

DATE: June 7, 2016

TO: Honorable Mayor & City Council

FROM: John Muns, Chair, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of June 6, 2016

AGENDA ITEM NO. 1 - PUBLIC HEARING

ZONING CASE 2016-015

APPLICANT: CITY OF PLANO

Request to amend Section 8.200 (Terms Defined) of Article 8 (Definitions), Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), and Section 15.900 (Outdoor Athletic Facilities) of Article 15 (Use-specific Regulations) of the Zoning Ordinance regarding service yards in public parks and fencing of outdoor recreation facilities. Project #ZC2016-015.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

Speaker Card(s) Received **Support:** 0 **Oppose:** 0 **Neutral:** 0

Letters Received Within 200' Notice Area: **Support:** 0 **Oppose:** 0 **Neutral:** 0

Letters Received Outside 200' Notice Area: **Support:** 0 **Oppose:** 0 **Neutral:** 0

Petition(s) Received: 0 **# Of Signatures:** 0

STIPULATIONS:

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

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

Park/Playground

~~An outdoor park owned or operated by a public agency such as a city or school district and available to the general public which may include outdoor recreation facilities.~~ Any tract of land or outdoor facility accessible and open for use by the general public for active or passive recreational purposes, including but not limited to, playgrounds, swimming pools, outdoor recreation facilities, trails, nature preserves, and greenbelts.

Amend Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such portions of sections to read as follows:

Section 14.100 (Residential Districts Use Table)

RESIDENTIAL ZONING DISTRICTS																
Permitted Uses	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	SFA Single-Family Attached	2F-Two-Family Attached Duplex	GR-General Residential	MF-1-Multifamily-1	MF-2-Multifamily-2	MF-3-Multifamily 3	MH-Mobile Home
Service Yard (Public or Utility)	Trans., Utility, & Comm.	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50	S 50

Section 14.200 (Nonresidential Districts Use Table)

NONRESIDENTIAL ZONING DISTRICTS															
Permitted Uses	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	RE Regional Employment	RC Regional Commercial	RT Research/Technology Center	LI-1 Light Industrial-1	LI-2 Light Industrial-2
Service Yard (Public or Utility)	Trans., Utility, & Comm.	S 50	S 50	S 50	S 50	S 50		S 50	P 50	P 50			S 50	P 50	P 50

Section 14.300 (Use Table Notes)

Number	End Note
50	<u>Allowed by right as an accessory use to a park/playground if located a minimum of 150 feet from a residential property line and screened from view of adjacent streets and properties.</u>

Amend Section 15.900 (Outdoor Athletic Facilities) of Article 15 (Use-specific Regulations), such portion of section to read as follows:

Section 15.900 (Outdoor ~~Athletic~~ Recreation Facilities)

.1 Outdoor recreation facility fencing and equipment must not exceed 30 feet in height.

.2 The following criteria shall apply to all outdoor ~~athletic~~ recreation facilities except for publicly-owned neighborhood parks as designated on the Park Master Plan contained within the Comprehensive Plan:

.1 **A.** Bleachers shall be set back a minimum of 100 feet from a residential zoning district boundary line or from a residential property line.

.2 **B.** Backstops shall be set back a minimum of 150 feet from a residential zoning district boundary line or from a residential property line.

FOR CITY COUNCIL MEETING OF: June 28, 2016 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

EM/amf

xc: City of Plano
Wayne Snell, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

June 6, 2016

Agenda Item No. 1

Public Hearing: Zoning Case 2016-015

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 8.200 (Terms Defined) of Article 8 (Definitions), Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), and Section 15.900 (Outdoor Athletic Facilities) of Article 15 (Use-specific Regulations) of the Zoning Ordinance regarding service yards in public parks and fencing of outdoor recreation facilities. Project #ZC2016-015.

