

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 = Addtl 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																			
		Multi-family, cottage	205D.7							P	P	P										
Multi-family, traditional	205D.8							<u>S</u>	P	P												
Independent living	205D.9							<u>S</u>	P	P		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>						
Group Living																						
Assisted living facility	205E.1						<u>S</u>	P	P	P		P	P	P	<u>S</u>	<u>S</u>						
Community care home	205E.2	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>											
Community care facility	205E.3											<u>S</u>	P	P			P	P				
Community transition facility	205E.4																<u>S</u>	P				
Crisis support home	205E.5	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>												
Crisis support facility	205E.6													<u>C</u>			P	P				
Displacement shelter	205E.7													<u>S</u>			<u>S</u>	P				

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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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		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	<u>S</u>	P
Commercial entertainment, indoor	205F.19											<u>S</u>	P	P		P	P	P			
Commercial entertainment, outdoor	205F.20							<u>S</u>		<u>S</u>			<u>S</u>	<u>S</u>		<u>S</u>	P	P	P	<u>S</u>	
Commercial laundry	205F.21																P	P			
Community garden	205F.22	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Contractor's yard	205F.23																<u>S</u>	P			
Cottage industrial	205F.24												<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>			
Country club	205F.25	P	P	P	P	P	P	P	P	P	P	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	
<u>Craft Consumables</u>	205F.26												<u>C</u>	<u>P</u>			<u>P</u>	<u>P</u>		<u>S</u>	
Data center	205F.27 205F.26													<u>S</u>		P	P	P	P		
Day care center	205F.28 205F.27										<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>
Dirt or topsoil extraction, sand or gravel mining or storage	205F.29 205F.28																<u>S</u>	P		<u>S</u>	
Dispatch office	205F.30 205F.29												<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Electric vehicle charging facility	205F.31 205F.30												<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Fairgrounds or rodeo grounds	205F.32 205F.31																P	P		<u>S</u>	
Farmers' market, permanent	205F.33 205F.32											<u>S</u>	P	P			P	P	P	P	

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Food and beverage processing	205F.3420 5F.33																P	P			
Fuel sales, passenger vehicles	205F.3520 5F.34											<u>S</u>	<u>C</u>	<u>C</u>		<u>S</u>	<u>C</u>	<u>C</u>			
Fuel sales, truck	205F.3620 5F.35																<u>S</u>	<u>S</u>			
Funeral home or mortuary	205F.3720 5F.36							<u>S</u>		<u>S</u>			<u>S</u>	P			P	P		<u>S</u>	
Government facilities (city, excluding airport uses)	205F.3820 5F.37	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.3920 5F.38												<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Greenhouse or plant nursery	205F.4020 5F.39												P	P			P	P		P	
Gun range, indoor	205F.4120 5F.40												<u>C</u>	P			P	P	P	<u>S</u>	
Gun range, outdoor	205F.4220 5F.41																	<u>S</u>	<u>S</u>		
Gym or fitness studio	205F.4320 5F.42											<u>C</u>	P	P	<u>C</u>	P	P	P			
Heavy machinery, rental, sales, and storage	205F.4420 5F.43													<u>S</u>			<u>S</u>	P			
Hospital	205F.4520 5F.44									P		<u>S</u>	P	P	<u>S</u>	P	P	P			
Hotel or motel	205F.4620 5F.45												P	P	P	P	P	P			P
Impound lot or yard	205F.4720 5F.46																P	P			

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Junk or salvage yard	205F.48 5F.47																	S			
Livestock auction	205F.49 5F.48																P	P		P	
Manufacturing, heavy	205F.50 5F.49																	P			
Manufacturing, light	205F.51 5F.50																P	P			
Microbrewery, distillery, winery or cidery	205F.51												C	P			P	P		S	
Motor freight terminal	205F.52																P	P			
Office showroom/warehouse	205F.53												S	P		P	P	P			
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	

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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, carryout and delivery only	205F.69											C	C	P		P	P	P			
Restaurant, dine-in	205F.70											C	C	C	C	C	C	C			C
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			

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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		
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	

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Temporary Uses																					
Note: for all allowed Temporary uses, specific requirements shall apply; see section 205H.																					
Batch plant (outdoor), temporary	205H.3.a	I	I	I	I	I	I							I		I	I	I	I	I	
Construction field office	205H.3.b	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Model home	205H.3.c	I	I	I	I	I	I														
Portable storage container	205H.3.d	I	I	I	I	I	I	I	I	I	I								I		
Religious or philanthropic uses	205H.3.e	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Seasonal sales	205H.3.f	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Warming station	205H.3.g	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
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	
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	

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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.

26.27. 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*.

27.28. 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.

28.29. 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*.

29.30. 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.

30.31. 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.

31.32. 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*.

32.33. 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*.

33.34. 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.

34.35. 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.

35.36. 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/weight 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.

36.37. 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*.

37.38. 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.

38.39. 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*.

39.40. 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.

40.41. 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.

41.42. 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*.

42.43. 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.

43.44. 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*.

44.45. 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*.

45.46. 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.

46.47. 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.

47.48. 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.

48.49. Livestock Auction ([back to table](#))

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

49.50. 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.

50.51. 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.

51. Microbrewery, Distillery, Winery, or Cider ([back to table](#))

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

- a. Where Table 2-26: Table of Uses, indicates "C":
 - I. A microbrewery, distillery, winery, or cidery shall not exceed 20,000 square feet.
 - II. A microbrewery can be up to 50,000 square feet if it contains a restaurant component that accounts for at least 30 percent of the building's gross floor area.
- b. 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.

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 telephone sales facilities are examples of this use. Incidental retail sales is permitted. Warehousing facilities shall be incidental to the primary use and shall not exceed 50 percent of the total floor area. This designation does not include service contractor.

a. 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. Speaker boxes shall be placed no closer than 20 feet from any residential zone or use.
 - II. 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.
 - III. Outdoor performances shall only be permitted within a confined patio.
 - IV. 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: Front yard: Not permitted Corner: Follow zoning district Rear yard: 1 foot Side yard: 1 foot	If 100 sq. ft. or less: Front yard: Not permitted Corner: Follow zoning district Rear yard: 1 foot Side yard: 1 foot
	If 101 to 300 sq. ft.: Front yard: Not permitted Corner: Follow zoning district Rear yard: 3 feet Side yard: 3 feet	If 101 to 300 sq. ft.: Front yard: Not permitted Corner: Follow zoning district Rear yard: 3 feet Side yard: 3 feet
	If 301 to 500 sq. ft.: Front yard: Not permitted Corner: Follow zoning district Rear yard: 5 feet Side yard: 5 feet	If 301 to 500 sq. ft.: Front yard: Not permitted Corner: Follow zoning district Rear yard: 5 feet Side yard: 5 feet
	If greater than 500 sq. ft.: Front yard: Not permitted Per applicable zoning district setbacks	If greater than 500 sq. ft.: Front yard: Not permitted Per applicable zoning district setbacks
	If greater than or equal to 2 stories:	If greater than or equal to 2 stories:

	Per applicable zoning district setbacks	Not applicable
Limitations	<ul style="list-style-type: none"> • Shall be located behind the front face of the primary building. • Shall not be used for commercial purposes unless approved and permitted as home occupation. • Shall not be located in any easement. • Shall not be rented or leased. • Shall not be constructed or installed prior to or independent of a primary use or building. 	<ul style="list-style-type: none"> • Shall be located behind the front face of the primary building. • Shall not be used for commercial purposes unless approved and permitted as home occupation. • Shall not be located in any easement. • Shall not be rented or leased. • 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:

- 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.
- Shall not be located within any required setbacks.
- Shall not be located within any required landscape buffers.
- 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.
- Enclosures shall be located behind the front of the primary building.
- Storage buildings, if provided, shall be constructed using similar materials and color as the exterior walls of the primary structure.
- 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:

- Electric vehicle charging parking spaces shall maintain a minimum width of 10 feet.
- 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.
- 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:

- Individual dwellings may have electric vehicle charging units that are not subject to these regulations.
- 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:

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- 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 may 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.