

ARTICLE XIV-C

“PD-2” PLANNED DEVELOPMENT-2 DISTRICT REGULATIONS

Section 1 **GENERAL PURPOSE AND DESCRIPTION:**

The City Council of the City of Duncanville, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission may authorize the creation of a Planned Development-2 District.

The Planned Development-2 District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which, may be planned, developed, or operated as integral land use units either by a single owner or combination of owners. A Planned Development-2 District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

In considering an application for a Planned Development-2 District the city plan commission and the city council shall consider the following:

- The proposed use or development is consistent and compatible with the adjacent land use and zoning.
- The proposed use or development is consistent with the architecture and characteristics of the adjacent properties.
- The proposed use or development may promote innovative use of modern development concepts, without having an adverse impact on adjacent properties.
- The proposed use or development is consistent with the goals and objectives of the City of Duncanville.
- The proposed use or development is an enhancement or improvement beyond the minimum standards set forth by the City of Duncanville Comprehensive Zoning Ordinance.
- The proposed use or development will not be detrimental to the general health, safety, and welfare of the community.
- The proposed use or development would stabilize and improve property values within the City of Duncanville.
- The proposed use or development would protect and enhance the city’s attractiveness to residents, businesses, tourists, and visitors.
- The proposed use or development would strengthen and help diversify the economy of the City of Duncanville.

Section 2 **PERMITTED USES:**

A Planned Development-2 District may be approved for any combination of uses. The uses permitted in any specific Planned Development-2 District shall be enumerated in the ordinance establishing such districts.

Section 3 **APPLICATION:**

An application for a Planned Development-2 District may be made to the city planning and zoning commission in the same manner that an application for any amendment to the zoning ordinance is made. Applications for a Planned Development-2 District shall be processed according to the procedure specified in Article XXII and a site plan and related data shall be submitted for approval in accordance with requirements of Section 8 and Section 9. ~~and Section 11.~~ In addition to the requirements outlined in Section 8, Section 9 and Section 11, the city planning and zoning commission or city council may require additional information or special plans related to specific elements of the Planned Development-2 District.

Section 4 **APPLICATION OPTIONS:**

The applicant has the option of either fulfilling the requirements outlined in Section 9 ~~and Section 11 (B)~~ ~~or Section 11 (A)~~ when filing an application for a Planned Development-2 District.

Section 5 **PLANNED DEVELOPMENT REQUIREMENTS:**

Development requirements for each separate PD-2 District shall be set forth in the amending Ordinance granting the PD-2 District and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, residential proximity slope, coverage, floor area ratio, parking, access, screening, landscaping, buffering, environmental requirements, lighting, noise, accessory buildings, signs, project phasing or scheduling, management associations, and any other requirements as the City Council or Planning and Zoning Commission may deem appropriate.

~~The minimum acreage for a Planned Development-2 District shall be three (3) acres.~~

Section 6 **PROCEDURE FOR APPROVAL OF CONCEPTUAL DEVELOPMENT PLAN:**

- A. If an applicant does not submit a development plan as outlined in Section 7 (A) with his application for a Planned Development-2 District, the application shall be accompanied by site analysis information and a formal conceptual plan in addition to a briefly written program statement. This statement will provide development guidelines forming the basis of the conceptual plan and how this plan meets the objectives outlined below. Variations from standard zoning regulations will also be specified.
- B. The site analysis information shall be prepared on a topography base map with no less than five-foot contour intervals. In general, it shall describe the existing natural features and physical requirements within the site by including the following items:
 - 1. A drawing delineating flood plains, water bodies, creeks, marshes and drainage areas. In addition to major tree groupings, locate other significant natural features such as rock outcroppings and important view corridors of scenic vistas, skylines or other features.
 - 2. Location, identification and dimension of all existing public and private streets, alleys, and easements. Indicate major utility trunk lines and future tie-ins. Identify all designated landmarks, locate existing main structures and delineate improvements to be retained.
 - 3. Identification of land use groupings adjacent to the proposed development and contiguous land uses beyond adjacent public thoroughfares, creeks, utility easements or other rights-of-way.
 - 4. A site location map at a smaller scale showing major circulation routes and other landmarks shall be provided with the site analysis information.
- C. The conceptual plan shall be prepared on a site topography base map with no less than five-foot contour intervals. This plan will diagrammatically show the nature and extent of the proposed Planned Development-2 District.

The conceptual plan shall include:

- 1. A drawing locating all land use areas showing the gross acreage of each use, maximum lot coverage, net residential densities, floor area ratio for each use and approximate gross floor area for all commercial, industrial and office uses. Delineation of all major usable open spaces other than parking areas, service areas and circulation zones. Identification of all areas to be dedicated to the city and designate communally owned areas and facilities. Indicate areas to be used for recreational purposes. Maximum heights for all structures in feet and stories must be delineated on the conceptual plan.
- 2. Location of all proposed screening barriers between the proposed development and adjacent property in addition to proposed barriers between internal land uses. Minimum building setbacks along the site boundaries must be clearly indicated on the conceptual plan.

3. Identification of all major access points and thoroughfares to be dedicated to the city. If the proposed planned development is to be in separate phases, each phase of development must be clearly delineated on the conceptual plan.
4. The city planning and zoning commission, after a public hearing on the conceptual plan, may recommend to deny, modify or approve the plan and conditions. After making its recommendation, the city planning and zoning commission shall forward its recommendation to the city council. The city council at a public hearing may deny, **modify**, or approve the conceptual plan and ordinance with or without additional conditions. After council approval of the conceptual plan and ordinance, the applicant must meet the requirements outlined in Section 7 (B).
5. If the applicant fails to submit a development plan for the total area or approved phase one within six (6) months after city council approval of the conceptual plan, the building official shall notify the city planning and zoning commission. If the applicant shows just cause, the city planning and zoning commission may grant one or more three-month extensions. No additional filing fees shall be required for requesting an extension of a conceptual plan.
6. If the applicant fails to submit a development plan required by Section 7 within the original six month period or any approved three month extension, the City Council may direct the Planning and Zoning Commission to call a public hearing to consider a change of zoning on the subject property.

Section 7 **DEVELOPMENT PLAN REQUIREMENT:**

- A. If an applicant does not file a conceptual plan with his application for a Planned Development District-2, then he must submit a development plan which shall become a part of the amending ordinance and shall be referenced on the zoning district map. Changes in the development plan shall be considered the same as changes in the zoning district map and shall be processed as required in Article XXII. Changes of detail which do not alter the basic relationship of the proposed development plan to the adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height or coverage of the site, or which do not increase the off-street parking ratio, or reduce the yards provided at the boundary of the site as indicated on the approved development plan may be approved by the Director of Public Works or his designee. Any applicant may appeal the decision of the Director of Public Works to the city planning and zoning commission for review and decision as to whether an amendment to the Planned Development-2 District shall be required.
- B. If the applicant has filed a conceptual plan with his application, and has not requested nor been granted an extension on the conceptual plan, then he must submit a development plan no later than six (6) months from council approval of the conceptual plan, either for the total Planned Development-2 District or an approved first phase. The development plan for phase one or other endorsed phases must be approved by the city planning and zoning commission and the city council, prior to issuance of any building permit for that phase. The applicant shall be required to submit a new application and filing fees.

Section 8 **REQUIRED ELEMENTS OF THE DEVELOPMENT PLAN:**

- A. A scale drawing showing any proposed public or private streets, sidewalks, and alleys; building sites or building lots; any areas proposed for dedication or reserved as parks, playgrounds, parkways, utility and garbage easements, school sites, street widenings, street changes; the points access to existing public streets on an accurate survey of the boundary of the tract and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited. A site location map at a smaller scale showing major circulation routes and other landmarks shall be provided. An independent traffic impact survey may be required to address traffic considerations and shall be made at the expense of the applicant.
- B. A scale drawing delineating flood plains, water bodies, creeks, marshes, and drainage areas. In addition, a tree inventory, other significant natural features such as rock outcroppings, and important view corridors of scenic vistas, open space, skylines or other features shall be shown.
- C. Where multiple types of land uses are proposed, a land use plan delineating gross acreage of each use, maximum lot coverage, net residential densities, floor area ratio for each use, and approximate gross floor area for all office, retail, commercial, and industrial uses. Identify all areas to be dedicated to the city and designate commonly owned areas and facilities. Identify land use groupings adjacent to the proposed development and contiguous land uses beyond public thoroughfares, creeks, utility easements, or other rights-of-way.
- D. Where building complexes are proposed, except platted single-family, duplex and townhouse residences, a site plan showing the location of individual buildings (plan form) and the minimum distance between buildings, and between buildings and property line, street line and/or alley line shall be submitted. For non-residential buildings more than twelve (12) feet in height, elevations and/or perspective drawings shall be required in order that the relationship of the buildings to adjacent property, open space and other features of the development plan may be determined.
- E. A plan indicating the arrangement and provision of off-street parking and off-street loading as required. Such plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall also be shown. Such traffic assessments may require a traffic impact study, performed at the expense of the applicant.
- F. Screening and landscaping plans shall be required for all Planned Development-2 Districts. Such plan shall include screening walls, ornamental planting, playgrounds, existing tree/shrub inventory, wooded areas to be retained, lawns, gardens, irrigated areas, and storm water retention treatments if such are determined to be necessary.
- G. Approval of the development plan shall be subject to the submission and acceptance of a plan or manner of permanent care and maintenance of the designated common area or

communally owned facilities. No such plan shall be acceptable until approved by the city attorney as to legal form and effect, and the city planning and zoning commission/city council as to suitability for the proposed use of the common area.

Section 9 **DEVELOPMENT STANDARD:**

- A. An application for a Planned Development-2 District shall include a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule shall become a part of the development plan and shall be adhered to by the owner, developer and his successor in interest.
- B. Annually, where a development schedule has been required, the building official shall report to the city planning and zoning commission the actual development accomplished in the various Planned Development-2 Districts as compared with the development schedule.
- C. If the development is failing or has failed to meet the approve schedule, the city council may direct the planning and zoning commission to call a public hearing to consider a change of zoning on the subject property, in accordance with Article XXII to amend the zoning district map or the Planned Development-2 District by removing all or part of the Planned Development-2 District from the zoning district map and placing the area involved in another appropriate zoning district. After a recommendation of the city planning and zoning commission and for good cause shown by the owner and developer, the city council may also extend the development schedule or adopt such new development schedules as may be indicated by the facts and conditions of the case.

Section 10 **COORDINATION WITH SUBDIVISION REGULATION ORDINANCE:**

- A. It is a requirement of this ordinance that subdivision review under the Subdivision Ordinance be carried out simultaneously with the review of the development plan under this section of the zoning ordinance.
- B. If required by the City, the development plan submitted under Section 7 (A) or Section 7 (B) may be accompanied by a preliminary plat which meets the requirements of the Subdivision Ordinance. The preliminary plat shall be reviewed and approved by the planning and zoning commission. Prior to granting any building permits for any development plan, a preliminary plat and the final plat will have to be approved by the planning and zoning commission.

~~Section 11 **USES OR DEVELOPMENTS ALLOWED ONLY BY PLANNED DEVELOPMENT:**~~

~~Because of the uniqueness of the following uses in Duncanville, these shall be permitted by Planned Development 2 District designation only:~~

~~A. — Patio Homes/Zero Lot Line Homes~~

~~1. — General Purpose and Description:~~

~~Patio Homes allow for the development of detached “zero lot line” homes in a modified residential district which encourages greater use of the side yard areas. Clustered lot patterns with a common usable space system and/or common parking spaces can be incorporated as an integral part of the subdivision.~~

~~2. — Height Regulations:~~

~~a. — **Maximum Height:** Two and one half (2½) stories for the main structure; one (1) story for accessory buildings.~~

~~3. — Area Regulations:~~

~~a. — **Minimum Front Yard:** Twenty five feet (25’).~~

~~b. — **Minimum Rear Yard:** Twelve feet (12’); Twenty feet for structure accommodating required off street parking if provided from a dedicated or private alley.~~

~~4. — Side Yard Regulations:~~

~~a. — **Side Yard Setback:** Side setbacks are one and one half foot (1½’) maximum on one side and a minimum of eight and one half feet (8 ½’) on the opposite side. The dwelling shall be no closer than ten feet (10’) between the face of exterior walls of neighboring dwelling units.~~

~~b. — No roof overhang, gutter, or extension from a wall will be allowed to extend over any property line.~~

~~c. — The closest exterior roof line to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property.~~

~~d. — Each adjacent lot shall provide an access or use easement, a minimum of three feet (3’), adjacent to the “zero” (one foot) side, or there must be a three foot (3’) setback from the adjacent “zero” side to allow the property owner access for maintenance of his dwelling.~~

~~e. — The majority of one side of the structure shall be located within three feet (3’) of one side lot line. The building wall which faces the “zero” side of the lot shall not have any doors, windows, ducts, grills, vents, or other openings.~~

~~f. Minimum Side Yard Setback Adjacent to Street Right of Way:
Fifteen feet (15').~~

~~5. Size of Lots:~~

~~a. Minimum Lot Area: Five Thousand (5,000) square feet;~~

~~b. Minimum Lot Depth: Fifty feet (50');~~

~~c. Minimum Depth: Ninety feet (90').~~

~~6. Maximum Lot Coverage: Fifty percent (50%) total, including main and accessory buildings.~~

~~7. Minimum Area of Dwelling Unit: Each unit shall have a minimum floor area of one thousand, five hundred (1500) square feet.~~

~~8. Parking Regulations:~~

~~a. Two (2) enclosed spaces on the same lot as the main structure (see Article XIV D, Off Street Parking and Loading Requirements)~~

Section ~~42~~ 11 ZONING AMENDMENT:

Every Planned Development-2 District approved under the provisions of this ordinance shall be considered as an amendment to the zoning ordinance as applicable to the property involved. In carrying out the development of a Planned Development District, the development conditions and the development schedule, if required, shall be complied with and such conditions as are specified for the development of a 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 and compliance as required by Article XIX.