



# Development Code Overhaul

## *Joint Workshop #2*

*August 20, 2019*

# Agenda

- Overview – Major Changes and Benefits Expected
- Discussion and Direction
  - Discussion Format
  - Topics
    1. Structure of Processes and Ordinances
    2. Parking
    3. Landscaping & Tree Preservation
- Other Topics
- Next Steps
- Adjourn

Overview:

Major Changes and Benefits Expected

# General Features

- Current Direction
  - Bring codes up-to-date
  - Provide flexibility
  - Provide consistency and predictability
- Expected Benefits
  - Reflect current approaches and best practices
  - Simplify process for development community and staff
  - Reflect “Lewisville 2025” in ordinance provisions

# Ordinance Structure

- Current Direction
  - Prepare a “Unified Development Code” that brings all zoning and land development regulations into one consolidated document
- Expected Benefits
  - Easier to use and find information for both staff and developers
  - Eliminate duplication and conflicting requirements
  - Use a single set of definitions
  - Combine all procedural requirements
  - Use more charts, tables and graphics to better illustrate requirements and modernize appearance of ordinance

# Decision-Making Process

- Current Direction
  - Streamline process by delegating authority where appropriate
  - Maintain proper level of oversight
- Expected Benefits
  - Shorten development process time
  - Allow routine and frequent variance requests to be handled by staff, with an appeal process
  - Follow general processes of I-35E Overlay District

# Infill & Redevelopment

- Current Direction
  - Recognize that this is Lewisville's future
  - Facilitate infill and redevelopment projects that achieve City objectives
- Expected Benefits
  - Add more flexibility
  - Delegate appropriate decisions to staff
  - Reduce developer's time and upfront costs

# Questions & Discussion?

---



# Discussion and Direction

# Discussion Format

- Three major topics
- Brief presentation
  - Some items with agreement
  - Some items for discussion and direction
- Facilitated discussion
  - Question for discussion
  - All City Council and P&Z members participate
  - Not binding decisions
- Result: direction the consultant team can use in continuing to draft the ordinance

# 1. Structure of Processes & Ordinance

# Topics

---

- ✓ Unified Development Code
- ✓ Code Graphic Look and Feel
- ✓ Use Charts
- ✓ Additional District-Related Provisions
  - Additional Residential Provisions
  - Two Step Site Plan Process
  - Specific Processes (Variances, Administrative Modifications, Alternative Standards and Special Use Permits)

# ✓ Unified Development Code

- ARTICLE I. GENERAL PROVISIONS
- ARTICLE II. DEFINITIONS
- ARTICLE III. REVIEW PROCEDURES
- ARTICLE IV. ZONING DISTRICTS AND USES
- ARTICLE V. SUPPLEMENTAL REGULATIONS
- ARTICLE VI. DESIGN AND DEVELOPMENT STANDARDS
- ARTICLE VII. NONCONFORMITIES
- ARTICLE VIII. SUBDIVISION REGULATIONS
- ARTICLE IX. THOROUGHFARE STANDARDS
- ARTICLE X. PARK DEVELOPMENT FEE
- ARTICLE XI. SIGNS

Zoning provisions in red are being addressed now.

# ✓ Code Graphic Look and Feel

- Design with good, understandable graphics
- Consider publishing options, balancing graphic design, historical record keeping and consistency

DEVELOPMENT PROCEDURES

CHAPTER 2

**Section 2.3.5.3 Expiration and Extension Times**

PERMIT OR APPLICATION TYPE	SEC.	EXPIRATION	EXTENSION
Regulating Plan	Section 2.5.5.1	5YR	2YR
Concept Plat	Section 3.2.1.1	5YR	2YR
Preliminary Plat	Section 3.2.2.1	2YR	2YR
Certificate of Appropriateness	Section 2.5.5.1	1YR	1YR
Utility Extension	Section 2.4.4.1	2YR	1YR
Watershed Protection Plan	Section 2.6.1.1	2YR	2YR
Alternative Compliance	Section 2.8.4.1	1YR	90D
Site Plan	Section 2.7.1.1	2YR	90D
Public Improvement Construction Plan	Section 3.4.1.1	2YR	90D

**DIVISION 6: INSPECTIONS**

**Section 2.3.6.1 Inspection Procedures**

Whenever a development application approved under this Development Code authorizes development or construction of a structure, building or impervious surface, or authorizes installation of public or other improvements to serve a proposed development, or otherwise authorizes disturbance of the surface or subsurface of the land, the following procedures shall be followed during the development process:

**A. Right of Entry.** The owner of the land subject to the approved development application shall, as a condition of the approval, be deemed to have authorized city inspectors to enter onto the land during reasonable hours for the purpose of determining compliance with the terms, conditions and requirements of the application. If a city inspector is refused entry, the Responsible Official may obtain judicial authorization for the entry, may initiate the process for suspension or revocation of the approved application by the decision-maker for the

application, or may exercise any other remedy provided by this Development Code or under other law.

