

ORDINANCE NO. 22-0106-1

AN ORDINANCE OF THE CITY OF CHINA GROVE APPROVING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS, ESTABLISHING PLANNED DEVELOPMENT DISTRICT AND ASSOCIATED PROCEDURES; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of China Grove (“City”) is a Texas General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance establishing zoning districts and permissible land uses within the incorporated limits of the City; and

WHEREAS, Texas Local Government Code Chapter 211 does not directly address the use of planned development zoning, but the concept of planned development zoning has been held valid by Texas courts, provided the specific methods of planned development zoning used by a city conform to the general requirements of state law pertaining to zoning; and

WHEREAS, the City Council may from time to time choose to amend, supplement, change or modify the City’s zoning regulations, boundaries, or classifications; and

WHEREAS, on December 15, 2021, notice of a public hearing was published in the Wilson County News newspaper; and

WHEREAS, on January 6, 2022, the City Council conducted a public hearing and after consideration determined that the ordinance amendment be approved as provided herein; and

WHEREAS, the City has given appropriate and reasonable consideration to the zoning regulations as most appropriate for the City and has determined that certain revisions to the City’s zoning ordinance are necessary in order to more accurately reflect the will of the citizens of the City; and

WHEREAS, the City Council of the City of China Grove, Texas finds that the amendment to the Zoning Ordinance of the City of China Grove, Texas as depicted in this Ordinance are compliant with the requisites of the state law, including Texas Local Government Code, and

WHEREAS, the City Council of the City of China Grove has duly held public hearings and given proper notice, as necessary, pertaining to the amendments of this zoning ordinance; and

WHEREAS, the City Council finds that the zoning ordinance, as amended herein, is necessary for the orderly development of this community and represents the best interest of all citizens of the City of China Grove, Texas and promotes the aesthetics, health, safety, general

welfare and convenience of the people; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

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

Section 1. The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. The Zoning Ordinance of the City of China Grove, Texas is hereby amended as set forth on Exhibit A attached hereto.

Section 3. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted 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 Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 7. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this 6th day of January 2022.

CITY OF CHINA GROVE, TEXAS

By: Mary Ann Hajek
Mary Ann Hajek, Mayor

ATTEST:

Leslie Bettice

Leslie Bettice, City Secretary

Exhibit A

All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and italicized, is for document organization and reference only and is not intended to be adopted. The Zoning Ordinance of City of China Grove, Texas is hereby amended as follows:

{Addition of Definitions}

Section 3: DEFINITONS

33. City Administrator. The City Administrator of China Grove, Texas, or his/her designee.

34. Development Manual. The Development Manual is prepared by the City Administrator and is hereby adopted by reference as if set forth in full. The Development Manual may contain application forms, required application materials, and application submittal deadlines. The Development Manual may be amended by the City Administrator or his/her designee from time to time.

{Addition of PDD to Zoning Districts List}

Section 4. DISTRICTS

For the purpose of regulation and restricting the height and size of the buildings and other structures, the percentage of the lot that may, be occupied, the size of the yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, residence, or other purposes~~d~~, the City of China Grove, Texas, is hereby divided into districts, ~~of which there shall be two (2) classes in number,~~ and which shall be known as:

“Class-1” Low Intensity Land Use District

“Class-2” Medium Intensity Land Use District

“PDD” Planned Development District

{Addition of Planned Development District regulations}

Section 6.1. “PDD” PLANNED DEVELOPMENT DISTRICT

A. Applicability

The purpose of the Planned Development District (PDD) is to promote and encourage innovative development that is sensitive to surrounding land uses and to the natural environment. PDD’s are also intended to encourage flexible and creative planning, ensure the compatibility of land uses, incorporate new planning concepts into a development, allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts. If this necessitates varying from available zoning districts, the proposed development should

demonstrate community benefits. A PDD should not be used to deviate from the provisions of this zoning ordinance in a way that contradicts its intent.

B. Application Requirements

1. Application Required. Any request for a PDD shall be accompanied by an application prepared in accordance with the City's Development Manual.
2. Minimum Planned Development District Size. No PDD may be established on any area less than two (2) acres in size.

C. Processing of Application and Decision

1. Submittal. An application for a PDD shall be submitted to the City Administrator or his/her designee. The City Administrator or his/her designee shall review the application for completeness. The City Administrator or his/her designee may, at its option, request a recommendation from any other city department or consultant. The City Administrator or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Administrator or his/her designee shall forward a written recommendation to the City Council for consideration.
2. Notification requirements. An application for a Planned Development District requires the following public hearing notification:
 - i. Written notice mailed to each owner of real property within 200 feet, as indicated by the most recently approved municipal tax roll, at least 11 days prior to the public hearing and consideration by the City Council;
 - ii. Published notice in a newspaper of general circulation at least 16 days prior to the public hearing and consideration by the City Council; and,
 - iii. Public hearing notices shall be in accordance with Texas Local Government Code Ch. 211 and include the date, time, place, and topic of the public hearing.
3. Decision by City Council.
 - i. The City Council shall hold a public hearing in accordance with the Texas Open Meetings Act.
 - ii. The City Council may vote to approve, approve with conditions, or deny the request. City Council may not adopt the proposed zoning change until after the 30th day after the date the public hearing notice was given. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than ninety (90) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
 - iii. A majority vote of City Council is required to approve a zoning change request unless it is protested in accordance with the provisions below.
4. Protested Zoning Change
 - i. A proposed zoning change may be protested in writing by owners of at least 20 percent of either:
 1. The area of lots or land covered by the proposed change; or
 2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.
 3. In computing the percentage of land area, the area of streets and alleys shall be included.

- ii. Zoning changes protested in accordance with the above provisions require the affirmative vote of at least three-fourths (3/4) of all members of the City Council to approve.

D. Development Standards

1. Development standards for each PDD shall be set forth in an ordinance granting the PDD and may include, but shall not be 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, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.
2. In the development standards, the particular district(s) to which uses specified in the PDD are most similar shall be stated. All requested deviations from the standard requirements set forth throughout this zoning ordinance shall be listed in the development standards. Applications without development standards will be considered incomplete.
3. The development standards shall include a statement as to the purpose and intent of the PDD granted therein. A specific list of deviations in each district or districts and a general statement citing the reason for the PDD request are required.
4. The PDD shall conform to all other sections of the zoning ordinance unless specifically exempted in the design standards.

E. Conceptual Plan. In establishing a PDD, the City Council shall approve and file, as part of the granting ordinance, appropriate plans and standards for each PDD. During the review and public hearing process a conceptual plan (or detailed master plan) shall be submitted.

1. Conceptual Plan. The applicant shall submit a conceptual plan. The plan shall show the applicant's intent for the use of the land within the proposed PDD in a graphic manner and shall be supported by written documentation of proposals and development standards.
 - i. A conceptual plan for residential land use shall show at a minimum general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.
 - ii. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner that adequately illustrates the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Administrator or City Council, may include, but is not limited to, the types of use(s), topography, and boundary of the planned development area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is used in drafting the final development plan.
 - iii. Conceptual Plans shall be prepared in accordance with the City's Development Manual.

- F. Criteria for Approval. The City Council, in considering final action on a PDD, should consider the following criteria:
1. Whether the proposed PDD implements the policies of the adopted plans for development of the City;
 2. Whether the proposed PDD promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthy development of the City;
 3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
 4. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, or other public services and utilities to the area;
 5. The extent to which the proposed PDD will result in a superior development than could be achieved through conventional zoning;
 6. Whether all of the applicant's back taxes owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and,
 7. Whether other criteria are met which, at the discretion of the City Council, are deemed relevant and important in the consideration of the amendment.
- G. Amendments to PDD. The City Administrator or his/her designee may permit the applicant to make minor amendments to the Conceptual Plan without the necessity of amending the ordinance that established the PDD. If the proposed amendments change and/or impact the nature or purposes of the approved PDD, whether individually or cumulatively, the City Administrator or his/her designee may deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the PDD. All other amendments not deemed minor by the City Administrator shall be considered major amendments and will be processed in the same manner as a new PDD request, including a new zoning application with applicable fees. Minor amendments may include, but are not limited to:
1. Corrections in spelling, distances, and other labeling that do not affect the overall development concept;
 2. Changes in building position or layout that are less than ten feet or ten percent (10%) of the total building project or area;
 3. Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent (5%); and,
 4. Changes in parking layouts as long as the number of required spaces and general original design are maintained.