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35-357 “FBZD” Form Based Zoning District

The Form Based Zoning District is a special district established to encourage a sustainable pattern of development by concentrating growth in Hamlets, Villages and Regional Centers while preserving and protecting prime agricultural land, environmentally sensitive areas, important natural features and open space. Hamlets, Villages and Regional Centers are compact, pedestrian-oriented and mixed-use with a focus on creating communities where the ordinary activities of daily living occur within walking distance of most dwellings. Lot and building standards including building disposition, building configuration, building function, parking standards, architectural standards, landscape standards and signage standards are governed by Land Use Plans, Development Pattern Plans and Transect Zones.

(a) Development Standards

Development within an “FBZD” shall comply with the Form Based Development Use Pattern in section 35-209. The remaining sections of chapter 35 continue to be applicable to issues not addressed by section 35-209 or this section. The provisions of section 35-209, when in conflict, shall take precedence over those other sections in chapter 35. Section 35-209 shall control for development standards including, but not limited to:

- (1) Lot and building layout and dimensions
- (2) Transportation and stormwater management infrastructure
- (3) Parks and open space
- (4) Parking and loading
- (5) Landscaping and buffering

(b) Consolidated Review Committee

- (1) The Development Services Department shall establish a Consolidated Review Committee (CRC) comprising a representative from each of the various regulatory agencies and staff that have jurisdiction over the permitting of a project. The CRC shall provide a single interface with the developer.
- (2) The composition of the CRC shall be as provided in section 35-209(b)(3). The CRC shall issue a Certificate of Compliance for approvals of Master Development Pattern Plans, Plats and Building Plans.
- (3) Decisions rendered by the CRC may be appealed to the Director of the Development Services Department.

(c) Uses

An “FBZD” may include residential, commercial, industrial and civic uses as permitted by Table 35-209-13A and Table 35-209-13B..

(d) Size

Minimum size requirements are based on development patterns (e.g. Hamlets, Villages, Regional Centers). Development Patterns require a minimum acreage size specified in section 35-209(d)(3).

(e) Completeness Review

(1) For all applications for “FBZD” zoning, the Director of the Planning and Community Development Department shall prepare a sector analysis. The sector analysis shall incorporate regional planning principles based on geographic characteristics (including, but not limited to, topography and transportation networks) and growth management priorities by utilizing the sector system described in section 35-209(c). This analysis shall be used to determine the appropriateness of the zoning request within the context of a regional planning perspective.

(2) An application for “FBZD” zoning for an area that lies within the boundaries of an adopted neighborhood, community or perimeter plan, or any other plan adopted pursuant to section 35-420, shall be subject to the completeness review criteria in section 35-421(c). If the zoning commission makes a determination that the zoning request is inconsistent with the master plan policies or the land use element of the applicable neighborhood, community or perimeter plan, then the application for rezoning shall not be deemed complete until a completed application for a master plan amendment is filed.

(f) Zoning Site Plan

(1) A Zoning Site Plan shall be filed with any request for “FBZD” zoning. An application for “FBZD” zoning shall not be deemed complete unless accompanied by a Zoning Site Plan.

(2) A Zoning Site Plan shall include the following information:

- A. Legal description and exhibit of the property at appropriate scale showing the boundaries of the area to be zoned “FBZD”
- B. Location of Development Patterns (e.g. Hamlets, Villages and Regional Centers) and Special Districts. A metes and bounds description of each Development Pattern and Special District (if applicable) and an exhibit showing the boundaries of the Development Pattern or Special District shall be provided
- C. Location of Transect Zones. Transect Zones shall be clearly identified and include an acreage notation (precise to 1/100th of an acre). A table that specifies the allocation of Transect Zones within each Development Pattern

expressed in total acreage and as a percentage of the total acreage of the Development Pattern shall be provided

- D. Location of Pedestrian sheds
 - E. Location of Avenues, Boulevards, Commercial Streets and Standard Streets that provide connectivity between Development Patterns and/or provide connectivity to major regional arterials
 - F. Land use allocation table for each Special District (if applicable). Land uses within each Special District shall also be shown on the site plan
- (3) The Zoning Site Plan shall be governed by section 35-421(c) Completeness Review and section 35-421(e) Approval Criteria of this chapter. The Zoning Site Plan shall also be reviewed for compliance with the terms of this section and section 35-209.
- (4) A Zoning Site Plan shall be reviewed by the zoning commission and approved by the city council concurrent with the application for rezoning to "FBZD." The zoning ordinance shall provide that adherence to the Zoning Site Plan, or the amended Zoning Site Plan, is required within the "FBZD" provided, however, that a rezoning shall not be required for the approval of a minor change to the Zoning Site Plan as defined in subsection (g)(2) of this section.
- (5) The approved Zoning Site Plan shall accompany all subsequent development applications (including, but not limited to, Master Development Pattern Plans, Plats and Building Plans).

(g) Amendments to Zoning Site Plan

- (1) Revisions to a previously approved Zoning Site Plan shall be classified as minor or major changes. An application for a minor or major change to a Zoning Site Plan shall be subject to section 35-421(c) Completeness Review provisions of this chapter. Within five (5) working days after filing the proposed revisions, required items and information, the Consolidated Review Committee (CRC) shall provide a written response indicating whether or not the submitted revised Zoning Site Plan has been accepted as a minor or major revision. If it is determined by the CRC that the revised submittal is considered a minor change then said submittal shall be processed by the CRC and shall not require review by the zoning commission or approval by the city council. If it is determined by the CRC that the proposed revision is a major change then said proposed major revision shall be processed in the same manner as the initial Zoning Site Plan submittal described in subsection (f) of this section.
- (2) A minor amendment to a Zoning Site Plan shall include:
- A. A deviation of 5% or less in the size and/or location of a Transect Zone, subject to the following:
 - 1. A change to a Transect Zone shall maintain the overall allocation of transect zones within the permitted range for each Development Pattern as listed in Table 35-209-18
 - 2. A Transect Zone shall only be changed to a lower Transect Zone or the next highest Transect Zone

- B. A deviation in the location of a street required to be included on the Zoning Site Plan of less than a maximum block length as defined for that Transect Zone.
- (3) Any other revision to an “FBZD” site plan not described in subsection (2) above shall be deemed a major change.

(h) Master Development Pattern Plan Required

(1) A Master Development Pattern Plan shall be required for every Form Based Development. A Master Development Pattern Plan shall include all areas within a Form Based Development to include all Development Patterns and Special Districts. A Master Development Pattern Plan shall be approved through the Master Development Plan (MDP) process in section 35-412 with coordination provided by the CRC.

(2) A Master Development Pattern Plan application shall include the following information:

A. The approved Zoning Site Plan

B. A Master Development Pattern Site Plan showing the location and extent of:

1. Transect Zones. Transect Zones shall be clearly identified and include an acreage notation (precise to 1/100th of an acre).
2. Pedestrian Sheds
3. Street designations, by type
4. Bicycle network
5. Transit network
6. Civic functions including civic spaces, civic building sites, and civic spaces for public transit
7. School reserve (if applicable)
8. Conservation easement boundaries (if applicable)
9. B-Grid designations
10. Mandatory and recommended frontage designations
11. Cross block passage designations
12. Terminated vista designations

C. Master Development Pattern Plan Tables shall include:

1. Allocation of Transect zones within each Development Pattern expressed in total acreage and as a percentage of the total acreage of the Development Pattern
2. Maximum block size within each Transect Zone
3. Civic space allocation by Pedestrian Shed
4. School area allocation by Development Pattern Plan
5. If B-Grids are designated, measurement ratio of B-Grid frontages to Pedestrian Shed frontages
6. Range of permitted private frontages, parks, lot occupation, building setbacks, building disposition, and building height by Transect Zone

7. Density calculations and exchange rates for housing units to other functions as prescribed by section 35-209(d)(4). The following additional materials are required if using one of the bonus density options:
 - a. For TDR option, identify receiving and sending areas in accordance with section 35-209(c)(2)
 - b. For Sustainable Development Option, include Sustainable Design Option Point System Matrix and Housing Mix Phasing Plan as detailed in section 35-209(d)(5)

- D. Public frontage definitions, including details of thoroughfare assemblies

- E. Typical for each category of proposed functions to include lot occupation, building setbacks, building disposition, building height and parking spaces

- F. Tree Master Plan (refer to section 35-523)

- G. The following general application requirements included on the site plan or as a separate exhibit as necessary:
 1. Identification
 - a. Proposed name of development if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in the County
 - b. City assigned ID number
 - c. Name and address of owner of record, developer and designer
 - d. The names of all adjacent property owners as shown on current tax records
 - e. Certificate of agency or power of attorney if other than owner
 - f. Signature blocks prepared for the dated signatures of the chairperson and secretary (Director of Development Services or assignee) of the authorized approval entity
 - g. Date of preparation

 2. Location
 - a. Two Points identified by Texas Planes Coordinates
 - b. Basis of bearings used and a north arrow
 - c. A location map at a scale of not less than 1" = 2,000' indicating the location and distance in relation to adjacent streets and all surrounding major thoroughfares. The location map is to be located in the top left hand corner of the sheet.
 - d. The exterior boundaries as indicated from deeds or other instruments of the development area giving lengths and bearings of the boundary lines. If the proposed development is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the site plan. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle and arc length
 - e. Graphic and written scale and north arrow

 3. Restrictions
 - a. Proposed covenants on the property, if any, including a map and legal description of area affected
 - b. Notation of any restrictions required by the City Council in accordance with this Ordinance
 - c. A development phasing schedule including the sequence for each phase; approximate size in area of each phase; and, proposed

phasing of construction of public improvements, recreation and common open space areas

4. Site Conditions
 - a. Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than five percent (5%) then either one foot contours or spot elevation shall be provided where necessary
 - b. All existing easements or right-of-way with street names impacting the development area, their nature and width
 - c. The location of all entrances onto existing and/or proposed adjacent roadways, whether existing or proposed
 - d. The location and dimension of all proposed or existing lots
 - e. A delineation of EARZ, wetlands, floodplains and woodlands
 - f. Traffic Impact Analysis (TIA) worksheet
 - g. Utilities Plan
 - h. Location of proposed fire hydrants, as part of a request for LOC
 - i. A stormwater management plan

(3) The applicant may elect to omit certain eligible items from the initial Master Development Pattern Plan application. If these items are omitted from the initial application, they shall be submitted in a subsequent application or subsequent applications as an addendum to the Master Development Pattern Plan. These items shall be submitted according to a phasing schedule included with the initial application and shall be approved through the process described in Subsection (1) of this section. The following items from subsection (2), above, are eligible for deferred submittal:

- A. Mandatory and recommended frontage designations
- B. Cross block passage designations
- C. Terminated vista designations
- D. The location and dimension of all proposed or existing lots
- E. The location of proposed fire hydrants, as part of a request for LOC

(4) An application for plat approval shall not be deemed complete until all items in Subsection (2) above have been submitted and approved for the area that is the subject of the application for plat approval.

(5) Approval Criteria. No Master Development Pattern Plan shall be approved unless it conforms to all applicable requirements in this section and section 35-209.

(i) Rezoning of Property within an “FBZD”

No property within the boundaries of an “FBZD” site may be rezoned unless and until the Zoning Site Plan is amended pursuant to the provisions contained herein. In particular, any such amendment or rezoning application must be justified in terms of impact to utility infrastructure, roadway infrastructure and goals and purposes of the original Form Based Development.

(j) Development of a Form Based Development Within the city's Extraterritorial Jurisdiction

A Form Based Development may be developed within the city's extraterritorial jurisdiction provided that the Form Based Development is developed pursuant to an approved Master Development Plan as provided in section 35-412 and the Form Based Development is designated as such on the Master Development Plan and meets the requirements set forth in this section and section 35-209. A Master Development Plan that is designated as a Form Based Development shall meet the requirements for a Master Development Pattern Plan and shall include a site plan that meets the requirements for a Zoning Site Plan as outlined in this section. If the property which is the subject of the Master Development Plan designated as a Form Based Development is subsequently annexed into the City's zoning jurisdiction, then the City shall initiate a rezoning case for the subject tract to rezone the property to "FBZD". The permanent zoning of any Form Based Development that is initially located within the extraterritorial jurisdiction and is later annexed shall be consistent with the Master Development Plan governing the Form Based Development as provided in section 35-307.

(k) Copy of "FBZD" Shall Be Made Available to the Public

The developer or landowner of an approved "FBZD" shall maintain a copy of the Master Development Pattern Plan within the sales office(s) located within the "FBZD". The site plan shall be displayed in a prominent location within the office so that it is easily viewable by the public. In addition copies of the Master Development Pattern Plan shall be made available to members of the public upon request. This requirement shall continue until all property within the "FBZD" is developed.