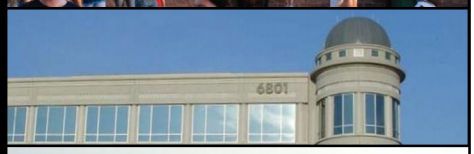

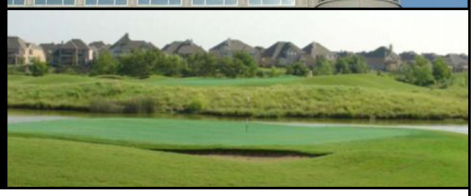

Zoning Diagnostic Report

Frisco, Texas

City Council / Planning & Zoning Commission Review Draft

August 27, 2009

Prepared by:

FREESE AND NICHOLS

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INTRODUCTION

Background Information

The City of Frisco, Texas is a rapidly growing community with a Comprehensive Zoning Ordinance that has helped produce one of the most desirable communities within the country. However, the phenomenal growth Frisco experienced over the last 15 years has left its mark on the Zoning Ordinance. In an effort to match the pace of development, the Zoning Ordinance has been updated incrementally as new issues facing the community evolved. For example, the City adopted a Form Based Code Manual in December of 2007 for use in the planned development (PD) zoning process. Notably, Frisco's last major Zoning Ordinance rewrite occurred in 1993.

Cities have three primary land use management tools, which are a City's (1) Comprehensive Plan, (2) Zoning Ordinance, and (3) Subdivision Ordinance. The City adopted a new Comprehensive Plan in 2006, which involved a broad base of community input and support. In addition, the City has recently adopted a new Subdivision Ordinance, which was enacted in July 2009. The final land use management tool remaining to be updated is the Zoning Ordinance. While the current Zoning Ordinance has served the City well, it has become evident that deficiencies exist and improvements should be made. Therefore, in an effort to continue to provide for the public health, safety, and welfare, Frisco leaders have charged City Staff to work with the public and the consulting firm, Freese and Nichols, Inc., to implement a major rewrite of the current Zoning Ordinance.

The 2006 Comprehensive Plan

In April 2006, the City adopted the 2006 Comprehensive Plan, which was the first major update since the adoption of the Millennium Comprehensive Plan in 2000. The 2006 Comprehensive Plan reflects the current community values in regards to zoning regulations. It recommends concepts for land uses, building designs, and neighborhood elements that can be transferred into the Zoning Ordinance.

Stakeholder Interviews on February 11-12, 2009

On February 11-12, 2009, community stakeholders who have knowledge of and experience with the current Zoning Ordinance were interviewed to gain a better understanding of what works well and what problems should be addressed with the Zoning Ordinance update. Community stakeholders included citizens, property owners, developers (local and national), City Staff, and Planning & Zoning Commission members. The issues identified by these stakeholders have been incorporated into this report.

General Concepts

This Diagnostic Report has been drafted as the first step in the City Council's directive to create a new Zoning Ordinance. The following broad concepts pertaining to City issues have been considered in the drafting of this report:

1) Coordination between Regulations/Standards.
   Because a complete rewrite of the zoning regulations has not occurred in over a decade, there are many requirements that are in various locations. Requirements need to be provided in a single location, and if they cannot be (such as in an overlay district situation), adequate cross-referencing of where requirements are located is essential.

2) A User-Friendly Format.
   Developers, consultants, and others who use the new Zoning Ordinance should be able to easily navigate the new document. The new Zoning Ordinance will be written in a format that promotes scanning over reading long passages of text.

3) The Incorporation of Innovative Planning Principles.
   The City seeks to incorporate the latest thinking in the art and science of city planning into its new Zoning Ordinance. The ultimate goal of the new Zoning Ordinance is to make Frisco an innovative and well-planned community. Therefore, one of the central objectives of this work effort will be to improve the basic policies and rules that govern and manage land development activities in the community. The new Zoning Ordinance should focus on outlining a land development process that will result in a better-quality urban environment.

4) A Legally Sound and Fair Document.
   Finally, the new regulations must be a fair and highly defensible set of rules for the development of land in the community. The new Zoning Ordinance clearly reflects basic Constitutional principles, recent court rulings, and other applicable case law. It also must be framed in accordance with Texas statutory authority as it pertains to community planning and land development, with issues such as appeal processes and rezoning.

The Resulting City Council and Planning & Zoning Directive

Following the review of this Diagnostic Report, the City Council and Planning & Zoning Commission will need to provide input on the recommendations contained herein.

If the City Council and Planning & Zoning Commission agree with the recommendations presented in this report, Phase II of the work effort should commence, which is the actual drafting of the new Zoning Ordinance.

If the City Council or Planning & Zoning Commission have concerns about any of the issues or recommendations for regulatory action cited herein, these issues should be discussed and additional direction should be given as to how City leaders would prefer to approach those issues in the new Zoning Ordinance.

Once the City Council, Planning & Zoning Commission, and Zoning Advisory Committee (ZAC) reach consensus on the issues within this Diagnostic Report, this document will be used as the basis for the City's directives as the new Zoning Ordinance is written. For each diagnostic issue/observation made, there is a recommendation that outlines how the issue can effectively be addressed. These recommendations are intended to be broad at this point in the process, with the final recommendation being written into the new Zoning Ordinance.

Status of this Draft Report

This August 2009 Draft Report is the fourth draft of the Diagnostic Report and is intended for review by the City Council and Planning and Zoning Commission. The first draft was reviewed and revised by City Staff on June 22, 2009. A second draft was presented to ZAC on July 15, 2009. After the ZAC reviewed and provided comments at the July meeting, the third draft was developed for ZAC approval at the August 12, 2009 meeting. This fourth draft is intended to be presented to the City Council and Planning and Zoning Commission for the purpose of soliciting comments.

After comments have been received on this fourth draft, revisions will be made and a fifth and final version of the Diagnostic Report will be presented for the City Council and Planning and Zoning Commission review for their acceptance.

Notably, new issues may present themselves, as the ordinance rewrite is undertaken. It is the intent of this report to be a starting point at which these issues and recommendations can be considered.

ZONING ORDINANCE FORMAT

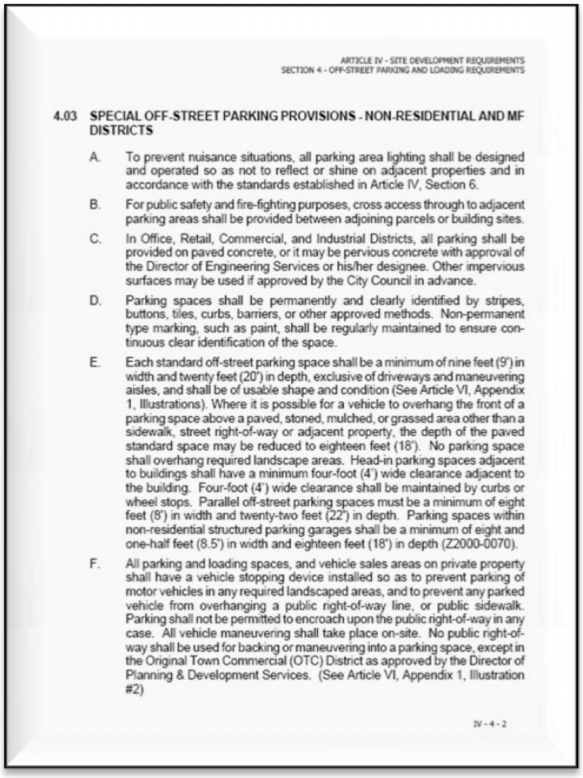
1) Update Style, Numbering, and Page Layout

Diagnostic Issue/Observation

Currently, the format of the Zoning Ordinance is a series of individual documents. As a result, the document does not flow cohesively from the beginning to the end. It is difficult for a person to either find her or his exact location within the Zoning Ordinance or understand the specific requirements are prescribed.

The typical user of the Zoning Ordinance desires to quickly find information to answer questions she or he may have. It is commonly accepted that a zoning ordinance in any community is scanned by readers and not intended to be read from cover to cover. Therefore, it is important to design a document that meets the "scan-ability" desire of its readers. With the current format, a person cannot quickly scan through the Zoning Ordinance, either visually or electronically, to find information due to a lack of subheadings, verbose wording, and individual files for each minor section.

The cumulative effect of the above formatting issues can leave an individual frustrated and confused regarding the vast information contained within the Zoning Ordinance.



ARTICLE IV - SITE DEVELOPMENT REQUIREMENTS
SECTION 4 - OFF-STREET PARKING AND LOADING REQUIREMENTS

4.03 SPECIAL OFF-STREET PARKING PROVISIONS - NON-RESIDENTIAL AND MF DISTRICTS

A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Article IV, Section 6.

B. For public safety and fire-fighting purposes, cross access through to adjacent parking areas shall be provided between adjoining parcels or building sites.

