

**Zoning Case 2018-033**

**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), Article 15 (Use-specific Regulations), and Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading), and related sections of the Comprehensive Zoning Ordinance, Ordinance No. 2015-5-2, of the City, as heretofore amended, pertaining to Backyard Cottages; 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 25th day of February 2019 for the purpose of considering a change in the Zoning Ordinance; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 25th day of February 2019; and

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

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

**Section I.** Amend 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 as follows:

**Backyard Cottage**

A detached dwelling unit subordinate to and located on the same lot as a Single-Family Residence (Detached) dwelling unit.

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**Section II.** Amend Section 14.100 (Residential Districts Use Table) 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 portion of section to read as follows:

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	SF-A - Single-Family Attached	2F - Two Family (Duplex)	GR - General Residential	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	MH - Mobile Home
Backyard Cottage	Accessory & Incidental			P (51)	P (51)	P (51)	P (51)	P (51)	P (51)	P (51)	P (51)	P (51)	P (51)	P (51)	P (51)	P (51)

**Section III.** Amend Section 14.200 (Nonresidential Districts Use Table) 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 portion of section to read as follows:

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	RC - Regional Commercial	RE - Regional Employment	RT - Research/Technology Center	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2
Backyard Cottage	Accessory & Incidental						P (51)	P (51)							

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

Number	End Note
51	See Sec. 15.1800.

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

**Section 15.1800 Backyard Cottages**

**.1 General**

- A. The backyard cottage must be located on the same lot as the main dwelling unit.
- B. A backyard cottage must not be sold separately from the main dwelling unit.
- C. A maximum of one backyard cottage per lot is allowed.

**.2 Dimensional Requirements**

**A. Minimum Lot Size**

6,000 square feet.

**B. Backyard Cottage Height**

Must not exceed the height of the main residential building.

**C. Minimum Backyard Cottage Lot Coverage**

400 square feet.

**D. Minimum Backyard Cottage Building Floor Area**

400 square feet.

**E. Maximum Backyard Cottage Building Floor Area**

1,100 square feet or 50% of the gross habitable floor area of the main dwelling unit, whichever is more restrictive, and not to exceed the maximum coverage of the governing zoning district.

**F. Minimum Separation from Main Dwelling Unit**

10 feet.

**.3 Architectural and Design Standards**

- A. The backyard cottage must be located behind the main dwelling unit in accordance with Sec. 13.500.2.P.
- B. Backyard cottages must be architecturally designed to be compatible with the main dwelling unit, including consistent architectural design elements, building materials, and colors.
- C. Temporary buildings must not be used as a backyard cottage.
- D. Backyard cottages and any other conjoined structures must be attached to a permanent foundation set on the ground.

**.4 Occupancy and Permitting Requirements**

- A. The property owner must occupy either the main dwelling unit or the backyard cottage as a permanent residence, and must at no time receive rent for the owner-occupied unit. Prior to issuance of a building permit, the property owner must provide a signed and notarized affidavit affirming occupancy of either the main dwelling unit or the backyard cottage.
- B. The building-permit applicant must provide to the city a covenant suitable for recording with the county, providing notice to prospective owners of the subject lot that the existence of the backyard cottage is predicated upon the occupancy of either the accessory dwelling or the main dwelling unit by an owner of the property for as long as the City of Plano requires such occupancy to comply with the City's Code of Ordinances. The covenant must restrict the backyard cottage from being sold separately from the main dwelling unit. The covenant must require owners of the property to notify a prospective buyer of the limitations of this section. The covenant must also require all owners to remove the backyard cottage and restore the site to a single-family dwelling in the event that any condition of the covenant is violated. After city review and approval of the covenant, the applicant must record it. Proof of recording is required prior to issuance of a building permit.

**.5 Site Access**

- A. Driveway access and off-street parking in the front yard is allowed only where this design is consistent with the prevailing access and parking design for single-family residence detached dwelling units in the same subdivision block.
- B. Driveway curb cuts (excluding alleys) may not be wider than 24 feet in width.

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- C. Where driveway access and off-street parking can be accommodated in the front yard, front yard driveway access must be shared with the main dwelling unit and may not be comprised of multiple detached driveways.

**.6 Parking**

- A. Off-street parking must comply with the requirements of Article 16 (Parking and Loading).
- B. Required off-street parking for Backyard Cottages must not be achieved by tandem parking.

**Section VI.** Amend Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such additional parking requirement to read as follows:

**Parking Space Schedule for Residential Uses**

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Residential Uses
Backyard Cottage	1 space for each dwelling unit

**Section VII.** 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 VIII.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.


**Section IX.** 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 X.** 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.

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**Section XI.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 25TH DAY OF FEBRUARY 2019.**



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Harry LaResiliere, MAYOR

ATTEST:



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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:



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Paige Mims, CITY ATTORNEY