1. Planning & Zoning Commission Meeting August 16, 2016

    Documents:

    PZ AUGUST 16, 2016 AGENDA.PDF
    PZ AUGUST 16, 2016 PACKET.PDF

CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION
NOTICE OF REGULAR PUBLIC MEETING

August 16, 2016

Notice is hereby given to all interested members of the public that the Horseshoe Bay Planning and Zoning Commission will hold its Regular Public Meeting beginning at 3:00 p.m., on Tuesday, August 16, 2016, in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The agenda for the Regular Public Meeting is to discuss and/or act on the following:

1. Call the Meeting to Order and Establish a Quorum
2. Public Comments (those speaking are asked to limit their comments to three minutes)
3. Approval of Minutes of the June 7, 2016 Regular Meeting
4. Public hearing, discuss, consider and take action to make a recommendation to City Council regarding a Zoning Ordinance Amendment to Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Division 3 Zones and Classifications, Section 14.02.401 Zones and Classifications Established to update both the Zones and the Classifications information; to change Secs. 14.02.420-14.02.460 Reserved to Section 14.02.420 Zone 17 The Hills that rezones all annexed properties in The Hills Sections I – III, Quail Ridge and Golfview Estates from A-1 Recreational and R-1 Single Family Residential in Zone 3 Horseshoe Bay West to RR Rural Residential and provides Zoning regulations; and to renumber Secs. 14.02.420-14.02.460 Reserved to Secs. 14.02.421-14.02.460 Reserved
5. Public hearing, discuss, consider and take action to make a recommendation to City Council regarding an Ordinance Amendment to Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Division 3 Zones and Classifications, Section 14.02.419 Zone 16 Lake Area to provide regulations for boat houses and boat slips on vacant properties
6. Public hearing, discuss, consider and take action to make a recommendation to City Council regarding an Ordinance Amendment to Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Division 4 Planned Developments, Sections 14.02.461 through 14.02.467 to provide consistent and streamlined regulations
7. Public hearing, discuss, consider and take action to make a recommendation to City Council regarding an Ordinance Amendment to Chapter 10 Subdivision Regulations, Article 10.03 Subdivision Ordinance, eliminating Division 9 Planned Development Zones, Sections 10.03.311 and 10.03.312, and Secs. 10.03.313-10.03.370 in their entirety
8. Discuss, consider and take action regarding when P&Z packets are made available to the Commission
9. Adjournment

Eric W. Winter

Eric W. Winter, Development Services Dir.

The Planning and Zoning Commission may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Commission that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Commission on any subject or matter while in closed session. Any action, decision or vote will be taken by the Commission only in open meeting.

CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION
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CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION
AUGUST 16, 2016

To: Planning & Zoning Commission

From: Eric W. Winter, Development Services Director

RE: Agenda Information and Project Updates

This Memo provides some additional information regarding the agenda items for the August 16 P&Z meeting and project updates:

1. **I will not be at the meeting, as I will be in Charlottesville Virginia attending an intensive week-long leadership training workshop at the University of Virginia along with 3 other staff members. City Manager Stan Farmer will fill in for me and will have cheat sheets from me regarding all of the agenda items.**

2. **As I mentioned in my earlier e-mail to you, the only item that you can hold a public hearing and make a recommendation to Council on is the Zone 17 The Hills zoning amendment. Each of the other 3 amendments may be discussed but the only action that can be taken on each will be a motion to be continued to a date and time certain - to the September 6, 2016 P&Z regular meeting at 3 PM. We are providing the staff reports and the redline and clean versions of these amendments so that you have plenty of time to review them before the September 6 meeting.**

3. **The last item on the agenda was requested by Commission member Morrison and was on the June meeting agenda, but was not brought up during the meeting. There is no information in the packet regarding this item.**

4. **Project updates:**
   Hidden Coves – The final plat has been recorded, the Pre-Construction meeting with the contractor and developer has been held, the escrow agreement and escrow has been filed with Highland Lakes Title Co./Wade Hutto, and the Utility Service Agreement between the City and the developer has been signed. The Infrastructure Permit has been issued and construction has begun.
   Tuscan Village – Haythem Dawlett has scheduled a meeting with Stan Farmer and me for Thursday, August 4. Stan can provide an update at the Commission meeting.
   Siena Grove – Mike Walsh has talked to me about the project, which he says is still viable, but will be in a different location. He said he ran out of time on his holding of the property.
   Horseshoe Bay Center – A new 8,500 sq. ft. retail shell building is under construction in front of Ace Hardware. The second phase of the Ace Storage building project has also just been approved, and construction is expected to begin soon.
   Proposed 6,000 Sq. Ft. Retail Building – A foreign family company is proposing to develop a 6,000 sq. ft. multi-tenant retail building on Mulligan Court. Plans have been submitted to the HSB ACC and are being reviewed.

Item # 3

CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION
MINUTES OF WORKSHOP AND REGULAR MEETING

June 7, 2016

The Planning and Zoning Commission of the City of Horseshoe Bay held a Workshop and a Regular Meeting at City Hall, in the City Council Chambers located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, beginning at 1:30 PM on June 7, 2016, in accordance with duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the Meeting to Order and Establish a Quorum:
   Chairman Norm Long called the meeting to order at 1:30 PM with a quorum of Commission members present as follows:

   Chairman: Norm Long
   Vice Chairman: Neil Andrew
   Commission Member: Lynette Morrison

   Absent: Commission Member: Wayne Anderson.

   Commission Member Pat Bouchard arrived at 1:40 p.m.

   Additionally, Mayor Steve Jordan called the meeting of the City Council to order at 1:32 PM. with Council Members Craig Haydon, Jerry Gray, and Cynthia Clinesmith present. City Manager Stan Farmer was also in attendance.

2. Public Comments: There were no public comments at this time.

3. Workshop on the roles and responsibilities in the development review process: Development Services Director Eric Winter reviewed key items on the roles and responsibilities of the P&Z and other entities in the City development review process. He reiterated to the commission that the P&Z is an advisory body to the City Council but does not have any final decision-making authority. He then outlined the major roles and responsibilities in the development process for the P&Z, City Council, Development Services Department, and the Architectural Control Committees (ACCs). Comments from the City Council members included questions about how many Architectural Control Committees there are - 12 - one for each subdivision. Mayor Steve Jordan commented on the CC&R's (Conditions, Covenants, and Restrictions) of the POAs and the enforcement arm of those CC&R's, which rests with each POA. Norm Long questioned who appoints members of the ACCs; Eric Winter stated that the Declarant, in this case the Resort, appoints the members of the ACC. Lynette Morrison asked for clarification of a concept plan. Eric Winter stated that it is a plan for a project that shows the location of the buildings, streets, and amenities as part of the

planned development. Lynette Morrison then asked where a planned development ordinance comes from. Eric stated that it comes from the developer who is provided a sample PD Ordinance from the City with blanks to fill in. Lynette then asked for clarification of subdivision requirements versus PD Ordinance (PDO) requirements. Eric Winter commented that a subdivision plat is a record of what is going to be recorded at the county courthouse as far as individual lots for sale. Stan Farmer also commented that a subdivision plat is not a rezoning and a planned development ordinance is a rezoning and a change in permitted uses.

To give the Commission an idea of the timeline of events for a PD, Eric Winter illustrated the steps in the development process for a hypothetical PD project. He then outlined the steps involved for a PD project and they are 1.) The developer has a preliminary meeting with key City Staff to discuss the proposed project & get information on the City's process. 2.) The developer's team prepares a preliminary draft concept plan & a draft planned development ordinance with city staff assistance. 3.) The developer schedules a meeting with Key city staff to review the preliminary design and the proposed infrastructure plans. 4.) After the meeting with staff, the Development Services Director prepares a report with project details and city requirements. 5.) The developer prepares a detailed concept plan and the PDO based on the City's requirements. 6.) The Development Services Director distributes the concept plan & PDO for staff review and sends staff review comments to the developer. 7.) The developer incorporates any staff comment into the 2nd draft concept plan & PDO. 8.) Once all city staff review comments are incorporated, the developer does the required public hearing notices for the next P&Z Meeting. 9.) The developer submits a complete application to Development Services for the next P&Z meeting before or by the deadline date. 10.) The developer does the required public hearing notices for the next City Council meeting. Mr. Winter paused at this point in the description of the steps for a PD project to say that he would like to stress that the process has already gone through 10 steps and it usually takes several months before it gets to the final 3 steps which are action by P&Z and City Council. He said that the final three steps are 11.) P&Z holds the public hearing & makes a recommendation to City Council. 12.) Based on P&Z's recommendation, the developer submits a complete application for the next Council meeting. 13.) Council holds the public hearing & either approves the concept plan & PDO, denies them, or approves them with conditions. Commission members and Council members had questions throughout the outline of the steps that Mr. Winter and Stan Farmer, City Manager helped to clarify.

4. Approval of Minutes of the May 3, 2016 Regular Meeting: Neil Andrew noted that there was an error in the minutes where it stated that he was in attendance and he was not. Staff made a note to remove his name and change the vote counts. Neil Andrew made a motion to approve the minutes with the changes, Pat Bouchard seconded. The motion was approved unanimously (4-0).

5. Public hearing, discuss, consider and take action regarding an Ordinance Amendment changing the Public Notice requirements for planning and zoning and other matters: Eric Winter provided a summary of the details for this item. Chairman Norm Long opened the floor for public comment at 3:30 PM. There were none and Chairman Norm Long closed the public hearing at 3:30 PM. After some discussion, Commission Member Lynette Morrison made a motion to recommend that City Council approve the staff recommended Ordinance Amendment with the addition of an increase in the distance for a conflict of interest regarding a vote by a P&Z Commissioner from 200 feet to 500 feet, to be consistent with this

amendment. The motion was seconded by Neil Andrew. The motion was approved unanimously (4-0).

6. Discuss, consider and take action regarding when P&Z packets are made available to the Commission: This item was unintentionally not brought up or discussed. It will be on the agenda again at the August 16, 2016 meeting.

7. Adjournment: Chairman Long adjourned the meeting at 3:42 PM.

APPROVED this 16th day of August, 2016.

CITY OF HORSESHOE BAY, TEXAS

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Norm Long, Chairman

ATTEST:

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Eric W. Winter, Development Services Manager

Item # 4

CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION
AUGUST 16, 2016

To: Planning & Zoning Commission

Thru: Stan R. Farmer, City Manager

From: Eric W. Winter, Development Services Director

RE: Public Hearing, discuss, consider and take action to make a recommendation to City Council regarding an Ordinance Amendment to Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Division 3 Zones and Classifications, Section 14.02.401 Zones and Classifications Established to update both the Zones and the Classifications information; to change Secs. 14.02.420-14.02.460 Reserved to Section 14.02.420 Zone 17 The Hills that rezones all annexed properties in The Hills Sections I – III, Quail Ridge and Golfview Estates from A-1 Recreational and R-1 Single Family Residential in Zone 3 Horseshoe Bay West to RR Rural Residential and provides Zoning regulations; and to renumber Secs. 14.02.420-14.02.460 Reserved to Secs. 14.02.421-14.02.460 Reserved

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The attached Zoning Ordinance Amendment is proposed to do the following:

1. **Update both the Zones and the Classifications in Division 3, Section 14.02.401 Zones and classifications established, including the addition of Zone 12 Summit Rock, Zone 14 Horseshoe Bay Corridor and Zone 17 The Hills.**
2. **Create Zone 17 The Hills and rezone the vacant annexed properties from A-1 Recreational to RR Rural Residential and the developed annexed properties from R-1 Single Family Residential to RR Rural Residential and provide zoning regulations totally based on the Covenants, Conditions and Restrictions (CC&Rs) for The Hills Section I, which will apply to the annexed properties in all three Sections of the Hills, Quail Ridge and Golfview Estates.**
3. **Renumber Secs. 14.02.420-14.02.460 set aside as Reserved at the end of the Zones and classifications established Section.**

The public hearing notices for this Amendment have been published in the July 14 and July 28 issues of the Horseshoe Bay Beacon and the July 15 and July 29 issues of the Highlander in order to meet the new public hearing notice requirements. The public hearing notices have also been mailed to all property owners recently annexed in the three subdivisions, as well as all property owners within 500 feet of the entire area of the three subdivisions on July 12 and will be mailed again on July 26.

In summary, the Zone 17 regulations include:

- **Only a single family residence, and accessory structures such as a structure for farming or ranching, a guest house and 1 or more enclosed areas or sheds are permitted on a lot.**
- **Minimum dwelling size – 1,200 Sq. Ft.**
- **Maximum height – 30 feet.**
- **Setbacks are: front yard – 50 feet; side yard – 25 feet each, except for corner lots which are 50 feet; and rear yard – 25 feet.**

- **2 parking spaces are required per dwelling in a garage or carport, or an exterior parking area screened from view of adjacent lots.**
- **No tract can be subdivided.**
- **One additional dwelling can be placed on a tract that is owned and is contiguous to an owned property with a dwelling on it, and does not have to meet the side or rear yard setback requirements, except it must meet the side yard setback on the side opposite the side with the existing dwelling.**

Attached are copies of the redline and clean versions of the Ordinance which show the changes to the Zones and the Classifications sections of the Ordinance, the addition of the Zone 17 The Hills regulations and the change to the Reserved section number.

Several people have called to request more information about the amendment, including a few people who requested copies of the amendment. However, staff is not aware of any objections to this Amendment and recommends that the Commission recommend approval to the City Council.

Enclosures: **Zoning Ordinance Amendment Redline**
Zoning Ordinance Amendment Clean
Aerial Photo of Zone 17
Current Zoning Map for Zone 17

CITY OF HORSESHOE BAY

ORDINANCE NO. _____

ZONE 17 THE HILLS

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 3 ZONES AND CLASSIFICATIONS, SECTION 14.02.401 ZONES AND CLASSIFICATIONS ESTABLISHED TO UPDATE BOTH THE ZONES AND THE CLASSIFICATIONS INFORMATION; TO CHANGE SECTION 14.02.420 OF SECTIONS 14.02.420-14.02.460 RESERVED TO SECTION 14.02.420 ZONE 17 THE HILLS THAT REZONES ALL ANNEXED PROPERTIES IN THE HILLS SECTIONS I – III, QUAIL RIDGE AND GOLFVIEW ESTATES FROM A-1 RECREATIONAL AND R-1 SINGLE FAMILY RESIDENTIAL IN ZONE 3 HORSESHOE BAY WEST TO RR RURAL RESIDENTIAL AND PROVIDES ZONING REGULATIONS; AND TO RENUMBER SECTIONS 14.02.420-14.02.460 RESERVED TO SECTIONS 14.02.421-14.02.460 RESERVED; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, there have been changes to several zones and classifications in Section 14.02.401 Zones and classifications established that need to be updated; and

WHEREAS, the City Council completed the annexation of The Hills Sections I, II and III, Quail Ridge and Golfview subdivisions on June 21, 2016; and

WHEREAS, the City Council desires to provide zoning regulations specific to those three subdivisions; and

WHEREAS, the City Council is of the opinion that updating the Zones and Classifications information and adopting Zone 17 The Hills zoning regulations are in the best interests of the City of Horseshoe Bay; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that Chapter 14 Zoning of the City Code of Horseshoe Bay should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT TO CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, SECTION 14.02.412 ZONES AND CLASSIFICATIONS ESTABLISHED

a. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.401 Zones and classifications established as heretofore amended be and the same is hereby amended to read as follows:

Sec. 14.02.401 Zones and classifications established

The city is hereby divided into the following zones. Each zone contains the classifications as set out herein. The zones and classifications established shall be known as follows:

ZONES	CLASSIFICATIONS
Zone 1 (Applehead Island)	R-1 Single-Family Residential
	R-2 Two-Family Residential
	R-4 Multiple-Family Residential
	A-1 Recreational
Zone 2 (Applehead)	R-1 Single-Family Residential
	R-4 Multiple Residential
	GH Garden Home
	A-1 Recreational
Zones 3 and 4A & 4B (Horseshoe Bay)	R-1 Single-Family Residential
	GH Garden Home
	R-2 Two-Family Residential
	R-4 Multiple Residential
	MURC-1 – Mixed Use Residential and Commercial for Marina Village in Zone 4A
	R-6 Apartment, Townhouse, Cottage
	M-1 Mobile Home
	C-2 General Commercial
	A-1 Recreational
	GUI Governmental, Utility, Institutional

Zone 5 (Bay Country)	R-R Rural Residential
	R-4 Multiple Residential
	C-2 General Commercial
	A-1 Recreational
	GUI Governmental, Institutional, Utility
Zone 6 (Pecan Creek)	R-6.5 Single-Family Residential
	R-16 Single-Family Residential
	A-1 Recreational
	C-2 General Commercial
	GUI Governmental, Institutional, Utility
Zone 7 (Peninsula)	R-1 Single-Family Residential
Zone 8 (Matern Island)	R-1 Single-Family Residential
	A-1 Recreational
Zone 9 (Escondido)	R-1 Estate Single-Family Residential
	R-1 Villa Single-Family Residential
	R-6 Townhouse
	A-1 Recreational
	C-2 General Commercial
Zone 10 (Siena Creek)	R-1 Single-Family Residential
	R-4 Multiple Residential
	A-1 Recreational
	C-2 General Commercial
	GUI Governmental, Utility, Institutional
Zone 11 (The Trails)	R-1 Single-Family Residential
	C-2 General Commercial
	A-1 Recreational
Zone 12 (Summit Rock)	R-1 Cabins - Single-Family Residential Only
	R-1 Cottages - Single-Family Residential Only
	R-1 Estates - Single-Family Residential Only
	R-1 Golf Single-Family Residential Adjacent to Golf Course

	R-1 Family Homesteads (8–12 Acre Tracts)
	R-1 Villas
	R-2 Villas
	R-4 Cabins - Multifamily Residential
	R-4 Multifamily Residential - Condominiums, Townhomes and Apartments
	C-2 Commercial
	C-3 Commercial
	A-1 Recreational
	DR Development Reserve
	GUI Governmental, Utility or Institutional
Zone 13 (Caprock)	(Currently subject to Moratorium)
Zone 14 (HSB Blvd. Corridor)	~~(Currently subject to Moratorium)~~ All Classifications below are the same as those in Zones 3 & 4A, some with additional Planned Development Zoning Authorizations (PDZAs)
Tract One - Tract CCC-1 Horseshoe Bay Plat 21.16	C-2 General Commercial with one PDZA
Tract Two - Tract J-9 Horseshoe Bay Plat 28.48	R-6 Multi-Family Residential
Tract Three - Tract J-5 Horseshoe Bay Plat 28.36	R-6 Multi-Family Residential
Tract Four - Tract J-7 Horseshoe Bay Plat 28.49	C-2 General Commercial - All uses under A-1 are permitted and with PDZAs
Tract Five – Lot 28043-C Horseshoe Bay Plat 28.52	C-2 General Commercial – Surface Parking Lot
Tract Six - Lot 28026-A Horseshoe Bay Plat 28.51	C-2 General Commercial - Surface Parking Lot

Tract Seven - Lot 28050-A Horseshoe Bay Plat 28.50	C-2 General Commercial with one PDZA
Tract Eight – Lot 15061-A Horseshoe Bay Plat 15.70	C-2 General Commercial with PDZAs
Tract Nine – Tract J-8 Horseshoe Bay Plat 28.53	C-2 General Commercial - All uses under A-1 are permitted and with PDZAs
Tract Ten – Tract BBB-3 Horseshoe Bay Plat 15.27	C-2 General Commercial – Surface Parking Lot
Tracts Eleven A and Eleven B 11-A – Lot 15041-A Horseshoe Bay Plat 15.63 11-B – Tract AAA-5 Horseshoe Bay Plat 64.2	C-2 General Commercial – Surface Parking with Landscaping
Tract Twelve – 6.1 Acres of Tract AAA-2A Horseshoe Bay Plat 64.3	C-2 General Commercial with PDZAs
Tract Thirteen – Tract AAA-2B Horseshoe Bay Plat 64.4	M-1 Marina with PDZAs
Tract Fourteen – Lot 15030 Horseshoe Bay Plat 15.1	R-1 Single Family Residential
Zone 15 (Airport)	~~Airport~~ R-1 Single Family Residential, C-2 General Commercial, AM-1 Airport Mixed Use
Zone 16 (Lake Areas and LA Lake Area)	LA Lake Area
Zone 17 ~~(Centex)~~(The Hills)	~~R-4 Multiple Residential[2] (Included in map of Zone 4)~~ RR Rural Residential

Notes:

[1] 1. Former Zone 12 (Hurd properties), Former Zone 16 (Amenities Land) and Former Zone 18 (Non-subdivision Tracts) referenced in the original comprehensive development plan, are included in adjacent zones and no longer identified as ~~a~~ separate zones.

2. Former Zone 17 (Centex) was R-4 Multiple Residential (Included in map of Zone 4). [2]See discussion in original comprehensive development plan.

b. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.420 of Secs. 14.02.420-14.02.460 Reserved is hereby amended to read as follows:

~~Secs. 14.02.420–14.02.460 Reserved~~

Sec. 14.02.420 Zone 17 The Hills

(a) The following provisions shall be applicable to all land within Zone 17 regardless of classification, except as may otherwise be provided:

(1) No business or professional service of any nature shall be conducted on any tract. No buildings or structure intended for or adapted to business or professional purposes, and no apartment house, double house, flat building, lodging house, rooming-house, hotel, hospital or sanitarium shall be erected, placed, permitted or maintained on any tract. No room or rooms in any dwelling nor any accessory building, or any part thereof, may be rented or leased to others.

(2) No air conditioning condensing unit and fan, evaporative cooler or other object, which is unsightly, shall be placed upon or above the roof of any dwelling or other building unless architecturally concealed from view as reflected in the plans submitted.

(3) No propane or other tank used for storage of gas or liquids for fuel shall be placed on any tract unless the same is architecturally concealed from view. In the event natural gas is made available to any tract, then the owner thereof shall properly connect with the source of natural gas and discontinue the use of propane gas.

(4) No hunting or discharging of firearms shall be allowed on any tract except in such areas or on such lot as its successors or assigns may designate with approval of the respective Section's Architectural Control Committee or Board (the Board).

(5) No subdivision of the tracts shall be permitted.

(6) No building, structure, wall, fence, garage, carport, accessory building or landscaping shall be maintained on any tract in such a manner as in the opinion of the Board may obstruct traffic sight lines and/or create traffic hazards.

(7) All driveways shall have minimum width of ten (10) feet and meet all minimum standards for driveway construction as specified by the Board. Where driveway access enters any street or road at points where landscaping, boundary structures or other visual barriers are located which may create a potential traffic hazard, such driveway access shall be installed and maintained so as to provide adequate sight lines from the vehicle onto such street or road.

(8) No mobile home, trailer of any kind, RV or boat shall be kept, placed or maintained on any tract except in a carport, garage or in an outside storage area

screened from view from streets and roads. None of these structures shall be used for occupancy either temporarily or permanently. A mobile home or a trailer may be used temporarily for storage of materials during construction, and shall be removed promptly after construction is completed.

(b) The following provisions shall be applicable to all land within Zone 17 classified as RR Rural Residential:

(1) Uses permitted.

(A) A single-family dwelling, including an attached carport or garage;

(B) Accessory structures, including: (i) one structure for farming and/or ranching purposes provided the total square footage of the structure (excluding guest house) does not exceed two (2) times the square footage of the authorized or completed (whichever *is* greater) dwelling on said tract, excluding the carport or garage; (ii) one attached or detached guest house per tract provided such guest house shall not exceed one-half (1/2) of the square foot area of the authorized or completed (whichever *is* greater) dwelling on said tract. In addition, the accessory structures may include one or more covered semi-enclosed areas or sheds not exceeding in the aggregate two (2) times the area of the carport or garage attached to the dwelling.

(C) In addition, each dwelling and accessory structure (including guest house) must also meet the requirements of the Board with respect to aesthetic compatibility and conformity with the overall development of the land.

(2) Maximum building height. Thirty (30) feet above the lowest elevation beneath the structure to the highest point of the roof or any projection.

(3) Minimum yard requirements. Except as specified to the contrary on an approved plat, which specification shall control, the following shall apply:

(A) Front yard setback shall conform to a minimum depth of fifty (50) feet from the front lot line or edge of the road pavement, whichever is greater, to the nearest projection of any portion of the dwelling or accessory structure.

(B) Side yard setbacks shall be twenty-five (25) feet from each side property line. Corner lots shall conform to a minimum depth of fifty (50) feet from the side property line or edge of the road pavement, whichever is greater.

(C) Except as provided below, rear yard setbacks shall be at least twenty-five (25) feet from the rear lot line to the nearest building line.

(D) Notwithstanding any other provision hereof, nothing in these regulations shall be so interpreted as to prohibit the owner or owners of contiguous tracts from erecting dwellings whether attached or detached in

disregard of the common side or rear tract lines of said contiguous tracts so long as the density of use created by such construction shall not exceed the density of use which would be created by the construction of one single family dwelling on each such contiguous tract and provided that such owner shall not violate front yard setbacks hereinbefore set forth nor shall such owner construct any such dwellings closer than twenty-five (25) feet to any side Tract line common with any tract not owned by said owner. Setback lines and other requirements shown on the subdivision plat which conflict with the foregoing shall prevail.

(4) Minimum dwelling size. All primary dwellings shall require not less than twelve hundred (1,200) square feet of living area measured from the outside walls of the principal dwelling.

(5) Parking. Each developed tract shall contain sufficient parking space for at least two (2) automobiles by one of the following means: (i) a garage or carport either attached to or detached from the dwelling or (ii) an exterior parking area screened from view of adjacent lots.

(6) Property being rezoned. The RR Rural Residential zoning provisions apply to the following property - for those tracts or lots that are vacant and when annexed were zoned A-1 Recreational in Zone 3 Horseshoe Bay West are hereby zoned RR Rural Residential, and for those tracts or lots that are developed and when annexed were zoned R-1 Single Family Residential in Zone 3 Horseshoe Bay West are hereby zoned RR Rural Residential:

(3.29 Acres), Llano County Property ID 50056 – as more fully described in deed recorded in Volume 1176, Page 38, Official Public Records of Llano County, Texas

(0.19 Acres), Llano County Property ID 50057 – as more fully described in deed recorded in Volume 1176, Page 38, Official Public Records of Llano County, Texas

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(7.59 Acres), Llano County Property ID 8096 – Tract 14

(9.537 Acres), Llano County Property ID 8199 – Tract 15

(19.59 Acres), Llano County Property ID 8339 – Tract 16

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(5.02 Acres), Llano County Property ID 8596 – Tract 19

(5.0 Acres), Llano County Property ID 52233 – Tract 26

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(9.39 Acres), Llano County Property ID 6018 – Lot 8

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(5.32 Acres), Llano County Property ID 32542 – Lot 32

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(5.29 Acres), Llano County Property ID 27251 – Lot 36

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(16.6 Acres), Llano County Property ID 32574 – Lots 34 and 35

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(5,0 Acres), Llano County Property ID 10153 — as more fully described in deed recorded in Volume 1542, Page 4132, Official Public Records of Llano County, Texas

c. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Secs. 14.02.420-14.02.460 Reserved is hereby amended to read as follows:

Secs. 14.02.421-14.02.460 Reserved

III. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and

publication as may be required by governing law.

VI. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED on this 30th day of August, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

_____

Stephen T. Jordan, Mayor

ATTEST:

_____

Teresa L. Moore, City Secretary

CITY OF HORSESHOE BAY

ORDINANCE NO. _____

ZONE 17 THE HILLS

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 3 ZONES AND CLASSIFICATIONS, SECTION 14.02.401 ZONES AND CLASSIFICATIONS ESTABLISHED TO UPDATE BOTH THE ZONES AND THE CLASSIFICATIONS INFORMATION; TO CHANGE SECTION 14.02.420 OF SECTIONS 14.02.420-14.02.460 RESERVED TO SECTION 14.02.420 ZONE 17 THE HILLS THAT REZONES ALL ANNEXED PROPERTIES IN THE HILLS SECTIONS I – III, QUAIL RIDGE AND GOLFVIEW ESTATES FROM A-1 RECREATIONAL AND R-1 SINGLE FAMILY RESIDENTIAL IN ZONE 3 HORSESHOE BAY WEST TO RR RURAL RESIDENTIAL AND PROVIDES ZONING REGULATIONS; AND TO RENUMBER SECTIONS 14.02.420-14.02.460 RESERVED TO SECTIONS 14.02.421-14.02.460 RESERVED; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, there have been changes to several zones and classifications in Section 14.02.401 Zones and classifications established that need to be updated; and

WHEREAS, the City Council completed the annexation of The Hills Sections I, II and III, Quail Ridge and Golfview subdivisions on June 21, 2016; and

WHEREAS, the City Council desires to provide zoning regulations specific to those three subdivisions; and

WHEREAS, the City Council is of the opinion that updating the Zones and Classifications information and adopting Zone 17 The Hills zoning regulations are in the best interests of the City of Horseshoe Bay; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that Chapter 14 Zoning of the City Code of Horseshoe Bay should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

I. AMENDMENT TO CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, SECTION 14.02.412 ZONES AND CLASSIFICATIONS ESTABLISHED

a. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.401 Zones and classifications established as heretofore amended be and the same is hereby amended to read as follows:

Sec. 14.02.401 Zones and classifications established

The city is hereby divided into the following zones. Each zone contains the classifications as set out herein. The zones and classifications established shall be known as follows:

ZONES	CLASSIFICATIONS
Zone 1 (Applehead Island)	R-1 Single-Family Residential
	R-2 Two-Family Residential
	R-4 Multiple-Family Residential
	A-1 Recreational
Zone 2 (Applehead)	R-1 Single-Family Residential
	R-4 Multiple Residential
	GH Garden Home
	A-1 Recreational
Zones 3 and 4A & 4B (Horseshoe Bay)	R-1 Single-Family Residential
	GH Garden Home
	R-2 Two-Family Residential
	R-4 Multiple Residential
	MURC-1 – Mixed Use Residential and Commercial for Marina Village in Zone 4A
	R-6 Apartment, Townhouse, Cottage
	M-1 Mobile Home
	C-2 General Commercial
	A-1 Recreational
	GUI Governmental, Utility, Institutional
Zone 5 (Bay Country)	R-R Rural Residential

	R-4 Multiple Residential
	C-2 General Commercial
	A-1 Recreational
	GUI Governmental, Institutional, Utility
Zone 6 (Pecan Creek)	R-6.5 Single-Family Residential
	R-16 Single-Family Residential
	A-1 Recreational
	C-2 General Commercial
	GUI Governmental, Institutional, Utility
Zone 7 (Peninsula)	R-1 Single-Family Residential
Zone 8 (Matern Island)	R-1 Single-Family Residential
	A-1 Recreational
Zone 9 (Escondido)	R-1 Estate Single-Family Residential
	R-1 Villa Single-Family Residential
	R-6 Townhouse
	A-1 Recreational
	C-2 General Commercial
Zone 10 (Siena Creek)	R-1 Single-Family Residential
	R-4 Multiple Residential
	A-1 Recreational
	C-2 General Commercial
	GUI Governmental, Utility, Institutional
Zone 11 (The Trails)	R-1 Single-Family Residential
	C-2 General Commercial
	A-1 Recreational
Zone 12 (Summit Rock)	R-1 Cabins Single-Family Residential Only
	R-1 Cottages Single-Family Residential Only
	R-1 Estates Single-Family Residential Only
	R-1 Golf Single-Family Residential Adjacent to Golf Course
	R-1 Family Homesteads (8–12 Acre Tracts)
	R-1 Villas

	R-2 Villas
	R-4 Cabins Multifamily Residential
	R-4 Multifamily Residential - Condominiums, Townhomes and Apartments
	C-2 Commercial
	C-3 Commercial
	A-1 Recreational
	DR Development Reserve
	GUI Governmental, Utility or Institutional
Zone 13 (Caprock)	(Currently subject to Moratorium)
Zone 14 (HSB Blvd. Corridor)	All Classifications below are the same as those in Zones 3 & 4A, some with additional Planned Development Zoning Authorizations (PDZAs)
Tract One - Tract CCC-1 Horseshoe Bay Plat 21.16	C-2 General Commercial with PDZA
Tract Two - Tract J-9 Horseshoe Bay Plat 28.48	R-6 Multi-Family Residential
Tract Three - Tract J-5 Horseshoe Bay Plat 28.36	R-6 Multi-Family Residential
Tract Four - Tract J-7 Horseshoe Bay Plat 28.49	C-2 General Commercial - All uses under A-1 are permitted and with PDZAs
Tract Five – Lot 28043-C Horseshoe Bay Plat 28.52	C-2 General Commercial – Surface Parking Lot
Tract Six - Lot 28026-A Horseshoe Bay Plat 28.51	C-2 General Commercial - Surface Parking Lot
Tract Seven - Lot 28050-A Horseshoe Bay Plat 28.50	C-2 General Commercial with PDZA
Tract Eight – Lot 15061-A Horseshoe Bay Plat 15.70	C-2 General Commercial with PDZAs
Tract Nine – Tract J-8 Horseshoe Bay Plat 28.53	C-2 General Commercial - All uses under A-1 are permitted and with PDZAs

Tract Ten – Tract BBB-3 Horseshoe Bay Plat 15.27	C-2 General Commercial – Surface Parking Lot
Tracts Eleven A and Eleven B 11-A – Lot 15041-A Horseshoe Bay Plat 15.63 11-B – Tract AAA-5 Horseshoe Bay Plat 64.2	C-2 General Commercial – Surface Parking with Landscaping
Tract Twelve – 6.1 Acres of Tract AAA-2A Horseshoe Bay Plat 64.3	C-2 General Commercial with PDZAs
Tract Thirteen – Tract AAA-2B Horseshoe Bay Plat 64.4	M-1 Marina with PDZAs
Tract Fourteen – Lot 15030 Horseshoe Bay Plat 15.1	R-1 Single Family Residential
Zone 15 (Airport)	R-1 Single Family Residential, C-2 General Commercial, AM-1 Airport Mixed Use
Zone 16 (Lake Areas and LA Lake Area)	LA Lake Area
Zone 17 (The Hills)	RR Rural Residential

Notes:

1. Former Zone 12 (Hurd properties), Former Zone 16 (Amenities Land) and Former Zone 18 (Non-subdivision Tracts) referenced in the original comprehensive development plan, are included in adjacent zones and no longer identified as separate zones.

2. Former Zone 17 (Centex) was R-4 Multiple Residential (Included in map of Zone 4). See discussion in original comprehensive development plan.

b. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.420 of Secs. 14.02.420-14.02.460 Reserved is hereby amended to read as follows:

Sec. 14.02.420 Zone 17 The Hills

(a) The following provisions shall be applicable to all land within Zone 17 regardless of classification, except as may otherwise be provided:

(1) No business or professional service of any nature shall be conducted on any tract. No buildings or structure intended for or adapted to business or professional purposes, and no apartment house, double house, flat building, lodging house, rooming-house, hotel, hospital or sanitarium shall be erected, placed, permitted or maintained on any

tract. No room or rooms in any dwelling nor any accessory building, or any part thereof, may be rented or leased to others.

(2) No air conditioning condensing unit and fan, evaporative cooler or other object, which is unsightly, shall be placed upon or above the roof of any dwelling or other building unless architecturally concealed from view as reflected in the plans submitted.

(3) No propane or other tank used for storage of gas or liquids for fuel shall be placed on any tract unless the same is architecturally concealed from view. In the event natural gas is made available to any tract, then the owner thereof shall properly connect with the source of natural gas and discontinue the use of propane gas.

(4) No hunting or discharging of firearms shall be allowed on any tract except in such areas or on such lot as its successors or assigns may designate with approval of the respective Section's Architectural Control Committee or Board (the Board).

(5) No subdivision of the tracts shall be permitted.

(6) No building, structure, wall, fence, garage, carport, accessory building or landscaping shall be maintained on any tract in such a manner as in the opinion of the Board may obstruct traffic sight lines and/or create traffic hazards.

(7) All driveways shall have minimum width of ten (10) feet and meet all minimum standards for driveway construction as specified by the Board. Where driveway access enters any street or road at points where landscaping, boundary structures or other visual barriers are located which may create a potential traffic hazard, such driveway access shall be installed and maintained so as to provide adequate sight lines from the vehicle onto such street or road.

(8) No mobile home, trailer of any kind, RV or boat shall be kept, placed or maintained on any tract except in a carport, garage or in an outside storage area screened from view from streets and roads. None of these structures shall be used for occupancy either temporarily or permanently. A mobile home or a trailer may be used temporarily for storage of materials during construction, and shall be removed promptly after construction is completed.

(b) The following provisions shall be applicable to all land within Zone 17 classified as RR Rural Residential:

(1) Uses permitted.

(A) A single-family dwelling, including an attached carport or garage;

(B) Accessory structures, including: (i) one structure for farming and/or ranching purposes provided the total square footage of the structure (excluding guest

house) does not exceed two (2) times the square footage of the authorized or completed (whichever *is* greater) dwelling on said tract, excluding the carport or garage; (ii) one attached or detached guest house per tract provided such guest house shall not exceed one-half (1/2) of the square foot area of the authorized or completed (whichever *is* greater) dwelling on said tract. In addition, the accessory structures may include one or more covered semi-enclosed areas or sheds not exceeding in the aggregate two (2) times the area of the carport or garage attached to the dwelling.

(C) In addition, each dwelling and accessory structure (including guest house) must also meet the requirements of the Board with respect to aesthetic compatibility and conformity with the overall development of the land.

(2) Maximum building height. Thirty (30) feet above the lowest elevation beneath the structure to the highest point of the roof or any projection.

(3) Minimum yard requirements. Except as specified to the contrary on an approved plat, which specification shall control, the following shall apply:

(A) Front yard setback shall conform to a minimum depth of fifty (50) feet from the front lot line or edge of the road pavement, whichever is greater, to the nearest projection of any portion of the dwelling or accessory structure.

(B) Side yard setbacks shall be twenty-five (25) feet from each side property line. Corner lots shall conform to a minimum depth of fifty (50) feet from the side property line or edge of the road pavement, whichever is greater.

(C) Except as provided below, rear yard setbacks shall be at least twenty-five (25) feet from the rear lot line to the nearest building line.

(D) Notwithstanding any other provision hereof, nothing in these regulations shall be so interpreted as to prohibit the owner or owners of contiguous tracts from erecting dwellings whether attached or detached in disregard of the common side or rear tract lines of said contiguous tracts so long as the density of use created by such construction shall not exceed the density of use which would be created by the construction of one single family dwelling on each such contiguous tract and provided that such owner shall not violate front yard setbacks hereinbefore set forth nor shall such owner construct any such dwellings closer than twenty-five (25) feet to any side Tract line common with any tract not owned by said owner. Setback lines and other requirements shown on the subdivision plat which conflict with the foregoing shall prevail.

(4) Minimum dwelling size. All primary dwellings shall require not less than twelve hundred (1,200) square feet of living area measured from the outside walls of the principal dwelling.

(5) Parking. Each developed tract shall contain sufficient parking space for at least

two (2) automobiles by one of the following means: (i) a garage or carport either attached to or detached from the dwelling or (ii) an exterior parking area screened from view of adjacent lots.

(6) Property being rezoned. The RR Rural Residential zoning provisions apply to the following property - for those tracts or lots that are vacant and when annexed were zoned A-1 Recreational in Zone 3 Horseshoe Bay West are hereby zoned RR Rural Residential, and for those tracts or lots that are developed and when annexed were zoned R-1 Single Family Residential in Zone 3 Horseshoe Bay West are hereby zoned RR Rural Residential:

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IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and publication as may be required by governing law.

VI. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED on this 30th day of August, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Stephen T. Jordan, Mayor

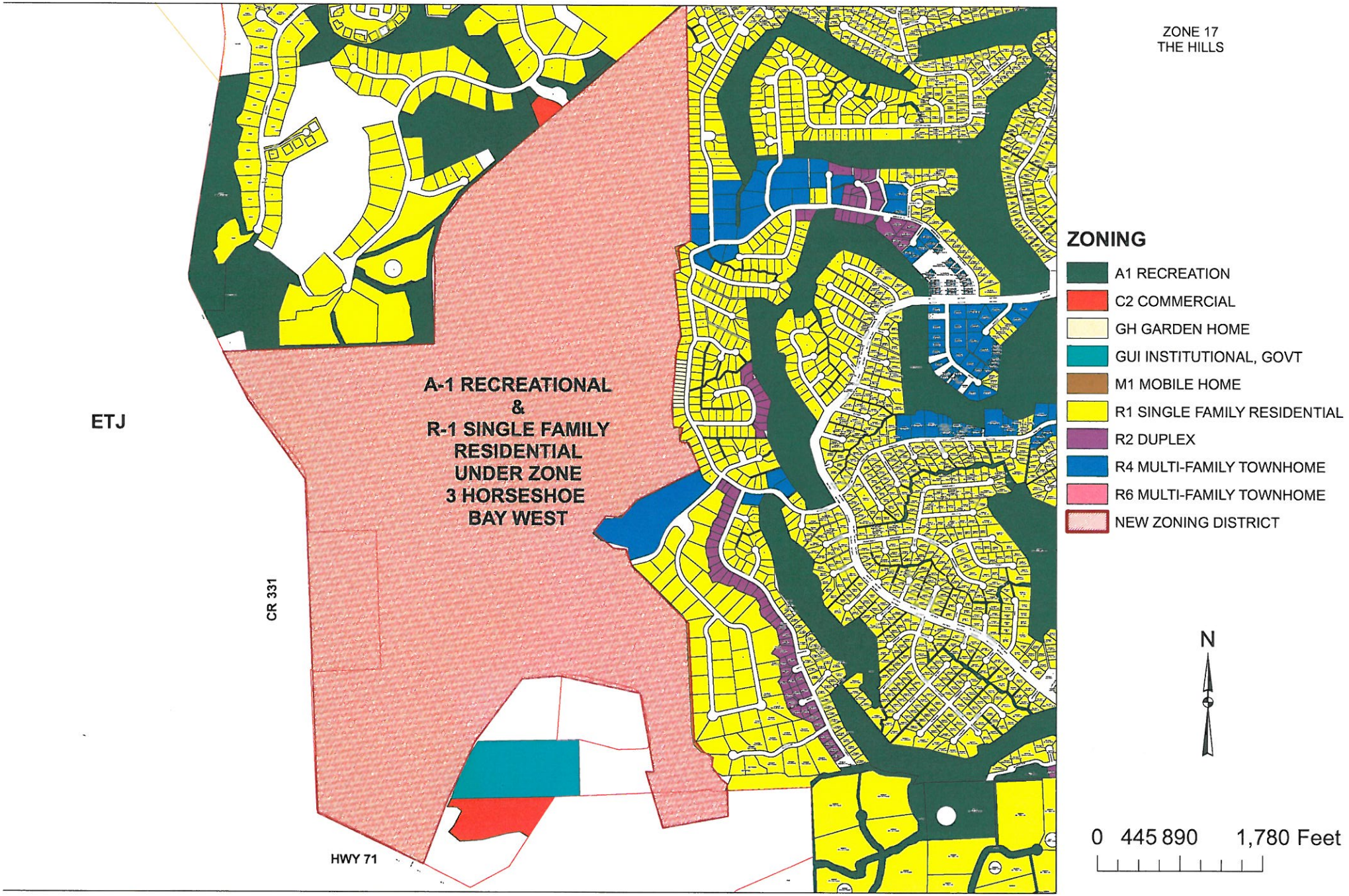
ATTEST:

Teresa L. Moore, City Secretary

ZONE 17
THE HILLS

N

0 460 920 1,840 Feet


ZONE 17
THE HILLS
ZONING
A1 RECREATION
C2 COMMERCIAL
GH GARDEN HOME
GUI INSTITUTIONAL, GOVT
M1 MOBILE HOME
R1 SINGLE FAMILY RESIDENTIAL
R2 DUPLEX
R4 MULTI-FAMILY TOWNHOME
R6 MULTI-FAMILY TOWNHOME
NEW ZONING DISTRICT
ETJ
A-1 RECREATIONAL
&
R-1 SINGLE FAMILY
RESIDENTIAL
UNDER ZONE
3 HORSESHOE
BAY WEST
CR 331
HWY 71
N
0 445 890 1,780 Feet

Item # 5

CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION
AUGUST 16, 2016

To: Planning & Zoning Commission

Thru: Stan R. Farmer, City Manager

From: Eric W. Winter, Development Services Director

RE: Public hearing, discuss, consider and take action to make a recommendation to City Council regarding an Ordinance Amendment to Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Division 3 Zones and Classifications, Section 14.02.419 Zone 16 Lake Area to provide regulations for boat houses and boat slips on vacant properties

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The attached Zoning Ordinance Amendment is proposed to do the following:

1. **Prohibit a boat house on a lot that does not have a residence; and**
2. **Prohibit one or more boat slips on a lot that does not have a residence**

This Amendment is also the result of issues brought to staff's attention from the Hidden Coves Planned Development, which some neighbors objected to the boat house with 3 boat slips on Lot 21. Staff has prepared both redline and clean versions to show the two additions to the Zone 16 regulations, which are as follows:

1. **Sec. 14.02.419(b)(1)(B) includes as the last statement in that Section: A boat house shall not be permitted on a lot without a residential building.**
2. **Section 14.02.419(b)(1)(F) adds: ", provided that no boat slips shall be permitted on a lot without a residential building." after the words "Boat slips" as a permitted use in the Zone.**

The public hearing notice for this Amendment has been published in the July 14 issue of the Horseshoe Bay Beacon and will be published in the August 18 issue for the September 6 P&Z meeting. The public hearing notice for this Amendment has also been published in the July 15 issue of the Highlander and will be published in the August 19 issue for the September 6 P&Z meeting. The public hearing notices have also been mailed to all property owners recently annexed in the three subdivisions, as well as all property owners within 500 feet of the entire area of the three subdivisions on July 12 and will be mailed again on August 17 for the September 6 P&Z meeting.

Staff is not aware of any objections to this Amendment and recommends that the Commission recommend approval to the City Council.

Enclosures: Zone 16 Lake Area Ordinance Amendment Redline
Zone 16 Lake Area Ordinance Amendment Clean

CITY OF HORSESHOE BAY

ORDINANCE NO. _____

AMENDMENT TO CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 3 ZONES AND CLASSIFICATIONS, SECTION 14.02.419 ZONE 16 LAKE AREA

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 3 ZONES AND CLASSIFICATIONS, SECTION14.02.419 ZONE 16 LAKE AREA TO PROHIBIT BOAT HOUSES AND BOAT SLIPS ON LOTS THAT DO NOT HAVE RESIDENTIAL BUILDINGS; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, the Zone 16 Lake Area regulations do not address boat houses and boat slips on lots where residential buildings do not exist, which could be detrimental to neighboring residents; and

WHEREAS, the City Council is of the opinion that revising the Zone 16 Lake Area regulations in Division 3 of the Zoning Ordinance to prohibit boat houses and boat slips on lots that do not have residences is in the best interests of the City of Horseshoe Bay; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that Chapter 14 Zoning of the City Code of Horseshoe Bay should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT OF CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 3 ZONES AND CLASSIFICATIONS, SECTION 14.02.419 ZONE 16 LAKE AREA

a. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.419 Zone 16 Lake

Area, Subsection 14.02.419(b)(1)(B) as heretofore amended, be and the same is hereby amended to read as follows:

(B) Boat houses as defined in this article shall not have any temporary or permanent walled and/or roofed enclosures above any first level roof over the slip. Except for Zone 7 Peninsula, the boat house may not exceed fifteen (15) feet in height from the walk or pier to the peak of the roof or the top of the handrail if a deck is located on top of the boat house. Boat houses located underneath a part of the house with living quarters above are considered a part of the residential structure. A boat house shall not be permitted on a lot without a residential building.

Chapter 14 Zoning of the City Code of Horseshoe Bay, Texas as heretofore amended, be and the same is hereby amended to read as follows:

b. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.419 Zone 16 Lake Area, Subsection 14.02.419(b)(1)(F) is hereby amended to read as follows:

(F) Boat slips~~.~~, provided that no boat slips shall be permitted on a lot without a residential building.

III. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and publication as may be required by governing law.

VI. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED on this 30th day of August, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Stephen T. Jordan, Mayor

ATTEST:

Teresa L. Moore, City Secretary

CITY OF HORSESHOE BAY

ORDINANCE NO. _____

AMENDMENT TO CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 3 ZONES AND CLASSIFICATIONS, SECTION 14.02.419 ZONE 16 LAKE AREA

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 3 ZONES AND CLASSIFICATIONS, SECTION14.02.419 ZONE 16 LAKE AREA TO PROHIBIT BOAT HOUSES AND BOAT SLIPS ON LOTS THAT DO NOT HAVE RESIDENTIAL BUILDINGS; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, the Zone 16 Lake Area regulations do not address boat houses and boat slips on lots where residential buildings do not exist, which could be detrimental to neighboring residents; and

WHEREAS, the City Council is of the opinion that revising the Zone 16 Lake Area regulations in Division 3 of the Zoning Ordinance to prohibit boat houses and boat slips on lots that do not have residences is in the best interests of the City of Horseshoe Bay; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that Chapter 14 Zoning of the City Code of Horseshoe Bay should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT OF CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 3 ZONES AND CLASSIFICATIONS, SECTION 14.02.419 ZONE 16 LAKE AREA

a. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.419 Zone 16 Lake Area, Subsection 14.02.419(b)(1)(B) as heretofore amended, be and the same is hereby amended

to read as follows:

(B) Boat houses as defined in this article shall not have any temporary or permanent walled and/or roofed enclosures above any first level roof over the slip. Except for Zone 7 Peninsula, the boat house may not exceed fifteen (15) feet in height from the walk or pier to the peak of the roof or the top of the handrail if a deck is located on top of the boat house. Boat houses located underneath a part of the house with living quarters above are considered a part of the residential structure. A boat house shall not be permitted on a lot without a residential building.

b. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.419 Zone 16 Lake Area, Subsection 14.02.419(b)(1)(F) is hereby amended to read as follows:

Boat slips, provided that no boat slips shall be permitted on a lot without a residential building.

III. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and publication as may be required by governing law.

VI. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED on this 30th day of August, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Stephen T. Jordan, Mayor

ATTEST:

Teresa L. Moore, City Secretary

Item # 6

CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION
AUGUST 16, 2016

To: Planning & Zoning Commission

Thru: Stan R. Farmer, City Manager

From: Eric W. Winter, Development Services Director

RE: Public Hearing, discuss, consider and take action regarding an Ordinance Amendment to Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Division 4 Planned Developments, Sections 14.02.461 through 14.02.467 to provide consistent and streamlined regulations

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The attached Zoning Ordinance Amendment is proposed to do the following:

1. **Reduce duplicative language;**
2. **Clarify requirements that the City will enforce;**
3. **Eliminate unnecessary language for information items that are not needed; and**
4. **Change "Issues important to the City" to "Items that need to be addressed".**

This Amendment is the result of issues brought to staff's attention from reviews of the last two Planned Developments, and is an attempt to address and resolve those issues. Staff has prepared both redline and clean versions to show the items that have been eliminated, added and clarified. Examples of some of the revisions include elimination of:

1. **Some of the confusing and unnecessary language, such as the three mentions of "buildings, transportation improvements, open space and landscaping", when one item including the information from all three is sufficient;**
2. **The item that reads " To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services"; and**
3. **Some duplicate language, including most of the duplicate items for nonresidential uses which were the same as for residential uses.**

The Amendment also clarifies the difference between major and minor amendments to the concept plan and how each are processed.

The public hearing notice for this Amendment has been published in the July 14 issue of the Horseshoe Bay Beacon and will be published in the August 18 issue for the September 6 P&Z meeting. The public hearing notice for this Amendment has also been published in the July 15 issue of the Highlander and will be published in the August 19 issue for the September 6 P&Z meeting. The public hearing notices have also been mailed to all property owners recently annexed in the three subdivisions, as well as all property owners within 500 feet of the entire area of the three subdivisions on July 12 and will be mailed again on August 17 for the September 6 P&Z meeting.

Staff is not aware of any objections to this Amendment and recommends that the Commission recommend approval to the City Council.

Enclosures: **Zoning Ordinance Amendment Redline**
Zoning Ordinance Amendment Clean

CITY OF HORSESHOE BAY

ORDINANCE NO. _____

AMENDMENT TO CHAPTER 14 ZONING, DIVISION 4 PLANNED DEVELOPMENTS

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 4 PLANNED DEVELOPMENTS, SECTIONS 14.02.461 THROUGH 14.02.467 TO STREAMLINE THE PLANNED DEVELOPMENT REVIEW AND DEVELOPMENT PROCESS; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, staff has found that the Planned Development (PD) regulations in the Zoning Ordinance are cumbersome, duplicative and in need of being revised; and

WHEREAS, the City Council desires to provide PD zoning regulations that are more streamlined and helpful to future applicants, while at the same time protecting the surrounding development and the city as a whole; and

WHEREAS, the City Council is of the opinion that revising the PD zoning regulations in Division 4 of the Zoning Ordinance is in the best interests of the City of Horseshoe Bay; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that Chapter 14 Zoning of the City Code of Horseshoe Bay should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT TO CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 4 PLANNED DEVELOPMENTS, SECTIONS 14.02.461 THROUGH 14.02.467

a. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.461 Purpose of planned development zones as heretofore amended, be and the same is hereby amended

to read as follows:

Sec. 14.02.461 Purpose of planned development zones

The ~~general~~ purpose of a planned development (PD) zone is to provide for the development of land as an integral unit for single or mixed use in accordance with an approved PD concept plan. ~~that may include~~ Uuses, regulations and other requirements in a PD Ordinance ~~that~~ may vary from the provisions of ~~other~~ the existing zone the property is located in ~~zones~~. The use of PD zones ~~are intended~~ is one way to implement ~~generally~~ the goals and objectives of the comprehensive plan. PD zones are also intended to encourage flexible and creative planning~~,~~ and to ensure the compatibility of land uses within a single project.~~, and to allow for the adjustment of changing demands~~ PD zones that are triggered by a large scale project, a high density or high intensity rezoning request, the need for a mix of land uses, or that propose new types of designs or development, need to meet ~~the current needs of the community by meeting~~ one or more of the following purposes:

(1) To provide for a mix of residential and/or commercial uses and amenities within a single project when such a mix is desirable and in the best interest of the community;

(2) ~~To provide for a superior design of lots or buildings~~To encourage the creative development of land, provide locations for well-planned developments or meet other objectives of the Comprehensive Plan;

(3~~2~~) To provide for increased recreation and open space opportunities for public use;

(4~~3~~) To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats; or

~~(4) To protect or preserve existing historical buildings, structures, features or places;~~

~~(5) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; or~~

(5~~6~~) To meet or exceed the present standards of this article.

b. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.462 Nature of PD zones and minimum standards as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.462 Nature of PD zones and minimum standards

(a) Each PD shall be a freestanding zone in which land uses and intensities of land use are

designed~~may be tailored~~ to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. Minimum standards for residential and/or nonresidential uses proposed for the PD must be incorporated within a~~n~~ PD O~~o~~rdinance adopted by the city council as a rezoning request. In ~~the~~ adopting the PD ordinance, the city council may incorporate minimum standards by making reference to the~~an~~ existing zone that the PD is located in.

(b) To the extent that a PD concept plan and~~or~~ PD ordinance create~~s~~ standards or impose~~s~~ restrictions or duties which differ from those imposed by other city ordinances, rules or regulations, the standards, restrictions or duties imposed by the PD concept plan and PD ordinance, adopted pursuant to this division, shall supersede such other provisions to the extent of any conflict or inconsistency. Any inconsistency or conflict shall be identified by the applicant at the time of application for the PD zone.

c. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.463 Land use as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.463 Land use

(a) An application for a PD zone shall specify the use or the combination of uses proposed and the ~~.~~

~~(b) Location. The~~ location of all authorized uses in the PD Ordinance shall be consistent with the PD concept plan.

(b~~e~~) Residential and/or commercial uses. Unless otherwise provided by the PD ordinance, the following standards shall apply to all residential and/or commercial uses within a PD zone:

(1) 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.

(2) ~~Issues important to the city in regard to residential development include, but are not limited to~~The following items shall be addressed in the PD ordinance for a PD containing residential and/or commercial uses:

(A) Density, including ~~H~~height, number of stories, and size of buildings and other structures;

(B) The percentage of a lot that is occupied;

(C) The size of yards, courts, and ~~other~~ open space~~s~~;

~~(D) Density;~~

(D~~E~~) The location and use of buildings, other structures, and land;

~~(F) The pumping, extraction, and use of groundwater;~~

~~(G) Construction, reconstruction, alteration, or razing of buildings and other structures in the case of designated places and areas of historical, cultural, or architectural significance;~~

(E~~H~~) The bulk of buildings;

(F~~I~~) Landscaping;

(G~~J~~) Fencing, walls, and screening;

(H~~K~~) Steep slope protection;

(I~~L~~) Exterior construction and design;

(J~~M~~) Lighting in compliance with the City's Outdoor Lighting Ordinance;

(K~~N~~) Parking and loading;

(L~~O~~) Amenities;

(M~~P~~) Ingress/egress; and

(N~~Q~~) Traffic impact and flow.

PD zone applicants are encouraged to discuss with the ~~mayor~~ city manager and development services director~~manager~~ these items~~issues~~ early in the process, preferably prior to the preparation of a PD concept plan.

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~~(d) Nonresidential uses. Unless otherwise provided by the PD ordinance, the following standards shall apply to all nonresidential uses within a PD zone:~~

~~(1) 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.~~

(3~~2~~) Open space standards. ~~Unless otherwise provided by the PD ordinance, A~~a minimum of twenty percent (20%) of the gross land area within the entire PD zone shall be devoted to open space. Open space for PD zones may be satisfied by either public or a combination of public and private open space.

(4~~3~~) Preservation of natural features~~. Unless otherwise provided by the PD ordinance or PD concept plan:~~

(A) Floodplain areas shall be preserved and maintained as open space; and

(B) Stands of native trees and shrubs shall be preserved and protected from destruction or alteration.

(54) Dimensional and area standards. ~~Unless otherwise provided by the PD ordinance, D~~dimensional and area standards for uses shall be the most restrictive standards authorized by the city's zoning regulations for the same or similar uses, unless other standards are approved by city council.

~~(5) Other issues important to the city in regard to nonresidential development include, but are not limited to:~~

~~(A) Height, number of stories, and size of buildings and other structures;~~

~~(B) The percentage of a lot that is occupied;~~

~~(C) The size of yards, courts, and other open spaces;~~

~~(D) Density;~~

~~(E) The location and use of buildings, other structures, and land;~~

~~(F) The pumping, extraction, and use of groundwater;~~

~~(G) Construction, reconstruction, alteration, or razing of buildings and other structures in the case of designated places and areas of historical, cultural, or architectural significance;~~

~~(H) The bulk of buildings;~~

~~(I) Landscaping;~~

~~(J) Fencing, walls, and screening;~~

~~(K) Steep slope protection;~~

~~(L) Exterior construction and design;~~

~~(M) Lighting;~~

~~(N) Parking;~~

~~(O) Amenities;~~

~~(P) Ingress/egress; and~~

~~(Q) Traffic flow.~~

~~PD zone applicants are encouraged to discuss with the mayor and development services manager these issues early in the process, preferably prior to the preparation of a PD concept plan.~~

d. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.464 Concept plan required as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.464 Concept plan required

(a) PD concept plan. The PD concept plan is mandatory, and is intended to be used as the first step in the PD process. It establishes general guidelines for the PD zone by identifying the proposed land uses and intensities, ~~thoroughfare~~ street and utility locations, and open space ~~boundaries~~. It also illustrates the integration of these elements into a master plan for the ~~whole~~ PD zone. The PD concept plan~~, as~~ is incorporated in the PD ordinance and together ~~with~~ they ~~text of the ordinance,~~ establish~~es~~ the development standards for the PD zone. ~~A~~The concept plan shall be submitted along with ~~a~~the PD rezoning request, and both shall be processed simultaneously ~~with the PD rezoning request~~. If the PD rezoning application is approved, the PD concept plan shall be incorporated and made a part of the PD rezoning ordinance.

(b) Compliance with approved plan. ~~Except as may otherwise be provided by the city's subdivision ordinance, n~~No development shall begin and no building permit shall be issued for any land within a PD zone until a PD ordinance that is consistent with the PD concept plan has been approved. Each PD zone shall be developed, used, and maintained in compliance with the approved PD concept plan. Compliance with the PD ordinance shall be required as a condition ~~precedent to granting~~ for issuance of any ~~of~~ certificates of occupancy in the PD zone. The subdivision platting regulations of Chapter 10 Subdivision Regulations must also be complied with as required and must be in conformance with the approved PD Concept Plan.

e. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.465 Establishment of PD zone and concept plan as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.465 Establishment of PD zone and concept plan

(a) The procedures for establishing a PD zone ~~shall be~~are the same as for any other type of rezoning request, except that the application shall also include the following~~, in addition to any other information required by this article~~:

(1) A PD concept plan;

(2) ~~A list of~~ The proposed PD zone development standards in the PD Ordinance;

(3) Identification of an existing zone, if any, whose regulations ~~which~~ shall apply to the ~~extent not otherwise provided by the PD concept plan or by the~~ proposed PD zone~~district development standards~~;

(4) A general statement setting forth how the proposed PD zone will relate to the comprehensive plan;

(5) The total acreage within the proposed PD zone; and

(6) 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~~utilities and streets to serve the development.

~~(b) Except to the extent provided by the PD concept plan and the PD ordinance, development within the PD zone 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 any zone identified in the application. In the event of any conflict between the PD concept plan and the PD ordinance and the then-current ordinances, rules, and regulations of the city, the terms, provisions, and intent of the PD concept plan and PD ordinance shall control.~~

(be) Proposed PD development standards. Proposed PD district development standards in the PD Ordinance shall be reviewed~~processed simultaneously with the PD rezoning application~~, and if the PD zoning application is approved, such standards shall ~~be incorporated as part of the PD ordinance~~control. Such proposed development standards are those listed in Section 14.02.463(b)(2) of this Article and shall~~may~~ include, but shall not be limited to:~~,~~ uses;~~ density; lot size;~~ building ~~size~~setbacks; lot dimensions and sizes;~~ 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.

(c) Other city development standards apply: Except to the extent provided by the PD concept plan and the PD ordinance, development within the PD zone 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 any zone identified in the application. In the event of any conflict between the PD concept plan and PD ordinance and the then-current ordinances, rules, and regulations of the city, the terms, provisions, and intent of the PD concept plan and PD ordinance shall control.

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f. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.465 Project design as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.466 Project design

It is the intent of these regulations to encourage outstanding project design for PD zones. The following standards will be used to evaluate project design:

(1) The arrangement of all uses and improvements should preserve and enhance the natural character of the site and should reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of adjacent property.

(2) Development must be compatible with the ~~immediate environment of the site and~~ neighborhood relative to architectural design,~~;~~ scale, bulk and building height~~; historical character; and disposition and orientation of buildings on the lot~~.

~~(3) Buildings, transportation improvements, and open space areas, must be arranged on the site so that activities are compatible with the neighborhood.~~

(34) Buildings, transportation improvements, open space, and landscaping, must be designed with consideration for natural conditions and views, and be arranged to produce an efficient, functionally organized, and ~~cohesive~~ coordinated development.

~~(5) Buildings, transportation improvements, open space and landscaping, must be in favorable relationship to the existing natural topography, natural vegetation and creeks, exposure to sunlight and wind, and long or scenic views.~~

(46) ~~The PD should, and should be designed to reflect the existing topography and natural systems.~~ Vegetative communities, ~~located in floodplains,~~ existing tree stands and ~~along~~ steep slopes should be maintained as open areas and wildlife habitat. Creeks and streams should be preserved and enhanced as amenities.

~~(7) The project should preserve historic elements of the site.~~

(58) ~~Utilization of o~~Open space should be enhanced through provision of amenities.

g. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.467 Amendment of concept plan as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.467 Amendment of concept plan

PD concept plans are considered part of the PD ordinance. Any major amendment to a PD concept plan shall be considered a zoning change, and shall be processed as such. The city manager shall determine if an amendment is major or minor, and if minor, the change only requires his approval.~~, unless the changes are provided for in the PD zone ordinance. (Ordinance 07-09-18E, sec. 4.7, adopted 9/18/07)~~

III. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this

Ordinance are hereby repealed only to the extent of such conflict.

V. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and publication as may be required by governing law.

VI. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED on this 30th day of August, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

_____

Stephen T. Jordan, Mayor

ATTEST:

_____

Teresa L. Moore, City Secretary

CITY OF HORSESHOE BAY

ORDINANCE NO. _____

AMENDMENT TO CHAPTER 14 ZONING, DIVISION 4 PLANNED DEVELOPMENTS

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 4 PLANNED DEVELOPMENTS, SECTIONS 14.02.461 THROUGH 14.02.467 TO STREAMLINE THE PLANNED DEVELOPMENT REVIEW AND DEVELOPMENT PROCESS; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, staff has found that the Planned Development (PD) regulations are cumbersome, duplicative and in need of being revised; and

WHEREAS, the City Council desires to provide PD zoning regulations that are more streamlined and helpful to future applicants, while at the same time protecting the surrounding development and the city as a whole; and

WHEREAS, the City Council is of the opinion that revising the PD zoning regulations in Division 4 of the Zoning Ordinance is in the best interests of the City of Horseshoe Bay; and

WHEREAS, the City Council in the exercise of its legislative discretion has concluded that Chapter 14 Zoning of the City Code of Horseshoe Bay should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT TO CHAPTER 14 ZONING, ARTICLE 14.02 ZONING ORDINANCE, DIVISION 4 PLANNED DEVELOPMENTS, SECTIONS 14.02.461 THROUGH 14.02.467

a. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.461 Purpose of planned development zones as heretofore amended, be and the same is hereby amended

to read as follows:

Sec. 14.02.461 Purpose of planned development zones

The purpose of a planned development (PD) zone is to provide for the development of land as an integral unit for single or mixed use in accordance with an approved PD concept plan. Uses, regulations and other requirements in a PD Ordinance may vary from the provisions of the existing zone the property is located in. The use of PD zones is one way to implement the goals and objectives of the comprehensive plan. PD zones are also intended to encourage flexible and creative planning and to ensure the compatibility of land uses within a single project. PD zones that are triggered by a large scale project, a high density or high intensity rezoning request, the need for a mix of land uses, or that propose new types of designs or development, need to meet one or more of the following purposes::

(1) To provide for a mix of residential and/or commercial uses and amenities within a single project when such mix is desirable and in the best interest of the community;

(2) To encourage the creative development of land, provide locations for well-planned developments or meet other objectives of the Comprehensive Plan;

(3) To provide for increased recreation and open space opportunities for public use;

(4) To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats; or

(5) To meet or exceed the present standards of this article.

b. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.462 Nature of PD zones and minimum standards as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.462 Nature of PD zones and minimum standards

(a) Each PD shall be a freestanding zone in which land uses and intensities of land use are designed to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. Minimum standards for residential and/or nonresidential uses proposed for the PD must be incorporated within a PD Ordinance adopted by the city council as a rezoning request. In adopting the PD ordinance, the city council may incorporate minimum standards by making reference to the existing zone that the PD is located in.

(b) To the extent that a PD concept plan and PD ordinance create standards or impose restrictions or duties which differ from those imposed by other city ordinances, rules or regulations, the standards, restrictions or duties imposed by the PD concept plan and PD ordinance, adopted pursuant to this division, shall supersede such other provisions to the extent of any conflict or inconsistency. Any inconsistency or conflict shall be identified by the applicant at the time of application for the PD zone.

c. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.463 Land use as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.463 Land use

(a) An application for a PD zone shall specify the use or the combination of uses proposed and the location of all authorized uses in the PD Ordinance shall be consistent with the PD concept plan.

(b) Residential and commercial uses. Unless otherwise provided by the PD ordinance, the following standards shall apply to all residential and commercial uses within a PD zone:

(1) 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.

(2) The following items shall be addressed in the PD ordinance for a PD containing residential and/or commercial uses:

(A) Density, including height, number of stories, and size of buildings and other structures;

(B) The percentage of a lot that is occupied;

(C) The size of yards, courts, and open space;

(D) The location and use of buildings, other structures, and land;

(E) The bulk of buildings;

(F) Landscaping;

(G) Fencing, walls, and screening;

(H) Steep slope protection;

(I) Exterior construction and design;

(J) Lighting in compliance with the City's Outdoor Lighting Ordinance;

(K) Parking and loading;

(L) Amenities;

(M) Ingress/egress; and

(N) Traffic impact and flow.

PD zone applicants are encouraged to discuss with the city manager and development services director these items early in the process, preferably prior to the preparation of a PD concept plan.

(3) Open space standards. A minimum of twenty percent (20%) of the gross land area within the entire PD zone shall be devoted to open space. Open space for PD zones may be satisfied by either public or a combination of public and private open space.

(4) Preservation of natural features

(A) Floodplain areas shall be preserved and maintained as open space; and

(B) Stands of native trees and shrubs shall be preserved and protected from destruction or alteration.

(5) Dimensional and area standards. Dimensional and area standards for uses shall be the most restrictive standards authorized by the city's zoning regulations for the same or similar uses, unless other standards are approved by city council.

d. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.464 Concept plan required as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.464 Concept plan required

(a) PD concept plan. The PD concept plan is mandatory, and is intended to be used as the first step in the PD process. It establishes general guidelines for the PD zone by identifying the proposed land uses and intensities, street and utility locations, and open space. It also illustrates the integration of these elements into a master plan for the PD zone. The PD concept plan is incorporated in the PD ordinance and together they establish the development standards for the PD zone. The concept plan shall be submitted along with the PD rezoning request, and both shall be processed simultaneously. If the PD rezoning application is approved, the PD concept plan shall be incorporated and made a part of the PD rezoning ordinance.

(b) Compliance with approved plan. No development shall begin and no building permit shall be issued for any land within a PD zone until a PD ordinance that is consistent with the PD concept plan has been approved. Each PD zone shall be developed, used, and maintained in compliance with the approved PD concept plan. Compliance with the PD ordinance shall be required as a condition for issuance of any certificates of occupancy in the PD zone. The subdivision platting regulations of Chapter 10 Subdivision Regulations must also be complied with as required and must be in conformance with the approved PD Concept Plan.

e. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.465 Establishment of PD zone and concept plan as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.465 Establishment of PD zone and concept plan

(a) The procedures for establishing a PD zone are the same as for any other type of rezoning request, except that the application shall also include the following:

(1) A PD concept plan;

(2) The proposed PD zone development standards in the PD Ordinance;

(3) Identification of an existing zone, if any, whose regulations shall apply to the proposed PD zone;

(4) A general statement setting forth how the proposed PD zone will relate to the comprehensive plan;

(5) The total acreage within the proposed PD zone; and

(6) 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 utilities and streets to serve the development.

(b) Proposed PD development standards. Proposed PD district development standards in the PD Ordinance shall be reviewed, and if the PD zoning application is approved, such standards shall control. Such proposed development standards are those listed in Section 14.02.463(b)(2) of this Article and shall include, but shall not be limited to: uses; building setbacks; lot dimensions and sizes; and utility and street standards. Any graphic depictions used to illustrate such standards shall be considered as regulatory standards. In the event of any conflict, the more stringent standards shall apply.

(c) Other city development standards apply: Except to the extent provided by the PD concept plan and the PD ordinance, development within the PD zone 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 any zone identified in the application. In the event of any conflict between the PD concept plan and PD ordinance and the then-current ordinances, rules, and regulations of the city, the terms, provisions, and intent of the PD concept plan and PD ordinance shall control.

f. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.465 Project design as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.466 Project design

It is the intent of these regulations to encourage outstanding project design for PD zones. The following standards will be used to evaluate project design:

(1) The arrangement of all uses and improvements should preserve and enhance the natural character of the site and should reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of adjacent property.

(2) Development must be compatible with the neighborhood relative to architectural design, scale, bulk and building height.

(3) Buildings, transportation improvements, open space, and landscaping, must be designed with consideration for natural conditions and views, and be arranged to produce an efficient, functionally organized, and coordinated development.

(4) Vegetative communities, existing tree stands and steep slopes should be maintained as open areas and wildlife habitat. Creeks and streams should be preserved and enhanced as amenities.

(5) Open space should be enhanced through provision of amenities.

g. Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.467 Amendment of concept plan as heretofore amended, be and the same is hereby amended to read as follows:

Sec. 14.02.467 Amendment of concept plan

PD concept plans are considered part of the PD ordinance. Any major amendment to a PD concept plan shall be considered a zoning change, and shall be processed as such. The city manager shall determine if an amendment is major or minor, and if minor, the change only requires his approval.

III. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and publication as may be required by governing law.

VI. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED on this 30th day of August, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Stephen T. Jordan, Mayor

ATTEST:

Teresa L. Moore, City Secretary

Item # 7

CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION
AUGUST 16, 2016

To: Planning & Zoning Commission

Thru: Stan R. Farmer, City Manager

From: Eric W. Winter, Development Services Director

RE: Public Hearing, discuss, consider and take action to make a recommendation to City Council regarding an Ordinance Amendment to Chapter 10 Subdivision Regulations, Article 10.03 Subdivision Ordinance, deleting Division 9 Planned Development Zones, Sections 10.03.311 and 10.03.312 and Secs. 10.03.313-10.03.370 in their entirety

---

The attached Subdivision Ordinance Amendment as proposed will eliminate confusing and duplicative language between this Division and Division 4 of Article 14.02 of the Zoning Ordinance. Like the Zoning Ordinance Amendment regarding Planned Developments, this Amendment is the result of issues brought to staff's attention from reviews of the last two Planned Developments, and is an attempt to address and resolve those issues by deleting the entire Division in the Subdivision Ordinance that is confusing to both staff and applicants and basically duplicative of the regulations regarding PDs in Division 4 of Article 14.02 of the Zoning Ordinance.

The public hearing notice for this Amendment has been published in the July 14 issue of the Horseshoe Bay Beacon and will be published in the August 18 issue for the September 6 P&Z meeting. The public hearing notice for this Amendment has also been published in the July 15 issue of the Highlander and will be published in the August 19 issue for the September 6 P&Z meeting.

Staff is not aware of any objections to this Amendment and recommends that the Commission recommend approval to the City Council.

Enclosures: Subdivision Ordinance Amendment

CITY OF HORSESHOE BAY

ORDINANCE NO. _____

AMENDMENT TO CHAPTER 10 SUBDIVISION REGULATIONS, ARTICLE 10.03 SUBDIVISION ORDINANCE DELETING DIVISION 9 PLANNED DEVELOPMENT ZONES

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING CHAPTER 10 SUBDIVISION REGULATIONS, ARTICLE 10.03 SUBDIVISION ORDINANCE, DIVISION 9 PLANNED DEVELOPMENT ZONES BY DELETING THE DIVISION IN ITS ENTIRETY; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, staff has found that the Planned Development regulations in the Subdivision Ordinance are confusing and duplicative with the Planned Development regulations in Division 4 of the Zoning Ordinance, and are in need of elimination; and

WHEREAS, the City Council desires to eliminate confusing and duplicative requirements regarding Planned Developments in Chapter 10 Subdivision Regulations; and

WHEREAS, the City Council is of the opinion that deleting Division 9 Planned Development Zones in the Article 10.03 of the Subdivision Ordinance is in the best interests of the City of Horseshoe Bay; and

WHEREAS, the City Council in the exercise of its legislative discretion has concluded that Chapter 10 Subdivision Regulations of the City Code of Horseshoe Bay should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT TO CHAPTER 10 SUBDIVISION REGULATIONS, ARTICLE 10.03 SUBDIVISION ORDINANCE, DELETING DIVISION 9 PLANNED DEVELOPMENT ZONES

Chapter 14 Subdivision Regulations, Article 10.03 Subdivision Ordinance, Division 9 Planned Developments is hereby deleted in its entirety.

~~**Division 9. Planned Development Zones**~~

~~**Sec. 10.03.311 Purpose**~~

~~(a) In certain instances, the purposes of this article may be achieved through the use of planned developments which do not conform in all respects to the land use pattern designated in the comprehensive development plan, or the subdivision requirements of this article. A planned development zone (PD) may include a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and which can be considered as a sustainable development, potentially providing multipurpose uses within a single project.~~

~~(b) For purposes of this article, a planned development zone shall have the same meaning as provided for in the zoning ordinance.~~

~~(Ordinance 07-09-18F, sec. IX(a), adopted 9/18/07)~~

~~**Sec. 10.03.312 Subdivision requirements for a planned development zone**~~

~~(a) It is the intent of this article that subdivision review under this ordinance is carried out simultaneously with the review of a planned development zone.~~

~~(b) The preliminary plat and final plat shall be in conformance with the requirements of the approved planned development zone before they may be approved by the city council. Where a development plan, site plan, or other mechanism showing street layouts is made a part of the amending ordinance creating such planned development zone, the preliminary plat, final plat and construction plans shall be in accordance with such plan or layout.~~

~~(c) This article contains regulations that apply to the design of streets, utilities and open spaces. In any proposed planned development zone for which the provisions of this article are varied, written recommendations from development services shall be provided to the city council as part of their consideration of approval of such proposed planned development zone and variance to this article.~~

~~(d) Procedure.~~

~~(1) Formal application for a development plan approval shall be made by the subdivider or his/her agent in the manner prescribed by the development services department, and shall be processed and considered by the city council.~~

~~(2) Review and consideration by the city council shall proceed simultaneously and independent of any related requirement of this article.~~

~~(c) Development plan and specifications. The development plan required under this division shall contain such information as required under the zoning ordinance and shall include the following:~~

~~(1) A survey of the development area by a registered land surveyor with a recordable legal description, including all existing utilities and recorded easements.~~

~~(2) A site plan showing location of all structures, all other features to be constructed and all other uses of land, to scale, and with sufficient detail to determine the extent of each use of said structures and land.~~

~~(3) A topographic map with a contour interval of not more than 1 inch = 2 feet and sufficient spot elevations to determine the nature of the grade in the proposed development.~~

~~(4) Building plans in sufficient detail such that the use of each floor can be determined and the bulk of the building and the aesthetic nature of the building may be determined.~~

~~(5) A planting plan sufficient in detail to indicate the nature of all landscaping to be done in the proposed development.~~

~~(6) A statement of the various phases, if more than one phase is intended, by which the development is proposed to be constructed or undertaken, and the time limit of the completion of each phase, together with a description of the real property to be included in each phase. If more than one phase is proposed, a site plan shall be furnished, showing the physical location of each phase.~~

~~(7) A statement of the proposed changes, if any, in locations of streets and any proposed street closings or vacations.~~

~~(8) A statement related to the adequacy of public facilities and utilities.~~

~~(9) A statement of the proposed method of financing the development in sufficient detail to evidence the probability that the developer will be able to finance or arrange to finance the development.~~

~~(Ordinance 07-09-18F, sec. IX(b), adopted 9/18/07)~~

~~**Secs. 10.03.313–10.03.370 Reserved**~~

IV. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

V. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes

effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

VI. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and publication as may be required by governing law.

VII. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED on this 20th day of September, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

_____

Stephen T. Jordan, Mayor

ATTEST:

_____

Teresa L. Moore, City Secretary

CITY OF HORSESHOE BAY

ORDINANCE NO. _____

AMENDMENT TO CHAPTER 10 SUBDIVISION REGULATIONS, ARTICLE 10.03 SUBDIVISION ORDINANCE, DIVISION 9 PLANNED DEVELOPMENT ZONES

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING CHAPTER 10 SUBDIVISION REGULATIONS, ARTICLE 10.03 SUBDIVISION ORDINANCE, DIVISION 9 PLANNED DEVELOPMENT ZONES BY DELETING IT IN ITS ENTIRETY; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, staff has found that the Planned Development regulations in the Subdivision Ordinance are confusing and duplicative of the Planned Development regulations in Zone 4 of Article 14.02 Zoning Ordinance, and are in need of elimination; and

WHEREAS, the City Council desires to provide one place in the City's Code of Ordinances for regulations regarding Planned Developments, which should be in the Zoning Ordinance; and

WHEREAS, the City Council is of the opinion that deleting the Planned Development regulations in Division 9 of the Subdivision Ordinance is in the best interests of the City of Horseshoe Bay; and

WHEREAS, the City Council in the exercise of its legislative discretion has concluded that Chapter 10 Subdivision Regulations of the City Code of Horseshoe Bay should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT TO CHAPTER 10 SUBDIVISION REGULATIONS, ARTICLE 10.03 SUBDIVISION ORDINANCE DELETING DIVISION 9 PLANNED DEVELOPMENT ZONES

Chapter 14 Subdivision Regulations, Article 10.03 Subdivision Ordinance, Division 9 Planned Development Zones is hereby deleted in its entirety.

III. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and publication as may be required by governing law.

VI. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED on this 20th day of September, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Stephen T. Jordan, Mayor

ATTEST:

Teresa L. Moore, City Secretary