

**ORDINANCE No. 2022-614**

**AN ORDINANCE OF THE CITY OF SMITHVILLE, TEXAS AMENDING THE ZONING ORDINANCE, EXHIBIT A, CHAPTER 14, CITY OF SMITHVILLE CODE OF ORDINANCES, BY AMENDING SECTION 2.2.16, SECTION 5.3.1, AND SECTION 6.3 TO CHANGE THE MINIMUM REQUIRED ACRES FOR A PDD FROM (5) FIVE ACRES TO (2.5) TWO AND ONE-HALF ACRES; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City has very few properties in the City limits that are 5 acres or more and the City would like to change the minimum required acres from five (5) acres to two and one-half (2.5) acres;

**WHEREAS**, the Planning and Zoning Commission of the City of Smithville, Texas, and the City Council of the City of Smithville, Texas, in compliance with State law with reference to the zoning ordinance and zoning map of the City of Smithville, Texas, have given requisite notices by publication and otherwise;

**WHEREAS**, after holding a due hearing, and having received the final report of the Planning and Zoning Commission, the City Council of the City of Smithville has determined that amending the Zoning Ordinance of the City of Smithville, Texas as set forth herein will further the health, welfare, and safety of the public; and

**WHEREAS**, the City Council finds and determines that the meeting at which this Ordinance was passed was open to the public, 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;

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

- 1. Findings of Fact.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
- 2. Enactment.** Section 2.2.16; Section 5.3.1 and Section 6.3 of the City of Smithville Zoning Ordinance is amended in accordance with Exhibit A, attached hereto and incorporated herein.
- 3. Repealer.** All ordinances, resolutions, or parts thereof, that are in conflict or are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated herein.
- 4. Severability.** Should any section, subsection, sentence, provision, clause, or phrase be held to

be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and same are deemed severable for this purpose.

5. **Effective Date.** This Ordinance shall be effective as of the date of adoption.

**PASSED, APPROVED, AND ADOPTED THIS 10<sup>TH</sup> DAY OF JANUARY 2022.**

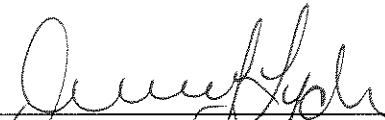
**APPROVED:**



A handwritten signature in cursive script, reading "Joanna Morgan", written over a horizontal line.

Joanna Morgan, Mayor

**ATTEST:**



A handwritten signature in cursive script, reading "Jennifer Lynch", written over a horizontal line.

Jennifer Lynch, City Secretary

## EXHIBIT A

Section 2.2.16, 5.3, and 6.3 Code of Ordinances of the City of Smithville, Texas is amended as shown below, with insertions indicated by underlines (e.g., underlines) and deletions indicated by strikethroughs (e.g., ~~strikethroughs~~):

### 2.2.16. PDD - Planned Development District.

A. Description. The Planned Development District, or PDD, is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. ~~Zoning of a p~~Property zoned as a PDD shall follow the procedures set forth in Section 5.3.

B. Uses. An application for a PDD shall specify the base zoning district and the use or the combination of uses proposed. Uses which may be permitted in a PDD are those specified in the Master Use Table. Any requested use that is not permitted within the specified base zoning district must be identified as such in the PDD application. In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those allowed in the PDD. Special Use Permits allowed in a base zoning district are allowed in a PDD only if specifically identified at the time of PDD approval.

C. Dimensions. A PDD shall be a minimum of § 2.5 acres in size. ~~A written request may be made for a PDD on a smaller tract, which requires approval by the city manager.~~ In the case of residential Planned Development Districts for single-family or duplex categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district. Minor dimensional changes in a limited number of the proposed lots, in order to provide improved design, may be permitted if the application demonstrates the need for the requested change.

D. Approval of PDD zoning. In approving the development plan and the Ordinance establishing the Planned Development District, after recommendation by the Planning and Zoning Commission, the City Council shall approve the ~~specify such~~ maximum height, floor-area ratio, density, and minimum off-street parking and loading standards within the limits of those specified in the districts listed for the specific uses involved as is appropriate for the development. Approval of the development plan and the ordinance establishing the PDD shall also construe the establishment of the standards for yards, signs, building spacing, site coverage, access, screening or landscaping, building area, open space pedestrian-ways, public or private streets, ~~and alleys~~ and any development deemed by council to be observed in a Planned Development District. Such standards shall be specified in the Ordinance establishing the district.

### 5.3 Planned Development Districts

5.3.1. Creation: The City Council, after public hearing and proper notice to all affected property

owners and after recommendation by the planning and zoning commission, may authorize the creation of a Planned Development District on sites of ~~five~~ two and a half (2.5) acres or more to accommodate various types of development and conditions of development for any use or combination of uses permitted by this Ordinance. The uses to be permitted in any specific Planned Development District shall be enumerated in the Ordinance establishing such district and shown on the approved plan for development which becomes part of said Ordinance.

5.3.8 PDD Modifications: Changes in land use defined in a PDD are considered major modifications and shall require City Council approval of an amendment to the PDD. All other modifications which do not involve a change in land use are considered minor and may be approved administratively in writing by the City Manager.

### 6.3. MASTER TABLE OF DIMENSIONAL STANDARDS

| DIMENSION   | DISTRICT  |   |                   |                    |                     |
|---|-----------|---|-------------------|--------------------|---------------------|
|   | I         | P | CF                | PDD                | PD-Z                |
| Height  | 50 ft     |   | 2-1/2 stories (1) |                    | 2-1/2 stories (1)   |
| Minimum front yard setback                              |           |   | 25 ft             |                    | 20 ft               |
| Minimum side yard setback                               |           |   | 10 ft (12)        |                    | 15 ft combined (15) |
| Minimum side yard setback, corner lot                   |           |   | 25 ft             |                    |                     |
| Minimum distance between buildings on a lot             |           |   |                   |                    |                     |
| Minimum rear yard setback                               |           |   | 30 ft             |                    |                     |
| Minimum lot size, residential use                       |           |   |                   |                    | 5,000 sf            |
| Minimum lot size, churches                              |           |   |                   |                    |                     |
| Minimum lot size, country inn                           | 21,000 sf |   |                   |                    |                     |
| Minimum lot size, all other uses                        |           |   |                   |                    | 5,000 sf            |
| Minimum size of district                                |           |   |                   | <u>5 2.5 acres</u> |                     |
| Minimum lot width                                       |           |   |                   |                    | 40 ft               |
| Minimum lot depth                                       |           |   |                   |                    |                     |
| Maximum dwelling units, series of attached dwellings    |           |   |                   |                    |                     |
| Maximum length consecutive single family attached units |           |   |                   |                    |                     |
| Maximum lot coverage by buildings                       |           |   |                   |                    | 40%                 |