

ORDINANCE NO. 009 (REV#01)

**APPENDIX 5 - - PLANNED DEVELOPMENT DISTRICT (PDD)
ADDITION TO ZONING ORDINANCE # 007**

ADD A PLANNED DEVELOPMENT DISTRICT (PDD) TO ZONING ORDINANCE # 007 TO PROVIDE FOR COMBINING AND MIXING OF USES IN THAT PART OF THE CITY LOCATED ON THE WEST SIDE OF HIGHLAND DRIVE (CR 125) SITUATED BETWEEN THE CAMP CHAMPION ROAD AND HWY 1431 AND THAT PART OF THE CITY LOCATED BETWEEN HIGHLAND DRIVE (CR 125) AND POST OAK ROAD (CR 131) AND SITUATED BETWEEN HWY 1431 AND A LINE DEFINED BY THE NORTHERN BOUNDARY LINE OF SHADY ACRES SUBDIVISION, SECTION TWO (2), FROM POST OAK ROAD (CR 131) TO THE POINT THIS BOUNDARY LINE INTERSECTS THE EASTERN BOUNDARY OF HIGHLAND HAVEN SUBDIVISION, SECTION SIX (6), AND THENCE ALONG THE EASTERN BOUNDARY LINE OF HIGHLAND HAVEN SUBDIVISION, SECTION 6, TO ITS INTERSECTION WITH HIGHLAND DRIVE (CR 125) RIGHT-OF-WAY WITH APPROPRIATE REGULATIONS AND TO PERMIT FLEXIBILITY IN THE USE AND DESIGN OF LAND AND BUILDINGS IN SITUATIONS WHERE MODIFICATION OF SPECIFIC PROVISIONS OF THIS ORDINANCE IS NOT CONTRARY TO ITS INTENT AND PURPOSE OR SIGNIFICANTLY INCONSISTENT WITH THE PLANNING ON WHICH IT IS BASED AND WILL NOT BE HARMFUL TO THE COMMUNITY.

WHEREAS the Planning and Zoning Commission has studied land usage of large tracts within this area; and

WHEREAS the Planning and Zoning Commission found that development of large tracts by a single user for other than agricultural purposes is not feasible under any of the existing Zoning Districts (A), (B), (C) or (D); and

WHEREAS the Planning and Zoning Commission has recommended that a Planned Development District (PDD) be incorporated into Zoning Ordinance # 007 to reduce land usage hardships for large tract owners in the area, provide for development of all land within the City, and increase property values; and

WHEREAS on June 26, 1996 the duly appointed Planning and Zoning Commission and the Board of Aldermen of the City of Highland Haven, Texas jointly held a public hearing on the initial draft of APPENDIX 5 - - PLANNED DEVELOPMENT DISTRICT (PDD) to Zoning Ordinance # 007; and

WHEREAS comments and input from citizens during the joint public hearing did not require any additions to APPENDIX 5 - - PLANNED DEVELOPMENT DISTRICT (PDD); and

WHEREAS the Planning and Zoning Commission presented the following final draft to the Board of Aldermen on June 26, 1996 during a properly scheduled Board meeting.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT THE FOLLOWING BE INCLUDED AS APPENDIX 5 - - PLANNED DEVELOPMENT DISTRICT (PDD) OF ZONING ORDINANCE # 007:

APPENDIX 5 - - PLANNED DEVELOPMENT DISTRICT (PDD)

5.1 General Purpose and Description: The Planned Development District (PDD) is intended to provide for combining and mixing of uses with appropriate regulations and to permit flexibility in the use and design of land and buildings in that portion of the city located on the west side of Highland Drive (CR 125) and situated between the Camp Champion road and HWY 1431 and that part of the city located between Highland Drive (CR 125) and Post Oak road (CR 131) and situated between HWY 1431 and a line defined by the Northern boundary line of Shady Acres subdivision, section two (2), from Post Oak road (CR 131) to the point this boundary line intersects the Eastern boundary line of Highland Haven subdivision, section six (6) and thence along the Eastern boundary line of Highland Haven subdivision, section six (6) to its intersection with Highland Drive (CR 125) right-of-way. The specific provisions of Appendix 5 - - Planned Development District (PDD) will not be harmful to the community.

Permitted Uses: Any use specified in the ordinance granting a Planned Development District (PDD) shall be permitted in that district. The size, location, appearance and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

One sign, not larger than 24" by 36" may be placed on a PDD providing the sign is advertising the specific PDD "FOR SALE" and the sign is located inside the boundary lines of the PDD. Political signs may, during City, County, State, and Federal elections, be posted at the single family residence on the PDD provided each sign is located inside the boundary lines of the specific PDD.

5.2 Development Standards:

1. Development standards for each PDD shall be set forth in the ordinance granting the PDD and may include but shall not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, screening, landscaping, accessory buildings, lighting, and other requirements as the City Board of Aldermen and the Planning and Zoning Commission may deem appropriate.
2. All PDD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
3. The ordinance granting a PDD shall include a statement as to the purpose and intent of the PDD granted therein. A specific list is required of variances in each district and a general statement for citing the reason for the PDD request.
4. The Planned Development District (PDD) shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.
5. The minimum acreage for a Planned Development District (PDD) shall be three (3) acres.
6. Ownership of individual tracts that are combined, if any, to achieve the three (3) acre minimum must be identical.
7. Any building or structure used as a residence in a PDD requires full compliance with all Single Family Residence District (A) restrictions.
8. Only those commercial enterprises approved for the Commercial District (C) are permitted.

5.3 Requirements

In establishing a Planned Development District (PDD), the Board of Aldermen shall approve and file as a part of

the amending ordinance appropriate plans and standards for each Planned Development District (PDD). During the review and public hearing process, the Planning and Zoning Commission and Board of Aldermen shall require a conceptual plan and a development plan (or detail site plan).

5.4 Conceptual Plan: This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District (PDD) in a graphic manner and shall be supported by written documentation of proposals and standards for development.

1. A conceptual plan for residential land use shall be identical to that of Zoning Ordinance # 007, Single Family Residence District (A).
2. A conceptual plan for uses other than residential use shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Commission or the Board of Aldermen, may include but is not limited to the types of use(s), topography and boundary of PDD area, physical features of the site, existing roads, easements, building height and location, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
3. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the City permit official. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original conceptual plan the Planning and Zoning Commission shall review the request and render judgment as to the conformity.

5.5 Development Plan or Detail Site Plan: This plan shall set forth the final plans for development of the Planned Development District (PDD) and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the Planned Development District (PDD) or any section or the Planning and Zoning Commission and the Board of Aldermen as approved on the conceptual plan the development plan must approve part. A public hearing on approval of the development plan shall be required at the Board of Aldermen and Commission level, unless such hearing is waived pursuant to subsection 5.6 below at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

1. A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.
2. A scale drawing showing any proposed public or private roads or streets, building sites, and areas reserved as utility easements, the points of ingress and egress from existing streets, general location and description of existing and proposed utility services, and the land area of all abutting sites and the zoning classification thereof.
3. A site plan for proposed building complexes showing the location of separate buildings, and distance between buildings and property lines, and street lines. Also to be included on the site plan is a plan showing the arrangement and provisions of off-street parking.
4. A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.

5.6 Procedure for Establishing a Planned Development District (PDD)

All development plans may have supplemental data describing standards, schedules or other data pertinent to the development of the Planned Development District (PDD) which is to be included in the text of the amending ordinance. The procedure for establishing a Planned Development District (PDD) shall follow the procedure for zoning amendments as set forth in Section VII (F). This procedure is expanded as follows for approval of conceptual and development plans.

1. Separate public hearings shall be held by the Planning and Zoning Commission and the Board of Aldermen for the approval of the conceptual plan and the development plan or any section of the development plan, unless the Board of Aldermen upon determination that a single public hearing is adequate waives such requirement. A single public hearing is adequate when:
 - (a) The applicant submits adequate data with the request for the Planned Development District (PDD) to fulfill the requirement for both plans; or
 - (b) Information on the conceptual plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and
 - (c) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
2. The ordinance establishing the Planned Development District (PDD) shall not be approved until the conceptual plan is approved.
 - (a) The development plan may be approved in sections. Separate approvals by the Planning and Zoning Commission and the Board of Aldermen for the initial and subsequent sections will be required.
 - (b) An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to re-approval by the Planning and Zoning Commission and the Board of Aldermen. If the entire project is not completed within two (2) years, the Planning and Zoning Commission and the Board of Aldermen may review the original conceptual plan to ensure its continued validity.
 - (c) Regardless of whether the public hearing is waived for the development plan, approval by the Planning and Zoning Commission and the Board of Aldermen is required.

5.7 Impact

When a Planned Development District (PDD) is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, taxes, police, fire and traffic. Written documents from the private utilities may be submitted to the Planning and Zoning Commission prior to the commission making any recommendations to the Board of Aldermen.

5.8 Zoning District Map

All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category uses permitted therein, shall be maintained as an additional appendix of this ordinance.

5.9 Fees

A fee of \$125.00 is to accompany the application for a Planned Development District (PDD).

PASSED AND APPROVED this 21st day of September 1999.

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary

(Seal)

APPROVED AS TO FORM:

/s/ _____
City Attorney