

DATE: October 7, 2014, 2014
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of October 6, 2014

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2014-26
APPLICANT: CITY OF PLANO**

Request to amend Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 5.600 (Amendments) of Article 5 (Site Plan Review), and related sections of the Zoning Ordinance pertaining to various modifications of the Urban Mixed-Use zoning district. Tabled September 2, 2014.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

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

2.829 UMU - Urban Mixed-Use

1. Purpose

The UMU district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The UMU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. The zoning district is applicable primarily to large undeveloped properties where higher density residential and commercial uses are appropriate.

2. Permitted Uses

See Subsection 2.502 Schedule of Permitted Uses for a complete listing.

3. Area, Yard, and Bulk Requirements

Description	Requirement	
	Commercial and Multifamily	Single-Family Attached
Minimum Lot Area	None	700 square feet
Minimum Lot Width	None	20 feet
Minimum Lot Depth	None	35 feet
Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easements are present, <u>or public open space, patio dining, plaza or other public amenity is provided</u> , 75% of the building face shall be built to the easement line, <u>open space or public amenity</u> . The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed between the building face and a public street of Type D or above.	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.
Side Yard Setbacks	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.
Minimum Rear Yard	None	None
Minimum Height	2 story	2 story
Maximum Height	15 story	3 story
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings
Minimum Lot Coverage	60%	60%
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None
Minimum Floor Area Ratio	1:1	NA

4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

- a. Floor Area Ratio - The ratio of a building's gross floor area to the area of the lot on which the building is located.
- b. Gross Floor Area - The sum of floor area within the perimeter walls of a building. Gross floor area only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.
- ~~c. Gross Leasable Area - The total floor area intended for tenant occupancy and exclusive use, but excluding garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.~~
- c. Gross Linear Footage - The total length of a building as measured in a straight line along the street.
- d. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street right-of-way, street easements, and park and open space accessible to the public.
- e. Effective Residential Density - A measure applied to a mixed-use building which ~~includes~~ calculates the total number of possible residential units to estimate the potential density if the building were used solely for residential purposes. Effective density equals per acre density based on the total number of residential units plus the gross ~~leasable~~ floor area of nonresidential and/or live/work/flex space divided by the average residential unit size.
- f. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.
- g. Block - An area enclosed by streets, utility easements and/or transit rights-of-way on all sides, excluding divisions created by fire lanes, alleys, and service drives.
- h. Block Length - The distance along a street face uninterrupted by an intersecting street, utility easement, and/or transit right-of-way, excluding intersections with alleys and service drives.

- i. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, including shared common areas, usable open space, and parking.
- j. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and unairconditioned space. Tuck under parking and parking garages are included in the calculation of lot coverage.

5. District Establishment and Administration

The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute a specific development plan. The boundary of each UMU district shall be defined on the Zoning Atlas and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement individual development plans, with the exception of:

- a. Requirement for an adopted development plan
- b. Requirement for a governance association
- c. Minimum residential densities for multifamily development
- d. Requirement to maintain three or more uses
- e. Requirement for nonresidential uses to be constructed within the first phase of development

6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary categories of land use, including the ~~minimum and maximum~~ amount of gross floor area designated for each category of use. The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements. The development plan shall be adopted as part of the ordinance creating the UMU district. Major modifications to the development plan, including but not limited to specifications of land use categories and functional roles, significant lot, block and street design changes, and increasing the number of residential units, shall only be amended by the same process by which it the development plan was created. (See Section 5.500 Adopted Development Plan.)

7. Governance Association

Applications for building permits for development within a UMU district shall not be accepted or approved until a property owners governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be created to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

8. Mixed-Use Requirement

Each UMU district must contain three or more use categories. Each category must be designated as primary, secondary, or tertiary according to the gross floor area for each use. ~~Only residential, retail, and office/institutional may be a primary use category.~~ A primary use category must include not less than ~~54~~40% or more than 70% of the gross floor area. Secondary use categories must include not less than 20% or more than 40% ~~or less than 20%~~ of the gross ~~leasable floor~~ area. Tertiary uses ~~shall~~ must include not ~~represent~~ more than 20% of the gross floor area. The percentages of primary, secondary, and tertiary uses ~~is to be defined in the adopting ordinance. Percentages of gross floor area may vary as long as their functional role does not change.~~ The primary use must always be the largest amount of actual building area constructed and under construction. Use categories are designated below:

Use Category	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public, and Special Uses	Primary, Secondary, or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

9. Additional Use Regulations

- a. If multifamily residential use is a designated use, a minimum of 250 units is required. This requirement does not apply to mid-rise residential developments of ~~5-12 stories in height~~.
- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual ~~and effective~~ residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses.
- c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. Fitness centers, leasing offices, club and meeting rooms, and other uses associated with and managed by a multifamily use shall not be included to meet this minimum requirement. Freestanding nonresidential buildings may not be less than 10,000 square feet in size. There is no minimum size for individual lease spaces integrated vertically into a building,

10. Streets and Sidewalks

- a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.
- b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:
 - i. Major Median Divided (four 11-foot travel lanes) - Only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.

