

ORDINANCE NO. 2002-05-038

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; SO THAT APPROXIMATELY 243 ACRES, LOCATED AT THE NORTHWEST CORNER OF STATE HIGHWAY 121 AND LAKE FOREST DRIVE, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR MIXED USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the owners of approximately 243 acres located at the northwest corner of State Highway 121 and Lake Forest Drive, which is zoned "AG" – Agricultural District, have petitioned the City of McKinney to rezone said tract to "PD" – Planned Development District, generally for mixed uses, made part hereof for all purposes; and,

WHEREAS, after due notice of such requested zoning change as required by law and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, the City Council is of the opinion that such zoning change should be made.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. Ordinance No. 1270 is hereby amended so that approximately 243 acres generally located at the northwest corner of State Highway 121 and Lake Forest Drive, which is more fully depicted on Exhibit "A" attached hereto, is hereby rezoned from "AG" – Agricultural District to "PD" – Planned Development District, generally for mixed uses.

Section 2. The subject property be developed according to Exhibit "B", attached hereto.

Section 3. No developer or property owner shall acquire any vested interest in this Ordinance. This Ordinance and the subsequent regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 4. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.


Section 5. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

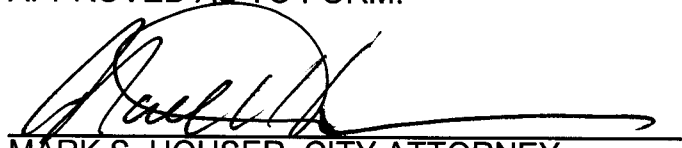
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, ON THIS 7th DAY OF MAY, 2002.


DON DOZIER, MAYOR

CORRECTLY ENROLLED:


JENNIFER Q. SPROULL, CITY SECRETARY
BEVERLY COVINGTON, DEPUTY CITY SECRETARY

APPROVED AS TO FORM:


MARK S. HOUSER, CITY ATTORNEY

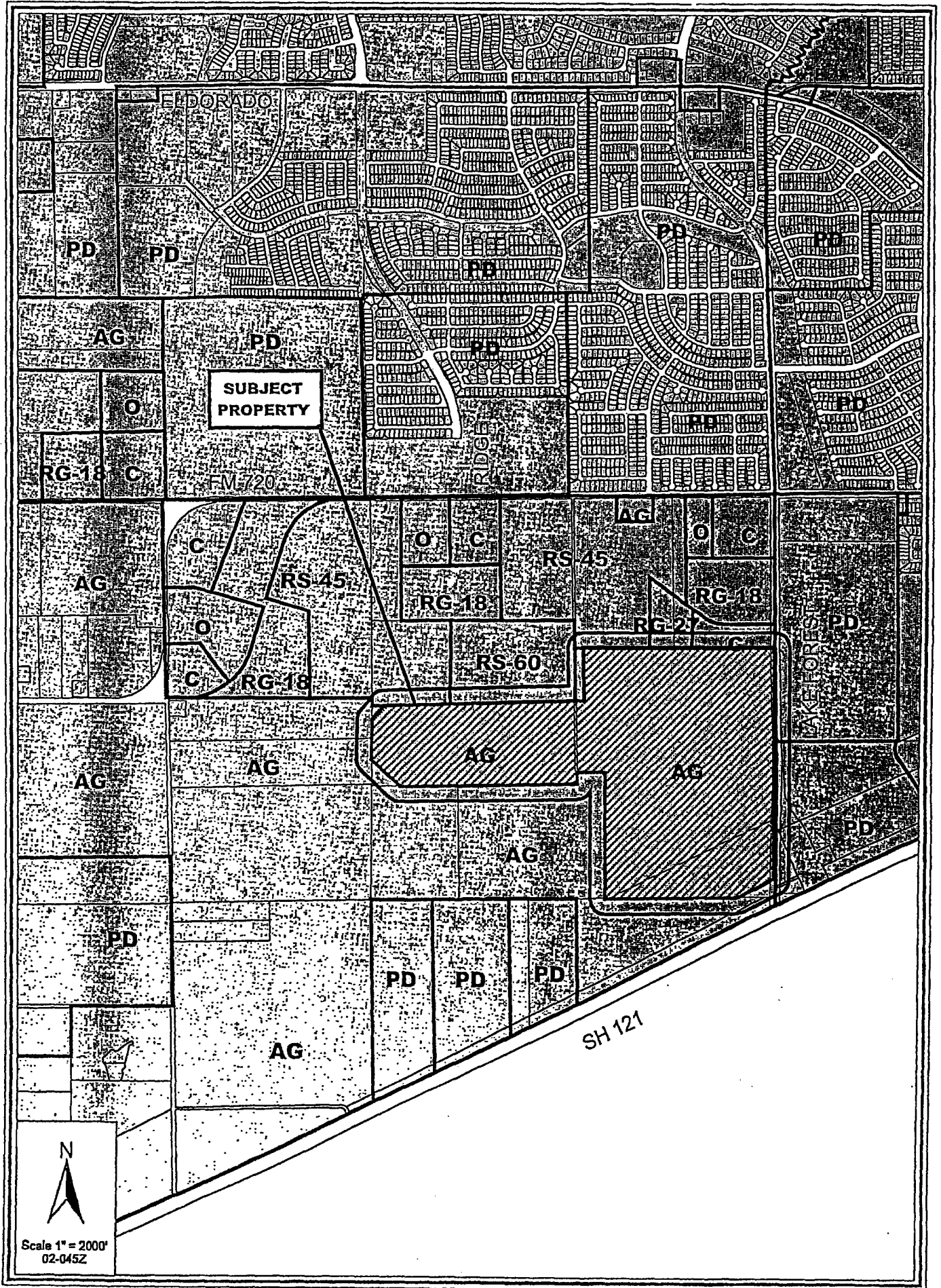


EXHIBIT "A"

**General Planned Development Standards
For Approximately 243 Acres**

I. Purpose and Intent

In keeping with the purpose of the award winning Regional Employment Center study, the purpose of this planned development is to provide a framework for high quality employment center, mixed-use and supporting residential and commercial uses within the central portion of the McKinney Regional Employment Center (REC).

II. Special Provisions

All development shall be subject to the Design Guidelines of the McKinney Regional Employment Center as adopted at the date of approval of this Planned Development or as subsequently modified by the City unless noted herein. If any conflicts between these Planned Development Standards and any future changes to the McKinney Regional Employment Center Design Guidelines relative to lot area standards should occur, the Planned Development Standards shall prevail. These PD standards adopt the McKinney Regional Employment Center Design Guidelines Schedule of Uses. Where the Planned Development Standards are silent, the McKinney Regional Employment Center Design Standards, or any future amendments shall prevail.

Parent zoning district tract shall mean each zoning tract as defined upon adoption of this ordinance. The applicant shall be responsible for documenting development totals for individual tracts and the remaining mixed-use development capacity for the original parent zoning district tract as development applications are submitted.

Due to the flexibility of mixed-use, the uses may be located throughout the property and may be shifted from one area of the parent zoning tract to another area of the parent zoning tract. Prior to shifting uses, however, a detailed general development plan shall be submitted for approval prior to a plat or site plan submittal. The intent is to allow for flexibility but to maintain the integrity of the REC, mix of uses, minimum and maximum densities and designs that have context to the surrounding areas.

Prior to approval of a preliminary plat or a site plan for any one parcel, a detailed general development plan shall be submitted for approval. The general development plan shall illustrate the proposed development as well as the entire parent zoning tract the development lies within. Staff may require that this General Development Plan include key off-site constraints that may impact development of the property. The applicant shall be required to include the following items on the general development plan exhibit:

Exhibit B – Planned Development Standards

- All necessary conceptual site plan requirements (scale, north arrow, etc.)
- Proposed uses and proposed building locations and dimensions
- Lot patterns
- Street network (including the designations of Type A streets, arterials, collectors, etc.)
- Land use calculations (total number of acres, percent by type, etc.)
- Open space designations