**B. Regular Inspections.** The City shall make inspections of the land or premises during development and construction to ensure full compliance with all terms, conditions and requirements of the approved development application. The applicant shall designate one person, with a current address, email, and phone, to whom notice shall be given, and from whom information can be obtained, under this Section 2.3.6.1.

**C. Authorized Inspectors.** Employees of the City allowed by applicable law are authorized to issue municipal court citations for violations of this Development Code.

**DIVISION 7: ENFORCEMENT AND REVOCATION OF PERMITS**

**Section 2.3.7.1 Enforcement Procedures and Revocation of Permits**

**A. Enforcement Activities.** Enforcement activities include informal contacts with individuals to advise them of requirements, the issuance of verbal warnings, written warnings, municipal court citations, formal court action, and billing and collection. Employees of the City of San Marcos are authorized to enforce this Development Code and any development application approved and any development permits issued hereunder, including without limitation, issuing municipal court citations for violations of this Development Code.

**B. Right to Enter.** The Responsible Official shall have the right to enter upon any premises, at any reasonable time, for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this Development Code. Submittal of any application for a development permit that authorizes development or construction of structures or improvements shall be construed as a grant of authority to the Responsible Official to enter on land subject to the application.

**C. General Remedies.** If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this Development Code or any development application approved or development permit issued thereunder, in addition to other remedies, the City may institute any appropriate action or proceedings to prevent or

Adopted April 17, 2018 San Marcos Development Code 2:15

# √ Use Charts

- Easier to see what's possible in each zoning district
- Shows whether a use is permitted by right, requires a Special Use Permit, or is not permitted
- Includes parking requirements
- Will include a reference if a use has special or additional regulations so an applicant can see this easily

USE	OTMU-1	OTMU-2	OTC	MU-SC	MU	MU-90	USE SPECIFIC STANDARDS	PARKING
	MANUFACTURING AND INDUSTRIAL USES							
Brewery, Distillery or Winery		P	P	P	P	P		1:1000 for manufacturing space; 1:300 for tasting rooms
	OFFICE AND PROFESSIONAL USES							
Medical Offices and Clinics		P	P/S <sup>1</sup>	P	P	P		1:300
Professional and Administrative Offices	P	P	P/S <sup>1</sup>	P	P	P		1:300
	RESIDENTIAL USES							
Duplex	P	P		P				1 garage space plus 2 driveway spaces
Household Care Facility	P							1 garage space plus 2 driveway spaces
Multi-Family Dwelling		P	P	P	P	P		2 spaces per unit
Single-Family Attached		P		P	P	P		1 garage space, 2 driveway spaces plus ¼ space per unit for front entry lots
Single-Family Detached Dwelling	P	P						1 garage space plus 2 driveway spaces
	RETAIL USES							
Building Material Sales, Including Lumber Yards		P						1:300 for retail sales area; 1:1000 for outdoor storage area



# √ Additional District-Related Provisions

- Include all Overlay Districts in the new code:
  - Old Town
  - I-35
  - Intention for future districts to follow this template
- Put Old Town Design District on a diet
- Remove 5 acre minimum for use of PD's

# Additional Residential Provisions

- Allow backyard cottages by right in larger lot single-family districts – R-18, R-12, R-9 and R-7.5
- Allow duplexes by right in the SF-7.5 and SF-5 zoning districts
  - If on a corner lot
  - If each door oriented to different street
- Create ability for the market to address demand for smaller houses
  - Decrease minimum house size to 1,000 square feet?
  - Decrease house size in selected districts?
  - Address replacement of existing small homes in “Non-Conformity” section?

