1. PZ Regular Meeting, September 6, 2016

    Documents:

        PZ SEPT 6 2016 AGENDA FOR PZ MEETING.PDF
        PZ SEPT 6 2016 PACKET.PDF

CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION
NOTICE OF REGULAR PUBLIC MEETING

September 6, 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, September 6, 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 August 16, 2016 Regular Meeting
4. Continued 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
5. Continued 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
6. Continued 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
7. Discuss, consider and take action regarding when P&Z packets are made available to the Commission
8. 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 & ZONING COMMISSION
SEPTEMBER 6, 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. **The joint meeting with City Council and members of the Long Range Plan Advisory Committee is scheduled to begin at 1:30 P.M. (See the first Agenda for that meeting in the packet). The purpose of the meeting is for both the City Council and P&Z members to ask questions about what some of the goals and action items are, what some of the suggestions are based on, etc. No action will be taken by either City Council or P&Z regarding the Long Range Plan at this meeting.**

2. **The 3 items that you can hold continued public hearings and make recommendations to Council on from the August 16 meeting are on this agenda, as is Commission Member Morrison's item regarding when packets can be available. We are again providing the staff reports and the redline and clean versions of these amendments.**

3. **Project Updates and October Meeting Agenda Items:**
   Hidden Coves – The first payment for infrastructure work has been approved by the 3rd party inspector and the City's inspector.
   Tuscan Village – Haythem Dawlett scheduled a visit to Tuscan Village in Lakeway for Stan Farmer and City Attorney Rex Baker on August 29. He wanted both of them to see the quality of his projects and to discuss concerns about the current Summit Rock Public Improvement District (PID).
   Siena Grove – No updated information.
   Horseshoe Bay Center – The new 8,500 sq. ft. retail shell building is almost complete in front of Ace Hardware and will be ready for tenant build-outs soon.
   Proposed 6,000 Sq. Ft. Retail Building – Plans have been submitted to the HSB ACC and are being reviewed. The owner and his brother want to become registered contractors, but have not submitted any business credit reports from previous companies and their countries.
   Shoppes at Hi Circle – Barry Wiznevitz has requested that the Council approve an amendment to the Shoppes at Hi Circle Planned Development Ordinance to remove the requirement that a building permit be issued within one year (and which has been extended several times), so that it will be considered permanent zoning. Having all of the requirements that were required for approval by the neighbors and Council in place on this property is far

better than it reverting back to C-2 General Commercial with no requirements. This item will be on the Commission's October 4 agenda.

<u>City Long Range Plan</u> – The first of two public hearings on the proposed Long Range Plan is scheduled for the October 4 meeting. P&Zs' comments from this meeting regarding the Plan will be submitted to the Council Committee for consideration in developing the final plan document.

Item # 3

CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING

August 16, 2016

The Planning and Zoning Commission of the City of Horseshoe Bay held a Regular Meeting at City Hall, in the City Council Chambers located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on August 16, 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 p.m. with a quorum of Commission members present as follows:

   Chairman: Norm Long
   Vice Chairman: Neil Andrew
   Commission Member: Pat Bouchard

   Commission Members absent: Wayne Anderson
   Lynette Morrison

2. **Public Comments:** There were no public comments. In Development Services Director Eric Winter's absence, Stan Farmer used this time to provide an update to the Commission Members on the progress of the Tuscan Village Development. He stated that he and Eric Winter met with Haythem Dawlett on August 4 and they discussed the project in general. There is a tentative project start date of October, and there was no specific date mentioned. They will begin construction by building a clubhouse and pool.

3. **Approval of the Minutes of the June 7, 2016 Regular Meeting:** Pat Bouchard made a motion to approve the minutes, and Neil Andrew seconded the motion. The motion passed unanimously (3-0).

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:**
   Stan Farmer, City Manager presented a summary of this item. He noted that The Hills Sections I & II have their own POA separate from The Hills Section III and Golfview

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:** Upon Chairman Long opening the public hearing at 3:19 p.m., Neil Andrew made a motion to continue this item to the September 6, 2016 public meeting at 3:00 p.m., seconded by Pat Bouchard. The motion was approved unanimously (3-0).

8. **Discuss, consider and take action regarding when P&Z packets are made available to the Commission.** Chairman Norm Long mentioned that Lynette Morrison recommended this item for discussion. Since she was absent, he would like to put this item off until the next meeting. Pat Bouchard made the motion to defer this item to the next meeting, seconded by Neil Andrew seconded the motion. The motion passed unanimously (3-0).

9. **Adjournment:** Chairman Norm Long adjourned the meeting at 3:21 p.m.

APPROVED this 6th day of September 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
SEPTEMBER 6, 2016

To: Planning & Zoning Commission

Thru: Stan R. Farmer, City Manager

From: Eric W. Winter, Development Services Director

RE: Continued 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 the result of an issue brought to staff's attention from the Hidden Coves Planned Development, where 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 was published in the July 14 issue of the Horseshoe Bay Beacon and in the August 18 issue for the September 6 P&Z meeting. The public hearing notice for this Amendment was also published in the July 15 issue of the Highlander and 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: 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 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 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 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

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 creates standards or imposes 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 spaces;

~~(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,~~ Ddimensional 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,~~ establishes the development standards for the PD zone. ~~A~~The concept plan shall be submitted along with athe 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.~~

(b~~e~~) 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.

Formatted: Underline

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 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 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.

Item # 6

CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION
SEPTEMBER 6, 2016

To: Planning & Zoning Commission

Thru: Stan R. Farmer, City Manager

From: Eric W. Winter, Development Services Director

RE: Continued 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 is 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 was published in the July 14 issue of the Horseshoe Bay Beacon and in the August 18 issue for the September 6 P&Z meeting. The public hearing notice for this Amendment was also published in the July 15 issue of the Highlander and 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 Redline
Subdivision Ordinance Amendment Clean

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.~~

~~(e) 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