

**ORDINANCE NO. 2011-05-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING SECTION 146-101 AND APPENDIX C, SECTION C-3 OF THE ZONING REGULATIONS OF THE CITY OF MCKINNEY, TEXAS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, the City of McKinney adopted the Zoning Regulations for the protection of the public health and general welfare of the people of the City of McKinney; and

**WHEREAS**, the City Council and the Planning and Zoning Commission have recognized that certain provisions of the Zoning Regulations should be reviewed and updated; and

**WHEREAS**, amendments to these provisions have been proposed and the City Council and the Planning and Zoning Commission of the City of McKinney are of the opinion that these chapters should be amended.

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

Section 1. That the Code of Ordinances, City of McKinney, Texas, Section 146-101 of the Zoning Regulations, is hereby amended and shall read as follows:

**Sec. 146-101. "CC" – Corridor Commercial Overlay District (suffix).**

- a. *Purpose.* The "CC" – Corridor Commercial Overlay District is designed to provide standards for the development of non-residential structures that are generally recognized as needing to be of greater height than non-residential structures are otherwise allowed by the base zoning districts contained within this Zoning Ordinance. These taller structures will generally be located along and within close proximity to the major regional highways passing through the City: University Drive (U.S. Highway 380); Central Expressway (U.S. Highway 75); and, the Sam Rayburn Tollway (State Highway 121). These "CC" Overlay District standards recognize these major regional highways as an economic development engine that may be utilized to leverage a diverse and sustainable non-residential tax base for the City.
- b. *Intent.* It is not the intent of the "CC" Overlay District to replace the zoning regulations governing the use on any individual parcel of property. Instead, these regulations are meant to supplement the existing zoning district regulations on individual parcels of property within the overlay district. Examples of this intent are provided below:
  1. If the existing underlying zoning regulations or existing base zoning district on a particular property (the "governing zoning district") allow a five story building height but the "CC" Overlay District designates the property as only allowing a maximum building height of three stories, a maximum building height of five stories shall be permitted. Conversely, if the governing zoning district allows a three story building height but the "CC" Overlay District designates the property as allowing a maximum building height of five stories, a maximum building height of five stories shall be permitted. More specifically, it is the intent of the "CC" Overlay District that the more permissive provision regarding maximum building height regulations shall be applicable save and except in the areas designated as part of the Suburban Subzone.

2. If the property is zoned “PD” – Planned Development District and the governing zoning district specifies architectural design regulations, the PD regulations shall be applicable except where they conflict with the architectural design requirements of the “CC” Overlay District. If a conflict between the governing PD zoning district and the provisions of the “CC” Overlay District exist, the provisions of the “CC” Overlay District shall prevail.
- c. *Areas encompassed.* The areas regulated by these standards shall include certain properties generally located within four subzones described as follows:
1. *Suburban Subzone* – This subzone will not allow any increase in the maximum building heights allowed by a specific property’s governing zoning district and is intended to protect and maintain the residential character of the area by limiting the allowable building heights to those specified within the property’s governing zoning district.
  2. *Low Rise Subzone* – This subzone will generally allow minimal increases in the maximum building heights allowed by a specific property’s governing zoning district.
  3. *Mid Rise Subzone* – This subzone will generally allow moderate increases in the maximum building heights allowed by a specific property’s governing zoning district.
  4. *High Rise Subzone* – This subzone will generally allow substantial increases in the maximum building heights allowed by a specific property’s governing zoning district.

The official boundaries of the “CC” Overlay District and its four subzones shall be as delineated on the official boundary map contained in Appendix C, Section C-3, of this chapter.

- d. *Applicable regulations.* All development regulations specified by a particular property’s governing zoning district, including planned development regulations, shall be applicable, except that in the event a governing zoning district’s regulations conflict with the standards of the Corridor Commercial Overlay District, the more permissive regulations shall control save and except in the areas designated as part of the Suburban Subzone.
- e. *Space limits.*
1. *Maximum height of non-residential buildings:*
    - i. *Suburban Subzone:* The maximum building heights as specified by the property’s governing zoning district shall be applicable. More specifically, this overlay district shall not allow any increase in building height beyond the maximum heights as prescribed by the property’s governing zoning district.
    - ii. *Low Rise Subzone:* 3 stories.
    - iii. *Mid Rise Subzone:* 6 stories.
    - iv. *High Rise Subzone:* 12 stories.
  2. *Minimum non-residential building setbacks:* Same as the minimum setbacks required by the governing zoning district regulations.

3. *Maximum non-residential lot coverage:* Same as the maximum lot coverage required by the governing zoning district regulations, except that there is no maximum lot coverage for buildings four or more stories tall.
  4. *Maximum non-residential floor area ratio:* Same as the maximum floor area ratio required by the governing zoning district regulations, except that there is no maximum floor area ratio for buildings four or more stories tall.
- f. *Architectural and Site Standards.* All non-residential buildings in non-residential zoning districts that are four or more stories in height shall not be required to satisfy the minimum standards for approval as prescribed in Section 146-139(l)(3) of this chapter, and shall be approved if all of the following criteria are met:
1. Each wall of each building shall be finished with masonry as specified herein. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to, slate, flagstone, granite, limestone, and marble.
    - i. Each wall on buildings 4 to 6 stories in height shall be finished with at least 25 percent masonry;
    - ii. Each wall on buildings 7 to 9 stories in height shall be finished with at least 10 percent masonry; and
    - iii. No masonry finishing materials shall be required on buildings over 9 stories in height.
  2. The balance of any exterior finishing materials shall be stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall construction, and/or glass curtain wall systems. In addition, up to a maximum of 20 percent of the exterior finishing materials may include approved architectural metal finishing materials including, but not limited to aluminum bonded panels or metal accents (not including corrugated metal).
  3. The maximum reflectivity of all exterior glass shall be less than or equal to 27 percent.
  4. The colors of 100 percent of total exterior building surfaces (exclusive of glass and architectural metal finishing materials) shall be neutrals, creams, pastels, or deep, rich, non-reflective natural or earth-tone colors (including approved finishing materials). Examples of acceptable colors include, but are not limited to burgundy, forest green, navy blue, eggplant, rust, or ochre. Subtle variations of such colors shall also be permitted.

Section 2. That the Code of Ordinances, City of McKinney, Texas, Appendix C, Section C-3 of the Zoning Regulations, is hereby established and shall read as specified in Exhibit A, attached hereto.

Section 3. 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 4. That this Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 5. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 17<sup>TH</sup> DAY OF MAY, 2011.**

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

\_\_\_\_\_  
SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney