



AGENDA

WORK SESSION LANCASTER CITY COUNCIL

James R. Williams Pump Station
Training Room, 1999 Jefferson
Lancaster, Texas



Monday, June 20, 2011 – 7:00 P.M.

DEFINITIONS:

Written Briefing: Items that generally do not require a presentation or discussion by the staff or Council. On these items, the staff is seeking consent from the Council or providing information in a written format.

Verbal Briefing: These items do not require extensive written background information or are an update on items previously discussed by the Council.

Regular Item: These items generally require discussion between the Council and staff, boards, commissions, or consultants. These items may be accompanied by a formal presentation followed by discussion and direction to the staff.

[Public comment will not be accepted during Work Session
unless Council determines otherwise.]

Item	Key Person
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Regular Items:

1. Discuss and receive instruction on Cardiopulmonary Resuscitation (CPR) and Resuscitative Techniques from Lancaster Fire Department Medical Control Director, Dr. Paul Pepe. **Griffith**
2. Discuss participation in the Fiscal Year 2011 Dallas County Community Development Block Grant (CDBG) Program and use of allocated funds. **English / Rapp**
3. Discuss an ordinance of the City of Lancaster, Texas, amending the Code of Ordinances by amending Chapter 8, Offenses and Nuisances, by adding Article 8.1400, Littering, to prohibit littering within the City; providing definitions; providing for unlawful littering; providing a duty to keep property free of litter; providing for container closure and maintenance; providing for pedestrian litter container use restrictions; providing a severability clause; providing that this ordinance shall be cumulative of all ordinances; providing for a penalty for violations hereof; providing a savings clause; and providing an effective date. **Mauldin-Robertson**
4. Discuss Planned Development Districts as it relates to the Lancaster Development Code. **Barnett**

5. Discuss a financial overview of the E-911, Lancaster Recreation Development Corporation (4B), Airport, and General Obligation Debt Service Funds.

Mauldin-Robertson

ACCESSIBILITY STATEMENT: Meetings of the Lancaster City Council are held in municipal facilities that are wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on June 16, 2011 @ 5:00 pm and copies thereof were hand delivered to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



Dolle K. Downe, TRMC
City Secretary

LANCASTER CITY COUNCIL
Work Session Agenda Communication for
June 20, 2011

1

WS11-001

**Discuss and receive instruction on CPR and Resuscitative
Techniques from Lancaster Fire Department
Medical Control Director, Doctor Paul Pepe.**

This request supports the City Council 2010-2011 Policy Agenda.

Goal 3: Healthy, Safe & Vibrant Neighborhoods

Background

Last year the Lancaster Fire Department responded to 342 heart attacks. Many of those incidents were cases of cardiac arrest. Cardiac arrest is the loss of heart function and requires the initiation of CPR. If CPR is not started immediately the chance of survival decreases by 10 percent each minute CPR is withheld. Death will occur after 4 to 8 minutes without CPR and after 8 to 10 minutes without advance care. It is important for every citizen in Lancaster to know how to perform CPR to "buy time" until the ambulance arrives with advance resuscitative care. With this initiative the Lancaster Fire Department will strive to teach CPR to as many Lancaster residents as possible.

Dr. Pepe has served as the City of Lancaster's Medical Control Director for many years and is very interested in the Lancaster Fire Department's efforts to improve the survivability of citizens who are experiencing heart attacks. He will teach the Council CPR and help kick off our Citywide initiative to save lives.

The following is just a snapshot from the UTSW website about Dr. Pepe's credentials.

Dr. Paul Pepe, an internationally recognized scientist in resuscitation medicine and emergency medical services delivery, has a quarter century track record in designing and successfully conducting major clinical trials that have achieved significant notoriety. He has even published state of the art papers on how to conduct trials in the out-of-hospital setting (e.g., Pepe, et al: Crit Care Med Jan 2009). He has continued to help shape the national agenda in resuscitation research priorities. Many of his research initiatives have not only led to changes in medical practices worldwide, but they have also pioneered new approaches to resuscitation and avenues of investigation.

Online Source: UT Southwestern Medical Center website, June 8, 2011
<http://www.utsouthwestern.edu/findfac/research/0,2357,43741,00.html>

We are honored to welcome Dr. Pepe for this demonstration and training.

Agenda Communication
June 20, 2011
Page 2

Prepared and submitted by:
Thomas Griffith, Fire Chief

Date: June 8, 2011

LANCASTER CITY COUNCIL
Work Session Agenda Communication for
June 20, 2011

2

WS11-002

**Discuss participation in the Fiscal Year 2011 Dallas County
Community Development Block Grant (CDBG) Program and use of
allocated funds.**

This request supports the City Council 2010-2011 Policy Agenda.

Goal 1: Financially Sound City Government
Goal 5: Sound Infrastructure

Background

The City of Lancaster is eligible to receive \$124,844 of Community Development Block Grant (CDBG) funds for fiscal year 2011. CDBG funds are administered through Dallas County and may only be used on projects that eliminate blight, eliminate a community threatening condition or primarily benefit low/moderate income residents. The primary objective of the program is to develop sustainable urban communities that meet the public service and housing needs of low and moderate income households. Federal rules allow each community to tailor its program to address specific local needs.

Historically, the City has used this funding for either demolition of substandard structures or residential roadway projects. For the last two years, staff has identified a residential roadway project, which Council has approved. In 2009 the roadway project was the reconstruction of Cheshier Road, from Beltline Road to its end. In 2010 the roadway project was the reconstruction of Henry Road from Wintergreen Road to Baskin Drive.

Given the significant need for roadway improvements in various areas of the City, staff has identified several qualifying roadway projects again this year. The streets listed below were identified as projects using the City's HVJ Pavement management scoring, estimated cost within the allocated dollar amount, and eligibility under the CDBG program. The streets are listed in priority order.

NAME	FROM STREET	TO STREET	COST	LENGTH
STANFORD DR	ARCADY LN	ARLINGTON LN	\$107,000	1429
BASKIN DR	HENRY RD	AMES RD	\$ 61,000	918
COLGATE DR	DALLAS AVE	DEWBERRY BLVD	\$ 36,500	942
MARSALIS RD	PLEASANT RUN RD	GREEN DR	\$ 94,000	1401
PARK CIRCLE DR	GREEN DR	IDLEWILD LN	\$ 41,000	618
IDLEWILD CT	IDLEWILD LN	I-35E EAST SERVICE RD	\$ 35,000	525
GANT DR	BRADY DR	MARSALIS RD	\$ 6,000	901
BALOMEDE ST	WINTERGREEN RD	BELVEDERE RD	\$ 65,500	1090

This work session item provides Council an opportunity to discuss and provide input regarding the use of CDBG funds for fiscal year 2011.

Considerations

- **Operational** - If participating in the program, Council must adopt a resolution identifying the project(s) and submit the application by June 29, 2011. The 2011 CDBG funds will not be available for use until October 2011.
- **Legal** - As required by law, the City must conduct a public hearing to receive input from citizens regarding use of the CDBG funds. The public hearing is scheduled during the June 27, 2011 regular Council meeting. The notice of public hearing was published in the Dallas Morning News on June 3, 2011 as part of Dallas County's notice satisfying the notice requirements for the public hearing.
- **Financial** - The City is eligible to receive \$124,844 in CDBG funding for fiscal year 2011.
- **Public Information** – The City Council must conduct a public hearing. There are no other public information requirements.

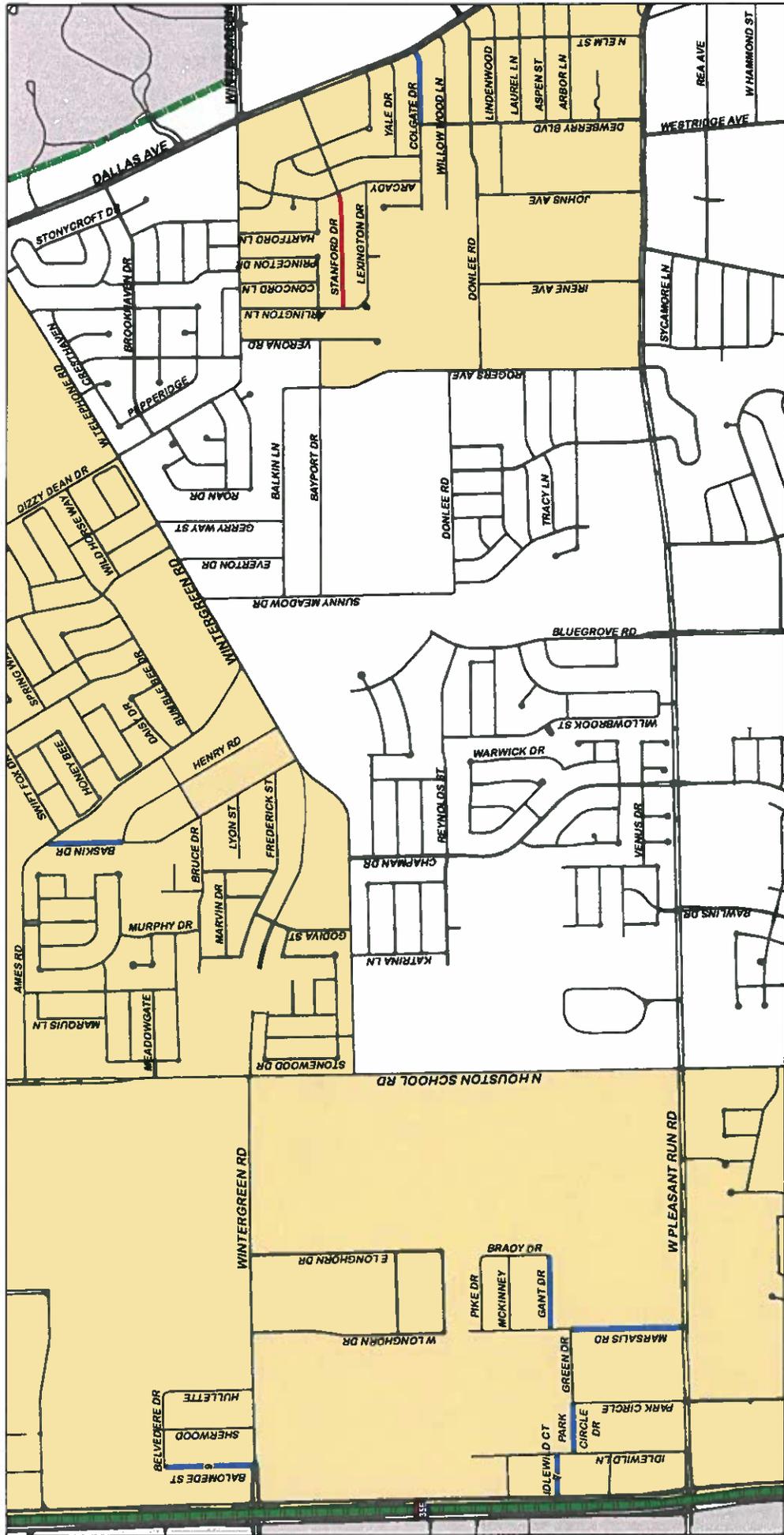
Staff is seeking direction from City Council regarding project(s) for the 2011 CDBG funds.

Attachments

- Map of Road Reconstruction Projects
- Map - City of Lancaster Low to Moderate Income Areas

Prepared and submitted by:
Mike Rapp, Streets and Stormwater Superintendent
Dolle K. Downe, City Secretary

Date: May 24, 2011



FY 2011 CDBG Street Reconstruction Projects

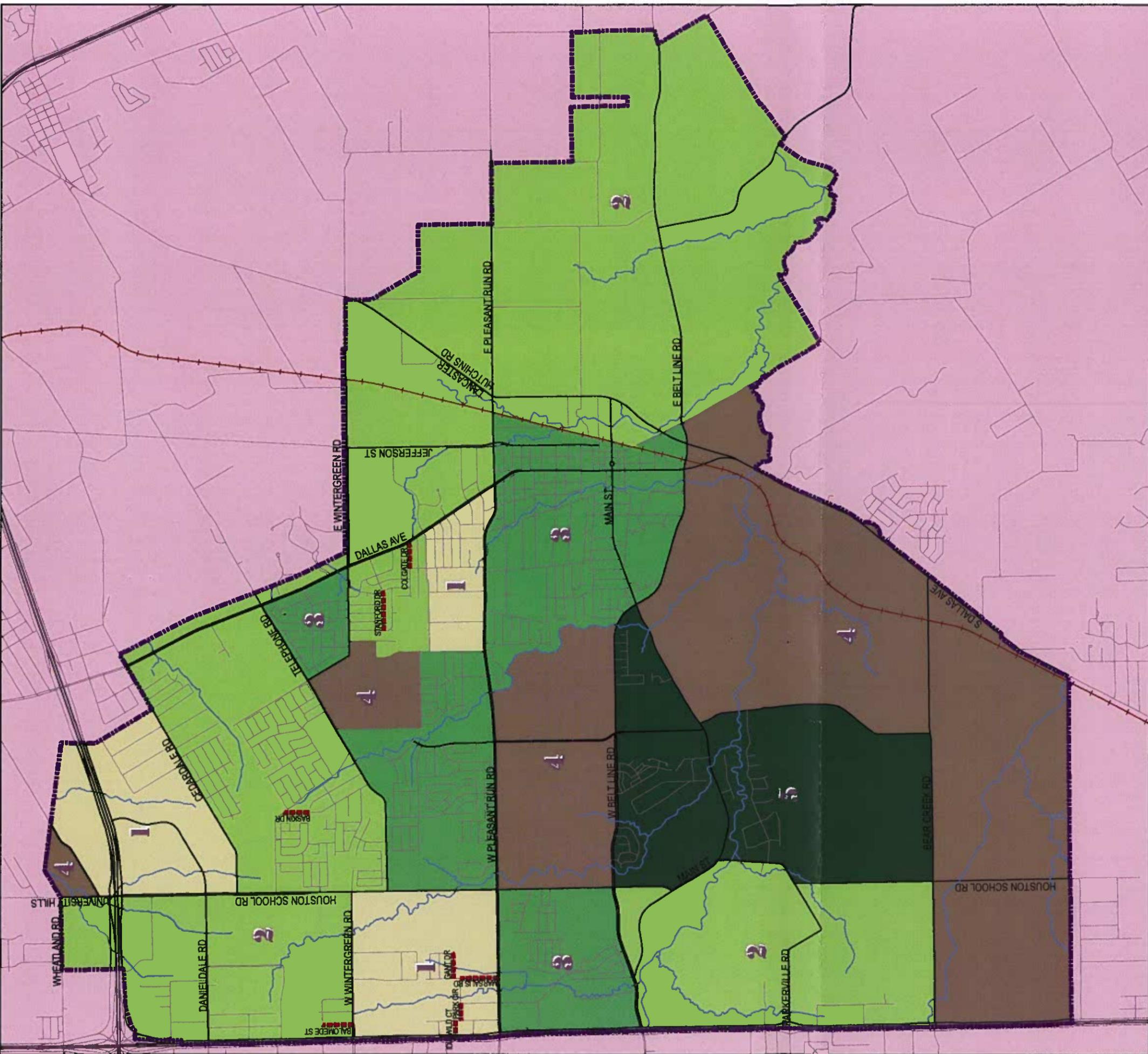


ID	Street Name	From Street	To Street	RV/M	Length	Score	Rehab Type	Cost
1	STANFORD DR	AMES RD	ASTINGTON LN	778	1431	1431	OVERLAY #1	\$197,000
2	BASKIN DR	HENRY RD	AMES RD	1150	921	921	OVERLAY #2	\$61,000
3	COLGATE DR	DALLAS AVE	DEWBERRY BLVD	943	947	12	OVERLAY #4	\$36,500
4	MARSALIS RD	PLEASANT RUN RD	GREEN DR	454	1402	17	OVERLAY #1	\$94,000
5	PARK CIRCLE DR	GREEN DR	IDLEWILD LN	535	616	17	OVERLAY #2	\$41,000
6	IDLEWILD CT	IDLEWILD LN	T-35E EAST SERVICE RD	1060	520	18	OVERLAY #1	\$35,000
7	GANT DR	BRADY DR	MARSALIS RD	477	918	18	SURFACE TREATMENT #1	\$6,000
8	BALOMEDE ST	WINTERGREEN RD	BELVEDERE RD	1394	1101	20	OVERLAY #2	\$65,500

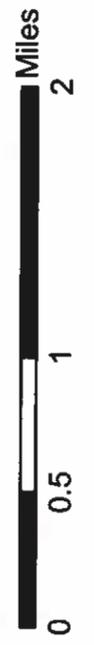
2011 CDBG Repair Recommendation

- CDBG High Priority Repair Streets
- City Limits
- Census Block Groups Income % >51%

Legend



City of Lancaster Low to Moderate Income Areas



Legend

- Recommended Street Repairs
- Creeks
- Railroads
- Lancaster City Limits

Income Level

- 1: \$23,409 - \$31,785
- 2: \$31,786 - \$41,433
- 3: \$41,434 - \$52,678
- 4: \$52,678 - \$70,088
- 5: \$70,089 - \$80,630

HUD Income Limits for FY 2000

Dallas County	
Median	30% 50% 80%
\$60,800	\$18,250 \$30,400 \$48,560

Website: <http://www/huduser.org>

LANCASTER CITY COUNCIL
Work Session Agenda Communication for
June 20, 2011

3

WS11-003

Discuss an ordinance of the City of Lancaster, Texas, amending the Code of Ordinances by amending Chapter 8, Offenses and Nuisances, by adding Article 8.1400, Littering, to prohibit littering within the City; providing definitions; providing for unlawful littering; providing a duty to keep property free of litter; providing for container closure and maintenance; providing for pedestrian litter container use restrictions; providing a severability clause; providing that this ordinance shall be cumulative of all ordinances; providing for a penalty for violations hereof; providing a savings clause; and providing an effective date.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 3: Healthy, Safe, and Vibrant Neighborhoods

Background

At the May 23, 2011 regular City Council meeting, this item was tabled for additional review and discussion. As a result of this action, staff has provided additional background on the current local and state regulations governing solid waste, litter, and illegal dumping, governed by the State of Texas Health and Safety Code and the 2006 International Property Maintenance Code.

At the request of City Council, staff has sought effective ways to deter the accumulation of litter on public and private property above and beyond Property Maintenance Code compliance. This initiative led to the research of various means of litter control that could partner with the regulations currently in place locally and statewide to meet the goals set forth by the City Council.

From said research and collaboration, staff has drafted a litter ordinance which will allow for the enforcement of litter and debris offenses on both private and public property. This effort seeks to promote accountability for the health, safety and the appearance of our community and neighborhoods while working in conjunction with current code compliance initiatives already in place.

This ordinance asserts that an individual who intentionally or knowingly violates any section of this ordinance may be prosecuted and is subject to the penalty set forth by the ordinance. 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.

Considerations

- **Operational** – Currently litter violations can only be cited under the Property Maintenance Code when found on private property. The City currently utilizes Park Operations staff and contractors to remove debris and accumulated litter from the City's rights-of-way and public easements.

The adoption of this ordinance would formalize the enforcement of the Texas Health and Safety Code under Chapter 365 by the Lancaster Police Department allowing for citations to be written for offenses on both public and private property as outlined within the ordinance.

- **Legal** – The City Attorney has prepared the draft ordinance for placement in Chapter 8 of the City's Code of Ordinance. Minimal costs may be incurred for the purchase and installation of signage.
- **Financial** – The enforcement of this ordinance may result in additional revenue generation as the result of fines assessed for violations.
- **Public Information** – There are no public information requirements. Signage will be strategically placed throughout the community encouraging residents not to litter and providing ordinance enforcement information.

Options/Alternatives

1. Approve the ordinance as presented.
2. Deny the ordinance and direct staff.

Recommendation

Staff recommends approval of the ordinance as presented.

Attachments

- Draft Ordinance
- 2006 Property Maintenance Code, Section 307
- Texas Health and Safety Code, Chapter 365

Prepared and submitted by:

Opal Mauldin Robertson, City Manager

Date: June 20, 2011

ORDINANCE NO. 2011-

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8, OFFENSES AND NUISANCES, BY ADDING ARTICLE 8.1400, LITTERING, TO PROHIBIT LITTERING WITHIN THE CITY; PROVIDING DEFINITIONS; PROVIDING FOR UNLAWFUL LITTERING; PROVIDING A DUTY TO KEEP PROPERTY FREE OF LITTER; PROVIDING FOR CONTAINER CLOSURE AND MAINTENANCE; PROVIDING FOR PEDESTRIAN LITTER CONTAINER USE RESTRICTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to promote a clean, healthy, safe, and attractive environment for the citizens of the City of Lancaster; and

WHEREAS, the City Council has determined that the accumulation of litter on public or private property tends to degrade the environment of the community, and can lead to health and safety hazards;

WHEREAS, the City Council finds that this ordinance is necessary to promote the health and safety of the citizens, and to enhance the city's appearance;

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

SECTION 1. That the Lancaster Code of Ordinances be, and the same is, hereby amended by amending Chapter 8, Offenses and Nuisances, by adding Article 8.1400, Littering, which shall read as follows:

**“CHAPTER 8
OFFENSES AND NUISANCES**

.....

ARTICLE 8.1400 LITTERING

Sec. 8.1401 Definitions

For the purposes of this article, the following definitions shall apply:

Container means a City-approved receptacle used for the disposal of waste.

Litter means any wastepaper, used beverage or food container, rubbish, trash, or garbage not placed in a container.

Littering or to litter means the act of placing, throwing, depositing, disposing or dropping of litter.

Pedestrian litter container means a container provided on public or private property for the disposal of litter by pedestrians.

Person means a natural person, joint venture, joint stock company, partnership, association, club, company, lessee, agent, servant, officer or employee of any of them.

Private property means and includes, but is not limited to, yards, grounds, driveways, entrances, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities owned by private individuals, firms, corporations, institutions and organizations.

Public property means and includes, but is not limited to, streets, medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, alleys, lanes, public rights-of-way, public parking lots, school grounds, parks, publicly-owned recreation facilities, and municipal bodies of water and waterways.

Sec. 8.1402 Littering Unlawful

A person commits an offense if said person causes, permits, suffers, or allows litter to be thrown or deposited on any public or private property, except in a container or a pedestrian litter container.

Sec. 8.1403 Duty to Keep Property Free of Litter

(a) It shall be the duty of the person who owns, occupies, or leases, or is engaged in construction on any private or public property to keep the exterior property free of litter.

(b) Persons who are owners, occupants or lessees of private property which abuts city sidewalks, streets, parkways, drainage ditches, or curb and gutter, shall keep those sidewalks, streets, parkways, curb and gutter, and drainage ditches free of litter by removing litter and placing it in a container.

Sec. 8.1404 Container Closure, Maintenance

(a) All residential and commercial containers may be open for ease of use, but shall be designed in such a way as to reasonably prevent their contents from becoming litter.

(b) All persons placing containers for collection and removing them after collection shall take the necessary precautions to prevent the contents thereof from becoming litter.

Sec. 8.1405 Pedestrian Litter Container Use Restrictions

A person commits an offense if the person causes, permits, suffers, or allows any household or commercial garbage, refuse, trash, debris, rubbish, solid waste or junk to be deposited in a pedestrian litter container.”

SECTION 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Lancaster, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such 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 the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. A person, firm, or corporation who intentionally or knowingly violates any section of this ordinance may be prosecuted under this section and is subject to the penalty set forth by this ordinance. 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 Lancaster are expressly saved as to any other ordinances affecting nuisances 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. This ordinance shall be in full force and effect after its passage and publication as provided by law and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Lancaster, Texas, on the ____ day of _____ 2011.

APPROVED:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney
(REH/JVP – revised only)

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 307 RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

307.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

307.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

HEALTH AND SAFETY CODE

TITLE 5. SANITATION AND ENVIRONMENTAL QUALITY

SUBTITLE B. SOLID WASTE, TOXIC CHEMICALS, SEWAGE, LITTER, AND WATER

CHAPTER 365. LITTER

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 365.001. SHORT TITLE. This chapter may be cited as the Texas Litter Abatement Act.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 365.002. WATER POLLUTION CONTROLLED BY WATER CODE. The pollution of water in the state is controlled by Chapter 26, Water Code, and other applicable law.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 365.003. LITTER ON BEACHES CONTROLLED BY NATURAL RESOURCES CODE. The regulation of litter on public beaches is controlled by Subchapters C and D, Chapter 61, Natural Resources Code.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 365.004. DISPOSAL OF GARBAGE, REFUSE, AND SEWAGE IN CERTAIN AREAS UNDER CONTROL OF PARKS AND WILDLIFE DEPARTMENT. The Parks and Wildlife Commission may adopt rules to govern the disposal of garbage, refuse, and sewage in state parks, public water in state parks, historic sites, scientific areas, and forts under the control of the Parks and Wildlife Department.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 365.005. VENUE AND RECOVERY OF COSTS. (a) Venue for the prosecution of a criminal offense under Subchapter B or Section 365.032 or 365.033 or for a suit for injunctive relief under any of

those provisions is in the county in which the defendant resides, in the county in which the offense or the violation occurs, or in Travis County.

(b) If the attorney general or a local government brings a suit for injunctive relief under Subchapter B or Section 365.032 or 365.033, a prevailing party may recover its reasonable attorney fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

Added by Acts 1991, 72nd Leg., ch. 14, Sec. 125, eff. Sept. 1, 1991.

SUBCHAPTER B. CERTAIN ACTIONS PROHIBITED

Sec. 365.011. DEFINITIONS. In this subchapter:

(1) "Approved solid waste site" means:

(A) a solid waste site permitted or registered by the Texas Natural Resource Conservation Commission;

(B) a solid waste site licensed by a county under Chapter 361; or

(C) a designated collection area for ultimate disposal at a permitted or licensed municipal solid waste site.

(2) "Boat" means a vehicle, including a barge, airboat, motorboat, or sailboat, used for transportation on water.

(3) "Commercial purpose" means the purpose of economic gain.

(4) "Commercial vehicle" means a vehicle that is operated by a person for a commercial purpose or that is owned by a business or commercial enterprise.

(5) "Dispose" and "dump" mean to discharge, deposit, inject, spill, leak, or place litter on or into land or water.

(6) "Litter" means:

(A) decayable waste from a public or private establishment, residence, or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking, or consumption of food, but not including sewage, body wastes, or industrial by-products; or

(B) nondecayable solid waste, except ashes, that consists of:

(i) combustible waste material, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials;

(ii) noncombustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less; and

(iii) discarded or worn-out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm implements, building or construction materials, appliances, and scrap metal.

(7) "Motor vehicle" has the meaning assigned by Section 541.201, Transportation Code.

(8) "Public highway" means the entire width between property lines of a road, street, way, thoroughfare, bridge, public beach, or park in this state, not privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge, public beach, or park:

(A) is opened to the public for vehicular traffic;

(B) is used as a public recreational area; or

(C) is under the state's legislative jurisdiction

through its police power.

(9) "Solid waste" has the meaning assigned by Section 361.003.

Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 8.161, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 740, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 11.111, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 165, Sec. 30.206, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 286, Sec. 1, eff. May 26, 1997.

Sec. 365.012. ILLEGAL DUMPING; CRIMINAL PENALTIES. (a) A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal water of the state.

(b) A person commits an offense if the person receives litter

or other solid waste for disposal at a place that is not an approved solid waste site, regardless of whether the litter or other solid waste or the land on which the litter or other solid waste is disposed is owned or controlled by the person.

(c) A person commits an offense if the person transports litter or other solid waste to a place that is not an approved solid waste site for disposal at the site.

(d) An offense under this section is a Class C misdemeanor if the litter or other solid waste to which the offense applies weighs five pounds or less or has a volume of five gallons or less.

(e) An offense under this section is a Class B misdemeanor if the litter or other solid waste to which the offense applies weighs more than five pounds but less than 500 pounds or has a volume of more than five gallons but less than 100 cubic feet.

(f) An offense under this section is a Class A misdemeanor if:

(1) the litter or other solid waste to which the offense applies weighs 500 pounds or more but less than 1,000 pounds or has a volume of 100 cubic feet or more but less than 200 cubic feet; or

(2) the litter or other solid waste is disposed for a commercial purpose and weighs more than five pounds but less than 200 pounds or has a volume of more than five gallons but less than 200 cubic feet.

(g) An offense under this section is a state jail felony if the litter or solid waste to which the offense applies:

(1) weighs 1,000 pounds or more or has a volume of 200 cubic feet or more;

(2) is disposed of for a commercial purpose and weighs 200 pounds or more or has a volume of 200 cubic feet or more; or

(3) is contained in a closed barrel or drum.

(h) If it is shown on the trial of the defendant for an offense under this section that the defendant has previously been convicted of an offense under this section, the punishment for the offense is increased to the punishment for the next highest category.

(i) On conviction for an offense under this section, the court shall provide to the defendant written notice that a subsequent conviction for an offense under this section may result in the forfeiture under Chapter 59, Code of Criminal Procedure, of the vehicle used by the defendant in committing the offense.

(j) The offenses prescribed by this section include the unauthorized disposal of litter or other solid waste in a dumpster or similar receptacle.

(k) This section does not apply to the temporary storage for future disposal of litter or other solid waste by a person on land owned by that person, or by that person's agent. The commission by rule shall regulate temporary storage for future disposal of litter or other solid waste by a person on land owned by the person or the person's agent.

(l) This section does not apply to an individual's disposal of litter or other solid waste if:

- (1) the litter or waste is generated on land the individual owns;
- (2) the litter or waste is not generated as a result of an activity related to a commercial purpose;
- (3) the disposal occurs on land the individual owns; and
- (4) the disposal is not for a commercial purpose.

(m) A municipality or county may offer a reward of \$50 for reporting a violation of this section that results in a prosecution under this section.

(n) An offense under this section may be prosecuted without alleging or proving any culpable mental state, unless the offense is a state jail felony.

(o) For purposes of a prosecution under Subsection (g), a generator creates a rebuttable presumption of lack of culpable mental state if the generator of the solid waste to be disposed of secures, prior to the hauler's receipt of the solid waste, a signed statement from the hauler that the solid waste will be disposed of legally. The statement shall include the hauler's valid Texas driver's license number.

Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 8.161, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 740, Sec. 2, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 828, Sec. 3, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 17.01(28), eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 286, Sec. 2, eff. May 26, 1997; Acts 2001, 77th Leg., ch. 995, Sec. 1, eff. Sept. 1, 2001.

Sec. 365.013. RULES AND STANDARDS; CRIMINAL PENALTY. (a) The Texas Natural Resource Conservation Commission shall adopt rules and standards regarding processing and treating litter disposed in violation of this subchapter.

(b) A person commits an offense if the person violates a rule adopted under this section.

(c) An offense under this section is a Class A misdemeanor.

Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 8.161, eff. Sept. 1, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 11.112, eff. Sept. 1, 1995.

Sec. 365.014. APPLICATION OF SUBCHAPTER; DEFENSES; PRESUMPTIONS. (a) This subchapter does not apply to farmers:

(1) in handling anything necessary to grow, handle, and care for livestock; or

(2) in erecting, operating, and maintaining improvements necessary to handle, thresh, and prepare agricultural products or for conservation projects.

(b) A person who dumps more than five pounds or 13 gallons of litter or other solid waste from a commercial vehicle in violation of this subchapter is presumed to be dumping the litter or other solid waste for a commercial purpose.

(c) It is an affirmative defense to prosecution under Section 365.012 that:

(1) the storage, processing, or disposal took place on land owned or leased by the defendant;

(2) the defendant received the litter or other solid waste from another person;

(3) the defendant, after exercising due diligence, did not know and reasonably could not have known that litter or other solid waste was involved; and

(4) the defendant did not receive, directly or indirectly, compensation for the receipt, storage, processing, or treatment.

Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 8.161, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 740, Sec. 3, eff. Sept. 1, 1993.

Sec. 365.015. INJUNCTION; VENUE; RECOVERY OF COSTS. (a) A district attorney, a county attorney, or the attorney general may bring a civil suit for an injunction to prevent or restrain a violation of this subchapter. A person affected or to be affected by a violation is entitled to seek injunctive relief to enjoin the violation.

(b) Venue for a prosecution of a criminal offense under this subchapter or for a civil suit for injunctive relief under this subchapter is in the county in which the defendant resides, the county in which the offense or violation occurred, or in Travis County.

(c) In a suit for relief under this section, the prevailing party may recover its reasonable attorney fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 8.161, eff. Sept. 1, 1991.

Sec. 365.016. DISPOSAL OF LITTER IN A CAVE; CRIMINAL PENALTY.

(a) A person commits an offense if the person disposes litter, a dead animal, sewage, or any chemical in a cave.

(b) An offense under this section is a Class C misdemeanor unless:

(1) it is shown on the trial of the defendant that the defendant previously has been convicted once of an offense under this section, in which event the offense is a Class A misdemeanor; or

(2) it is shown on the trial of the defendant that the defendant previously has been convicted two or more times of an offense under this section, in which event the offense is a felony of the third degree.

Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 8.161, eff. Sept. 1, 1991.

Sec. 365.017. REGULATION OF LITTER IN CERTAIN COUNTIES. (a)

The commissioners court of a county may adopt regulations to control the disposal of litter and the removal of illegally dumped litter from private property in unincorporated areas of that county. The commissioners court may not adopt regulations under this section

concerning the disposal of recyclable materials as defined in Chapter 361 of the Health and Safety Code.

(b) Prior to the adoption of regulations the commissioners court of a county must find that the proposed regulations are necessary to promote the public health, safety, and welfare of the residents of that county.

(c) The definitions of Section 365.011 apply in this Act. "Illegally dumped litter" means litter dumped anywhere other than in an approved solid waste site. "Litter" has the meaning assigned by Section 365.011, except that the term does not include equipment used for agricultural purposes.

(d) The regulations adopted by the commissioners court may require the record property owners to pay for the cost of removal after the commissioners court has given the record property owner 30 days written notice to remove the illegally dumped litter.

(e) Regulations adopted under this section are in addition to any other law regarding this issue and the stricter law shall apply.

(f) In addition to any other remedy provided by law, a district attorney, a county attorney, or the attorney general may bring a civil suit to enjoin violation of regulations adopted under this section and to recover the costs of removal of illegally dumped litter. In such a suit the prevailing party may recover its reasonable attorney fees, court fees, and reasonable investigative costs incurred in relation to that proceeding.

Added by Acts 1993, 73rd Leg., ch. 828, Sec. 4, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 439, Sec. 1, eff. June 9, 1995.

SUBCHAPTER C. SPECIAL PROVISIONS

Sec. 365.031. LITTER, GARBAGE, REFUSE, AND RUBBISH IN LAKE SABINE. The governing body of Port Arthur by ordinance may prohibit the depositing or placing of litter, garbage, refuse, or rubbish into or on the waters of Lake Sabine within the municipal limits.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 365.032. THROWING CERTAIN SUBSTANCES IN OR NEAR LAKE LAVON; CRIMINAL PENALTY. (a) The definitions provided by Section

365.011 apply to this section.

(b) A person commits an offense if the person throws, leaves, or causes to be thrown or left wastepaper, glass, metal, a tin can, refuse, garbage, waste, discarded or soiled personal property, or any other noxious or poisonous substance in the water of or near Lake Lavon in Collin County if the substance is detrimental to fish or to a person fishing in Lake Lavon.

(c) An offense under this section is a Class C misdemeanor unless it is shown on the trial of the defendant that the defendant has previously been convicted of an offense under this section, in which event the offense is a Class A misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 365.033. DISCARDING REFUSE IN CERTAIN COUNTY PARKS; CRIMINAL PENALTY. (a) The definitions provided by Section 365.011 apply to this section.

(b) In this section, "beach" means an area in which the public has acquired a right of use or an easement and that borders on the seaward shore of the Gulf of Mexico or extends from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico.

(c) This section applies only to a county park located in a county that has the Gulf of Mexico as one boundary, but does not apply to a beach located in that park.

(d) A person commits an offense if the person discards in a county park any junk, garbage, rubbish, or other refuse in a place that is not an officially designated refuse container or disposal unit.

(e) An offense under this section is a Class C misdemeanor unless it is shown on the trial of the defendant that the defendant has previously been convicted of an offense under this section, in which event the offense is a Class A misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 365.034. COUNTY REGULATION OF LITTER NEAR PUBLIC HIGHWAY; CRIMINAL PENALTY. (a) The commissioners court of a county may:

(1) by order prohibit the accumulation of litter for more than 30 days on a person's property within 50 feet of a public highway

in the county;

(2) provide for the removal and disposition of litter accumulated near a public highway in violation of an order adopted under this section; and

(3) provide for the assessment against a person who owns the property from which litter is removed under Subdivision (2) of the costs incurred by the county in removing and disposing of the litter.

(b) Before the commissioners court takes any action to remove or dispose of litter under this section, the court shall send a notice by certified mail to the record owners of the property on which the litter is accumulated in violation of an order adopted under this section. The court may not remove or dispose of the litter or assess the costs of the removal or disposition against a property owner before the 30th day after the date the notice is sent under this subsection.

(c) If a person assessed costs under this section does not pay the costs within 60 days after the date of assessment:

(1) a lien in favor of the county attaches to the property from which the litter was removed to secure the payment of the costs and interest accruing at an annual rate of 10 percent on any unpaid part of the costs; and

(2) the commissioners court shall file a record of the lien in the office of the county clerk.

(d) The violation of an order adopted under this section is a Class C misdemeanor.

(e) In this section:

(1) "Litter" has the meaning assigned by Section 365.011 except that the term does not include equipment used for agricultural purposes.

(2) "Public highway" has the meaning assigned by Section 365.011.

Added by Acts 1991, 72nd Leg., ch. 14, Sec. 126, eff. Sept. 1, 1991.

Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 8.162, eff. Sept. 1, 1991.

LANCASTER CITY COUNCIL
Work Session Agenda Communication for
June 20, 2011

4

WS11-004

Discuss Planned Development Districts as it relates to the Lancaster Development Code.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 2: Quality Development

Background

Since February of 2011 staff has been presenting a series of workshops, exploring various aspects of the Lancaster Development Code. The final two aspects of this series will explore two subjects that have previously been and will become the focus of future zoning cases to be considered by the City Council.

As mentioned in the April work session, Zoning is the single most important tool for implementing land use policy. The Zoning Ordinance and Subdivision Regulations are what govern the way development is built in the City. The zoning districts specifically address what uses are allowed in specific areas. During that work session, staff explored the zoning categories that are within the City of Lancaster with the exception of the Planned Development District (PD), a separate district unto itself.

PD Districts are intended to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the City's Zoning Ordinance or from other ordinances, rules or regulations of the City. PD Districts are intended to implement the goals and objectives of the City's Comprehensive Plan, but may be accompanied by specific amendments to provisions of the Comprehensive Plan, the Parks and Open Space Plan or the Thoroughfare Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- to provide for a superior design of lots or buildings;
- to achieve a mixture of uses and/or residential unit types;
- to provide for increased recreation and/or open space opportunities for public use;

- to provide amenities or features that would be of special benefit to the property users or community;
- to protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and view corridors;
- to protect or preserve existing historical buildings, structures, features or places; or
- to provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

Staff will provide a brief presentation on PDs and how they are utilized as part of the Lancaster Development Code. Nathaniel Barnett, Senior Planner for the Planning Division and Ed Brady, Director of Economic Development will give the presentation and be available to answer questions related to PDs and the economic benefits of these zoning districts.

Recommendation

There is no recommendation at this time.

Attachments

- Excerpt from the Lancaster Development Code (LDC), Article 14.1000, Planned Development Regulations
- Planned Developments in Lancaster

Prepared and submitted by:
Rona Stringfellow-Govan, AICP
Director of Development Services

Date: June 13, 2011

ARTICLE 14.1000 PLANNED DEVELOPMENT REGULATIONS

Sec. 14.1001 Planned Development - General

(a) Purpose. The purpose of this Article is to provide for the creation of planned development zoning districts ("PD Districts"). PD Districts are intended to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the City's Zoning Ordinance or from other ordinances, rules or regulations of the City. PD Districts are intended to implement the goals and objectives of the City's Comprehensive Plan, but may be accompanied by specific amendments to provisions of the Comprehensive Plan, the Parks and Open Space Plan or the Thoroughfare Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- to provide for a superior design of lots or buildings;
- to achieve a mixture of uses and /or residential unit types;
- to provide for increased recreation and/or open space opportunities for public use;
- to provide amenities or features that would be of special benefit to the property users or community;
- to protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and view corridors;
- to protect or preserve existing historical buildings, structures, features or places; or
- to provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

(b) Nature of PD Districts and Minimum Standards. Each PD District is intended to be a free-standing zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. In order to ensure that a PD District implements the policies of the Comprehensive Plan, and to further ensure that the PD District is in accordance with a comprehensive plan of zoning regulation, it is necessary to establish minimum standards for residential and non-residential uses proposed for the PD District that must be incorporated within an ordinance adopted by the Council (the "PD Ordinance").

(1) Land Use

- A. Uses. Unless otherwise provided by the PD Ordinance, only those uses authorized by the City's Zoning Ordinance are permitted in PD Districts.
- B. Location. The location of all authorized uses shall be consistent with the PD Concept Plan and PD Site Plan.

(2) Open Space Standards

- A. Public and Private Open Space. Unless otherwise provided by the PD Ordinance, a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space, consistent with the open space requirements of the City's Parks and Open Space Plan. At least 80% of all homes should be within 800 feet of a publicly accessible park of at least 15,000 s.f. Open space for PD Districts may be satisfied by either public or by a combination of public open space and open space held in common, unless otherwise provided by development regulations established by the City Council. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering. Public open space shall be dedicated to the City or contain an easement on title as being open to public use.
- B. Preservation of Natural Features. Unless otherwise provided by the PD Ordinance or PD Concept Plan:
- C. Floodplain areas shall be preserved and maintained as open space; and
- D. Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
- E. Open Space Allocation. Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space

will be provided. The City may require that all open space within the district must be provided prior to completion of development within the district.

(3) Other Minimum Development Standards.

Dimensional and Area Standards. Unless otherwise provided by the PD Ordinance, dimensional and area standards for uses shall be the most restrictive standards authorized by the City's Zoning Ordinance for the same or similar uses.

(c) **PD Plans Required.** There are three types of plans that may be required as part of the development process within a PD District. Each successive plan may modify the previous plan provided that it does not substantially change the general intent of the original PD district. Each successive plan becomes part of the Zoning Ordinance governing the property and replaces the previously approved plan.

- (1) **PD Concept Plan.** The PD Concept Plan is mandatory and is intended to be used as the first step in the PD development process. It establishes the most general guidelines for the PD District by identifying the land uses and intensities, thoroughfare locations, and open space boundaries (including public trail systems). It may include images of intended style and type of development. The Concept Plan illustrates the integration of these elements into a master plan for the whole PD District. The PD Concept Plan establishes the development standards for the PD district.
- (2) **PD Development Plan.** A PD Development Plan is optional and is intended to be used where appropriate as the second step of the PD development process. It may be required by the PD ordinance, or it may be submitted voluntarily by the property owner. A PD Development Plan constitutes an amendment to the approved PD Concept Plan and PD Ordinance and may be used where the developer requests, or the Council requires, certain standards for the PD District to be specified after initial establishment of the PD District. A PD Development Plan includes more detailed information as to the specific development standards and land uses, including their boundaries. The purposes of a PD Development Plan are to allow flexibility in the development process by deferring specification of all development standards at the time of PD District creation and to enable developers to satisfy conditions imposed on creation of the District prior to submittal of a PD Site Plan.
- (3) **PD Site Plan.** A PD Site Plan is mandatory and is the final step of the PD development process. The purposes of a PD Site Plan are to assure that the development of individual building lots, parcels, or tracts within the PD District are consistent with the approved Concept Plan and Development Plan, if any, and to assure that the standards applicable within the PD District are met for each such lot, parcel or tract. A PD Site Plan shall continue to be valid for a period of two years after it is approved by the Commission; however, such period may be extended by the Council upon recommendation of the Planning and Zoning Commission. The period of time approved for any such extension shall be indicated in any approval, but in no case, shall the period for extension exceed two (2) years.

A. The Site Plan shall be accompanied by building elevations and landscape and master sign plans.

B. A PD Site Plan shall terminate at the end of a two-year period unless, within such period, any of the following occurs:

1. A Preliminary Plat is approved;
2. A Final Plat is approved;
3. The filing of a Final Plat in the Court of Public Record;
4. The issuance of a Building Permit; or
5. The approval, by City Council of a Site Plan extension.

(d) PD Compliance with Approved Plans

- (1) **Plan Consistency.** Except as otherwise provided by the subdivision provisions of the City's Zoning Ordinance, no development shall begin and no building permit shall be issued for any land within a PD District until a PD Site Plan that is consistent with the PD Concept Plan and applicable PD Development Plan has been approved. Each PD District shall be developed, used, and maintained in compliance with the approved PD Site Plans for the district. Compliance with the PD Ordinance shall be construed as a condition precedent to granting of Certificates of Occupancy.
- (2) **Historic Districts.** Site Plans for PDs located in a Historic District shall be reviewed and a recommendation made by the Historic Landmark and Preservation Committee.

Sec. 14.1002 Planned Development Procedures

(a) Establishment of a PD District

(1) **Zoning Amendment.** An application for the establishment of a PD District shall be made to the Commission. The application shall:

- A. Be accompanied by a PD Concept Plan;
- B. Be accompanied by a list of proposed PD District development standards;
- C. Identify the City's then-current zoning district which shall apply to the extent not otherwise provided by the PD Concept Plan or by the proposed PD District development standards;
- D. Be accompanied by a Concept Plan informational statement, and traffic impact analysis in accordance with the City's published standards or application forms.

Except to the extent provided by the PD Concept Plan and the PD Ordinance, development within the PD District shall be governed by all of the ordinances, rules, and regulations of the City in effect at the time of such development (including the standards of the City's zoning district so identified in the application). In the event of any conflict between (i) the PD Concept Plan and the PD Ordinance and (ii) the then-current ordinances, rules, and regulations of the City, the terms, provisions, and intent of the PD Concept Plan and PD Ordinance shall control. In addition, prior to action by the Commission on the establishment of the PD District, the applicant shall submit a traffic impact analysis.

(2) **PD Concept Plan.** A PD Concept Plan (or, at the applicant's option, a PD Development Plan) shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, the PD Concept Plan (or PD Development Plan) shall be incorporated as part of the PD Ordinance. The graphic depictions contained on a PD Concept Plan shall be considered as regulatory standards. Each PD Concept Plan shall be prepared as required by the City. Unless waived by the Council on recommendation of the Director, each PD Concept Plan shall graphically depict the following:

- A. A diagram or drawing of the boundaries of the proposed PD District;
- B. Proposed and existing land uses organized by category (including, if applicable, proposed and existing land uses by category for any sub-areas to be developed within the PD District);
- C. Proposed density by type of residential uses, including the maximum numbers of dwelling units for residential uses other than single-family detached, and lot sizes for single-family detached;
- D. Proposed estimated total floor area and floor area ratios by category of non-residential uses, if any;
- E. Proposed configuration of public and private open space serving the development, showing the relationship to the City's Parks and Open Space Plan, including trail system and access points to the trail system, estimated dimensions and approximate area, and areas to be dedicated to the public or to a private maintenance organization, if known;
- F. Proposed and existing thoroughfares, boulevards and roadways;
- G. To the extent known for adjoining land, existing land uses (by zoning district), existing thoroughfares; and existing open space for such adjoining land;
- H. A general plan for circulation of traffic and pedestrians within and external to the development, including designated points of access; and
- I. Other information as may be required by the Director

(3) **Concept Plan Informational Statement.** A PD Concept Plan shall be accompanied by an informational statement containing the information set forth below. If the zoning amendment application is approved, the informational statement shall not be binding on the applicant or the land owner and shall not be considered part of the PD Concept Plan or the PD Ordinance. Informational statements shall be updated concurrently with any amendment to the PD Concept Plan and with each PD Development Plan. Each statement shall include the following:

- A. A general statement setting forth how the proposed PD District will relate to the City's Comprehensive Plan;
- B. The total acreage within the proposed PD District;

C. If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and

D. An aerial photograph with the boundaries of the PD Concept Plan clearly delineated.

(4) **Proposed PD Development Standards.** Proposed PD District development standards shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, such standards shall be incorporated as part of the PD Ordinance. Such proposed development standards may include (but shall not be limited to) uses; density; lot size; lot dimensions; setbacks; coverage; height; landscaping; lighting, fencing, parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD Ordinance, shall be considered as regulatory standards.

(5) **Traffic Impact Analysis.** Prior to or simultaneous with submission of an application for the establishment of a PD District, the applicant shall submit to the Director, a traffic impact analysis for the proposed PD District for any project which may generate 1,000 trips or less per day or 400 or less per hour based on ITE standards, unless waived by the Director or City Council.

The analysis must be approved by the Council prior to or concurrently with the approval by the Council of the PD District. The traffic analysis shall not be considered part of the PD Concept Plan or the PD Ordinance but may be used to condition the density or intensity of uses, the location and configuration of access, or the timing of development within the District based upon the existence of a supporting roadway network adequate to accommodate the traffic expected to be generated. In multi-phased developments, the traffic impact analysis shall be updated with each PD Site Plan.

(6) **Complete Application.** No application for the establishment of a PD District shall be deemed to be filed with the City until the Director or designee has determined that the PD Concept Plan is complete, that the proposed PD District development standards have been identified, a traffic impact analysis has been submitted, and that the informational statement is complete.

(7) **Commission Recommendation.** The Commission, after notice and public hearing in accordance with the City's Zoning Ordinance procedures and State law, shall formulate its recommendation with respect to establishment of a PD District. The recommendation of the Commission shall be forwarded to the Council for decision.

(8) **Council Decision.** Following receipt of the Commission's recommendation, the Council, after notice and public hearing in accordance with this Code, shall approve, approve with conditions, or deny the application for establishment of the PD District.

(9) **Approval Criteria.** Based upon the PD Concept Plan, the Commission, in making its recommendations to the Council, and the Council, in determining whether the PD District should be established, shall consider whether the following criteria have been met:

- A. The plan of development is generally consistent with the City's Comprehensive Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
- B. Proposed uses and the configuration of uses are compatible with existing and planned adjoining uses;
- C. The general arrangement of streets conforms to the City's Thoroughfare Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
- D. Proposed uses, development densities and intensities, and development regulations are generally consistent with this Article;
- E. The configuration of the proposed open space serving the development is consistent with the City's Parks and Open Space Plan (as such plan may be amended prior to or concurrently with approval of the PD District)
- F. The provision of publicly accessible open space where there are residential units, the number of units which face on the open space, and the distance of residential units to the open space;
- G. The amenities proposed justify proposed densities or intensities;
- H. The proposed plan of development furthers the public health, safety and general welfare of the community; and
- I. The traffic impact analysis demonstrates that the capacity of the proposed roadways shown on the proposed PD Concept Plan, together with any roadways within related PD Districts and the supporting roadway

network, are adequate to accommodate the traffic expected to be generated by the uses, densities and intensities of use shown on the PD Concept Plan in and authorized in the PD Ordinance in a timely and efficient manner with all appropriate standards which will ensure the protection of the health, safety and welfare of the community.

- (10) **Conditions.** The Commission may recommend, and the Council may require, such conditions to the establishment of a PD District and to the approval of a PD Concept Plan as are reasonably necessary to assure that the purposes of the District and the approval criteria for the PD Concept Plan are met. Such conditions may include the requirement of a PD Development Plan.
- (11) **Adopting Ordinance.** The PD Ordinance shall include the PD Concept Plan as an exhibit to the ordinance and shall include the following:
 - A. A statement of the purpose and intent of the PD District;
 - B. A metes and bounds description of the land within the PD District;
 - C. A list of the specific land uses permitted within the PD District, together with a description of the sub-areas, if any, in which such uses are allowed;
 - D. The maximum density or intensity of each permitted land use;
 - E. A list of all the PD District development standards, together with necessary graphic illustrations;
 - F. Identification of the City's then-current zoning district standards that shall apply to the extent not otherwise provided by the PD Concept Plan or PD Ordinance;
 - G. Identification of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City), that may be deferred for specification until approval of a PD Development Plan or that may be varied by the Council as part of the approval process for a PD Site Plan
 - H. Unless otherwise identified on the PD Concept Plan, the general location and size of open space serving the development; including any proposed dedication of open space to the public or to a maintenance organization.
 - I. Provisions governing amenities, if any, to justify densities or intensities.
 - J. Such additional conditions as are established by the Council to assure that the PD District and PD Concept Plan are consistent with the purposes of the District and the approval criteria for the Concept Plan.

(b) **PD Development Plans.** If the Council requires as a condition of establishing the PD District and approving a PD Concept Plan that PD Development Plans be submitted prior to submittal of a PD Site Plan, a PD Development Plan may be prepared and submitted for the entire development at one time or for individual phases of development. Each required copy of the PD Development Plan shall be accompanied by (i) a development plan informational statement and (ii) a preliminary drainage study for the area covered by the proposed plan. If deemed necessary by the City's Transportation Engineer or Director, the applicant for a PD Development Plan shall also submit an updated traffic impact analysis prior to Commission action.

(1) **Submittal Requirements for PD Development Plans.**

- A. Approximations of the following: site boundaries and dimensions, lot lines, site acreage and square footage, and distances to the nearest cross streets;
- B. Location map, north arrow, title block and site data summary table;
- C. Existing land uses and zoning classifications on adjacent properties;
- D. Preliminary tree survey.
- E. Any features omitted from the PD Concept Plan upon Council authorization;
- F. Such additional features as are necessary to assure compliance with conditions established by the Council to be satisfied by the Development Plan; and
- G. Other information as may be required by the Director or Designee.

(2) **PD Development Standards.** Development standards that were not specified in the PD Ordinance, as authorized by the Council, shall be submitted and approved as an amendment to the PD Ordinance and incorporated therein, in conjunction with approval of the PD Development Plan.

- (3) **Development Plan Informational Statement.** Each PD Development Plan shall be accompanied by an informational statement containing the information set forth below. Informational statements shall be updated concurrently with any amendment to a PD Development Plan and with each PD Site Plan. Each informational statement shall include the following:
- A. Name and address of landowner and date of preparation of the PD Development Plan;
 - B. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the PD Development Plan;
 - C. A table listing the specific permitted uses proposed for the property, and, if appropriate, the boundaries of the different land uses and the boundary dimensions;
 - D. Development standards for each proposed land use, as follows:
 - 1. Minimum lot area;
 - 2. Minimum lot width and depth;
 - 3. Minimum front, side, and rear yard areas;
 - 4. Maximum height of building; and
 - 5. Maximum building coverage.
 - E. A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City that apply to development within the PD District), for which the applicant is seeking amendment by the Council as part of the PD Development Plan approval process.
 - F. If Council approval of any height increase is being requested, a view analysis of the impact of such requested Exception on adjacent residential areas of the City.
 - G. Preliminary and approximate building locations and building footprints;
 - H. Preliminary elevations and perspectives to show the relationship of building heights to surrounding topography;
 - I. Location of parking areas and structures for multi-family and non-residential uses, including areas for off-street parking;
 - J. A detailed description of how open space serving the development will be satisfied for the phase of development represented by the PD Development Plan, including any proposed dedications of open space to the public or to a private maintenance organization;
 - K. If the PD Development Plan is a phase of the project (as described in the applicant's original informational statement submitted with the PD Concept Plan), depiction of the area subject to the development in relation to the then-current phasing plan, together with any updates of the then-current phasing plan that was submitted as part of the applicant's original informational statement; and
 - L. A list identifying each proposed addition or amendment to the PD ordinance.
- (4) **Preliminary Drainage Study.** Each PD Development Plan shall be accompanied by a preliminary drainage study for the area covered by the district unless waived by the City Engineer or City Council. The study shall be prepared and sealed by a professional engineer licensed in the State of Texas and experienced in the study of drainage issues.
- A. **Purpose.** The purposes of the drainage design policies are to prevent flooding of adjacent properties, owned by third parties and to regulate water surface elevations and peak discharges. Development within the PD District shall not produce any increase in the water surface elevation (either upstream or downstream) due to a 5-year, 10-year, 50-year, or 100-year storm. If the discharge from the area proposed for development would increase the water surface elevation above predevelopment conditions on any property owned by third parties due to any of such storms, then such peak discharge must be regulated to the extent necessary to eliminate the increased water surface elevation. The regulation of discharges to eliminate such increases may be achieved using either on-site or off-site storm water management facilities (such as detention areas, retention areas, and infiltration and sedimentation ponds).
 - B. **Content.** The preliminary drainage study shall

1. Contain a topographical map of the area proposed for development to a scale not smaller than 1 inch = 200 feet;
2. Generally describe how the proposed development will comply with the drainage design policies set forth below;
3. Include all information deemed necessary by the preparing engineer to support his or her determination that the proposed development will comply with the drainage design policies; and
4. Include all information reasonably requested by the City Engineer to support his or her review of the preliminary drainage study.

(5) Updated Traffic Impact Analysis. If deemed necessary by the Director or if required by the PD Ordinance, the applicant for a proposed PD Development Plan shall submit an updated traffic impact analysis prior to action by the Commission. The purpose of the updated analysis is to determine whether the traffic estimated to be generated by the development shown on the proposed PD Development Plan will necessitate specific on-site or adjacent traffic improvements (e.g., turn lanes, stacking lanes, signalization, etc.) and to determine whether conditions attached to the Concept Plan based on the original traffic impact analysis have been met.

(6) Commission Recommendation. The Commission, after notice and public hearing in accordance with the City's Zoning Ordinance procedures, shall recommend to the Council whether to approve, approve with conditions, or disapprove each PD Development Plan, together with each proposed amendments to the PD Ordinance.

(7) Council Decision. Upon receipt of the Commission's recommendation, the Council, after notice and public hearing in accordance with the City's Zoning Ordinance procedures, shall approve, approve with conditions, or disapprove each PD Development Plan and each proposed addition or amendment to the PD Ordinance.

(8) Approval Criteria. The Commission, in making its recommendation to the Council, and the Council, in acting upon each PD Development Plan and proposed addition or amendment to the PD Ordinance, shall determine whether the proposed PD Development Plan and ordinance addition or amendment meets the following criteria:

- A. The plan generally is consistent with the approved PD Concept Plan (including open space, trails, and thoroughfares);
- B. The plan generally is consistent with the development standards set forth in the PD Ordinance;
- C. The plan satisfies any conditions established by the Council in the PD Ordinance relating to Development Plan approval;
- D. The plan is generally consistent with the standards and conditions of the Zoning Ordinance and of other ordinances, rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
- E. The traffic estimated to be generated by the plan is generally consistent with the original, Council approved traffic impact analysis and any conditions to be satisfied at the time of the Development Plan approval have been met;
- F. The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
- G. The preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a natural manner.

(9) Conditions. The Commission may recommend, and the Council may require, such conditions to the approval of a PD Development Plan as are reasonably necessary to assure that the approval criteria are met.

(10) Approving Ordinance. The Development Plan shall be incorporated within an ordinance amending the PD Ordinance and the Concept Plan. The amending ordinance shall set forth all standards necessary for development of the land subject to the Development Plan that were not included in the PD Ordinance. The amending ordinance also shall repeal or amend any conditions that were attached to the PD Ordinance that have been satisfied as a result of approving the Development Plan and associated amendments.

(c) PD Site Plans

(1) Delegation to Commission. The Commission hereby is delegated the authority to approve, conditionally approve, or deny PD Site Plans submitted that complies with PD regulations adopted in the PD ordinance and all

amendments thereto, subject to appeal to the Council. Any Site Plan subject to a request for Exceptions or other modifications that are reserved for the Council by these PD regulations shall be decided by the Council upon recommendation of the Commission.

(2) **Submittal Requirements.** The following requirements apply to each application for PD Site Plan approval unless otherwise required or approved by the Director:

A. **Size.** PD Site Plans shall be prepared on sheets and at a scale as required by the Director. PD Site Plans shall be prepared by a registered engineer, architect, landscape architect, or a certified city planner.

B. **General Information.**

1. North Arrow;
2. Total site acreage;
3. Submission date;
4. Scale (written and graphic);
5. Vicinity map;
6. Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
7. A boundary survey of the site with the location of proposed land uses;
8. Adjacent subdivision names and property lines; and
9. Adjacent land uses and structures.

C. **Structures.**

1. Location, dimensions, and use of all existing facilities and proposed building sites;
2. Setback and separation distances between building sites;
3. Proposed construction type and facade materials for all multi-family and non-residential buildings (the Commission may require elevations and perspective drawings);
4. Proposed density of each use;
5. Proposed location of screening along public roadways shown on the PD Concept Plan;
6. Location and types of signs, including lighting and heights;
7. Elevation drawings citing proposed exterior finish materials; and
8. Location of solid waste collection facilities.

D. **Streets and Sidewalks.**

1. Location and width of all rights-of-way and easements;
2. Location and dimensions of all pavement and curbing;
3. Location and width of all sidewalks;
4. Location and width of all ingress/egress points;
5. Location and width of all medians and median breaks;
6. Location of any special traffic regulation facilities;
7. Location of Fire Lanes; and
8. Street names on proposed streets.

E. **Off-Street Parking and Loading Areas**

1. Number, location, and dimension of spaces;
2. Type of surface material of parking facility;
3. Dimension of aisles, driveways, maneuvering areas, and curb return radii;
4. Distance between spaces and adjacent rights-of-way;

5. Location of all existing and proposed fire lanes and hydrants; and
6. Proposed lighting diagram.

F. Landscaping

1. Location and size of major tree groupings and existing hardwood trees of 6" caliper or greater , noting whether they are to be removed or retained;
2. Location and size of proposed plant materials, including paving, together with type and species of plants;
3. Number and type of each landscape element;
4. Height and type of all fencing or buffering;
5. Height of all planters, sculptures, and decorative screens;
6. Location and type of trash receptacle screening;
7. Location and type of lighting for streets, signage, and parking areas; and
8. Location of visibility triangles where required.

G. Drainage.

1. Direction of water flow;
2. Quantity of on and off-site water generation;
3. Topographic contours at a minimum of 5 foot intervals;
4. Points of concentrated water discharge;
5. Areas where special design and construction may be necessary due to slope or soil conditions;
6. Location and design of all water detention and drainage areas; and
7. Drainage ways, creeks, and limits of the 100 year floodplain and floodway as shown on current FEMA mapping or the City's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

H. Preliminary Service Plan.

1. A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and retention or detention area. If no Development Plan has been required and approved by the Council, the drainage plan shall incorporate the requirements of the preliminary drainage study;
2. The proposed method of providing water and sewer service; and
3. If no Development Plan has been required and approved by the Council, an updated traffic impact analysis.

I. **Exceptions.** A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City that apply to development within the PD District), for which the applicant is seeking an Exception by the Commission as part of the PD Site Plan approval process.

J. **Other information.** Other information as may be required by the Director or designee.

(3) **Commission Decision.** The Commission, after notice and public hearing in accordance with the City's Zoning Ordinance procedures, shall approve, approve subject to conditions, or deny each PD Site Plan.

(4) **Approval Criteria.** The Commission, in approving, conditionally approving, or denying a PD Site Plan, shall consider the following criteria:

- A. The plan complies with the applicable PD Concept Plan or Development Plan, if any, and with the PD Ordinance, expressly including conditions attached to the Concept Plan, Development Plan or PD Ordinance.
- B. The plan complies with the standards and conditions of the Zoning Ordinance and of other ordinances, as well as other rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
- C. If no Development Plan was required and approved by the Council, the traffic estimated to be generated by the plan is generally consistent with the original Council-approved traffic impact analysis;

- D. If no Development Plan was required and approved by the Council, the plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.);
 - E. If no Development Plan was required and approved by the Council, the preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a manner approved by the Council; and
 - F. Landscaping promotes continuity and unity consistent with the landscape plan for the development and encourages views to public open space and public landmarks.
- (5) **Conditions.** The Commission, or the Council on appeal, may establish such conditions to the approval of a PD Site Plan as are reasonably necessary to assure that the approval criteria are met.
- (6) **Appeal from Commission Action.** If the Commission approves a PD Site Plan with conditions or if it disapproves a PD Site Plan, the applicant may appeal the decision to the Council by filing a written request with the City Secretary within ten (10) days after the Commission's decision.
- (7) **Exceptions.** The granting of Exceptions for Planned Development District regulations shall be the purview of Planning and Zoning Commission and City Council.
- (d) **Amendment of PD Plans.**
- (1) **PD Concept Plans.** PD Concept Plans (excluding informational statements) are considered part of the PD Ordinance. Any amendment to a PD Concept Plan shall be considered a zoning change, and the provisions of this Code and *Chapter 211 of the Texas Local Government Code*, as amended, relating to notices, public hearings, and written protests for changes in zoning districts or regulations shall apply. If a PD District is established subject to approval of PD Development Plans, the provisions of this Subsection shall apply to such PD Development Plan.
 - (2) **PD Site Plans.** PD Site Plans are not considered part of a PD Ordinance. Except as otherwise provided, any amendment to an approved PD Site Plan must be approved by the Commission. However, "minor modifications" to any PD Site Plan may be administratively approved by the Director. If the Director believes that a request for minor modification entails a significant change in the Site Plan, he may refer the request to the Commission for determination. A "minor modification" to a PD Site Plan is defined as any modification that does not:
 - A. Alter the basic relationship of proposed development to adjacent property;
 - B. Change the uses permitted;
 - C. Increase the maximum density, floor area, or height;
 - D. Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements; or
 - E. Reduce the minimum yards or setbacks.
- (e) **Periodic Review.**
- (1) **Applicability.** Each tract of land not yet fully developed, for which (PD) Planned Development District Zoning has been granted, shall be reviewed by the Planning and Zoning Commission in order to make inquiry and ascertain the following:
 - A. Whether a Preliminary Plan and/or Development Plan can reasonably be expected to be filed;
 - B. If a Preliminary Plan and/or Development Plan can be reasonably expected to be filed at any time within the two (2) year interval as set out herein;
 - C. Whether the granted uses for the tract of land under consideration continues to have a desired relationship with the surrounding area; and
 - D. If such density and other design standards originally granted are in accordance with the current community growth patterns and values.
 - (2) **Determination.** If, upon inquiry and review, the Planning and Zoning Commission finds that a particular tract of land zoned (PD) Planned Development is not reflective of current community growth patterns or community design policies, or is not in accordance with the Comprehensive Plan, it may request the City Council to initiate

hearings on the particular tract of land to consider 1) reform or modification of the PD District on the particular tract; or 2) change the zoning to a more suitable land use classification.

- (3) **Frequency.** The Planning and Zoning Commission shall review each tract of land for which Planned Development zoning has been granted beginning in January of each year, at least on two year intervals. The Planning and Zoning Commission may review certain tracts (for which Planned Development zoning has been granted) more frequently if it determines such review is necessary.

Sec. 14.1003 Effect on Existing PDs

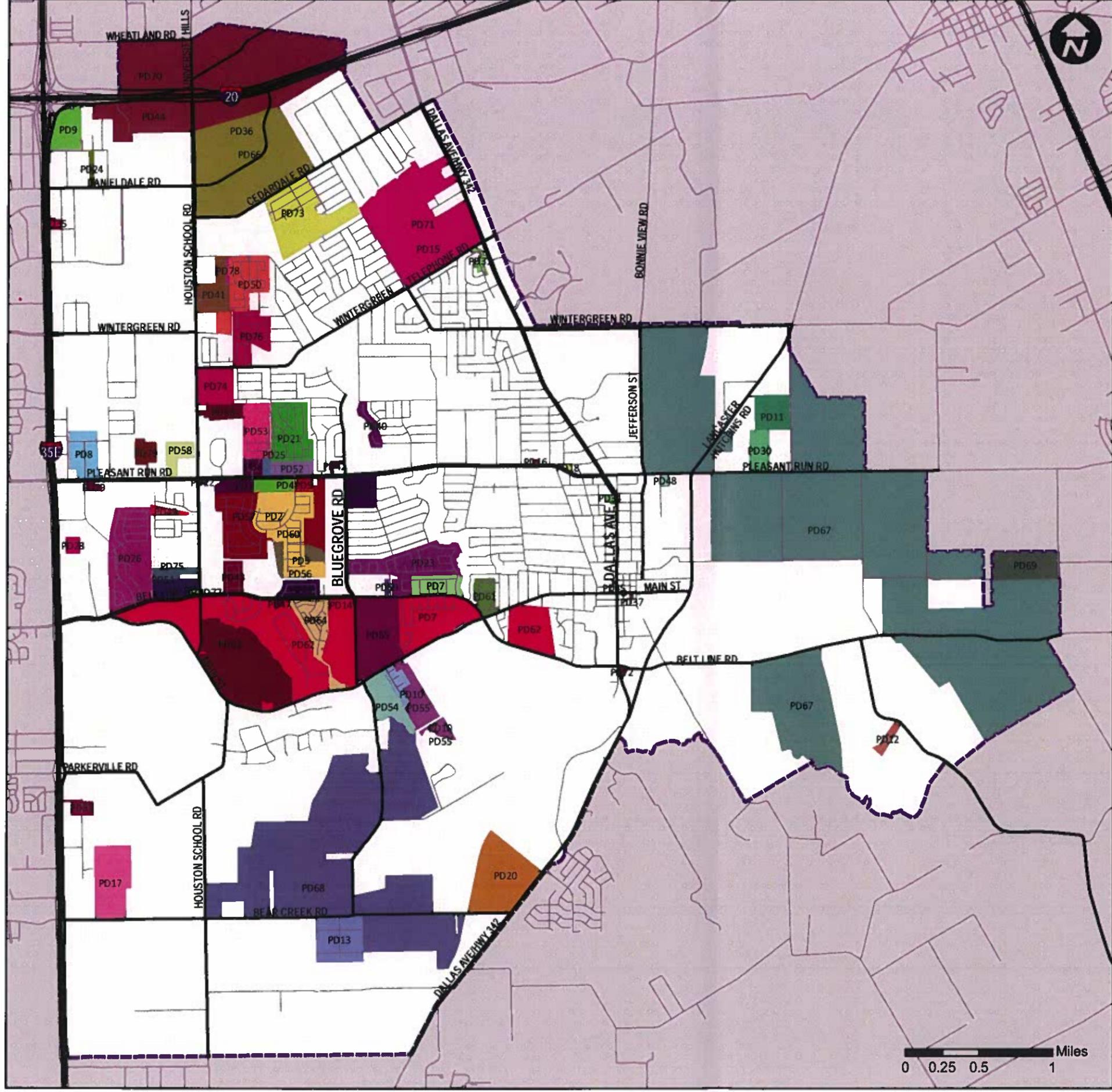
(a) **District Amendments.** If an amendment is proposed after the effective date of this Article to any Concept Plan, Development Plan, Site Plan or planned development ordinance approved prior to the effective date of this ordinance under prior development regulations, the provisions of this Article shall apply to those amendments.

(b) **Site Plans.** For any PD District established under prior planned development regulations for which at least one Site Plan has been approved pursuant to such prior regulations, the provisions of this Article shall not apply, except that procedures related to approval of PD Site Plans pursuant to this ordinance shall apply to any application for PD Site Plan approval submitted more than thirty (30) days after the effective date of this Article.

Sec. 14.1004 Amendments to Approved PD Applications

(a) **Processing Amendments.**

- (1) Amendments to all applications and approvals shall be processed in the same manner as the original application. However, the applicant shall submit a summary of all elements that are proposed to be changed along with the revised plans and application.
- (2) Notwithstanding the above, the Director may approve minor modifications in an approved Site Plan or PD Site Plan administratively, provided that they do not:
 - A. Alter the basic relationship of proposed development to adjacent property;
 - B. Change the uses permitted;
 - C. Increase the maximum density, floor area, or height;
 - D. Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements;
 - E. Reduce the minimum yards or setbacks; or
 - F. Detrimentally change or alter the characteristics of the elevation drawings or Site Plan as approved, but rather allow for some flexibility in minor modification to same.



City of Lancaster Zoning - Planned Development

Planned Developments
CityLimits



LANCASTER CITY COUNCIL
Work Session Agenda Communication for
June 20, 2011

5

WS11-005

Discuss a financial overview of the Airport Fund, the Lancaster Recreation Development Corporation (LRDC) Fund (4B), the E-911 Fund, and the General Obligation Debt Service Fund.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 1: Financially Sound City Government

Background

As we prepare for the FY 2011/2012 budget, the City Manager's Office will present a financial overview of each of the City funds. This presentation will include discussion on the revenues, expenditures, and various distinctions of the separate funds used by the City. For this work session, the City Manager will present the summaries of the Airport Fund, the 4B Lancaster Recreation Development Corporation (LRDC) Fund, the E-911 Fund, and the General Obligation (G.O.) Debt Service Fund.

The Airport Fund accounts for costs and revenues associated with the operations and maintenance of the Lancaster Municipal Airport. Revenues are primarily derived from hangar rentals and fuel sales.

The Lancaster Recreation Development Corporation Fund (4B) accounts for costs associated with the development and debt services of recreational facilities for the City of Lancaster. This fund also accounts for the operating costs of the Lancaster Veterans Memorial Library, Lancaster Senior Life Center, and the Lancaster Recreation Center. Revenues are derived from sales taxes and program revenues.

The E-911 Fund accounts for costs associated with the maintenance and development of the E-911 systems in the City of Lancaster. Revenues are derived from telecommunications surcharges on wireless and land based telephone lines.

The Debt Service Fund accounts for principal and interest payments on debt incurred by the City of Lancaster. Revenues are derived from property taxes.

Prepared and submitted by:
Greg Van Bebber, Budget Analyst

Date: June 13, 2011