

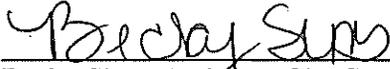
**NOTICE OF REGULAR MEETING OF THE  
PLANNING & ZONING COMMISSION OF THE CITY OF LAMPASAS  
CITY COUNCIL CHAMBERS  
302 E THIRD STREET  
THURSDAY, FEBRUARY 6, 2020  
6:00 P.M.**

Notice is hereby given that a regular meeting of the Planning and Zoning Commission of the City of Lampasas, Texas will be held at 6:00 p.m. on Thursday, February 6, 2020 in the City Council Chambers, 302 E Third Street, Lampasas, Texas.

**REGULAR SESSION**

- I. Call to order
- II. Announcements: New Board Member- Robert McCauley
- III. Discussion and possible action regarding approval of the minutes dated November 7, 2019.
- IV. Discussion and possible action regarding appointment of Chair and Co-Chair.
- V. Discussion regarding HB 852, HB 2439 and HB 3167 that took effect in 2019 and how they affect Building and Planning.
- VI. Discussion and possible action regarding approval, denial, or approval with modification(s) the Preliminary Plat of Hillside Acres, a replat of Lot 1, 2,3 and 4, Hillside Subdivision, in the Extraterritorial Jurisdiction (ETJ) of the City of Lampasas, Lampasas County, Texas.
- VII. Discussion regarding including Form Survey to new construction inspection process.
- VIII. Discussion regarding City of Lampasas Landscape Zoning Ordinance.
- IX. Discussion regarding amendments to text of the Zoning Regulations related to Mixed Uses of as single structure within a Planned Development (PD)
- X. Adjourn

I, Becky Sims , Assistant City Secretary of the City of Lampasas, Texas, do hereby certify that this Notice of Meeting was posted on the bulletin board/front window of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 31 day of January , 2020 at 10:10AM

  
\_\_\_\_\_  
Becky Sims, Assistant City Secretary

**THIS PAGE INTENTIONALLY LEFT BLANK**

**MINUTES OF MEETING OF THE  
PLANNING & ZONING COMMISSION OF THE CITY OF LAMPASAS  
CITY COUNCIL CHAMBERS  
405 SOUTH MAIN STREET  
THURSDAY NOVEMBER 7, 2019  
6:00 P.M.**

The Planning and Zoning Commission of the City of Lampasas met in regular session on the above date with Commission Chairman Jackson presiding:

**P&Z Members Present:**

Reese Vann  
Jackie Baltrun (left at 6:45pm)  
James Skinner  
Henry Fiur

**City Staff Present:**

Becky Sims, Assistant City Secretary/Zoning Administrator  
Finley deGraffenried, City Manager  
Frank Ellett, Building Official

**P&Z Members Absent:**

Marisa Canales

**REGULAR SESSION**

- I. Call to order-** *Chairman Jackson called the meeting to order at 6:00 p.m.*
- II. Announcements –** *Becky Sims, Zoning Administrator advised the commission that at the September 5, 2019 meeting Mr. Gary Cox mentioned that he would provide details regarding the Land Use House Bills that took effect recently at the next Planning and Zoning meeting. Mrs. Sims advised that information will be presented at the next Planning & Zoning meeting and apologized that they were not prepared for this meeting.*
- III. Discussion and possible action regarding approval of the minutes dated September 5, 2019-** *Board member Baltrun requested a modification to the public hearing notes regarding Aguirre’s Specific Use Permit request otherwise motioned to approve the minutes, board member Fiur seconded the motion and with a unanimous vote the motion carried. Mrs. Sims advised would have minutes updated and present for signature at the next meeting.*
- IV. Discussion and progress updates related to the Comprehensive Plan-** *Mrs. Sims provided the following updates:*

*Initial Kick-Off Meetings*

- *June 19, 20, 2019*
  - *Mobility*
  - *Historic*
  - *Homeowners/Neighborhoods*
  - *Economic Development/Businesses*
  - *Quality of Life*

*August 28, 2019 Stakeholders Meeting*

- *Large Employers*
- *Family/Neighborhood*
- *CPAC*
  - *Chapter 1 Review*

*August 29, 2019 Open House*

- *Visual Boards*
- *Community Interaction*

*September 18, 2019- Deadline*

- *Online Surveys*
  - *745 total responses*

*October 22, 2019*

- *CPAC, Planning & Zoning and City Council Joint Meeting*
  - *Maps & Markers Exercise*
  - *Paths & Destinations*
  - *Future Growth*
  - *Land Use*
  - *Mobility*
- *Vision & Goals Exercise*

*Chapter 2- Review*

- V. Discussion regarding new development on Pecan Street-** *Finley deGraffenried, City Manager provided the Commission with a power point presentation regarding a potential new development on Pecan Street. The proposed development is a mixed use of multi-family and retail. The six story development will require some zoning amendments. Mr. deGraffenried advised that it is in the early stages of planning and nothing has been finalized; however he wanted to bring it before the Commission to keep them abreast of the development and to allow any comments and or feedback on the proposed development.*

*The Commission was open to the development. The following items were discussed:*

- *It is comparable to the Domain in Austin. ( similar concept)*
- *History of area/flooding*
- *Railroad dikes*
- *Possible Rezone (something that would fit the development and allow more flexibility/options)*
- *Zoning amendments for development with regards to height of structure*
- *Parking*
- *Sidewalks*

- VI. Discussion and possible action regarding board applicants –** *The Commission reviewed the two applicants and recommended the appointment of Danielle Shepard to fill the vacancy left by Jimmie Allison. The Commission also recommended to re-appoint Jeff Jackson and Marisa Canales.*

- VII. Discussion and possible action regarding appointment of Chair and Co-Chair –** *There was no action taken, the Commission wanted to wait until all the board members were present.*

<b>PUBLIC HEARING</b>
-----------------------

- VIII. Public Hearing to receive citizen input regarding a request to consider approval, denial, or approval with modification(s) a Specific Use Permit to allow for Offices, General Business and Professional use of existing 2-story accessory structure located towards the rear of property near alley of Block 17, Lots 1 & 2 of the LSC 1<sup>st</sup> Addition; commonly known as 206 S. Walnut, Lampasas Texas.**

*Chair Jackson opened up the Public Hearing for discussion. Becky Sims, Zoning Administrator advised of the following:*

*The property owner is requesting a Specific Use Permit (SUP) to allow for **Offices, General Business and Professional** use of existing 2-story accessory structure located towards the rear of property near alley of Block 17, Lots 1 & 2 of the LSC 1<sup>st</sup> Addition; in an area zoned Two-Family Residential District Duplex “2F. This structure has been used in this capacity previously.*

**Offices, professional, and general business**-a room or group of rooms used for the provision of executive, management and/ or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

Board member Fiur questioned why no medical offices, Mrs. Sims advised that it is how it is defined in the Zoning Regulations. Mr. Esparza is considering leasing the space to an attorney; however nothing has been finalized. The Commission questioned parking; Mrs. Sims advised that once the tenant has been decided upon the parking will be a consideration. Based on a professional office it would only require 1-2 spaces; which Mr. Esparza will accommodate.

All notifications and publications, as required by Ordinance and Statute, have been made. Staff mailed twenty five (25) notices to property owners within 200 feet of the applicant's property. As of the date of this report one (1) letter has been returned in favor of the request and none in opposition. One additional letter was returned and it is in favor of the request.

With no further discussion Chair Jackson closed the public hearing.

<b>REGULAR SESSION</b>
------------------------

- IX. Discussion and possible action regarding request to consider approval, denial, or approval with modification(s) ) a Specific Use Permit to allow for Offices, General Business and Professional use of existing 2-story accessory structure located towards the rear of property near alley of Block 17, Lots 1 & 2 of the LSC 1<sup>st</sup> Addition; commonly known as 206 S. Walnut, Lampasas Texas.**

*Commission member Baltrun motioned to recommend approval of the Specific Use Permit, Vann seconded the motion and with a unanimous vote the motion carried (Canales Absent)*

- X. Discussion and possible action regarding approval, denial, or approval with modification(s) the Preliminary Plat of Hidden Oaks, 4.00 acres out of the C.K. Reese Survey, Abstract No. 581, A subdivision in the City Extraterritorial (ETJ) and County of Lampasas, Texas.**

*Becky Sims, Zoning Administrator advised of the following:*

*Brister Construction, LLC. (David and Jan Brister), is asking the Commission to consider approval of the Preliminary Plat of Hidden Oaks. The proposed development is 4.00 acres and they plan on building 12 homes. The developer does intend on the 4.00 acres being annexed into the City Limits. The 4.00 acres is located across from Diamond Ridge Subdivision. The building lot lines and street width meet the subdivision regulations. The cul-de-sac radius is adequate for fire protection. The subdivision will require curb and gutter.*

*Commission member Vann motioned to approve the Preliminary Plat, Fiur seconded the motion and with a unanimous vote the motion carried (Canales Absent)*

- XI. Adjourned-** *The meeting was adjourned at 6:55 p.m.*

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Jeff Jackson, Chairman

ATTEST:

\_\_\_\_\_  
Becky Sims, Assistant City Secretary

**THIS PAGE INTENTIONALLY LEFT BLANK**

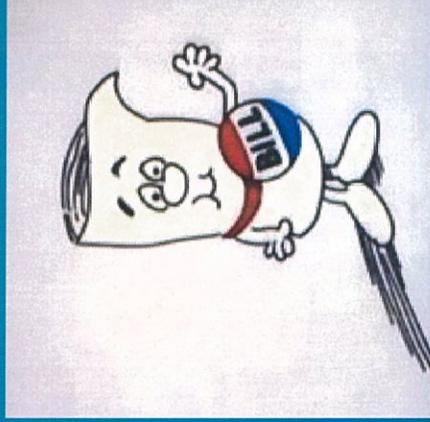
## HOUSE BILLS

**HB 852-** Effective May 21, 2019 Specifically, the bill provides that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit. No grace period applies, so affected cities should change their system as soon as possible. Options include square footage-based fees, a flat fee schedule, or any other non-cost-based and reasonable calculation.

**HB 2439-** Effective September 1, 2019- Governmental entity, including a city, may not adopt or enforce a rule, charter provision, ordinance, order, building code or other regulation that (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building....

## HOUSE BILLS (CONT.)

**HB- 3167-** September 1, 2019- This bill makes numerous changes to the site plan and subdivision platting process. The bill requires the municipal authority responsible for approving plats to take the following action with regard to the “initial approval” of a plan or plat within 30 days after the date the plan or plat is filed: (1) approve, (2) approved with conditions or (3) disapprove with explanation.



# Landscaping

City of Lampasas

13 January 2020

## Discussion

- Review Highlights of Landscape Requirements
- Discuss Approaches to Update or Revise Landscaping and Tree Preservation Policies
- Seek Council Input and Direction in Formulating Policy

## Current Ordinance

---

- Non-Residential
- Applies to new development or projects that exceed 30% of current floor plan
- No permits issued until landscaping plan is submitted and approved by Building Official
- No CO is issued (with some defined exceptions) until landscaping is in place
- Requirements of the Landscaping Plan are specified
- Plan can be prepared by design professional, Landscape Architect or Landscape Contractor

## Current Ordinance

---

- Standards for materials and installation are outlined
- Open spaces > 10 sq. feet are required to have irrigation
- Credit is given to preserving trees from landscape requirements
- Trees greater than 8" caliper may not be cut until approved as part of the site plan
- Landscape requirements based on street frontage in feet, and as a % of "yard"
- Parking lot landscaping specified

## Current Ordinance

---

- Trees being maintained on the site may be required to be protected
- Allowance to reduce landscaping for visibility obstruction is defined
- Requirement to maintain landscaping and replace trees if needed

## Current Ordinance

---

- No guidelines, or conditions referenced, for preserving trees
- No findings or guidelines that would require the permit to be denied
- Intention is to emphasize the importance of landscaping, and to provide guidelines for new plantings

## Levels of Complexity

---

- Expertise
- Appointed Oversight
- Processes
- Staff Resources

## Approach and Feedback

---

- Incentive, Performance Based
  - Parking
  - Set-back requirements
- Regulatory
  - Scope of Project
  - Mitigation

## SECTION 37 LANDSCAPE REQUIREMENTS

### 37.1 PURPOSE:

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. Therefore, landscaping is hereafter required of new development, except single-family and agricultural uses, adjacent to public streets. Single-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.

### 37.2 SCOPE AND ENFORCEMENT:

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, or altered (exceeding thirty percent (30%) of the original floor area), construction occurring within the City, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards. The provisions of this Section shall be administered by the Building Official or his designee. The landscape standards in this Section apply only to nonresidential and multi-family parcels.

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this Section, the Building Official or his designee shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this Ordinance.

### 37.3 PERMITS:

No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the Building Official. A conceptual or generalized landscape plan shall be shown as part of the site plan as required in Section 40. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

In any case in which a certificate of occupancy is sought at a season of the year in which the Building Official determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

### 37.4 LANDSCAPE PLAN:

Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the department of Planning. The Building Official or his designee shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch (1") equals fifty feet (50');

- B. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features
- D. Species of all plant material to be used
- E. Size of all plant material to be used
- F. Spacing of plant material where appropriate
- G. Layout and description of irrigation, sprinkler, or water systems including placement of water sources
- H. Description of maintenance provision
- I. Person(s) responsible for the preparation of the landscape plan
- J. Mark indicating North
- K. Date of the landscape plan

**37.5 GENERAL STANDARDS:**

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants.
- B. Plant materials shall conform to the standards of the approved plant list for the City of Lampasas (see Appendix A-4 for the approved plant list) and the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Trees shall have an average spread of crown of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') crown of spread. Large trees shall be a minimum of two inches (2") in caliper (measured six inches (6") above the ground) and seven feet (7') in height at time of planting. Small trees shall be a minimum of one inch (1") in caliper and five feet (5') in height.
- D. Shrubs not of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet (3') high within two (2) years after time of planting.
- E. Vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- F. Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- G. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.

- H. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems. Areas totaling less than ten (10) square feet may be irrigated by other methods.
- I. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this Section according to the following table:

<u>Circumference of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

Due to their limited height and size, mesquite trees will receive only fifty percent (50%) of the above credit for tree preservation. All other existing trees may receive credit if they are not on the City's approved plant material list but approved by the Building Official or his designee. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a two inch (2") minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured four and one-half feet (4½') above natural grade. No living trees greater than eight inches (8") in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this Ordinance.

- J. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of height). All berms shall contain necessary drainage provisions as may be required by the City's engineer.

**37.6 MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTI-FAMILY:**

- A. For all nonresidential and multi-family parcels with less than two hundred fifty feet (250') of frontage adjacent to a dedicated public right-of-way, at least fifteen percent (15%) of the street yard shall be permanent landscape area. Nonresidential and multi-family parcels having two hundred fifty feet (250') or more of frontage shall have at least twenty percent (20%) of the street yard in permanent landscape area (see Illustration 13 for example). The street yard shall be defined as the area between the building front and the front property line. For gasoline service stations, a requirement of a minimum fifteen percent (15%) landscape area for the entire site, including a six hundred (600) square foot landscape area at appropriate intersection corners, which can be counted toward the fifteen percent (15%) requirement.
- B. A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to right-of-way of any major thoroughfare street is required. Corner lots fronting two (2) major thoroughfares shall be required to observe the ten-foot (10') buffer on both street frontages. All other street frontages shall observe a minimum five-foot (5') landscape buffer. Developers shall be required to plant one (1) large tree per forty (40) linear feet or portion thereof of street frontage. Trees may be grouped or clustered to facilitate site design. The landscaped portion of interior parkways may be included in the required landscape area percentage. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area.
- C. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces. Within parking lots, landscape areas should be located to de-

fine parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

- D. All existing trees which are to be preserved shall be provided with a permeable surface under the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum of four feet (4') by four feet (4').
- E. A minimum of fifty percent (50%) of the total trees required for the property shall be large trees as specified on the approved plant list. Small trees shall be used under existing or proposed overhead utility lines.
- F. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.

**37.7 TREE PRESERVATION:**

During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees.

During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.

No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

**37.8 SIGHT DISTANCE AND VISIBILITY:**

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two (2) or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three (3) and six (6) feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- A. The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.
- B. The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides. (See Illustration 12 also)

Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement.

In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Building Official, the requirements set forth herein may be reduced to the extent to remove the conflict.

37.9 MAINTENANCE:

The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass of six inches (6") or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches (3") measured twenty-four inches (24") above the ground. A time extension may be granted by the Building Official if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section 47.

**THIS PAGE INTENTIONALLY LEFT BLANK**

## **OVERLAY AND SPECIAL DISTRICTS**

Overlay and special prefix districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay or special prefix districts are requested.

### **SECTION 31 PD -- PLANNED DEVELOPMENT DISTRICT**

#### **31.1 GENERAL PURPOSE AND DESCRIPTION:**

- A. The City Council of the City of Lampasas, 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 overlay district.
- B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, retail, 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 a combination of owners. A PD 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.

#### **31.2 PERMITTED USES:**

- A. An application for a PD district shall specify the base district and the use or the combination of uses proposed. Uses which may be permitted in a PD are specified in the Use Charts (Section 35) and must be specified if not permitted in the base district. In the case of residential PD districts for single-family or duplex categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district except for minor changes in a small percentage of the lots in order to provide improved design. In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those allowed in the PD. PD designations shall not be attached to SUP requirements. Specific Use Permits allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval.

#### **31.3 PLANNED DEVELOPMENT REQUIREMENTS:**

- A. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD 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, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete). The Planned

Development district shall conform to all other sections of the Ordinance unless specifically excluded in the granting ordinance.

- C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
  - D. The minimum acreage for a planned development request shall be three (3) acres.
- 31.4 In establishing a Planned Development district in accordance with this Section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development district. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and City Council shall require a Conceptual Plan of the proposed project. A Detailed Site Plan may be submitted in lieu of the Conceptual Plan.
- A. **Conceptual or Concept Plan** - This plan shall be submitted by the applicant at the time of the PD request (for exceptions, see Section 31.5(D)). The plan shall show the applicant's intent for the use of the land within the proposed Planned Development district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s) which further describe and explain the following requirements:
    - 1. **Residential Concept Plan** - A Conceptual Plan for residential land use shall show general use, thoroughfares and preliminary lot arrangements. For residential development (such as multi-family) which does not propose individual platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, project scheduling, and other pertinent development data.
    - 2. **Nonresidential Concept Plan** - A Conceptual Plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Commission or City Council, may include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios, project scheduling and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final Detailed Site Plan.
  - B. **Detailed Site Plan** - This plan shall set forth the final plans for development of the Planned Development district and shall conform to the data presented and approved on the Conceptual Plan. Changes of detail on the Detailed Site Plan, which differ from the original Concept Plan, but do not alter the basic relationship of the proposed development to adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or does not significantly alter the landscape plans as indicated on the approved Conceptual Plan may be authorized by the Building Official. If an agreement cannot be reached regarding whether a Detailed Site Plan conforms to the original Concept Plan, the Planning and Zoning Commission shall review the request and render judgment as to the conformity. Approval of the Detailed Site Plan shall be the basis for issuance of a building permit, but does not release the applicant of the responsibility to submit plans to the Building Official for a building permit.
- For any residential district, Agricultural through 2F, a preliminary plat may qualify as the Detailed Site Plan. The Detailed Site Plan may be submitted for the total area of the PD or for any sections or part as approved on the Conceptual Plan.

1. **The Detailed Site Plan shall include:**
  - a. A site inventory analysis including a scale drawing showing major existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.
  - b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with a topographical contour interval of not more than five feet (5').
  - c. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between building and property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
  - d. A landscape plan showing turf areas, screening walls, ornamental planting, wooded areas and trees to be planted.
  - e. Architectural drawings (elevations, etc.) showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the Planning and Zoning Commission or City Council if deemed appropriate.
  - f. All Detailed Site Plans may have supplemental data describing standards, regulations or other data pertinent to the development of the Planned Development district as appropriate to adequately explain or understand the request and which is to be included in the text of the amending ordinance.

31.5 **Approval Process and Procedure** - The procedure for establishing a Planned Development district shall follow the procedure for zoning amendments as set forth in Section 10. This procedure is further expanded as follows for approval of Conceptual and Detailed Site Plans.

- A. The Planning and Zoning Commission and the City Council may approve the Conceptual Plan or Detailed Site Plan or any section of the plan, separately or jointly, in public hearings. One public hearing at the Planning and Zoning Commission and one at the City Council for the PD request is adequate when:
  1. The applicant submits adequate data with the request for the Planned Development district to fulfill the requirement for a Detailed Site Plan; or
  2. Information on the Concept Plan and attached application is sufficient to determine the appropriate use of the land and the Development Plan will not deviate substantially from it.
- B. If the above two conditions are not met, then another public hearing must be held by the Planning and Zoning Commission and City Council prior to approval of the Detailed Site Plan.

- C. The Ordinance establishing the Planned Development district shall not be approved until the Conceptual and/or Detailed Site Plan is approved.
    - 1. The Detailed Site Plan may be approved in sections. When a Detailed Site Plan is approved in sections, then separate approvals by the Planning and Zoning Commission and City Council for the initial and subsequent sections will be required.
    - 2. A Detailed Site Plan shall be submitted for approval within one (1) year from the approval of the Conceptual Plan for some portion of the Concept Plan. If a partial Site Plan is not submitted within one (1) year, the Concept Plan is subject to review by the Planning and Zoning Commission and City Council. If some portion of the entire project is not started within two (2) years, the Planning and Zoning Commission and City Council may review the original Concept Plan to ensure its continued validity. If the City determines the concept is not valid, a new Concept Plan must be approved prior issuing a building permit for any portion of the PD district.
    - 3. Although a public hearing may not be required for the Detailed Site Plan, approval by the Planning and Zoning Commission and City Council is still required.
  - D. A Planned Development may be submitted and approved without a Conceptual or Detailed Site Plan if, in the amending ordinance, it is stipulated that, 1) Conceptual and Detailed Site Plans are still required, 2) a public hearing in accordance with Section 10 is required at the time the plans are submitted to the City, and 3) no development may occur until a Detailed Site Plan is approved.
- 31.6 When a PD district is being considered, a written report from the Building Official discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic, and written comments from the applicable public agencies (such as the school district and utility companies) may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council. In the event written comments are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council.
- 31.7 All Planned Development districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development districts, together with the category of uses permitted therein, shall be maintained as part of this Ordinance.
- 31.8 **Planned Development Ordinances Continued:**
- Prior to adoption of this Ordinance, the City Council has established various Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance, specified in Appendix A-1, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development districts shown on the Zoning District Map as of the effective date of this Ordinance.

**SECTION 22 MF-2 -- MULTI-FAMILY RESIDENTIAL-2 DISTRICT  
(APARTMENTS)**

**22.1 GENERAL PURPOSE AND DESCRIPTION:**

The MF-2, Multi-Family Residential-2, district is an attached residential district intended to provide the highest residential density of twenty-five (25) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

**22.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 35 (Use Charts).
2. Multi-family dwelling greater than four (4) units per building.
3. Municipally-owned facilities and uses.
4. Leasing offices for the apartment complex.
5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Building Official. The specific time period allowed shall be specified by the Building Official upon issuance of a temporary structure permit, and site plan review and approval by the Building Official is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Building Official.
6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
- a. The term accessory use shall include customary home occupations as herein defined.
- b. Covered parking areas.
- c. Antennae (amateur or CB radio) or satellite dish antennae, as specified in Section 41.5.
7. Swimming Pool (private).
8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
9. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

**22.3 HEIGHT REGULATIONS:**

- A. **Maximum Height** - Three (3) stories for the main building including recreational buildings.
- B. All accessory buildings shall be limited to one (1) story in height.

## 22.4 AREA REGULATIONS:

### A. Size of Lots:

1. **Minimum Lot Area** - One thousand, seven hundred twenty-five (1,725) square feet per dwelling unit, not to exceed twenty-five (25) dwelling units per acre (calculated on gross acreage). The minimum lot size shall be fifteen thousand (15,000) square feet
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred twenty-five feet (125')

### B. Size of Yards:

1. **Minimum Front Yard** - Forty feet (40'). All areas adjacent to a street shall be deemed front yards.
2. **Minimum Side Yard** - Fifteen feet (15'); sixty feet (60') when building is in excess of one story in height and adjacent to a Single-Family Zoning District
3. **Minimum Rear Yard** - Twenty feet (20'); eighty feet (80') when the building is in excess of one story and adjacent to a Single-Family Zoning District
4. **Building Separation:**
  - a. One story buildings - Ten feet (10'), for buildings with or without openings
  - b. Two story buildings (or a two-story building adjacent to a one-story building) - Fifteen feet (15'), for buildings with or without openings
  - c. Three story buildings (or a three-story building adjacent to a one- or two-story building) - Twenty feet (20'), for buildings with or without openings

### C. Minimum Floor Area per Dwelling Unit:

1. Efficiency unit - Five hundred fifty (550) square feet per unit.
2. One-bedroom unit - Six hundred (600) square feet per unit.
3. Two- or more bedroom unit - Eight hundred (800) square feet for the first two bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (e.g., three-bedroom unit must have 1,000 square feet, etc.).

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

### E. Parking Regulations:

1. 1.75 spaces for each efficiency or 1 bedroom unit
2. 2 spaces for each 2 bedroom unit
3. 2.5 spaces for each 3 bedroom unit
4. 3 spaces for each 4 or more bedroom unit
5. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms or brick masonry walls.
6. See Section 36, Off-Street Parking and Loading Requirements, for additional requirements.

## 22.5 REFUSE FACILITIES:

- A. Every multi-family dwelling unit shall be located within two hundred and fifty feet (250') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides (gate on fourth side is optional) from persons standing at ground level on the site or immediately adjoining property, by a solid screening device constructed of materials approved by the Building Official and not less than six (6) feet in height, or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See Illustration 11 for refuse

container enclosure diagrams).

**22.6 SPECIAL REQUIREMENTS:**

- A. Single-family or duplex units constructed in this district shall conform to SF-6 and 2F district standards, respectively.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Buildings shall not exceed two hundred feet (200') in length.
- G. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- H. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- I. All parking areas shall have appropriate lighting and positioned such that no light adversely impacts adjacent residential areas.
- J. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- K. **Other Regulations:** As established in the Development Standards, Sections 36 through 44.

**22.7 USABLE OPEN SPACE:**

- A. Each lot or parcel of land which is used for multi-family residential uses shall provide usable open space area(s) on at least twenty percent (20%) of the total lot area. Required open space area(s) shall be located on the same lot or parcel of land upon which the multi-family uses are located.

**THIS PAGE INTENTIONALLY LEFT BLANK**