



PLANNING

To: Planning & Zoning Commission **Item No. 5**

From: Suzanne Porter, Planning Manager

Through: David Hoover, Director of Development Services

Re: Planning & Zoning Commission Meeting – November 7, 2023

Agenda Item:

Conduct a Public Hearing to consider an ordinance amending Chapter 2, Section 13 – Multifamily District; Chapter 4, Section 4.3 – Non-residential and multifamily parking provisions; and Chapter 4, Section 8 – Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-23-0024)

Description of Agenda Item:

The regulations for Multifamily development are addressed within the Town's Zoning Ordinance. The purpose of this amendment is to modify the regulations and standards for Multifamily development to align with the Comprehensive Plans' guiding principle of Quality Development, which is to maintain the community's small-town feel by ensuring quality development occurs in a cohesive manner, compatible with neighboring developments.

A summary of the modifications is as follows:

1. Limits Multifamily developments to the areas designated for this use in the Comprehensive Plan and as identified on the Future Land Use Plan.
2. Requires that Multifamily development can only be approved within a Planned Development.
3. Establishes a minimum density of 40 units per acre.
4. Removes setbacks and lot area requirements, as these can be determined on a case-by-case basis within the Planned Development standards.
5. Requires compliance with the Dallas North Tollway Design Guidelines.
6. Increases the maximum height allowance from three stories and 50 feet to eight stories and 110 feet.
7. Establishes a building configuration for Multifamily structures, requiring a wrap-around configuration with a central garage surrounded by the residential units.
8. Creates a mixed-use opportunity by allowing the first floor of the building to be used for residential or retail uses. A minimum fourteen feet ceiling height for the first floor will accommodate retail uses.

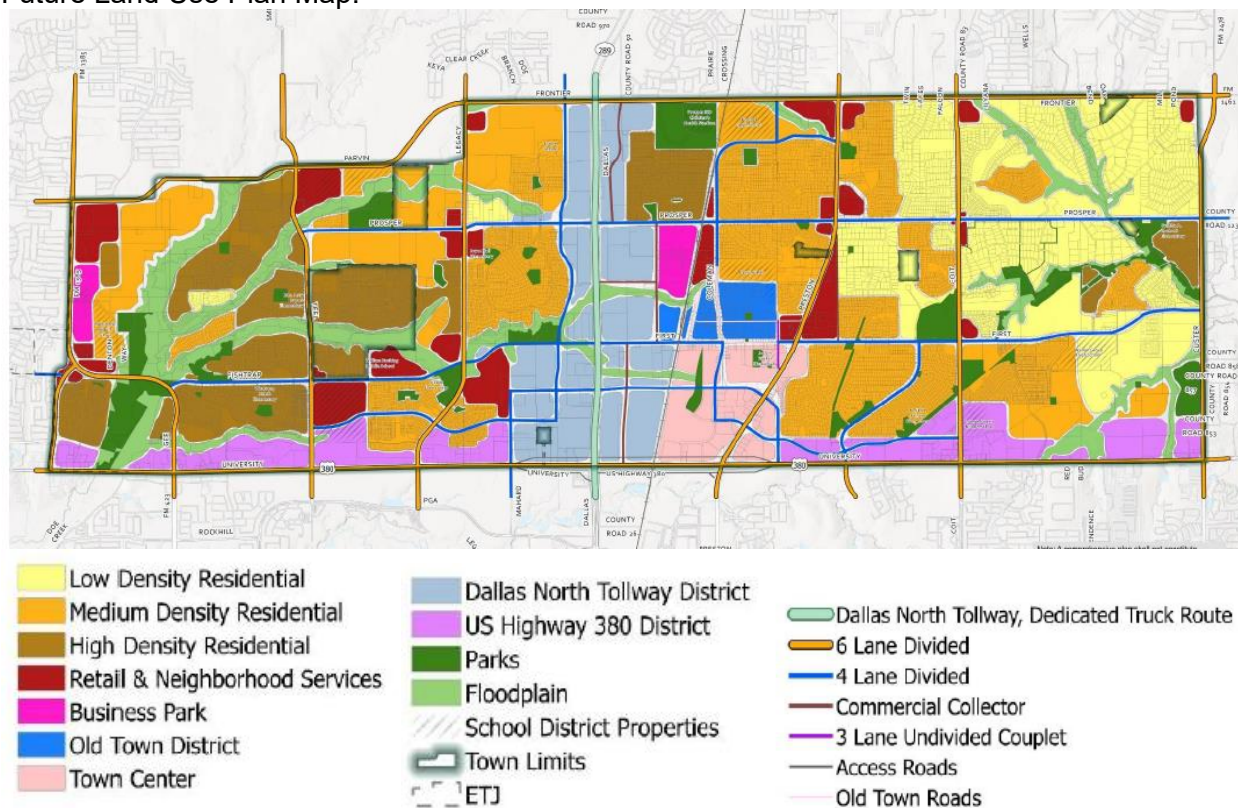
9. Limits the height of the interior garage so that it will not exceed the height of the exterior building, and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be completely screened.
10. Modifies parking stall dimensions for structured parking garages from 18 feet by 8.5 feet to 20 feet by 9 feet.
11. Modifies Multifamily parking standards to reflect the updated parking garage requirement from individual unit parking garages.
12. Removes Multifamily design and development standards. These criteria will be addressed in Planned Development standards.

Comprehensive Plan:

The Comprehensive Plan identifies Multifamily in the following Districts, which are identified on the Future Land Use Plan:

- High Density Residential - Apartments are to be a conditional primary use.
- Dallas North Tollway District - Apartments are to be a conditional primary use.
- Town Center District - Apartments are to be secondary in nature to a primary use.
- Old Town District - Apartments are to be a conditional primary use.

Future Land Use Plan Map:



In the Town Center District and Old Town District, there is zoning for Multifamily and construction underway on apartments developments. High Density Residential is recommended for development of higher density single family, townhomes, duplexes and senior housing, in addition to apartments. The Dallas North Tollway District is identified for apartments as a primary use with conditional standards. As such, Staff recommends that all future

Multifamily zoning be limited to the areas designated in the Comprehensive Plan, as identified on the Future Land Use Plan, and within Planned Developments. This recommendation is in conformance with the following goals from the Comprehensive Plan.

Goal 1. Provide a variety of desirable land uses that diversify the tax base and enable all types of people to live, work, shop, eat, and relax in Prosper.

Objective 1.11: Utilize the Dallas North Tollway (DNT) District to accommodate all new multi-family developments in a mixed-use setting with structured garage parking.

Goal 3. Protect the quality and integrity of Prosper's neighborhoods.

Objective 3.1: Encourage the development of quality housing throughout Prosper that meets the needs of a diversity of housing needs, taking into consideration, among other things, data relating to age and income, for the full life-cycle of citizens to include, but not limited to:

- Promote housing types and affordability for families with children, single parents with children, young adults just leaving home, young professionals, empty-nesters, retirees, and the elderly.
- Promote an adequate supply of workforce housing throughout Prosper for those who work in the service industry in Prosper.
- Promote neighborhood desirability, value, and reinvestment.

The following section is from the Comprehensive Plan and describes the Dallas North Tollway District. Staff responses are included to indicate how the proposed amendments to the Zoning Ordinance fulfill the directives and vision for this District.

Dallas North Tollway District

The Dallas North Tollway District will consist of the most intense land uses within Prosper. A diverse mixture of office, retail, and residential will likely develop along the corridor. Mid-rise office (up to 12 stories) may be permitted throughout the corridor. Office buildings should be designed for a "campus feel"—they should be oriented towards common public space with significant landscaping and should be linked by a pedestrian network. A common architectural theme should also be established for a consistent visual appearance. Mixed-use development should be encouraged and should contain a mixture of office, retail and residential uses. Mixed-use lofts/apartments would be the most appropriate residential use within this District. Structured parking should be encouraged in more intense areas to limit the presence and visibility of large parking lots. Structured parking should be oriented to minimize visibility from the Tollway. The Town may explore an overlay zoning district to better accommodate the preferred development outcomes in the Dallas North Tollway District.

Multi-family development must be well-planned and accounted for within Town limits. With more multi-family development requests, locations and standards for such development must be carefully considered to meet the Town's expectations.

Proposed Amendments:

- Limit Multifamily developments to the areas designated in the Comprehensive Plan, as identified on the Future Land Use Plan.
- Multifamily development can only be approved within a Planned Development.

While North Texas multi-family development has historically been associated with sprawling, garden-style apartments from the 20th century, multi-family developments have greatly improved since the start of the 21st century. For instance, many multi-family developers are not constructing garden-style apartment complexes, but modern, higher density, multi-family developments that are attractive to young professionals and empty nesters.

Proposed Amendments:

- Multifamily structures will have a wrap-around configuration with a central garage surrounded by the residential units.
- The height of the garage shall not exceed the height of the exterior building and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be completely screened.
- Modification of parking stall dimensions for structured parking garages from 18 feet by 8.5 feet to 20 feet by 9 feet.
- Modification of Multifamily parking standards to reflect the updated parking garage requirement from individual unit parking garages.

These developments are typically of a high-quality appearance and provide luxury amenities like dog parks and pet cleaning stations, saltwater pools, structured or covered parking, saunas, and innovative clubhouses.

Proposed Amendments:

- Multifamily development can only be approved within a Planned Development, and amenity standards can be determined with the zoning criteria for the development.
- Compliance with the Dallas North Tollway Design Guidelines.

Additionally, some multi-family developments incorporate other uses on the ground floor like office spaces, retail shops, and restaurants to create a vibrant, inclusive, and cohesive development.

Proposed Amendment:

- The first floor of the building may be used for residential or retail uses. A minimum fourteen feet ceiling height for the first floor will accommodate retail uses.

In Prosper's instance, multi-family development should occur at strategic locations and have strict development standards and offer a high level of amenities to residents. This will create attractive multi-family developments that serve a critical housing need for a rapidly growing community like Prosper.

Any new multi-family development product should:

- 1) *Meet the Town's vision of providing housing excellence,*
- 2) *Provide quality-of-life amenities to foster the development and the Town as a desirable and unique community,*
- 3) *Be compatible with neighboring developments,*
- 4) *Be at a high density (more than 40 dwelling units per acre), and*
- 5) *Be located in the DNT District.*

The community prefers to see modern apartments with some retail services located in the DNT District. The Town should consider increasing density requirements to at least a minimum of 40 dwelling units per acre to achieve such an apartment style.

Proposed Amendments:

- Establishes a minimum density of 40 units per acre. The density can be increased in the Planned Development standards.
- Removes setbacks and lot area requirements, as these can be determined on a case-by-case basis within the Planned Development standards.
- Increases the maximum height allowance from three stories and 50 feet to eight stories and 110 feet.

Amenities, structured parking, range of unit densities, types, and size, integration into the street and trails network, public art and industry leading building designs and materials should guide the Town's preferences for multi-family development.

Proposed Amendment:

- Removes Multifamily design and development standards. These criteria will be addressed in Planned Development standards.

In Prosper's instance, multi-family may be preferable near intersections in the Dallas North Tollway District. Additionally, multi-family development may be suitable in other locations behind commercial nodes where a transition from commercial to single-family residential development may be necessary.

Proposed Amendments:

- Limit Multifamily developments to areas designated in the Comprehensive Plan, as identified on the Future Land Use Plan.
- Multifamily development can only be approved within a Planned Development.

Staff finds that the proposed amendments uphold the Town's Comprehensive Plan.

Legal Obligations and Review:

Notification was provided as required by the Zoning Ordinance and State law. Staff has not received any response to the proposed zoning text amendment to date.

Attached Documents:

1. A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in blue and underlined, and the deleted sections shown in red with ~~strike through~~.
2. A final version of the proposed text amendments.

Town Staff Recommendation:

Town Staff recommends approval of the amendments to the Multifamily development criteria within the Zoning Ordinance.

Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on November 14, 2023.

Attachment No. 1

A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in **blue** and underlined, and the deleted sections shown in **red** with ~~strike~~ through.

CHAPTER 2 ZONING DISTRICTS

SECTION 13. MULTIFAMILY DISTRICT

13.1 General purpose and description.

Multifamily Districts shall be limited to the areas designated in the Comprehensive Plan, as identified on the Future Land Use Plan, and must be in a Planned Development District. The Multifamily District will provide for development of high density attached residential dwelling units, ~~not to exceed 15 units per acre~~ built at a minimum 40 units per acre. The standards in this district are intended to promote stable, quality multiple occupancy residential development at high densities. The principal permitted land uses will include apartment complexes ~~and townhomes. Other uses, such as religious and educational facilities, parks, and open spaces will be provided for to maintain a balanced, orderly, convenient, and attractive residential area. This zoning district should be located adjacent to a major thoroughfare and is appropriate in areas designated as high density residential on the Future Land Use Plan. Limited amounts of this district may also be appropriate in areas designated as Tollway Corridor or U.S. 380 Adjacency Corridor on the Future Land Use Plan.~~ Development shall comply with the Dallas North Tollway Design Guidelines, as it exists or may be amended.

13.2 REGULATIONS.

- A. ~~Maximum~~ Minimum Permitted Density: ~~45~~ 40 units per acre.
- B. **Size of Yards:** The size of Front, Side, and Rear Yards shall be determined at the time of development.
- ~~1. **Minimum Front Yard** — 50 feet for one or two story structures.
— One hundred fifty feet for three story structures.~~
 - ~~2. **Minimum Side Yard** — 50 feet for one or two story structures adjacent to property that is either zoned or designated on the Future Land Use Plan for single family or two family uses.
— One hundred fifty feet for three story structures adjacent to property that is either zoned or designated on the Future Land Use Plan for single family or two family uses.
— Thirty feet for one or two story structures adjacent to property that is either zoned or designated on the Future Land Use Plan for multifamily or nonresidential uses.
— One hundred feet for one or two story structures adjacent to property that is either zoned or designated on the Future Land Use Plan for multifamily or nonresidential uses.
— Multiple structures constructed on the same lot shall maintain a minimum separation of 30 feet.~~

~~3. Minimum Rear Yard — Same as Minimum Side Yard requirements above.~~

C. **Size of Lots:** The size of lots shall be determined at the time of development.

~~1. Minimum Lot Area — One acre.~~

~~2. Minimum Lot Width — 100 feet.~~

~~3. Minimum Lot Depth — 150 feet.~~

D. **Minimum Dwelling Area:**

1. One or two bedroom — 850 square feet.

2. Additional bedrooms — 150 square feet per additional bedroom.

E. **Maximum Height:** ~~Three~~ Eight stories, no greater than ~~50~~ 110 feet.

F. **Lot Coverage:** 45 percent.

G. **Minimum Usable Open Space:** 30 percent.

H. **Building Configuration:** Multifamily structures shall have a wrap-around configuration that consists of central garage surrounded by the residential units on the exterior of the building.

I. **First Floor:** The ceiling height of the first floor shall be a minimum fourteen feet (14') in height. The first floor of the building may be used for residential or retail uses that are specified in the Planned Development ordinance.

J. **Garage Height:** The height of the garage shall not exceed the height of the exterior building and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be completely screened.

13.3 Permitted uses.

Permitted uses shall be in accordance with the "Schedule of Uses" as outlined in Section 1.3 of Chapter 3.

CHAPTER 4 DEVELOPMENT REQUIREMENTS

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SECTION 4. PARKING, CIRCULATION, AND ACCESS

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4.3 Non-residential and multifamily parking provisions.

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- E. Each head-in parking space shall be a minimum of nine feet wide and 20 feet long, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition (see Chapter 5, Section 2.3, Illustrations A-G). Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way, or adjacent property, the depth of the standard space may be reduced to 18 feet. No parking space shall overhang required landscape areas. Parallel parking spaces must be a minimum of eight feet wide and 22 feet long. Parking spaces within non-residential and multifamily structured parking garages shall be a minimum of ~~eight and one-half~~ nine feet wide and ~~18~~ 20 feet long.

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- U. Multifamily parking shall be in a structured garage that is wrapped by the residential units, as described in Chapter 2, Section 13.2.H. Any surface parking associated with a Multifamily development for leasing area, guest parking, retail uses, etc. ~~Multifamily parking~~ is only allowed between the building and a public street when located at or beyond the required landscape setback and screened with a headlight screen of earthen berms and/or a row of shrubs. ~~Buildings with enclosed garages, when adjacent to a public street, must face garage doors internally to the development. Garage doors may not face a public street. No detached garages may be located between residential buildings and a public street. Enclosed garage parking spaces shall be a minimum of ten by 20 feet.~~

SECTION 8. NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT

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8.1 Applicability.

The regulations provided in Sections ~~8.2—8.6~~ shall apply to all office, retail, restaurant, service, automobile, and commercial uses. The regulations provided in ~~sections~~ [Section 8.7—8.10](#) [8.3](#) shall apply to all industrial, wholesale, and institutional uses. Where the regulations of this section conflict with other sections of this ordinance, the regulations of this section shall apply.

The intent of these provisions is to promote high-quality architecture that relates to the street, scale of development, and surrounding land uses by utilizing three properties of good design: massing, use of materials, and attention to detail.

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~~8.4 Multifamily development standards.~~

~~A. All exterior facades for a main building or structure, excluding glass windows and doors, in the MF District shall be constructed of 100 percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.~~

~~1. The Town Council, after recommendation by the Planning and Zoning Commission, may grant an exception to the foregoing exterior façade and design requirements, based upon consideration of the criteria listed in subpart 2, below.~~

~~2. In considering an exception to the exterior façade requirements, the Planning and Zoning Commission and Town Council may consider whether a proposed alternate material:~~

- ~~a. Is a unique architectural expression;~~
- ~~b. Includes unique building styles and materials;~~
- ~~c. Is consistent with high-quality development;~~
- ~~d. Is or would be visually harmonious with existing or proposed nearby buildings;~~
- ~~e. Has obvious merit based upon the quality and durability of the materials; and~~
- ~~f. Represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.~~

~~3. Any exterior façade exception shall be considered in conjunction with a preliminary site plan or site plan application.~~

~~B. The Town Council may approve materials which are equivalent to, or exceed, the standards set forth in herein.~~

~~C. Structure Separation. Multifamily structures on the same parcel shall have the following minimum distance between structures:~~

- ~~1. From main structure to main structure with walls that have openings for doors or windows on facades facing each other.~~
 - ~~a. Face to Face: 50 feet~~
 - ~~b. Face to End: 30 feet~~
 - ~~c. Corner to Face or End: 30 feet~~
 - ~~d. End to End: 30 feet~~

- ~~2. From main structure to main structure with walls that do not have openings, the minimum distance between structures is 20 feet for one- and two-story buildings and 30 feet for three-story buildings.~~
- ~~3. From main structure to accessory buildings or pools, the minimum distance between structures is 20 feet.~~
- ~~4. From main structure to free-standing garage building, the minimum distance between structures is 30 feet.~~

~~D. All multifamily buildings shall be designed to incorporate a form of architectural articulation every 30 feet, both horizontally along each wall's length and vertically along each wall's height. Acceptable articulation may include the following:~~

- ~~• Canopies, awnings, or porticos;~~
- ~~• Recesses/projections;~~
- ~~• Arcades;~~
- ~~• Arches;~~
- ~~• Architectural details (such as tile work and moldings) integrated into the building facade;~~
- ~~• Articulated ground floor levels or base;~~
- ~~• Articulated cornice line;~~
- ~~• Integrated planters or wing walls that incorporate landscape and sitting areas;~~
- ~~• Offsets, reveals or projecting rib used to express architectural or structural bays;~~
- ~~• Accent materials (minimum 15 percent of exterior facade);~~
- ~~• Varied roof heights;~~
- ~~• Or other architectural features approved by the Director of Development Services or his/her designee.~~

~~E. All buildings shall be designed to incorporate a form of window articulation. Acceptable articulation may include the following:~~

- ~~• Detailed/patterned mullions~~
- ~~• Glass depth from wall minimum eight inches~~
- ~~• Projected awnings/sunshades~~
- ~~• Water table in lieu of floor to ceiling glass~~

- Articulated lintel (i.e. soldier course in brick or material change EIFS or cast stone with minimum one-half inch projection)
- Articulated sill (i.e. soldier course in brick or material change EIFS or cast stone with minimum one-half inch projection)
- Cast stone surrounds on entire window



F. All buildings constructed primarily of brick shall incorporate a form of brick patterning (excluding typical traditional brick patterning, i.e. Running Bond). Acceptable patterning may include those represented below, or similar subject to approval by the Director of Development Services:



G. All multifamily buildings shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a three in 12 inch minimum slope. Wood shingles are prohibited.

Attachment No. 2

A final version of the proposed text amendments.

CHAPTER 2 ZONING DISTRICTS

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13.2 REGULATIONS.

- C. **Minimum Permitted Density:** 40 units per acre.
- D. **Size of Yards:** The size of Front, Side, and Rear Yards shall be determined at the time of development.
- C. **Size of Lots:** The size of lots shall be determined at the time of development.
- D. **Minimum Dwelling Area:**
 - 1. One or two bedroom — 850 square feet.
 - 2. Additional bedrooms — 150 square feet per additional bedroom.
- E. **Maximum Height:** Eight stories, no greater than 110 feet.
- F. **Lot Coverage:** 45 percent.
- G. **Minimum Usable Open Space:** 30 percent.
- H. **Building Configuration:** Multifamily structures shall have a wrap-around configuration that consists of central garage surrounded by the residential units on the exterior of the building.
- I. **First Floor:** The ceiling height of the first floor shall be a minimum fourteen feet (14') in height. The first floor of the building may be used for residential use or retail uses that are specified in the Planned Development ordinance.
- J. **Garage Height:** The height of the garage shall not exceed the height of the exterior building and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be completely screened.

13.3 Permitted uses.

Permitted uses shall be in accordance with the "Schedule of Uses" as outlined in Section 1.3 of Chapter 3.

CHAPTER 4 DEVELOPMENT REQUIREMENTS

* * *

SECTION 4. PARKING, CIRCULATION, AND ACCESS

* * *

4.3 Non-residential and multifamily parking provisions.

* * *

- E. Each head-in parking space shall be a minimum of nine feet wide and 20 feet long, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition (see Chapter 5, Section 2.3, Illustrations A-G). Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way, or adjacent property, the depth of the standard space may be reduced to 18 feet. No parking space shall overhang required landscape areas. Parallel parking spaces must be a minimum of eight feet wide and 22 feet long. Parking spaces within non-residential and multifamily structured parking garages shall be a minimum of nine feet wide and 20 feet long.

* * *

- U. Multifamily parking shall be in a structured garage that is wrapped by the residential units, as described in Chapter 2, Section 13.2.H. Any surface parking associated with a Multifamily development for leasing area, guest parking, retail uses, etc. is only allowed between the building and a public street when located at or beyond the required landscape setback and screened with a headlight screen of earthen berms and/or a row of shrubs.

SECTION 8. NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT

* * *

8.1 Applicability.

The regulations provided in Section 8.2 shall apply to all office, retail, restaurant, service, automobile, and commercial uses. The regulations provided in Section 8.3 shall apply to all industrial, wholesale, and institutional uses. Where the regulations of this section conflict with other sections of this ordinance, the regulations of this section shall apply.

The intent of these provisions is to promote high-quality architecture that relates to the street, scale of development, and surrounding land uses by utilizing three properties of good design: massing, use of materials, and attention to detail.

OFFICE, RETAIL, RESTAURANT, SERVICE, AUTOMOBILE, AND COMMERCIAL DEVELOPMENT STANDARDS

8.2 Exterior appearance of buildings and structures.

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INDUSTRIAL, WHOLESALE, AND INSTITUTIONAL DEVELOPMENT STANDARDS

8.3 Exterior appearance of buildings and structures.

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