

ORDINANCE NO. 20-02-06-01

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTION 10 OF CHAPTER 14, THE ZONING ORDINANCE, TO AMEND THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS RELATED TO APPROVAL OF REZONING APPLICATIONS TO INCLUDE PROPERTY WITHIN A “PLANNED DEVELOPMENT DISTRICT” (PDD); AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, the City Council of the City of Lago Vista has previously established procedural and substantive requirements related to the approval of rezoning applications to include property within a “Planned Development District” (PDD); and

WHEREAS, many applicants requesting property to be included within a “Planned Development District” (PDD) have historically been hesitant to incur the expense of sufficiently detailed documents to thoroughly support an approval without first establishing some early or preliminary level of entitlement; and

WHEREAS, the proposed changes might reduce the perceived level of risk required of those seeking a “Planned Development District” (PDD) which should result in approvals that incorporate much higher design quality levels; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has undertaken a review of those regulations and subsequently conducted a public hearing on concerning those regulations at their regular meeting of January 9, 2020; and

WHEREAS, the Planning and Zoning Commission of the City of Lago Vista has forwarded a recommendation to the City Council to amend those requirements contained within Section 10 of Chapter 14 of the Lago Vista Code of Ordinances as described below; and

WHEREAS, the City Council at its public hearing to consider this ordinance amendment held on February 6, 2020, reviewed the recommendation and found the changes to be warranted.

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

SECTION 1. FINDINGS. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. MODIFICATION. The City Council of the City of Lago Vista, Texas, does hereby amend Section 10 of Chapter 14 of the Lago Vista Code of Ordinances as shown in **Exhibit “A.”**

SECTION 3. SAVINGS CLAUSE. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required 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.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 6th day of February 2020.

ATTEST:


Sandra Barton, City Secretary




Ed Tidwell, Mayor

On a motion by Councilman Williams, seconded by Councilman Collins, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 14

ZONING

Section 10 Planned Development Districts (PDD)

10.10 Purpose

The planned development district is a freestanding district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to ensure compliance with good zoning and development practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

While greater flexibility is given to allow special conditions, development standards or restrictions to accommodate higher quality and more desirable development, these procedures are also established to insure against misuse of increased flexibility. A PDD shall not be used primarily as an expedient method to vary from or to otherwise provide relief from development standards that an applicant finds onerous or costly.

10.20 Procedural Requirements

- (a) Application. An application for a planned development district shall be processed in accordance with the provisions of this section. A pre-planning conference is required between the applicant and the Director of Development Services prior to the actual filing of the application.
- (b) Base District. A base zoning district shall be specified for each tract of land which has essentially the same land uses or permitted uses. The regulations in the base zoning district and all other standards in the code of ordinances shall control unless specifically stated otherwise in the planned development district ordinance.
- (c) District Plans and Requirements. There are two types of plans that shall be used in the planned development district process. The general purpose and use of each of these plans is described as follows:
 - (1) Concept Plan. This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district. If approved, the zoning map shall be amended accordingly.

- (2) Detail Plan. The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.
- (d) Phasing Plan or Schedule. PDD districts larger than 100 acres and any development that will be implemented in phases shall provide a phasing plan or schedule that identifies each distinct proposed construction phase. A required phasing plan or schedule may be included in either the concept plan or detail plan, at the discretion of the applicant.
- (e) Optional Combined Concept and Detail Plan. At the option of the applicant and in lieu of a separate concept and detail plan, a detail plan that also includes all the information required of a concept plan may be submitted for approval. Such a combined concept and detail plan shall be considered at the same time by both the Planning and Zoning Commission and the City Council. However, such an election by the applicant does not preclude the City Council from adopting an ordinance that approves only the concept plan due to an insufficient detail plan, deferring approval of the detail plan for an additional application.
- (f) Concept Plan Requirements. The concept plan shall include at least the following:
 - (1) Relation to the comprehensive plan. A general statement setting forth how the proposed district will relate to the city's comprehensive plan future land use map and applicable policy and the degree to which it is or is not consistent with that comprehensive plan and the proposed base zoning district or base zoning districts.
 - (2) Acreage. The total acreage within the proposed district.
 - (3) Survey. An accurate survey of the boundaries of the district.
 - (4) Land Uses. Proposed general land uses and the acreage devoted to each use, including open space. For residential development, the maximum number of units and the number of units per acre shall be included.
 - (5) General Thoroughfare Layout. Proposed streets, as a minimum to include all streets rising to the level of arterials or greater. Showing collector and local streets is optional.
 - (6) Development Standards. Development standards, if different from the base zoning district, for each proposed land use, as follows:
 - (A) Minimum lot area;
 - (B) Minimum lot width and depth;
 - (C) Minimum front, side, and rear building setback areas;
 - (D) Maximum height of buildings;
 - (E) Maximum impervious surface coverage;

- (F) Minimum parking standards for each general land use; and
 - (G) Other standards and requirements as deemed appropriate by the applicant, the Director of Development Services, the Planning and Zoning Commission or the City Council.
- (7) Existing Conditions. On a map adequate in scale to evaluate required details, the following shall be shown for the area within the proposed district:
- (A) Topographic contours of ten feet or less;
 - (B) Existing streets;
 - (C) Existing 100-year floodplain, floodway and major drainage ways;
 - (D) City limits and E.T.J. boundaries;
 - (E) Zoning districts within and adjacent to the proposed district;
 - (F) Land use;
 - (G) Utilities, including water, wastewater and electrical service lines;
 - (H) Approximate location of critical water quality zones and the proposed use for these areas; and
 - (I) Other requirements or conditions deemed necessary by the Planning and Zoning Commission or the City Council.
- (g) Detail Plan Requirements. The application for a planned development district shall include a detail plan consistent with the concept plan as determined by the Director of Development Services. If it is determined that the detail plan is not consistent with the concept plan, a new concept plan must be approved by the City Council pursuant to an additional zoning application. The detail plan shall include the following:
- (1) Acreage. The acreage in the plan as shown by a survey, certified by a registered surveyor.
 - (2) Land Uses. Permitted uses, specified in detail, and the acreage for each use.
 - (3) Off-Site Information. Adjacent and surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the Director of Development Services, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
 - (4) Traffic and Transportation. The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses; and trails.

- (5) Buildings. The locations, maximum height, building coverage (footprint) and minimum setbacks for all multifamily and non-residential buildings.
- (6) Residential Development. The number, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
- (7) Hydrology and Drainage. The location of all creeks, ponds, lakes, floodplains, critical water quality zones, and other water retention or major drainage facilities and improvements, along with a calculation of the total percentage of impervious surfaces coverage.
- (8) Utilities. The location and route of all major sewer, water, or electrical lines and facilities or improvements necessary to serve the district.
- (9) Open Space. The approximate location and size of all greenbelts, open space, common space or recreation areas. A detailed description of the proposed use of all such areas shall specify whether they are intended for public or private use.
- (10) Sidewalks, Trails and Bike Paths. Sidewalks, trails, or other improved ways for pedestrian or bicycle use, if proposed.
- (11) Landscape Plan. Landscape plans shall be provided for all areas except single-family and two-family residential lots.
- (12) Any additional requirements or conditions deemed necessary by the Planning and Zoning Commission or City Council.

10.30 Consideration of the Concept Plan

The City Council may approve a PDD concept plan with deviations from any provision in the Code of Ordinances that are consistent with applicable state and federal statutes or requirements. Such deviations shall be listed or shown on a plan that is part of the ordinance that approves the concept plan. Failure to include such deviations cannot be corrected in a detail plan and instead requires an amended concept plan.

10.40 Concept Plan Expiration

A concept plan approved by the City Council shall not automatically expire. However, if no detail plan is submitted within two years, the City Council or Planning and Zoning Commission may initiate an application to rezone the property covered by the concept plan.

10.50 Consideration of the Detail Plan

The Planning and Zoning Commission shall make a recommendation to the City Council. The City Council may approve, deny, modify or add restrictions and requirements, remand for further consideration by the Planning and Zoning Commission, or deny the detail plan. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended or approved by the City Council. The approved detail plan shall be permanently filed in the records of the Development Services Department. The Planning and Zoning Commission may recommend, and the City Council shall approve the detail plan if it finds that:

- (a) Compliance. The detail plan complies with the concept plan approved for that property and the standards and conditions of the PDD district;
- (b) Compatibility. The detail plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
- (c) Circulation of Vehicular Traffic. The detail plan provides for the adequate and safe circulation of vehicular traffic.

10.60 Changes in the Detail Plan

Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed the same as a rezoning application required by this chapter. However, non-substantive changes which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted, increase the density, height, or impervious surface coverage of the site, which do not decrease the off-street parking ratio or reduce the required setbacks within the boundary of the site and which do not decrease any buffers shown on the approved detail plan may be administratively authorized in writing by the Development Services Director. Conversely, if any change however minor, is determined to raise new issues of public interest, administrative approval of those changes shall be denied. An applicant may appeal such a denial to the Board of Adjustment in accordance with the provisions of Section 11.50 of this chapter.

10.70 Detail Plan Expiration

A detail plan approved by the City Council shall not automatically expire. However, the City Council or Planning and Zoning Commission may initiate an application to rezone the property covered by a detail plan for which no permit has been issued or construction begun for a period sufficient in length to support a conclusion that there are no current plans to develop the property in accordance with the approved detail plan.

10.80 Approval of District

The City Council may, after receiving a recommendation from the Planning and Zoning Commission, approve by ordinance the creation of a planned development district based upon a concept plan, a detail plan or an optional combined concept and detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval, this zoning district change shall be indicated on the official zoning map of the City.

The approval of development standards and requirements for each use proposed for inclusion in a planned development district shall be based upon the merits of the design and layout proposed for the development. The development standards and requirements to be specified shall include, but not be limited to: building heights, lot widths, lot depths, impervious coverage percentages, lot areas, setbacks and minimum off-street parking and loading requirements. Such standards and requirements shall comply with or be more restrictive than those established in the base zoning district for the specific uses or types of uses allowed in the proposed district, except when explicitly modified by the approved ordinance. Such modifications or exceptions may be granted only when it is found that such modifications are in the public interest, are in harmony with the purposes of this chapter, are consistent with the policies of the comprehensive plan, and will not adversely impact nearby properties because any potential adverse impact has been adequately mitigated.

Absent express approval of deviations meeting the criteria above, all remaining standards and requirements of the City of Lago Vista shall be enforced when applicable, including those contained in or referenced by the Building Regulations, Zoning Ordinances, or Subdivision Regulations. Nonetheless, all requirements or standards established or referenced in the Lago Vista Code of Ordinances are subject to a deviation request except those that are also established by state or federal statutes.

10.90 Additional Requirements and Provisions

- (a) The provisions of Section 13.20(e)(3)(B) requiring an affirmative vote of at least three-fourths of the members of the City Council under certain circumstances shall apply to the approval of both the concept plan and detail plan.
- (b) Planned development districts approved prior to February 6, 2020 may be developed in accordance with those existing ordinance provisions. However, any desired substantive changes to such an existing PDD approval, as determined by the Development Services Director in accordance with Section 10.120 above shall be subject to the current PDD approval requirements contained herein.
- (c) The Board of Adjustment may not consider a variance application related to property contained within a PDD. The Planning and Zoning Commission or the Board of Adjustment on appeal, may not consider an application for a special exception to height standards related to property contained within a PDD. Applications for relief from any existing requirement related to property contained within a PDD shall be processed as a PDD amendment.
