

ORDINANCE NO. 6186

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED "ZONING ORDINANCE", AT EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, ADDING A NEW SECTION 6.11 TO BE ENTITLED "PD (PLANNED DEVELOPMENT) DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Chapter 14, Exhibit A of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby amended to add a new Section 6.11, such section to read as follows:

Sec. 6.11. PD (Planned Development) District.

(1) *Introduction.*

The Planned Development (PD) district is a tool intended to facilitate the planning, design, and development of integrated land uses on large tracts of that cannot be adequately accommodated in other zoning districts. A PD shall further the goals of the comprehensive plan, demonstrate enhanced and contextual design standards, present a well-organized and cohesive land plan, and contain clear and concise development regulations.

(2) *Intent and Purpose.*

(a) *A PD district may be used to permit innovative and superior land utilization concepts not permitted by other zoning districts in this ordinance. A PD district can permit greater flexibility and creativity to encourage design plans unique to individual projects that are responsive to changing market conditions. The PD district also provides assurance of high-quality standards and a consistent vision across the scope, scale, and term of the project.*

(b) *To ensure that each PD is established to achieve specific, unique planning and design objectives, and to guard against its misuse simply to obtain variances and exceptions for an otherwise conventional development project, PD submittal and approval criteria are provided herein to establish minimum requirements, standards, and procedures.*

(3) *Establishment of a PD District.*

The governing body may create a PD district by ordinance through an amendment to the zoning map, pursuant to Section 12 and the procedures established therein. The PD ordinance shall establish the boundaries of the district and assign a project name and number. No base zoning district will be directly paired with a PD district. Any overlay districts that apply to land within the PD project boundaries shall be integrated into the PD district.

(4) *Minimum Qualification of a Proposed PD District.*

To be eligible for consideration, a proposed PD district shall adhere to the following:

(a) *Minimum Size. A PD district shall be established with a minimum of 200 acres, sufficient to accommodate a large master-planned community. The City Council may consider requests for a PD smaller than 200 acres if it is demonstrated that the project satisfies all other eligibility and approval criteria except for the minimum size. In no case shall the development area of a new PD district be less than 100 acres.*

(b) *Mix of Land Uses. To ensure a mix of supporting and integrated land uses, a PD district shall contain at least:*

- *two housing types (single-family, attached housing/townhouse, or multi-family);*
- *retail, office, business/employment; and*
- *a public destination (large park, public plaza, town center, school/library, or similar community gathering place)*

Each of the above uses shall be of large enough area to demonstrate capacity as an integral component of the overall land-use mix within the project. At the discretion of the City, the area, density, and intensity of each proposed land use shall be evaluated by staff for overall compliance with existing plans and PD requirements.

(5) *Planned Development Components.*

The Director shall ensure that a completed application related to a PD district has been submitted by the applicant that includes the information and materials necessary to render an informed decision. The applicant shall prepare a Statement of Justification for the PD district to explain the rational basis for why the proposed project should be accommodated with a PD in lieu of conventional base zoning. The Director shall clearly describe and publish required information for each component. During review, the Director, Planning and Zoning Commission and/or the City Council may require the submission of additional information as needed to meet the objectives of these requirements.

The PD ordinance shall comprise the following components:

