

CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 189

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING ORDINANCE NO. 110, AS AMENDED, (THE LOWRY CROSSING ZONING ORDINANCE) BY AMENDING SECTION 19, "PD' PLANNED DEVELOPMENT DISTRICT," TO AMEND THE REGULATIONS GOVERNING PLANNED DEVELOPMENT DISTRICTS; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that it is in the public interest to amend Ordinance No. 110, as amended, (the Lowry Crossing Zoning Ordinance) by amending the regulations governing Planned Development Districts as provided herein; and

WHEREAS, the City Planning And Zoning Commission and the City Council in accordance with state law and the applicable ordinances of the City, have given the required notices and have held the required public hearings regarding this amendment to the Lowry Crossing Zoning Ordinance; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

Section 1. That Section 19, "PD' Planned Development District," of Ordinance No. 110, as amended, is amended by replacing the language contained therein with the following:

"SECTION 19

'PD' PLANNED DEVELOPMENT DISTRICT

- 19-1 General Purpose and Description: The "PD" Planned Development District is intended to provide flexibility in the planning and construction of development projects by allowing a combination and mixing of land uses not allowed in other zoning districts of the City with appropriate regulations under a uniform plan that protects contiguous land uses and preserves significant natural features. A PD District may be used to permit new and innovative concepts in land use. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.
- 19-2 Permitted Uses: Any use specified in the ordinance granting a Planned Development District shall be permitted in that district. If the use is not defined in this ordinance, it must be defined in the ordinance establishing the Planned Development District. The size, location, appearance, and method of operation may

be specified to the extent necessary to ensure compliance with the purpose of this ordinance.

- 19-3 Development Standards: Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and must include the following: uses allowed; lot area; lot coverage; lot width; lot depth; density; minimum front, side and rear yards; maximum structure height; floor area ratio; off-street parking and loading; screening; landscaping; signs; access; streets and alleys; and other requirements as the City Council and Planning and Zoning Commission may deem appropriate, including, but not limited to, lighting, accessory buildings and management associations.
- 19-4 Purpose and Intent Statement: An ordinance granting a PD District shall include a statement as to the purpose and intent of the PD District being granted.
- 19-5 Compliance With Other Ordinances: A PD District must conform to all regulations of this ordinance and all other City ordinances unless specifically stated otherwise in the granting ordinance.
- 19-6 Application: An application for a PD District must include the following:
- (1) A statement as to the purpose and intent of the requested PD District.
  - (2) A listing of the requested uses and development standards. If a requested use is not defined in this ordinance, the application must contain a description of the use.
  - (3) A listing of deviations from any applicable provisions or ordinances.
  - (4) A development plan or conceptual plan in compliance with this section.
- 19-7 Development Plan: A development plan may be on a single drawing and must clearly indicate:
- (1) an accurate survey of the boundaries of the site;
  - (2) existing streets and alleys;
  - (3) any proposed streets and alleys;
  - (4) building sites;
  - (5) location of proposed uses;

- (6) areas proposed for dedication or reserved as parks, open space, parkways, playgrounds, utility and garbage easements, school sites, street widenings, or street changes;
- (7) points of ingress and egress;
- (8) the arrangement and location of off-street parking and loading;
- (9) screening and landscaping, unless a landscape plan is provided; and
- (10) other items as may be required by the City Planning and Zoning Commission or the City Council.

19-8 Conceptual Plan: An applicant may initially submit a conceptual plan instead of a development plan if the conceptual plan provides sufficient information for the Commission and City Council to act on the PD application. If a conceptual plan is provided, a development plan may be required by the City Planning and Zoning Commission or by the City Council if it is determined that a development plan is necessary for sufficient review of the proposal. The conceptual plan must include:

- (1) the location of all land use areas showing the gross acreage for each use, maximum lot coverage, residential densities, floor ratio for each use, and the approximate floor area for all nonresidential uses.
- (2) delineation of all undeveloped open areas except for required yards, landscaped areas, and open recreation facilities such as tennis courts and swimming pools;
- (3) identification of all areas to be dedicated to the City and the designation of common areas;
- (4) indication of maximum heights for all structures in feet and stories;
- (5) location of all proposed screening between the site and adjacent property and between land uses within the site;
- (6) location of minimum building setbacks along the site boundaries, on dedicated streets, and between residential and nonresidential uses;
- (7) identification of major access points and rights-of-way to be dedicated to the City; and
- (8) indication of each phase of development if separate phases are proposed.

If a conceptual plan is provided and approved, a detailed development plan must be provided within six months after the approval of the ordinance and conceptual plan.

The development plan must comply with the conceptual plan and the conditions of the PD ordinance, and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit. If the Commission disapproves the development plan, the applicant may appeal the decision to the City Council.

If the property is to be developed in phases, only the detailed development for the first phase must be submitted within the six month time period. If a development plan is not submitted within the required time period, the Planning and Zoning Commission, after notice to the applicant and review of the facts, may grant one or more six month extensions or call a hearing to determine the proper zoning classification for the property.

19-9 Development Schedule:

- (1) The applicant for a PD shall, if the applicant desires or the Planning and Zoning Commission or City Council requires, submit a development schedule indicating the date on which construction is to begin and the rate of development until completion. A City Council approved development schedule must be included in the ordinance establishing the PD.
- (2) If the applicant fails to meet the development schedule, the Commission may call a public hearing to determine the proper zoning district classification for all or part of the PD.
- (3) The applicant may apply to the Commission for an extension of the development schedule. If the Commission denies the extension, the applicant may appeal the decision to the City Council.
- (4) When a development schedule extends for more than one year, the building official shall annually report to the Commission the actual development in the PD compared with the development schedule.

19-10 Amendments to Conceptual Plan or Development Plan:

- (1) Any amendment to a conceptual plan or to a development plan approved with the PD Ordinance is a change in zoning district classification and must follow the same procedures as required for a zoning change.
- (2) An amendment to a development plan that was not approved with the PD Ordinance may be approved by the City Planning and Zoning Commission if the proposed change complies with the conditions of the PD ordinance and the conceptual plan. A proposed amendment that does not comply with the conditions and the conceptual plan is a change in zoning district classification and must follow the procedures required for a zoning change.

19-11 PD Pre-Application Conference: An applicant for a PD may request a pre-application conference with the City Planning and Zoning Commission. Such conference shall be scheduled as a work session for the Commission. The applicant shall provide a sketch plan that includes, but is not limited to, the following information: proposed land uses, density, approximate gross square footage of nonresidential uses, access, projected height, and significant environmental features. During the work session, the Commission shall provide initial comments concerning the merits of the proposed development, and make requests for any such other information that the Commission wishes to be shown on the development plan prior to the application being scheduled for public hearing, or any such other information that will aid the Commission in its review of the proposal.”

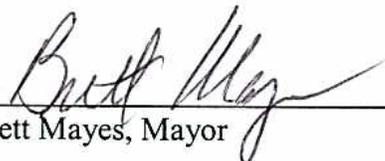
**Section 2.** That Ordinance No. 110, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**Section 3.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance which shall remain in full force and effect.

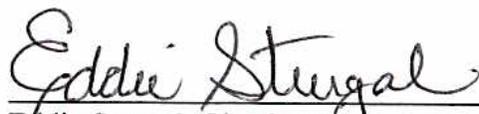
**Section 4.** That this ordinance shall take effect upon passage and publication.

1st **DULY ADOPTED** by the City Council of the City of Lowry Crossing, Texas on the day of June, 2004.

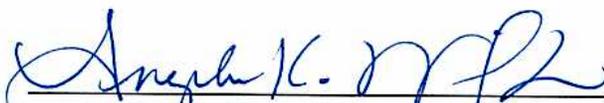
APPROVED:

  
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Brett Mayes, Mayor

ATTEST:

  
\_\_\_\_\_  
Eddie Sturgal, City Secretary

APPROVED AS TO FORM:

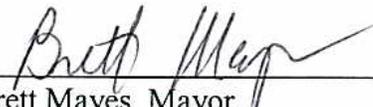
  
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Angela K. Washington, City Attorney

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DULY ADOPTED by the City Council of the City of Lowry Crossing, Texas, the 1st day of June, 2004.

  
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Brett Mayes, Mayor

ATTEST:

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Eddie Sturgal, City Secretary