

ORDINANCE NO. 2015-05-\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 146-99 (REC REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT), SECTION 146-132 (FENCES, WALLS, AND SCREENING REQUIREMENTS), AND SECTION 146-139 (ARCHITECTURAL AND SITE STANDARDS) OF THE ZONING ORDINANCE (CHAPTER 146 OF THE CODE OF ORDINANCES); AND AMENDING SECTION 1 (INTRODUCTION) INCLUDING THE TABLE OF CONTENTS, SECTION 7 (LAND USE ELEMENT), SECTION 8 (TRANSPORTATION), SECTION 11 (URBAN DESIGN), AND APPENDIX E (AN INFORMAL GUIDE TO THE MULTI-FAMILY POLICY IN THE CITY OF MCKINNEY) OF THE COMPREHENSIVE PLAN; 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 Code of Ordinances 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 Code of Ordinances 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.

**WHEREAS**, the City of McKinney, Texas adopted a Comprehensive Plan in 2004 to encourage and coordinate future physical development within its Ultimate Planning Area; and

**WHEREAS**, an integral part of a successful Comprehensive Plan program is the ability to make periodic refinements in order to keep the Comprehensive Plan up-to-date and calibrated to community changes; and

**WHEREAS**, the City of McKinney, Texas has amended the 2004 Comprehensive Plan in 2005, 2006, 2008, 2010, 2012 and 2013; and

**WHEREAS**, State of Texas law mandates that all zoning be conducted in conjunction with a Comprehensive Plan; and

**WHEREAS**, now in 2015, the City of McKinney desires to amend the 2004 Comprehensive Plan to provide for an amendment to Section 1 (Introduction) including the Table of Contents, 7 (Land Use Element), 8 (Transportation), 11 (Urban Design), and Appendix E (An Informal Guide to the Multi-Family Policy in the City of McKinney).

**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 146-99 of the Code of Ordinances, is hereby amended and shall read as follows:

“(a) *Purpose.* The REC regional employment center overlay district is designed to provide design standards for the development of properties north of State Highway 121 between FM 2478 (Custer Road) and U.S. Highway 75 (Central Expressway). State Highway 121 is planned as a future freeway connecting U.S. Highway 75 (Central Expressway) to the

Dallas/Fort Worth Airport. These standards recognize the significance of State Highway 121 as a proposed freeway and the importance of the Regional Employment Center (REC) as a coherent and largely undeveloped expanse of land, quite unique among all undeveloped properties in the city (see appendix B to this chapter).

(b) *Areas encompassed.* The area encompassed by these standards shall include all those properties that extend generally from the centerline of State Highway 121 northward to FM 720 and including some properties north of FM 720. This district will span from FM 2478 (Custer Road) to U.S. Highway 75 (see appendix B to this chapter).

(c) *Applicable regulations.* All applicable regulations for use, yards, area, lot dimensions, utility placement, urban design and landscaping shall be those specified for each district, including planned development stipulations. Where any of the above conflict with those of the overlay district, the standards in this chapter and the associated "Urban Design Standards for the Regional Employment Center (REC)" shall prevail except for zoning that existed prior to the effective date of the ordinance from which this chapter is derived. For such properties, the permitted densities, permitted uses, and general lot development or site plan development standards as set forth in the existing zoning district shall apply. However, all other REC Overlay District standards shall apply to such properties. The REC Overlay District shall no longer be applicable to properties zoned on or after June 1, 2015. Additionally, zoning or rezoning to this classification will not be permitted after June 1, 2015.

(d) *General provisions.*

- (1) The minimum size of a development or portion of a development to be used in making calculations to determine compliance with the requirements of this chapter is 40 acres, unless a waiver is granted by the director of planning.
- (2) The maximum size of a development or portion of a development to be used in making calculations to determine compliance with the requirements of this chapter is 200 acres. Tracts larger than 200 acres shall be developed as multiple neighborhood developments, each individually subject to all such provisions of this chapter, unless a waiver is granted by the director of planning.

(e) *Development and/or redevelopment.* Development and/or redevelopment shall meet the following landscaping requirements: A landscape plan shall be submitted as per the landscape requirements of section 146-135, and as amended. The landscape plan shall be approved in conjunction with the associated site plan. Landscaping shall be provided in a manner that is in keeping with the spirit of the "Urban Design Standards for the Regional Employment."

Section 2. That the Code of Ordinances, City of McKinney, Texas, Section 146-132(3)(b) of the Code of Ordinances, is hereby amended and shall read as follows:

"b. Multiple family residential developments outside of the MTC - McKinney Town Center zoning district shall provide and maintain a six-foot tall masonry screening wall along all side and rear property lines. Multiple family residential developments that are subject to the requirements of the REC – Regional Employment Center Overlay District, shall be exempt from this requirement."

Section 3. That the Code of Ordinances, City of McKinney, Texas, Section 146-

139(F)(1)(h)(iv) of the Code of Ordinances, is hereby amended and shall read as follows:

“iv. All multi-family residential buildings (excluding senior multi-family residential buildings) shall be limited to two stories in height. Multiple family residential developments, that are subject to the requirements of the REC – Regional Employment Center Overlay District, shall be exempt from this requirement.”

Section 4. That the Code of Ordinances, City of McKinney, Texas, Section 146-139(F)(1)(h)(vi) of the Code of Ordinances, is hereby amended and shall read as follows:

“vi. Multi-family residential structures located within 150 feet of an adjacent single family residential use or zone shall be situated so that no exterior facing window is oriented towards said adjacent single family residential use or zone. If a right-of-way with an ultimate width of 120 feet or greater is located between said multi-family residential structure and an adjacent single family residential use or zone, this requirement shall not be applicable. Windows, for the purposes of this subsection, shall be defined as any transparent panel in an otherwise opaque wall surface. Multiple family residential developments, that are subject to the requirements of the REC – Regional Employment Center Overlay District, shall be exempt from this requirement.”

Section 5. The City Council of the City of McKinney, Texas hereby amends the 2004 Comprehensive Plan to reflect changes to Section 1 (Introduction) including the Table of Contents as shown in Exhibit A, Section 7 (Land Use Element) as shown in Exhibit B, Section 8 (Transportation) as shown in Exhibit C, Section 11 (Urban Design) as shown in Exhibit D, and Appendix E (An Informal Guide to the Multi-Family Policy in the City of McKinney) as shown in Exhibit E.

Section 6. 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 7. 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 8. 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 5<sup>TH</sup> DAY OF MAY, 2015.**

CITY OF MCKINNEY, TEXAS

---

BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

---

SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

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

APPROVED AS TO FORM:

---

MARK S. HOUSER  
City Attorney