- (a) *Development Plan. The Development Plan contains the written terms and standards necessary to ensure compliance with the PD objectives and approved plans. The Development Plan shall include a narrative of PD purpose, intent, and guiding principles. The Development Plan shall also include, at a minimum, a list or table of permitted land uses and associated special development standards within the district, including, but not limited to, intensity, density, lot dimensions and coverage, setbacks, building height, floor-to-area ratio, parking, access, screening, landscape elements, signage, lighting, management associations, and other requirements deemed necessary and appropriate by the governing bodies. Graphical and narrative explanations of proposed uses, design integration and compatibility shall demonstrate the applicant's understanding of the proposed regulations. Proposed deviations from specific City of Sherman standards for public improvements (e.g., streets, sidewalks, utility assignments, etc.) shall be similarly detailed in the plan, with concurrence of City staff.*
- (b) *Conceptual Plan. The Conceptual Plan shall graphically demonstrate the applicant's intent for the development of the proposed Planned Development. The plan exhibit shall show general land use areas, acreages and maximum densities, primary street circulation and access points, floodplains, open space and parkland, pedestrian and trail circulation, and general location of amenities and other programming, if applicable. This plan stage is intended to be neither exhaustive nor absolute and is expected to be refined further in the Detailed Site Plan.*
- (c) *Detailed Site Plan. The Detailed Site Plan shall refine the Conceptual Plan to show precise locations of land uses, building envelopes and architectural elevations, local street circulation and access points, parking areas, final locations and alignments of pedestrian and trail circulation, park and amenity details, buffering; screening and landscape areas, drainage facility locations, and other details as applicable to the project. For phased PD projects, multiple Detailed Site Plans may be submitted within the project boundaries, but no development shall occur on a site without approval of a Detailed Site Plan.*

(6) *Development Criteria.*

As part of the application review process, the Director, Planning and Zoning Commission, and City Council shall determine whether the proposed PD provides an adequate framework for enhanced land design and integration of uses, and that the proposal exceeds the minimum standards of the zoning regulations. The Commission and Council may elect to impose supplemental conditions to the Conceptual/Detailed Site Plan and/or Development Plan to ensure justification for approval of the PD. Approval of a PD and subsequent development within the boundaries thereof shall adhere to the following:

- (a) *Consistency with the Comprehensive Plan. As the intent of the PD district is to provide for use and design flexibility, any combination of uses may be considered*

for the district provided that each use is specifically identified along with any appropriate conditions or limitations. The elements of the proposed PD shall be consistent with and promote the goals of the comprehensive plan.

(b) Enhanced Project Design. It is the intent of these regulations to encourage excellence in project design for PD districts to further implement the policies contained in the comprehensive plan. In exchange for greater design flexibility, PD districts are expected to exceed the minimum regulatory standards applicable to non-PD districts. The following criteria will be used to evaluate PD project design:

- 1) The project should be appropriately compatible with surrounding neighborhoods relative to architectural design; scale, massing, and building height; historical character; and disposition and orientation of buildings. Transitions to surrounding development shall be made when the proposed project contains differing use and scale.*
- 2) Land uses, buildings, streets, open space, pedestrian circulation, and landscape should be arranged to produce a cohesive, orderly and creative layout that is complementary and supportive of the mix of uses.*
- 3) The project should preserve the natural resources and historical aesthetic character of the site to the greatest extent practicable. Floodplains and riparian areas including wetlands and stream channels, existing specimen trees, other native woody vegetation, and natural topographical features should be identified, demarcated, and preserved as open areas.*
- 4) A variety of housing product types should be included and integrated in an appropriate manner to provide market options within the development.*
- 5) Streets shall be designed with enhancements to the pedestrian realm including sidewalks and shared-use paths separated from vehicular movement with a vegetated parkway buffer and street trees.*
- 6) The street network shall comprise a hierarchy of street types and demonstrate principles supportive of multi-modal users and enhanced connectivity. Streets shall be designed to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as connections to the existing street network and pedestrian system improvements, existing structures, and natural features.*
- 7) Residential and non-residential building design should demonstrate enhanced architectural elements such as masonry and finishes. Primary building façades should be oriented towards pedestrians to enhance and activate streetscapes.*

- 8) *The project shall include a network of connected, common open spaces for use as community gathering places and recreational resources. The open-space network should incorporate amenities such as trails, seating, shade, lighting, and wayfinding sufficient to accommodate all expected users in compliance with all federal, state, and local jurisdictions. Wherever possible, the open-space network should connect to trails and parks outside of the project.*

(7) Planned Development Approval Authority.

The components of a PD district, described in Section (6) Planned Development Components, shall be considered by the Planning and Zoning Commission and City Council in the manner described below:

- (a) Conceptual Plan. The Conceptual Plan shall be considered for approval by the City Council along with a Development Plan to establish the PD district, with a recommendation from the Planning and Zoning Commission. In certain cases, following a thorough analysis of the submittal, the Director may recommend to the Planning and Zoning Commission that the project proceed directly to Detailed Site Plan for initial PD establishment. In such instance, the applicant shall submit both a Conceptual Plan and Detailed Site Plan, along with a Development Plan, to the Planning and Zoning Commission for consideration and recommendation to the City Council.*
- (b) Detailed Site Plan. The Detailed Site Plan shall be considered for approval either by the Planning and Zoning Commission for a PD District initially established with a Conceptual Plan, or by the City Council if submitted for initial PD establishment, provided that the Detailed Site Plan accounts for the entire project site. In the instance that a Detailed Site Plan is submitted for initial PD establishment, the Planning and Zoning Commission shall make a recommendation on the Detailed Site Plan and Development Plan. If changes are proposed to a Development Plan that was initially established with a Conceptual Plan, the Planning and Zoning Commission is granted authority to consider approval of the changes for consistency with the objectives in the original PD district approval or defer the changes to the City Council with a recommendation.*
- (c) Development Plan. The Development Plan shall be considered for approval by the Planning and Zoning Commission and City Council accompanied by either a Conceptual Plan or Detailed Site Plan, as established in this section.*

(8) Development within a Planned Development District.

- (a) An approved PD district shall regulate the use and development of property within the district boundaries per the Development Plan. All building permits and development requests shall be in accordance with the plan until and unless it is amended by the City Council.*

- (b) *The PD district shall not modify the procedures of the application or approval process for development or building within the PD district. Such processes shall follow and adhere to the normal procedures and requirements established by these regulations.*
- (9) *Modifications and Amendments to PD Districts. Revisions or modifications to adopted regulating documents of a PD district shall be as follows:*
- (a) *Development Plans. Major Modifications, as defined in subsection (d), to an approved Conceptual Plan shall be considered for approval by City Council following recommendation of the Planning and Zoning Commission. All other modifications shall be approved by the Planning Zoning Commission at the time of Detailed Site Plan or subsequent requests following approval.*
- (b) *Conceptual Plans. Major Modifications, as defined in subsection (d), to an approved Conceptual Plan shall be considered for approval by City Council following recommendation of the Planning and Zoning Commission. All other modifications shall be approved by the Planning Zoning Commission at the time of Detailed Site Plan or subsequent requests following approval.*
- (c) *Detailed Site Plan. All modifications to an approved Detailed Site Plan shall be approved by the Planning and Zoning Commission.*
- (d) *Major Modifications. A major modification is described as a change that increases the number of dwelling units/lots, building heights, or lot coverages; change to primary street connection location; reduction in parkland or open space (without corresponding reduction in dwelling units), and other changes deemed by the Director to be substantially different than the vision and principles established in the approved PD Development Plan. Areas and alignments shown on the Conceptual Plan may be adjusted and refined at the time of Detailed Site Plan but shall generally represent the vision that was approved upon establishment.*
- (10) *Expiration of Approved PD District.*
- A Detailed Site Plan shall be submitted for approval within two (2) years from the approval of the Conceptual Plan for a minimum of 20 percent of the project area. If a Detailed Site Plan is not submitted within two (2) years or no progress toward completion of the project is made in a five-year period, then the previous approval of the Concept Plan and the Development Plan shall expire. Upon expiration, the land within the boundaries of the PD shall automatically revert to the zoning district in place prior to approval of the PD district. The City Council may elect to extend approval periods of a PD with justification as to why the plans should remain in place.*
- (11) *Revocation of Approved Planned Development Districts.*

The property owner may request to abandon a PD and nullify an approved PD district by making an application for rezoning to an alternate zoning district. If the City determines that the project fails or ceases to comply with the applicable standards, criteria, or conditions of the PD district ordinance, the City Council may initiate a revocation by rezoning the property to the zoning district prior to the PD district, or another district as may be appropriate.

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the General Zoning Ordinance of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the 18th day of March, 2019.

ADOPTED on this the 18th day of March 2019.

EFFECTIVE DATE on this the 18th day of March 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

BY: David Plyler
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: Brandon S. Shelby
BRANDON S. SHELBY,
CITY ATTORNEY