

**CITY OF BARTLETT, TEXAS
ORDINANCE NO. 20230626-02**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS, AMENDING CHAPTER 9, PLANNING AND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF BARTLETT, THE SAME BEING THE ZONING ORDINANCE; CREATING NEW SECTION 9.02.042, PLANNED DEVELOPMENT DISTRICTS; CREATING STANDARDS, TERMS AND CONDITIONS FOR CREATION OF SAME; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE AS REQUIRED BY LAW; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED SHALL BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Bartlett, Texas (the “City”) is a Type “A” general law municipality organized under the laws of the State of Texas; and

WHEREAS, the City Council of the City (the “City Council”) adopted Chapter 9 of its Code of Ordinances, the same being the Zoning Ordinance of the City, which governs the zoning of land in the City (the “Zoning Ordinance”); and

WHEREAS, the City Council has determined that creating a Planned Development District zoning district will encourage creativity regarding development of master planned type community and is particularly effective when developing large tracts of land that may be developed in phases over time; and

WHEREAS, after complying with all legal notices, public hearing requirements, and conditions, a public hearing was held before the Planning and Zoning Commission and the City Council at which times the public was invited to participate and provide comments on this ordinance and the City Council has considered such comments from the public and the suitability of this new zoning district, related to the character of the land available for development and its suitability for particular uses, compatibility with surrounding uses and the Comprehensive Land Use Plan of the City, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that this Planned Development District expands the City’s and landowner options and alternatives available for development of land within the city limits and accomplishes the objectives of the Comprehensive Land Use Plan of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS:

SECTION 1. FINDINGS INCORPORATED. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein and are found to be true.

SECTION 2. NEW ZONING DISTRICT. That Chapter 9, Planning and Development Regulations of the Zoning Ordinance is hereby amended to add new Section 9.02.042, Planned Development District (“PDD”) to read as follows:

Section 9.02.042 Planned Development District (“PDD”)

- A. *Generally.* The City Council may, by ordinance, create a Planned Development District as set out herein.
- B. *Application Requirements.* The City Administrator, or designee, shall ensure that a completed application has been submitted by the applicant and includes the information and materials necessary for Planning and Zoning Commission and City Council to render an informed decision. The City Administrator may require the submission of additional information as needed to meet the objectives of these requirements.
- C. *Planned Development Regulating Documents.* The ordinance adopting a Planned Development District becomes the regulating document and as such the following elements shall be required with an application for a Planned Development District in order to be considered complete:
 - 1. *Statement of Purpose of Planned Development District.* The ordinance granting a Planned Development District shall include a statement as to the purpose and intent of the Planned Development District granted therein.
 - 2. *Development Standards.* The ordinance granting a Planned Development District shall include a Concept Plan meeting the requirements set out in subsection K and other applicable provisions herein and shall contain at a minimum the following:
 - a. The combination of permitted uses and associated special development standards within the district, including, but not limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
 - b. Each Planned Development District will include a base zoning district from the districts set out in Section 9.02.001, “Districts”. In the case where a base zoning district is identified as being modified, a specific list of modifications and reason for modification shall be cited.
 - c. Graphical and narrative descriptions of use and design integration and compatibility should be utilized to facilitate understanding of the proposed regulations.
 - d. At least one conventional zoning district as a base zoning district shall be selected to apply to the property included within the PDD. However, multiple base zoning districts may be selected to accommodate a mixture of land uses if located in different geographic areas.
 - e. In the event that a PDD project does not get constructed after approval of a PDD ordinance, developer shall be authorized to develop the property in a manner that meets or exceeds the base zoning standards for the applicable base zoning district(s) that were approved in the PDD, or developer may seek a zoning ordinance amendment. In either case, any variances that were approved in the PDD shall not

carry over to development of the property, unless the variance is approved by the Board of Adjustment.

3. *Conceptual Plan or Site Development Plan.* In order to facilitate understanding of the proposed Planned Development District during the review and public hearing process, applications shall include a Concept Plan for Conceptual Planned Developments, as set out in this Ordinance. The plans shall graphically demonstrate the applicant's intent for the development of the proposed Planned Development and compliance with this Section. These plans, if approved, shall be a component of the ordinance and regulate future development of the district. The Director shall clearly describe and publish such required information in a form or checklist.

D. *Procedures.*

1. The creation of a Planned Development District shall be considered a Zoning Map Amendment request and shall follow the regular procedures set out for zoning map revisions.
2. Creation of lots for development of a Planned Development District or property within a Planned Development District shall follow the applicable procedures established in the City's subdivision ordinance. Lots that are depicted on the Concept Plan are conceptual and the location and configuration of same are not approved as part of the Concept Plan. However, waivers of the subdivision ordinance may be expressly addressed in development standards for the PDD.

E. *Review Criteria.* In the review and consideration of a proposed Planned Development District, the City Council shall consider that the Development Plan and Concept Plan for the district provide a framework for an enhanced land design and integration of uses and ensure that the proposal clearly exceeds the minimum standards of these regulations. As part of the consideration, the applicant shall provide the reason(s) as to why the proposed development cannot be accommodated by these regulations.

1. *Compliance with Applicable Criteria of Planned Development Districts.* The Planned Development District shall comply with the criteria established in this subsection E, Review Criteria and as otherwise required by this Ordinance.
2. *Consistency with the Comprehensive Plan.* As the intent of the Planned Development District is to provide for use as well as design flexibility, any combination of uses may be considered for the district as long as each use is specifically identified along with any appropriate conditions or limitations of each. The elements of the proposed Planned Development District shall be consistent with and promote the goals of the Comprehensive Plan.
3. *Enhanced Project Design.* It is the intent of these regulations to encourage outstanding project design for Planned Development Districts in order to implement the policies contained in the City's Comprehensive Plan. In exchange for greater flexibility in development of a project, Planned Development Districts are expected to develop to a standard that is greater than the regulatory standards applicable to non-Planned Development Districts. The following standards will be used to evaluate project design:

- a. The arrangement of all uses and improvements should reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of adjacent property.
 - b. 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.
 - c. Buildings, transportation improvements, and open space areas, must be arranged on the site so that activities are compatible with the neighborhood.
 - d. Buildings, transportation improvements, open space, and landscaping, must be designed and arranged to produce an efficient, functionally organized, and cohesive development.
 - e. 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.
 - f. The project should preserve and enhance the natural character of the site 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.
 - g. The project should preserve historic elements of the site, including features such as farm structures and dwellings, stone wells, entry features, windmills, or other features that illustrate the historic resources of the site.
 - h. The project should be integrated with the City's open space network and pedestrian ways, as applicable to the area being developed, and including provision for a trail system located within the site being developed and connecting to the City's historic downtown area. Public or common uses and open space should be connected together to promote pedestrian usage. Utilization of open space should be enhanced through the provision of amenities.
 - i. Any property proposed for a Planned Development District zoning shall have a minimum of one hundred (100) acres. Any phase of a PDD project must contain a minimum of fifty (50) acres.
4. *Compatibility with Nearby Uses.* The Planned Development District shall be compatible with nearby uses. Impacts to adjoining property shall be mitigated and where the development does not meet ordinance requirements, the application shall describe the mitigation measures being utilized to offset the requirements of the ordinance that are not being met.
 5. *Impact on Traffic.* The Planned Development District shall not create undue traffic congestion or a traffic hazard. At the time of the application for a Planned Development District, the City Engineer may require a Traffic Impact Analysis (TIA), to identify potential traffic impacts generated by the proposed Planned Development District. Such TIA must be approved by the City Council prior to or concurrently with the approval by the City Council of the Planned Development District. The TIA shall not be considered part of the Planned Development District Concept Plan or the Planned Development

District ordinance but may be used to condition the traffic circulation and controls, density or intensity of uses, or the timing, sequence, or phasing of development within the district based upon the existence of a supporting roadway network adequate to accommodate the traffic expected to be generated. The TIA shall be updated with each new Site Development Permit within the Planned Development District.

- F. *Effect of Approval.* An affirmative approval of a Planned Development District by the City Council, following the procedures set out in this Section, is considered a Zoning Map Amendment and shall be in effect in the manner provided by state law.
- G. *Development of or in a Planned Development District.* An approved Planned Development District shall regulate the use and development of property within the district boundaries, and all building permits and development requests shall be in accordance with the approved Planned Development District until it is amended by the City Council.
 - 1. No development shall begin and no building permit shall be issued for any land within a Planned Development District until a Site Development Plan is approved that is consistent with the Planned Development District ordinance, Concept Plan and associated development standards.
 - 2. The Planned Development District shall not modify the procedures of the application or approval process for development or building within the Planned Development District. Such processes shall follow and adhere to the normal procedures and requirements established by City ordinances.
- H. *Modifications and Amendments to Planned Development Districts.* Revisions, amendments, or modifications to adopted regulating documents of a Planned Development District shall be as follows:
 - 1. *Concept Plan.* Revisions or modifications to an approved Concept Plan shall be pursuant to Section K(6), Concept Plans.
 - 2. *Site Development Plan.* Revisions or modifications to an approved Site Development Plan shall be pursuant to Section L(7), Site Development Plan.
- I. *Expiration of Approved Planned Development Districts.* Approval of a Planned Development District, including any Concept Plan, Site Development Plan, and development standards, shall expire if no progress toward completion of the project is made within 5 years following issuance of such approval by the City Council. Expiration of a particular approval or permit, or of the project as a whole will be determined in accordance with the requirements of Chapter 245 of the Texas Local Government Code.
- J. *Revocation of Approved Planned Development Districts.*
 - 1. *Generally.* The City Council may hear and consider an application to nullify an approved Planned Development District and any associated regulating documents.
 - 2. *Property Owner Requests.* The property owner may nullify an approved Planned Development District and any associated regulating documents by making an application for rezoning to the zoning district in place prior to the approval of the Planned Development District or to a new zoning district classification.

3. *City Initiated Revocations.* The City may initiate a revocation by rezoning the property to the zoning district in place prior to the approval of the Planned Development District if it is determined that:
 - a. The project has expired pursuant to Subsection I above, Expiration of Approved Planned Development Districts;
 - b. The applicant misrepresented any material fact on the application or supporting materials;
 - c. The project fails or ceases to comply with the applicable standards, criteria, or conditions of the Planned Development District ordinance;
 - d. The Planned Development District violates its reversionary clause;
 - e. The Planned Development District violates any statute, law, or regulation; or
 - f. The Planned Development District constitutes a real or potential threat to the health, safety, or welfare of the public.

K. *Concept Plan*

1. *Generally.* A Concept Plan is a general plan for the development of property which demonstrates the nature of the parcel proposed for development to evaluate the impacts of the development on abutting uses and compliance with the City's long-range plans. A Concept Plan is not an individual application type but rather a required component of the Planned Development District.

2. *Initiation of Concept Plan.* A Concept Plan may be filed as a component of one of the application types in Subsection C2(b) above by the property owner(s), a person having a contractual interest in the subject property, or their authorized representative.

3. *Concept Plan Requirements.* The City Administrator, or designee, shall ensure that a completed application for which the Concept Plan is a component has been submitted by the applicant and includes the information and materials necessary for City Council to render an informed decision. In addition to the requirements necessary for review of the associated application, a Concept Plan must also include the following:

- a. *Concept Plan Components.* Concept Plans themselves are a component of an application intended to demonstrate compliance. As such, the Concept Plan shall include plans and documents that demonstrate compliance with the requirements of that application. This may include, but is not limited to, conceptual layout of the property, proposed layout of streets, blocks, drainage, general utilities, parks, open space, trails and amenities, storm water management facility locations and other improvements and uses. The City Administrator, or designee, shall clearly describe and publish such required information for each application type in a form or checklist.
- b. *Site Development Plan in lieu of Concept Plan.* A Site Development Plan may be submitted with an application in lieu of a Concept Plan if the City Administrator determines that the Site Development Plan demonstrates the intent of a Concept Plan.

4. *Review Criteria.* In the review and consideration of a proposed Concept Plan, the City Administrator or designee, Planning and Zoning Commission, and City Council shall consider the following criteria:

- a. Consistency with the City's Comprehensive Plan, Future Land Use Plan, and other applicable adopted City plans, regulations, policies, and technical manuals.
- b. Compliance with any approved and valid plat, zoning, and other agreement or ordinance applicable to the subject property.
- c. The impact of the development relating to the preservation and conservation of existing natural resources on the site and the impact on the natural resources of the abutting properties and neighborhood, including trees, environmentally-sensitive areas, watercourses and areas subject to flooding.
- d. The relationship of the development to abutting properties in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
- e. The provision of a safe and efficient vehicular and pedestrian circulation system, consistent with applicable adopted City plans, regulations, policies, and technical manuals and providing access for public safety.
- f. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- g. The adequacy of water, sewer, drainage, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

5. *Effect of Approval.* Any proposed use or development depicted on the Concept Plan shall not be deemed as formally authorized or approved by the City until a final Site Development Plan is approved for the development. The Concept Plan approval is a general acknowledgment by the City that the proposed development conforms to the City's zoning regulations and that it can be adequately served by required public facilities or services. The City's approval of a particular Concept Plan is approval of a specific project. Once a project is constructed in accordance with the Concept Plan, any use permitted in the zoning district (but not including conditional uses) is an authorized use within the project, unless such use or uses are expressly prohibited in the zoning ordinance approving the project.

6. *Amendments to Approved Concept Plans.* Modifications to an approved Concept Plan shall be processed in the same manner as a zoning amendment for the associated application for which the Concept Plan is a component. Changes to any of the uses depicted and described in the Concept Plan require a PDD zoning amendment. Provided however, that any other changes not associated with change of a land use will automatically amend the Concept Plan if such changes have been approved by the city as part of Site Plan or Plat approval.

7. *Expiration of Approved Concept Plans.* Concept Plan approval shall expire as follows:

- a. The approval of a Concept Plan shall expire five (5) years after the approval date of the Concept Plan, or five (5) years from the date of any subsequent approval in connection with the project if no progress towards completion of the project has occurred.
- b. *Extension Procedure.*

- (1) Prior to the expiration of an approved Concept Plan, the applicant may petition the City, in writing, to extend the plan approval. Such petition shall be considered at public meetings before the Planning and Zoning Commission and the City Council and an extension may be granted by the City Council. Any such extension must be approved prior to the expiration of the approval and if not approved then the Concept Plan will expire as set out in this subsection, unless the applicant demonstrates that progress toward completion of the project has occurred as set out in Chapter 245, Texas Local Government Code.
- (2). In determining whether to grant a request for extension, the City Council shall take into account the requirements of Chapter 245 of the Texas Local Government Code and the reasons for the lapse, and the ability of the property owner to comply with any conditions attached to the original approval. The City Council shall either extend the approval of the Concept Plan or deny the request. The City Council may extend the approval subject to additional conditions as are necessary to ensure compliance with the original conditions of approval and to protect the public health, safety and welfare. The City Council may also specify a shorter time for extension of the approval than the original approval period.

L. *Site Development Plan*

1. *Generally.* A Site Development Plan is intended to demonstrate compliance with the development standards and other requirements, as applicable, of these regulations. Approval of the Site Development Plan shall be the basis for site development and issuance of a Building Permit but does not release the applicant of the responsibility to submit plans for a Building Permit. A Site Development Plan may be submitted concurrently to or with application for a Building Permit.
2. *Applicability.*
 - a. Approval of a Site Development Plan shall be required for the development of any PDD project within the City limits.
3. *Exceptions.* a Site Development Plan shall not be required for:
 - a. A single-family detached or duplex dwelling unit located on an individually platted lot in an improved subdivision; or
 - b. A change of use on a property that requires no site upgrades and was not considered non-conforming.
4. *Application Requirements.*
 - a. *Generally.* The City Administrator shall ensure that a completed application has been submitted by the applicant pursuant to the General Application Procedures set out in the Subdivision ordinance and includes the information and materials necessary for the City Administrator, or designee, to render an informed decision.
 - b. *Plan Components.* A completed Site Development Plan application shall be comprised of the following components, unless determined by the City Administrator, or designee, ahead of the application to not be applicable to a particular site. The details of each component shall be further described in forms approved by the City Administrator, or

designee and made publicly available. Compliance plans for lighting, and signage (if necessary) may be deferred to the submission of the Building Permit.

- (1) Cover sheet;
- (2) Dimensional site plan;
- (3) Utility plan;
- (4) Architecture plan (with a development agreement);
- (5) Tree preservation plan;
- (6) Landscape plan;
- (7) Lighting plan;
- (8) Grading and drainage plan;
- (9) Flood study; and
- (10) Phasing plan.

5. *Site Development Plan Review.*

- a. *Review Criteria.* The City Administrator, or designee, shall approve the Site Development Plan as long as it is determined that the plan is in compliance with these regulations, the City's Comprehensive Plan, and any other adopted City plans, regulations, policies, and technical manuals.
- b. Site Development Plan review and evaluation shall be performed with respect to the following:
 - a. The impact of the development to natural resources and the environment;
 - b. A safe and efficient vehicular and pedestrian circulation system;
 - c. The location and configuration of parks and open space areas; and
 - d. The adequacy of public utilities essential for occupants of the site.

6. *Effect of Approval.* The approval of the Site Development Plan shall be considered authorization to proceed to the application for a Building Permit and other applicable construction permits.

7. *Expiration of Approved Site Development Plans.*

- a. *Generally.*
 - (1) Site Development Plan approval shall expire two years after the date of approval of the Site Development Plan. If the Site Development Plan includes a phasing plan, each phase shall expire two years from the approval of the prior phase and in no case shall the overall phasing plan exceed 10 years.
- b. *Extension of Approved Site Development Plan.*
 - (1) Prior to the expiration of an approved Site Development Plan, an applicant may petition the City, in writing, for a one-time extension of the Site Development Plan approval for a period of one to two years.

- (2) The extension shall be considered and approved in the same manner and under the same approval authority as that of the original Site Development Plan (Site Plan) approval.
 - (3) In determining whether to grant a request for extension, the City Administrator or City Council shall take into account the requirements of Chapter 245 of the Texas Local Government Code and the reasons for the lapse, and the ability of the property owner to comply with any conditions attached to the original approval and ensure that the extension will have no negative impacts on the property, abutting uses, nearby public infrastructure, and will not be contrary to the public interest.
 - (4) Additional conditions as are necessary to ensure compliance with the original conditions of approval and to protect the public health, safety and welfare may be applied to the extension.
 - (5) Any such extension must be approved prior to the expiration of the approval, and if not approved then the Site Development Plan (Site Plan) will expire as set out in Subsection 7(a)above, unless the applicant demonstrates that progress toward completion of the project has occurred as set out in herein.
8. *Amendments to Approved Site Development Plans.*
- a. *Minor Amendments.* Minor amendments to approved Site Development Plans do not require further applications and may be administratively approved provided that such amendments do not substantially change the design or nature of the original Site Development Plan, have an adverse impact on the public, abutting properties, or persons who would occupy or use the property, and would not otherwise result in a violation of these regulations, or other adopted City regulations, policies, and technical manuals. The City Administrator shall determine whether an amendment is considered minor but shall generally be limited as follows:
 - (1) Minor adjustments to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, ponds and any other improvements depicted on the Site Development Plan;
 - (2) Adjustments of 25 percent or less of total building square footage from the approved Site Development Plan;
 - (3) Adjustments of 25 percent or less of the total square footage of any landscape areas on the Site Development Plan;
 - (4) The proposed adjustments do not increase the site's overall parking lot area; and
 - (5) The proposed adjustments do not increase the site's approved impervious cover.
 - b. *Other Amendments.* All other amendments to an approved Site Development Plan shall require the submission of a new Site Development Plan application. Approval of a new Site Development Plan shall void the previously approved Site Development Plan.
9. *Revocation of Approved Site Development Plan.* The City Administrator, or designee, may revoke approval of a Site Development Plan if the Director determines that:
- a. The conditions of the approval have not been met;

- b. The plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit; or
- c. The site is developed in a manner that adversely affects the health, safety, or welfare of persons residing or working on or in proximity to the site in a way that is detrimental to the public welfare or injurious to property or improvements.

SECTION 4. SEVERABILITY CLAUSE. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 8. TEXAS OPEN MEETINGS ACT COMPLIANCE. It is hereby officially found and determined that the meeting at which this Ordinance was considered 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.

SECTION 9. PUBLICATION. The City Secretary of the City of Bartlett is hereby directed to publish in the official newspaper of the City of Bartlett, or a newspaper with a general circulation, the caption, penalty and effective date clause of this ordinance as required by state law.

SECTION 10: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its date of passage and approval, and publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Bartlett, Texas this the _____ day of _____, 2023, at which a quorum was present.

APPROVED:

By: _____

Chad Mees, Mayor

ATTEST:

By: _____

Joseph Resendez, City Administrator | City Secretary