



City of Hutchins, Texas

Zoning and Subdivision Ordinance Diagnostic Report

Prepared for the City of Hutchins, Texas

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Prepared by:

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Introduction

The City of Hutchins last updated the Comprehensive Plan of the City in 2024. The plan set forth a comprehensive strategy for development of the community.

Zoning regulations are one of the primary tools a city has for implementation of the Comprehensive Plan. In order to achieve the land use goals and direct the quantity, quality, location and timing of growth, the zoning ordinance needs to have regulations which reflect the values, goals, and objectives of the Comprehensive Plan. Under Texas Law, modifications to the zoning map should be based on policies set forth in the plan. Under parcel specific regulations, including land use regulations and development standards areas of the community can be planned to work coherently within the vision of the plan.

The update to the Zoning and Subdivision Ordinances in Hutchins is intended to create a concise and user-friendly set of regulations and be consistent with State law. The objective is to craft Zoning and Subdivision Ordinances that:

- Are consistent with, and implement, the Hutchins Comprehensive Plan;
- Promote quality design;
- Response to community concerns about protecting established neighborhoods and increasing residential areas;
- Are modern and reflects the City's current uses, practices, and development patterns;
- Provides clear decision-making processes;
- Comply with State requirements and current case law; and
- It is clear, concise, understandable, and easy to use.

This report summarizes the conclusions and recommends a number of ways the current ordinance could be improved to meet the overall objectives in the update.

Ordinance Usability

The need to make ordinances more user-friendly stems from both the needs of the City Staff to be able to interpret how the ordinances apply to new development accurately and concisely, as well as the ability of the public to read and understand how the regulations affect their property. Property owners who wish to develop their property desire complete answers upfront in the design and development process in order to efficiently use their time and resources. A well-organized set of development ordinances are easy to use, navigate and understand.

Organization and Style

The City's current Zoning Ordinance is organized in a manner that exhibits an underlying structure that follows a flow from introductory provisions to district standards, administrative functions, and then citywide standards.

Part 1 Enacting Provisions

Part 2 Administration

Part 3 Zoning Districts

Part 4 Use Regulations

Part 5 Development Standards

Part 6 Penalties and Nonconformities

Part 7 Appendices

The structure of the zoning ordinance can be made more intuitive or obvious from the average ordinance user.

The ordinance lacks a user-friendly structure with clear hierarchy. Subsections can be made clearer in their intent. It is difficult to look up a section of the code by a reference number.

There are several sections which are out of place. Logically, following administration, non-conformities (which require evaluation and processes) should be located along with administration.

Overall, the ordinance can progress from the most often referenced to the least – with basic provisions in the beginning, administrative processes, followed by regulations of specific zones, including a revised permitted use table, then citywide standards. The final chapter of the Ordinance should be a consolidated definitions chapter which includes definitions for basic planning purposes, then sections of definitions of land use types which mirror the permitted use table and parking standards so that it is easier for an applicant to understand their property, the options of land use, and the requirements of design which will be needed for their site.

The Table of Contents can be expanded to include primary subsections and be formatted in such way as to provide internal hyperlinks to the individual sections in the document – allowing a quick bookmarking within a digital file.

Finally, the city should supplement these organizational revisions with improvements to the appearance of the text itself, including wider spacing, a non-serif font for easier reading and consistent outline numbering and indentation.

Processes such as site plan, rezoning, should be placed together and the decision maker identified appropriately.

Code Complexity

Related content within the Ordinance should be organized together. Where standards apply solely to a particular set of base districts, such as exceptions to setbacks, they should be grouped with the standards for that set of districts.

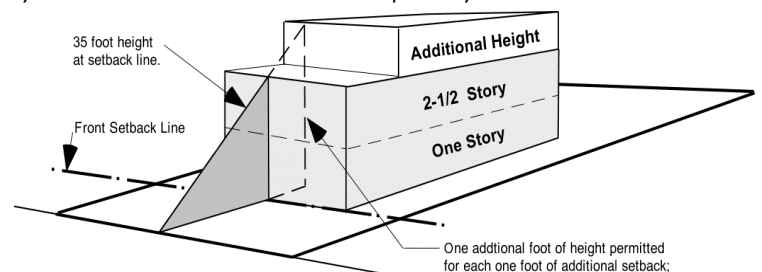
The Comprehensive Plan – Discussion of the comprehensive plan and the consistency of the ordinance to the plan by sharpening the vision of the plan to the Ordinance.

The Ordinance also contains many instances of direct duplication and unnecessary redundancy. When the code repeats information in or exactly the same language, it is not always clear whether nuances in wording or positioning are intended to accomplish different goals, or if they override each other entirely. It lengthens the text but also introduces an element of doubt that differently worded sections might affect a person's ability to develop and use property. It also complicates zoning administration.

Zoning Districts

Each of the zoning districts in the Ordinance should be evaluated by the city to ensure that they are achieving the goals of the community.

For some of the data in each of the zoning districts such as setback distances, height standards and similar metrics, can be displayed in a table in order to quickly understand the standards. Additionally, graphics may be added to illustrate the standards. The city has asked for an evaluation on creating a forty (40') foot wide single family lot style zoning district which would allow development by right, with the appropriate setback distances and any specific design standards which would be applicable to such a district. These could include alley dimensions, location of driveways and the location of utilities to the rear of lots so as to not clutter the front yards of narrower lot styles.



The standards in the Townhome zoning district may need to be reevaluated. The market for townhomes has increased in the DFW area and could potentially provide options to allow a twenty-five foot or 22-foot-wide product with guaranteed rear entry garages with an 18-foot setback in the rear for parking from an alley.

For multi-family zoning – the minimum standards provide for a low-rise garden style apartment complex which does not have the ability to provide enough density for a more pedestrian accessibility to other uses as reflected in the comprehensive plan. The plan encourages appropriately designed and located multi-family development in order to increase affordably priced housing in a safe environment within the community.

The non-residential zoning districts need to be re-evaluated to make sure that individual regulations such as outdoor storage and lighting are consistent throughout the Ordinance. There are uses which need to be well defined and added to the non-residential zoning districts including truck parking lot – evaluated to require a specific use permit and how the city treats short term rentals through the community.

The Highway Commercial zoning district has been called out in the comprehensive plan as a primary location for new commercial development and an evaluation on designs standards which would be advantageous for bringing in new development while assuring the quality of new landscaping and design is a goal of this review.

Zoning Use Table

Part 4 of the Ordinance is the use table for the city. Each of the land uses are listed alphabetically, and by use group and have a permitted, not permitted or permitted by specific use permit within the table. Logically, the permitted use table should be located immediately following the description of the zoning districts.

It is recommended that the use table be re-designed to reflect a consolidation of some use types which are no longer active business models but provide additional use types with more regulation to limit their proliferation throughout the community. Some of these use types may include tattoo studios, payday loans and check cashing locations and vape, tobacco and hookah stores and lounges.

Maintaining and building on Hutchins' organization of the use table in this way, the definitions of the types of uses and the parking standards should also be organized in the same fashion. Therefore, the definitions mirror the types of uses in the use table.

There are numerous land uses which are only allowed through specific use permits in the city. Typically, if the City Council sees multiple requests for those types of uses, they tend to apply similar conditions to their approval. Codification of those conditions for individual uses into the Ordinance would allow uses to be allowed by right in certain districts if the minimum standards are met and they would not have to go through the permit process. Live-work units should be updated to include retail sales and service uses included.

Processes and Non-Conformance

The sections which specifically apply to the processes in which the City acts on decisions affecting property should be consolidated into a singular Chapter. Consolidation of the roles of the Planning and Zoning Commission, City Council and the zoning or specific use permit processes and the site plan review process makes understanding the processes

easier for the end user. Non-conforming uses need to be updated to reflect current Texas Local Government Code. The Board of Adjustment role in the zoning process.

Development Standards

Parking Standards and Landscape Standards should apply evenly to all zoning districts. Each of these sections should be edited to clarify and consolidate the standards.

Parking – Parking currently must only occur on the same site as the use which can be inefficient for a retail environment and leads to the inability to provide cross-access easements between retail uses. This is also contradicted by the ability of a shared parking under Section H of the parking code. There are landscaping requirements within the parking requirements which should not contradict other areas in the Ordinance – such as the standards for landscaping parking lots in the IC district. There is a need to re-evaluate the parking ratios to a similar reevaluation of the permitted use table. Major sections of the permitted use table (Retail, Recreational, Office, Industrial) should be mirrored in the parking ratio table. Parking lot lighting standards need to be consolidated with overall lighting standards in the community.

Currently, there are separate standards for Portland cement streets and asphalt roads. Other communities have increased their standards to require fully Portland cement streets and increased their standards for fire lanes to reflect the higher weights of newer emergency vehicles.

Landscaping – Hutchins' landscape standards are fairly substantial, but can be further enhanced by clarifying how the standards could be designed. Providing better graphics for the landscaping standards will enable applicants a understanding of how the standards may be implemented on their property.

Preferred species types should be located in the landscape section and not in the appendix.

Street landscaping (10') buffer should be examined on implementation and ensured that the street landscaping does not contradict a landscape setback with parking regulations.

Screening and Fencing paragraphs should be moved to the landscaping ordinance. Fencing requirements need to have more information about items such as top caps and materials. A specific definition of top caps to fencing should also be included in the technical Definitions Chapter. Buffering fencing between commercial and industrial uses and residential uses should be increased to a minimum of twelve' in height.

Photo elements in landscaping and fencing can increase the understanding of how these elements can be implemented in a development's design.

Changes in telecommunications law may have eliminated some of the city's control on the location of wireless communications towers and devices. These standards will be double checked with state and federal law.

Lighting standards should be updated to include LED instrumentation and other modern advancements in technology.

Section 41 of the ordinance on exterior construction standards needs to be heavily modified. If there are areas of Hutchins where a specific architectural standard is being asked of redevelopment, then the city may suggest, but not require a particular cladding type. All materials allowed within the last three cycles of building code for exterior construction, by state law are allowed. Section 41.2, subsequently, should (after editing out material types) be moved to building regulations as construction standards are not typically part of zoning standards.

Ensure that regulations in the development standards are specific regulations. There are several instances where encouraged and preferred are utilized as describing terms which provides vagueness in which the property owner will not understand the expectation of the City.

Definitions

The appendix of the current Ordinance has all of the definitions within an alphabetical order. In the same manner as the permitted use table, modifications of the definitions into sub categories such as technical terms and then separating land use definitions into categories that mirror the permitted use table will provide a logical reference point for quickly deciphering terminology and provide direction for developers to understand the goals of the City's zoning implementation. Hutchins' Ordinance can use several graphics to illustrate definitions. These graphics should be examined to ensure the clarity of the language including differences in language regarding setbacks and front, side, and rear yards.

Additional Recommendations

Create a Matrix of Dimensional Regulations

The current Zoning Ordinance includes dimensional regulations in individual zoning district regulations that vary in presentation. Standardize dimensional regulations such as lot size, height restrictions, and setbacks. Organize regulations into chart form to make them easier to understand. Additionally, dimensions should be reviewed and updated to ensure they reflect modern planning practices.

Create a Matrix of Approving Bodies

Finding the approval process for different requests in the current Ordinance is cumbersome. Information is either scattered, missing, or lacks clarity. Create a "Development Review Bodies" section that includes a list of procedures and a matrix specifying which body (Council, P&Z, ZBA, or City staff) is responsible for acting on each application.

Create a Matrix of Notification Requirements

Notification requirements, such as those for SUPs, may lack specificity or be confusing. Recommendation Create a flowchart or diagram to show when a request requires notifications, the persons the City notifies, and the timing of the notification. Include diagrams illustrating confusing situations such as a protest petition for zoning. Create a Flowchart to Guide Development from Application to Occupancy Users of the zoning ordinance would benefit from unified visualization of the development process.

Subdivision Ordinance

In a similar fashion to the zoning ordinance, the subdivision ordinance organization can be improved. Administrative, decision making and processes should be at the beginning of the document and definitions should be placed at the end of the ordinance.

Recommended expansion of the definitions to include additional terminology about vested rights and public infrastructure.

Plat Procedure

Because the so many of the platting processes have been given specific direction by the Texas State Legislature, it has been in practice to provide direct connection to the sections of the Texas Local Government Code on the timing of when an application is made, the completeness of the application and the date of acceptance of the completed application by the city to begin the "shot clock" of time in which a decision must be made on a plat application submittal. Currently, State Law requires thirty calendar days from the date of acceptance to the decision making authority. Currently Hutchins requires plats be approved by the Planning and Zoning Commission. The Local Government Code allows, if approved by ordinance, that plats may be approved administratively if the City Council chooses this process.

It is recommended that the processes for plats be expanded upon to clarify the following:

- Types of Plats – Preliminary Plat, Final Plat, Replat, Minor Plat and Amended Plat. A minor plat may be a plat of four lots or less where there is no public infrastructure to be installed. An amended plat is where a Scrivner error has occurred on a recorded plat and that error needs to be corrected.
- Submittal formats – In a more digital age, submittal requirements can be made in a digital format for review purposes and final print formats provided for official recording with Dallas County in the County standard.
- Preapplication conference with the city should be made mandatory in order to clarify the city's zoning and design standards expectations for a subdivision.
- Residential replat subdivisions no longer require a public hearing by State Law. There are modifications to notifications for residential replats that need to be added to the ordinance.
- It is recommended that additional language be made available in the city's plat application to provide for perpetual maintenance agreement for floodplain, floodway drainage easements or drainage structures (retention or detention

ponds) so that these vital elements stay maintained by the development or home owner's association rather than become a maintenance issue for the city.

- A flow chart of the decision making process should be included in the ordinance to assist in the understanding of the process.
- Provide the ability of the applicant to waive the 30 day decision requirement. This cannot be required by the city.
- As the current legislative session is followed, some of the current bills may further affect city's responsibility to the platting process. One such bill would increase the decision making deadline to 90 days rather than the current thirty. If modifications come through during this redrafting process, those changes will be incorporated into the document.

Constructions Standards

Where required, the construction standards will be updated to current practice. A few recommendations include:

- Increase size of minimum sidewalk to five (5') feet.
- Move construction standards out of the description of the requirements for submitting a plat and into the construction standards. An example of this is there are street standards in the list of final plat submittal requirements.

Rough Proportionality and Vested Rights

The subdivision ordinance lacks a process in the case that an applicant claims any exactions or modifications to the city codes occur during the development process may unfairly impact their property. It is recommended that the city add a process to determine rough proportionality of any required exactions and how the city will process those claims. In addition, if an applicant claims vested rights, the city needs to have a process to determine the date vesting occurred and under which ordinances the property is required to operate – and communicate these decisions to the applicant.

Guarantee of Public Improvements

Currently the ordinance is silent with the exception of a one year maintenance bond for street improvements on the types of guarantees and bonding for the installation of public improvements required of the developer for new development. The recommendation is that a new section describing the development agreement process with the city, that would enumerate how performance bonds, payment bonds and maintenance bonds be accepted by the city to guarantee the appropriate construction of public improvements.

Engineering Design Manual

While not within the scope of this project, it is recommended that concurrently with the update to the subdivision ordinance, public works staff examine best practices for water, wastewater, drainage and street improvements which should be implemented to

increase the ease of future maintenance for the city and increase the replacement and reconstruction curve timeline for those facilities.

Conclusion

Much of the City of Hutchins zoning and subdivision ordinance is appropriately designed and has been implemented. Some restructuring of the documents will increase the usability of the ordinances in day-to-day operations for staff and applicants. It is the intent of this project to assist staff to update applications, submission calendars and other documentation to provide clarity of processes and transparency of the requirements for new development.

Project Timeline

April 2025 – Provide initial zoning and subdivision diagnosis documentation. This is an ongoing process as we continue to edit and research best practices in drafting the revised ordinances.

May 2025 – 1st or 2nd week – first meeting with committee members to discuss zoning and subdivision ordinance issues and implementation. Would like input from city attorney at this point as well. Presentation to committee members would be to show major change needs (platting process) and some options of zoning districts (40' SF Lots) Modifications to TH lot sizes. Modify initial diagnostic report to reflect this input.

May 2025-July 2025 Task 2 Draft Initial Ordinances – Reformatted ordinances would be drafted with initial graphics. Places where redlines are appropriate, would be highlighted, but as this will also be a reorganization, a strict redline is impractical. A list of major modifications will be provided. Distribute initial draft to committee members and staff.

August 1st or 2nd week – 2nd Committee meeting to discuss further changes, typos, items which may not be implementable in Hutchins.

Late August – Public Review Draft Provided.

Early September – Public Review Meeting – Open House to indicate major changes to the zoning and subdivision ordinance. Zoning and Platting Process flowcharts presented.

Late September – Public Hearing Draft Provided.

October / November– Public Hearings before Planning and Zoning Commission and City Council.