

**CITY OF BARTLETT, TEXAS  
ORDINANCE NO. 20240108-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF BARTLETT, THE SAME BEING THE ZONING ORDINANCE, AMENDING SECTION 9.02.042, PLANNED DEVELOPMENT DISTRICTS; AMENDING THE MINIMUM ACREAGE REQUIRED FOR ANY PROPERTY PROPOSED FOR A PLANNED DEVELOPMENT DISTRICT (PDD) TO FIVE (5) ACRES AND REMOVING ANY ACREAGE MINIMUMS FOR INDIVIDUAL PHASES OF A PDD; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION; 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 adopted Ordinance Number 20230626-02, codified as Section 9.02.042, to create a new zoning district for Planned Development Districts; and

**WHEREAS**, the City Council for the City wishes to amend the minimum acreage requirements for any proposed planned development district (PDD) to five (5) acres, and remove all minimum acreage requirements for individual phases within a PDD; and

**WHEREAS**, the City Council finds that the amendments will allow smaller properties to access the benefits of PDD zoning; 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 amendment and the City Council has considered such comments from the public and the suitability of this ordinance amendment, 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 ordinance amendment 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. AMENDMENTS.** The City of Bartlett Code of Ordinances, Chapter 9, "Planning and Development Regulations," Article 9.02, "Zoning Ordinance," Section 9.02.042, "Planned Development District ("PDD")," Subsection (E)(3)(i), is hereby amended to read as follows:

- i. Any property proposed for a Planned Development District zoning shall have a minimum of five (5) acres.

**SECTION 3. 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 4. 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 5. 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 6. 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 7. 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.

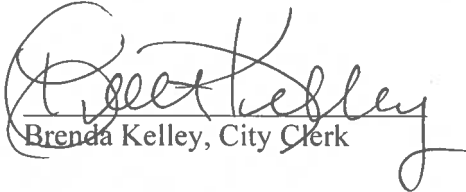
**SECTION 8: EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its date of passage and approval, and publication as provided by law.

**PASSED AND APPROVED** by the City Council of the City of Bartlett, Texas this the 8<sup>th</sup> day of January, 2024, at which a quorum was present.

**APPROVED:**

By:   
Chad Mees, Mayor      1-8-2024

**ATTEST:**

  
Brenda Kelley, City Clerk