



Innovative approaches  
Practical results  
Outstanding service

# Draft Diagnostic Report: Zoning Ordinance

October 6, 2020

Prepared for:

**City of Cleburne, Texas**

Prepared by:

**Freese and Nichols, Inc.**

2711 N Haskell Ave., Ste. 3300  
Dallas, Texas 75204

This Page Intentionally Left Blank

## Table of Contents

<b>Zoning Recommendations</b> .....	<b>5</b>
1) Remove All Cumulative Zoning Aspects of the Regulations .....	5
2) Align the Zoning Districts with the Future Land Use Plan Districts .....	5
3) Zoning Map City-Wide Updates .....	6
4) Zoning Map Downtown and Central Area Updates .....	6
5) Revise Single-Family Residential and Remove Unused Zoning Districts .....	6
6) Add a Medium-Density Zoning District .....	7
7) Revise Commercial Zoning Districts .....	8
8) Add a Mixed-Use Zoning District or Overlay .....	8
9) Revise Industrial District Permitted Uses and Standards.....	8
10) Update Corridor Overlay Design Standards.....	9
11) Revise Downtown Overlay District .....	9
12) Add Cleburne Depot Overlay District .....	9
13) Add Airport Overlay District.....	9
14) Consolidate Permitted Uses and Parking into One Chart Organized by Type of Use ....	10
<b>Development Standards Recommendations</b> .....	<b>10</b>
15) Create Clear Development Standards .....	10
16) Update Planned Development Zoning Regulations .....	10
17) Update Non-Residential Design Standards .....	11
18) Update Residential Design Standards .....	11
19) Improve Landscaping and Buffering .....	12
<b>Other Content Recommendations</b> .....	<b>12</b>
20) Include “Sunset” Provision to Review Zoning Ordinance.....	12
21) Update the Site Plan Approval Process .....	12
22) Update Parking Requirements .....	13
23) Create Requirements to Improve Non-Conforming Conditions.....	13
24) Better Define Accessory Structures .....	13
25) Update Home-Based Business Regulations .....	14
26) Revise Mobile Home/HUD-Code Home Regulations.....	14
27) Clarify Generalized, Confusing, or Contradicting Regulations .....	14
28) Incorporate Figures, Pictures, and Tables Throughout Document.....	15
29) Create Definitions for Every Use Identified in the Zoning Ordinance and Improve Terms Used in the Ordinance .....	15

- 30) Consolidate Definitions at the End of the Zoning Ordinance ..... 15
- 31) Create Auto-Related Business Standards ..... 15
- 32) Establish a Park Dedication Fee-in-Lieu ..... 16
- 33) Remove the Sexually-Oriented Business Ordinance From Zoning Ordinance ..... 16
- 34) Consolidate and Expand Fencing and Screening Regulations ..... 16
- 35) Consolidate Lighting Regulations..... 16
- 36) Locate All Fees in One Place..... 17
- Formatting Recommendations ..... 17**
- 37) Update Overall Formatting ..... 17
- 38) Create a Matrix of Dimensional Regulations ..... 17
- 39) Create a Matrix of Approving Bodies ..... 18
- 40) Create a Matrix of Notification Requirements ..... 18
- 41) Create a Flowchart to Guide Development from Application to Occupancy ..... 18

## Zoning Recommendations

### 1) Remove All Cumulative Zoning Aspects of the Regulations

#### Diagnostic Observation

Cumulative zoning is a method of zoning in which any use permitted in a less intensive zone is permissible in a more intensive zone. For example, the current Ordinance allows a construction of a single-family home in the Multi-Family district or a grocery store in an industrial district. A property owner may construct a convenience store in an Industrial district but not a manufacturing plant in a General Retail district. While this protects more sensitive uses, it can allow uses in inappropriate areas.

#### Recommendation

The zoning regulations should be updated to remove the limited cumulative zoning that currently exists and instead define permitted uses for each zoning district that are appropriate to the character and scale of that district.

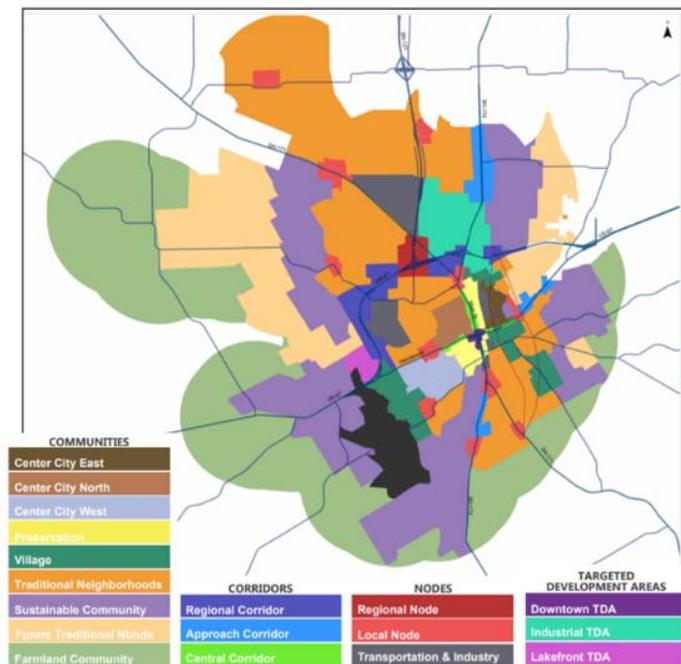
### 2) Align the Zoning Districts with the Future Land Use Plan Districts

#### Diagnostic Observation

The Comprehensive Plan and Future Land Use Plan include recommendations for vacant tracts of land within the City, and new land use ideas such as Future Traditional Neighborhoods, Sustainable Communities, Villages, and Commercial Corridors.

#### Recommendation

Existing zoning districts should be updated, and new zoning districts should be created to allow for sustainable and inclusive housing such as conservation subdivisions, mixed-use and medium-density residential, and commercial districts that are more context-sensitive based on alignment with corridors or community activity centers. Consider revising heavy commercial districts to allow for flex heavy commercial/light industrial uses. Include the design standards recommended in the Comprehensive Plan and Future Land Use Plan within the appropriate zoning districts. Restrict land uses, particularly around the loop and key nodes, to protect the commercial and residential character of these areas.



### 3) Zoning Map City-Wide Updates

#### Diagnostic Observation

The City has identified parts of the existing zoning map that need to be updated to align with the Future Land Use Map and Comprehensive Plan. The Comprehensive Plan was adopted in 2015 and lays out a vision for the future development of the city. This Zoning Ordinance update presents the ideal opportunity to align the Zoning Map with the Comprehensive Plan.

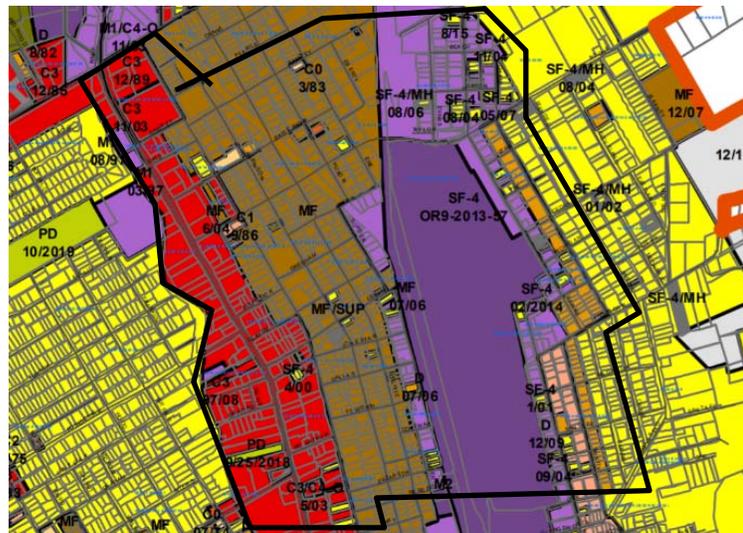
#### Recommendation

Update the zoning map in conjunction with the Zoning Ordinance effort. Look at aligning zoning around corridors and nodes with the recommendations of the Future Land Use Map and Comprehensive Plan. Additionally, evaluate all areas within the city for zoning map updates to align with the Comprehensive Plan.

### 4) Zoning Map Downtown and Central Area Updates

#### Diagnostic Observation

The current map arranges residential zoning districts in large blocks of property. Multi-Family zoning is concentrated on the west side of the railroad tracks; single-family is concentrated on the east side of SH 171 and the west side of Granbury Street. Because most of the Multi-Family zoned area consists of detached housing on smaller platted lots, there is a mismatch between the zoning and the prevailing development. The demand for single-family homes on these lots with smaller setbacks has led to variances and spot zoning to accommodate single-family homes (see map).



#### Recommendation

Consider reallocating Multi-Family areas and Single-Family zoning districts to reflect the existing conditions on the ground. Additionally, consider expanding the non-conforming lot ordinance to create an overlay allowing for more flexible infill development standards for areas where these conditions exist today. These infill standards should be flexible or permissive enough to respond to market demand for bedrooms, unit size, and garages.

### 5) Revise Single-Family Residential and Remove Unused Zoning Districts

#### Diagnostic Observation

The current Zoning Ordinance includes four Single-Family districts, some of which require minimum home sizes or lot sizes that do not reflect the development realities of North Texas, where 6,000 square foot lots and 50-foot lot widths are typical. The disconnect between regulations and the market leads to variance requests and the

request for Planned Developments (PDs). Additionally, two of the districts do not appear on the Zoning Map: SF-2 and SF-3.

#### **Recommendation**

Convert Single-Family districts into districts with more distinct gradations in lot size that reflect the homebuilder market (i.e., SF-6, where “6” represents a 6,000 square foot minimum lot size, and SF-7, SF-10, etc.) while incorporating the existing non-conforming lot ordinance passed at the end of 2019 to address current non-conforming lots. Consider retaining larger lots close to the lake. Consider requiring or incentivizing lot size or housing type mixture (i.e., a blend of traditional and patio homes), color and materials mixture, usable open space dedication around trails and detention ponds, or a menu of these and other options to allow for builder flexibility and market responsiveness. Consider more robust requirements such as enclosed garages, installation of sod, irrigation, and a homeowners’ or property owners association for shared amenities.

## **6) Add a Medium-Density Zoning District**

#### **Diagnostic Observation**

The current Zoning Ordinance uses different zoning use classifications defined by housing type, including duplex, attached residential, and townhome. The Use Charts allow these types of housing across multiple residential districts in some cases, including the Multi-Family district. Duplex, attached residential, and townhome development may be incompatible with higher density multi-family apartment development. The current code also lacks a clear vision for medium-density housing in Cleburne, such as fourplexes.

#### **Recommendation**

Develop one or two medium-scale zoning districts that are based on density and allow for various types of housing if they meet density, design, parking, and other technical standards of the zoning district in line with the Comprehensive Plan’s “Goals for Growth.”

## 7) Revise Commercial Zoning Districts

### Diagnostic Observation

The current Zoning Ordinance includes four commercial districts, with significant overlap and redundancies.

### Recommendation

Consider utilizing two or three commercial-retail districts based on use intensity and service area, such as Neighborhood Commercial, Community Commercial, and Regional or Arterial Commercial. Establish a minimum lot size for each district. Transition the current C-3 district to a Commercial/Industrial Flex district with performance standards, such as limitations on outside storage.

## 8) Add a Mixed-Use Zoning District or Overlay

### Diagnostic Observation

The current Zoning Ordinance lacks a district designed to accommodate mixed-use development. A developer proposing either vertical or horizontal mixed-use must currently utilize a Planned Development.

### Recommendation

Create a mixed-use (MU) zoning district or overlay that allows for both large and small-scale, mixed-use development. The Zoning Ordinance could also expand existing districts to allow mixed uses or live-work uses with certain design regulations, such as specific building, parking, setback, and nuisance requirements.

## 9) Revise Industrial District Permitted Uses and Standards

### Diagnostic Observation

A large percentage of existing corridors, such as Main Street, are zoned industrial but have commercial uses. Other areas, such as the north sector, have existing large industrial uses, but current regulations allow for smaller adjacent development that may not be appropriate.

### Recommendation

Revise the industrial zoning standards to make it easier for large, targeted industrial users and economic generators identified in the Comprehensive Plan to develop while ensuring that adjacent development is compatible in scale and use (i.e., ensuring that truck traffic from a distribution center does not have to mix retail traffic generated by a convenience store on the adjacent lot). Strengthen regulations, particularly in major corridors or visible areas, to address issues such as building design, paving, and outside storage. Expand definitions and uses to align with industry trends and terminology. At the other end of the industrial spectrum, create a consolidated professional services land use classification such as printing and sign making and a classification for micro-manufacturing, which would include custom fabrication and microbreweries. Each could be allowed within a Commercial/Industrial Flex district (see Recommendation 7)). Finally, improve the Zoning Ordinance to strengthen design, use, and performance standards to achieve more attractive design of industrial developments.

## 10) Update Corridor Overlay Design Standards

### Diagnostic Observation

The existing Ordinance lacks strong design requirements for commercial development. As commercial development grows along the major roadways such as Chisholm Trail Parkway, US 67, Main St., Henderson St., and Nolan River Rd., the City needs to ensure the quality of development along the most traveled and most visible corridors matches the desired character of the City.

### Recommendation

Develop enhanced design standards specific to the corridors to ensure quality, context-sensitive development. Design regulations can be applied based on a special overlay district along major corridors. Carefully integrate desired land uses while excluding others such as industrial uses, truck and trailer parking, sexually-oriented businesses, vehicle sales or repair, and outside storage.

## 11) Revise Downtown Overlay District

### Diagnostic Observation

Although it allows for secondary living spaces and some reduced parking requirements, the Downtown Overlay provides minimal specifications to guide appropriate development in Downtown.

### Recommendation

Develop enhanced design standards specific to Downtown, including the possibility of build-to lines, reduced/eliminated off-street parking requirements, and required rear parking for more development predictability. Consider expanding residential to encompass higher density developments such as townhomes, brownstones, or multi-family complexes with appropriate design sensitivity.

## 12) Add Cleburne Depot Overlay District

### Diagnostic Observation

The Depot serves as a gateway development into Cleburne from US-67 and the Chisholm Trail Parkway. In addition to serving as a regional node, the Depot may also have the potential for mixed-use development with village qualities as identified in the Comprehensive Plan thanks to the baseball stadium and allocation of public space.

### Recommendation

Develop a Cleburne Depot Overlay District with enhanced design standards specific to the Depot, including the possibility of build-to lines, shared off-street parking provisions, and required rear parking for more development predictability.

## 13) Add Airport Overlay District

### Diagnostic Observation

A mixture of industrial, commercial, and residential zoning districts currently surrounds the airport. The current airport regulations are found in Chapter 90 of the Code of Ordinances and limit the height of buildings and landscaping with the airport glide path.

### Recommendation

Create an Airport Overlay District that applies airport regulations to a geographic area on the Zoning Map and includes other standards, such as building design and lighting.

## 14) Consolidate Permitted Uses and Parking into One Chart Organized by Type of Use

### Diagnostic Observation

Permitted uses are currently broken up across multiple charts, making it difficult to determine whether a use is permissible in a zoning district.

### Recommendation

Consolidate uses into one permitted Use Chart with columns organized by land-use color for more comfortable viewing/scanning (i.e., yellow for residential, red for commercial, grey for industrial). Update the permitted uses to current business types, address outside storage, consider generalizing some categories, and consider adding parking requirements in the same table to reduce confusion. Additionally, the Ordinance should add a statement that for uses not explicitly defined or identified within the Ordinance, the City prohibits the use. The Zoning Ordinance should also provide a clear path to make an official interpretation of new uses.

## Development Standards Recommendations

### 15) Create Clear Development Standards

#### Diagnostic Observation

The current Ordinance lacks clear or specific development standards for open space, landscaping, impervious coverage, density, screening, garages, and accessory structures. The lack of specificity leads to the frequent use of PDs in the zoning process.

#### Recommendation

Development standards should be updated to provide clear and specific development standards that the Planning and Zoning Commission and City Council feel comfortable using when reviewing and deciding upon development projects. Consider adopting alternative compliance measures with administrative approval to provide a level of flexibility without resorting to variances. Formalize and outline the process to vary from specific standards in exchange for the developer providing features the City desires. Consolidate regulations such as dimensional standards (height, lot width, setback, etc.) into individual tables for easy reference. Include pictures and illustrations throughout the document rather than in appendices at the end of sections.

### 16) Update Planned Development Zoning Regulations

#### Diagnostic Observations

Developers frequently use Planned Developments (PDs) to substitute for zoning regulations that are unspecific or nonexistent. Regulations within the PD zoning section (Sec. 155.46) may be contradictory, such as density restrictions, or contain vague requirements, such as preservation of natural features and open space. Additionally, the current Ordinance mandates that the developer provide a development schedule that the Council can require the developer to follow.

#### Recommendation

Simplify the PD standards to encourage their use only for large scale, multi-phase projects. PDs should be projects that present a unique opportunity due to the physical context or the relationship of uses. The PD should not substitute for zoning regulations

or provide a way to circumvent otherwise reasonable standards. Consider establishing a minimum size for a PD district (i.e., five acres) to avoid *de facto* variances for single lots or small developments. Instead of requiring a schedule, create a requirement that any PD includes a conceptual design plan that can be reviewed after a specific time if no development has taken place. Consider how to strengthen PD requirements to discourage the use of a PD unless there is no viable alternative under straight zoning and to ensure that the City receives clearly articulated benefits. Consider building in alternative compliance for frequent issues such as setbacks or a design and amenities menu under straight zoning that City staff can administratively approve.

## 17) Update Non-Residential Design Standards

### Diagnostic Observation

There are currently very few design standards for commercial structures other than a minimum percentage of masonry for the façade within the commercial/industrial overlay district that may not be enforceable because of the Texas House Bill (HB 2439) restricting the ability of cities to regulate building materials. Without design regulations, as non-residential development comes to Cleburne, the City cannot ensure the new development fits into the community or produces high-quality developments.

### Recommendation

The commercial districts should be updated to include design regulations. These design regulations should include requirements for building design and screening. Create separate standards or exemptions for industrial buildings based on location and intensity of use. In areas or situations where the City cannot legally require building design standards, use incentives (i.e., reduced landscaping requirements or increased building height or density) to encourage compliance with higher design standards. Include open space preservation requirements and riparian corridor protection in line with the recommendations and goals of the Comprehensive Plan.

## 18) Update Residential Design Standards

### Diagnostic Observation

The City currently relies on PDs to establish appearance standards for residential development, including landscaping, garages, amenities, and building materials.

### Recommendation

Having predictable standards for design, parking, open space, and landscaping will reduce the need to negotiate these items in the PD process. Create consolidated residential design standards that address preferred materials, design, amenities, and landscaping. Incorporate alternative compliance measures to reduce the need for PDs and incentivize the use of materials that the City cannot require. Create incentives by modifying other requirements in exchange for preferred building materials, such as density, unit mix, height, parking, amenities, landscaping, setbacks, and garage standards. Use a menu-based approach to amenities, including optional tree and natural area preservation, to allow for fluctuations in market demand and avoid unnecessary site plan or PD amendments. Encourage amenities along streams, including trails and benches, where feasible and in line with the recommendations and goals of the Comprehensive Plan.

## 19) Improve Landscaping and Buffering

### Diagnostic Observation

Current landscaping requirements are inadequate, appear to only require trees (but not shrubs or groundcover), allow for several exceptions, and offer no mechanism for requiring conformity when a property owner improves an existing development. Recent developments such as Aldi have exceeded landscaping requirements, indicating the City could incrementally increase requirements without negatively impacting development. It is also unclear what the relationship is between landscaping requirements and open space. Recent site plans have shown the percentage of pervious site area as being synonymous with the required landscaped area. Commercial screening requirements may be too permissive or apply only in an overlay such as Chisholm Trail Parkway and not throughout the city.

### Recommendation

Create new comprehensive landscaping requirements requiring a mixture of native plants, along with location guidelines for distributing plants around the site for effective heat reduction and near the building entrance for beautification. Consider other locational guidelines that place landscaping in the most visible or sensitive areas, along street frontages or residential boundaries. Define “landscaped area” to mean the percentage of site area used to determine the number of plantings, not merely the amount of open or permeable space. Create impervious coverage limitations to clearly define the percentage of required open space and reduce stormwater discharge and velocity. Consider how to use landscaping to incentivize the use of preferred building materials (see Recommendation 17). Create a matrix of buffering requirements between uses to replace or supplement the text. Create a preferred tree list that includes hardy, native trees. Require landscaping plan approval with site plan approval (see Recommendation 20) and allow for minor administrative adjustments after construction starts.

## Other Content Recommendations

### 20) Include “Sunset” Provision to Review Zoning Ordinance

#### Diagnostic Observation

The existing Ordinance hasn’t been updated in 25 years and contains no mechanism for requiring review or consideration of updates.

#### Recommendation

Ideally, a zoning update should happen at least every ten years. To keep the Ordinance current and responsive to the needs of stakeholders, consider adding a requirement in the General Provisions section that calls for a periodic, proactive review of the Zoning Ordinance based on issues the staff encounters or changes in market trends.

### 21) Update the Site Plan Approval Process

#### Diagnostic Observation

The existing Ordinance identifies the attributes of a site plan in Section 155.53 but does not describe the requirements for review or approval. In cases where a site plan may be required, such as a SUP, it is not always clear when the requirement should be applied.

**Recommendation**

Add requirements and approval procedures for a site plan prior to, or in conjunction with engineering and/or building permit submittals to allow all departments a chance to comprehensively review a project before a user gets too far along in the process to make any necessary changes to the site layout. Consider making site plan approval administrative when it conforms to the underlying zoning to discourage variance requests.

**22) Update Parking Requirements****Diagnostic Observation**

The current regulations address parking ratio requirements using outdated demand models. The parking section requires updating to reflect modern planning practices and trends affecting the region. Parking regulations should also respond to trends affecting the City, addressing the changing nature of retail and transportation. Current parking lot landscaping requirements are inadequate and contain several exceptions and waivers.

**Recommendation**

Create a new section for parking requirements that establishes updated minimum parking standards and parking design requirements, along with tables and diagrams. Update parking ratios as necessary to reflect best practices. Consider which activities or urban forms to incentivize through parking formulas, such as outdoor dining or mixed-use. Add provisions for shared parking between uses with different peak hours, alternative compliance, and administrative modifications. Include requirements for upgrading substandard parking lots tied to building improvements, change of use/SUP, or parking expansions. Upgrade landscaping requirements for parking lots. Strengthen language regarding parking of RVs and trailers in residential districts. Address prevalence of on-street parking in residential neighborhoods through single-family garage orientation and design, use of alleys, or wider lots in exchange for reduced front setback and utilizing paving strips in unused areas.

**23) Create Requirements to Improve Non-Conforming Conditions****Diagnostic Observation**

There is currently no mechanism for improvements to existing substandard buildings or site conditions, such as a gravel parking lot, when a use is changed or expanded.

**Recommendation**

Create triggers to upgrade non-conforming conditions such as building or parking lot expansion. Consider amortization language that would allow the City to require improvements to longstanding non-conformities. Strengthen requirements to add landscaping connected to building or parking lot expansion while remaining flexible when constructing to full compliance is difficult or impossible. Consider an approach where tiers of improvements trigger different requirements (i.e., 15% improvements trigger landscaping requirements; 25% improvements trigger parking requirements; 50% improvements trigger building design requirements).

**24) Better Define Accessory Structures****Diagnostic Observation**

Current regulations for accessory structures are confusing. It is challenging to discern permissible types of accessory structures, depending on the situation.

**Recommendation**

Reorganize regulations for accessory structures to encompass all types of accessory structures. Clarify the definition of an accessory structure, include a table of dimensional regulations, how to determine the allowable size, and which zones permit them. Consider broadening the areas of a lot where accessory structures are permissible, including side yards, while limiting the number of structures and counting structures towards impervious coverage limitations. Review current separation requirements between primary and accessory structures and their applicability to improvements such as pergolas and outdoor fireplaces and consider updating to reduce the number of variance requests. Incorporate diagrams into the Ordinance to assist with understanding acceptable locations. Include language prohibiting the construction of an accessory structure if there is no primary structure.

**25) Update Home-Based Business Regulations****Diagnostic Observation**

Current home-based business regulations fail to prevent situations that negatively impact neighborhoods, such as landscaping companies with large fleets of trucks or business vehicles. Other requirements may be too restrictive, such as delivery service limited to four times per month.

**Recommendation**

Strengthen performance requirements for home-based businesses, including commercial truck and trailer restrictions and hours of operation. Consider refining delivery restrictions to reflect the nationwide increase in home delivery. Consider limiting the number of customer visits throughout the day to a specific number. Restrict operation in accessory structures unless built to the construction standards of the house, including plumbing and electrical.

**26) Revise Mobile Home/HUD-Code Home Regulations****Diagnostic Observation**

The current Zoning Ordinance (Sec. 155.30) contains requirements for mobile homes and HUD-code homes in a footnote to the land use table. The requirements are confusing, difficult to enforce, and may put the City in a difficult position if fair housing claims arise.

**Recommendation**

The new Zoning Ordinance should more clearly specify the situations in which a current SUP remains in force and where the City will issue a new permit for a mobile home. Regulations should create a clear and defensible regulatory structure based on state law that defines and explains the scenario for permitting industrialized housing and mobile homes. Additionally, the difference between a mobile home and a HUD-Code manufactured home should be clarified.

**27) Clarify Generalized, Confusing, or Contradicting Regulations****Diagnostic Observation**

Throughout the Ordinance, there is generalized, unclear, or contradictory language. This lack of clarity creates challenges for readers when interpreting and applying the regulations in the Ordinance correctly and consistently.

**Recommendation**

The new Ordinance should clean up any confusing or contradictory regulations by referring to, or using language from state statutes where feasible, especially for specific or technical processes such as computation of lands for zoning protests and vesting.

**28) Incorporate Figures, Pictures, and Tables Throughout Document****Diagnostic Observation**

Imagery and graphic diagrams assist with the understanding of regulations and concepts. The current Ordinance does not include graphics within the document. Figures depicting site layout and dimensions appear at the end of the text but are cumbersome to navigate. Other tables and matrices, such as the wireless telecommunications facilities matrix in Sec. 155.60, are hard to read.

**Recommendation**

The new Ordinance should incorporate figures, pictures, and tables throughout the Zoning Ordinance in each applicable section. Visual aids should include tables, images, and flowcharts (see Recommendations 34), 35), 38), 39), and 40)).

**29) Create Definitions for Every Use Identified in the Zoning Ordinance and Improve Terms Used in the Ordinance****Diagnostic Observation**

The current Zoning Ordinance does not define many land use classifications, both permitted and not permitted. If uses are not clearly defined, then they are more subjective to interpretation and may result in difficulty implementing the Ordinance or issuing Certificates of Occupancy. Some definitions used in the Ordinance are too vague. Other terms used in the Ordinance have regulations but are not defined, making it difficult to discern if the regulation applies.

**Recommendation**

Create or revise definitions for all the land uses within the Zoning Ordinance. Improve or add new definitions for terms used in the Zoning Ordinance to reduce confusion or misinterpretation.

**30) Consolidate Definitions at the End of the Zoning Ordinance****Diagnostic Observation**

Current definitions appear in multiple sections and are sorted by category, making it difficult to know where to find a definition. Many definitions appear at the beginning of a section, making navigation of the section more inconvenient.

**Recommendation**

Consolidate all definitions to a section at the end of the Zoning Ordinance to aid navigation. Additionally, the update will provide a cross-reference to the definition everywhere a defined term appears in the Zoning Ordinance, which will allow a user to click on the term to view its definition.

**31) Create Auto-Related Business Standards****Diagnostic Observation**

Auto businesses such as dealers and repair shops have proliferated on Main Street and may cause blight, nuisance, and environmental issues without clear regulations.

**Recommendation**

Consider adopting regulations that specifically regulate automotive uses. The businesses included in these regulations may be minor or lower impact categories such as oil change and inspection, online-only sales, paint-less dent repair, and major categories such as used tire sales, paint and body shop, auction, and semi-truck sales and parking. Consider limiting the number and concentration of auto businesses, requiring more uses by SUP, or making SUPs reviewable or revocable for continued violations.

**32) Establish a Park Dedication Fee-in-Lieu****Diagnostic Observation**

Many DFW cities have a fee of \$1,000 per lot or more; however, the City of Cleburne does not currently offer a fee-in-lieu of parkland dedication.

**Recommendation**

Consider policy direction that aligns with the Parks Master Plan to avoid dedication of unusable or unwanted sections of parkland while still supporting the City's parks and recreation goals. Align policy with recommendations from the Parks Master Plan update, scheduled to be completed in 2021.

**33) Remove the Sexually-Oriented Business Ordinance From Zoning Ordinance****Diagnostic Observation**

The Sexually-Oriented Business Ordinance (Chapter 155.57) is one of the longest sections in the current Zoning Ordinance. Its content is primarily concerned with preventing criminal behavior rather than land use issues.

**Recommendation**

Leave the current Chapter 155.57 in the Code of Ordinances and make specific reference in the Zoning Ordinance to land use concerns such as setbacks from schools, parks, and residential districts.

**34) Consolidate and Expand Fencing and Screening Regulations****Diagnostic Observation**

Current screening requirements may be too permissive, rely too much on text, or apply only to certain areas, as in the case of dumpster screening.

**Recommendation**

Create a consolidated screening section with precise requirements and use of diagrams and tables. Require masonry screening for industrial/commercial developments that abut residential along with tree and shrub buffering, rather than allowing a choice of masonry, wood, or vegetative screening. Include requirements for upgrading existing screening if a use changes or the business expands its operation. Make upgrade requirements proportional to the impact of the expansion.

**35) Consolidate Lighting Regulations****Diagnostic Observation**

Under the current Ordinance, each zoning district has specific lighting requirements.

**Recommendation**

Consolidate all lighting regulations in one location with clear standards and diagrams addressing different types of lighting for commercial, residential, and institutional uses such as schools and churches. Include general requirements addressing adjacency spillover concerns and requiring shut-offs when lighting is not in use.

**36) Locate All Fees in One Place****Diagnostic Observation**

The current Ordinance scatters fees for different permits and applications in various sections. Some fees reference an ordinance, while others identify a specific fee amount.

**Recommendation**

Remove specific fees from the Zoning Ordinance. Consolidate fees in a fee schedule included in or referenced by the Code of Ordinances so that fees can easily be located and updated by City Council by approving an update to one section.

**Formatting Recommendations****37) Update Overall Formatting****Diagnostic Observation**

The current document lacks visual or topical hierarchy, making navigation difficult. Additionally, the regulations rely heavily on blocks of text and footnotes and are not user-friendly. Often processes, conditions, and requirements are grouped in a single sentence or paragraph. The average citizen should spend no more than 60 seconds to find what they need in the Zoning Ordinance -- something that's difficult to achieve with the current Ordinance.

**Recommendation**

Change the formatting of the document to introduce topics of more general interest at the beginning, such as purpose statements and process outlines, and progress to more specific topics, both in the overall document and each section. The updated regulations should also have a new format with updated headings, colored graphics, and internal and external hyperlinks to allow the reader to scan and find sections of the document quickly. The Ordinance should break processes with multiple steps or requirements into bullets or subheadings and use flow charts or graphics to outline processes and procedures (see Recommendation 16).

**38) Create a Matrix of Dimensional Regulations****Diagnostic Observation**

The current Zoning Ordinance includes dimensional regulations in individual zoning district regulations that vary in presentation.

**Recommendation**

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.

### **39) Create a Matrix of Approving Bodies**

#### **Diagnostic Observation**

Finding the approval process for different requests in the current Ordinance is cumbersome. Information is either scattered, missing, or lacks clarity.

#### **Recommendation**

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.

### **40) Create a Matrix of Notification Requirements**

#### **Diagnostic Observation**

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.

### **41) Create a Flowchart to Guide Development from Application to Occupancy**

#### **Diagnostic Observation**

Users of the zoning ordinance would benefit from unified visualization of the development process from the initial application to the Certificate of Occupancy. This could be part of the Zoning Ordinance itself or a supplementary chart maintained by City staff.

#### **Recommendation**

Create a clear, outlined path from the beginning of the development process to Certificate of Occupancy using charts, graphics, and illustrations.