

**DATE:** April 6, 2010  
**TO:** Honorable Mayor & City Council  
**FROM:** James Duggan, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of April 5, 2010

**AGENDA ITEM NO. 6 - PUBLIC HEARING  
ZONING CASE 2010-01  
APPLICANT: CITY OF PLANO**

Request to amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding screening requirements for single-family and two-family residential uses within the Retail and General Residential zoning districts.

**APPROVED:** 8-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

Approved as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) to read as follows:

**3.1001 Screening Walls or Visual Barriers**

- (1) In the event that an MF-1, MF-2, MF-3, BG, O-1, O-2, CE, CB-1, R, LC, RC, RE, CC, RT, LI-1, or LI-2 district sides or backs upon an ED, SF-20, SF-9, SF-7, SF-6, SF-A, PH, 2F, GR or UR district except as noted in (2) below, or in the event that any nonresidential district sides or backs to an MF-1, MF-2, or MF-3 district, a solid screening wall or fence of not less than six nor more than eight feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easements are required. (See Subsections 3.503 and 3.508.) The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of such property shall be responsible for and shall build the required wall or fence along the entire property line dividing his property from the residential district. In cases

where the Planning & Zoning Commission finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence until such time as the screening wall or fence may be deemed necessary by the City Council. In cases where the Planning & Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall.

(2) No solid screening wall or fence shall be required as stated in Subsection 3.1001 (1) above when single-family or two-family residential uses are developed within the Retail zoning district.

~~(23)~~ Any screening wall or fence required under the provisions of this section, a specific use permit, planned development district, or other requirement shall be constructed of masonry or reinforced concrete which does not contain openings more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. The use of prefabricated, patterned concrete panels is prohibited.

~~(34)~~ No fence, screen, wall, or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street or drive intersection, in accordance with Subsection 3.508.

~~(45)~~ Where an alley intersects with a street, no fence or plant taller than 30 inches may be placed within a sight visibility triangle defined by measuring eight feet to a point along the property lines and joining said points to form the hypotenuse of the triangle.

~~(56)~~ All required screening walls shall be equally finished on both sides of the wall.

2. Amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:

5. Landscaping (See Section 3.1200; residential uses as allowed in the Retail district shall comply with Section 3.1200 (2)(b.))

BM/dw

CITY OF PLANO  
PLANNING & ZONING COMMISSION

April 5, 2010

**Agenda Item No. 6**

**Public Hearing:** Zoning Case 2010-01

**Applicant:** City of Plano

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**DESCRIPTION:**

Request to amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding screening requirements for single-family and two-family residential uses within the Retail and General Residential zoning districts.

**HISTORY:**

In March 2004, the City Council amended Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) and Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses), of Article 2 (Zoning Districts and Uses), and other related sections of the Zoning Ordinance to expand the number of uses allowed by specific use permit in the Retail (R) zoning district. Included among those uses were residential in the form of patio home, two-family residence (duplex), and single-family residence attached (townhome) developments. At that time staff did not properly address screening requirements between R zoned properties developed as single-family and two-family residential uses where adjacent to single-family and two-family residential zoned properties.

Therefore, on February 15, 2010, the Planning & Zoning Commission called a public hearing to consider proposed amendments to the Zoning Ordinance pertaining to screening wall requirements in Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations), and other sections of the Zoning Ordinance as it pertains to screening requirements for single-family and two-family residential uses within the R zoning district where adjacent to single-family and two-family residential zoning districts.

## **ISSUES:**

### Current Requirements

Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance requires that any nonresidential zoning district that sides or backs to a single-family or two-family residential district shall erect a minimum six-foot tall (maximum eight-foot) solid screening wall or fence (or an irrigated living screen if approved by the Commission) along the entire property line separating these districts regardless of what the use is on the property. Given the existing screening requirements, if an R zoned property were to develop as a single-family or two-family residential use adjacent to another single-family or two-family residential neighborhood that has residential zoning, then the developer would be required to construct a screening wall between the two residential neighborhoods because of their underlying zoning differences.

Staff believes that when R zoned property is developed as a single-family or two-family residential use where adjacent to single-family or two-family residential zoned property, the minimum screening wall separation requirement is not necessary since residential neighborhoods should be connected. Additionally, the Zoning Ordinance does not require screening walls to separate single-family and two-family residential developments adjacent to other single-family and two-family residential developments that are both zoned residential.

### Proposed Amendments

In order to address above screening wall requirements for single-family and two-family residential development in the R district, staff recommends the ordinance be amended to eliminate the screening wall requirement when R zoned property is developed as a single-family or two-family residential use.

Additionally, in reviewing Section 3.1000 (Screening, Fence, and Wall Regulations) staff discovered that the General Residential (GR) zoning district was omitted from the listed residential districts that require screening between nonresidential and residential zoned properties. As such, staff recommends that the GR district be added to the list of residential districts requiring a screening wall or fence where nonresidential zoned properties side or back to properties zoned GR.