REMARKS:

Recently, the City of Plano Parks Department requested that the Planning Department review the standards related to the height of fences for outdoor recreation facilities as well as the allowances for service yards associated with city parks. After reviewing the related sections within the Zoning Ordinance, staff determined that there were several regulations that needed to be modified in order to address variations in the height of fencing related to outdoor recreation facilities and to update the requirements for service yards within city parks. On April 4, 2016, the Planning & Zoning Commission called a public hearing to consider potential amendments to the Zoning Ordinance.

Service Yards

The Zoning Ordinance defines a service yard as an area for the servicing and storage of vehicles, mechanical items, or other property of a government agency, or public or private utility. Service yards are essential for the continued maintenance and operation of City of Plano parks and facilities. Many of the city's existing service yards are located within parks including Jack Carter Park, Schell Park, and Oak Point Park & Nature Preserve. Since these areas are essential for ongoing maintenance, staff believes they should be permitted as an accessory use to a park. An accessory use is defined as "a building or use that is clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. Accessory buildings shall be detached from the primary building and shall not be used for living quarters."

In order to preserve aesthetic qualities of the park and adjacent properties, the requested allowance will require service yards to be set back from residential property lines by a minimum of 150 feet and screened from adjacent streets and properties. This minimum distance separation is consistent with other regulations currently located within Article 21 (Residential Adjacency Standards) of the ordinance.

Outdoor Recreation Facilities

Athletic fields, ball courts, and other outdoor recreation facilities are commonly enclosed with various types of fencing. Currently, there is no specific allowance for outdoor recreation facility fencing to exceed the maximum eight-foot height requirement within Section 20.200 (General Fence and Wall Regulations) of Article 20 (Screening, Fence and Wall Regulations). Furthermore, there are allowances in the Code of Ordinances that conflict with this height restriction. Staff believes this is an oversight within the ordinance, and fencing should be able to exceed this height when used for improvements such as backstops and tennis courts. For this reason, staff is recommending several updates to the ordinance including changes to the definition of Park/Playground, and associated modifications within Section 15.900 (Outdoor Athletic Facilities).

Conformance to the Comprehensive Plan

The Comprehensive Plan includes a recommendation that applies to this zoning case:

Land Use Action Statement (LU1) - *Review and evaluate the Zoning Ordinance and make appropriate amendments based upon the policies within the plan.*

This zoning case is a part of the city's continued efforts to review and evaluate the Zoning Ordinance for potential improvements. The proposed amendments have been coordinated with the city's Parks Department, and the updated language will provide necessary allowances for service yards and fencing related to outdoor recreation facilities. Staff believes the proposed changes are in conformance with the Land Use Action Statement (LU1).

SUMMARY:

This zoning case includes several amendments intended to provide flexibility for allowances of service yards in public parks and fencing of outdoor recreation facilities. The proposed modifications include language intended to protect views of these uses and improvements from adjacent streets and properties. The recommended updates are in conformance with the recommendations of the Comprehensive Plan. For these reasons, staff recommends approval of the zoning case.

RECOMMENDATION:

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

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

Park/Playground

An outdoor park owned or operated by a public agency such as a city or school district and available to the general public which may include outdoor recreation facilities. Any tract of land or outdoor facility accessible and open for use by the general public for active or passive recreational purposes, including but not limited to, playgrounds, swimming pools, outdoor recreation facilities, trails, nature preserves, and greenbelts.

Amend Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such portions of sections to read as follows:

Section 14.100 (Residential Districts Use Table)

RESIDENTIAL ZONING DISTRICTS																
Permitted Uses	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	SFA Single-Family Attached	2F-Two-Family Attached Duplex	GR-General Residential	MF-1-Multifamily-1	MF-2-Multifamily-2	MF-3-Multifamily 3	MH-Mobile Home
Service Yard (Public or Utility)	Trans., Utility, & Comm.	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>

Section 14.200 (Nonresidential Districts Use Table)

