

## ORDINANCE NO. 2019-28

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE BASTROP CITY CODE OF ORDINANCES, CHAPTER 14, "ZONING," EXHIBIT A, "ZONING ORDINANCE," SECTION 42 – "SITE DEVELOPMENT PLAN REVIEW"; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, ENFORCEMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, House Bill 3167 of the 86th Session of the Texas Legislature requires that a subdivision development plan, subdivision construction plan, site plan, land development application, Site Development Plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by staff and/or Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction; and

**WHEREAS**, House Bill 3167 further requires any comment or denial include a direct citation to the law, statute, or a municipal ordinance that is the basis for the conditional approval or disapproval; and

**WHEREAS**, In order to ensure compliance with House Bill 3167, portions of Chapter 14, Exhibit A, Section 42 - Site Development Plan Review will need to be amended; and

**WHEREAS**, House Bill 3167 removes the ability for any discretionary approval or denial of Site Development Plans and requires any comment or denial include a direct citation to the law, statute, or a municipal ordinance that is the basis for the conditional approval or disapproval.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:**

### 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. ENACTMENT

That Chapter 14, "Zoning," of the Code of Ordinances, Exhibit A, "Zoning Ordinance," Section 42 – "Site Development Plan Review," shall be amended to read as described and attached hereto as Exhibit "A.":

### SECTION 3. REPEALER

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

### SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**SECTION 5. ENFORCEMENT**

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

**SECTION 7. OPEN MEETINGS**

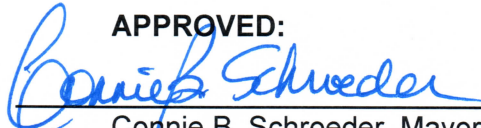
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**READ & ACKNOWLEDGED** on First Reading on the 14th day of August 2019.

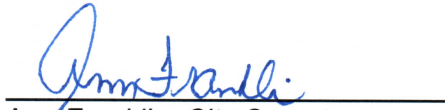
**READ & APPROVED** on the Second Reading on the 27th day of August 2019.

**APPROVED:**

by

  
\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**City of Bastrop Code of Ordinances**

**CHAPTER 14 Zoning**

**EXHIBIT A Zoning Ordinance**

**SECTION 42 – SITE DEVELOPMENT PLAN REVIEW**

**42.1 – SITE DEVELOPMENT PLAN REVIEW**

**A. Purpose**

The purpose of a Site Development Plan is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.

**B. Applicability**

Site Development Plan review and approval shall be required for new construction or the significant enlargement or alteration of any exterior dimension of any building, structure, or improvement involving the uses listed below:

1. Any nonresidential development,
2. Any multi-family development (duplex and single family attached) or manufactured/mobile home park,
3. Any development with two (2) or more buildings per platted lot,
4. As used in this section, the term "improvements" shall also include alterations made to land only, such as paving, filling, clearing, or excavating. As used in this section, the term "significant enlargement or alteration" shall mean the construction of structures, or the alteration of land, if such construction or alteration impacts or potentially affects other existing or future land uses, including those on adjacent or nearby land.

The Director of Planning and Development shall make the initial determination of whether a proposed development, construction, enlargement, or improvement requires a Site Development Plan or not. The initial determination is subject to review by the City Manager.

The Site Development Plan must be prepared by a licensed and registered professional land surveyor, and/or a licensed professional engineer.

No building permit shall be issued for any of the above developments unless a Site Development Plan is first approved by the City. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Development Plan as approved by the City.

The fee for a Site Development Plan is set forth in Article 8 of Appendix A, of the Bastrop City Code, as well as on the application form.

C. Incomplete submissions

All required items and information must be received by the City in order for a site plan submission to be considered an application that can be filed. Incomplete submissions will not be reviewed or filed until all deficient items or information has been received.

D. Official filing date

E. For the purpose of these regulations, the “official filing date” shall be the date upon which a submission for approval for a site plan, that contains all required elements mandated by city ordinance, is deemed complete by the city on a uniform submittal date. To be considered complete, the application must contain all elements and information required, including all related fees. It is only after the official filing date that any statutory period required for approval or disapproval of the site plan shall commence to run. No application shall be deemed officially filed until the uniform submittal date after the Planning and Development Director determines that the submission is complete. Site Development Plan Submittal Requirements

A Site Development Plan submittal shall include the following documents in order to be considered a complete submittal after an administrative completeness review by the Planning and Development Department. All submittals shall be delivered to the Planning and Development Department in accordance with the approved submittal schedule. If the Planning and Development Department determines that a submittal is incomplete during the administrative completeness review, then the incomplete submittal will not be accepted by the Planning and Development Department for filing. The applicant shall be required to submit a fee in accordance with the adopted Fee Schedule for the Completeness Review. If the application is deemed incomplete, the applicant shall be required to submit a new fee for Completeness Review with the next submittal application.

Any requested variance must be submitted and approved prior to submission for a request for a site plan. If the site plan requires a variance, and one has not been approved, the site plan shall be denied until such time the need for the variance is removed or the variance is submitted and approved.

42.1.E – Site Development Plan Submittal Requirements	
1	Completed and signed Application
2	Agent Authorization Form if Applicant is not the Property Owner
3	Location map highlighting the subject property in context of the surrounding area
4	Copy of deed showing current ownership
5	Copy of current statement of account showing taxes have been paid
6	Six (6) paper copies of the Site Development Plan with all Required Details listed in the section below. Plans shall be on 24” x 36” sheets collated and folded into 8 ½” x 11”
7	Copy of the Approved Final Drainage Plan – attached to the plan sheets Copy of the Approved Final Utility Plan – attached to the plan sheets
8	Paper copy of a Bastrop Fire Dept. (BFD) witnessed fire hydrant flow test report that is less than 1 year old (IFC 507.1 and 507.4)
9	Digital Submittal – Labeled CD/DVD or flash drive PDF 1 – Combined Application and Checklist Items PDF2 – Combined plan sheets for Required Details
10	Site Development Plan filing fee
11	Two (2) copies of TIA when required

12	Three (3) copies of a letter outlining Planned Development Requirements and how those requirements are addressed on the Site Development Plan when required
13	If any required fire code requirements cross into a property other than the owners, a joint-use access agreement or unified development agreement shall be provided and recorded
14	For projects involving an Alternative Method of Compliance (AMoC); documentation showing that an alternate method has been approved per IFC 104.8 and 104.9.

F. Site Development Plan Detail Requirements

The Site Development Plan shall contain sufficient information relative to site design considerations including the following:

	42.1.D – Site Development Plan Detail Requirements
<b>1</b>	<b>COVER SHEET</b>
1.1	Project Name
1.2	Contact name and information for property owner, engineer, surveyor, and any other parties responsible in preparing the Site Development Plan
1.3	Signature blocks for Owner, City Engineer, Fire Dept., and Director of Planning and Development. See Signature Blocks section below
1.4	Fire Department cover sheet table. See BFD Table in section below
1.5	List of ordinances or codes that the site was designed using
1.6	List of jurisdiction and service providers for the site
1.7	Date of preparation and any subsequent revisions
1.8	Acceptable scale: 1" = 40', 1" = 100', or similar
1.9	North arrow, graphic and written scale in close proximity
1.10	Small scale location map showing the location of the property
<b>2</b>	<b>FINAL PLAT SHEET</b>
2.1	Copy of Final Plat. Note recordation information or if plat is under review.
<b>3</b>	<b>OVERALL SITE PLAN SHEET</b>
<b>3.1</b>	<b>Site Data Summary Chart to include the following:</b> <ol style="list-style-type: none"> <li>1. Existing zoning</li> <li>2. Gross acreage and net acreage</li> <li>3. Percentage of impervious coverage (building footprint and impervious areas)</li> <li>4. Area of open space</li> <li>5. Open space as a percentage</li> <li>6. Gross building area</li> <li>7. Total building area by floor</li> <li>8. Square footage broken down by use</li> <li>9. Parking spaces required and provided</li> <li>10. Number of proposed lots</li> <li>11. Residential density</li> </ol>
3.2	Location of existing and proposed building(s), structure(s) or other improvement(s), as well as proposed modifications of the external configuration of the building(s), structure(s) or improvement(s)
3.3	Entrances and exits to the buildings

3.4	Required front, side, and rear setbacks from property lines
3.5	Existing or proposed easements or right of way, within or abutting the lot where the development is being proposed
3.6	The dimensions of any street, sidewalk, alley, or other part of the property intended to be dedicated to public use. These dedications must be made by separate instrument and referenced on the Site Development Plan
3.7	On and off-site circulation (including truck loading and pickup areas) and fire lanes
3.8	All types of surfacing (asphalt, brick, concrete, sod, crushed granite) not under roof
3.9	Location of dumpster and screening with materials
3.10	Required parking with dimensions given for layout
3.11	The location and ownership of adjacent properties
3.12	The location and boundary of any regulatory floodplain or floodway
3.13	All improvements located in the ROW
3.14	Curb return radii of all driveways and access aisles
3.15	Safety barriers, fencing, wheel stops, curbing or other restrictive barriers adjacent to driveways, aisles, maneuvering, or parking areas
3.16	All existing or proposed driveways
3.17	Dimensions from each driveway from property lines, intersections, or other driveways. Distances shall be measured from the nearest radii
<b>4</b>	<b>LANDSCAPE PLAN</b>
4.1	Location, size and species of all trees to be preserved
4.2	Tree protection plan
4.3	Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site
4.4	Species of all plant material to be used
4.5	Size of all plant material to be used
4.6	All types of surfacing (asphalt, brick, concrete, sod, crushed granite) not under roof
4.7	Spacing of plant material where appropriate
4.8	Layout and description of irrigation, sprinkler, or water systems including placement of water sources
4.9	Description of maintenance provisions
4.10	Person(s) responsible for the preparation of the landscape plan
4.11	Vegetative Screening: Planted height, full growth height, distance between plants
4.12	60-foot radius around each tree to show there is one tree within 60 feet of every parking space
4.13	List of all plants to be used, legend, and location of all plants and landscape elements
4.14	Location of screening with dimensions and material used
<b>5</b>	<b>BUILDING ELEVATIONS</b>
5.1	Architectural renderings or elevations of all proposed buildings and structures
<b>6</b>	<b>FIRE ACCESS AND CONTROL PLAN</b>
6.1	Curb markings and/or signs indicating No Parking – Fire Zone on the designated fire lane
6.2	The location of any existing and proposed fire hydrants

6.3	Note if any of the buildings required to have an automatic fire sprinkler system (IFC 903)
6.4	The location of the fire sprinkler riser room labeled, if applicable. (IFC 901.4.6/105.4.2)
6.5	Distance between all exterior building walls and all required fire apparatus access areas. (IFC 503.1)
6.6	Location of motorized gates in the path of a fire lane have been labeled and provided with a Knox key switch, if applicable. (IFC 503.6)
6.7	All locations of Knox key switches and key boxes have been labeled. (IFC 506.1)
6.8	Show any fuel tanks to be stored on site and indicate the volume, type of fuel, and tank construction standard (propane, gasoline, diesel, etc.). (IFC 5001.5.1 SUB 6)
6.9	Show location of any diesel-fueled emergency generators and the UL listing number of the tank, the fuel capacity of the tank in gallons, and fuel tank impact protection. (IFC 5001.5.2)
<b>7.0</b>	<b>Lighting Plan</b>
7.1	Detailed lighting plan showing locations, types, and fixtures. Plan shall include both freestanding and wall mounted lighting
7.2	Photometric plan for the proposed site extending out to the property lines

E. Supplemental requirements

1. Site Development Plan cannot be approved until Final Plat is recorded
2. Site Development Plan must be prepared by a licensed and registered professional land surveyor and/or a licensed professional engineer
3. Building permits will not be issued for any development until the Site Development Plan is approved
4. Property taxes must be paid prior to approval of plan
5. Irrigation plans require separate permits – approval of Site Development Plan does not constitute approval of any included irrigation plans or elements of the Landscape Plan
6. Signs require separate permits – approval of the Site Development Plan does not constitute approval of any included sign plans or elements
7. The following table illustrates the requirements of the Bastrop Fire Department in each line item:

<b>Bastrop Fire Department</b>	
<b>Fire Design Codes</b>	<i>International Fire Code Edition with adopted appendices</i>
<b>Fire Flow Demand @ 20 psi (gpm)</b>	<i>Most demanding building's calculated fire flow demand – 2009 IFC Appendix B, Table B105.1 – Based on SF and Construction Type</i>
<b>Intended Use</b>	<i>Most demanding building's intended use</i>
<b>Construction Classification</b>	<i>Most demanding building's IBC construction classification</i>
<b>Building Fire Area (S.F.)</b>	<i>Most demanding building's fire area in gross square feet (all floor levels combined) per 2009 IFC Appendix B.</i>

<b>Automatic Fire Sprinkler System Type (If applicable)</b>	<i>The sprinkler system type that is in the most demanding building's fire area - NFPA 13, NFPA 13R or NFPA 13D</i>
<b>Reduced Fire Flow Demand @ 20 psi for having a sprinkler system (gpm) (If applicable)</b>	<i>Reduced fire flow demand, as permitted by BFD and Appendix B.</i>
<b>Fire Hydrant Flow Test Date</b>	<i>Not more than 1 yr from the date of Site Development Plan submittal</i>
<b>Fire Hydrant Flow Test Location</b>	<i>Block and Street Name</i>
<b>Alternative Method of Compliance AMOC (If applicable)</b>	<i>AMOC number and the date the AMOC was approved by the City.</i>

8. Signature blocks shall be placed on the Site Development Plan. Signature blocks shall also be placed for any additional entities responsible in preparing the Site Development Plan. The following are the approved signature blocks:

**The certificate of the licensed public surveyor:**

THE STATE OF TEXAS §  
COUNTY OF BASTROP §

KNOW ALL MEN BY THESE PRESENTS

That I, \_\_\_\_\_ do hereby certify that I prepare this plat from an actual and accurate on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Bastrop, Texas.

\_\_\_\_\_  
Signature and Seal of Registered Public Surveyor with date

**Owner's Signature Block:**

As owner of this property, I promise to develop and maintain this property as described by this plan.

\_\_\_\_\_  
Name of Owner/Trustee

\_\_\_\_\_  
Date

**City Approval Signature Block:**

All responsibility for the adequacy of these plans remains with the engineer who prepared them. In accepting these plans, the City of Bastrop must rely upon the adequacy of the work of the design engineer.

Accepted for Construction:

\_\_\_\_\_  
Director of Planning and Development

\_\_\_\_\_  
Date



\_\_\_\_\_  
City of Bastrop Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Bastrop Fire Department

\_\_\_\_\_  
Date

**Signed and sealed certification of the licensed engineer who prepared the Site Development Plan:**

I, \_\_\_\_\_, do hereby certify that the information contained in these engineering documents are complete, accurate, and adequate for the intended purposes, including construction, but are not authorized for construction prior to formal City approval.

\_\_\_\_\_  
Signature and Seal of Registered Engineer with date

**F. Principles and standards for Site Development Plan Review.**

The following criteria have been set forth as a guide for evaluating the adequacy of proposed development in the City of Bastrop. The City staff shall review the Site Development Plan for compliance with all applicable Ordinances and the Comprehensive Plan; as a means to assure harmony with surrounding uses and the overall plan for development of the City of Bastrop; as well as 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.

Based upon its review, city staff may approve, conditionally approve, or deny the Site Development Plan based on evaluation of the Site Development Plan details based on the items listed in Section C above with respect to:

1. The Site Development Plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Bastrop including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat
2. 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.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. 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.
7. The coordination of streets and sidewalks so as to arrange a convenient system consistent with the Master Thoroughfare Plan of the City of Bastrop.
8. The use of landscaping and screening (1) to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and (2) to

complement the design and location of buildings and be integrated into the overall site design.

9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection on adjacent properties.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of water courses and areas subject to flooding.
13. The adequacy of water, drainage, sewage facilities, garbage disposal, and other utilities necessary for essential services to residents and occupants.

#### 42.2 – APPROVAL PROCESS

- A. The Director of Planning and Development, or designee, after review by the Development Review Committee, shall approve, approve with conditions, or disapprove all Site Development Plans. If the plan is disapproved, the Director shall provide a written statement to the subdivider listing the deficiencies that the plan has as related to specific city ordinances or other law.
- B. If the applicant amends its filed plan application in response to the city's initial disapproval, the applicant may file its amended application at the city on a date or day on which the city is accepting amended filings. It is deemed filed on next the uniform submittal date on which it has been submitted to the City. The city will then have up to fifteen (15) days to approve or disapprove the amended application. The Director of Planning and Development may either: (1) approve plan if response adequately addresses each reason for the disapproval; or (2) disapprove plan if the response does not adequately address each reason for disapproval or creates new reasons for a violation of a statute or city ordinance. Any disapproval shall include a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, including a statute or city ordinance, that is the basis of disapproval. Any plan that is disapproved after the city has reviewed the response in the form of an amended application may be refiled at any time as a new site plan application.
- C. If the Site Development Plan is denied by the Director of Planning and Development, the applicant may appeal that decision to the City Manager within five (5) business days of receipt of decision. The City Manager shall uphold or reject the decision of the Director within ten (10) business days. If the City Manager upholds the decision of denial, an applicant may appeal that decision to the City Council. The applicant must request in writing that the Site Development Plan be placed on the City Council's agenda within ten (10) days from the date the appeal was denied by the City Manager. The City Council shall have final approval or disapproval on all Site Development Plans which are appealed.
- D. Effect of Site Development Plan approval. If development of a lot with an approved Site Development Plan has not commenced within two (2) years of the date of final

approval of the Site Development Plan, the Site Development Plan shall be deemed to have expired. Any development on a lot with an expired Site Development Plan shall be required to submit a new Site Development Plan as outlined above.

It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Development Plan. In such cases, the Director of Planning and Development shall have the authority to approve minor modifications of an approved Site Development Plan, provided that such modifications do not materially change the circulation and building location on the site, or any conditions specifically attached as part of approval.

**Section 2:** In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

**Section 3:** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**Section 4:** This Ordinance shall take effect immediately upon passage.

**Section 5:** 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.

**READ and APPROVED** on First Reading on the 14<sup>th</sup> day of August 2019.

**READ and ADOPTED** on Second Reading on the 27<sup>th</sup> day of August 2019.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

