

## **Section 41. PD Planned Development Overlay**

**PURPOSE:** The “PD” Planned Development Overlay is a planning tool that should be utilized to improve property with a goal of establishing unique as well as modern urban development in situations where strict adherence to standard zoning criteria inhibits the creative process. The objective of a planned development overlay is to promote progressive and flexible land development on problematic tracts of land where certain causative factors such as extreme topography, irregular property boundaries, surrounding uses and zoning and other similar aspects renders the land difficult to develop under established guidelines. It should be utilized to create compatible land uses within urbanized areas and generate the appropriate criteria necessary to enable the development of land that is unlikely to occur given the standards established in other zoning districts. Care should be given to ensure that development under this section in no way negatively impacts the health, safety, and welfare of the general public. The discretionary oversight granted in this section shall allow the Planning and Zoning Commission and the City Council the ability to establish standards and impose conditions upon such requests to mitigate or eliminate potentially adverse effects upon the community or upon properties within the vicinity of the proposed use. Designation under this section shall not affect the underlying zoning of the property except as provided in the ordinance establishing the overlay.

**GENERAL GUIDELINES:** All uses—permitted, accessory, and conditional relative to a request for the creation of a “PD” Planned Development Overlay shall be initially established by the underlying zoning district. In situations where there is a need to deviate from the established guidelines in the underlying zoning district relative to permitted, accessory or conditional uses and/or general development criteria i.e. density requirements, area requirements etc., the applicant shall present to the Planning and Zoning Commission and the City Council the special circumstances that inhibit the development of property strictly utilizing the standards designated in the underlying zoning district and the criteria that will differ from that established in the underlying zoning district.

**APPLICATION FOR ESTABLISHING A “PD” PLANNED DEVELOPMENT OVERLAY:** An application for a “PD” Planned Development Overlay shall be filed with the Director of Development Services, which shall be forwarded to the Planning and Zoning Commission and the City Council. The application shall contain a Site Plan as stated in Section 47, Site Plan Review, with the following information as well as any additional information as may be required by the Planning and Zoning Commission, City Council, or the Director of Development Services. Failure to meet the following submittal requirements will result in the rejection of the application.

1. The applicant's name and address and his interest in the subject property.

2. The owner's name and address if different than the applicant and the owner's signed consent to the filing of the application.
3. The street address and legal description of the property.
4. The zoning classification and present use of the subject property.
5. A general description of the proposed "PD" Planned Development Overlay.
6. A statement or diagram/matrix detailing the area or areas of the zoning ordinance that will be varied from and the conditions present that require deviation from the established standards. This written justification for the establishment of the planned development overlay must clearly and explicitly detail each item which will deviate from the established guidelines and should explain what special physical circumstances are present on the subject tract of land that inhibits its development. Economic justifications for establishing the planned development overlay are not acceptable. This portion of the application is the foundation for the establishment of the planned development overlay.

Applications for establishing a planned development overlay will be accepted only for vacant tracts of land or for property undergoing redevelopment. Redevelopment is not synonymous with "remodel." For purposes of this section, redevelopment shall be defined as a minimum increase of fifty percent in the appraised value of the subject property brought about as a result of the improvements made as proposed, as determined by a licensed appraiser. This appraisal information shall be provided by the applicant at the applicant's expense. Demolition and rebuild, construction of new principal structure(s) and/or a change in the principal use as defined in this ordinance are conditions which may be used to determine this valuation.

7. A statement as to why the proposed "PD" Planned Development Overlay will not cause substantial injury to the value, use or enjoyment of other property in the neighborhood.
8. A statement as to how the proposed "PD" Planned Development Overlay is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely. Care should be taken when proposing a planned development overlay to ensure that uses within the

overlay closely match those within the underlying zoning district and conformance with the Master Land Use plan is maintained.

9. A statement or diagram/matrix detailing the particular measures that will be implemented to compensate for the requested deviations from the underlying zoning district.

HEARING ON THE “PD” PLANNED DEVELOPMENT OVERLAY APPLICATION: A public hearing on the application shall be held and notice thereof given in the manner and form required as set out in Section 67, Amendments of this ordinance unless the Director of Development Services or the Planning and Zoning Commission determines that the application is incomplete.

STANDARDS: The following standards may be considered by the Planning and Zoning Commission and the City Council in determining whether a “PD” Planned Development Overlay should be established:

1. That the proposed “PD” Planned Development Overlay will be consistent with the adopted policies in the Comprehensive Master Plan of the City of Grapevine.
2. That the proposed “PD” Planned Development Overlay will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
3. That the proposed “PD” Planned Development Overlay will be constructed arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed “PD” Planned Development Overlay will so dominate the immediate neighborhood, consideration shall be given to:
  - a. The location, nature and height of building, structures, walls, fences on the site and,
  - b. The nature and extent of screening on the site.
4. That the proposed “PD” Planned Development Overlay at the specified location will contribute to or promote the welfare or convenience of the public.

5. That adequate access roads or entrance and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
6. That the proposed "PD" Planned Development Overlay will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the Overlay will provide adequately for such services.
7. That the proposed "PD" Planned Development Overlay will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.
8. That the proposed "PD" Planned Development Overlay will comply with any additional standards imposed on it by the particular provision of this Ordinance authorizing such use.
9. That the proposed "PD" Planned Development Overlay will minimize disruption to existing neighborhoods, will minimize the adverse impact on existing community services, and will complement in the least intrusive manner possible the needs of the city, region, and the State.
10. That the benefits of the proposed "PD" Planned Development Overlay outweigh the loss of or damage to any homes, businesses, natural resources, agricultural lands, historic or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historic feature of significance, and outweigh the personal and economic costs of disruption to the lives, businesses and property of individuals affected by the proposed use.
11. That all reasonable means for meeting the projected need or demand for the proposed building, structure, development, use or activity which may be less costly or less intrusive to existing communities have been considered and rejected by the applicant for clearly disclosed reasons, and that all reasonable means for minimizing adverse impacts of the proposed use have been considered and incorporated into the proposal.
12. That the proposed "PD" Planned Development Overlay is consistent with prior plans, master plans and projections of the applicant, if any, upon which the City of Grapevine has based planning or zoning decisions or, if the proposed use is consistent

with prior plans or projections of the applicant, that any such inconsistency is outweighed by the benefits to the community of the proposed use.

13. For those requests to establish a “PD” Planned Development Overlay based on the residential zoning districts: “R-20” Single Family District, “R-12.5” Single Family District, “R-7.5” Single Family District and “R-5.0” Zero Lot Line District, the requirement for a Site Plan shall be waived and a survey or subdivision plat shall suffice. The following zoning districts are not permitted to be utilized for the establishment of a “PD” Planned Development Overlay: “R-MH” Manufactured Home District, “R-MODH” Modular Home District, “PRD-6” Planned Residential Low Density District, and “PRD-12” Planned Residential Medium Density District.

PERIOD OF VALIDITY: No Site Plan for a “PD” Planned Development Overlay shall be valid for a period longer than one year from the date on which the City Council grants approval, unless within such one year period: (a) a Building Permit is obtained and the erection or alteration of a structure is started, or (b) an Occupancy Permit is obtained and a use commenced. The City Council may grant one additional extension not exceeding one year, upon written application, without notice or hearing. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application as required in Section 67, Amendments. It should be recognized that the establishment of a planned development overlay is contractual in nature and upon expiration of a Site Plan approved in conjunction with a “PD” Planned Development Overlay, the property will revert to the underlying zoning district designation and all uses and the general development guidelines as stated in the district shall apply. There shall be no vested right(s) associated with an expired site plan approved in conjunction with a “PD” Planned Development Overlay.

A. PRINCIPAL USES:

1. All principal uses established in the underlying zoning district. When varying from the uses within the underlying zoning district the applicant shall provide an amended list of permitted uses and the conditions necessary for the change in standards from the underlying zoning district.

B. ACCESSORY USES:

1. All accessory uses established in the underlying zoning district. When varying from the uses within the underlying zoning district the applicant shall provide an amended list of accessory uses and the conditions necessary for the change in standards from the underlying zoning district.

C. CONDITIONAL USES:

1. All conditional uses established in the underlying zoning district. When varying from the uses within the underlying zoning district the applicant shall provide an amended list of conditional uses and the conditions necessary for the change in standards from the underlying zoning district.

D. LIMITATION OF USES: Uses prohibited shall be those uses specifically prohibited within the underlying zoning district. The following uses are expressly prohibited within a "PD" Planned Development Overlay and cannot be established as a permitted, conditional, or accessory use under any circumstances:

1. Freight forwarding warehouses
2. Outside storage of material/equipment
3. Retail establishments for used car sales and service
4. Commercial parking lots
5. Automotive repair garages
6. Salvage/wrecking yards
7. Retail sales of building material displayed in an unenclosed or incompletely enclosed area with outside storage
8. Those uses specifically designated in paragraph D. Limitation of Uses in Section 31, "LI" Light Industrial District
9. Off-premise/billboard signage
10. Pawn shops
11. All uses listed in Section 49, Special Uses
12. Bed and Breakfast

E. DENSITY REQUIREMENTS: Requirements associated with maximum density, lot size, minimum open space, maximum building coverage, and maximum impervious coverage shall be initially established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district. The maximum density for a "PD" Planned Development Overlay District associated with any underlying residential zoning district shall not exceed that established in the underlying zoning district except for the "R-MF-2" Multifamily District. Lot size for any residentially zoned district may be reduced no more than five (5) percent.

F. AREA REGULATIONS: Requirements associated with lot width, lot depth, front yard setback, side yard setback, rear yard setback, and distance between buildings shall be initially established by the underlying zoning

district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.

- G. **BUFFER AREA REGULATIONS:** Requirements associated with the establishment of a buffer area shall be initially established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.
- H. **HEIGHT REQUIREMENTS:** Requirements associated with the height of structures shall be initially established by the underlying district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.
- I. **LANDSCAPING REQUIREMENTS:** Requirements associated with landscaping shall be initially established in accordance with Section 53, Landscaping Regulations of the zoning ordinance. When varying from the guidelines within Section 53, Landscaping Regulations, the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.
- J. **MASONRY REQUIREMENTS:** Masonry shall be provided in accordance with Section 54, Masonry Requirements.
- K. **OFF-STREET PARKING REQUIREMENTS:** Requirements associated with off-street parking shall be initially established in accordance with Section 56, Off-Street Parking Requirements and Section 58, Parking, Loading, and Outside Storage Area Development Standards of the zoning ordinance. When varying from the guidelines within these Sections the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.
- L. **OFF-STREET LOADING REQUIREMENTS:** Requirements associated with off-street loading shall be initially established in accordance with Section 57, Off-Street Loading Requirements of the zoning ordinance. When varying from the guidelines within Section 57, Off-Street Loading Requirements, the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.

- M. DESIGN REQUIREMENTS: When applicable, design requirements shall be initially established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.
- N. PLANNED COMMERCIAL CENTER DESIGN REQUIREMENTS: When applicable, the design requirements associated with planned commercial centers shall be initially established by the underlying zoning district. When varying from the guidelines within the underlying zoning district the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from the underlying zoning district.
- O. SIGN STANDARDS: On-premise signage shall be provided in accordance with Section 60, Sign Standards of the zoning ordinance.
- P. SUBDIVISION REGULATIONS AND CONSTRUCTION STANDARDS: The planned development overlay shall not be used to deviate from the construction standards established for new construction within the City. Except in extreme circumstances relative to width, grade, and radii, all subdivision regulations shall be met. Justification must be given for the establishment of private streets/roadways however all subdivision regulations and constructions standards must be met.
- Q. ADDITIONAL REQUIREMENTS AND RESTRICTIONS: In granting a "PD" Planned Development Overlay, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions, safeguards and restrictions upon the premises benefited by the Planned Development Overlay as may be necessary to comply with the standards set out in Section 41 Standards of this Ordinance to avoid, or minimize, or mitigate any potentially injurious effect of such Planned Development Overlay uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance. Such conditions shall be set out in the Ordinance approving the Planned Development Overlay.