

**DATE:** January 18, 2023  
**TO:** Honorable Mayor & City Council  
**FROM:** Planning & Zoning Commission  
**VIA:** Eric Hill, AICP, Senior Planning Manager acting as Secretary of the Planning & Zoning Commission  
Christina D. Day, AICP, Director of Planning  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of January 17, 2023

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**AGENDA ITEM NO. 1 - ZONING CASE 2022-016**  
**PETITIONER: CITY OF PLANO**

Request to amend Article 10 (Nonresidential Districts), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance to align with specific land use policies in the Comprehensive Plan 2021. Tabled November 7, 2022, and December 5, 2022. Project #ZC2022-016.

**APPROVED:** 7-0

Speaker Card(s) Received	Support: <u>2</u>	Oppose: <u>0</u>	Neutral: <u>1</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Other Responses:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>

**RESULTS:**

The Commission recommended approval as follows (additions are indicated in underlined text, deletions are indicated in strikethrough text)

**1. Amend Section 7.400 (Residential Uses in Nonresidential Zoning Districts) of Article 7 (Nonconformities), such section to read as follows:**

**7.400 Residential Uses in Nonresidential Zoning Districts**

Existing residences, including but not limited to single-family, multifamily, and independent living facilities, located in nonresidential districts may be improved, maintained, or rebuilt as conforming structures.

**2. Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended definition to read as follows:**

### **Continuing Care Facility**

~~A development providing housing/accommodations and services along the continuum of an elderly person's needs, including independent living, assisted living, and/or long-term care facilities.~~

A development designed and staffed to provide housing together with a continuum of personal care services, nursing services, medical services, or other health-related services on the same property.

A continuing care facility includes a combination of independent living, assisted living, or long-term care facilities.

3. **Amend Section 10.200 (O-1, Neighborhood Office District) of Article 10 (Nonresidential Districts), such new subsection to read in its entirety as follows:**

...

#### **.6 Special District Requirements**

Independent living facilities constructed prior to *DATE OF ORDINANCE ADOPTION* and proposed independent living facility projects vested under Chapter 245 of the Local Government Code prior to *DATE OF ORDINANCE ADOPTION* are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwelling units of a particular structure or site.

4. **Amend Section 10.300 (O-2, General Office District) of Article 10 (Nonresidential Districts), such new subsection to read as follows:**

...

#### **.6 Special District Requirements**

Independent living facilities constructed prior to *DATE OF ORDINANCE ADOPTION* and proposed independent living facility projects vested under Chapter 245 of the Local Government Code prior to *DATE OF ORDINANCE ADOPTION* are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwelling units of a particular structure or site.

5. **Amend Section 10.400 (R, Retail District) of Article 10 (Nonresidential Districts), such portions of section to read as follows:**

#### **.1 Purpose**

The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services, including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing. Limited residential uses may be considered appropriate as an extension of surrounding neighborhoods.

...

#### **.6 Special District Requirements**

**A. Vehicle Fueling Stations**

For vehicle fueling stations, canopies shall be considered as an accessory structure and shall be included in all calculations of lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures.

**B. Mini-warehouse/Public Storage**

For mini-warehouse/public storage developments, maximum 50% lot coverage shall be allowed.

**C. Independent Living Facilities**

Independent living facilities constructed prior to DATE OF ORDINANCE ADOPTION and proposed independent living facility projects vested under Chapter 245 of the Local Government Code prior to DATE OF ORDINANCE ADOPTION are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwelling units of a particular structure or site.

For independent living facilities, the following area, yard, and bulk requirements shall apply:

<b>Description</b>	<b>Requirement</b>
Minimum Lot Area	2 acres
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Front Yard	25 feet, except as provided in Sec. 13.500.2
Minimum Side Yard	
— Interior Lot	None (See Sec. 13.500.2)
— Corner Lot	25 feet on street side
Minimum Rear Yard	10 feet, where no alley abuts the rear property line (See Sec. 13.500.4)
Minimum Height	2 story, 35 feet allowed by right; 3 story, 45 feet allowed with approval of a specific use permit
Setbacks from Residential Development	See Sec. 15.1300.

**D. Residential Uses**

- i. Patio homes, single-family attached residences, and two-family residences shall comply with the standards of Secs. 9.900, 9.1000, and 9.1100, respectively, except that single-family attached residences shall be developed on individually-platted lots only. Once any properties are developed for residential purposes, no nonresidential uses, other than home occupations shall occur. (See Sec. 15.700) Retail-zoned land proposed for residential uses shall abut residentially-zoned land that is not separated by a Type C or larger thoroughfare (per the Thoroughfare Plan Map of the Comprehensive Plan).
- ii. When a portion of any retail-zoned property is used for patio homes, single-family attached, or two-family, and/or independent living developments, and a residual tract has been left, it shall have a minimum of 2 acres and access to a median

opening when located on an existing or proposed divided thoroughfare (as noted on the city's Thoroughfare Plan Map).

iii. Any portion of a retail-zoned tract that is developed for patio home, single-family attached, and/or two-family residences, shall have a minimum land area of 5 acres.

iv. Any new residential uses constructed next to existing nonresidential uses must provide screening in compliance with Section 16.1400 (Off-Street Loading), Subsection 5.

...

6. Amend Section 10.900 (CB-1, Central Business-1 District) of Article 10 (Nonresidential Districts), such portions of section to read as follows:

...

**.5 Special District Requirements**

**A. Miscellaneous**

...

ix. Sites for fire stations, police stations, schools, water towers, and reservoirs shall be provided at such time, if ever, as such sites are determined to be necessary

...

**~~.6 Special Rules for CE and CB-1 Districts~~**

~~A. On the portion of the property zoned CE, a maximum of 2,500 multifamily dwelling units shall be permitted by right within an area within 2,500 feet of the centerline of White Rock Creek and within the Plano Independent School District. Units not built within this area may be transferred to the CB-1 district as noted below. Additional multifamily dwelling units may be permitted within such area, and multifamily dwelling units may be permitted in any other location on the portion of the property zoned CE by specific use permit.~~

~~B. On the portion of the property zoned CB-1, a maximum of 2,300 multifamily dwelling units shall be permitted by right. However, additional units may be allowed by right through transfer of unused units in the White Rock Creek area as noted above. Additional multifamily dwelling units may be permitted on the portion of the property zoned CB-1 by specific use permit.~~

~~C. Sites for fire stations, police stations, schools, water towers, and reservoirs shall be provided at such time, if ever, as such sites are determined to be necessary.~~

**7. Amend Section 10.1000 (CE, Commercial Employment District) of Article 10 (Nonresidential Districts), such section to read as follows:**

**10.1000 CE, Commercial Employment District**

**.1 Purpose**

The CE district is intended to provide the flexibility for an integrated development that may include retail, office, commercial, and light manufacturing, ~~and multifamily residences~~. The major focus of the CE district is to be corporate headquarters and research facilities arranged in a campus-like setting.

**.2 Permitted Uses**

See the nonresidential districts use table in Sec. 14.200 for a complete listing

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

The following area, yard, and bulk requirements apply to all developments in the CE district unless otherwise expressly stated:

<b>Description</b>	<b>Residential Requirement</b>	<b>Nonresidential Requirement</b>
Maximum Residential Density	21.5 units per acre; 174 units per acre if over 3 story	N/A
Minimum Lot Area	8,400 square feet	None
Minimum Lot Width	70 feet	None
Minimum Lot Depth	120 feet, 1-3 story; 200 feet, 4+ stories	None
Minimum Front Yard	25 feet, except as provided in Sec. 15.800 and Sec. 13.500.2	50 feet, except as provided below and in Sec. 13.500.2
Minimum Side Yard		
Interior Lot	10 feet (See Sec. 15.800 and Sec. 13.500.3)	None, except as provided in Sec. 13.500.3.
Corner Lot	25 feet on street side (See Sec. 13.500.3A)	50 feet on street side
Maximum Side Yard	None	None
Minimum Rear Yard	10 feet (See Sec. 15.800 and Sec. 13.500.4)	10 feet where no alley abuts the rear property line (See Sec. 13.500.4)
Minimum Floor Area per Dwelling Unit		
Efficiency	500 square feet	N/A
1 bedroom	650 square feet	N/A
2 bedroom	800 square feet	N/A
Each additional bedroom	200 square feet	N/A
Maximum Lot Coverage	40%, plus 10% additional coverage permitted for accessory structures (See below and Sec. 13.500.4A)	50% retail and mixed use; 40% all other uses (See Sec. 10.1000.6A.ix)
Maximum Height		

Description	Residential Requirement	Nonresidential Requirement
Where adjacent to existing or planned residential zoning		
0 – 400 feet setback	<del>2-story</del>	2 story
401 – 600 feet setback	<del>4-story</del>	4 story
601 – 800 feet setback	<del>6-story</del>	6 story
More than 800 feet setback	<del>No restrictions, except as provided for under Sec. 13.500.2.</del>	No restrictions, except as provided for under Sec. 13.500.2.
Where adjacent to existing or planned residential zoning but separated by a Type B or higher thoroughfare		
0 – 600 feet setback	<del>4-story</del>	4 story
601 – 800 feet setback	<del>6-story</del>	6 story
More than 800 feet setback	<del>No restrictions, except as provided for under Sec. 13.500.2</del>	No restrictions, except as provided for under Sec. 13.500.2
Minimum Open Space	<del>Same as MF-3 requirements in Sec. 13.800</del>	None

**.4 Landscaping**

Article 17 shall apply, except as amended to require 7% of the lot area to be used for landscaping for retail, and 10% of the lot area to be used for landscaping for mixed use development including retail and requiring 15% of the lot area to be used for landscaping for all other types of use and development.

**.5 Parking Regulations**

In addition to the requirements in Article 16, the following requirements shall apply:

~~A.~~ Off-street parking for any residential use permitted in the district shall be 2 spaces for each dwelling unit. The minimum parking requirements for any other use requiring the approval of a site plan shall be established on the site plan.

**A B.** Any off-street parking requirements may be provided offsite even if such sites are nonadjacent or noncontiguous or in a different zoning district, provided that binding agreements exist which will ensure the availability of such off-street parking for the reasonable useful life of the building or project to be built on the site. Such off-street parking shall be located within 600 feet of the site, measured as the shortest possible distance in a straight line from the closest property line of the site to the closest point on the parking structure or lot.

**B C.** Up to 50% of the off-street parking requirements for any general office and/or manufacturing, processing, or repair use may be satisfied without site plan approval by utilizing compact car parking spaces, as defined in Article 16.

**.6 Special District Requirements**

**A. Miscellaneous**

- i. District requires a minimum contiguous area of 200 acres.
- ii. Parking structures or surface parking facilities shall be excluded in computing lot coverage.
- iii. A minimum front yard of 50 feet shall be required ~~for any nonresidential use~~; provided, however, none of the off-street parking requirements set forth in Article 16 shall be met utilizing the first 20 feet of such front yard. ~~A minimum front yard of 25 feet shall be required for any residential use; provided, however, that in no case shall the front yard be less than one half the height of the building, and in no case need such front yard exceed 50 feet regardless of the height of the building.~~
- iv. The City Council, at the time of granting CE district zoning to any tract of land, shall have the authority to modify the district requirements, and may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas including, but not limited to, light and air orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
- v. ~~The City Council, at the time of granting CE district zoning to any tract of land, shall have the authority to limit multifamily uses to certain designated locations within such tract and to limit the number of multifamily units to be built on such designated locations.~~ Sites for fire stations, police stations, schools, water towers, and reservoirs shall be provided at such time, if ever, as such sites are determined to be necessary.
- vi. A general phasing plan for the total development of the property shall be approved at the time of concept plan approval.
- vii. The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of concept plan approval.
- viii. Site plan approval in accordance with Article 3 shall be required.
- ix. For vehicle fueling stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures)
- x. For mini-warehouse/public storage developments, a maximum 50% lot coverage shall be allowed.

**~~C. Overall Density Restriction~~**

~~The City Council, at the time of granting CE district zoning to any tract of land, may impose an overall density requirement on such tract.~~

## **C.B. Location of Uses**

### **i. Radio, Television, or Microwave Tower**

No radio, television, or microwave tower shall be located within a distance from any residential structure equal to at least the height of such tower. ~~No residential structure shall be located within a distance from any radio, television, or microwave tower equal to at least the height of such tower.~~ Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of the residential structure.

No radio, television, or microwave tower shall be located within a distance equal to at least the height of such tower from any area zoned residential by the City of Plano or shown as Neighborhoods residential on the then-existing Future Land Use Map Plan of the City of Plano. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of such area. Notwithstanding the foregoing, such uses may be located in closer proximity by specific use permit.

### **ii. Heliport or Helistop**

No heliport or helistop shall be located within 1,000 feet of any lot, tract, or parcel upon which a residence or dwelling is located or within 1,000 feet of any area zoned residential or shown as Neighborhoods residential on the then-existing Future Land Use Map Plan. ~~No residences or dwellings shall be constructed within 1,000 feet of an existing heliport or helistop.~~ The measurement of the 1,000 feet is to be made in a straight, horizontal line from the edge of the heliport landing or helistop pad to the closest prohibited property line, provided that this provision shall not apply to those hospitals which maintain a helistop or heliport for medical emergency flight purposes. Notwithstanding the foregoing, such uses may be located in closer proximity by specific use permit. (See 15.600 for other provisions)

### **iii. Vehicle Fueling Station**

**a.** No vehicle fueling station shall be located within 400 feet of any residential structure ~~and no residential structure shall be located within 400 feet of any vehicle fueling station.~~

**b.** No vehicle fueling station shall be located within 400 feet of any area zoned residential by the City of Plano or shown as Neighborhoods residential on the then-existing Future Land Use Map Plan of the City of Plano.

**c.** Such distances shall be measured as the shortest possible distance in a straight line from the closest point of the vehicle fueling station to the closest point of the residential structure or area, as the case may be. Notwithstanding the foregoing, such uses may be located in closer proximity by specific use permit.

**iv. Multifamily Residences and Independent Living Facilities**

Independent living facility, mid-rise residential, and multifamily residence developments constructed prior to DATE OF ORDINANCE ADOPTION and proposed independent living facility, mid-rise residential, and multifamily residence projects vested under Chapter 245 of the Local Government Code prior to DATE OF ORDINANCE ADOPTION are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwelling units of a particular structure or site.

**.7 Special Rules for CE and CB-1 Districts**

- ~~A. On the portion of the property zoned CE, a maximum of 2,500 multifamily dwelling units shall be permitted by right within an area within 2,500 feet of the centerline of White Rock Creek and within the Plano Independent School District. Units not built within this area may be transferred to the CB-1 district as noted below. Additional multifamily dwelling units may be permitted within such area, and multifamily dwelling units may be permitted in any other location on the portion of the property zoned CE by specific use permit.~~
- ~~B. On the portion of the property zoned CB-1, a maximum of 2,300 multifamily dwelling units shall be permitted by right. However, additional units may be allowed by right through transfer of unused units in the White Rock Creek area as noted above. Additional multifamily dwelling units may be permitted on the portion of the property zoned CB-1 by specific use permit.~~
- ~~C. Sites for fire stations, police stations, schools, water towers, and reservoirs shall be provided at such time, if ever, as such sites are determined to be necessary.~~

**8. Amend Section 12.900 (Site Plan and Plat Required) of Article 12 (Planned Development District), such section to read as follows:**

**12.900 Site Plan and Plat Required**

Article 3 of the Zoning Ordinance, Site Plan Review, shall apply to the development of land for ~~nonresidential, or multifamily,~~ uses within any PD district as required in Sec. 3.100.3. Article III of the Subdivision Ordinance, Platting, shall apply to any development or subdivision of land with a PD district.

**9. Amend Subsection 13.200.3 of Section 13.200 (Street Frontage and Access) of Article 13 (Lot and Building Standards), such subsection to read as follows:**

- ~~.3 Religious facilities, independent living facilities,~~ assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities,

trade schools, and public, private, and parochial schools located in any residential district shall have access to a street with a minimum pavement width of 36 feet.

**10. Amend Subsection 13.300.2 of Section 13.300 (Lot Area and Dimensions) of Article 13 (Lot and Building Standards), such subsection to read as follows:**

- ~~.2 Independent living facilities, a~~ Assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade schools, and public, private, and parochial schools located in any residential district shall have a minimum site area of 2 acres.

**11. Amend Part B of Subsection 13.800.4 (Dimensional Standards) of Section 13.800 (Usable Open Space) of Article 13 (Lot and Building Standards), such part to read as follows:**

- B.** Patio home and single-family attached development in the Patio Home (PH), Single-Family Residence Attached (SF-A), MF-1, MF-2, and MF-3 zoning districts, and patio home or single-family development in the Retail zoning district ~~with the corresponding specific use permit (SUP)~~ shall comply with the following dimensional standards:

...

**12. Amend Section 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:**

RESIDENTIAL ZONING DISTRICTS																	
Use Type	Use Category	A - Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design
Assisted Living Facility	EIPS												P 21 52	P 21 52	P 21 52		
Continuing Care Facility	EIPS												P 21 52	P 21 52	P 21 52		
Independent Living Facility	<del>EIPS</del> Primary Residential												P 21 52	P 21 52	P 21 52		
Long-Term Care Facility	EIPS												P 21 52	P 21 52	P 21 52		



**14. Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such notes to read as follows:**

Number	End Note
3	<del>See the CB-1 and CE district regulations of Sec. 10.900 and Sec. 10.1000, respectively.</del> <u>[Reserved]</u>
12	<del>[Reserved]</del> <u>Prohibited, except where permitted under the Special District Requirements of the referenced district.</u>
21	<del>[Reserved]</del> <u>See Sec. 15.1300.</u>
29	<del>See Sec. 10.1000.6</del> <u>[Reserved]</u>
41	<del>Patio Homes allowed only with a specific use permit.</del>

**15. Amend Section 15.1300 (Retirement Housing) of Article 15 (Use-specific Regulations), such section to read as follows:**

**15.1300 Retirement and Supportive Housing**

These regulations apply to independent living, assisted living, long-term care, and continuing care facilities, except where individually referenced.

**.1 ~~Minimum Age Requirement~~ Independent Living Facilities**

- A. To qualify as an independent living facility, the units shall have a head of household of 55 years of age or older. Surviving members of a household, regardless of age, may occupy a unit provided that the household head meeting the age requirement has died.
- B. Management personnel and his/her family may occupy units without complying with the minimum age requirement. The total of such dwelling units shall not exceed 2 per 100 dwelling units, or portion thereof, in the project.
- C. Independent living facilities constructed in the form of apartments shall comply with the standards for multifamily residential uses, except where specific standards for independent living facilities are provided.
- D. Independent living facilities constructed in the form of detached or attached single-family dwellings shall comply with the standards for single-family residence (detached) or single-family residence (attached) uses, respectively, except where specific standards for independent living facilities are provided.

**.2 Minimum Floor Area Per Dwelling Unit**

Minimum unit sizes shall be in compliance with state regulations for facilities eligible to receive Medicare/Medicaid funding.

**.3 Minimum Residential Setbacks**

The minimum setback from the zoning district boundary line and/or property line of land proposed (as shown on an approved ~~land study~~ concept plan or preliminary site plan), developed, or zoned for single-family, patio home, or two-family to independent living, assisted living, long-term care, and/or continuing care facilities shall be:

Height	Minimum Setback
One Story	20 feet
Two Story	60 feet
Three Story	150 feet

**.4 Maximum Residential Density**

The following density limits apply:

**Nonresidential Districts**

	O-1	O-2	R	BG	CE	CB-1	CC
Independent Living Facility (dwelling units per acre)	45**	45**	45**	100	21.5 174* 45**	21.5 174*	100
Assisted Living Facility	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC
Long-term Care Facility	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC
<u>Continuing Care Facility</u>	<del>Note—The maximum density for a continuing care facility shall be based upon the proportionate densities of the independent living facility, assisted living facility, and/or long-term care facility within the continuing care facility.</del>						

FAR – Floor Area Ratio; LC – Lot Coverage; \* - For Structures over 3 Stories in Height; \*\* - When part of a continuing care facility

**Residential Districts**

	MF-1	MF-2	MF-3
Independent Living Facility (dwelling units per acre)	45 <u>12</u>	45 <u>18</u>	45 <u>21.5</u>
Assisted Living Facility	LC	LC	LC
Long-term Care Facility	LC	LC	LC
<u>Continuing Care Facility</u>	<del>Note—The maximum density for a continuing care facility shall be based upon the proportionate densities of the independent living facility, assisted living facility, and/or long-term care facility within the continuing care facility.</del>		

~~FAR – Floor Area Ratio; LC – Lot Coverage; \* - For Structures over 3 Stories in Height~~

**.5 Fencing Requirements**

Walls or fences of not more than 8 feet in height may be erected in the front yard, provided such wall or fence is of at least 50% open construction. Such walls must meet all other applicable requirements for walls contained in Article 20.

.6 Exterior wall construction must comply with the requirements of Sec. 23.200.

16. Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portions of section to read as follows:

**Parking Space Schedule for Residential Uses in all Districts**

<b>Zoning Districts or Uses</b>	<b>Minimum Required Off-Street Parking or Spaces for Residential Uses</b>
<u>Independent Living Facility</u>	<u>One space per dwelling unit (No maximum number of parking spaces.)</u>

**Parking Space Schedule for Nonresidential Uses in all Districts**

<b>Zoning Districts or Uses</b>	<b>Minimum Required Off-Street Parking or Spaces for Nonresidential Uses</b>
<u>Independent Living Facility</u>	<u>One space per dwelling unit (No maximum number of parking spaces.)</u>

17. Amend Subsection 16.1400.3 of Section 16.1400 (Off-Street Loading) of Article 16 (Parking and Loading), such subsection to read as follows:

.3 Where such loading space is located adjacent to a residential use or district, the space shall be enclosed on 3 sides.

18. Amend Part A of Subsection 17.100.2 (Interior Parking Lot Landscaping) of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation), such part to read as follows:

A. Interior landscaping shall generally include all areas within the paved boundaries of the parking lot as well as planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Up to 50% of the required interior parking lot landscaping for nonresidential, multifamily, and retirement and supportive housing developments and redevelopments may be placed outside of the paved boundaries of the parking lot (as shown in Figure 17-2), to provide stormwater quality areas and/or grassy swales/buffer strips, detention ponds, bioretention areas, or other structural permanent BMPs. to meet the interior landscaping requirement. The relocation of required landscape areas shall not reduce the required amount of landscape area, or the required number of trees or other improvements associated with the required landscape areas. Required landscape areas, either within or outside of parking lot boundaries, shall not be part of required usable open space for multifamily and retirement and supportive housing developments. All parking lot trees planted outside the perimeter of the parking lot must be located no closer than 5 feet and no greater than 15 feet from the back of the parking lot curb. See Figure 17-2.

**19. Amend Subsection 17.200.1 (Multifamily and Retirement Housing Landscaping Requirements) of Section 17.200 (Residential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation), such portions of subsection to read as follows:**

**.1 Multifamily, ~~and Retirement,~~ and Supportive Housing Landscaping Requirements**

...

**20. Amend Subsection 17.700.1 of Section 17.700 (Landscape Plan Approval) of Article 17 (Landscaping and Tree Preservation), such subsection to read as follows:**

.1 Landscape plans shall be submitted with all nonresidential, multifamily, and retirement and supportive housing development submissions. Landscape plans shall ensure proper location of vegetation within public rights-of-way, preserve visibility triangles, maintain the overall integrity and intent of living screens, and promote ornamental planting within the city.

**21. Amend Subsection 20.100.2 of Section 20.100 (Screening Walls or Visual Barriers) of Article 20 (Screening, Fence and Wall Regulations), such subsection to read as follows:**

.2 No solid screening wall or fence shall be required as stated in Sec. 20.100.1 when single-family and two-family residential uses are developed within the Retail zoning district in an R district side or back upon other single-family or two-family residential uses.

**22. Amend Subsection 23.200.1 of Section 23.200 (Residential Structures) of Article 23 (Exterior Wall Construction Standards), such subsection to read as follows:**

.1 Exterior wall construction for residential structures and retirement and supportive housing must consist of a minimum of 80% masonry, 3-step stucco, and/or glass, with no single wall face of any structure containing less than 50% of its exposed surface of masonry construction. A maximum of 10% of any exposed exterior wall may consist of Exterior Insulation and Finish Systems (EIFS).

To view the hearing, please click on the provided link:

<https://planotx.new.swagit.com/videos/205869?ts=189>

JR/kob

cc: Eric Hill, Senior Planning Manager  
Christina Sebastian, Land Records Planning Manager  
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Cassidy Exum, GIS Technician  
Jeanna Scott, Building Inspections Manager  
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

**Agenda Item No. 1**

**Public Hearing:** Zoning Case 2022-016

**Applicant:** City of Plano

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**DESCRIPTION:**

Request to amend Article 10 (Nonresidential Districts), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance to align with specific land use policies in the Comprehensive Plan 2021. Tabled on November 7, 2022, and December 5, 2022. Project #ZC2022-016.

**SUMMARY:**

The purpose of this request is to amend the Zoning Ordinance to align with Comprehensive Plan 2021 in regards to retirement housing in nonresidential districts, multifamily uses in the Commercial Employment zoning district, and single-family housing in the Retail zoning district. These amendments are in conformance with the Comprehensive Plan (see Exhibits A and B) and would make the land use regulations more clear for property owners, developers, and residents. For these reasons, staff recommends approval.

**REMARKS:**

Background

- November 8, 2021: City Council adopted [Comprehensive Plan 2021](#), a long-range plan guiding the city's future growth, priorities, services, development, and redevelopment. The Comprehensive Plan contains policy statements and actions that include a review and evaluation of the Zoning Ordinance to promote alignment with the Comprehensive Plan.
- January 24, 2022: Staff provided a broad overview of the Comprehensive Plan and identified several areas of conflict with the Zoning Ordinance at a [Joint Meeting of the City Council and Planning & Zoning Commission](#). At this meeting, staff was directed to evaluate the issues further and prepare amendments to the Zoning Ordinance for consideration.
- [September 19, 2022](#): Staff presented four issues to the Planning & Zoning Commission (Commission), and after discussion, the Commission called a public hearing to consider amending the Zoning Ordinance to align with specific land use policies in Comprehensive Plan 2021.

- [December 19, 2022](#): The Commission received a presentation on the draft amendments and provided direction regarding single-family uses in Retail and Corridor Commercial. The proposed changes regarding Corridor Commercial are not incorporated in this zoning case request and will be discussed at a future joint meeting of the City Council and Planning & Zoning Commission.
- [January 3, 2023](#): The Commission tabled discussion regarding alignment of multifamily uses with Comprehensive Plan 2021. Topics discussed in the January 3 staff report are not incorporated in this zoning case request and will be discussed at a future joint meeting of the City Council and Planning & Zoning Commission.
- January 6, 2023: Staff spoke with Chair Downs about bringing forward the information discussed at the September 19, 2022, and December 19, 2022, meetings, without further consideration of the issues tabled at the January 3, 2023, meeting. This report is prepared with the information from the meetings in 2022 and based on feedback from the Commission at those meetings. Following direction at the joint work session with City Council, a new zoning case or cases may (or may not) be called to initiate amendments related to multifamily uses and related issues.

### Identified Issues

Comprehensive Plan 2021 contains policies and maps to guide new development, including the Future Land Use Map. Each Future Land Use (FLU) category includes a dashboard with a general description, priorities, a mix of uses chart, and desirable character-defining elements to meet the community's vision for these areas. The mix of uses chart illustrates the preferable proportion of uses for each Future Land Use category. The charts should not be interpreted as hard caps or minimums for the mix of uses at individual locations; however, changes in land use should improve, rather than detract from, the preferable mix of uses. [Information regarding the mix of use charts and details on the different land use types](#) can be found in Exhibit C.

The Zoning Ordinance contains development standards for all land in the city, including permitted land uses. As discussed at the Joint Work Session, several regulations within the permitted use tables in the Zoning Ordinance conflict with the land use mixes in the FLU Dashboards, resulting in use standards that are misaligned with the community vision for development. These conflicts primarily affect retirement housing and residential uses in nonresidential zoning districts, including:

- A. Retirement housing in nonresidential zoning districts;
- B. Multifamily housing in the Commercial Employment (CE) zoning district;
- C. U.S. Highway 75 Corridor redevelopment; and
- D. Single-family housing in the Retail (R) zoning district.

While the Commission directed further study of issues related to Item C at their last meeting, based on prior feedback it may be possible to move forward with amendments targeting issues A, B, and D described above. A new zoning case would then be necessary for Item C, following further discussion with the Commission and City Council. The three issues discussed further will continue to be referenced as Items A, B, and D throughout this report.

The current permitted residential and retirement housing land uses in each nonresidential zoning district are provided in Table 1. Conflicts between regulations and the FLU categories, resulting in proposed

amendments, are highlighted in yellow, and the identified issue number is provided in the left column. Discussion of each of the three issues and proposed amendments are provided in subsequent sections of this report. A summary of the proposed amendments, including a brief description of the changes to each section of the Zoning Ordinance, is provided in Exhibits A and B.

NONRESIDENTIAL ZONING DISTRICTS																	
Issue	Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
	Assisted Living Facility	EIPS	P 52	P 52	P 52		S 52	P 52	P 52	P 52	P 52	S 52	S 52				
	Continuing Care Facility	EIPS	P 52	P 52	P 52		S 52	P 52	P 52	P 52	P 52	S 52	S 52				P 52
A,B	Independent Living Facility	EIPS	P 52	P 52	P 52		S 52	P 52	P 52	P 52	P 52	S 52	S 52				
	Long-term Care Facility	EIPS	P 52	P 52	P 52		S 52	P 52	P 52	P 52	P 52	S 52	S 52				
B	Mid-Rise Residential	Primary Residential						P 52			S 52	S 52	S 52				
B	Multifamily Residence	Primary Residential						P 52	2 52	3 52	3 52						P 52 53
D	Single-Family Residence (Attached)	Primary Residential			S			P	P								P 53
D	Single-Family Residence (Detached)	Primary Residential			41												P 53
D	Two-Family Residence	Primary Residential			S												P 53
<p>“P” – Use is permitted in the district indicated  “S” – Use may be approved in the district indicated upon approval of a specific use permit  Blank – Use is prohibited in the district indicated  Number – Indicates that additional conditions/restrictions apply. See Associated Use Table Notes, below.  Yellow – Indicates a conflict with the Future Land Use Categories in the Comprehensive Plan</p>																	
<p><i>Associated Use Table Notes:</i>  2: See the BG district regulations of Sec. 10.800.  3: See the CB-1 and CE district regulations of Sec. 10.900 and Sec. 10.1000, respectively.  41: Patio Homes allowed only with a Specific Use Permit.  52: See Sec. 15.1900 [Sensitive Land Uses in Expressway Corridor Environmental Health Areas]  53: See Sec. 9.1700 for housing type requirements. [Residential Community Design District]</p>																	

Table 1 – Excerpt of Permitted Land Uses in Nonresidential Zoning Districts

## Discussion of Identified Issues

### Retirement Housing in Nonresidential Zoning Districts (Issue A)

The Zoning Ordinance currently defines several land uses representing a spectrum of care focused broadly, though not exclusively, on aging, including Assisted Living Facility, Continuing Care Facility, Independent Living Facility, and Long-term Care Facility (see definitions in Exhibit D). Collectively, these uses are referred to as Retirement Housing and are currently permitted by right or through a Specific Use Permit (SUP) in most nonresidential zoning districts, as shown in Table 1.

In the Zoning Ordinance, all four Retirement Housing land uses are categorized as Educational, Institutional, Public, or Special uses (EIPS); however, in the Comprehensive Plan, Independent Living Facilities are considered multifamily uses due to their general design and function being comparable to typical multifamily apartment developments. Continuing Care Facility uses could also be considered residential uses since, as defined in the Zoning Ordinance, they can include the Independent Living Facility use as part of the continuum of care.

The Housing Mixes for the [Neighborhood Corners](#) (NC), [Community Corners](#) (CC), and [Employment Centers](#) (EM) FLU categories recommend that these areas not include any multifamily uses, which would include new Independent Living Facility uses. This creates a conflict with the [Neighborhood Office](#) (O-1), [General Office](#) (O-2), [Retail](#) (R), and [Commercial Employment](#) (CE) zoning districts, where Independent Living Facilities are allowed by right, as shown in Table 1. Note that Assisted Living Facility and Long-term Care Facility uses are categorized as Institutional Types, not multifamily, by the Comprehensive Plan, which is an appropriate land use type in NC, CC, and EM FLU categories; therefore, no changes are anticipated to the Zoning Ordinance regarding these uses. A map showing all properties in the O-1, O-2, R, and CE districts is provided in Exhibit E.

Note that Independent Living Facilities are permitted with a Specific Use Permit in the Corridor Commercial (CC) zoning district, but multifamily uses are not permitted. Because this use relates to Issue C (U.S. 75 Corridor Redevelopment), the use is not proposed to change at this time, but the conflict can be addressed as part of the future Commission and City Council discussion regarding Issue C.

### *Independent Living and Continuing Care Facilities*

At the September 19, 2022, meeting of the Planning & Zoning Commission, staff asked the Commission whether Continuing Care Facilities should be restricted in zoning districts where Independent Living Facilities are not permitted or whether new standards for independent living units within a Continuing Care Facility should be introduced. In response, the Commission requested staff to gather additional information and report back.

Staff has researched the land use definitions used by peer municipalities in Texas, and two trends emerged: either the municipality did not define a Continuing Care Facility-type use, or the municipality used a similar definition as Plano:

No Use/Definition	Similar Definition
Arlington Austin Dallas Frisco McKinney Richardson	Carrollton Garland Irving

Rather than add new standards for Continuing Care Facilities, which may be burdensome to implement and enforce, staff proposes to simply modify the definition of Continuing Care Facilities to more closely align with the institutional nature of such developments. Staff has borrowed from the definition used in the [Texas Health and Safety Code](#), which specifically requires health-related services in conjunction with dwelling units.

### Proposed Amendments

Staff proposes amending the Zoning Ordinance to reflect the desired future land use mixes in the Neighborhood Corners, Community Corners, and Employment Centers FLU categories to create greater consistency between land use policy and regulation. The amendments can be grouped into four actions:

1. Reclassifying Independent Living Facilities as a Primary Residential use. This change is largely organizational, requiring updates to the permitted land use tables and parking schedules.
2. Clarifying which development standards apply to Independent Living Facility uses.
3. Removing the Independent Living Facility use from districts where the Comprehensive Plan does not support it. This affects the O-1, O-2, R, and CE districts. An end note indicating that existing developments are permitted to be maintained so long as the use is not expanded is added to the land use table.
4. Clarifying the definitions and intent of the Assisted Living Facility, Continuing Care Facility, and Long-term Care Facility uses. The Continuing Care Facility definition currently implies an age-restricted facility, as do the use-specific standards for "[Retirement Housing](#)." The amendments clarify that these uses are forms of supportive housing and might house individuals of any age who require support due to disability or chronic illness. Various minor changes throughout the Zoning Ordinance are required to update the language to match the revised section title.

### Multifamily Housing in the Commercial Employment (CE) Zoning District (Issue B)

The Zoning Ordinance regulates the locations of two multifamily land uses: Multifamily Residence and Mid-Rise Residential. Both uses must include a minimum of three dwelling units and, in some zoning districts, may include nonresidential uses in the same structure. The primary difference between these two uses is that Mid-Rise Residential must be a minimum of five floors, whereas Multifamily Residences are not defined by height.

Per the Zoning Ordinance, new Multifamily Residence and Mid-rise Residential Developments are currently permitted by Specific Use Permit in the [Commercial Employment](#) (CE) zoning district. This creates a conflict, as the CE district generally overlaps with the [Employment Centers](#) (EM) FLU category, where multifamily is not recommended, as discussed in Issue A.

The EM category states that “residential uses are not appropriate within these centers to ensure the city’s ability to attract and maintain employment generating uses.”

In addition to the conflict with the Comprehensive Plan, the [Central Business-1](#) (CB-1) and CE zoning districts include an interrelated cap on the number of multifamily dwelling units that may be constructed by right. This cap is intended to apply across the Legacy area and not on a project-by-project basis. Staff has determined that this cap in the base zoning has been reached by existing developments that have either been constructed or received necessary permits to date. There are limited units available in existing Planned Development (PD) districts that will remain under the PD standards. Because of the cap in the based zoning, under current regulations, additional multifamily uses in either district could apply for a Specific Use Permit. Multifamily uses should continue to be permitted in the CB-1 district, as it generally overlaps with the [Urban Activity Centers](#) (UA) FLU category, which favors a mix of nonresidential and residential uses. A map showing all properties in the CB-1 and CE districts is provided in Exhibit F.

### **Proposed Amendments**

The Zoning Ordinance should be amended to reflect the land use policies in the Comprehensive Plan and reduce the complexity of these districts. The amendments can be grouped into two actions:

1. Removing new residential uses and standards from the CE district. Mid-rise Residential, Multifamily Residence, and Independent Living Facility can be removed from the CE district permitted land use table and replaced with an end note indicating that existing developments are permitted to be maintained so long as the use is not expanded.
2. Retaining new residential uses as appropriate in the CB-1 district with an SUP. To reduce complexity in the development review process, staff proposes removing language regarding the capped, by-right allowances from the district. As all existing residential development in the CB-1 district is located in a Planned Development district, no vesting language is required for multifamily developments constructed by right without an SUP.

### **Single-Family Uses in the Retail Zoning District (Issue D)**

While not addressed at the Joint Meeting, City Council has identified innovative four-corner retail and increased housing affordability as 2022-23 Council Strategic Goals. The alignment of land use regulations in the Zoning Ordinance with Comprehensive Plan 2021 presents additional opportunities to help meet these Strategic Goals. The [Retail](#) (R) zoning district currently permits Single-Family Residence (Attached), Single-Family Residence (Detached) (as Patio Homes), and Two-Family Residence uses by SUP. When these uses are permitted, they must have a minimum of five acres, adjoin other residentially-zoned lands, and follow the regulations of the [Single-Family Residence Attached](#) (SF-A), [Patio Home](#) (PH), and [Two-Family Residence](#) (2F) zoning districts, respectively, with some additional requirements for remaining site size and street access.

The R zoning district generally aligns with the [Neighborhood Corners](#) (NC) and [Community Corners](#) (CC) FLU categories. Both categories allow and encourage new single-family residential uses to revitalize shopping centers. The Comprehensive Plan states, "Low-rise,

single-family housing types are desired for compatibility with existing adjacent neighborhoods” in NC and CC. Additionally, the NC category states that “New housing should complement the scale, density, and character of surrounding neighborhoods.” Based on the [Neighborhoods](#) (N) and NC Dashboards, these residential uses are compatible and could be permitted by right in the R district to incentivize redevelopment and further promote a range of housing choices. A map showing all properties in the R district is provided in Exhibit G.

## **Proposed Amendments**

The Zoning Ordinance can be amended to incentivize further the redevelopment of four-corner retail sites consistent with the Comprehensive Plan. The amendments include two actions:

1. Allowing single-family residential uses as an allowed use in the R district, using the existing standards for SF-A, PH, or 2F housing, including the requirements for site size and location.
2. Clarifying the screening requirements between residential uses and, to avoid nonconforming situations, requiring new residential uses in the R district provide screening of loading areas at adjacent existing nonresidential uses.

## **Conformance to the Comprehensive Plan**

**Guiding Principles** – The set of [Guiding Principles to the Comprehensive Plan](#) establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

**Future Land Use Dashboards** – The [Future Land Use Map](#) determines appropriate locations for future uses, establishing the community’s vision for the placement of housing, employment, social activities, and protection of natural areas. Ten categories provide guidance for new development and redevelopment, describing the typical mix of land uses and design characteristics that are desirable to create distinct areas of the city.

The proposed amendments are intended to align certain districts with the FLU Dashboards where they most commonly overlap. As the FLU categories and Dashboards do not establish zoning or development regulations, the proposed amendments ensure that what is permitted by the Zoning Ordinance aligns with the community’s vision for development and redevelopment. A summary of the proposed changes based on the relevant FLU Dashboards is provided in the following Table 2.

Mix of Uses	Neighborhood Corners (NC)	Community Corners (CC)	Employment Centers (EM)
Employment	60-100%	50-100%	100%
Housing	0-40%	0-50%	0%
Detached SF Types	0-100%	0-100%	0%
Attached SF Types	0-100%	0-100%	0%
Multifamily Types	0%	0%	0%
<b>Proposed amendments</b>			
Issue A	Remove Independent Living Facility use from O-1, O-2, R, and CE districts		
Issue B	n/a	n/a	Remove Multifamily uses from CE district
Issue D	Remove SUP requirement for Single-Family uses from R district		n/a

Table 2 - Summary of changes by FLU Category

**Land Use Policy** – Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.

The proposed amendments clarify where new residential uses are appropriate based on the policies contained in the Comprehensive Plan. Existing uses would be permitted to continue with a vesting clause added to the district standards. This request is in conformance with this policy.

**Land Use Action 1 (LU1)** – Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.

The proposed amendments would resolve several inconsistencies between the Zoning Ordinance and the Comprehensive Plan. A full review and rewrite of the Zoning Ordinance has been funded as a separate project. This request is in conformance with this action statement.

**Land Use Action 2 (LU2)** – Review development regulations and implement standards that configure development to provide complementary uses and foster good connections, using a combination of streets, trails, and sidewalks for vehicular, pedestrian, and bicycle circulation, that enhance the quality of neighborhoods.

The proposed amendments allow connections between new single-family development and existing surrounding neighborhoods and retail development. This request is in conformance with this action statement.

**Land Use Action 4 (LU4)** – Create regulations that incentivize the redevelopment and revitalization of underperforming retail and multifamily development.

The proposed amendments would remove barriers to the inclusion of single-family residential uses in the redevelopment and/or revitalization of existing retail centers. The low density and intensity of single-family development is an appropriate land use between traditional neighborhoods and four-corner retail developments based on the FLU category descriptions and Dashboards. Language has been added to the standards for off-street loading spaces and screening walls to maintain compatibility between residential and nonresidential uses. This request is in conformance with this action statement.

**Redevelopment & Growth Management Policy** – *Plano will protect and preserve the well-established built environment of Plano and prevent overcrowding by requiring new growth and redevelopment to respect the unique development patterns, suburban character, housing needs, infrastructure capacity considerations, and fiscal constraints of our community.*

The proposed amendments are based on the desired future land use mixes in the FLU Dashboards, and would ensure that new growth is consistent with the Comprehensive Plan. This request is in conformance with this policy.

**Redevelopment and Growth Management Action 3 (RGM3)** – *Develop zoning and design guidelines incentivizing single-family housing options compatible with current market conditions and community needs.*

The proposed amendments to the Retail district remove the requirement for an SUP for three single-family housing options, creating a simpler path to create this type of development. This request is in conformance with this action statement.

**Redevelopment and Growth Management Action 4 (RGM4)** – *Revise regulations and administrative procedures to ensure new residential and mixed-use development provides sufficient public open space, green space, and pedestrian connectivity.*

The proposed amendments to the Retail district will follow the existing open space requirements for single-family housing and provide the option for new development to create pedestrian connections to surrounding neighborhoods and amenities. This request is in conformance with this action statement.

**Redevelopment & Growth Management Action 8 (RGM8)** – *Limit new residential development to areas that are appropriate based on individual site considerations and consistency with the Future Land Use Map and Dashboards. Multifamily developments should also meet a housing diversification or economic development need of the city, including transit-oriented development, special housing needs (as defined by the city's Consolidated Plan), or be constructed as part of a high-rise 10 stories or greater.*

The proposed amendments would remove Multifamily Residence and Independent Living Facility uses from districts located in FLU categories that disfavor multifamily types. New Independent Living Facilities – considered a Multifamily Type in the Comprehensive Plan – would not be permitted in four nonresidential zoning districts largely located in the Neighborhood Corners (NC), Community Corners (CC), and Employment Centers (EM) FLU categories. Multifamily and Independent Living Facility uses would continue to be permitted in the CB-1 district, which generally aligns with the Urban Activity Centers (UA) FLU category, where multifamily uses are appropriate. This request is in conformance with this action statement.

**Neighborhood Conservation Action 4 (NC4)** – *Develop a plan to address housing gaps identified in the Consolidated Plan and review the recommended policy options outlined in the Housing Trends Analysis and Strategic Plan to compare and coordinate with the Comprehensive Plan.*

The proposed amendments to the Retail district will reduce barriers to the construction of additional single-family housing options in Plano, helping to address the housing gaps. This request is in conformance with this action statement.

**Revitalization of Retail Shopping Centers Action 4 (RRSC4)** – *Establish design guidelines that provide safe connections for residents to conveniently access commercial businesses, open space, and other amenities in retail centers. Implementation should be limited to locations where connections are desired by the adjoining neighborhood.*

The proposed amendments to the Retail district provide opportunities for safe connections from new single-family development to surrounding businesses and amenities. This request is in conformance with this action statement.

**Special Housing Needs Policy** – *Plano will support the special housing needs of residents including seniors, people with disabilities, and low- to moderate-income households through inclusive regulations and programs and actions furthering the goals stated in the Consolidated Plan. Proposed locations for special housing needs should be afforded the same health and safety considerations as other housing.*

The proposed amendments would allow Independent Living Facilities only in districts where Multifamily uses are permitted, ensuring the fair treatment of both uses under the Zoning Ordinance. No changes to the permissions for Assisted Living, Long-term Care, and Continuing Care Facility uses are proposed. This request is in conformance with this policy.

**Special Housing Needs Action 5 (SHN5)** – *Review zoning regulations to provide reasonable opportunities for safe and healthy housing in support of special needs populations.*

The proposed amendments would apply the standards for Multifamily uses to Independent Living Facilities, ensuring that residents benefit from the same quality of development in both categories of uses. These include such things as building massing, setbacks, and usable open space standards. This request is in conformance with this action.

## **SUMMARY:**

The purpose of this request is to amend the Zoning Ordinance to align with the Comprehensive Plan 2021 in regards to retirement housing in nonresidential districts, multifamily uses in the Commercial Employment zoning district, and single-family housing in the Retail zoning district. An excerpt of the nonresidential districts use table showing the proposed changes is provided in Table 3.

NONRESIDENTIAL ZONING DISTRICTS																
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
Independent Living Facility	<u>Primary Residential</u> <del>EPS</del>	<u>12</u> <del>P</del> <del>52</del>	<u>12</u> <del>P</del> <del>52</del>	<u>12</u> <del>P</del> <del>52</del>		S <u>21</u> <del>52</del>	P <u>21</u> <del>52</del>	P <u>21</u> <del>52</del>	S <u>21</u> <del>52</del> <del>P</del>	<u>12</u> <del>P</del> <del>52</del>	S <u>21</u> <del>52</del>	S <u>21</u> <del>52</del>				P <u>21</u> <del>52</del> <del>53</del>
Mid-Rise Residential	Primary Residential						P 52		S <u>52</u>	<u>12</u> <del>52</del>	S 52	S 52				
Multifamily Residence	Primary Residential						P 52	P 2 52	S <u>52</u> <del>52</del>	<u>12</u> <del>52</del>						P 52 53
Single-Family Residence (Attached)	Primary Residential			P S			P	P								P 53
Single-Family Residence (Detached)	Primary Residential			P <u>41</u>												P 53
Two-Family Residence	Primary Residential			P S												P 53
<p>"P" – Use is permitted in the district indicated            "S" – Use may be approved in the district indicated upon approval of a specific use permit            Blank – Use is prohibited in the district indicated            Number – Indicates that additional conditions/restrictions apply. See Associated Use Table Notes, below.</p> <p><i>Associated Use Table Notes:</i>            2: See the BG district regulations of Sec. 10.800.            12: <u>Prohibited, except where permitted under the Special District Requirements of the referenced district.</u>            21: See Sec. 15.1300 [Retirement and Supportive Housing]            41: Patio Homes allowed only.            52: See Sec. 15.1900 [Sensitive Land Uses in Expressway Corridor Environmental Health Areas]            53: See Sec. 9.1700 for housing type requirements. [Residential Community Design District]</p>																

Table 3 - Excerpt of Proposed Permitted Land Uses in Nonresidential Zoning Districts

These amendments are in conformance with the Comprehensive Plan and would make the land use regulations more clear for property owners, developers, and residents. For these reasons, staff recommends approval.

**RECOMMENDATION:**

Recommended for approval as shown in Exhibit B (additions are indicated in underlined text; deletions are indicated in strikethrough text).

## Exhibit A

### Zoning Case 2022-016

#### Summary of Changes

Issue	Topic discussed at September 19, 2022, P&Z Meeting	Comprehensive Plan Alignment
A	Retirement Housing in Nonresidential Zoning Districts <i>Independent Living Facilities are a Multifamily Type in the Comprehensive Plan and are typically built as such, so should be treated the same as other multifamily uses</i>	<a href="#">Glossary</a> <a href="#">Neighborhood Corners (NC)</a> <a href="#">Community Corners (CC)</a> <a href="#">Employment Centers (EM)</a>
B	Multifamily Housing in the Commercial Employment (CE) Zoning District <i>More residential is not appropriate in Employment Centers, so new multifamily should not be allowed in CE zoning</i>	<a href="#">Employment Centers (EM)</a>
C*	U.S. Highway 75 Corridor Redevelopment*	<a href="#">Expressway Corridors (EX)</a>
D	Single-Family Uses in the Retail Zoning District <i>Some single-family is deemed appropriate in NC and CC, so aligning SF districts should be allowed in Retail to encourage redevelopment/investment in retail centers</i>	<a href="#">Neighborhood Corners (NC)</a> <a href="#">Community Corners (CC)</a>

\* May be brought forward as a separate zoning case and is not included in the proposed amendments

No.	Section	Description	Item	Comp. Plan Actions
1	7.400 (Residential Uses in Nonresidential Zoning Districts)	<ul style="list-style-type: none"> <li>Clarify which uses are considered residential for the purposes of this section</li> </ul>	A	LU1
2	8.200 (Terms Defined)	<ul style="list-style-type: none"> <li>Revised definition of continuing care facility to remove reference to a person's age</li> </ul>	A	SHN5
3	10.200 (O-1, Neighborhood Office District)	<ul style="list-style-type: none"> <li>Add vesting clause for independent living facilities</li> </ul>	A	LU1
4	10.300 (O-2, Neighborhood Office District)	<ul style="list-style-type: none"> <li>Add vesting clause for independent living facilities</li> </ul>	A	LU1
5	10.400 (R, Retail District)	<ul style="list-style-type: none"> <li>Add vesting clause for independent living facilities</li> <li>Remove standards for independent living facilities</li> <li>Allow certain single-family uses by right</li> </ul>	A, D	LU1, LU2, RRSC4
6	10.900 (CB-1, Central Business-1 District)	<ul style="list-style-type: none"> <li>Remove special rules for CE and CB-1 districts, which no longer apply</li> </ul>	B	LU1
7	10.1000 (CE, Commercial Employment District)	<ul style="list-style-type: none"> <li>Remove residential standards</li> <li>Remove special rules for CE and CB-1 districts, which no longer apply</li> <li>Add vesting clause for residential uses</li> <li>Administrative cleanup to reflect new Comprehensive Plan</li> </ul>	B	LU1, RGM8
8	12.900 (Site Plan and Plat Required)	<ul style="list-style-type: none"> <li>Clarify that all uses in a PD require site plan review</li> </ul>	A	LU1
9	13.200 (Street Frontage and Access)	<ul style="list-style-type: none"> <li>Remove restriction on independent living facility uses that does not apply to multifamily uses</li> </ul>	A	SHN5

No.	Section	Description	Item	Comp. Plan Actions
10	13.300 (Lot Area and Dimensions)	<ul style="list-style-type: none"> <li>Remove restriction on independent living facility uses that does not apply to multifamily uses</li> </ul>	A	SHN5
11	13.800 (Usable Open Space)	<ul style="list-style-type: none"> <li>Remove reference to SUP for residential uses in the R district</li> </ul>	A	LU4
12	14.100 (Residential Districts Use Table)	<ul style="list-style-type: none"> <li>Add an end note to assisted living facility, continuing care facility, independent living facility, and long-term care facility uses to see Sec. 15.1300 (Retirement and Supportive Housing)</li> <li>Reclassify independent living facility as a primary residential use type</li> </ul>	A, B, D	LU1, SHN5
13	14.200 (Nonresidential Districts Use Table)	<ul style="list-style-type: none"> <li>Add an end note to assisted living facility, continuing care facility, independent living facility, and long-term care facility uses to see Sec. 15.1300 (Retirement and Supportive Housing)</li> <li>Reclassify independent living facility as a primary residential use type</li> <li>Remove independent living facility from the O-1, O-2, R, and CE districts, with an end note to see the Special District Requirements for vesting standards</li> <li>Remove mid-rise residential and multifamily dwellings from the CE district, with an end note to see the Special District Requirements for vesting standards</li> <li>Require an SUP for independent living facility, mid-rise residential, and multifamily dwellings in the CB-1 district</li> <li>Remove SUP requirement for single-family residence (attached), single-family residence (detached), and two-family residence in the R district</li> <li>Administrative changes to NBD district for consistency</li> </ul>	A, B, D	LU1, LU4, RGM8, SHN5
14	14.300 (Use Table End Notes)	<ul style="list-style-type: none"> <li>Delete end notes that no longer apply</li> <li>Add an end note referencing use-specific standards for retirement and supportive housing</li> <li>Add an end note referencing the vesting standards in the Special District Requirements</li> <li>Remove the reference to an SUP in the end note for patio homes in R</li> </ul>	A, B, D	LU1

No.	Section	Description	Item	Comp. Plan Actions
15	15.1300 (Retirement Housing)	<ul style="list-style-type: none"> <li>• Revise section title to “Retirement and Supportive Housing”</li> <li>• Clarify which land uses are governed by this section</li> <li>• Clarify age requirements apply only to independent living facilities</li> <li>• Update language to reflect current planning documents and procedures</li> <li>• Require independent living facilities to follow the setback and open space requirements for the building type (ex., multifamily residences)</li> <li>• Revise and clarify density standards for continuing care facilities that include an independent living facility component</li> </ul>	A	RGM4, SHN5
16	16.700 (Off-Street Parking Schedule)	<ul style="list-style-type: none"> <li>• Relocate independent living facility use to the residential parking table</li> </ul>	A	LU1
17	16.1400 (Off-Street Loading)	<ul style="list-style-type: none"> <li>• Clarify that loading dock enclosure is required when located adjacent to a residential use or district</li> </ul>	D	LU2
18	17.100 (Nonresidential Landscaping Requirements)	<ul style="list-style-type: none"> <li>• Update reference to retirement and supportive housing</li> </ul>	A	SHN5
19	17.200 (Residential Landscaping Requirements)	<ul style="list-style-type: none"> <li>• Update reference to retirement and supportive housing</li> </ul>	A	LU1
20	17.700 (Landscape Plan Approval)	<ul style="list-style-type: none"> <li>• Update reference to retirement and supportive housing</li> </ul>	A	SHN5
21	20.100 (Screening Walls or Visual Barriers)	<ul style="list-style-type: none"> <li>• Clarify where screening walls and fences are required in the R district</li> </ul>	D	LU4
22	23.200 (Residential Structures)	<ul style="list-style-type: none"> <li>• Update reference to retirement and supportive housing</li> </ul>	A	SHN5

Comprehensive Plan Actions	
<a href="#">LU1</a>	Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.
<a href="#">LU2</a>	Review development regulations and implement standards that configure development to provide complementary uses and foster good connections, using a combination of streets, trails, and sidewalks for vehicular, pedestrian, and bicycle circulation, that enhance the quality of neighborhoods.
<a href="#">LU4</a>	Create regulations that incentivize the redevelopment and revitalization of underperforming retail and multifamily development.
<a href="#">NC4</a>	Develop a plan to address housing gaps identified in the <a href="#">Consolidated Plan</a> and review the recommended policy options outlined in the <a href="#">Housing Trends Analysis and Strategic Plan</a> to compare and coordinate with the Comprehensive Plan.
<a href="#">RGM4</a>	Revise regulations and administrative procedures to ensure new residential and mixed-use development provides sufficient public open space, green space, and pedestrian connectivity.

### Comprehensive Plan Actions

<a href="#">RGM8</a>	Limit new residential development to areas that are appropriate based on individual site considerations and consistency with the <a href="#">Future Land Use Map and Dashboards</a> . Multifamily developments should also meet a housing diversification or economic development need of the city, including transit-oriented development, special housing needs (as defined by the city's Consolidated Plan), or be constructed as part of a high-rise 10 stories or greater.
<a href="#">RRSC4</a>	Establish design guidelines that provide safe connections for residents to conveniently access commercial businesses, open space, and other amenities in retail centers. Implementation should be limited to locations where connections are desired by the adjoining neighborhood.
<a href="#">SHN5</a>	Review zoning regulations to provide reasonable opportunities for safe and healthy housing in support of special needs populations [seniors, people with disabilities, and low- to moderate-income households].

Exhibit B  
Zoning Case 2022-016

Proposed Changes

*Additions are indicated in underlined text; deletions are indicated in strikethrough text.*

1. Amend Section 7.400 (Residential Uses in Nonresidential Zoning Districts) of Article 7 (Nonconformities), such section to read as follows:

**7.400 Residential Uses in Nonresidential Zoning Districts**

Existing residences, including but not limited to single-family, multifamily, and independent living facilities, located in nonresidential districts may be improved, maintained, or rebuilt as conforming structures.

2. Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended definition to read as follows:

**Continuing Care Facility**

~~A development providing housing/accommodations and services along the continuum of an elderly person's needs, including independent living, assisted living, and/or long-term care facilities.~~

A development designed and staffed to provide housing together with a continuum of personal care services, nursing services, medical services, or other health-related services on the same property. A continuing care facility includes a combination of independent living, assisted living, or long-term care facilities.

3. Amend Section 10.200 (O-1, Neighborhood Office District) of Article 10 (Nonresidential Districts), such new subsection to read in its entirety as follows:

...

**.6 Special District Requirements**

Independent living facilities constructed prior to DATE OF ORDINANCE ADOPTION and proposed independent living facility projects vested under Chapter 245 of the Local Government Code prior to DATE OF ORDINANCE ADOPTION are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwelling units of a particular structure or site.

4. Amend Section 10.300 (O-2, General Office District) of Article 10 (Nonresidential Districts), such subsection to read as follows:

...

**.6 Special District Requirements**

Independent living facilities constructed prior to DATE OF ORDINANCE ADOPTION and proposed independent living facility projects vested under Chapter 245 of the Local Government Code prior to DATE OF ORDINANCE ADOPTION are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwelling units of a particular structure or site.

**5. Amend Section 10.400 (R, Retail District) of Article 10 (Nonresidential Districts), such portions of section to read as follows:**

**.1 Purpose**

The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services, including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing. Limited residential uses may be considered appropriate as an extension of surrounding neighborhoods.

...

**.6 Special District Requirements**

**A. Vehicle Fueling Stations**

For vehicle fueling stations, canopies shall be considered as an accessory structure and shall be included in all calculations of lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures.

**B. Mini-warehouse/Public Storage**

For mini-warehouse/public storage developments, maximum 50% lot coverage shall be allowed.

**C. Independent Living Facilities**

Independent living facilities constructed prior to DATE OF ORDINANCE ADOPTION and proposed independent living facility projects vested under Chapter 245 of the Local Government Code prior to DATE OF ORDINANCE ADOPTION are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwelling units of a particular structure or site.

~~For independent living facilities, the following area, yard, and bulk requirements shall apply:~~

<b>Description</b>	<b>Requirement</b>
Minimum Lot Area	2 acres
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Front Yard	25 feet, except as provided in Sec. 13.500.2
Minimum Side Yard	
— Interior Lot	None (See Sec. 13.500.2)
— Corner Lot	25 feet on street side
Minimum Rear Yard	10 feet, where no alley abuts the rear property line (See Sec. 13.500.4)
Minimum Height	2 story, 35 feet allowed by right; 3 story, 45 feet allowed with approval of a specific use permit
Setbacks from Residential Development	See Sec. 15.1300.

**D. Residential Uses**

- i. Patio homes, single-family attached residences, and two-family residences shall comply with the standards of Secs. 9.900, 9.1000, and 9.1100, respectively, except that single-family attached residences shall be developed on individually-platted lots only. Once any properties

are developed for residential purposes, no nonresidential uses, other than home occupations shall occur. (See Sec. 15.700) Retail-zoned land proposed for residential uses shall abut residentially-zoned land that is not separated by a Type C or larger thoroughfare (per the Thoroughfare Plan Map of the Comprehensive Plan).

- ii. When a portion of any retail-zoned property is used for patio homes, single-family attached, or two-family, and/or independent living developments, and a residual tract has been left, it shall have a minimum of 2 acres and access to a median opening when located on an existing or proposed divided thoroughfare (as noted on the city's Thoroughfare Plan Map).
- iii. Any portion of a retail-zoned tract that is developed for patio home, single-family attached, and/or two-family residences, shall have a minimum land area of 5 acres.
- iv. Any new residential uses constructed next to existing nonresidential uses must provide screening in compliance with Section 16.1400 (Off-Street Loading), Subsection 5.

...

**6. Amend Section 10.900 (CB-1, Central Business-1 District) of Article 10 (Nonresidential Districts), such portions of section to read as follows:**

...

**.5 Special District Requirements**

**A. Miscellaneous**

...

- ix. Sites for fire stations, police stations, schools, water towers, and reservoirs shall be provided at such time, if ever, as such sites are determined to be necessary

...

**.6 Special Rules for CE and CB-1 Districts**

~~A. On the portion of the property zoned CE, a maximum of 2,500 multifamily dwelling units shall be permitted by right within an area within 2,500 feet of the centerline of White Rock Creek and within the Plano Independent School District. Units not built within this area may be transferred to the CB-1 district as noted below. Additional multifamily dwelling units may be permitted within such area, and multifamily dwelling units may be permitted in any other location on the portion of the property zoned CE by specific use permit.~~

~~B. On the portion of the property zoned CB-1, a maximum of 2,300 multifamily dwelling units shall be permitted by right. However, additional units may be allowed by right through transfer of unused units in the White Rock Creek area as noted above. Additional multifamily dwelling units may be permitted on the portion of the property zoned CB-1 by specific use permit.~~

~~C. Sites for fire stations, police stations, schools, water towers, and reservoirs shall be provided at such time, if ever, as such sites are determined to be necessary.~~

7. Amend Section 10.1000 (CE, Commercial Employment District) of Article 10 (Nonresidential Districts), such section to read as follows:

**10.1000 CE, Commercial Employment District**

**.1 Purpose**

The CE district is intended to provide the flexibility for an integrated development that may include retail, office, commercial, and light manufacturing, ~~and multifamily residences~~. The major focus of the CE district is to be corporate headquarters and research facilities arranged in a campus-like setting.

**.2 Permitted Uses**

See the nonresidential districts use table in Sec. 14.200 for a complete listing

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

The following area, yard, and bulk requirements apply to all developments in the CE district unless otherwise expressly stated:

Description	Residential Requirement	Nonresidential Requirement
Maximum Residential Density	21.5 units per acre; 174 units per acre if over 3 story	N/A
Minimum Lot Area	8,400 square feet	None
Minimum Lot Width	70 feet	None
Minimum Lot Depth	120 feet, 1-3 story; 200 feet, 4+ stories	None
Minimum Front Yard	25 feet, except as provided in Sec. 15.800 and Sec. 13.500.2	50 feet, except as provided below and in Sec. 13.500.2
Minimum Side Yard		
Interior Lot	10 feet (See Sec. 15.800 and Sec. 13.500.3)	None, except as provided in Sec. 13.500.3.
Corner Lot	25 feet on street side (See Sec. 13.500.3A)	50 feet on street side
Maximum Side Yard	None	None
Minimum Rear Yard	10 feet (See Sec. 15.800 and Sec. 13.500.4)	10 feet where no alley abuts the rear property line (See Sec. 13.500.4)
Minimum Floor Area per Dwelling Unit		
Efficiency	500 square feet	N/A
1 bedroom	650 square feet	N/A
2 bedroom	800 square feet	N/A
Each additional bedroom	200 square feet	N/A
Maximum Lot Coverage	40%, plus 10% additional coverage permitted for accessory structures (See below and Sec. 13.500.4A)	50% retail and mixed use; 40% all other uses (See Sec. 10.1000.6A.ix)
Maximum Height		
Where adjacent to existing or planned residential zoning		
0 – 400 feet setback	2 story	2 story

Description	Residential Requirement	Nonresidential Requirement
401 – 600 feet setback	4 story	4 story
601 – 800 feet setback	6 story	6 story
More than 800 feet setback	No restrictions, except as provided for under Sec. 13.500.2.	No restrictions, except as provided for under Sec. 13.500.2.
Where adjacent to existing or planned residential zoning but separated by a Type B or higher thoroughfare		
0 – 600 feet setback	4 story	4 story
601 – 800 feet setback	6 story	6 story
More than 800 feet setback	No restrictions, except as provided for under Sec. 13.500.2	No restrictions, except as provided for under Sec. 13.500.2
Minimum Open Space	Same as MF-3 requirements in Sec. 13.800	None

#### .4 Landscaping

Article 17 shall apply, except as amended to require 7% of the lot area to be used for landscaping for retail, and 10% of the lot area to be used for landscaping for mixed use development including retail and requiring 15% of the lot area to be used for landscaping for all other types of use and development.

#### .5 Parking Regulations

In addition to the requirements in Article 16, the following requirements shall apply:

~~A.~~ Off-street parking for any residential use permitted in the district shall be 2 spaces for each dwelling unit. The minimum parking requirements for any other use requiring the approval of a site plan shall be established on the site plan.

~~A~~ **B.** Any off-street parking requirements may be provided offsite even if such sites are nonadjacent or noncontiguous or in a different zoning district, provided that binding agreements exist which will ensure the availability of such off-street parking for the reasonable useful life of the building or project to be built on the site. Such off-street parking shall be located within 600 feet of the site, measured as the shortest possible distance in a straight line from the closest property line of the site to the closest point on the parking structure or lot.

~~B~~ **C.** Up to 50% of the off-street parking requirements for any general office and/or manufacturing, processing, or repair use may be satisfied without site plan approval by utilizing compact car parking spaces, as defined in Article 16.

#### .6 Special District Requirements

##### A. Miscellaneous

- i. District requires a minimum contiguous area of 200 acres.
- ii. Parking structures or surface parking facilities shall be excluded in computing lot coverage.

- iii. ~~A minimum front yard of 50 feet shall be required for any nonresidential use; provided, however, none of the off-street parking requirements set forth in Article 16 shall be met utilizing the first 20 feet of such front yard. A minimum front yard of 25 feet shall be required for any residential use; provided, however, that in no case shall the front yard be less than one-half the height of the building, and in no case need such front yard exceed 50 feet regardless of the height of the building.~~
- iv. The City Council, at the time of granting CE district zoning to any tract of land, shall have the authority to modify the district requirements, and may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas including, but not limited to, light and air orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
- v. ~~The City Council, at the time of granting CE district zoning to any tract of land, shall have the authority to limit multifamily uses to certain designated locations within such tract and to limit the number of multifamily units to be built on such designated locations. Sites for fire stations, police stations, schools, water towers, and reservoirs shall be provided at such time, if ever, as such sites are determined to be necessary.~~
- vi. A general phasing plan for the total development of the property shall be approved at the time of concept plan approval.
- vii. The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of concept plan approval.
- viii. Site plan approval in accordance with Article 3 shall be required.
- ix. For vehicle fueling stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures)
- x. For mini-warehouse/public storage developments, a maximum 50% lot coverage shall be allowed.

### **~~C. Overall Density Restriction~~**

~~The City Council, at the time of granting CE district zoning to any tract of land, may impose an overall density requirement on such tract.~~

### **C.B Location of Uses**

#### **i. Radio, Television, or Microwave Tower**

No radio, television, or microwave tower shall be located within a distance from any residential structure equal to at least the height of such tower. ~~No residential structure shall be located within a distance from any radio, television, or microwave tower equal to at least the height of such tower.~~ Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of the residential structure.

No radio, television, or microwave tower shall be located within a distance equal to at least the height of such tower from any area zoned residential by the City of Plano or shown as Neighborhoods residential on the then-existing Future Land Use Map Plan of the City of Plano.

Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of such area. Notwithstanding the foregoing, such uses may be located in closer proximity by specific use permit.

**ii. Heliport or Helistop**

No heliport or helistop shall be located within 1,000 feet of any lot, tract, or parcel upon which a residence or dwelling is located or within 1,000 feet of any area zoned residential or shown as Neighborhoods residential on the then-existing Future Land Use Map Plan. ~~No residences or dwellings shall be constructed within 1,000 feet of an existing heliport or helistop.~~ The measurement of the 1,000 feet is to be made in a straight, horizontal line from the edge of the heliport landing or helistop pad to the closest prohibited property line, provided that this provision shall not apply to those hospitals which maintain a helistop or heliport for medical emergency flight purposes. Notwithstanding the foregoing, such uses may be located in closer proximity by specific use permit. (See 15.600 for other provisions)

**iii. Vehicle Fueling Station**

- a. ~~No vehicle fueling station shall be located within 400 feet of any residential structure and no residential structure shall be located within 400 feet of any vehicle fueling station.~~
- b. No vehicle fueling station shall be located within 400 feet of any area zoned residential by the City of Plano or shown as Neighborhoods residential on the then-existing Future Land Use Map Plan of the City of Plano.
- c. Such distances shall be measured as the shortest possible distance in a straight line from the closest point of the vehicle fueling station to the closest point of the residential structure or area, as the case may be. Notwithstanding the foregoing, such uses may be located in closer proximity by specific use permit.

**iv. Multifamily Residences and Independent Living Facilities**

Independent living facility, mid-rise residential, and multifamily residence developments constructed prior to DATE OF ORDINANCE ADOPTION and proposed independent living facility, mid-rise residential, and multifamily residence projects vested under Chapter 245 of the Local Government Code prior to DATE OF ORDINANCE ADOPTION are permitted. Any remodeling, reconstruction, redevelopment, or other improvements shall not increase the floor area or number of dwelling units of a particular structure or site.

**.7 Special Rules for CE and CB-1 Districts**

- ~~A. On the portion of the property zoned CE, a maximum of 2,500 multifamily dwelling units shall be permitted by right within an area within 2,500 feet of the centerline of White Rock Creek and within the Plano Independent School District. Units not built within this area may be transferred to the CB-1 district as noted below. Additional multifamily dwelling units may be permitted within such area, and multifamily dwelling units may be permitted in any other location on the portion of the property zoned CE by specific use permit.~~
- ~~B. On the portion of the property zoned CB-1, a maximum of 2,300 multifamily dwelling units shall be permitted by right. However, additional units may be allowed by right through transfer of unused units~~

~~in the White Rock Creek area as noted above. Additional multifamily dwelling units may be permitted on the portion of the property zoned CB-1 by specific use permit.~~

~~C. Sites for fire stations, police stations, schools, water towers, and reservoirs shall be provided at such time, if ever, as such sites are determined to be necessary.~~

**8. Amend Section 12.900 (Site Plan and Plat Required) of Article 12 (Planned Development District), such section to read as follows:**

**12.900 Site Plan and Plat Required**

Article 3 of the Zoning Ordinance, Site Plan Review, shall apply to the development of land for ~~nonresidential, or multifamily,~~ uses within any PD district as required in Sec. 3.100.3. Article III of the Subdivision Ordinance, Platting, shall apply to any development or subdivision of land with a PD district.

**9. Amend Subsection 13.200.3 of Section 13.200 (Street Frontage and Access) of Article 13 (Lot and Building Standards), such subsection to read as follows:**

~~.3 Religious facilities, independent living facilities,~~ assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade schools, and public, private, and parochial schools located in any residential district shall have access to a street with a minimum pavement width of 36 feet.

**10. Amend Subsection 13.300.2 of Section 13.300 (Lot Area and Dimensions) of Article 13 (Lot and Building Standards), such subsection to read as follows:**

~~.2 Independent living facilities, a~~Assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade schools, and public, private, and parochial schools located in any residential district shall have a minimum site area of 2 acres.

**11. Amend Part B of Subsection 13.800.4 (Dimensional Standards) of Section 13.800 (Usable Open Space) of Article 13 (Lot and Building Standards), such part to read as follows:**

B. Patio home and single-family attached development in the Patio Home (PH), Single-Family Residence Attached (SF-A), MF-1, MF-2, and MF-3 zoning districts, and patio home or single-family development in the Retail zoning district ~~with the corresponding specific use permit (SUP)~~ shall comply with the following dimensional standards:

...

**12. Amend Section 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:**

RESIDENTIAL ZONING DISTRICTS																	
Use Type	Use Category	A - Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	UR - Urban Residential	PH - Patio Home	SF-A - Single-Family Attached	2F - Two Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home	RCD - Residential Community Design
Assisted Living Facility	EIPS												P 21 52	P 21 52	P 21 52		
Continuing Care Facility	EIPS												P 21 52	P 21 52	P 21 52		
Independent Living Facility	<u>EIPS Primary Residential</u>												P 21 52	P 21 52	P 21 52		
Long-Term Care Facility	EIPS												P 21 52	P 21 52	P 21 52		

**13. Amend Section 14.200 (Nonresidential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications), such portions of section to read as follows:**

NONRESIDENTIAL ZONING DISTRICTS																
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology Center	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
Assisted Living Facility	EIPS	P 21 52	P 21 52	P 21 52		S 21 52	P 21 52	P 21 52	P 21 52	P 21 52	S 21 52	S 21 52				
Continuing Care Facility	EIPS	P 21 52	P 21 52	P 21 52		S 21 52	P 21 52	P 21 52	P 21 52	P 21 52	S 21 52	S 21 52				P 21 52

NONRESIDENTIAL ZONING DISTRICTS																
Use Type	Use Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	LC - Light Commercial	CC - Corridor Commercial	UMU - Urban Mixed-Use	BG - Downtown Business/Government	CB-1 - Central Business-1	CE - Commercial Employment	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology Center	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	NBD - Neighborhood Business Design
Home Occupation (11)	Accessory & Incidental			P			P	P	P	P	P	P			P	P
Independent Living Facility	<del>EIPS-Primary Residential</del>	P 52 12	P 52 12	P 52 12		S 21 52	P 21 52	P 21 52	P 52 12	P 52 12	S 21 52	S 21 52				P 21 52 53
Long-Term Care Facility	EIPS	P 21 52	P 21 52	P 21 52		S 21 52	P 21 52	P 21 52	P 21 52	P 21 52	S 21 52	S 21 52				
Mid-Rise Residential	Primary Residential						P 52		S 52 12	S 52 12	S 52	S 52				
Multifamily Residence (1)	Primary Residential						P 52	P 2 52	S 52 12	S 52 12						P 52 53
Single-Family Residence (Attached)	Primary Residential			P S			P	P								P 53
Single-Family Residence (Detached)	Primary Residential			P 41												P 53
Two-Family Residence	Primary Residential			P S												P 53

**14. Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such notes to read as follows:**

Number	End Note
3	<del>See the CB-1 and CE district regulations of Sec. 10.900 and Sec. 10.1000, respectively.</del> <u>[Reserved]</u>
12	<del>[Reserved]</del> <u>Prohibited, except where permitted under the Special District Requirements of the referenced district.</u>
21	<del>[Reserved]</del> <u>See Sec. 15.1300</u>
29	<del>See Sec. 10.1000.6</del> <u>[Reserved]</u>
41	<del>Patio Homes allowed only with a specific use permit.</del>

**15. Amend Section 15.1300 (Retirement Housing) of Article 15 (Use-specific Regulations), such section to read as follows:**

**15.1300 Retirement and Supportive Housing**

These regulations apply to independent living, assisted living, long-term care, and continuing care facilities, except where individually referenced.

**.1 ~~Minimum Age Requirement~~ Independent Living Facilities**

- A. To qualify as an independent living facility, the units shall have a head of household of 55 years of age or older. Surviving members of a household, regardless of age, may occupy a unit provided that the household head meeting the age requirement has died.
- B. Management personnel and his/her family may occupy units without complying with the minimum age requirement. The total of such dwelling units shall not exceed 2 per 100 dwelling units, or portion thereof, in the project.
- C. Independent living facilities constructed in the form of apartments shall comply with the standards for multifamily residential uses, except where specific standards for independent living facilities are provided.
- D. Independent living facilities constructed in the form of detached or attached single-family dwellings shall comply with the standards for single-family residence (detached) or single-family residence (attached) uses, respectively, except where specific standards for independent living facilities are provided.

**.2 Minimum Floor Area Per Dwelling Unit**

Minimum unit sizes shall be in compliance with state regulations for facilities eligible to receive Medicare/Medicaid funding.

**.3 Minimum Residential Setbacks**

The minimum setback from the zoning district boundary line and/or property line of land proposed (as shown on an approved ~~land study~~ concept plan or preliminary site plan), developed, or zoned for single-family, patio home, or two-family to independent living, assisted living, long-term care, and/or continuing care facilities shall be:

Height	Minimum Setback
One Story	20 feet
Two Story	60 feet
Three Story	150 feet

**.4 Maximum Residential Density**

The following density limits apply:

**Nonresidential Districts**

	O-1	O-2	R	BG	CE	CB-1	CC
Independent Living Facility (dwelling units per acre)	45 <del>__</del> **	45 <del>__</del> **	45 <del>__</del> **	100	21.5 <del>174*</del> 45 <del>__</del> **	21.5 174*	100
Assisted Living Facility	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC
Long-term Care Facility	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC	FAR/LC
<u>Continuing Care Facility</u>	Note—The maximum density for a continuing care facility shall be based upon the proportionate densities of the independent living facility, assisted living facility, and/or long-term care facility within the continuing care facility.						

FAR – Floor Area Ratio; LC – Lot Coverage; \* - For Structures over 3 Stories in Height; \*\* - When part of a continuing care facility

**Residential Districts**

	MF-1	MF-2	MF-3
Independent Living Facility (dwelling units per acre)	45 <u>12</u>	45 <u>18</u>	45 <u>21.5</u>
Assisted Living Facility	LC	LC	LC
Long-term Care Facility	LC	LC	LC
<u>Continuing Care Facility</u>	Note—The maximum density for a continuing care facility shall be based upon the proportionate densities of the independent living facility, assisted living facility, and/or long-term care facility within the continuing care facility.		

FAR— Floor Area Ratio; LC – Lot Coverage; \*— For Structures over 3 Stories in Height

**.5 Fencing Requirements**

Walls or fences of not more than 8 feet in height may be erected in the front yard, provided such wall or fence is of at least 50% open construction. Such walls must meet all other applicable requirements for walls contained in Article 20.

**.6 Exterior wall construction must comply with the requirements of Sec. 23.200.**

**16. Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), such portions of section to read as follows:**

**Parking Space Schedule for Residential Uses in all Districts**

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Residential Uses
<u>Independent Living Facility</u>	<u>One space per dwelling unit (No maximum number of parking spaces.)</u>

**Parking Space Schedule for Nonresidential Uses in all Districts**

<b>Zoning Districts or Uses</b>	<b>Minimum Required Off-Street Parking or Spaces for Nonresidential Uses</b>
Independent Living Facility	One space per dwelling unit (No maximum number of parking spaces.)

**17. Amend Subsection 16.1400.3 of Section 16.1400 (Off-Street Loading) of Article 16 (Parking and Loading), such subsection to read as follows:**

.3 Where such loading space is located adjacent to a residential use or district, the space shall be enclosed on 3 sides.

**18. Amend Part A of Subsection 17.100.2 (Interior Parking Lot Landscaping) of Section 17.100 (Nonresidential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation), such part to read as follows:**

A. Interior landscaping shall generally include all areas within the paved boundaries of the parking lot as well as planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Up to 50% of the required interior parking lot landscaping for nonresidential, multifamily, and retirement and supportive housing developments and redevelopments may be placed outside of the paved boundaries of the parking lot (as shown in Figure 17-2), to provide stormwater quality areas and/or grassy swales/buffer strips, detention ponds, bioretention areas, or other structural permanent BMPs. to meet the interior landscaping requirement. The relocation of required landscape areas shall not reduce the required amount of landscape area, or the required number of trees or other improvements associated with the required landscape areas. Required landscape areas, either within or outside of parking lot boundaries, shall not be part of required usable open space for multifamily and retirement and supportive housing developments. All parking lot trees planted outside the perimeter of the parking lot must be located no closer than 5 feet and no greater than 15 feet from the back of the parking lot curb. See Figure 17-2.

**19. Amend Subsection 17.200.1 (Multifamily and Retirement Housing Landscaping Requirements) of Section 17.200 (Residential Landscaping Requirements) of Article 17 (Landscaping and Tree Preservation), such portions of subsection to read as follows:**

**.1 Multifamily, and Retirement, and Supportive Housing Landscaping Requirements**

...

**20. Amend Subsection 17.700.1 of Section 17.700 (Landscape Plan Approval) of Article 17 (Landscaping and Tree Preservation), such subsection to read as follows:**

.1 Landscape plans shall be submitted with all nonresidential, multifamily, and retirement and supportive housing development submissions. Landscape plans shall ensure proper location of vegetation within public rights-of-way, preserve visibility triangles, maintain the overall integrity and intent of living screens, and promote ornamental planting within the city.

**21. Amend Subsection 20.100.2 of Section 20.100 (Screening Walls or Visual Barriers) of Article 20 (Screening, Fence and Wall Regulations), such subsection to read as follows:**

- .2 No solid screening wall or fence shall be required as stated in Sec. 20.100.1 when single-family and two-family residential uses ~~are developed within the Retail zoning district in an R district side or back upon~~ other single-family or two-family residential uses.

**22. Amend Subsection 23.200.1 of Section 23.200 (Residential Structures) of Article 23 (Exterior Wall Construction Standards), such subsection to read as follows:**

- .1 Exterior wall construction for residential structures and retirement and supportive housing must consist of a minimum of 80% masonry, 3-step stucco, and/or glass, with no single wall face of any structure containing less than 50% of its exposed surface of masonry construction. A maximum of 10% of any exposed exterior wall may consist of Exterior Insulation and Finish Systems (EIFS).

**Mix of Uses**

The Land Use Mix section provides the preferred balance of housing and employment uses within the category. This is calculated in total acres of land, excluding areas that are generally recognized as unsuitable for private development, such as the 100-year floodplain and electric transmission line easements. The area to be used in calculating the total acreage varies from category to category as listed to the right:

**EMPLOYMENT MIX (acres)**

The Employment Mix chart describes the preferred mix of the following employment types within each Future Land Use Category:




<p><b>RETAIL TYPES</b></p> 	<p>Retail Types generally includes businesses with commercial store frontages located in pad, strip, activity, or big box shopping centers. It also includes supporting businesses such as light office, hotels, self-storage, gas stations, light automotive servicing centers, entertainment venues, and other similar uses when located in a retail shopping center.</p>
<p><b>OFFICE TYPES</b></p> 	<p>Office Types generally includes businesses that provide professional, medical, or administrative services located in a neighborhood or corporate campus setting, such as:</p> <ul style="list-style-type: none"> <li>• doctor/dentist offices</li> <li>• attorney offices</li> <li>• research/technology businesses</li> <li>• insurance agencies</li> <li>• corporate offices</li> </ul>
<p><b>INSTITUTIONAL TYPES</b></p> 	<p>Institutional Types includes educational, medical, and government related uses, such as:</p> <ul style="list-style-type: none"> <li>• hospitals</li> <li>• emergency rooms</li> <li>• schools</li> <li>• post offices</li> <li>• government facilities</li> <li>• assisted living<sup>2</sup></li> <li>• religious facilities</li> <li>• police/fire stations</li> </ul>
<p><b>INDUSTRIAL TYPES</b></p> 	<p>Industrial Types includes businesses that are heavy commercial or industrial related, often with outside storage, vehicle storage, and multiple bay doors, such as:</p> <ul style="list-style-type: none"> <li>• office/warehouses</li> <li>• distribution centers</li> <li>• private utilities</li> <li>• wholesale building supplies</li> <li>• transmission/collision repair</li> <li>• car dealerships</li> </ul>

**MEASUREMENT AREAS**

<b>Citywide<sup>1</sup></b>	<b>Per Adjoining Corner/Center<sup>1</sup></b>	<b>Per Expressway<sup>1</sup></b>
Neighborhoods (N)	Neighborhood Corners (NC)	Expressway Corridors (EX)
Downtown Corridors (DT)	Community Corners (CC)	
Employment Centers (EM)	Suburban Activity Centers (SA)	
Social Network (SN)	Urban Activity Centers (UA)	
Open Space Network (OS)		

**HOUSING MIX (dwelling units)**

The Housing Mix chart describes the preferred mix of the following housing types within each Future Land Use Category:

<p><b>DETACHED SINGLE-FAMILY TYPES</b></p> 	<p>The most prolific type of housing in Plano's suburban neighborhoods, Detached Single-family Types (Detached SF) includes detached housing products with a single dwelling unit per lot, such as:</p> <ul style="list-style-type: none"> <li>• conventional houses</li> <li>• estates</li> <li>• patio homes</li> <li>• small-lot single-family</li> </ul>
<p><b>ATTACHED SINGLE-FAMILY TYPES</b></p> 	<p>Attached Single-family Types (Attached SF) includes housing products with generally one dwelling unit per lot attached by a common vertical floor to roof wall to a similar dwelling, such as:</p> <ul style="list-style-type: none"> <li>• duplexes</li> <li>• townhomes</li> <li>• brownstones</li> <li>• row houses</li> </ul>
<p><b>MULTIFAMILY TYPES</b></p> 	<p>Multifamily Types (MF) includes any housing product with more than three dwelling units per lot, including:</p> <ul style="list-style-type: none"> <li>• garden-style apartments/condominiums</li> <li>• main-street style apartments/condominiums</li> <li>• small-scale apartments/condominiums</li> <li>• mid-rise apartments/condominiums</li> <li>• high-rise apartments/condominiums</li> <li>• independent living centers<sup>2</sup></li> </ul>

<sup>1</sup>: See *Mix of Use Measurement Areas* in the Glossary for more information.  
<sup>2</sup>: While retirement housing is categorized as EIPS in the Zoning Ordinance, institutional housing can be associated with both Residential and Employment uses. Housing units within independent living centers are counted towards Multifamily Types for the purposes of the Future Land Use Map and Dashboards due to their design and function. However, assisted living and long-term care facilities are considered Institutional Types due to their operations.

## **Retirement Housing Definitions from the Zoning Ordinance**

### **Assisted Living Facility**

A building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.

### **Continuing Care Facility**

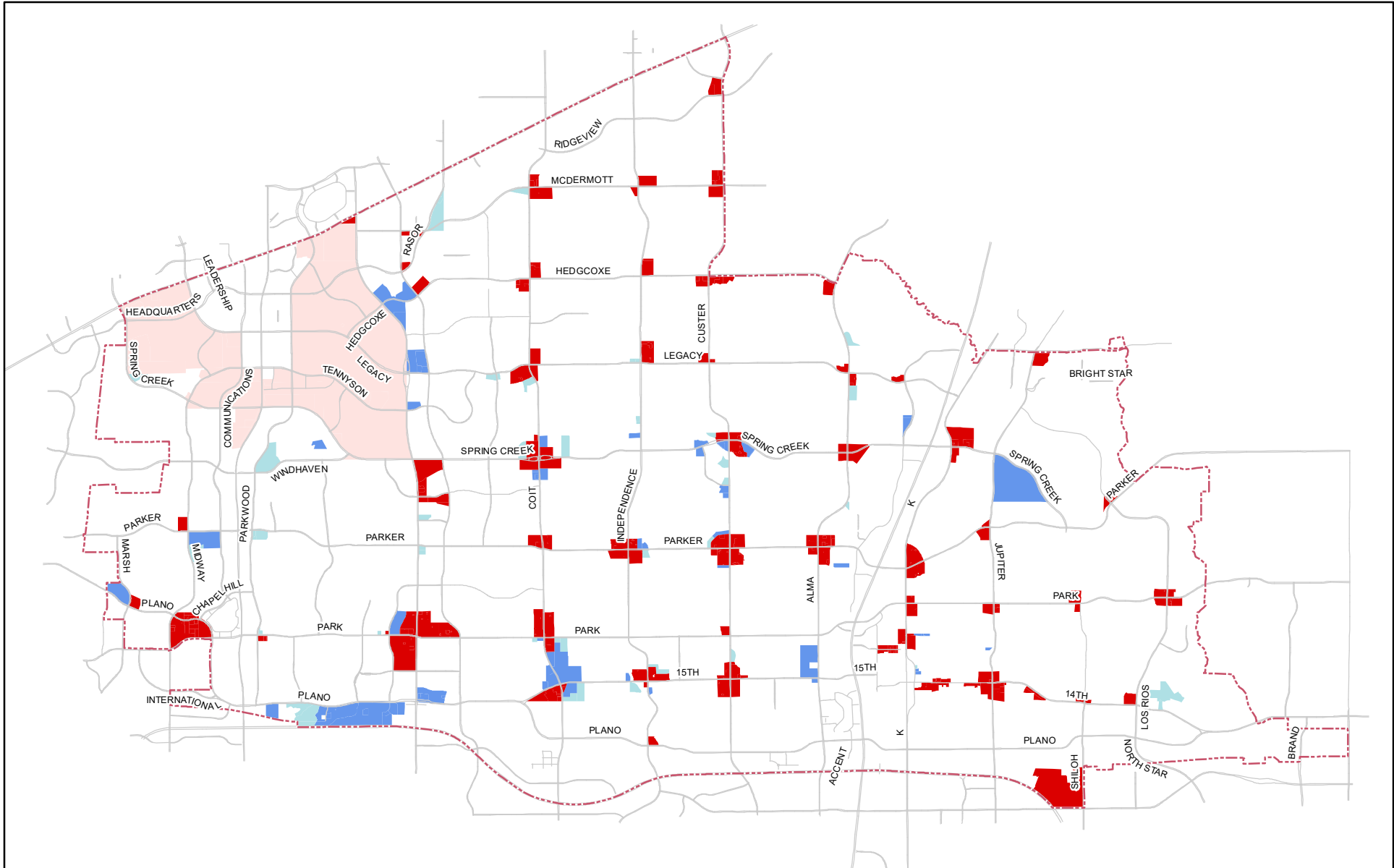
A development providing housing/accommodations and services along the continuum of an elderly person's needs, including independent living, assisted living, and/or long-term care facilities.

### **Independent Living Facility**



A development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.



### **Long-Term Care Facility**

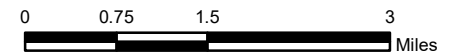
A development providing in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

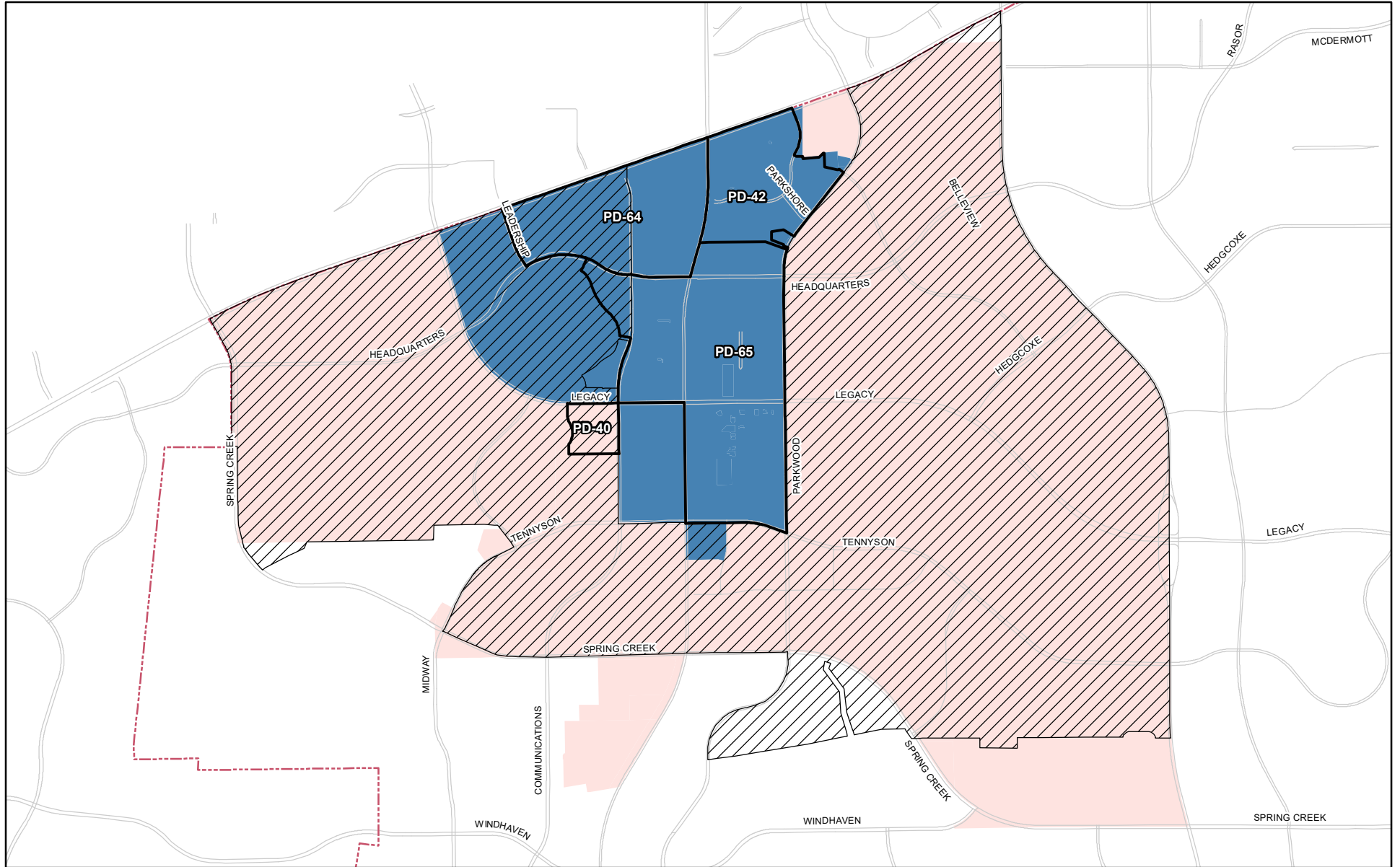


**Zoning District**

-  Commercial Employment (CE)
-  Retail (R)

-  Neighborhood Office (O-1)
-  General Office (O-2)



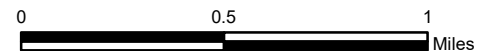


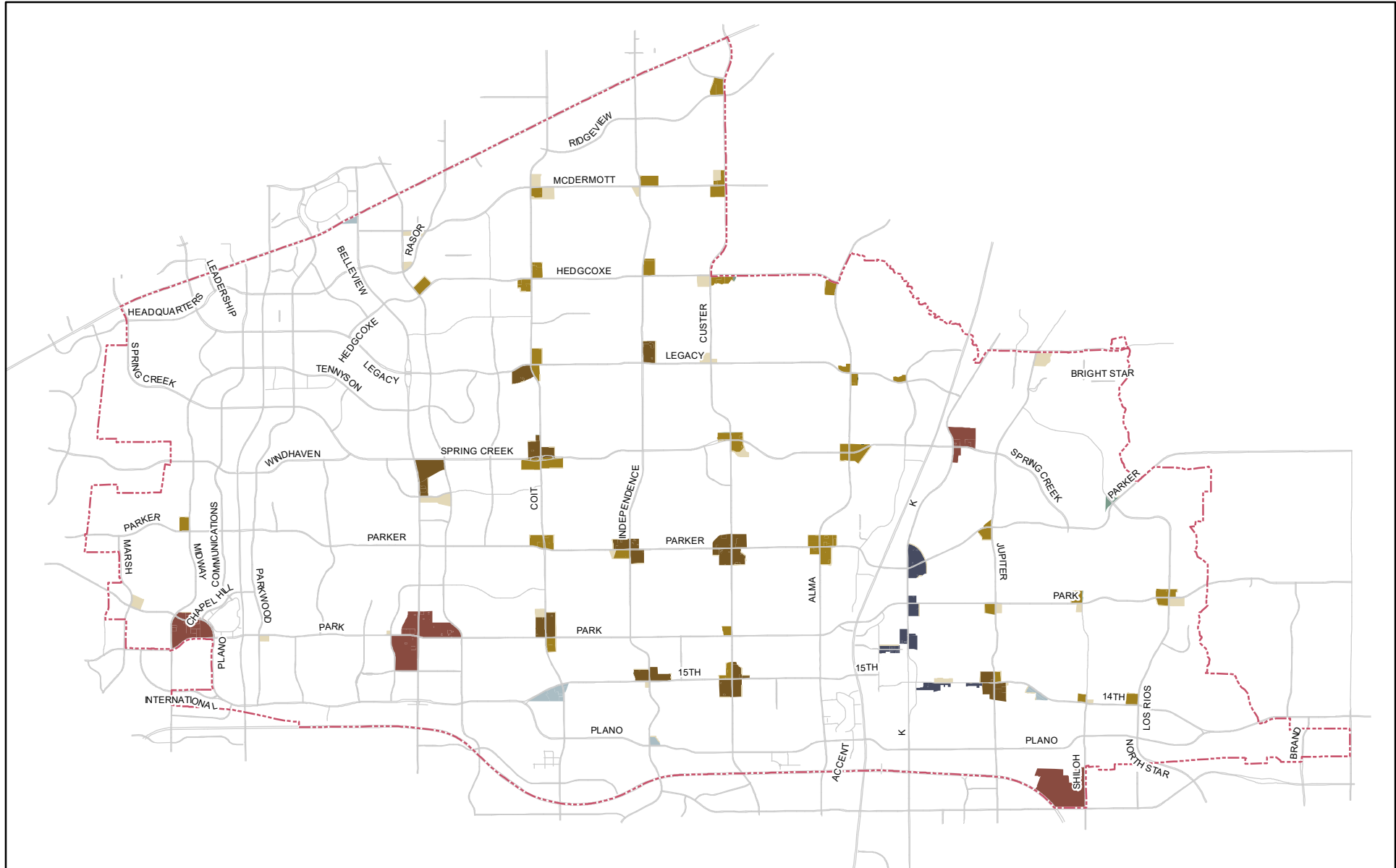
**Zoning**

- PD Boundaries
- Central Business-1
- Commercial Employment










**Future Land Use Category**

- ▨ Employment Centers (EM)





**Future Land Use Category**

- |   |   |   |
|---|---|---|
|  Neighborhoods (N)         |  Suburban Activity Centers (SA) |  Expressway Corridors (EX) |
|  Neighborhood Corners (NC) |  Employment Centers (EM)        |  Social Network (SN)       |
|  Community Corners (CC)    |  Downtown Corridors (DT)        |  Open Space Network (OS)   |