Furthermore, staff recommends that a reference note be added to Subsection 2.818 (R - Retail) 5. (Landscaping) of Section 2.800 (District Charts) that directs applicants to the residential landscaping requirements as stated in Section 3.1200 (Landscaping Requirements) 2. (Residential Landscaping Requirements) b. (Landscaping Requirements for Single-Family, Patio Home, Single-Family Attached, and Two-Family Developments). The reference note should make it clearer that single-family and two-family residential developments in the R district will need to follow residential landscaping requirements and not the nonresidential landscaping requirements.

Staff proposes the following amendments to the Zoning Ordinance:

- Add to Subsection 3.1001 (Screening Walls or Visual Barriers) (1) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) the GR zoning district to the list of residential districts and an exception note that references provisions specific for the R zoning district.
- Add language to Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) that eliminates the screening requirements in the R zoning district when R zoned property is developed as single-family or two-family residential uses.
- Add a reference note to Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) that directs applicants to residential landscaping requirements when R zoned property is developed as a single-family or two-family residential use.

### **RECOMMENDATION:**

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) to read as follows:

#### **3.1001 Screening Walls or Visual Barriers**

- (1) In the event that an MF-1, MF-2, MF-3, BG, O-1, O-2, CE, CB-1, R, LC, RC, RE, CC, RT, LI-1, or LI-2 district sides or backs upon an ED, SF-20, SF-9, SF-7, SF-6, SF-A, PH, 2F, GR or UR district except as noted in (2) below, or in the event that any nonresidential district sides or backs to an MF-1, MF-2, or MF-3 district, a solid screening wall or fence of not less than six nor more than eight feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easements are required. (See Subsections 3.503 and 3.508.) The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of such property shall be responsible for and shall build the required wall or fence along the entire property line dividing his property from the residential district. In cases where the Planning & Zoning Commission finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence until such time as the screening wall or fence may be deemed necessary by the City Council. In cases where the Planning & Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall.
- (2) No solid screening wall or fence shall be required as stated in Subsection 3.1001 (1) above when single-family or two-family residential uses are developed within the Retail zoning district.

(23) Any screening wall or fence required under the provisions of this section, a specific use permit, planned development district, or other requirement shall be constructed of masonry or reinforced concrete which does not contain openings more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. The use of prefabricated, patterned concrete panels is prohibited.

(34) No fence, screen, wall, or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street or drive intersection, in accordance with Subsection 3.508.

(45) Where an alley intersects with a street, no fence or plant taller than 30 inches may be placed within a sight visibility triangle defined by measuring eight feet to a point along the property lines and joining said points to form the hypotenuse of the triangle.

(56) All required screening walls shall be equally finished on both sides of the wall.

2. Amend Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:

5. Landscaping (See Section 3.1200; residential uses as allowed in the Retail district shall comply with Section 3.1200 (2)(b).)

**An Ordinance of the City of Plano, Texas, amending Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding screening requirements for single-family and two-family residential uses within the Retail and General Residential zoning districts; and providing a penalty clause, a repealer clause, a savings clause, a severability 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 26th day of April, 2010, 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 26th day of April, 2010; 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.** Subsection 2.818 (R - Retail) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, such portion of the subsection to read as follows:

## 2.800 District Charts

### 2.818 R - Retail

5. Landscaping (See Section 3.1200; residential uses as allowed in the Retail district shall comply with Section 3.1200 (2)(b).)

**Section II.** Subsection 3.1001 (Screening Walls or Visual Barriers) of Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended regarding screening requirements for single-family and two-family residential uses, such subsection to read in its entirety as follows:

#### 3.1000 Screening, Fence, and Wall Regulations

##### 3.1001 Screening Walls or Visual Barriers

- (1) In the event that an MF-1, MF-2, MF-3, BG, O-1, O-2, CE, CB-1, R, LC, RC, RE, CC, RT, LI-1, or LI-2 district sides or backs upon an ED, SF-20, SF-9, SF-7, SF-6, SF-A, PH, 2F, GR or UR district except as noted in (2) below, or in the event that any nonresidential district sides or backs to an MF-1, MF-2, or MF-3 district, a solid screening wall or fence of not less than six nor more than eight feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easements are required. (See Subsections 3.503 and 3.508.) The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of such property shall be responsible for and shall build the required wall or fence along the entire property line dividing his property from the residential district. In cases where the Planning & Zoning Commission finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence until such time as the screening wall or fence may be deemed necessary by the City Council. In cases where the Planning & Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall.
- (2) No solid screening wall or fence shall be required as stated in 3.1001 (1) above when single-family or two-family residential uses are developed within the Retail zoning district.

- (3) Any screening wall or fence required under the provisions of this section, a specific use permit, planned development district, or other requirement shall be constructed of masonry or reinforced concrete which does not contain openings more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. The use of prefabricated, patterned concrete panels is prohibited.
- (4) No fence, screen, wall, or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street or drive intersection, in accordance with Subsection 3.508.
- (5) Where an alley intersects with a street, no fence or plant taller than 30 inches may be placed within a sight visibility triangle defined by measuring eight feet to a point along the property lines and joining said points to form the hypotenuse of the triangle.
- (6) All required screening walls shall be equally finished on both sides of the wall.

**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 affected 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 person, firm or corporation found to be violating any term or provision of this Ordinance, 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 26TH DAY OF APRIL, 2010.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY