

Sec. 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 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 planning and development services department shall establish and coordinate 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 applicant.
 - (2) The composition and jurisdiction of the CRC shall be as provided in subsection 35-209(a)(2) process.
 - (3) Decisions rendered by the CRC may be appealed to the director of the planning and development services department.
- (c) Uses. An "FBZD" may include residential, commercial, industrial, civic, and other uses as permitted by table 35-209-13A general function and table 35-209-13B specific function.
- (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 subsection 35-209(c)(3) development patterns.

(e) Completeness Review.

- (1) For all applications for "FBZD" zoning, the director of the planning and development services 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 subsection 35-209(b) sector analysis report. This analysis shall be used to determine the appropriateness of the zoning request within the context of a regional planning perspective. The applicant shall submit the request for analysis to the planning and development services department. The analysis shall be completed within fifteen (15) working days of the request. Projects over five hundred (500) acres shall be completed within twenty-five (25) working days. The zoning request shall not be deemed complete until this analysis has been completed by the department of planning and development services. If the sector analysis is not completed within the time allowed, the zoning request may be submitted by the applicant. Analysis submitted after the zoning application has been deemed complete shall continue to be a factor to determine the appropriateness of the zoning request and shall be included in staff report to zoning commission.
- (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 comprehensive, neighborhood, community and perimeter plans, shall be subject to the completeness review criteria in subsection 35-421(c) completeness review. 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 specialized districts. A metes and bounds description of each development pattern and specialized district (if applicable) and an exhibit showing the boundaries of the development pattern or specialized district shall be provided.
 - C. Location of transect zones, [uncalibrated and/or calibrated per 35-209\(c\)\(2\)\(C\) or 35-209\(d\)](#). Transect zones shall be clearly identified and include a table with

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. A Geographic Information System (GIS) shapefile shall be submitted that identifies the transect zones with x, y coordinates projected to the following coordinate system: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet.

- D. Location of pedestrian sheds.
- E. Location of mandatory streets (avenues, boulevards, commercial streets and standard streets that provide connectivity between development patterns and/or provide connectivity to major regional arterials). Final review and approval of street classification and right-of-way width in accordance with tables 209-6A through 6G shall occur with the review of the master development pattern plan.
- F. Land use allocation table for each specialized district (if applicable). Land uses within each specialized district shall also be shown on the site plan.
- G. Trip generation worksheet that corresponds to traffic study required in subsection 35-209(a)(5).

H. [Location of specific designations per 35-209\(c\)\(10\).](#)

- (3) The zoning site plan shall be governed by subsection 35-421(c) completeness review and subsection 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 35-357(g)(2).
 - (5) The zoning site plan approved by city council shall accompany all subsequent development applications (including, but not limited to, master development pattern plans, plats and building plans). Approval of a zoning site plan shall not imply subsequent approval of a master development pattern plan, plat, or building plan.
- (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 submitted to the director of planning and development services and shall be subject to

subsection 35-421(c) completeness review provisions of this chapter. Within fifteen (15) 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 the CRC finds that the revised submittal is 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 the CRC finds 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. If written response is not received from CRC within fifteen (15) working days, change shall be deemed a major change.

- (2) A minor amendment to a zoning site plan shall include:
- A. An accumulated deviation of five (5) percent or less of the total acreage of the development pattern. The deviation shall be 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 209-18 transect zone summary.
 - 2. A transect zone shall only be changed to a lower transect zone or the next highest transect zone.
 - 3. Once the five (5) percent accumulated limit has been reached, further amendments shall be deemed a major amendment.
 - 4. Any change to a specialized district shall be deemed a major amendment.
 - B. A deviation in the location of a mandatory street on the zoning site plan of less than three (3) maximum blocks length as defined for that transect zone. The deviation shall not prevent the connection of existing streets, streets on the major thoroughfare plan, or recorded streets on adjacent properties that are not within the FBZD.
 - C. The addition of a street(s) to ensure adequate connectivity and capacity.
 - D. An accumulated total deviation of five (5) percent or less, of the total acreage of the development pattern, in the size and location of the pedestrian shed.
 - E. A change in the housing mix indicated for the sustainable design option as long as the change is in compliance with the housing mix and phasing requirements.
 - F. An accumulated deviation of five (5) percent or less of the total acreage of a specific designation. The deviation shall be in the size and/or location of a

specific designation.

