

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. ORD 08-10-21F**

**PLANNED DEVELOPMENT HORSESHOE BAY CENTER**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY ESTABLISHING THE HORSESHOE BAY CENTER PLANNED DEVELOPMENT DISTRICT (PD) ADOPTING PD ZONING REGULATIONS FOR THE PD; ESTABLISHING ZONE BOUNDARIES FOR THE PD; AMENDING THE ZONING MAP; ENACTING CERTAIN DEVELOPMENT STANDARDS AND LAND USE REGULATIONS; PROVIDING CERTAIN LAND USE RULES; ADOPTING CERTAIN LAND DEVELOPMENT STANDARDS; SETTING OUT ADMINISTRATIVE AND LEGISLATIVE PROCEDURES; IMPOSING CIVIL AND CRIMINAL PENALTIES, INCLUDING FINES NOT TO EXCEED \$2,000 PER OFFENSE; PROVIDING APPROVAL AUTHORITY FOR THE CITY COUNCIL; PROVIDING FOR ENFORCEMENT AND PENALTIES, AND PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**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 City has adopted Ordinance No. 07-09-18E, the City's Zoning Ordinance, as amended, for the purpose of establishing reasonable land use regulations within the City, including the use of Planned Development Zones ("PD Zones"), particularly to meet unique development Authorizations of certain projects; and

**WHEREAS**, Article IV of the City's Zoning Ordinance specifies the procedure and requirements for the creation of PD Zones, and which permit development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan and in which the goals and objectives of the Comprehensive Plan are to be implemented; and

**WHEREAS**, pursuant to the terms of the Development Agreement by and between the City of Horseshoe Bay and Michael R. Walsh, dated February 19, 2008, the City and the Developer agreed to certain requirements for development of a tract of five and forty-four one-hundredths (5.44) acres of land, ("the Property") including annexation of same by petition of the landowner; and

**WHEREAS**, the City Council has heretofore issued the notices required by law, conducted public hearings, and has approved the annexation of the Property; and

**WHEREAS,** Michael R. Walsh, the owner of the Property, proposes its development as Horseshoe Bay Center in a manner that includes unique authorizations and for which a Concept Plan for the development has been submitted to the City; and

**WHEREAS,** the City has examined the Concept Plan and all accompanying documents and is of the opinion that the proposed PD Zone is in compliance with Article IV of the City's Zoning Ordinance and that a PD Zone should be created and be identified hereinafter as PD Horseshoe Bay Center; and

**WHEREAS,** the City Council, in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City 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. ZONING ORDINANCE AMENDED**

Zoning Ordinance No. 07-09-18E, of the City of Horseshoe Bay, Texas as heretofore amended, be and the same is hereby amended by adding a new PD zone, the "PD Horseshoe Bay Center" as more fully set forth herein. This Ordinance amends the City's Zoning Ordinance but shall stand alone and shall be complimentary to rather than supplanting or replacing portions of such Zoning Ordinance.

**III. APPLICABLE ZONING AND OTHER REGULATIONS.**

The Property shall be regulated for purposes of zoning and subdivision by the City's Zoning and Subdivision Ordinances, and shall be subject to all other City Ordinances in effect except as herein specifically provided. Where a general zoning item is not specifically addressed in this PD Ordinance but is addressed by the City's Zoning Ordinance or other ordinance in effect, the zoning or other ordinance shall control. In the event of any conflict between this PD Ordinance and the City's Zoning Ordinance, this PD Ordinance shall control.

**IV. ZONING ORDINANCE DEFINITIONS:**

*Developer* means Michael R. Walsh, and shall include any person, partnership, firm, association, corporation (or combination thereof), and/or any officer, agent, employee, servant and trustee thereof who performs or participates in the performance of any act toward the subdivision of land within the intent, scope and purview of this PD Ordinance. The Developer shall also be defined as the builder if he or she is responsible for the construction of buildings and/or other structures or permanent improvements.

*PD Concept Plan* establishes the general guidelines for the PD Zone by identifying the proposed land uses and intensities, thoroughfare locations, and open space boundaries and illustrates the integration of these elements into a Concept Plan for the entire PD Zone, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes.

*PD Zone* means a Planned Development Zone under the City's Zoning Ordinance.

*Project* means the development named "Horseshoe Bay Center" which will include the entire tract that comprises the Property.

*Property* means the 5.44 acres of land which is owned by Developer and is more fully described as Horseshoe Bay Center Plat No. 1.1, Llano County, Texas, 5.44 Acres out of the Madison Putnam Survey No. 572, Abstract No. 587, Llano County, Texas, as recorded in Volume 18, Page 45 Llano County Plat Records.

## **V. ZONING AND SPECIAL AUTHORIZATIONS**

### **(a) Zoning Classification and Special Authorizations:**

(1) The Property shall be zoned C-2 in the same manner as for Zones 3 and 4A and 4B, as specified in Section 3.6 et seq. of the City's Zoning Ordinance, Ordinance No. ORD 07-09-18E entitled "Zone 3 Horseshoe Bay West, Zone 4A Horseshoe Bay Proper and Zone 4B Horseshoe Bay South," and all such authorizations and limitations for such zoning classification will be adopted by reference and incorporated for the Property for all purposes, except to the extent that the same are expressly modified by the terms of the PD Ordinance.

(2) The Project shall consist of approximately fifty thousand (50,000) square feet of commercial development and fifty thousand (50,000) square feet of self storage units, as follows:

(A) One building of one story and a maximum of twelve thousand (12,000) square feet of floor space.

(B) One building of one story and a maximum of eight thousand five- hundred and two (8,502) square feet of floor space.

(C) One building of two stories with a maximum of fourteen thousand six hundred twenty-five (14,625) square feet of floor space on each floor.

(D) One building of two stories with a total maximum of fifty thousand (50,000) square feet of space, for self storage units.

(3) Parking shall consist of 218 parking spaces.

(4) Developer shall construct a gate between the parking area and the self-storage units, the design of which shall be approved by the Development Services Manager prior to issuance of a building permit.

(5) Developer shall construct and install landscaping along Highway 2147. Each of the two separate tracts are permitted separate signage fronting on Highway 2147.

(6) Developer is responsible for construction of all utilities to serve this Development in accordance with the Utility Services Agreement.

(7) The Developer will pay the City a utility fee per LUE, which shall be determined prior to issuance of a building permit.

(8) The Developer and the City agree that the construction may be undertaken in phases as follows:

Phase 1. Building D above.

Phase 2. Removal of existing storage units.

Phase 3. Building A, B, and C above, in any order. All utility infrastructure will be completed by the completion of the first building.

(9) If there is any significant delay in proceeding from one building to the next building, the Developer will clean up the property to the satisfaction of the Development Services Manager of the City.

(10) The City will require bonding for only the utility infrastructure part of the development.

(11) A ten (10) foot landscape buffer shall be located along the property line between the development and Escondido.

## **VI. PENALTIES, COMPLIANCE & ENFORCEMENT**

To the extent not otherwise modified by the provisions contained in this PD Ordinance, the provisions for civil and criminal penalties, including a fine of up to \$2,000.00 for each day of violation, contained in Section 5, Penalties and Enforcement of the City's Zoning Ordinance, as it may be amended in the future, pertain to PD Horseshoe Bay Center. The Property shall be used only in the manner and for the purposes provided for in Zoning Ordinance No. 07-09-18E, of the City of Horseshoe Bay as hereby amended by this PD Ordinance and as the Zoning Ordinance may be amended in the future.

## **VII. ZONING MAP AMENDED**

The official Zoning District Map of the City of Horseshoe Bay hereto adopted be and is hereby amended to reflect the zoning change made herein.

## **VIII. SEVERABILITY**

If any section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance is found to be illegal, invalid or unconstitutional, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this PD Ordinance and would have