Items to be considered by staff as part of the approval process shall include the following:

- Adherence to the McKinney Regional Employment Center Overlay Design Guidelines
- Street network (Type A, Type B, collectors, arterials, etc.)
- Pedestrian connectivity and open space allocation
- Mix of land uses

III Commercial – Residential District Standards

A. Mixed Use/Employment Center (MU-EC)

1) Permitted Uses: Uses permitted in the REC Employment Center District are permitted as either primary or secondary uses.

a. Primary Uses

- This tract is intended to develop primarily with office uses and large scale non-residential/non-industrial uses which tend to have large footprints and serve as employment generators.
- Hotels and temporary lodging uses shall also be allowed and encouraged as primary uses in this district.

b. Secondary Uses

- Secondary uses shall compose between fifteen percent (15%) and forty-five (45%) of the allowed gross floor area within the original parent zoning district tract.
- Retail and service uses are permitted as secondary uses to support the primary uses. Most retail and service uses shall be integrated into the design and development of the large primary uses in a way creates a lively urban experience that emphasizes the vertical “mixed use” pattern. A small portion of the retail and service uses in this district may be allowed as independent, freestanding operations.

Exhibit B – Planned Development Standards

- Residential uses shall be permitted as secondary uses within the district. They shall be developed in a dense form that contributes to creating an urban environment. Residential uses can take any of the following forms:
 - (i) Dwelling units above non-residential uses (live-work units)
 - ◊ A business operated out of this type of dwelling unit is not considered a “home occupation” as defined by City of McKinney Zoning Ordinance, and the regulations of a home occupation as an accessory use to a residential use do not apply.
 - (ii) Multiple-family dwellings (apartments), with more than four units in each building
 - c. Other uses
 - Open space shall be provided within the tract as required by the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.
- 2) Development Standards
- a. Maximum Floor Area Ratio: 2.5 : 1.0
 - b. Maximum Height: Thirty (35) feet
- C. Mixed Use/General Business (MU-BG)
- 1) Permitted Uses: Uses permitted in the REC Commercial District are permitted as either primary or secondary uses.
- a. Primary Uses
 - All permitted non-residential uses are primary uses
 - b. Secondary Uses
 - Residential uses shall be permitted as secondary uses within the district. They shall be developed in a dense form that contributes to creating an urban environment. Residential uses can take any of the following forms:
 - (i) Dwelling units above non-residential uses (live-work units)
 - ◊ A business operated out of this type of dwelling unit is not considered a “home occupation” as defined by City of McKinney Zoning Ordinance, and the regulations of a home occupation as an accessory use to a residential use do not apply.
 - (ii) Multiple-family dwellings (apartments), with more than four units in each building
 - c. Other uses

Exhibit B – Planned Development Standards

- Open space shall be provided within the tract as required by the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.

2) Development Standards

- a. **Maximum Floor Area Ratio:** 2.5 : 1.0
- b. **Maximum Height:** One hundred (100) feet. Buildings taller than one hundred (100) feet may be permitted when the design is consistent with the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.
- c. **Height/Setbacks:** Buildings within 90 (ninety) feet of the following may not exceed fifty-five (55) feet. The setback is measured from the building to the boundary of the following properties:
 - (i) An undeveloped property zoned primarily for single-family residential uses, or
 - (ii) A property developed for single-family residential uses (one dwelling unit per lot).

IV Residential Districts

A. Mixed Use/Residential District (MU-Res)

- 1) **Permitted Uses:** Uses permitted in the REC Residential District, and as required by the Housing Mix standard. Non-residential uses are permitted only as accessory uses as defined by the City of McKinney Zoning Ordinance.
- 2) **Development Standards:**
 - a. **Minimum Average Density:** Four (4) net units per acre of the original parent zoning tract.
 - b. **Housing Mix:** At least four of the following housing types shall each compose at least five percent (5%) of the total number of dwelling units developed within the original parent zoning tract:
 - Single-family detached on a lot equal to or greater than seventy (70) feet wide
 - Single-family detached on a lot equal to or greater than sixty (60) and less than seventy (70) feet wide
 - Single-family detached on a lot equal to or greater than fifty (50) and less than sixty (60) feet wide
 - Single-family on a lot less than fifty (50) feet wide
 - Townhome
 - Two-family detached dwellings (duplexes)
 - Three- or Four-family detached dwellings (triplexes or fourplexes)

Exhibit B – Planned Development Standards

Retail and service uses must compose between one-tenth of one percent (0.1%) and ten percent (10%) of the allowed gross floor area within the original parent zoning tract. Private clubs shall be allowed in this tract by Specific Use Permit per the City of McKinney Ordinance.

- Residential uses shall be permitted as secondary uses within the district. They shall be developed in a dense form that contributes to creating an urban environment in conformance to the REC Design Standards and Guidelines. Residential uses shall compose between fifteen percent (15%) and twenty-five (25%) of the allowed gross floor area within the parent zoning tract. Residential uses can take any of the following forms:
 - (i) Dwelling units above non-residential uses (live-work units)
 - ◊ A business operated out of this type of dwelling unit is not considered a “home occupation” as defined by City of McKinney Zoning Ordinance, and the regulations of a home occupation as an accessory use to a residential use do not apply.
 - (ii) Multiple-family dwellings (apartments), with more than four units in each building.

c. Other uses

- Open space shall be provided within the tract as required by the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.

2) Development Standards

- a. Maximum Floor Area Ratio: 4.5 : 1.0
- b. Minimum Height: Two (2) stories. One (1) story buildings are permitted for freestanding retail or service uses, or by Specific Use Permit.
- c. Maximum Height: Fifteen (15) stories
- d. Height/Setbacks: The following height maximums shall also apply to structures within this district:
 - One (1) story building are permitted only for freestanding retail and service uses, or by issuance of a Specific Use Permit.
 - Buildings within 150 of the following may not exceed two (2) stories. The setback is measured from the building to the boundary of the following properties:
 - (i) An undeveloped property zoned primarily for single-family residential uses, or
 - (ii) A property developed for single-family residential uses (one dwelling unit per lot)

Exhibit B – Planned Development Standards

- Buildings exceeding thirty-five (35) feet shall be setback from the following by at least one hundred (100) feet plus one (1) additional foot per one (1) foot of building height above the second story or 30 feet, whichever is less.
 - (i) An undeveloped property zoned primarily for single-family residential uses, or
 - (ii) A property developed for single-family residential uses (one dwelling unit per lot)
 - Buildings exceeding four (4) stories shall be setback from the following by at least two hundred fifty (250) feet.
 - (i) An undeveloped property zoned primarily for single-family residential uses, or
 - (ii) A property developed for single-family residential uses (one dwelling unit per lot)
- e. Residential Density: Residential uses are permitted only at a density of at least twenty four (24) units per acre and not more than forty (40) units per acre.
- f. Use Conversion: Conversion of a building or portion there of from a non-residential use into a residential use shall be permitted only with the approval of the Director of Planning. Conversion shall be permitted when conversion project is in general conformance with the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.
- g. Parking Layout: For buildings adjacent to Collin McKinney Parkway and within 250 feet, the parking shall be located behind and to the side of the building. These parking spaces should be screened from the fronting streets by one or more buildings. For all other buildings interior to the parent tract or facing Lake Forest, or SH 121, the parking shall conform to the REC standards and to the City of McKinney site plan requirements. The intent of this criteria is to develop an urban village type of design along Collin McKinney Parkway; however, where market demands are in conflict, parking design alternatives shall be considered especially for large office and commercial footprints interior to the parent tract and away from Collin McKinney Parkway.
- B. Mixed Use/Neighborhood Business (MU-BN)**
- 1) Permitted Uses: Uses permitted in the REC Retail District are permitted as either primary or secondary uses.
- a. Primary Uses
- Retail and service uses
- b. Secondary Uses

Exhibit B – Planned Development Standards

- Multiple-family dwellings (more than 4 dwelling units in each building)
- c. Setbacks, and build to lines: As required by the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.
- Front porches shall be allowed to extend beyond the build-to-line.
 - For homes with front loading garages, the garage setback shall be measured from the façade of the home or the extended porch whichever is closest to the front property line.
 - The Planning & Zoning Commission can review and approve a Concept Plan for single-family residential development with a setback between attached garages and the front façade of the house of not less than a ten (10) feet.
 - The Planning & Zoning Commission can review and approve a Concept Plan for single-family residential development with a zero lot line side setback, or combination of side setbacks totaling ten (10) feet.
- d. In keeping with a neo-traditional neighborhood design, the exterior shall be softened to help create a more positive pedestrian experience. Of particular importance shall be the use of street trees and trees on individual lots that are designed to create an outdoor canopy or room. Additionally, the use of colors and materials shall be subdued in tone and nature. Hardy Plank material shall be allowed as an acceptable material for residential development.
- e. Only non-single-family residential uses or townhomes are permitted adjacent to Collin McKinney Parkway. Adjacent residential properties must be oriented towards Collin McKinney Parkway, and conform to the Collin McKinney Parkway Corridor Design Standards.
- f. The graphic below illustrates an allowable option to address the finished floor elevation requirement of the REC Standards and Guidelines. All dwelling units shall have a finished first floor elevation at least 2 feet above the sidewalk in front of the building.

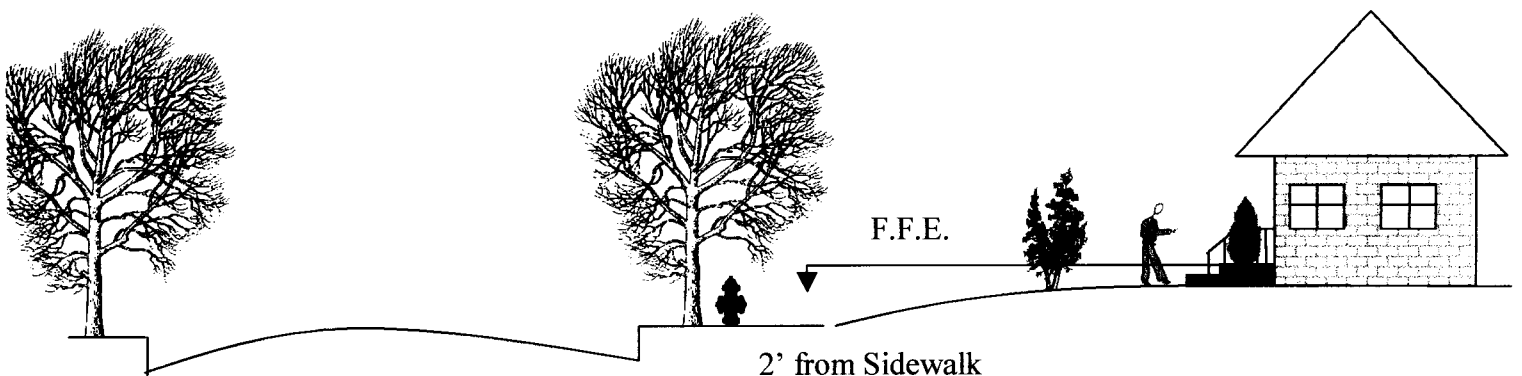


Exhibit B – Planned Development Standards

V Landscaping: The landscaping of all development with this Planned Development shall conform to the requirements of the McKinney Regional Employment Center Design Guidelines as adopted or amended in the future.

VI Lighting: The lighting poles and standards shall be of decorative nature as to enhance the pedestrian experience. All lighting performance measures and spacing requirements shall comply with the City of McKinney's Lighting Ordinance.

VII Road designs: Roads shall be designed in accordance with the City of McKinney adopted road schematics. Presently, Collin McKinney Parkway is noted as a Greenway Arterial which is a 4-lane divided thoroughfare on 120' ROW. Internal roads shall meet all right-of-way, radius and curb design standards as adopted by the City of McKinney.

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