Development Code Overhaul

Community Open House

October 10, 2019

Welcome!

Project Overview

Why Update our Ordinances?

- To facilitate the implementation of Lewisville 2025 and Small Area Plans
- To facilitate new forms of development
- To make redevelopment easier
- To make the ordinances more user friendly
- To create a more business friendly development process
- To eliminate existing conflicts between codes
- To incorporate best practices in development regulation

Community Engagement

Overall Approach

- **Transparent** – make information and project status available to interested persons throughout the process
- **Appropriate** – engage people when they will have an interest and/or insight to share
- **Flexible** – provide options on how and when people are involved
- **Valuable** – get input that makes the new ordinances better

Involvement Techniques

- Online, social media & e-newsletter
- Community Open Houses
- Focus Groups (initial)
- Stakeholder Groups (at key points)

Engagement & Direction Throughout from City Council and P&Z
Final Action by P&Z and City Council

Stakeholders Groups

Code Review Committee (CRC)

- Key Lewisville City Staff who regularly work with ordinances
- Provide technical review / input and knowledge of current processes

Technical Advisory Roundtable (TAR)

- Development professionals (developers, engineers, architects, attorneys)
- Provide insights and advice from development industry perspective

Ordinance Feedback Process

We follow this process twice – first for the zoning ordinance and second for the land development code & development standards.

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 City Council, Planning and Zoning Commission, staff, residents 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

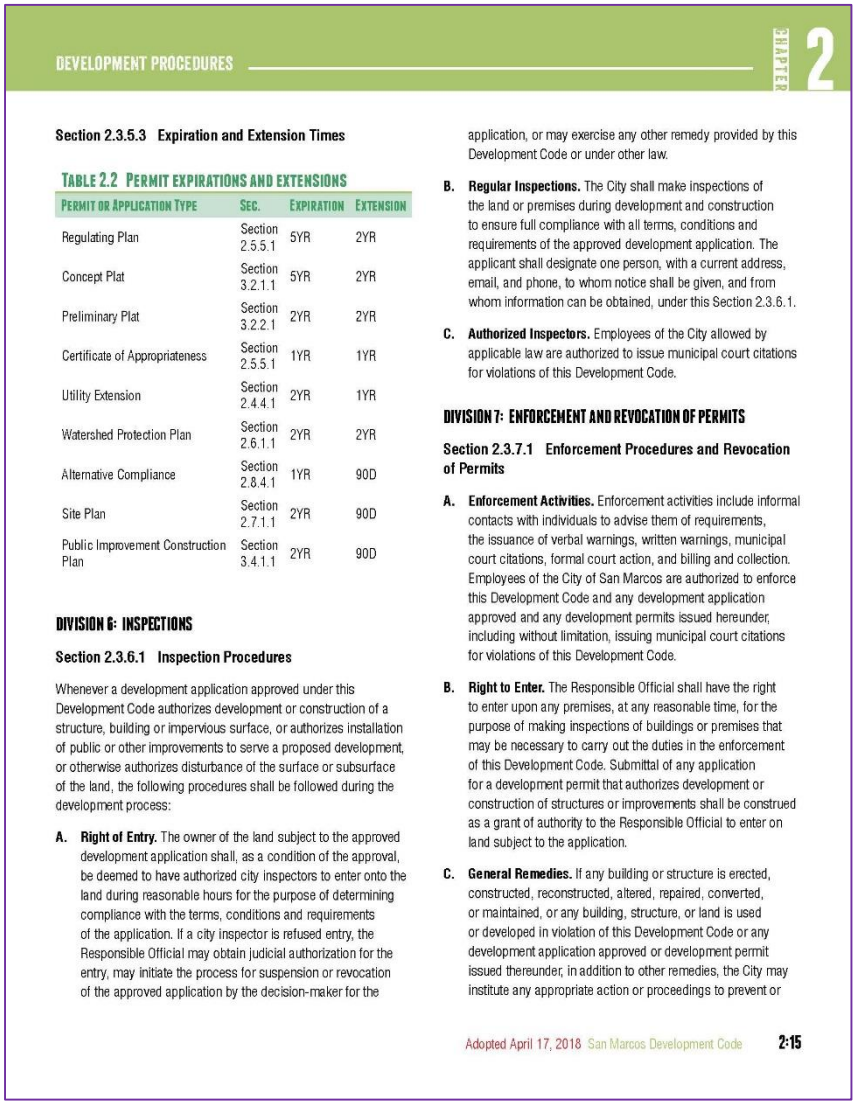
Infill & Redevelopment

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

Highlights of Major Changes

Code Graphic Look and Feel

- Modern design with good, understandable graphics
- Use more charts and illustrations where appropriate



Section 2.3.5.3 Expiration and Extension Times

TABLE 2.2 PERMIT EXPIRATIONS AND EXTENSIONS

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

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
- Includes 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[1]	P	P	P		1:300
Professional and Administrative Offices	P	P	P/S[1]	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

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.

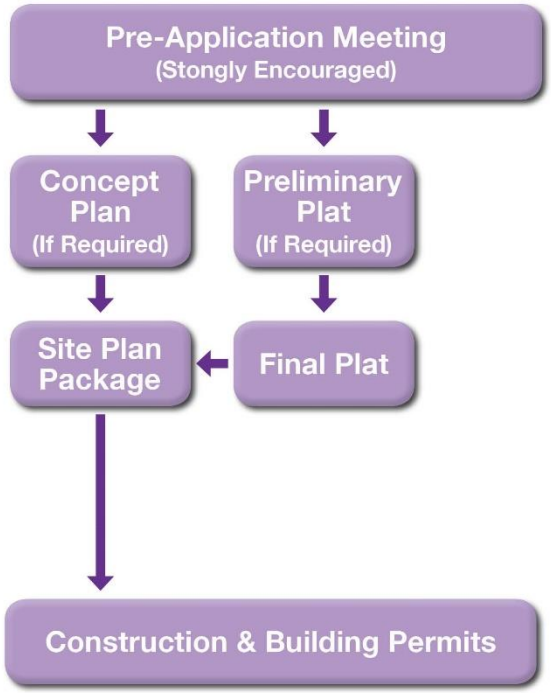
Additional Residential Provisions

- Allow backyard cottages (accessory dwelling units) 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
- Create ability for the market to address demand for smaller houses
  - Decrease minimum house size to 1,000 square feet for small lot single-family and townhouse developments
  - Make it easier for a property owner to rebuild or replace a small, older house

Two-Step Site Plan Process

- Step 1: Concept Plan (less detailed)
- Step 2: Site Development Plan (detailed)
- Adds a step for some projects but allows problems to be worked out in advance of costly final plans

COMMERCIAL & MULTI-FAMILY DEVELOPMENT



Restructuring the Variance Process

- 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

Restructuring the Variance Process

- Approval Authority
  - Variances – Zoning Board of Adjustment

    Examples – height, building setbacks, lot coverage, signs

  - Administrative Modifications – Planning Director or City Engineer
    - Examples – minor parking reductions, driveway spacing, utility locations

  - Alternative Standards – Planning and Zoning Commission and/or City Council
    - Examples – waiver of screening wall, narrower landscaped strip width, fewer trees

Special Use Permits (SUP)

- Special Use Permits are required for uses that may not be appropriate in all locations within a zoning district
  - Examples – automotive uses, flea markets, manufacturing
- SUP has been refocused on the **use** in general and its appropriateness for the property, and not on the particular user or design
- 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

3. Parking

Reduced Minimum Requirements

- The city in general requires too much parking for most uses
- Land now used for big parking lots could be put to a more productive use
- Parking requirements are based on use, not zoning district
- 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

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 building additions up to a certain size 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 exceed110% of minimum required parking
  - If parking over this amount is proposed, must have other design features
    - Use permeable pavement
    - Provide additional landscaping
    - Provide electric vehicle spaces with charging stations
  - Does not apply to structured parking

3. Landscaping & Tree Preservation

Landscaping Requirements

- Increased landscaped strip width for non-residential development
- Only native and adapted drought-tolerant species allowed
- More flexibility in placement and clustering of trees
- Limitations on turf areas to reduce water use
- Reduced number of required trees for new homes
- 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" Diameter at Breast Height to 8" DBH) but reduce exemptions
- All tree species in the city are protected, with the exception of Bois d'Arc, Cottonwood, Hackberry, Chinese Pistache, Junipers, Mesquite, and Callery Pears & cultivars.
- Within floodplains or along channels and creeks, exempted native species are also protected, including Bois d'Arc, Cottonwood, Hackberry, Junipers, and Mesquite but not invasive species.

Tree Preservation by Use

- For new single-family subdivisions, 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
- Developer has to pay a fee if trees are removed and new ones cannot be planted on the property.

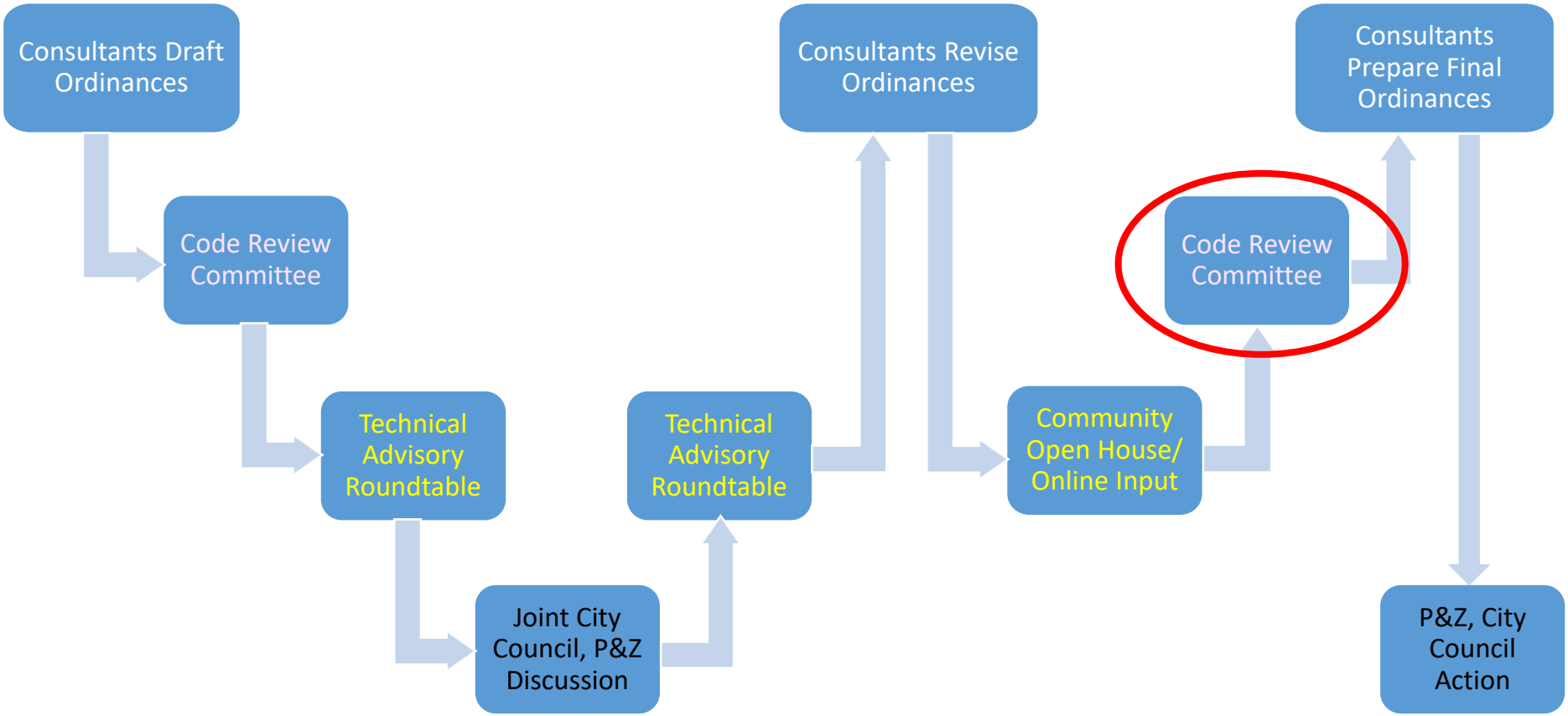
Tree Preservation Incentives

- 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

Next Steps

Zoning Ordinance Feedback Process



Instructions for Session 2

Station Discussions

- Your opportunity to review detailed proposals
- Visit stations based on your interests
- Discuss ideas with staff or consultant team members
- Make comments at stations
- Or write comment on forms & return before you leave
- We adjourn by 8:00 p.m.

Station Topics

- Stations focus on changes that help implement *Lewisville 2025* Big Moves:
  - Extending the Green
  - Old Town
  - Thriving Neighborhoods – Residential
  - New Neighborhood Choices
  - Thriving Neighborhoods – Commercial
  - Employment Centers
  - Use Charts
  - Other Comments

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