

**TOWN OF PROVIDENCE VILLAGE, TEXAS  
ORDINANCE NO. 2014-060-04**

**AN ORDINANCE AMENDING ORDINANCE NO. 2014-060, AS AMENDED BY ORDINANCE NO. 2014-060-01, AS AMENDED BY ORDINANCE NO. 2014-060-02, AS AMENDED BY ORDINANCE NO. 2014-060-03, OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS, AMENDING THE ORDINANCE TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT AND REGULATIONS; AND EFFECTIVE DATE.**

**WHEREAS**, the Town of Providence Village is a home rule municipality organized under the laws of the State of Texas; and

**WHEREAS**, the Town of Providence Village approved Ordinance No. 2014-060-01, entitled the “Zoning Ordinance” on April 14, 2014; and

**WHEREAS**, the Town of Providence Village approved Ordinance No. 2014-060-02 amending the Zoning Ordinance on December 15, 2015; and

**WHEREAS**, the Town of Providence Village approved Ordinance No. 2014-060-03 amending the Zoning Ordinance on May 17, 2016; and

**WHEREAS**, it is necessary to modify Ordinance No. 2014-060-01, “Zoning Ordinance” to include provisions and regulations for planned development districts; and

**WHEREAS**, it is not the intent of the Town Council to modify the Zoning District Map as attached to the Comprehensive Plan, but instead to only add provisions and regulations relating to planned development districts.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS:**

**SECTION 1 AMENDMENT TO SECTION 3 – ZONING DISTRICTS ESTABLISHED**

Section 3 – Zoning Districts Established, subsection 3.1 is hereby amended to include the Abbreviated Designation of “PD” and the Zoning District Name is defined as “Planned Development District.”

Subsection 3.2 entitled “Description and Purpose of Zoning Districts” is amended to include the following definition:

Planned Development District: A Planned Development District allows for the development of large tracts of land in a manner that will permit flexibility.

**SECTION 2 AMENDMENT TO SECTION 8 – PD – PLANNED DEVELOPMENT DISTRICT**

Section 8 entitled [RESERVED FOR FUTURE USE] is hereby removed and replaced with the following:

**SECTION 8 PD – PLANNED DEVELOPMENT DISTRICT**

8.1 Intent.

(1) A PD-Planned Development District (a “PD District”) is intended to allow the phased development of large tracts of land in a manner that will permit flexibility, that will encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, circulation patterns, that will best utilize special site features such as topography, useable open space, landscape features, and that will maintain the integrity and value of surrounding areas. To the extent reasonably possible, PD Districts should provide for the integrity, maintenance, and improvement of drainage ways, wetlands, and other natural features. PD Districts allow flexibility with respect to the placement of buildings and structures on the land, permissible uses of the land, and development regulations for the land, as well as flexibility with respect to the review and approval process. This authority extends to discretionary approval by the town council over concept and development plans for each PD District as required by this ordinance, including consideration by the town council of such items as proximity to major transportation arteries (such as freeways, expressways or mass transit routes), parking, setbacks, square footage of buildings and structures, sign placement, screening, landscaping, buffer zones, residential and non-residential density, and the ratio of mixed commercial or retail and residential uses and structures. To the extent reasonably possible, PD Districts should be separated or well buffered from adjacent properties. While flexibility is given to allow special conditions or restrictions, the following procedures are established herein to ensure against inappropriate exercise of this flexibility. It is intended that, prior to the approval of a PD District, it should be demonstrated that adequate public services and infrastructure capacity exist or are planned that will support development within the PD District throughout the estimated “build out” period based on the size and nature of the proposed development within the PD District.

(2) In the event of any conflict or inconsistency between the provisions of an ordinance creating a PD District and the provisions contained in any other provision of this chapter, the subdivision regulations, or other ordinances, the provisions of the PD ordinance shall control.

(3) In the event a PD ordinance does not include a zoning standard or regulation that is otherwise required by this chapter, then the standard or regulation required by this chapter shall be applied to development within the PD District.

(4) The planning and zoning commission shall not recommend for approval and the town council shall not approve a planned development district zoning classification on any tract of land proposed to be used for non-residential purposes that is not at least five (5) acres in size.

8.2 Use regulations. Except as otherwise specifically provided by the PD ordinance, no land shall be used for, and no building shall be used or erected for or converted to, any use other than:

Those in Business 1 and Business 2 zoning districts listed in this ordinance or any specifically approved during the approval process for a PD District.

8.3 Application requirements.

(1) Each application for a residential PD District shall contain a minimum land area of 20 acres (described by metes and bounds) and shall specify the proposed development standards required by this section. An application for a PD District that is non-residential shall contain a minimum land area of 5 acres (described by metes and bounds) and shall specify the proposed development standards required by this section. No application shall be complete and no application shall be deemed to have been filed until all of the required information is on file with the planning and zoning commission of the town and any required filing or application fees have been paid in full. All development standards contained in the application and approved by the governing body of the town shall become part of the PD ordinance. The development standards contained within the application shall set forth the following elements:

- (A) Exterior construction materials for residential and non-residential uses.
- (B) Maximum height of all structures;
- (C) Screening and buffering between residential and nonresidential uses;
- (D) Residential density (if different from the regulations provided by this chapter);
- (E) Non-residential density (expressed as a floor area ratio);
- (F) Minimum square footage of floor areas for all dwellings (single family dwellings shall be not less than 900 square feet;
- (G) Setbacks for front yards (measured from lot lines), side yards, and rear yards and, if applicable, lot coverage;
- (H) Parking regulations and standards; Landscape plan;
- (J) Site plan;
- (K) A legend detailing the minimum area of open space, the maximum density, the percentage of land allotted to each use, and the general location of each use; and,
- (L) Any other regulations or standards proposed by the applicant.
- (M) The town council may require additional regulations or requirements as appropriate for a particular district.

(2) In addition to the information required by the foregoing subsection (a), each application for a PD District shall also be accompanied by the application fee, and shall not be deemed to have been filed unless so accompanied, and the development information required by this subsection, unless expressly waived by the governing body of the town. The following items shall be included with an application:

- (A) A concept plan for the property, drawn to a scale of not less than one inch equaling 200 feet. When approved by the town council, the concept plan shall become part of the PD ordinance. Concept plans must be consistent with the development standards contained in the application and must show or contain the following information:
- (B) Floodplain locations (based on best available information), and the locations of major drainage ways;
- (C) Existing and proposed major thoroughfare and arterial and collector street layouts within and outside the property;
- (D) Major utility layouts showing the locations of existing and proposed major utility easements and water and wastewater lines;
- (E) Areas intended for single family development, including unit density per acre;
- (F) Areas intended for other residential development, including unit density per acre;
- (G) Areas intended for non-residential development, including schools, commercial and retail areas, and locations of utility plants;
- (H) Areas intended for common areas, open space, or recreational uses, such as parks, green belts and golf courses;
- (I) To the extent known (but not required), major landscaping elements and features;
- (J) To the extent known (but not required), significant physical or natural features that will be preserved;
- (K) Areas to be left open as open space of not less than two percent (2%) of the gross area of the tract, exclusive of streets, alleys and rights-of-way; and
- (L) Signage requirements and standards, including entry signs.

(3) A traffic impact analysis prepared by a qualified traffic engineer. Such analysis shall take into consideration the capacity of existing and future streets, projections of the traffic that will be generated by the proposed development, the ability of existing and future streets to accommodate the projected traffic generated by the proposed development, and measures to mitigate high traffic areas and effects. The traffic impact analysis will be provided for informational purposes only and shall not become part of the PD ordinance.

(4) A preliminary drainage study and a general description of the storm water management techniques that will be used to develop the property. Such study and general description will be provided for informational purposes only and shall not become part of the PD ordinance. Detailed drainage plans for flood plain and storm water management will be prepared and approved in accordance with the town's subdivision regulations.

(5) A description of the manner in which water and wastewater service will be provided to the property and a utility impact study/analysis showing the effect on existing and future area utility systems. Such general description will be provided for informational purposes only and shall not become part of the PD ordinance. Detailed plans for water and wastewater service will be prepared and approved in accordance with the town's subdivision regulations.

(6) A capital improvements study specifying the current and future capital improvements, facilities expansion, and anticipated level of increase in municipal services generated by the proposed PD District. Such study shall include a description of any anticipated special, road, flood, or utility districts which may be created to serve the PD District as well as any potential impact on present and future ad valorem and sales tax levels. Such study and description will be provided for informational purposes only and shall not become part of the PD ordinance.

(7) A general map showing areas of significant vegetation and tree groupings.

(8) Any additional information the applicant feels may be beneficial to the town in the evaluation of the application. Such

additional information will be provided for informational purposes only and may become part of the PD ordinance.

#### 8.4 Planned development review procedures.

(1) An application for PD District zoning shall be processed in the same manner as an application for a zoning change. Upon submission, review and approval of the concept plan, the town shall adopt a PD ordinance that will further identify the types, intensity and density of land uses on the site. No actual construction shall commence on the site or on any portion thereof unless and until a development plan has been processed and approved. A development plan may provide for the development of the entire tract or may provide for development to occur in certain specified phases over a defined period of time. Approval of the concept plan and the adoption of an ordinance designating the tract as having PD Planned Development zoning shall reflect zoning approval only of the basic concept and may not be implemented until full development plan approval has been granted by the town council for each section or phase. However, the approval of a concept plan shall entitle the property owner to proceed with submission of one or more appropriate development plans. A development plan may, however, be submitted and considered simultaneously with a concept plan.

(2) A development plan shall be consistent with the approved concept plan and ordinance adopting the PD Planned Development zoning. Inconsistencies, noncompliance or material variances between a development plan and the approved concept plan shall be grounds for denial of the development plan.

(3) A development plan, when approved, shall become a part of the amending zoning ordinance and shall be referenced on the official map. The development plan shall include the following elements:

(A) An accurate scale drawing showing the proposed streets and alleys; proposed building sites or lots and dimensions; parking areas; areas proposed for sidewalks, walkways, and pedestrian and bicycle paths; areas proposed for dedication; areas proposed for parks, playgrounds, golf courses, green belts and utility easements; areas proposed for drainage easements; areas proposed for non-residential

parking; proposed school and municipal facilities sites and areas; and, proposed points of ingress and egress from existing streets;

(B) Elevations and/or perspective drawings of non-residential buildings shall be required in order to ensure consistency in the relationship between buildings to adjacent properties, open spaces, landscape features and other features of the development plan. Such drawings need only show the height, number of floors and exposures for access, light and air, and shall not become a part of the amending zoning ordinance;

(C) Material changes, if any, to the preliminary drainage study and a topographical map with 2 foot interval contours showing drainage courses and flood plain locations submitted with the application for the PD District, which changes and map shall not become a part of the amending zoning ordinance;

(D) Screening and landscaping plans, and tree preservation and conservation plans, if applicable;

(E) Deed restrictions and covenants for residential areas and subdivisions which shall not become a part of the amending zoning ordinance; and,

(F) Site plans for non-residential building sites.

(4) A development plan may be approved if:

(A) It contains each of the elements required in this Section;

(B) The elements are in conformance with the approved concept plan;

(C) The elements are in compliance with the PD ordinance; and

(D) The development plan is in compliance with the town's subdivision regulations and this chapter.



(5) The studies and analyses required to be submitted with a concept plan which are noted as not to be a part of the PD ordinance shall be used and considered by the council in determining whether the development plan should be approved. The studies and analyses to be submitted with a concept plan and with a development plan shall be used by the council in determining whether a preliminary plat and final plat application should be approved.

#### 8.5 Amendments.

(1) A minor amendment to a PD District (including minor amendments to an approved concept plan) shall be defined as a change which: (1) does not decrease lot coverage or increase density; (2) does not change maximum structure height, setbacks, or required parking; and (3) does not change access to the property or circulation within or adjacent to the property.

(2) In cases of minor amendments to a PD District (including amendments to an approved concept plan), the town council shall be authorized to approve such changes upon written application and explanation of the requested change by the owner of the property. No further public hearings shall be required.

(3) Any other change to a PD District (including amendments to an approved concept plan or development plan) shall be considered a change in zoning and shall be processed through the normal rezoning procedure, requiring public hearings before the planning and zoning commission and town council.

#### 8.6 Site plan approval.

(1) Non-residential development. Except as provided by the PD ordinance, all non-residential development within a PD District shall require site plan approval in accordance with this chapter. Non-residential site plans may be approved if they: 1) comply with the applicable PD ordinance; 2) comply with the other applicable provisions of this chapter; and, 3) are in substantial conformance with the approved concept plan and development plan.

(2) Residential development. Final plat approval shall constitute site plan approval for residential development.

(3) Mixed-use development. If a development plan includes both residential and non-residential development, only the non-residential portion of the development plan shall require site plan approval. If a development plan contains mixed-use lots or structures, site plan review and approval shall be required.

8.7 Parking and street regulations.

All streets, alleys, sidewalks and public rights-of-way shall be paved with concrete. Parking shall be provided in accordance with this chapter unless otherwise specifically provided by the PD ordinance.

8.8 Landscape plan approval.

Except as provided by the PD ordinance, all development with a PD District shall require landscape plan approval in accordance with this chapter.

8.9 List of property owners.

An applicant for a PD district shall submit to the town with the initial application a list of the names and addresses of all owners of real property located within 200 feet (inclusive of streets and alleys) of the property which is the subject of the application for PD District zoning. Such list shall be as indicated on the most recent municipal or county tax roll.

8.10 Filing and expiration deadline.

(1) An application for a PD District shall be submitted in accordance with Section 18 of this ordinance. The submission and filing of the application shall also include a concept plan and other required information. The planning and zoning commission shall, upon consideration of the application, the concept plan, and the information submitted therewith, shall make its recommendation to the town council. The town council shall consider the application, concept plan and other information, as well as the recommendation of the commission, and shall approve or deny the application or shall require the applicant to submit additional information or make appropriate revisions to the materials submitted. A PD ordinance may be adopted upon approval of the application, concept plan and related information. A development plan shall be submitted to the planning and zoning commission at least fifteen (15) days prior to the meeting of the commission at which such development plan may first be considered. The town council shall consider the

application, concept plan, development plan, studies, and other information, as well as the recommendation of the commission, and shall approve or deny the development plan and subsequent plat application or shall require the applicant to submit additional information or make appropriate revisions to the materials submitted.

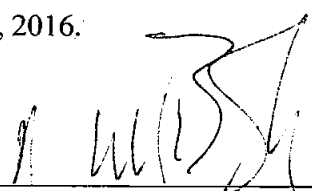
(2) If a development plan for all or a portion of a PD district is not filed within 30 months from the approval of a concept plan and the adoption of an ordinance granting PD zoning for a particular tract, the planning and zoning commission and the town council may review the concept plan and the ordinance granting PD zoning to determine whether the underlying concepts and assumptions are still valid. If any concepts and assumptions are no longer valid, a new concept plan may be required or different zoning may be established for the tract.

(3) If a project is not commenced and no preliminary plat application has been filed within 24 months from the approval of a development plan for a particular tract, the planning and zoning commission and the town council may review the concept plan, the development plan and the ordinance granting PD zoning to determine whether the underlying concepts and assumptions are still valid. If any concepts and assumptions are no longer valid, a new development plan may be required or different zoning may be established for the tract.


**SECTION 3 EFFECTIVE DATE**

The caption of this Ordinance is to be published as required by law, and shall become effective immediately upon its passage.

PASSED AND APPROVED on this the 21<sup>st</sup> day of June, 2016.

  
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David B. Shuck, Mayor of the  
Town of Providence Village, Texas

ATTEST:

  
Connie S. Hansen, TRMC, Town Secretary

