

## **Zoning Case 2021-020**

**An Ordinance of the City of Plano, Texas, amending Article 8 (Definitions), Article 9 (Residential Districts), Article 13 (Lot and Building Standards), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to backyard chickens; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.**

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 13th day of September 2021, for the purpose of considering a change in the Zoning Ordinance; and

**WHEREAS**, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

**WHEREAS**, on the 13th day of September 2021, the City Council of said City, tabled the item to the 27th day of September 2021, when it held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance; and

**WHEREAS**, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Section 8.200 (Terms Defined) of Article 8 (Definitions) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such amended definitions to read as follows:

### **Kennel (Indoor Pens)/Commercial Pet Sitting**

An establishment in which more than six dogs or domestic animals are on the premises at one time, that has indoor pens and provides any of the following services related to the animals for commercial purposes: housing during the day or overnight, grooming, breeding, boarding, exercising, training, or selling. Animal transportation service may be provided. Keeping backyard hens inside, consistent with the Code of Ordinances, does not create or establish a Kennel (Indoor Pens).

### **Kennel (Outdoor Pens)**

An establishment in which more than six dogs or domestic animals more than one year old are on the premises at one time, that has outdoor pens and provides any of the following services related to the animals for commercial purposes: housing during the day or overnight, grooming, breeding, boarding, exercising, training, or selling. The keeping of backyard hens, consistent with the Code of Ordinances, does not create a Kennel (Outdoor Pens).

**Section II.** A portion of Subsection 9.300.3 (Area, Yard, and Bulk Requirements) of Section 9.300 (ED, Estate Development District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portion of subsection to read as follows:

<b>Description</b>	<b>Requirement</b>
Minimum Lot Area	43,560 square feet; 85,000 square feet if any livestock, except backyard hens kept in accordance with the Code of Ordinances, are kept (See Sec. 9.300.4A)

**Section III.** Part A (Animal Restrictions) of Subsection 9.300.4 (Special District Requirements) of Section 9.300 (ED, Estate Development District) of Article 9 (Residential Districts) of Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

- i. Number**  
No more than two livestock can be maintained per acre of lot area.
- ii. Type**  
Livestock animals are limited exclusively to horses and other equine species, cattle, llamas, sheep, and goats. Swine and fowl are expressly prohibited. Domestic animals are allowed consistent with the Code of Ordinances. Other types of animals that introduce an unusual disturbance to the community or adjoining property owners shall not be maintained.
- iii. Breeding**  
No livestock animals, other than equine species, shall be kept for commercial breeding purposes.
- iv.** Notwithstanding the above, backyard hens may be kept in accordance with the Code of Ordinances.

**Section IV.** Part B (Accessory Buildings) of Subsection 9.300.4 (Special District Requirements) of Section 9.300 (ED, Estate Development District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

- i. Accessory buildings in the ED district, except garages, must be located behind the main dwelling in the rear yard.
- ii. Accessory buildings must be at least 50 feet from any side property line and 25 feet from the rear property line.
- iii. Accessory buildings must be at least 100 feet from dwellings on adjoining property.
- iv. The number of accessory buildings must be limited to one, except that more than one may be granted by approval of a site plan. An additional accessory building may be added without the approval of a site plan only if that building is a coop for backyard hens kept in accordance with the Code of Ordinances.

**Section V.** Part A (Use of Accessory Building) of Subsection 13.900.1 (General) of Section 13.900 (Accessory Building Regulations) of Article 13 (Lot and Building Standards) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

**A. Use of Accessory Building**

In a residential zoning district, an accessory building may not be used for commercial purposes, with the exception of coops for backyard hens kept in accordance with the Code of Ordinances, and may not be rented.

**Section VI.** All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section VII.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

**Section VIII.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section IX.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section X.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 27TH DAY OF SEPTEMBER 2021.**

---

John B. Muns, MAYOR

ATTEST:

---

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

---

Paige Mims, CITY ATTORNEY