

Bastrop Planning and Zoning Commission Agenda

Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800



May 25, 2023

Agenda - Planning and Zoning Commission at 6:30 PM

Bastrop Planning and Zoning Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

1. **CALL TO ORDER**

2. **CITIZEN COMMENTS**

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Board/Commission must complete a citizen comment form and give the completed form to the Board/Commission Secretary prior to the start of the Board/Commission meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Board/Commission cannot discuss issues raised or make any decision at this time. Instead, the Board/Commission is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Board/Commission to allow a member of the public to slur the performance, honesty and/or integrity of the Board/Commission, as a body, or any member or members of the Board/Commission individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Board/Commission and/or any person in the Board/Commission's presence will not be tolerated.

3. **ITEMS FOR INDIVIDUAL CONSIDERATION**

3A. Consider action to approve meeting minutes from the April 27, 2023 Planning and Zoning Commission Meeting.

Submitted by: Melissa Gustafson, Development Technician

- [3B.](#) Consider action to approve meeting minutes from the April 27, 2023 Impact Fee Advisory Committee Meeting Minutes.

Submitted by: Melissa Gustafson, Development Technician

- [3C.](#) Public Hearing to consider and act on amending SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES Continuing Lawful Use of Property & Existence of Structures item (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA by adding an administrative relief component for residents.

Submitted by: Trey Job CPM, Assistant City Manager for Community Development

4. **WORKSHOP**

- [4A.](#) Presentation and workshop to discuss regulations for short term rentals.

Submitted by: Sylvia Carrillo, City Manager

- [4B.](#) Discussion and workshop on an ordinance amending the Bastrop Building Block (B3) Code, Article 3.1 Place Type Zoning Districts, and Adding Article 3.4 Planned Development Districts, for the purpose of considering Planned Development Districts within the City of Bastrop.

Submitted by: Sylvia Carrillo, City Manager & Assistant City Manager Trey Job, CPM

5. **UPDATES**

- 5A. Update on recent City Council actions regarding Development Services Department items.
- 5B. Development Services Department Monthly Project Volume Report.
- 5C. Individual Requests from Planning & Zoning Commissioners that particular items to be listed on future agendas (no group discussion allowed).

6. **ADJOURNMENT**

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Monday, May 22, 2023 at 5:30 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Nicole Peterson
Nicole Peterson, Project Coordinator



STAFF REPORT

MEETING DATE: May 25, 2023

TITLE:

Consider action to approve meeting minutes from the April 27, 2023 Planning and Zoning Commission Meeting.

STAFF REPRESENTATIVE:

Melissa Gustafson, Development Technician

ATTACHMENTS:

- Meeting Minutes



PLANNING & ZONING COMMISSION MEETING

Thursday, April 27, 2023 – 6:30 PM

Meeting Minutes

1. CALL TO ORDER

Debbie Moore	Present
Carrie Caylor	Present
Cynthia Meyer	Present
Ishmael Harris	Present
Scott Long	Present
Judah Ross	Present
Kristi Koch	Present
David Barrow	Present
Patrice Parsons	Present

2. CITIZEN COMMENTS

No Citizen Comments

3. CONSENT AGENDA

- 3A. Consider action to approve meeting minutes from the March 30, 2023, Planning and Zoning Commission Regular Meeting
- 3B. Consider action to approve Bastrop Grove Section 3, Lots 9-19 Final Plat, being 18.265 acres out of the Nancy Blakey Survey, Abstract No. 98, located south of SH 71 and east of SH 304, within the city limits of Bastrop, Texas, as shown in Exhibit A.
- 3C. Consider action to approve Bastrop Grove, Section 5, Final Plat, being 25.865 acres out of the Nancy Blakey Survey, Abstract No. 98, located south of Agnes Street and east of State Highway 304, within the city limits of Bastrop, Texas, as shown in Exhibit A.

Carrie Caylor made a motion to approve the consent agenda. Patrice Parsons seconded the motion. The motion was carried unanimously.

4. ITEMS FOR INDIVIDUAL CONSIDERATION

4A Consider and act on amending SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES - Continuing Lawful Use of Property & Existence of Structures item (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA by adding an administrative relief component for residents.

Legal Counsel, Rezzin Pullum, stated this item will have additional opportunity for the Commissioners to make changes. There will need to be a public hearing in P&Z, which will require 15 days notice. Commissioners will see in the next agenda packet an ordinance that will flesh out the recommendations as well as the feet for the pin drop as well as any other recommendations the Commissioners may have.

Staff asked the Commissioners what they would like to see with regard to this item. Commissioners asked how common is it that we have non-conforming properties that are trying to get approval? Staff stated there are requests for warrants to certain lot occupancy standards. As far as non-conforming continuing use, Staff stated they had one and when the non-conforming resident was presented with coming to P&Z to make their case, they chose not to.

Commissioners requested that whatever distance was decided for any non-conforming applications that it should be consistent across the board for citizens. Staff stated that a greater distance would require more notifications which would incur additional fees.

Commissioners asked if we assess enough fees to pay for public notices. Staff stated that fee recovery could be made through additional notification fees.

Commissioners asked how long it can take for a non-conforming structure? How long are they allowed before action can be taken? Staff stated it is currently 6 months, however, it could be longer.

Legal counsel, Rezzin Pullum, interjected regarding two considerations he needed to bring up that the Commissioners will be seeing in the ordinance for the next meeting.

1. Whether this applies to an accessory structure also and if the replacement is going above 50% of the actual value of the building.
2. How we look at routine repairs and non-structural alterations.

Staff asked Commissioners how long they thought the time should be for repairs. Commissioners recommended 12 months to allow repairs. Commissioners recommended adding to a non-conforming structure if they stay within 50% of the value of the property.

Commissioners recommended in the situation of loss due to damage that they would like to use square footage vs. appraised value.

Commissioners asked why the discussion was about the appraised value rather than the footprint. Staff stated that it was just the standard, however, that a change to the language could be made to reflect the footprint. Commissioners also stated this may apply to accessory structures and primary dwellings.

Commissioners asked regarding the administrative appeal - what will the guideline be for city staff? Staff stated it will be what the Commission decides and approves.

Commissioners asked how this affects the impervious cover issue? Staff stated this will be part of the next administrative process as we are going through the code.

Due to the necessary notification to the Public regarding this item, no vote was called on this agenda item.

Staff reminded the Commissioners of the previously approved amendments to the Code.

1. Fences
2. Glazing reduced from 60% to 20%
3. Lot of Record
4. Fees reduced for Non-Conforming items to \$500 from \$3,000.
5. Variance Fees reduced from \$3,681 to \$500.
6. Certificate of Appropriateness for the Iredell District is under a moratorium. The COA still applies to the Historic District.

Commissioners asked if the problem of permit applicants having to provide all their trade permits upfront had been corrected. Staff stated that the issue has been taken care of.

Commissioners asked if we going to be taking proposed amendments that came from the commercial sector to the private sector? Staff stated that we will be comparing the two sectors. It will go before the development group, then come to P&Z, and then go to the public. This process will be utilized for both Commercial and Residential. The process will start with the Residential and it will inform the Commercial process.

5. WORKSHOP

- 5A. Workshop to discuss critical information related to the newly created Development Services Department.

Commissioners asked if the new inspectors would be in-house. Staff stated they would be in house with periodic use of 3rd party inspectors as needed to cover demand.

Staff shared that Development Services will become an Independent Fund and will generate it's own revenue and the fees that are covered in those costs already will stay within that fund and will therefore be a more solvent way to operate.

6. UPDATES

- 6A. Update on recent City Council actions regarding Development Services Department Items
- 6B. Planning and Development Department Monthly Project Volume Report.
- 6C. Individual Requests from Planning & Zoning Commissioners for particular items to be listed on future agendas (no group discussion allowed).

Commissioners shared citizen concerns regarding Air B&B's, how many are allowed, what other cities are doing as well as coming up with a proposal for our city.

Commissioners would like an update on the Burleson Crossing project.

7. ADJOURNMENT

Cynthia Meyer made a motion to adjourn the meeting at 7:53 PM. Judah Ross seconded the motion. The motion passed unanimously.



STAFF REPORT

MEETING DATE: May 25, 2023

TITLE:

Consider action to approve meeting minutes from the April 27, 2023 Impact Fee Advisory Committee Meeting Minutes.

STAFF REPRESENTATIVE:

Melissa Gustafson, Development Technician

ATTACHMENTS:

- Meeting Minutes



IMPACT FEE ADVISORY COMMITTEE MEETING

April 27, 2023, at 6:00 P.M.

Meeting Minutes

The City of Bastrop Impact Fee Advisory Committee met Thursday, April 27, 2023, at 6:00 p.m. in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602

1. CALL TO ORDER

Debbie Moore called the meeting to order at 6:00 p.m.

Dawn Kana	Present
Debbie Moore	Present
Carrie Caylor	Absent
Cynthia Meyer	Present
Ishmael Harris	Present
Scott Long	Present
Patrice Parsons	Present
Judah Ross	Present
Kristi Koch	Present
David Barrow	Present

2. CITIZEN COMMENTS

There were no citizen comments

3. WORKSHOP

- 3A. Presentation and discussion on Land Use Assumptions Recap, Capital Improvement Plan Requirements and Draft Capital Improvement Plans for City Council.

Jake Gutekunst, consultant from Kimley Horn spoke to Commissioners about Land Use Assumptions, Capital Improvements Plan Requirements and Draft Capital Improvement Plans for City Council.

Discussion commenced between Jake Gutekunst and the Commissioners over the following topics:

- Where does the money come from for the Impact Fees?
 - Jake stated that developers pay these fees when they build in the City.
- Does this include stoplight improvements.
 - Jake stated it does include intersection improvements which would be traffic lights, turn lanes., etc.
- How much of the \$97 million in project costs would the impact fees cover?
 - Jake stated the total amount of Impact Fees would only come to about half the amount. Some cities only see 1/3rd to 1/6th of that amount depending on whether the city charges the maximum fee, or a lower fee.

4. How many years will the Capital Impact Fee be in place.
 - Jake stated the Capital Impact Fee will be in place for 10 years.
5. Are repairs included when the component costs are set up?
 - Jake stated repairs are not included in the costs, as they fall under maintenance, which is not covered by Impact Fees.
6. How are developers currently paying for transportation services?
 - Jake stated developers are building grid networks, dedicate right of way and building a portion of the thoroughfares.

4. ADJOURNMENT

Cynthia Meyer made a motion to adjourn. Patrice Parson's seconded the motion. The motion passed unanimously.

Debbie Moore closed the Impact Fee Advisory Meeting at 6:21 p.m. to proceed to the Planning and Zoning Meeting.

Dawn Kana, Impact Fee Advisor

Debbie Moore, Chair



STAFF REPORT

MEETING DATE: May 25, 2023

TITLE:

Public Hearing to consider and act on amending SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES Continuing Lawful Use of Property & Existence of Structures item (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA by adding an administrative relief component for residents.

AGENDA ITEM SUBMITTED BY:

Trey Job CPM, Assistant City Manager for Community Development

BACKGROUND/HISTORY

The City of Bastrop is undergoing a process improvement review. As part of the review some small code revisions have been proposed to allow for more administrative authority to make decisions in a quicker, more efficient manner. During the last planning and zoning commission meeting in April, the commissioners appeared to have general consensus that the proposed amendments make sense. These amendments are ready for discussion and recommendation of adoption if the board chooses to do so.

ATTACHMENTS:

- Proposed amendments

(b) Nonconforming Status

(1) Any use, platted Lot, or Structure that does not conform with the Standards of the Place Type Zoning District description where it is located shall be deemed a nonconforming use or Structure when:

- A. The use, platted Lot, or Structure was in existence and lawfully operating on the time of the passage of the previous Code passed September 14, 1999, and has since been in regular and continuous use; or
- B. The use, platted Lot, or Structure is a lawful use at the time of the adoption of any amendment to this Code but by such amendment is placed in a district wherein such use, platted Lot, or Structure is not otherwise permitted and has since been in regular and continuous use; or
- C. The use, platted Lot, or Structure was in existence at the time of annexation to the City and has since been in regular and continuous use.

(c) Continuing Lawful Use of Property & Existence of Structures

- (1) The lawful use of land or lawful existence of Structures at the time of the passage of this Code, although such do not conform to the provisions hereof, may be continued; but if said nonconforming use or Structure is discontinued for a period of 6 months or longer, a rebuttable presumption is created that the nonconforming use was intended to be abandoned, any future use of said Premises shall be in conformity with the provisions of this Code.
- (2) Discontinuance of a nonconforming use or Structure shall commence on the actual act or date of discontinuance. Abandonment of a nonconforming Structure shall commence on the act or date of abandonment.
- (3) When a nonconforming use or Structure that does not meet the Development Standards in this Code ceases to be used for a period of 6 months or longer, such use shall not be resumed and proof of such event shall constitute prima facie evidence of an act of abandonment. Any nonconforming use that does not involve a permanent type of Structure or operation and that is moved from the Premises shall be

considered to have been abandoned. Manufactured homes and mobile homes may be replaced once per the Texas Occupations Code.

- (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA OR can be administratively resolved if the following condition exists, properties within 200 feet the adjacent structures have a similar encroachments, building standards, or lot standards, or setbacks or build to lines. The following determination can be made by the Director of Development Services when the applicant meets the surround built environment.
- (5) Conforming Residential uses on platted lots approved prior to this Code, that may now be nonconforming due to stricter Standards, shall be deemed in conformance with this Code as long as the use of the Lot is allowed in the respective district.
- (6) Any existing vacant Lot platted prior to the adoption of this Code, that was legally conforming, shall be deemed a conforming Lot subject to the provisions applicable to Lots of Records as defined in Sec. 1.3.013.



STAFF REPORT

MEETING DATE: May 25, 2023

TITLE:

Presentation and workshop to discuss regulations for short term rentals.

AGENDA ITEM SUBMITTED BY:

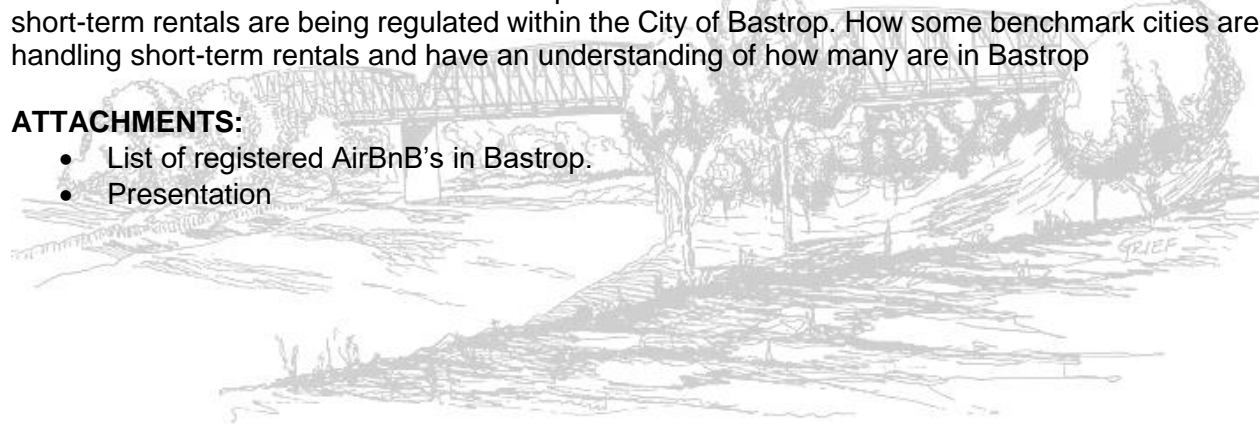
Sylvia Carrillo, City Manager

BACKGROUND/HISTORY

A discussion of the board held at the April Planning and Zoning Commission Regular meeting led to the addition of this item to the workshop. It was the direction of the board to understand how short-term rentals are being regulated within the City of Bastrop. How some benchmark cities are handling short-term rentals and have an understanding of how many are in Bastrop

ATTACHMENTS:

- List of registered AirBnB's in Bastrop.
- Presentation



AIR BnB - 2023 HOT Taxes

LAST NAME	FIRST NAME	DBA	ADDRESS	CITY	STATE	STATE TAX ID
BANKS	JOHNATHON	COLORADO RIVER	118 RIVER FRONT DRIVE	CEDAR CRE	TX	663536
CLAPS	KATHLEEN	RED GOAT RETREAT	407 POPE BND N	CEDAR CRE	TX	455626
HODO	CAROLYN	203 S SHORE	910 PERSHING DRIVE	COLLEGE S	TX	674988
MOSS	GARY	THE BEAST ABNB	120 PHONES LANE	BASTROP	TX	688109
MOSS	GARY	REIMAGINED 1708	1706 WILSON STREET	BASTROP	TX	665711
OTTO	JOHN		229 LEMING AVE	CORPUS CI	TX	459195
TUERCK	ANDREW		PO BOX 3089	GREENWO	CO	667248
BASTROP RIVER HOUSE			4802 PAWNEE PATHWAY	AUSTIN	TX	455607
BLUE CONTOURS LLC			115 LOOP 150 WEST	BASTROP	TX	455622
ET REALTY			3638 DEAL STRETT	HOUSTON	TX	672879
HILL COUNTRY PREMIER LODGING			13600 RANCH ROAD 12 STE B	WIMBERLE	TX	453270
ISAJA RENTAL			909 PECAN STREET	BASTROP	TX	493793
KXI INVESTING LLC			171 TRAILBLAZER DRIVE	BASTROP	TX	681900
PECAN STREET INN			1010 PECAN ST	BASTROP	TX	455620
PINES DEVELOPMENT LLC			9211 LAKE HEFNER PARKWAY #104	OKLAHOM	OK	689364
MORRIS MANSION			1508 CHURCH ST	BASTROP	TX	455619
STONE OAK INTERESTS LLC			825 LEVERKUHN STREET	HOUSTON	TX	679064
MCKINNEY ROUGHS NATURE PARK			PO BOX 220	AUSTIN	TX	456012
RESERVE AT GREENLEAF LLC THE			PO BOX 1621	BASTROP	TX	459832
VACASA			PO BOX 1338	BOISE	ID	369561



STAFF REPORT

MEETING DATE: May 25, 2023

TITLE:

Discussion and workshop on an ordinance amending the Bastrop Building Block (B3) Code, Article 3.1 Place Type Zoning Districts, and Adding Article 3.4 Planned Development Districts, for the purpose of considering Planned Development Districts within the City of Bastrop.

AGENDA ITEM SUBMITTED BY:

Sylvia Carrillo, City Manager & Assistant City Manager Trey Job, CPM.

BACKGROUND/HISTORY

While writing the Bastrop Building Block Code there was quite a bit of public engagement that led to specific standards in the zoning regulations that require a strict interpretation of the B³ Code. There is very little staff autonomy written in the code.

While the code itself is very flexible parts of it are more ridged. It requires the way a house/structure interacts with the public realm to yield to multiple forms of transportation, be comfortable, and over all follow a set of lot standards that have a look and feel of a more custom style house. This caused some criticism over time, and we have begun to revisit these requirements.

The intended goal of the B³ Code was to develop some standards that we know worked to provide a comfortable thriving environment; and if you chose to do something different that was certainly ok, but it required an applicant to take it to City Council for approval. A Planned Development District (PDD) is a very similar process. In order to do something different you are allowed to take the proposed subdivision of land and the lot occupation standards to City Council for final approval.

The proposed ordinance would require the development to establish minimum standards, master plan the proposed community, and define the submission and review process.

The proposed workshop should yield some development standards that keep/incorporate what is liked about the B³ code while providing good flexibility.

ATTACHMENTS:

- Planned Development District Ordinance

CITY OF BASTROP, TEXAS

ORDINANCE NO. 2023-__

PLANNED DEVELOPMENT DISTRICTS

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES CHAPTER 14, THE BASTROP BUILDING BLOCK (B3) CODE, ARTICLE 3.1 PLACE TYPE ZONING DISTRICTS, AND ADDING ARTICLE . PLANNED DEVELOPMENT DISTRICTS; ESTABLISHING STANDARDS AND PROCEDURES; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Bastrop (City Council) has general authority to adopt an Ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Chapters 211, 212, 214, and 217, the City Council has general authority to regulate planning, zoning, subdivisions, and the construction of buildings; and

WHEREAS, a Planned Development District is a district that accommodates planned association of uses developed as integral land use units such as industrial districts, offices, 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; and

WHEREAS, a Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in the City of Bastrop comprehensive zoning ordinance; and

WHEREAS, the City Council finds that the public benefit from rules or regulations that are crafted specifically to govern particular tracts for particular projects through the negotiation and enactment of Planned Development Districts that address the height, number of stories, size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts and other open spaces, density of population, the location and use of buildings, structures, land designated to be used for residential, commercial, trade, industry, or other purposes; and

WHEREAS, the City Council finds certain amendments to the Bastrop Code of Ordinances necessary to meet changing conditions and are in the best interest of the City; and

WHEREAS, the City Council finds the attached amendments are necessary and proper for the good government, peace, or order of the City to adopt an ordinance providing standards and procedures for the creation of Planned Development Districts.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, Texas:

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. Amendment: Chapter 14 of the Bastrop Code of Ordinances, the Bastrop Building Block (B3) Code, is hereby amended, and after such amendment, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Article Planned Development Districts is hereby added and shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as shown in each of the attachments.

Section 3. Repealer: To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated.

Section 4. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 5. Codification: The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

Section 6. Effective Date: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

Section 7. Proper Notice & Meeting: 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED on First Reading by the City Council of the City of Bastrop, on this, the ___ day of _____ 2023.

PASSED & APPROVED on Second Reading by the City Council of the City of Bastrop, on this, the ___ day of _____ 2023.

APPROVED:

by: _____, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

ARTICLE 3.1 PLACE TYPE ZONING DISTRICTS

SECTION 3.1.005 PLACE TYPE ZONING DISTRICTS TABLE

PDD: Planned Development Districts

Planned Development Districts are ~~existing~~ master planned developments ~~created under previous Codes~~ that allow a mix of land uses and design Standards. Each area has specific concept and Development plans that determine Street connectivity, Lot layout, and Building design.

DRAFT

ARTICLE 3.2, PLACE TYPE STANDARDS

SECTION 3.2.001 ALLOCATION & SEQUENCE OF PLACE TYPE DETERMINATION

(b) The City of Bastrop shall have the following assigned percentages of each Pedestrian Shed allocated to the established Place Types. Before preparing a Neighborhood Concept Scheme the Applicant must review permitted Development Patterns and the associated Standards. Place Type percentage allocation per Pedestrian Shed as described in Article 3.3:

P1- Nature	Varies
P2- Rural	Varies
P3 - Neighborhood	10-35%
P4 – Mix	25-75%
P5 – Core	5-20%
CS - Civic Space	10% min.
EC - Employment Center	No Min.
<u>PDD- Planned Development District</u>	<u>No Min.</u>

ARTICLE . PLANNED DEVELOPMENT DISTRICTS

Sec. .001. Title.

This article shall be commonly cited as the "Planned Development District Ordinance."

Sec. .002. Scope.

This article applies to all property within the incorporated municipal boundaries (i.e., "city limits"), and may also extend to the extraterritorial jurisdiction ("ETJ") to the extent owners are willing to be voluntarily annexed into the city concurrently with the adoption of the planned development district.

Sec. .003. Definitions.

(a) General. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in this code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(b) Specific.

Applicant. The person or entity applying for a PD district, that being the owner of fee simple title of the real property covered by the PD district, or a prospective purchaser, agent, representative, or developer of the property providing the city with written Power of Attorney evidencing authority to represent the owner and bind them in contract.

City Manager. The chief administrative officer of the city. The term may also include the deputy city manager, director of planning and development, or any other agent of the city specifically designated by the city council to perform the duties of the city manager, as set out in this article.

PD master plan. A development plan that serves as the basis for the enactment of a planned development district. The plan may be for one or more lots. The plan depicts the existing and proposed conditions of the lot, including: water features; landscaping and open spaces; walkways, means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; screening devices; and any other information required by this article. A PD master plan is not required to have an engineer's seal.

Site plan: An engineered development plan that serves as the basis for the issuance of a site development permit, in accordance with the city's site development ordinance.

Sec. . . .004. Purpose; nature of district.

(a) Purpose.

- (1) This article provides standards and procedures for the legislative creation of specialized zoning districts that are crafted specifically for certain land endeavors. Planned development districts are intended to allow flexibility and encourage creative land use and site development while providing natural resource preservation and protecting adjoining properties. Through planned development districts the city is better able to give developers the flexibility they need for complicated projects, while protecting the public interest by mitigating externalities related to traffic, noise, aesthetics, lighting, and drainage.
- (2) Planned development districts are established by ordinance and, thus, are not agreements, although often they are developed through negotiations between the city and applicants.
- (3) PD agreements may be negotiated and entered into by the City and the applicant as a separate companion instrument addressing mutually agreed upon terms, conditions, and/or arrangements related to the PD district being created but beyond the scope of the PD ordinance.
- (4) Unless clearly stated in the ordinance creating the PD district, the development project must comply with all applicable city regulations. PD districts are intended to implement generally the goals and objectives of the city's comprehensive plan. PD districts are also intended 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:

 - (A) To provide for a superior design of lots or buildings;
 - (B) To provide for increased recreation and/or open space opportunities for public use;
 - (C) To provide amenities or features that would be of special benefit to the property users or community;
 - (D) To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats;
 - (E) To protect or preserve existing historical buildings, structures, features, or places;

- (F) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- (G) To meet or exceed the present standards of this article.
- (b) Nature of district. Each PD district shall be a freestanding 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.

Sec. . . .005. Minimum standards.

- (a) Standards by ordinance. Minimum standards proposed for the PD district must be incorporated within an ordinance adopted by the city council. In the adopting ordinance, the city council may incorporate minimum standards by making reference to a standard zoning district.
- (b) Land use.
 - (1) Uses. An application for a PD district shall specify the use or the combination of uses proposed, particularly if any of the proposed uses are not allowed by right in the base zoning district.
 - (2) Base district. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The particular zoning district must be stated in the granting ordinance.
 - (3) Variances. All applications to the city shall list all requested variances (deviations, waivers, or warrants) from the standard requirements set forth throughout the B3 Code (applications without this list will be considered incomplete).
 - (4) Conditional uses. Conditional use permits allowed in a base zoning district may be allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an "additional use" in the ordinance establishing the PD. Additional uses included in the PD ordinance shall then be allowed by right in the PD district.
 - (5) Location. The location of all authorized uses shall be consistent with the PD master plan and the PD site plan.
 - (6) Residential uses. Unless otherwise provided by the PD ordinance, the following standards shall apply to all residential uses within a PD district.
 - (7) Density. Except on the basis of exceptional design and provision of enhanced open space, residential density shall be no smaller than the lot sizes allowed in the base zoning district for each type of housing except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.

- (8) Drainage. Drainage features shall be integrated into the design of the development and shall be contained within ponds and streams with a natural appearance wherever possible.
- (c) Open space standards.
- (1) Public or private. Unless otherwise provided by the PD ordinance, a site-appropriate area or areas within the entire PD District shall be devoted to open space. Open space for PD districts may be satisfied by space that can be classified as public, such as a central gathering space, or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to the city's general requirements for landscaping and buffering. Public open space shall be dedicated to the city.
- (2) Preservation of natural features. Unless otherwise provided by the PD ordinance or PD master plan:
- (A) Floodplain areas shall be preserved and maintained as open space; and
- (B) Significant stands of native trees shall be preserved and protected from destruction or alteration pursuant to a tree preservation plan submitted to the city by the applicant.
- (3) Open space allocation and preservation. Open space requirements shall be satisfied for each phase of a multi-phased 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 PD district must be provided prior to completion of development within the PD district.
- (d) Height regulations. Unless otherwise provided by the PD ordinance, height regulations for uses shall be those established within the city's zoning regulations for the base zoning district.
- (e) Area regulations. Unless otherwise provided by the PD ordinance, area regulations for uses shall be those established within the city's zoning regulations for the base zoning district. The minimum allowable size for a PD shall be one acre.

Sec. .006. Master plan.

- (a) Mandatory. The PD master plan is a mandatory step in the creation of a PD district. It establishes general guidelines for the PD district by identifying the proposed land uses and intensities, building locations, building footprints, thoroughfare locations, and open space boundaries, including any proposed public trail systems. The PD master plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district.
- (b) Compliance with approved plans. Except as otherwise provided by the city's subdivision regulations, 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 substantially consistent with the PD master plan has been approved. Each PD district shall be developed, used, and maintained in compliance with the approved PD master plan.

and subsequently conforming site plans, for the PD district, as per the city's site development ordinance.

(c) Establishment of district.

(1) Zoning amendment. The procedures for establishing a PD district shall be as for any other type of zoning request, except that more information is typically needed along with the request, and a master plan shall be submitted along with the request.

(2) Application. An application for the establishment of a PD district shall be submitted in accordance with this article. The application shall include:

(A) A PD master plan;

(B) A list of proposed PD district development standards;

(C) Identification of a zoning district, if any, which shall apply to the extent not otherwise provided by the PD master plan or by the proposed PD district development standards;

(D) A master plan informational statement; and

(E) A traffic impact analysis, unless waived by the city council.

(d) Governing regulations. Except to the extent provided by the PD master 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 zoning district identified in the application.

(e) Conflict. In the event of any conflict between the PD master plan, the PD ordinance, and/or the ordinances, rules, and regulations of the city in effect at the time of the establishment of the PD, the terms, provisions, and intent of the PD master plan and PD ordinance shall control.

(f) PD master plan requirements.

(1) A master plan shall be submitted along with a PD zoning request, and shall be processed simultaneously with the PD zoning request. The master plan shall be reviewed by the city's development review team. If the PD zoning application is approved, the PD master plan shall be incorporated and made a part of the PD ordinance.

(2) Development standards. Proposed PD district development standards shall be processed simultaneously with the PD zoning application, and if the PD zoning 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; building size; lot dimensions; setbacks; coverage; height; landscaping; lighting; screening; 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. In the event of any conflict, the more stringent standards shall apply. At the city manager's discretion, the city manager may waive any of the items listed in this

- subsection. The city council may require submission of the above information or any other item deemed necessary by the council for creation of a PD district.
- (3) Informational statement. A PD master plan shall be accompanied by an informational statement containing the information set forth below. If the PD zoning application is approved, the informational statement shall be binding on the applicant and the owner, but shall not be considered part of the PD master plan or the PD ordinance. If the PD master plan and the PD ordinance conflict in any way, the PD ordinance shall be considered the controlling document. Informational statements shall be updated concurrently with any amendment to the PD master 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 master plan clearly delineated.
- (g) Master plan amendments.
- (1) PD master plans. PD master plans, excluding informational statements, are considered part of the PD ordinance. Any substantive amendment to a PD master plan, as determined by the city manager, shall be considered a zoning change. Nonsubstantive modifications may be approved by the city manager.
- (2) PD site plans. PD site plans are not considered part of a PD ordinance. Except as otherwise provided within this subsection, any amendment/revision to an approved site plan shall be in accordance with the city's site development ordinance.
- (h) Lapse of master plan. A PD master plan shall be effective for a period of one year (365 calendar days).
- (i) Extension and reinstatement. Extension of a PD master plan or site plan shall be in accordance with the following:
- (1) Prior to the lapse of approval for a PD master plan, the applicant may request that the city, in writing, extend the plan approval. Such request shall be considered at a public meeting before the P&Z and the city council, and an extension may be granted by city council at such meeting. Two extensions of six months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of PD master plan approval is submitted, then the plan shall be deemed to have automatically expired by operation of law and shall become null and void.
- (2) Determination of extension. In determining whether to grant a request for extension, the city council shall take into account the reasons for the lapse, the ability of the applicant to comply with any conditions attached to the original

approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The P&Z and city council shall either extend the PD master plan or deny the request, in which instance the originally approved plan shall be deemed null and void. However, the two aforementioned extensions shall not be unreasonably withheld without due cause.

(i) Contents and format of master plan.

- (1) Objective. A PD application and the master plan must include enough information to allow the city to plan for infrastructure and to demonstrate that the plan will be an enhancement to the city, while allowing for flexible and creative planning.
- (2) Scale. The master plan shall be prepared at a scale no smaller than one inch equals 200 feet and on sheets 24 inches by 36 inches.
- (3) Contents. The master plan shall show the following:
 - (A) A title block within the lower right-hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and applicant, the land planner, engineer, architect, or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of the county;
 - (B) A vicinity or location map that shows the location of the proposed development within the city or its extraterritorial jurisdiction and in relationship to existing roadways;
 - (C) The boundary survey limits of the tract and scale distances with north clearly indicated;
 - (D) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;
 - (E) The existing zoning and existing and proposed uses on adjacent land; the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year floodplain, if applicable; any other important natural features (such as rock outcroppings, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;

- (F) Proposed strategies for tree preservation, which may include showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
- (G) The layout and width, including right-of-way lines and curblines, of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
- (H) A general arrangement of land uses and buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, and public or private open space; floodplains and drainageways; and other pertinent development-related features; and
- (I) The phasing scheduled for the development.

Sec. . .007. Submission and review process.

(a) Submission of complete application.

- (1) For the purpose of this article, the "official submission date" shall be the date upon which a complete application for approval of a PD, that contains all elements and information required by this article, is first submitted to the city manager. No application shall be deemed officially submitted until the city manager determines that the application is administratively complete and a fee receipt is issued by the city.
- (2) PD master plan applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a P&Z agenda until the proper information is provided to city staff.

(b) Additional information. The city's staff may require information and data other than that set out in this section for specific PD master plans. This information data may include but is not limited to: geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a PD may establish conditions for construction based upon such information.

(c) Principles and standards for review.

- (1) The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the city, and to ensure that all developments are, to the best extent possible, constructed according to the city's codes and ordinances.

- (2) The city manager shall review the PD for compliance with all applicable city ordinances and with the comprehensive plan; for harmony with surrounding uses and with long-range plans for the future development of the city; for the promotion of the health, safety, order, efficiency, and economy of the city; and for the maintenance of property values and the general welfare.
- (3) PD review and evaluation by the city manager shall be performed with respect to the following:
- (A) The plan's compliance with all provisions of the zoning ordinance and other ordinances of the city.
 - (B) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
 - (C) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
 - (D) The provision of a safe and efficient vehicular and pedestrian circulation system.
 - (E) The general design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
 - (F) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
 - (G) The coordination of streets so as to arrange a convenient system consistent with the transportation plan of the city.
 - (H) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
 - (I) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
 - (J) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - (K) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
 - (L) Protection and conservation of watercourses and areas subject to flooding.
 - (M) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

(N) Consistency with the comprehensive plan.

(d) Approval process.

- (1) Pre-application conference. The applicant(s) shall consult with the city manager, director of planning and development, and/or other designated administrative officers before preparing a concept plan in order to save time and money, and to avoid potential unnecessary delays.
- (2) Prior to formal application for approval of any PD, the applicant(s) shall request and attend a pre-application conference with the city manager, city director of planning and development, and any other pertinent city official(s) in order to become familiar with the city's development regulations and the development process.

(e) City staff review. Upon official submission of a complete application for PD approval, the city shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the city manager, director of planning and development, and any other pertinent city official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable city regulations.

(f) Supplementation and corrections. Following city staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected or supplemented plan to the city manager within 60 calendar days following the date on which the applicant received official notification of the completion of the review by the city manager.

(g) Approval by administrator. Prior to consideration by the P&Z or city council, all PD proposals must be reviewed by the city manager. At the city manager's discretion, the city manager may forward a PD proposal to the P&Z and council with or without a recommendation.

(h) Action by P&Z/city council.

- (1) The P&Z shall review the PD application and shall recommend approval, approval subject to certain conditions, or disapproval of the PD. If the P&Z recommends approval, with or without conditions, of the plan, then it will be forwarded to the city council for consideration.
- (2) The city council shall consider the PD application at a public meeting following receipt of a determination by the P&Z. The city council may also, where appropriate, remand the PD application back to the P&Z for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony.

(i) Public hearing and notice.

- (1) The P&Z shall hold at least **one** public hearing on proposed amendments to the PD ordinance.

- (2) Notice of the P&Z hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the city before the 15th day before the date of the hearing date of the public hearing.
- (3) Written notice of the public hearing to occur before the P&Z shall also be sent to all owners of property, as indicated by the most recently approved city tax roll, that are located within the area of application and within 200 feet of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.
- (j) Administrative fees. The city shall impose its standard fees for the negotiation, preparation and implementation of PDs. These fees shall be established by the city council in accordance with the city's fee schedule. The city may also recoup from applicants any out-of-pocket expenses related to professional services the city requires in order to design the PD and related instruments.
- (k) Grandfathering. PD districts are an option available to developers and the city. PD districts do not constitute a permit required by law. For purposes of Texas Local Government Code chapter 245, the "project" shall be the endeavor described in an approved PD master plan for an approved PD district.