# Should we make these residential revisions?

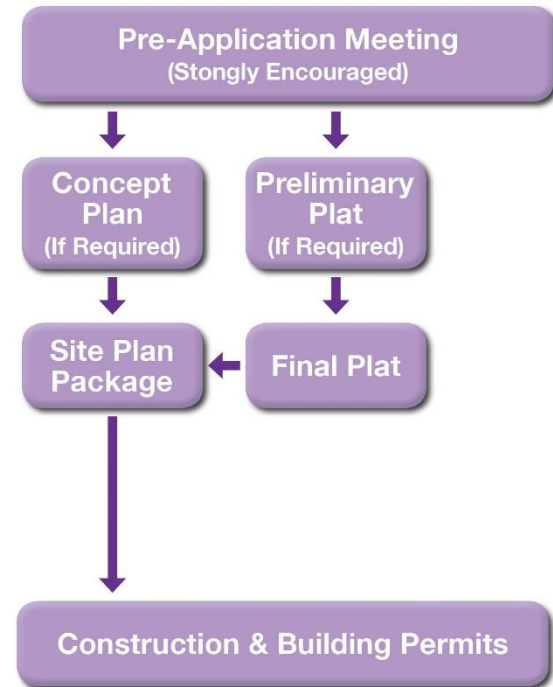
---

# Two-Step Site Plan Process

- Step 1: **Concept Plan** (less detailed)
- Step 2: **Site Development Plan** (detailed)
- Concept plan and site plan validity extended to 2 years



## COMMERCIAL & MULTI-FAMILY DEVELOPMENT



# Two-Step Site Plan Process

- Required For:
  - Planned Development, SUP and mixed-use zoning petitions
  - Development on properties 5 acres or larger in size
  - As required in the I-35E Overlay District
  - All single-family attached development
  - All single-family detached development with 4,000 square foot lots or smaller
- Planning Director may allow an applicant to skip concept plan step under certain circumstances

# Two-Step Site Plan Process

- Concept Plan Submission:
  - Requires less detailed information than currently
    - General building and parking areas, not specific locations and dimensions
    - Landscaping percentages, not details
    - Existing utilities, not proposed
  - Is reviewed by all departments to identify issues early
- Site Development Plan Submission:
  - Requires submission of civil plans, landscaping, tree preservation and other associated plans
- Expected Benefits:
  - Adds a step in the process for some projects, BUT
  - Saves money because detailed design work isn't done until applicant has a concept plan approval
  - Saves time and money by working through issues early before detailed plans are submitted so their review goes more smoothly
  - TAR support concept

# Should we use this two step process?

---

# Specific Processes

- Currently ...
  - Variances are primarily all approved by City Council
  - Special Use Permits also require many variances
  - Too many variances needed to accomplish development
  - Staff has little authority to approve minor modifications
- Proposed ...
  - Amend the ordinance to address common (and commonly-approved) issues from the beginning
  - Simplify and streamline processes based on what change is requested and who decides
  - Three terms to clarify these processes
    - Variances
    - Administrative Modifications
    - Alternative Standards



# General Approach to these Processes

- Use I-35E Overlay as a process guide
- Delegate items that primarily involve professional expertise to staff
- Use boards and commissions for items that include some discretion
- Retain City Council involvement, focused on items that involve design/appearance
- Provide an appeal option for each process

# Variances

- The term “variance” will only apply to requests heard by the BOA
  - Examples: height, setbacks, lot coverage
- Variances may be granted based on special conditions of the property
- They must meet hardship criteria
- Variances run with the land; they do not expire
- Variances may only be appealed to district court

# Other Items Delegated to ZBOA

- The ZBOA will also consider sign variances, which will be subject to hardship criteria
- Reasonable Accommodations for Persons with Disabilities
  - ADA and Fair Housing laws expect cities to have a process to consider waiver or modification of zoning, building code and permit procedures to allow persons with disabilities to live in the housing of their choice
    - Examples: allow a wheelchair ramp in the front yard setback; permit installation of a carport for someone who uses a wheelchair

# Is this the appropriate way to address variances and related items?

---

# Administrative Modifications

- Administrative modifications address technical or professional design options
- Approach is similar to I-35E Overlay process
- May not be approved for height, allowed square footage, density or uses
- Administrative modifications are considered during the two-step site plan approval process and are valid for the same time period as the site plan
- Approved by staff

# Administrative Modifications

- Planning Director can:
  - Approve modifications up to 10% for numerical development requirements
  - Approve only specific modifications or waivers
    - Examples: approve less parking; allow landscape screen in lieu of masonry wall
- City Engineer can:
  - Approve modifications of subdivision, thoroughfare and engineering design standards and requirements
  - Waive subdivision, thoroughfare and engineering design standards and requirements
    - Examples: less distance between driveways; allow water line under pavement
- Staff decisions can be appealed

# Is this the appropriate way to address administrative modifications?

---

# Alternative Standards

- Alternative standards allow an applicant to propose a different approach to meeting the community's objective as stated in the ordinance.
- They address more major modifications to requirements, or other changes that might affect community character and compatibility of the new development.
- Decisions are made by Planning & Zoning Commission or City Council.
- Similar to I-35E Overlay District process
- May not be approved for height, allowed square footage, density or uses. Consistent with I-35 Overlay.



# Alternative Standards

- Planning & Zoning Commission can:
  - Approve modifications greater than 10% but less than 25% for numerical landscaping requirements
  - Approve modifications greater than 10% but less than 60% for numerical development requirements
    - Examples: allow narrower landscape strip; allow less parking
- City Council can:
  - Approve modifications greater than 25% for numerical landscaping requirements
  - Approve modifications greater than 60% for numerical development requirements
  - Modify or waive development standards and requirements
    - Examples: allow fewer trees, waive required screening
- City Council also hears appeals of other staff/P&Z decisions

# Is this the appropriate way to address alternative standards?

---

# Special Use Permits (SUP)

- SUP has been refocused on the use in general and its appropriateness for the property, and not on the particular user or design.
- SUP is a zoning-related approval.
- Supplemental standards in the code will build in the enhancements typically considered in current SUP applications.
- Detailed landscaping, screening and façade plans would not be required.
- Any needed variances would not be granted through the SUP process.

# Special Use Permits (SUP)

- SUP decision-making process is the same as for any other zoning request
  - Staff makes professional recommendations
  - Planning & Zoning Commission makes its recommendation
  - City Council has final approval authority
- P&Z and City Council could impose more restrictive requirements as part of the SUP approval.
- SUP would not expire unless a specific time limit is imposed or tied to specific user, but could be rescinded through zoning process and would not require reapproval based on changes to the concept plan.

# Is this the appropriate way to address Special Use Permits?

---

## 2. Parking

# Topics

---

- ✓ Reduction in Minimum requirements
- ✓ Additional flexibility
- Special requirements for supplemental parking exceeding 110% of minimum requirements

# √ Minimum Requirements

- Parking requirements are based on use, not zoning district
- Parking requirements shown on the Use Charts
- Required parking has been reduced and standardized for most uses
  - Examples: 1:300 vs. 1:100 for small retail stores; 1:100 vs. 1.5:100 for restaurants
- Added stacking requirements for drive-through operations



# √ Additional Flexibility

- Allow up to 10% of in-line lease space to be occupied by restaurants without having to provide parking at the restaurant rate
- Compact car allowance up to 10% of required parking
- Allow additions up to a certain size to existing uses and changes in use without requiring additional parking

# Allowance for Supplemental Parking

- Goal: support pedestrian-scaled development and discourage seas of surface parking
- But also recognize that some developers and lenders need more than the minimum
- To exceed 110% of minimum required parking
  - If parking over this amount is proposed, must have other design features
    - Use permeable pavement
    - Provide additional landscaping
    - Provide EV spaces, charging stations
    - Perhaps other alternatives
  - Does not apply to structured parking

# Is this parking approach appropriate?

---

### 3. Landscaping & Tree Preservation

# Topics

---

- ✓ Landscaping requirements
- ✓ Tree preservation requirements
  - Tree preservation provisions by use
  - Preservation incentives
  - Increasing protected tree size from 5 inches to 8 inches
  - Protecting all species in floodplains and along open channels and creeks
  - Different calculation for single-family development

# √ Landscaping Requirements

- Requirements based on use rather than zoning districts
- Only native and adapted drought-tolerant species allowed
- Updated tree and shrub lists
- More flexibility in placement and clustering of trees
- Limitations on turf areas
- Reduced number of required trees for single-family lots
- Added landscaping requirements for common open space
- Added irrigation system requirements – drip and bubblers preferred instead of spray heads

# √ Tree Preservation Requirements

- Clarifies the permits needed to remove trees
  - Through the site plan and platting process
  - When no development proposed
  - Underbrush removal
- Protect only larger trees (increased size of protected trees from 5" DBH to 8" DBH) but reduce exemptions
- All species are protected except bois d'arc, cottonwood, hackberry, Chinese pistache, Bradford pears, junipers and mesquite, unless these are located in floodplains or along channels and creeks
- Only an aerial image required with a concept plan
- Added requirements for protection during construction

# Tree Preservation by Use

- For single-family development, 35% of protected inches for the development site must be preserved or mitigated.
- For multi-family and commercial development, protected trees 8" DBH must be preserved or mitigated except in building footprint.
- Tree credits are based on DBH rather than per tree.



