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MEMORANDUM

TO: Sylvia Carrillo, City Manager, and the Bastrop Planning and Zoning Commission
FROM: Rezzin Pullum, Assistant City Attorney
DATE: May 23, 2023
RE: **LAND USE: Zoning: Planned Development Districts**

This memorandum is intended to provide internal guidance regarding the enactment of a Planned Development District (PDD) Ordinance in the City of Bastrop. At this point, we are deliberating putting into place the process and standards for the creation of PDDs.

SUMMARY

The City of Bastrop outlines its zoning regulations in Chapters 2 and 3 of the Bastrop Building Block Code ("B3 Code"). While it establishes several different zoning classifications, it does not currently allow for Planned Development Districts ("PDD") that do not already exist under previous codes enacted prior to the B3 Code.

The purpose of PDDs is to provide more flexibility and creativity in zoning and project planning through the development of master-planned projects that encompass myriad land uses. PDDs are especially helpful for large-scale developments with mixed uses that do not fit into one single zoning district currently allowed in the B3 Code. Alternatively, if PDDs are not permitted, a developer would have to seek several variances from the zoning regulations to accomplish these types of projects.

ORDINANCE ENABLING PDDs

The PDD Ordinance currently under consideration is intended to enable the creation of PDDs. It would provide for the development of a minimum of one (1) or more acres while allowing the combining and/or mixing of uses allowed in various districts with appropriate regulations that permit flexibility in the use and design of land and buildings. This is accomplished in situations where the modifications of specific provisions of Bastrop's codes and ordinances are not contrary to the intent and purpose of those provisions, or significantly inconsistent with the planning and/or zoning on which it is based. Upon confirming the development will not be harmful to its neighbors or the community, a PDD may be created to permit new and innovative concepts in land utilization.

The draft ordinance allowing for the creation of PDDs would be an amendment to the B3 Code. It would provide detailed standards, including application requirements, minimum standards, and the process for public notice and city review. The draft ordinance ensures that any potential PDDs in Bastrop must adhere to high standards of development.

A PDD application is a rezoning request in which the City concurrently considers establishing a new zoning district (the specific PDD for the property), which varies from standard zoning district requirements, and the City also considers rezoning the property to that newly created district. If adopted, PDDs become their own zoning district with their own set of regulations. Typically, PDDs have a *base* zoning district that most closely matches the type of development that the applicant is trying to achieve, and the PDD ordinance will show how the proposed regulations differ from the base district.

A PDD application is subject to certain special requirements and procedures in addition to the usual rezoning requirements under the City's zoning ordinance and Texas Local Government Code Chapter 211. Note that actual (specific) PDDs are subject to the same notice and public hearing requirements as any other rezoning. As with other zoning changes, the city (City Council, P&Z) retains its discretion when deciding to approve them.

The draft PDD ordinance contains detailed review standards that can be used as a checklist when city staff, the Planning and Zoning Commission, and City Council review any potential PDDs. It provides transparency in the review process by clearly outlining standards and principles that are the basis for review. This could include:

- Respect for an approved zoning plan (e.g., Comprehensive Plan, Future Land Use Map, Transportation Plan, Capital Improvements Plan);
- Nature and degree of adverse impact upon neighboring lands;
- Suitability of tract for use as presently zoned;
- Substantial relations of rezoning decision to public health, safety, morals, general welfare, protection, and preservation of historical or cultural places; and
- Changes in conditions or circumstances for the area that justify rezoning.

CONCLUSION

PDDs are a customized zoning district created to accommodate a development project that does not easily fit in the standard districts in the B3 Code. PDDs must be compatible with surrounding land uses and should preserve any historic areas, places of cultural significance, as well as environmentally sensitive areas. Additionally, a PDD will need to show substantial details for the applicable standards, including but not limited to, density, land uses, roadway alignments, parks and open space, community or amenity centers, as well as drainage features. The Planning and Zoning Commission will consider and review this ordinance prior to making a recommendation to Council. Accordingly, the Commission may consider modifications to the PDD Ordinance.

cc: Alan Bojorquez, City Attorney, Bastrop