



ADDISON UDC
UNIFIED DEVELOPMENT CODE

Detailed Review of Current Development Regulations

March 2019

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1) Detailed Review of Current Development Ordinances

In addition to the general comments noted in the Development Regulations Assessment, the table below provides a section-by-section review of the elements of the current Addison Code of Ordinances that will be into the new Unified Development Code (UDC). This analysis is based on discussions with staff and stakeholders and our own observations. The following table includes comments for several section of the Code of Ordinances; however, we do not provide detailed comments on every section.

ARTICLE/SECTION	COMMENTS
Table of Contents	<ul style="list-style-type: none"> Consolidate all contents of the new Unified Development Code under one cover. Include a summary TOC for the entire document, along with detailed contents for each chapter. Add page numbers.
Generally	<ul style="list-style-type: none"> Relocate existing content to the new chapter addressing that topic. For example, all definitions will be relocated to the Definitions chapter. Likewise, all content related to permitting and procedures will be relocated to the Administration and Procedures chapter. See the detailed annotated outline in the Development Regulations Assessment Report for section-by-section relocations. Reconcile any duplicative and/or conflicting standards to ensure consistent interpretation and meaning.
Chapter 10 – Animals	
Article I – In General	
Sec 10-9 – Requirements for keeping livestock and fowl	<ul style="list-style-type: none"> Relocate to use-specific standards section and adjust location separation requirements and minimum area requirements per animal as necessary.
Chapter 14 – Aviation	
Article III – Municipal Airport	
Division 1 – Generally	
Sec 14-69 – Hangars	<ul style="list-style-type: none"> Relocate to use-specific standards section, or provide a cross-reference to this section so airport hangar use regulations are clear.
Article IV – Airport Zoning	
Division 1 – Generally	
Sec 14-122 - Zones	<ul style="list-style-type: none"> As necessary, provide graphic or illustration identifying zones.
Sec 14-123 - Height limitations	<ul style="list-style-type: none"> As necessary, provide graphic or illustration identifying height limitation in zones.
Chapter 18 – Buildings and Building Regulations	
Article X – Fences	
Generally	<ul style="list-style-type: none"> Update standards to be more comprehensive, include more graphics, and provide examples of fencing scenarios to help users better understand the content. Expand applicability of fencing standards to all property in all zones and eliminate the exemption for town-

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ARTICLE/SECTION	COMMENTS
	owned property.
Sec 18-619 - Fence materials—Residential uses	<ul style="list-style-type: none"> Clarify to be more objective.
Sec 18-620 - Barbed wire—Nonresidential uses	<ul style="list-style-type: none"> Consider limiting barbed-wire to specified zone districts (light industrial and airport zones).
Sec 18-622 - Same—Schools	<ul style="list-style-type: none"> Reconcile embedded definition for “school” with other definitions found throughout the UDC.
Sec 18-624 - General fence provisions	<ul style="list-style-type: none"> Update to be more objective and enforceable.
Article XI – Satellite Earth Stations	
Generally	<ul style="list-style-type: none"> Relocate to the use-specific standards section of the UDC (except definitions will go to definitions chapter).
Sec 18-652 - Purpose	<ul style="list-style-type: none"> Rewrite purpose statement to remove embedded definitions and to use simpler language relevant to today’s technology.
Article XIII – Solar Energy Systems	
Generally	<ul style="list-style-type: none"> Relocate to the use-specific standards section of the UDC (except definitions will go to definitions chapter).
Sec 18-727 - Purpose	<ul style="list-style-type: none"> Rewrite purpose statement to be clearer and to reference specific town goals/objectives related to solar energy.
Chapter 22 – Business	
Article IV – Sexually Oriented Business	
DIVISION 1 – Generally	
Generally	<ul style="list-style-type: none"> Relocate content to the use-specific standards section of the UDC to satisfy Sec. 243.003 of the LGC (any amendments fall under the procedures for a zone text amendment, which require notices, hearings, etc.). Carry forward largely intact without changing substantive content. Evaluate current standards to ensure they are consistent with state and federal law, and consult the Town’s legal department for items requiring attention.
Chapter 34 - Environment	
Generally	<ul style="list-style-type: none"> Replace all references to “director” with “director of parks and recreation.”
Article II – Landscape Preservation and Protection	
Sec 34-35 - Trees in public property	<ul style="list-style-type: none"> Clarify that any authority or duty granted to the director of parks and recreation also includes persons the director delegates that authority to.
Sec 34-36 - Permit for removal or planting of plant materials on public property	<ul style="list-style-type: none"> Clarify what type of permit is needed and ensure a specific procedure is established to review and evaluate said permit.
Article VI – Landscaping Regulations	
General	<ul style="list-style-type: none"> Various rules requiring screening or view-blocking should be tightened, by including, the exact location

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	and height of the viewpoint and the opacity of the screen, if not specified.
Sec 34-201 - Purpose	<ul style="list-style-type: none"> • Update purpose statement to capture additional goals and objectives specified in the Comprehensive Plan. • Relocate landscape plan evaluation criteria to the administration and procedures section.
Sec 34-202 - Definitions	<ul style="list-style-type: none"> • “Landscaped open area” – clarify whether non-irrigated areas count as landscaping (i.e., hardscape). There may be an existing interpretation that requires irrigation (verify with staff).
Sec 34-203 - Applicability	<ul style="list-style-type: none"> • (a): Remove references to specific application types. • (f)(4): Remove specific dollar threshold for remodeling projects that must meet landscaping requirements. • Reconcile applicability triggers with other redevelopment triggers in new UDC. • Staff’s goal: rather than strict compliance for redevelopment, should instead come into as much compliance as possible. • (i): Reconcile BZA authority to grant special exception with variance and minor modification procedures
Sec 34-204 - Required landscape documents	<ul style="list-style-type: none"> • Establish authority to submit an alternative landscape plan. • Relocate specific submittal requirements to an administrative manual outside the code.
Sec 34-205 - Plant material substitutions	<ul style="list-style-type: none"> • Allow artificial turf in limited circumstances (e.g., where grass is difficult to grow, where there is a history of maintenance challenges). Set minimum quality requirements for turf.
Sec 34-206 - Landscape and irrigation plan submittal	<ul style="list-style-type: none"> • Relocate to the administration and procedures chapter.
Sec 34-207 - Landscape design standards	<ul style="list-style-type: none"> • Replace minimum landscape area requirement with a standard that requires landscaping on all areas of the lot that are not covered by buildings, parking areas, accessways, trails, etc. This approach requires the balance of the lot area to be landscaped (without establishing arbitrary percentages that are difficult to justify). Additionally, impervious surface coverage maximums indirectly influence minimum landscape area on a lot. • Define how much space should be provided around trees to support required trees. • (a): Revise to clarify how much landscape buffer is needed along a street frontage. Allow flexibility/exceptions for mixed-use urban areas with required build-to standards. • (b), (d), (e): Coordinate standards and establish a menu of screening options. • (c) Reconcile visibility triangle standards with other conflicting standards in the code. • (e): Replace arbitrary landscaping percentage requirements for interior parking lots with clear and

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	<ul style="list-style-type: none"> objective standards (i.e., one landscape island for every 10 consecutive parking spaces). (e) Allow landscaped bio-swaes or other environmentally friendly alternatives in lieu of curbed islands (to improve water quality and reduce demand on stormwater infrastructure).
Sec 34-208 - Tree replacement and protection	<ul style="list-style-type: none"> Generally, ensure that the UDC reflects current enabling authority for tree protection. (b)(2): Provide more flexibility in mitigation requirements (i.e., maintain caliper inch for caliper inch requirement, but allow several small trees to fulfill that requirement. (c): Relocate to the administration and procedures section and update for overall consistency with the UDC.
Sec 34-209 - Landscape standards and specifications	<ul style="list-style-type: none"> (b): Put as much of this in a separate manual as possible. (c): Carry forward, these specs are correct and current.
Sec 34-213 - Certificate of occupancy	<ul style="list-style-type: none"> Reconcile this standard with the bonding options above (i.e., if a bond is placed, can a CO be issued?).

Chapter 42 – Floods

Generally	<ul style="list-style-type: none"> Content specifically related to development standards and quality may be relocated to the development standards of the UDC. Rather than relocating the entire contents of this chapter, these standards may be cross-referenced in the UDC to ensure developers are aware they need to comply with flood requirements.
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Chapter 62 - Signs

Generally	<ul style="list-style-type: none"> Revise standards to be “content neutral” in compliance with the Reed v. Gilbert federal court case (see Development Regulations Assessment). Relocate all fees to an administrative manual outside of the UDC. Relocate specific application submittal requirements to an administrative manual outside the UDC. Standardize methods of measurement for consistency (i.e., all required setbacks measured from the property line rather than the curb, etc.).
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ARTICLE I - In General

General	<ul style="list-style-type: none"> Do not allow electronic/LED signs. Currently: changing message board signs are allowed, but need to update to prohibit.
Sec 62-1 - Definitions	<ul style="list-style-type: none"> “Sign, monument”: remove “route wood planks or beams” “sign, protective”: contains content-based regulation.
Sec 62-5 - Nuisances	<ul style="list-style-type: none"> Verify (3) is consistent with enforcement provisions and local law.

ARTICLE II - Administration and Enforcement

DIVISION 1 - Generally

Sec 62-31 - Administration	<ul style="list-style-type: none"> Consider replacing this with the Director of Infrastructure and Development Services.
Sec 62-32 - Nonconforming signs	<ul style="list-style-type: none"> Relocate to the nonconforming section in the Administration and Procedures chapter.
Sec 62-33 - Meritorious exceptions	<ul style="list-style-type: none"> Rename this from the awkward “meritorious exception.” Process is used four or five times per year. Provision d(3) is too vague to be enforced. Also, why is this authority given to Council and not P&Z? Consider giving P&Z purview over signs generally. Consider folding this procedure into the minor modification procedure discussed in the Assessment.
Sec 62-34 - Impounded signs	<ul style="list-style-type: none"> Relocate to enforcement and penalties section.
Sec 62-35 - Violations	<ul style="list-style-type: none"> Relocate to enforcement and penalties section.

DIVISION 2 - Permits

Sec 62-51 - Required	<ul style="list-style-type: none"> (b): verify correct terminology of “repair permit.” Reconcile with nonconforming section regarding repairs.
Sec 62-59 - Condemnation; notice	<ul style="list-style-type: none"> Relocate to enforcement and penalties section. Confirm policy decision to require removal of signage, discuss with town attorney’s office.

ARTICLE III - Contractors

DIVISION 1 - Generally

Sec 62-81 - Abandoned signs	<ul style="list-style-type: none"> Relocate to enforcement and penalties section. Confirm policy decision to require removal of signage, discuss with town attorney’s office.
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ARTICLE IV - Requirements for Specific Types of Signs

DIVISION 2 - Signs Allowed Without Permits

Sec 62-137 - Government signs	<ul style="list-style-type: none"> (b): Revise to make “content neutral” (i.e., remove references to specific flags that can be displayed without a permit).
Sec 62-138 - Holiday decorations	<ul style="list-style-type: none"> Rename to “seasonal lighting.” Update illustration.
Sec 62-140 - Gasoline signs	<ul style="list-style-type: none"> Consider eliminating standards for fuel pump and pricing signage.
Sec 62-141 - Words on machinery or equipment	<ul style="list-style-type: none"> Consider eliminating standards for words on machinery or equipment.
Sec 62-142 - Protective signs	<ul style="list-style-type: none"> Consider eliminating standards for protective signs.
Sec 62-143 - Single-family or duplex residential premises	<ul style="list-style-type: none"> Update for content neutrality, (i.e., allow a three square foot sign for all residential property).

DIVISION 3 - Attached Signs

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Sec 62-163 - Area	<ul style="list-style-type: none"> Consider eliminating maximum letter/logo standards to be consistent with Reed v. Gilbert decision (i.e., if the content on the sign has to be evaluated to determine if it complies with code it is not consistent with case law).
DIVISION 4 - Detached Signs	
Sec 62-183 - Number of signs	<ul style="list-style-type: none"> (4): Reconcile with other clear view triangle standards.
Sec 62-184 - Setback, effective area and height	<ul style="list-style-type: none"> Curb distance is not always the most appropriate measurement; add in authority for alternative measurement of setback at Director discretion.
Sec 62-185 - Specifications	<ul style="list-style-type: none"> Staff reports that the required measurements do not add up to 36 square feet. Consider allowing more flexibility in color and structure, but not size. "Sign face": this specifies plastic sheet, but the older ones were metal. Be careful in calling something a "nonconforming sign" solely for this reason. Update illustrations.
DIVISION 5 - Real Estate/Leasing/Construction Signs	
Sec 62-208 - Real estate/leasing signs	<ul style="list-style-type: none"> Revise to remove content-based regulation. Consider allowing more flexibility in color and structure, but not size.
Sec 62-209 - Real estate directional signs	<ul style="list-style-type: none"> Revise to allow temporary signage of a specific size and during a specific time.
DIVISION 7 - Temporary Signs	
Sec 62-247 - Political signs	<ul style="list-style-type: none"> Revise to remove content-based regulation.
ARTICLE V - Prohibited Signs	
Sec 62-271 - Animation prohibited	<ul style="list-style-type: none"> Consider revising 20 minute threshold to 8 minutes.
Sec 62-273 - Hazardous or nuisance signs	<ul style="list-style-type: none"> Revise to be more enforceable (i.e., a specific light output measured at a specific place on the property).
Sec 62-279 - Temporary real estate directional signs	<ul style="list-style-type: none"> Reconcile with current Sec. 62-209.
ARTICLE VI - Special Districts	
Sec 62-289 - Generally	<ul style="list-style-type: none"> Reevaluate special sign districts and establish a map with specific boundaries for each. Rewrite to specify standards (rather than simply referring to a graphic/figure. (a)(1): Eliminate maximum letter height. (b): Eliminate specific standards based on the type of tenant, standards for a specific sign type should be consistent throughout (regardless of if it's a grocer or health club). (b)(12): Window signs – Consider revisions to allow more flexibility and/or to improve compliance.

Chapter 66 – Solid Waste

ARTICLE II – Collection and Disposal

DIVISION 1 - Generally

Sec 66-32 – Location of trash receptacles; use

- Reconcile these standards with new standards in the UDC, provide a cross-reference as necessary.

Chapter 70 – Streets, Sidewalks and Other Public Places

Article VII – License for Use of Public Right-of-Way

DIVISION 1 - Valet Parking Services

Sec 70-320 - Definitions

- Clarify who administers these standards, current code is unclear.

Sec 70-322 - License required; application; issuance

- Evaluate the effectiveness of the current permitting system (i.e., how are permits obtained, are they being enforced, who is tracking permits?).
- Consider replacing the valet permit system with clear and objective standards in the UDC allowing valet/shared parking and leaving administration up to the land manager.

Sec 70-324 - Denial or revocation of license; temporary suspension

- Rewrite criteria to be clear and objective.

Chapter 78 – Traffic and Vehicles

ARTICLE I – In General

Sec 78-8 Obstacles

- Reconcile with other clear view standards.

Sec 78-12 – Structures and Vegetation on Corner Lots

- Reconcile with other clear view standards.

ARTICLE IV - Stopping, Standing and Parking

Sec 78-175 – Overnight parking of trucks and buses with more than three-quarter ton rated capacity within certain zones prohibited

- Relocate to general use standards for residential

Sec 78-176 – Parking for handicapped persons

- Cross-reference this section in the parking chapter.

Sec 78-179 – Parking on unimproved surfaces

- Relocate to the parking design section. Relocate administration, enforcement, and appeals to the administration chapter and reconcile with the standard enforcement/appeal process.

Sec 78-180 – Valet parking services; reflective clothing

- Cross-reference this standard in the valet parking section of the UDC.

ARTICLE VI - Abandoned and Junked Vehicles

Sec 78-231 – Definitions

- Ensure consistent terminology and definitions for outdoor storage sections.

Sec 78-286 – Storage

- Relocate to the general use standards for residential uses, reconcile with Sec. 78-175.

APPENDIX A - Zoning

Generally

- Zoning Districts

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	<ul style="list-style-type: none"> ○ See Major Themes – Create a More User-Friendly Code. List uses and use-specific standards in a summary table. ○ Summarize dimensional standards related to setbacks, lot size, and height in a summary table for all zone districts. ○ Consider eliminating the minimum dwelling area requirement. ○ List all minimum and maximum parking requirements in a summary table for all uses and zoning districts. ○ Relocate all site and building design standards (e.g., exterior brick requirements, refuse containers, etc.) to the Site and Building Design Chapter. ○ Consider defining masonry products to clarify if thin brick, sticky stone, or spray on limestone products are acceptable.
ARTICLE I - Title and Purpose	
Section 1 - Title	<ul style="list-style-type: none"> • Update reference to be “unified development code” or “UDC.”
Section 2 - Purpose	<ul style="list-style-type: none"> • Reference implementation of the Comprehensive Plan and its goals and policies.
ARTICLE II – Districts and District Boundaries	
Section 1 - Districts	<ul style="list-style-type: none"> • Update to reflect revised line-up of zoning districts. • Current zoning map has “P” open space district but not mentioned in the code text. • Remove SUP, not a district.
Section 2 - Boundaries	<ul style="list-style-type: none"> • Establish general rules for where zoning district boundaries exist. Nothing should be left un-zoned (street centerlines should be the normal line of demarcation when boundaries follow streets, and “open space” should be included in an actual district.). • Include process by which boundary disputes are handled, and how to make amendments to the map. • Move content from Appendix A, Article III, Section 1 regarding procedures for mapping newly annexed land to this section. • Confirm zoning map is actually “on file with the city secretary” and make sure it is up-to-date, legible, etc. This should probably not be the GIS map.
Section 3 - Use of Land and Buildings	<ul style="list-style-type: none"> • Move to Use Regulations Chapter and make broader.
ARTICLE III - Newly Annexed Territory	
Section 1 - Temporary classification	<ul style="list-style-type: none"> • Update to refer to <i>any</i> land added by boundary change (if any). • Remove “temporary” and “permanent” classifications. • Amend to allow combination of annexation proceedings with zoning proceedings (simultaneous).

Section 2 - Issuance of permits

- Relocate to the post-decision actions and limitations portion of the Administration and Procedures Chapter addressing annexations.
- Verify consistency with Sec. 43.002 of the LGC.

ARTICLE IV - R-1 Single-Family Dwelling District Regulations

Section 3 - Area regulations

- Consider revising the lot dimensional standards to better reflect the existing built condition (see Development Regulations Assessment).

ARTICLE V - R-2 Single-Family Dwelling District Regulations

Generally

- Eliminate as obsolete, never applied to zoning map.

ARTICLE VI - R-3 Single-Family Dwelling District Regulations

Generally

- Eliminate as obsolete, never applied to zoning map.

ARTICLE VII - R-16 Single-Family Dwelling District Regulations

Generally

- Carry forward and rename to "R-2 Residential Large Lot."

ARTICLE VIII - "A" Apartment District Regulations

Generally

- Relocate to appendix as obsolete district.

ARTICLE IX - LR Local Retail District Regulations

Generally

- Write a clear purpose statement.
- Option 1: To maintain a suburban corridor commercial district, carry forward largely intact, and rename to "commercial limited."
- Option 2: To move away from the suburban development pattern, eliminate and replace with one of the new mixed-use zone districts derived from the UC or Belt Line sub-districts.
- Option 3: Carry forward the district as obsolete in an appendix to the UDC, allowing currently zoned parcels to maintain their status, but prohibiting any future rezonings to the district.

Section 7 - Loading and unloading facilities

- Clarify loading requirement thresholds and provide specific options for screening methods.

ARTICLE X - C-1 Commercial-1 District Regulations

Generally

- Option 1: To move away from the suburban development pattern, eliminate and replace with one of the new mixed-use zone districts derived from the UC or Belt Line sub-districts.
- Option 2: Carry forward the district as obsolete in an appendix to the UDC, allowing currently zoned parcels to maintain their status, but prohibiting any future rezonings to the district.

ARTICLE XI - C-2 Commercial-2 District Regulations

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Generally	<ul style="list-style-type: none">Consider consolidating this district with the I-1 and I-2 zone districts to create a true, “IN, Light Industrial” district.
Section 1 - Use regulations	<ul style="list-style-type: none">Consider the treatment of sexually oriented businesses and ensure standards are compliant with Chapter 243 of the LGC.
ARTICLE XII - I-1 Industrial-1 District Regulations	
Generally	<ul style="list-style-type: none">Consider consolidating this district with the C-1 and I-2 zone districts to create a true, “IN, Light Industrial” district.
Section 5 - Type of construction	<ul style="list-style-type: none">Consider a more relaxed building masonry requirement similar to what is currently required in the I-2 zone district – masonry on facades facing a dedicated street and then 20 feet back from that façade.
ARTICLE XIII - I-2 Industrial-2 District Regulations	
Generally	<ul style="list-style-type: none">Consider consolidating this district with the C-1 and I-1 zone districts to create a true, “IN, Light Industrial” district.
ARTICLE XIV - I-3 Industrial District Regulations	
Generally	<ul style="list-style-type: none">Carry forward and rename to “A, Airport.”Introduce a new suite of design and development regulations tailored to the airport context to address development quality, scale, and design.
ARTICLE XV - Planned Development District	
Section 2 - Application	<ul style="list-style-type: none">Consider establishing a minimum site area threshold limiting the available of PD development (i.e., minimum 5 acres).
Section 5 - Procedure for approval of development plan	<ul style="list-style-type: none">Formalize a two-step PD review process – preliminary and final approval (see Development Regulations Assessment).
Section 6 - Coordination with subdivision regulation ordinance	<ul style="list-style-type: none">Clarify how PD submittals and review coordinate with subdivision procedures (simultaneous review).
ARTICLE XVI - Planned Development, Townhouse/Condominium	
Generally	<ul style="list-style-type: none">Eliminate district.
ARTICLE XVII - Planned Development, Condominium Conversions	
Generally	<ul style="list-style-type: none">Eliminate district and revert PD-CC properties back to the “A” zone designation (or equivalent).
ARTICLE XVIII - MXR Mixed Use Residential District Regulations	
Generally	<ul style="list-style-type: none">Extract the MXR sub-district standards and establish three new residential base districts (R-3 low-density, R-4 medium density, and R-5 high density).Relocate regulatory standards from the original ordinance appendix to the UDC.

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Section 1 - Statement of purpose	<ul style="list-style-type: none"> Draft clear purpose statements for each new base district.
Section 21 - Accessory uses	<ul style="list-style-type: none"> Relocate specific standards to the use regulations chapter and consolidate with other standards addressing accessory uses.
Section 22 - Design standards	<ul style="list-style-type: none"> Consider removing density metrics and replacing them with other lot and building envelope standards (setbacks, building height, lot coverage, etc.), which achieves the same intent without establishing an arbitrary maximum. (E): Consider added flexibility with exterior building material and colors.
Section 3 - Open space requirements	<ul style="list-style-type: none"> Consider updating these standards to generally apply to all development that meets a specific threshold and relocate them to a new Parks and Open Space Section of the UDC.
Section 4 - Concept and development plan approval	<ul style="list-style-type: none"> Replace this process with standard site plan procedures (when applicable). Consider making some of these standards generally applicable to PD development review.
Section 5 - Waiver of design standards	<ul style="list-style-type: none"> Eliminate procedure and replace with the “minor modification” tool (see Development Regulations Assessment).
ARTICLE XIX - UC Urban Center District Regulations	
Generally	<ul style="list-style-type: none"> Carry the substance of this district forward, but in two different mixed-use zone districts that align with the current sub-districts (residential and commercial).
Section 1 - Purpose of district	<ul style="list-style-type: none"> Rewrite purpose statement to allow broad application of the new districts anywhere in the Town. Replace the phased approval procedure with standard site plan procedures.
Section 2 - Use regulations; residential subdistrict	<ul style="list-style-type: none"> (E): When appropriate, consider applying these use-specific standards town-wide.
Section 3 - Dimensional and design standards; residential subdistrict	<ul style="list-style-type: none"> (B)(2): Consider eliminating floor area ratio standards. (E): Establish a “build-to-range” allowing more flexibility with building and site design. (F): Relocate open space requirements and consider applying more broadly town-wide.
Section 5 - Dimensional and design standards; commercial subdistrict	<ul style="list-style-type: none"> (C): Establish a “build-to-range” allowing more flexibility with building and site design.
Section 6 - Flexible standards	<ul style="list-style-type: none"> Eliminate procedure and replace with the “minor modification” tool (see Development Regulations Assessment).
Section 7 - Establishment of district	<ul style="list-style-type: none"> Eliminate and replace with general zoning map amendment procedure.
Section 8 - Preliminary development plan approval procedure	<ul style="list-style-type: none"> Eliminate and replace with standard site plan or other development permit procedures. Consider making some of these standards generally applicable to PD

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	development review.
Section 9 - Final development plan approval	<ul style="list-style-type: none"> Eliminate and replace with standard site plan or other development permit procedures. Consider making some of these standards generally applicable to PD development review.
Section 10 - Conditional use procedure	<ul style="list-style-type: none"> Relocate to the administration and procedures chapter and consider making procedure generally applicable to all conditional use review town-wide. Consider delegating decision-making authority from the City Council to the Planning and Zoning Commission.
Section 11 - Waiver procedure	<ul style="list-style-type: none"> Eliminate procedure and replace with the “minor modification” tool (see Development Regulations Assessment).
Section 12 - Amendments of plan	<ul style="list-style-type: none"> Replace with amendment procedures for specific development permit approvals (i.e., site plans, etc.).
Section 13 - Lapse of approvals	<ul style="list-style-type: none"> Eliminate and replace with standard site plan or other development permit procedures. Consider making some of these standards generally applicable to PD development review.
Section 14 - Special conditions applicable to particular uses	<ul style="list-style-type: none"> When appropriate, consider applying these use-specific standards town-wide.
ARTICLE XIXA - Belt Line District Regulations	
Generally	<ul style="list-style-type: none"> Carry the substance of this district forward, but in one or more different mixed-use zone districts that align with the current sub-districts. Extract development and design standards to the new sections in the UDC that address similar content and consider making standards generally applicable town-wide.
Sec I - Purpose, goals and intent	<ul style="list-style-type: none"> Rewrite purpose statements to allow broad application of the new districts anywhere in the Town.
Sec III - General district standards	<ul style="list-style-type: none"> Eliminate procedure and replace with the “minor modification” tool (see Development Regulations Assessment). (E): Consider build-to-range to provide more flexibility. Staff suggests keeping the sub-district structure for predictability.
Sec VIII - Procedures	<ul style="list-style-type: none"> Eliminate and replace with general zoning map amendment procedure. Consider making some of these standards generally applicable to PD development review.
Appendix II - Street Types	<ul style="list-style-type: none"> Consider relocating to a separate design manual.
Appendix III - Belt Line District Engineering And Landscape Standards	<ul style="list-style-type: none"> Consider relocating to a separate design manual.
ARTICLE XX - Special Uses	

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Section 1 - Special uses in specified districts	<ul style="list-style-type: none"> • (A): Allowing so many uses in “any district” and liberally allowing intrusive uses in restricted districts is probably unintended, and it weakens the theoretical underpinnings for SUP’s or CUP’s (e.g., they should be pre-planned and protect surrounding areas). • (B) and (C): Relocate to the administration and procedures chapter and rewrite review criteria to be more subjective.
ARTICLE XXII - Exceptions	
Generally	<ul style="list-style-type: none"> • Create a comprehensive list of features that can project into required yards (fences, mechanical equipment, etc.)
Section 1 - Vision clearance	<ul style="list-style-type: none"> • Definition is different from the definition in Article XXX • Reconcile clear vision area with Chapter 34, Article VI, Section 34-207(c) and paragraph (3) of Section 34-207(c).
Section 2 - Front yard	<ul style="list-style-type: none"> • Rewrite standards to address lack of clarity, vagueness, improper delegation (to the neighbors), inconsistency with other sections (e.g., “build-to” sections).
Section 4 - Lot area	<ul style="list-style-type: none"> • Clarify that the developer would need to demonstrate that the lot was legally created at some point in time (i.e., a legal nonconforming lot). • Ensure definition of “lot” is broad enough to cover this provision.
Section 5 - Location of dwellings and buildings	<ul style="list-style-type: none"> • Reconcile conflicts with other articles, especially multifamily provisions. • Clarify what “minimum width” and “means of access” means.
ARTICLE XXIII - Nonconforming Uses	
Generally	<ul style="list-style-type: none"> • Draft distinct rules to regulate “uses” (which should be defined to include occupancies and activities) and structures. • Introduce process to register nonconforming status. • Add comprehensive provisions for losing nonconforming status, for both uses and structures. • Consider adding provisions for reinstating nonconforming status that has been lost, with appropriate criteria. • Provide efficient procedures for adjudicating nonconforming status, with appeals (safest to use the ZBA). • Consider modifying application forms to require applicants to disclose any claims to nonconforming status and any claims that the then-current ordinances do not apply to them (i.e., Alcoholic Beverage Code has special grandfathering for premises that do not meet distance restrictions).
Section 8 - Registration of nonconforming use	<ul style="list-style-type: none"> • Allowing a certificate of occupancy to “renew” a nonconformity is unorthodox.

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Section 10 - Abandonment	<ul style="list-style-type: none">• Separate rules for uses with rules for structures.
ARTICLE XXIV - Board of Adjustment	
Generally	<ul style="list-style-type: none">• To keep up-to-date, adopt ZBA provisions from Ch. 211, LGC as amended from time to time in the future, by reference, and only insert amendments or supplements that are needed and allowed by the LGC.
Section 1 - Created	<ul style="list-style-type: none">• Keep definitions of review bodies in Article 2; but ensure there are no conflicts with UDC definitions.
ARTICLE XXV - Unplatted Property	
Generally	<ul style="list-style-type: none">• Should refer to any land added by boundary change (if any).• Coordinate standards with overlapping requirements in Art. III (annexation, etc.).
ARTICLE XXVI - Permits and Certificates	
Section 1 - Certificate of occupancy and compliance	<ul style="list-style-type: none">• Should follow standard practice and the Town's current approach, especially A and C. Example: A building permit--not a CO--is normally required to construct or alter a building or excavate for it.• Should be much broader and coordinated with Art. II, Sec. 3 and Art. XXVII.
ARTICLE XXVII - Enforcement	
Section 1 - Administration and enforcement by the zoning administrator	<ul style="list-style-type: none">• Should be much broader and coordinated with Art. II, Sec. 3 and Art. XXVI; include all remedies allowed.• Rewrite to include better descriptions of enforcement process, what is a violation, penalties and remedies, timeframe for coming into compliance, etc.
ARTICLE XXVIII - Penalty for Violation	
Section 1 - Violation; penalty	<ul style="list-style-type: none">• Revise to be more broad (especially as to persons liable) and coordinated with Art. II, Sec. 3, Art. XXVI and Art. XXVII.• Include all remedies allowed (e.g., injunctions, civil penalties).• Civil penalties require special "due process" procedures.
ARTICLE XXIX - Changes and Amendments	
Generally	<ul style="list-style-type: none">• Clarify that this Article applies to all legislative amendments, including planned development, special use permits, conditional use permits, etc.• To keep this Article always up to date and consistent with state law, the UDC could adopt the amendment provisions of Ch. 211 of the LGC as amended from time to time in the future, by reference, and only insert changes or supplements that are needed and allowed by the LGC. Examples: (i) specifying the persons and entities that may apply for amendments--which would

	<p>traditionally include the property owner, the P&ZC, and City Council—with specific application provisions for each; (ii) providing for notices and joint public hearings; (iii) inserting requirements for three-fourths vote to approve; (iv) including provisions for rehearing, re-noticing, etc. (v) imposing “blackout” periods to restrict repetitive applications from owners, if desired.</p> <ul style="list-style-type: none"> • An optional provision might require the P&ZC to make reports to the Council when it disproves—or does not act upon—any application (to avoid disabling the Council from considering the application). • Formalize the required steps in Ch. 211 of the LGC for amendments (i.e., preliminary report, final report, multiple hearings before the P&ZC, etc.) (see Sec. 211.007).
Section 16 – Reserved	<ul style="list-style-type: none"> • Verify new location of this content that was removed in 2016; make sure they are sufficient.
Section 20 – Meeting open to the public	<ul style="list-style-type: none"> • Revise to include an except for closed or executive sessions allowed by law.

Article XXX - Definitions

Generally

- Many terms have unexpected or obsolete meanings. Many important terms are not defined at all, and sometimes regulations have been nestled inside definitions.
- Define the following terms: Lot; block; tract; building; structure; height (improve base-level definition); face; front; street (including full right of way and roadway, also front street, side street, alley, public right of way, etc.); accessory (also accessory building, accessory structure, and accessory use; also, if needed, incidental); use (should be defined as an occupancy or activity, not a synonym for improvement or structure); family; dwelling (refer to constitutional cases and state law on “community homes”; dwelling unit (which should provide clearly for “servants quarters” or, perhaps, “accessory apartment;” and administrative official (see Ch. 211, LGC).
- Extract all regulatory language nestled inside definitions and move it to appropriate regulating sections.
- Some definitions that need special attention are:
 - #2: Accessory building
 - #5: Apartment-hotel
 - #8: Area of the lot (does not address easements)
 - #19: Building
 - #20 Building height
 - #25: City home
 - #35: Development
 - #39: District
 - #41: Family

- #44: Four plex (“not more than” clause)
 - #45: Front yard (“unoccupied” and “open” wording)
 - #47: Grade
 - #57: Hotel (also consider Texas Tax Code definition)
 - #59: Housing project
 - #66: Lot
 - #69: Lot of record
 - #73, #74: Mix use . . .
 - #75: Multifamily
 - #79: Nonconforming uses
 - #83: Open space
 - #87: Parking space (“on street” issue; embedded regs)
 - #89: Place
 - #96: Rear yard (“open space”; embedded regs)
 - #103: Servants quarters
 - #105: Shopping center
 - #108: Side yard
 - #109.1: Single-family dwelling
 - #118: Thoroughfare plan
 - #120.1: Townhouse
 - #121: Townhouse/condominium
 - #123: Trailer camp or park (check state law definitions)
 - #124: Two-family dwelling
 - #126: Visibility triangle
 - #127: Width of yard
 - #128: Yard
 - **Adjacent.** The word “adjacent,” which appears throughout, has been construed by a Texas court to mean “near,” not necessarily adjoining or touching. Need to check for intent each time the word is used and revise, if necessary; and add a definition of “adjacent.”
 - **Bedroom.** Minimum apartment area rule in Art. II, Sec.2, and other bedroom-based rules (including parking rules) appear to be easy to evade without a tight definition of “bedroom.” Refer to IBC/IRC and adopt or adapt a tight definition.
 - **Yards.** Re-wording the “yard” definitions and use yard or setback consistently. Clearly define front yard; side yard; etc. (should be defined as fixed areas measured front street line, property line, etc.--not from buildings),
 - Adopt Penal Code definitions and usage for “exceptions,” “presumptions,” “affirmative defenses,” etc.
-

Article XXXII – Boundaries of Districts

Section 1 – Boundary uncertainties; rules

- Coordinate and consolidate with Article II.
- C: Reword and make more broad (not just un-subdivided property).

Article XXXIII – Completion of Existing Buildings

Section 1 – Buildings under construction at the passage of this appendix

- Update to be consistent with all other nonconformity rules.

Article XXXIV – Preserving Rights in Pending Litigation and Violations Under Existing Ordinances

Section 1 – Illegal use prior to passage of appendix

- Coordinate with nonconformity rules.
- Saving clause should be made to apply to any amendment (use effective date language).

Appendix B - Subdivisions

Generally

- Clarify that a hearing is required to adopt or amend any rules governing plats and subdivisions.
- Clarify the definition for the term “subdivision” (which can mean either an area or an act) and under-inclusive, which can be especially troublesome if a plat is required when there is no actual “subdivision” (i.e., single-tract plats, combining plats).
- Avoid using “subdivision” in all titles, definitions, and “triggers.” Instead: (i) use a more-inclusive and less-ambiguous term like “platting,” and (ii) adopt and use key words from Ch. 212, LGC, e.g., “division” and “development.”

Section I - Division of land to be under supervision of the tow

- Incorporate broadly-worded triggers for platting, including all “divisions” of land mentioned in Ch. 212 (also, broad interpretation by Texas cases, including, division by leasing).
- Verify consistency with the Texas Condominium Act re “horizontal condos.”
- If the Town wants to use “development plats,” the ordinance must expressly “choose to be covered by Subchapter B of Ch. 212” of the LGC and broaden the “triggers” for platting.
- Geographic scope of the ordinance should cover all of the Town’s incorporated area and should be expressly “extended to” its extraterritorial jurisdiction, if any, subject to state laws. See 212.0025 and 212.00 of LGC.
- Should refer to exemptions granted by state law from time to time (i.e., “greater than five acres” exemption in Sec. 212.004), but not re-adopt them into the UDC. Even if there is a state-law exemption from filing a division plat, a development plat might still be required when there is “development.”
- Should list any additional local exemptions desired. See Sec. 212.0045, which allows cities to “define and classify” divisions that must be platted; cities “need not” require platting for every division of land.

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	<ul style="list-style-type: none"> • Should refer to Ch. 212 and adopt all kinds of plats mentioned by Ch. 212 now or in the future (e.g., division plat, development plat, replat, minor plat, vacating plat, amending plat, etc.), also any special types of plats created by ordinance, e.g., street-dedication plat, preliminary plat. • Consider assigning special names for specialized plats (e.g., PD platting). • --Should specify municipal authority responsible for approving plats for each type of plat, with any applicable appeals. Clarify that review and approval require interpretations, evaluations, weighing of evidence, etc., so it is discretionary. • Clarify enforcement language to be more broad and consolidated with other enforcement and penalty provisions. • Requiring a developer to plat all contiguous land under developer's control would help avoid piecemeal, unplanned development.
Section II - Withholding improvements	<ul style="list-style-type: none"> • Refer to language about utilities in Ch. 212.012 and enforcement under Sec. 212.018--and list any additional remedies desired locally.
Section III - Definitions	<ul style="list-style-type: none"> • Define all plat types mentioned by Ch. 212 (e.g. division plat, development plat, replat, minor plat, vacating plat, amending plat, etc.), also any special types of plats created by ordinance, e.g., street-dedication plat, preliminary plat. • D: Reconcile to be consistent with Ch. 212 of LGC.
Section IV - Procedures for subdivision	<ul style="list-style-type: none"> • Revise to reflect the current practice, reconcile with state law requirements. • Consider requiring a determination of infrastructure costs under Sec. 212.904 which has become final (i.e., all appeals exhausted). • Require approval of all supporting documents (including plans) before approval of final plat, or at least simultaneously. • Consider introducing bonding requirements consistent with Ch. 212 of the LGC.
Section V - Annexation	<ul style="list-style-type: none"> • May have limited application (if there is land left to annex). • Refer to initiation of annexation by any allowed means.
Section VI - Zoning	<ul style="list-style-type: none"> • Referring to zoning regulations would be more substantive if development plats are used, because they can show buildings and improvements.
Section VII - Land study	<ul style="list-style-type: none"> • Consider eliminating this requirement to better align with current practices. • Replace term "large area" with clear and objective threshold. • Land study overlap traditional purposes of a preliminary plat. Consider consolidating, or maybe just requiring more detail for larger preliminary plats.

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Section VII-A - Private street regulations	<ul style="list-style-type: none"> Eliminate – private streets are no longer allowed in Addison.
Section VIII - Preliminary plat and plans	<ul style="list-style-type: none"> Introduce an abbreviated subdivision process for smaller projects. Consider adding more administratively approved plats. Clarify all standards for approval. Ensure compliance with Sec. 212.904 of the LGC regarding Town participation in costs of infrastructure. Clarify the location of screening walls (on private property or in a private common area) and responsibility for maintenance.
Section IX - Final plat and plans	<ul style="list-style-type: none"> Update the plat notice language and consider removing to a separate manual. Write clear purpose statement and consider allowing combined submissions of preliminary and final plats (one step; saves time and money) for some projects. Include all standards for approval. See Secs. 212.004(b), 212.010 and other applicable sections of the LGC (should be incorporated by reference). Reconcile language in first paragraph with other provisions (complete construction plans submitted after plat approval). Reword paragraph 2 to avoid starting a “shot clock.”
Section X - Filing of plat	<ul style="list-style-type: none"> Consider standards requiring a bond to secure costs of infrastructure installations.
Section XI - Submittals required for construction	<ul style="list-style-type: none"> Clarify items that must be submitted before final plat approval and items that may be brought-in later.
Section XII - Subdivision construction	<ul style="list-style-type: none"> Require conveyance of facilities with warranties (by special instrument signed by developer, not a letter from the Town).
Section XIII - Acceptance of the subdivision	<ul style="list-style-type: none"> Shift responsibility to “supervise” construction, “assure” conformance, “verify” completion, etc. to the project engineer (not the Town).
Section XIV - As-built plans	<ul style="list-style-type: none"> Require submittal of “as-built” plans with the final engineer’s certificate, before acceptance.
Section XV - Issuance of building permits	<ul style="list-style-type: none"> Consider allowing some building permits to be issued before acceptance (e.g., for the facilities themselves, grading, site work, etc.). Reconcile issuance of permits and development plats in Sec. 212.046 of LGC.
Section XVI - General requirements	<ul style="list-style-type: none"> Create a general “applicability” section and a statement that these requirements apply in addition to the General Plan and other requirements. Create applicable customary provisions (e.g., lot widths flag lot standards, easement requirements, stub street standards, etc.). Replace “adequate” with more objective standards (i.e., storm sewer system). Verify compliance with or exemption from Ch. 395, LGC

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	<p>(impact fee law) and Sec. 212.904 LGC.</p> <ul style="list-style-type: none">• A(9): Reconcile definition for “adjacent” with Texas case law.• A(10): Require compliance with all plans.• A(10)(a), (b), (c), (d): Revise standard to clarify that concrete must be used.• B: Provide a reference to the Drainage Criteria Manual.• B: Update to ensure compliance with Sec. 212.904, LGC.• C(3): Update to ensure compliance with or exemption from Ch. 395, LGC (impact fees).• C(5): Clarify why is title to lift stations is handled differently from other facilities.• E(2): Coordinate application of Sec. 212.904, LGC to streetlights. If it applies, an engineer determination with appeals must be provided.• F(5): Specify location of wall (private property or common area), and that the responsibility for maintenance lies with the property owner/HOA, not the Town.
Section XVII - Minor amendments and corrections	<ul style="list-style-type: none">• Refer to Sec. 212.016 of the LGC (not repeat it).• Consider also referencing Sec. 212.0065, LGC that allows administrative approval of other types of plats (e.g., “minor plats”).

2) Supplemental Legal Analysis

This section is intended to provide legal context and highlight general observations that do not necessarily apply to one particular section or chapter of the Code of Ordinances. These concepts apply generally and will inform the detailed drafting of the UDC to ensure compliance with federal and state statutes, as well as case law.

References to Plans

General Observations

The existing development regulations refer to various plans by various names, and it is not always coordinated with the official Comprehensive Plan.

Recommendations

- Make all references to plans in the UDC consistent and clear.
- Consider amending the existing Comprehensive Plan to meet specific criteria of Ch. 213, LGC (*e.g.*, adding statutory disclaimers to all maps).
- Consider making other plans (like the major thoroughfare plan) part of the Comprehensive Plan. Both documents should cover:
 - The relationships among the Comprehensive Plan, the UDC and the “general plan” mentioned in Ch. 212, LGC; and
 - “Standards for determining the consistency required between a plan and development regulations.”
- Check and reconcile all plan-related provisions in the UDC and coordinate language in both documents, especially as to locations and limitations for conditional use permits, special use permits, and planned development districts (both documents should provide for them but leave plenty of legislative discretion, preferably by using general criteria instead of highly-prescriptive rules with waivers that appear in the current ZO).

Preempted subjects

General Observations

Many definitions and regulations in the existing development regulations are preempted, or limited by, state or federal law (*e.g.*, telecommunications (including cellphones), railroads, pipelines, pawnshops, alcoholic beverages, condominiums, sexually-oriented businesses, etc.).

Recommendations

- Remove any references to obviously-preempted regulations, leaving only regulations that are allowed by the law(s) in question that should be in the UDC.
- Consider inserting cross-references or footnotes for known preemptive laws.
- Provide an efficient procedure to receive claims of preemption (known and unknown) and rule on them quickly, with appeals, keeping in mind any “shot clocks” that may apply (Example: “shot clocks” on telecommunication applications, especially those with “deemed approvals”).
- Allow administrative approval of preemption claims--if they are clear-cut and not discretionary--and provide the full range administrative remedies, including special exceptions, variances, interpretations, etc.
- Provide a formal procedure to request City Council to act (*e.g.*, by granting a conditional use permit or special use permit).
- Check other Town ordinances to see if all preempted subjects (*e.g.*, small-cell and other

telecommunication facilities) are adequately addressed, to the extent desired.

- Consider modifying application forms to require all applicants to disclose any claims to preemption and any claims that Town ordinances do not apply to them.

Uniformity Within Districts

General Observations

Sec. 211.005 of the LGC proclaims: “Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district.” See *FLCT, Ltd. v. City of Frisco*, 493 S.W.3d 238, 265 (Tex. App.—Fort Worth 2016) where the court cited the uniformity rule, with related sections from Ch. 211, and implied they are intended to preserve primary protections for property owners.

Recommendations

- Check each regulation that applies to only part of district (e.g., regulations for properties fronting on certain streets or located on the edge of the district) and revise it, if possible, so that it applies district-wide (consider referring to property lines instead of specific streets or district boundaries).
- Where a regulation cannot be applied district-wide, re-word it so that the differences are clearly based on “class or kind of building” (Example: “Each Class 3 Building must be set back from . . .”).
- Eliminate all “subdistricts,” or, at least, define them as separate “districts” for purposes of Ch. 211 (see Development Regulations Assessment Report).

Vested Rights

General Observations

Because of the broad sweep of Ch. 245 of the LGC, claiming vested rights has largely become a complicated and somewhat ambiguous process.

Recommendations

- Modify application forms to require all applicants to disclose any claims under Ch. 245.
- Provide an efficient procedure to receive claims under Ch. 245 and adjudicate them quickly, with administrative appeals (e.g., through the ZBA).
- For permits and approvals of all kinds, specify expiration dates as allowed by Ch. 245.
- Consider requiring that “vested” status be claimed and established as an affirmative defense, like a nonconformity.
- Consider adding provisions for losing “vested” status, like losing nonconformity status.

Small-Tract Rezoning

General Observations

Historically, Texas courts have been wary of small-tract rezonings, sometimes invalidating them as illegal “spot zoning” or zoning not “in accordance with a comprehensive plan.” The landmark case is *City of Pharr v. Tippitt*, 616 S.W.2d 173, 177 (Tex. 1981), where the Texas Supreme Court resolved a challenge to a City ordinance that rezoned a 10.1-acre tract from single-family use to multi-family use.

Recommendations

The City of Pharr case suggests several measures to reduce risks that small-tract rezonings (whether done as classification changes, boundary changes or designations of conditional use permits, special use permits, or planned development districts) will get tagged with the dreaded “spot zoning” label:

- Prior to making zoning map amendments, make sure the affected area is “large enough for planning as a self-contained orderly development which can in advance provide for the direction and the flow of traffic and assure a careful development of necessary public utilities . . .” and include express provisions to make sure the change will not cause “disharmony” with “lands or tracts that are already developed.”
- For each zone map change:
 - Make sure both the UDC and the Comprehensive Plan specify and limit the places eligible to receive it (negate any implication that “anything can go anywhere”), perhaps by matrix or chart;
 - For each eligible area, impose a minimum size (for classification changes), qualitative limits (like allowable uses) and limits on intensity (like units per acre, height, FAR, etc.) and require both harmonization with the regulations that apply to nearby areas and mitigation of any adverse effects; and
 - Make it clear that approval is discretionary, not mandatory.
- Reduce the intricate, highly-prescriptive descriptions of the authorized small-tract changes (like MRX zoning) and eliminate provisions for changing those descriptions by waiver, etc.
- Use more generally-worded criteria (like the criteria used in the City of Pharr opinion) that can be applied to any tract in the area eligible to receive the change, but keep location restrictions, minimum sizes and the qualitative and quantitative limits mentioned above.
- Ensure all of the above are recognized and authorized by both the UDC and the Comprehensive Plan to weave them into a continuous, coordinated plan for the whole Town, making it clear that all authorized small-tract rezonings have been pre-planned.

Enforcement and Penalties

General Observations

There are incomplete and obsolete criminal provisions throughout the development regulations.

Recommendations

- Mimic or adopt Texas Penal Code approach for specifying criminal “offenses” (or use the traditional phrase, “It shall be unlawful for . . .”).
- Make sure all persons potentially liable are named (e.g., owners, contractors, tenants, occupants, persons “in control” of the premises, etc.).
- Consider defining plenty of presumptions and affirmative defenses in the UDC (and converting exceptions to affirmative defenses) to aid enforcement and prosecution (e.g., prosecution for lack of a permit or loss of PNC status).
- Consider imposing parallel or separate civil penalties, with procedures for initiation, imposition and due process review (Note: there’s a new case).

Impact Fees, Dedications, Etc.

General Observations

Several sections of the development regulations require payment of impact fees, dedications of property, and mandatory public improvements. These standards should be strengthened.

Recommendations

- For parkland dedication (and fees “in lieu”), follow closely the approach that the Supreme Court upheld in *City of College Station v. Turtle Rock Corp.*, 680 S.W.2d 802 (Tex.,1984)
- Check each required dedication and payment to make sure the Town can always prove both a

logical nexus to a legitimate public purpose and “rough proportionality” to the estimated impact of the regulated activity.

- Require an individualized determination each time (including dedications of streets, street improvements, easements, water facilities, sewer facilities, etc.) by an engineer--subject to appeals--as required by Sec. 212.904 of the LGC.
- Tighten language about who must pay or dedicate, when it must be done, how it must be done (e.g., deed or plat, fee or easement) and how dedicated property is accepted.
- Require all fee rates to be adopted by ordinance.

Town Registry

General Observations

An important element of administering development regulations is tracking official Town actions and decisions.

Recommendations

- Consider creating an official registry in the town secretary’s office, accessible online and cross-indexed by addresses, map, etc. (possibly using the online GIS map), to record:
 - Required and optional registrations (like PNC’s);
 - “Vested rights” and preempted regulations that have been ruled-upon by the Town;
 - Grandfathered special use permits, conditional use permits, planned development districts, etc. and related concept plans, development plans, plats, etc.;
 - Permits, approvals, and decisions by the administrative official, P&ZC, ZBA, City Council, etc.;
 - Variable-width or combined side yard designations;
 - Maps and map amendments; and
 - Similar matters.
- Consider creating a presumption that anything required to be registered does not exist if a diligent search of the registry does not disclose it.