

ORDINANCE NO 17-332

AN ORDINANCE AMENDING CITY OF MASON, TEXAS ORDINANCE NO. 04-283, AS AMENDED, ORIGINALLY ADOPTED THE 3rd DAY OF MAY, 2004, AND BEING THE ZONING ORDINANCE OF THE CITY, BY ADDING TO SECTION 2 THEREOF A NEW SUBSECTION 2.700; PROVIDING FOR THE CREATION OF PLANNED AREA DEVELOPMENT DISTRICTS (PADD); PROVIDING RULES, REGULATIONS AND STANDARDS FOR THE ELIGIBILITY AND PROCEDURES FOR APPROVAL OF PLANNED AREA DEVELOPMENT DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City received a request for the addition of Section 2.700 to the City Zoning Ordinance, No. 04-283, said Section 2.700 being entitled Planned Area Development Districts; and

WHEREAS, following notice and public hearing as required by law before the Planning and Zoning Commission and the City Commission, and receipt of the written recommendation of the Planning and Zoning Commission regarding such request, the City Commission deems it appropriate and in the public interest to approve the addition of Section 2.700 in the form set out below; and

WHEREAS, the City Commission further finds and determines that the creation of Planned Area Development Districts conforms to the City's comprehensive plan; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MASON, TEXAS:

Section 1: The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2: City of Mason Ordinance No. 04-283, as amended, originally adopted on May 3, 2004, is hereby further amended by adding to Section 2 thereof a new Subsection 2.700 in the form attached hereto as Exhibit A and incorporated

herein in its entirety.

Section 3: All Ordinances or parts of Ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4: In the event any clause, phrase, provision, or part of this Ordinance or the application of same to any person or circumstance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision thereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Mason, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of the part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED AND ADOPTED this 9 day of June, 2017.



Pattie Grote, City Secretary



Brent Hinckley, Mayor



Exhibit A

2.700 PLANNED AREA DEVELOPMENT DISTRICTS

2.710 Definition

For the purposes of this Ordinance, the term "Planned Area Development" (PAD) shall mean a development project comprehensively planned as a separate entity in accordance with a unitary site plan that (1) permits flexibility in building siting, mixtures of land uses and usable open spaces, (2) safeguards important natural features, and (3) preserves and protects areas and/or structures of historical or cultural significance to the community.

2.720 Establishment of Planned Area Development Districts:

A. **Establishment/Geographic Eligibility.** Planned Area Development Districts ("PADD") are hereby established to be and include those areas of the City of Mason respectively described in this Section 2.700, now and as hereafter amended, it being the intent hereof that each tract or parcel of land within a PADD be developed as a Planned Area Development ("PAD").

B. **Purpose.** The general purpose of the PADD regulations is to provide a flexible zoning procedure that allows the planned association of single or multiple uses developed as an integral land use unit. It is intended that the PADD classification will:

1. Provide for more efficient use of land, resulting in smaller networks of utilities, safer networks of streets, and promote greater opportunities for public and private open space;
2. Encourage compatible and coordinated development of a site, considering the natural features, community facilities, pedestrian and vehicular circulation, and land use relationship with surrounding properties and the general neighborhood;
3. Provide for the preservation and protection of areas and structures within the PAD District that have historical or cultural significance to the City; and
4. Utilize planning and design techniques that achieve overall coordinated development, minimizing the potential for unplanned and piecemeal development.

2.730 Approval of PADs

A. **Applicable Regulations.** A PAD shall be subject to the PADD zoning regulations provided in this Section 2.700, and the additional regulations and safeguards in the applicable ordinance approving the PAD adopted pursuant to this Section. An ordinance approving a PAD is a "rezoning" ordinance, subject to all notice, hearing and other procedural formalities required therefor.

B. Eligibility. The foregoing general purposes and the comprehensive plan elements, along with the standards and regulations provided below, shall guide in the determination of eligibility for a PAD application.

1. Development Site plan:

A. Ownership. All land included for purposes of development within a PAD shall be owned by or be under the control of the applicant, whether the applicant be a corporation, or group of individuals, partnerships, or corporations. The applicant shall present proof of binding, unified control of the entire area within the proposed PAD.

B. Legal Description of Site. This description shall be prepared by a Texas licensed land surveyor. The legal description shall be accompanied by a map at a scale suitable for reproduction for advertising notice for public hearing.

C. Site Condition Map. This map or series of maps shall be drawn to an acceptable scale and shall indicate:

(a) Title of the PAD and name of the applicant;

(b) Scale, date, north arrow, and general location map showing relationship of the site to such external facilities as highways, roads, residential areas, and commercial areas;

(c) Boundaries of the subject property, all existing streets, buildings, water courses, easements, section lines, and other important physical features within the proposed project. Other information on physical features affecting the proposed project may be required;

(d) Existing topographic map with a contour interval of not less than one-half (1/2) foot, or spot grades where the relief is limited, and indicating the elevation of each property corner;

(e) The location and size (as appropriate) of all existing drainage, water, sewer, and other utility provisions serving or affecting the property;

(f) Information about existing vegetative cover and general soil types.

2. Concept Plan. This plan shall be made a part of the development site plan, and shall be prepared at the same scale as the site conditions map to indicate:

A. Sketch plan for pedestrian and vehicular circulation showing the general locations and right-of-way widths and the general design capacity of the system as well as access points. A diagram

showing the pattern of vehicular traffic movement to, within, and through the planned development shall be included as a supplement to this plan.

B. A general plan for the use of all land within the proposed PAD. Such plan shall indicate the location, function, and extent of all components or units of the plan; open space provisions such as buffer zones, parks, passive or scenic areas; community recreation or leisure time facilities.

C. Written verification from the City Administrator that adequate provision of utilities, including electrical, water supply, treatment and distribution, and storm drainage collection and disposal, are available to and within the proposed PAD site.

D. A report shall be prepared in conjunction with the above material and shall include:

(a) A general description of the proposed development including:

(1) The total acreage involved in the project;

(2) The number of acres devoted to the various categories of land use shown on the site development plan, along with the percentage of total acreage represented to each category of use;

(3) The number and type of dwelling unit lots;

(4) The establishment of minimum design standards which shall govern the site development such as lot shape and size, internal streets and pedestrian ways, open space provisions, off-street parking demands, visual screens, buffer zones, and landscaped areas;

(5) A statement and/or map indicating streets or roads (and pedestrian ways as appropriate) proposed for public ownership, if any;

(6) A map that shows FIRM flood zone boundaries within the PAD, and points of discharge from the project and anticipated quantities of water generated from the development, which shall be verified by a registered professional surveyor or engineer; and

(7) A statement that shall indicate the proposed method of governing the use, maintenance, and continued protection of the open space and common facilities.

C. Development Schedule.

The development site plan shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. A development schedule, if adopted and approved by the City Commission, shall be adhered to by the owner, developer, and their successors in interest. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the applicant, the City Commission may extend the development schedule or adopt such new development schedule as may be supported by facts and circumstances of the case.

D. Procedures for PAD Approval.

All applications for PAD development shall be processed in the following manner:

1. Pre-application Conference. Prior to submitting an application for approval of a Planned Area Development, the applicant or his representative shall confer with the City Building Official. The applicant is encouraged to submit a proposed land use plan for review and to obtain information on any projected plans, programs, or other matters that may affect the proposed development. This information should demonstrate that:

A. Existing and proposed streets, utilities, and other public facilities and services within the proposed PAD will be adequate and in compliance with other rules and regulations of the City;

B. The proposed land uses will preserve the natural features within and adjacent to the site, such as streams and wooded areas; and

C. The proposed land uses are compatible with, and designed to protect and preserve, areas or structures of cultural or historical significance;

2. Application and Zoning Amendment Procedures. After the pre-application conference, a formal application for approval of a Planned Area Development plan shall be made to the City in the same manner as an application for zoning amendment. Applications for approval of a PAD shall be processed according to the amendment procedures specified in the Zoning Ordinance.

3. Approval/Rejection Timetable. Within a reasonable time after the pre-application conference and compliance with all other applicable pre-application requirements of this Zoning Ordinance, the applicant may file its complete, formal PAD application with the City Secretary for presentation to the Planning and Zoning Commission. The Planning and Zoning Commission shall hold its public hearings and submit its written report to the City Commission, and the City Commission shall hold its hearings and act on such application, as required by law. The City Commission has the final discretionary authority to approve or disapprove each PAD application.

E. GENERAL PAD ZONING REGULATIONS. Deviation from the regulations established in the Zoning Ordinance applicable to particular uses may be permitted when the developer demonstrates that adequate provisions have been made in the PAD for sufficient space, light, and air, that the density of the development is compatible with surrounding land uses, that pedestrian and vehicular traffic circulation systems are safe and efficient, that the development will progress in orderly phases, and that the public health, safety, and general welfare will be protected. However, higher and more restrictive specific standards for (without limitation) use, density, height, lot area, setbacks, buffer zones, landscaping, parking, sign control, and open space may be adopted as a part of the development site plan and the PAD ordinance amendment. For the PAD District, regulations applicable to a particular use shall be the same as if such use were situated in the most restrictive district in which such use is otherwise permitted in the Zoning Ordinance, unless other restrictions and regulations are approved as a part of the development site plan and the PAD ordinance amendment.