevations of the fully developed 100-year flood event of the creek is permitted on adjacent properties unless the rise is fully contained within a floodplain or drainage easement.
- **e.** Alterations to the floodplain shall not create an erosive or aggradational flow velocity on either side of a natural channel adjacent to floodplain reclamation, whether on- or off-site, in any flood event up to and including the fully developed 100-year flood event.
- **f.** The effects of existing improvements, or public and private improvements for which a future commitment has been made by the city or county, state or federal agencies, shall be used in determining water surface elevations and velocities.
- **g.** The floodplain shall be altered only to the extent permitted by equal conveyance on both sides of the natural channel. The right of equal conveyance applies to all owners and uses, including greenbelt, park areas and recreational usages. Owners may relinquish their right to equal conveyance by providing a written agreement to the city.
- **h.** A proposed swale parallel to the main channel, which swale also ties to the main channel, shall not be more than one-third of the depth of the main channel, as measured down from the top of bank of the main channel, or the water surface elevation resulting from the 1-year flood, whichever is lower. The Director of Engineering may consider an exception to this provision, depending upon the distance between the swale and the main channel and with the provision of appropriate stabilization of the swale outfall. The upstream end of the excavation area shall not tie into the creek, and no excavation shall be closer than 50 feet to the bank of the natural channel, except as necessary to drain. Excavation of lakes may exceed the depth indicated above. In any case, excavation in the floodplain shall not cause or allow a diversion of flood flows outside the FEMA floodway.
- **i.** Relocation or alteration of natural streams shall not be permitted without:
  - **I.** An environmental evaluation, the scope of which will be determined by the Director of Engineering; and
  - **II.** Appropriate permitting by state and federal regulators.

2. The criteria in subsection 1 of this section shall be met before a floodplain, grading and/or development permit can be issued for a proposed project. Typical projects requiring a floodplain permit or a development permit include placing fill, whether or not it actually raises the property out of the floodplain; constructing a dam; straightening channel sections; temporary storage of fill materials, supplies and equipment; creating on- or off-line lakes; installing retaining walls or other creek side-slope protection; changing the streambed gradient; constructing a swale parallel to the main channel; and making improvements, substantial or otherwise, to existing structures in a floodplain in which the existing outside dimensions of the structure are increased.
3. The required submittals for a floodplain, grading or development permit are listed in §802D, *Plan Requirements*. The flood routing and modeling requirements needed for projects involving floodplain areas can be found in the Engineering Design Manual. Flood routing information shall be used to ensure any changes in floodplain valley storage will not cause downstream increases in water surface elevations.
4. Applicants can obtain copies of the existing conditions backwater models and flood-routing where available from the Director of Engineering. These models shall be kept current with modification to the floodplains at the expense of the party making the changes.

## D. Verification of Floodplain Alterations

1. Prior to final city acceptance of utilities and street construction for projects involving floodplain alterations or adjacent to defined floodplains, creeks, channels, and drainageways, a certified statement shall be prepared by a registered professional land surveyor, or a licensed professional engineer, showing that all lot elevations, as developed within the subject project, meet or exceed the required minimum finished pad elevations necessary to create the minimum finished floor elevations as shown on the final plat of the subdivision. This certification shall be filed with the Director of Engineering.
2. In addition, at any time in the future when a building permit is desired for an existing platted property, which is subject to flooding or carries a specified or recorded minimum finished floor elevation, a registered professional land surveyor or a registered professional engineer shall prepare a certified statement that sites are built to the design elevations. The certified survey data showing the property to be at or above the specified elevation shall be furnished to the Chief Building Official for approval. A certificate of compliance with the provisions of this Article, pertaining to specified finished floor elevations, shall be required.
3. The applicants shall furnish, at their expense, to the Director of Engineering the above certifications and any other certified engineering and surveying information requested by the Director of Engineering to confirm that the required minimum floor and pad elevations have been achieved. Save and except as provided in subsection (d) of this section, building permits will not be issued until:
   a. A letter of map revision or amendment has been issued by FEMA; and
   b. Lots and/or sites are certified by a registered professional land surveyor or a registered professional engineer that they are elevated from the floodplain according to FEMA-approved revisions to the floodplain and the requirements of this Article.

# 806 Erosion Control Regulations

## A. Applicability

Private property owners, developers, or builders shall be accountable for the movement of soil from their property or construction site which results in accumulation of sediment in dedicated streets, alleys, lakes, ponds, any waterway, or other private properties. Development activities shall comply with erosion control guidelines established within this Article, as well as those required by the EPA and TCEQ. At its discretion, the city may review and enforce a SWP3 required by state or federal permit. Any accumulation or deposit of soil material beyond the limits of the property or in city streets, alleys, or drainage facilities in an amount sufficient to constitute a threat to public health, safety, and comfort as determined by the Director of Engineering shall constitute a nuisance and violation of this Article.

## B. General Guidelines

1. Erosion and sediment controls must be designed to retain sediment on-site to the extent practicable with consideration for local topography, soil type, and rainfall.
2. Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications.
3. Controls must be developed to minimize the offsite transport of litter, construction debris, and construction materials.

## C. Plan and Permit Required

1. All operators of sites with construction activity, including demolition, clearing, grading, excavation, and landfilling activities, shall be responsible for submitting an erosion control plan for approval by the city. This Article shall apply regardless of whether a responsible party is required to obtain a permit from the city in order to conduct such land disturbing or construction activity. Each erosion control plan required by this Article shall clearly identify all erosion and sediment control measures to be installed and maintained throughout the duration of the project for which that plan is submitted. For residential lots, the standard city erosion control plan found in the residential builder packet shall apply or the builder/contractor may submit an alternative erosion control plan for consideration and possible approval by the city. The responsible party shall install and maintain erosion control devices in accordance with the city approved erosion control plan.
2. Concurrently with the approval of a floodplain, building, or development permit by the city and prior to commencement of land disturbing activities, the builder/contractor or other responsible party shall be responsible for obtaining an approved erosion control plan as the city deems appropriate. The approved erosion control plan shall indicate and apply to all areas within the project controlled by, or coming into the control of, the applicant at the time of issuance. The responsible party shall also be held liable for violations of this Article committed by third parties engaging in activities related to the responsible party's project.

## D. Required Erosion Control Deposit

### 1. Erosion Control Deposit Account

An erosion control deposit shall be posted to ensure implementation and continued maintenance of the city approved erosion control plan. At no time shall the deposit balance fall below an amount as determined from time to time by City Council, or the initial deposit amount, whichever is less (the "required minimum balance"). If the fund has less than the required minimum balance, work on the project shall stop until additional funds are deposited to bring the balance above the amount of the required minimum balance as determined from time to time by City Council.

### 2. Erosion Control Deposit Required

Prior to approval of the development permit for non-residential or multi-family sites greater than 25 acres in area or residential subdivisions, the responsible party shall pay an erosion control deposit to the city in the amount as determined from time to time by City Council.

### 3. Subdivisions

**a.** If a developer has more than one subdivision or multiple phases of a subdivision under construction, a single erosion control deposit account equal to the amount due for the largest of the developer's subdivisions or phases will be adequate (except in the case where a lake is situated within the property being developed where the maximum shall be as determined from time to time by City Council).

**b.** Subdivisions for which the developer certifies that all houses within the subdivision will be sold at no more than the current housing and urban development home maximum per-unit subsidy for Dallas, Texas, shall be exempt from the initial erosion control deposit requirement. The city housing division shall determine whether the subdivision meets these criteria. Upon two or more violations of the erosion control standards of the stormwater ordinance, within an exempted subdivision, the Director of Engineering may, at his discretion, require the erosion control deposit to be paid in full, and may withhold inspections or stop work in the exempted subdivision until the erosion control deposit is paid.

**c.** If the developer sells all of the lots in a subdivision to a single purchaser, that purchaser becomes the responsible party for the subdivision and is liable for any and all violations of this Article and shall post an erosion control deposit as required by this Article. The balance remaining in the original developer's account shall be released as provided herein upon the submission of written proof of transfer of all such lots and a new erosion control deposit is submitted by the purchaser.

### 4. Deductions

**a.** The City may deduct fees/citations from the responsible party's erosion control deposit account if, after multiple notifications, the erosion control devices at the site have not been brought into compliance with the approved erosion control plan.

**b.** The City may, at its sole discretion, cause erosion control devices to be installed or repaired, sediment to be removed, or take other actions necessary to correct the problem. Costs for such work, an administration fee, and reinspection fees may be charged against the erosion control deposit account. Stop work orders may be issued until the total amount of all charges are refunded by the responsible party into the erosion control deposit account. A citation may also be issued for each violation in which the city acts to cure the violation. The responsible party shall have the right of appeal as set forth in §802E.1, *Appeal.*

### 5. Refunds

A developer may request the return of the remainder or balance of his deposit by submitting a written request to the Director of Engineering as follows:

**a.** For single-family residential subdivisions, the request may be submitted after building permits have been issued for 90 percent of the lots within the development and perennial vegetation is fully established along all rights-of-way and common areas. Notwithstanding any partial refund, the developer shall continue to maintain temporary erosion control devices on those remaining lots for which building permits have not been issued and for any other areas upon which permanent erosion control has not been established.

**b.** For multi-family/non-residential subdivisions, the request may be submitted after the project area, including any off-site areas, is fully stabilized, including a perennial vegetative cover, all BMPs are removed, and the NOT has been submitted, if applicable.

**c.** In either case a. or b. above, if the developer fails to request the return of the remainder of his deposit, the city may initiate the refund of the balance to the party making such deposit at the address provided to the city by the developer in the same fashion as a refund requested by the developer. The balance of the deposit remaining in an account after deductions for all violations have been made shall be refunded within 30 days of receipt of the written request. The responsible party shall have the right of appeal as set forth in §802E.1, *Appeal.*

### 6. Charges

Such charges shall be as specified in Appendix A – Schedule of Fees, the amount of which fees amount may be amended from time to time by ordinance.

### 7. Interest

Erosion control deposits posted pursuant to the requirements of this Article shall not accrue interest.

## E. Required Erosion Control Implementation, Maintenance, and Removal

### 1. Erosion Control Plan Implementation and Compliance

Each responsible party shall implement and maintain the erosion control measures shown on its approved erosion control plan in order to minimize the erosion and the transport of silt, earth, topsoil, etc., by water runoff or construction activities, beyond the limits of the responsible party's site onto city streets, drainage easements, drainage facilities, storm drains, or other city property prior to beginning any land disturbing activity. Other than for erosion control, no city inspection of any type may be scheduled or approved on a project or portion thereof until a city approved erosion control plan is implemented by the responsible party.

### 2. Related Land Areas

The erosion control requirements of this Article shall apply to all land areas relating to project construction. This section applies whether or not a building permit is required.

### 3. Removal of Erosion Control Devices

Upon issuance of a certificate of occupancy or upon establishing permanent ground cover on a site or lot, all temporary erosion control devices shall be removed and disposed of legally, and notice of termination as applicable shall be submitted to the state and copied to the city.

### 4. Final Acceptance

Developers, builders, or owners of property shall install the applicable landscape plan and all utilities, including franchise utilities, before final acceptance of a subdivision, property and/or structure. Final acceptance will also be contingent upon having permanent stabilization measures initiated (such as required perennial vegetative cover) and all necessary erosion control measures as approved, installed, and maintained to minimize off-site sediment deposition. The owner shall continue to maintain the erosion control measures until permanent stabilization measures are fully established. A site may be accepted, at the discretion of the Director of Engineering, without erosion control measures, if perennial vegetative cover is established with > 70 percent density and actively growing, and if all conditions of any permits (including 404, SWP3, etc.) have been met prior to acceptance. Any and all off-site areas disturbed during construction must be fully vegetated and established with > 70 percent density and actively growing prior to final acceptance of the project.

**a.** For subdivisions, the developer shall continue to maintain all temporary erosion control devices until permanent stabilization measures have been established on all those lots within the subdivision for which a building permit has not been issued.

**b.** For non-residential or multi-family construction projects requesting phased acceptance, permanent stabilization shall be established prior to the occupancy of the requested phase. Phased occupancy will be allowed only when there are no outstanding erosion control violations for the project for which the request is made.

### 5. Notice of Termination

For all projects, residential or non-residential, the owner shall remove all BMPs and submit a notice of termination (NOT) as applicable to the state and/or federal agency, and copy the city once permanent stabilization is fully established. It shall be a violation to submit an NOT to either the state or federal agency prior to establishment of permanent stabilization and/or removal of BMPs.

## F. Enforcement

### 1. Violations

It shall be an offense for a responsible party or a third party performing work on a project to violate any of the requirements of this Article, including, but not limited to, the following:

**a.** Conducting any land disturbing or construction activity without an approved erosion control plan and any state or federal permits for the location where the violation occurred;

**b.** Failing to install erosion control devices or to maintain erosion control devices throughout the duration of land disturbing activities, in compliance with the approved erosion control plan for the location where the violation occurred;

**c.** Failing to remove off-site sedimentation that is a direct result of land disturbing activities where such off-site sedimentation results from the failure to implement or maintain erosion control devices as specified in an approved erosion control plan for the location where the violation occurred;

**d.** Allowing sediment-laden water resulting from belowground installations to flow from a site without being treated through an erosion control device; or

**e.** Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.

### 2. Notice of Violation

Written notice of violation shall be given to the responsible party or his job site representative as identified in the erosion control plan for a site. Such notice shall identify the nature of the alleged violation and the action required to obtain compliance with the intent of the approved erosion control plan.

### 3. Citation/Stop Work Order

An erosion control inspector shall verify that the erosion control measures are in place prior to and during the permitted activity. If a permittee (which includes the site's owner, his/her contractor, or other agent) does not comply, or is not complying, with any correction notice or erosion control measures, the enforcement process may take the following form in the following order.

**a.** If a responsible party fails to implement or maintain erosion control devices as specified in the approved erosion control plan, the city shall provide such party with written notice of noncompliance identifying the nature of such noncompliance. The responsible party shall have 24 hours to bring the erosion control devices into compliance with the approved erosion control plan for the site where the violation occurred.

**b.** Modifications to the approved erosion control plan may be required to maintain all sediment on-site. Correction may include any or all of the following: sediment clean-up, erosion control device repair, erosion control device maintenance, and/or installation of additional erosion control devices to prevent reoccurrence of the violation. The 24-hour period may be extended for inclement weather or other factors at the discretion of the Director of Engineering.

**c.** At the end of the 24-hour period the city may reinspect the site. If at the time of reinspection the erosion control devices at the site have not been brought into compliance with the approved erosion control plan a reinspection fee shall be assessed.

**d.** If an inspector returns to a site for a third or subsequent inspection because erosion control measures have not been brought into compliance, reinspection fees shall be doubled. In addition, a stop work order shall be issued and no department shall proceed with further inspections until the erosion control measures have been brought into compliance. The stop work order may apply to all sites subject to the erosion control permit or may apply to specific sites, at the discretion of the Director of Engineering. To remove the stop work order the inspection and reinspection fee(s) shall be paid in full and erosion control violations corrected.

**e.** If at any time the erosion control devices at the site have not been brought into compliance with the approved erosion control plan, the city may avail itself of any or all of the following processes, which processes shall not be exclusive:

**I.** Issue a stop work order;

**II.** Revoke the erosion control permit; or

**III.** Issue a citation for each violation of the city's erosion control requirements.

**f.** If any soil or material is deposited, by natural event or by an actor, on the right-of-way adjacent to a site or upon any adjacent site, in violation of any provision of this Article or of any state statute regulating soil erosion, and the identity of the actor (property owner, builder, permittee, or responsible party) cannot be determined, the owner or person in whose name the permit was issued is presumed to be the person who caused or failed to prevent the deposit of soil or material from a site to the adjacent right-of-way or to an adjacent site. This presumption is rebuttable and shall have the effects and consequences set forth in Texas Penal Code §2.05, and as it may be amended. The city records relative to the permit are prima facie evidence of the contents of the record.

**g.** If the erosion control devices have been properly installed and maintained, but the intent of the approved erosion control plan (maintaining sediment on-site) is not met, the responsible party shall take action within 24 hours to control soil eroding from the site and clean up any sediment and shall have five days to submit for review by the engineering department a revised erosion control plan. Work may continue during the review period. Implementation of this new plan will be required within 24 hours of plan approval by the Director of Engineering. If no plan is submitted within five days, then a construction activities stop work order may be issued until a revised plan is submitted and approved.

**h.** The city may issue an immediate construction activities stop work order to any applicant, builder, developer, and/or other responsible person or party when the city finds:

**I.** There is an imminent threat to public health or safety or to private property arising out of any action that violates this section; or

**II.** Actions/inactions by a person have contributed to an actual or threatened illicit discharge to the MS4; or

**III.** A person has proceeded with construction activities without an approved erosion control plan or applicable state or federal permits.

**IV.** In addition to the issuance of a construction activities stop work order, the city may also direct the applicant, builder, developer, and/or any other person or party responsible for the situation or condition giving rise to the issuance of the stop work order to (a) immediately cease and desist all such acts or omissions and (b) clean up, correct, and/or cure said situation or condition.

**V.** The city may at its discretion issue a fee assessment and/or a class C misdemeanor violation citation for each such violation. Each and every day, or part of a day, that such situation or condition continues to exist without correction shall be deemed to constitute a separate violation for which the stop work order shall remain in full force and effect and for which an additional fee assessments or citations may be issued.

### 4. Class C Misdemeanor

Any person, firm, or corporation performing land disturbing activities and violating any of the provisions or terms of this Article and not complying within the time periods stated in this Article shall be deemed guilty of a class C misdemeanor and, upon conviction thereof, be subject to a fine not exceeding $500.00 for each offense, and each and every day, such violation shall continue shall be deemed to constitute a separate offense.

## G. Appeals

### 1. Appeal to Executive Director of Development Services

Upon notice of noncompliance, a responsible party may appeal the city's decision to take deductions from his erosion control deposit pursuant to §806D, *Required Erosion Control Deposit,* by filing a written appeal to the Executive Director of Development Services within 7 days of the city's written notice of its intent to make such deduction for assessments, citations, costs for corrective work, administrative fees, and inspection and reinspection fees as allowed herein. An appeal filed pursuant to this section shall specifically state the bases for the aggrieved party's challenge to the city's authority to take deductions under this Article.

### 2. Standard for Appeals

When reviewing an appeal filed pursuant to this section, the Executive Director of Development Services shall evaluate all evidence submitted. The burden of proving that a violation of this Article occurred shall be on

the City. The City shall provide evidence sufficient to reasonably support a determination that the responsible party failed to comply with the requirements of this Article as alleged by the City.

### 3. Issuance of Opinion by Executive Director of Development Services

Decisions of the Executive Director of Development Services shall be issued within 20 days of the City's receipt of the written appeal. Decisions of the Executive Director of Development Services shall be final.

# 807 Funding of Improvements

## A. On-Site Drainage Improvements

The cost of any drainage system improvements required by the proposed development and located completely within the limits of the proposed development shall be financed entirely by the developer.

## B. Off-Site Drainage Improvements

1. The initial constructing developer shall fund, at the developer's sole cost and expense, the design cost, construction cost, and the cost of the drainage plan necessitated by the proposed development including the impacts from flows up to and including the 100-year flows generated from future improvements to developed and undeveloped tracts within the watershed and those tracts that lie outside the city limits, and all engineering, construction, and other costs, including drainage studies or portions thereof, related to drainage within the watershed.
2. Drainage improvements for streets defined on the thoroughfare plan may be reimbursed with roadway impact fees, following the guidelines established for those fees.
3. The developer shall sign an acknowledgement of payment on a form approved by the city as a condition of receipt of payment and developer shall forward a copy of the signed acknowledgment to the Director of Engineering.

# Article 9: Terms and Definitions

## 901 Terms and Meanings

### A. Meanings and Intent

The provisions, terms, phrases, and expressions in this Code shall be construed according to the general purpose set forth in §102, *Purpose,* and the additional specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in this Code, the specific section's meaning and application of the term shall control.

### B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

### C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, holiday observed by the City, or other day that City offices are not open, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, holiday observed by the City, or other day that City offices are not open. References to days are calendar days unless otherwise stated.

### E. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### F. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are discretionary.

### G. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

### H. Tenses, Plurals, and Gender

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

## I. Titles and Headings

All titles and headings of Articles, sections, or subsections of this Code are to be used for convenience in arrangement only and shall not be construed to alter the intended meaning.

## J. Delegation of Authority

Where this Code cites the authority granted to a City official, such as the Director of Planning or the Chief Building Official, this grant of authority extends to and encompasses any member of staff whom the City official has designated to act under their authority.

# 902 Definitions

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

### 100-Year Fully Developed Floodplain

The area of inundation from a storm event having a one percent chance of being equaled or exceeded in any given year, based upon fully developed watershed conditions.

### Active Agricultural Use

The raising of crops for harvest that requires the cultivation of soil using appropriate soil conservation procedures.

### Administrative Official

The authority within the City of McKinney that is responsible for administering or enforcing all or parts of this Code. This official, depending on the context and the specific circumstances, may be the Chief Building Official, Director of Code Services, Director of Engineering, Director of Parks and Recreation, Director of Planning, Fire Marshal, Executive Director of Development Services, or their authorized representative(s).

### Adverse Impact

#### When referenced in Article 7, Stormwater Management, adverse impact shall mean:

Any negative impact caused by a storm event including, but not limited to, any of the following:

1) Any increase in 100-year peak discharge beyond the capacity of the affected system, including consideration for appropriate freeboard;
2) Any increase in the 100-year flood level when rounded to the nearest 0.1 feet;
3) Any increase in the 100-year floodplain boundary with respect to provisions 1. and 2. of this definition; or
4) Any increase from any storm even that results in the inundation of a structure, roadway, or driveway, that was not previously inundated by the same storm event.

### Alley

A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic. An alley is meant to provide access to the rear yard, side yard of abutting property, provide utility service, and has a right-of-way with an ultimate width of 20 feet or less. An alley may have a right-of-way with an ultimate width of 30 feet or less in limited, unique circumstances.

### Amending Plat

A map, drawing or chart that modifies a recorded final plat or minor plat in accordance with the provisions of §305E, *Amending Plat.*

### Applicant

#### When referenced in Article 7, Stormwater Management, applicant shall mean:

Any firm, entity, partnership, company, public utility company, or individual that submits the appropriate application materials to clear, grub, fill, excavate, grade, or otherwise remove the vegetative cover of land, or that submits the appropriate application materials to either subdivide land and install the appropriate infrastructure or renovate existing structures.

#### In all other contexts in this code, applicant shall mean:

Unless otherwise specified, an owner or an owner's authorized agent, who has filed an application for zoning, subdivision, or construction, or other development activity.

### Architecturally Consistent

Utilizing the same or similar architectural design elements, colors, roof type, and/or building materials.

### Architecturally Finished Metal
An exterior metal surface that has been polished or treated to withstand the elements. Architectural metal may involve various types and gauges of metals, ranging from pre-finished galvanized steel and aluminum to copper, stainless steel, lead and coated copper.

### Area of Shallow Flooding
A designated "AO" or "AH" zone on the flood insurance rate map. In such an area, the base flood depths range from 1 to 3 feet, a clearly defined channel does not exist, and the path of flooding is unpredictable and indeterminate.

### Area of Special Flood Hazard
The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year.

### Automobile Dealership Franchise
Franchises that are granted specifically by a motor vehicle manufacturer to an authorized dealer for sales only of a specific make of motor vehicle, such as Ford or Chevrolet.

### Basement
An occupiable space of a building that has half or more of its floor-to-ceiling height below the adjoining ground. If the entire floor-to-ceiling height is below the adjoining ground level, it shall not count as a story.

### Base Flood
The flood having a 1 percent chance of being equaled or exceeded in any given year, determined based upon FEMA's guidelines and as shown in the current effective flood insurance study. This 100-year mean recurrence interval storm event is based on existing watershed conditions (differs from "design flood").

### Base Flood Elevation
The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or V that indicates the water surface elevation resulting from the flood that has a 1 percent chance of equaling or exceeding that level in any given year (also called the "base flood").

### Block
A unit of land bounded by streets; or if "block" is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street.

### Build
To erect, convert, enlarge, reconstruct, or alter a building or structure.

### Build-to-Line
A line to which buildings must be built up to in proximity to a right-of-way line or property line.

### Builder
A person, partnership, or corporation engaged in clearing, grubbing, filling, excavating, grading, constructing a pad, installing service utility lines, and/or constructing or placing a building or other structure on a lot or other type of tract of land that is owned by the person, partnership, or corporation, and that will not be further subdivided into other lots.

### Building
Any structure with a roof that is intended for the sheltering, housing, or enclosing of any individual, animal, process, equipment, goods, or materials.

### Building Line
A line beyond which buildings must be set back from a street right-of-way line or property line.

### Building Pad
The actual base area of a building and an area not to exceed 6 feet around the foundation necessary for construction and grade transitions.

### Building Permit
This permit authorizes the construction of a building or structure and specific associated property conditions including, but not limited to grading, utility installation, paving, and vertical construction. This permit is further referenced in Chapter 122 of the Code of Ordinances.

### Building Site
A tract of land, which (at time of application for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. A building site may be subsequently subdivided or combined with another building site, subject to the provisions of this Code pertaining to subdivisions.

### Bulb or Lamp
The source of electric light. To be distinguished from the whole assembly, lamp is used to denote the bulb and its housing.

### Caliper
Caliper is a measurement of the diameter of a tree trunk. All newly planted tree measurements are in caliper inches in accordance with the American Standards for Nursery Stock (ANSI Z60.1-2004) and shall be measured at 6 inches above the ground unless otherwise noted. All existing tree measurements are in caliper inches as measured 42 inches DBH above the natural ground level. For multiple trunk trees, measure each stem's DBH at 42 inches above ground then take the square root of the total. Example: 3 stems measured at 8" DBH, 7" DBH, and 3" DBH would be calculated as follows: (64+49+9 )=122 √122=11

### Candela
The unit of luminous intensity in a given direction, commonly called 1 candlepower.

### Capacity
The maximum amount of discharge that can be passed safely in a drainage conveyance system, including consideration for appropriate freeboard.

### Certificate of Appropriateness (CoA)
A document issued after review by the Historic Preservation Officer or the Historic Preservation Advisory Board certifying that the proposed work on a property located in the Historic Overlay District or designated as a Historic Landmark by the City of McKinney is compatible with the historic character of the property and its historic setting. Such certificate is required prior to undertaking work or improvements on a landmark or a property in the Historic Overlay District.

### Certificate of Occupancy (CO)
A document issued by the Chief Building Official allowing the occupancy or use of a building and certifying that the building or use has been constructed and will be used in compliance with all applicable regulations.

### Change in Occupancy or Ownership
A commemoration that promotes the opening of a new business. A change in occupancy or ownership shall be limited to one occurrence to be held within 90 days of the issuance of a Certificate of Occupancy from the Chief Building Official and shall not exceed five consecutive days in length.

### Channel
A natural or artificial stream that conveys water. Channels are often further classified by their size and purpose. For example, there are primary and secondary channels based on size, but diversions, waterways, and chutes are also channels.

### Channel Improvement
The improvement of the flow characteristics of a channel by clearing, excavating, realigning, lining, or other means in order to increase or maintain its capacity. The term may also be used to mean "channel stabilization."

### Channel Stabilization
Erosion prevention and stabilization of a channel using various rigid and flexible linings, jetties, grade controls, revetments, vegetation, and other measures.

### Check Dam
A small dam constructed in a gulley or other small watercourse to decrease the stream flow velocity, minimize channel scour, and promote deposition of sediment.

### Chief Building Official
The City Administrative Official charged with the responsibility of issuing permits and enforcing the building codes and ordinances, or their duly authorized representative. This definition may also include any authorized representatives or designees of the Chief Building Official.

### City
The municipal corporation of the City of McKinney, Texas, including its incorporated limits of land.

### City Council
The duly elected governing body of the City of McKinney, Texas.

### City Manager
The chief administrative officer of the City. This definition may also include any authorized representatives or designees of the City Manager.

### City-Maintained Land
Any land in actual ownership of the city ("fee simple ownership"); it does not include any type of easements where all or any portion of the property rights remain in private ownership.

### Clear-Cutting
The removal of 10 or more quality trees from a property within a 90-day period.

### Code of Ordinances
The rules, regulations, ordinances, and laws codified in the Code of Ordinances, City of McKinney, Texas, governing the City of McKinney including, but not limited to this Code and the City Charter.

### Common Area
Areas within a development which are intended to be provided for overall benefit of the residents or users of the development. These areas may include screening and buffering, open space, or amenities, such as parks. A management structure, a homeowners' association, or a property owners' association are typically responsible for maintenance and upkeep of these areas.

### Comprehensive Plan
The Comprehensive Plan, as adopted by the City Council, is the guiding policy document governing development within the city and its ETJ and includes a land use plan, a thoroughfare plan, and other necessary master plans.

### Conduit
Any closed device for conveying flowing water.

### Conveyance Plat
A map of property approved by the City for the purpose of sale or conveyance in accordance with §305F, *Conveyance Plat*. A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.

### Cover, Vegetative
All plants of all sizes and species found on an area, irrespective of whether they have forage or other value, but especially used to refer to vegetation producing a mat on or immediately above the soil surface. Temporary vegetative cover refers to the use of annual plants for the cover, while permanent vegetative cover refers to the use of perennial plants.

### Crest
The top of a dam, dike, spillway, or weir, frequently restricted to the overflow portion.

### Critical Alteration (or Critically Altered)
Uprooting or severing the main trunk of a tree, or any act that causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: damage inflicted upon the root system of a tree by machinery,

storage of materials, or the compaction of soil above the root system of a tree; a change in the natural grade above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of non-permeable pavement over the root system of a tree; trenching within the critical root zone; or if any of the structural root plate is altered or disturbed. Additionally, a tree may be considered critically altered if more than 25 percent of the critical root zone is altered or disturbed at natural grade, or more than 25 percent of the canopy is removed.

### Critical Root Zone

A radius around a tree calculated by assigning one foot per inch of trunk diameter at breast height (DBH).

### Cutoff

A luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (2.5 percent) at an angle of 90 degrees above nadir, and 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

### Cut/Fill

Areas where the natural ground level has been excavated (cut) or where additional material has been brought in to raise the ground level (fill).

### Dam

Any barrier or barriers, with any appurtenant structures, constructed for the purpose of either permanently or temporarily impounding water, or for the purpose of diverting water.

### Design Flood

When used in the context of floods, floodplains, or flood hazards, a flood having a 1 percent chance of being equaled or exceeded in any given year, based upon fully developed watershed conditions (differs from "base flood").

### Detention Basin

A dry basin or depression constructed for the purpose of temporarily storing stormwater runoff and discharging all of that water over time at a rate reduced from the rate that would have otherwise occurred, but over a longer time period.

### Determination of Exemption

A determination made by the Director of Planning that no tree permit or tree preservation is required for the site.

### Developer

#### When referenced in Article 7, Stormwater Management, developer shall mean:

A developer is a person, partnership, or corporation that owns a tract of land and is engaged in clearing, grubbing, filling, mining, excavating, grading, installing streets and utilities to be dedicated to or accepted by the city, and/or otherwise preparing that tract of land for the eventual article of the tract into one or more lots on which buildings or other structures will be constructed or placed.

#### In all other contexts in this Code, developer shall mean:

Any person seeking approval under this Code for any form of development, including the subdivision of land.

### Development

#### When referenced in Article 8, Stormwater Management, development shall mean:

Any manmade change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, grading, clearing, or removing the vegetative cover.

#### In all other contexts in this Code, development shall mean:

The construction, installation, or erection of any new building, structure, utility, or site feature on a building lot, the relocation of an existing building on the same or another building lot, or the use of open land for a new land use. This includes construction of any grading, utility, paving, or other infrastructure necessary to serve a new building or structure.

### Development Permit
The permit that authorizes a developer to perform grading, utility, drainage, paving, and/or other similar construction activities usually associated with civil engineering plans. This includes permits that cover some or all of the above construction activities and permits that cover only one of the above construction activities. This permit is approved by the Director of Engineering.

### Diameter at Breast Height (DBH)
A tree trunk diameter measured in inches at a height of 4 feet 6 inches above the ground.

### Director of Code Services
The City official designated to oversee the provision of services related to animal services, code compliance, and health compliance and enforce any rules and ordinances associated with those services. This definition include any authorized representatives or designees of the Director of Code Services.

### Director of Engineering
The City official designated to oversee the provision of engineering services and enforce any rules and ordinances associated with those services. This definition may also include any authorized representatives or designees of the Director of Engineering. The Director of Engineering may also be referred to as the City Engineer.

### Director of Parks and Recreation
The City official designated to oversee the development, maintenance, and operation of the city's park system and enforce any rules and ordinances associated with those services. This definition may also include any authorized representatives or designees of the Director of Parks and Recreation.

### Director of Planning
The City official designated to administer municipal planning services and enforce any rules and ordinances associated with those services. This definition may also include any authorized representatives or designees of the Director of Planning.

### Discharge (hydraulics)
1) The rate of flow; specifically, fluid flow; and
1) A volume of fluid passing a point per unit time, commonly expressed as cubic feet per second.

### Disturbance
Any operation or activity, such as clearing, grubbing, filling, excavating, mining, cutting, grading, or removing channel linings, which results in the removal or destruction of the protective cover of soil, including vegetative cover, channel linings, retaining walls, and slope protection.

### Disturbed Areas
Any area or tract of land in which a disturbance is occurring or has occurred but that has not been stabilized.

### Drainage Area
The land area from which water drains to a given point.

### Drip Line
Refers to whichever is greater:
1) A vertical line running through the outermost portion of the canopy of a tree and extending to the ground; or
2) If the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper.

### Duplex
A single structure designed and constructed with two dwelling units under a single roof for occupancy by two families.

### Dwelling Unit
A building or portion thereof designed and used exclusively for permanent residential occupancy, including sleeping, eating, cooking, and sanitation accommodations. This definition does not include hotels, motels, or lodging houses.

### Easement
A right in a particular area of real property that exists because of an agreement between the landowner and another party, that grants the authority to use or access the land area. The landowner retains ownership of the land.

### Electric Vehicle Charging Station
A public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

### Electric Vehicle Parking Space
Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

### Elevated Building
A building elevated by means of fill, so that the lowest finished floor of the building is at least two feet above the water surface elevation of the base flood or design flood, whichever is higher.

### Emergency Spillway
A spillway built to carry runoff in excess of that carried by the principal spillway. Sometimes referred to as "auxiliary spillway."

### Encroachment
The extension of a building or structure beyond a building line or setback line.

### Engineering Design Manual (EDM)
The rules, regulations, standards, and specifications governing the configuration, design, construction, and acceptance of public improvements, which are enforced by the Director of Engineering.

### Equal Conveyance
The principle of reducing stream conveyance for a proposed alteration with a corresponding reduction in conveyance to the opposite bank of the stream. The right of equal conveyance applies to all owners and uses and may be relinquished only by written agreement.

### Erosion
The wearing away of land by action of wind and water.

### Erosion Hazard Setback
The area along a drainage channel designated as an erosion setback under the city's stormwater ordinance.

### Executive Director of Development Services
The City official designated to administer and enforce any rules and ordinances associated with private development in the city. This definition includes any authorized representatives or designees of the Executive Director of Development Services.

### Exemption Area
An area that is clearly exempt from all tree replacement and tree protection requirements of this section, as approved by the Director of Planning.

### Existing Construction
For the purposes of determining rates, any structure for which the start of construction commenced before January 1, 1975. The term "existing construction" may also be referred to as "existing structures."

### Extraterritorial Jurisdiction (ETJ)
The area outside the City's current corporate limits, but within the City's ultimate planning area.

### Façade
Any separate face of a building, including parapet walls, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as a part of a single façade.

### Family
Any number of related individuals, including up to and including 6 unrelated individuals, living together as a single housekeeping unit which shares household responsibilities and expenses.

### Feather Flag
A wind device that contains a harpoon-style pole or staff driven into the ground for support.

### Federal Emergency Management Agency (FEMA)
The federal agency that administers the National Flood Insurance Program.

### FEMA 100-Year Floodplain
The area designated as being within the 100-year flood plain on the Federal Emergency Management Agency flood insurance rate map (FIRM) as of the effective date of the ordinance from which this section is derived. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year flood plain boundary after the effective date of the ordinance from which this section is derived due to filling of the flood plain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement or protection requirements apply.

### Fence
A vertical barrier which is erected to enclose or visually screen land, materials, structures, or other property. The terms fence and wall may be used interchangeably when referenced in Article 6 of this Code.

### Final Plat
A map, drawing, or chart prepared according to and complying with the provisions of this Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county. See §305B, *Final Plat.*

### Fire Lane
A fire apparatus road, according to the International Fire Code that is provided within a corresponding fire lane easement.

### Fire Marshal
The Administrative Official charged with the responsibility of issuing fire prevention-related permits and enforcing the fire codes and ordinances. This definition includes any authorized representatives or designees of the Fire Marshal.

### Fixture
The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or defractor (lens), the ballast, housing and the attachment parts.

### Flood Insurance Rate Map (FIRM)
The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

### Flood Insurance Study
The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the flood boundary/floodway map and the water surface elevation of the base flood.

### Flood or Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas from:
1) The overflow of inland waters; and/or
2) The unusual and rapid accumulation or runoff of surface waters from any source.

### Flood Protection System
Physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, channel improvements, or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

### Floodlight
A luminaire designed to project its light in a well-defined area. It is directional in character.

### Floodplain
All areas inundated by the City's fully developed 100-year flood area and special flood hazard areas shown in the most recent flood insurance study and flood insurance rate maps for the county.

### Floodprone Area
Any land area susceptible to being inundated by water from any source (see definition of "Flood" or "Flooding").

### Floodproofing
Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate the risk of flood damage to real estate or improved real property, water, and sanitation facilities, or structures together with their contents.

### Floodway
See the definition for "Regulatory floodway."

### Flume
Any open conduit on a prepared grade, trestle, or bridge through which stormwater is captured and directed.

### Food truck
An operational motor vehicle and/or trailer from which food and associated non-alcoholic beverages which are not typically tied to a single season of the year, are prepared, served and sold on private property for a period of time which exceeds 60 minutes or two instances of 30 minutes each day. This definition shall also apply to any seating, garbage and/or recycling containers, gear or equipment that is associated with the food truck's operation.

### Food truck court
A property used or developed to accommodate one or more food trucks as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.

### Food truck operation site
The geographic area, not located within a food truck court, within which the food truck will park, prepare, and sell food and/or associated non-alcoholic beverages. This also includes areas where the food truck's customers go to consume food and/or non-alcoholic beverages sold from the food truck.

### Foot-candle
The amount of illumination provided by 1 lumen uniformly distributed on 1 square foot of surface.

### Foundation Permit
This permit allows for the construction of building or structure foundations.

### Freeboard
The distance between the design flood elevation and the top of an open channel, dam, levee, or detention basin to allow for wave action, floating debris, or any other condition or emergency without overflowing the structure.

### Frontage, Property
The entire length of the property line adjacent to a public right-of-way, measured parallel to the right-of-way.

### Full Cutoff
A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

### Fully Developed Flow
The flow from a fully urbanized drainage area.

### Glare
Direct lighting emitted from a luminaire that causes reduced vision or temporary blindness.

### Grade, Average
The average of the lowest and highest elevation points of a property at finished grade.

### Grade, Finished
The final elevation of the ground level after development is complete.

### Grade Plane
A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

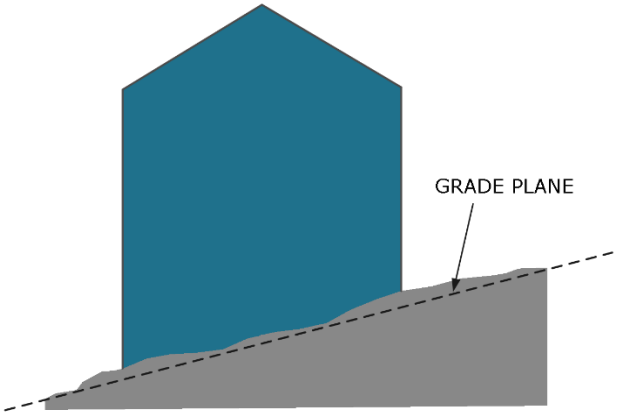



**Figure 9-1: Grade Plane**

### Grading
Any stripping, cutting, filling, stockpiling, or combination thereof that modifies the existing land surface contour.

### Grading Permit

### This permit allows the applicant to begin the earth-disturbing activities associated with the development of a property. Grass
Any member of the botanical family Gramineae, herbaceous plants with bladelike leaves arranged in two ranks on a round to flattened stem. Common examples are fescue, Bermuda grass, and Bahia grass. The term "grass" is sometimes used to indicate a combination of grass and legumes grown for forage or turf purposes.

### Gross Floor Area
The floor area of each story within the inside perimeter of the exterior walls of the building under consideration, exclusive courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features.

### Grubbing
Excavating or removing a significant part of the root system of a tree.

### Height
The vertical distance between the average of the highest and lowest point of grade on a lot to the highest point of the building or structure. For buildings or structures with roofs that have a slope of 5:12 or greater, the height shall be measured to the midpoint of the roof.

### Highest Adjacent Grade
The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

### Historic Preservation Officer (HPO)
The City official designated by the Director of Planning to administer the City's historic preservation regulations, who meets the minimum qualifications as described in the Secretary of the Interior's Professional Qualification

Standards. The Historic Preservation Officer may also be referred to as a Planner (Historic Preservation). These standards shall be made available to the property owners within the historic overlay district.

1) The historic preservation officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state and national nonprofit preservation organizations.
2) The historic preservation officer serves as representative to the historic preservation advisory board.

### Historic Structure

Any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior (the "secretary") as meeting the requirements for individual listing on the National Register;
2) Certified or preliminarily determined by the secretary as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the secretary; or
4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a) By an approved state program as determined by the secretary; or
    b) Directly by the secretary in states without approved programs.

### Historically Significant Area

One or more places or areas designated by the City for its historical, cultural, or architectural importance and significance before April 1, 2019. The areas included within the MTC - McKinney Town Center District, H - Historic Overlay District, TMN - Traditional McKinney Neighborhood Overlay District, the Main Street Program area, and the Historic Neighborhood Improvement Zone (HNIZ) per Chapter 98 of the Code of Ordinances, City of McKinney, Texas, are the Historically Significant Areas designated by the City before April 1, 2019 or as authorized by Chapter 3000 of the Texas Local Government Code.

### Homeowner's Association (HOA)

A residential community or neighborhood association, other that a condominium association, which is organized in a development which individual property owners share common interests and ownership in land, open spaces, or facilities.

### Illicit Connection

1) Any drain or conveyance, whether on the surface or subsurface, that allows an unlawful discharge to enter the storm drain system. Illicit connections include, but are not limited to, conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

### Illumination

The density of the luminous flux (lumens) incident on a surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in foot-candles.

### Incandescent Light Source

Any lamp that produces light by heating a filament through use of an electric current.

### Industrial Flex Center

An industrial flex center is a single building in an industrial zoning district containing a group of uses permitted in the governing zoning district.

### Infrastructure
Facilities and services needed to sustain land use activities, including water lines, sewer lines, and other utilities, streets and alleys, communications, and public facilities.

### Inlet (hydraulics)
1) A surface connection to a closed drain;
2) A structure at the diversion end of a conduit; or
3) The upstream end of any structure through which water may flow.

### Installation
The attachment, or assembly fixed in place, whether or not connected to a power source, or any outdoor light fixture.

### Landscape Buffer
A required piece of land in a specific location used to physically separate one land use or piece of property from another using landscaping as specified in §206A, *Landscaping*.

### Levee
A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

### Levee System
A flood protection system, which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

### Light Source
A device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

### Light Trespass
Light falling outside the boundary of property for which it was originally intended or needed. Also referred to as spillover light or obtrusive light.

### Lot
A tract of land created by a recorded plat or as otherwise approved by this Code which will be used, developed, or built upon.

### Lot, Corner
A lot situated at the junction of two or more dedicated public streets.

### Lot, Interior
A lot situated in a block that is not a corner lot.

### Lot Area
The total land area within the bounding property lines of a lot.

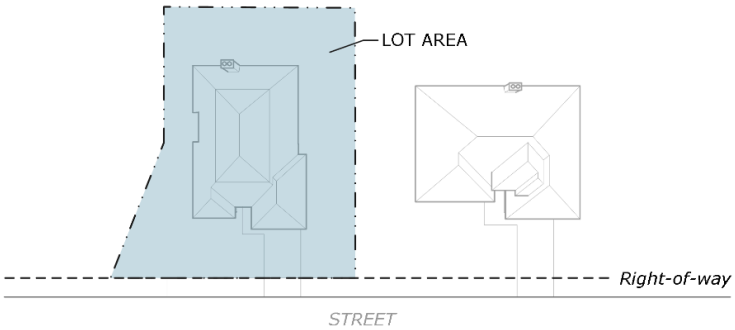



**Figure 9-2: Lot Area**

## Lot Depth

The distance from the midpoint of a lot's rear property line to the midpoint a lot's front property line.

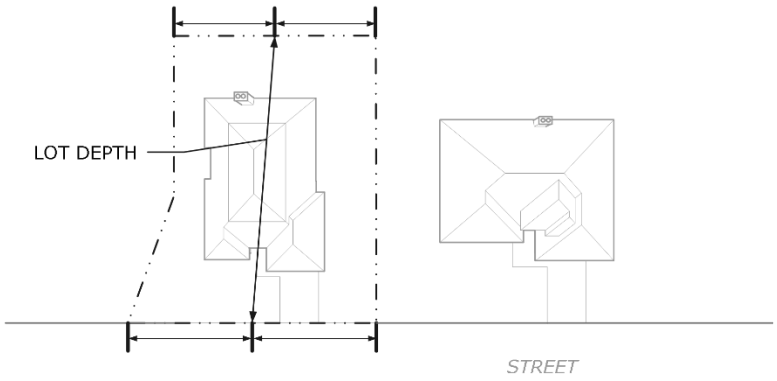



**Figure 9-3: Lot Depth**

## Lot Lines

A boundary of a lot. "Lot line" is synonymous with "property line."

## Lot of Record

See *Lot.*

## Lot Width

The distance between the side property lines as measured at the front setback line. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned.

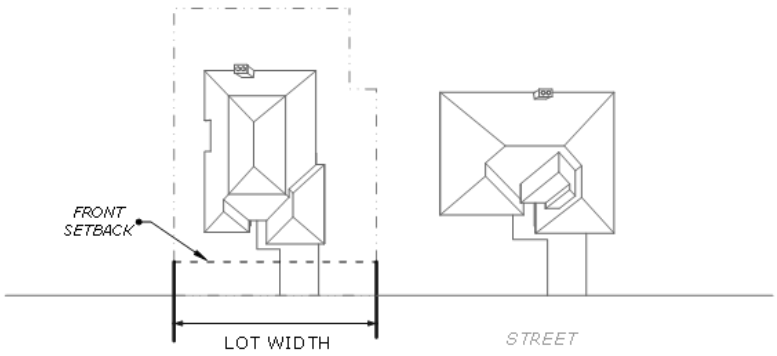



**Figure 9-4: Lot Width**

## Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished, or flood-resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of FEMA 60.3.

## Lumen

The quantity of luminous flux intercepted by a surface of 1 square foot, all points of which are 1 foot from a uniform source of 1 candela. A 1-candela source provides 12.57 lumens.

### Luminaire
A device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

### Luminance
The luminous intensity per unit projected area of a given surface viewed from a given direction for purposes of this section expressed in candelas divided by distance squared.

### Manufactured Home
A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

### Manufactured Home (HUD Code)
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.

### Manufactured Home Park or Subdivision
A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

#### Expansion to an Existing Manufactured Home Park or Subdivision
The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

### Masonry
Brick, stone, or synthetic stone such as limestone, flagstone, granite, marble, or slate or another similar architectural finish (excludes stucco).

### McKinney Code
The Cod of Ordinances, City of McKinney, Texas, containing the ordinances governing the City of McKinney including, but not limited to this Code and the City Charter.

### Mean Sea Level
For the purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

### Minor Plat
A map, drawing, or chart prepared according to the provisions of this Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county, and meeting the criteria defined in §405C405C, Minor Plat.

### Monopole
A freestanding structure that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation that resides on or in the ground. This type of structure is designed to support itself without the use of guy wires or other stabilization devices.

### Mounting Height
The maximum height of the pole from ground level. The lighting fixture shall not exceed the height of the pole. Refer to §603B, Freestanding Luminaire Height, for maximum pole height.

### MS4 or Municipal Separate Storm Sewer System
A system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that discharges to waters of the United States.

### Multi-Family Dwelling
Any building or portion of a building, or multiple buildings, that are designed and built to be 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.

### Multi-Family Residential Districts
Those zoning districts listed under the multi-family heading in Table 2-26: Table of Uses.

### Municipal and Public Domain Property
Property in which title is held in the name of a governmental entity. Examples of this include city buildings, county property, public parks, U.S. Army Corps of Engineers property, state rights-of-way, libraries, fire stations, water tower sites or similar properties.

### Municipal Facilities
Any city-owned street, alley, utility (water, wastewater, or drainage) infrastructure, building, structure, or site feature.

### Natural Drainage
The dispersal of surface waters through ground absorption and by drainage channels formed by the existing surface topography which exists at the time of adoption of the ordinance from which this Article is derived or formed by any manmade change in the surface topography.

### New Construction
For all purposes except the National Flood Insurance Program portion of this Article, new construction means structures for which the start of construction commenced on or after February 16, 1988. For the purposes of the National Flood Insurance Program portion of this Article, new construction means structures for which the start of construction commenced on or after December 31, 1974.

### No-Build Area
An area within which construction and development activities are restricted including, but not limited to, erosion hazard setback easements, drainage easements, and floodplain areas.

### Non-Disturbance Area
An area in which no development activity or vehicular traffic associated with the construction or development of land occurs.

### NRCS Lake Tree Preservation Zone
The area within an elevation two feet above the emergency spillway elevation of any Natural Resources Conservation Service lake.

### Occupancy
The use or intended use of the land or buildings by proprietors or tenants.

### Open Channel
A channel in which water flows with a free surface.

### Other Municipal Ordinances
Ordinances including, but not limited to, Zoning, Subdivision, and construction specifications.

### Outfall
The point where water flows from a stream, river, lake, or artificial drain.

### Outdoor Lighting Fixture
An outdoor artificial illumination device, whether permanent or portable, used for illumination outdoors and shall include, but not be limited to, devices used for search, spot, flood and area lighting for buildings and structures, recreational facilities, parking areas, landscape lighting, outdoor advertising displays, billboards, signs, public and private street lighting and walkway lighting.

### Overlay District
A type of zoning district that applies an additional layer of supplemental regulations to all areas within a defined boundary, regardless of the underlying base zoning district(s).

### Parent Tract
The original parcel of land from which lots of record are created.

### Peak Discharge
The maximum instantaneous flow from a given storm condition at a specific location.

### Permanent (post-construction) Erosion Controls
The stabilization of erosive or sediment-producing areas by the use of means or techniques that will provide protection against erosion losses for an indefinite time period. Such controls or techniques may include, but shall not be limited to, permanent seeding, sod, storm drain channels, channel linings, storm drain pipes, storm sewer inlet/outlet structures, storm sewer outlet velocity control structures, and stormwater detention or retention structures.

### Permanent Ground Cover
Uniform (that is, evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70 percent of the native background vegetative cover.

### Permit
A document or series of documents issued by the City which allows for specific construction, development, or other similar land disturbance activities to commence.

### Photometric
The quantitative measurements of light levels and distribution.

### Planned Development (PD)
A zoning district that in which the terms of development are individually determined to provide for the unified and coordinated development of parcels or tracts of land and is intended to achieve greater flexibility than otherwise allowed by strict application of this Code, while providing greater benefit to the City.

### Planning and Zoning Commission
The governmental body designated in this Code as the Planning and Zoning Commission and appointed by the City Council as an advisory body to it and which is authorized to recommend changes to this Code.

### Plat
A plan of a subdivision or land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City and subject to approval by the municipal authority responsible for approving plats, and filed in the plat records of the county.

### Plat, Amending
A map, drawing or chart that modifies a recorded final plat or minor plat.

### Plat, Conveyance
A map of property approved by the City for the purpose of sale or conveyance in accordance with §305F, *Conveyance Plat*. A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.

### Plat, Final
A map, drawing, or chart prepared according to and complying with the provisions of this Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county.

### Plat, Minor
A plat for development containing 4 or fewer lots.

### Plat, Preliminary
A map, drawing, or chart drawn to scale, on which the subdivider's proposed arrangement of streets, lots, easements, and other public spaces in the subdivision are shown on a form for recording via an associated final plat. Preliminary Plats may have been previously referred to as preliminary-final plats. See §305A, *Preliminary Plat.*

### Plat, Replat
A map, drawing, or chart drawn to scale that modifies a platted lot(s) of record.

### Plat, Vacating
A map, drawing, chart, instrument, or letter that abandons a plat, subdivision, or portion of a subdivision that has been filed with the county.

### Plot Plan
A plan showing all physical improvements to a residential property including, but not limited to its lot dimensions and any buildings, structures, site features, and easements.

### Positive Overflow
A route that stormwater will follow in the event the capacity of the primary system is exceeded. A special positive overflow easement must exist where this flow is intended to go on, upon, over, and/or across private property to reach an appropriate drainage facility. The route must provide capacity within a dedicated drainage, positive overflow, or floodplain easement such that the water depth does not cause injury or damage to property or vehicles and the surface of the easement cannot be altered or blocked.

### Primary Entrance
The main entry to a building. Any additional building entries may be considered a secondary entrance.

### Principal Spillway
A spillway constructed of permanent material and designed to regulate the normal water level, provide flood protection, and reduce the frequency of operation of the emergency (auxiliary) spillway.

### Probable Maximum Flood
The upper limit of a flood likely to occur as determined by the U.S. Army Corps of Engineers' criteria.

### Property Owner's Association (POA)
A non-residential community or neighborhood association, other that a condominium association, which is organized in a development which individual property owners share common interests and ownership in land, open spaces, or facilities.

### Protected Tree
Any tree designated by the city for preservation pursuant to provisions of Article 3:.

### Protective Fencing
Chain link fencing, orange vinyl construction fencing or other fencing at least 4 feet high and supported at a maximum of 10-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of a highly visible material.

### Pruning
The removal of dead, injured, or diseased limbs or roots to maintain plant health or the removal of limbs or roots to control or direct vegetative growth.

### Public Improvements
Infrastructure which serves the public including, but not limited to easements, dedications, rights-of-way, streets, alleys, right-of-way improvements, related roadway improvements, curbs, streetlights, traffic control devices, sidewalks, trails, water supply and distribution systems, fire hydrants, sewage disposal systems, stormwater facilities, and drainage facilities.

### Public Nuisance (erosion or sediment)
A situation in which erosion of, or sediment from, one location is causing a bothersome or unsightly condition on another property owned by a different individual or entity or a situation where the movement or loss of sediment has, or is expected to, threaten public or private property. A bothersome or unsightly condition or burden includes silt, mud, or similar debris originating from one property but being deposited onto a second off-site

property in which that off-site owner may have to remove or clean up the deposit due to actual or potential liability, statutory, aesthetic, drainage, or property damage concerns. Also, erosion or deposition caused by the actions or inaction of an upstream or downstream property owner, which threatens public or private property, is a nuisance. The adversely affected off-site property owner could be a private citizen, corporation, government, or other entity.

### Public Officer
An appointed official, elected official, employee, consultant, or contractor representing a government entity or agency.

### Public View
What can be seen of a property, site, or building from any adjacent public park, sidewalk, or right-of-way.

### Quadplex
A single structure designed and constructed with 4 dwelling units under a single roof for occupancy by 4 families.

### Quality Tree
Any tree species identified on the Quality Tree list. See Section 402D, *Quality Tree List*.

### Recreational Vehicle
A recreational vehicle is:
1) Built on a single chassis;
2) 400 square feet in area or less when measured at the largest horizontal projection;
3) Designed to be self-propelled or permanently towable by a light duty truck; and
4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

### Regulatory Floodway
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, as calculated by the Federal Emergency Management Agency, without cumulatively increasing the water surface elevation more than a designated height. This floodway is used by FEMA to determine compliance with its regulations.

### Repair, Major
Any repair, other than minor repair as defined below, of an existing sign, which through an act of God or other event has become damaged. Such repair work will require a permit and shall meet all provisions described in Article 5: Signs, of this Code.

### Repair, Minor
Minor repair is limited to painting, replacement of defective parts, cleaning or other similar minor maintenance to a sign, which will keep said sign at an acceptable level and which does not change the total area of the sign, and which repair is less than 60 percent of the replacement cost of the sign.

### Retention Basin
A pond or other water body that has been designed to have both a conservation pool for holding some water indefinitely and a flood storage pool for storing stormwater runoff on a temporary basis for the purpose of reducing the peak discharge from the basin.

### Right-of-Way
Land that is granted by a landowner to the City or another jurisdiction for the public use, typically for streets, alleys, sidewalks, and utilities. The landowner ceases to have any ownership of this land.

### Roadway Benefits Area
The geographic area(s) within the city's corporate limits designated on the map incorporated with ordinance number 2020-12-091 as exhibit 3, which do not exceed 6 miles and within which geographic area(s) roadway impact fees for capital improvements will be collected for new development occurring within such area, and within which area fees so collected will be expended for those capital improvements identified in the roadway improvements plan to be located within the roadway service area. Also called "roadway service area." Neither roadway service area or roadway benefits area does not includes any land outside the city limits.

### Routine Maintenance
Activities that occur on a regular basis to prevent deterioration of a building, structure, or site feature.

### Runoff
The portion of the excess precipitation that makes its way toward stream channels or lakes as surface or subsurface flow. When the term "runoff" is used alone, surface runoff usually is implied.

### Screening Device
An opaque vertical barrier which is erected to enclose or visually screen land, materials, structures, or other property.

### Sediment
Solid soil material, both mineral and organic, that is being moved or has been moved from its original site by wind, gravity, flowing water, or ice. Also sometimes referred to as "silt" or "sand."

### Setback
The minimum required distance of open space between a bounding property line and a building or structure. A setback must be open from the ground to the sky and may not be encumbered by any permanent building, structure, or encroachment, except as specifically permitted throughout this Code.

### Shopping Center
A single building containing multiple tenants or owners in a non-industrial zoning district in which the group of uses is permitted in the governing zoning district.

### Siding, Lap
Traditional horizontal siding that consists of long narrow boards installed horizontally on a house. Also known as “clapboard siding.”

### Siding, Sheet
Sheet siding is installed in panels, rather than as individual boards, across the façade of a house. The orientation can be either horizontal or vertical, depending on design.

### Sight Line Exhibit
An exhibit, diagram, or drawing that shows a proposed building, structure, or site feature as it relates to public view. This does not include intersection sight visibility triangles or similar civil engineering terms.

### Sign
Includes any writing, letter, word, numeral, pictorial representation, emblem, symbol, trademark, object, design, or other identification that is designed or intended to identify, advertise, announce, or inform. The term "sign" shall not include:

1) Works of art that in no way identify a product or business and that are not displayed in conjunction with a numerical for-profit enterprise;
2) Temporary decorations or displays directly incidental to and customary and commonly associated with national, local or religious holiday celebrations; or
3) Traffic and other official signs and devices of any public or governmental agency.

### Sign, Abandoned
A sign that depicts or refers to a product, business, service, activity, condition, or person, which has changed in such a manner that the sign no longer correctly identifies or describes him/it, or which no longer exists at the location referred to in the sign, or which no longer exists in any way or at any place.

### Sign, A-Frame
Any sign intended to be located on a sidewalk adjacent to the business it promotes, which sign can be readily moved, as it is not affixed to a building, vehicle, or the ground.

### Sign, Attached
Any sign attached to, applied on, or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) that encloses or covers usable space and does not extend more than 12 inches from the building facade.

### Sign, Billboard and/or Off-Site

A permanent structure sign erected for the purpose of the display of commercial or non-commercial messages which are not related to the products or services sold, manufactured, or distributed on the premises on which the sign is located.

### Sign, Changeable Electronic Variable Message Sign (CEVMS)

A sign that permits light that may be flashing or pulsating, to be turned on or off intermittently or that is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, that may or may not vary in intensity or color.

### Sign, Detached

Any sign permanently placed on or anchored to the ground and structurally independent of any building or other structure.

### Sign, Detached Ground

A sign having a low profile, either made of or contained within stone, concrete, metal, wood, brick, or similar material, that does not exceed six feet in height from the adjacent ground level.

### Sign, Detached Pole, or Pole Sign

Any sign supported by one or two freestanding poles and having no guys or braces to the ground or to any structure.

### Sign, Effective Sign Area Measurement

The area enclosed by drawing 1 or more rectangles of horizontal and vertical lines that fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from the viewpoint that gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign.

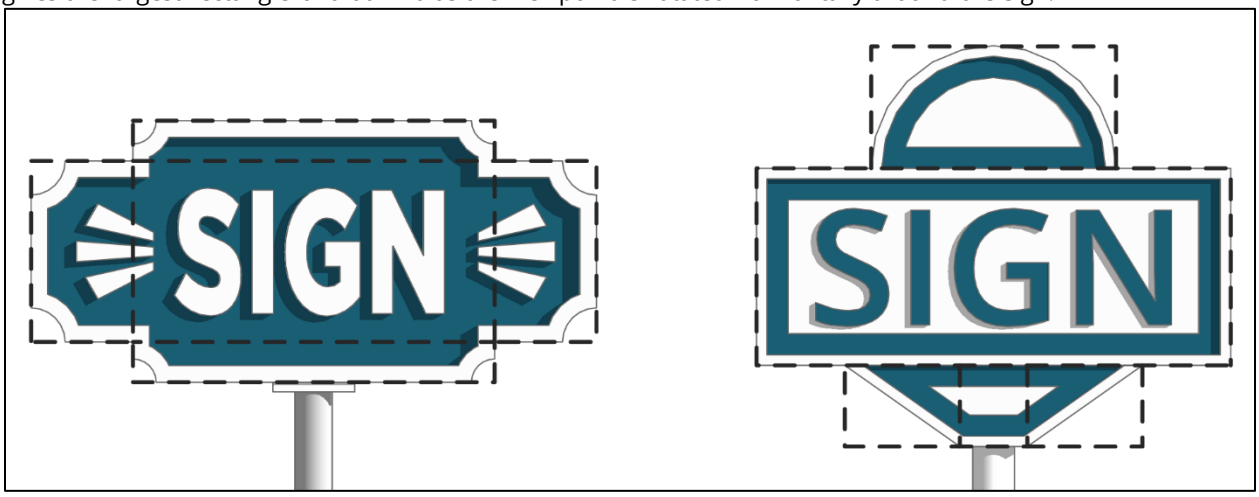



**Figure 9-5: Sign Measurement Area**

### Sign, Exceptional Historic

Signs located within the Historic Neighborhood Improvement Zone that do not meet the specific criteria of Article 5: Signs of this Code, but that still contribute to the historic character of the area as determined by the Historic Preservation Advisory Board.

### Sign, Hanging

A sign that is attached beneath an awning of canopy of a building.

### Sign, Human

A sign held by or attached to a human being who stands or walks on the premises or on adjacent right-of-way at a business location. A human sign includes a person dressed in costume, both for the purposes of advertising and/or otherwise drawing attention to an individual, business, commodity, service, activity or product.

### Sign, Inflatable
A sign manufactured of plastic, cloth, canvas, or other flexible or light fabric, inflated with air, secured to the ground, and does not exceed 30 feet in height. Inflatable signs are only permitted as part of a change in occupancy or ownership signage display.

### Sign, Kiosk
A sign within a multi-tenant shopping center, office park, or medical center.

### Sign, Menu Board
A sign erected adjacent to the drive-through ordering lane of a restaurant.

### Sign, Mobile Billboard
An operable vehicle with illuminated or non-illuminated panels, other devices or appendages whose primary purpose is to advertise, promote, or draw attention to products, services, events, or other similar purpose.

### Sign, On-Premises
Any sign the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, service or activities on those premises, or the sale, lease or construction of those premises.

### Sign, Portable and/or Display
A sign that is not permanently attached to the ground or building or designed to be permanently attached to the ground or building. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, A-frame signs, T-shaped signs, airborne devices, or other devices used for temporary display or advertising.

### Sign, Projecting
A sign attached to a building or extending, in whole or in part, 12 inches or more perpendicular to the surface of the building to which the sign is attached.

### Sign, Roof
Any sign erected upon, against or directly above a roof, or on top of or above the parapet of the building.

### Sign, Special Purpose
A sign temporarily supplementing the permanent signs on the premises.

### Sign Support
Any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said support is not used as a sign.

### Sign, Vehicular
A sign that identifies a vehicle used for a particular business; however, not when the primary use of the vehicle is that of a sign. Examples may include a magnetic door sign or car wrap sign.

### Sign, Wind-Driven
Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

### Significant Rise
An increase, when rounded to the nearest 0.1 feet, in either the base flood elevation or the design flood elevation. For encroachments within the regulatory floodway, significant rise means an increase, when rounded to the nearest 0.01 feet, in the base flood elevation.

### Significantly Important Building
A building which is: located in an area designated as a historic district on the National Register of Historic Places; designated as a Recorded Texas Historic Landmark; designated as a State Archeological Landmark or State Antiquities Landmark; listed on the National Register of Historic Places or designated as a landmark by a governmental entity; located in a World Heritage Buffer Zone; or located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Texas Government Code Section 442.014; or as otherwise provided in Chapter 3000 of the Texas Government Code.

### Single-Family Dwelling
A single structure designed and constructed for occupancy by one family.

### Single-Family Residential
Any structure that contains one to four dwelling units on a single lot.

### Single-Family Residential Districts
Those zoning districts listed under the single-family heading in Table 2-26: Table of Uses.

### Site Feature
Improvements to properties that are not buildings, infrastructure, or utilities. Examples include landscaping, buffers, screening devices, fences, private sidewalks, private trails, parking spaces, loading spaces, or maneuvering areas.

### Site Plan
#### When referenced in Article 8, Stormwater Management, site plan shall mean:
A plan drawing of a site that includes the layout of buildings, circulation system, parking, walls, landscaping, open space, and any other appropriate information as required by the City. The term "Site Plan" also refers to the approval procedure in §203E.1 by which Site Plans are evaluated for compliance with this Code prior to development permits.

#### In all other contexts, site plan shall mean:
A plan for development of a site on which is shown the existing and proposed conditions of the lot such as, buildings, structures, ingress and egress, parking areas, floodplains, and screening devices, and which demonstrates conformance with the adopted development regulations and zoning ordinance under the authority of Texas Local Government Code Chapter 211.

### Soil
The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

### Special Flood Hazard Area (SFHA)
The land in the floodplain within a community that is subject to a 1 percent, or greater, chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map ("FHBM"). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A is usually refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. The SQ. FT.HA is also called the base floodplain, 100-year floodplain, or 1 percent annual chance floodplain.

### Specific Use Permit
A discretionary permit required prior to specific land uses being permitted in particular zoning districts. Said uses typically have unique or widely varying operating characteristics or unusual site development features warranting review by City officials including a public hearing.

### Specimen Tree
Any tree that is 42 inches in diameter at breast height (four and one-half feet above ground level) or greater.

### Stabilized
Protected from possible erosion losses, usually by mechanical means or the use of vegetative cover.

### Start of Construction
For a structure, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The term "start of construction" includes substantial improvement. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction of a structure does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

### Storm Frequency
An expression or measure of how often a hydrologic event of given size or magnitude should, on an average, be equaled or exceeded.

### Street
A right-of-way or private easement for the movement of vehicular traffic with an ultimate width greater than 30 feet.

### Street Yard
On non-residential and multi-family properties: the area located between the front property line and the minimum front setback.

### Structural Alteration
Any change in the supporting member of a building or structure, such as a load-bearing wall, column, beam or girder.

### Structural Root Plate
A diameter of the root area around a tree made up of approximately one-third of the critical root zone radius. For example, a 30-inch diameter tree has a Critical Root Zone of 30 feet and a Structural Root Plate of 10 feet.

### Structure
#### When referenced in Article 8, Stormwater Management, structure shall mean:
A walled and roofed building, a manufactured home, a substation, or a gas or liquid storage tank that is principally above ground. When used in the context of stormwater, the term means a drainage improvement, such as a dam, levee, bridge, culvert, headwall, flume, etc.

#### In all other contexts, structure shall mean:
An object that is constructed, installed, or erected vertically above the ground or water but does not accommodate the occupancy of humans.

### Subdivision
The division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land into tracts where each resulting lot is more than five acres in size; does not involve or require any new street, alley or easement of access; and no public improvement is being dedicated. As part of a subdivision, if any lot is proposed to be five acres in area or smaller, the entire parent tract must be platted together with such other lots or tracts. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. Subdivisions of mobile home spaces for sale, lease or rent shall comply with all provisions of Chapter 138, Article III, Division 2, regulating mobile home parks, as it now exists or as amended.

### Substantial Damage
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

### Substantial Improvement
1) Any combination of repairs, reconstruction, or improvements of a structure, the cumulative cost of which equals or exceeds 50 percent of the initial market value of the structure either:
   a) Before the first improvement or repair is started; or
   b) If the structure has been damaged and is being restored, before the damage occurred.
2) For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Incremental improvements over a period of time, the cumulative cost of which equals or exceeds 50 percent of the market value at the time of the first improvement, shall be considered a substantial improvement. The term does not, however, include either:
   a) Any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or

b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

### Temporary Erosion Control
The stabilization of erosive or sediment-producing areas for a specific time period, usually during a construction job and until stabilization is restored regardless of whether by mechanical or vegetative means.

### Texas Commission on Environmental Quality (TCEQ)
The state coordinating agency for environmental issues.

### Texas Water Development Board (TWDB)
The state coordinating agency for the National Flood Insurance Program.

### Tree
Any self-supporting woody plant, which will attain a trunk caliper of two inches or more DBH and normally an overall height of at least 15 feet with a canopy of at least 15 feet in diameter at maturity. A tree may have one main stem or trunk or several stems or trunks.

### Tree Board
A board appointed by the City Council to carry out the duties and responsibilities set forth in Article 3: Tree Preservation. The Planning and Zoning Commission shall constitute the Tree Board unless the City Council appoints a separate Tree Board.

### Tree Preservation Plan
A plan drawing that identifies the location of trees and contains the information required in §404C, *Development Permit Process.*

### Tree Protection Sign
A sign describing prohibited conduct detrimental to trees and meeting specifications of the city's Chief Building Official to be posted on the site upon approval of a tree permit.

### Tree Topping
The severe cutting back of limbs to stubs larger than 3 inches in caliper within the tree's crown to such a degree to remove the normal canopy and disfigure the tree.

### Triplex
A single structure designed and constructed with 3 dwelling units under a single roof for occupancy by 3 families.

### Use
The purpose or activity for which the land, structure, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this Code.

### Use Permit
The permit or permits required before any use may be commenced.

### Utility Company, Franchise Utility, or Public Utility
A company or entity, or agent for a company or entity, that provides a utility service such as the provision of gas, electric, cable, or telephone service within the city.

### Variance
A grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article.

### Vehicle, Commercial
Commercial vehicle means a self-propelled or towed vehicle, other than a farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds, that is used on a public highway to transport passengers or cargo if:

1) The vehicle, including a school activity bus, or combination of vehicles has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds;

2) The vehicle, including a school activity bus, is designed or used to transport more than 15 passengers, including the driver; or
3) The vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.).

### Vehicle, Passenger
A motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator.

### Vehicle Storage

### Vehicles being stored for inventory prior to display for sale, and vehicles awaiting repair, or service, for more than 24 hours or after the close of business, including their parking spaces.Violation
The failure of a structure or other development to be fully compliant with this article. A structure or other development without the elevation certificate, other certifications, or other evidence, as required by the Director of Engineering, is presumed to be in violation until such time as that documentation is provided.

### Water Surface Elevation
The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas and behind dams.

### Watershed
The area drained by a stream or drainage system.

### Wet Utility
Any utility line dedicated to carrying water or other liquid, including but not limited to water lines, sewer lines, fire connections including hydrants, and drainage infrastructure.

### Wire Fence
A fence consisting of posts with strained wires, wire netting, or other wirework in between.

### Yard
A required open space located on the same lot as the primary structure, unoccupied and unobstructed except for accessory uses and landscaping.

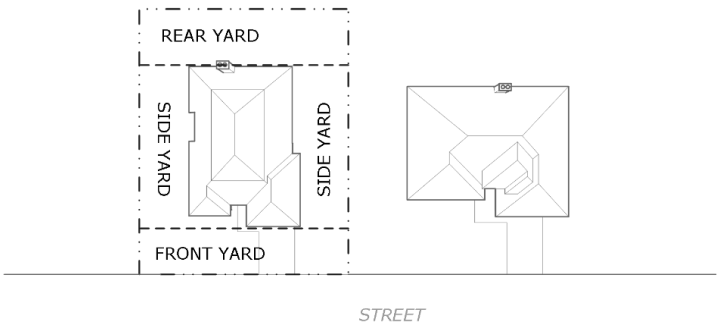



**Figure 9-6: Yard**

### Yard, Front
An open space extended across the full width of the lot and situated between the front property line and the front face of the building, extending to both side property lines. In the case of a corner lot, the front yard adjoins the public or private rights-of-way where the entrance/address is located.

### Yard, Rear
An open space extended across the full width of the lot and situated between the rear property line and the rear face of the building, extending to both side property lines. In the case of a corner lot, the front yard shall not extend past the corner side yard.

### Yard, Side
An open space extended across the full width of the lot and situated between the front and rear yards, extending to both side property lines. In the case of a corner lot, the corner side yard shall extend from the front yard to the rear property line.

### Zero-Lot Line Dwelling Unit
The location of a building on a lot in a manner that 1 or more building sides rests directly on a lot line.

### Zone of Influence
The area downstream of a proposed development where the discharge of the development can have a significant impact upon the receiving stream or storm drainage system, as discussed further in the Engineering Design Manual. This area is commonly found to be where the development area is between five and ten percent of the receiving stream's or storm drainage system's drainage area.

### Zoning District
A specifically delineated geographic area of the City created by legislative action within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

### Zoning District, Non-Residential
Any zoning district designated by the Zoning Ordinance of the City as a commercial, industrial or otherwise non-residential district, and any other non-residential districts that should replace these or be added to them in the future; refer to §204*, Zoning Districts*.

### Zoning District, Residential
Any zoning district designated by the Comprehensive Zoning Ordinance of the City as primarily for residential use, and any residential district that should replace these or be added to them in the future; refer to §204, *Zoning Districts.*

### Zoning District Map
The official certified map upon which the boundaries of the various zoning districts are drawn, and which is an integral part of this Code.