

**ORDINANCE NO. 2015- 04**

**AN ORDINANCE AMENDING CITY OF BASTROP, TEXAS' ZONING ORDINANCE [NO. 99-37], AS AMENDED,; ADDING NEW SECTION EXHIBIT "B" TO ESTABLISH A DOWNTOWN FORM-BASED CODE ZONING ("FBC") DISTRICT; PROVIDING DEFINITIONS, USES, AND STANDARDS FOR DEVELOPMENT WITHIN THE FBC DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Bastrop, Texas is a Home Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City has adopted a Zoning Ordinance for the City (Ord. No. 99-37), as amended, from time to time, which should reflect and protect Bastrop's unique history and vibrant Downtown; and

**WHEREAS**, the City Council has determined that it is in the City's best interest for the Greater Downtown area to be planned, designed and used in a manner that allows for a unique mixture of residential, office, and commercial uses, therein; and

**WHEREAS**, the City Council March 26, 2013 voted to establish an eight (8) member Form Based Code (FBC) Task Force which consisted of one member from each board and/or commission (4), one from the City Council (1) two members at large (2) and the City Manager (1); and

**WHEREAS**, the City Council recognizes that there are several existing neighborhoods located adjacent to Downtown that should be preserved exclusively for residential uses; and

**WHEREAS**, the City Council has determined that redevelopment of Downtown Bastrop affects the growth and vitality of the City, as a whole; and

**WHEREAS**, the City's adopted policies, programs, practices and plans that identify the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West as important regional and local destinations to promote a mix of commercial, residential, civic, and public uses in a pedestrian-friendly context; and

**WHEREAS**, the City's Planning and Zoning Commission and Form Based Code (FBC) Task Force has worked with staff and professional consultants over the past 24 months to

evaluate and formulate a proposed ordinance for the Council's consideration and possible action that would adopt and implement the use of a form –based district (FBC District) for Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West; and,

**WHEREAS**, after receiving public input at a public hearing before the Special Planning and Zoning Commission meeting on February 17, 2015, and continuing the public hearing at the Regular Planning and Zoning Commission meeting of February 26, 2015, the Planning and Zoning Commission has recommended City Council adopt such an ordinance, to promote the best economic interest, public health, safety and general welfare of the residents of the community; and

**WHEREAS**, the City Council has determined that it is appropriate and in the best interest of the City to promote the best economic interest, as well as the public health, safety, and general welfare of its residents by amending Ordinance No. 99-37, as noted herein below, to adopt a form-based code for portions of the City; and

**WHEREAS**, the City Council deems it in the best interest of the economic vitality, public health, safety, and general welfare of the citizens of the community to adopt and implement zoning regulations that are applicable to future development and re-development in the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West, to protect and enhance the attractiveness of the City to visitors, to promote and stimulate the economy, to ensure harmonious, orderly and efficient growth of the City; to preserve the City's unique history, culture, and heritage, and to protect property values; and

**WHEREAS**, the City Council and Planning and Zoning Commission have published notice and held public hearing(s) on February 17, 2015, February 26, 2015 and March 10, 2015 with respect to the amendment of the zoning ordinance, pertaining to the potential adoption of a new, Form-Based Zoning District, to be applied to future development and re-development in the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West; and

**WHEREAS**, the Planning and Zoning Commission, Bastrop Main Street Program,

Historic Landmark Commission, Board of Adjustment and the Form Based Task Force has provided resolutions of support (2015-04) for the Greater Downtown Form Based Code (FBC) Area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West and has urged City Council to pass the Regulating Plan and Code Amendments.

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

**SECTION 1**

Ordinance 99-37, as amended, the City of Bastrop's Comprehensive Zoning Ordinance is hereby amended by the addition of a new Section Exhibit B, which is included, *verbatim*, in Section 8.

**SECTION 2**

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

**SECTION 3**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4**

The Code adopted by this Ordinance reflects a vision for downtown Bastrop shaped by public and stakeholder input. The Code seeks to enable predictable building outcomes to attract new investment and preserve existing investment and character in Bastrop's Greater Downtown area bounded generally by Hawthorne Street to the North, Highway 95 to the East, College Street/Highway 71 to the South, and the Colorado River to the West. This vision is ensured by encouraging a high quality public realm to create a pedestrian-friendly, mixed-use Downtown.

**SECTION 5**

The Code adopted by this Ordinance includes illustrative examples of the general built form intended by the Code. These images serve as a general references, only, depicting the community vision for the Downtown Form Based Code Zoning District. ("FBC")

## SECTION 6

The FBC District adopted by this Ordinance is composed of several ‘Character Zones’ that define the boundaries of areas with distinct building type and character. These ‘Character Zone’ areas are depicted in the illustrative plans and are guided by appropriately tailored regulations. These Downtown ‘Character Zones’ implement the City’s vision for the Downtown area by establishing appropriate urban design standards, including building form, use, signage, and civic/open space standards, with a focus on implementing pedestrian-oriented design(s) for development and re-development. The Character Zones also establish neighborhood standards with appropriate infill and redevelopment standards for the neighborhoods adjoining the Downtown area, which is primarily commercial. The Character Zones are as follows:

- 1) **Historic Main Street (HMS)** – Intended to preserve and enhance the existing historic blocks of Main Street north and south of Chestnut Street. Development standards in this zone will require any new buildings or reconstruction of existing buildings to be consistent with the historic architecture of the blocks.
- 2) **Downtown Mixed Use (DMU)** - Intended to encourage compatible mixed use redevelopment and reuse of historic and contributing buildings along the blocks east and west of Historic Main Street and along Chestnut Street. Development standards will emphasize maintaining a pedestrian orientation and continuous building context along Church, Water, and Chestnut Streets. This Character Zone is generally located one block deep east and west of the Historic blocks of Main Street and 3 blocks along Chestnut Street (west of Haysel Street). Uses within this Character Zone include commercial (office, retail, restaurant) on any floor, commercial-ready frontage required on ground floors of Main Street and Chestnut Street, with residential uses permitted by right on upper floors along Main and Chestnut Streets and on any floor on other frontages. Design standards will limit auto-oriented frontages along specific Main Street and Chestnut Street blocks.
- 3) **Civic/Cultural Arts (CCA)** - Intended to reinforce a civic and arts district character consistent with the Convention Center, City Hall, and planned Arts Guild development on the eastern end of Chestnut Street. Development standards will emphasize the prominent architecture of the civic buildings by requiring deeper setbacks and larger building massing and architectural elements that announce the public/civic nature of buildings along Chestnut Street. This Character Zone is generally located East of Haysel Street along Chestnut Street (except the Hwy 95 frontage). Appropriate uses include larger scale mixed use (retail, office, and institutional) and civic use buildings, surface parking limited to side yards or rear yards (large surface parking lots are discouraged from fronting along Chestnut Street), screening of parking lots, wider sidewalks and shade elements along Chestnut Street.
- 4) **Commercial Mixed Use (CMU)** - Intended to provide for small to mid-scale commercial (retail, restaurant, office) uses with appropriate transitions to the auto-oriented corridors of SH 71 and SH 95. Development standards will emphasize shared parking, cross-access driveways/easements and creating appropriate buffers or transitions to the

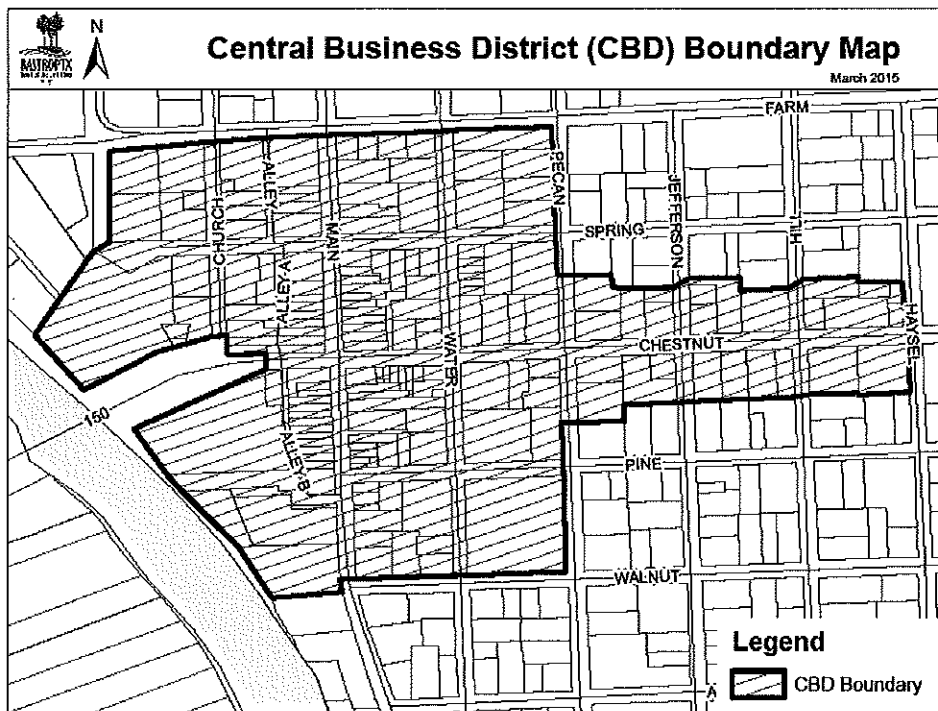
adjoining Live-Work and Neighborhood Districts. This Character Zone is generally located in lots fronting on SH 71 and SH 95 south of Cedar Street. This Character Zone would allow a range of uses including commercial (office, retail, restaurant) on any floor, commercial-ready ground floors along the Hwy frontage, residential uses permitted by right on any floors; and specific design standards for auto-oriented site elements along the Hwy frontages.

- 5) **Live-Work (LW)** - Intended to provide for a range of small scale office, live-work, and urban residential transitions between areas of commercial or high activity and a more traditional neighborhood scale. Development standards will emphasize the use of urban residential building types (live-work buildings, townhomes, row houses, and cottage homes) to be compatible with the fabric of the adjoining neighborhoods. This Character Zone is generally located Approximately 1 – ½ block north and south of Emile Street between Main Street and Hwy 95, 1 – ½ block south of Pine Street between Haysel and Chambers and blocks surrounding Bastrop High School west of SH 95. This Character Zone uses include small scale commercial (retail and office) and urban residential, and surface parking limited to side yards or rear yards and limited auto-oriented site elements.
  
- 6) **Neighborhood (N)**: Intended to preserve, enhance, and encourage the reuse of the existing eclectic mix of residential homes and allow compatible infill in the blocks north and south of Chestnut Street. Development standards focus on preserving the existing residential neighborhood scale and to allow for appropriately-scaled infill of generally residential buildings. The Neighborhood Character Zone has 4 different locations with special designations that implement slightly different outcomes, but all within the existing neighborhood fabric:
  - a. **Neighborhood-Professional Office (N-PO)**: this designation within the Neighborhood Character Zone applies to the blocks adjacent to the Downtown Mixed Use and is intended to preserve existing historic homes by allowing their adaptive reuse into professional offices and compatible retail uses. This area also preserves the integrity of the existing neighborhood fabric by focusing such conversions near the Courthouse and in blocks adjacent to Downtown Mixed Use areas as they transition to Neighborhood scale.
  
  - b. **Neighborhood – Transition (N-TT)**: this designation within the Neighborhood Character Zone generally applies to blocks between areas of Mixed Use or Live Work as they transition to areas of Neighborhood scale. This area is generally intended for single-family building types that are compatible with the adjoining neighborhood; but with allowances for attached single family such as townhomes and row houses that are better transitions to commercial development.
  
  - c. **Neighborhood – Tourism (N-T)**: this designation within the Neighborhood Character Zone applies to the tourism oriented property. Any future redevelopment in this area needs to be compatible with the adjoining neighborhood fabric while still allowing for an enclave of tourism/resort related residential and lodging uses within residential building types. This zone would allow for both attached and detached

single-family residential types with a range of residential, office, lodging, and resort support uses.

- d. **Neighborhood – Services (N-S)**: this designation within the Neighborhood Character Zone is used to conduct selected retail and personal services uses to meet common regular needs and for the convenience of people living in surrounding neighborhoods. Neighborhood Services must be compatible with the adjoining neighborhood fabric and must maintain the neighborhood scale.

This previously identified and named zoning boundary denoted to be the “**Central Business District (CBD)**” (as shown below) is the area that was referenced by the City in the preparation of various regulations, ordinances and agreements that pre-dated the adoption of the Form-based code, and is understood to be applicable, retroactively to documents referencing that area of town, as identified herein.



### SECTION 7

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### SECTION 8

All rights and remedies of the City of Bastrop are expressly saved as to any and all violations of the provisions of Ordinance No. 99-37, as amended, or any other ordinances affecting zoning regulations which have accrued at the time of the effective date of this

ordinance; and, as to such, accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### SECTION 9

The City Secretary of the City of Bastrop is hereby authorized to publish this Ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

### SECTION 10

The City Secretary of the City of Bastrop is hereby directed to publish the proposed ordinance or its caption and penalty together with a notice setting out the time and place for a public hearing thereon at least ten (10) days before the reading of this Ordinance, and if this Ordinance provides for the imposition of any penalty, fine or forfeiture for any violation of any of its provisions, then the City Secretary shall additionally publish this Ordinance or its caption and penalty in the official City newspaper one time within fifteen days after final passage of this ordinance, as required by Section 10.8 D of the Charter of the City of Bastrop.

### SECTION 11

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained. This Ordinance, Exhibit B, of the Zoning Ordinance, will be reviewed after a period of twelve (12) months and presented back to the Planning and Zoning Commission and City Council for status updates and progress of the FBC for the Greater Downtown.


**PASSED AND APPROVED on the First Reading on the 10 day of March, 2015.**

**PASSED AND ADOPTED on the Second Reading on the 24 day of March, 2015.**



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MAYOR KEN KESSELUS

ATTEST:

  
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ELIZABETH LOPEZ, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

  
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JC BROWN, CITY ATTORNEY