

ORDINANCE NO. 2006-O-59

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, PROVIDING FOR A ZONING DISTRICT FOR PLANNED DEVELOPMENT DISTRICTS, ESTABLISHING ZONING REGULATIONS FOR THE DEVELOPMENT AND USE OF LAND WITHIN A PLANNED DEVELOPMENT DISTRICT; ADOPTING PROCEDURES AND REQUIREMENTS FOR OBTAINING APPROVAL OF A PLANNED DEVELOPMENT DISTRICT; AND PROVIDING DEFINITIONS, SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES

WHEREAS, the purpose and intent of a Planned Development District is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the Village consistent with Article 30 of the Village's Code of Ordinances and the Village's Comprehensive Plan;

WHEREAS, the PDD rules are designed: (i) to allow development which is harmonious with nearby areas; (ii) to enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance; (iii) to provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs; (iv) to encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods; (v) to facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment; (vi) to provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and (vii) to require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development.

WHEREAS, the Planned Development District will allow for compatible mixed uses such as compatible residential, commercial, and/or open space, within a single project within the boundaries of an approved plan area, in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:

1. **Legislative Findings.** The statements contained in the "whereas clauses" are adopted as the legislative findings of the Village Council in providing for a Planned Development District zoning category
2. **Article 30, Sec. 30.110 is amended as follows:**

- (a) The Village is hereby divided into eleven (11) zoning districts, the use, height and area regulations as set out herein shall be uniform in each district, except the PDD districts. The eleven (11) districts established shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
C-1	Light Commercial
C-2	Medium Commercial
C-3	Heavy Commercial
GOV	Government/Public Institutional
I-1	Light Industrial
I-2	Heavy Industrial
OS	Open Space
R-1	Single Family Residential
R-1R	Single Family Residential Ridgetop
R-1 C	Single Family Cluster
R-2	Multi Family
IR	Infill Redevelopment Overlay
PDD	Planned Development District

3. Article 30, Sec. 30.124(A) is added to provide the following:

Sec. 30.124(A) Planned Development District – PDD

(a) Permitted Uses. A PDD may be comprised of a combination of residential, multifamily, and commercial uses, with the exception of C-3 heavy Commercial, L-1, Light Industrial, L-2, Heavy Industrial and IR, Infill Redevelopment Overlay. Each designated PDD district will have unique standards and requirements that are described in the adopting ordinance for that district. A PDD can also include utilities, but only those directly related to the proposed development.

(b) Description of a PDD. The outer boundary of each PDD Zoning District shall be shown on a map. Each PDD must be wholly contained within the incorporated Village city limits and cannot extend either into the future Village's extraterritorial jurisdiction or into another city's extraterritorial jurisdiction. The Village, however, may conditionally approve a Preliminary Development Plan contingent on the areas outside of the Village's city limits being annexed into the Village prior to approval of the Final Development Plan. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other zoning district, and percentage of the total area of such PDD which will comprise each such separate use, and all notations, references, and other information shown thereon, shall be adopted by ordinance.

(c) Flexible Planning. When considering a PDD, the unique nature of each proposal for a PDD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, set backs, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and street lights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, and/or single use districts.

(d) Application Processing. The process for the filing of an application, requirements for notice and advertisement of public meetings, procedures for protest of the establishment of PDD designation and other related actions shall be the same as those provided for in the rezoning process as described in the Village's zoning and development ordinances. In addition to the PDD process being a re-zoning process, the approval of the Final Development Plan for a PDD will substitute for the approval of the Site Development Plan and the Site Development Permits required by the Village's Site Development Ordinance. However, the owner of land zoned as a PDD must comply with the provisions of the Village's subdivision ordinance, except for those provisions modified by this Ordinance, and must apply for and receive the necessary building permits prior to construction of improvements in a PDD.

(e) Preliminary Development Plan. The request for rezoning to a PDD must be accompanied by a proposed Preliminary Development Plan. The Preliminary Development Plan is to enable the Commission and Council to understand the proposed PDD in sufficient detail to make an informed decision prior to rezoning the property. Its purpose is also to provide sufficient detail that the council can comply with the standard established by this ordinance that the Commission will recommend and the Council will approve the Final Development Plan if it substantially conforms to the Preliminary Development Plan. A Preliminary Development Plan for the entire property within the PDD shall be considered by the Commission and Council prior to any recommendation to, or consideration by, the Village Council to re-zone the property as a PDD. Approval of the Preliminary Development Plan is an integral part of the PDD approval process and the property will not be re-zoned as a PDD unless the Council at the same time approves the Preliminary Development Plan. An acceptable Preliminary Development Plan will contain the following information in enough detail that the commission and council are able to determine that the PDD complies with the standards established by this ordinance prior to rezoning the property.

- (1) The name, address, and telephone number of the Landowner and the Developer;
- (2) The name of the proposed project;
- (3) The location of the proposed project;
- (4) The names and addresses of adjoining property owners within 500 feet of the proposed site;

- (5) A location map;
- (6) All existing streets, driveways, buildings, watercourses, flood plains, and significant environmental features;
- (7) The proposed location, type/use and size of the following:
 - (a) Buildings and structures, except for single family residential lots which need only show the location of such lots;
 - (b) Streets, drives, alleys, and curbs, except that the exact locations need not be established in the Preliminary PDD Plan;
 - (c) Off-street parking areas, except that the exact location need not be established in the Preliminary PDD Plan;
 - (d) Sidewalks, landscaping, common/green space, other amenities, except that the exact locations need not be established in the Preliminary PDD Plan; and
 - (e) How lighting to achieve “Dark Skies” standards will be handled conceptually.
- (8) Existing and proposed utilities;
- (9) Estimated percentage of impervious cover for the entire PDD, not to exceed 25%;
- (10) Proposed location of water quality facilities;
- (11) Average density of residential structures per one acre of residential land in the PDD, not to exceed an average of one structure per acre;
- (12) A PDD must include parkland and useable open space at a minimum rate of .02 acres per residential unit projected for the fully developed PDD. .
- (13) Proposed building front yard setback lines, proposed side yard setback lines, proposed street side yard setback lines,, and proposed rear yard set back lines.
- (14) Minimum lot sizes and any landscape buffers.
- (15) Any other proposed departures or deviations from the Village’s zoning and site development standards. Applicants are advised that under the Non-Point Source Pollution Control Ordinance, there is limited flexibility to modify development standards because the Village is subject to the terms of an interlocal agreement with the LCRA concerning the enforcement of water quality standards.

(f) Final Development Plan. The Final Development Plan will conform to the approved Preliminary Development Plan in all major aspects. Unless the PDD is to be developed in sections, the Final Development Plan will include the specific detail and information required by the Village's Site Development Ordinance. If the PDD is to be developed in sections, the Final Development Plan must include the specific detail and information required by the Village's Site Development Ordinance for the first section to be developed and must be amended for each additional section to be developed to include the specific detail and information required by the Village's Site Development Ordinance prior to the development of that section. A Final Development Plan or an Amended Final Development Plan must be approved by the Village Council prior to construction in a section being commenced.

(g) Size and Rules applicable to a PDD. The Village Council, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may zone any tract of land equal to or greater than fifty (50) acres as a PDD. Under a PDD, the following rules apply:

(1) The approval of any proposed PDD or combination of uses proposed therein shall be subject to the discretion of the Village Council, and no such approval will be inferred or implied.

(2) Permitted uses are those listed under the applicable zoning district(s) for the land use for that tract of land in the PDD. In approving a PDD, additional uses may be permitted other than those listed and specific listed uses may be prohibited that are in the applicable zoning district.

(3) Conditional Uses are those uses listed as conditional uses under the applicable zoning districts. Those land uses in a PDD require the same conditional use permit required under other districts and is in addition to the grant of approval for the PDD.

(4) In approving a Planned Development District, no standards required for a land use by the zoning districts for the uses proposed may be modified unless the provisions of the PDD expressly permits such modifications, and in no case may standards be modified more than the maximum deviations authorized by this PDD district ordinance.

(5) In approving a PDD , the Village Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.

(7) The Commission and Village Council, in approving modifications to standards and regulations, shall be guided by the purposes for the zoning provisions established for the land uses being proposed in the PDD and the general intent of this Article.

(8) All written and oral representations made in connection with the Preliminary Development Plan or Final Development Plan become conditions upon which the PDD is approved.

(9) All regulatory standards contained in the Village's zoning and development ordinances for which a deviation or departure has not been approved in a Preliminary or Final Development Plan are the regulatory standards applicable in the PDD.

(h) **Amendments.** Consideration of amendments to a Planned Development District will take into consideration the effect of the proposed development on the remainder of the property, adjacent properties and the neighboring communities. Amendments to the final site plan or any planned development conditions that are substantive shall require public hearings in the manner required for any other zoning change.

(i) **Expiration.** If development equal to at least twenty-five (25%) percent of the cost of installing streets, utilities and drainage in the PDD, or, if the PDD is approved to be developed in sections or phases, if development equal to at least fifty (50%) percent of the cost of installing streets, utilities and drainage in the first section or phase of the PDD has not occurred on a Planned Development tract or lot within five (5) years after the date of approval, such approval shall expire; and may only be renewed after application is made therefore, notice is given and public hearings are held by the Commission and Village Council to evaluate the appropriateness of the previously authorized Planned Development approval. Any such application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.

(i) **Ordinance Amendment.** Every PDD approved under the provisions of this Article is considered an amendment of this Article as to the property involved, and to the Comprehensive Plan. All PDDs will be referenced on the Zoning District Map, and a list of such Planned Development districts shall be maintained as an appendix to this Article.

4. **Severability:** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

5. **Effective Date:** This Ordinance shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code*.

6. **Open Meetings:** It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*.

PASSED AND APPROVED on the 10th day of January, 2006.

[REDACTED]

JAN YENAWINE, MAYOR OF THE
VILLAGE OF VOLENTE

ATTEST:

[REDACTED]

JENNIFER ZUFELT, CITY SECRETARY