# Tree Preservation Incentives

- Added incentives for preservation:
  - Smaller single-family lots (average lot size must still meet base zoning district)
  - Reduce parking up to 20%
  - Reduce building setbacks
- Special credit for preserving post oaks 6" DBH and larger – 2:1 credits per diameter inch

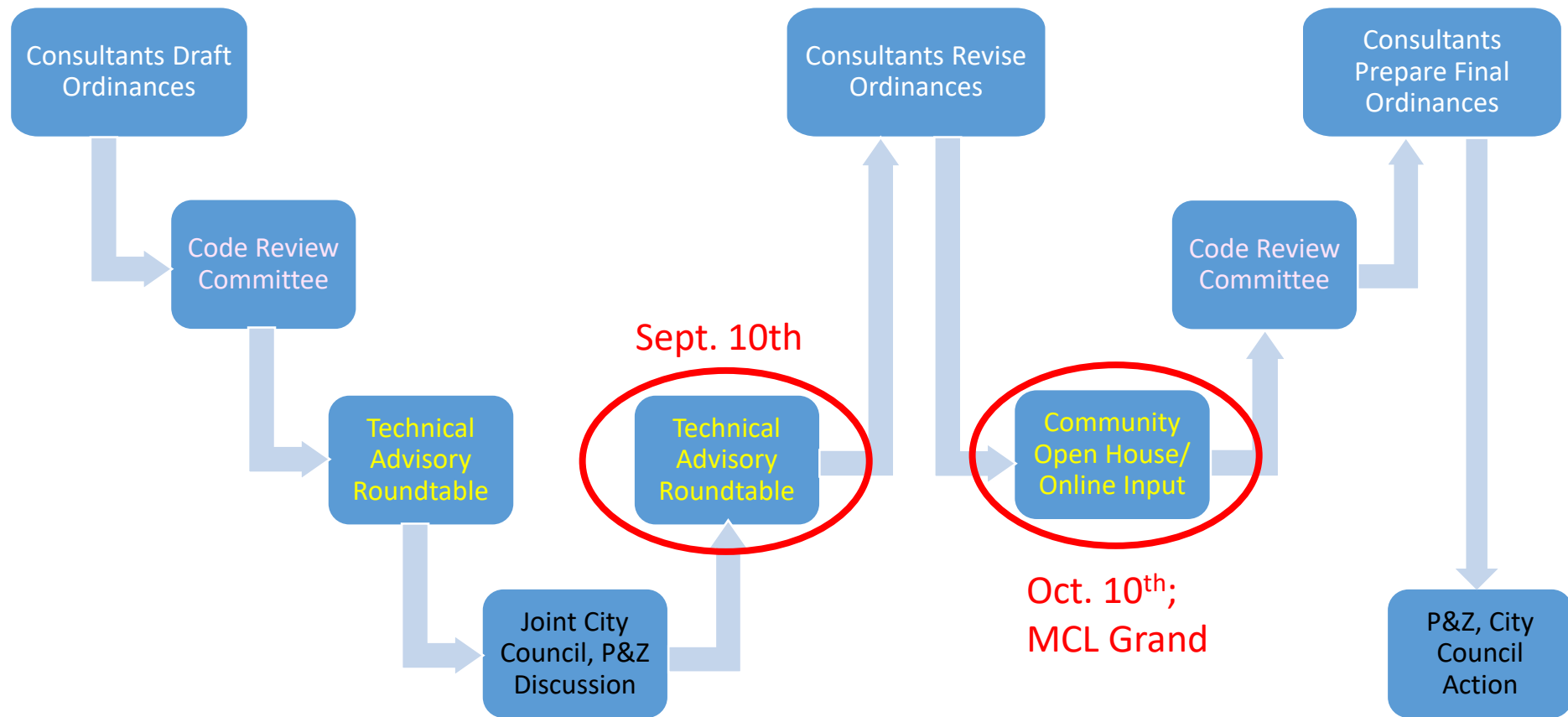
# Are these appropriate requirements?

---

Other Topics

Next Steps

# Zoning Ordinance Feedback Process



Adjourn