- ii. Major Street (two 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes)
 - iii. Minor Street (two 11-foot travel lanes with parallel parking and designated loading zones)
 - iv. Mews Street (for Single-Family Residence Attached development only) (two 11-foot travel lanes with three feet on each side to accommodate utilities and services) - Parking may be provided on mews streets but is not required.
 - v. Alley/Service Drive (two 12-foot travel lanes with no parking) - May also be a fire lane
- c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.
- d. Block Size - The maximum block size is three acres, except as required for public park, hospital, or school use.
- e. Block Length - The maximum block length is 600 feet, except as may be required for park, hospital, or school use.
- f. Required Main Street - All UMU districts shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street (~~two 11 foot travel lanes with parallel or diagonal parking~~). ~~B~~ with buildings of a minimum of two stories shall fronting onto the main street. No parking garages or surface parking lots shall directly abut the main street. A minimum 600 foot to 1,200 foot section of the street shall be the activity center of the district core. A minimum of 75% of This the gross linear footage area of the first floor shall have the highest concentration along the activity center shall consist of retail, restaurant, and entertainment, and other active uses. ~~square footage in the UMU district.~~ The maximum width of store fronts in this area shall be limited to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The specific development plan must define the main street. ~~It shall also designate the location of at least 60% of the gross floor area along the main street for primary and secondary uses.~~
- g. Street Trees - Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Adjacent to retail uses, street trees are required at the rate of one tree per 100 feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.

- h. Sidewalks - Sidewalks shall be provided on both sides of all major and minor streets as required below. A clear pedestrian path of seven feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed within the sidewalk but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the governance association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. All walkways are to be open to the public unless designated as private.

11. Usable Open Space

- a. Usable public open space shall be provided in an amount not less than five percent or more than ten percent of the gross acreage of the development. A maximum of 25% of the required open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for open space use. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. At least one plaza or open space shall be located ~~within adjacent to~~ the main street ~~area required in 10.f above~~. Smaller usable open space areas may also be provided. ~~Individual public open space areas and shall be no larger than three acres or smaller than one-quarter acre. The plan for the arrangement of common open space must e adopted when the district is established. It may be amended only through the same process as the district was created. The common open space is to be maintained by the association.~~ Usable open space must be adopted by the development plan and must be maintained by the governance association.
- b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units and townhouses may be enclosed with a maximum four-foot tall vertical rail metal fence.
- c. Multifamily development is exempt from the requirements of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).

12. Parking Requirements

- a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, religious facilities, and assembly halls, the maximum permitted parking for nonresidential uses is capped at one space for each 250 square feet of gross ~~leasable floor~~ area. Theaters and assembly halls are capped at one space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of parking spaces ~~the capped parking requirement~~ for the entire development, ~~as shown on the development plan,~~ may be located in a surface parking lots. Parking in excess of 10% ~~over the above~~ the maximum caps may be provided only is allowed only if provided in parking garages.
- b. Parking for multifamily residential uses shall be required as follows:
 - i. One bedroom or less: One parking space per unit
 - ii. Two bedrooms: 1.5 parking spaces per unit
 - iii. Three bedrooms or more: Two parking spaces per unit
- c. On-street parking is required on all major and minor streets except in locations designated for loading, services, and pedestrian crossings.
- d. All surface parking lots with ~~50-100~~ 50-100 or more spaces must be designed as future development sites. They must be located on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
- e. A minimum five-foot landscape edge shall be provided between all surface parking lots and major and minor streets. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet. The landscape edge along major median divided streets shall comply with the requirements of Section 3.1200 (Landscaping Requirements) or the overlay districts contained in Article 4 (Special District Regulations) if applicable.
- f. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
- g. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.
- h. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must directly connect to at least one residential building and each level of the garage must be directly accessible from the residential building.

13. Building Placement and Design

- a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space.
- b. Single-Tenant Maximum First Floor Square Footage - 30,000 square feet, with the exception of schools and hospitals
- c. Permeability of First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the first floor of nonresidential buildings and live/work/flex space units must consist of windows and doors. Live/work/flex space units must have an exterior entrance.
- d. Nonresidential space must have a minimum floor-to-ceiling height of 12 feet; however, live/work/flex space must have a minimum floor-to-ceiling height of ten feet.

14. Single-Family Attached (Townhouse) Residence Regulations

- a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access.
- b. Maximum Density: 40 dwelling units per acre
- c. Minimum Density: ~~25~~18 dwelling units per acre
- d. Minimum Floor Area per Dwelling Unit: 800 square feet
- e. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- f. Maximum Building Length: 200 feet
- g. Buildings must be separated by a minimum distance of ten feet.
- h. No usable open space areas are required.
- i. Each dwelling unit shall have a garage with a minimum of two parking spaces. Tandem garage spaces are allowed. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be five or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.

15. Additional Requirements and Restrictions

- a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards for signs contained in ~~Subsection 3.1605 (Downtown Sign District) Area A~~ the Downtown Business/Government (BG) zoning district shall apply unless otherwise specified in this ordinance or in the adopted development plan.

Amend Section 5.600 (Amendments) of Article 5 (Site Plan Review), to read as follows:

At any time following the approval of a concept plan, preliminary site plan, adopted development plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan. Minor phasing amendments for adopted development plans are permitted only for the purpose of adding an adjacent nonresidential or vertically mixed-use building into the current phase. Amendments to previously approved storm water conservation areas, increases in building height and/or building proximity to an adjacent offsite residential use, and all other amendments shall be considered major amendments and may be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan. Major amendments to an adopted development plan for the Urban Mixed-Use District may only be approved through the same process by which it was initially adopted. The Director of Planning may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission.

FOR CITY COUNCIL MEETING OF: October 27, 2014 (To view the agenda for this meeting, see www.planotx.gov)

PUBLIC HEARING - ORDINANCE

RA/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

October 6, 2014

Agenda Item No. 7

Public Hearing: Zoning Case 2014-26

Applicant: City of Plano

DESCRIPTION:

Request to amend Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 5.600 (Amendments) of Article 5 (Site Plan Review), and related sections of the Zoning Ordinance pertaining to various modifications of the Urban Mixed-Use zoning district. Tabled September 2, 2014 and September 15, 2014.

REMARKS:

This item was tabled at the September 15, 2014 Planning & Zoning Commission meeting. It must be removed from the table.

This is a request to amend the Urban Mixed-Use (UMU) zoning district regulations in order to propose various changes. The Urban Mixed-Use district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The UMU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. UMU is primarily applicable to large undeveloped properties where higher density residential and commercial uses are appropriate.

The UMU district was created in 2012. The district is gaining interest from the development community, but staff believes that the current regulations need to be modified in order to better accommodate zoning and development requests. To this end, staff is proposing various modifications to the UMU district which are intended to simplify the language, allow for some flexibility in site design, and clarify existing regulations.

At the September 15, 2014 meeting, the Commission expressed concern over two requirements related to the mix of uses:

Maximum 70% for Primary Uses

The Commission was concerned that the current allowance for primary uses to occupy 70% of the gross floor area of a UMU district may be too permissive. Many mixed-use developments include a large percentage of one use, typically office or residential based upon market conditions. After researching this topic, staff found that there is a wide variation in regulations for mixing uses. Some cities have specific requirements for the mix, such as Fort Worth which allows 70% maximum for any use, but only requires two land uses. Other cities do not specify percentages or a minimum number of uses, but only have general regulations requiring multiple land uses.

Staff believes that 70% is an appropriate maximum allowance, and that the specific mix as proposed by a UMU district should be context sensitive. As an example, prior to the development of Legacy Town Center, the surrounding area contained a large amount off office uses, but there was no residential and little retail in the area. The intent of this development was to create a large residential presence with some retail and restaurants to compliment the large office market. Staff believes that the 70% allowance provides a level of flexibility for developers to achieve a successful mix to serve the needs of the market in a specific location. Therefore, staff recommends the 70% allowance be retained.

Minimum Amount of Tertiary Uses

The Commission also directed staff to consider increasing the minimum amount of tertiary uses from 20,000 square feet to five percent of the gross floor area. In many urban centers, retail and restaurant uses are a small component which serve and support residents and businesses. In Downtown Plano as well as Legacy Town Center, developers have had difficulties keeping urban-oriented retail spaces leased. If a minimum five percent threshold was instituted, it would require UMU districts to construct a significant amount of retail and restaurant space which most likely would be underutilized.

As an example, the city currently has two requests for UMU districts. If the five percent requirement was applied to these cases, the requested district at Mapleshade and Coit would be required to construct enough retail to fill an average superstore such as Target or Walmart. Staff examined the commercial uses on the ground in this area and determined that there are approximately 550,000 square feet of retail and restaurant uses among all corners of the Mapleshade and Coit intersection. The request at Alma and Plano Parkway would have to construct a similar amount of retail which would compete with Collin Creek Mall and the retail uses surrounding the mall and along U.S. Highway 75. For these reasons, staff believes requiring a minimum percentage of tertiary uses would not promote quality development.

ISSUES:

Below is a brief summary of the proposed modifications.

Setbacks

Currently, the UMU district requires 75% of the building to be placed within 25 feet of the street curb. This standard is consistent with urban building setbacks throughout the city. However, many developers have requested to allow patio dining, fountains, and other public amenities to be placed along the street frontage in these locations. Staff is proposing to allow public open space, patio dining, plazas, and other public amenities to meet the 75% setback requirement in addition to building facades. This will allow for additional flexibility in building placement and allow patio dining, plazas and other public spaces to define the streetscape.

Additionally, staff is proposing language which would allow buildings to have an increased setback, up to 100 feet, if double-loaded parking is provided between the building and a public street of Type D and above. This additional setback will be beneficial for properties adjacent to larger thoroughfares where urban-style building setbacks may not be appropriate.

Definitions

There are several definitions which need significant modifications:

1. Block: The proposed change would allow utility easements and transit rights-of-way to serve as block boundaries. Currently, blocks are required to be bounded by streets on all sides. In some instances, utility easements, and transit rights-of-way (such as the DART rail line) also serve as effective block boundaries.
2. Gross Leasable Area: Staff is proposing to delete this definition and replace the references with "Gross Floor Area." These two terms are similar and used somewhat interchangeably in the current regulations. Gross floor area is an effective measure of building area and for this reason staff believes that including gross leasable area within the UMU district regulations is not necessary.
3. Gross Linear Footage: Staff is proposing this definition to clarify the measurement requirements for the activity center along the required main street.
4. Lot Coverage: The proposed modification would allow tuck under parking and parking garages to be included as lot coverage. The UMU district places an emphasis on minimizing surface parking and maximizing building lot coverage. Updating this definition to allow for parking structures to be considered in the calculation of lot coverage is consistent with the standards of the UMU zoning district.

Mixed-Use Requirement

Establishing the right mix of uses is challenging to regulate. The UMU district currently requires developers to provide a mix of three uses and give the specific gross square footage of their uses within the adopted development plan. Establishing a mix of uses is important to ensure viability of a true urban center; however, it can be difficult to plan for the right mix with the initial zoning of a property. As the market evolves, the mix may

need to change and staff has received concerns from developers that the current requirements of the UMU district may too strongly limit their plan to adapt to future market conditions.

In order to address these concerns, staff is proposing changes to allow for greater flexibility in the allowance of the use categories. Primary uses which were previously required to include not less than 50% of the gross floor area, may now include not less than 40% of the gross floor area. Additionally, staff is proposing to allow the percentages of the uses to fluctuate as long as the use remains a primary, secondary or tertiary use. If the applicant determines a use needs to change from a primary to a secondary use, they would need to adjust this through a zoning process.

Streets and Sidewalks

Currently, the activity center of the main street is required to have the “highest concentration” of retail, restaurant, and entertainment uses within the district. This language is not specific, and staff has had difficulties enforcing this standard. For clarification, staff is proposing that 75% of the gross linear footage of the first floor along the activity center must consist of retail, restaurant, entertainment, and/or other active uses.

The current requirement for street trees is to place them one tree every 40 linear feet along all major and minor streets. Although this standard is effective for providing tree cover and a pedestrian friendly atmosphere, it can also create a barrier for retail uses which have greater success with visible storefronts and signage. For this reason, staff is proposing to reduce the street tree requirement adjacent to retail uses only to one tree per 100 feet.

Other Various Amendments

In addition to the amendments discussed previously, staff is proposing the following changes:

1. **Parking:** The current language allows for surface parking “caps” which can be exceeded with structured parking. The existing language can be confusing for developers and staff to interpret. The proposed changes are intended to clarify the requirements and place more of an emphasis on the use of parking garages for excess parking.
2. **Townhome Density:** The UMU district requires a minimum density of 25 units per acre, which staff believes may be too restrictive. The requested change is to reduce the minimum density to 18 units per acre. This requirement is consistent with existing townhomes within Legacy Town Center which are developed at approximately 19 units per acre.
3. **Surface Parking Lots:** Surface parking lots of 50 spaces or more are required to be designated as future development sites. The intent of this requirement is for the developer to examine areas which may serve as surface parking short-term, but in the long-term could act as developable areas. Staff has received feedback

from developers that the 50 spaces minimum is too restrictive, and after practical consideration of various sites, we are proposing this requirement be increased to a minimum of 100 spaces.

4. Phasing: Currently, the phasing for a UMU district is only allowed to be amended through a zoning process. Staff believes developers should be able to amend the phasing for their sites through the site plan process, as long as the phasing modifications are “minor”. The proposed language would allow adjacent nonresidential or vertically mixed-use buildings to be added into the current phase. The proposed change would not allow the ability to remove buildings from the current phase.

RECOMMENDATION:

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

2.829 UMU - Urban Mixed-Use

1. Purpose

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2. Permitted Uses

See Subsection 2.502 Schedule of Permitted Uses for a complete listing.

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Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easements are present, <u>or public open space, patio dining, plaza or other public amenity is provided</u> , 75% of the building face shall be built to the easement line, <u>open space or public amenity</u> . The setback <u>may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed between the building face and a public street of Type D or above</u> .	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.
Side Yard Setbacks	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.
Minimum Rear Yard	None	None
Minimum Height	2 story	2 story
Maximum Height	15 story	3 story
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings
Minimum Lot Coverage	60%	60%
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None
Minimum Floor Area Ratio	1:1	NA

4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

- a. Floor Area Ratio - The ratio of a building's gross floor area to the area of the lot on which the building is located.
- b. Gross Floor Area - The sum of floor area within the perimeter walls of a building. Gross floor area only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.
- ~~c. Gross Leasable Area - The total floor area intended for tenant occupancy and exclusive use, but excluding garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.~~
- c. Gross Linear Footage - The total length of a building as measured in a straight line along the street.
- d. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street right-of-way, street easements, and park and open space accessible to the public.
- e. Effective Residential Density - A measure applied to a mixed-use building which ~~includes~~ calculates the total number of possible residential units to estimate the potential density if the building were used solely for residential purposes. Effective density equals per acre density based on the total number of residential units plus the gross ~~leasable~~ floor area of nonresidential and/or live/work/flex space divided by the average residential unit size.
- f. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.
- g. Block - An area enclosed by streets, utility easements and/or transit rights-of-way on all sides, excluding divisions created by fire lanes, alleys, and service drives.
- h. Block Length - The distance along a street face uninterrupted by an intersecting street, utility easement, and/or transit right-of-way, excluding intersections with alleys and service drives.
- i. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, including shared common areas, usable open space, and parking.

- j. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and unairconditioned space. Tuck under parking and parking garages are included in the calculation of lot coverage.

5. District Establishment and Administration

The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute a specific development plan. The boundary of each UMU district shall be defined on the Zoning Atlas and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement individual development plans, with the exception of:

- a. Requirement for an adopted development plan
- b. Requirement for a governance association
- c. Minimum residential densities for multifamily development
- d. Requirement to maintain three or more uses
- e. Requirement for nonresidential uses to be constructed within the first phase of development

6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary categories of land use, including the ~~minimum and maximum~~ amount of gross floor area designated for each category of use. The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements. The development plan shall be adopted as part of the ordinance creating the UMU district. Major modifications to the development plan, including but not limited to specifications of land use categories and functional roles, significant lot, block and street design changes, and increasing the number of residential units, shall only be amended by the same process by which ~~it~~ the development plan was created. (See Section 5.500 Adopted Development Plan.)

7. Governance Association

Applications for building permits for development within a UMU district shall not be accepted or approved until a property owners governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to

assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be created to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

8. Mixed-Use Requirement

Each UMU district must contain three or more use categories. Each category must be designated as primary, secondary, or tertiary according to the gross floor area for each use. ~~Only residential, retail, and office/institutional may be a primary use category.~~ A primary use category must include not less than ~~54~~40% or more than 70% of the gross floor area. Secondary use categories must include not ~~less than 20% or more than 40% or less than 20%~~ less than 20% of the gross ~~leasable floor~~ leasable floor area. Tertiary uses ~~shall must include~~ must include not ~~represent~~ more than 20% of the gross floor area. The percentages of primary, secondary, and tertiary uses ~~is to be defined in the adopting ordinance. Percentages of gross floor area may vary as long as their functional role does not change.~~ is to be defined in the adopting ordinance. Percentages of gross floor area may vary as long as their functional role does not change. ~~The primary use must always be the largest amount of actual building area constructed and under construction.~~ Use categories are designated below:

Use Category	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public, and Special Uses	Primary, Secondary, or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

9. Additional Use Regulations

- a. If multifamily residential use is a designated use, a minimum of 250 units is required. This requirement does not apply to mid-rise residential developments ~~of 5-12 stories in height.~~

- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual ~~and effective~~ residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses.
- c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. Fitness centers, leasing offices, club and meeting rooms, and other uses associated with and managed by a multifamily use shall not be included to meet this minimum requirement. Freestanding nonresidential buildings may not be less than 10,000 square feet in size. There is no minimum size for individual lease spaces integrated vertically into a building,

10. Streets and Sidewalks

- a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.
- b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:
 - i. Major Median Divided (four 11-foot travel lanes) - Only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.
 - ii. Major Street (two 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes)
 - iii. Minor Street (two 11-foot travel lanes with parallel parking and designated loading zones)
 - iv. Mews Street (for Single-Family Residence Attached development only) (two 11-foot travel lanes with three feet on each side to accommodate utilities and services) - Parking may be provided on mews streets but is not required.

- v. Alley/Service Drive (two 12-foot travel lanes with no parking) - May also be a fire lane
- c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.
- d. Block Size - The maximum block size is three acres, except as required for public park, hospital, or school use.
- e. Block Length - The maximum block length is 600 feet, except as may be required for park, hospital, or school use.
- f. Required Main Street - All UMU districts shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street ~~(two 11 foot travel lanes with parallel or diagonal parking)~~. ~~B~~ with buildings of a minimum of two stories shall fronting onto the main street. No parking garages or surface parking lots shall directly abut the main street. A minimum 600 foot to 1,200 foot section of the street shall be the activity center of the district core. A minimum of 75% of This the gross linear footage area of the first floor shall have the highest concentration along the activity center shall consist of retail, restaurant, and entertainment, and other active uses. ~~square footage in the UMU district.~~ The maximum width of store fronts in this area shall be limited to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The specific development plan must define the main street. ~~It shall also designate the location of at least 60% of the gross floor area along the main street for primary and secondary uses.~~
- g. Street Trees - Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Adjacent to retail uses, street trees are required at the rate of one tree per 100 feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.
- h. Sidewalks - Sidewalks shall be provided on both sides of all major and minor streets as required below. A clear pedestrian path of seven feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed within the sidewalk but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the governance association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. All walkways are to be open to the public unless designated as private.

11. Usable Open Space

- a. Usable public open space shall be provided in an amount not less than five percent or more than ten percent of the gross acreage of the development. A maximum of 25% of the required open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for open space use. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. At least one plaza or open space shall be located ~~within adjacent to~~ the main street ~~area required in 10.f above~~. Smaller usable open space areas may also be provided. ~~Individual public open space areas and~~ shall be no larger than three acres or smaller than one-quarter acre. ~~The plan for the arrangement of common open space must e adopted when the district is established. It may be amended only through the same process as the district was created. The common open space is to be maintained by the association.~~ Usable open space must be adopted by the development plan and must be maintained by the governance association.
- b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units and townhouses may be enclosed with a maximum four-foot tall vertical rail metal fence.
- c. Multifamily development is exempt from the requirements of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).

12. Parking Requirements

- a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, religious facilities, and assembly halls, the maximum permitted parking for nonresidential uses is capped at one space for each 250 square feet of gross ~~leasable floor~~ area. Theaters and assembly halls are capped at one space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of parking spaces ~~the capped parking requirement~~ for the entire development, ~~as shown on the development plan,~~ may be located in a surface parking lots. Parking in excess of 40% ~~over the above~~ the maximum caps may be provided only is allowed only if provided in parking garages.

- b. Parking for multifamily residential uses shall be required as follows:
 - i. One bedroom or less: One parking space per unit
 - ii. Two bedrooms: 1.5 parking spaces per unit
 - iii. Three bedrooms or more: Two parking spaces per unit
- c. On-street parking is required on all major and minor streets except in locations designated for loading, services, and pedestrian crossings.
- d. All surface parking lots with ~~50~~100 or more spaces must be designed as future development sites. They must be located on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
- e. A minimum five-foot landscape edge shall be provided between all surface parking lots and major and minor streets. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet. The landscape edge along major median divided streets shall comply with the requirements of Section 3.1200 (Landscaping Requirements) or the overlay districts contained in Article 4 (Special District Regulations) if applicable.
- f. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
- g. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.
- h. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must directly connect to at least one residential building and each level of the garage must be directly accessible from the residential building.

13. Building Placement and Design

- a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space.
- b. Single-Tenant Maximum First Floor Square Footage - 30,000 square feet, with the exception of schools and hospitals
- c. Permeability of First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the first floor of nonresidential buildings and live/work/flex space units must consist of windows and doors. Live/work/flex space units must have an exterior entrance.

- d. Nonresidential space must have a minimum floor-to-ceiling height of 12 feet; however, live/work/flex space must have a minimum floor-to-ceiling height of ten feet.

14. Single-Family Attached (Townhouse) Residence Regulations

- a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access.
- b. Maximum Density: 40 dwelling units per acre
- c. Minimum Density: ~~25~~18 dwelling units per acre
- d. Minimum Floor Area per Dwelling Unit: 800 square feet
- e. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- f. Maximum Building Length: 200 feet
- g. Buildings must be separated by a minimum distance of ten feet.
- h. No usable open space areas are required.
- i. Each dwelling unit shall have a garage with a minimum of two parking spaces. Tandem garage spaces are allowed. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be five or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.

15. Additional Requirements and Restrictions

- a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards for signs contained in ~~Subsection 3.1605 (Downtown Sign District) Area A~~ the Downtown Business/Government (BG) zoning district shall apply unless otherwise specified in this ordinance or in the adopted development plan.