G. A change in the specifics of a calibration as long as the change is in compliance with the calibration requirements of 35-209(c)(2)(C) and/or 35-209(d).

- (3) Any other revision to an "FBZD" site plan not described in subsection 35-357(g)(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 specialized districts. A master development pattern plan shall be approved through the master development plan (MDP) process in section 35-412 master development plan 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 be accompanied by a table as described in subsection 35-357(h)(2)(C).
 - 2. Pedestrian sheds.
 - 3. Street designations, by type including description of thoroughfare design as referenced in table 209-6.
 - 4. Bicycle network.
 - 5. Transit network.
 - 6. Civic functions including civic spaces, civic building sites, and civic spaces for transit.
 - 7. School reserve (if applicable).
 - 8. Conservation easement boundaries (if applicable).
 - 9. B-Grid designations (if applicable).
 - 10. Mandatory and recommended frontage designations (if applicable).

11. Cross block passage designations (if applicable).
 12. Terminated vista designations (if applicable).
 13. General distribution of residential and other (nonresidential) functions by transect zone.
- C. Master development pattern plan tables shall include:
1. Allocation of transect zones within each development pattern expressed in acres (precise to 1/100th of an acre) 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 (if applicable).
 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 subsection 35-209(c)(4) density calculations. 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 subsection 35-209(b)(2) and section 35-361 transfer of development rights.
 - b. For sustainable design option, include sustainable design option point system matrix and housing mix phasing plan as detailed in subsection 35-209(c)(5) density bonus options.
- D. Public frontage definitions, including details of thoroughfare assemblies.
- E. Typical diagrams for each category of proposed functions to include lot occupation, building setbacks, building disposition, building height and parking spaces.
- F. Tree preservation master plan (refer to subsection 35-209(c)(7) tree preservation).

- 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. Names and addresses 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 planning and development services or assignee) of the authorized approval entity.
 - g. Date of preparation.
 2. Location.
 - a. Two (2) 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 (5) percent 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. Utilities plan.
- g. Location of proposed fire hydrants, as part of a request for LOC.
- h. A stormwater management plan.

H. Form based parking plan, if applicable.

I. Traffic study as required in subsection 35-209(a)(5).

- (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. The addenda shall not be considered an amendment to the MDPP. 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 35-357(f)(1). The following items from subsection 35-357(f)(2) 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.
 - F. Housing mix for sustainable development option.
- (4) An application for plat approval shall not be deemed complete until all items in subsection 35-357(f)(2) 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.
- (6) Minor amendments to master development pattern plan.
- A. The following shall be considered minor amendments to the master development pattern plan:
 - 1. Changes to the timing or phasing of the proposed development.
 - 2. Updating of ownership or consultant information.
 - 3. Master development plan or subdivision plat name change.
 - 4. Minor amendments to the zoning site plan as specified in subsection 35-357(g).
 - 5. Addition of or change to a form based parking plan, within the parameters defined in subsection 35-209(e)(2)(d)(3).
 - B. Minor amendments shall be subject to review and approval of the CRC.
 - C. All other revisions shall be classified as major amendments and shall be processed in the same manner as the initial master development pattern plan submittal.
- (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 master development plan 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 newly annexed territory.

- (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. Upon request to developer or landowner, copies of the master development pattern plan shall be made available at cost to members of the public. This requirement shall continue until all property within the "FBZD" is developed.

(Ord. No. 2007-12-06-1248, § 3, 12-6-07) (Ord. No. 2009-06-18-0522, § 2, 6-18-09)