

# Use Regulations Work Session

**Uses with Drive-Thru Restaurants to be removed:**

Permitted uses	Residential Districts							Non-Residential Districts							Parking	
	Low Density		High Density					Commercial				Industrial		Mixed Use		
	AG/30	SF-ED	SF 20/26	SF 10/24	TH	MF	MH	NS	CR	CC	BG	LI	HI	DTH		SBO
<del>1. Financial Institution (with drive-thru)</del>								S	S	P						1 per 400-sq-ft (L)
<del>19. Restaurant with Drive-in or Drive-through Service</del>									S*	S*						1 per 150-sq-ft (L)

Section 7.11 was created within Article 7 General Development Regulations named “**Drive-Thru Service Provisions**” requiring a Special Use Permit and additional provisions:

**Section 7.11 Drive-Thru Service Provisions:**

**A. General Provisions: To Discuss**

- a. The minimum stacking space for the first vehicle stop for a commercial drive-thru shall be a minimum of 100-feet, and a minimum of 40-feet thereafter, for any other stops.
- b. CR District: Drive thru and stacking area shall not be located adjacent to residential uses.
- c. The General Provision listed in Section 7.10 shall apply.

**B. Appeal of distance requirements if there is one established: To Discuss**

Example of Section 7.10 Alcohol Provisions below:

A. *General Provisions:* The sale of alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and to the following development criteria:

- 1. Establishments are only permitted to sell alcohol by right if the subject property was located within the City limits as of May 13, 2006. For property annexed into the City after May 13, 2006, an establishment that sells alcohol must obtain a permit for a Private Club from the Texas Alcoholic Beverage Commission for the ability to sell alcohol.
- 2. An establishment that sells alcohol shall not be located closer than 300 feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door, and in direct lines across intersections.

3. An establishment that sells alcohol shall not be located closer than 300 feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections.
4. The distance between an establishment that sells alcohol and a private school can be increased to 1,000 feet if the City Council receives a request from the governing body of the private school to do so.
5. Establishments that derive more than 75% of their revenue from the sale of alcohol are only permitted by specific use permit.
6. In the BG District restaurant, use must be incorporated into the Civic Center facility and owned, managed, operated, or contracted through, in whole or in part, by a governmental agency.

B. Appeal of distance requirements: As allowed under Chapter 109 of the Texas Alcoholic Beverage Code the City Council may allow variances to the regulation if it is determined that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

1. The property owner shall request the variance, in writing, to the City Planner and provide any additional information that may be required.
2. A fee shall be required equal to the fee of a commercial request for a variance to the Zoning Board of Adjustments.
3. The City Planner shall notify the owner of the property subject to the distance requirement, according to current year County tax rolls, and cause notification to be published in the newspaper of record a time and place of the City Council meeting in which the request for the distance variance will be considered. The notifications shall occur at least 10 days prior to the City Council meeting.

**Uses to be removed:**

Permitted uses	Residential Districts							Non-Residential Districts							Parking	
	Low Density		High Density					Commercial			Industrial	Mixed Use				
E. Recreational Entertainment & Amusement	AG/30	SF-ED	SF 20/26	SF 10/24	TH	MF	MH	NS	CR	CC	BG	LI	HI	DTH	SBO	
<del>5. Mining</del>	<del>S</del>												<del>S</del>			<del>Per approved SUP</del>

**~~5. Mining~~**

~~Definition: Mining means the extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes are considered mining unless otherwise expressly authorized by another provision of this ordinance. The following are not considered mining:~~

~~Excavation, removal, or stockpiling of earth materials incidental to construction approved by a final plat, building permit, or for governmental or utility construction projects.~~

**b. ~~Additional Provisions:~~**

~~(1) A master plan and site plan, operation plans, and a restoration plan shall be provided with the Special Use Permit application.~~

~~(2) A Special Use Permit shall not be granted unless required state review and approval has been obtained.~~

**New Uses:**

Permitted uses	Residential Districts							Non-Residential Districts							Parking	
	Low Density		High Density					Commercial			Industrial		Mixed Use			
E. Recreational Entertainment & Amusement	AG/30	SF-ED	SF 20/26	SF 10/24	TH	MF	MH	NS	CR	CC	BG	LI	HI	DTH	SBO	
12. Event Center									S	S			P*		P*	1 Per 100 sq ft (L)

**12. Event Center**

a. Definition: Event center means a building or part of a building used for hosting gatherings or reception-type events. These types of uses include, but are not limited to birthday parties, weddings, baby showers, and commercial gatherings.

b. Additional Provisions:

- (1) The event center shall provide security at every event where alcoholic beverages are provided or served.
- (2) Event centers shall not be located within 500’ of the property line of a residentially zoned property.
- (3) A Special Use Permit shall be required within the Community Retail and Commercial Corridor Zoning districts.

**Use to be reviewed:**

Permitted uses	Residential Districts							Non-Residential Districts							Parking	
	Low Density		High Density					Commercial			Industrial		Mixed Use			
E. Recreational Entertainment & Amusement	AG/30	SF-ED	SF 20/26	SF 10/24	TH	M F	M H	NS	CR	CC	BG	LI	HI	DTH	SBO	
9. Sexually Oriented Business													P*			1 Per 150 sq ft (L)

**9. Sexually-Oriented Business**

. **Definition:** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or nude model studio.

**Additional Provisions:** This use shall meet all requirements of the Chapter 26 “Businesses” of the City of Wylie Code of Ordinances, and Article IV Sexually Oriented Businesses.

9. Home Occupation.

- a. Definition: Home occupation means an occupation that is incidental to the primary use of the premises as a residence and conducted on the residential premises by a resident of the premises.
- b. Additional Provisions: In order to maintain compatibility with the residential use of the property where the business is located, additional provisions are;
  - (1) A home-based business that sells alcohol, is a sober living home, or is a Sexually Oriented Business, requires a Special Use Permit.
  - (2) On-premise advertisements, signs or displays are prohibited.
  - (3) The appearance of the structure shall not be altered, nor shall the occupation within the dwellings be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or by signs, or the emission of sounds, noises, dust, odors, fumes, smoke, or vibrations.
  - (4) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.
  - (5) There shall be no outdoor storage of materials or equipment. There shall be no visible merchandise be visible from outside the dwelling.
  - (6) There shall be no use or storage of mechanical equipment not recognized as being part of normal household or hobby use.
  - (7) A property owner may seek a variance to this ordinance in accordance with Article 8, Section 8.4 to the Zoning Board of Adjustment.
  - (8) As defined by the Human Resource Code, Chapter 42 an "In-home Day Care" or a "Family home" that is certified, listed or registered with the State of Texas is exempt from this Ordinance, and governed by the rules and regulations of the State of Texas.