

CITY OF LAVON, COLLIN COUNTY, TEXAS

ORDINANCE NO. 2013-12-15

Amending the Comprehensive Zoning Ordinance Related to Planned Developments

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 97-12-08, ADDING ARTICLE VIII-2 PLANNED DEVELOPMENT; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon had been presented with concerns by the Citizens and Members of the Planning and Zoning Commission that the Comprehensive Zoning Ordinance does not adequately address Planned Developments; and

WHEREAS, the City Council held a Public Hearing on November 19, 2013.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS;

SECTION 1. Adding Article VII, Section Planned Development

The Comprehensive Zoning Ordinance No. 97-12-08, shall be amended by the addition of *Article VIII-2 Section Planned Development* immediately after Article VIII Business - 2 be as attached:


SECTION 2. SEVERABILITY

It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 3. EFFECTIVE DATE

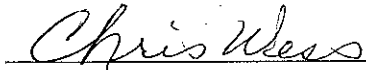
This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS ON THIS 30th DAY OF DECEMBER, 2013.



The Honorable Charles A. Teske, Jr., Mayor

ATTEST:



Chris Wess, City Secretary

ARTICLE XVII

DISTRICTS AND DISTRICT REGULATIONS

PLANNED DEVELOPMENT DISTRICT (PD)

SECTION A. PURPOSE.

1. The (PD) Planned Development District is intended to provide for combining and mixing uses into integral land use units such as industrial parks, industrial, office and commercial centers; residential development with multiple or mixed housing types; or any appropriate combination of uses which may be planned, developed or operated as integral land use units, whether by a single owner or a combination of owners.

2. After a public hearing has been convened and proper notice to all affected property owners has been made in accordance with the City of Lavon, Texas Zoning Ordinance No. 2002-01.03 and after a recommendation by the Planning and Zoning Commission has been submitted to the City Council, the City Council may authorize the creation of a (PD) Planned Development District on:

- a. Residential developments on tracts of five (5) acres or more; or
- b. Mixed use development on tracts of five (5) acres or more; or
- c. Developments on tracts of less than five (5) acres when a determination has been made by the Planning and Zoning Commission that the area to be rezoned cannot be rezoned to any other zoning district without creating the potential of adversely affecting the property that is the subject of the rezoning or adversely affecting adjacent properties.

SECTION B. GENERAL PROVISIONS.

1. PERMITTED USES:

The uses to be permitted in any (PD) planned Development District shall be enumerated in the ordinance which creates such district. Any proposed amendment to the uses permitted within a (PD) Planned Development District shall be submitted and processed in accordance with the City of Lavon, Texas Zoning Ordinance 2002-01.03.

2. PROCEDURE:

- a. The steps necessary to request creation of a (PD) Planned Development District shall be as follows:
 1. Preapplication conference between the applicant and the Mayor or designee for presentation and discussion of a preliminary drawing (Reference Section C Below);
 2. Submission of the formal application form for a change of zoning with all required supporting materials.
- b. Every (PD) Planned Development District approved under the provisions of this Article shall be considered an amendment to the Comprehensive Zoning Ordinance and applicable only to the property described in the legal description of the property;
- c. In carrying out the development of a (PD) Planned Development District, compliance with the development conditions and the development schedule shall be required. Such conditions as are specified for the development of a (PD) Planned Development District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy by the City of Lavon.

SECTION C. PREAPPLICATION REQUIREMENTS.

1. PREAPPLICATION CONFERENCE:

An applicant for a (PD) Planned Development District shall schedule a preapplication conference with the Mayor or designated representative prior to the formal submission of the application materials.

At the preapplication conference, the applicant shall provide a preliminary drawing that includes, but is not limited to, the following:

- a. A statement of completion of the Pre-Application Checklist requirements. The Pre-Application Checklist will be available from the City Secretary's office.
- b. Delineation of site boundaries; and
- c. General site layout indicating relationship of the proposed land uses, parking, and street layouts(s); and
- d. Proposed residential development densities; and
- e. Approximate gross square footage of non-residential uses where applicable; and
- f. Projected building heights; and
- g. General topographic conditions; and
- h. Significant environmental features, including flood plains and water course; and

- i. Delineation of approximate acreage for each land use specified.

Based on the information provided by the applicant, the Mayor or designee shall provide initial comments concerning the merits of the proposed development and provide any other information necessary to aid the applicant in the preparation of the formal application.

2. APPLICATION SUBMISSION:

Any person, group of persons, or corporation having a proprietary interest in any property may file an application for a (PD) Planned Development District. Such application shall be submitted and processed in accordance with Lavon, Texas, Zoning Ordinance.

3. FORMAL PUBLIC HEARING:

The Planning and Zoning Commission shall hold an advertised public hearing in accordance with the procedures set forth herein.

The Planning and Zoning Commission shall make its recommendation to the City Council in accordance with the standard procedures for a change in zoning classification in the City of Lavon. The Planning and Zoning Commission may recommend, and the City Council may approve the request for a (PD) Planned Development District as submitted or may make any modifications thereto as may be appropriate.

In approving an ordinance establishing the (PD) Planned Development District, the City Council shall, after recommendation of the Planning and Zoning Commission, specify such height, floor area, density, site coverage, setback, landscaping, off-street parking and all other standards as are appropriate for the development which are considered necessary to protect the health, safety, and general welfare, and to create a reasonable transition to, and protection from, property adjacent to the (PD) Planned Development District.

SECTION D. DEVELOPMENT SCHEDULE.

1. If the applicant desires, or the Planning and Zoning Commission or the City Council requires, a development schedule shall be submitted indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule shall, if adopted by the City Council, become part of the ordinance creating such (PD) Planned Development District, and shall be adhered to by the owner, developer, and successors in interest.
2. The Planning and Zoning Commission or the City Council may, if in their opinion the owner or owners of the property are failing or have failed to meet the approved schedule, initiate proceeding to amend the ordinance of the (PD)

Planned Development District, or remove all or part of the (PD) Planned Development District from the Official Zoning Map and place the area involved in another appropriate zoning district. Such action shall occur in accordance with this ordinance. Upon the recommendation of the Planning and Zoning Commission, and for good cause shown by the owner or developer, the City Council may extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

3. Pursuant to Chapter 245 of the Texas Local Government Code, the City will treat an application or proposed development plan as a formal permit application as that term is defined under that Chapter. The applicant shall be given a total number of 45 days, commencing from the initial date of submittal, to make all corrections as noted, to provide a complete set of plans meeting submission requirements, and to correct any deficiencies. Failure of a resubmittal to meet all checklist, ordinance and submission requirements upon the expiration of the 45-day period will result in the closure of the file; the case shall become null and void, and the permit shall be deemed to be expired. Any further submittal will be treated as a new case and subject to existing requirements, together with required fees.

SECTION E. AMENDMENT TO (PD) PLANNED DEVELOPMENT DISTRICT.

Any major amendment, supplement, deletion or modification to the (PD) Planned Development District may be granted upon application by any person, group of persons or corporation having a proprietary interest herein. Any application for such amendment, supplement, deletion or modification shall contain the information specified in this Article and shall be processed in accordance with the procedures set forth in the Lavon, Texas Zoning Ordinances.

The Mayor or designee may authorize minor amendments that:

- a. Do not alter the basic relationship of the proposed development to adjacent property; and
- b. Do not alter the permitted uses; and
- c. Do not increase the maximum density, floor area, height, or site coverage; and
- d. Do not decrease the amount of required off-street parking; and
- e. Do not reduce the required minimum yards or setbacks.

An applicant may appeal the decision of the Mayor or Designee to the Planning and Zoning Commission for review and decisions as to whether a formal amendment to the (PD) Planned Development District shall be required.

SECTION F. COORDINATION WITH SUBDIVISION ORDINANCE.

1. It is the intent of this section that subdivision review under the subdivision regulation of the City of Lavon is carried out simultaneously with the review of a (PD) Planned Development District under the provisions of this ordinance.
2. Both this ordinance and the Lavon, Texas Zoning Ordinance, contain regulations which apply to such matters in the design of a (PD) Planned Development District such as streets, utilities, and open spaces. In any (PD) Planned Development District for which the provision of the two ordinances are in conflict, the Mayor or Designee shall submit a recommendation to the Planning and Zoning Commission, which shall determine which standard shall prevail.