

## ORDINANCE NO. 2023-22

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES CHAPTER 14, THE BASTROP BUILDING BLOCK (B3) CODE, ARTICLE 3.1 PLACE TYPE ZONING DISTRICTS, AND ADDING ARTICLE 3.4 PLANNED DEVELOPMENT DISTRICTS; ESTABLISHING STANDARDS AND PROCEDURES; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.**

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

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

**WHEREAS**, a Planned Development District is a district that accommodates planned association of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed, or operated as integral land use units either by a single owner or a combination of owners; and

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

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

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

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

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

**Section 1. Findings of Fact:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2. Amendment:** Chapter 14 of the Bastrop Code of Ordinances, the Bastrop Building Block (B3) Code, is hereby amended, and after such amendment, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Article 3.4 Planned Development Districts is hereby added and shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as shown in each of the attachments.

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

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

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

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

**Section 7. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED on First Reading** by the City Council of the City of Bastrop, on this, the 11th day of July 2023.

**PASSED & APPROVED on Second Reading** by the City Council of the City of Bastrop, on this, the 25th day of July 2023.

**APPROVED:**

*by:* \_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney

## **ARTICLE 3.1 PLACE TYPE ZONING DISTRICTS**

### **SECTION 3.1.005 PLACE TYPE ZONING DISTRICTS TABLE**

#### **PDD: Planned Development Districts**

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

## ARTICLE 3.2, PLACE TYPE STANDARDS

### SECTION 3.2.001 ALLOCATION & SEQUENCE OF PLACE TYPE DETERMINATION

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

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

## **ARTICLE 3.4 PLANNED DEVELOPMENT DISTRICTS**

### **Sec. 3.4.001. Title.**

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

### **Sec. 3.4.002. Scope.**

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

### **Sec. 3.4.003. Definitions.**

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

(b) Specific.

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

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

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

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

**Sec. 3.4.004. Purpose; nature of district.**

**(a) Purpose.**

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

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

- (F) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- (G) To meet or exceed the present standards of this article.
- (b) Nature of district. Each PD district shall be a freestanding zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses.

### **Sec. 3.4.005. Minimum standards.**

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



(8) Drainage. Drainage features shall be integrated into the design of the development and shall be contained within ponds and streams with a natural appearance wherever possible.

(c) Open space standards.

(1) Public or private. Unless otherwise provided by the PD ordinance, a site-appropriate area or areas within the entire PD District shall be devoted to open space. Open space for PD districts may be satisfied by space that can be classified as public, such as a central gathering space, or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to the city's general requirements for landscaping and buffering. Public open space shall be dedicated to the city.

(2) Preservation of natural features. Unless otherwise provided by the PD ordinance or PD master plan:

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

(B) Significant stands of native trees shall be preserved and protected from destruction or alteration pursuant to a tree preservation plan submitted to the city by the applicant.

(3) Open space allocation and preservation. Open space requirements shall be satisfied for each phase of a multi-phased development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the city that such open space will be provided. The city may require that all open space within the PD district must be provided prior to completion of development within the PD district.

(d) Height regulations. Unless otherwise provided by the PD ordinance, height regulations for uses shall be those established within the city's zoning regulations for the base zoning district.

(e) Area regulations. Unless otherwise provided by the PD ordinance, area regulations for uses shall be those established within the city's zoning regulations for the base zoning district. The minimum allowable size for a PD shall be one acre.

**Sec. 3.4.006. Master plan.**

(a) Mandatory. The PD master plan is a mandatory step in the creation of a PD district. It establishes general guidelines for the PD district by identifying the proposed land uses and intensities, building locations, building footprints, thoroughfare locations, and open space boundaries, including any proposed public trail systems. The PD master plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district.

(b) Compliance with approved plans. Except as otherwise provided by the city's subdivision regulations, no development shall begin and no building permit shall be issued for any land within a PD district until a PD site plan that is substantially consistent with the PD master plan has been approved. Each PD district shall be developed, used, and maintained in compliance with the approved PD master plan.

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

(c) Establishment of district.

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

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

(A) A PD master plan;

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

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

(D) A master plan informational statement; and

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

(d) Governing regulations. Except to the extent provided by the PD master plan and the PD ordinance, development within the PD district shall be governed by all of the ordinances, rules, and regulations of the city in effect at the time of such development, including the standards of the zoning district identified in the application.

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

(f) PD master plan requirements.

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

(2) Development standards. Proposed PD district development standards shall be processed simultaneously with the PD zoning application, and if the PD zoning application is approved, such standards shall be incorporated as part of the PD ordinance. Such proposed development standards may include, but shall not be limited to, uses; density; lot size; building size; lot dimensions; setbacks; coverage; height; landscaping; lighting; screening; fencing; parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD ordinance, shall be considered as regulatory standards. In the event of any conflict, the more stringent standards shall apply. At the city manager's discretion, the city manager may waive any of the items listed in this

subsection. The city council may require submission of the above information or any other item deemed necessary by the council for creation of a PD district.

(3) Informational statement. A PD master plan shall be accompanied by an informational statement containing the information set forth below. If the PD zoning application is approved, the informational statement shall be binding on the applicant and the owner, but shall not be considered part of the PD master plan or the PD ordinance. If the PD master plan and the PD ordinance conflict in any way, the PD ordinance shall be considered the controlling document. Informational statements shall be updated concurrently with any amendment to the PD master plan. Each statement shall include the following:

(A) A general statement setting forth how the proposed PD district will relate to the city's comprehensive plan;

(B) The total acreage within the proposed PD district;

(C) If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and

(D) An aerial photograph with the boundaries of the PD master plan clearly delineated.

(g) Master plan amendments.

(1) PD master plans. PD master plans, excluding informational statements, are considered part of the PD ordinance. Any substantive amendment to a PD master plan, as determined by the city manager, shall be considered a zoning change. Nonsubstantive modifications may be approved by the city manager.

(2) PD site plans. PD site plans are not considered part of a PD ordinance. Except as otherwise provided within this subsection, any amendment/revision to an approved site plan shall be in accordance with the city's site development ordinance.

(h) Lapse of master plan. A PD master plan shall expire after a period of one year (365 calendar days) if substantial progress is not demonstrated in the form of approval of a site development plan.

(i) Extension and reinstatement. Extension of a PD master plan or site plan shall be in accordance with the following:

(1) Prior to the lapse of approval for a PD master plan, the applicant may request that the city, in writing, extend the plan approval. Such request shall be considered at a public meeting before the P&Z and the city council, and an extension may be granted by city council at such meeting. Two extensions of six months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of PD master plan approval is submitted, then the plan shall be deemed to have automatically expired by operation of law and shall become null and void.

(2) Determination of extension. In determining whether to grant a request for extension, the city council shall take into account the reasons for the lapse, the

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

(j) Contents and format of master plan.

(1) Objective. A PD application and the master plan must include enough information to allow the city to plan for infrastructure and to demonstrate that the plan will be an enhancement to the city, while allowing for flexible and creative planning.

(2) Scale. The master plan shall be prepared at a scale no smaller than one inch equals 200 feet and on sheets 24 inches by 36 inches.

(3) Contents. The master plan shall show the following:

(A) A title block within the lower right-hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and applicant, the land planner, engineer, architect, or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of the county;

(B) A vicinity or location map that shows the location of the proposed development within the city or its extraterritorial jurisdiction and in relationship to existing roadways;

(C) The boundary survey limits of the tract and scale distances with north clearly indicated;

(D) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;

(E) The existing zoning and existing and proposed uses on adjacent land; the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year floodplain, if applicable; any other important natural features (such as rock outcroppings, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;

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

### **Sec. 3.4.007. Submission and review process.**

#### (a) Submission of complete application.

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

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

#### (c) Principles and standards for review.

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

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

(N) Consistency with the comprehensive plan.

(d) Approval process.

(1) Pre-application conference. The applicant(s) shall consult with the city manager, director of planning and development, and/or other designated administrative officers before preparing a concept plan in order to save time and money, and to avoid potential unnecessary delays.

(2) Prior to formal application for approval of any PD, the applicant(s) shall request and attend a pre-application conference with the city manager, city director of planning and development, and any other pertinent city official(s) in order to become familiar with the city's development regulations and the development process.

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

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

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

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

(1) The P&Z shall review the PD application and shall recommend approval, approval subject to certain conditions, or disapproval of the PD. If the P&Z recommends approval, with or without conditions, of the plan, then it will be forwarded to the city council for consideration.

(2) The city council shall consider the PD application at a public meeting following receipt of a determination by the P&Z. The city council may also, where appropriate, remand the PD application back to the P&Z for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony.

(i) Public hearing and notice.

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

(2) Notice of the P&Z hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the city or as

otherwise allowed by state law before the 15th day before the date of the public hearing.

- (3) Written notice of the public hearing to occur before the P&Z shall also be sent to all owners of property, as indicated by the most recently approved city tax roll, that are located within the area of application and within 500 feet of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.
- (j) Administrative fees. The city shall impose its standard fees for the negotiation, preparation and implementation of PDs. These fees shall be established by the city council in accordance with the city's fee schedule. The city may also recoup from applicants any out-of-pocket expenses related to professional services the city requires in order to design the PD and related instruments.
- (k) Grandfathering. PD districts are an option available to developers and the city. PD districts do not constitute a permit required by law. For purposes of Texas Local Government Code chapter 245, the "project" shall be the endeavor described in an approved PD master plan for an approved PD district.