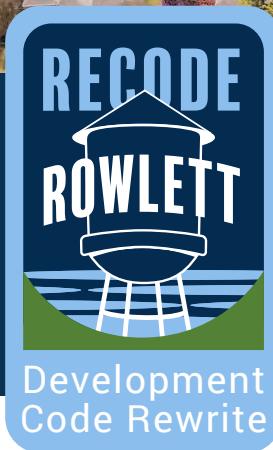
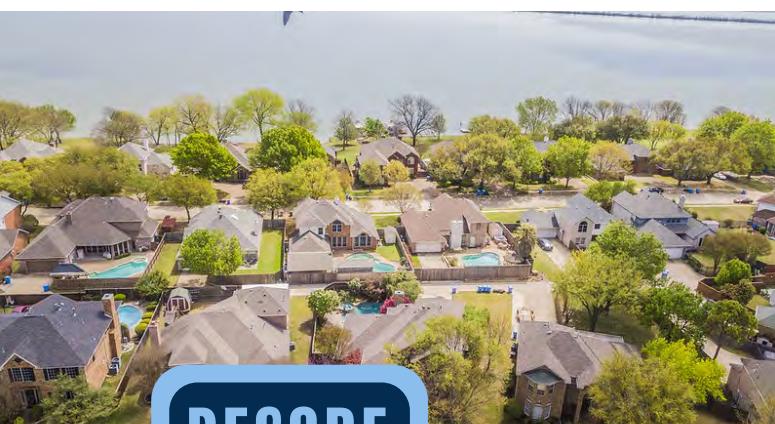


# Development Code Rewrite

ROWLETT, TEXAS

## Development Regulations Assessment



*Rowlett*  
TEXAS  
**CLARION**

**PUBLIC DRAFT**  
March 2023



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# Project Overview and Summary

## The Recode Rowlett Project

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The City of Rowlett has started a review and update of its current zoning and subdivision regulations, which are currently divided into two separate and distinct sets of regulations:

- The Rowlett Development Code (RDC), adopted in 2006, is Chapter 77 of the city's Code of Ordinances and governs the use of most of the land in the City.
- Rowlett's Form-Based Code (FBC), adopted in 2012, regulates the remaining 21 percent of the land.

The project will update and consolidate these ordinances into a new development code ("Code").

The new Code will play an integral role in shaping the form and location of growth of the built environment in Rowlett over the next generation. This consolidated set of regulations will establish an updated and unified list of zoning district and land uses, review and revise the standards for new development throughout the City, streamline and clarify the procedures for review of development applications, and implement the land use goals identified in the *Realize Rowlett*, the City's comprehensive plan adopted in 2011, and *Realize Rowlett's* 2019 update.

## A Growing City with Two Development Codes

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Over the last few decades, Rowlett has transitioned from a largely single-family suburban bedroom community into a city with a mix of housing types, including townhouses and apartments, and a growing commercial and industrial economic base. Since the RDC was adopted in 2006, the City's population has grown by more than 22 percent, from 51,190 to 62,535 residents in 2020. The construction of the Sapphire Bay project, nestled on the City's southeast peninsula bordering Lake Ray Hubbard, among other ongoing projects, will continue to drive the City's growth.



Much of this recent growth has occurred while the City has implemented and maintained two separate development codes. Almost every city in Texas and nationwide uses a single development code that establish regulations for land use, including zoning districts that govern how land can be developed; development standards that regulate site features such as landscaping, parking, and building design; and administrative regulations. Rowlett, by contrast, has two:

- The Rowlett Development Code (RDC), adopted in 2006, is a traditional zoning ordinance that applies regulations to govern allowable uses and site design on land within various zoning districts, but largely does not govern the form and design of buildings.

- The Form-Based Code (FBC), adopted in 2012, establishes a separate set of zoning districts that identify specific allowed building types and set standards for their design, style, and size.

The two sets of regulations are distinct. The FBC regulations do not apply to land in the RDC districts, and while some of the RDC regulations do apply to land in the FBC districts, it is often difficult to determine which RDC regulations are preempted by FBC regulations and which are not. The two codes are organized differently, use different formatting and numbering schemes, and rely on different terminology for similar concepts (for example, opportunities for flexibility in the RDC may be “variances” in the RDC but “warrants” in the FBC). In practice, the Rowlett staff is responsible for enforcing two distinct but related zoning ordinances simultaneously. The system can be challenging to explain to the public and also for staff to administer.

It is not uncommon for codes to have both traditional use-based zoning districts like those in the RDC and also form-based zoning districts like in the FBC. But in almost all circumstances, the traditional elements and form-based elements are combined into one document and share elements such as administrative procedures. It is uncommon for a single jurisdiction to have two completely different codes. **One of Recode Rowlett's key opportunities is to unify these two separate development codes into a single, unified document** that governs all land within the City and includes one clear set of definitions, development application procedures, development standards, and other regulations.

## Project Goals

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Recode Rowlett is intended to result in development regulations that will meet the current and future needs of the City. The project is intended to accomplish several important goals, including:

- Combining the best elements of the RDC and the FBC into a single development code (Code);
- Providing a simpler and more user-friendly set of development regulations;
- Integrating best zoning practices and current trends from Texas and around the nation;
- Encouraging mixed-use development with commercial and residential development;
- Promoting housing options and affordability and high-quality non-residential development while protecting existing neighborhoods; and
- Improving the efficiency and predictability of development review procedures.

The new Code will also implement the goals identified in *Realize Rowlett* and its 2019 update.

## Project Team and Kick-Off

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To assist with the creation of the Code, Rowlett is working with Clarion Associates, a Denver-based land use consulting firm. Clarion brings more than 30 years of experience and perspective from working on code update projects with communities throughout Texas, including the Dallas metroplex, and the nation.

Recode Rowlett began in earnest in August 2022 with a series of meetings with residents and stakeholder groups. This included the first meeting with the project's Stakeholder Advisory Group, formed by the City to provide focused community input throughout the project. The group includes

citizen and neighborhood leaders, nonprofit leaders, development professionals, and members of the Planning & Zoning Commission and the City Council. At this initial set of meetings, other stakeholders were interviewed including City staff who administer and enforce the development regulations, additional citizen and neighborhood leaders, development professionals (developers, engineers, and architects), and members of the City's Senior Advisory Board.

These meetings solicited feedback from a large cross-section of individuals to analyze the existing development regulations. Participants discussed issues such as:

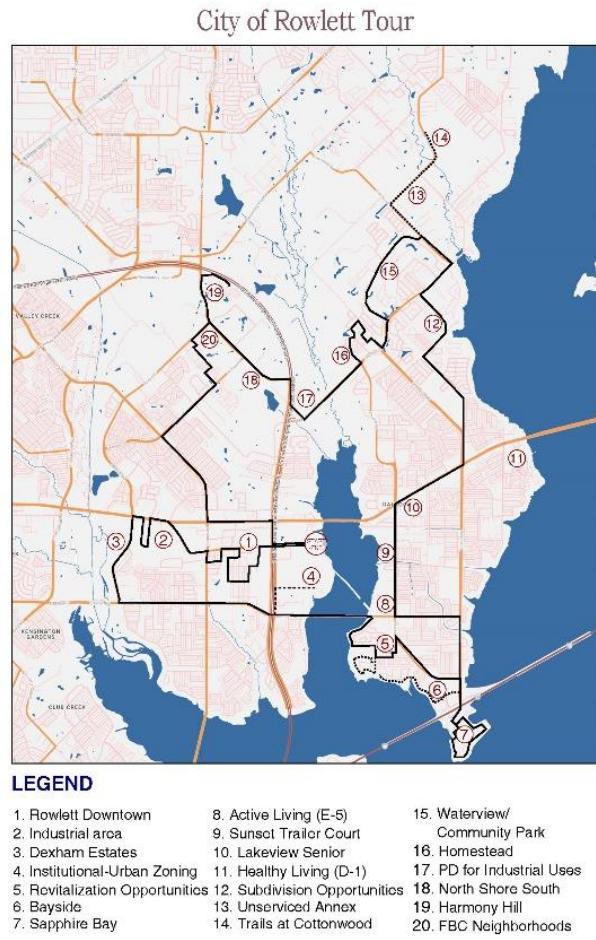
- Elements of the current development regulations (both the RDC and FBC) that work well and should be carried forward;
- Ways in which the development regulations are ineffective or difficult to use, including because of the City's use of two separate development codes;
- Areas of consistency and inconsistency between existing local policies and practices, the adopted plans, and the existing regulatory language; and
- Opportunities to streamline the development review process.

The consulting team also toured the City with staff to observe examples of a variety of development issues first-hand, including established neighborhoods, areas where development is underway such as Sapphire Bay, and recently constructed residential and mixed-use neighborhoods.

In addition to the in-person outreach during the kickoff meeting, Rowlett residents and other interested parties were invited to complete a survey. The survey asked about their experiences working with the development codes, including any suggestions for improvements that should be incorporated into the new regulations, as well as the quality of recent development in the City, to identify possible changes to the City's development standards. A total of 139 people completed all or part of the survey.

The survey included questions asking for written responses, as well as others asking for answers to questions on a five-point scale from "strongly agree" to "strongly disagree." Relevant results and responses from the survey are included throughout this Code Assessment.

Finally, the consulting team reviewed relevant background documents. These include the RDC and the FBC, the *Realize Rowlett* comprehensive plan (adopted 2011, as amended in 2012 and 2014), the 2019 update to *Realize Rowlett*, and recent development applications.



# **Organization of this Report**

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This report discusses the strengths and weaknesses of the current development regulations and is intended to help achieve consensus on the issues to be addressed in the drafting of the new Code. As each community has different goals and objectives, the recommendations are tailored to Rowlett's goals. In our experience, having a clear roadmap ensures that the remainder of the process proceeds smoothly and effectively. This report will be presented and discussed with elected and appointed officials, staff, and stakeholders at meetings in March 2023.

Following this introduction, this report includes the following main sections:

## **Key Areas to Improve the Development Regulations**

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This section identifies major themes that emerged from Clarion's review of the current development regulations and stakeholder feedback. The discussion includes recommendations for how the development regulations should be improved to best address identified concerns. The recommendations are organized into the following categories:

- Create a unified, user-friendly code
- Reconfigure the zoning districts
- Refine the form-based district standards
- Modernize the use regulations
- Improve and tailor development standards
- Update the administrative provisions
- Update the subdivision and design standards
- Revise the nonconformity and enforcement regulations

## **Annotated Outline of a New Code**

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This section presents an outline showing what a new Code would look like if the City elects to move forward with the actions recommended in this report. It also provides a general framework for the new unified code structure and describes the scope and content of each article.

## Summary of Recommendations

The table below summarizes the major recommendations included in the Key Themes to Improve the Development Regulations.

Key Themes to Improve the Development Regulations	
Theme	Recommendation
<b>Create a More User-Friendly Code</b>	
Consolidate Multiple Ordinances	<ul style="list-style-type: none"><li>• Consolidate the development regulations into a single development code (Code) with a logical structure of chapters, headings, and subheadings to organize information.</li><li>• Group similar information to reduce repetition and eliminate any internal inconsistencies.</li><li>• Eliminate duplicative provisions</li></ul>
Add Tables, Illustrations, and Other Graphics	<ul style="list-style-type: none"><li>• Well designed illustrations and other graphics should be included in the Code to make it easier to understand</li><li>• Dynamic headers showing article, section, and subsection on each page;</li><li>• Consistent formatting and location of tables and graphics;</li><li>• Clear and prominent hierarchy of heading titles (using color and/or bold fonts, similar to this Assessment); and</li><li>• Consistent indentation and nested text.</li><li>• Rewrite code with clear and simple language.</li><li>• Update standards to eliminate vague, subjective language.</li></ul>
Reconfigure the Page Layout	<ul style="list-style-type: none"><li>• Consolidate, expand, and update all definitions; eliminate duplication, resolve inconsistencies, and remove standards or regulations from definitions, relocating them to the relevant sections of the Code.</li></ul>
<b>Reconfigure the Zoning Districts</b>	
Develop an Integrated and Unified Zoning District Structure	<ul style="list-style-type: none"><li>• Carry forward and integrate the zoning districts from the RDC and the FBC into the new Code.</li><li>• Integrate the “building type” approach for regulating design into the districts carried over from the RDC.</li><li>• Develop new building types that will better match existing development in the City’s existing neighborhoods developed under the RDC and earlier.</li></ul>
Additional Updates to Zoning Districts	<ul style="list-style-type: none"><li>• Consider adding new Neighborhood Character Districts procedure that can be used to preserve the physical character of unique neighborhoods</li><li>• Eliminate minimum living area requirements to allow more flexibility in residential design.</li><li>• Strengthen the Planned Development standards to improve the quality of development and reduce its excessive use as an alternative to base zoning districts.</li><li>• Develop new small-lot residential districts, or revise existing districts to encourage their use.</li></ul>

## Key Themes to Improve the Development Regulations

Theme	Recommendation
<b>Modernize the Use Regulations</b>	<ul style="list-style-type: none"> <li>• Consolidate the separate use tables in the RDC and FBC.</li> <li>• Add additional housing types, such as cottage homes and buildings with three, four, five, or six dwelling units.</li> <li>• Add standards for new and emerging uses.</li> <li>• Review and update use-specific standards in accordance with best practices and consider whether some uses could change from special use to permitted by right with additional standards.</li> <li>• Consider allowing ADUs in additional districts.</li> <li>• Consider removing minimum living area standards.</li> </ul>
<b>Develop a Unified and Updated Set of Uses and Use Regulations</b>	<ul style="list-style-type: none"> <li>• Calibrate standards to support infill development and redevelopment</li> <li>• Remove barriers and provide incentives for Low Impact Development (LID) stormwater management practices</li> <li>• Update transportation and accessibility standards, including street design</li> <li>• Consolidate relevant provisions from subdivision design standards</li> <li>• Eliminate minimum off-street parking requirements in most of the City, and enhance design standards for parking lots</li> <li>• Clarify and consolidate open space requirements</li> <li>• Enhance the exterior lighting standards</li> <li>• Consider adding more measurable and precise compatibility standards to protect residential neighborhoods from nearby nonresidential, mixed-use, or higher intensity multifamily development</li> </ul>
<b>Improve and Tailor Development Standards</b>	<ul style="list-style-type: none"> <li>• Have a single set of administrative procedures, including applications and review processes, that apply to development throughout the City.</li> <li>• Incorporate the FBC Phased Development Plan procedure throughout the City.</li> <li>• Update and improve the summary table “road map” for procedures.</li> <li>• Update the Planned Development procedure to improve efficiency and predictability.</li> <li>• Reorganize, update, and modernize the subdivision procedures.</li> <li>• Update and consolidate the RDC and FBC development plan and rezoning procedures.</li> <li>• Revise thresholds for administrative review so fewer projects required Planning and Zoning Commission or City Council approval.</li> <li>• Unify and revise the warrant (FBC) and variance (RDC) procedures.</li> </ul>
<b>Update the Administrative Procedures</b>	<ul style="list-style-type: none"> <li>• Integrate the Administrative Procedures</li> <li>• Simplify the Development Procedures</li> </ul>

## Key Themes to Improve the Development Regulations

Theme	Recommendation
<b>Update the Subdivision and Design Standards</b>	
Update and Clarify the Subdivision Regulations and the Design Standards	<ul style="list-style-type: none"><li>• Update design standards in light of best practices.</li><li>• Clarify requirements for smaller subdivisions.</li><li>• Reorganize to clarify surety requirements.</li></ul>

# Key Themes for Improving the Development Regulations

Recommendations for improving Rowlett's current development regulations are organized into the following major areas of improvement, or "themes." These themes present an organized way to discuss the strengths and weaknesses of the current regulations. The themes are listed in the table below and discussed in the following sections.

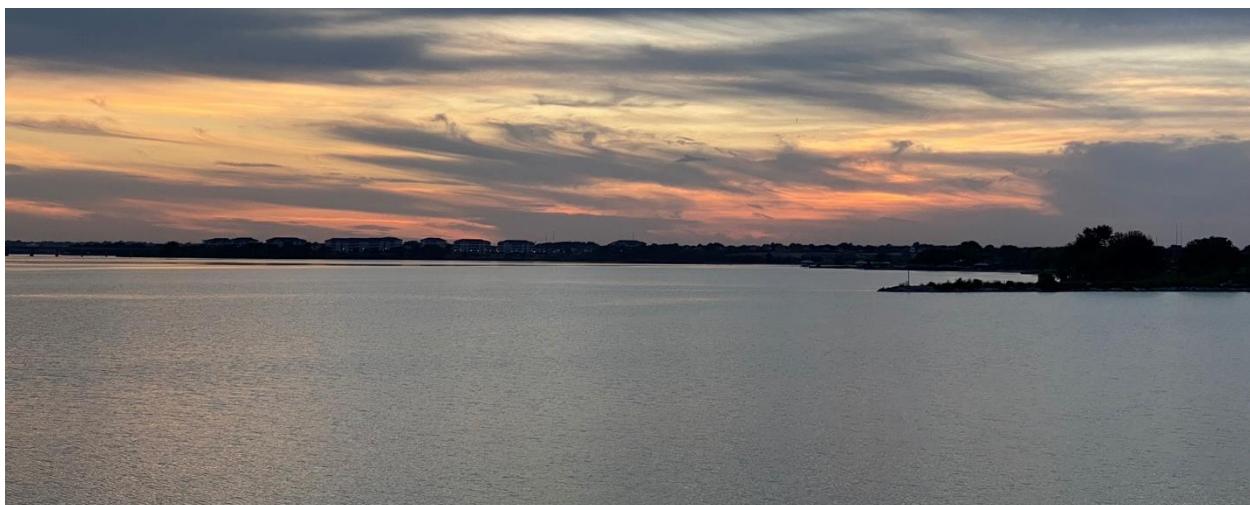
Theme	Page
Create a unified, user-friendly code	11
Reconfigure the zoning districts	17
Modernize the use regulations	35
Improve and tailor development standards	38
Update the administrative provisions	50
Update the subdivision and design standards	58
Revise the nonconformity and enforcement regulations	59

## Create a Unified, User-Friendly Code

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Aside from the substantive issues discussed later in this report, this project provides an opportunity to develop a well-organized, well-illustrated, user-friendly set of regulations that should help improve the efficiency of review processes and help clarify the rules for land development. Stakeholders identified shortcomings in the format and layout of both the RDC and the FBC. For example:

- Some stakeholders noted the lack of graphics in the RDC. And, while summary tables are appreciated, some of them are complex and difficult to understand (for example, the dimensional tables at Tables 4.1-1 and 4.1-2). Overall, the structure of the code can be improved to help individuals understand essential information like the standard steps in the development process and the key characteristics of each zoning district.



- Stakeholders appreciate the FBC's use of graphics to illustrate key concepts, such as form standards and street tree configuration. However, they also stated that the placement of critical information in the appendices, such as the use table and building and site design standards, makes it more difficult to understand what standards apply to particular developments. Moreover, the distinction between standards, for which compliance is required, and guidelines, which are suggestions, was noted to be unclear in practice.

Key recommendations for improving the format and layout of the regulations are discussed below.

## Consolidate the Two Codes

Rowlett uses two development codes, the Rowlett Development Code (RDC) and the Form-Based Code (FBC). This is unusual. Some communities have development codes with both traditional and form-based zoning districts or elements. Other jurisdictions have a standard development code and a separate form-based code that applies to a discrete part of the town, such as a downtown. It is much less common to have two separate development codes that are applied in multiple parts of the city, such as in Rowlett, where nearly 21 percent of the City's land is assigned to one of six different form-based districts.

All stakeholders involved in the development review process reported that the existence of two codes was confusing and makes developing in the City cumbersome. Administration of the development review process is more challenging for staff, who need to divide their effort between two separate development codes with different structures, standards, administrative procedures, and even terminology. For example, a landowner in an RDC zoning district who needs an adjustment to the development standards typically is required to seek a "variance" from the Board of Adjustment, which requires that the applicant meet certain standards, or a "minor adjustment" from the City Council. A landowner in an FBC zoning district, by comparison, can request an adjustment through a "minor warrant" from staff or a "major warrant" through City Council, and different standards apply. This confusion hampers efficient use and administration of the development regulations.

There was no agreement as to which code is "better." Most stakeholders stated that there are elements of both the RDC and FBC that work well and should be carried forward, but no one thought one was clearly superior to the other.

Moving forward, we recommend the best elements of both documents, as well as new material, be consolidated in a new development code (Code)—an entirely new set of development regulations organized to maximize use-friendliness and development efficiency. Provisions from the RDC and FBC that make sense will be incorporated with revisions, as appropriate, and the other recommendations (discussed below) will help the City meet its development goals will be included.



This consolidation will bring together all of the development regulations into a centralized location, making it easier for users to find the relevant regulations that apply to their land. The separate use tables in the RDC and FBC will be replaced with an integrated use table with one set of uses that apply to all land in the City, and the separate definitions will be reviewed and revised so that there is one consistent set of definitions. By consolidating the use tables, definitions, administrative procedures, and other elements of the existing codes, the new Code will reduce repetition and have fewer internal inconsistencies.

### Recommendation

- Consolidate the RDC and FBC into a single development code (Code) with a logical structure of chapters, headings, and subheadings to organize information.
- Group similar information to reduce repetition and eliminate any internal inconsistencies.
- Eliminate duplicative provisions such as administrative procedures and definitions.

## Add Tables, Illustrations, and Other Graphics

Illustrations, flowcharts, and tables should be used frequently throughout the new Code to explain standards and to summarize detailed information. The RDC has no illustrations and flowcharts. Many of the illustrations in the FBC are helpful, and they will be reused where appropriate.

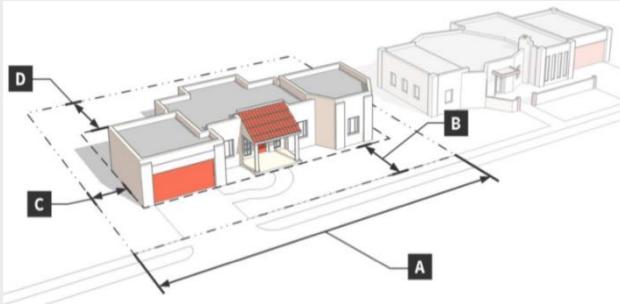
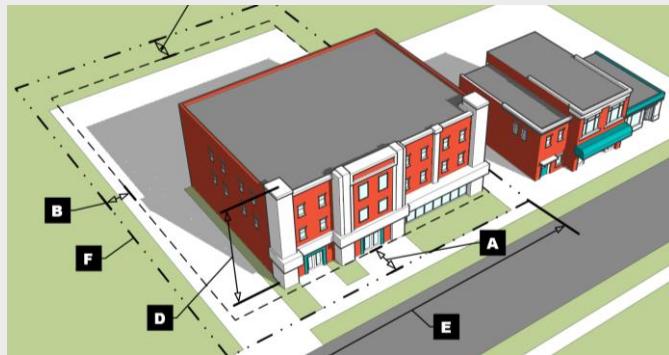
While many tables are included in the current regulations, some are quite complicated and hard to understand; an example that stakeholders pointed out are the lengthy dimensional standards tables in Section 77-401 of the RDC. Similarly, the use table in the FBC (Appendix 1, Section 1.1) uses small text and is difficult to read when printed. There are many ways to make tables easier to understand and use. A use table from a code that

		Residential						Mixed-Use			Indus.		Spec P.		NNA-O			Use-Specific Standards						
		A	R-E	R-19	R-16	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	
Zone District →	Land Use ↓	R = Allowed pursuant to regulating plan																						
		A	R-E	R-19	R-16	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South
Library, Museum, or Cultural Facility									C	P	P	P	P	R		C	C	P	P	P	P	P	Central	
Park		P	P	P	P	P	P	P	P	P	P	P	P	P	R			P		P	P	P	North	
Public Safety Services		C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	R	P	P	P	P	P		
Religious Institution		P	C	C	C	C	P	P	P	P	P	P	P	P	R	P	C	C	P		P	P	7.3.302B	
School, Elementary or Secondary		P	C	C	C	C	C	C	C	C	P	C	P	P	P	R	C	C	C		P	P	7.3.302B	
School, Higher Education		P							C	P	P	P	P	R	P	C	C	C		P	P	P		
<b>COMMERCIAL AND INDUSTRIAL USES</b>																								
<b>Agriculture and Animal-Related Uses</b>																								
Agricultural Production	P														R									
Agricultural Sales and Service	C													P	P	R	C	C						
Animal Care Facility	P													R	C	C								7.3.303A.1

Clarion prepared in another community is shown to the right; it uses color, shading, and other design cues to improve its legibility.

New graphics will be added throughout. Sample graphics from other codes prepared by Clarion are shown below. They are from other communities and included here to illustrate a small range of possible formats. Each community is unique in how extensively they choose to illustrate a code, and the extent of detail that is included in the tables and illustrations. We will work with staff during the drafting process to select a consistent style that works best for Rowlett.

This illustration shows the desired scale and character of a mixed-use zoning district in another community.



Lot Standards		
A	Width (minimum)	145 feet
	Area (minimum)	35,000 sq. ft.
	Density (maximum for new subdivisions) [1]	1 du/acre
Setbacks (minimum)		
B	Front	40 feet
C	Side	20 feet
D	Rear	40 feet
Height		
	Building height	See 2.24.E
Impervious Coverage (maximum)		
	Building coverage	15 percent
	Total coverage	40 percent

These graphics from another community illustrate some of the basic dimensional requirements for a single-family zoning district in another community. Labels (A through D) correlate to a dimensional table that identifies setbacks, height, and lot requirements.



## Recommendation

Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout the new Code.

## Improve the Page Layout

The two current development codes are provided in two different formats. The RDC is hosted on the online platform Municode. While it is common for communities to contract with an online publishing service, the constraints of the online platform can sometimes make it difficult to identify how a specific provision fits in with the overall document hierarchy. These platforms often overly simplify formatting and may also degrade graphic quality.

The FBC is provided on the City's website as a downloadable PDF file. The PDF file does not take full advantage of the format's advantages. In particular, it does not include a clickable table of contents.

While the document includes a table of contents, a user cannot click on an entry to turn to that page, and none of the other cross-references in the document are hyperlinked. In particular, it can be hard to flip between all the sections that relate to specific buildings types and their orientation on the land, including the introductory provisions that list building types (page 21), the architectural standards that apply to the building types (page 61), the dimensional standards that apply to each building type (Appendix 2, pages 8-20—dimensional standards for building types vary by the zoning district), the intent statement and relationship to the street of each building type (Appendix 2, pages 20-37), and the design guidelines that inform building type design (Appendix 3).

The online hosting of a code with a codification service is useful, and we recommend that the new Code be hosted along with the City's other ordinances. Many communities also maintain an editable and formatted digital version, usually as a Microsoft Word or PDF file, accessible via the City's website, with features such as clickable links that make it easier to use.

The new Code will feature a new document layout with automatically updating headers that provide the context (article and section) for a provision, footers, page numbers, and illustrations with captions. The following graphic compares the RDC to an improved layout from another code Clarion has drafted.

**Sec. 77-202. - Residential districts.**

A. General purposes of all residential districts. The residential zoning districts contained in this section are intended to:

1. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards for public health, safety, morals, and general welfare;
2. Allow for a variety of housing types that meet the diverse economic and social needs of residents;
3. Allow mixed-density residential development in certain districts, provided the development maintains or improves the function and appearance of surrounding development and traffic flow;
4. Protect sensitive environmental and cultural resources;
5. Protect the scale and character of existing residential neighborhoods and community character;
6. Ensure adequate light, air, privacy, and open space for each residential dwelling, and protect residents from the harmful effects of excessive noise, glare and light pollution, traffic congestion, and other significant adverse environmental effects;
7. Protect residential areas from commercial and industrial hazards such as fires, explosions, toxic fumes and substances, and other public safety hazards;
8. Facilitate the provision of services, such as utilities, telecommunications technology, and streets and roads to accommodate planned population densities; and
9. Protect residential development from the encroachment of uses that are not appropriate to a residential environment.

B. Specific purposes of individual residential districts.

1. Single-Family Residential District—SF-40. This district is intended to accommodate primarily single-family residential development with a minimum lot area of 40,000 square feet (one-acre).
2. Single-Family Residential District—SF-20. This district is intended to accommodate primarily single-family residential development with a minimum lot area of 20,000 square feet.
3. Single-Family Residential District—SF-15. This district is intended to accommodate primarily single-family residential development with a minimum lot area of 15,000 square feet.
4. Single-Family Residential District—SF-10. This district is intended to accommodate primarily single-family residential development with a minimum lot area of 10,000 square feet.
5. Single-Family Residential District—SF-9. This district is intended to accommodate primarily

**Article 2: Zoning Districts**

2.24 Measurements and Exceptions | 2.24D. Setbacks

**Figure 2-4: Double-Frontage Lots**

**(10) Irregularly Shaped Lots**

a. Generally

Structures on irregularly shaped lots shall comply with the following:

1. Lots with multiple street frontages, except for corner lots, shall be required to comply with front setbacks along each lot line abutting a street.
2. Lots with multiple side and/or rear lot lines not abutting a street shall comply with side setback requirements for all lot lines except that any lot line abutting a street shall comply with the front setback and the lot line farthest from the front lot line shall comply with the rear setback. (See Figure 2-5.)

b. Alternatives Approved by Director

The Director may establish alternative setbacks for properties with irregularly shaped lots based on unique site and/or lot conditions.

**Figure 2-5: Irregularly Shaped Lots**

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A typical page from the RDC (downloaded from Municode) is shown on the left. Compare this to the sample page layout at the right, which illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

One way in which the current development regulations are confusing is the use of distinct and inconsistent hierarchies of regulations. The RDC is Chapter 77 of the City's Code of Ordinances and is organized by subchapter numbers which restart at the hundreds (e.g., Chapter 77-100), with consecutive sections below (e.g., Sections 77-101 and 77-102). However, the RDC's hierarchy is

inconsistent. For example, at Section 77-502C, under Subsection 1 there are five paragraphs labeled i, ii, iii, iv, and v. Under Subsection 2, there are five paragraphs labeled (a), (b), (c), (d), and (e).

Meanwhile, the FBC uses a completely different numbering system, with regulations organized by article (e.g., Article 1), and numbered sections (e.g., Sections 1.1 and 1.2). The Land Use Table, design standards, and architectural design guidelines are included as separate appendices with independently numbered sections, which means there is a Section 2.1 in the main body of the FBC as well as in Appendix 2.

The new Code will have a single, consistent hierarchy that will be easier to understand for all code users.

#### **Recommendations:**

Establish a more attractive and user-friendly page format with:

- Dynamic headers, showing article, section, and subsection on each page;
- Consistent formatting and location of tables and graphics;
- Clear and prominent hierarchy of heading titles (using color and/or bold fonts); and
- Consistent indentation and nested text.

## **Use Clear Language and Define Key Terms**

The use of clear and precise language is just as important as document organization and format. As part of the rewrite, all content will be reviewed to eliminate unnecessarily complicated and legalistic language. Text will also be reviewed and rewritten as necessary to provide greater clarity.

During our interviews, stakeholders mentioned that some of the code standards are vague and do not provide adequate direction to applicants trying to design projects. This creates uncertainty and requires staff to make an excessive number of interpretations. At times, stakeholders reported that they received one interpretation from staff during the planning of a project and a different interpretation when the constructed development was being inspected. Situations such as these, where staff, decision makers, developers, and community members can all interpret the terms differently, should be avoided. The regulations in the existing codes will be reviewed closely and the new Code will use clear, objective language, and measurable standards where possible.

The rewrite also will eliminate redundant information and reconcile any internal inconsistencies. This applies particularly to the overlapping definitions in the FBC and RDC. For example, the terms “block,” “parking structure,” and “open space” are defined differently in the two codes. In the new Code, all key terms should be defined one time, and duplicative, inconsistent, obsolete, or unnecessary (unused) definitions should be removed. Definitions for terms limited by state or federal law should also be reviewed (e.g., housing for disabled persons, school facilities, and manufactured housing).

#### **Recommendations:**

- Rewrite code with clear and simple language.
- Update standards to eliminate vague, subjective language.
- Consolidate, expand, and update all definitions; eliminate duplication, resolve inconsistencies, and remove standards or regulations from definitions, relocating them to the relevant sections of the Code.

# Reconfigure the Zoning Districts

The City's development regulations combined establish 32 zoning districts:

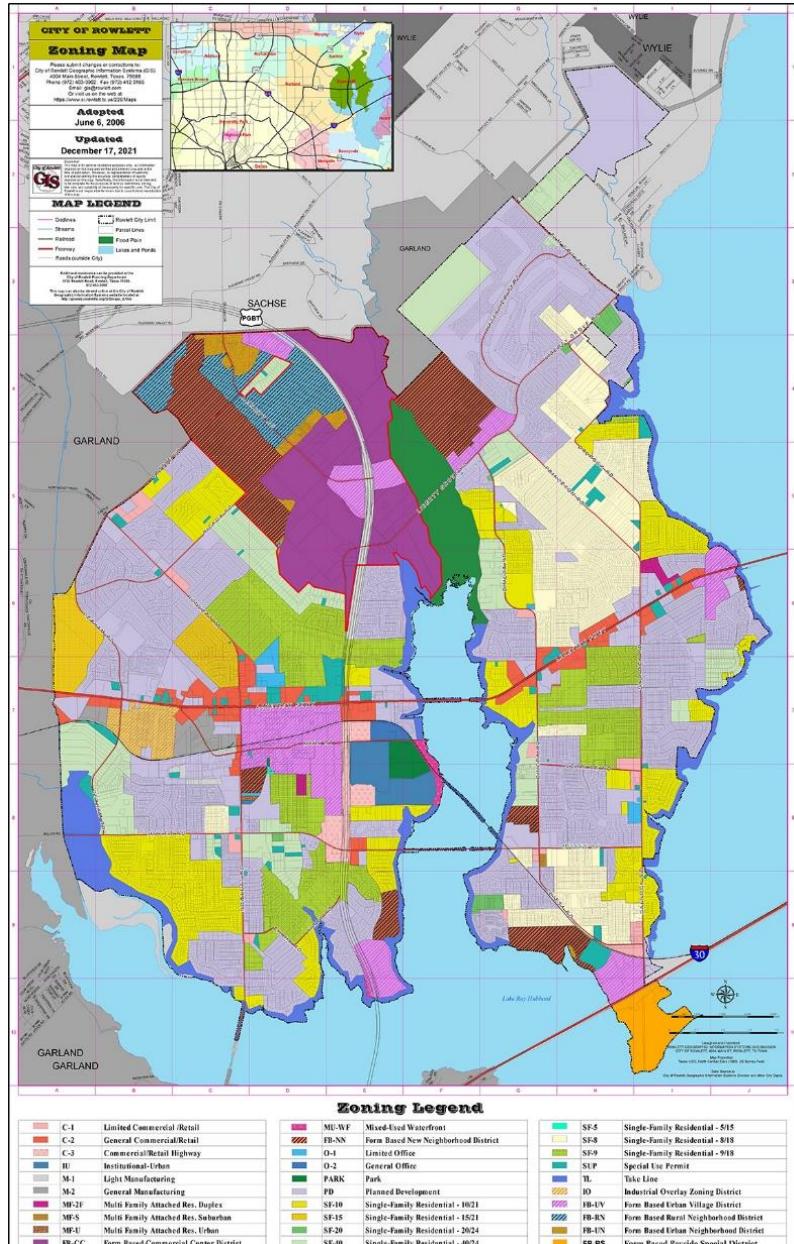
- 14 residential districts (12 in the RDC, 2 in the FBC)
- 8 nonresidential (commercial/industrial) districts (all in the RDC)
- 5 mixed-use districts (one in the RDC, four in the FBC), and
- 5 special districts (all in the RDC).

## Overview of Current Zoning Districts

The table below lists the City's current zoning districts. the traditional districts in the RDC are displayed with a white background, and the form-based districts in the FBC are marked with asterisks and a gray background. The final column identifies the percentage of land in the City and, in parentheses, the number of parcels that are assigned to a particular district or category.

In addition, the Clarion team has assigned each district to one or more of the Future Land Use Categories designated in the 2019 update to the *Realize Rowlett* Comprehensive Plan. The relevant Future Land Use Category (or categories) is shown in the first column of the table. The assignment is based on the intent statements of each district compared to the description of the Future Land Use Categories and is not included in the plan itself. In addition, nearly 30 percent of the land in the City (and almost half of the parcels) has been designated as Planned Development, which is a custom zoning designation that can fit into any of the Future Land Use Categories.

Overall, there are zoning districts that support each of the land-use categories in *Realize Rowlett*.



Current Lineup of Zoning Districts			
Future Land Use Plan Category	District Abbr. [1]	District Name	Pct of City Land (# parcels)
<b>Residential Districts</b>			<b>40.9%</b>
Estate Residential	SF-40	Single-Family District (40,000 sf min. lot size)	7.21% (582)
	SF-20	Single-Family District (20,000 sf min. lot size)	0.37% (29)
Low Density Residential	SF-15	Single-Family District (15,000 sf min. lot size)	1.79% (449)
	SF-10	Single-Family District (10,000 sf min. lot size)	8.24% (2,406)
	SF-9	Single-Family District (9,000 sf min. lot size)	6.87% (1,952)
	SF-8	Single-Family District (8,000 sf min. lot size)	8.42% (3,596)
	SF-7	Single-Family District (7,000 sf min. lot size)	0% (0)
Medium Density Residential	SF-5	Single-Family District (5,000 sf min. lot size)	0.01% (5)
	MF-2F	Duplex District	0.15% (83)
	MF-TH	Townhouse District	0% (0)
Multi-Family Residential	MF-S	Multifamily District	0.03% (3)
	MF-U	Multifamily District / Downtown	0.02% (1)
Medium Density Residential/Multi-Family Residential	FB-NN*	Form-Based Residential District (New Neighborhood)	5.36% (1,284)
	FB-RN*	Form-Based Residential District (Rural Neighborhood)	2.43% (90)
<b>Nonresidential Districts</b>			<b>6.2%</b>
Public/Semi-Public	IU	Institutional District	1.05% (3)
Employment Center	O-2	Office District (General)	0.17% (3)
	O-1	Office District (Limited)	0.37% (12)
Retail/Commercial/Office	C-1	Commercial/Retail District (Limited)	0.76% (49)
	C-2	Commercial/Retail District (General)	2.13% (135)
	C-3	Commercial/Retail District (Highway)	0.96% (6)
Light Industrial	M-1	Light Manufacturing District	0.14% (22)
	M-2	General Manufacturing District	0.62% (37)
<b>Mixed-Use Districts</b>			<b>13.3%</b>
Retail/Commercial/Office	MU-WF	Mixed-Use Waterfront District	0.16% (4)
Mixed Use	FB-CC*	Form-Based Commercial Center District	7.01% (68)
	FB-UV*	Form-Based Urban Village District	4.42% (1,284)
	FB-UN*	Form-Based Urban Neighborhood District	0.77% (89)
	FB-BS* [2]	Form-Based Bayside District	0.91% (92)
<b>Other Districts</b>			<b>39.6%</b>
-	PD	Planned Development District	29.84% (11,057)
-	TL	Take Line District	4.26% (4)

Current Lineup of Zoning Districts			
Future Land Use Plan Category	District Abbr. [1]	District Name	Pct of City Land (# parcels)
-	IO	Industrial Overlay District	0.82% (144)
Parks and Open Space	PARK	Downtown Park	0.39% (5)
-	SUP [3]	Special Use Permit	1.73% (85)
Floodplain <sup>1</sup>		Floodplain lands	2.61% (2)

#### NOTES

- [1] Districts with shading and asterisks are form-based districts established in the FBC.
- [2] FB-BS is applied to land in the Sapphire Bay development. The FBC does not mention the FB-BS district, but it is listed on the City's website and appears to be based on the FB-UV district with several major warrants to accommodate this significant development project. Therefore, it is listed separately here.
- [3] On the City's Official Zoning Map, these are lands zoned to one of the districts in the RDC where the City Council has issued a special use permit in accordance with Section 77-206, Special use permits, of the RDC. The most frequent zoning districts for land classified as SUP are C-2 (27 parcels), SF-40 (10 parcels), PD (9 parcels), Sf-8 (9 parcels), C-1 (6 parcels) and SF-10 (5 parcels).
- [4] The TL district is land adjacent to Lake Ray Hubbard that is owned by the City of Dallas and leased by Rowlett.

## Current Zoning District Lineup

### *Current Residential Districts*

Taken together, the RDC and FBC have 12 districts that are primarily residential in nature. Of those, eight limit uses largely to single-family detached homes (the SF districts), three are intended for duplex and multifamily uses (the MF districts), and one (the Form Based New Neighborhood (FB-NN) district) is intended to accommodate a mix of housing uses.

Several of the SF districts are commonly used. The SF-15, SF-10, SF-9, and SF-8 single-family districts each have hundreds of acres of land assigned to them, with SF-8 being the City's most commonly used base residential zoning classification.<sup>2</sup> These lands are largely developed with single-family development, and from our kickoff meetings we learned there is a general desire to maintain the high quality of these neighborhoods.



<sup>1</sup> Floodplain is not a separate zoning district but is used on the Official Zoning Map to identify lands within the regulatory floodplain.

<sup>2</sup> The number in the zoning abbreviation represents the minimum lot size in thousands of square feet. For example, the SF-15 zoning district has a minimum lot size of 15,000 square feet. The SF districts also include minimum living area requirements. In the SF-15 district, the minimum living area of a dwelling is 2,100 square feet.

There are nearly 800 acres of land (about 7.2 percent of the City) zoned as SF-40. Much of the land is used for purposes other than large-lot single-family development; for example, nearly 137 acres of the land zoned SF-40 is Rowlett Community Park), although there are some single-family residences within the district.

By contrast, three of the SF districts are little used. No land in the City is mapped to the SF-7 district. The SF-20 district is used for only 41 acres of land (less than 0.4 percent of total land). While there are several single-family detached dwellings on land zoned SF-

*Are there specific types of development projects that turned out well? "The first FB code residential development, think it's called Homestead? It provides diverse housing options for various budgets while having a unified theme throughout. I like that all the houses aren't exactly the same but complement each other."*

20, most of the land is vacant. And only about one acre of land, with one house, is zoned to the SF-5 small-lot medium-density residential district. While staff reports most new housing development outside the FB districts is on lot sizes that could be accommodated by the SF-5 district, much of that development occurs in a PD district, which allows developers to modify the standards that would otherwise apply in the base SF-5 district.

There are several base districts designed for multifamily uses but underutilized. The MF-TH (Multifamily Townhouse) district has not been assigned. A total of 2.9 acres of land in three contiguous parcels (one of which is vacant) is zoned to the MF-S district, while one parcel totaling 2.3 acres is zoned MF-U. Meanwhile, there are two areas of town where the MF-2F district is applied, over about 17 acres of land. However, these parcels appear to be occupied by single-family homes, not duplexes.

Significant residential development has occurred in the form-based residential districts. The FB-NN district is assigned to 593 acres of land in the City (5.4 percent). Some of the land in FB-NN district contains newer development that complies with the standards in the FBC, while other land in the FB-NN district, largely near downtown, consists of development that was constructed before the FBC was adopted and may be nonconforming. The FB-RN district is applied to 270 acres of land (2.4 percent) and is largely undeveloped.

### ***Nonresidential (Commercial/Industrial) Districts***

There are eight nonresidential districts in the RDC, none in the FBC. The three commercial districts are applied to land throughout the City, with 84 acres (0.8 percent) zoned to C-1, 236 acres (2.1 percent) zoned to C-2, and 106 acres (1 percent) zoned to C-3. Each district supports commercial uses throughout the City, with C-1 supporting neighborhood-scale shops and C-3 supporting the highest intensity of regional retail along major roadways such as the PGBT.

There are two office districts. The O-1: Limited Office district is applied to five areas of the City constituting about 41 acres of land, most of which is vacant except for a small one-story office building. The O-2: General Office district is applied to two parcels and about 19 acres of land; one of the parcels is used for an electrical substation, while the other is vacant.

There is not a significant amount of industrial zoned land in the city—a total of 85 acres zoned either M-1 or M-2.

Another nonresidential district is the IU institutional district. Most of the land in IU district (116 acres, or 1.1 percent of the City's total) is assigned to Rowlett High School and vacant City-owned land nearby that is being considered for a new municipal center.

### **Mixed-Use Districts**

The City has five mixed-use districts. Two of the four mixed-use districts in the FBC are applied to substantial amounts of land. More than seven percent of the town's land (776 acres) is zoned to the FB-CC: Form-Based Commercial Center district. Most of the land is undeveloped as part of the City's planned North Shore development area near the north end of town, adjacent to the PGBT. The FB-UV: Form-Based Urban Village district is applied to 489 acres of land (4.4 percent of the City's total) and has seen substantial development that is nominally mixed-use, though the majority of the constructed development is residential. An additional 100 acres of land is included in what is called the FB-BS: Form-Based Bayside District, which is applied to the Sapphire Bay development that is under construction, south of the Bayside development.<sup>3</sup>

There is one other FB mixed-use district, FB-UN: Form-Based Urban Neighborhood. About 85 acres of land (0.8 percent) is zoned FB-UN, and all of it is undeveloped. There is only one mixed-use district in the RDC. The MU-WF: Mixed-Use Waterfront district is applied to 17 acres of vacant land that is owned by the City of Dallas adjacent to Lake Ray Hubbard.

### **Planned Development District**

Nearly 30 percent of the City's land, more than 3,300 acres is zoned to a Planned Development district, including residential development (primarily small-lot single-family detached dwellings), institutional uses such as schools, and commercial/industrial uses.

### **Other Zoning Districts**

The City has several other zoning districts that are used for special purposes.

- The TL: Take Line district is applied to the lands that the City leases that are owned by the City of Dallas along the shore of Lake Ray Hubbard. Regulations in the TL district are subject to an interlocal agreement between Rowlett and the City of Dallas.
- The IO: Industrial Overlay district is an overlay district applied to industrial land adjacent to Lakeview Parkway and the Dallas Area Rapid Transit (DART) light rail line and permits commercial or retail uses with special screening and setback requirements.
- The PARK district is applied to Peach Grove Park and a small park near downtown.

## **Analysis of Existing Zoning Districts**

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### ***Different regulations apply to form-based districts and RDC districts***

An overarching project goal is to replace the separate RDC and FBC with one unified set of development regulations. Currently, development is subject to different standards and approval processes depending on whether the land is within one of the RDC zoning districts or is one of the form-based (FB) districts in the FBC.

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<sup>3</sup> While there is no FB-BS district listed in the FBC, City Council agendas and other materials refer to the FB-BS district, which appears to be based on the FB-UV district with several major warrants. For purposes of this assessment, we will treat FB-BS as a separate district.

### RDC vs FBC: Dimensional Standards

Within the RDC, development within a particular zoning district is subject to the dimensional standards in Chapter 400, which generally regulate 1) the minimum size of a developable lot, including its area, width, and depth, 2) how far back from the property line any primary buildings on the site must be established (the required minimum setbacks), 3) how tall a building can be, 4) how much of the lot can be covered by buildings, and 5) for residential structures, the minimum floor area of an individual dwelling unit. See graphic to the right.

By contrast, the form-based zoning districts do not impose general dimensional standards. There are no minimum lot sizes or general setback requirements or general building design standards. Rather, each zoning district permits certain building types.<sup>4</sup> Different regulations apply not in each zoning district but to each building type. Thus, for each building type, there is a minimum and, typically, a maximum lot width, a minimum required lot depth, and required side yards. There are no front or rear setbacks; instead of requiring that buildings be set back a certain distance from a street, the FBC establishes a “build-to” zone marking the minimum and maximum distance from the property line where most of the façade of a building must be located. Residential buildings additionally have a minimum required and, in most cases, a maximum allowable living area. See graphic at the bottom of the page.

### RDC vs FBC: Development and Design Standards

In the RDC, development is subject to the development and design standards in Chapter 500, which establishes requirements such as off-street parking and general landscaping. Commercial and public/institutional buildings (as well as multifamily residential buildings) are subject to general

*Examples of the dimensional standards in Chapter 400 of the RDC. The table below is an excerpt of Table 4.1-1: Dimensional Requirements—Residential Districts in Section 77-401.*

District	Lot Size and Density					Minimum Setback Requirements		
	Max. Density (du/acre)	Min. Lot Area (sq. ft./lot)	Min. Width (ft.)	Min. Depth (ft.)	Max. Lot Coverage (%)	Front (ft.)	Side (ft.)	Rear (ft.)
SF-15	2.9	Dwellings: 15,000 Other Allowed Uses: 21,780	35 street frontage	110, with 35 street frontage	120	30	Note 3 <i>Averaging applies: See Note 1</i>	<i>Minimum setback from all exterior and interior lot lines for</i>
SF-10	4.4	Dwellings: 10,000 Other Allowed Uses: 21,780	35 street frontage	80, with 35 street frontage	110	25	<i>Averaging applies: See Note 1</i>	<i>all buildings other than dwellings: SF-20: 35 SF-15: 30 SF-10: 25</i>

*Examples of building type standards in Appendix 1 of the FBC*

NEW NEIGHBORHOOD	COMMON NAMES	LOT WIDTHS (MIN - MAX) <sup>(1)</sup>	LOT DEPTH (MIN)	SIDE YARD (MIN) <sup>(1)</sup>	BUILD-TO ZONE FRONT STREET <sup>(2)</sup>	BUILD-TO ZONE SIDE STREET <sup>(2)</sup>
CATEGORY 1	Manor	70'+	120'	5' or 3' / 7' split	25' – 30'	10' min.
	Estate	60' – 69'	110'	5' or 3' / 7' split	20' – 30'	10' min.
	Village	50' – 59'	110'	5' or 3' / 7' split	15' – 25'	10' min.
CATEGORY 2	Cottage	40' – 49'	100'	5' or 3' / 7' split	10' – 25'	10' min.
	Casita	25' – 39'	90'	5' or 3' / 7' split	5' – 10'	10' min.

<sup>4</sup> Residential building types include manors, estates, villages, cottages, townhomes (I and II), and mixed residential, while nonresidential building types include shopfront, mixed-use, flex employment and commercial.

building design standards which regulate building materials,<sup>5</sup> building orientation in relationship to a public street, building massing and bulk (requiring wall articulation and clearly defined main entrances, roof design, and color).

Two types of residential buildings are subject to design standards in the RDC. Infill residential development is subject to compatibility standards which ensure that the look of a new residential building is similar to existing structures, while residential development with more than five units is required to provide three different types of façade elevations, is required to be oriented towards the street, and is subject to garage design and location standards.

By contrast, the FBC contains detailed architectural design standards for different building elements that vary based on building types, for example requirements that buildings have varied façades, window design standards, and limits on roof materials. The FBC also includes design guidelines that provide guidance regarding building materials, residential roofing styles and materials, and the use of awnings and canopies, among other project elements. Examples of architectural design standards are provided below.

Though the standards are organized and applied differently in the two codes, in most respects they share similar key characteristics. Both the RDC and FBC regulate where a building can be placed on a site, apply architectural standards to buildings (including their roofs), require site landscaping, and require that mechanical equipment (on a roof or on the ground) be screened from view. Both codes also require that new development projects include privately maintained open space that is open to the public, provide a minimum amount of off-street parking (with exceptions), and include sidewalks on both sides of most streets. In both codes, residential dwellings must be on lots that meet minimum width and depth requirements, must include a minimum floor area, and must comply with material standards.

#### *Examples of architectural standards from the FBC*

##### **2.8.4. Architectural Standards for the following Building Types – Manor, Estate, Village, Cottage, Casita, Multi-Unit House and Townhome I**

###### **a. Facades and Roofs**

1. All buildings will be designed such that no mechanical equipment (HVAC, etc.), except vents and stacks will be visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or roof.
2. Generally, windows will be oriented vertically and utilize distinct frames, materials or colors for window surrounds. Highly reflective and dark glass will not be permitted along a public street, trail or open space.
3. All windows, except in masonry walls, will have casings. Casings (or trim) will not be narrower than 3 ½-inches. Head casings (the top horizontal casing) will be equal to or wider than jamb (or side) casings.

In sum, although the two sets of districts are governed by differently organized sets of regulations, the standards that apply to development in the RDC and the FBC are quite similar, with projects in the FB districts subject to somewhat more rigorous design standards. The table below illustrates these similarities by identifying the types of development characteristics that apply in each code. It is important to note that this table only lists those characteristics where the FBC and RDC are subject to different standards. Regulations in the RDC that apply to the FBC, such as most use-specific standards and regulations governing accessory and temporary uses, are not listed here.

<sup>5</sup> Due to changes in state law since the RDC was drafted, the material regulations in the RDC are likely unenforceable.

Development Characteristics	FBC Districts (FB-New Neighborhood, FB-Urban Village, etc.)	RDC Districts (SF-40, SF-20, SF-10 C-1, C-2, etc.)
<b>Lot Dimensional Standards</b>		
Required front-yard setback	No	Yes
Required front-yard build-to zone	Yes, by building type	No
Required side-yard setback	Yes, by building type	Yes
Required rear-yard setback	Yes, by building type	Yes
Required lot width	Yes, residential building types	Yes, residential districts
Required lot area	No	Yes, residential districts
Required lot depth	Yes, residential building types	Yes, residential districts
<b>Building Standards</b>		
Minimum residential floor area	Yes	Yes
Maximum residential floor area	Yes	No
Features such as porches and bay windows allowed to encroach into required setbacks	Yes	Yes
Residential building material standards	Yes	Yes
Building architectural standards	Yes	Yes
Rooftop mechanical screening requirements	Yes	Yes
Ground-level HVAC screening requirements	Yes	Yes
<b>Site Design</b>		
Public open space requirement	No	Yes
Private open space requirement	Yes	Yes
Street tree requirement	Yes, in most districts	No
Site landscaping	Yes	Yes
Off-street parking location standards	Yes	Yes
Off-street minimum parking standards	Yes	Yes
Off-street minimum parking reductions	Yes	Yes
Bicycle parking requirements	Yes, with some building types	Yes, in some districts
Sidewalk requirement	Yes	Yes
Continuous building frontage requirement	Yes, in FB-UV district	No

### *Extensive use of Planned Development districts*

Nearly 30 percent of the City's land, including nearly half of the parcels, is zoned to a Planned Development (PD) district. That figure understates the popularity of PD zoning because nearly all of the land assigned to a PD district is either developed or is being actively constructed. By contrast, there is substantial vacant land in several of the base zoning districts.

Much of the development in PD districts appears to largely comply with the standards that apply in base RDC zoning districts. For example, there is one site with a "big box" store that could feasibly be developed on land in the C-3 zoning district. Several of the PD districts include single-family detached development on lots that are between 6,000 and 8,500 square feet in area. That type of development theoretically could be accommodated in the RDC's small-lot single-family residential zoning district, SF-5. However, SF-5 and SF-7 are little used in Rowlett, even though rezoning to a PD is a heavier lift than rezoning to a base zoning district.

The fact that most development has occurred in PD districts despite the higher cost of rezoning implies the base districts do not accommodate the type of development that the market is providing, do not adequately buffer new development from existing development, or perhaps do not provide adequate development flexibility.

This excessive reliance on PD districts has several negative impacts. First, it raises the cost of development because of the need to craft specific regulations for each planned development, involving subjective review and negotiation with the Planning and Zoning Commission and City Council. Second, it makes it more difficult to encourage redevelopment or incentivize change over time in a particular area; the existence of the PD district may limit the impact of general changes to the development regulations or changes to a particular site. Third, it reduces certainty for neighboring property owners due to the limitless possibilities available under PDs.

And finally, it makes it much harder to understand the development regulations. Each PD is subject to its own set of standards—in fact, one of the PD districts includes an early version of the FBC. While regulations that apply to all properties in base zoning districts are included in the RDC and FBC, the relevant PD regulations are contained in an individual approval that is hard to find. Changes to generally applicable development regulations may, or may not, affect a PD district. Determining their effects requires a close read of each PD to evaluate which general standards apply and which do not apply.

(Some developers noted that development in Rowlett is more challenging than in other municipalities within the metroplex, and a key reason was because development under the FBC is subject to regulations that are unique and not used in other areas. At the same time, since the FBC was adopted in 2013, the City has seen some significant residential development that has been generally well-accepted by the community, and the under-construction Sapphire Bay development is regulated by the FBC.)

## **Develop an Integrated and Unified Zoning District Structure**

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The use of two sets of zoning districts with different types of development and design standards are contrary to the key goals of Recode Rowlett, which is prioritizing a simpler, easier-to-understand set of development regulations that are more efficient to use and which encourages higher quality development that is sensitive to the character of existing development within the City.

At the outset, it is important to note that the organization of the code and the zoning districts does not compel a particular style or design of development. Both the RDC and FBC include provisions that regulate site design and the form and design of buildings. Modern development in the FBC districts looks different than preexisting RDC development not because the FBC is a form-based code, but because the development standards are different. The goal of this project is to produce a new, user-friendly code that enables the City to meet its land use objectives, and that goal can be reached whether or not the districts in the new code “look” like the FB districts or like the RDC districts.

To better meet the City’s development objectives, it is recommended that the new Code include a restructured set of zoning districts based on the traditional districts in the RDC and that incorporate key elements from the FBC. The key change for the districts is that, unlike in the RDC with its general dimensional standards, each district will permit a defined set of building types. This concept is taken from the FBC, and we believe it will serve as a strong basis for regulating redevelopment and new development throughout Rowlett.

As with the FBC, the specific design standards that apply to property within each district will vary based on the building type on each lot. These include regulations such as maximum building height, minimum and/or maximum distance that a building can be located from the front setback line, minimum and/or maximum side or rear setbacks, available locations for accessory structures such as detached garages, and minimum lot depth and lot width.

**This new district lineup will be supported by a broad set of building types.** The FBC's building types are primarily intended to support new development or wholesale redevelopment of large tracts of land. For those purposes, the limited set of building types included in the FBC is adequate. By contrast, the rest of the City includes many different types of development. This preexisting development was built over many decades and follows many different design trends, and so it generally does not fit neatly into the narrow templates provided by the existing FBC building types. Moreover, the FBC district standards include relatively detailed architectural and design standards. Because the setbacks, architectural details, and other elements of existing non-FBC development in the City do not match the standards in the FBC building types, simply applying those building types City wide would cause significant nonconformities (cases where existing development does not comply with the terms of the new Code). That is why new building types are needed and will be included in the Code. To provide greater flexibility for existing neighborhoods to change consistent with their existing character, we will work with staff to develop additional building types and modify other standards to improve the alignment between the standards and existing development.

This will not be a "one-size-fits-all" Code. The goal is not for the City's existing neighborhoods to change over time so that they look like the new residential and commercial development that is subject to the FBC. Rather, the collection of zoning districts, building types, and development standards will be designed to work together to allow a wide range of development consistent with the land-use goals and objectives identified in *Realize Rowlett* and desired by the City and its residents.

As part of the development of this Diagnostic Report, the Recode Rowlett team considered two other options for restructuring and unifying the RDC and FBC zoning districts and development standards. The first option that was consider was to carry forward both sets of districts in the new Code. The districts would be refined to address some of the concerns identified in this Assessment, but there would not be significant changes to the different types of dimensional, form, and design standards that apply to the two types of zoning districts. With this option, the Code would need to continue to accommodate, and staff and the public would be required to understand and apply, two sets of zoning districts with different types of regulations. This option would not provide the level of simplicity and efficiency as the selected option, and it would be more challenging over time to maintain the code and consistency of development across the City.

The second option was to use more "traditional" districts like in the RDC throughout the City. In this option, the form-based elements would be removed from the FB districts, the existing form and design standards in the RDC would be updated to improve development quality, and special standards SSWS for particular parts of Rowlett where heightened design standards might be desired, such as downtown, the North Shore, or Sapphire Bay. However, it was determined that the use of the building type paradigm would provide higher-quality development while allowing for greater development flexibility in different parts of the City. The table below lists identifies where standards in the Code would be located, compared to where they are located in the RDC and FBC today.

Development Characteristics	Proposed New Code	Current FBC	Current RDC
<b>Lot Dimensional Standards</b>			
Minimum setbacks	By building type	By building type	By zoning district
Build-to-zones	By building type	By building type	By zoning district
Minimum lot area	By building type (with a larger minimum in some districts)	By building type in some districts, general standards in others	By zoning district
<b>Building Standards</b>			
Setback encroachment	Allowed, may vary by building type (with certain exceptions in some districts)	Allowed, may vary by building type	Allowed, may vary by district or certain uses
Building architectural standards	Standards that apply by building type	By building type, with variations in some districts	Standards that apply by use (residential, commercial/industrial)
Street tree requirement	Yes, in some districts	Yes, in some districts	Yes, in some districts
Site landscaping	General standards, with specific standards in some districts	General standards, with specific standards in some districts	General standards, with specific standards in some districts
Off-street parking location standards	Yes, may vary by building type and district	Yes, may vary by building type and district	Yes, may vary by district
<b>Recommendations:</b>			
<ul style="list-style-type: none"> <li>• Carry forward and integrate the zoning districts from the RDC and the FBC into the new Code.</li> <li>• Integrate the “building type” approach for regulating design into the districts carried over from the RDC.</li> <li>• Develop new building types that will better match existing development in the City’s existing neighborhoods developed under the RDC and earlier.</li> </ul>			

## Proposed New Zoning District Lineup

The proposed new zoning district lineup includes a total of 22 districts. There are 16 base zoning districts, including eight residential districts, one institutional district, two commercial districts, two mixed-use districts, one industrial district, one planned development district, and one special district. In addition, there are five overlay districts and one legacy district. Highlights of the changes are discussed below. A table that provides a detailed list of all proposed changes to the zoning districts is included beginning on page 29.

### Residential Zoning Districts

Six of the residential zoning districts in the RDC are proposed to be carried forward in the new Code, renamed for greater consistency with the naming convention in the Code. The SF-40, SF-20, SF-15, SF-10, SF-9, and SF-8 Single-Family Districts become **RSF-1: Residential Single Family 1** through **RSF-6: Residential Single-Family 6**. No substantive changes to the dimensional standards that apply in the districts or the allowed uses are anticipated, except ADUs will be permitted as a special use in the RSF-3 (former SF-15) through RSF-6 (former SF-8) districts with appropriate standards to protect neighborhood integrity. The table on page 29 provides additional detail.

The MF-2F: Duplex district is renamed as the **RD: Residential Duplex district**. One of the residential districts in the FBC, FB-NN: FB Residential (New Neighborhood) will be carried forward as the **RM: Residential Mixed** district and continue to allow a mix of residential uses. Meanwhile, land in the FB-RN: FB Residential (Rural Neighborhood) will be rezoned to the RSF-2 district (which carries forward the SF-20: Single Family District), and the FB-RN district will be deleted. Several other districts are proposed to be deleted, as identified in the table on page 29.

#### ***Institutional Zoning District***

The current IU: Institutional District is carried forward as **IU: Institutional**, with review and updates to the transitional buffer standards to ensure adjacent non-institutional uses are adequately screened from district uses.

#### ***Commercial Zoning Districts***

There are two commercial zoning districts proposed. The C-1: Commercial/Retail District (Limited) is carried forward as the **CL: Commercial Limited** district, while the C-2: Commercial/Retail District (General) and C-3: Commercial/Retail District (Highway) are consolidated into the **CG: Commercial General district**. Among other changes, the two little-used office districts (O-1: Office District (Limited) and O-2: Office District (General)) will be deleted and lands in those districts rezoned to different districts that permits such office uses.

#### ***Mixed-Use Zoning Districts***

There are two mixed-use districts proposed. The first is a new district, **MU-MN: Mixed-Use Middle Neighborhood**. It will be designed to allow a variety of residential uses, supporting buildings with up to six dwelling units (sixplexes), as well as compatible commercial uses. The second is the FB-UV: FB Urban Village district, which is being carried forward as the **MU-UV: Mixed-Use Urban Village** district. Some of the standards that apply in the FB-UV district and are currently applied in areas developed under the FB-UV regulations will be relocated to one of the new overlay districts discussed below.

#### ***Industrial Zoning District***

The two existing industrial districts, M-1: Light Manufacturing District and M-2: General Manufacturing District, are proposed to be consolidated as the **ID: Industrial** district. Heavier industrial uses will require a special use permit, and standards from the IO: Industrial Overlay district will be incorporated (the IO district is not being carried forward).

#### ***Planned Development District***

The **PD: Planned Development** district is proposed to be carried forward with the changes discussed on page 33.

#### ***Overlay Districts***

There are five overlay districts proposed, four of which are intended to support lands that are being rezoned from the FB districts.

Two existing districts in the FBC are proposed to be converted to overlay districts. Land in the FB-BS: FB Bayside district will be rezoned to the MU-UV district, and the new **SB-O: Sapphire Bay Overlay** district will incorporate regulations onto the lands in Sapphire Bay consistent with the area's regulating plan. Likewise, land in the FB-CC: FB Commercial Center district will be rezoned to the MU-UV district, and some of the regulations included in the FB-CC district will be integrated into the new **CC-O: Commercial Center Overlay district** and applied to lands in FB-CC.

Two new overlay districts will accommodate other areas that are currently zoned to FBC districts. The new **DT-O: Downtown Overlay** district will incorporate regulations from the downtown neighborhood plan that are not included in the base district standards. And, the new **NS-O: North Shore Overlay** will apply in the North Shore district certain standards from the FB-UN: FB Urban Neighborhood district, which is not being carried forward.

Finally, the new **NIZ-O: Neighborhood Investment Zone Overlay** district will be applied in limited areas with historic significance to support appropriate development.

### ***Legacy Zoning District***

Finally, there is proposed to be one “legacy” zoning district. A legacy district is a district that is being carried forward so that the regulations will continue to apply to land where the district is assigned, but it is not to be assigned to land elsewhere in the City. The legacy designation is proposed to apply to the MF-S: Multifamily District and MF-U: Multifamily District/Downtown, which will be consolidated into one legacy district.

### ***Table of Proposed Zoning District Changes***

The table below lists the current zoning districts and the proposed new zoning districts. Each row identifies current districts that are proposed to be carried forward into the new Code, current districts that are proposed to be deleted from the new regulations, and new districts that are proposed to be added. The third column discusses the general characteristics of the proposed zoning district.

Current District	Proposed District	Description
<b>Residential Districts</b>		
SF-40: Single-Family District	RSF-1: Residential Single-Family 1	No substantive changes to existing dimensional standards and allowed uses, except allow ADUs by right with appropriate standards to protect neighborhood integrity. Potentially incorporate FB-RN standards while ensuring that the allowed use of land in the SF-40 district is not more restrictive than under current regulations.
SF-20: Single-Family District	RSF-2: Residential Single-Family 2	No substantive changes to existing dimensional standards and allowed uses, except allow ADUs by right with appropriate standards to protect neighborhood integrity. Potentially incorporate FB-RN standards while ensuring that the allowed use of land in the SF-20 district is not more restrictive than under current regulations.
FB-RN*: FB Residential (Rural Neighborhood)	<i>Delete</i>	Lands in this district will be rezoned to RSF-2, and care will be taken to ensure the regulations that apply to former FB-RN lands are no more restrictive than they are currently
SF-15: Single-Family District	RSF-3: Residential Single-Family 3	No substantive changes to existing dimensional standards and allowed uses, except ADUs will be allowed as a special use with appropriate standards to protect neighborhood integrity.

Current District	Proposed District	Description
SF-10: Single-Family District	<b>RSF-4: Residential Single-Family 4</b>	No substantive changes to existing dimensional standards and allowed uses, and a focus on preserving existing affordability. ADUs will be allowed as a special use with appropriate standards to protect neighborhood integrity.
SF-9: Single-Family District	<b>RSF-5: Residential Single-Family 5</b>	No substantive changes to existing dimensional standards and allowed uses, and a focus on preserving existing affordability. ADUs will be allowed as a special use with appropriate standards to protect neighborhood integrity.
SF-8: Single-Family District	<b>RSF-6: Residential Single-Family 6</b>	No substantive changes to existing dimensional standards and allowed uses, and a focus on preserving existing affordability. ADUs will be allowed as a special use with appropriate standards to protect neighborhood integrity.
SF-7: Single-Family District	<b>Delete</b>	This district is not used and can be deleted.
SF-5: Single-Family District	<b>Delete</b>	This district will be eliminated and the limited lands zoned SF-5 will be rezoned by the City to the RSF-5 district.
MF-2F: Duplex District	<b>RD: Residential Duplex</b>	This renames the MF-2F district and will continue to accommodate duplex uses.
MF-TH: Townhouse District	<b>Delete</b>	This district is not used and can be deleted.
FB-NN*: FB Residential (New Neighborhood)	<b>RM: Residential Mixed</b>	Carries forward existing district. Some areas may be rezoned to the MU-MN district.
<b>Institutional Districts</b>		
IU: Institutional District	<b>IU: Institutional</b>	Carry forward, and review buffering standards.
<b>Commercial Districts</b>		
C-1: Commercial/Retail District (Limited)	<b>CL: Commercial Limited</b>	This carries forward and renames the existing C-1 district, which allows limited commercial uses near neighborhoods, and adjusts the standards to encourage more neighborhood-serving commercial development that is compatible with the character of nearby residential uses. It will incorporate low impact development (LID) standards.
C-2: Commercial/Retail District (General)	<b>CG: Commercial General</b>	This combined district will accommodate a wide range of commercial uses, while ensuring allowed uses of land are not more restrictive than in the C-3 district.
C-3: Commercial/Retail District (Highway)		
O-1: Office District (Limited)	<b>Delete</b>	Lands assigned to this little-used district will be rezoned to a commercial district that allows office uses.
O-2: Office District (General)	<b>Delete</b>	Lands assigned to this little-used district will be rezoned to a commercial or mixed-use district that allows office uses.

Current District	Proposed District	Description
<b>Mixed-Use Districts</b>		
<b><u>NEW</u></b>	<b>MU-MN: Mixed-Use Middle Neighborhood</b>	Middle neighborhood will incorporate desirable standards from Form Based districts, which includes the allowance of accessory dwelling units (ADU's), and it will also permit buildings with up to six dwelling units (sixplexes) as well as commercial development of appropriate scale, with a minimum and maximum density. Higher density residential development, including multifamily development is allowed with a special use permit. A SUP is required to develop above maximum density standards, and to incorporate multifamily developments (above six units per structure). Standards will include a required mix of housing types, open space requirements, properly assorted land use mix, low impact development (LID) standards, and architectural character for "curb appeal."
FB-UV*: FB Urban Village District	MU-UV: Mixed Use Urban Village	This district will be carried forward, with certain standards from the FBC (such as land use/housing mix, architectural features, and open spaces that require LID) relocated to one or more of the overlay districts.
FB-UN*: FB Urban Neighborhood District	<b><i>Delete</i></b>	Lands in this district will be rezoned to the MU-UV district.
FB-BS*: FB Bayside District	<b><i>Delete</i></b>	Lands in this district will be rezoned to the MU-UV district.
<b>Industrial Districts</b>		
M-1: Light Manufacturing District	<b>ID: Industrial</b>	The two industrial districts will be consolidated, and heavy industrial uses will require a special use permit. Standards from the Industrial Overlay district will be incorporated as necessary.
M-2: General Manufacturing District		
<b>PD Districts</b>		
PD: Planned Development District	<b>PD: Planned Development</b>	Update as discussed on page 33.
<b>Special Districts</b>		
TL: Take Line District	<b>TL: Take Line</b>	Carried forward, and reference to standards from Take Line Policy may be added.
PARK: Downtown Park	<b><i>Delete</i></b>	Land will be rezoned per staff.
MU-WF: Mixed-Use Waterfront District	<b><i>Delete</i></b>	Land will be rezoned to TL

Current District	Proposed District	Description
<b>Overlay Districts</b>		
<u>New</u>	DT-O: Downtown Overlay	This proposed new overlay district would include any regulations from the downtown framework plan that are not integrated into the underlying base district standards (FB-UV and FB-NN). Low Impact Development (LID) standards will be incorporated.
<u>New</u>	NS-O: North Shore Overlay	This is a new overlay district that will include regulations for the North Shore district and will be designed for consistency with the Tax Increment Reinvestment Zone that applies in the area. It will incorporate certain standards from the former FB-UN district such as land use/housing mix, architectural features like entryways, and open space that require low impact development (LID) standards, as well as requirements from the FBC such as regulating plans and details of major warrants.
FS-BS*: FB Bayside District	SB-O: Sapphire Bay Overlay	This is an overlay district based on the FB-BS district that will be designed for consistency with the regulating plan that applies in the area. Land in the FB-BS district will be rezoned to the MU-UV district.
FB-CC*: FB Commercial Center District	CC-O: Commercial Center Overlay	Existing lands in the FB-CC district will be rezoned to the new UV district and subject to the overlay. The overlay district will incorporate standards from the current FB-CC district such as land use/housing mix, architectural features like entryways, and open space that require low impact development (LID) standards.
<u>New</u>	NIZ-O: Neighborhood Investment Zone Overlay	Incorporate standards to support and incentivize a variety of housing types and limited commercial uses to be applied in eligible areas with historic significance.
IO: Industrial Overlay District	<del>Delete</del>	Appropriate standards will be integrated into the ID district.
<b>Legacy Districts</b>		
MF-S: Multifamily District		
MF-U: Multifamily District / Downtown	LEGACY DISTRICT	Consolidate districts and retain in the new code as a legacy district that cannot be assigned to new lands.

## Additional Updates to Zoning Districts

### *Consider Adding Neighborhood Character Districts*

Rowlett was founded in the 19<sup>th</sup> century and incorporated in 1952. As the City has grown, it has developed residential neighborhoods with unique characteristics that many residents treasure and would like to protect. One option for doing so is through the use of a zoning regulation known as neighborhood character districts (NCDs). NCDs are zoning districts that are applied as an overlay district on a particular neighborhood; because they are overlay districts, their regulations apply in addition to the regular base zoning district. An NCD includes additional standards intended to ensure that new development is in accordance with the character of the existing neighborhood fabric. The specific standards included in an NCD will vary based on the characteristics of a

particular neighborhood, but may include special restrictions on building height, density, setbacks, design, and landscaping, among other site features, compared to what is normally allowed in the base zoning district.

As part of the Code, we suggest including a procedure that would allow the City and its residents, in the future, to establish NCDs as overlay districts in appropriate neighborhoods. We will work with staff to develop a procedure that meets the City needs, which is typically initiated by property owners in a neighborhood through a petition process. If the neighborhood includes characteristics that meet the standards in the ordinance for protection, City staff will then work with the neighborhood to develop an NCD overlay for review and approval by City Council.

### ***Eliminate Minimum Living Area Standards***

All residential districts include requirements that any dwelling on a lot include a minimum amount of floor area. RDC Section 77-401. Several of the building types in the FBC also include maximum floor area standards. FBC Appendix 2, Section 2.1. In the RDC, minimum floor area standards range from 2,400 square feet in the SF-40 and SF-20 districts and 2,200 in the MF-TH district, to 1,500 SF in the SF-5 district and 900 square feet in the MF-2F district. In the MF-U district, apartments need to be at least 700 square feet if with one bedroom, 900 square feet with two bedrooms, 1,200 square feet with three bedrooms, and 1,000 square feet for a loft-style unit. The FBC requires that homes with the “manor” building type include at least 3,800 square feet of living space (with no maximum), while a Casita or Mews home is required to have between 850 and 1,400 square feet of living space.

We suggest that the requirements for a minimum living area in the dwelling unit on each lot be removed. These minimum living area requirements restrict development flexibility and mandate that residents live in a larger home that is more expensive to construct and they maintain than they might otherwise prefer, without providing notable benefits to the community.

### ***Strengthen PD Standards to Improve Development Quality***

Planned development districts are intended to allow large-scale planned development that integrates different land uses and applies alternative development standards to achieve a level of development quality that is not available in the base zoning districts.

The extensive use of planned development districts for simple projects such as single-family housing communities not only shows shortcomings in the base zoning districts, but also suggests that the City's PD district standards lack sufficient rigor. PDs are intended to foster flexibility and innovation. A criterion for their consideration should be to demonstrate superior development elements (design, public amenities) over what would be produced with conventional zoning. However, the current PD standards—both in Section 77-205.A, where the district is established, and in Section 77-805.D, which establishes the procedure for rezoning to a PD district—do not establish any such requirements.

Therefore, we recommend that applicants who desire a rezoning to a planned development district be required to demonstrate how and why their proposed design will benefit the public compared to a project in a conventional zoning district. If there are priorities that the City would like to achieve through the PD process, such as mixed-use development, those could be included in the district standards. We will work with staff to determine which priorities should be included and will refine the planned development review and approval procedure accordingly (see discussion on page 52). The overall goal is to refine the conventional zoning districts to better support the types of development that the community wants, while reserving the PD procedure for truly exceptional projects that cannot be accommodated within the conventional district system.

### ***Develop New Small-Lot Residential Districts That Accommodate Detached Homes, Townhouses, and Duplexes***

Much of the recent residential development that has occurred in the county has been small-lot detached residential development. Some of that has taken place in the FB districts, such as the Bayside development. Others have taken place as part of Planned Development. However, no development has taken place in the City's two small-lot districts, SF-5 and SF-7, and the other medium-density residential districts (MF-2F and MF-TH) are little used.

Based on comments from staff, we think there is an opportunity for a conventional zoning district that accommodates small-lot residential development, including detached homes, duplexes, and townhouses. These characteristics are included in the proposed MU-MN: Mixed Use Middle Neighborhood district discussed above. During drafting of the Code, we will work with staff to determine the dimensional and other development standards that should apply in the zoning district in support of moderately sized housing options.

#### **Recommendations:**

- Consider adding new Neighborhood Character Districts procedure that can be used to preserve the physical character of unique neighborhoods
- Eliminate minimum living area requirements to allow more flexibility in residential design
- Strengthen the Planned Development standards to improve the quality of development and reduce its excessive use as an alternative to base zoning districts
- Develop new small-lot residential districts, or revise existing districts to encourage their use.

## Modernize the Use Regulations

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The identification and organization of what uses are allowed to take place in the different zoning districts is one of the cornerstones of development regulations. A well-organized set of clearly defined uses, in conjunction with a set of thoughtful use-specific standards that regulate activities that may have negative impacts on the surrounding community, provide certainty to landowners and the community about how nearby lands can be used.

The set of use regulations in the RDC and the FBC currently follow several best practices. Each code lists all principal uses in a single consolidated use table, and each is organized into identical three-tier system of use categorizations, use categories, and individual uses. This organizational scheme makes it possible for staff to determine whether unlisted uses are sufficiently similar to listed uses that the same use permissions and standards should apply without the need for an amendment to the regulations. The tabular layout makes clear whether a use is allowed in a particular district by right, permitted with approval of a special use permit (RDC) or major or minor warrant (FBC), or prohibited, and the uses are easy to update and administer. In the RDC, use-specific standards are listed immediately following the use tables, and the use categories and uses themselves are defined in Section 77-1103.

However, a close look at the use regulations shows several deficiencies. Some of the problems are due to inconsistencies that have developed over time due to the use of two development regulations.

- The use lists in the RDC and the FBC are similar, but they are not identical. For example, the FBC contains four “Shopping Center” uses which vary based on the gross floor area of the use. Those uses are not listed in the RDC’s use table, and they are not defined in either set of regulations. There is, however, an identical set of four shopping center uses listed in Table 5.6-1: Off-Street Parking Schedule A in the RDC. “Nail salon” is a listed use in the FBC but not the RDC, where it is included in the use “Barbershop or beauty shop,” which is also included as a use in the FBC. Most notably, the list of residential uses is quite different, with the FBC including building types that are not listed in the RDC such as dwelling, multi-unit home and dwelling, townhome I.
- Along with undefined uses (such as shopping center), there are some uses which are defined but that are not listed in the use table, such as “dry boat storage.” Likewise, there are some similar but overlapping uses in the two codes. For example, “family home (accessory use)” is a defined use in the RDC’s accessory use table for at-home day care. At the same time, “Day care for not more than six children, including the caregiver’s own under-aged children” is another accessory use in the RDC with different permissions than the “family home” use. It is not clear how these day care uses differ. The FBC also includes a use entitled “Home day care, less than 12 enrolled” which also is not defined.
- Home occupations are permitted in the RDC but not defined. In the FBC, home occupations are defined but the authority to operate a home occupation and the standards are included in the definition, which makes it challenging to interpret.
- The FBC does not list accessory uses, and the accessory use table and temporary use tables in the RDC do not list if and where those uses are permitted in FBC districts. This means it is not clear which of those uses are allowed in FBC districts and what use-specific standards apply.

In the new Code, the two sets of use tables will be consolidated. All principal, accessory, or temporary uses will be assigned permissions in each of the updated set of zoning districts. As part of that combination, we will address the discrepancies between the use tables and work closely with staff to identify which similarly named uses should be combined and which should be kept separate. We will review existing use definitions, ensure the uses defined are consistent with the uses in the use table, refine the definitions to address any ambiguities and any conflicts with state law, and add new definitions for uses that are not currently defined.

Where possible, we will revise and update use-specific standards to evaluate whether more thorough standards could allow some uses that are currently only allowed with a special use permit or a warrant to be permitted by right, or to expand the zoning districts in which some uses are allowed (for example, staff suggested allowing some non-disruptive light industrial uses in non-industrial districts).

During our kickoff trip and interviews with staff, stakeholders, and residents, we learned that there was a desire to encourage the development of new housing types that are more dense than the single-family homes and townhouses that are common in the City, but that are not as large as the multistory apartment complexes that have recently been built. Due to the proliferation of large, multifamily apartment buildings, the City recently updated the RDC to require a special use permit for multifamily developments that do not include commercial or retail uses on the first floor. To encourage the development of smaller, multi-unit buildings, we would recommend adding new housing types that provide denser development without the bulk and massing of a large multifamily project. These would include housing types such as triplexes (buildings with three dwelling units), fourplexes (buildings with four dwellings units), fiveplexes, and sixplexes, as well as cottage homes, all of which could be allowed by right with design standards to ensure they are compatible with other small-scale residential uses such as single-family detached homes. Another option would be to allow accessory dwelling units, or ADUs. Also known as "granny flats" or accessory apartments, ADUs are small dwelling units placed on the same lot as a larger principal residence. In some communities, ADUs must be attached to the principal dwelling unit or above a garage, while other communities allow ADUs that are separate structures, subject to certain size and design regulations. ADUs are currently permitted in the FBC and will continue to be permitted in these districts. We will work with staff to identify other districts where ADUs might be appropriate, and the types of regulations that would ensure compatibility with existing development.

Based on our discussions with staff and our review of the regulations, we recommend including several additional uses and updating some of the current use-specific standards:

- Add "small cell" standards for wireless telecommunication facilities.
- Update the standards for manufactured housing parks.
- Evaluate the use of enhanced architectural standards for commercial parking facilities and other similar, bulky uses.
- Consider simplifying the complex outdoor storage, display, and sales accessory use standards.

*"It is critical for the economic development growth of this community to be able to provide "workforce" housing that is affordable to those hard working taxpayers that make under \$60,000 per year. We have priced out our workers, which is a huge negative for companies looking to move into Rowlett."*

- Update and modernize the home occupation standards.
- Include new standards for drone delivery services.

#### **Recommendations:**

- Consolidate the separate use tables in the RDC and FBC.
- Add additional housing types, such as cottage homes and buildings with three, four, five, or six dwelling units.
- Add standards for new and emerging uses.
- Review and update use-specific standards in accordance with best practices and consider whether some uses could change from special use to permitted by right with additional standards.
- Consider allowing ADUs in additional districts.
- Consider removing minimum living area standards.

## Improve and Tailor Development Standards

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Development standards play a critical role not only in ensuring that development include positive aesthetic elements such as attractive site and building design but also making sure that sites are safe and convenient to access.

### Focus on Infill and Redevelopment

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While there are still large tracts of vacant land within the City, much future development will come in the way of infill or redevelopment, and the new Code should be calibrated accordingly. One of the key pieces of feedback we received during our kickoff interviews was that the development standards are oriented towards greenfield development, where large setbacks, buffers, and other requirements can be easily incorporated into a site plan. These standards can hamper or block redevelopment of existing sites, as site constraints can make it difficult to accommodate all the required site elements. Many current development standards were adopted long after the original development of the property and requiring compliance with those standards can deter redevelopment.

In drafting the new Code, particular areas of focus to facilitate infill and redevelopment will include:

- **Revising dimensional requirements.** Some of the dimensional standards are not consistent with the intent of the zoning districts and may hinder efforts to develop properties. For example, in the C-1 district, which is intended for limited commercial services that may be an “integral part of the neighborhood,” the minimum front yard setback is 50 feet. That setback may be appropriate for a commercial use along a multi-lane road, but it is a large setback for a small, neighborhood-serving commercial use. None of the approximately 85 acres of land within the City that is zoned to the C-1 district has been developed with the limited commercial or retail uses that the district intends. This may be due, in part to the large required setbacks. As part of the drafting of the Code, we will adjust setbacks where appropriate to aid in development that is consistent with the district’s intent.
- **Tailor development standards.** For particularly challenging infill lots, both residential and commercial, every inch of the site matters. Once requirements such as parking, loading, and landscaping standards have been met, many infill sites have difficulty making a project “pencil out.” One way to help make development more financially feasible in such situations is to consider tailored standards that differ depending on the development context. This approach may entail applying more permissive standards in redevelopment areas than those that apply for greenfield development, or establishing clear criteria that would waive certain requirements on sites with particular constraints.

### Incorporate Low Impact Development (LID) Standards

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Low impact development (LID) refers to the use of natural materials such as soil and vegetation to help manage stormwater runoff. These measures are used in some projects in place of engineered infrastructure such as pipes, detention ponds, underwater storage systems, engineered channels, and the like, but are more typically used in conjunction with these more traditional stormwater control measures to reduce the amount of heavy infrastructure that is needed.

The use of LID can have substantial benefits. Most LID measures involve the preservation of existing natural areas or development of new areas with grass and other vegetation that are designed to accommodate and mitigate stormwater runoff.

Therefore, incorporating LID standards or incentives can provide stormwater benefits in conjunction with increased natural areas. In some cases, LID measures are cheaper than engineered stormwater solutions, and they can also reduce the amount of infrastructure such as concrete pipes and circulation

systems that need to be built and maintained in perpetuity either by the landowner, a homeowners' association, or the City.



We will address and incorporate LID measures throughout the new Code in several ways. First, we will make sure that the Code's stormwater regulations do not restrict the use of LID for stormwater control where they would be most useful. Second, as we integrate and revise the existing development standards and incorporate new development standards, we will closely review them for provisions that might developers' ability to implement LID solutions. For example, one option may be to explicitly allow the use of LID measures within a required transitional buffer, and to ensure that the vegetation requirements for such a buffer do not block their use.

There may also be opportunities to provide incentives for new development or redevelopment to incorporate LID practices. We will evaluate where appropriate incentives could be incorporated as general standards or in particular base or overlay zoning districts.

## **Integrate and Update Development Standards**

The regulations of the FBC do not apply to development in RDC zoning districts. However, the FBC states that the RDC regulations are in "full force and effect to the extent not in conflict with" the FBC, and that any provision in the FBC that conflicts "will govern and control." Section 1.3.4. Similarly, with respect to the City's other ordinances, it states those are applicable "except where that would contract the intent stated in Article 1.2" of the FBC. Section 1.3.3. Article 1.2 of the FBC includes 33 separate intent statements in five different categories—General; The City; The Community; Streets, Blocks and Buildings; and Unique Sites and Conditions.

It is appropriate to use statements of intent in rare circumstances to interpret textual ambiguities in the context of a specific development application. But intent statements should not be used with regularity or to contradict the plain text of an ordinance adopted by the City Council. By elevating general statements of intent over specific regulatory requirements, the FBC injects uncertainty into the development process. Planning staff reported that a lack of clarity in the FBC itself was also a significant problem and that the general intent statements play too large in resolving the many ambiguities in the FBC during the development review process.

Here's one example from the current codes. Section 77-506 of the RDC establishes comprehensive off-street parking and loading standards, and includes various options for an applicant to reduce the amount of required off-street parking. One way is through the use of off-site parking. The off-site parking must be within 600 feet of an entrance to the use and connected by a pedestrian walkway. Meanwhile, Article 3 of the FBC includes a separate set of parking and accessibility requirements, with several options for reducing the minimum requirements. However, the use of off-site parking is not mentioned. Does the fact that the FBC has regulations governing minimum parking requirements—and options to reduce those requirements—mean that the RDC reduction options are not available? Or because the FBC does not mention off-site parking, are the RDC provisions therefore “not in conflict” with the FBC and parking reductions for off-site parking should be available in FB districts? The development regulations do not provide an answer.

One way to address this problem is to make sure that language in the Code is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. Although some regulations do not lend themselves to exact metrics, the use of numerical ranges and elimination of general or aspirational language can generate greater certainty about what is required by a regulation. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

This increased consistency and certainty can help make the development review process more efficient. During the project kickoff, developers reported that compared to other communities in the Dallas area, the City typically requires applicants to submit more detail about a project at the earliest stages of a development project. This increases the cost of development at a point when approval is far from assured.

These heightened submission requirements may be due to a lack of precision in the development standards.

Because the development standards are vague and do not provide adequate certainty about the potential impact of a development project, staff, the Planning and Zoning Commission, and City Council will ask for additional project-specific information to evaluate possible impacts. One way to address concerns about project impacts is to craft more precise development standards. During the preparation of the Code, all procedures, standards, and other regulatory language will be reviewed and, where appropriate, modified with clear, precise, consistent, and measurable standards, as appropriate, consistent with the City's planning and development goals. Special effort will be made to make sure provisions are easy to understand for users.

In addition, the preparation of the Code will mark the first time that the separate set of regulations in the RDC and the FBC will be comprehensively reviewed and fully integrated. The Code will include a single set of development regulations and will clearly state where each standard applies. Deviations that may apply to certain types of development or in particular contexts will be made clear. Some of these modifications may be included in the general development standards (such as transitional buffer requirements that vary based on use and adjacent property), while others may be included in the zoning district definitions. In either case, it will be clear when general standards are superseded by more specific regulations.



An additional way to streamline the updated regulations is to remove highly technical details and place them on the City's website or in an administrative manual, with clear instructions to users on where to find the materials. These types of detailed engineering specifications and construction requirements are typically not part of the review of a project for subdivision or zoning compliance and make development regulations harder to read. An example in the RDC are the engineering design standards for storm drainage facilities in Section 77-502E of the RDC. We recommend that these types of standards not be included in the new Code.

Our review of the development regulations and input from staff and stakeholders identified specific changes to the substantive development standards that should be considered in the new Code, as discussed below:<sup>6</sup>

### ***Update Transportation and Access Standards***

Regulations that govern the design of transportation facilities for new development and redevelopment are contained in multiple locations in the current development regulations. Chapter 77-600, the subdivision and land development standards, includes street, alley, block, and lot design standards, identifies required dedications and land reservations, and includes standards for private street developments.

These standards are augmented, in the RDC, by the transportation and access standards in Section 77-505. These regulations build on some of the subdivision design standards<sup>7</sup> and add additional detailed street design standards. Meanwhile, the FBC contains separate design standards for each zoning district. For example, in the FB-NN district, average block length is 700 feet, and blocks longer than 700 feet are required to have a mid-block bicycle/pedestrian crossing, while in the FB-UV district, block faces must not exceed 400 feet (except by a minor warrant) and the average block face shall be between 250 and 300 feet. The FBC's Appendix also includes a set of street typologies and designs which establish right-of-way width, lane width, and requirements for bike lanes, sidewalks, planting strips, and street trees.

We recommended that the updated regulations include an integrated set of regulations that include all criteria relevant to the development of transportation facilities and access to and within development. These standards should be placed along with the other development standards, not the subdivision standards, because in many cases they apply to land development that does not involve platting. Cross-references to the relevant standards will be added in the subdivision design regulations.

We expect that different zoning districts will include different requirements regarding certain standards such as, for example, block length and right-of-way width. We will work with staff to determine how to incorporate those alternatives into the updated regulations in a user-friendly fashion.

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<sup>6</sup> House Bill 2439, adopted in 2019, restricts local governments from regulating building materials or methods of construction, allowing the use of materials and methods approved in the International Building Code. See Ch. 3000, TLGC. During development of the new Code, we will identify changes that need to be made to comply with the law.

<sup>7</sup> For example, Section 77-505E.2(f) establishes that cul-de-sacs should be used only where relevant factors make a full vehicular connection impractical. Section 77-603C.6 establishes the maximum length of cul-de-sacs and other design standards.

Based on our review of the standards and our discussions at the kickoff meeting, we recommend the following substantive changes to the City's transportation and access standards:

- **Reevaluate requirements for alleys.** The subdivision regulations require alleys in all new residential development (Section 77-603.D). Alleys improve the form of residential development and the walking environment by placing vehicular access points to the rear of properties and provide a dedicated area for service delivery such as garbage pickup. However, they also increase maintenance costs and may increase the amount of land dedicated to paved surfaces. The City may consider not requiring alleys in some types of new residential development.
- **Revise cul-de-sac standards.** Cul-de-sacs are generally permitted throughout the City. However, excessive use of cul-de-sacs can hamper efforts to provide a high level of accessibility and connectivity in residential neighborhoods, especially for people who are traveling by walking or rolling. The City should consider limiting the use of cul-de-sacs to only those circumstances where topography or other factors make it the only practical option. In addition, we learned that the current standards are unclear about the required paved width of the closed end of a cul-de-sac, which impacts emergency access. We will work with public works to ensure those standards are unambiguous.
- **Add standards for use of roundabouts.** Roundabouts are circular intersections; a vehicle yields at the intersection to cars that are already in the roundabout, turns right to enter the roundabout, and turns right again at the desired exit. Roundabouts help to slow traffic, improve vehicle flow, and reduce congestion. They are often used near entries to residential neighborhoods and in other locations instead of a four-way stop or similar treatment. We recommend that the standards identify the appropriate uses of roundabouts and reference design standards from the City.
- **Update road cross-sections.** During the kickoff meeting, we learned that the current FBC standards do not always provide adequate emergency access or sufficient maneuverability for vehicles such as garbage trucks. As part of the update, we suggest closely coordinating with the City's Emergency Management Services and other relevant departments to make sure that the specifications in the updated Code adequately support these critical public services.

### ***Eliminate Minimum Off-Street Parking Requirements***

Historically, most zoning ordinances have required that every use on every lot provide a certain amount of car parking spaces. These regulations are designed to ensure that each use provides adequate parking to accommodate the demand for parking that it will generate. The City's current standards are aligned with this traditional approach. These include minimum parking standards that are calculated using the same set of uses included in the consolidated use table and multiple opportunities to reduce the amount of off-street parking required to be provided on a development site through shared parking, off-site parking, on-street parking, and district parking.

More recently, many local governments have taken a close look at the parking requirements in their development regulations and asked themselves

*"Commercial developments except in the central business district may have too much parking. I rarely see a packed parking lot at any of the big box stores."*

whether these prescriptive requirements were necessary. Increasingly, they have said no. Many cities have eliminated minimum parking requirements from their code. These are not just major

cities with large public transit systems or coastal cities, but range from Buffalo, New York and Raleigh, North Carolina to Fayetteville, Arkansas and Culver City, California. We are not aware that any cities that have eliminated minimum parking requirements have subsequently reversed the decision, and restored minimum parking requirements into their codes.

Minimum parking standards can get in the way of development that the community wants to see. Building parking is expensive. In the Dallas region, the cost to build a single parking space in a structured parking deck (parking garage) is more than \$20,000, and even more if it is underground. Surface parking is less expensive, but each parking space represents additional impervious surface that increases the risk of flooding and requires additional, often expensive, stormwater control measures. Every dollar spent on providing parking—often in excess of what is actually required at a site—is paid for by a home purchaser or renter, an office tenant or customer.

During our kickoff trip, stakeholders indicated that parking requirements near downtown were hampering efforts to bring new businesses to the area, due to the challenges integrating additional parking into the historic downtown. Elsewhere in town, parking requirements can get in the way of adaptive reuse or rehabilitation of existing structures, which may not be built on lots large enough to accommodate the parking required by modern zoning ordinances.

The recommendation to eliminate minimum parking requirements does not mean there will be no place to park a car. Because automobiles are and will continue to be the main mode of transportation in Rowlett and throughout the region, developers will continue to provide parking. A new multifamily apartment building with retail on the ground floor that wants to attract a broad range of potential customers and residents will need to provide them parking spaces, and an office building will need to promise potential tenants that they will have a place to park. Moreover, banks and other lenders who finance new development typically insist on a certain amount of parking so they can be assured of a return on their investment.

Instead of being dictated by regulations in the Code, the market will decide how much parking is required. The developers who work in Rowlett have extensive experience calculating the parking demand their uses will generate, and they can determine the amount of parking that is right for their development given its context, which may vary significantly. Their incentives are generally aligned with the City's—they need to provide enough parking to attract and accommodate residents, tenants, and visitors, but not more than needed because that increases the cost of development and may require additional stormwater measures. This careful, site-by-site evaluation is more effective than the establishment of broad zones of parking minimums which often do not reflect actual parking demand.

Eliminating minimum parking requirements will also increase the efficiency of the development review process. Currently, staff reviews development parking to ensure required parking is provided, and evaluates applications for reductions of parking requirements based on eligible criteria for parking reductions. This can be a time-consuming process, particularly if and when staff has limited time to review an application, and ends up providing little benefit to the community.

## **Enhance Off-Street Parking Standards**

The updated Code should continue to include standards that regulate the design of off-street parking where it is provided. These regulations ensure the parking facilities are designed for safe access and help protect pedestrians and bicyclists around and on the site by reducing conflicts and using thoughtful design.

The off-street parking and loading standards in the RDC, located in Section 77-506, include basic design and dimensional standards that are consistent with best practices. The FBC contains its own off-street parking standards. Parking spaces for uses other than single-family residences are generally required to be placed behind buildings, although minor warrants are available to permit parking in front of retail or commercial uses on a strip street adjacent to a major arterial, or if placing parking behind the building is impractical.

The FBC includes enhanced bicycle parking standards, with one bicycle parking space required for each 15 automobile parking spaces, as well as bicycle parking design and location standards.

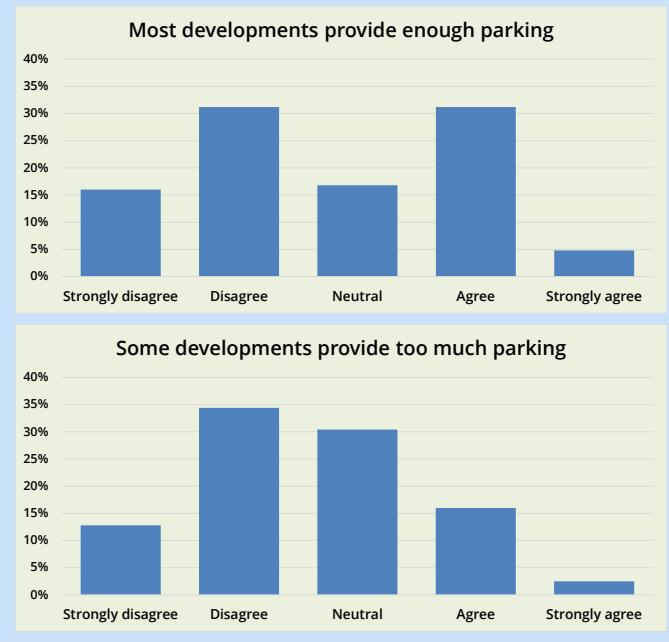
There does not appear to be any good reason to have separate off-street parking regulations for the RDC and

the FBC districts, and so we propose to consolidate them into one section in the Code. To the extent there are good reasons for different standards—for example, if parking location requirements should be different in different zoning districts—those will be incorporated in appropriate parts of the updated regulations.

Along with these updates, we suggest the following revisions to the off-street parking standards:

- **Build on maximum parking requirements to improve flood resilience.** The RDC limits the amount of parking that a use may provide to 125 percent of the minimum parking requirements, and an applicant may request an increase in the maximum by demonstrating that the proposed nonresidential use would not be economically viable without additional parking. An important reason to reduce parking requirements and cap the supply of parking on a development is to reduce the amount of impervious surface. Excess impervious surface increases stormwater runoff, reduces water quality, and increases the risk of flooding. We recommend that the Code include new maximum parking standards (as the current percentage metric will not work without minimum parking standards). One option might be to adjust the maximum parking requirements and require that any parking above a certain

*Two of the questions in the kickoff survey addressed parking—whether most developments provide enough parking, and whether some developments provide too much parking. Most respondents did not think excess parking was a big problem, but they were split as to whether the current regulations provided enough parking.*



amount only be allowed if pervious surfacing is used, such as permeable pavement, turf grids, or, for areas only occasionally used for parking, gravel, or grass.

- **Consider guest parking requirements in certain development projects.** Several of the residential and mixed-use FB districts include homes with minimal setbacks and driveways that are too short to accommodate full-sized cars. We learned from staff and fire officials that this increases the demand for parking onto the narrow roads within the FB districts, which may cause problems for emergency vehicle access. One way to address this issue is to require that larger residential developments provide a number of designated guest parking spaces calculated as a percentage of dwelling units included in the development.
- **Enhance and coordinate parking area design.** Where parking lots are required, they should be designed to be attractive and safe, and provide shade during hot Texas summers. While the current development regulations already require parking lots to be landscaped within the interior as well as around the perimeter, those standards can be enhanced and coordinated with other site design features (such as pedestrian accessways and required streetscaping). In addition, pedestrian walkways should be provided within the parking area and from the adjacent roadway/sidewalk through the parking area to the building entrance to encourage pedestrian activity and for safety.
- **Consider parking location requirements.** The location of parking relative to the street should be considered in more areas of the City. We recommend establishing objective standards for how much parking (if any) may be located in front of a building in pedestrian-oriented areas, such as the mixed-use districts and the downtown. The standard should vary based on the type and location of development. For example, in retail centers and along major corridors, at least 70 percent of required parking might be required behind or to the sides of a building to bring the building closer to the street and create a more pedestrian-friendly environment. When parking is strategically located on a site to reduce its presence from the street, equally important measures should be taken to ensure sufficient signage and wayfinding is available for motorists to know where parking is available. Where parking adjacent to the street is permitted, requirements for landscaping and buffering can reduce its visual prominence and provide a safety buffer between cars and abutting sidewalks.
- **Update off-street residential parking dimensional standards.** The FBC requires that garages serving residential uses be set back between 7-9 feet or at least 17 feet from an alley access. However, at our kickoff meeting, stakeholders reported that some driveways are not long enough to accommodate larger cars, which extend into the right-of-way. This is an issue that can be addressed in the updated regulations.
- **Evaluate bicycle parking requirements.** In the RDC, bicycle parking is only required in the “downtown districts.”<sup>8</sup> We will review the bicycle parking requirements in evaluate whether the bicycle parking requirements should be adjusted or expanded, for example for

*“I think handicapped parking is always up to code, but with the building designs, for some buildings, it’s still a difficult thing to get from a parking lot across a throughway to the curb of the store in question.”*

<sup>8</sup> This may be a reference to the MU-DT, MU-TR, and MU-TS districts, which are listed as “downtown” in Section 77-510, Exterior lighting. However, those districts are not defined in the RDC, and we assume they no longer exist.

multifamily residential uses in the RDC (currently there are no bicycle parking requirements for residential uses in the RDC) or in certain locations in the city. In addition, with the increased popularity of bicycles and the growth of electric bicycles, there is increased demand for more secure and weather-protected bicycle parking such as interior bicycle storage and bike lockers. The City may consider requiring these types of higher-quality bicycle parking facilities in appropriate locations.

- **Carry forward vehicle stacking and off-street loading requirements.** Vehicle stacking regulations are designed to ensure that there is adequate space at the entrance of a parking lot, or at a drive-through or drop-off use like a drive-through restaurant or car wash, so that cars can wait on site for their turn and not block traffic. The RDC contains vehicle stacking standards and we propose to include them in the new Code, with updates for best practices. The RDC also requires certain developments to have off-street loading berths, and we will update and refine those standards as well.

### ***Clarify and Consolidate Open Space Requirements***

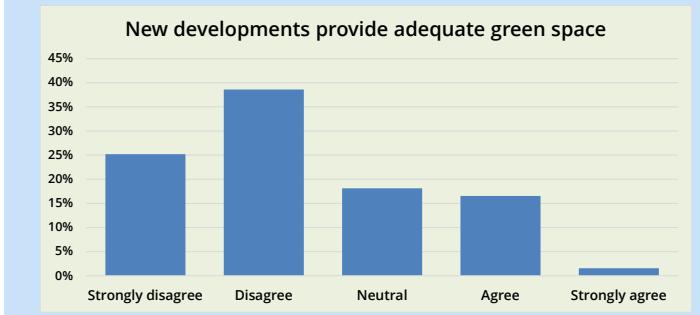
The City has separate open space requirements that apply in the RDC and the FBC.

Development in the RDC is required to dedicate two types of open space. The first is public open space. Residential development must dedicate land to the City to accommodate the park, trail, and open space demand that the project will generate. The land is required to comply with the requirements of the parks and recreation master plan, and significant natural resources such as wetlands, flood hazard areas, and lakes and rivers are given priority for land dedication. The RDC does not establish standards for the size of the required open space dedication, and the applicant may pay a fee-in-lieu with the City's consent.

Residential development of 25 lots or more are also required to provide private common open space available for resident use.<sup>9</sup> As with the public open space requirement there are no standards about the size of the private common area, and, unlike the public open space requirements, fee-in-lieu payments are prohibited.

Open space requirements are established by district in the FBC. In the FB-NN and FB-UN districts, 14 percent of the project area is required to be set aside as public open space, with a reduction to ten percent permitted as a major warrant based on the quality of open space. Buildings are required to face the open space, and at least 80 percent of building lots must be within 800 feet of open space. Similar requirements apply in the FB-UV district, except the requirement is 10 percent of the project area, and the open space requirement may be met through a fee-in-lieu

*Most poll respondents thought the City should increase the requirements for new developments to provide open space.*



<sup>9</sup> The purpose statement for the regulations (Section 77-503.C.1) states that the private open space is intended for "the exclusive use and enjoyment of a development's residents, employees, or users," but the regulations apply only to residential subdivisions.

payment based on a complex formula. In FB-CC, ten percent of the project area is required to be set aside as public open space, with a fee-in-lieu alternative.

At the kickoff meetings, there was general agreement that while the current regulations generally work well, the updated Code should include a unified set of open-space regulations that include the following characteristics:

- **Establish minimum open space set-aside standards in all districts.** The RDC allows the director of Parks and Recreation to determine the amount of public open space that a development is required to provide, while the Director of Planning decides the amount of private open space that is required. This creates uncertainty and delegates substantial, unbounded discretion to administrative staff. We recommend that minimum open space standards be established in all zoning districts. As in the FBC, we recommend that the required amount of open space be established as a percentage of the development's land area, and it may vary based on the project's zoning district and whether it is a residential, commercial, or industrial use.
- **Provide additional design guidance for development throughout the City.** For each FB district, the FBC includes contextual open space standards that reflect the district's intended built environment. For example, the FB-RN district accommodates rural residential uses, and requires that the open space not be fenced and be publicly accessible. By contrast, the FB-NN district is intended to accommodate multiple types of housing, from single-family detached homes to garden apartments, in a well-connected and walkable neighborhood. Therefore, in the FB-NN district, open space outside a floodplain (at least half of the open space must be outside a floodplain) is additionally required to include amenities such as shade, electrical hookups, and drinking fountains, and at least 20 percent of the land must be shaded. We recommend that similar standards be applied City-wide in the new Code.

We propose to continue the overall system of having both public parkland dedication and required private common open space for some projects, with the enhancements discussed above.

### ***Enhance Exterior Lighting Standards***

There are currently two sets of exterior lighting regulations. The RDC regulations in Section 77-510 require development applications to include an exterior lighting plan, exempts certain types of lighting from the regulations (such as seasonal lighting), and includes limited design standards including lot line illumination maximums. The FBC's separate set of exterior lighting standards in Article 4 establish average lighting level standards within public rights-of-way and pedestrian areas, prohibit certain kinds of lighting, require that LED lights meet color-correction standards, and restrict glare.

The RDC regulations generally lack measurable standards, and staff reports they are not effective. We recommend that the updated code included a new set of exterior lighting regulations with clear and measurable standards that are easy to administer, establish clear criteria for compliance, and improve the quality of lighting in the City. To meet these goals, we recommend that the updated lighting standards:

- Include specific requirements for street lighting, including where it is required, spacing requirements (for example, every 250 linear feet along a street), and the height and styles of lighting fixtures.

- Incorporate minimum energy efficiency standards, all of which are achievable using off-the-shelf products;
- Provide minimum and maximum foot-candle limits to ensure adequate lighting of public and parking areas, and to prevent glare;
- Include light uniformity standards, to ensure that parking areas and pedestrian areas do not create edges where brightly lit areas are adjacent to dark areas (which provide opportunities for crime and mischief);
- Build on the existing color temperature standards to preserve night vision and reduce overall light pollution (avoiding the harshest white and blue lights in most cases); and
- Prohibit up-lighting and require full cut-off fixtures, to help preserve the night sky.

### ***Form and Design***

The RDC contains form and design standards for public/institutional buildings and commercial buildings (Section 77-507), and separate standards for residential buildings.

Staff reports these standards have worked well. The new Code will not have a separate section for form and design of principal buildings. Some of these standards will be incorporated into the building type standards that will apply in all districts in the new Code. The building types will include some carried over from the FBC, as well as new ones that will be developed.

In addition, there have been changes in state law since the RDC and FBC were adopted that restrict the City's authority to require the use of particular materials and, in some cases, architectural elements. The Code will be drafted to be compliant with this updated state law.

### ***Neighborhood Protection***

During the kickoff meeting, participants emphasized that Rowlett's established high-quality residential neighborhoods are key to the City's appeal. The residential zoning districts contain use and dimensional standards that are designed to maintain the existing character of those neighborhoods. In addition, Section 77-509, Neighborhood protection standards, includes discretionary approval criteria that is intended to minimize the impact of incompatible development. It allows the decision-maker to impose additional conditions during approval of a special use permit that mitigate possible impacts, such as limitations on hours of operations, additional lighting requirements, placement of additional landscaping and screening, and other options.

While useful, these conditions are only applicable to the small subset of developments that require special use approval.<sup>10</sup> They are also discretionary and lack measurable standards. Such standards could provide increased certainty to developers and adjacent landowners about what type of development is allowed near existing neighborhoods and how the development could be configured to minimize potential impacts.

We recommend that the City consider including updated compatibility standards that are specific and precise. They would apply to any new nonresidential development, mixed-use development, and intense, multi-family development above a certain density that is adjacent to, across the street from, or within a certain distance from single-family and other lower-density residential development. The types of standards that could be established include the following:

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<sup>10</sup> The RDC states that these conditions can be imposed during approval of a conditional use permit, but conditional use permits are no longer part of the RDC.

- **Building height limits:** Require that within a certain distance of an existing residential neighborhood (100 or 200 feet, for example), no part of a building may exceed a certain height that would be established in the code. Buildings could step back to greater height on other parts of the site.
- **Site design standards:** Require drive-through facilities and outdoor dining areas to be located away from single-family and other low-density residential development.
- **Parking standards:** Require that parking spaces be oriented away from single-family and other low-density residential development.
- **Lighting standards:** Require that all lighting be directed away from boundary lines adjoining single-family and other low-density residential development.
- **Operations standards:** Restrict the hours of operations of the activity or outdoor activities such as live music.

### ***Revise and Integrate Landscaping Requirements***

Updates to the RDC landscaping regulations are currently under development and are expected to be presented to City Council for adoption before the Code draft is completed. These updated regulations will be integrated with the FBC's separate landscaping regulations into the Code.

#### **Recommendations:**

- Calibrate standards to support infill development and redevelopment
- Remove barriers and provide incentives for Low Impact Development (LID) stormwater management practices
- Update transportation and accessibility standards, including street design
- Consolidate relevant provisions from subdivision design standards
- Eliminate minimum off-street parking requirements in most of the City, and enhance design standards for parking lots
- Clarify and consolidate open space requirements
- Enhance the exterior lighting standards
- Consider adding more measurable and precise compatibility standards to protect residential neighborhoods from nearby nonresidential, mixed-use, or higher intensity multifamily development

## **Update the Administrative Procedures**

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Development regulations should clearly describe the procedures by which new development applications are accepted, considered, and acted upon by local officials. A well-written code makes it easy for staff, the development community, residents, and local officials to know exactly what is required for project approval and helps ensure consistent administration over time.

Unlike much of the remainder of the code, the RDC and FBC do not have significant overlap regarding administrative provisions. Most of the typical administrative procedures such as rezoning, code amendment, and subdivision/platting are governed by regulations in the RDC. The FBC adds several additional steps to the approval procedure for development in FBC districts.

However, the RDC and FBC administrative regulations are not integrated. At our kickoff meetings, many of the concerns around the administration of development regulations involved the use of two codes with slightly different development approval processes, different substantive standards, and inconsistent terminology. For the most part, the staff in current planning specialize in working on either RDC applications or FBC applications but not both. This stretches thin a leanly staffed department. The unification of the RDC and the FBC should help address these concerns.

In addition to the specific changes discussed below, we will closely review and update the provisions to ensure they accurately reflect the City's processes and to make sure they are consistent with state law requirements. In addition, we will ensure that the language used in this section, as elsewhere in the new Code, is clear, precise, and easy to understand.

## **Apply the FBC Phased Development Plan Procedure City-wide**

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Land in the FBC is subject to the same rezoning and platting requirements as apply elsewhere in the City. However, the FBC layers several additional steps on the review process.

- First, before a rezoning, a Framework Plan prepared by either an applicant or the City is required. The Framework Plan establishes the general structure of the proposed rezoning such as the applicable zoning districts, a primary street network, subareas with special development standards, the general location of "Landmark" features and public open space, topography, and any warrants that the applicant may request. Many of the areas currently zoned to an FB district have framework plans.
- Following the rezoning, for property that will be developed in phases or with multiple owners, a Regulating Plan or Phased Development Plan is required. This plan establishes additional detail about the development, including the location of protected trees and tree clusters, the complete street network including street types, locations, and types of residential uses (for certain FB districts only), and any additional warrants requested.
- Finally, the FBC requires preparation of a Development Plan, which substitutes for the identically named Development Plan in the RDC. The Development Plan is required to be consistent with the Framework Plan and Regulating Plan/Phased Development Plan and is a prerequisite for a building permit. The Development Plan includes, among other elements, proposed building types, delineation of streets and other transportation corridors, preliminary exterior build elevations, landscape, and streetscape areas, and in some cases a Traffic Impact Analysis.

One key goal of Recode Rowlett will be to develop an integrated set of administrative regulations that not only incorporate the existing FBC provisions but apply them to the existing RDC procedures where appropriate. For example, we learned from staff that for larger projects, the Phased Development Plan in the FBC plays an important role establishing the general parameters of the entire project when it is not going to be completed all at once, or when it will be constructed by different owners, before the land is platted. Similar types of plans are used in other communities for larger, multi-phase projects that do not involve form-based districts, and we propose to expand the Phased Development Plan procedure to apply to all projects, citywide.

#### Recommendations:

- Have a single set of administrative procedures, including applications and review processes, that apply to development throughout the City
- Incorporate the FBC Phased Development Plan procedure throughout the City

### Make the Development Approval Process More Efficient

Another concern expressed by developers was the large amount of information they are required to submit at different stages of the development process. One developer noted that the City's typical request for detailed traffic and drainage studies at a rezoning stage was unusual and burdensome. Because City Council has broad discretion to approve or deny a rezoning application, this requires applicants to expend substantial resources at a stage of the process where approval is quite uncertain.

As discussed earlier, one way to reduce the amount of detail required to be provided by applicants at early stages of the development process is to reduce the use of vague and

*"Many decisions can be made by staff without the costly process of P&Z and BOA. Educating small business owners better from the beginning should be required. Work with them, not against them."*

imprecise standards in the code. When provisions are open to multiple interpretations, the potential impacts of a decision such as a rezoning are more uncertain. That requires an applicant to provide additional information to help address the concerns of the elected officials who are charged with making the decision to allow the proposal to move forward. By making clear in the text of the regulations what is and is not permitted using precise language, the potential impacts of a discretionary decision such as a rezoning are more certain, and the amount of additional analysis required by the applicant can be reduced.

### Simplify the Administrative Procedures

The administrative procedures in the RDC follow several best practices. The relevant review and decision-making bodies are consolidated into one section (Chapter 77-700), and the procedures themselves are consolidated into the next section (Chapter 77-800). There is a set of common procedures that apply to most applications, such as the pre-application conference, application submission, notice, and conditions of approval (Section 77-803). And finally, there are descriptions of individual procedures, such as rezonings, text amendments, and subdivision platting.

However, there are opportunities to revise the section to make them easier to understand for all users of the code, including landowners, developers, staff, and Rowlett residents.

First, staff noted that the summary table (Table 8.2-1) has not been updated for consistency with recent changes to the RDC. Summary tables like this are helpful as they provide a “road map” to the administration section, something that will be more important in the Code after new procedures from the FBC are integrated. We recommend updating the table for consistency with the new set of procedures in the Code, and for clarity add headings that group together like procedures. For example, rezonings and text amendments could be classified as “discretionary review procedures.” All the procedures relating to platting (where the decision-making body has significantly less discretion) could be classified under “Subdivision,” and procedures that are generally approved administratively such as temporary use permits would be classified under “Permits.”

Second, we recommend including flow charts that illustrate the required steps in each application procedure. The flow charts augment the text and show which of the common procedures are relevant to each particular type of application. An example flowchart from another code is shown on this page.

Third, several development application procedures are in other sections of the RDC—the special use permit procedure at Section 77-206, and the tree removal permit at Section 77-504H.3. These should be consolidated with the other development procedures in a single section.

## Amendment to UDC Text



## Revise the Planned Development Process

Many applicants for development in Rowlett turn to the Planned Development (PD) process rather than attempting to work within the existing zoning district regulations and development standards. The underlying concept is that if a developer is given greater leeway and flexibility to design a project and mix uses, communities will benefit from more creative development and from a higher level of amenities and community benefits, such as open space, than would otherwise be required. The theory is sound, yet many communities across Texas and the country have overused the PD process, turning to it even for relatively straightforward projects. An overreliance on the PD process suggests that the underlying regulations are not adequately addressing local market demands and creates practical difficulties for all parties:

- Developers find that the negotiation inherent in creating a PD causes a loss of predictability, which lengthens approval times and increases carrying costs. Also, they cannot rely on past approvals for guidance and must negotiate every aspect of the development anew.
- Neighbors cannot rely on existing zoning standards for protection and have little certainty about the unpredictable potential impacts of each new PD, making each new project a potential battle.
- Planning staff must devote substantial time to not only negotiating the PD up front, but in trying to administer each PD once it is adopted, making enforcement and compliance extremely difficult. PDs often result in substantial administrative burdens for local staff down the road.

While PDs have their place, it is clear that they have been overused, and there is little evidence that their use in Rowlett has resulted in better projects. PD development has become the norm rather

than the exception. Each adopted PD is its own unique zoning district and functions essentially as a mini-zoning ordinance and must be monitored, amended, administered, and enforced alongside the RDC and FBC.

One of the original rationales for allowing developers to use PDs was the promise of significant community benefits, such as high-quality public open space, in exchange for greater flexibility. We recommend that the City pursue a two-pronged approach toward reforming the role of PDs. First, improve the development regulations generally in order to minimize the need for new PDs in the future. Second, because there will still be a need for new PDs in certain situations, the procedure for establishing a new PD should be reformed to help simplify and improve efficiency and improve the quality of development. Reducing reliance on the PD procedure means the City Council would not be negotiating development standards on as many projects. Rather, the new code will be developed to be responsive to public input upfront. The following sections discuss these recommended new steps.

### ***Improve the Regulations Generally to Reduce the Need for PDs***

The most effective way to minimize the use of PDs is to rewrite the development regulations to include zoning districts and development regulations that accommodate the types of innovative and creative residential, mixed-use, and commercial development that the City is seeking. Key steps to doing so, that are addressed elsewhere in this Assessment, are updating the zoning districts to better accommodate desired types of development under the default regulations (see page 17), and revising the development standards to more precisely establish the characteristics of new developments (see page 38).

### ***Establish a New Planned Development Procedure***

Even though the new Code should be designed to lessen the frequency of PD applications, a PD process is still needed for unusual or large projects that require added flexibility unavailable in the base zoning districts and procedures. To accommodate such projects, we recommend that the new Code include a PD procedure that is separate from the rezoning procedure. Currently, the process for rezoning land to a Planned Development zoning district is included within the standard rezoning procedure. However, approval of a rezoning to a Planned Development district is significantly different than approval of a standard rezoning. The process includes numerous elements not included in a standard rezoning, such as a list of permitted uses, modifications to development standards, and in many cases concept or basic development plans that establish the general parameters of a large development site.

The current regulations lack detail about the required elements of a PD rezoning. During the kickoff meeting, staff noted that the series of plans required for rezoning to a FB district—a framework plan, and a regulating/phased development plan—might provide a useful model for a planned development. Therefore, we recommend that the PD procedure be updated to include a two-step process that includes a preliminary plan and a final plan.

#### **Step 1: Preliminary Plan**

The general purpose of a preliminary plan is to evaluate and discuss basic concepts, including whether the development is in “substantial conformance” with *Realize Rowlett* and other adopted plans and policies. In addition, the preliminary plan is the opportunity to reach general agreement on uses, number of units, general access alignments, and other factors. The stated outcome of the preliminary plan process is an identification of issues and concerns the applicant must address to

ultimately receive final plan approval. Typically, the preliminary plan stage is reviewed by the Planning and Zoning Commission.

It is important to ensure that the preliminary plan process not require too much detail too early in the process. All communities struggle with where best to draw the line between early and later versions of a complex development application. It is not uncommon to see thresholds change over time as local officials and planners learn lessons and adapt. City officials and staff should discuss and identify the essential project attributes that are key to understanding a project's overall impacts. As a starting point, we recommend the following:

- What currently exists on the site?
- What land uses are proposed? Where would they be located, and how big would they be?
- Why could this project not be built using the base zoning districts? What additional flexibility is needed?
- What public benefits will be provided? (Open space, street improvements, trails, etc.)
- How will people access and move around the site—by car, by bicycle, and on foot?
- How will water, sewer, and other utilities be provided?
- What is the timing of the development, and will it occur in stages?
- Does this project comply with the *Realize Rowlett* and applicable area plans?

After the criteria are established for preliminary plan review, the application requirements should be revised to reflect those criteria. Any items not essential to understanding these key project attributes should be deferred to the site plan review stage. The following is an example of what the preliminary PD plan submittals list might look like this:

- Existing conditions map (e.g., existing vegetation, natural watercourses, natural features).
- Proposed land uses (including residential densities and nonresidential intensities).
- Proposed building locations, building heights, and vehicular use areas.
- Conceptual access and circulation plan (vehicular, pedestrian, trails).
- Conceptual phasing plan.
- Conceptual utility plan.
- Public benefits to be provided, including any open space to be protected.
- Statement of comprehensive and area plan conformance.

These would be prepared at a “bubble plan” level of illustration. The actual application submittal list would not be in the Code but in a separate administrative manual, along with specific technical specifications for each submittal (e.g., the requirement for drawings to be to scale). Ultimately, all submittal requirements for the preliminary plan and final stages should be located in a separate administrative manual. Doing so will allow the submittal requirements to be refined over time by simply updating the manual, not by making formal changes to the Code.

### **Step 2: Final PD Plan Approval**

After the preliminary plan is reviewed and approved by the Planning and Zoning Commission, the next step is having the applicant revise the plan to reflect Planning and Zoning Commission

comments and conditions for consideration by the City Council. At the final review stage, the City Council considers the final PD plan together with the proposed development standards package (PD text amendment) and the zoning map amendment. The City Council would be the final decision-making body. We recommend this two-step process be clearly outlined to provide predictability and to ensure an overall efficient review process.

## **Update Individual Procedures**

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During the kickoff meeting, staff and stakeholders identified several specific changes that should be made to the development review procedures.

- **Update subdivision procedures to clarify process and comply with state law.** While the subdivision procedures are generally effective, revisions are needed to clarify the process and comply with state law. First, as discussed earlier, development plans should be required to be approved before a landowner may apply for a preliminary plat. Second, the notice requirements should be reviewed to ensure that legally required notice is being provided for different types of subdivision applications. Third, the procedure for a conveyance plat (Section 77-806G) should be updated to make clear that the purpose of a conveyance plat is to sell or transfer property but without any right to develop the property, and that further platting is required before development may take place.

Fourth, the regulations should make explicit reference to the 30-day "shot clock" which requires that applications be approved, approved with conditions, or denied within 30 days. For example, Section 77-803G states that multiple development applications may be processed simultaneously and gives as an example a subdivision plat and a development plan. Developers noted that the city does not actually process multiple applications simultaneously, and staff explained that this is because the shot-clock requirement makes it infeasible for staff to thoroughly review multiple applications in the allotted time. Therefore, the regulations regarding simultaneous processing of applications, as well as the regulations for plan review, should make clear where it may or may not apply.

Finally, we recommend reorganizing the subdivision procedures to improve clarity. The beginning of the subdivision section should include a clear description of each of the subdivision procedures (procedures will be renamed, where appropriate for clarity) and how and when they should be used. The layout of the procedures themselves could be improved as well. In the RDC, "Platting" is a top-level section (Section 77-806), and all of the individual platting procedures—preliminary plat, final plat, vacating plats, replats, amended plats, and conveyance plats, are subsections and sub-subsections to that section. In addition, Section 77-806H includes a lengthy description of the procedure for construction of public improvements as well as surety, inspection, and acceptance requirements. Because it combines six different procedures and additional regulations, the RDC's platting procedures are difficult to understand. We recommend that the updated regulations separate different subdivision procedures so that they are easier to understand. The regulations for the completion and acceptance of public improvements should be placed in a separate section.

- **Update and consolidate development plan procedures.** The development plan procedure in the RDC and the development plan procedure in the FBC should be consolidated into a single process. In addition, the plan requirements should be updated to reflect the type of information that staff actually reviews, such as a lighting plan and, where appropriate, a Traffic Impact Assessment.

- **Revise rezoning procedures to reflect FBC requirements.** Currently, to rezone property to a FBC district, a framework plan or a regulating plan/phased development plan is required. However, the rezoning section of the FBC (Section 1.4.2) does not establish a rezoning procedure, and the procedure for rezonings in the RDC (Section 77-805) does not mention the requirements for rezoning to the FBC.<sup>11</sup> The updated rezoning procedure should clearly establish the required steps for a rezoning, and the thresholds for which an area plan like a framework plan or regulating plan/phased development plan should be required.
- **Evaluate thresholds for administrative site plan/development plan review.** Except for single-family detached or two-family dwellings, which do not require them, development plans are the last approval step required before a project may apply for a building permit. Currently, the decision-making body varies depending on the size and scope of the plan. Development plans for most uses that will not exceed 25,000 square feet in building size, whether in one or multiple buildings, may be approved through an administrative review process. Development plans that exceed the 25,000 square foot limit, that require a waiver, deviation, or minor modification, or that the Planning Director otherwise decides to refer to the Planning and Zoning Commission, are reviewed by the Planning and Zoning Commission. In cases where Planning and Zoning Commission review is required, staff reports that the 30-day shot clock makes it difficult for staff to complete their review, and that members of the Planning and Zoning Commission do not have time to perform an adequate review in the limited time that they have.

One way to address this issue is by increasing the threshold at which development plans are reviewed and approved by staff or making it a staff approval process altogether. This would be consistent with the purpose of the development plan, which is submitted following several preliminary steps in a development process and is a final check before construction begins that the project is designed to comply with the RDC's development and design standards, as well as the City's Comprehensive Plan and any previously approved plan for the site. These approval criteria do not leave much room for discretion, and thus it may be appropriate and more efficient to make staff the decision-making bodies for a greater percentage or all development plan applications.

## **Unify and Revise Warrant and Variance Procedures**

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Both the RDC and the FBC include procedures that allow landowners to modify the application of general development standards to a specific development project. However, the relevant standards and even the nomenclature used differ in key respects.

The terminology used in the FBC is “warrant” and there are two kinds of warrants, minor and major. A minor warrant is a request for approval of “practice that is not consistent with a specific provision of this Chapter, but is justified by its Intent or by a non-self-imposed hardship.” Section 1.5.2a. Staff is permitted to administratively approve a minor warrant. Major warrants are deviations that do not meet the definition of a minor warrant, as well as certain other changes, including the alteration to the maximum dimensions of travel lanes, minimum residential densities, and housing type mixes.

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<sup>11</sup> The RDC only references the FBC in a few locations. First, FB districts are defined with other special purpose districts in Table 2.1-1 and Section 77-205D. That provision also establishes the applicability of both the FBC and other City regulations (including the RDC) that do not conflict with the FBC to lands in FB districts. Second, the code clarifies that a three-quarter’s vote of the City Council is not required to adopt a text amendment that the Planning and Zoning Commission recommended be denied. Section 77-704D.2.

The City Council is the body that decides whether to approve a major warrant. Section 1.5.3. The City Manager is given authority to determine whether a request qualifies as a minor warrant or a major warrant. Section 1.5.1a.

In the RDC, there are two modification procedures, neither of which grants approval authority to staff. For minor modifications, the decision-making body that is reviewing and approving a development proposal may modify, with listed exceptions, most development or subdivision design standards by up to 20 percent if the modification will not adversely impact nearby property owners or the general public, and if the modification either compensates for some unusual aspect of the site or accommodates an alternative practice that meets the objective of the standard being modified. Section 77-810.

For a variance, the Board of Adjustment may provide relief from certain standards if necessary to avoid an unnecessary hardship caused by the particular circumstances of the property. The applicant is required to show that some topographical, geographical, physical, or dimensional feature of the property requires a granting of the hardship, and so it is a higher standard to meet than a minor modification or a minor or major warrant. Section 77-811.

There are several problems with these adjustment processes. First, having two sets of "adjustment" procedures with different standards is confusing. In fact, during our kickoff meetings, staff, developers, and other stakeholders frequently referred to warrants as variances, and vice versa.

Second, Texas law generally does not allow staff to modify general development regulations. While it may be appropriate for staff to authorize minor deviations in specific, well-defined circumstances that apply in limited situations, the current standards for a minor warrant miss the mark by allowing staff to approve the request if it matches the code's intent. The use of general intent statements to modify specific design or development standards is highly unorthodox and disfavored. In practice, because of the lack of clear standards governing warrants, staff does not use the authority it has been granted and defers to City Council. This has caused frustration to some developers who do not understand why staff refer their minor warrant requests to City Council.

Third, the deviations allowed and standards for approval for the two modifications that require City Council action (major warrant and minor modification) differ significantly. For a major warrant, any deviation from a standard in the FBC is allowed. For a minor modification, the maximum authorized change is 20 percent, which implies that only deviations from numerical standards (e.g., amount of landscaping) are permitted. Meanwhile, for a major warrant the City Council is only required to find that the deviation will meet the general intent of the FBC and the FB district and result in an "improved project." Section 15.3. By contrast, for a minor modification, the applicant is required to demonstrate that the change will "(1) Compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (2) Accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be modified" as well as that the modification is consistent with the Comprehensive Plan, that it meets building and safety codes, that it does not encroach into a recorded easement, and that granting the modification will not have "significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated."

We recommend that the consolidated and updated Code include two “modification” procedures. The first procedure will be a variance procedure, because it is specifically authorized by state law.<sup>12</sup> The Board of Adjustment will make the decision, and the applicant will be required to make a showing of the existence of a hardship.

The second procedure will be a minor modification procedure. The standards will be similar to the existing minor modification procedure in Section 77-810, and we will work with staff to determine how to authorize City Council to approve changes to standards that cannot be measured numerically, such as architectural standards.

#### Recommendations:

- Update and improve the summary table “road map” for procedures.
- Update the Planned Development procedure to improve efficiency and predictability.
- Reorganize, update, and modernize the subdivision procedures.
- Update and consolidate the RDC and FBC development plan and rezoning procedures.
- Revise thresholds for administrative review so fewer projects required Planning and Zoning Commission or City Council approval.
- Unify and revise the warrant (FBC) and variance (RDC) procedures.

## Update the Subdivision and Design Standards

Regulations regarding the design and arrangement of blocks, lots, streets, other transportation corridors, and the provision of public utilities, which are core to the subdivision and development of land, are contained in multiple locations in the current development regulations. Chapter 77-600 contains general subdivision and land development standards, including street and alley design standards, block and lot design, the provision of utilities, and identifies the required improvements that private land owners are required to provide such as street and alley improvements, and dedications and land reservations. It also includes standards for private street improvements.

We recommended that the updated regulations include an integrated set of subdivision regulations that include all relevant design criteria. Standards that relate to transportation and access often apply to development that does not require platting, and so we propose consolidating those standards with other transportation and access standards in one section that is referenced in the subdivision section of the Code.

While there was general agreement that the subdivision standards are adequate, there were several areas of improvement suggested:

- **Update subdivision design standards in light of best practices.** Rowlett’s subdivision standards have not been updated in some time. The City should consider incorporating best practices from other communities throughout the state on topics such as street and lot design, block length, stormwater, and utility design and construction,
- **Clarify requirements for smaller subdivisions.** The subdivision design standards apply to all subdivisions, but in some cases, it may not make sense to apply all of the design standards to smaller subdivisions or divisions of property into only two or three lots. The City may consider exempting some subdivisions from the general requirements.

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<sup>12</sup> See Sec. 211.009(a)(3), TLGC.

- **Reorganize section to clarify surety requirements.** Like most communities, Rowlett allows a landowner to secure approval of a final plat without completing all required public improvements by submitting a surety or other guarantee to ensure the public improvement will be completed. However, surety requirements are included not only in Section 77-604, Required Improvements, but also in the platting review and approval procedures in Section 77-806. One way to improve the clarity of the regulations would be to consolidate all the performance guarantee requirements in one section and reference them as appropriate elsewhere in the updated regulations. We recommend that the City do so.
- **Clarify water and sanitary sewer requirements.**

#### **Recommendations:**

- Update design standards in light of best practices.
- Clarify requirements for smaller subdivisions.
- Reorganize to clarify surety requirements.

## **Additional Revisions**

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### **Nonconformity Regulations**

Chapter 77-900 of the RDC, and Section 1.6 of the FBC, contain provisions that govern nonconformities. These regulations address the treatment of land uses, structures, lots, signs, or other site features that were legal when they were established but that, due to changes in the development regulations or other government action (such as the acquisition of land by eminent domain), no longer comply with the requirements in the code.

Rowlett's nonconformity provisions are typical in that they generally allow nonconforming uses to continue as long as the nonconformity is not enlarged or extended, even if the property is sold. Other provisions allow a damaged nonconforming structure to be rebuilt if it is not damaged to an extent greater than 50 percent of its pre-damaged appraised value; if the damage is greater, the nonconforming structure must be torn down. While the bulk of the nonconformity provisions are in the RDC, the FBC does have additional provisions that apply to development in the FB districts that existed before the FBC was adopted and developed land was rezoned to the FB districts.

During the staff kickoff, there was a request to clarify the standards that apply to nonconforming lots (lots that do not meet the dimensional standards of the RDC or FBC). We will do so and also comprehensively review the regulations to make sure they clear and comply with state law.

### **Enforcement**

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The procedures for enforcement of the City's development regulations, including the imposition of penalties, is included in Chapter 77-1000 of the RDC.<sup>13</sup> As part of Recode Rowlett we will clarify the provisions as necessary and ensure that they are in accordance with state law. During the kickoff meeting, it was requested that the updated regulations make clear that violation of any of the operational standards in the code, such as limits on hours of operations for certain uses, constitute a violation.

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<sup>13</sup> There are no enforcement provisions in the FBC.

# Annotated Outline of a New Code

This section of the report provides an overview of what the proposed structure and general content of a new Code might look like if the recommendations in this report are implemented. This outline is structured as a new Chapter 77 of the Code of Ordinances, replacing existing Chapter 77 and the Form Based Code, which is incorporated into the City's ordinances at Chapter 77-205.D.

The annotated outline proposed in this section is intended as a starting point for further dialogue and is tailored for Rowlett, building on our experience with successful code projects throughout Texas and the nation. Each proposed new article below indicates both the current sections that would be incorporated, as well as sections and new content that would be included in the Code if the recommendations in this report are implemented.

## Article 1: General Provisions

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### Title, Effective Date, and Zoning Map

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This section will establish the title of the Code, its effective date, and describe how the official zoning map and district boundaries are maintained.

### Purpose and Intent

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This section will describe generally why the Code is important to the Rowlett and how it regulates land development to protect the public health, safety, and welfare of the City. The lengthy set of purpose statements in the RDC and FBC will be consolidated and integrated to reference key City priorities.

### Authority, Applicability, and Jurisdiction

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This section will describe the Code's applicability to development or redevelopment (unless otherwise exempted), the Code's application to governmental agencies, how internal code conflicts are resolved, and a statement on the Code's relationship to the extraterritorial areas (ETJ) and private covenants. It can encompass the related statements that are in the separate chapters.

### Transition from Prior Regulations

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This section will describe how prior building permits, violations, nonconformities, and development approvals will be accommodated in the new Code. It can also describe whether pending applications will be reviewed and decided under the current regulations or the new Code.

### Severability

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This section will clarify that any specific standard in the Code that is invalidated by a court, shall not affect the application or validity of any other standard in the Code not included by that court's judgment.

### Current Sections

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Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	
Chapter 77-100, General Provisions	77-101, Title and effective date 77-102, Authority 77-103, Purpose of this Code 77-104, Applicability and jurisdiction 77-105, Conflicting provisions 77-106, Transitional regulations 77-107, Severability
FBC	
Article 1, General Provisions	1.1, Authority 1.2, Intent & Purpose 1.3, Applicability

## Article 2: Definitions and Rules of Measurement and Construction

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This article will include basic reference material that applies throughout the code, including rules of construction (such as the meaning of a “day” and the meaning “shall” versus “may”), rules of measurement (such as how to measure height or lot area), and definitions, including definitions of general use categories and specific use types. Definitions from the FBC will also be integrated into the article.

### Current Sections

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Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	
Chapter 77-300, Use Regulations	77-302.B.1.C, Telecommunications antennas, definitions
Chapter 77-400, Dimensional Requirements	77-402, General measurement rules and exceptions
Chapter 77-1100, Definitions	77-1101, General rules of construction 77-1102, Interpretations 77-1103, Definitions of general use categories and specific use types 77-1105, Other terms defined
FBC	
Article 6, Definitions	Article 6, Definitions

## **Article 3: Zoning Districts**

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The zoning districts article establishes the base zoning districts, special districts, planned development districts, overlay districts, and describes how the districts relate to one another.

### **Zoning Districts Established**

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This section will summarize the lineup of zoning districts, according to earlier recommendations for consolidation, elimination, and creation of new districts.

### **Residential Districts**

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This section will include zoning district information for all residential districts in the City. Each district will include a purpose statement, a summary table identifying the building types that are permitted in the district, and any special standards that are applicable to that district, such as, for example, maximum lot coverage or minimum lot size. It will include graphics that illustrate a typical development within each district. Some communities also supplement their zoning districts with photographs of desired types of development.

### **Mixed-Use and Non-Residential Districts**

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This section will include zoning district information for all mixed-use districts and other non-residential (such as commercial and industrial) districts. The components included in residential districts will also be included for all other districts in the code (purpose, summary of dimensions, district-specific standards, and graphics).

### **Planned Development District**

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This section will include information about the PD: Planned Development district.

### **Overlay Districts**

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This section will describe the purpose and applicability of overlay districts.

### **Special Districts**

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This section will include the special districts.

### **Exceptions**

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This section will carry forward and update some permitted exceptions to the dimensional standards of the districts, including height exceptions, yard and setback exceptions, and lot width and area exceptions. It will also establish standards that apply to all districts, such as the requirement for a minimum lot size for use of an on-site sewage disposal system. Other such exceptions will be addressed in the definition of the Building Types in Article 4.

### **Current Sections**

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Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	
Chapter 77-200, Zoning Districts	77-201, General provisions. 77-202, Residential districts. 77-203, Nonresidential districts 77-204, Mixed-use districts 77-205, Special purpose and overlay districts 77-207, Industrial overlay district
Chapter 77-400, Dimensional Requirements	77-401, Tables of dimensional requirements
FBC	
Article 2, Form Based District Standards	2.1, Intent 2.2, Form Based Districts and Land Use 2.3, New Neighborhood (NN) Standards 2.4, Urban Village (UV) Standards 2.5, Rural Neighborhood (RN) Standards 2.6, Urban Neighborhood (UN) Standards 2.7, Commercial Center (CC) Standards

## Article 4: Building Type Standards

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This section will include the building types allowed in the City of Rowlett. It will build on the regulations included in Appendix 2, Section 2.1 of the FBC and include the relevant standards for each type of building, including:

- Required streetscape
- Minimum front build-to-zone or setback<sup>14</sup>
- Minimum lot width and lot depth
- Side and rear setbacks
- Maximum height
- Permitted locations for garage (front-loaded or rear-loaded)
- Allowable projections beyond the build-to-zone or front setback (such as awnings or patios).

For each building type, there will be illustrative photographs visualizing the building type, cross-sections showing the relationship between the street, front yard, and building, and dimensional drawings showing how to apply the rules governing the location of the building on the site.

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<sup>14</sup> All building types in the FBC have a front build-to zone. A build-to zone identifies an area of the site that is a certain minimum and maximum distance from the front street. A certain percentage of the front façade of the principal building on the site must be located with the zone. Most development in the RDC is subject to a minimum front setback, which sets the line behind which all buildings on the site must be located. As new building types are developed to accommodate districts integrated from the RDC, we expect that some of these building types may rely on minimum front setbacks instead of build-to zones.

Form and design standards from the FBC and the RDC's form and design standards that can be carried forward into the new Code will be revised and updated and included here as well. The Design Guidelines in Appendix 3 will not be included in the new Code as they represent best practices, not enforceable regulations. However, the Code will contain references to external resources that represent the types of development that the community would like to see.

Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	
Chapter 77-500, Zoning Districts	77-507, Public/institutional and commercial building standards 77-508, Residential building standards
FBC	
Article 2, Form Based District Standards	2.8, Building Type Standards
Appendix 2, Design Standards	2.1, Building Types

## Article 5: Use Regulations

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This article will contain all of the standards applicable to specific land uses. It will include an updated Consolidated Use Table and carry forward and update the current use-specific standards and add new ones where appropriate.

### Consolidated Use Table

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This summary table will provide a single list of all uses allowed by zoning district and will replace the current use tables included in the RDC and FBC.

### Use-Specific Standards

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This section will incorporate the existing standards that apply to specific land uses, with updates as appropriate.

### Accessory and Temporary Uses

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This section will update the existing tables and regulations of permitted accessory uses and structures and temporary uses and structures.

### Current Sections

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Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	
Chapter 77-300, Use Regulations	77-301, Table of allowed uses 77-302, Use-specific standards 77-303, Accessory uses and structures

Code Chapter	Code Article
FBC	77-304, Temporary uses and structures
Appendix 1, Land Use	1.1, Table of Allowed Uses

## Article 6: Development Standards

While the districts and uses articles focus on what a property owner can do with their property, and where they can do it, the development standards regulate the quality of development through site- and building-specific regulations. The Development Standards article will include site standards (such as parking requirements and landscaping); building design standards will be integrated with the building type standards in Article 4: Building Type Standards.

### Current Sections

Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	77-501, Purpose 77-502, Protection of drainage areas and creeks; stormwater management 77-503, Open space 77-504, Landscaping and screening 77-505, Transportation and access 77-506, Off-street parking and loading 77-509, Neighborhood protection standards 77-510, Exterior lighting 77-511, Operational standards 77-512, Signs
Chapter 77-500, Development and Design Standards	
FBC	2.10, Streets 2.11, Tree Mitigation 2.12, Park Fees 2.13, Environmental
Article 2, Form Based District Standards	3.1, Parking 3.2, Bicycle Parking
Article 3, Parking and Accessibility	4.1, Intent 4.2, Standards
Article 4, Lighting, Mechanical, and Utilities	5.1, Intent 5.2, Signs General
Article 5, Signs	5.3, Prohibited Signs 5.4, Permitted Signs 5.5, Sign Permits

Code Chapter	Code Article
	2.2, Street Typologies
	2.3, Intersections
Appendix 2, Design Standards	2.4, Open Space
	2.5, Streetscape
	2.6 Street Trees and Plant Materials
	2.7, Street Trees/Utility Techniques

## Article 7: Subdivision Standards

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This section will include the standards that apply to landowners seeking to subdivide land for development and will largely carry forward Chapter 77-600, Subdivision and Land Development, of the RDC. Certain standards in Chapter 77-600 that might apply to both subdivision and redevelopment, such as street standards or open space requirements, would be consolidated with relevant development standards in Article 6: Development Standards. Subdivision procedures will be relocated to the new Administrative Procedures article (Article 8). Content for this Article may include standards for lot and block layout, utilities, required improvements (including surety requirements), dedications and reservations, and standards for private streets.

Code Chapter	Code Article
RDC	
Chapter 77-600, Subdivision and Land development	77-601, Purpose
	77-602, Applicability
	77-603, Design standards
	77-604, Required improvements
	77-605, Dedication and reservations
	77-606, Private street developments
FBC	
Article 1, General Provisions	1.7, Platting

## Article 8: Administrative Provisions

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This article will describe the review and decision-making bodies in the City, and the review and approval procedures for the several types of development applications. It largely carries forward the structure and content of Chapter 77-700, Review and Decision-Making Bodies, and Chapter 77-800, Review and Approval Procedures, with updates for clarity, and integrates additional procedures from the FBC. Key changes discussed in the section on updates to administrative procedures (page 50) include:

- Integrate the FBC warrant procedures into the minor modification and variance procedures in the RDC;
- Relocate the special use permit procedure;
- Consolidate subdivision review procedures into a separate category to improve clarity;

- Add development plan procedure that incorporates elements from RDC development plan and FBC development plan.
- Evaluate the thresholds for administrative approval of site plans and development plan to reduce the need for governing body approval.
- Revise and modernize the Planned Development process to improve development quality.
- Update procedures as necessary to comply with state law changes.

## Current Sections

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Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	
Chapter 77-200, Zoning Districts	77-206, Special use permits
Chapter 77-700, Review and Decision-Making Bodies	77-701, Purpose 77-702, Boards and commissions generally 77-703, City council 77-704, Planning and zoning commission 77-705, Board of adjustment 77-706, City staff
Chapter 77-800, Review and Approval Procedures	77-801, Purpose and organization of this chapter 77-802, Summary table of decision-making and review bodies 77-803, Common procedures 77-804, Amendments to the text of this Code 77-805, Rezonings 77-806, Platting 77-807, Reserved 77-808, Development plans 77-809, Building permits and certificates of occupancy 77-810, Temporary use permits 77-811, Minor modification 77-812, Variances 77-813, Appeals of administrative decisions
FBC	1.4, Administration 1.5, Warrants 1.7, Platting

## Article 8: Nonconformities

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This section carries forward and consolidates the existing provisions in the RDC and FBC that govern nonconformities. Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	
Chapter 77-900, Nonconformities	77-901, General provisions 77-902, Regulations applicable to all nonconformities 77-903, Additional regulations for nonconforming uses 77-904, Same—Nonconforming structures 77-905, Same—Nonconforming lots/parcels/tracts 77-906, Same—Nonconforming signs 77-907, Same—Other nonconformities 77-908, Illegal nonconformities 77-901, General provisions
FBC	
Article 1, General Provisions	1.6, Non-Conformity

## Article 9: Enforcement

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This section carries forward and strengthens the existing enforcement provisions in the RDC. Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Code Chapter	Code Article
RDC	
Chapter 77-1000, Enforcement and Penalties	77-1001, Purpose 77-1002, Compliance required 77-1003, Continuation of prior enforcement actions 77-1004, Responsibilities for enforcement 77-1005, Violations 77-1006, Enforcement actions, remedies and penalties