Amend Section 5.600 (Amendments) of Article 5 (Site Plan Review), to read as follows:

At any time following the approval of a concept plan, preliminary site plan, adopted development plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan. Minor phasing amendments for adopted development plans are permitted only for the purpose of adding an adjacent nonresidential or vertically mixed-use building into the current phase. Amendments to previously approved storm water conservation areas, increases in building height and/or building proximity to an adjacent offsite residential use, and all other amendments shall be considered major amendments and may be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan. Major amendments to an adopted development plan for the Urban Mixed-Use District may only be approved through the same process by which it was initially adopted. The Director of Planning may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission.

Zoning Case 2014-26

An Ordinance of the City of Plano, Texas, amending Subsection 2.829 (Urban Mixed-Use) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), Section 5.600 (Amendments) of Article 5 (Site Plan Review), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended to modify the Urban Mixed-Use zoning district; and providing a publication clause, 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 27th day of October, 2014, 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 27th day of October, 2014; 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 2.829 (Urban Mixed-Use) 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 to modify the Urban Mixed-Use zoning district, such subsection to read in its entirety as follows:

Section 2.800 (District Charts)

Subsection 2.829 (UMU - Urban Mixed-Use)

1. Purpose

The UMU district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The UMU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. The zoning district is applicable primarily to large undeveloped properties where higher density residential and commercial uses are appropriate.

2. Permitted Uses

See Subsection 2.502 Schedule of Permitted Uses for a complete listing.

3. Area, Yard, and Bulk Requirements

Description	Requirement	
	Commercial and Multifamily	Single-Family Attached
Minimum Lot Area	None	700 square feet
Minimum Lot Width	None	20 feet
Minimum Lot Depth	None	35 feet
Front Yard Setbacks	75% of the building face shall be within 25 feet of the street curb. If easements are present, or public open space, patio dining, plaza or other public amenity is provided, 75% of the building face shall be built to the easement line, open space or public amenity. The setback may be increased to a maximum of 100 feet if a drive aisle with double-loaded parking is installed between the building face and a public street of Type D or above.	75% of the building face shall be within 25 feet of the street curb. If easements are present, 75% of the building face shall be built to the easement line.
Side Yard Setbacks	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.	Interior Side Yard - None Exterior Side Yard (Corner Lot) - Shall be treated the same as front yards.
Minimum Rear Yard	None	None
Minimum Height	2 story	2 story

Maximum Height	15 story	3 story
Maximum Lot Coverage	None, except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above	100% including accessory buildings
Minimum Lot Coverage	60%	60%
Maximum Floor Area Ratio	6:1 except as limited by applicable setback requirements from Front Yard Setbacks, Side Yard Setbacks, Minimum Rear Yard, and Maximum Height above.	None
Minimum Floor Area Ratio	1:1	NA

4. Definitions

The following terms and definitions only apply to the regulations of this district. Where they conflict with general definitions in the Zoning Ordinance, these definitions shall control.

- a. Floor Area Ratio - The ratio of a building's gross floor area to the area of the lot on which the building is located.
- b. Gross Floor Area - The sum of floor area within the perimeter walls of a building. Gross floor area only includes air-conditioned space intended for human occupancy and excludes garages, patios, attics, balconies, roof decks, and other exposed or unairconditioned space.
- c. Gross Linear Footage - The total length of a building as measured in a straight line along the street.
- d. Residential Density - The number of individual residential living units per acre of the site or lot on which they are located. Calculation of residential density shall be based on the net size of the property, exclusive of public and private street right-of-way, street easements, and park and open space accessible to the public.
- e. Effective Residential Density - A measure applied to a mixed-use building which calculates the total number of possible residential units to estimate the potential density if the building were used solely for residential purposes. Effective density equals per acre density based on the total number of residential units plus the

gross floor area of nonresidential and/or live/work/flex space divided by the average residential unit size.

- f. Live/Work/Flex Space - A dwelling unit of not less than 700 square feet that, subject to building code compliance, may be used completely or in part for an allowed nonresidential use.
- g. Block - An area enclosed by streets, utility easements and/or transit rights-of-way on all sides, excluding divisions created by fire lanes, alleys, and service drives.
- h. Block Length - The distance along a street face uninterrupted by an intersecting street, utility easement, and/or transit right-of-way, excluding intersections with alleys and service drives.
- i. Reciprocal Easement Agreement - A contract among property owners and tenants governing the use and operation of property, including shared common areas, usable open space, and parking.
- j. Lot Coverage - The area of a site or lot covered by a building measured from the base of the perimeter walls, excluding covered walkways, porches, and unairconditioned space. Tuck under parking and parking garages are included in the calculation of lot coverage.

5. District Establishment and Administration

The regulations contained within this zoning district shall be supplemented with additional standards and conditions required to execute a specific development plan. The boundary of each UMU district shall be defined on the Zoning Atlas and identified with the letters UMU followed by a unique number referencing the supplementary regulations. In considering the establishment of a UMU district, the Planning & Zoning Commission and City Council may amend the base UMU regulations to implement individual development plans, with the exception of:

- a. Requirement for an adopted development plan
- b. Requirement for a governance association
- c. Minimum residential densities for multifamily development
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- e. Requirement for nonresidential uses to be constructed within the first phase of development

6. Adopted Development Plan

A UMU district shall not be established without the concurrent adoption of a development plan for the district. The plan shall show the location and type of streets, blocks, parking areas, and open space. The plan shall specify the primary, secondary, and tertiary categories of land use, including the amount of gross floor area designated for each category of use. The plan shall specify the minimum and maximum number of residential units. The plan shall enumerate all standards, conditions, and performance and implementation requirements not otherwise contained in the base zoning district requirements. The development plan shall be adopted as part of the ordinance creating the UMU district. Major modifications to the development plan, including but not limited to specifications of land use categories and functional roles, significant lot, block and street design changes, and increasing the number of residential units, shall only be amended by the same process by which the development plan was created. (See Section 5.500 Adopted Development Plan.)

7. Governance Association

Applications for building permits for development within a UMU district shall not be accepted or approved until a property owners governance association is established. The association shall be responsible for maintaining all common property, improvements, and amenities within the district. It shall have power sufficient to assess and collect dues and charges as required to perform its responsibilities. It may have additional powers to administer other programs, including but not limited to security, promotion and marketing and entertainment. A Municipal Management district or Public Improvement district created in conformance with the Texas Local Government Code may be created to satisfy this requirement. A Reciprocal Easement Agreement (REA) allowing shared parking arrangements, public access to sidewalks, and to other amenities shall also be required and incorporated in the governance documents, but the REA may be deferred until a plan for common areas and amenities is submitted.

8. Mixed-Use Requirement

Each UMU district must contain three or more use categories. Each category must be designated as primary, secondary, or tertiary according to the gross floor area for each use. A primary use category must include not less than 40% or more than 70% of the gross floor area. Secondary use categories must include not less than 20% or more than 40% of the gross floor area. Tertiary uses must include not more than 20% of the gross floor area. The percentages of primary, secondary, and tertiary uses may vary as long as their functional role does not change. Use categories are designated below:

Use Category	Functional Role
Primary Residential Uses	Primary, Secondary, or Tertiary
Retail Uses	Primary, Secondary, or Tertiary
Educational, Institutional, Public, and Special Uses	Primary, Secondary, or Tertiary
Office and Professional Uses	Primary, Secondary, or Tertiary
Service Uses	Tertiary
Transportation, Utility, and Communications Uses	Tertiary

9. Additional Use Regulations

- a. If multifamily residential use is a designated use, a minimum of 250 units is required. This requirement does not apply to mid-rise residential developments.
- b. An average residential density of 40 dwelling units per acre must be maintained within a UMU district. The average shall be computed based on the actual residential density of units built and under construction (building permit issued). The reservation and allocation of residential units shall be managed by the governance association. Phased development shall have a minimum average residential density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall UMU district. No individual phase may be constructed at a residential density less than 30 units per acre, with the exception of single-family attached uses.
- c. No less than 20,000 square feet of nonresidential space must be built as part of the first phase of development, consisting of at least one restaurant and one retail space. Fitness centers, leasing offices, club and meeting rooms, and other uses associated with and managed by a multifamily use shall not be included to meet this minimum requirement. Freestanding nonresidential buildings may not be less than 10,000 square feet in size. There is no minimum size for individual lease spaces integrated vertically into a building.

10. Streets and Sidewalks

- a. All streets within a UMU district must be platted as private streets, unless the city agrees to accept dedication of some or all as public streets. All streets are to be open for public use and may not be gated or have restricted access, except as may be permitted for special events. All streets must be located in a private

street lot or in public right-of-way. The width of a street lot or right-of-way shall be determined by the adopted development plan. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership. Easements may be required within the street lot for utilities and emergency access.

b. All streets within a UMU district shall be constructed in accordance with the following general street classifications:

i. Major Median Divided (four 11-foot travel lanes) - Only permitted if a Type D or larger thoroughfare is required by the city's Thoroughfare Plan.

ii. Major Street (two 11-foot travel lanes with parallel or diagonal parking and valet or drop-off lanes)

iii. Minor Street (two 11-foot travel lanes with parallel parking and designated loading zones)

iv. Mews Street (for Single-Family Residence Attached development only) (two 11-foot travel lanes with three feet on each side to accommodate utilities and services) - Parking may be provided on mews streets but is not required.

v. Alley/Service Drive (two 12-foot travel lanes with no parking) - May also be a fire lane

c. Street Design - A UMU district shall be organized into blocks created by a grid of streets. A variety of street types and block sizes may be incorporated to create the grid, including diagonal, off-set, and angled streets. Cul-de-sacs and curvilinear streets are prohibited.

d. Block Size - The maximum block size is three acres, except as required for public park, hospital, or school use.

e. Block Length - The maximum block length is 600 feet, except as may be required for park, hospital, or school use.

f. Required Main Street - All UMU districts shall have a main street, designated on the development plan, which serves as the core of the district. It shall be a major street with buildings of a minimum of two stories fronting onto the main street. No parking garages or surface parking lots shall directly abut the main street. A minimum 600 foot to 1,200 foot section of the street shall be the activity center of the district core. A minimum of 75% of the gross linear footage of the first floor along the activity center shall consist of retail, restaurant, entertainment, and other active uses. The maximum width of store fronts in this area shall be limited

to 100 feet. The perimeter of a superstore, food/grocery store, or regional theater must be lined with individual store fronts meeting this maximum width requirement. The specific development plan must define the main street.

- g. Street Trees - Street trees are required at the rate of one tree per 40 linear feet of major and minor street frontage. Adjacent to retail uses, street trees are required at the rate of one tree per 100 feet of major and minor street frontage. Trees shall be placed in planting beds or tree grates within five feet of the back of the street curb.
- h. Sidewalks - Sidewalks shall be provided on both sides of all major and minor streets as required below. A clear pedestrian path of seven feet in width shall be maintained on all minor streets and 12 feet in width on all major streets. Trees, landscaping, outdoor dining areas, bicycle racks, and street furniture may be placed within the sidewalk but may not reduce the clear path width. Awnings, canopies, and other detachable fixtures may extend into the street lot or public right-of-way. All public sidewalks and common areas to be maintained by the governance association shall be located in a street lot or public right-of-way. All other areas are to be on a building lot. Other walkways may be permitted to access open space, amenities, and services. All walkways are to be open to the public unless designated as private.

