



Zoning Ordinance Diagnostic Memo

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Introduction

The City of Wylie's Zoning Ordinance – available for viewing on the [City's website](#) – is the primary regulatory document that controls development within the municipal limits. Zoning ordinances typically regulate development aspects such as land use, site design, building form, parking, and landscaping. The current ordinance was adopted in November 2001 and has been frequently updated, as recently as April 2022.

The purpose of this Diagnostic Memo is to outline proposed revisions to the existing ordinance. This memo focuses on implementation of the Envision Wylie 2022 Comprehensive Plan (anticipated for adoption in Summer 2022), aligning with current State law, and integrating best practices into the City's development procedures. It is important to note that this list is not exhaustive, as additional issues may be identified during the ordinance update process.

Recommendations

1. General Updates

The ordinance update should include general overall improvements to the document, such as improving formatting and usability, correcting errors, and updating graphics.

2. Remove Specific Submittal and Fee Requirements

Several sections (e.g., site plan and landscape plan) currently include lengthy lists of the specific submittal requirements (e.g., size of page, north arrow, contours, grading plans). The specific requirements should be removed from the ordinance and instead be maintained administratively in a checklist that City Staff can update over time as needed. Additionally, specific fees should be removed from the ordinance and instead maintained in a Fee Schedule approved by the City Council.

3. Include an Approval Authorities Summary Table

The ordinance should include a summary table that provides a snapshot of application types and approval authorities (e.g., City Council, Planning & Zoning Board, Zoning Board of Adjustment, Planning Director). This would help readers to quickly understand the approval process for their application type.

4. Remove the SF-20 Zoning District

The SF-20 zoning district is intended for single-family homes on lots of at least 20,000 square feet. While this development type is appropriate for Wylie; however, this district is currently used on fewer than three acres. Consider redesignating these parcels as SF-10 and eliminating SF-20 to help simplify the ordinance.

5. Revise the Zoning Upon Annexation Process

The current ordinance states that all land “annexed into the City shall be temporarily classified as AG/30 (Agricultural District), until permanent zoning is established by the Council.” Applying a zoning designation requires legislative action; it is not automatic or temporary. The ordinance should instead state that Council shall take action to assign a zoning district to the annexed land; this action should occur on the same agenda as the annexation, as a separate item following the annexation. The City can continue its policy that newly annexed land be classified as AG/30; however, specific action (i.e., zoning) is required.

6. Update the Land Use Classifications

The land use charts outline the individual uses that are permitted (by-right or permit) or prohibited within the City. The charts have generally been kept up to date; however, several modernized terms should be added to provide clarification on whether such uses are allowed in the City. Examples of such terms include (but are not limited to) the following: Townhouse, triplex, quadplex, cottage court, live/work, mixed-use, bar, winery/brewery, childcare terms to align with State licensing, licensed/unlicensed community homes, food trucks, and food halls.

7. Review the Permitted Uses along SH 78

The Envision Wylie 2022 Comprehensive Plan recommends preserving the SH 78 frontage for uses that generate sales tax for the City, thereby reducing the need for increased property taxes. While most of the SH 78 frontage is already zoned for nonresidential uses, the land use charts should be reviewed to promote retail development and other sales tax generating uses along the corridor. Additionally, possible rezonings should be considered along SH 78 to promote uses that generate sales tax.

8. Develop Distinctive Corridor Standards

The Envision Wylie 2022 Comprehensive Plan recommends developing standards for various types of corridors (i.e., Downtown, Highway, Suburban, and Rural). While some elements would require public investment, the zoning ordinance could be amended to include aesthetic standards such as landscaping, setbacks, and building form. For example, landscaping buffers could be different widths depending on the corridor type.

9. Review Standards for the Downtown Historic District and South Ballard Overlay

Review the Downtown Historic District and South Ballard Overlay for potential site design, building form, streetscape, and parking improvements. While many of the

existing requirements are likely still appropriate, there may be opportunity to improve consistency across the districts or to further implement the City's Downtown Strategic Plan. One consideration would be the reduction of parking requirements within these zoning districts. Additionally, evaluate the boundaries of each district to determine whether they should be expanded or potentially new districts added.

10. Remove Recommended Plant List from the Ordinance

The landscaping requirements include a detailed list of recommended plant types that are acceptable for planting. This list of requirements should be removed from the ordinance and maintained administratively. Additionally, the selection of plants from the list should be required unless otherwise approved by the Planning Director with the recommendation of a landscape professional. All ground coverings, shrubs, and trees should be native and/or drought-tolerant species.

11. Require Park and Trail Dedication

The Wylie community has expressed a strong desire for more park and recreation amenities in its neighborhoods. Upon development of a new subdivision, the City should require the dedication and improvement of parkland to accommodate the increased population. Alternatively, a fee in lieu of the land may be appropriate in some circumstances, as determined by the City Council. Similar requirements should be in place for trail dedication and construction.

12. Strengthen the Tree Preservation and Mitigation Requirements

The current ordinance requires the submittal of a Tree Protection Plan for all trees at least 12 feet in height and six caliper inches in width (or eight inches for a multi-trunk tree); however, the review and approval process for the Tree Protection Plan is unclear. Additionally, mitigation measures should be established for cases when the removal of a protected tree is approved for removal (i.e., replanting or a fee in lieu to fund the planting of a tree at another site).

13. Add Provisions to Allow Cluster Development

The Envision Wylie 2022 Comprehensive Plan recommends planning for a mix of housing options and conserving environmentally sensitive areas. Cluster development (also called conservation subdivisions) preserve a portion of the development area as natural space while increasing the density of the developed areas, resulting in the same overall number of units. Cluster developments can be all single-family detached homes or can include a variety of medium density options (e.g., townhomes). The City currently allows this type of development through the Planned Development (PD) process; however, establishing a by-right development option may incentivize its use.

14. Review Garage Design Standards

The current ordinance requires that no garage door face a primary street front (except in a 2-and-1 configuration). Many of the existing garages in the City today are front-facing and many subdivisions in Wylie do not have alleys for rear-access. Additionally, requiring a J-swing configuration requires wider lots, resulting in additional roadway miles required to serve a development. Consider allowing front-loaded garages that are set back from the building face a minimum of 5 to 10 feet. Also, for J-swing configurations, consider adding requirements for the wall plane facing the primary street (i.e., require articulation and/or windows consistent with the rest of the main structure).

15. Align Building Material Requirements with State Law

In 2019, the Texas Legislature passed HB 2439, which prohibits municipalities from regulating specific building materials (e.g., brick or other masonry) beyond typical building code minimum standards. Many instances throughout the existing ordinance refer to required building materials. While quality building materials are still desirable, they can no longer be required. Instead, the new ordinance should use an incentive or menu-based system to encourage the voluntary use of desirable materials.

16. Add Design Requirements for Mixed-Use Development

“Mixed-use development” refers to a building or grouping of buildings typically with nonresidential uses (e.g., retail or office) on the ground level and residential uses (e.g., apartments or condos) on the upper levels. The Envision Wylie 2022 Comprehensive Plan recommends planning for mixed-use development in Downtown, South Ballard, and several other locations throughout the City; however, the current ordinance doesn’t provide design guidance for this type of development. The updated ordinance should include standards such as build-to zones, building form, parking design and location, and pedestrian connectivity. Additionally, the timing of when the construction of residential and nonresidential uses should be considered. Many cities experience the residential component of the mixed-use development being built years before the nonresidential component is built. The City should consider a phasing requirement to ensure that nonresidential development is built alongside residential development in mixed-use situations.

17. Address Commercial Cross-Access

“Cross-access” refers to the connection between adjacent lots that allows vehicular traffic to visit adjacent developments without re-entering the thoroughfare. This is more convenient for travelers and helps reduce stop-and-go traffic. The Zoning Ordinance (and/or Subdivision Ordinance) should be amended to require cross-access between

adjacent developments. Where the adjacent lot is undeveloped, the developing lot should provide an access easement with a stub-out to accommodate a future connection.

18. Review Minimum Parking Requirements

The land use charts include a minimum parking ratio for each land use classification (e.g., one parking space per 300 square feet of interior building space for a grocery store). After a cursory review, many parking requirements appear to be consistent with best practices; however, a closer review is needed to determine whether certain uses may require too much parking, which can result in higher development fees, unappealing aesthetics, increased stormwater runoff/drainage issues, and increased urban heat island effects.

19. Add Provisions for Compatible Residential Infill Development

The Envision Wylie 2022 Comprehensive Plan recommends promoting infill development that is compatible with the existing neighborhoods. This will become increasingly important as Wylie's development trends shift toward a redevelopment focus. The zoning ordinance should require that new homes built within the range of front yard setbacks of the homes on the same block face, and that the height use a slope-based calculation similar to the residential proximity slope for adjacent nonresidential development. In order to provide flexibility in infill lot design, if alleys are present in the subdivision, rear yard setbacks could be reduced because the alley would provide sufficient space between structures.

20. Allow Additional Accessory Buildings on Larger Lots

The ordinance establishes a maximum of two accessory buildings on all lots, except in the AG/30 district. Consider removing the maximum number of accessory buildings for larger lots (e.g., those over 10,000 square feet) and instead regulate using the existing lot coverage limits. The current lot coverage requirements allow for up to five percent of the lot or 60 percent of the structure's square footage, whichever is less.

21. Protect Waterways and Adjacent Development with Setbacks and Open Space

The Envision Wylie 2022 Comprehensive Plan recommends promoting low-impact development polices, encouraging recreational amenities in neighborhoods, and preserving green space. Consider establishing a minimum setback (e.g., 50 feet) from the stream centerline for future development. Also consider requiring single-loaded street along creeks, meaning that homes would only be located on the side of a street opposite of a waterway. These provisions protect water quality, protect homes from

creek erosion, increase public access to greenspace, and provide recreational opportunities for trails or open space.

22. Establish Variable Buffer Requirements and Promote Neighborhood Connectivity

The current ordinance establishes minimum screening requirements to help buffer between differing adjacent land use types. In summary, whenever a non-single-family district abuts a single-family district, a six- to eight-foot masonry wall is required. Consider modifying this requirement to require lower intensity buffers (e.g., trees and vegetation) between more compatible districts and higher intensity buffers (e.g., masonry walls and landscaping) between less compatible districts. Additionally, ensure that pedestrian and vehicular connectivity is maintained between neighboring developments, such as the ability to walk from a neighborhood to an adjacent shopping area.

23. State the Desirable Characteristics for Planned Developments

The Envision Wylie 2022 Comprehensive Plan recommends continuing using the Planned Development (PD) process to help achieve desirable developments. PDs are a zoning tool that cities can use to achieve innovative developments that aren't adequately accommodated by the typical zoning districts. The PD process involves negotiation between the City and applicant, which ultimately requires City Council approval. The zoning ordinance should specifically state the desirable, innovative characteristics for future developments to provide additional direction to applicants – parks and open space, quality building materials, lot size and home type variety, connectivity, low impact development, etc.

24. Specifically Outline Special Exceptions

Texas Local Government Code Sec. 211.009 outlines a board of adjustment's authority, which includes to "hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so". The zoning ordinance should clearly state the special exceptions that the board can approve. The current ordinance does list several instances under a heading "Other Areas of Authority"; however, it should clearly state that these instances are considered special exceptions. Additionally, the list of potential exceptions should be reviewed for potential revisions.

25. Address Nonconforming Lots

The current Nonconforming Uses and Structures article does not clearly address nonconforming lots. The ordinance should be updated to state that existing lots of record are allowed to be built upon.