

ORDINANCE NO. 2019-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE BASTROP CITY CODE OF ORDINANCES, CHAPTER 14, "ZONING," EXHIBIT A "ZONING ORDINANCE," SECTION 32 – "PD – PLANNED DEVELOPMENT DISTRICT"; REPEALING CONFLICTING PROVISIONS; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, ENFORCEMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, House Bill 3167 of the 86th Session of the Texas Legislature requires that a subdivision development plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by staff and/or Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction; and

WHEREAS, Chapter 211 – Municipal Zoning Authority of the Local Government Code is not subject to the 30-day requirement of House Bill 3167; and

WHEREAS, In order to ensure compliance with House Bill 3167, portions of Chapter 14, Section 32 – PD – Planned Development District will need to be amended; and

WHEREAS, The City's current Code of Ordinances specifies that a site plan be submitted with an application for Planned Development District which would be subject to the 30-day requirement; and

WHEREAS, Application requirements for a Planned Development District need to be clearly defined and compliant with Chapter 211 of the Local Government Code.

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

SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT

That Chapter 14, "Zoning," of the Code of Ordinances, Exhibit A, "Zoning Ordinance," Section 32 – "PD – Planned Development District" is amended to read as described and attached hereto as Exhibit "A."

SECTION 3. REPEALER

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. ENFORCEMENT

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. OPEN MEETINGS


It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & ACKNOWLEDGED on First Reading on the 14th day of August 2019.

READ & APPROVED on the Second Reading on the 27th day of August 2019.


APPROVED:

by



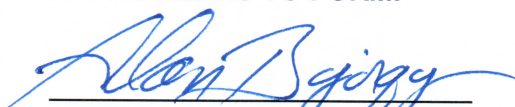
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

City of Bastrop Code of Ordinances

CHAPTER 14 Zoning

EXHIBIT A Zoning Ordinance

SECTION 32 - PD - PLANNED DEVELOPMENT DISTRICT

32.1 - GENERAL PURPOSE AND DESCRIPTION:

As new development occurs in the City of Bastrop, it is the intent of the City Council to foster neighborhoods and the commercial enterprises serving these neighborhoods with the accessibility to public space, diversity and richness of building styles, lot sizes, and uses found in the older areas of the City (i.e., principally that area bounded by the Colorado River on the west, Highway 71 on the south and Highway 95 on the east).

To that end, this ordinance provides for Planned Development Districts which encourage innovation in design and combinations of the land use units and uses described in this ordinance. This flexibility can provide a developer of such a Planned Development District the potential for a more efficient development through clustered higher densities, a more interesting and attractive development, if in turn it also provides for more public lands for parks, trails, squares, educational purposes, and other public uses.

The developer of a Planned Development District can maximize use of the land through higher lot coverages and densities, variable setback provisions, and by mixing uses to accommodate different lot sizes.

On the other hand, the potential residents and users of the district - including the broader community of Bastrop - will have available to them greater choice in meeting their housing, shopping and recreational needs. Such a district could also be viewed as one more nearly akin to historic Bastrop than would a typical suburban neighborhood.

The City Council of the City of Bastrop, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission may authorize the creation of a Planned Development District.

The Planned Development (PD) District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, retail, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

32.2 - PERMITTED USES:

An application for a PD District shall specify the base district and the use or the combination of uses proposed. Uses which may be permitted in a PD are specified in the Use Charts (Section 36) and must be specified if not permitted in the base district. In selecting a base zoning district,

the uses allowed in the base district must be similar or compatible with those allowed in the PD. PD designations shall not be attached to Conditional Use Permit (CUP) requirements. CUP allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval.

32.3 - PLANNED DEVELOPMENT REQUIREMENTS:

- A. Development requirements for each separate PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD District, uses shall generally conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance. Consideration will be given certain combinations of zoning districts. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete). The Planned Development District shall conform to all other sections of the Ordinance unless specifically excluded in the granting ordinance.
- C. The Ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
- D. In return for this greater flexibility in the use of land within a PD District, the PD proposal must also include provisions for public space in the form of parks, trails, or other public amenities.
- E. The minimum acreage for a planned development request shall be three (3) acres.

32.4 - PLANS:

In establishing a Planned Development District in accordance with this section, the City Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each Planned Development District. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and City Council shall require a Zoning Concept Scheme of the proposed project.

- A. Zoning Concept Scheme – The concept scheme shall be submitted by the applicant at the time of the PD request. The scheme shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s) which further describe and explain the following requirements:
 - 1. The Zoning Concept Scheme shall include:
 - a. Boundary of the proposed area
 - b. A scaled drawing showing types and location of proposed uses
 - c. Thoroughfares and preliminary lot arrangements
 - d. A sketch drawing that shows the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and project scheduling

- e. Physical features of the site including a scaled drawing showing major existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas
- f. Any existing thoroughfares and easements
- g. Location of proposed public open spaces or civic spaces
- h. The points of ingress and egress from existing and proposed streets
- i. A landscape plan showing turf areas, screening walls, ornamental planting, wooded areas to be preserved, and trees to be planted. The landscape plan should provide types of plantings to be used and give a general landscape design scheme for the development
- j. A conceptual infrastructure plan showing the location of any existing or proposed utilities needed to adequately serve the development
- k. Architectural drawings (elevations, etc.) showing elevations and architectural style to be used throughout the development
- l. A parks and trails plan showing any proposed parks, trails, hardscape, playscape, water feature or any other proposed improvements to any civic or open space
- m. A Conceptual Drainage Plan as required by Appendix A of the City of Bastrop Stormwater Drainage Design Manual

32.5 - APPROVAL PROCESS AND PROCEDURE:

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 10. This procedure is further expanded as follows for approval of Zoning Concept Schemes.

- A. The Planning and Zoning Commission and the City Council may approve the Zoning Concept Scheme or any section of the scheme, separately or jointly, in public hearings. One public hearing at the Planning and Zoning Commission and one at the City Council for the PD request is adequate when:
 - 1. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for a Zoning Concept Scheme; or
 - 2. The Ordinance establishing the Planned Development District shall not be approved until the Zoning Concept Scheme is approved.
 - 3. A Site Development Plan or plat shall be submitted for approval within two (2) years from the approval of the Zoning Concept Scheme for some portion of the project. If a partial Site Development Plan or plat is not submitted within two (2) years, the Zoning Concept Scheme is subject to review by the Planning and Zoning Commission and City Council. If some portion of the entire project is not started within two (2) years, the Planning and Zoning Commission and City Council may review the original Zoning Concept Scheme to ensure its continued validity. If the City determines the scheme is not valid, a new Zoning Concept Scheme must be approved prior to issuing a building permit for any portion of the PD District.
- B. Site Development Plan – A Site Development Plan as provided for in Section 42.1.B – Applicability will be required prior to any construction or building permit within the PD. Approval of the Site Development Plan shall be in accordance with Section 42.2 – Approval Process.

32.6 - WRITTEN COMMENTS FROM DIRECTOR OF PLANNING AND DEVELOPMENT:

When a PD District is being considered, a written report shall be prepared by the Director of Planning and Development which discusses the merits of the development. In addition, written comments from applicable public agencies (such as the school district and utility companies) may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council.

32.7 - REFERENCED ON ZONING MAP:

All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained as part of this Ordinance.

32.8 - PLANNED DEVELOPMENT ORDINANCES CONTINUED:

Prior to adoption of this Ordinance, the City Council has established various Planned Development Districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance specified in Appendix A-1 shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development Districts shown on the Zoning Map at the date of adoption of this ordinance.

32.9 - USES OR DEVELOPMENTS ALLOWED ONLY BY PD:

Because of the uniqueness of the following uses in Bastrop, they shall be permitted by PD designation only:

A. Patio Homes/Zero-Lot-Line Homes

1. **General Purpose and Description:** Patio homes allow for development of detached "zero-lot-line" homes in a modified residential district which encourages greater use of the side yard areas. Clustered lot patterns with a common usable open space system can be incorporated as an integral part of the development.
2. **Height Regulations:**
 - a. **Maximum Height** - Two and one-half (2½) stories for the main structure; one (1) story for accessory buildings.
3. **Area Regulations:**
 - a. **Minimum Front Yard** - Twenty-five feet (25').
 - b. **Minimum Rear Yard** - Twelve feet (12'); twenty feet (20') for a structure accommodation required off-street parking, if provided access is from a dedicated or private alley.
4. **Side Yard Regulations:**
 - a. **Side Yard Setback:** Side setbacks are one and one-half foot (1½') maximum on one side and a minimum of eight and one-half feet (8½') on the opposite side. The dwelling shall be no closer than ten feet (10') between the face of exterior walls of neighboring dwelling units.
 - b. No roof overhang, gutter or extension from a wall will be allowed to extend over a property line.
 - c. The closest exterior roof line to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property.

- d. Each adjacent lot shall provide a maintenance easement, a minimum of five feet (5'), adjacent to the "zero" (zero foot) side to allow the property owner access for maintenance of his dwelling.
 - e. The majority of one side of the structure shall be located within three feet (3') of one side lot line. The building wall which faces the "zero" side of the lot shall not have any doors, windows, ducts, grills, vents, or other openings.
 - f. Minimum Side Yard Setback Adjacent to Street Right-of-Way: Fifteen feet (15').
5. Size of Lots:
- a. Minimum Lot Area - Five thousand (5000) square feet.
 - b. Minimum Lot Width - Fifty feet (50').
 - c. Minimum Lot Depth - Ninety feet (90').
6. Maximum Lot Coverage: Fifty percent (50%) total, including main and accessory buildings.
7. Minimum Area of Dwelling Unit: Each unit shall have a minimum floor area of one thousand (1,000) square feet.
8. Parking Regulations: Two (2) enclosed spaces on the same lot as the main structure (see Section 38, Off-Street Parking and Loading Requirements).
9. Items 5, 6, and 7 above may be modified depending on the PD proposal and the required public amenities, open space, etc., which are included in the proposal.