

Article 3. Planned Development ("PD") District

4.300 Purpose and Intent

The Planned Development ("PD") District is intended to provide for greater flexibility and discretion in the development of residential, commercial, industrial, and institutional uses and combinations of such uses. The "PD" District is intended to provide for increased compatibility and more effective mitigation of potentially adverse impacts than is possible under conventional district regulations. It is recognized that it is desirable for certain improved sites within the City to be redeveloped and for other unimproved sites to be developed symbiotically with adjacent improved land in accordance with site plans prepared and approved as a part of the ordinance authorizing the zoning necessary for the proposed development.

4.301 Designation of "PD" District

A. Site Plan Approval Required

No building permit or Certificate of Occupancy shall be issued and no use of land, buildings or structures shall be made in the "PD" District until the same has been approved by the City Council as part of a site plan in compliance with the procedures, terms and conditions of this Article of the Ordinance; provided, however, the requirement for a site plan may be waived by the City Council where deemed appropriate by the City Council in its sole discretion.

B. Site Plan Requirements

The site plan submitted in support of a request for site plan approval shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities, and what protection features are included to ensure that the development will be compatible with existing and allowable development on adjacent property. The site plan shall show at least the following items of information:

1. The land area included within the site, the zoning classification of all adjacent sites, and all public and private rights-of-way and easements bounding and intersecting the site and adjacent sites which are proposed to be continued, created, relocated and/or abandoned.
2. The proposed finished grade of the site and its relation to elevations of adjacent sites if pertinent.
3. A description of the proposed site and the boundaries thereof.
4. The location of each existing and each proposed structure on the site, the specific category of use or uses to be contained therein, the number of stories, gross floor area, type of exterior construction material, and the location of entrances and exits to buildings.
5. The location and width of all curb cuts and driving lanes.
6. The dimensions and capacities of parking areas and loading areas, and the character and location of illumination facilities for same.
7. All pedestrian walks, malls and open areas for use by tenants or the public.
8. The location and height of all walls, fences and screen planting and landscaping.
9. The location, size, height, foot-candle level and orientation of all lighting and signs.
10. The types of surfacing such as paving, turf or gravel to be used at the various locations.
11. The location of fire hydrants.
12. Location and screening of garbage containers, air conditioners and outside storage or display.
13. A schedule of the phasing of all improvements shown in the plan.
14. Building height, building separation and open space.
15. Density per acre of any residential dwellings.

C. Application

An application for site plan approval shall be filed with the Planning and Development Department

on a form prepared by that Department and accompanied by a site plan. No site plan shall be accepted for filing until the appropriate filing fee has been paid.

D. Procedure for Zoning Change to "PD" District

The procedures for hearing a request for a zoning change to the "PD" District shall be the same as for a requested change to any other district, as set forth in Chapter 3, Article 5.

E. "PD" District as Amendment to Ordinance

Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Ordinance as applicable to the property involved. In approving the Planned Development District, the City Council may impose conditions relative to the standard of development, and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the Planned Development District; and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

4.302 Procedure for Site Plan Approval in "PD" District

A. Public Hearing Required

The Zoning Commission shall hold a public hearing on all applications for site plan approval. The procedures for hearing a request for approval of a site plan shall be in accordance with this Section.

B. Written Notice

Written notice of the public hearing before the Zoning Commission shall be sent to the owners of real property within 300 feet of the property upon which a site plan has been submitted, such notice to be given not less than ten days before the date set for hearing to all such owners who have rendered their said property for City taxes, as their ownership appears on the last approved ad valorem tax roll. Such notice shall be served by depositing same, properly addressed and postage paid, in the United States mail. When property lying within 300 feet of the proposed site plan is located within territory which was annexed to the City after the final date for making the renditions which are included on the last approved tax roll, at least 15 days notice of the time and place of the public hearing shall be published in the official newspaper or a paper of general circulation in the City.

C. Zoning Commission Recommendation

All recommendations by the Zoning Commission on site plan approval shall be forwarded to the City Council for setting and holding of a public hearing thereon.

4.303 Site Plan Revisions

A. Review and Evaluation

Any revisions to the site plan after the public hearing before the City Council, except as permitted under Paragraph B. below, shall be submitted to the Planning and Development Department for distribution, review and written evaluation by City staff prior to resubmission to and approval by the Zoning Commission and City Council.

B. Minor Changes

Minor changes to an approved site plan, which will not cause any of the following circumstances to occur, may be authorized by the Planning and Development Director or a designee:

1. A change in the character of the development.
2. A five percent or greater increase in the gross floor areas of structures.
3. Any substantial and material changes in such external effects on adjacent property as noise, heat, light, glare and vibration.
4. A substantial and material reduction in the originally approved separations between buildings.
5. Any adverse changes in traffic circulation, safety, drainage or utilities.
6. A five percent or greater increase in the height of structures.
7. A ten percent or greater reduction in the originally approved setbacks from property lines.

8. A five percent or greater increase in ground coverage by structures.
9. A five percent or greater reduction in the ratio of off-street parking and loading space (provided that the minimum requirements of Chapter 6, Article 2 are met).
10. A change in the size, height, lighting, flashing, animation or orientation of originally approved signs.

The decision of the Planning and Development Director as to whether requested changes are minor shall be final and nonappealable. Any change deemed not to be a minor change, as indicated above, shall be processed as a new application to the Zoning Commission in accordance with the provisions of this Article.

4.304 Considerations for Site Plan Approval

A. Criteria

During the site plan review and evaluation process, the following criteria shall be considered:

1. The nature and character of the development and adequacy of the buffer between proposed improvements on the site and adjacent property.
2. The adequacy of utilities, access roads, drainage and other necessary supporting facilities that have been or will be provided.
3. The adequacy of the design, location and arrangement of all driveways and parking spaces so as to provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
4. The adequacy of any nuisance prevention measures that have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration.
5. The effect directional lighting will have on neighboring properties.
6. The impact of the proposed development on adjacent property values and on the ability of the adjacent property to be developed.

B. Additional Requirements

In approving a site plan, the Zoning Commission or City Council may impose additional reasonable requirements necessary to protect the public interest and welfare of the community.

C. Violation of Conditions

The violation of any condition or requirement on an approved site plan or any construction or use that is not in compliance with an approved site plan shall be deemed to be a violation of the ordinance which granted the "PD" District zoning change subject to site plan approval.

4.305 Uses

A. Map Designations

The permitted use or uses of property located in the "PD" District shall be determined at the time the district is approved by using the suffixes described below:

1. The suffix "SU" (Specific Use) may be selected and added as a suffix to the "PD" District to note that the City Council has approved a specific use or uses or a class of generic uses such as offices, retail, personal services, educational facilities or warehousing. In the event certain uses are deemed inappropriate, the use of the property may be further restricted by eliminating certain uses from the category of uses.
2. Any Commercial or Industrial district (Chapter 4, Articles 9,10 and 13) may be selected and added as a suffix to a "PD" District, which permits the property to be used for any use or uses included in the list of permitted uses for the indicated district.
3. Approval of a "PD" District in combination with a suffix of another zoning district, or approval of a "PD" District in combination with an "SU" suffix shall be deemed approval of a more restrictive district than approval of such zoning without a "PD" designation, provided that the approved use was permitted in the district indicated in the public hearing notice. Uses permitted in a "PD" District through addition of the suffix for another

zoning district, may be refined through exclusion of specified uses otherwise permitted in the district.

B. Residential Planned Developments

The following may be permitted through approval of a Planned Development in accordance with the procedures in this Article. Halfway houses are permitted only through approval of a planned development.

1. Halfway houses.
 - a. The applicant shall submit the following information to the Planning and Development Department:
 - i. Area plan showing zoning classifications and land uses of all property within $\frac{1}{4}$ mile of the site of the proposed halfway house. The area plan must specifically identify all uses related to children, such as schools, places of worship, parks, playgrounds, day care centers, public and private youth centers, public swimming pools and video arcade facilities. The applicant is expected to make a good faith effort to locate all such uses;
 - ii. Site plan for the property, in compliance with this Article. The site plan shall include a floor plan detailing room sizes, sleeping areas, number of beds, training rooms, kitchen and food service areas, bathrooms, recreational areas and all other uses. The site plan requirement cannot be waived by the Zoning Commission;
 - iii. Copy of the contract governing the operation of the facility;
 - iv. Security plan identifying security features of facility; and
 - v. Copy of policies and rules for operation of the facility.
 - b. The Zoning Commission shall consider comments from the Police Department and Planning and Development Department concerning the documentation described above prior to recommending approval of any zoning change request for a halfway house.
 - c. Notification of the requested zoning change shall be sent to the owners of all property within 1000 feet of the property on which the change in zoning is proposed, in accordance with the procedure set out in state law and local ordinances, and to all neighborhoods registered with the Planning and Development Department that include property located within 1000 feet of the proposed site. Notice of the time and place of the hearing before the City Council shall be published in an official newspaper or a newspaper of general circulation at least 15 days before the hearing as required by state law and shall be at least five inches by eight inches.
 - d. If the owner or operator of a nonconforming halfway house wishes to expand the facility or make structural alterations which require the approval of the Board of Adjustment, notification of the request shall be sent to the owners of all property within 1000 feet of the property on which the expansion is proposed, in accordance with the Rules of Procedure of the Board of Adjustment, and to all neighborhoods registered with the Planning and Development Department that include property located within 1000 feet of the proposed site. In addition, notice of the time and place of the hearing before the Board of Adjustment shall be published in an official newspaper or a newspaper of general circulation at least 15 days before the hearing and shall be at least five inches by eight inches.
2. Residential Dwellings, either exclusively or in combination with commercial, light industrial and/or institutional uses.

The designated multifamily component of the Planned Development may contain more than 24 units per acre only in areas designated as mixed-use growth centers in the Comprehensive Plan. When the multifamily component of a Planned Development contains more than 24 units per acre, the applicant shall submit a service impact analysis to address impact on sewer and water service, traffic, storm drainage, nearby recreational amenities, and residential land uses within $\frac{1}{2}$ mile, in addition to submitting a site plan in accordance with this article. For purposes of this section, a light industrial use is any use allowed in the "I" Light Industrial District and an institutional use is any use allowed in the "CF" Community Facilities District.

C. Specific Commercial Uses Permitted in “PD” District Only

The following uses are permitted only through approval of a Planned Development in accordance with the procedures in this Article.

1. Gambling facilities or other operations featuring games of chance, including bingo parlors.
2. Horse, dog or automotive racing.
 - a. Additional development controls shall be required, as follows:
 - i. Holding areas for horses or dogs shall be provided in case of fire.
 - ii. An approved emergency plan and an approved evacuation plan shall be provided.
 - iii. Security plans shall be provided and reviewed by the Police Department
 - iv. Spectator parking lots shall be 500 feet from any one- or two-family districts.
 - v. Other facilities, including accessory uses and facilities such as the race track and the bleachers, shall be 1000 feet from any one- or two-family district and from any multifamily district not a part of race track as a mixed use.
 - vi. The parking required shall be one space for every two spectator seats and one space for every ten square feet of spectator standing area.
 - vii. When located within or adjacent to any city, state, or national historic district, the racetrack building and structures shall be designed to be compatible with said district.
 - viii. An approved solid waste disposal plan shall be provided and set into operation upon occupancy of the racetrack and its buildings and structures.
 - ix. All support activities and other proposed uses, which the site may include, shall be specifically identified.
 - b. In addition to site plan requirements and development controls above, the following design considerations shall be incorporated where feasible:
 - i. Impact studies (such as traffic impact) on the effects of the track operations on adjacent lands. Such studies shall include setbacks; street, arterial, and highway access; and buffering of properties surrounding the racetrack site.
 - ii. Compartmentalization of parking areas for traffic circulation and emergency vehicle circulation.
 - iii. Emergency vehicle access around site located at the bleachers area with connection through the spectator parking lots to the user area.
 - iv. Height of buildings and structures not to exceed 12 stories or 120 feet, whichever is the most restrictive.
 - v. User parking and storage area for trailers and similar vehicles with separate access than from spectator parking area.
3. Shooting or weapons firing range (see also Section 23-6, Fort Worth City Code).
4. Hotels and motels within 1000 feet of a residential district (see *Chapter 5 ‘Supplemental Use Standards, Section 5.116 Hotel, Motel or Inn’*).
5. Mini-Warehouse
6. Game Rooms

Game rooms shall be considered in existing Light Industrial (“I”), Medium Industrial (“J”), or Heavy Industrial (“K”) districts and the use must then be approved as a Planned Development (“PD”) District. A person, including the manager, operator or owner of the game room, commits an offense if he or she operates or permits the operation, or establishment of a game room in any other zoning district. Additional development controls shall be required, as follows:

 - a. No game room shall be located within 1,000 feet of a residential use or residential district, church, school, or hospital. The distance shall be measured in a straight line without regard to interfering objects or structures from property line to property line or property line to district boundary, whichever is more restrictive.
 - b. No game room shall be located within 1,000 feet of any other game room from property line to property line.
 - c. Each entrance to a game room shall be marked with a sign that:
 - i. bears the word “GAME ROOM” in six inch or larger black block letters; and

- ii. Is legible from a distance of 25 feet.
- d. Every game room shall provide transparent glass in at least one exterior game room window with a dimension of at least four feet in width and four feet in height and shall not cover or otherwise block or obscure the view through the game room window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions. The window shall allow a clear, unobstructed view of the manager station and all amusement redemption machines in a game room.
- e. The sale, purchase, possession or consumption of any alcoholic beverages as defined by the Texas Alcoholic Beverage Code shall not be permitted.
- f. Every game room shall be limited to a maximum of 30 amusement redemption machines.
- g. Only one game room shall be allowed on any lot or in any single building, structure or tenant space in a strip center.
- h. Only one game room shall be permitted on any platted lot or in any building, structure or strip center.
- i. Game rooms are limited to the operation of amusement redemption machines; gambling devices shall not be allowed.
- j. A site plan, landscape plan and floor plan of the game room interior shall be submitted in addition to any other plans that may be required by the City's ordinances, drawn to scale and sealed by a professional engineer or professional architect licensed by the state depicting the layout of the game room interior specifically including, but not limited to, the location of all amusement redemption machines, the manager's station(s), restroom facilities, kitchen and bar facilities, if any, and all areas to which patrons will be permitted.
- k. Existing game rooms shall comply with the requirements of this section within ninety (90) days of the effective date of these regulations.
- l. One designated parking space shall be provided for each two amusement redemption machines within the game room, plus one additional parking space for each employee per shift.
- m. The Board of Adjustment shall not grant any variances to the requirements of this section. (Ord. No. 21499, Eff. 10/23/14)

D. Specific Industrial Uses Permitted in "PD" District Only

The following uses are permitted only through approval of a Planned Development in accordance with the procedures in this Article.

1. Cement, lime, gypsum or plaster of paris manufacture.
2. Coke ovens.
3. Creosote treatment or manufacture.
4. Landfill, recycling center, household hazardous waste or waste tire facility. Facilities handling, processing, and loading of municipal solid waste and recyclable materials for transportation at transfer stations; storage, processing, bailing or reclamation of paper, glass, wood, metals, plastics, rags, junk, concrete, asphalt, and other materials at materials recovery facilities and recycling centers; disposal, dumping, or reducing of offal or dead animals; composting for yard and wood wastes, municipal solid waste, and/or sludge at composting facilities; collection and storage of household hazardous wastes; and processing and storage of scrap tires at waste tire facilities, subject to the requirements set out below. For purposes of this subsection, such facilities are further defined by Title 30, Texas Administrative Code, Chapter 330, "Municipal Solid Waste," Sections 330.3, and Chapter 335, "Industrial Solid Waste and Municipal Hazardous Waste," Section 335.1. The operator shall comply with the following requirements:
 - a. Submit a site development plan for review that provides detailed information about the design and development of the facility and that addresses:
 - i. Zoning and land use within ¼ mile of the site;
 - ii. Proximity to residences, businesses, and other uses;
 - iii. Availability and characteristics of access roads including current traffic volumes and impact of proposed facility on roads and traffic;

- iv. Locations of all existing and proposed buildings, equipment, and machinery;
 - v. Fire prevention and control;
 - vi. Groundwater, drinking water, and surface water protection including wash areas, stream or water course diversions, holding ponds, and tanks;
 - vii. Screening fences, berms, buffers, and landscaping;
 - viii. Provisions for all activities including loading, unloading, handling, processing of materials, and maintenance and storage of containers, vehicles and other equipment and machinery to be done within the confines of the facility and behind required screening fences; and
 - ix. Erection and maintenance of signage at the entrance to the facility that is clearly visible to the public and identifies the owner, operator, business address, telephone number, and hours of operation of the facility.
- b. Obtain, maintain, and have available on-site all required permits and comply with all federal, state, and local regulations that relate to the collection, transportation, handling, processing, and disposal of all materials for which the facility is approved.
 - c. Submit and maintain on-site an operations plan that addresses:
 - i. Provisions for preventing unauthorized wastes and materials from being brought to the facility;
 - ii. Procedures for identifying, handling, removing, transporting, and disposing of unauthorized wastes and materials that may have been brought to the facility;
 - iii. Procedures for controlling water runoff, erosion, dust, odors, vectors and rodents;
 - iv. Procedures and employee training for fire prevention and control;
 - v. Litter control and cleanup; and
 - vi. Procedures for reporting and handling fuel and chemical spills.
 - d. Provide proof of financial security by submitting documents showing compliance with federal and/or state financial assurance requirements or by submission of performance bond sufficient to ensure that maximum amount of materials stored or accumulated on-site at any one time can be properly recovered and disposed of in the event that the owner/operator is unable to do so.

City Council may appoint an oversight committee of city staff, public representatives and others, as required, to provide assurance of compliance with all federal, state, and local regulations, codes, and ordinances. The operator and/or owner shall provide in writing for access to the property by said members subject to all safety and operational restrictions required by law to protect on-site public welfare and safety. The Planning and Development Department may not issue a Certificate of Occupancy until the operator of such facility submits proof that the operation of the facility has been approved by all applicable federal and state regulatory agencies as required by law.
- 5. Manufacture, processing or production of hazardous chemicals (including acid, ammonia, bleaching powder or chlorine manufacture, and explosives manufacture and storage)
 - 6. Manufacture of heavy rubber products.
 - 7. Metal smelting, reclamation or ore reduction of tin, copper, lead, zinc or iron ores.
 - 8. Mining, quarrying, dredging or excavation of dirt, gravel, sand, or stone, for the purpose of removing, screening, crushing, washing, or storage of ore, clay, stone, gravel or similar materials, subject to the following requirements:
 - a. Provision of a site plan of all existing conditions, including topography at five-foot intervals, streams, lakes, and other bodies of water, roadways, utility lines, structures and major vegetation, including canopy cover.
 - b. Identification of any known protected species of plant, fish or animal life, or the presence of areas of historic, cultural or archeological significance. Such property that is found to be protected or of significant public interest shall not be included in any area approved for mining.
 - c. Delineation of all permits and licenses (including NPDES and Texas Air Control Board) required for the operation of such a facility, name of contact person, agency

- address and telephone number of all permitting agencies, and verification of approval of same prior to operation.
- d. Submission of a plan of operation, including scheduling of activities, phasing, traffic generation, employees, and use of explosives or other hazardous or caustic materials or chemicals.
 - e. Analysis of potential impacts to adjacent properties (especially residential) due to dust, noise, water runoff and diversion, ground water alteration, silting, sedimentation, erosion, traffic, and mitigation measures to control such impacts. Submittal of drainage study if deemed necessary by the Department of Transportation and Public Works. When deemed appropriate, as a mitigation measure of the site perimeter, City Council may require appropriate buffering, berming, screening and landscaping greater than that required under this Zoning Ordinance, which shall be maintained in a proper manner at the expense of the property owner. All mitigation measures must be installed and completed prior to any physical mining of the site.
 - f. Submission of plan for protection of adjacent rights-of-way and streets if mining operations are planned within 50 feet of such rights-of-way and streets, and approval of plans required from the Transportation and Public Works Director.
 - g. Approvals from all utility service providers, transmission, electric and pipeline companies for work around, near or across such utility facility, including approvals for relocation of such utility facility if required.
 - h. Site plan identifying all proposed structures, operating facilities, loading and wash areas, roadways, stream or water course diversions, holding ponds/tanks, temporary power lines and other site improvements.
 - i. A reclamation plan, including final topography contours, at five-foot intervals, relocated stream beds, lakes, ponds and other physical features, type and depth of surface material, seeding and replanting plan for restoration of the original canopy cover of the site, including any required cross-section and engineering/construction plans as approved by the City Forester or a soil conservation scientist. It is recommended that plant materials native to the site be used.
 - j. Submission of a performance bond or cash payment for each phase as required under the standard contract for Community Facilities Agreement of the City to ensure that all restoration costs in accordance with the reclamation plan of the site are met.
 - k. Provision of a clearly visible sign at the entrance to the mining operation identifying the name, business address and phone number of the facility owner and operator in compliance with the requirements for on-premises signs.
 - l. City Council may appoint an oversight committee of city staff, public representatives and others, as required, to provide assurance of compliance with all federal, state and City regulations, codes and ordinances. The operator and/or owner of a mining operation shall provide in writing for the limited access to the property by said members subject to all safety and operational restrictions required by law to protect on-site public welfare and safety. Such access approval shall be a prerequisite and part of the conditions of approval of the "PD" District.
9. Packing plants, including slaughtering of animals and processing of by-products.
 10. Oil drilling and production
 11. Paper and pulp manufacture.
 12. Petroleum refining or wholesale storage.
 13. Rock, cement crushers and stone quarries.
 14. Rolling mills.
 15. Line Compressors.
 - a. Line Compressors shall also be permitted in "I" Light Industrial, "J" Medium Industrial, and "K" Heavy Industrial Districts.
 - b. A site plan is required and shall not be waived. (Ord. No 20999, Eff. 10/26/13)

4.306 Property Development Standards

In addition to any other specific regulations, the following standards shall apply in any "PD" District.

1. The City Council, in approving any "PD" District, may designate the maximum height, floor area and/or other restrictions on the development of such uses.
2. The height and yard regulations of the most restrictive district in which the approved use or uses are allowed shall constitute the minimum development requirements; provided, however, that the City Council or Zoning Commission may impose more restrictive requirements in order to minimize incompatibilities
3. Unless indicated on the approved site plan, the sign regulations in the most restrictive district in which the approved use or uses are allowed shall be followed.
4. The parking requirements of Chapter 6, Article 2 shall apply to all commercial and industrial uses in the "PD" District. Parking requirements for apartments and multifamily dwellings in the "PD" District shall be determined in accordance with the Unified Residential Development provisions in Section 6.506. (Ord. No. 9602, Eff. 03/25/86; Ord. No. 15405, Eff. 01/30/03; 20159, 05/15/12)