11. Usable Open Space

- a. Usable public open space shall be provided in an amount not less than five percent or more than ten percent of the gross acreage of the development. A maximum of 25% of the required open space may be located within a floodplain or within an overhead transmission line easement if these areas are improved for open space use. Except for property located within a floodplain, open space shall fit into the grid street and building block plan. Unless arranged as a courtyard with buildings on three sides, public open space shall abut a street on two sides. At least one plaza or open space shall be located adjacent to the main street. Smaller usable open space areas may also be provided and shall be no larger than three acres or smaller than one-quarter acre. Usable open space must be adopted by the development plan and must be maintained by the governance association.
- b. Private open space is permitted consisting of interior courtyards and patios required for private amenities and individual business and residential use. Fencing and other enclosures may be used for building security, protection of play and pool areas, or as may be required for business and individual residential use. Exterior yards may not be fenced, except front yards assigned to individual residential units and townhouses may be enclosed with a maximum four-foot tall vertical rail metal fence.

- c. Multifamily development is exempt from the requirements of Subsections 3.104 (Multifamily Residence) and 3.117 (Usable Open Space).

12. Parking Requirements

- a. UMU districts shall be designed as compact, pedestrian-oriented developments. With the exception of neighborhood theaters, regional theaters, religious facilities, and assembly halls, the maximum permitted parking for nonresidential uses is capped at one space for each 250 square feet of gross floor area. Theaters and assembly halls are capped at one space per 2.5 persons accommodated. On-street parking is included in the parking calculations for the UMU district. No more than 25% of parking spaces for the entire development may be located in surface parking lots. Parking in excess of the maximum caps is allowed only if provided in parking garages.
- b. Parking for multifamily residential uses shall be required as follows:
 - i. One bedroom or less: One parking space per unit
 - ii. Two bedrooms: 1.5 parking spaces per unit
 - iii. Three bedrooms or more: Two parking spaces per unit
- c. On-street parking is required on all major and minor streets except in locations designated for loading, services, and pedestrian crossings.
- d. All surface parking lots with 100 or more spaces must be designed as future development sites. They must be located on the outside edge of the development. No surface parking lot may contain more than 300 spaces.
- e. A minimum five-foot landscape edge shall be provided between all surface parking lots and major and minor streets. Within this landscape edge, ten shrubs (five gallon minimum) shall be planted per 500 square feet. The landscape edge along major median divided streets shall comply with the requirements of Section 3.1200 (Landscaping Requirements) or the overlay districts contained in Article 4 (Special District Regulations) if applicable.
- f. Private garages may be located (tucked) directly under and assigned to an individual residential unit.
- g. Podium parking or grade level parking may be located under a horizontal structural concrete or steel structure separating the parking level from uses located on the podium.

- h. One full level of a multi-level parking structure at or below grade must be open for general public parking. No parking structure serving primarily residential use shall serve more than two residential buildings. A residential parking garage must directly connect to at least one residential building and each level of the garage must be directly accessible from the residential building.

13. Building Placement and Design

- a. Buildings in a UMU district must be designed and oriented to reinforce the street grid. The distance from building face to building face shall not exceed 100 feet on major streets, unless separated by usable open space.
- b. Single-Tenant Maximum First Floor Square Footage - 30,000 square feet, with the exception of schools and hospitals
- c. Permeability of First Floor - With the exception of parking garage, podium garages, and loading and service areas, 60% of the first floor of nonresidential buildings and live/work/flex space units must consist of windows and doors. Live/work/flex space units must have an exterior entrance.
- d. Nonresidential space must have a minimum floor-to-ceiling height of 12 feet; however, live/work/flex space must have a minimum floor-to-ceiling height of ten feet.

14. Single-Family Attached (Townhouse) Residence Regulations

- a. Each dwelling unit shall be on an individually-platted lot. No more than 50% of the lots within a development may abut a mews street as the only point of street frontage and access.
- b. Maximum Density: 40 dwelling units per acre
- c. Minimum Density: 18 dwelling units per acre
- d. Minimum Floor Area per Dwelling Unit: 800 square feet
- e. Stoops and landscape areas adjacent to the building may extend a maximum distance of five feet into the area between the front facade of the building and the back of the street curb.
- f. Maximum Building Length: 200 feet
- g. Buildings must be separated by a minimum distance of ten feet.
- h. No usable open space areas are required.

- i. Each dwelling unit shall have a garage with a minimum of two parking spaces. Tandem garage spaces are allowed. Garage entrances shall be allowed only from a mews street or alley. The distance from the garage to the travel lane of the alley or mews street shall be five or less feet in length or shall be 20 feet or greater in length. The elimination of the garage space, by enclosing the garage with a stationary wall, shall be prohibited.

15. Additional Requirements and Restrictions

- a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.
- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards for signs contained in the Downtown Business/Government (BG) zoning district shall apply unless otherwise specified in this ordinance or in the adopted development plan.

Section II. Section 5.600 (Amendments) of Article 5 (Site Plan Review) of the Comprehensive Zoning Ordinance No. 2006-4-24, such section to read in its entirety as follows:

At any time following the approval of a concept plan, preliminary site plan, adopted development plan, or site plan and before the lapse of such approval, the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping, and screening, changes to utilities and service locations which do not substantially change the original plan. Minor phasing amendments for adopted development plans are permitted only for the purpose of adding an adjacent nonresidential or vertically mixed-use building into the current phase. Amendments to previously approved storm water conservation areas, increases in building height and/or building proximity to an adjacent offsite residential use, and all other amendments shall be considered major amendments and may be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan. Major amendments to an adopted development plan for the Urban Mixed-Use District may only be approved through the same process by which it was initially adopted. The Director of Planning may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission.

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 affectuated 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 27TH DAY OF OCTOBER, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY