**Division 29. “PD” Planned Development District**

**Sec. 40.03.3225     Purpose and intent**

The intent of the Planned Development District (PD) regulations are to provide a zoning regulatory process that encourages planning and design, resulting in plans for particular sites that fulfill the goals and objectives of the Comprehensive Plan while allowing for development that could not normally be achieved under conventional zoning regulations. It is the further intent of these regulations to permit development in accordance with such plans for particular sites, provided that the plans are prepared and adopted in accordance with the regulations in this Article.

(1)     Regulatory flexibility. These PD regulations are further intended to permit regulatory flexibility to achieve development that is in accord with the City’s Comprehensive Plan; to achieve economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities; to protect and preserve natural resources and natural features; to encourage the creation of useful open space particularly suited to the proposed development and the parcel on which it is located; and to provide appropriate development to satisfy the needs of residents of the City of Lubbock.

(2)     Land use compatibility. It is further intended that development permitted pursuant to this Article be laid out so that proposed uses, buildings, and site improvements relate to each other and to adjoining existing uses and to the public realm in such a way that they will be compatible, with no material adverse impact of one use on another.

(3)     Redevelopment. It is further intended that these regulations bring about re-use and/or redevelopment of sites where an orderly change of use is determined to be desirable, especially where re-use is restricted because of existing nonconformities, physical development, or the constraints of conventional zoning standards.

(4)     Purpose not intended. The PD District shall not be used for the sole purpose of circumventing the zoning regulations, securing an agreement between an applicant and nearby property owners to receive zoning approval, nor to assign responsibility to the City for private deed covenants or restrictions.

(Ordinance 2019-O0154 adopted 10/22/2019)

**Sec. 40.03.3226     Definitions**

(a)     *Planned Development (PD Development)*. A specific parcel of land or several contiguous parcels of land, which is/are proposed to be developed in accordance with a Concept Plan approved by the City Council (after receiving a recommendation from the Planning and Zoning Commission), where the plan meets the requirements of this Article, addresses needs in the City that could not otherwise be addressed in other conventional zoning districts, and achieves compatibility with surrounding uses.

(b)     *Concept Plan*. A Concept Plan consists of the following:

(1)     A general statement setting forth how the proposed district will relate to the city’s comprehensive plan and the degree to which it is or is not consistent with said plan and the proposed base zoning district.

(2)     An adequate legal description of the tract(s), showing total acreage, proposed general land uses and acreage for each use, including open space, existing and proposed streets (public and private), general topographic conditions, significant environmental features, including floodplains and watercourses.

(3)     Fully dimensioned site plan drawn to scale, showing all proposed and existing buildings and structures, including:

(A)     Proposed paths and sidewalks;

(B)     Proposed height, setbacks, square footages and uses of buildings;

(C)     A summary of proposed parking;

(D)     A summary of proposed unit counts;

(E)     A summary of proposed densities (units/acre);

(F)     Proposed landscaped areas, and

(G)     Any other information necessary to determine eligibility and ascertain mandatory requirements in accordance with Section 40.03.3227.

(4)     A proposed phasing schedule, if known.

(5)     Any proposed deviations from prescribed standards applicable to the base zoning district, along with justification for each.

(6)     Elevation drawings and renderings.

(7)     Any proposed deed covenants, conditions, restrictions or agreements that purport to govern the use, maintenance and operation of any commonly-owned areas, structures or facilities.

(8)     Documentation of impacts the proposed development will have on public facilities and services and ways in which these impacts will be mitigated in conjunction with the proposed development. Examples of impacts include, but are not limited to, the level of service at street intersections, residential equivalency units for sewer service, water capacity and school district enrollment.

(c)     *Detail Plan*. A Detail Plan consists of the following:

(1)     All information within the approved Concept Plan (See subsection (b) above) developed with civil engineering and architectural drawings into a document containing the level of detail normally required for formal site plan approval.

(2)     Plans and information regarding roads, utilities, sidewalks, and other infrastructure, parks and open spaces, enhancements to public services, and other features of the proposed PD Development.

(3)     A copy of the PD Development approval ordinance that rezoned the property, along with any conditions placed thereon.

(d)     *Base Zoning District(s)*: The zoning district classification that most closely aligns with the proposed uses within the PD Development in accordance with the adopted Comprehensive Plan and Chapter 40 of the Lubbock Code of Ordinances. A base zoning district(s) shall be identified for the entirety of, or each portion of, a PD development and articulated within the PD development ordinance and on the Concept and Detailed Plans for purposes of controlling development regulations and uses not otherwise modified by the PD development ordinance.

(Ordinance 2019-O0154 adopted 10/22/2019; Ordinance 2020-O0038, sec. 1, adopted 3/10/2020)

**Sec. 40.03.3227     Qualification requirements**

(a)     Mandatory Requirements. Consideration of a proposed development pursuant to the PD regulations in this Article may occur only on sites where the following conditions are met:

(1)     The proposed development site shall be at least two (2) acres in total area where located within the area enclosed by Loop 289, and at least seven (7) acres elsewhere. However, in the interest of making use of the PD as a tool to implement the Comprehensive Plan, the City Council, upon recommendation from the Planning and Zoning Commission, may permit a 50% reduction in these minimum area requirements if:

(A)     The project has unique characteristics and benefits, and/or

(B)     The parcel in question has unique characteristics that significantly impact development, such as, for example, unusual shape or proportions, unusual topography, or potentially incompatible land uses on surrounding property; and

(b)     Concept Plan Eligibility Criteria. In order to be eligible for PD approval, it shall be demonstrated with the Concept Plan that all of the following criteria will be met:

(1)     The use of PD development regulations shall not be used for the sole purpose of avoiding the quantitative or dimensional requirements for uses that would already be permitted in the base zoning district;

(2)     PD Concept Plan approval shall be granted only when the proposed land use will not materially add public service or facility loads beyond those contemplated in the Comprehensive Plan or other adopted policies or plans of the City, unless the applicant can demonstrate to the satisfaction of the City Council that such added loads will be accommodated or mitigated upon implementation of the PD development plan;

(3)     A proposed PD development shall be consistent with the goals and objectives and shall not have an adverse impact upon the Comprehensive Plan. Notwithstanding this requirement, the City Council may approve a PD development proposal that includes uses which are not called for in the Comprehensive Plan, provided that the City Council determines that such a use deviation is justified based on a demonstrated need and the current planning and development objectives of the City;

(4)     Land use patterns established by the PD development shall be compatible with existing and planned uses on and adjacent to the site;

(5)     The PD development shall improve the appearance of the City through quality building design and site development, the provision of trees and landscaping consistent with or beyond minimum requirements of the base zoning district, the preservation of unique and/or historic sites or structures, and/or the provision of open space or other desirable features of a site beyond minimum requirements; and

(6)     The PD development shall not be allowed solely as a means of increasing the density or intensity of development. The PD development shall result in a development that could not be achieved under conventional zoning.

(Ordinance 2019-O0154 adopted 10/22/2019)

**Sec. 40.03.3228     Permitted uses**

A PD development may contain any uses or combination of uses that are listed as Permitted Uses or Conditional or Specific Uses in compatible zoning districts in the City provided that the proposed uses are shown on the approved Concept Plan, and provided further that the proposed uses satisfy the following criteria:

(1)     Compatibility of Uses. Uses within the PD shall be compatible with one another and with adjacent uses, as determined by generally accepted planning principles. Problems with compatibility of uses shall be mitigated through appropriate site design and usage of development standards beyond minimums, such as extended buffer yards, berms, landscaping, screening fences, building design (form, massing, architectural design and materials), or other suitable methods.

(2)     Harmonious Relationship. There shall be a reasonably harmonious relationship between the location of buildings and uses on the site relative to buildings and uses on lands in the surrounding area.

(3)     Combination of Residential and Non-Residential Uses. Residential and non-residential uses may be permitted together on the same site in a PD development, provided that the residential and non-residential uses are carefully integrated in a manner that is consistent with established site design and planning principles so as to create a sustainable overall development.

(Ordinance 2019-O0154 adopted 10/22/2019)

**Sec. 40.03.3229     Development standards**

The design standards in this Section shall be used as a guide for design of PD developments. However, modifications to these standards may be approved by the City Council in conjunction with approval of the Concept Plan, upon receiving an advisory recommendation from the Planning and Zoning Commission, and upon making the determination that other standards would be more appropriate because of the particular design and orientation of buildings and uses, provided that any such modified standards shall be consistent with the intent of the PD stated in section 40.03.3225. Design and zoning standards modifications approved in conjunction with the approval of a PD Concept Plan shall not require approval of the Zoning Board of Adjustments.

(1)     Purpose. The purpose of this section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered in the context of the surrounding area.

(2)     Setbacks. PD developments shall comply with the following minimum setback requirements, which shall be determined by the same method as determination of setbacks in other zoning districts, unless otherwise indicated:

**Table 24.1: PD Development Minimum Building Setbacks**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | | **Location** | **Minimum Setback (a)** | | Along perimeter of PD project, adjacent to public road | 30 ft. | | Along perimeter of PD project, not adjacent to public road | 20 ft. | | Along internal road or driveway | (b) | | Setback between buildings within PD project | (b) | |

(a)     A smaller setback with a build-to line may be approved upon review of the Concept Plan in the interest of establishing a consistent relationship of the buildings to the street and sidewalk, so as to form a visually continuous pedestrian-oriented street front.

(b)     Minimum setbacks within the development shall be based on established planning and design principles, taking into account the degree of compatibility between adjoining uses, compatibility between uses and roads and drives, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, compliance with building and fire codes, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space.

(3)     Maximum Height. Buildings and structures that are taller than the maximum height allowed in the base zoning district may be approved, upon making the following determinations:

(A)     Light and Shadow. Buildings or structures greater than forty (40) feet in height shall be designed so as to not have an unreasonable adverse impact on adjacent property as a result of the shadows that are cast or glare created from reflected or artificial light.

(B)     Privacy. Buildings or structures greater than forty (40) feet in height shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas.

(C)     Scale of Development. Buildings or structures greater than forty (40) feet in height shall be compatible with the scale of the neighborhood or area in which they are situated in terms of relative height, height to mass, and building or structure scale to human scale.

(4)     Parking and Loading. Parking and loading facilities in PD developments shall comply with the standards set forth within the base zoning district. However, the minimum number of parking spaces required may be modified, based on evidence that other standards would be more reasonable because of the level of current or future employment, the level of current or future customer traffic, shared parking by uses that have peak parking demands that do not overlap, and other considerations. A decision to reduce the number of parking spaces shall be based on technical information provided by a qualified planning, parking or traffic consultant that verifies that the reduction will not impair the functioning of the developments served, or have an adverse impact on traffic flow on or adjacent to the development.

(5)     Landscaping. A complete landscaping plan which satisfies the requirements within the base zoning district shall be required as part of the Detail Plan submittal. However, the landscaping requirements may be modified with respect to design, but not in regard to the total landscaping percentage, provision of live plant material, or the need for irrigation. Deviations to requirements must be based on evidence that other standards would be more reasonable or desirable due to the inherent design of the PD Development, the benefit that would accrue to the end user, as well as other considerations.

(6)     Open Space in PD Developments with a Residential Component. PD developments containing a residential component shall provide usable open space that is accessible to all residents of the development. Such open usable space shall not consist of required yard areas or storm water retention or detention ponds (except as identified below) and shall be identified on the Concept and Detail Plans. The amount, location, shape, and other characteristics of open space within a development shall be based on established planning and design principles, taking into account the following considerations:

(A)     The types and arrangement of uses on the site;

(B)     The proposed uses of the open space and types of improvements proposed within the open space;

(C)     The extent to which the leisure and recreation needs of all segments of the population residing in the development would be accommodated; and

(D)     The manner in which the open space is integrated into the overall design of the development.

(E)     Up to 50% of the surface area of stormwater management ponds, as determined by the City Engineer, may qualify as open space if the following conditions are met:

(i)     All stormwater management ponds shall be integrated into the overall development and shall serve as a visual and physical amenity to the site. A visual and physical amenity is easily accessible to pedestrians and/or non-motorized vehicles and is visually attractive.

(ii)     The maximum slope of stormwater management ponds in a PD shall be 1:7.

(iii)     Fences around stormwater management ponds are not permitted.

(iv)     All stormwater management ponds shall have a natural appearance, and shall be round, oval, or kidney in shape with irregular edges.

(v)     Recreation facilities such as walking paths shall be provided near and/or around stormwater management ponds to allow users of the site to use and enjoy the ponds as an amenity.

(7)     Circulation System. The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles, and pedestrians throughout the proposed development and to and from surrounding areas.

(8)     Signage. Signage for each site and building within the PD Development shall comply with article 40.04 of this Code. However, deviations from the provisions of article 40.04, other than prohibited signs and off-premises signs (billboards), may be considered where a master sign plan is submitted and found to be within the spirit and intent of said Article, and minor deviations are shown to be necessary to accommodate wayfinding and/or the uniqueness of building design and layout within the development. The master sign plan shall be prepared by a licensed architect, landscape architect, or sign consultant and shall contain a site plan with all proposed signs keyed to elevations of the individual signs that are fully dimensioned, and further keyed to a sign list in tabular format with individual and cumulative sign areas, in square feet, included thereon.

(9)     Additional Considerations. In their review of a proposed PD development, the Planning and Zoning Commission and City Council may review other considerations that are found to be relevant to a particular project, including, but not necessarily limited to, road capacity, capacity and design of utility systems, achievement of an integrated development with respect to signage, lighting, landscaping, and building materials, and the extent to which noise reduction and visual screening are used, particularly in cases where non-residential uses adjoin residential uses. When reviewing any such additional considerations, the Staff, Planning and Zoning Commission and City Council may refer to applicable standards in article 40.01 - General Provisions, the Parking and Loading, Landscaping and Screening, and Fences and Screening sections of the respective zoning district sections 40.03.101–40.03.2976, and article 40.04 - Signs. While it is the intent of this section that the City Council be empowered with the ability to exercise flexibility in the application of regulations where deemed appropriate, it is not the intent of this section to authorize a waiver or lessening of design or construction standards otherwise prescribed for any public infrastructure proposed or required within a PD project.

(Ordinance 2019-O0154 adopted 10/22/2019)

**Sec. 40.03.3230     Review and approval procedures**

(a)     Review process.

(1)     Concept Plan Submission Contents. A Concept Plan may be submitted by any person or entity owning or controlling land that is eligible for consideration as a PD development in accordance with this section 40.03.3230(a). A request for Concept Plan approval for a PD Development is a request for rezoning and shall be required to adhere to the procedures set forth in section 40.01.005 except as modified herein. The Concept Plan submittal shall include an application for a zone change, as well as the following:

(A)     A written statement explaining the proposed uses, building and site improvements, phasing plans, and resulting open spaces, landscaped areas, floor area and parking. The written statement shall include a statement of reasons that a PD is preferred over conventional zoning, and identification of the benefits to the City of Lubbock and its residents resulting from the PD development project.

(B)     Concept Plan drawings, as defined and described in section 40.03.3226(b), containing enough detail to explain the proposed uses, relationship to adjoining parcels, vehicular and pedestrian circulation patterns, open spaces and landscape areas, and building density or intensity.

(C)     A plan of streets through and along the perimeter of the site, which shall be in accordance with the City’s approved Thoroughfare Plan.

(D)     Additional maps and documents as necessary to adequately describe the project.

(E)     A listing of proposed variations, deviations and/or exceptions to the use and design standards applicable to the base zoning district, as well as any other applicable requirement, and an explanation as to how each such proposal will benefit the project pursuant to the purpose and intent of the PD regulations as set forth in section 40.03.3225.

(b)     Concept Plan Submission Review by the Planning and Zoning Commission. If the application is found to be complete by the Director of Planning, the application shall be transmitted to the Planning and Zoning Commission for review and recommendation to the City Council. Before making a recommendation, the Planning and Zoning Commission shall hold a public hearing. After the public hearing, the Planning and Zoning Commission shall review the proposal. In conducting its review, the Planning and Zoning Commission may seek information, analysis and advice from the City staff, as necessary. The Planning Commission shall then report its findings and make its recommendations to the City Council.

(c)     Concept Plan Submission Review by the City Council. Upon receipt of the report and recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing. After the public hearing, the City Council shall review all findings and take action to approve, approve with conditions, or deny the Concept Plan, and shall set forth the reasons for their action in writing. A determination that a proposal qualifies for PD development Concept Plan approval shall be accompanied by a description of the minimum conditions under which the proposal will be considered for final Detail Plan approval. In describing such conditions, the City Council may identify specific requirements or standards in the Zoning Ordinance that could be waived or modified upon approval of the final PD development Detail Plan, and under what conditions. A determination of Qualification and Concept Plan Approval does not assure approval of a particular PD Detail Plan, but is intended to provide direction for preparation of the Detail Plan upon which a final determination would be based. If the City Council denies the Concept Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new design based upon a revised Concept Plan.

(d)     PD Development Ordinance. The City Attorney shall prepare a PD Development Ordinance rezoning the property, and set forth the conditions upon which the Concept Plan approval is based. The ordinance shall be voted upon after the first public hearing and, if passed, shall require a second reading at a subsequent meeting of the City Council prior to publication and enactment. Upon receiving an advisory recommendation from the Planning and Zoning Commission and making a determination that alternate standards would be more appropriate based on the findings enumerated in section 40.03.3229 of this division, the City Council may modify the following standards from those found within the base zoning district, which shall be specifically enumerated by the City Attorney within the PD development ordinance, and shall include and incorporate the approved Concept Plan:

(1)     Use Standards: The uses of the property within the boundaries of the PD development;

(2)     Dimensional Standards: Maximum building height, lot dimensions, lot areas, lot coverage, building setbacks, building floor area, and off-street parking and loading requirements;

(3)     Design Standards: Landscaping, signage, lighting, access (vehicular and pedestrian), sidewalks and paths, and building facade and materials; and

(4)     Other standards as deemed necessary to reasonably facilitate the project while achieving the principal goal of protecting public health, safety and welfare.

(e)     Approval. Approval of a Concept Plan and adoption of its PD Development ordinance by the City Council pursuant to the PD regulations shall confer upon the property owner or owners the right to submit a PD Detail Plan in accordance with subsection (b). The right to submit a PD Detail Plan will be valid for a period of thirty (30) months from the date of Concept Plan approval by the City Council. Once an area has been included in a Concept Plan that has been approved by the City Council, no development may take place in such area nor may any use thereof be made except in accordance with the City Council-approved Concept Plan or a Plan Amended in accordance with subsection (d) of this section.

(f)     Request for Final Approval. Following approval of a Concept Plan by the City Council, final approval may be sought by submittal of the following materials:

(1)     PD Detail Plan Submission. An application and Detail Plan (as defined in section 40.03.3226(c)) shall be submitted to the Director of Planning to initiate review and action by the City staff. The Detail Plan shall contain all of the information required for site plans, and any other documentation necessary to demonstrate that the Detail Plan complies with all the conditions upon which approval of the Concept Plan was based.

(2)     Administrative Review.

(A)     The Director of Planning shall coordinate an interdepartmental review of the proposed Detail Plan and determine whether the proposal satisfies the qualification criteria, the site plan submittal requirements and the minimum conditions of approval of the Concept Plan, as well as the following:

(i)     The Detail Plan is in substantial compliance with the approved Concept Plan.

(ii)     All applicable provisions of this Article and Ordinance will be met. Insofar as any provisions of this Article are in conflict with the provisions of any other section of this Ordinance, the provisions of this Article shall apply to the lands within the boundaries of the proposed PD development project.

(iii)     There is, or will be at the time of development, sewer, water, and an adequate means of managing storm water flow, and achieving a safe and adequate road system.

(iv)     Upon making these determinations, the Director of Planning shall approve the Detail Plan.

(v)     Where the Director of Planning determines that the Detail Plan is not in substantial compliance with the (i)-(iii) above, the Director shall disapprove the Detail Plan, setting forth the reasons therefore in writing.

(B)     Administrative approval of a PD Detail Plan shall be final, unless the Detail Plan proposes significant alterations to the intent and conditions of the Concept Plan approval, in which case reconsideration of the Concept Plan by the Planning and Zoning Commission and City Council shall be required, pursuant to section 40.01.005. If such reconsideration is required, then the Director of Planning shall delay taking action on the Detail Plan until the Planning and Zoning Commission reconsiders and acts on the revised Concept Plan. Where such action is necessary, any fees necessary for processing the request shall again be due and payable in the same manner and in the same amount as the original request. Notwithstanding the forgoing, the Director of Planning is authorized to require that any proposed Detail Plan be submitted to the City Council for a determination as to whether such plan conforms to the intent of the original Concept Plan approval.

(g)     Construction Approval and phasing. Upon approval of the Detail Plan, the Director of Planning is authorized to issue a notice of approval to the owner or developer that the applicant may proceed to the next phase of regulatory review, including site plan review and building permit submittal, subject to any and all other development, construction and permitting requirements of this code, including, but not limited to, subdivision platting and storm water permit approval. A PD development project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the project and the residents of the surrounding area. Where approved for construction in phases, the approval for each detailed plan for a phase shall be deemed to have expired thirty (30) months from the date of its original approval.

(h)     Amendments.

(1)     If the Director of Planning determines that a proposed amendment to a plan approved pursuant to these PD regulations alters the intent and conditions of the PD development approval, a revised Concept and Detail Plans shall be submitted for review following the procedures set forth herein.

(2)     If the proposed amendment is not found to alter the intent and conditions of the PD approval, the amendment shall be reviewed as an amendment to the site plan, following all normal procedures for site plan and/or building permit review.

(i)     Minor modifications. The Director of Planning is authorized to approve minor modifications to a plan approved pursuant to these PD regulations that do not alter the intent and conditions of the PD approval, and:

(1)     Do not alter the uses allowed;

(2)     Do not increase the maximum density, floor area, height, or lot coverage by a factor of more than 10%;

(3)     Do not significantly alter the facade design and materials;

(4)     Do not increase or decrease the amount of off-street parking by a factor of more than 10%;

(5)     Do not increase or decrease the minimum yards or setbacks;

(6)     Do not modify the overall acreage, but rather modify the acreage identified for each use by a factor of no more than 10%.

(j)     Appeals. The Planning and Zoning Commission and City Council maintain exclusive authority on matters of appeal related to the Planned Development District.

(Ordinance 2019-O0154 adopted 10/22/2019; Ordinance 2020-O0038 sec. 2, adopted 3/10/2020)