

Zoning Case 2019-009

An Ordinance of the City of Plano, Texas, amending Article 14 (Allowed Uses and Use Classifications), and Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2 as heretofore amended, pertaining to the Expressway Corridor Environmental Health Policy; 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 14th day of October 2019, for the purpose of considering a change in the Zoning Ordinance; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 14th day of October 2019; and

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

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

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

Number	End Note
52	See Sec. 15.1900.

Section IV. Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such additional section to read as follows:

15.1900 Sensitive Land Uses in Expressway Corridor Environmental Health Areas

As of October 14, 2019, sensitive land uses, as listed in Section 15.1900.2, proposed within Expressway Corridor Environmental Health Area One (EHA-1) or Expressway Corridor Environmental Health Area Two (EHA-2) on the Expressway Corridor Environmental Health Map in the Comprehensive Plan must comply with this section.

- .1 The following requirements are applicable to the interpretation of the table in Section 15.1900.2.
 - A. A building or parking structure of similar height and length must be located between the sensitive land use and the expressway.
 - B. Intake openings for outdoor air, as defined in the adopted International Mechanical Code, as amended, must be located on the opposite side of the building from the expressway.
 - C. All open space areas, outdoor living spaces, and playgrounds must be located on the opposite side of the building from the expressway.
 - D. The landscaping requirements in Section 17.300.1 must be met with the following additional requirements:
 - i. Except where more restrictive regulations exist, a minimum 15-foot landscape edge is required along the property line(s) closest to and most parallel to any Type A thoroughfare, regardless of adjacency to said thoroughfare.
 - ii. This regulation applies to all sensitive land uses regardless of base zoning district.

iii. Park and playground uses must provide double the required number of trees.

.2 The following sensitive land uses must meet the requirements listed in Section 15.1900.1. The letters listed in the table indicate subsection headers. For example, “A” indicates that a building or parking structure of similar height and length must be located between the sensitive land use and the expressway.

Sensitive Land Use	Requirements
Multifamily and Large Institutional Dwellings	
Assisted Living Facility	A, B, C, D
Continuing Care Facility	A, B, C, D
Household Care Institution	A, B, C, D
Independent Living Facility	A, B, C, D
Long-term Care Facility	A, B, C, D
Mid-Rise Residential	A, B, C, D
Multifamily Residence	A, B, C, D
Rehabilitation Care Institution	A, B, C, D
Day Cares and Schools	
Day Care Center	B, C, D
Day Care Center (Accessory)	B, C, D
Day Care Center (Adult)	B, C, D
School (Private)	B, C, D
Parks	
Park/Playground	D
Playground/Park	D

.3 During the site plan review process, the Planning & Zoning Commission may allow a waiver to these standards either:

- A. Upon a finding that a property may develop in a reasonably safe manner despite a waiver of a requirement(s) of this section. A waiver must not be granted based solely on economic gain or loss, nor should a waiver grant an unreasonable privilege to the developer of the property, or
- B. When projects are subject to environmental reviews required and approved by state or federal regulatory agencies, and where the findings of such regulatory agency demonstrates the project is able to meet the maximum outdoor noise level of 65 dBA L_{dn}.

Section V. 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 VI. 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 VII. 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 VIII. 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 IX. This ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS 14TH DAY OF OCTOBER 2019.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY