

Notice of a Meeting
Dalworthington Gardens Planning and Zoning Commission

August 1, 2024 at 7:00 p.m.
City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas

The Planning and Zoning Commission reserves the right to adjourn into closed session at any time during the course of this meeting as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney).

1. Call to Order
2. Citizens who wish to speak to the Planning & Zoning Commission Members will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City staff and Planning and Zoning Commission Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy.
3. Discussion and possible recommendations to consider a modification to the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates for Garden Homes.
 - i. Conduct Public Hearing
 - ii. Discussion and action
4. Discussion and possible recommendations on revisions to Article 14.02, Division 7, “Overlay District Regulations” of Ordinances, City of Dalworthington Gardens, Texas
 - i. Conduct Public Hearing
 - ii. Discussion and action
5. Future agenda items.
6. Adjourn

CERTIFICATION

This is to certify that a copy of the **August 1, 2024**. Planning and Zoning Commission Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website, www.cityofdwtg.net, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____ TIME OF POSTING: _____ TAKEN DOWN: _____

Sandra Ma, City Secretary

Agenda Subject: Discussion and possible recommendations to consider a modification to the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates for Garden Homes.

Background Information: Julie Vu and Andy Nguyen spoke about their proposal for a Garden Home development on their property on California Lane during the work session of the May 16, 2024 at the regular City Council meeting. The council made several observations about the proposal. Julie and Andy feel that most of them can be addressed during the presentation of a Concept Plan, however one observation made by Alderman Cathy Stein was recognized as something that would require an addition to the existing zoning ordinances to address.

Julie and Andy put together a suggested addition to DWG’s zoning ordinances and requested a meeting with Cathy. After meeting with Cathy on two occasions, Julie and Andy have a recommendation for the council to consider. They request that the council call upon P&Z to study the proposed language in Exhibit A and provide their recommendations to the council regarding incorporating the language in Exhibit A into the current zoning ordinances.

On June 20, 2024, Council asked P&Z to consider adding these two address to the Planned Development - Bowen Road Overlay for Garden Homes.

Notification of tonight’s public hearing was sent to all property owners within 200 feet of the subject property as well as being posted in the Commercial Recorder.

The Commission's recommendation will go to City Council on August 15, 2024 for final consideration.

Recommended Action/Motion: Board options:

Recommend approval of the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates for Garden Homes

OR

Recommend denial approval of the Bowen Road Overlay District to extend its boundary to include the property located at 2601 and 2615 California Lane, Eleanor Estates for Garden Homes

Attachments:

- Ordinance 2023-18 Bowen Road Overlay
- Ordinance 2023-21 Garden Homes
- Concept Plan

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING DIVISION 7, "OVERLAY DISTRICT REGULATIONS" OF CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, TO CREATE A SECTION DEFINING AND GOVERNING THE STANDARDS AND REQUIREMENTS OF A BOWEN ROAD OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Dalworthington Gardens desires to amend Chapter 14 of its zoning regulations to create a Bowen Road overlay in Dalworthington Gardens; and

WHEREAS, the Planning and Zoning Commission of the City of Dalworthington Gardens, Texas held a public hearing on 5/22/2023, and the City Council of the City of Dalworthington Gardens, Texas, held a public hearing on 6/15/2023, with respect to the proposed rezoning as described herein; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public; and

WHEREAS, the City Council has determined that the proposed ordinance amendment to the zoning ordinance is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

SECTION 1.

That Division 7, "Overlay District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended by adding Section 14.02.275 to read as follows:

"§ 14.02.275 "Bowen Road" overlay district ("PD-BR").

- (a) **Purpose.** The purpose of the Bowen Road zoning overlay district is to allow additional uses by planned development in appropriate SF districts to create a mixed-use community that

integrates predominantly agricultural and food service commercial businesses, with medium density residential uses, and open spaces. Appropriate areas would be adjacent to principal arterials to allow commercial uses compatible with nearby single family residential to take advantage of large traffic volumes while helping maintain the vision and character of the City.

- (b) Use regulations. A building or premises in this zoning district shall only be used for the purposes permitted in the base district or overlaid by an approved final PD-BR plan from additional uses allowed in base districts Residential District (“GH”), Business Districts 1, 2, and 3, (“B-1”, “B-2”, and “B-3”, respectively), The Mixed Use overlay district, (“MU”); special exceptions, or an agricultural use without a principal structure. Any portion of the PD-BR adjacent to a street, other than a principal arterial, across which exists Single Family (“SF”) zoning, shall be restricted to SF zoning for 200 feet from the street’s right-of-way line with no vehicular access to the principal arterial.
- (c) Height regulations. Structures, other than SF, shall not exceed two stories.
- (d) Applicability. All development, other than SF development, along Bowen Road between California Lane and Roosevelt shall be governed by this overlay district.
- (e) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For all other developments, two (2) acres.
- (f) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (g) Open space regulations. Provisions for public, private, and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas, or common areas containing some other amenity to the development are

approved as a part of a final plan, as defined in section 14.02.272, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development. Garden Home developments shall include a minimum of 10 percent open space, not including platted lots and streets.

(h) Screening. An orderly transition from commercial uses to the large lot residential uses will incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences.

(i) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD-BR district shall not be less than the requirements of the zoning district it abuts.

(j) Off-street parking regulations.

(1) Off-street parking facilities shall be provided at locations designated on the final plan.

(2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in Division 9 of this article.

(k) "PD-BR" planned development-redevelopment district.

(1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.

(2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection (j)(2) does not apply.

(3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:

(A) In any PD-BR district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city's participation in redevelopment shall in every instance be

conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.

(B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.

(C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-BR plan is approved.

§14.02.276 through §14.02.320. (Reserved)”

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and on the Code of Ordinances, City of Dalworthington Gardens, Texas as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court

or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

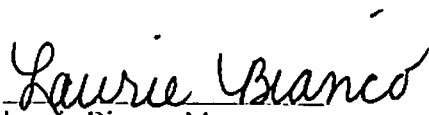
SECTION 6.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish in the official newspaper of the City of Dalworthington, the caption, publication clause, and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.


SECTION 7.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS 16th DAY OF November, 2023.


Laurie Bianco, Mayor

ATTEST:


Sandra Ma
Interim City Secretary



ORDINANCE NO. 2023-21

AN ORDINANCE AMENDING CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, BY AMENDING SECTION 14.02.174, "'GH' RESIDENTIAL DISTRICT," OF DIVISION 5, "RESIDENTIAL DISTRICT REGULATIONS," TO CHANGE REQUIREMENTS FOR GARDEN HOMES; AMENDING CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING TABLE 14.02.171 OF SECTION 14.02.171, "GENERAL PROVISIONS," OF DIVISION 5 "RESIDENTIAL DISTRICT REGULATIONS," TO CHANGE THE SIZE REQUIREMENTS, MAXIMUM HEIGHT AND MAXIMUM UNITS PER ACRE FOR GARDEN HOMES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Dalworthington Gardens desires to amend Chapter 14 of its zoning regulations to change requirements for garden homes in Dalworthington Gardens; and

WHEREAS, the Planning and Zoning Commission of the City of Dalworthington Gardens, Texas held a public hearing on September 25, 2023, and the City Council of the City of Dalworthington Gardens, Texas, held a public hearing on October 19, 2023, with respect to the proposed rezoning as described herein; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public; and

WHEREAS, the City Council has determined that the proposed ordinance amendment to the zoning ordinance is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

SECTION 1.

Subsection (2)(B) of Section 14.02.174, 'GH' Residential District," of Division 5, "Residential District Regulations," of Chapter 14 "Zoning" of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to read as follows:

"Sec. 14.02.174 "GH" residential district.

A building or premises in this district shall be used only for the following purposes under the standards herein contained:

- (1) In this district there shall be only garden homes and accessory buildings as elsewhere herein regulated.

- (2) Any building in this district shall meet the following design standards:
 - (A) The building shall have a minimum 4/12 roof pitch and not less than a 30-year quality architectural profile shingle.
 - (B) The building shall not have a front facing garage
- (3) Any development in the GH district shall be developed in accordance with a site plan meeting the requirements of developments having a PD overlay.
- (4) Uses allowed in GH and in other zoning classifications may be developed under a common PD plan meeting the procedural requirements of division 7 of this article.
- (5) Mobile food units are permitted upon the following conditions:
 - (A) The property owner has requested the services of the mobile food unit;
 - (B) The mobile food unit may only provide goods and services to the property owner or the property owner's guests at the property owner's expense. No sales will be made to the general public.
 - (C) Mobile food units may not obstruct traffic movement, or impair visibility or safety to the site.
 - (D) Mobile food units must have valid health permit and comply with chapter 228 of the Texas Administrative Code related to mobile food unit operations."

SECTION 2.

Row 6, "Living area (min. per dwelling unit in sq. ft.)," of Table 14.02.171 of Section 14.02.171, "General provisions," of Division 5, "Residential District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended to read as follows:

Living area (min. per dwelling unit in sq. ft.)	1250		800		1800
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SECTION 3.

Row 1, "Height (max in ft.)," of Table 14.02.171 of Section 14.02.171, "General provisions", of Division 5, "Residential District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended to read as follows:

HEIGHT (max. in ft.)	35 (n-1)	45 (n-1)	35 (n-1)	45 (n-1)	30
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SECTION 4.

Table 14.02.171 of Section 14.02.171, "General provisions", of Division 5, "Residential District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended to add a row to read as follows:

Units (max. per acre)					5
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SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and on the Code of Ordinances, City of Dalworthington Gardens, Texas as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or degree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

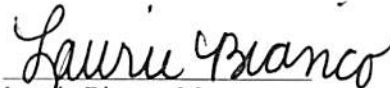
SECTION 9.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish in the official newspaper of the City of Dalworthington, the caption, publication clause, and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.

SECTION 10.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS 16 DAY OF November 2023.


Laurie Bianco, Mayor

ATTEST:


Sandra Ma, Interim City Secretary



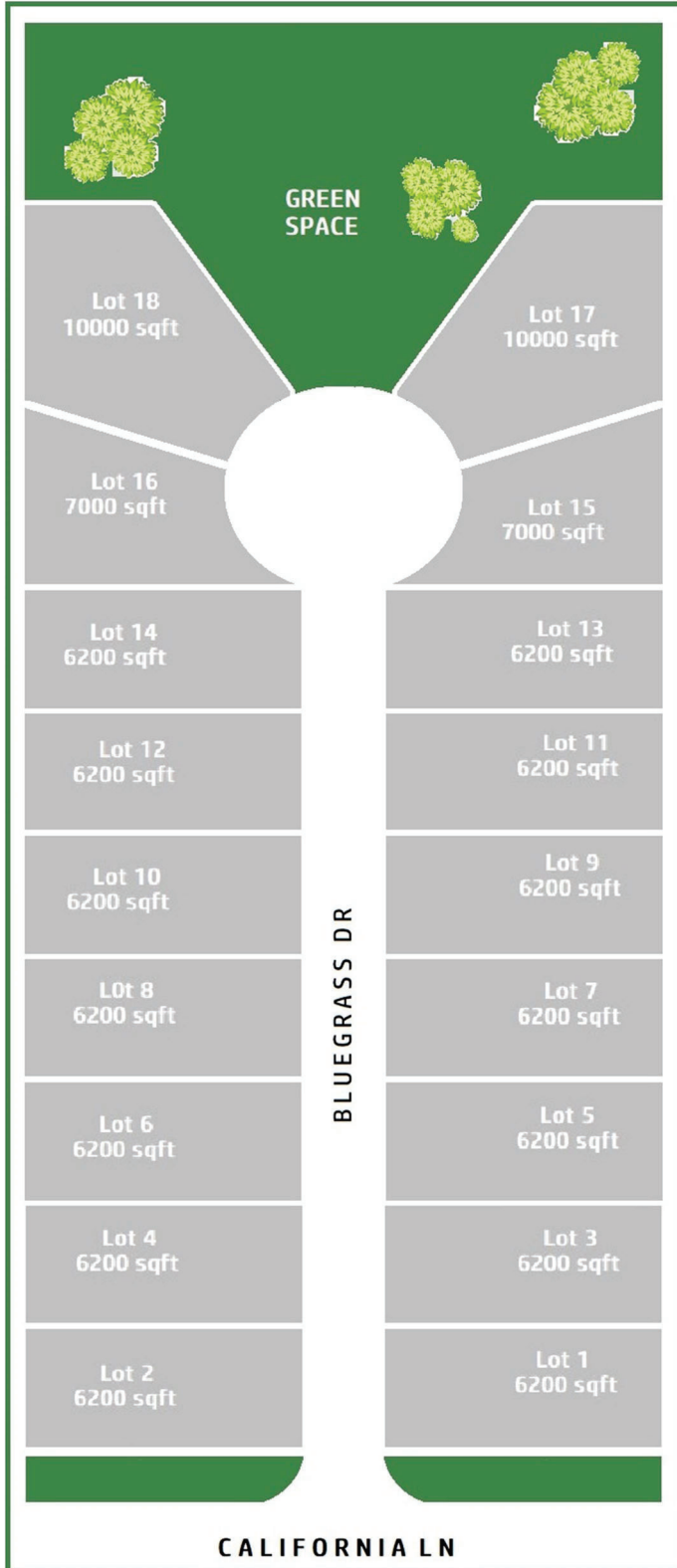
Exhibit A
Garden Home Zoning Suggestion

Potential addition to the appropriate section of DWG's zoning ordinances to allow for the possibility of Garden Homes in an area of the city near a portion of the Bowen Road PD Overlay District.

- A) Garden Homes are permissible on a case-by-case basis in low density residential zones if:
1. A lot has access (ingress and egress) on California Lane and
 2. A lot's access onto California Lane is within 575 feet of the western ROW of Bowen Road and
 3. The lot is developed as a PD using the GH guidelines found in PD-BR.

Eleanor Estates

Garden Home



18 Lots

Lot 6200 sqft. – 10000 sqft.

Home 1800sqft. – 2500 sqft.

Green space

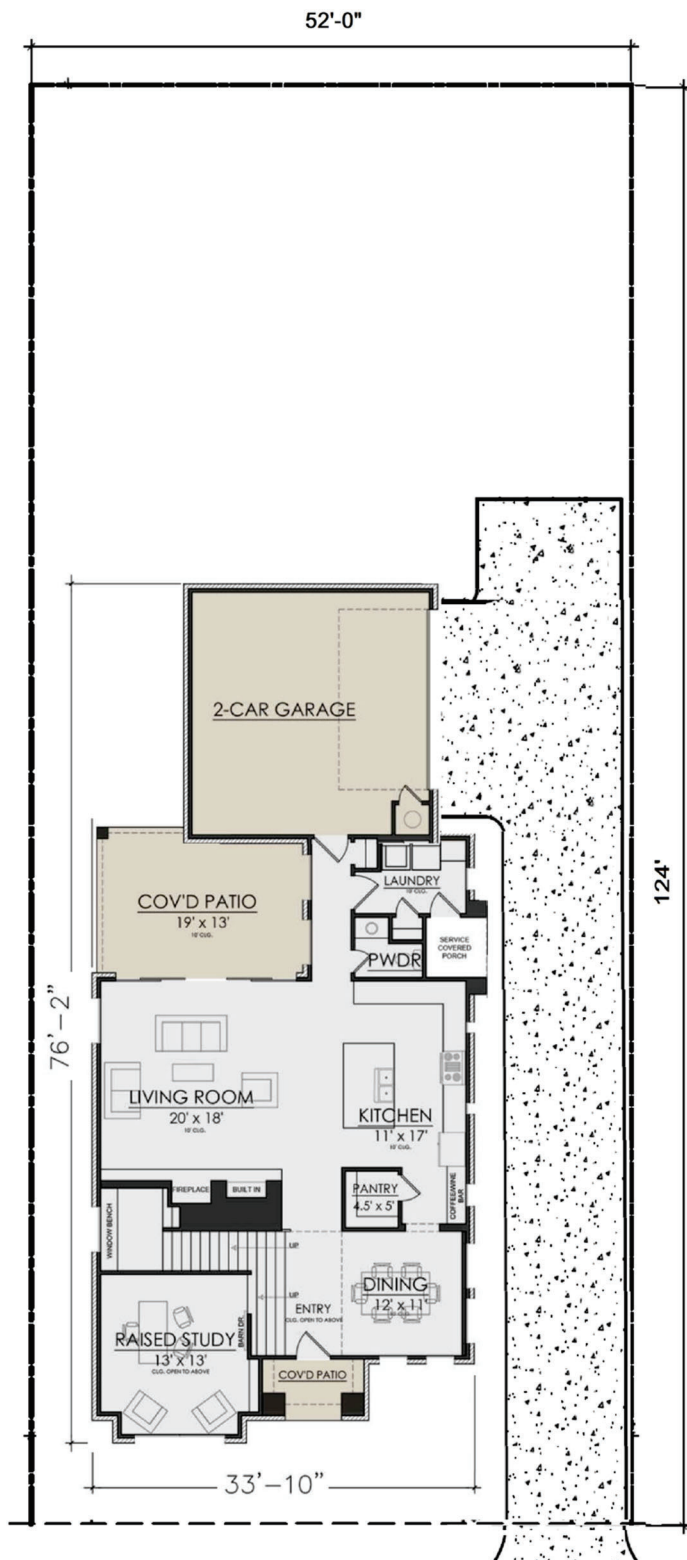


HOA

All common area maintenance

Eleanor Estates

Garden Home



Townson

2203 sqft

2 story

3 bed

34' width

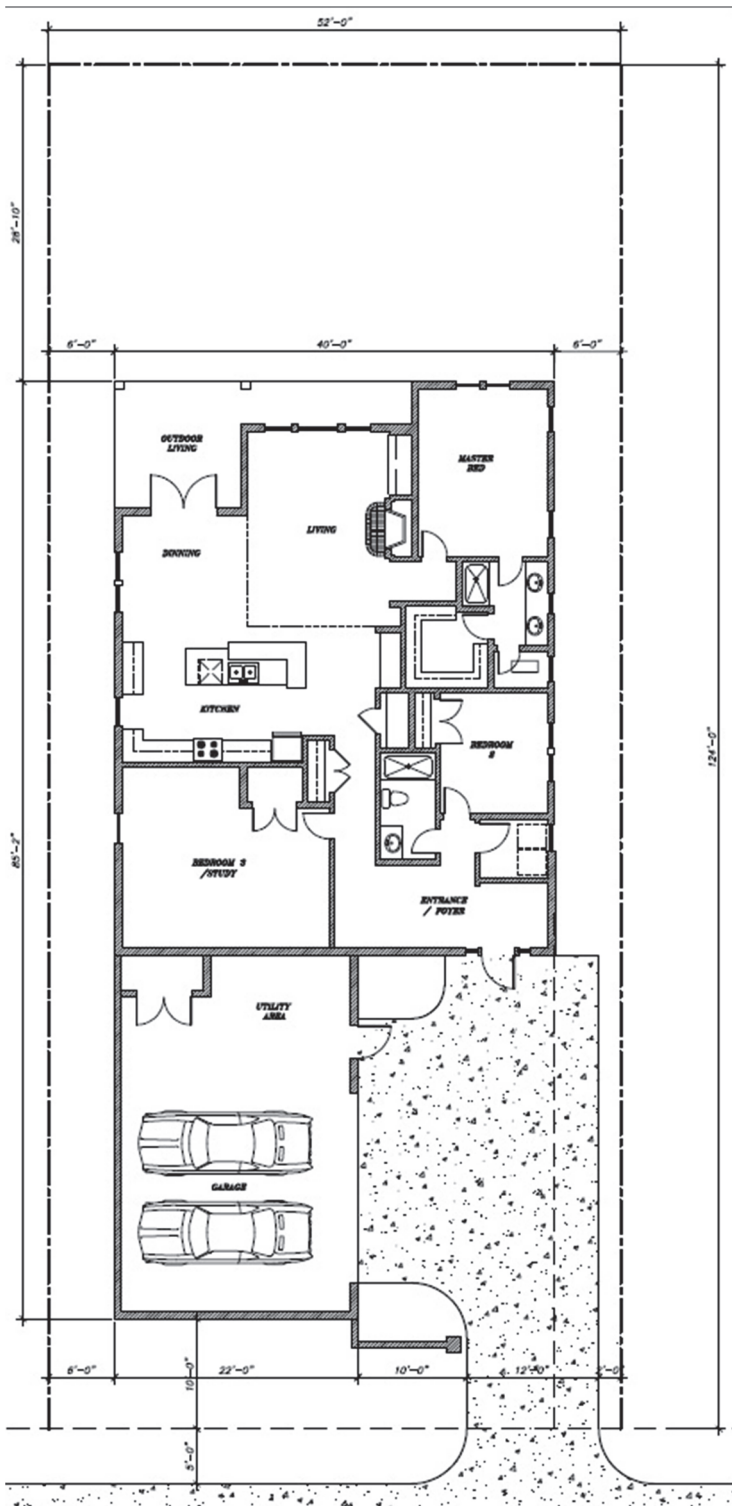
2.5 baths

77' depth



Eleanor Estates

Garden Home



James

2000 sqft

1 story

3 bed

40' width

2 baths

86' depth

Eleanor Estates

Garden Home



Staff Agenda Report

Agenda Item: 4

Agenda Subject: Discussion and possible recommendations on revision to Article 14.02, Division 7, “Overlay District Regulations” of Ordinances, City of Dalworthington Gardens, Texas

Background Information: City Staff has reviewed City Ordinance Article 14.02, Division 7, “Overlay District Regulations”, and notice updates are needed to clarify and describe proper submission at each sequence when applying for planned development.

A review was done by Staff with the assistance of the City Engineer and forwarded to the City Attorney.

The Commission's recommendation will go to City Council August 15, 2024 for final consideration.

Recommended Action/Motion: Board options:

Recommend or Deny revisions to Article 14.02, Division 7, “Overlay District Regulations” of Ordinances, City of Dalworthington Gardens, Texas

Attachments:

Overlay District Regulations Redline version

Current Ordinance

Proposed Ordinance

Division 7 Overlay District Regulations

§ 14.02.271 “PD” eligibility criteria.

The council may approve, from time to time, the development and use of land pursuant to a planned development process, by approving the superimposing (“overlay”) of conditions or standards on certain of the zoning districts. No such development and use, however, shall be approved except in accordance with a development plan adopted by the city pursuant to the procedures established in this division. For a development to be eligible for submission to the planned development process, the following criteria must exist:

- (1) The minimum area requirements, as herein provided, must be met.
- (2) **The intended development shall not exceed the density or intensity of use permitted in the underlying base district**
- (2) The planned development shall be of such design that the resulting development will achieve the purposes of zoning in a manner superior to the conventional development of the same property under base district regulations.
- (3) The development shall efficiently utilize the available land and shall protect and preserve all scenic assets and natural features, such as trees and topographic features, to the greatest extent possible consistent with reasonable development of the land.
- (4) The planned development shall be located in an area where transportation, public safety, public facilities and utilities are or will be available and adequate for the proposed uses of the development.

(2005 Code, sec. 17.7.01)

§ 14.02.272 Planned development administration.

- (a) Application. Application for submission of land to the planned development process shall be made in the same manner as any other application for a change in zoning classification. The application may seek a PD designation on land without a change in the base district classification; or, the application may seek a PD designation on land concurrently with a change in the base district classification. The application shall be made to the zoning administrator and shall be accompanied by the fees prescribed therefor in the fee schedule in appendix A of this code.
- (b) Approval procedure. A PD application shall be processed in the following sequence:
 - (1) The applicant shall submit the application with the concept plan.
 - (2) The zoning administrator and other relevant city staff persons shall review the application and the concept plan, may conduct a pre-hearing conference thereon (one or more, as the zoning administrator may require) with the applicant, and may require data from the applicant supplementing the concept plan.
 - (3) The zoning administrator shall prepare a staff report to the commission on the application **reviewing bearing on the** conformance of the **concept** plan and the proposed development with the standards, spirit and intent of this article.
 - (4) The commission shall conduct a public hearing on the application in the same manner as any other request for zoning change, and shall make its recommendation to the council as required by law.

- (5) After receiving a report of the commission's recommendation on the application, the city council shall hold a public hearing to consider the approval of the concept plan. The city council may approve, approve with conditions or modifications, or deny the concept plan.
- (6) After city council approval of the concept plan, the applicant shall submit a final development plan that is in substantial conformance with the concept plan for commission and council approval thereof as a prerequisite to any development of the property.
- (7) If the application is approved, The zoning map shall be amended so that the base district designation of the property shall bear a suffix of PD, PD-BR, or PD-R as the case may be only after city council approval of the application, concept plan, and final development plan.
- (7) The applicant shall submit a final development plan and obtain council approval thereof as a prerequisite to any development of the property.
- (c) Concept plan. The concept plan shall include a site plan drawing, prepared to a scale of not less than one inch equaling one hundred feet (1:100), depicting at least the following:
 - (1) The dimensioned boundaries of the property, the location and widths of streets and highways adjacent to and on the property, and any other easements thereon or adjacent thereto;
 - (2) The topography of the property showing elevations at 5-foot intervals;
 - (3) The general location and description of existing utility services, including size of water and sewer mains;
 - (4) Existing improvements proposed to be retained when the property is developed;
 - (5) Undimensioned location and approximate size of proposed buildings;
 - (6) Undimensioned proposed locations of parking and points of access;
 - (7) All proposed uses and their approximate locations on the site;
 - (8) Identifiable watercourses and low areas;
 - (9) Proposed maximum height of buildings;
 - (10) Proposed landscaped areas;
 - (11) Height and elevation of all buildings.
- (d) Final plan. The final plan for PD development shall comply with the following standards:
 - (1) The final plan shall clearly indicate all significant features of the proposed development, on an accurate scaled drawing, to include:
 - (A) A location map showing the location of the site in reference to existing streets.
 - (B) The boundaries of the area included in the plan, surveyed by a competent licensed surveyor, showing the total gross acreage of the plan.
 - (C) All recorded or physically existing public and private rights-of-way and easement lines located on or adjacent to the plan area.

- (D) The approximate **proposed final** topography of the plan area, major watercourses and 100-year floodplains.
- (E) The proposed land uses and the approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the site.
- (F) The character and approximate density of all proposed uses in the plan area. **For dwelling units, a table showing type by size, number of bedrooms, number of each type; and, floor plans for each type unit.**
- (G) The approximate location and dimensions of all parking areas, malls, water bodies, open areas and recreational areas.
- (H) All proposed streets, alleys, ways, including walkways, dedicated to public use, and the location and size of all utilities.
- (I) The maximum percentage of site coverage.
- (J) All areas reserved for common ownership with an indication of the properties.
- (K) The location and type of walls, fences, screen planting and landscaping.
- (L) A plan, including elevation drawings, showing location, size, height, orientation and design of all signs.
- (M) In multifamily and commercial sections of the plan, the location of each outside facility for solid waste disposal.
- (N) Development schedule, indicating the following:
 - (i) The estimated date when development construction in the plan area shall commence;
 - (ii) The stages, if any, in which the **development** plan area will be developed and the estimated date development of each stage will commence;
 - (iii) The estimated date of completion of each stage in the development;
 - (iv) The area and location of common open space that will be developed at each stage; and
 - (v) The area and location of nonresidential uses that will be developed at each stage.
- (2) The city council may, at the request of the applicant, limit the proposed PD uses to less than all of the uses otherwise permitted by the base district regulations. Such limitation of uses shall be recited in the approved **final** plan and placed of record as herein provided.
- (3) A preliminary drainage study, as outlined in article 10.02 of this code and/or a preliminary plat shall be submitted concurrently with any final plan.
- (4) The final plan shall clearly indicate that the proposed development will be in complete accordance with the provisions of the applicable plan approval district zoning.
- (5) Upon receipt of **a mylar reproducible** of the **approved final plan** reflecting all stipulations approved by the city council, the zoning administrator shall record **an official** copy thereof.
- (6) All final plans recorded hereunder shall **run with land and** be binding upon the applicant thereof, **his their** successors and assigns, and shall limit and control the issuance of all building permits within the plan area.

- (7) Prior to issuance of any building permits, the final plan shall reflect all stipulations as approved by the city council and the property shall be platted in accordance with article 10.02 of this code and the platting policies of the commission and the council.
- (e) Development implementation.
 - (1) Except as provided in subsection (2) below, no building permit or certificate of occupancy shall issue for any building or use within a PD, PD-BR, or PD-R district unless: the final plan **has been approved therefor shall have been approved**; and, the proposed building or use complies with such final plan.
 - (2) **When property carries a PD designation but a final plan has not been approved therefor, it may be developed without plan approval only in accordance with the base district regulations. Any such development shall constitute an abandonment of the concept plan and the PD suffix shall be removed from the zoning map designation for such property.**
 - (2) **A property may only develop in accordance with the base district regulations without final plan approval.**
 - (3) **When the base district zoning classification of a property is changed as part of or concurrently with approval of a PD overlay under this division and the plan thereafter expires pursuant to subsection (g) of this section because either: the final plan is never approved; or, the final plan is never implemented, the base district zoning classification of the property shall revert to its zoning classification existent prior to the approval of the PD overlay. Until such time as the plan is implemented, the rezoned property shall be designated on the zoning map as “(base district)-PD-C (conditional)”.**
- (f) Plan amendments.
 - (1) No material change shall be made to an approved final plan unless the same shall have first been approved as described in subsection (3) below.
 - (2) A change in an approved final plan may be initiated by the zoning administrator if the same is not a material change. A change is not a material change if it will not result in any of the following:
 - (A) A change in the character of the development;
 - (B) An increase in the ratio of the gross floor areas in structures to the area of any lot;
 - (C) An increase in the intensity of use;
 - (D) A reduction in the approved separations between buildings;
 - (E) An increase in the problems of circulation, safety, and utilities;
 - (F) An increase in the external effects of the development on adjacent property;
 - (G) A reduction in the approved setbacks from property lines;
 - (H) An increase in lot coverage by structures;
 - (I) A reduction in the ratio of off-street parking and loading space to gross floor area in structures;
 - (J) A change in the subject, size, lighting, or orientation of approved signs; or
 - (K) A change in the location or character of approved landscape features.

- (3) Any proposed Proposal of a plan amendments shall be submitted made to the zoning administrator by the applicant to the zoning administrator. On mylar of the approved plan. Upon receipt of such a proposed plan revision, copies of the proposed revised plan shall be submitted to the council for its review and determination as to whether the proposed revision constitutes such a significant change in land use or structures that a public hearing should be called regarding said revision. If, in the council's determination, the proposed revised plan does not constitute a significant change, no public hearing shall be called and the revision shall be deemed approved. If such revision is determined by the council to be a significant change, a public hearing shall be scheduled regarding such revision, proper notice shall be given, and thereafter the proposed revision shall be considered by the council for approval or denial; provided, however, the council in its sole discretion may direct any development plan revision to the commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in division 13 of this article herein regarding amendments. No proposed revision shall be effective until the same is approved by the council.
- (g) Plan expiration. If development of property pursuant to a final plan has not commenced within two (2) years of the date of a plan approval, the plan shall be deemed to have expired, and a review and reapproval of the plan by the council shall be required before any building permit may be issued for development pursuant to the plan. Any review and reapproval shall be made in the context of conditions existing, as to the property, at the time of such review.

(2005 Code, sec. 17.7.02)

§ 14.02.273 “PD” planned development district.

- (a) Use regulations. A building or premises in this zoning district shall be used only for the purposes permitted in the base district or districts or which the PD designation has been overlaid by an approved final plan. When made a part of the PD application and after notice and hearing as provided for the “PD” process, the city council may approve a use which would otherwise be a special exception in the base district as if it were a permitted use as a matter of right and without the necessity of a separate special exception application and proceeding.
- (b) Height regulations. The maximum height requirement for permissible uses in this district shall conform to the maximum height requirements which would be applicable to such uses if the same were situated in the most restrictive base district in which such uses are permitted.
- (c) Area regulations. The minimum gross land area which may be developed in this district shall be:
- (1) For residential developments, four (4) acres; and
 - (2) For nonresidential developments, two (2) acres.
- (d) Density and coverage regulations.
- (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (e) Open space regulations. Provisions for public, private and common open space shall be evaluated with

due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.

- (f) Setback regulations. Minimum setbacks shall be approved as a part of the **development final** plan; provided however, that the minimum setbacks on the boundaries of a PD district shall not be less than the requirements of the least intensive zoning district in which the use is permitted.
- (g) Off-street parking regulations.
 - (1) Off-street parking facilities shall be provided at locations designated on the final plan.
 - (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (h) "PD-R" planned development-redevelopment district.
 - (1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.273 hereof.
 - (2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres.
 - (3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-R district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city's participation in redevelopment shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.
 - (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-R district.
 - (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-R plan is approved.

(2005 Code, sec. 17.7.03)

§ 14.02.275 "Bowen Road" overlay district ("PD-BR").

- (a) Purpose. The purpose of the Bowen Road zoning overlay district is to allow additional uses by planned development in appropriate SF districts to create a mixed-use community that integrates predominantly agricultural and food service commercial businesses, with medium density residential uses, and open

spaces. Appropriate areas would be adjacent to principal arterials to allow commercial uses compatible with nearby single-family residential to take advantage of large traffic volumes while helping maintain the vision and character of the city.

- (b) Use regulations. A building or premises in this zoning district shall only be used for the purposes permitted in the base district or overlaid by an approved final PD-BR plan from additional uses allowed in base districts residential district ("GH"), business districts 1, 2, and 3, ("B-1," "B-2," and "B-3," respectively). The mixed use overlay district, ("MU"); special exceptions, or an agricultural use without a principal structure. Any portion of the PD-BR adjacent to a street, other than a principal arterial, across which exists single-family ("SF") zoning, shall be restricted to SF zoning for 200 feet from the street's right-of-way line with no vehicular access to the principal arterial.
- (c) Height regulations. Structures, other than SF, shall not exceed two stories.
- (d) Applicability. All development, other than SF development, along Bowen Road between California Lane and Roosevelt shall be governed by this overlay district.
- (e) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For all other developments, two (2) acres.
- (f) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed **therefor** in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (f)(1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (g) Open space regulations. Provisions for public, private, and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas, or common areas containing some other amenity to the development are approved as a part of a final plan, as defined in section 14.02.272, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development. Garden home developments shall include a minimum of 10 percent open space, not including platted lots and streets.
- (h) Screening. An orderly transition from commercial uses to the large lot residential uses will incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences.
- (i) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD-BR district shall not be less than the requirements of the zoning district it abuts.

- (j) Off-street parking regulations.
- (1) Off-street parking facilities shall be provided at locations designated on the final plan.
- (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (k) "PD-BR" planned development-redevelopment district. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.
- (1) **Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.**
- (1) Area regulations. The minimum gross land area **which that** may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection **(j)(2) (k)(1)** does not apply.
- (23) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-BR district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities **that are which** determined by the council to **be** necessary to serve the **redevelopment**, subject to the standard cost-sharing policies and ordinances **which that** determine the development costs **which that** the city may pay, and subject to any agreements for cost sharing **which that** are mutually agreed upon by the property owner and the city. The city's participation in **redevelopment** shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.
 - (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.
 - (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: (1) additional construction, such as additional paved parking, must be done on the site; (2) a change or expansion in use would require increased utility service; **and/or** (3) the council finds that such construction is necessary at the time the PD-BR plan is approved.
- (l) Garden homes are permissible on a case-by-case basis in low density residential zones if:
 - (1) A lot has access (ingress and egress) on California Lane;
 - (2) A lot's access onto California Lane is within five hundred and seventy-five (575) feet of the western right of way of Bowen Road; and
 - (3) The lot is developed as a PD using the guidelines found in this section."

§ 14.02.271 “PD” eligibility criteria.

The council may approve, from time to time, the development and use of land pursuant to a planned development process, by approving the superimposing (“overlay”) of conditions or standards on certain of the zoning districts. No such development and use, however, shall be approved except in accordance with a development plan adopted by the city pursuant to the procedures established in this division. For a development to be eligible for submission to the planned development process, the following criteria must exist:

- (1) The minimum area requirements, as herein provided, must be met.
- (2) The intended development shall not exceed the density or intensity of use permitted in the underlying base district.
- (3) The planned development shall be of such design that the resulting development will achieve the purposes of zoning in a manner superior to the conventional development of the same property under base district regulations.
- (4) The development shall efficiently utilize the available land and shall protect and preserve all scenic assets and natural features, such as trees and topographic features, to the greatest extent possible consistent with reasonable development of the land.
- (5) The planned development shall be located in an area where transportation, public safety, public facilities and utilities are or will be available and adequate for the proposed uses of the development.

(2005 Code, sec. 17.7.01)

§ 14.02.272 Planned development administration.

- (a) Application. Application for submission of land to the planned development process shall be made in the same manner as any other application for a change in zoning classification. The application may seek a PD designation on land without a change in the base district classification; or, the application may seek a PD designation on land concurrently with a change in the base district classification. The application shall be made to the zoning administrator and shall be accompanied by the fees prescribed therefor in the fee schedule in appendix A of this code.
- (b) Approval procedure. A PD application shall be processed in the following sequence:
 - (1) The applicant shall submit the application with the concept plan.
 - (2) The zoning administrator and other relevant city staff persons shall review the application and the concept plan, may conduct a pre-hearing conference thereon (one or more, as the zoning administrator may require) with the applicant, and may require data from the applicant supplementing the concept plan.
 - (3) The zoning administrator shall prepare a staff report to the commission on the application bearing on conformance of the plan and the proposed development with the standards, spirit and intent of this article.
 - (4) The commission shall conduct a public hearing on the application in the same manner as any other request for zoning change, and shall make its recommendation to the council as required by law.
 - (5) After receiving a report of the commission’s recommendation on the application, the city council shall hold a public hearing to consider the approval of the plan.

- (6) If the application is approved, the zoning map shall be amended so that the base district designation of the property shall bear a suffix of PD or PD-R, as the case may be.
- (7) The applicant shall submit a final development plan and obtain council approval thereof as a prerequisite to any development of the property.
- (c) Concept plan. The concept plan shall include a site plan drawing, prepared to a scale of not less than one inch equaling one hundred feet (1:100), depicting at least the following:
 - (1) The dimensioned boundaries of the property, the location and widths of streets and highways adjacent to and on the property, and any other easements thereon or adjacent thereto;
 - (2) The topography of the property showing elevations at 5-foot intervals;
 - (3) The general location and description of existing utility services, including size of water and sewer mains;
 - (4) Existing improvements proposed to be retained when the property is developed;
 - (5) Undimensioned location and approximate size of proposed buildings;
 - (6) Undimensioned proposed locations of parking and points of access;
 - (7) All proposed uses and their approximate locations on the site;
 - (8) Identifiable watercourses and low areas;
 - (9) Proposed maximum height of buildings;
 - (10) Proposed landscaped areas;
 - (11) Height and elevation of all buildings.
- (d) Final plan. The final plan for PD development shall comply with the following standards:
 - (1) The final plan shall clearly indicate all significant features of the proposed development, on an accurate scaled drawing, to include:
 - (A) A location map showing the location of the site in reference to existing streets.
 - (B) The boundaries of the area included in the plan, surveyed by a competent licensed surveyor, showing the total gross acreage of the plan.
 - (C) All recorded or physically existing public and private rights-of-way and easement lines located on or adjacent to the plan area.
 - (D) The approximate topography of the plan area, major watercourses and 100-year floodplains.
 - (E) The proposed land uses and the approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the site.
 - (F) The character and approximate density of all proposed uses in the plan area. For dwelling units, a table showing type by size, number of bedrooms, number of each type; and, floor plans for each type unit.
 - (G) The approximate location and dimensions of all parking areas, malls, water bodies, open areas and recreational areas.

- (H) All proposed streets, alleys, ways, including walkways, dedicated to public use, and the location and size of all utilities.
- (I) The maximum percentage of site coverage.
- (J) All areas reserved for common ownership with an indication of the properties.
- (K) The location and type of walls, fences, screen planting and landscaping.
- (L) A plan, including elevation drawings, showing location, size, height, orientation and design of all signs.
- (M) In multifamily and commercial sections of the plan, the location of each outside facility for solid waste disposal.
- (N) Development schedule, indicating the following:
 - (i) The estimated date when development construction in the plan area shall commence;
 - (ii) The stages, if any, in which the plan area will be developed and the estimated date development of each stage will commence;
 - (iii) The estimated date of completion of each stage in the development;
 - (iv) The area and location of common open space that will be developed at each stage; and
 - (v) The area and location of nonresidential uses that will be developed at each stage.
- (2) The city council may, at the request of the applicant, limit the proposed PD uses to less than all of the uses otherwise permitted by the base district regulations. Such limitation of uses shall be recited in the approved plan and placed of record as herein provided.
- (3) A preliminary drainage study, as outlined in article 10.02 of this code and/or a preliminary plat shall be submitted concurrently with any final plan.
- (4) The final plan shall clearly indicate that the proposed development will be in complete accordance with the provisions of the applicable plan approval district zoning.
- (5) Upon receipt of a mylar reproducible of the approved final plan reflecting all stipulations approved by the city council, the zoning administrator shall record a copy thereof.
- (6) All final plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control the issuance of all building permits within the plan area.
- (7) Prior to issuance of any building permits, the final plan shall reflect all stipulations as approved by the city council and the property shall be platted in accordance with article 10.02 of this code and the platting policies of the commission and the council.
- (e) Development implementation.
 - (1) Except as provided in subsection (2) below, no building permit or certificate of occupancy shall issue for any building or use within a PD or PD-R district unless: the final plan therefor shall have been approved; and, the proposed building or use complies with such final plan.
 - (2) When property carries a PD designation but a final plan has not been approved therefor, it may be developed without plan approval only in accordance with the base district regulations. Any such

development shall constitute an abandonment of the concept plan and the PD suffix shall be removed from the zoning map designation for such property.

- (3) When the base district zoning classification of a property is changed as part of or concurrently with approval of a PD overlay under this division and the plan thereafter expires pursuant to subsection (g) of this section because either: the final plan is never approved; or, the final plan is never implemented, the base district zoning classification of the property shall revert to its zoning classification existent prior to the approval of the PD overlay. Until such time as the plan is implemented, the rezoned property shall be designated on the zoning map as “(base district)-PD-C (conditional)”.
- (f) Plan amendments.
 - (1) No material change shall be made to an approved final plan unless the same shall have first been approved as described in subsection (3) below.
 - (2) A change in an approved final plan may be initiated by the zoning administrator if the same is not a material change. A change is not a material change if it will not result in any of the following:
 - (A) A change in the character of the development;
 - (B) An increase in the ratio of the gross floor areas in structures to the area of any lot;
 - (C) An increase in the intensity of use;
 - (D) A reduction in the approved separations between buildings;
 - (E) An increase in the problems of circulation, safety, and utilities;
 - (F) An increase in the external effects of the development on adjacent property;
 - (G) A reduction in the approved setbacks from property lines;
 - (H) An increase in lot coverage by structures;
 - (I) A reduction in the ratio of off-street parking and loading space to gross floor area in structures;
 - (J) A change in the subject, size, lighting, or orientation of approved signs; or
 - (K) A change in the location or character of approved landscape features.
 - (3) Proposal of a plan amendment shall be made to the zoning administrator by the applicant on mylar of the approved plan. Upon receipt of such a proposed plan revision, copies of the proposed revised plan shall be submitted to the council for its review and determination as to whether the proposed revision constitutes such a significant change in land use or structures that a public hearing should be called regarding said revision. If, in the council’s determination, the proposed revised plan does not constitute a significant change, no public hearing shall be called and the revision shall be deemed approved. If such revision is determined by the council to be a significant change, a public hearing shall be scheduled regarding such revision, proper notice shall be given, and thereafter the proposed revision shall be considered by the council for approval or denial; provided, however, the council in its sole discretion may direct any development plan revision to the commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in division 13 of this article herein regarding amendments. No proposed revision shall be effective until the same is approved by the council.
- (g) Plan expiration. If development of property pursuant to a final plan has not commenced within two (2)

years of the date of a plan approval, the plan shall be deemed to have expired, and a review and reapproval of the plan by the council shall be required before any building permit may be issued for development pursuant to the plan. Any review and reapproval shall be made in the context of conditions existing, as to the property, at the time of such review.

(2005 Code, sec. 17.7.02)

§ 14.02.273 “PD” planned development district.

- (a) Use regulations. A building or premises in this zoning district shall be used only for the purposes permitted in the base district or districts or which the PD designation has been overlaid by an approved final plan. When made a part of the PD application and after notice and hearing as provided for the “PD” process, the city council may approve a use which would otherwise be a special exception in the base district as if it were a permitted use as a matter of right and without the necessity of a separate special exception application and proceeding.
- (b) Height regulations. The maximum height requirement for permissible uses in this district shall conform to the maximum height requirements which would be applicable to such uses if the same were situated in the most restrictive base district in which such uses are permitted.
- (c) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For nonresidential developments, two (2) acres.
- (d) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (e) Open space regulations. Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners’ association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.
- (f) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD district shall not be less than the requirements of the least intensive zoning district in which the use is permitted.
- (g) Off-street parking regulations.
 - (1) Off-street parking facilities shall be provided at locations designated on the final plan.

- (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (h) “PD-R” planned development-redevelopment district.
- (1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.273 hereof.
- (2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres.
- (3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-R district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city’s participation in redevelopment shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.
 - (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-R district.
 - (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-R plan is approved.

(2005 Code, sec. 17.7.03)

§ 14.02.274 “MU” mixed use overlay.

- (a) Purpose. The purpose of the mixed-use zoning overlay district is to allow higher density, mixed use, pedestrian-oriented development.
- (b) Intent. The mixed use overlay district is required as the traditional zoning districts (SF, GH, B1, B2, B3, PD) are not sophisticated enough to address the complicated growth and development requirements. The intent of the mixed use overlay district is to promote pedestrian oriented urban form (sustainability and health). The overlay district encourages architectural diversity, creativity and exceptional design. Furthermore, the purpose is to create memorable and outdoor gathering spaces.
- (c) Definition. Mixed-use development is characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, and/or institutional.

Bed and breakfast. A lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; and meals are provided.

Boutique hotel. A lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared on-site; and more than 50 percent of the guest rooms are internal-entry.

Civic/open space. Publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. Civic/open space may be privately or publicly owned and maintained.

Commercial or mixed-use building. A building in which at least the ground floor of the building is built for commercial use and any of the floors above the ground floor are built to commercial ready standards and occupied by nonresidential or residential uses.

Commercial ready. Space constructed above the ground floor height as established in character district which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of certificate of occupancy for a retail/commercial use in a commercial ready space, the space must comply with all building and construction codes for that use. The intent of commercial ready space is to provide the flexibility of occupying space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Cottage industrial. Small scale and individualized (i.e. not mass produced) assembly and light manufacturing/fabrication of commodities fully enclosed within a building (building must be less than 20,000 square feet). This category shall include workshops and studios for cottage industries such as pottery, glass-blowing, metal working and fabrication, screen printing, weaving, etc.

Encroachment. Any structural or nonstructural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

Farmer's market. The retail sale of farm products by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of new and used household goods, personal effects, small household appliances, and similar merchandise is not included in this definition.

Hotel. Shall be defined as a building with habitable rooms or suites which are reserved for transient guests for compensation who rent the rooms or suites on a daily basis, and with controlled access to the rooms via a lobby or interior hallway. The establishment shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture. It shall also include either a full-service restaurant with full kitchen facilities providing service to the general public; or a concessionaire of the management for room service delivery. The establishment shall be required to have on-site staff seven (7) days a week, twenty-four (24) hours per day.

Live-work dwelling. A mixed-use building type with a dwelling unit that is also used for work purposes, provided that the 'work' component is located on the street level and (1) is constructed as separate units under a condominium regime or as a single unit. The 'live' component may be located above the ground floor. Live-work dwelling is distinguished from a home occupation otherwise defined by section 14.02.092 of the City of Dalworthington Gardens Zoning Regulations in that "work" component is not required to be incidental and secondary to the "live" component. Additionally, the "work" component may employ more than one (1) individual who is not an occupant of the "live" component.

Vertical mixed-use. Defined as combination of different uses in the same building. Generally, lower floors have more public uses with more private uses on the upper floors.

Veterinary. A doctor of veterinary medicine who holds a valid license to practice veterinary medicine in the state.

(d) Mixed use application process. The application procedure for the mixed-use development will be done in the same manner as planned development administration (section 14.02.272 of the code). However, in addition to the concept plan, the city may require traffic impact study or land use compatibility study.

- (e) Traffic impact study. A traffic impact study report should, at the minimum, address the following:
- (1) State the purpose and scope of the report and identify the study area of the project.
 - (2) State all assumptions used in analysis and make reference to and/or include all supporting documents used to prepare the report.
 - (3) Describe, in detail, proposed land use type(s) and size(s).
 - (4) Identify number, location and type of proposed access drive(s) to the development site.
 - (5) Evaluate intersection sightline distances from proposed driveways.
 - (6) Provide a detailed summary of data collection efforts and results.
 - (7) Estimate number of trips generated by the development site.
 - (8) Identify most critical analysis period.
 - (9) Determine anticipated directional distribution of site-generated traffic.
 - (10) Intersection assignment of site traffic including through and turning movements.
 - (11) Internal circulation of site traffic and parking
 - (12) Need for turning lanes or bypass options at proposed driveway location(s)
 - (13) Traffic control needs and warrants
 - (14) Determine anticipated future non-site (background) traffic volumes.
 - (15) Identify other “nearby approved” developments within the study area.
 - (16) Evaluate “existing + site + nearby approved developments” traffic operating conditions to assess cumulative impact of traffic for pre-specified target year.
 - (17) Recommend on-site and/or off-site road improvements for each traffic conditions separately (i.e. “existing,” “existing + site,” “existing + site + nearby approved developments,” and “future long-term”).
 - (18) It is useful to address percent contribution to off-site road improvements by individual development sites (i.e. proposed and other nearby development site), based on number of new trips each and every one of these development sites generate and add to adjacent street network primarily during critical peak-hour.
 - (19) Include findings and recommendations using nontechnical jargon to help planning and zoning commission with their decision making. A letter of opinion from a qualified professional is recommended.
- (f) Additional requirements for mixed use development.
- (1) Permitted uses. To find the list of permitted uses, please see the matrix of permitted uses. Land uses not listed in the matrix but are substantially similar may be considered through the application process.
 - (2) Parking facilities. For off-street parking facility, the parking demand calculation can be done in the following manner:

- (A) Number of units (residential) – nr.
- (B) Number of units (commercial) - nc.
- (C) Number of parking spaces required as per division 9 of the zoning ordinance for each use (units) – N1, N2, N3, Nu.
- (D) Total parking spaces = nr + nc (N1 + N2 + N3 +Nu)

[\[Image\]](#)

- (3) Height. The height of the building is restricted to 3 stories/floors or 40 feet (whichever is less).
- (4) Setbacks
 - (A) Setback from the front street (if a corner property, both adjacent streets will be considered as front street): 15.
 - (B) Side setback: 10.
 - (C) Rear setback: 15.

Figure 2.
Setbacks

[\[Image\]](#)

- (5) Sidewalk. A minimum of 12' sidewalk is required in the district with a minimum of 6' throughway zone.

Figure 3. Ideal
Sidewalk
Diagram
(Source: ITE
Manual)

[\[Image\]](#)

- (6) Sign standards. Directory, monumental and wall sign shall be allowed in the mixed use overlay district. The height of directory sign is be restricted to 15'. One monument sign per lot per lot street frontage limited to a maximum of 75 sq. ft. per sign face and 6 ft. in height. An applicant has the option to install unique sign including size, color, type, design, and location, subject to approval from the city staff.
- (7) Landscape requirements. In addition to complying with the requirements of division 11 of this article, each lot in this district shall have not less than 20% landscaped open space.
- (8) Outdoor gathering spaces. Open space regulations. Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be

perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.

- (9) Building material. To promote architectural diversity, city may consider less than 80% masonry, exceed the use of glass percent and allow use of more surface colors. However, all the designs and colors will require approval through the application process. The application will also be reviewed on the basis of harmony with the surrounding building types.
- (10) Design exception. A design exception means a requested deviation from any building material, open gathering space standards, sign standards, matrix of permitted uses, or parking requirements. All requests for design exceptions shall go before the Dalworthington Gardens Planning and Zoning Commission for action and then to city council for final approval.
- (g) Matrix of permitted uses. If a use is not listed on the land use matrix that use is considered a prohibited use within the City of Dalworthington Gardens Mixed Use Overlay District, unless the use is allowed by right or by specific use permit under the regulations applicable to the underlying or base zoning district.

Uses requiring a specific use permit "S" in a cell indicates that the use is allowed only if issued a specific use permit, in accordance with the procedures of section 14.02.325, specific use permits. Uses requiring a specific use permit are subject to all other applicable regulations of this code, including the supplemental use standards in this article and the requirements of this article.

- (h) Contradictions. Where contradictions exist between the mixed use (MU) zoning overlay district and other zoning districts, requirements outlined in the MU zoning overlay district shall take precedence.

(Ordinance 2018-13 adopted 9/20/18; Ordinance 2018-20 adopted 11/15/18; Ordinance 2018-13 adopted 9/20/18; Ordinance 2019-05, sec. 5, adopted 7/18/19)

§ 14.02.275 "Bowen Road" overlay district ("PD-BR").

- (a) Purpose. The purpose of the Bowen Road zoning overlay district is to allow additional uses by planned development in appropriate SF districts to create a mixed-use community that integrates predominantly agricultural and food service commercial businesses, with medium density residential uses, and open spaces. Appropriate areas would be adjacent to principal arterials to allow commercial uses compatible with nearby single-family residential to take advantage of large traffic volumes while helping maintain the vision and character of the city.
- (b) Use regulations. A building or premises in this zoning district shall only be used for the purposes permitted in the base district or overlaid by an approved final PD-BR plan from additional uses allowed in base districts residential district ("GH"), business districts 1, 2, and 3, ("B-1," "B-2," and "B-3," respectively). The mixed use overlay district, ("MU"); special exceptions, or an agricultural use without a principal structure. Any portion of the PD-BR adjacent to a street, other than a principal arterial, across which exists single-family ("SF") zoning, shall be restricted to SF zoning for 200 feet from the street's right-of-way line with no vehicular access to the principal arterial.
- (c) Height regulations. Structures, other than SF, shall not exceed two stories.
- (d) Applicability. All development, other than SF development, along Bowen Road between California Lane and Roosevelt shall be governed by this overlay district.
- (e) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For all other developments, two (2) acres.

- (f) Density and coverage regulations.
- (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (f)(1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (g) Open space regulations. Provisions for public, private, and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas, or common areas containing some other amenity to the development are approved as a part of a final plan, as defined in section 14.02.272, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development. Garden home developments shall include a minimum of 10 percent open space, not including platted lots and streets.
- (h) Screening. An orderly transition from commercial uses to the large lot residential uses will incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences.
- (i) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD-BR district shall not be less than the requirements of the zoning district it abuts.
- (j) Off-street parking regulations.
- (1) Off-street parking facilities shall be provided at locations designated on the final plan.
 - (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (k) "PD-BR" planned development-redevelopment district.
- (1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.
 - (2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection (j)(2) does not apply.
 - (3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-BR district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are

mutually agreed upon by the property owner and the city. The city's participation in redevelopment shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.

- (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.
- (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-BR plan is approved.

(Ordinance 2023-18 adopted 11/16/2023)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING SECTION 14.02.271, “‘PD’ ELIGIBILITY CRITERIA,” SECTION 14.02.272, “PLANNED DEVELOPMENT ADMINISTRATION,” SECTION 14.02.273, “PLANNED DEVELOPMENT DISTRICT,” AND SECTION 14.02.275, “‘BOWEN ROAD’ OVERLAY DISTRICT (“PD-BR”),” OF DIVISION 7, “OVERLAY DISTRICT REGULATIONS,” OF CHAPTER 14, “ZONING,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, TO UPDATE THE PLANNED DEVELOPMENT ADMINISTRATION PROCESS AND AMEND THE STANDARDS AND REQUIREMENTS OF A BOWEN ROAD OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens (the “City”) is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City desires to amend Chapter 14 of its zoning regulations to update various provisions related to planned development overlays and amend the standards and requirements of a Bowen Road Overlay District; and

WHEREAS, the Planning and Zoning Commission of the City held a public hearing on [REDACTED], and the City Council of the City held a public hearing on [REDACTED], with respect to the proposed rezoning as described herein; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is necessary to protect the health, safety, and welfare of the public; and

WHEREAS, the City Council has determined that the proposed ordinance amendment to the Zoning Ordinance is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, THAT:

SECTION 2.

The Code of Ordinances, City of Dalworthington Gardens, Texas, Chapter 14, “Zoning,” Division 7, “Overlay District Regulations,” Section 14.02.271 “‘PD’ eligibility criteria,” is hereby amended to read as follows:

“§ 14.02.272 ‘PD’ eligibility criteria.

The council may approve, from time to time, the development and use of land pursuant to a planned development process, by approving the superimposing (“overlay”) of conditions or standards on certain of the zoning districts. No such development and use, however, shall be approved except in accordance with the development plan adopted by the city pursuant to the procedures established in this division. For a development to be eligible for submission to the planned development process, the following criteria must exist:

- (1) The minimum area requirements, as herein provided, must be met.
- (2) The planned development shall be of such design that the resulting development will achieve the purposes of zoning in a manner superior to the conventional development of the same property under base district regulations.
- (3) The development shall efficiently utilize the available land and shall protect and preserve all scenic assets and natural features, such as trees and topographic features, to the greatest extent possible consistent with a reasonable development of the land.
- (4) The planned development shall be located in an area where transportation, public safety, public facilities, and utilities are or will be available and adequate for the proposed uses of the development.”

SECTION 2.

The Code of Ordinances, City of Dalworthington Gardens, Texas, Chapter 14, “Zoning,” Division 7, “Overlay District Regulations,” Section 14.02.272 “Planned development administration,” is hereby amended by amending subsections (b), (d), (e), and (f) to read as follows:

“§ 14.02.272 Planned development administration.

- (b) Approval procedure. A PD application shall be processed in the following sequence:

- (1) The applicant shall submit the application with a concept plan.
- (2) The zoning administrator and other relevant city staff persons shall review the application and the concept plan, may conduct a pre-hearing conference thereon (one or more, as the zoning administrator may require) with the applicant, and may require data from the applicant supplementing the concept plan.

(3) The zoning administrator shall prepare a staff report to the commission on the application reviewing the conformance of the concept plan and the proposed development with the standards, spirit, and intent of this article.

(4) The commission shall conduct a public hearing on the application in the same manner as any other request for zoning change, and shall make its recommendation to the council as required by law.

(5) After receiving a report of the commission's recommendation on the application, the city council shall hold a public hearing to consider the approval of the concept plan. The city council may approve, approve with conditions or modifications, or deny the concept plan.

(6) After city council approval of the concept plan, the applicant shall submit a final development plan that is in substantial conformance with the concept plan for commission and council approval thereof as a prerequisite to any development of the property.

(7) The zoning map shall be amended so that the base district designation of the property shall bear a suffix of PD, PD-BR, or PD-R only after city council approval of the application, concept plan, and final development plan.

(d) Final plan. The final plan for PD development shall comply with the following standards:

(1) The final plan shall clearly indicate all significant features of the proposed development, on an accurate scaled drawing, to include:

(A) A location map showing the location of the site in reference to existing streets.

(B) The boundaries of the area included in the plan, surveyed by a competent licensed surveyor, showing the total gross acreage of the plan.

(C) All recorded or physically existing public and private rights-of-way and easement lines located on or adjacent to the plan area.

(D) The approximate proposed final topography of the plan area, major watercourses and 100-year floodplains.

(E) The proposed land uses and the approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the site.

(F) The character and approximate density of all proposed uses in the plan area.

(G) The approximate location and dimensions of all parking areas, malls, waterbodies, open areas and recreational areas.

(H) All proposed streets, alleys, ways, including walkways, dedicated to public use, and the location and size of all utilities.

(I) The maximum percentage of site coverage.

(J) All areas reserved for common ownership with an indication of the properties.

(K) The location and type of walls, fences, screen planting, and landscaping.

(L) A plan, including elevation drawings, showing location, size, height, orientation, and design of all signs.

(M) In multifamily and commercial sections of the plan, the location of each outside facility for solid waste disposal.

(N) Development schedule, indicating the following:

(i) The estimated date when development construction in the plan area shall commence;

(ii) The stages, if any, in which the development plan area will be developed and the estimated date development of each stage will commence;

(iii) The estimated date of completion of each stage in the development;

(iv) The area and location of common open space that will be developed at each stage; and

(v) The area and location of nonresidential uses that will be developed at each stage.

(2) The city council may, at the request of the applicant, limit the proposed PD uses to less than all of the uses otherwise permitted by the base district regulations. Such limitation of uses shall be recited in the approved final plan and placed of record as herein provided.

(3) A preliminary drainage study, as outlined in article 10.02 of this code and/or a preliminary plat shall be submitted concurrently with any final plan.

(4) The final plan shall clearly indicate that the proposed development will be in completed in accordance with the provisions of the applicable plan approval district zoning.

(5) Upon receipt of the approved final plan reflecting all stipulations approved by the city council, the zoning administrator shall record an official copy thereof.

(6) All final plans recorded hereunder shall run with the land and be binding upon the applicant thereof, their successors and assigns, and shall limit and control the issuance of all building permits within the plan area.

(7) Prior to issuance of any building permits, the final plan shall reflect all stipulations as approved by the city council and the property shall be platted in accordance with article 10.02 of this code and the platting policies of the commission and the council.

(e) Development implementation.

(1) Except as provided in subsection (2) below, no building permit or certificate of occupancy shall be issued for any building or use within a PD, PD-BR, or PD-R district unless: a final plan has been approved and the proposed building or use complies with such final plan.

(2) A property may only develop in accordance with the base district regulations without final plan approval.

(f) Plan amendments.

(1) No material change shall be made to an approved final plan unless the same shall have first been approved as described in subsection (3) below.

(2) A change in an approved final plan may be initiated by the zoning administrator if the same is not a material change. A change is not a material change if it will not result in any of the following:

(A) A change in the character of the development;

(B) An increase in the ratio of the gross floor areas in structures to the area of any lot;

(C) An increase in the intensity of use;

(D) A reduction in the approved separations between buildings;

(E) An increase in the problems of circulation, safety, and utilities;

(F) An increase in the external effects of the development on adjacent property;

(G) A reduction in the approved setbacks from property lines;

(H) An increase in lot coverage by structures;

(I) A reduction in the ratio of off-street parking and loading space to gross floor area in structures;

(J) A change in the subject, size, lighting, or orientation of approved signs; or

(K) A change in the location or character of approved landscape features.

(3) Any proposed plan amendments shall be submitted by the applicant to the zoning administrator. Upon receipt of such a proposed plan revision, copies of the proposed revised plan shall be submitted to the council for its review and determination as to whether the proposed revision constitutes such a significant change in land use or structures that a public hearing should be called regarding said revision. If, in the council's determination, the proposed revised plan does not constitute a significant change, no public hearing shall be called and the revision shall be deemed approved. If such revision is determined by the council to be a significant change, a public hearing shall be scheduled regarding such revision, proper notice shall be given, and thereafter the proposed revision shall be considered by the council for approval or denial; provided, however, the council in its sole discretion may direct any development plan revision to the commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in division 13 of this article herein regarding amendments. No proposed revision shall be effective until the same is approved by the council.

***"

SECTION 3.

The Code of Ordinances, City of Dalworthington Gardens, Texas, Chapter 14, "Zoning," Division 7, "Overlay District Regulations," Section 14.02.273 "Planned development district," is hereby amended by amending subsection (f) to read as follows:

(f) Setback regulations. Minimum setbacks shall be approved as a part of the final plan; provided however, that the minimum setbacks on the boundaries of a PD district shall not be less than the requirements of the least intensive zoning district in which the use is permitted.

***"

SECTION 4.

The Code of Ordinances, City of Dalworthington Gardens, Texas, Chapter 14, "Zoning," Division 7, "Overlay District Regulations," Section 14.02.275 "'Bowen Road' overlay district ('PD-BR')," is hereby amended by amending subsections (f), (g), and (k) to read as follows:

"§14.02.275 "Bowen Road" overlay district ("PD-BR").

(f) Density and coverage regulations.

(1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed in the applicable base district regulations.

(2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (f)(1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.

(g) Open space regulations. Provisions for public, private, and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas, or common areas containing some other amenity to the development are approved as a part of a final plan, as defined in section 14.02.272, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development. Garden Home developments shall include a minimum of 10 percent open space, not including platted lots and streets.

(k) “PD-BR-R” planned development-redevelopment district. The regulations of this district as to use, height, density, coverage, open space, setback, and parking shall be the same as provided in section 14.02.275 hereof.

(1) Area regulations. The minimum gross land area that may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection (k)(1) does not apply.

(2) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development. but shall include also the following:

(A) In any PD-BR district where substandard streets or utilities are in existence. The property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities that are determined by the council to be necessary to serve the development, subject to the standard cost-sharing policies and ordinances that determine the development costs that the city may pay, and subject to any agreements for cost sharing that are mutually agreed upon by the property owner and the city. The city's participation

in development shall in every instance be conditioned upon the determination by the council, in its sole discretion of the availability of public funds therefor at the time of such development.

(B) Installation, Rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.

(C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: (1) additional construction, such as additional paved parking, must be done on the site;(2) a change or expansion in use would require increased utility service: and/or (3) the council finds that such construction is necessary at the time the PD-BR plan is approved.

(l) Garden homes are permissible on a case-by-case basis in low density residential zones if:

- (1) A lot has access (ingress and egress) on California Lane;
- (2) A lot’s access onto California Lane is within five hundred and seventy-five (575) feet of the western right of way of Bowen Road; and
- (3) The lot is developed as a PD using the guidelines found in this section.”

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and on the Code of Ordinances, City of Dalworthington Gardens, Texas as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or degree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish in the official newspaper of the City of Dalworthington, the caption, publication clause, and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.

SECTION 10.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2024.

Laurie Bianco, Mayor

ATTEST:

Sandra Ma
City Secretary