C. In Office, Retail, Commercial, and Industrial Districts, all parking shall be provided on paved concrete, or it may be pervious concrete with approval of the Director of Engineering Services or his/her designee. Other impervious surfaces may be used if approved by the City Council in advance.

D. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

E. Each standard off-street parking space shall be a minimum of nine feet (9') in width and twenty feet (20') in depth, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition (See Article VI, Appendix 1, Illustrations). Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way or adjacent property, the depth of the paved standard space may be reduced to eighteen feet (18'). No parking space shall overhang required landscape areas. Head-in parking spaces adjacent to buildings shall have a minimum four-foot (4') wide clearance adjacent to the building. Four-foot (4') wide clearance shall be maintained by curbs or wheel stops. Parallel off-street parking spaces must be a minimum of eight feet (8') in width and twenty-two feet (22') in depth. Parking spaces within non-residential structured parking garages shall be a minimum of eight and one-half feet (8.5') in width and eighteen feet (18') in depth (Z2000-0070).

F. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, and to prevent any parked vehicle from overhanging a public right-of-way line, or public sidewalk. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into a parking space, except in the Original Town Commercial (OTC) District as approved by the Director of Planning & Development Services. (See Article VI, Appendix 1, Illustration #2)

IV - 4 - 2

Visual 1: Example of the Current Page Format

Recommendation

The Zoning Ordinance should be in a readable, user-friendly format. The following steps will be taken in order to improve the Zoning Ordinance format and provide readers greater control over understanding the Zoning Ordinance:

- An improved numbering system combined with an improved layout.
  - For example: Consistent page numbering throughout the Zoning Ordinance with no Roman numerals, improved section/sublevel numbering, and master table of contents.
- Incorporate the use of more subheadings to increase the ability to scan.
- Where possible, paragraph text will be replaced with bullet points or illustrations.
- Reduce the need for text explanations when charts, tables, or illustrations can be used.

DEFINITIONS

2) Consolidate and Clarify Definitions

Diagnostic Issue/Observation

The majority of definitions are found within Article II. However, there are other, smaller sections of definitions throughout the Zoning Ordinance. While there are advantages for having definitions within relevant sections, it is confusing for readers to search the Zoning Ordinance for the definitions. If centralized in one location, then readers will know that all definitions can be reviewed in one section of the ordinance.

Additionally, definitions should be reviewed to ensure that regulations are not contained within the definitions themselves. Regulations should be in a separate section to reinforce the impartiality and objectiveness of the definitions. The regulation of defined uses and structures is appropriate within later sections, such as Article IV, Section 9 - Special and Additional Supplementary Regulations. The following sections have definitions that are not found within Article II.

- Landscaping Definitions
- Tree Preservation Definitions
- Accessory Building and Use Definitions
- OTC Definitions
- Form Based Code Definitions

Recommendation

All definitions should be within one section. This section should have either its own article or section number with each definition having a sublevel section number to allow for easy cross-referencing and identification. Additionally, the definitions section can be divided into two parts to include (1) definitions for the use chart and (2) definitions for wording and interpretation of wording throughout this Zoning Ordinance.

3) Use State Definitions for State Regulated Businesses

Diagnostic Issue/Observation

As previously mentioned, regulations should not be contained within the definitions. In addition to not containing regulations, definitions should match definitions provided by the State of Texas. The State has developed specific definitions to classify and license businesses, such as day cares and childcare facilities.

Recommendation

It is recommended that the City use State definitions for businesses that typically require State licenses. For example, the childcare and group home definitions from Chapter 42 of the Texas Human Resource Code should be used to replace current definitions. Local regulations, such as hours of operation, should be located in other sections of the Zoning Ordinance.

ZONING DISTRICTS

4) Rename Single Family Districts and Update Purpose Statements

Diagnostic Issue/Observation

The names of single family zoning districts are in an ordinal pattern (i.e., SF-1, SF-2, SF-3, SF-4, and SF-5). While this numbering system is clear, it lacks information that will allow readers to understand what SF-1 entails, other than being the first single family zoning district within the Zoning Ordinance.

Recommendation

It is recommended that all single family zoning districts be renamed to reflect their minimum lot size. By indicating the minimum lot size, readers will have a better understanding of the differences between the single family zoning districts. The following would be the new names of the zoning districts:

- SF-1 = SF-16 (16,000 minimum square foot lots)
- SF-2 = SF-12.5 (12,500 minimum square foot lots)
- SF-3 = SF-10 (10,000 minimum square foot lots)
- SF-4 = SF-8.5 (8,500 minimum square foot lots)
- SF-5 = SF-7 (7,000 minimum square foot lots)

5) Consider Consolidating Single Family Districts

Diagnostic Issue/Observation

As shown above, Frisco has five (5) single family zoning districts. The lot size difference between some of the districts is marginal. The reasons for having multiple districts become less substantial when the difference between the districts is only 1,500 square feet. Additionally, it can be cumbersome for the city to manage five (5) districts, if fewer districts will achieve the same results.

Recommendation

It is recommended that combining districts into other districts should be considered. An investigation of the appropriate district combinations should be performed. For example, the SF-12.5 and SF-8.5 could be merged into one of the three other districts. Furthermore, adjustments to the remaining districts' lot sizes should be considered to ensure an appropriate range of lot sizes remain available for development.

Visual 2: Frisco Aerial Photograph

6) Develop Alternatives to the Minimum Lot Size Requirement

Diagnostic Issue/Observation

Per the Comprehensive Plan, methods should be investigated to improve the lot size variety within subdivisions. The Plan referred to allowing a maximum density per acre requirement as an alternative to the standard minimum lot size. This is to be a flexible option to encourage developers to have lots of various sizes within their subdivisions.

Recommendation

It is recommended that an option to replace the minimum lot size within residential zoning districts be a maximum density per acre. The maximum density per acre option would allow developers to build to a maximum density without any requirements to a standard minimum lot size.

For instance, if 16,000 square feet was the minimum lot size required, then the developer could decide to use a maximum density per acre option. The maximum density per acre option could have the following requirements:

- If, for this example, a density of 3.0 dwelling units per gross acre were used, then the developer would be allowed a denser development than the minimum lot size would allow.
- Then, in order to promote lot size variety, the neighborhood should be required to have the following:
    - 15% of the lots at least 20% below the average lot size of the entire development, and
    - 15% of the lots at least 20% above the average lot size of the entire development.

7) Review and Update Zoning District Purpose Statements

Diagnostic Issue/Observation

The district purpose statement is critical for communicating the reason for the zoning district. Over time, district purpose statements may not reflect the true or current intent of the zoning district. For example, the MF-1 (Multiple Family District) describes townhomes as being a permitted use; however, townhomes are not permitted within the use chart. These conflicts should be eliminated because doubt is created regarding what is allowed.

Recommendation

It is recommended that every purpose statement be concise and simple. Furthermore, all purpose statements and the use chart should be in agreement and any conflicts resolved. The revised purpose statement should be accurate and shorter in length to reduce the likelihood that a conflict will occur between the purpose statement and use chart.

8) Review Setbacks for all Zoning Districts

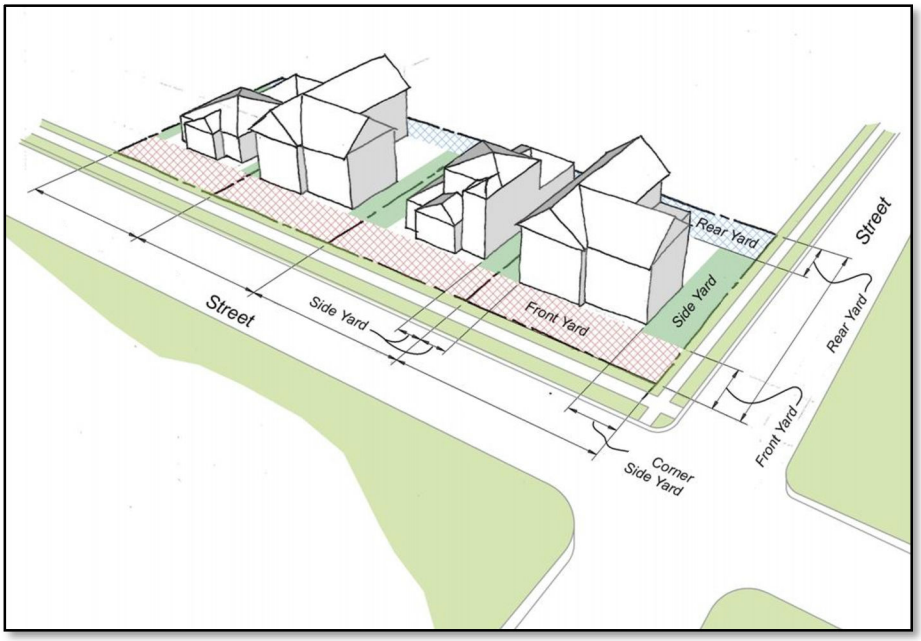
Diagnostic Issue/Observation

During the interview process, various members of the development community mentioned the subject of setbacks. Setbacks greatly influence the look and feel of residential neighborhoods and nonresidential corridors. One issue was the ambiguity of the double frontage requirement and the subsequent issue of what yards become side and rear yards for corner lots. Additionally, interviewees requested the seven (7) foot side yard side setback should be reviewed and lowered to a five (5) foot setback or ten (10) percent of the overall width for residential parcels. The rationale is that a five (5) foot setback is a more common standard and placing a fifty (50) foot wide home on a sixty (60) foot wide lot was problematic. Similar comments were made regarding the front yard setback being reduced to twenty (20) feet.

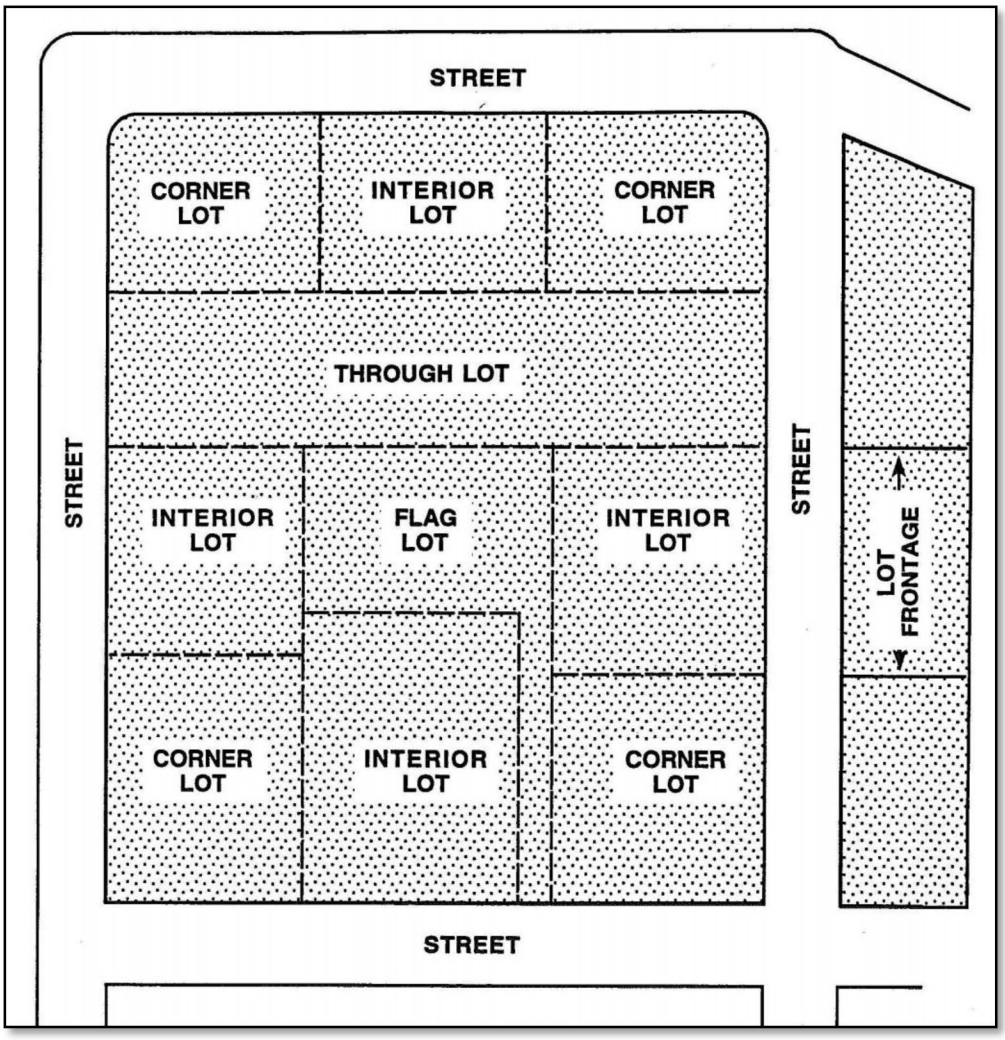
However, the Fire Department expressed their support of a minimum fourteen (14) foot separation between buildings via the side yards. Additionally, they support rear yard setbacks that establish at least thirty (30) feet or more of physical separation between residences.

Recommendation

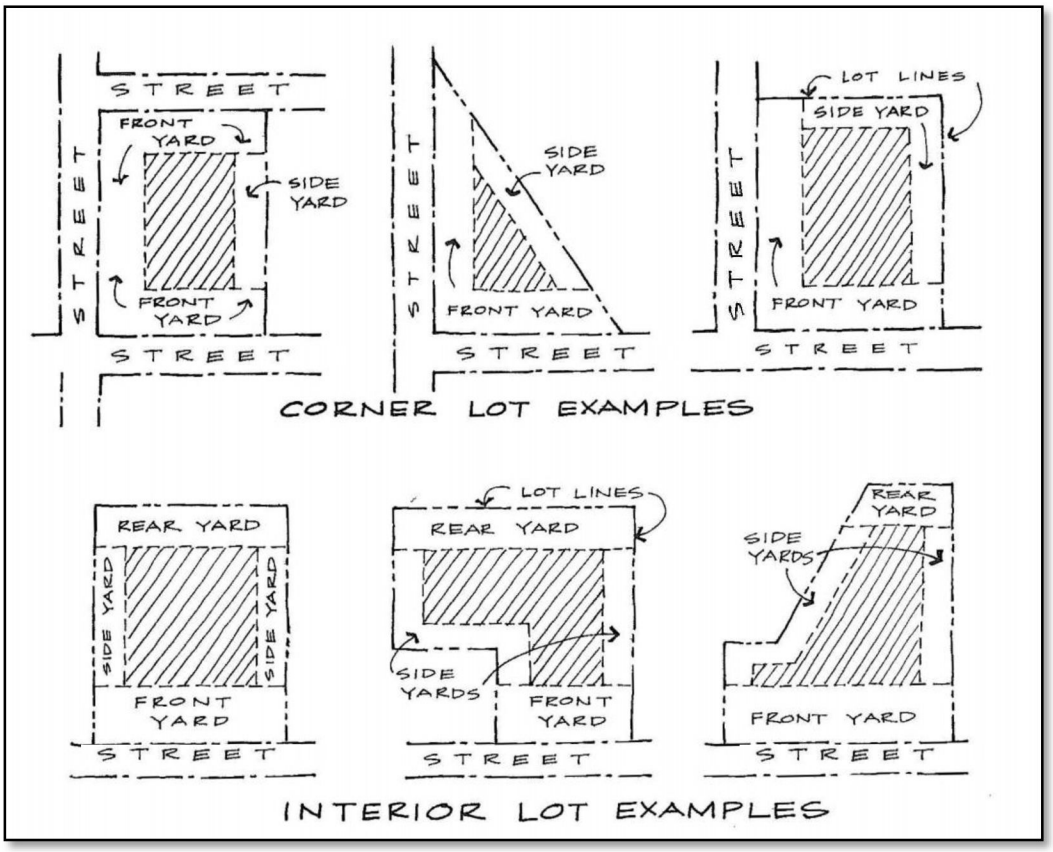
All residential and nonresidential setbacks should be reviewed and revised to provide for a look and feel that is consistent with the recommendations of the Comprehensive Plan. The issue of double frontage lots should be clarified. Additionally, options should be investigated to address both the development community's concerns and Fire Department's concerns regarding front, side, and rear yard setbacks. Multiple alternatives will be considered such as increasing the minimum lot width or depth, reducing the front or side yard requirements with maintaining appropriate building separation, and combining various increases and decreases in dimensional standards. Also, options should be considered for reducing front yard setbacks for nonresidential buildings along major roadways, such as Preston Road, to allow buildings to be closer to the front property line to enhance the public realm for pedestrians.



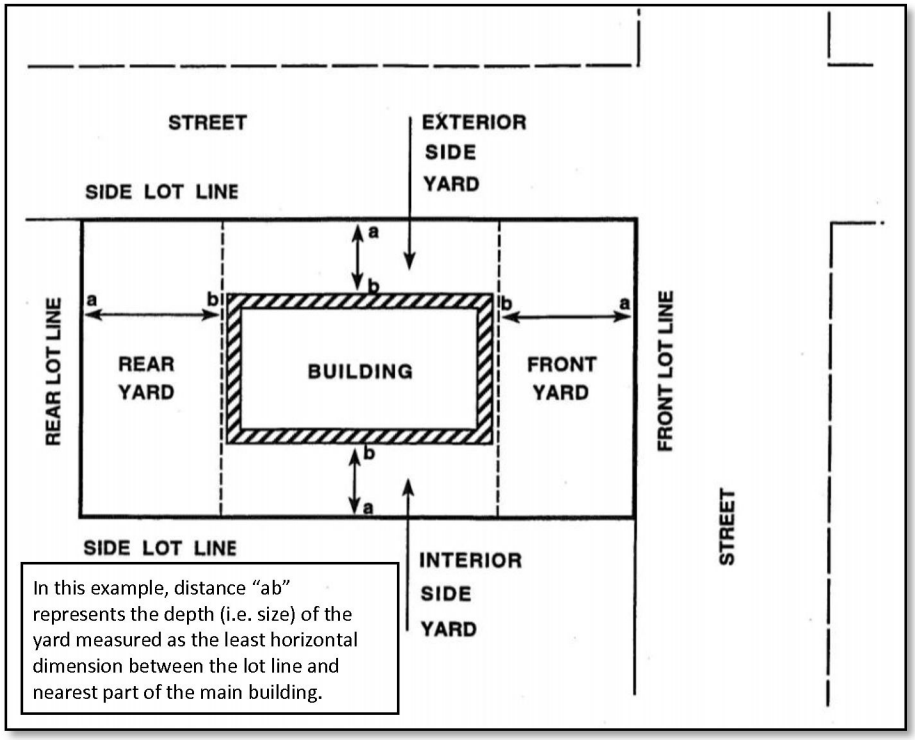
Visual 3: Example of Area Regulations within a Subdivision (Visual is for Illustrative Purposes Only)



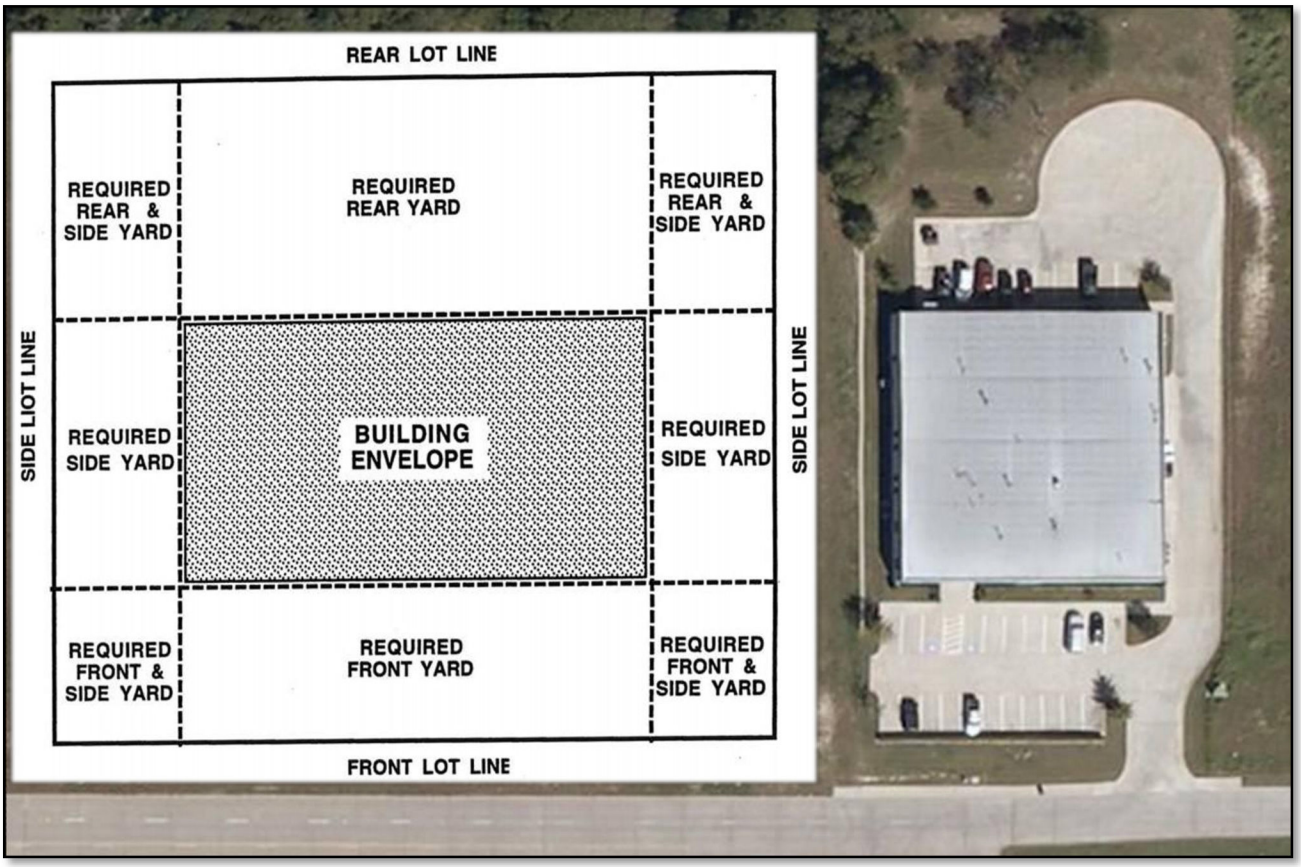
Visual 4: Types of Lots Example (Visual is for Illustrative Purposes Only)



Visual 5: Yards for Corner and Interior Lots Example (Visual is for Illustrative Purposes Only)



Visual 6: Corner Lot Detail Example (Visual is for Illustrative Purposes Only)



Visual 7: Example Depicting Required Yards (Setbacks) for Nonresidential Land Use (Visual is for Illustrative Purposes Only)

9) Review Lot Size, Width, and Depth Requirements for all Zoning Districts

Diagnostic Issue/Observation

Lot size, lot width, and lot depth can be important issues in determining how a district will develop. Through the input received, it was noted that some requirements should be reviewed. For example, the industrial district requires only a 7,000 square foot minimum lot size. This can be counterproductive for an industrial district because small lots can be carved out of larger lots, which are necessary for traditional industrial operations. Recent industrial developments within Frisco have been occurring on lots approximately two (2) acres or larger.

Recommendation

It is recommended that the lot size requirement be reviewed to match the intent of the district. During the process, standards will be designed to limit development problems such as narrow or shallow lot design. Notably, the Industrial (I) District minimum lot size should be increased to help preserve large tracts for industrial development.

10) Reduce the Minimum Dwelling Area (House Size) Requirement

Diagnostic Issue/Observation

The Zoning Ordinance currently prescribes a minimum dwelling area for each residential zoning district. The minimum area ranges from 2,400 square feet in the SF-1 and SF-2 districts to 650 in the OTR district. This standard can conflict with the Comprehensive Plan's intent to provide for full-life cycle housing options, since smaller homes for retirees, empty nesters, and young families would be prohibited.

Recommendation

It is recommended that the minimum dwelling area be reduced to a common size. After discussion with the ZAC, it was recommended that 800 square feet be used as the new minimum dwelling area for all single family districts including the OTR, north of Main Street.

11) Require Housing Integration

Diagnostic Issue/Observation

The Comprehensive Plan calls for the integration of a variety of housing types within new residential development projects. As previously mentioned, a major recommendation of the Comprehensive Plan was the livability concept of creating full-life cycle neighborhoods (e.g., various housing types or lot sizes), where people at different stages of life or incomes can live within the same neighborhoods. Currently, housing integration is prohibited within the use chart and lot size variety is not required or encouraged.

Recommendation

After extensive discussion with the ZAC, it is recommended that housing integration concepts should be flexible and provide clear direction for developers. Notably, increasing density (units per acre) received the most support from the ZAC versus requiring a specific amount of housing

types or focusing on the exact lot size. Provisions should address the limited space available for on-street parking in neighborhoods using a density bonus to ensure adequate parking is available.

Also, it is recommended that any density increase should not be a proportional reduction of all lot sizes within a development, but should be accomplished by individual lot reductions. Overall, setbacks and separation should be maintained to ensure adequate fire protection.

The following is a list of housing types that should be considered for any list of permitted housing types for this housing integration concept:

Housing Type	Description	Example	Zoning District
Duplex	A building containing two single family dwelling units totally separated from each other by a common wall extending from basement to roof.		SF1, SF2, SF3, SF4, SF5, OTR
Townhouse	A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.		SF1, SF2, SF3, SF4, SF5, OTR
Loft	This dwelling unit is located in association with retail (either above or in close proximity to) and generally includes a mezzanine space. They are often located above the first floor, which may be office or retail use.		OTR
Mother-in-law suite (garage apartment)	This is an accessory residential unit located on a single family lot that does not have a presence on the front street. It will also include a separate entry from the main house. It is often constructed above the primary unit's garage or attached to the rear of the primary home.		AG, RE, SF1, SF2, SF3, SF4, SF5, OTR
Multi-unit large home	A building that is designed and constructed to look like a large single family home, but may contain four to six units. Parking is located behind the main structure and may be accessed by a drive-thru from the front street, or by an alley.		AG, RE, SF1, SF2, SF3, SF4, SF5, OTR

12) Adjust Height Restrictions within Nonresidential Zoning Districts

Diagnostic Issue/Observation

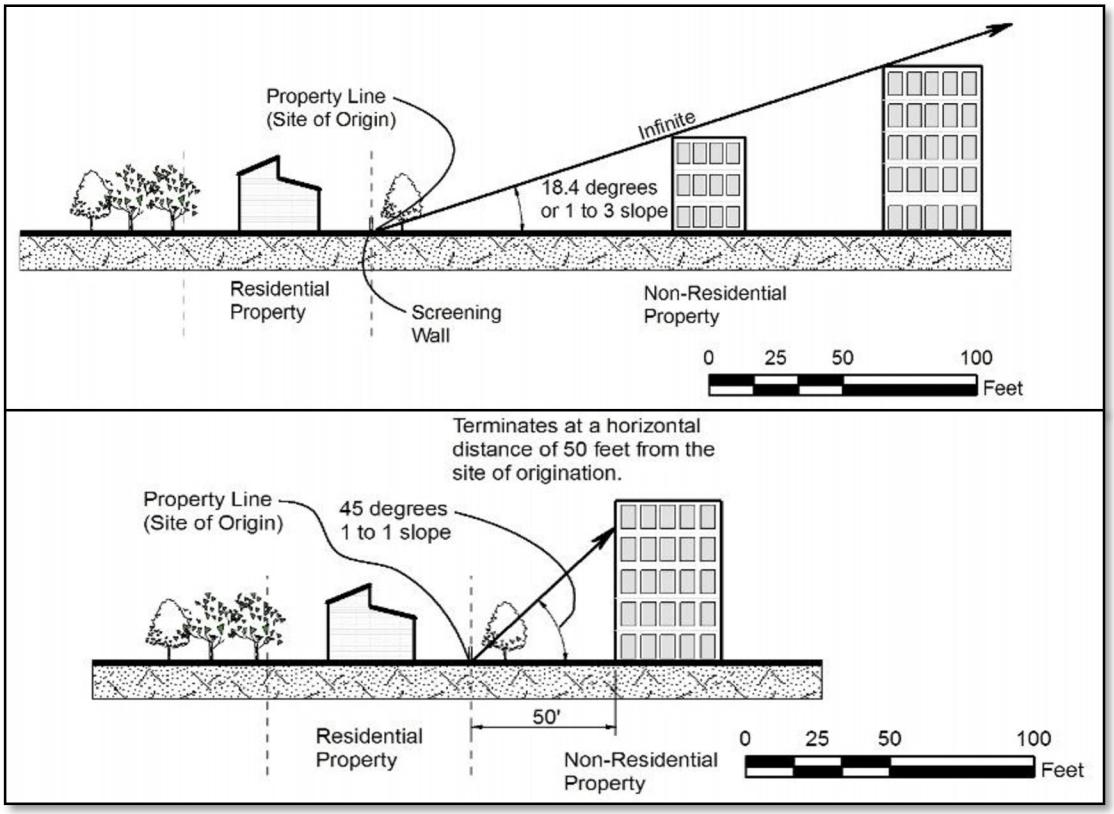
The maximum allowable height of buildings within nonresidential zoning districts ranges from 30 feet within the Office 1 (O-1) District to no height limitation within the Office 2 (O-2) District and Highway (H) District. Through the input process, it was determined that height restrictions were too restrictive and limited development opportunities. The ZAC discussed the advantages and disadvantages to increasing the height limitation or eliminating height restrictions.

Recommendation

It is recommended that building height limitations be adjusted within nonresidential zoning districts to allow for taller buildings. The height adjustments should be considered on an individual district basis. Other factors should be considered, such as the height of parapet walls and other objects that are not part of the usable space of the building. These factors can have a negative effect on the image of roadway corridors.

Notably, height limitations should apply to nonresidential buildings adjacent to property zoned for residential. In these cases, buildings should be limited to 40 feet within 200 feet of a residential zoning district.

The concept of a residential proximity slope (RPS) should also be investigated. The following are two examples of an RPS. These two examples show a residential use (either single family or multiple family) and an RPS continuing for an infinite or finite distance. The examples are for **illustrative purposes only** and depict two different methods of implementing the RPS concept.



Visual 8: Residential Proximity Slope Examples (Visual is for Illustrative Purposes Only)

13) Amend the OTC (Original Town Commercial) District to Allow for Greater Functionality

Diagnostic Issue/Observation

There were two functionality issues identified for the OTC (Original Town Commercial Zoning District). First, the height restrictions prohibit compatible and desirable development within the OTC. Second, residential uses are generally not allowed and thus mixed use developments having nonresidential uses on the ground floor with residential uses on the upper floors of the building are prohibited within the OTC. Notably, mixed use developments are consistent with the unique character of this historic section of the community.

However, the Fire Department did express concern with allowing greater height limits. The concern with the height limits related to the ability to ensure the protection of taller structures.

Recommendation

It is recommended that the safety concerns expressed by the Fire Department be addressed. This can be accomplished through building and site designs. If safety concerns cannot be properly addressed then current regulations should remain.

However, if safety concerns can be addressed then the building height limitations should be increased to allow development that is consistent with the current character and the goals from the Comprehensive Plan. Also, mixed use developments should be allowed and added within the use chart as permitted uses within each zoning district.

Additionally, if taller buildings and mixed use developments are allowed, then provisions should be considered for requiring wider sidewalks to offset the increased density. The wider sidewalks would help accommodate the increased pedestrian traffic created by mixed use developments.

Visual 9: Mixed Use Example

Visual 10: Mixed Use Example

14) Parking within the OTC (Original Town Commercial) District

Diagnostic Issue/Observation

Parking opportunities within the OTC zoning district can be limited. While the Zoning Ordinance can prescribe how many parking spaces a specific use should have, the smaller lots and increased density of the area can pose problems for developers to meet parking requirements. Alternatives can be developed to help ensure enough parking is available and help developer meet challenging site designs. Although, parking solutions for the OTC may be developed separately from the Zoning Ordinance.

Recommendation

It is recommended that parking solutions be sought both within the Zoning Ordinance and through other mechanisms, such as an improvement district or tax increment financing (TIF) district.

The Zoning Ordinance should be reviewed to allow options such as reducing the minimum amount of required parking spaces for the land uses within the OTC with City Staff or Planning & Zoning Commission approval.

Visual 11: OTC Parking Example

15) Promote "Usable Open Space" in the Front and Side Yards

Diagnostic Issue/Observation

The current open space requirement requires seven (7) percent of the net lot area to be provided as open space. As development has occurred under this requirement, open space is sometimes relegated to the rear of the property and is not in view of or access to the public, which defeats the intent of the requirement. The intent is to incorporate open space or natural areas to prevent the look and feel of congestion and density from the public realm.

Recommendation

It is recommended that amendments be made to require open space to either be in the front or side yards. Open space serves as a critical component to blend uses together, as well as provides a constant area for native landscaping. Standards will be written to clearly define the required open space, specifically on nonresidential projects. Additionally, clarification should be provided regarding if detention and retention ponds should be considered as open space.

Visual 12: Open Space Example

Visual 13: Retention Pond - Encouraged Design

- Pond is easily accessible for maintenance
- The use of the slope of the land with landscape materials allow for low maintenance (i.e., no retaining wall to maintain or replace)
- Community-wide amenity, viewable to the public

Visual 14: Retention Pond - Discouraged Design

- Pond is not easily accessible for maintenance
- Use of retaining walls can increase the cost of maintenance as retaining walls age.
- The responsibility, ownership, and cost of retaining walls can often be confusing after construction (e.g., Which property owner or owners are responsible for maintaining or replacing the wall? Should the City be responsible for replacing the wall – even on private property?)
- Not a community-wide amenity, viewable by only a few parcels

Visual 15: Detention Pond - Encouraged Design

- The creation of an amenity with landscape materials
- Addresses two important community elements:
  - Drainage detention
  - Visual appeal of the built environment
- Allows locations for native vegetation

Visual 16: Detention Pond - Discouraged Design

- The creation of an undesirable area or "no-man's land" area
  - Area can often appear as a neighborhood eyesore
- Addresses only one important community element:
  - Drainage detention

16) Develop an Open Space Section

Diagnostic Issue/Observation

The current open space requirements are located throughout the various sections of the Zoning Ordinance. While this may be advantageous for a smaller section, it can create confusion. The readability of the document could be improved by providing one section detailing open space requirements.

Recommendation

It is recommended that an Open Space section be created within the Zoning Ordinance. The requirements within the individual sections will be removed and replaced with a cross reference to the new section. This new section will allow for an improved understanding for the open space requirements throughout the city.

17) Combine Existing Nonresidential Zoning Districts

Diagnostic Issue/Observation

Frisco has 27 zoning districts, including the Preston Road Overlay District and Tollway Overlay District. In an effort to simplify the development process, opportunities to consolidate districts should be reviewed. Underutilized districts can be merged into similar nonresidential zoning districts with uses and standards being moved to either the closest lower or next higher intense zoning district. As a result, the Zoning Ordinance can become more efficient and user-friendly by eliminating the redundancies between similar zoning districts.

Recommendation

It is recommended that both the Neighborhood Services (NS) and Corporate Office (CO) Districts be merged into similar zoning districts. The NS District could be merged with the Retail (R) District and the CO District could be deleted or merged with the Office-2 (O-2) District.

Additionally, the Commercial-1 (C-1) and Commercial-2 (C-2) Districts could be combined into one zoning district. Notably, a review and comparison of the uses will be undertaken to anticipate any potential use conflicts.

USE CHART AND STANDARDS

18) Reduce the Amount of Specific Use Permits (SUPs) within the Use Chart

Diagnostic Issue/Observation

Specific Use Permits (SUPs) are tools within any zoning ordinance. The intent is to allow discretion in permitting a use, which is based upon its compatibility within a specific area of a zoning district and surrounding uses. SUPs can be considered minor zoning cases and issues arise because the implementation of SUPs can be a subjective decision by elected or appointed officials. The elimination or reduction of SUPs simplifies the development process.

Recommendation

It is recommended that each SUP be reviewed for a possible change to either a permitted-by-right or prohibited use. Furthermore, new and specific criteria or standards should be developed for uses subject to current SUPs and then inserted to the Zoning Ordinance's section for conditional development standards (Article II, Section 3.04) and the use chart updated accordingly. Notably, some uses should still require an SUP and the current SUP section (Article III, Section 3: Special Districts) should remain within the Zoning Ordinance. However, the SUP criteria in Article III, Section 3 should be revised with objective criteria to strengthen the evaluation of each SUP. Opportunities for enhancing the ability to track and enforce SUPs will also be reviewed.

19) Add the Tollway Overlay to the Use Chart

Diagnostic Issue/Observation

The City has two overlay districts, the Preston Road Overlay District and the Tollway Overlay District. Both districts either add or prohibit uses within the base zoning district. However, the Tollway Overlay District is not shown on the use chart, which can create confusion when understanding what uses are allowed and prohibited within each zoning district.

Recommendation

It is recommended that the Tollway Overlay District be added to the use chart.

20) Add Section Regarding Alternative Energy

Diagnostic Issue/Observation

Throughout the country, there is growing popularity with installing solar panels and wind turbines, also referred to as Wind Energy Conversion System (WECS). Cities are taking steps to ensure that if businesses or residents install these devices that the health, safety and public welfare is protected. The Fire Department expressed the desire to ensure that emergency access, fire codes, and gate requirements should be referenced in the Zoning Ordinance for these devices. Additionally, the ZAC agreed that WECS are both a sight and sound issue and that zoning regulations should be considered for the regulation of WECS.

Recommendation

It is recommended that standards be developed to regulate the use of WECS. Specifically, a section of text within the Zoning Ordinance should be written to detail standards, such as height limitations and fall-zone setbacks. Additionally, the use chart should be amended to regulate in which zoning districts WECS should be allowed. With sufficient zoning regulations in place, WECS should be treated as permitted uses rather than with Specific Use Permits (SUPs) to limit the subjectivity of their approval. Notably, horizontal wind turbines with enclosed blades will be considered.

Solar panels are currently allowed within residential and nonresidential developments. Opportunities to encourage solar panels will be reviewed for their incorporation into a development.

Visual 17: Wind Turbine

21) Use Chart and Definitions

Diagnostic Issue/Observation

Uses within the use chart and the associated definitions are a critical component of the Zoning Ordinance. Uses and definitions vary from city to city and it can often be difficult to understand what a specific business should be classified. The North American Industrial Classification System (NAICS), which replaced the Standard Indusial Classification (SIC) code, establishes common definitions for all business categories.

Recommendation

It is recommended that use chart definitions be reviewed for consistency with national standards. NAICS definitions should be utilized as a reference for uses that do not appear within the Zoning Ordinance.

It may be determined additional uses are needed within the use chart. Broad definitions may need to be separated into more precise definitions to allow for appropriate classification.

Notably, at one time the use chart contained hundreds of detailed uses, which was cumbersome for users of the Zoning Ordinance. Users have often found that fewer definitions increase the usability of the Zoning Ordinance. The use chart should not undergo a major expansion. Only uses that will improve the development process should be added.

SITE DEVELOPMENT REQUIREMENTS

22) Shared and Maximum Parking Standards

Diagnostic Issue/Observation

Parking lots are a major component in nonresidential design. The vast expanses of parking lots are an image Frisco wants to avoid. Additionally, the larger the amount of surface area that is covered by parking lots (i.e., impervious surfaces) increases the flow and amount of stormwater runoff into local creeks. Retailers often exceed the required minimum parking standards in an effort to plan for holiday shopping immediately following Thanksgiving Day, while the remainder of the year the majority of the parking lot remains unused.

Opportunities exist for developments to share parking spaces. Land uses often have different peak times of the day and/or week, which would be considered their highest point of demand for parking spaces. For example, an office use may only need its parking spaces during the weekdays from 7:00 AM to 6:00 PM, while a church or movie theater can use the same spaces during the evenings and weekends.

Recommendation

It is recommended that options such as maximum parking standards, shared parking, and street connectivity be investigated. These concepts promote the Comprehensive Plan's vision of a sustainable community by reducing excess parking spaces, improving roadway safety, and providing street connections (e.g., improved access by connecting streets and providing multiple routes).

Additionally, in order to mitigate stormwater runoff from parking areas, concepts such as using alternative paving materials for parking areas that exceed the minimum required amount should be considered.

Visual 18: Example of Interlocking Concrete Pavers

Visual 19: Example of Interlocking Concrete Pavers

23) Masonry Requirements – Cementitious Fiber Board Siding (CFBS)

Diagnostic Issue/Observation

City Staff is currently working on new standards for Cementitious Fiber Board Siding (CFBS). The City's current ordinance (Article IV, Section 9.09) established that main buildings within residential districts be 100 percent masonry, with CFBS constituting up to 50 percent of stories other than the first story. There are currently no standards ensuring the quality installation of CFBS, which is a concern of both City Staff and the ZAC. At the November 2008 Joint Worksession of the City Council and Planning & Zoning Commission, staff was directed to continue working on standards that would allow CFBS with approval of a pattern book of appropriate architectural styles.

Notably, City Staff had inquired of several homebuilders of the type of CFBS home they envisioned if a pattern book (i.e., a visual depiction of standards) was not required. The reply given was that homes would be the same design as brick homes with the only exception being CFBS replacing bricks.

Recommendation

It is recommended that the City's new standards for CFBS be incorporated into the Zoning Ordinance. The standards should apply to all CFBS used within the City (for residential zoning districts). The current percentage of allowed CFBS will remain the same. However, a new option would be to allow 100 percent CFBS if development follows an approved pattern book of architectural styles that are appropriate with CFBS. It is the intent of the pattern book to promote quality and flexible design options. Notably, vesting considerations should be reviewed.

Visual 20: Example of a Desirable use of CFBS

- **House design incorporates an architectural style that is appropriate with the use of CFBS. Symmetrical window placement and the wrap-around front porch are indicative of housing styles that utilize CFBS.**

Visual 21: Example of an Undesirable use of CFBS

- **Home design is devoid of any architectural features that are appropriate with the use of CFBS. Haphazard window placement and long expanses of blank wall area are not appropriate for the use of CFBS.**

24) Landscape Edge Requirements

Diagnostic Issue/Observation

Landscaping is an important element within the community. During the interviews and ZAC meetings, two issues were identified to improve the existing landscape requirements within Article IV, Section 2. The two issues are (1) the landscaping buffer size, specifically within the OTC, and (2) the methods used to calculate the required landscaping were confusing for some individuals.

Recommendation

It is recommended that the edge requirements be reviewed within Section 2.07.B to ensure the requirements are not overly burdensome. In order to address the confusion regarding the process and other requirements, a reorganization and reformatting of the entire section would help to improve the readability. The standards prescribed, while somewhat cumbersome to navigate, have helped to provide the quality landscaping that exists and the regulations should be maintained.

Visual 22: Landscape Edge Example

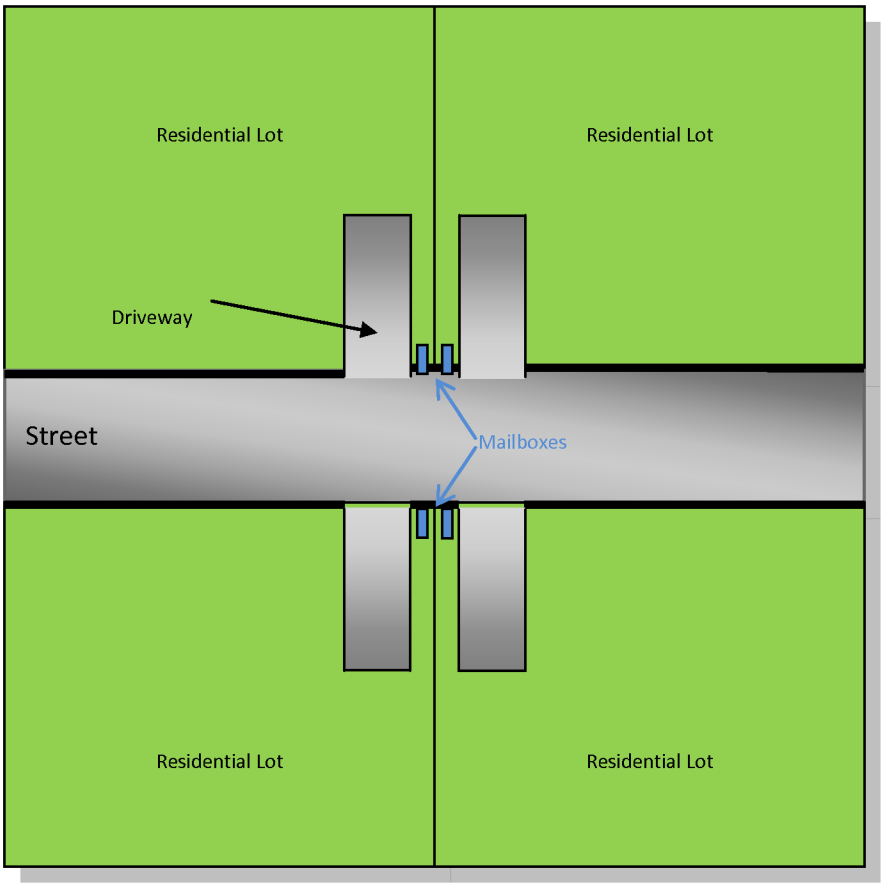
25) Residential Driveway Standards

Diagnostic Issue/Observation

The design of driveways, when attached to a street (i.e., not rear entry driveways which use alleys), has a significant influence on the neighborhood. For example, the amount of on-street parking can be increased or reduced based on the design of the driveway. Additionally, front entry driveways allow residents to see their front yard and have a greater view of actions occurring along the street. As a result, the opportunities for neighbor interaction are more abundant, which can increase neighborhood socialization and community awareness.

Recommendation

It is recommended that driveways be designed to (1) maximize on-street parking and (2) encourage neighborhood interaction within a residential setting. The two goals can be achieved by encouraging driveways to be located at the corner of the lot, adjacent to another driveway. The implementation of the following illustration should be incorporated for all new front entry driveways. Greater amounts of space are reserved for on-street parking and opportunities for neighbor interaction increase with the close proximity of the driveways and mailboxes.



Visual 23: Residential Driveway Example

Visual 24: Residential Driveway Example

Visual 25: Residential Driveway Example

26) Cluster Development

Diagnostic Issue/Observation

Per the public input and Comprehensive Plan, it was noted that cluster concepts should be encouraged as an option for residential developments. Clustering can either be encouraged by:

(1) Lot size reductions without a density bonus:
- Lots sizes are permitted below the base zoning standard in exchange for open space, but the total amount of lots remain the same as would be developed under the regular lot size (as shown in the adjacent illustration); or

(2) Lot size reductions with a density bonus:
- Lots sizes are permitted below the base zoning standard with additional lots provided above the total number of allowed lots in exchange for enhanced open space or amenities not normally achieved by zoning.

Recommendation

It is recommended that a cluster incentive be considered within the Zoning Ordinance. The City should consider adopting both (1) clustering without a density bonus and (2) clustering with a density bonus concepts. For example, clustering with a density bonus may allow 25 percent of a site to be dedicated as open space in exchange for a 25 percent density bonus. Provisions should be established to allow for the incorporation of duplexes and other residential building types.

Clustering with a density bonus example: A 100-acre tract that is zoned for 16,000 square foot lots would produce 191 housing units (30 percent of the 100 acre tract is removed for rights-of-way). This would result in a density of 1.91 dwelling units per acre (DUA). If the above clustering option is used, then 25 acres would remain as common open space and the remaining 75 acres would hold the original 191 units plus a density bonus of 47 units, for a total of 238 units. Because of the density bonus, the lots on the clustered development would average 9,600 square feet and result in an overall density of 2.4 dwelling units per acre (DUA).

Visual 26: Example Cluster Concept (Does Not Include Density Bonus)

27) Open Storage and Screen Requirements

Diagnostic Issue/Observation

These two sections are effective in preserving and improving the City's environment. However, there are areas in which both sections can be improved. The screening section has areas needing clarification, which would be addressed with illustrations. Additionally, City Staff approvals for elements such as living screening options were identified as possible improvements. Regarding open storage, there is a duplication of standards within the section.

Recommendation

It is recommended that both sections be reviewed for improvements. The screening section should be reviewed for improvements, approval procedures, and graphics. The open storage requirements can be improved with the consolidation of standards in one location.

28) Alternative Subdivision Design Procedure

Diagnostic Issue/Observation

The purpose of the alternative subdivision design procedure (ASDP) section is to allow for alternative development patterns within certain zoning districts. Lot sizes are allowed to be reduced by the process (for example: lots can be reduced from 8,500 square feet to 4,500 square feet) in exchange for open space. Notably, this section applies only to properties zoned SF-4, SF-5, MF-1, MF-2, and PD prior to adoption of the ordinance. The ASDP has not been frequently used by the development community because of a requirement to provide a certain percentage of larger lots within the development.

Recommendation

It is recommended that the ASDP section be combined with a cluster incentive program.

In order to appeal to the development community, the ASDP section can be reorganized and its requirements clarified. It would be the goal to make the ASDP more user-friendly to developers, rather than a complex section. Additionally, the ASDP should be reviewed with the goals of developing clustering incentives to avoid any duplication of effort.

29) Move the TIA (Traffic Impact Analysis) into the TSO (Thoroughfare Standards Ordinance)

Diagnostic Issue/Observation

Currently, the Traffic Impact Analysis (TIA) and Mitigation Section is located with the Zoning Ordinance's Article IV – Site Development Requirements. The TIA process was initially overseen by the Planning Department and incorporated into the Zoning Ordinance. However, as Frisco has developed, the TIA process is now managed by the Engineering Department. Additionally, the Engineering Department is finishing completion of a Thoroughfare Standard Ordinance (TSO) in which the TIA would be more logically placed with Frisco's codes.

Recommendation

It is recommended that all TIA procedures and definitions be removed from the Zoning Ordinance and placed into the Thoroughfare Standard Ordinance (TSO). The Engineering Department is in the process of finishing the TSO and suggested the TIA process be located within the TSO.

30) Façade Review Procedures

Diagnostic Issue/Observation

Article IV, Section 11 outlines the design and development standards for only retail buildings. Comments were received that this section of the Zoning Ordinance should be completely revised. The primary issue is to establish improved and objective review procedures and standards.

Recommendation

It is recommended that all standards and procedures be evaluated and rewritten to improve the façade review. Using input from City Staff, an assessment of possible solutions will be performed. Ultimately, the procedures and standards should be objective, clear, concise, and well organized. The following are specific recommendations that will be considered for incorporation in the Zoning Ordinance:

- Façade review should have its own section in the Zoning Ordinance
- Update façade checklists
- Provide additional graphic examples
- Create easy-to-follow standards that are easy to enforce
- Add standards for incorporating "franchise architecture"
- Eliminate requirements for "stick on" elements currently in the Zoning Ordinance
    - Example: For buildings over X square feet, you must provide seven of the following features
- Create standards to incorporate big-box buildings with in-line uses
- Primary and secondary materials need to be precisely defined
- The current Retail Design Standards section in Article IV can be eliminated with a more comprehensive "Façade Review" section
- Address standards for self-storage buildings

31) Sustainable Placemaking and Concepts from the Form Based Code

Diagnostic Issue/Observation

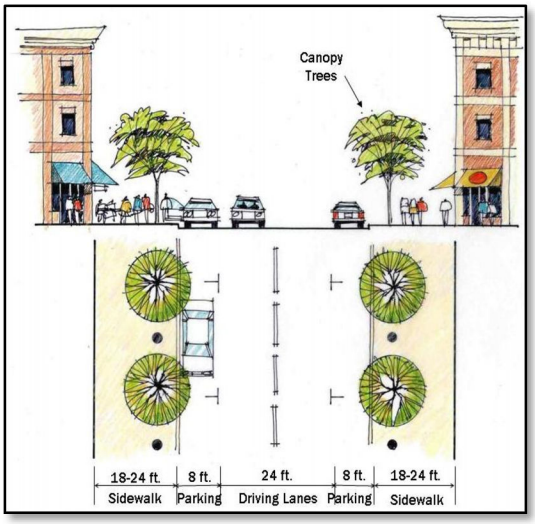
As evidenced in the Comprehensive Plan, elements such as walkability, connectivity and the public realm are important to the people of Frisco. As previously mentioned, the City adopted a Form Based Code (FBC) Manual in December of 2007 for use in the planned development (PD) zoning process. The FBC Manual focuses on promoting sustainable communities through quality design elements. The document is used as a guide for the development community and was a major recommendation from the 2006 Comprehensive Plan.

Visual 27: Front Porch Example

Recommendation

It is recommended that the concepts from the FBC Manual be reviewed for inclusion within the Zoning Ordinance. Notably, some of the following FBC concepts will be considered for incorporation into the Zoning Ordinance:

- Front Porches
- Anti-Monotony Standards
- Public Realm Concepts
- Streetscapes
- Open Space
- Interconnectivity



Visual 28: Streetscapes

32) Creek Density Bonus

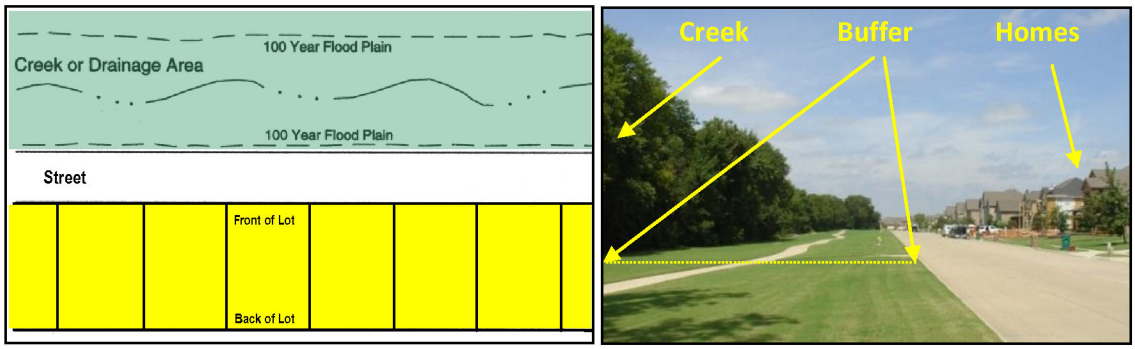
Diagnostic Issue/Observation

Creeks and drainage ways offer great recreational and scenic opportunities. Additionally, creeks and drainage ways provide a natural stormwater management system within Frisco. In order to protect the integrity of the storm drainage system, reduce the potential for flooding, and provide for natural recreational areas, the City can adopt a policy for designing residential developments adjacent to these creeks and drainage areas. While platting and subdivision layouts are found within the Subdivision Ordinance, steps can be taken to encourage or incentivize development to maximize the benefit of being located along a creek or drainage way.

Regulatory Action/Recommendation

It is recommended that a density bonus be used as an incentive for developments to preserve access to creeks and open space. The illustration below depicts how a neighborhood can be developed when adjacent to a creek, with access to and preservation of open space. The ideal layout is to have homes separated from a creek by open space and a street.

As an incentive to develop this design, the lot sizes fronting along the open space should be reduced to add density to the overall development. The density increase should be located adjacent to open space to maximize the benefit to the largest amount of people. Furthermore, permitting townhomes as the density bonus in all residential zoning districts should be considered.



Visual 29: Development Adjacent to Creek and Drainage Areas

ADMINISTRATIVE

33) Variance Procedures

Diagnostic Issue/Observation

One of the most frequently expressed complaints was the time and process it takes for a person to complete the variance procedures. The Board of Adjustments (BOA) is charged with issuing variances to the Zoning Ordinance in most cases. (The Planning & Zoning Commission may approve variances to Article IV, Section 9.15 – Nonresidential and multifamily development adjacent to a major creek.) Developers expressed frustration with having two reviews – once to obtain the variance to the site plan with the BOA and then have the Planning & Zoning Commission review it a second time.

Recommendation

It is recommended that the variance procedures be reviewed and improvements made to the timing and overall process. Updates to the BOA section in Article II will reflect current State law. General improvements to the format and organization will also be made. Additionally, opportunities for flexibility will be considered to minimize the need for variances. For example, options will be investigated for City Staff to grant waivers and for alternatives to specific requirements, such as a 10 percent reduction in parking if a building is moved up to the sidewalk.

34) Nonconforming Structures Uses and Structures

Diagnostic Issue/Observation

A nonconforming use and structure at one time conformed to the Zoning Ordinance, but since its inception, the Zoning Ordinance has changed and the use or structure no longer complies with the City's zoning standards. The public input received indicated that the current nonconforming uses and structures section (Article I, Section 10) was confusing for a reader. Additionally, comments for improving this section included:

1) Finding methods to lessen the negative visual effects of a nonconforming use or structure, and

2) Lowering the "reasonable value" threshold that determines the ability to rebuild or repair a nonconforming structure.

Recommendation

It is recommended that this section be reorganized into a more user-friendly style to eliminate the confusion regarding its requirements. Additionally, provisions should be developed to allow nonconforming structures to be moved within a property to an area that is less visible from a public roadway. Finally, in the case of partial destruction of a nonconforming use or structure the "reasonable value" threshold should be lowered from 60 percent to 51 percent.

35) Amortization of Nonconforming Uses and Structures

Diagnostic Issue/Observation

Nonconforming uses and structures are present in most cities. These uses and structures may continue to exist until they are either destroyed or abandoned. Nonconformities can pose significant impacts on the surrounding area – for example, a concrete batch plant that once existed in the county and is now surrounded by a residential neighborhood. One option, which the City currently does not have within its ordinance, is an amortization process. An amortization process establishes a date at which a nonconformity must be stopped or removed. The amortization process typically takes years to complete because it allows the investment of the use or structure to be distributed along its useful life.

Recommendation

It is recommended that an amortization process be investigated and considered for inclusion within the nonconforming uses and structures section (Article I, Section 10). This process would include methods to allow nonconformities to exist until a specific date. Then, after the amortized date has been reached, the conformity would be stopped or removed.

The following is an example of the process used by the City of Dallas to amortize a nonconforming use and is included for **informational purposes only**.

1. Request to establish compliance date.
   The city council or person, who resides or owns real property in the city, may request that the board of adjustment consider establishing a compliance date for a nonconforming use.

   Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties.

   If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

2. Factors to be considered.
   The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

   a. The character of the surrounding neighborhood.
   b. The degree of incompatibility of the use with the zoning district in which it is located.
   c. The manner in which the use is being conducted.
   d. The hours of operation of the use.
   e. The extent to which continued operation of the use may threaten public health or safety.

f. The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
g. The extent to which public disturbances may be created or perpetuated by continued operation of the use.
h. The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
i. Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

3. Finality of decision.
A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

4. Determination of amortization period.

a. If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.

b. The following factors must be considered by the board in determining a reasonable amortization period:

i. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

ii. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

iii. Any return on investment since inception of the use, including net income and depreciation.

iv. The anticipated annual recovery of investment, including net income and depreciation.

5. Compliance requirement.
If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

36) Vested Rights Application

Diagnostic Issue/Observation

State law has changed over the years to provide development projects that have started the development process under previously adopted ordinances to continue, even if new ordinances are passed by a city. Vesting laws establish the permits and project (i.e., a series of permits) to be valid for two to five years. A process of determining when permits and projects officially begin (i.e., accepted by a city as a fully completed application) should be clearly written in any ordinance.

Recommendation

It is recommended that the City develop a process to require the determination of complete applications. Without a process established in the Zoning Ordinance, applications that are not complete are allowed to be vested indefinitely. The advantage for a city to establish the process is to ensure fair treatment of all applications that are fully completed.

37) General Procedures

Diagnostic Issue/Observation

Site plans, rezoning, appeals and other standard procedures are important to the development process. Citizens and developers consistently use these procedures. These procedures need to be clear and concise so every citizen and developer can have an understanding of the often-complicated process. Additionally, the roles, responsibilities, variance criteria (i.e., how to apply criteria, how much flexibility for interpretation of criteria, etc.) and procedures of the Board of Adjustment (BOA) should be clarified.

Recommendation

It is recommended that all procedures be reviewed to better inform individuals of specific requirements. Efforts will be made to shorten the time it takes to complete different procedures. Additionally, coordination amongst departments will be critical to establish the best format for review and approval procedures.