NONRESIDENTIAL ZONING DISTRICTS															
Permitted Uses	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	RE Regional Employment	RC Regional Commercial	RT Research/Technology Center	LI-1 Light Industrial-1	LI-2 Light Industrial-2
Service Yard (Public or Utility)	Trans., Utility, & Comm.	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>	S <u>50</u>		S <u>50</u>	P <u>50</u>	P <u>50</u>			S <u>50</u>	P <u>50</u>	P <u>50</u>

Section 14.300 (Use Table Notes)

Number	End Note
<u>50</u>	<u>Allowed by right as an accessory use to a park/playground if located a minimum of 150 feet from a residential property line and screened from view of adjacent streets and properties.</u>

Amend Section 15.900 (Outdoor Athletic Facilities) of Article 15 (Use-specific Regulations), such portion of section to read as follows:

Section 15.900 (Outdoor ~~Athletic~~ Recreation Facilities)

.1 Outdoor recreation facility fencing and equipment must not exceed 30 feet in height.

.2 The following criteria shall apply to all outdoor ~~athletic~~ recreation facilities except for publicly-owned neighborhood parks as designated on the Park Master Plan contained within the Comprehensive Plan:

~~.1~~ **A.** Bleachers shall be set back a minimum of 100 feet from a residential zoning district boundary line or from a residential property line.

~~.2~~ **B.** Backstops shall be set back a minimum of 150 feet from a residential zoning district boundary line or from a residential property line.

Zoning Case 2016-015

An Ordinance of the City of Plano, Texas, amending Section 8.200 (Terms Defined) of Article 8 (Definitions), Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), and Section 15.900 (Outdoor Athletic Facilities) of Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to service yards in public parks and fencing of outdoor recreation facilities; 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 28th day of June, 2016, 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 28th day of June, 2016; 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. Section 8.200 (Terms Defined) of Article 8 (Definitions) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such additional definition to read in its entirety as follows:

Park/Playground

Any tract of land or outdoor facility accessible and open for use by the general public for active or passive recreational purposes, including but not limited to, playgrounds, swimming pools, outdoor recreation facilities, trails, nature preserves, and greenbelts.

Section II. Sections 14.100 (Residential Districts Use Table), 14.200 (Nonresidential Districts Use Table), and 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 portions of sections to read as follows:

Section 14.100 (Residential Districts Use Table)

RESIDENTIAL ZONING DISTRICTS																	
Permitted Uses	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	SFA Single-Family Attached	2F-Two-Family Attached Duplex	GR-General Residential	MF-1-Multifamily-1	MF-2-Multifamily-2	MF-3-Multifamily 3	MH-Mobile Home	
Service Yard (Public or Utility)	Trans., Utility, & Comm.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
		50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50

Section 14.200 (Nonresidential Districts Use Table)

NONRESIDENTIAL ZONING DISTRICTS															
Permitted Uses	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	RE Regional Employment	RC Regional Commercial	RT Research/Technology Center	LI-1 Light Industrial-1	LI-2 Light Industrial-2
Service Yard (Public or Utility)	Trans., Utility, & Comm.	S	S	S	S	S		S	P	P			S	P	P
		50	50	50	50	50		50	50	50			50	50	50

Section 14.300 (Use Table Notes)

Number	End Note
50	Allowed by right as an accessory use to a park/playground if located a minimum of 150 feet from a residential property line and screened from view of adjacent streets and properties.

Section III. Section 15.900 (Outdoor Athletic Facilities) of 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 section to read in its entirety as follows:

Section 15.900 (Outdoor Recreation Facilities)

.1 Outdoor recreation facility fencing and equipment must not exceed 30 feet in height.

.2 The following criteria shall apply to all outdoor recreation facilities except for publicly-owned neighborhood parks as designated on the Park Master Plan contained within the Comprehensive Plan:

A. Bleachers shall be set back a minimum of 100 feet from a residential zoning district boundary line or from a residential property line.

B. Backstops shall be set back a minimum of 150 feet from a residential zoning district boundary line or from a residential property line.

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

PASSED AND APPROVED THIS THE 28TH DAY OF JUNE, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY