

## Zoning Case 2022-017

**An Ordinance of the City of Plano, Texas, amending Article 9 (Residential Districts), Article 10 (Nonresidential Districts), and Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to improve alignment of the Residential Community Design and Neighborhood Business Design districts with the comprehensive plan; 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 February 2023, 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**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 13th day of February 2023; and

**WHEREAS**, the City Council is of the opinion and finds that such change should be adopted, 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.

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

**Section I.** Subsection 9.1700.1 (Purpose) of Section 9.1700 (RCD, Residential Community Design District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subsection to read as follows:

### **.1 Purpose**

The RCD district is intended to provide a planning, regulatory, and management framework for the design and integration of small lot residential development. The district is designed to reinforce surrounding neighborhood character, provide appropriate transitions in use and building scale, ensure appropriate allocation and design of open space, and achieve a well-connected street and pedestrian network. The zoning district is appropriate primarily for undeveloped properties and

redevelopment of retail or commercial corners, redevelopment of commercial corridors when meeting Expressway Corridor Environmental Health Guidelines, in transit-oriented development areas, or when implementing a small area plan. The standards are intended to ensure compatibility between the district and surrounding residential neighborhoods.

**Section II.** Part C of Subsection 9.1700.4 (Housing-Types Requirement) of Section 9.1700 (RCD, Residential Community Design District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

C. The required mix of housing types is determined by the number of dwelling units provided within the district as shown below.

<b>Dwelling Units Provided</b>	<b>50 Units or Less</b>	<b>51-100 Units</b>	<b>Over 100 Units</b>
<b>Minimum District Size</b>	5 acres	5 acres	10 acres
<b>Minimum Housing Types Required</b>	1	2	3
<b>Tier One Units</b>	Minimum 50% of total units	Minimum 50% of total units	Minimum 50% of total units
<b>Tier Two Units</b>	Permitted	Permitted	Permitted
<b>Tier Three Units</b>	Not permitted	Not permitted	Cannot exceed 25% of total units

**Section III.** A portion of Subpart A.ii.b (Area, Yard, and Bulk Requirements) of Subpart ii (Tier One: Single-Family Residence-3) of Part A (Tier One Housing Types) of Subsection 9.1700.5 (Area, Yard, and Bulk Requirements for Housing Types) of Section 9.1700 (RCD, Residential Community Design District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portion of subpart to read as follows:

<b>Description</b>	<b>Requirements</b>
Front Yard Encroachments	Canopies, balconies, stoops, bay windows, awnings, and other building projections may extend up to 5 feet into the front yard setback.

**Section IV.** A portion of Subpart A.iii.b (Area, Yard, and Bulk Requirements) of Subpart iii (Tier One: Single-Family Residence-2) of Part A (Tier One Housing Types) of Subsection 9.1700.5 (Area, Yard, and Bulk Requirements for Housing Types) of Section 9.1700 (RCD, Residential Community Design District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portion of subpart to read as follows:

<b>Description</b>	<b>General Requirements for SF-2 Development</b>
Front Yard Encroachments	Canopies, balconies, stoops, bay windows, awnings, and other building projections may extend up to 5 feet into the front yard setback.

**Section V.** Subpart B.iv of Part B (Tier Two Housing Types) of Subsection 9.1700.5 (Area, Yard, and Bulk Requirements for Housing Types) of Section 9.1700 (RCD, Residential Community Design District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subpart to read as follows:

**iv. Tier Two: Stacked Townhome**

**a. Description**

3-story structure comprised of two dwelling units that share a common vertical separation. Individual, ground-floor entrances are provided for each dwelling unit with a direct sidewalk connection from every entrance to the sidewalk along the street and to each parking area.

**b. Use of Townhomes and Stacked Townhomes**

Townhomes may be in line with Stacked Townhomes when building articulation, such as wall offsets, height variation, upper-floor step-backs, or accent lines, and ornate architectural elements, such as dormers, cornices, or arches, are provided.

**c. Area, Yard, and Bulk Requirements**

<b>Description</b>	<b>Requirements</b>
Minimum Lot Area	1,200 square feet
Maximum Units per Lot	2 units
Minimum Lot Width	
Interior Lot	20 feet
Corner Lot	25 feet
Maximum Lot Width	50 feet

<b>Description</b>	<b>Requirements</b>
Minimum Front Yard	10 feet, except as provided in Sec. 13.500.2 and Sec. 9.1700.7
Maximum Front Yard	20 feet, except as provided in Sec. 13.500.2 and Sec. 9.1700.7
Front Yard Encroachments	Canopies, balconies, stoops, bay windows, awnings, and other building projections may extend up to 5 feet into the front yard setback.
<b>Minimum Side Yard</b>	
Interior Lot	None, except as provided in Sec. 13.500.3 and Sec. 9.1700.7
Corner Lot	10 feet, except as provided in Sec. 13.500.3 and Sec. 9.1700.7
<b>Maximum Side Yard</b>	
Interior Lot	10 feet, except as provided in Sec. 13.500.3 and Sec. 9.1700.7
Corner Lot	20 feet, except as provided in Sec. 13.500.3 and Sec. 9.1700.7
Minimum Rear Yard	None, except as provided in Sec. 13.500.4 and Sec. 9.1700.7
Minimum Building Separation	10 feet
Garage Setback	The distance from any garage to the property line must be 5 feet or less, or 20 feet or greater in length.
Minimum Floor Area per Dwelling Unit	700 square feet
Maximum Height	3 story, 50 feet, except as provided in Sec. 13.600 and Sec. 9.1700.7
Maximum Coverage	80%
Parking Requirements	2 parking spaces per dwelling unit located behind the front building line (See Article 16)

**Section VI.** Subpart C.ii of Part C (Tier Three Housing Types) of Subsection 9.1700.5 (Area, Yard, and Bulk Requirements for Housing Types) of Section 9.1700 (RCD, Residential Community Design District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subpart to read as follows:

**ii. Tier Three: Manor Home**

**a. Description**

A detached building comprised of 3-6 dwelling units that share a common sidewall or ceiling. The appearance of the structure is

intended to match the form and character of a single-family detached residence. The building must have only one common entrance visible from the street. A direct sidewalk connection from every entrance must be provided to the sidewalk along the street and to the building's associated parking.

**b. Area, Yard, and Bulk Requirements**

<b>Description</b>	<b>Requirements</b>
Minimum Lot Area	5,000 square feet for 3 units; 1,000 square feet for each additional unit
Minimum Units per Lot	3 units
Maximum Units per Lot	6 units
Minimum Lot Width	
Interior Lot	50 feet
Corner Lot	55 feet
Maximum Lot Width	110 feet
Minimum Front Yard	10 feet, except as provided in Sec. 13.500.2 and Sec. 9.1700.7
Maximum Front Yard	20 feet, except as provided in Sec. 13.500.2 and Sec. 9.1700.7
Front Yard Encroachments	Canopies, balconies, stoops, bay windows, awnings, and other building projections may extend up to 5 feet into the front yard setback.
Minimum Side Yard	10 feet, except as provided in Sec. 13.500.3 and Sec. 9.1700.7
Maximum Side Yard	20 feet, except as provided in Sec. 13.500.3 and Sec. 9.1700.7
Minimum Rear Yard	None, except as provided in Sec. 13.500.4 and Sec. 9.1700.7
Minimum Building Separation	10 feet
Garage Setback	The distance from any garage to the property line must be 5 feet or less, or 20 feet or greater in length.
Minimum Floor Area per Dwelling Unit	800 square feet
Maximum Height	2 story, 35 feet, except as provided in Sec. 13.600 and Sec. 9.1700.7
Maximum Coverage	70%
Parking Requirements	All parking must be located behind the front building line (See Article 16)
One bedroom or less	One parking space per dwelling unit
Two bedrooms	One and one-half parking spaces per dwelling unit

<b>Description</b>	<b>Requirements</b>
Three bedrooms or more	2 parking spaces per dwelling unit
Maximum Parking Requirements	2 parking spaces per dwelling unit located behind the front building line (See Article 16)

**Section VII.** Subpart A.iii of Part A of Subsection 9.1700.8 (District Establishment and Administration) of Section 9.1700 (RCD, Residential Community Design District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subpart to read as follows:

- iii. Minimum and maximum residential densities, except where variations are necessary to implement the Comprehensive Plan;

**Section VIII.** Part A of Subsection 9.1700.13 (Usable Open Space) of Section 9.1700 (RCD, Residential Community Design District) of Article 9 (Residential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

- A. Public usable open space must be provided prior to or concurrent with construction in an amount not less than fifteen percent of the gross acreage of the development. The following requirements also apply:

**Section IX.** Subsection 10.1600.1 (Purpose) of Section 10.1600 (NBD, Neighborhood Business Design District) of Article 10 (Nonresidential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subsection to read as follows:

**.1 Purpose**

The NBD district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of development in neighborhood-scale commercial areas. The district is designed to reinforce surrounding neighborhood character, provide appropriate transitions in use and building scale, ensure appropriate allocation and design of open space, and achieve a well-connected street and pedestrian network. The zoning district is applicable primarily to both development and redevelopment of commercial properties adjacent to existing neighborhoods where residential and commercial uses are appropriate. The NBD standards are designed to ensure compatibility between various uses and surrounding residential neighborhoods

**Section X.** Subsection 10.1600.2 (Option for Residential Standards) of Section 10.1600 (NBD, Neighborhood Business Design District) of Article 10 (Nonresidential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subsection to read as follows:

**.2 Option for Residential Standards**

The district may be entirely commercial or may include residential land uses. If residential land uses besides Live-Work (Business Loft) are incorporated into the development plan, these uses must fully utilize the Residential Community Design District (RCD) (Sec. 9.1700) standards, including usable open space, parking, and all other requirements.

**Section XI.** Subpart A.iii of Part A of Subsection 10.1600.7 (District Establishment and Administration) of Section 10.1600 (NBD, Neighborhood Business Design District) of Article 10 (Nonresidential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subpart to read as follows:

- iii. Minimum and maximum residential densities, except where variations are necessary to implement the Comprehensive Plan;

**Section XII.** Subsection 10.1600.10 (Additional Requirements and Restrictions) of Section 10.1600 (NBD, Neighborhood Business Design District) of Article 10 (Nonresidential Districts) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such subsection to read as follows:

**.10 Additional Requirements and Restrictions**

- A. Each NBD district must contain three or more different uses as listed in Article 14.

**B. Residential Requirements:**

- i. Once a property is developed for residential purposes within the NBD district, with the exception of live-work (business loft) units, home occupations, and bed and breakfast inns, nonresidential uses are not permitted within that property.
- ii. Residential square footage, including live-work (business loft) units, fitness centers, leasing offices, club and meeting rooms, and other

associated uses, must be no more than 50% of the total square footage within the district.

**C. Phasing Requirements:**

- i. At least 10,000 square feet of nonresidential space must be built as part of the first phase of development.
- ii. A 2:1 ratio of residential to nonresidential square footage must be maintained throughout the district. Prior to approval of a plat for any residential units, the nonresidential square footage must be constructed (finalized).
- iii. Key design features must be provided prior to or concurrent with the construction of any residential uses. Key design features include elements of the development supporting the long-term value to the overall community, and specifically any new residents, such as open/green space, amenities, street enhancements, and trails.
- iv. The second building constructed and all subsequent buildings may not be more than 150 feet from another building.



**Section XIV.** Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portions of section to read as follows:

<b>NONRESIDENTIAL ZONING DISTRICTS</b>																
<b>Use Type</b>	<b>Use Category</b>	<b>O-1 - Neighborhood Office</b>	<b>O-2 - General Office</b>	<b>R - Retail</b>	<b>LC - Light Commercial</b>	<b>CC - Corridor Commercial</b>	<b>UMU - Urban Mixed-Use</b>	<b>BG - Downtown Business/Government</b>	<b>CB-1 - Central Business-1</b>	<b>CE - Commercial Employment</b>	<b>RC - Regional Commercial</b>	<b>RE - Regional Employment</b>	<b>RT - Research/Technology</b>	<b>LI-1 - Light Industrial-1</b>	<b>LI-2 - Light Industrial-2</b>	<b>NBD - Neighborhood Business Design</b>
Pet Sitting, Commercial/Kennel (Indoor Pens)	Service	22	22	P	P	P		P	P		P	P		P	P	P
Temporary Accessory Housing Shelter	EIPS	P 45	P 45	P 45	P 45	P 45		P 45	P 45	P 45	P 45	P 45	P 45	P 45	P 45	P 45
Transmission Line/Utility Distribution	Trans., Utility, & Comm.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**Section XV.** Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such note to read as follows:

<b>Number</b>	<b>End Note</b>
53	Permitted only when meeting RCD housing type requirements in Section 9.1700.

**Section XVI.** 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 XVII.** 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 XVIII.** 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 XIX.** 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 XX.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** on the 13th day of February, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY