

Zoning Case 2020-003

An Ordinance of the City of Plano, Texas, amending Article 11 (Overlay Districts) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to create the Neighborhood Conservation Overlay District; 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 24th day of August 2020 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 24th day of August 2020; and

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

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

Section I. Part C of Subsection 3.400.3 (Application Procedure and Requirements) of Section 3.400 (Site Plan) of Article 3 (Site Plan Review) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portions of subsection to read as follows:

C. Additional Requirements

In addition to meeting the requirements for site plan approval, the following approvals may be necessary prior to authorization for development (if applicable to the project):

- i. Preliminary or final plat or replat;
- ii. Engineering plans;
- iii. Stormwater quality plan;
- iv. Traffic Impact Analysis;
- v. Landscape and irrigation plans;
- vi. Tree preservation and protection plan;
- vii. Facade plan;

- viii. Certificate of Appropriateness;
- ix. Certificate of Compliance; and
- x. Other approvals as required by ordinance.

Section II. Article 11 (Overlay Districts) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such part to read as follows:

11.1000 Neighborhood Conservation Overlay Districts

.1 Purpose

The purpose of a neighborhood conservation district is to protect established neighborhoods that have a distinct scale, design, character, unique physical features, or importance to the community; and to protect an area's overall historic, architectural, or cultural identity from incompatible development. Designation of these districts should be driven by owners and residents to protect the individual characteristics of the neighborhood deemed important to them. Areas designated on the zoning map by an "NCD" will indicate a neighborhood conservation district.

.2 Types

A. Planning Model

The planning model is intended to protect the scale, rhythm, streetscape, and general form and character of established neighborhoods by providing enhanced development standards customized to the unique characteristics of the district. Standards should include clear, measurable, and non-discretionary development regulations applied to new construction, additions, and exterior alterations only. Standards for specific architectural styles are not permitted.

i. Enhanced Development Standards

Examples of enhanced development standards that may be customized for the district include, but are not limited to, the following:

- a. Area, Yard, and Bulk Requirements;
- b. Parking and Loading;
- c. Screening, Fencing, and Wall Regulations;
- d. Exterior Wall Construction Standards;
- e. Landscaping and Tree Preservation;
- f. Building Additions and Accessory Structures;
- g. Roof Profile; and
- h. Driveway Location and Materials

ii. Review Required

All new construction, additions, and exterior alterations regulated by a designated Neighborhood Conservation District shall require a building permit issued by the Building Official or his/her designee.

B. Architectural Model

The architectural model is intended to protect architectural or historic style as well as overall scale, rhythm, streetscape, and general form and character of an established neighborhood.

i. Enhanced Development Standards

In addition to the enhanced development standards of the Planning Model, this model may regulate architectural style through the Certificate of Compliance review process.

ii. Review Required

All new construction, additions, exterior alterations, or other ancillary site improvements regulated by an adopted neighborhood conservation plan within a designated Neighborhood Conservation District shall require a Certificate of Compliance from the City of Plano. Certificates of Compliance for new construction or additions must be submitted in association with, or in addition to, a required building permit. Certificates of Compliance shall be submitted in the form prescribed by the Director of Planning or designee.

.3 Neighborhood Conservation Plan

Adoption of a neighborhood conservation plan is required prior to, or concurrent with, designation of a Neighborhood Conservation District. The plan may be as general or as detailed as desired by the neighborhood, but shall contain, at a minimum, the enhanced architectural and development standards unique to the district.

A. Components

Recommended components of a neighborhood conservation plan include:

i. Introduction

This section should include items such as a description of the neighborhood initiative, timeline of events, and summary of the district.

ii. Neighborhood Profile

This section should contain a brief history of the neighborhood, demographics, setting, existing conditions, map of the proposed district boundaries, a list of addresses within the district, and a survey and description of architectural styles and features located within the district.

iii. Goals and Objectives

This section should describe the intent of creating the district, what features or character are unique or significant to the district, and may include the neighborhood's goals and objectives related to land use, housing, community identity, traffic, or congestion.

iv. Design Standards

This section should include the enhanced architectural and development standards that are unique to the district.

v. Administration

This section should describe what types of new construction, exterior alterations, additions, and ancillary improvements are subject to review/permitting and the process for approval. If there are any specific incentives, they should also be listed here.

vi. Appendices

This section should include any information relevant to the creation of the plan, such as a list of events and neighborhood meetings held, a copy of the petition, inventory and basic survey information (age, style, lot size, setbacks, use, materials) for properties in the district, and glossary of terms.

B. Effective Date

An approved neighborhood conservation plan shall become effective upon designation of the associated district.

.4 Restrictions

A. Uses

Uses permitted within the district shall only be those uses allowed by the base zoning district.

B. Routine Maintenance and Minor In-kind Repair and Replacements

A neighborhood conservation district may not regulate routine maintenance or minor in-kind repair or replacement, as defined by the Heritage Preservation Ordinance, of any exterior architectural feature of a structure located in a neighborhood conservation district.

C. Demolitions

A neighborhood conservation district may not regulate demolition of structures within the district.

D. Emergency Repair

If a property within a neighborhood conservation district is unexpectedly and involuntarily damaged and additional deterioration is likely to occur without immediate repair, the Director of Planning, or designee, may authorize the property owner, or agent on behalf of the property owner, to take temporary measures to stabilize and protect the structure. In such cases, the property owner, or agent on behalf of the property owner, shall apply for a Certificate of Compliance, if required, within ten (10) calendar days of completion of the emergency corrective measures.

E. Building Permit and Site Plan Approval

Unless otherwise excepted by this article, a Certificate of Compliance must be approved prior to, or concurrent with, issuance of required building permits and site plan approvals. Issuance of any necessary permits and approval of any plans from the Building Inspections, Planning, Public Works, or Environmental Health Departments are required with an approved Certificate of Compliance before work can commence.

.5 Designation Process

A. Petition

Any person or corporation having a proprietary interest in any property within a proposed district may initiate proceedings to adopt a neighborhood conservation plan or designate a neighborhood conservation district by submitting a written petition that includes the property owner signatures of at least sixty (60) percent of either the land area or the total number of lots or tracts of land within the proposed district. Land area for the purposes of this calculation shall exclude public property, streets, alley, and other public rights-of-way. Petitions shall be submitted to the Planning Department in the form required by the Director of Planning or designee. The associated neighborhood conservation plan shall be submitted as part of the petition application.

B. Validation

Upon receipt of a written petition, the Director of Planning or designee shall review the petition to confirm the required signatures have been provided and make a final determination as to which type of neighborhood conservation district shall apply. In all cases where a petition has been submitted pursuant to this section, the city shall presume that the persons whose signature appear on the petition are valid. The city may rely upon information posted on central appraisal district websites to determine ownership of property.

C. Procedure

i. Planning Model

Petitions for designation of a neighborhood conservation district shall proceed in the same manner as a petition for amendments of the Zoning Ordinance.

ii. Architectural Model

Petitions for designation of a neighborhood conservation district shall proceed in the same manner as a petition for amendments of the Zoning Ordinance, except that petitions for designation of an architectural model type neighborhood conservation district shall also require a public hearing and consideration by the Heritage Commission prior to consideration by the Planning & Zoning Commission. The Heritage Commission shall review the proposed neighborhood conservation district to determine whether the proposed standards are compatible with the architectural character of the neighborhood and are sufficiently clear to allow administrative review. A written courtesy notice shall be sent to all owners of real property within 500 feet of the proposed district at least ten (10) calendar days prior to the Heritage Commission meeting.

D. Amendments/Removal

The boundaries of the district or architectural and development standards may be amended or removed following the same procedures as initial designation. An adopted neighborhood conservation plan shall become null and void upon removal of its associated neighborhood conservation district designation.

.6 Criteria for Designation – Generally

To qualify as a Neighborhood Conservation District, the area should generally meet all of the following criteria:

- A.** The proposed district contains a minimum of four contiguous properties within a block or proximate properties abutting either side of the same street.

- B. At least seventy-five (75) percent of the land area, excluding right-of-way, in the proposed neighborhood is developed with primary habitable structures at least thirty-five (35) years or older.
- C. The proposed district possesses one (1) or more of the following distinctive architectural, physical, or visual characteristics that create a unified and recognizable setting, character or association:
 - i. Scale, size, type of construction or unique building materials;
 - ii. Setbacks, lot layouts, street layouts, sidewalks or alleys;
 - iii. Natural or streetscape characteristics, such as parks, greenbelts, creeks, or street landscaping;
 - iv. Abuts or links to designated heritage resources.
- D. The boundaries and number of properties in the proposed district are adequate to protect the distinctive architectural, physical, or visual characteristics identified as key to the district's character in the associated neighborhood conservation plan. Gaps, holes, or other irregular shapes in the boundaries of a proposed district are discouraged.

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 THIS THE 24TH DAY OF AUGUST 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY