

Zoning Case 2023-027

An Ordinance of the City of Plano, Texas, amending Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to modify off-street parking requirements; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 8th day of January 2024, for the purpose of considering a change in the Zoning Ordinance; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 8th day of January 2024; and

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

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

Section I. Section 16.100 (General) of Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

16.100 General

- .1** Except as otherwise provided for in this article, off-street parking shall be provided as follows:
 - A.** In all districts except BG, in connection with every business, institution, recreational, residential, manufacturing, research laboratory, government facility, or any other use, there shall be provided, at the time any building

or structure is erected or is enlarged or increased in capacity, off-street parking spaces, in accordance with the requirements set forth in Sec. 16.700.

B. Changes of Use In All Districts Except BG

- i. When there is a change of use on a site developed prior to January 8, 2024, where there is no expansion of the building or operational space, no new parking is required when the owner provides a signed letter to the city agreeing:
 - a. To manage parking in accordance with all requirements of the city with the exception of Section 16.700,
 - b. To ensure that no adverse effects will occur to the site or any public or private property in the vicinity, and
 - c. To record the letter with the county land record and covenant that the agreement runs with the land.
- ii. It is an offense for the owner to fail to adhere to the letter agreement.

C. Provisions for Infill, Redevelopment, and Expansions of Building Space

i. Applicability

This provision is available under the following conditions:

- a. The reduction is not anticipated to create parking issues for any public or private property in the vicinity,
- b. The reduction is not anticipated to result in parking spillover into any neighborhoods in the vicinity,
- c. Available parking has not been impacted by vehicle storage or other site modifications, and
- d. The site is not under condominium ownership, unless all owner participation is verified.

- ii. The amount of required parking for infill, redevelopment, or expansions of building space of a nonresidential property may be decreased as follows:
 - a. By up to 10% with approval of the Director of Planning or designee, or
 - b. By up to 20% with approval of the Planning & Zoning Commission.
- iii. The same reductions in Sections 16.100.C.ii may be granted to multifamily properties when the area that would be used by the reduced parking spaces is exchanged for an equivalent area of additional usable open space in excess of the minimum requirements applicable to the development.
- iv. Any reduction must be granted through the site plan approval process.
- v. The parking reduction is not extended to any future development or redevelopment of the property.

.2 Off-Street loading shall be provided in accordance with Sec. 16.1400.

Section II. Subsection 16.1200.7 (Redevelopment or Expansion of Building Space) of Section 16.1200 (Parking Reduction Program) of Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, deleting in its entirety Subsection 16.1200.7.

~~.7 **Redevelopment or Expansion of Building Space**~~

~~The Planning & Zoning Commission may decrease the amount of required parking for the redevelopment or expansion of building space of a nonresidential property by 10% where the parking shortage is caused by the dedication of right-of-way or easements required by public improvements. Any reduction must be granted through the site plan approval process. The parking reduction is not extended to any future development or redevelopment of the property.~~

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

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

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

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

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

PASSED AND APPROVED on the 8th day of January, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY