



# BASTROP BUILDING BLOCK (B<sup>3</sup>) CODE



simplecitydesign

**CITY OF BASTROP, TEXAS**

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# EXECUTIVE SUMMARY

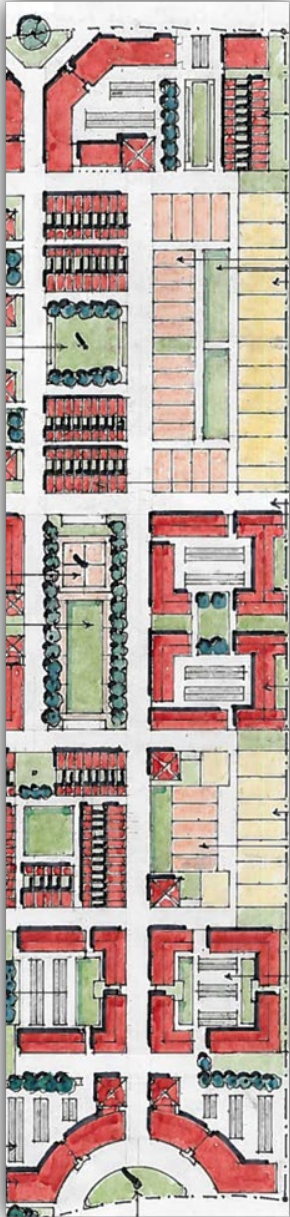
The creation of the Bastrop Building Block (B<sup>3</sup>) Code was guided by the following City Council purpose statement:

**“Create a fiscally sustainable community through land-use standards that are authentically Bastrop and geographically sensitive.”**

Recognizing the importance of retaining Bastrop’s unique character and timeless charm, the community decided to take a journey. The journey began with a mission to repair and maintain existing Bastrop, then plan and design for the City’s future and finally, turn the goals, vision, and mission of the community into the required expectations for growth. The Bastrop City Council initiated a temporary moratorium on new development to halt potential detrimental development from developing under the current outdated land-use regulations. The journey began in the summer of 2018, with an initiative called Building Bastrop. Building Bastrop became the initiative to guide responsible development that honors Bastrop’s authentic past and prepares for the City’s sustainable future.

To move forward with purpose and clarity, we must understand the historic development patterns Bastrop has and how they were created. Work began quickly by Simple City Design to extract the characteristics of the downtown, study the Standards and outcomes of current codes, and finally, create the Standards in this Code to govern the City into the future.

The patterns of the built and natural environment of Bastrop, the Comprehensive Plan, the Iredell Map, and the DNA of Downtown captured in the DNA Report were used to inform and shape the Standards of the B<sup>3</sup> Code. Public input was captured through a series of Rodeos, focusing on City design, and the B<sup>3</sup> Code specific Standards. The Rodeos provided a fun, open platform for participation and for real conversations to be held in many public forums. The Standards that makeup the basic Building Blocks of Bastrop were formulated during the process.



The Standards provide this Code with an element of flexibility and adjustability that can accommodate new ideas that come with modern Construction while maintaining the qualities that are essential to the community.

Bastrop welcomes development through:

- B<sup>3</sup> Code Standards;
- B<sup>3</sup> Technical Manual specifications;
- Pattern Book guidance;
- City of Bastrop Construction Manual; and
- City of Bastrop Development Manual

The alignment of the vision, mission, purpose statement, and the plans of the City have been brought together into a series of Standards, technical specifications, and unique patterns. The use of these Standards supports the creative culture and heritage that makes Bastrop authentic.

While the foundational characteristics of the City have been coded into these documents, they must be maintained to ensure they remain as best practices and relevant to the ever-changing City.



## B<sup>3</sup> CODE INTENT

The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:

- ✓ Fiscal Sustainability
- ✓ Geographically Sensitive Developments
- ✓ Perpetuation of Authentic Bastrop

The intent section is organized into three categories, from largest scale to smallest:

1. The City
2. The Neighborhoods
3. The Building Blocks & Buildings

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## THE CITY

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### THE CITY OF BASTROP WILL:

- › Adopt Standards and processes that result in fiscally sustainable development and promote Incremental development with intentional character by focusing on the intersection of the Public and Private Realms;
- › Retain its natural infrastructure and visual character derived from topography, woodlands, farmlands and waterways;
- › Encourage Infill and redevelopment growth strategies along with new neighborhoods;
- › Facilitate development of Infill properties contiguous to an existing built environment in the pattern of Traditional Neighborhood Development (TND) or Village Center Development (VCD) and be integrated with the existing pattern;
- › Promote development of properties non-contiguous to an existing built environment organized in the pattern of Traditional
- › Neighborhood Development (TND), Cluster Land Development (CLD), or Village Center Development (VCD);
- › Plan and reserve Transportation Corridors in coordination with land development;
- › Define and connect the built environment with trails and greenways; and
- › Create a framework of transit, Pedestrian, and bicycle systems that provide alternatives to the automobile.

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## THE NEIGHBORHOOD

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### THE CODE PROMOTES:

- › Complete neighborhood developments, not Residential subdivisions;
- › Choosing Traditional Neighborhood Development as the preferred development pattern where the natural landscape allows;
- › Developing along the frontage of the Colorado River, using the natural topography as a public amenity;
- › Allowing independence to those who do not drive by having ordinary activities of daily living within walking distance of most dwellings;
- › Interconnecting networks of Streets designed to disperse traffic and reduce the length of automobile trips;
- › Building and maintaining a range of housing types and price levels within neighborhoods to accommodate diverse ages and incomes;
- › Mixing Civic, institutional, and commercial activities, not isolating them in remote single-use complexes;
- › Enabling children to walk or bike to schools that are sized correctly and located nearby; and,
- › Distributing a range of Civic Spaces including parks, squares, plazas, and playgrounds throughout the City.

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## THE BUILDING BLOCK AND THE BUILDING

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### WITHIN THE CODE:

- The Building Block scale is key to creating walkable, timeless places that can evolve with shifting trends;
- Buildings and landscaping contribute to the physical definition of Streets as Civic Spaces;
- Development adequately accommodates automobiles while respecting the Pedestrian in the Public Frontage;
- The design of Streets and buildings reinforce safe environments, but not at the expense of accessibility;
- Architecture and landscape design grow from local climate, topography, history, and building practice;
- Public gathering places provided as locations that reinforce community identity and ownership;
- Civic Buildings are distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the City; and,
- The Preservation and renewal of historic buildings must be facilitated, to affirm the continuity and evolution of the City.

## EXPLANATION OF THE CODE

The B<sup>3</sup> Code is organized in a hierarchal structure from the highest scale, Citywide planning, to the smallest scale, the Lot and Building. This Code builds neighborhoods inclusive of all Place Types necessary to live in close proximity to services, a variety of housing types, and close access to nature. The location of a Place Type is handled by geographically determined Standards. The Place Types, align with the Street Types, the Frontage types, and Building Types to ensure all the components of the neighborhood work together in harmony. Each section of the Code provides Standards that guide development to be holistic to each Building, Street, Block, and neighborhood.

## B<sup>3</sup> DEVELOPMENT TABLES

The following B3 Development Tables contain the details necessary to develop using the Code. The text of the Code explains the Standards and how they are applied. They work together to create complete neighborhoods in a variety of forms and patterns.

	P1	P2	P3	P4	P5	EC
<b>BLOCKS - SEC. 7.4.002</b>						
BLOCK LENGTH MAX.	UNLIMITED	720 FT	330 FT	330 FT	330 FT	720 FT
BLOCK PERIMETER MAX.	UNLIMITED	2,880 FT	1,320 FT	1,320 FT	1,320 FT	2,880 FT
<b>STREETS - ARTICLE 7.2</b>						
BOULEVARD	NP	NP	NP	P	P	P
AVENUE	NP	NP	P	P	P	P
CONNECTOR	NP	P	P	P	P	P
NEIGHBORHOOD STREET I	NP	P	P	P	NP	NP

BLANK= BY WARRANT P = PERMITTED NP = NOT PERMITTED

	P1	P2	P3	P4	P5	EC
NEIGHBORHOOD STREET II	NP	P	P	P	NP	NP
COMMERCIAL STREET I	NP	NP	NP	NP	P	P
COMMERCIAL STREET II	NP	NP	NP	NP	P	P
COURT STREET	NP	NP	P	P	P	P
SLIP STREET	NP	NP	P	P	P	P
PARK DRIVE	P	P	P	P	P	NP
BOARDWALK	NP	NP	NP	NP	P	P
PEDESTRIAN STREET	NP	NP	P	P	P	NP
<b>PEDESTRIAN SHEDS</b>						
PLACE TYPE ALLOCATION PER PED SHED*	Varies	Varies	10-35%	25-75%	5-20%	

\* Place Type allocation for Traditional Neighborhood Development.

<b>CIVIC SPACE - ARTICLE 7.5</b>						
PARK	P	P	P	NP	NP	NP
GREEN	NP	NP	P	P	P	P
SQUARE	NP	NP	NP	P	P	P
PLAZA	NP	NP	NP	NP	P	P
PLAYGROUND	P	P	P	P	P	P
COMMERCIAL PLACE	NP	NP	NP	P	P	P
POCKET PARK	NP	NP	P	P	P	P

BLANK= BY WARRANT P = PERMITTED NP = NOT PERMITTED



	P1	P2	P3	P4	P5	EC
COURT	NP	NP	P	P	P	P
CLOSE	NP	NP	P	P	P	P
<b>BUILDING TYPES - ARTICLE 6.5</b>						
REARYARD						
COMMERCIAL	NP	NP	NP	NP	P	P
APARTMENT	NP	NP	NP	P**	P	P
ROWHOUSE	NP	NP	NP	P	P	P
SIDEYARD						
SIDEYARD	NP	NP	NP	P	P	P
COURTYARD						
COURTYARD HOUSE	NP	NP	NP	P	P	P
COURTYARD APARTMENT BUILDING	NP	NP	NP	P**	P	P
EDGEYARD						
RANCH HOUSE, VILLA	NP	P	P	NP	NP	NP
HOUSE	NP	P	P	P	NP	NP
DUPLEX	NP	NP	NP	P	NP	NP
TRIPLEX, FOURPLEX	NP	NP	NP	P	NP	NP
<b>ENCROACHMENT TYPES - SEC. 6.5.002</b>						

\* SEE PLACE TYPE OVERLAYS    BLANK= BY WARRANT    P = PERMITTED    NP = NOT PERMITTED

	P1	P2	P3	P4	P5	EC
PORCH	NP	P	P	P	NP	NP
DOORYARD	NP	NP	NP	P	P	P
TERRACE	NP	NP	NP	P	P	P
STOOP	NP	P	NP	P	P	P
LIGHTWELL	NP	NP	NP	P	P	P
GALLERY	NP	NP	NP	P	P	P
ARCADE	NP	NP	NP	NP	P	P

#### LOT OCCUPATION - SEC. 6.3.008

LOT COVERAGE		40% max	50% max	60% max	65% max	80% max
BUILDING FRONTAGE AT BUILD-TO-LINE		40% min	40% min	60% min	80% min	80% min
BUILD-TO-LINE		25 ft*	25 ft*	5 ft - 15 ft	2 ft - 15 ft	
MINIMUM LOT SIZE		1 acres***	0.33 acres***			
FIRST LAYER SETBACK		Built Environment**	Built Environment**			

\* Only applicable to underdeveloped lots in P2 & P3, an undeveloped lot shall mean a lot that is raw land and not a part of any preexisting neighborhood; all other lots shall adhere to the First Layer Setback.

\*\* The First Layer Setback shall be the average of the front yard setback of two (2) lots to the right and two lots to the left, +/- 5 feet.

\*\*\* For lots not compatible with the minimum lot size, please see Section 2.4.001.

#### BUILDING HEIGHT IN STORIES - SEC. 6.5.003

PRINCIPAL BUILDING	NP	2 max	2 max	3 max**	5 max / 3 max Downtown	5 max
ACCESSORY DWELLING UNIT	NP	2 max	2 max	2 max	2 max	

#### FIRST LAYER ENCROACHMENTS - SEC. 6.5.002

\*\* SEE PLACE TYPE OVERLAYS    BLANK= BY WARRANT    P = PERMITTED    NP = NOT PERMITTED

	P1	P2	P3	P4	P5	EC
OPEN PORCH	NP	50% max	50% max	80% max	NP	
BALCONY AND/OR BAY WINDOW	NP	25% max	25% max	50% max	100% max	
STOOP, LIGHTWELL, TERRACE OR DOORYARD	NP	NP	NP	100% max	100% max	
R.O.W. ENCROACHMENTS - SEC. 6.5.002						
AWNING, GALLERY, OR ARCADE				to within 2 ft. of the Curb		
ENCROACHMENT DEPTHS - SEC. 6.5.002						
PORCH		5 ft min	8 ft min	8 ft min	NP	
GALLERY		NP	NP	10 ft min	10 ft. min.	
ARCADE		NP	NP	NP	12 ft. min.	
PARKING LOCATION - SEC. 6.3.006						
SECOND LAYER		P	P	NP	NP	
THIRD LAYER		P	P	P	P	
SIGNAGE - CH. 8						
ADDRESS SIGN	P	P	P	P	P	
AWNINGS & SIGNS	NP	NP	NP	P	P	
BAND SIGNS	NP	NP	NP	P	P	

BLANK= BY WARRANT    P = PERMITTED    NP = NOT PERMITTED

	<b>P1</b>	<b>P2</b>	<b>P3</b>	<b>P4</b>	<b>P5</b>	<b>EC</b>
BLADE SIGNS	NP	NP	NP	P	P	
MARQUEE SIGNS	NP	NP	NP	NP	P	
NAME PLATE SIGNS	NP	NP	NP	P	P	
OUTDOOR DISPLAY CASE	NP	NP	NP	P	P	
SIDEWALK SIGNS	NP	NP	NP	P	P	
WINDOW SIGNS	NP	NP	NP	P	P	
YARD SIGNS	NP	NP	NP	P	NP	
MONUMENT SIGN	NP	NP	NP	NP	P	
<b>PUBLIC LIGHTING TYPES - SEC. 7.5.005</b>						
COBRA HEAD	P	P	NP	NP	NP	
PIPE	P	P	P	P	P	P
POST		P	P	P	P	P
COLUMN			P	P	P	P
DOUBLE COLUMN					NP	P

BLANK= BY WARRANT   P = PERMITTED   NP = NOT PERMITTED

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## B<sup>3</sup> CODE DEVELOPMENT ELEMENTS

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**Character Districts** - Character Districts are the largest regulating geographic boundary in the Code. They are informed by the natural landscape and geography of the community and by existing Civic Spaces and neighborhoods. They identify and represent the authenticity of Bastrop.

**Development Patterns** - The physical landscape lends itself to supporting a range of human settlement patterns. There are three distinct development patterns introduced in the Code: Traditional Neighborhood Development (TND), Cluster Land Development (CLD) and Village Center Development (VCD). Development patterns are geographically sensitive and regulated by the Character Districts.

**Place Types** - Place Types are the transition of places from natural to urban, through the use of specific Standards. Place Types replace conventional zoning districts with identifiable characteristics that represent seven arrangements of places. Place Types Standards were inspired by the DNA of the Bastrop community.

P1 - Nature	P4 - Neighborhood Mix	CS - Civic Space
P2 - Rural	P5 - Core	PDD - Planned Development District
P3 - Neighborhood	EC - Employment Center	

**Street Types** - Streets serve as the public spaces connecting places and people. They transition from natural to urban form. All modes of transportation and settlement patterns are supported by the variety of Street Types presented in the Code.

**Block Types** - Blocks are the foundation for development in Bastrop. The network of Streets formed by the Bastrop Building Block has been proven to support each Place Type and all associated Standards in the Code. Block Types match the level of intensity of development they are serving. The Block Types will vary from rural to urban, becoming more formal as the urbanity increases. See the Pattern Book for more examples of Block Types.

**Building Types** - Building Types correspond to the Place Types and Street Types. Building Types are contained within each Place Type to confirm the intensity of development aligns with the infrastructure and building forms to support the wide variety of Building Types.

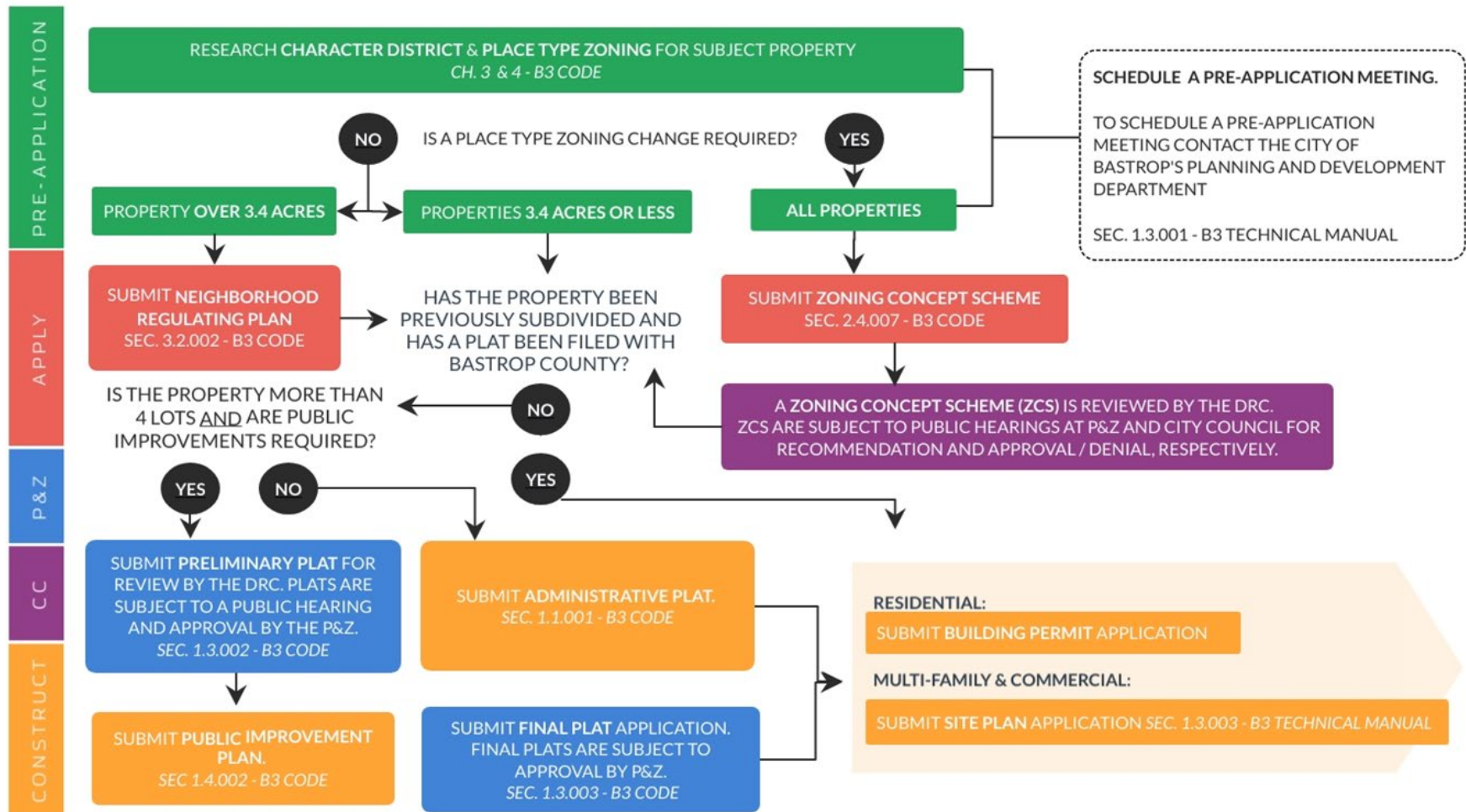


Block Examples for illustrative purposes

*See Chapter 10 - Definitions for defined terms. All defined terms are capitalized throughout this document.*



## B3 CODE FLOWCHART



DRC - DEVELOPMENT REVIEW COMMITTEE   CC - CITY COUNCIL   P&Z - PLANNING & ZONING COMMISSION

# CHAPTER 1: SUBDIVISIONS

This chapter is the City of Bastrop's (City's) Subdivision Ordinance. It assists design professionals and Applicants in preparing Plats and reports needed for Plat recordation. It identifies requirements for preparing Standard Plats, Administrative Plats, Preliminary Plats, and Final Plats for the purpose of creating developable lots. The procedures of the Subdivision Chapter are authorized under the authority granted by Texas Local Government Code Chapter 212 and the City's Charter.



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## ARTICLE 1.1 PROVISION APPLICABLE TO ALL PLATTING PROCEDURES

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### SEC. 1.1.001 GENERAL PLATTING PROCEDURES

These Standards shall govern every person, firm, entity, association or corporation owning any tract of land within the City Limits or extraterritorial jurisdiction (ETJ) who proposes to:

- (a) Divide the tract into 2 or more parts for the purpose of:
  - (2) Laying out any Subdivision of land or any addition to the City, or
  - (3) Laying out lots, Streets, alleys, parks or other portions of property intended for public use, or
  - (4) Using lots fronting thereon or adjacent thereto, by purchasers [or] owners of such lots or property.
- (b) Modify any instrument previously adopted for any of the purposes noted herein.

There are two types of processes available through the City by that one may subdivide or modify prior subdivisions. They are:

- (c) **Standard Plat** - Generally applicable for initial platting and modifications of plats and the criteria for an Administrative Plats are not met;
- (d) **Administrative Plat** - Generally applicable for initial platting and minor modifications where no more than 4 lots are involved and that do not require the extension of public infrastructure and other criteria set by the City are met.

### SEC. 1.1.002 DORMANT FINAL SUBDIVISION PLATS

- (a) Expiration of Dormant Final Plats: Council approval of a Final Plat expires at the end of 365 days from the date of Planning & Zoning Commission approval, unless:
  - (1) The Final Plat has been recorded with the Bastrop County Clerk; or
  - (2) In the sole discretion of the Director of Planning & Development, substantial progress has been made on the development.

(3) The Planning & Zoning Commission may, if written request from the Applicant is received prior to the end of the 365-day period, in accordance with the uniform submittal schedule, so that the item can be placed on a Planning & Zoning Commission agenda prior to expiration. An extension for up to 180 additional days, may be granted. Only one such extension shall be granted. If any major changes are requested by the Applicant and/or are required by the Planning & Zoning Commission, the Planning & Zoning Commission may require submission of a new preliminary and/or a new Final Plat.

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## ARTICLE 1.2 PURPOSE, AUTHORITY, JURISDICTION

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### SEC. 1.2.001 AUTHORITY

The procedures of the Subdivision Chapter are authorized under the authority granted by Texas Local Government Code Chapter 212 and the City’s Charter. The provision of this Subdivision Chapter expressly extends to all areas inside the City Limits and throughout the City’s ETJ.

### SEC. 1.2.002 PURPOSE

The provisions of the Subdivision Chapter are intended to provide for the orderly development of the City through the creation of neighborhoods that provide for light, air,

recreation, transportation, water, Drainage, wastewater and other facilities by assuring compliance of land divisions and development with certain Drainage Standards contained in the City’s Drainage Manual, the Subdivision requirements and Standards contained in this Code prior to site preparatory activities on individual lots, tracts or parcels.

### SEC. 1.2.003 APPLICABILITY

The portions of this Subdivision Chapter applies to any non- exempt division or development of land within the City Limits of the City and within its ETJ.

### SEC. 1.2.004 PERMITTING

Street numbers and/or Building permits shall not be issued for the Construction of any Building on any piece of property subdivided after April 20, 1981, unless the property has been subdivided in accordance with this Code, and all required Streets, utilities, Drainage, and other required improvements have been completed and submitted for approval by the City Engineer.

### SEC. 1.2.005 EXCEPTIONS

A recorded Subdivision or development Plat is required prior to the issuance of a building permit with the following exceptions:

- (a) Permits for an Accessory Building not connected to wastewater service.
- (b) Permits for repair or remodeling of an existing Structure that involves no increase in square footage.
- (c) Demolition permits, or permits for Removal of a Structure from a parcel or tract.
- (d) Permits for new Construction or expansion, if all the following criteria are met:
  - (1) The current boundaries of the property existed in the same configuration on April 20, 1981; and
  - (2) The Director of Planning & Development has determined there is no need for additional easements or right-of-way dedication.
- (e) Exceptions for Infill Development:
  - (1) For the purposes of this Subdivision Chapter, an Infill property is land that has been previously developed and/or cleared land within existing neighborhoods.
  - (2) Exceptions to platting in these areas are for:
    - A. Construction of a Residential Dwelling and related Accessory Structures.

- B. Permits for the expansion of existing Building up to a maximum of 50% of the original floor area.

#### **SEC. 1.2.006 DEVELOPMENT MANUAL**

The Development Manual dated October 22, 2019 is hereby adopted by reference as if set forth in full. The Development Manual shall contain specifications and policy guidance necessary to comply with the Texas Local Government Code Chapters 211 and 212 and the City's Subdivision and Zoning Ordinances. The Development Manual may be amended administratively from time to time by the Director of Planning & Development to maintain compliance with state law provisions and the City's Charter.

#### **SEC. 1.2.007 BASTROP BUILDING BLOCK TECHNICAL MANUAL**

The B<sup>3</sup> Technical Manual is hereby adopted by reference as if set forth in full. The B<sup>3</sup> Technical Manual shall contain specifications and policy guidance necessary to comply with the Texas Local Government Code Chapter 212 and the Standards of this Code.



## ARTICLE 1.3 PLATTING PROCEDURES

### SEC. 1.3.001 STANDARD PROCEDURE - PLATTING

- (a) **Plat Required:** Refer to Texas Local Government Code Chapter 212, Subchapter A. Regulations of Subdivisions, Section 212.004 – Plat Required. All plats shall meet the requirements of the B<sup>3</sup> Code. Additional, all plats shall meet the requirements of Ordinance No. 2019-27, Enhanced Permit Review Process, as a condition prior to submitting a plat to the City.
- (b) **Delegation of Approval Responsibility:** The City Council hereby delegates approval authority to the Director of Planning & Development in accordance with Texas Local Government Code Chapter 212, Subchapter A. Regulations of Subdivisions, Section 212.0065.
- (c) **Vacating Plat:** Refer to Texas Local Government Code Chapter 212, Subchapter A. Regulations of Subdivisions, Section 212.013 – Vacating Plat.
- (d) **Replat:** Refer to Texas Local Government Code Chapter 212, Subchapter A. Regulations of Subdivisions, Section 212.014 – Replatting without Vacating Preceding Plat; Section 212.0145 – Replatting without Vacating Preceding

Plat: Certain Subdivisions; Section 212.015 – Additional Requirements for Certain Replats.

- (e) **Amending Plat:** Refer to Texas Local Government Code Chapter 212, Subchapter A. Regulations of Subdivisions, Section 212.016 - Amending Plat.
- (f) Refer to the City of Bastrop Development Manual for checklists and timelines, the B<sup>3</sup> Technical Manual for public notification and Plat submission requirements, and the Uniform Submittal Schedule for specific submittal dates.

### SEC. 1.3.002 PRELIMINARY PLAT

- (a) A Preliminary Plat is required if a property is being subdivided into 4 or more lots, right-of-way dedication with roadway improvements are required, and any public infrastructure is required.
- (b) The purpose of a Preliminary Plat is to determine the general layout of the proposed Subdivision in order to facilitate review by the Planning & Zoning Commission of the proposed Subdivision's Streets and Drainage system, easements, utilities, Building lots, and other lots including Open Space.



- (c) Preliminary plats shall be submitted for approval in accordance with this Section and submission requirements within the B<sup>3</sup> Technical Manual and the City of Bastrop Development Manual and prior to the approval of Construction plans or a Final Plat.
- (d) A Preliminary Plat is not a Permit, but is a procedural precursor necessary for the issuance of a Plat, which is a Permit.
- (e) No Application will be deemed administratively complete and Filed on the next Uniform Submittal Date until the steps below are taken.

(1) **Step 1: Pre-Development Meeting.** In order to submit a Preliminary Plat, a Pre-Development Meeting is required.

A. To schedule a Pre-Development Meeting, Applicants shall be required to submit:

- i. A Sketch Drawing of lots, blocks, and Street layout;
- ii. A concept Drainage plan, as required in Section 2.B.3 of the Stormwater Drainage Design Manual; and

iii. A completed Pre-Development Meeting Application.

B. Staff will review applications for compliance with all existing and applicable state law and City requirements and provide written feedback to the Applicant within 5 business days of the conclusion of the meeting.

(2) **Step 2: Preliminary Drainage Plan.** A preliminary Drainage plan, as required in Section 2.B.4 of the Stormwater Drainage Manual, shall be submitted for approval by the City Engineer along with a geotechnical report by a qualified professional testing laboratory to determine the engineering characteristics of soil, rock and/or fill material such that a geotechnical engineer can then determine and design the type of foundations, earthworks, Drainage infrastructure design, and/or pavement subgrades required for the intended man-made Structures to be built. Once Step 2 is completed, the Applicant can proceed to Step 3.

- (3) **Step 3: Infrastructure Plan.** A schematic Infrastructure Plan shall be submitted to the City Engineer for approval in accordance with Section 1.4.001 - Infrastructure Plan. Once Step 3 is completed, the Applicant can proceed to Steps 4 - 6.
- (4) **Step 4: TxDOT.** All TxDOT requirements in Section 3.2.1 Administration and Review of the B3 Technical Manual must be met and all required TxDOT permits shall be obtained and submitted to the City as a part of the Preliminary Plat submittal.
- (5) **Step 5: Lost Pines Habitat Conservation Area.** If the Preliminary Plat is for property located in the Lost Pines Habitat Conservation Area, a copy of an approved Certification of Participation to Landowners from Bastrop County shall be obtained and submitted to the City as a part of the Preliminary Plat submittal.
- (6) **Step 6: Temporary Construction Easements.** Temporary Construction easements for all infrastructure shall be acquired and submitted to the City as a part of the Preliminary Plat submittal.

### **SEC. 1.3.003 FINAL PLAT**

A Final Plat provides detailed geographic information and associated text indicating property boundaries, easements, Streets, utilities, Drainage, and other information required for the maintenance of public records of the Subdivision of land. A Standard Final Plat shall be submitted for approval to the Planning & Zoning Commission, in accordance with this Code, the B3 Technical Manual, and the Bastrop Development Manual only after a Preliminary Plat is submitted and approved by the Planning & Zoning Commission and all requirements of Article 1.4- Standard Division Design Requirements are met. The Preliminary Plat must be valid at the time the Final Plat is submitted to the City for consideration by the Planning & Zoning Commission.

### **SEC. 1.3.004 PLAT REQUIREMENTS**

See the City of Bastrop Development Manual for timelines, applications, and checklists.

See the B<sup>3</sup> Technical Manual for submission requirements and Plat details.

### **SEC. 1.3.005 WARRANTS AND VARIANCES**

- (a) The Development Review Committee (DRC) has the discretion to approve any Neighborhood Regulating Plan, Public Frontage submittal, Administrative Plat, Site Development, and/or building permit that deviates less than 5% from any specific standard prescribed in the Code.
- (b) If not approved or the deviation is greater than 5%, the Applicant may request a Warrant or a Variance, The type of Application is determined by the DRC.
- (c) The DRC shall have the authority to approve or disapprove administratively a request for a Warrant.
- (d) An Appeal of a Warrant denial by the DRC shall be heard by the Planning & Zoning Commission for action. An Appeal of the Historic Landmark Commission's decision can be made in writing to the City Council within 10 business days of the Historic Landmark Commission's decision.
- (e) Variances processes are further defined in Section 2.4.003 (f) Zoning Board of Adjustment.

### **SEC. 1.3.006 LOTS OF RECORD**

- (a) A Lot of Record Verification is a document provided by the City acknowledging whether a particular tract of land was created lawfully. A legal or lawful division of land is one that was done in compliance with, or prior to, applicable Subdivision regulations which were adopted April 20, 1981. A parcel boundary used for property taxation or conveyed by deed to transfer ownership or title is not necessarily indicative of a lawfully created division of land. A Lot of Record Verification does not make claims as to ownership, title, or boundary locations.
- (b) No Street number and no building permit shall be issued for the Construction of any Building on any piece of property subdivided after April 20, 1981, unless said property has been subdivided in accordance with this Code, and all required Streets, utilities, Drainage, and other required improvements have been completed and approved by the City Engineer.

(c) A Lot of Record will be recognized if the property:

- (1) Was created by a Subdivision procedure; or
- (2) Is currently in the same size, shape, and configuration as it was prior to April 20, 1981, as established by a comparison of property descriptions found in deeds or property transfer documents.
- (3) Is greater than 5 acres with access to a public road and municipal utilities.

(d) Lot of Record Verification:

- (1) A Lot of Record Determination is a document provided by the City acknowledging whether a particular tract of land was created lawfully. A parcel boundary used for property taxation or conveyed by deed to transfer ownership or title is not necessarily indicative of a lawfully created division of land. A Lot of Record Verification does not make claims as to ownership, title, or boundary locations.
- (2) A request for Lot of Record Verification may be submitted to the Director of the Planning and Development.

(3) The Lot of Record Verification Request Form can be found in the Development Manual.

(e) Existing Lot of Record

(1) Existing lots of record may continue in the same configuration without the requirement to Plat until:

- A. Any infrastructure extensions or upgrades are required to serve the Lot, which includes the size of a water or wastewater main line or an extension of water and wastewater main lines to the entire property line. A request for a meter of any utility does not constitute an infrastructure upgrade or extension.
- B. A change of use to a more intense use or a use from Residential to any other use.

## ARTICLE 1.4 STANDARD DIVISION DESIGN REQUIREMENTS

### SEC. 1.4.001 INFRASTRUCTURE PLAN

- (a) **Format.** Drawings shall be 22"x 34" sheets at generally accepted horizontal and vertical engineering scales.
- (b) **Content.** An Infrastructure Plan shall be submitted for approval to the City Engineer as required below. Technical specifications are in the B<sup>3</sup> Technical Manual.
- (c) Prior to submitting a request for a Preliminary Plat, as noted in Sec. 1.3.002, the Infrastructure Plan shall be drawn to scale and shall contain the required information in the City of Bastrop Development Manual Infrastructure Plan Checklist.
- (d) **Submittal.** An Infrastructure Plan Submittal shall contain the following:
  - (1) Completed and signed Planning Application.
  - (2) Agent Authorization Letter.
  - (3) 8 copies of the Infrastructure Plan in compliance with Section 1.4.002 - Development Review Committee.
- (4) 8 prints of the approved preliminary Drainage study by the City Engineer as required in Section 1.3.002 (b) - Step 2.
- (e) **Incomplete Submissions.** All Infrastructure Plan submittals shall be reviewed for completeness and must be deemed administratively complete to be considered Filed. All incomplete submissions will be returned to Applicant. A request for a Plat will not be considered a Filed Application unless an approved Infrastructure Plan is submitted before or at the time of the submission of the request for a Plat.
- (f) **Approval.** Within 30 days of the date that all required information has been accepted for review, the City Engineer shall approve or disapprove the Infrastructure Plan in compliance with the requirements of this Code.

## SEC. 1.4.002 PUBLIC IMPROVEMENT PLAN REQUIREMENTS

Public Improvement Plans shall consist of detailed specifications and diagrams illustrating the location, design, and composition of all improvements identified in the Preliminary Plat phase and required by this chapter and other applicable City ordinances, codes and policies. Public Improvement Plans shall be submitted to the City for approval by the City Engineer. In addition, any Project that necessitates the Construction, Reconstruction or modification of existing City infrastructure shall also be submitted to the City for approval. The plans shall be kept by the City as a permanent record of required improvements in order to:

- (a) Provide sufficient records that facilitate the operation and maintenance of, and any future modifications to existing City infrastructure.
- (b) Provide data for evaluation of materials, methods of Construction and design.
- (c) Provide documentation of approved public improvements to ensure that all such improvements are built to City Standards and specifications as required by the B<sup>3</sup> Technical Manual

(d) No Construction activities shall commence, until such time as Construction plans completely describing the on- site and off-site improvements required by this chapter and other applicable City ordinances and codes have been approved by the City Engineer and Notice to Proceed as been granted.

- (1) **Format.** Drawings shall be on 22"x34" sheets at generally accepted horizontal and vertical engineering scales.
- (2) **Content.** Public Improvement Plans shall include all on- and off-site improvements required to serve the proposed Development as indicated on the approved Preliminary Plat and in compliance with applicable ordinances, codes, Standards and policies of the City, and other applicable governmental entities. All Public Improvement Plans shall be signed and sealed by a licensed Professional Engineer, licensed to practice in the State of Texas, in compliance with Section 1.4.013 - Engineering Seal. The Public Improvement Plan shall be submitted for approval by the City Engineer, in accordance with Section 1.4.002 - Public Improvement Plan Requirements - of this Code after complying with Step 1 and 2 below:

- A. **Step 1:** A final Drainage plan, as required in Section 2.B.5 of the Stormwater Drainage Manual, shall be submitted for approval to the City Engineer along with a geotechnical report by a qualified professional testing laboratory to determine the engineering characteristics of soil, rock and/or fill material such that a geotechnical engineer can then determine and design the type of foundations, earthworks, Drainage infrastructure design, and/or pavement subgrades required for the intended man-made Structures to be built. Once Step 1 is completed, the Applicant can proceed to Step 2.
- B. **Step 2:** A Public Improvement Plan Submittal shall contain the following:
  - i. Completed and signed Planning Application.
  - ii. Agent Authorization Letter.
  - iii. 8 copies of the Public Improvement Plan in compliance with Section 1.4.002 - Public Improvement Plan Requirements - a and b.
  - iv. 8 prints of the approved final Drainage study by the City Engineer as required in Section 1.3.002(b) - Preliminary Plat - Step 2.
- (e) See the City of Bastrop Development Manual for Public Improvement Plan submittal requirements and plan notes.
- (f) **Incomplete Submissions.** All Public Improvement Plan submittals shall be reviewed for completeness and must be deemed administratively complete to be considered Filed. All incomplete submissions will be returned to Applicant on the date listed for completeness checks on the Uniform Submittal Dates adopted annually by City Council.
- (g) **Approval.** Within 30 days of the date that all required information has been accepted for review, the City Engineer shall approve, approve with conditions or disapprove in compliance with Texas Local Government Code Chapter 212.009.

#### **SEC. 1.4.003 PUBLIC IMPROVEMENT PLAN AGREEMENT (PIPA)**

Prior to the scheduling of a Pre-Construction Meeting, a Public Improvement Plan Agreement (PIPA) shall be submitted to the Planning and Development Department for review. The submittal shall be 20 days prior to the desired City Council meeting date. Incomplete agreements will not be accepted by the Planning and Development Department. Within 6 days of the submission the Director of Planning & Development will determine if the agreement is complete. The Director of Planning & Development shall either place the PIPA on the next available regularly scheduled City Council meeting agenda for consideration or deny the submittal for incompleteness. Any deviation, omission, or inaccurate information of required elements on the City of Bastrop standard PIPA shall cause the Director of Planning & Development to deny the submittal. The PIPA shall be approved by the City Council prior to the scheduling of a Pre-Construction Meeting or the issuance of a Notice to Proceed. See the City of Bastrop Development Manual for a standard PIPA format.

#### **SEC. 1.4.004 PRE-CONSTRUCTION MEETING**

Prior to a Pre-Construction Meeting being conducted by the City Engineer, the following must first occur:

- (a) approval of the Public Improvement Plan has been given by the City Engineer;
- (b) a Public Improvement Plan Agreement has been approved by the City Council; and,
- (c) requirements of the Public Improvement Plan Agreement have been satisfied.

No public improvements shall be installed or Construction activities commence prior to a Pre-Construction Meeting or the issuance of a Notice to Proceed. The City Engineer will be responsible for setting the Pre-Construction Meeting Agenda and notifying all required representatives of the meeting.

#### **SEC. 1.4.005 NOTICE TO PROCEED**

A Notice to Proceed Letter will be issued by the City Engineer after the approval of the Public Improvement Plan has been given by the City Engineer, a Public Improvement Plan Agreement has been approved by the City Council, and a Pre-Construction Meeting has been conducted by the City Engineer.



#### **SEC. 1.4.006 INFRASTRUCTURE ACCEPTANCE**

Once Construction of public infrastructure is completed, a walk-through will be conducted by the City Engineer with authorized representative(s). During the inspections, a punch-list will be created and must be completed. At the completion of all items on the punch-list, a 2 year maintenance bond must be Filed in accordance with approved Public Improvement Plan Agreement. A letter shall be submitted to the City from the Applicants engineer certifying that the improvements were built in accordance with the approved Public Improvement Plan. A letter of concurrence will be issued by the City Engineer stating that the improvements were built in accordance with the approved Public Improvement Plan, after which a Final Plat can be submitted to the City in accordance with Section 1.3.003 - Final Plat. Approval of a Final Plat constitutes acceptance of the infrastructure by the City.

#### **SEC. 1.4.007 RECORD DRAWINGS**

Record Drawings, or as-builts shall include the full set of Construction plans with the improvements shown as it was constructed. The record drawings shall reflect the original Site Plans modified to reflect the actual Construction. The plans shall include grading, entrance locations, pavement layout, striping, Curb

and gutter, storm sewers in plan and profile, Building location(s), etc. Detention facilities grading and outlet works shall be shown with a certification that the pond complies with the original design. A digital copy of the record drawing plans shall also be submitted in a format and coordinate system compatible with the City's geographic information system. Record drawing plans shall be submitted along with an engineer's concurrence letter prior to final acceptance

#### **SEC. 1.4.008 EXPIRATION DATE**

- (a) A Public Improvement Plan shall expire 2 years from the date such plan was approved if substantial progress has not been made towards completion of the Project, pursuant to Section 245.005 of the Texas Local Government Code, as amended.
- (b) Any Project, as defined under Chapter 245 of the Texas Local Government Code, as amended, shall expire if not substantially completed on the fifth (5) anniversary of the date the first permit Application was Filed for the Project, pursuant to Section 245.005 of the Texas Local Government Code, as amended.

#### **SEC. 1.4.009 CHANGES IN APPROVED PLAN AND SPECIFICATIONS**

After approval by the City Engineer, any changes in the plans and specifications shall be in compliance with the Preliminary Plat. If not, an amendment to the Preliminary Plat shall

require the approval of the Planning & Zoning Commission on the same timeline and procedure as the original Preliminary Plat. Any changes in the plans and specifications, requiring an amended Preliminary Plat are subject to approval of the City Engineer.

#### **SEC. 1.4.010 FEES**

All fees shall be paid at the time of the submittal in accordance with the Code of Ordinances, Appendix A – Fee schedule.

#### **SEC. 1.4.011 TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) PERMIT REQUIRED**

No person, firm or corporation shall construct, reconstruct, alter or repair, remove or replace any Sidewalk, drive approach, or any concrete work on any TxDOT right-of-way within the City Limits without first obtaining an approved TxDOT permit. A copy of the approved TxDOT permit is required before a Preliminary Plat Application may be submitted for any Project with frontage on TxDOT right-of-way.

#### **SEC. 1.4.012 REQUIREMENT FOR ENGINEERING LICENSE IN THE STATE OF TEXAS**

The Applicant shall retain the services of a Professional Engineer, licensed in the State of Texas, whose seal

shall be placed on each sheet of the drawings, and who shall be responsible for the design and inspection of the Drainage, roads and Streets, wastewater and sewer and water facilities within the subdivision. The services performed by the Engineer shall be designated in the most current issue of “Manual of Professional Practice – General Engineering Service,” published by the Texas Society of Professional Engineers, and shall include both design and inspection as defined therein.

#### **SEC. 1.4.011 TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) PERMIT REQUIRED**

The engineering seal used by a Professional Engineer licensed in the State of Texas must be in compliance with the Texas Board of Professional Engineers.

# CHAPTER 2: ZONING PROCEDURES



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## ARTICLE 2.1 GENERAL

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### SEC. 2.1.001 FEES FOR REVIEW OF ZONING CHANGE APPLICATIONS

- (a) Fees shall be as provided for in the fee schedule. See adopted Fee Schedule in Appendix “A” in the City of Bastrop Code of Ordinances.
- (b) An Application is not administratively complete until all applicable fees have been paid.

### SEC. 2.1.002 FEES FOR REVIEW OF VARIANCE REQUEST OR APPEAL OF SITE PLAN

- (a) Fees shall be as provided for in Appendix “A” in the City of Bastrop Code of Ordinances.
- (b) An Application is not administratively complete until all applicable fees have been paid.

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## ARTICLE 2.2 ZONING ORDINANCE

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Due to the nature of the Zoning Ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only non- substantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent

amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obvious misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets.

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## ARTICLE 2.3 ENACTING PROVISIONS

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### SEC. 2.3.001 PURPOSE

- (a) As authorized by Chapter 211 of the Texas Local Government Code, the Place Type Zoning Standards and Districts, as herein established, have been made in accordance with an adopted Comprehensive Plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural or architectural importance and significance in the City.
- (b) Standards have been designed to lessen the congestion in the Streets; to secure safety from fire, and other dangers; to ensure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks, and other public requirements.

- (c) The Standards for building neighborhoods require distribution of Place Types, to provide lifestyle and living variation that define distinct physical environments of varying degrees of urbanity and Development intensity. The “P” designation represents each Place Type’s relative place on a continuum of low intensity to high intensity Development, from rural-to-urban, with the character and associated Standards of “P5” being more urban than those of “P4”.

#### **SEC. 2.3.002 COMPLIANCE REQUIRED**

- (a) All land, buildings, Structures or appurtenances thereon located within the City Limits that are hereafter occupied, used, constructed, erected, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning Standards prescribed for the applicable Place Type Zoning District that such land or Building is located as hereinafter provided or subject to penalties as per Section 2.5.003 - Action and Penalties for Violations - of this Code. All the Standards prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.
- (b) No uses shall be allowed that are prohibited by state law or that operate in excess of state or national

environmental or pollution Standards as determined by the U.S. Environmental Protection Agency, Texas Air Control Board, Texas Department of State Health Services, or Texas Commission on Environmental Quality, or successor agency.

#### **SEC. 2.3.003 ZONING UPON ANNEXATION**

All territory hereinafter annexed to the City of Bastrop shall be classified as “P2” Rural until other Place Type Zoning is established by the City Council. The procedure for establishing Zoning other than “P2” if or [on] annexed territory shall conform to the procedure set forth in Chapter 2 of this Code.

- (a) Following annexation, the Director of Planning & Development shall schedule public hearings to zone the recently annexed land.
- (b) In an area classified as "P2" Rural:
  - (1) No permit for the Construction of a Building or use of land shall be issued by the Building Official other than a permit that will allow the Construction of a Building permitted in the "P2" District, unless and until such territory has been classified in a Place Type Zoning District other than the "P2" District.

- (2) An Application for a building permit for any proposed use other than those specified in the "P2" District must be made to the Director of Planning & Development. If the Applicant shows that plans and other preparation for developing the property commenced prior to annexation by the City, as established by the Texas Local Government Code Chapter 43, City Council shall authorize the Construction of the Project by a majority vote.

#### **SEC. 2.3.004 ANNUAL ADOPTION OF SCHEDULE OF UNIFORM SUBMITTAL DATES FOR SITE PLANS AND PLACETYPE ZONING CHANGES**

City Council will annually meet in September to adopt a Schedule of Uniform Submittal Dates in order to comply with Texas Local Government Code Chapter 211 for Zoning Changes, and Site Plan applications. The Schedule of Uniform Submittal Dates will include dates when applications will be accepted, when review for completeness checks will occur, when the Planning & Zoning Commission will meet, and/or when Administrative decisions by the Director of Planning & Development will occur.

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## **ARTICLE 2.4 ADMINISTRATION**

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### **SEC. 2.4.001 NONCONFORMING USES, STRUCTURES, AND LOTS**

- (a) Intent of Provisions – It is the intent of this code to keep authentic Bastrop and not create any exceptional hardships or have a disparate impact on any segment of the community or area.
  - (1) Within the districts established by this Code or amendments thereto, exist lots, Structures, uses of land, and characteristics of use that were lawful before this Code was enacted, amended or otherwise made applicable to such lots, Structures or uses, but that do not now conform to the Standards of the Code where they are located. It is the intent of this Code to permit such nonconforming lots, Structures or uses to continue, as long as the conditions within this Section and other applicable sections are met.
  - (2) It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, intensified and not be used as a basis for adding other Structures or uses prohibited elsewhere in the same district.
  - (3) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(b) Nonconforming Status

(1) Any use, platted Lot, or Structure that does not conform with the Standards of the Place Type Zoning District description where it is located shall be deemed a nonconforming use or Structure when:

- A. The use, platted Lot, or Structure was in existence and lawfully operating on the time of the passage of the previous Code passed September 14, 1999, and has since been in regular and continuous use; or
- B. The use, platted Lot, or Structure is a lawful use at the time of the adoption of any amendment to this Code but by such amendment is placed in a district wherein such use, platted Lot, or Structure is not otherwise permitted and has since been in regular and continuous use; or
- C. The use, platted Lot, or Structure was in existence at the time of annexation to the City and has since been in regular and continuous use.

(c) Continuing Lawful Use of Property & Existence of Structures

- (1) The lawful use of land or lawful existence of Structures at the time of the passage of this Code, although such do not conform to the provisions hereof, may be continued; but if said nonconforming use or Structure is discontinued for a period of 6 months or longer, a rebuttable presumption is created that the nonconforming use was intended to be abandoned, any future use of said Premises shall be in conformity with the provisions of this Code.
- (2) Discontinuance of a nonconforming use or Structure shall commence on the actual act or date of discontinuance. Abandonment of a nonconforming Structure shall commence on the act or date of abandonment.
- (3) When a nonconforming use or Structure that does not meet the Development Standards in this Code ceases to be used for a period of 18 months or longer, such use shall not be resumed and proof of such event shall constitute prima facie evidence of an act of abandonment. Any nonconforming use that does not involve a permanent type of Structure or operation and that is moved from the Premises shall be

considered to have been abandoned. Manufactured homes and mobile homes may be replaced once per the Texas Occupations Code.

(4) No nonconforming use, structure, or lot may be expanded, further subdivided, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless:

(a) an application is authorized by the ZBA; or

(b) an application is administratively approved by the Director of Development Services. Administrative approval can be made by the Director of Development Services if:

(1) properties within 500 feet of the adjacent structures or lots have similar encroachments, building standards, lot standards, setbacks, or build-to-lines, or lot sizes, and the application is generally consistent with the surrounding built environment; or

(2) the application is for an Accessory Structure that does not directly increase or expand the characteristics that render the use or structure nonconforming; or

(3) the expansion to the structure does not directly increase or expand the characteristics that render the use or structure nonconforming.

(5) Conforming Residential uses on platted lots

approved prior to this Code, that may now be nonconforming due to stricter Standards, shall be deemed in conformance with this Code as long as the use of the Lot is allowed in the respective district.

(6) Any existing vacant Lot platted prior to the adoption of this Code, that was legally conforming, shall be deemed a conforming Lot subject to the provisions applicable to Lots of Records as defined in Sec. 1.3.013.

(d) Changing Nonconforming Use:

(1) An expansion of a nonconforming Structure is allowed in accordance with the following:

A. A nonconforming use located within a Building may be extended throughout the existing Building, provided:

i. No structural alteration over 50% the total appraised value as determined by the Bastrop County Central Appraisal District, may be made on or in the Building except those required by law to preserve such Building in a structurally sound condition.

ii. No nonconforming use within a Building may be extended to occupy any land outside the Building.

B. Buildings or Structures that have been vacant or abandoned for more than 18 months and do not meet the Standards of this Code shall be allowed to be reoccupied if compliant with ICC, adopted



Bastrop County Health District, and Fire Code and allowed by the Place Type, as determined by the ZBA.

- C. Where a conforming use is located in a nonconforming Structure, the use may be changed to another conforming use by the process outlined in 2.4.001(f) - Completion of Structure. A nonconforming use may not be changed to another nonconforming use.

(e) Restoration of Nonconforming Structure:

- (1) If a nonconforming structure or structure occupied by nonconforming uses are destroyed by fire, the elements, or other unavoidable casualty, it may be rebuilt or repaired if the necessary permits are sought and repairs commence within 2 years of the damage. In rebuilding or repairing the structure it may be expanded by up to 50% beyond the initial footprint. The construction to rebuild or repair structure must comply with current national or international building codes as adopted by the City.

(f) Completion of Structures:

- (1) Nothing herein contained shall require any change in the plans, Construction, or designated use of:
  - A. Buildings or Structures that a building permit has been issued or a Site Plan approved prior to the

effective date of the adopted B<sup>3</sup> Code, or

- B. A Building or Structure for which a complete Application for a building permit was accepted by the Building Official on or before the effective date of these Standards, provided however that such building permit shall comply with all applicable Codes of the City effective on the date such Application was Filed.

(g) Miscellaneous

- (1) Routine repairs and nonstructural alterations shall be permitted if not extending or enlarging the characteristics that render the use or structure nonconforming.
- (2) The act of real estate acquisition of the subject property or nerby property by a government agency shall not render a use or structure nonconforming.

## SEC. 2.4.002 PLANNING & ZONING COMMISSION

### (a) General:

The Planning & Zoning Commission shall function according to the following criteria that establishes membership and operating procedures.

### (b) Created Membership, Officers and Alternates:

(1) There is hereby created, in accordance with Subchapter 211.007 of the Texas Local Government Code and the City's Charter, a Planning & Zoning Commission that shall consist of 9 citizens who reside in the City Limits. At least 3 members shall have a known and demonstrated interest, competence, or knowledge in land use and development as may be exhibited by the following professions: attorney, architect, city planner, design professional, landscape architect, real estate developer, civil engineer, construction project manager, and construction superintendent. Members shall be appointed by the Mayor and confirmed by City Council for a term of 3 years. Terms of 1/3 of the Planning & Zoning Commission shall expire each year upon September 30th, or until a successor is appointed. Vacancies and unexpired terms of members shall be filled by the appointment of the Mayor and confirmed by City Council. These appointments shall be for the remainder of the term.

- (2) Members may be removed from office at any time by a majority vote of the City Council for any reason. All members serve without compensation.
- (3) Attendance requirements for the Planning & Zoning Commission members are set forth in the Code of Ordinances, Section 1.02.002(b), et seq.
- (4) The City staff shall keep minutes of all meetings held by the Planning & Zoning Commission and full record of all recommendations to be made by the Planning & Zoning Commission to the City Council. Minutes shall constitute a report and record of all Planning & Zoning Commission meetings, including hearings.
- (5) A Chair and Vice-chairman shall be elected by the Planning & Zoning Commission from its membership, each to hold office for 1 year or until replaced by a majority vote of the Planning & Zoning Commission.
- (6) Members of the Zoning Board of Adjustment (ZBA) serve as alternates to the Planning and Zoning Commission.

- (7) Additional alternates may be appointed by the Council when it's deemed necessary and occurs in the same manner as the appointment of members.

(c) Quorum and Voting:

- (1) Five members of the Planning & Zoning Commission shall constitute a quorum, and all members, including the presiding chairman, shall have the right of 1 vote each, a quorum being present.
- (2) All actions by the Planning & Zoning Commission shall be by a majority vote of those members present including the passage of any recommendation to the City Council.
- (3) If any member has a conflict of interest, as defined by Chapter 171 of Local Government Code, in review of any item on the Planning & Zoning Commission's agenda, the member shall state such for the record and abstain from any discussion and from voting on the matter.

(d) Meetings:

- (1) The Planning & Zoning Commission shall convene for regular meetings on the last Thursday of January through October, and on the last Thursday prior to Thanksgiving and Christmas holidays in November and December.

- (2) The meetings shall be in the City Hall or other specified locations as may be designated by the Chair or Vice Chair, in the absence of the Chair. Special meetings shall be held at such intervals as may be necessary to orderly and properly transact the business of the Planning & Zoning Commission as called by the Chair or the Director of Planning & Development.

(e) Powers and Duties:

- (1) The Planning & Zoning Commission shall be an advisory body to the City Council and shall make recommendations regarding amendments to the Comprehensive Plan, changes of Place Type Zoning and shall be the final authority for certain plats, as specified in Chapter 1, and they may review and recommend other planning related matters.
- (2) The Planning & Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and the B<sup>3</sup> Code and be prepared to make such recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan and B<sup>3</sup> Code current with the needs and uses of the City. The Planning & Zoning Commission shall serve in an advisory capacity on any planning related item(s) in the City.

(f) Procedure on Place Type Zoning Hearings:

- (3) The procedure and process for Place Type Zoning changes and/or amendments shall be completed in accordance with Section 2.4.005 - Changes & Amendments to All Zoning Ordinances and Districts, and in accordance with Chapter 211 of Local Government Code.

**SEC. 2.4.003 ZONING BOARD OF ADJUSTMENTS (ZBA)**

(a) Creation:

There is hereby created and established a Board to be called the City of Bastrop Zoning Board of Adjustment (ZBA). The ZBA shall hear Appeals from Administrative decisions regarding Zoning, and in appropriate cases, subject to appropriate conditions and safeguards, may authorize Variances from the terms of City of Bastrop B<sup>3</sup> Code.

(b) Membership; Terms of Office:

- (1) The ZBA shall consist of 5 regular members and 2 alternate members who shall be appointed by the Mayor and confirmed by the City Council, in accordance with state law.
- (2) Members of the ZBA shall regularly attend meetings and public hearings of the ZBA and shall serve without compensation.

Attendance requirements for the ZBA members are set forth in the Bastrop Code of Ordinances, Section 1.02.002(b).

- (3) Members of the ZBA can serve as alternates to the Planning and Zoning Commission.
- (4) Any vacancy of a regular member shall be filled by an alternate member only for the unexpired term of the member whose term becomes vacant.

(c) Authority of Board:

- (1) The ZBA has the authority, subject to the Standards established in Sections 211.008 to 211.011 of the Texas Local Government Code and those established herein, to exercise the following powers and perform the following duties:
  - A. Hear and decide an Appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Code;
  - B. Authorize the expansion or continuation of a nonconforming use or Structure; and
  - C. Authorize in specific cases a Variance from the terms of this Code.
  - D. In exercising its authority under "A" above, the ZBA may reverse or affirm, in whole or in part, or modify the

E. administrative official's order, requirement, decision, or determination from which an Appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the ZBA has the same authority as the administrative official.

(2) The concurring vote of 75% of the members of the ZBA is necessary to:

- A. Reverse an order, requirement, decision, or determination of an administrative official;
- B. Decide in favor of an Applicant on the proposed expansion of a nonconforming use or Structure; or
- C. Authorize a Variance from the terms of this B<sup>3</sup> Code.

(d) Limitations on Authority of the ZBA:

(1) The ZBA cannot grant a Variance authorizing a use or Building type other than those permitted in the Place Type Zoning district unless it is a nonconforming use or Structure.

(2) The ZBA cannot to grant a Place Type Zoning amendment. In the event that a request for a Place Type Zoning amendment is pending before the Planning & Zoning Commission or the City Council, the ZBA shall neither hear nor grant any variances with respect to the subject property until final disposition of the Place Type Zoning amendment.

(3) The ZBA cannot grant a Variance for any parcel of property or portion thereof that a Site Plan, Preliminary Plat, or Final Plat, where required, is pending on the agenda of the Planning & Zoning Commission and, where applicable, by the City Council. All Administrative remedies available to the Applicant shall have been exhausted prior to hearing by the ZBA.

(4) If a proposed Site does not conform to the Place Type Zoning District Standards and a Variance has been requested, the Planning & Zoning Commission and/or the City Council may defer its actions until the ZBA has acted on the Variance requests.

(e) Quorum and Voting:

Each case before the ZBA must be heard by at least 75% of its members or alternate members. Meetings of the ZBA are held at

the call of the presiding officer or the Director of Planning & Development. All meetings of the ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings that indicate the vote of each member. The minutes and records of the ZBA shall be filed promptly in the City Secretary's Office and are public records.

(f) Variances:

(1) The ZBA may authorize a Variance from these Standards when, in its opinion, undue hardship will result from requiring strict compliance. In making the findings hereinafter required, the ZBA shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect of such Variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(2) In order to grant a Variance from these zoning Standards, the ZBA must make written findings that undue hardship exists, using the following criteria:

A. Special circumstances or conditions exist that affect the land involved such that the strict application of the provisions of this Code would deprive the Applicant of the reasonable use of the land.

B. The Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant.

C. Granting of the Variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area, and the spirit of the ordinance will be observed. Variances shall be granted only when in harmony with the general purpose and intent of this Code.

D. Granting of a Variance is consistent with the Comprehensive Plan and will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this Code.

E. Granting of a Variance must be predicated on a finding that the Applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, including topography or the exceptional irregularity of the land involved, that are not shared generally by other parcels in the neighborhood or district.

- F. A Variance is to be denied if conditions or circumstances relied on for a Variance were created by a person having an interest in the property.
- G. Financial hardship to the Applicant, standing alone, shall not be deemed to constitute a hardship.
- H. The Applicant bears the burden of proof in establishing the facts justifying a Variance, which shall be documented in the record.

(g) Nonconforming Uses and Structures:

- (1) The ZBA shall have the authority to authorize the expansion or enlargement of a nonconforming use, or the expansion, enlargement or structural Alteration to a Structure containing a nonconforming use, when such an expansion, enlargement or Alteration would not tend to prolong the life of the nonconforming use. Upon review of the facts, the ZBA may establish a specific period of time for the occupancy to revert to a conforming use; and
- (2) To authorize the Reconstruction and occupancy of a nonconforming Structure, or a Structure containing a nonconforming use, where such Structure has been damaged by fire, the elements, or other cause to the extent of more

than 60%, but less than the total, of the replacement cost of the Structure on the date of the damage. Such action by the ZBA shall have due regard for the property rights of the person or persons affected, and shall be considered regarding the public welfare, character of the area surrounding such Structure, and the conservation, Preservation and protection of property; and

- (3) ZBA shall have the authority to authorize the enlargement, expansion, or repair of a nonconforming Structure in excess of 60% of its current value. In such instance, current value shall be established at the time of Application for a hearing before the ZBA.
  - A. If such expansion or enlargement is approved by the ZBA, all provisions of the district that the Structure is located shall apply to the new Construction on the Lot or parcel.
- (4) To authorize a change of use from one nonconforming use to another nonconforming use, provided that, if such change is to a use of a more restrictive classification, the Building or Structure containing such nonconforming use shall not revert to the former lower or less restricted classification. The ZBA may establish a specific period of time for the conversion of

the occupancy to a conforming use. Any change of a nonconforming use consistent with this section shall be in accordance with the provisions of Section 7 of this Code.

- (5) To authorize the occupancy of an abandoned nonconforming Structure. Such action by the ZBA shall have due regard for the Comprehensive Plan, the property rights of the person or persons affected and shall be considered in regard to the public welfare and safety, character of the area surrounding such Structure, and the conservation, Preservation and protection of property.

(h) Procedure for Variances:

- (1) An Application for a Variance shall be made in writing in a form prescribed by the ZBA and shall be accompanied by the required fee in compliance with Appendix A – Fee Schedule, a Site Plan and additional information may be requested in order to properly review the Application. Such information may include, but is not limited to, an existing Plat and Site Building plans.
- (2) The Director of Planning & Development or other authorized official shall visit the Site and the surrounding area where the proposed Variance will apply and shall report their findings to the ZBA.

- (3) The ZBA shall hold a public hearing no later than 45 days after the date the Application for action or an Appeal is filed. Notice of a public hearing shall be provided to all property owners within 200 feet of the affected property within 10 days prior to the public hearing and also published in the official local newspaper within 10 days prior to the public hearing.
- (4) The ZBA shall not grant a Variance unless it finds, based on competent evidence, that each of the conditions in requirements for granting the Variance has been established. The ZBA's findings, together with the specific facts that the findings are based, shall be incorporated into the official minutes of the ZBA meeting that the Variance is granted or denied.
- (5) The ZBA may impose such additional conditions, limitations and safeguards as it deems appropriate upon the granting of any Variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Code.
- (6) Any rights authorized by a Variance that are not exercised within 1 year from the date of granting such Variance shall lapse and may be reestablished only after Application and a new hearing in accordance with this



(i) Appeals of Administrative Decisions:

(1) Any of the following persons may appeal to the ZBA a decision made by an administrative official that is related to a specific Application, address, or Project:

A. A person who:

- i. Filed the Application that is the subject of the decision;
- ii. is the owner or representative of the owner of the property that is the subject of the decision; or
- iii. is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
- iv. any officer, department, board, or bureau of the municipality affected by the decision.

(2) The appellant must file with the ZBA and the official against whom the Appeal is taken a written notice of Appeal specifying the grounds for the Appeal within 20 days after the decision has been rendered. The officer to whom the Appeal is made shall immediately transmit to the ZBA all papers constituting the record of the action that is appealed.

(3) An Appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the Appeal is taken certifies in writing to the ZBA that facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the ZBA or a court of record on Application, after notice to the official, if due cause is shown.

(4) The appellant party may appear at the Appeal hearing in person or by agent or attorney.

(5) If the ZBA finds that the administrative official made an error in the Application or interpretation of the Code in a particular instance, the ZBA may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination that an Appeal is taken, and make the correct order, requirement, decision, or determination.

(f) Judicial Review of Board Decisions:

(1) Pursuant to Local Government Code, Section 211.011, "Judicial Review of Board Decision," persons aggrieved by a decision of the ZBA may present to a court of record a verified

petition stating that the decision of the ZBA is illegal in whole or in part and specifying the grounds of the alleged illegality.

(2) Pursuant to state law, any such petition complaining of the ZBA's decision must be filed with a district court, county court, or county court at law within 10 days after the date of the ZBA's decision is filed in the Planning & Development Department.

(k) Fees:

(1) Fees shall be as provided for in the Fee Schedule. See adopted Fee Schedule in Appendix "A" in the City of Bastrop Code of Ordinances.

(2) A – Fee schedule. See adopted Fee Schedule in Appendix "A" in the City of Bastrop Code of Ordinances.

#### **SEC. 2.4.004 DEVELOPMENT REVIEW COMMITTEE**

(a) Purpose:

The Development Review Committee (DRC) shall be organized to generally ensure compliance by the Applicant with all applicable codes, regulations, laws, ordinances, and plans and to coordinate examination of Development proposals to ensure that all City requirements, established by ordinance, resolution or policy, have been met without conflict.

the Development Review Committee shall have all the power and duties specifically provided for herein.

(b) Organization and Membership. The Development Review Committee shall consist of City staff, those being representatives from:

(1) Planning & Development/Building Inspections.

(2) Engineering Department

(3) Public Works/Parks/Water/Wastewater.

(4) Utility Department

(5) Fire Department

(6) City Manager's Office.

(c) Powers and Duties:

(1) Provide a series of technical reviews and analysis of each Project in a holistic manner to provide quick turnaround reviews, reduce comment conflicts, provide consistent feedback to each Applicant and Project, and ensure all recommendations for disapproval have clear and convincing evidence to meet the requirements state law and this Code.

(2) Approve applications that meet the intent, Standards, and requirements, if no public hearing is required by state law or by the City's Charter.

- (3) Recommend approval or disapproval of exceptions or waivers to Planning & Zoning Commission in accordance with the City's Code of Ordinances and B<sup>3</sup> Technical Manual, or other Standards.
- (4) In May of each year, conduct annual review of all technical manuals and provide a consolidated list of recommendations for City Council considerations, if needed.

#### **SEC. 2.4.005 CHANGES & AMENDMENTS TO ALL ZONING ORDINANCES & DISTRICTS**

##### **(a) Declaration of Policy and Review Criteria:**

The City declares the enactment of these Standards governing the use and Development of land, buildings, and Structures as a measure necessary to the orderly Development of the community. Therefore, no change shall be made in these Standards or the boundaries of the Place Types Zoning districts except:

- (1) To correct any error in the Standards or map.
- (2) To recognize changed or changing conditions or circumstances in a particular area of the City.

- (3) To recognize changes in technology, the style of living, transportation, utilities, law, the economy, or manner of conducting Business.
  - (4) To change the property to uses in accordance with the approved Comprehensive Plan.
- (b) In making a determination regarding a requested Place Type Zoning change, the Planning & Zoning Commission and City Council shall consider the following factors:
- (1) Whether the Place Type characteristics permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
  - (2) Whether the proposed change is in accord with the Comprehensive Plan, any existing or proposed plans for providing public schools, Streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
  - (3) The amount of vacant land currently classified for similar Development in the vicinity and elsewhere in the City, and any special circumstances that may make a substantial part of such vacant land unavailable for Development.

- (4) The recent rate that land is being developed in the same Place Type classification as the request, particularly in the vicinity of the proposed change.
- (5) How other areas designated for similar Development will be, or are unlikely to be, affected if the proposed amendment is approved.
- (6) Any other factors that will substantially affect the public health, safety, or general welfare.

(c) Authority to Amend Ordinance:

- (1) The City Council may from time to time, after receiving a final report by the Planning & Zoning Commission and after public hearings required by law, amend, supplement, or change the Standards herein provided or the boundaries of the Place Types Zoning Districts specified on the Place Type Zoning Map. Any Ordinance Standards or Place Type Zoning District boundary amendment may be ordered for consideration by the City Council, be initiated by City, the Planning & Zoning Commission, or be requested by the owner of the property, or the authorized representative of an owner of the property.

- (2) Consideration for a change in any district boundary line or special zoning standard may be initiated only with written consent of the property owner, or by the Planning & Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an Application and that shown on the City records are different, the Applicant shall submit proof of ownership.
- (3) No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Bastrop, and that are directly attributable to a piece of property requested for zoning shall be allowed to submit a Place Type Zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the Applicant's responsibility to provide evidence or proof that the taxes have been paid.

#### **SEC. 2.4.006 PLACE TYPE EC - EMPLOYMENT CENTER STANDARDS AND PROCESS**

(a) The default Development Standards for properties designated as Place Type EC are the P5 Development Standards as defined in Article 3.2 - Place Type Development Standards.

(1) P5 Building Types, Article 6.5 - Building Types, are not applicable in EC; and,

(2) Lot Occupancy is determined by the Applicant and submittal for approval to the DRC.

(b) New Place Type Zoning change requests to EC:

(1) The Applicant shall submit a Zoning Concept Scheme with all proposed Development Standards as required for a complete Application for a Zoning Concept Scheme submittal.

(2) Work collaboratively with the City to determine the appropriate Standards and Development parameters for the property if P5 Standards conflict with the Project.

A. The determinations for Standards shall follow the sequences as stated in Section 3.2.001.b.;

B. EC will only be permitted in the Character Districts that allow EC Place Types;

C. When determining the base Standards, the treatment of the Public Frontage shall align with the intent of this Code and B<sup>3</sup> Technical Manual Standards.

D. This process will require public hearings in accordance with state law before the Planning & Zoning Commission and City Council.

#### **SEC. 2.4.007 ZONING CONCEPT SCHEME**

(a) Application:

(1) Each Application for a Place Type Zoning change or for an amendment or change to the existing provisions of this Place Type Zoning Ordinance shall be made in writing on an Application form available at the City, Filed with the City and shall be accompanied by payment of the appropriate fee as established by the City of Bastrop, Texas fee schedule. See adopted Fee Schedule in Appendix "A" in the City of Bastrop Code of Ordinances.

(2) Any Application for a Place Type Zoning or for an amendment or change shall require a Zoning Concept

Scheme. The Zoning Concept Scheme shall be submitted by the Applicant at the time of the Place Type Zoning request. The Zoning Concept Scheme shall show the Applicant's intent for the use of the land within the proposed area in a graphic manner, as required, and supported by written documentation of proposals and Standards for Development. The City may prepare Application form(s) that further describe and explain the below requirements.

- (3) See Development Manual for the Zoning Concept Scheme checklist and B<sup>3</sup> Technical Manual for Application requirements.

(b) Public Hearing and Notice:

- (1) Prior to making its report to the City Council, the Planning & Zoning Commission shall hold at least one public hearing on each Application as applicable by state law (Texas Local Government Code Chapter 211, as amended). Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed, within not less than 10 days before such hearing is held. Such notice may be

served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail.

- (2) Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than 15 days prior thereto in the official newspaper of the City. Changes in the ordinance text that do not change Place Type Zoning district boundaries do not require written notification to individual property owners.

(c) Failure to Appear:

- (1) Failure of the Applicant or their representative to appear before the Planning & Zoning Commission or City Council for more than one hearing without an approved delay by the City Manager shall constitute sufficient grounds for the Planning & Zoning Commission or the City Council to table or deny the Application unless the City is notified in writing by the Applicant at least 72 hours prior to the hearing. If the City receives written notification at least 72 hours prior to the hearing, the City shall reschedule consideration of the item for the next regular meeting.

(d) Planning & Zoning Commission Consideration and Report:

- (1) The Planning & Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning & Zoning Commission may defer its report for not more than 45 days from the time it is posted on the agenda or until it has had an opportunity to consider other proposed changes that may have a direct bearing thereon unless a postponement is requested by the Applicant. If the Planning & Zoning Commission has not acted, the request shall be sent to the City Council as a recommendation to deny.

(e) Denial:

- (1) If the Planning & Zoning Commission recommends denial of the Place Type Zoning change request, it shall offer reasons to the Applicant for the denial.

(f) City Council Consideration:

(1) Applications Recommended for Approval by the Planning & Zoning Commission

- A. Every Application that is recommended for approval by the Planning & Zoning Commission shall be automatically forwarded to the City Council for setting and holding of the public hearing. No change, however, shall become effective until after the adoption of an ordinance.

(2) Applications Recommended for Denial by the Planning & Zoning Commission:

- A. When the Planning & Zoning Commission makes a recommendation that an Application should be denied, the request, in its original form, will automatically be placed on the City Council agenda unless requested not to by the Applicant within 10 business days of such action.

(g) Resubmission of Applications:

- (1) No applications for a change of Place Type Zoning classification shall be accepted if a similar Application for the same property has been denied by the City Council within the preceding 12 month period. However, the City Council may, if

requested in writing, reconsider an Application previously denied within a period of 30 days from such denial if such denial was based upon erroneous or omitted information or if substantial new information is presented that was not reasonably available at the time of the original Application submission. Such reconsideration shall only be heard if agreed by 4 or more members of the City Council. No previous denial shall be overturned except by a majority vote of the City Council.

- (2) Written notice of any such reconsideration shall be given by U.S. mail to all property owners within 200 feet of the subject property at least 10 days prior to any reconsideration hearing. All costs of such notices shall be paid by the Applicant for reconsideration prior to any vote on the matter.

(h) City Council Hearing and Notice for Zoning Changes:

- (1) Notice of the City Council public hearing shall be given by publication in the official newspaper of the City, stating the time and place of such hearing, that shall be at least 15 days after the date of publication.

(i) Three-Fourths Vote:

- (1) A favorable vote of three-fourths of all members of the City Council shall be required to approve any change in zoning when written objections are received from 20% of the owners of the area within the required notification area of the adjacent landowners that comply with the provisions of Section 211.006 of the Texas Local Government Code of the, commonly (referred to as the "20% rule").
- (2) If a protest against such proposed amendment, supplement or change has been Filed with the City Secretary, duly signed and acknowledged by the owners of 20% or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending 200 feet therefrom or of those directly opposite thereto extending 200 feet from the Street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths vote of the City Council.
- (3) When the Planning & Zoning Commission makes a unanimous recommendation that a proposed Place Type Zoning change be denied, the request (in its original form) shall require a three-fourths majority vote from City Council for it to be approved.



(j) Final Approval and Ordinance Adoption:

- (1) Upon approval of the Place Type Zoning request by the City Council, the Applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance.
- (2) The Place Type Zoning request shall be approved by the City Council in a Public Hearing and may approve rezoning with conditions.

(k) Joint Public Hearings:

- (1) As authorized in Section 211.007(d) of the Texas Local Government Code, the City Council prescribes the type of notice to be given of the time and place of a public hearing held jointly by the City Council and Planning & Zoning Commission for consideration of a Place Type Zoning change shall be the same as for any other type of hearing on a proposed zoning change.

(l) Procedure for Newly Annexed Land:

- (1) As soon as reasonable, after an annexation ordinance is approved by the City Council, the Director of Planning & Development shall prepare an Application for zoning the newly annexed land from "P2 " Rural to a more permanent Place Type Zoning District. The

Application shall be placed on the Planning & Zoning Commission's agenda. All procedures as set forth in this section shall apply.

(m) Fees:

- (1) Fees shall be as provided for in the Fee Schedule. See adopted Fee Schedule in Appendix "A" in the City of Bastrop Code of Ordinances.

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## ARTICLE 2.5 PENALTIES

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### SEC. 2.5.001 EFFECT OF INTERPRETATION

(a) Applying Provisions:

In interpreting and applying the provisions of this Code, applications shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Code imposes a greater restriction upon the use of buildings or Premises or upon height of buildings, or requires larger Open Spaces than are imposed or required by agreements, the provisions of this Code shall govern.

## **SEC. 2.5.002 ACTIONS AND PENALTIES FOR VIOLATIONS**

### **(a) Stop Work Order:**

The Director of Planning & Development, or other duly authorized City official may order all work, including Site clearing or other Site preparation, stopped on any Site where a significant violation of this Code is found.

### **(b) Legal Action:**

The City Council may direct the City Attorney to initiate injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate correct or remove such unlawful Structure, use or work. The City Attorney is hereby authorized to unilaterally initiate legal action under this section when deemed an urgent necessity to preserve the public health, safety, or welfare. When initiating such legal action without the City Council's prior approval, the City Attorney shall report to the City Council at or before the next regular City Council meeting.

### **(c) Fines for Violations:**

Any person or corporation violating any of the provisions of this Code shall, upon conviction, be fined any sum not exceeding \$2,000.00 and each and every day that the

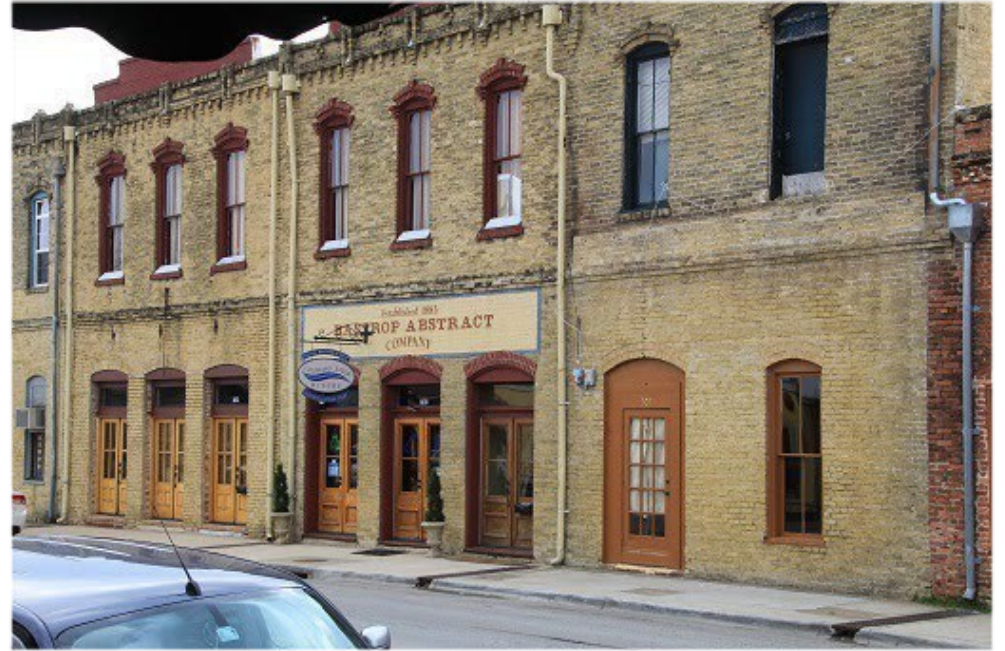
provisions of this Code are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

## **SEC. 2.5.003 VALIDITY**

### **(a) Effect of Invalid Sections:**

If any section, paragraph, Subdivision, clause, phrase, or provision of this Code shall be adjudged invalid or held unconstitutional, the same shall be deemed severable and shall not affect the validity of this Code as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

# CHAPTER 3: PLACE TYPE ZONING DISTRICTS



## ARTICLE 3.1 PLACE TYPE ZONING DISTRICTS

### SEC. 3.1.001 GENERAL

The establishment of Place Types in the City of Bastrop, Texas, are intended to promote compatible patterns of land use and Site Development consistent with the City's adopted Comprehensive Plan.

### SEC. 3.1.002 PLACE TYPES ESTABLISHED

The City of Bastrop is hereby divided into 8 Place Types that are established in Section 3.1.005. All land within the City Limits shall be classified into one of the following Place Type Zoning Districts in Section 3.1.005.

- (a) A summary of the Standards of the Place Type Zoning Districts is included in 3.2 Place Type Standards, Article 6.5, Building Types, and Article 6.7 Building Standards by Place Type.
- (b) Place Types form the foundation of how Building intensities will be distributed throughout new neighborhoods and Infill Development.
- (c) Place Types establish areas from rural to urban and provide for the creation of holistic human settlements.

### SEC. 3.1.003 PLACE TYPE ZONING MAP PLACEMENT

The boundaries of Place Type districts set out herein are delineated upon a Place Type Zoning Map of the City, adopted as part of this Code as fully as if the same were set forth herein in detail.

- (a) One original of the Place Type Zoning Map shall be Filed in the office of the City Secretary. This copy shall be the official Place Type Zoning Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
- (b) A copy of the original Place Type Zoning Map shall be placed in the office of the Director of Planning & Development. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may be made of the official Place Type Zoning Map or this copy.

### **SEC. 3.1.004 PLACE TYPE ZONING MAP BOUNDARIES**

(a) The district boundary lines shown on the Place Type Zoning Map are usually along Streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official Place Type Zoning Map:

- (1) Boundaries indicated as approximately following the centerline of Streets, highways, or alleys shall be construed to follow such centerline.
- (2) Boundaries indicated as approximately following platted Lot lines shall be construed as following such Lot lines.
- (3) Boundaries are indicated as approximately following City Limits shall be construed as following the City Limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
- (5) Boundaries indicated as following the centerline of all creeks, streams, or Drainage-ways shall be construed to follow such centerline, and in the event of change in

the centerline, shall be construed to move with such centerline.

- (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning maps shall be determined by the scale of the map.
- (7) Whenever any Street, Alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the Place Type Zoning District line adjoining each side of such Street, Alley, or other public way shall be automatically extended to the centerline of such vacated Street, Alley, or way and all areas so involved shall then and henceforth be subject to all Standards of the extended districts.
- (8) The zoning classification applied to a tract of land adjacent to a Street shall extend to the centerline of the Street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the Street.
- (9) Where physical features on the ground are at Variance with information shown on the official zoning district

map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections 1 through 8, the property shall be considered as classified, "P2" Rural, in the same manner as provided for newly annexed territory.

(10) Valid zoning changes made between April 30, 1991 and the date of the passage of this Code, are indicated in approximate locations on the Place Type Zoning Map. For exact legal descriptions, refer to adopting ordinances for each particular zoning change.

(11) Place Type Overlays shall be depicted on the Place Type Map.

## SEC 3.1.005 PLACE TYPE ZONING DISTRICTS TABLE



### P1 - Nature

Lands in a natural state or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. P1 is intended to preserve areas that contain sensitive habitats, active or passive Open Spaces, parks and limited agriculture uses.





### **P2: Rural**

Rural living and sparsely settled lands to be located in a manner that does not cause a nuisance to a more intensely inhabited areas. P2 consists of sparsely settled lands in open or cultivated states that may include food production.



### **P3: Neighborhood**

Low density Residential areas. P3 is adjacent to higher Place Types that have some mixed use buildings. Planting is naturalistic and setbacks vary from relatively deep to shallow. The roads and blocks may be irregular to accommodate natural conditions.



### **P4: Mix**

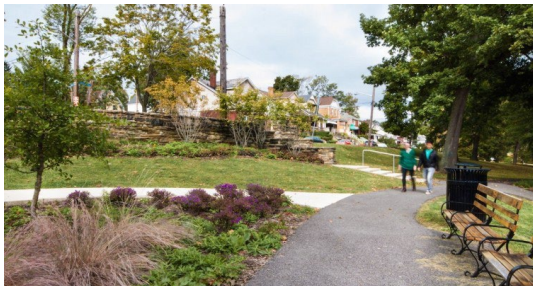
More intense Building Types that provide more lifestyle choices. It provides for a mix of Residential Building Types. Commercial and Office uses are allowed in this District only in House form Structures. Because P4 is a transition area, the Street Types consists of multimodal Streets, but are primarily Residential urban fabric.





### **P5: Core**

Higher density mixture of Building Types that accommodate commercial, retail, offices, row houses, and apartments. It has a tight network of Streets, with wide sidewalks, steady Street Tree plantings, and buildings set close to the sidewalks. P5 is a highly walkable area. A continuous line of buildings is critical to define the Public Frontage and allow for visible activity along the Street edge.



### **CS: Civic Space/Civic Building**

Civic Spaces and/or Civic Buildings serve as community features appropriate to their Place Types. Civic Spaces provide relief from the urban environment inside each neighborhood.



### **EC: Employment Center**

Areas that by their function, deposition, or configuration cannot, or should not, conform to one or more of the Place Types. EC shall be used for job creation centers and Building forms that do not fit within the character of the Place Types.



### **PDD: Planned Development Districts**

Planned Development Districts are master planned developments that allow a mix of land uses and design Standards. Each area has specific concept and Development plans that determine Street connectivity, Lot layout, and Building design.

### SEC 3.1.006 PLACE TYPE OVERLAYS

(a) Place Type Overlays are established through the zoning process and provide regulations in addition to the base Place Type designation.

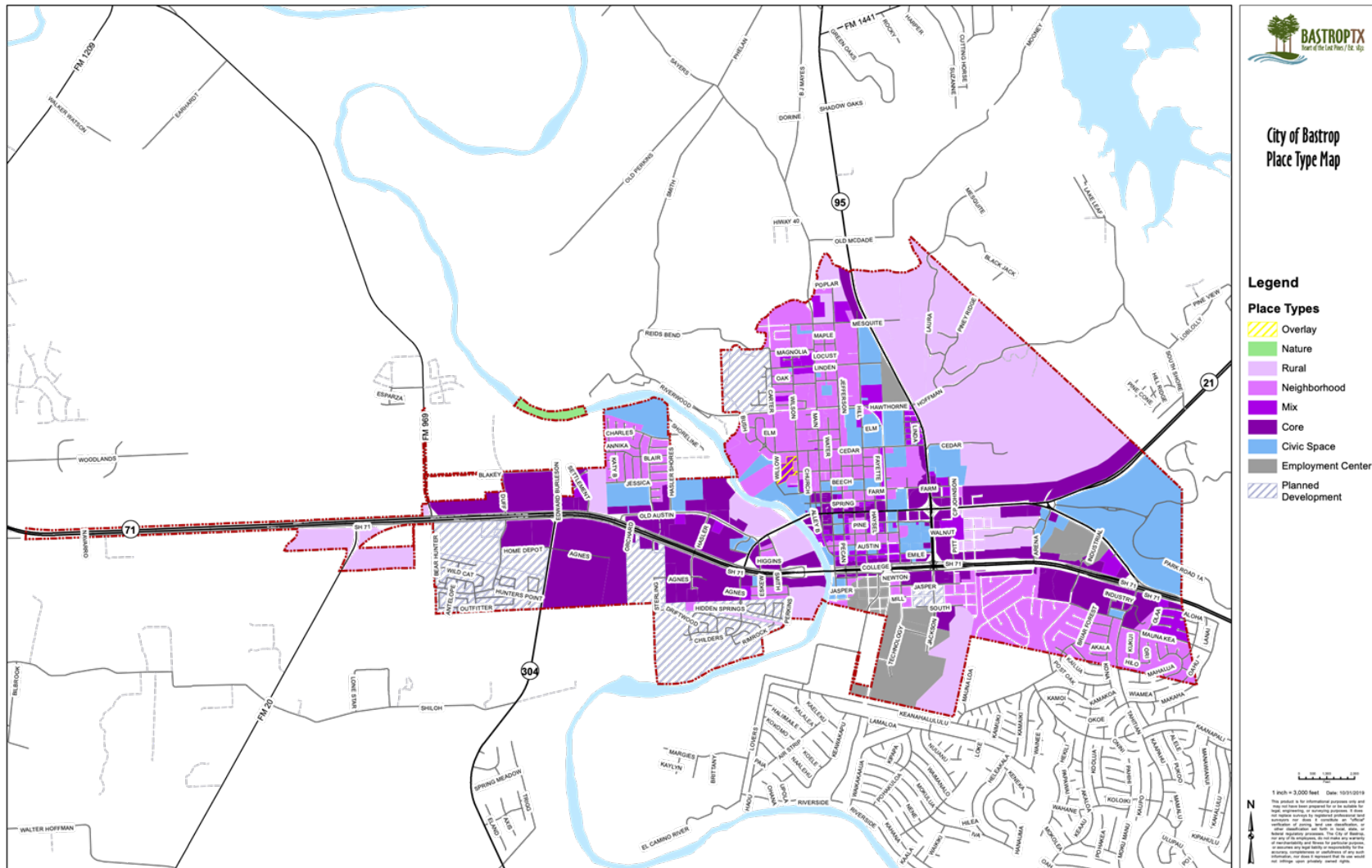
(b) LCRA Overlay



(1) The LCRA Overlay is hereby established and applies to property within the subdivision called Resubdivision No. 2 The Compound, Lots 1, 2, 3, 4, 5 and depicted on the location map above.

(2) This overlay restricts the height to 2.5 stories with a maximum height of 35 feet and prohibits Apartment Buildings. Story and Apartment Building are defined in Chapter 10.

## SEC 3.1.007 PLACE TYPE ZONING MAP



Legislation regarding Geospatial Data Products mandates that a City must provide certain notice on each map that: (1) is created or hosted by the City; (2) appears to represent property boundaries; and (3) was not produced using information from an on-the-ground survey conducted under the supervision of a registered professional land surveyor. The notice must, in essence, read as follows: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries." Tex. Gov't Code §2051.102

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## ARTICLE 3.2 PLACE TYPE STANDARDS

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### SEC 3.2.001 ALLOCATION & SEQUENCE OF PLACE TYPE DETERMINATION

(a) Determination of Place Type designations shall be made based on the following factors considered in the following sequence:

- (1) Geographically sensitive Development Patterns;
- (2) The existing Streets and Master Thoroughfare Plan;
- (3) Proximity to existing Place Types (built or entitled);
- (4) Size of new Development; and
- (5) Pedestrian Shed Distribution.

(b) The City of Bastrop shall have the following assigned percentages of each Pedestrian Shed allocated to the established Place Types. Before preparing a Neighborhood Concept Scheme the Applicant must review permitted Development Patterns and the associated Standards. Place Type percentage allocation per Pedestrian Shed as described in Article 3.3:

P1-Nature	Varies
P2-Rural	Varies
P3- Neighborhood	10-35%
P4 - Mix	25-75%
P5 - Core	5 - 20%
CS – Civic Space	10% Min.
EC – Employment Center	No Min.
PDD – Planned Development District	No Min.

### **SEC 3.2.002 NEIGHBORHOOD REGULATING PLAN**

- (a) All areas within the City of Bastrop more than 3.4 acres that do not require Place Type Zoning changes will require a Neighborhood Regulating Plan. Place Types shall be assigned through the creation of a Neighborhood Regulating Plan.
- (b) The process for creating a Neighborhood Regulating Plan is described in the B<sup>3</sup> Technical Manual Article 2.3 - Neighborhood Regulating Plan.
- (c) Neighborhood Regulating Plans must provide the Street Types, location and sizes of proposed Streets consistent with the Transportation Master Plan, and the Block requirements of this Code. It must contain Place Type allocation as defined in Section 3.2.001.b and be reflective of Section 4.2.001 Character District Descriptions & additional Standards.
- (d) A Neighborhood Regulating Plan must adhere to the Pedestrian Shed Map, Sec. 3.3.001, and must be reviewed and comply with the percentages of 3.2.002(b).

### **SEC 3.2.003 NEIGHBORHOOD REGULATING PLAN EXEMPTIONS**

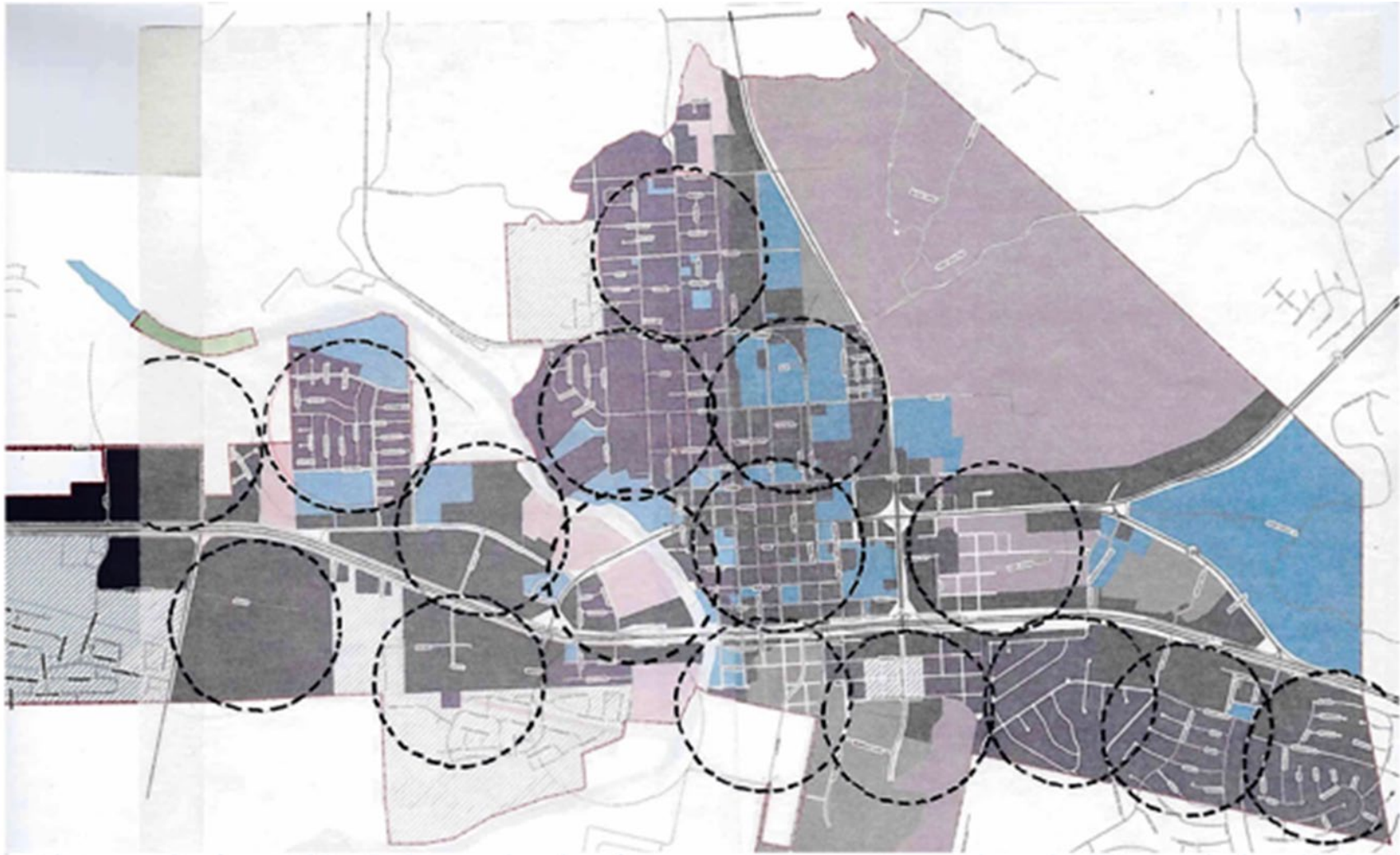
- (a) All areas within the City of Bastrop over 3.4 acres on a platted Lot not seeking to develop.

### **ARTICLE 3.3 PEDESTRIAN SHED**

- (a) In TND developments, every 1/4 mile radius or “Pedestrian Shed,” i.e. approx. 80 acres or 6 Farm Lots, is to contain a mix/allocation of Place Types that reflect the Character District. Measuring Development by the Pedestrian Shed will ensure walkable neighborhoods are created.
- (b) The Pedestrian Shed is the area encompassed by the walking distance from a town or neighborhood center. They are often defined as the area covered by a 5-minute walk (about 0.25 miles or 1,320 feet) from the center.
- (c) Pedestrian Sheds in VCD or CLD Development Patterns vary in size and are prescribed in Article 5.2 Development Patterns Standards.



### SEC. 3.3.001 CITY OF BASTROP MASTER PEDESTRIAN SHED MAP



Legislation regarding Geospatial Data Products mandates that a City must provide certain notice on each map that: (1) is created or hosted by the City; (2) appears to represent property boundaries; and (3) was not produced using information from an on- the-ground survey conducted under the supervision of a registered professional land surveyor. The notice must, in essence, read as follows: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries." Tex. Gov't Code §2051.102

# New Neighborhood Regulating Plan

## Pedestrian Shed Example

For Illustrative Purposes Only

### B3 Code Requirements

P1 - Nature	no minimum
P2 - Rural	no minimum
P3 - Neighborhood	10-35%
P4 - Mix	25-75%
P5 - Core	5-20%
CS - Civic Space	10% min

### Neighborhood 1

P2	P3	P4	P5	CIVIC	EC	Total
25.9	16.9	19.7	8.1	6.1	0.0	76.8
34%	22%	26%	11%	8%	0%	100%

### Neighborhood 2

P2	P3	P4	P5	CIVIC	EC	Total
11.2	17.8	26.3	7.0	5.8	0.0	68.0
16%	26%	39%	10%	9%	0%	100%

### Neighborhood 3

P2	P3	P4	P5	CIVIC	EC	Total
13.0	9.7	22.6	11.9	19.5	18.7	95.3
14%	10%	24%	13%	20%	20%	100%

### Total

P2	P3	P4	P5	CIVIC	EC	Total
50.1	44.4	68.5	27.0	31.4	18.7	240.0
21%	18%	29%	11%	13%	8%	100%



Legislation regarding Geospatial Data Products mandates that a City must provide certain notice on each map that: (1) is created or hosted by the City; (2) appears to represent property boundaries; and (3) was not produced using information from an on-the-ground survey conducted under the supervision of a registered professional land surveyor. The notice must, in essence, read as follows: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries." Tex. Gov't Code §2051.102



## ARTICLE 3.4 PLANNED DEVELOPMENT DISTRICTS

### SECTION 3.4.001 TITLE

This article shall be commonly cited as the “Planned Development District Ordinance.”

### SECTION 3.4.002 SCOPE

This article applies to all property within the incorporated municipal boundaries (i.e.; “city limits”), and may also extend to the extraterritorial jurisdiction (“ETJ”) to the extent owners are willing to be voluntarily annexed into the city concurrently with the adoption of the planned development district.

### SECTION 3.4.003 DEFINITIONS

(a) General. Words and phrases used in this article have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in this code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for

reference purposes only.

(b) Specific.

**Applicant:** The person or entity applying for a PD district, that being the owner of fee simple title of the real property covered by the PD district, or a prospective purchaser, agent, representative, or developer of the property providing the city with written Power of Attorney evidencing authority to represent the owner and bind them in contract.

**City Manager.** The chief administrative officer of the city. The term may also include the deputy city manager, director of planning and development, or any other agent of the city specifically designated by the city council to perform the duties of the city manager, as set out in this article.

**PD master plan:** A development plan that serves as the basis for the enactment of a planned development district. The plan may be for one or more lots. The plan depicts the existing and proposed conditions of the lot, including: water features; landscaping and open spaces; walkways, means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; screening devices; and any other information required by this article. A PD master plan is not required to have an engineer's seal.

Site plan: An engineered development plan serves as the basis for the issuance of a site development permit, in accordance with the city's site development ordinance.

### **SECTION 3.4.004 PURPOSE; NATURE OF DISTRICT**

#### **(a) Purpose**

- (1) This article provides standards and procedures for the legislative creation of specialized zoning districts that are crafted specifically for certain land endeavors. Planned development districts are intended to allow flexibility and encourage creative land use and site development while providing natural resource preservation and protecting adjoining properties. Through planned development districts the city is better able to give developers the flexibility they need for complicated projects, while protecting the public interest by mitigating externalities related to traffic, noise, aesthetics, lighting, and drainage.
- (2) Planned development districts are established by ordinance and, thus, are not agreements, although often they are developed through negotiations between the city and applicants.
- (3) PD agreements may be negotiated and entered into by the City and the applicant as a separate companion instrument addressing mutually agreed upon terms, conditions, and/or arrangements related to the PD district being created but beyond the scope of the PD ordinance.

- (4) Unless clearly stated in the ordinance creating the PD district, the development project must comply with all applicable city regulations. PD districts are intended to implement generally the goals and objectives of the city's comprehensive plan. PD districts are also intended to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- (a) To provide for superior design of lots or buildings;
- (b) To provide for increased recreation and/or open space opportunities for public use;
- (c) To provide amenities or features that would be of special benefit to the property users or community;
- (d) To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewsapes, and wildlife habitats;
- (e) To protect or preserve existing historical buildings, structures, features, or places;
- (f) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and

- (g) To meet or exceed the present standards of this article.
- (b) Nature of district. Each PD district shall be a freestanding zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses.

### **SECTION 3.4.005 MINIMUM STANDARDS**

- (a) Standards by ordinance. Minimum standards proposed for the PD District must be incorporated within an ordinance adopted by the city council. In the adopting ordinance, the city council may incorporate minimum standards by making reference to a standard zoning district.
- (b) Land use.
  - (1) Uses. An application for a PD district shall specify the use or the combination of uses proposed, particularly if any of the proposed uses are not allowed by right in the base zoning district.
  - (2) Base district. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The particular zoning district must be stated in the granting ordinance.
  - (3) Variances. All applications to the city shall list all requested

variances (deviations, waivers, or warrants) from the standard requirements set forth throughout the B3 Code (applications without this list will be considered incomplete).

- (4) Conditional Use. Conditional use permits allowed in a base zoning district may be allowed in a PD only if specifically identified at the time of PD approval. And f specifically cited as an "additional use" in the ordinance establishing the PD. Additional uses included in the PD ordinance shall then be allowed by right in the PD district.
- (5) Location. The location of all authorized uses shall be consistent with the PD master plan and the PD site plan.
- (6) Residential uses. Unless otherwise provided by the PD ordinance, the following standards shall apply to all residential uses within a PD district.
- (7) Density. Except on the basis of exceptional design and provision of enhanced open space. residential density shall be no smaller than the lot sizes allowed in the base zoning district for each type of housing except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.
- (8) Drainage. Drainage features shall be integrated into the design of the development and shall be contained within

ponds and streams with a natural appearance wherever possible.

(c) Open space standards.

(1) Public or private. Unless otherwise provided by the PD ordinance, a site appropriate area or areas within the entire PD District shall be devoted to open space. Open space for PD districts may be satisfied by space that can be classified as public, such as a central gathering space, or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to the city's general requirements for landscaping and buffering. Public open space shall be dedicated to the city.

(2) Preservation of natural features. Unless otherwise provided by the PD ordinance or PD master plan:

(a) Floodplain areas shall be preserved and maintained as open space; and

(b) Significant stands of native trees shall be preserved and protected from destruction or alteration pursuant to a tree preservation plan submitted to the city by the applicant.

(3) Open space allocation and preservation. Open space requirements shall be satisfied for each phase of a multi-

phased development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the city that such open space will be provided. The city may require that all open space within the PD district must be provided prior to completion of development within the PD district.

(d) Height regulations. Unless otherwise provided by the PD ordinance, height regulations for uses shall be those established within the city's zoning regulations for the base zoning district.

(e) Area regulations. Unless otherwise provided by the PD ordinance, area regulations for uses shall be those established within the city's zoning regulations for the base zoning district. The minimum allowable size for a PD shall be one acre.

### **SECTION 3.4.006 MASTER PLAN**

(a) Mandatory. The PD master plan is mandatory step in the creation of a PD district. It establishes general guidelines for the PD district by identifying the proposed land uses and intensities, building locations, building footprints, thoroughfare locations, and open space boundaries, including any proposed public trail systems. The PD master plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district.

(b) Compliance with approved plans. Except as otherwise provided by the city's subdivision regulations, no development shall begin and no building permit shall be issued for any land within a PD district until a PD site plan that is substantially consistent with the PD master plan has been approved. Each PD district shall be developed, used, and maintained in compliance with the approved PD master plan, and subsequently conforming site plans, for the PD district, as per the city's site development ordinance.

(c) Establishment of District.

(1) Zoning amendment. The procedures for establishing a PD district shall be as for any other type of zoning request, except that more information is typically needed along with the request, and a master plan shall be submitted along with the request.

(2) Application. An application for the establishment of a PD district shall be submitted in accordance with this article. The application shall include:

(A) A PD master plan;

(B) A list of proposed PD district development standards;

(C) Identification of a zoning district, if any, which shall apply to the extent not otherwise provided by the PD master plan or by the proposed PD district development standards;

(D) A master plan informational statement: and

(E) A traffic impact analysis, unless waived by the city council.

(d) Governing regulations. Except to the extent provided by the PD master plan and the PD ordinance, development within the PD district shall be governed by all of the ordinances, rules, and regulations of the city in effect at the time of such development, including the standards of the zoning district identified in the application.

(e) Conflict. In the event of any conflict between the PD master plan, the PD ordinance, and/or the ordinances, rules, and regulations of the city in effect at the time of the establishment of the PD, the terms, provisions, and intent of the PD master plan and PD ordinance shall control.

(f) PD master plan requirements.

(1) A master plan shall be submitted along with a PD zoning request, and shall be processed simultaneously with the PD

zoning request. The master plan shall be reviewed by the city's development review team. If the PD zoning application is approved, the PD master plan shall be incorporated and made a part of the PD ordinance.

(2) Development standards. Proposed PD district development standards shall be processed simultaneously with the PD zoning application, and if the PD zoning application is approved, such standards shall be incorporated as part of the PD ordinance. Such proposed development standards may include, but shall not be limited to, uses: density: lot size: building size: lot dimensions: setbacks: coverage: height: landscaping: lighting: screening: fencing: parking and loading: signage: open space: drainage: and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD ordinance, shall be considered as regulatory standards. In the event of any conflict, the more stringent standards shall apply. At the city manager's discretion, the city manager may waive any of the items listed in this subsection. The city council may require submission of the above information or any other item deemed necessary by the council for creation of a PD district.

(3) Information statement. A PD master plan shall be

accompanied by an informational statement containing the information set forth below. If the PD zoning application is approved, the informational statement shall be binding on the applicant and the owner, but shall not be considered part of the PD master plan or the PD ordinance. If the PD master plan and the PD ordinance conflict in any way, the PD ordinance shall be considered the controlling document. Informational statements shall be updated concurrently with any amendment to the PD master plan. Each statement shall include the following:

- (A) A general statement setting forth how the proposed PD district will relate to the city's comprehensive plan;
- (B) The total acreage within the proposed PD district;
- (C) If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
- (D) An aerial photograph with the boundaries of the PD master plan clearly delineated.

(g) Master plan amendment.

(1) PD master plans. PD master plans, excluding informational statements, are considered part of the PD ordinance. Any substantive amendment to a PD master plan, as determined by the city manager, shall be considered a zoning change. Nonsubstantive modifications may be approved by the city manager.

(2) PD site plans. PD site plans are not considered part of a PD ordinance. Except as otherwise provided within this subsection, any amendment/revision to an approved site plan shall be in accordance with the city's site development ordinance.

(h) Lapse of master plan. A PD master plan shall expire after a period of one year (365 calendar days) if substantial progress is not demonstrated in the form of approval of a site development plan.

(i) Extension and reinstatement. Extension of a PD master plan or site plan shall be in accordance with the following:

(1) Prior to the lapse of approval for a PD master plan, the applicant may request that the city, in writing, extend the plan approval. Such request shall be considered at a public meeting before the P&Z and the city council, and an extension may be granted by city council at such meeting. Two extensions of six months each in length may be

granted, unless otherwise specified by ordinance. If no petition for extension of PD master plan approval is submitted, then the plan shall be deemed to have automatically expired by operation of law and shall become null and void.

(2) Determination of extension. In determining whether to grant a request for extension, the city council shall take into account the reasons for the lapse, the ability of the applicant to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The P&Z and city council shall either extend the PD master plan or deny the request, in which instance the originally approved plan shall be deemed null and void. However, the two aforementioned extensions shall not be unreasonably withheld without due cause.

(j) Contents and format of master plan.

(1) Objective. A PD application and the master plan must include enough information to allow the city to plan for infrastructure and to demonstrate that the plan will be an enhancement to the city, while allowing for flexible and creative planning

(2) Scale. The master plan shall be prepared at a scale no smaller than one inch equals 200 feet and on sheets 24 inches by 36 inches.

(3) Contents. The master plan shall show the following:

(A) A title block within the lower right-hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and applicant, the land planner, engineer, architect, or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of the county;

(B) A vicinity or location map that shows the location of the proposed development within the city or its extraterritorial jurisdiction and in relationship to existing roadways;

(C) The boundary survey limits of the tract and scale distances with north clearly indicated;

(D) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land,

including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;

(E) The existing zoning and existing and proposed uses on adjacent land; the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year floodplain, if applicable; any other important natural features (such as rock outcroppings, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;

(F) Proposed strategies for tree preservation, which may include showing individual trees or tree masses that will be preserved, and the techniques that will be



used to protect them during construction;

- (G) The layout and width, including right-of-way lines and curblines, of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
- (H) A general arrangement of land uses and buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, and public or private open space; floodplains and drainageways; and other pertinent development-related features; and
- (I) The phasing scheduled for the development.

#### **SECTION 3.4.007 SUBMISSION AND REVIEW PROCESS**

- (a) Submission of complete application.
  - (1) For the purpose of this article, the “official submission date” shall be the date upon which a complete application for approval of a PD, that contains all elements and information required by this article, is first submitted to the city manager. No application shall be deemed officially submitted until the city manager determines that the application is administratively complete and a fee receipt is issued by the city.
  - (2) PD master plan applications that do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a P&Z agenda until the proper information is provided to city staff.
- (b) Additional Information. The city’s staff may require information and data other than that set out in this section for specific PD master plans. This information data may include but is not limited to: geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed

development. hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a PD may establish conditions for construction based upon such information.

(c) Principles and standards for review.

(1) The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the city, and to ensure that all developments are, to the best extent possible, constructed according to the city's codes and ordinances.

(2) The city manager shall review the PD for compliance with all applicable city ordinances and with the comprehensive plan; for harmony with surrounding uses and with long-range plans for the future development of the city; 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.

(3) PD review and evaluation by the city manager shall be performed with respect to the following:

(A) The plan's compliance with all provisions of the zoning ordinance and other ordinances of the city.

(B) 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.

(C) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.

(D) The provision of a safe and efficient vehicular and pedestrian circulation system.

(E) The general design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

(F) 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.

(G) The coordination of streets so as to arrange a convenient system consistent with the transportation plan of the city.

(H) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from

adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.

- (I) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
- (J) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (K) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- (L) Protection and conservation of watercourses and areas subject to flooding.
- (M) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (N) Consistency with the comprehensive plan.

(d) Approval Process.

- (1) Pre-application conference. The applicant(s) shall consult with the city manager, director of planning and development,

and/or other designated administrative officers before preparing a concept plan in order to save time and money, and to avoid potential unnecessary delays.

- (2) Prior to formal application for approval of any PD. the applicant(s) shall request and attend a pre-application conference with the city manager, city director of planning and development, and any other pertinent city official(s) in order to become familiar with the city's development regulations and the development process.
- (e) City staff review. Upon official submission of a complete application for PD approval, the city shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the city manager, director of planning and development. and any other pertinent city official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable city regulations.
- (f) Supplementation and corrections. Following city staff review of the plan and supporting documents. and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected or supplemented plan to the city manager within 60 calendar days following the date on which the applicant received official notification of the completion of the

review by the city manager.

(g) Approval by City Manager. Prior to consideration by the P&Z or city council, all PD proposals must be reviewed by the city manager. At the city manager's discretion, the city manager may forward a PD proposal to the P&Z and council with or without a recommendation.

(h) Action by P&Z/city council.

(1) The P&Z shall review the PD application and shall recommend approval, approval subject to certain conditions, or disapproval of the PD. If the P&Z recommends approval, with or without conditions, of the plan, then it will be forwarded to the city council for consideration.

(2) The city council shall consider the PD application at a public meeting following receipt of a determination by the P&Z. The city council may also, where appropriate, remand the PD application back to the P&Z for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony.

(i) Public hearing and notice.

(1) The P&Z shall hold at least one public hearing on proposed amendments to the PD ordinance.

(2) Notice of the P&Z hearing shall be accomplished by

publishing the purpose, time, and place of the public hearing in the official newspaper of the city or as otherwise allowed by state law before the 15th day before the date of the public hearing.

(3) Written notice of the public hearing to occur before the P&Z shall also be sent to all owners of property, as indicated by the most recently approved city tax roll, that are located within the area of application and within 500 feet of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.

(j) Administrative fees. The city shall impose its standard fees for the negotiation, preparation and implementation of PDs. These fees shall be established by the city council in accordance with the city's fee schedule. The city may also recoup from applicants any out-of-pocket expenses related to professional services the city requires in order to design the PD and related instruments.

(k) Grandfathering. PD districts are an option available to developers and the city. PD districts do not constitute a permit required by law. For purposes of Texas Local Government Code chapter 245, the "project" shall be the endeavor described in an approved PD master plan for an approved PD district.

# CHAPTER 4: CHARACTER DISTRICTS



## ARTICLE 4.1 GENERAL

### SEC. 4.1.001 INTENT OF CHARACTER DISTRICTS

(a) Intent:

- (1) Character Districts are the largest regulating geographic boundary in the Code. The boundaries are intended to have Standards that align with the natural landscape and the patterns of Development established on the land. Development Patterns, Place Types, and Streets Types are localized and represented in the Standards.
- (2) This Article governs the preparation of a Character District Map that allocates identity and special Standards to areas within the City of Bastrop.
- (3) Character Districts shall integrate the largest practical geographic area, overlapping property lines, as necessary, and municipal boundaries, if possible.

### SEC. 4.1.002 CHARACTER DISTRICTS ESTABLISHED

(a) Generally:

- (1) The City Council hereby adopts the City of Bastrop Character District Map (hereafter referred to as the “Character District Map”), that is on file with the

Director of Planning & Development. The Character District Map is hereby incorporated into this Code by reference as though it were fully included here.

(b) B<sup>3</sup> Character Districts Established:

- (1) The location and boundaries of the districts in this Article are hereby established and will be shown on the Character District Map.

(c) Interpretation of District Boundaries:

- (1) The Planning and Development Director will be initially responsible for interpretations of the official Character District Map. The following Standards will govern the interpretation of District Boundaries:

**A.** Boundaries indicated as approximately following the centerlines or right-of-way lines of Streets, highways, Alley, railways, or public utility easements will be construed to follow such lines.

**B.** Boundaries indicated as approximately following platted Lot or tract lines will be construed as following such lines, whether public or private.

C. Boundaries indicated as approximately following the City Limit line will be construed to follow such City Limit line.

D. Boundaries indicated as approximately following the center, mean high water mark, or shoreline of streams, rivers, canals, lakes, marsh areas, or other bodies of water, lowland, or tidal areas, will be construed to follow such boundaries.

(d) Record Keeping:

The original and all revised versions of the Character District Map will be certified as such by the signature of the Director of Planning & Development, and will be kept on file, in either hardcopy or digital form, in the office of the Department of Planning & Development Services.

(e) Public Access:

Copies of the Character District Map will be made available for public inspection in the office of the Department of Planning & Development Services during normal business hours.

## ARTICLE 4.2 GENERAL

### SEC. 4.2.001 CHARACTER DISTRICTS DESCRIPTIONS & ADDITIONAL STANDARDS

(a) Intent:

(1) The Character District descriptions and Standards are guiding Development recommendations that coordinate with the individual Character District for each other corresponding Development Patterns, Place Types, Street Types, Building and Block Types.

(b) Descriptions and Additional Standards:

(1) **Bastrop State Park** - Development in this district blends seamlessly into the natural environment. Preservation of urban wild lands and cultural history are the forefront of all design. Road networks and buildings focus attention toward scenic views and harmonize with nature.

(2) **Cattleman's District** - Ranching has been a cornerstone of the Texas economy for the last 300 years. The northwestern edge of the City and beyond continues to honor the long tradition of the cattle industry. The open range of the Cattleman's District

lends itself to village centers. A mix of retail, restaurant and office Buildings, that incorporate Residential around community agriculture, open fields, and water features being reminiscent of meandering streams and stock tanks that once served livestock.

(3) **Cultural Arts District** - Arts and culture are the centerpiece of this district. Located in one of the oldest parts of the City, this district will pay homage to the rich culture of Bastrop by providing a physical landscape to share the human experience. A sophisticated mix of theater, music, and art will blend with a mix of housing, while also providing shopping and dining opportunities. Situated along two state highways, this district will be a destination for tourists and locals alike sharing a cultural experience.

(4) **District 71** - District 71 promotes regional trade and easy vehicular access from major Thoroughfares. Developments become destinations unto themselves, with parking areas nearby for visitor access. Elements within the Public Realm encourage walk- or bike-ability bringing large, developed areas back to the human scale.

(5) **Downtown District** - Downtown Bastrop is laid out in an almost perfect series of small, gridded blocks. The

downtown network of Streets is a fundamental element that creates the most effective and efficient structure for cities to be walkable, flexible and timeless. It contains human scale Streets and buildings organized in a uniform manner. Parks and Civic Spaces integrated into the built form of the City. The shopfronts and ground floor characteristics at the Street edge are made up of glass and directly relate to the Street. The Residential Lot sizes, House sizes, housing types, and setbacks vary throughout the district.

(6) **Ferry District** - This district follows the east side of the Colorado River north of SH 71. People may seamlessly access both riverine resources and shopfronts. Shopfronts directly interact with the Street where topography allows or are clustered into accessible destinations along the river providing entertainment in scenic setting. Walkable trail connections to other districts, with shade from mature trees and structural features of the Public Realm, are key elements of Development.

(7) **Historic Highway District** - As one of the oldest towns in Texas, Bastrop has served travelers going from Austin to Houston for over 100 years. The Historic



Highway District demonstrates a pattern of Development that provided Commercial and retail Business for both residents and travelers. As Bastrop continues to be a destination for out-of-town visitors, this area provides a route that parallels State Highway 71 and leads to Historic Downtown Bastrop.

- (8) **Lost Pines District** - The Lost Pines has special geographic features, such as the stand of Loblolly Pines that is more than 100 miles from similar forests. Additionally, the towering trees and sandy soil in this district provides an optimal environment for the Houston Toad. The rolling hills provide breathtaking vistas and deep valleys that provide an opportunity for clustered developments that will preserve the natural environment while allowing urban neighborhoods to interact with nature.

A. Development must comply with the Standards and processes within the Lost Pines Habitat Conservation Plan, as amended.

- (9) **Mayfest Hill District** - Anchored by Civic Space, Mayfest Hill provides a gateway into town where drivers are treated to a glimpse of Bastrop's geographically sensitive design and views of the Colorado River Basin. Residential roads and buildings

are tucked away into the hills, providing a tranquil space between the major roadways. The Civic Spaces pull neighborhood and area residents together into lively events and gatherings, utilizing the available road network.

- (10) **The Meadows District** - Large rolling meadows still dominate the landscape as Bastrop extends towards the west. The natural landscape is an open canvas creating an integrated community of assorted retail, service, and Residential with Walkability as a main feature. Civic Spaces and meandering trails are easily incorporated to connect the community to the Colorado River to the south.

- (11) **New Addition District** - Just west of Historic Downtown Bastrop, you will find the "New" Addition. Nestled between the banks of the Colorado River and the historic residences of Downtown, this district is primarily Residential in nature. Bound by the winding river to the west, you will find similar curvilinear Streets and winding trails within this district. Neighborhood markets and boutique services will be mixed into the Residential fabric providing a true community feeling.

- (12) **North End District** - The North End is defined by the distinct geographical boundaries of Union Pacific

Railroad, State Highway 95, and Piney Creek. Originally laid out in the pattern of Farm Lots, Residential growth has happened incrementally, creating a diverse mix of Lot sizes and housing styles. The addition of neighborhood Commercial along established Streets and the inclusion of housing type variation will add to the vitality and timeless nature of the community. Continued Development should focus on establishing additional east/west connectivity to continue the Building Block pattern originally established in Downtown Bastrop.

(13) **Old Town District** - Old Town has a rich history based on the Building Block and Farm Lot configuration of the 1920 Iredell Map. The gridded downtown network is well connected, and a variety of Lot types, setbacks, and Building Types are present. Human scale and tree shaded Streets encourage comfortable multimodal connectivity to the surrounding neighborhoods, while discrete and rural-style infrastructure functions steadily.

(14) **PDD District** - Planned Development Districts are existing master planned developments created under previous Codes that allow a mix of land uses and design Standards. Each area has specific concept and

Development plans that determine Street connectivity, Lot layout, and Building design.

(15) **Pine Village District** - Characterized by scenic vistas of the Colorado River, this district is positioned along the rolling hills of the Lost Pines. The natural geography in the district provides both opportunity for commerce and Residential neighborhoods. The built environment will harmoniously integrate with the natural environment, creating inviting Open Spaces with storefronts and residences.

(16) **River District** - The Colorado River serves as the focal point of this district. Ample Commercial and Residential opportunities are present, interacting with the natural environment, giving an uptown feel along the banks of the river. Open space, Civic Spaces, and trails will bring people to the district while they enjoy dining, retail, and entertainment opportunities. The natural geography will inform the Building pattern blending the urban and natural form.

(17) **Riverside Grove District** - Situated between a City Park and a Commercial corridor, Riverside Grove provides a classic opportunity to connect people to places. Mobility is promoted via the tree-lined Streets in a semi-grid pattern that allow multiple modes of

transportation. A trail system further encourages Pedestrian traffic and provides connectivity between the Park, residences, and retail opportunities.

(18) **South River District** - This district follows the Colorado River south of SH 71. People may freely and seamlessly access both riverine resources and shopfronts. Shopfronts directly interact with the Street where topography allows or are clustered into accessible destinations along the river providing entertainment in scenic setting. Walkable trail connections to other districts with shade from mature trees and structural features of the Public Realm are key elements of Development. This district is geographically sensitive to the confluence of Gill's Branch and the Colorado River.

(19) **The Vista District** - The Vista District is a collection of people and places that provides an urban lifestyle. Capitalizing on its location along two major Transportation Corridors , this district will be an eclectic blend of shops, office spaces, residences, and entertainment venues. Its diverse mix of uses creates a true live, work, and play environment for the community. Civic Spaces anchor the Public Frontage

and storefronts are scattered throughout the walkable Street grid, producing an inviting built environment.

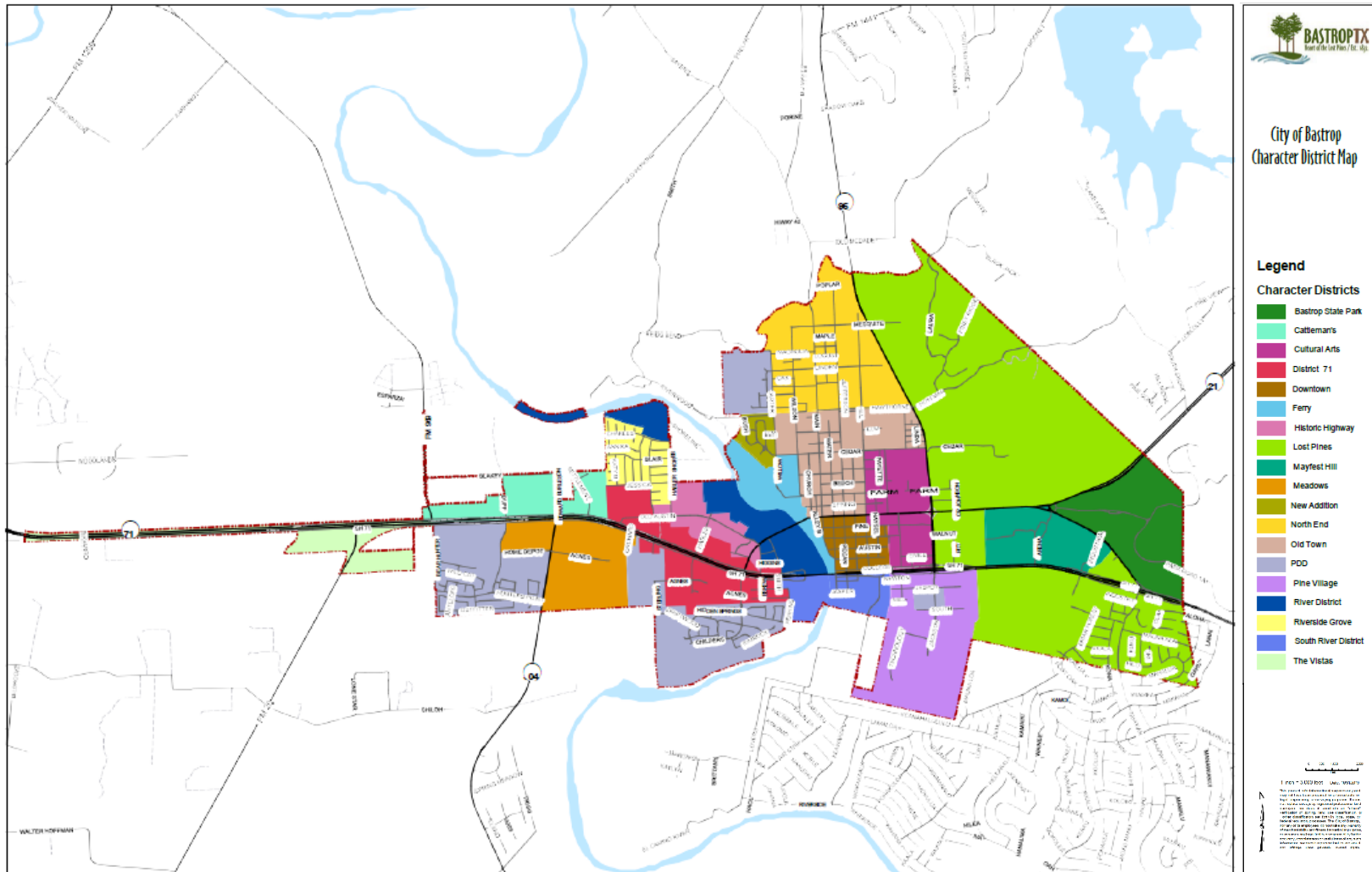
#### **SEC. 4.2.002 CHARACTER DISTRICT DEVELOPMENT PATTERNS**

Each Character District is comprised of different natural environments, built patterns, and have a wide range of other physical and topographic attributes that add to their district nature. To protect and enhance these natural and existing features, each character district allows for different Development Patterns as defined in Article 5.2.

#### **SEC. 4.2.003 NEIGHBORHOOD REGULATING PLAN BY CHARACTER DISTRICT**

- (a) Multiple Place Type change requests submitted at one time within each Character District shall be reviewed collectively.
- (b) Multiple Neighborhood Regulating Plans submitted at one time shall be reviewed collectively to evaluate phasing, infrastructure demands, public safety and Drainage impacts.

## ARTICLE 4.3 CHARACTER DISTRICT MAP



Legislation regarding Geospatial Data Products mandates that a City must provide certain notice on each map that: (1) is created or hosted by the City; (2) appears to represent property boundaries; and (3) was not produced using information from an on-the-ground survey conducted under the supervision of a registered professional land surveyor. The notice must, in essence, read as follows: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries." Tex. Gov't Code §2051.102

# CHAPTER 5: DEVELOPMENT PATTERNS



Renderings by Geoff Dyer

## ARTICLE 5.1 INTENT OF DEVELOPMENT PATTERNS

(a) Development Patterns are the manner in which a neighborhood is configured. Different geographies accept different Development Patterns. To accommodate Bastrop's wide range of landscapes, there are 3 Development Patterns that provide adequate facilitation of Development.

(b) The Development Pattern type will be used to guide the creation of the Zoning Concept Scheme and Neighborhood Regulating Plan (see Article 2-3 Neighborhood Regulating Plans in B<sup>3</sup> Technical Manual) configurations suitable for different geographies and Character Districts.

(c) The B<sup>3</sup> Code is a tool that guides the form of the built environment in order to create Development Patterns that are compact and walkable with a variety of Place Types. The Code supports a connected network of Streets to relieve traffic congestion and preserves open lands in ecologically sensitive locations.

(d) The Character Districts each permit one or more of the three Development Patterns:

(1) Cluster Land Development (CLD)

(2) Traditional Neighborhood Development (TND)

(3) Village Center Development (VCD).

(e) See the Development Pattern Table, Section 5.2.007 for permitted Development Patterns within each Character District.

## ARTICLE 5.2 DEVELOPMENT PATTERN STANDARDS

### SEC. 5.2.001 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

(a) Intent:

TND may occur in Infill areas and involve adaptive reuse of existing buildings or can be created as new Construction on previously undeveloped land.

(b) TND characteristics may include the continuation of the Street Network as the basic platform of arrangement of the Neighborhood Regulating Plans and Zoning Concept Schemes. They contain a range of housing types, a network of well-connected Streets and blocks, well defined public spaces, and have amenities such as stores, schools, and Third Places within walking distance of residences.

(c) TND is the preferred and default Development Pattern in the City of Bastrop.

### SEC. 5.2.002 TND STANDARDS

(a) Location: The TND is located within a Character District that allows for the Development Pattern.

(b) 1,320' suggested max Block perimeter.

(c) 330' x 330' suggested Block size.

(d) If Block dimensions exceed the preferred Block perimeter and size, a 20' Pedestrian Walkway shall be included at mid-Block.

(e) Smaller blocks are allowed By Right.

(f) In the P4 Mix, a minimum Residential mix of three Building Types (not less than 20%) shall be required.

(g) A TND shall be structured by one standard or Linear Pedestrian Shed (see Article 3.2.2 Place Types by Pedestrian Shed) and shall be no fewer than 13.6 acres and no more than 160 acres.

(h) A TND shall include Place Types as allocated in Section 3.2.002.b.

(i) Sites larger than 80 circular acres or 160 linear acres shall be designed and developed as multiple Neighborhood Regulating Plans. Each Neighborhood Regulating Plan is subject to the individual Place Type requirements for its Development Pattern as allocated Section 3.2.002.b or associated Standards.

#### **SEC. 5.2.003 CLUSTER LAND DEVELOPMENT (CLD)**

- (a) Intent: CLD offers a compulsory alternative to conventional neighborhoods for the purpose of:
- (1) Encouraging the use of land in accordance with its character and adaptability;
  - (2) Assuring the permanent preservation of Open Space, agricultural lands, and other natural resources through land reservations or Conservation Easements;
  - (3) Allowing innovation and greater flexibility in the design of Residential developments to ensure the same overall amount of Development normally permitted with the conventional home Lot size;
  - (4) Facilitating the Construction and maintenance of Streets, utilities, and public services in a more economical and efficient manner increasing affordability and reducing the cost of building and maintaining infrastructure;
  - (5) Ensuring compatibility of design and use between neighboring properties; and,
  - (6) Encouraging a less sprawling form of Development, thus preserving Open Space as undeveloped land.

#### **SEC. 5.2.004 CLD STANDARDS**

- (a) See Section 5.2.007 Development Patterns by Character District to determine if Cluster Land Development is an allowed Development Pattern.
- (b) A CLD shall be structured by one standard Pedestrian Shed and shall consist of no fewer than 30 acres and no more than 80 acres or 160 linear acres.
- (c) A CLD shall include Place Types as allocated in Section 3.2.002.b. A minimum of 50 % of the Neighborhood Regulating Plan or Zoning Concept Scheme shall be permanently allocated to P1 Nature and/or P2 Rural Place Types.
- (d) The dedicated P1 lands shall be deemed Civic or Open Space and will be set aside by the Applicant through an irrevocable Conservation Easement or similarly determined method, as approved by the City Council.
- (e) Areas not considered Civic or Open Space:
- (1) The area of any Street right-of-way proposed to be dedicated to the public.
  - (2) Any submerged land area.



#### **SEC. 5.2.005 VILLAGE CENTER DEVELOPMENT (VCD)**

- (a) Intent: A VCD is a series of small Streets lined with buildings at the Street edge creating a unique village style community.
- (b) Description: VCD consists of a small dense grouping of predominately P4 and P5 Building serving as Residential, live/work and Commercial and office buildings organized in a vernacular, curvilinear grid, or potential for a grid network of blocks and Streets. The Streets are small and serve as shared Streets. Vehicles are kept on the exterior of the developments. Buildings are located directly to the Street edge.

#### **SEC. 5.2.006 VCD STANDARDS**

- (a) See Section 5.2.007 Development Patterns by Character District to determine if Village Center Development is an allowed Development Pattern.
- (b) Streets Types are narrow and serve as shared Streets in the Development.
- (c) Vehicles are kept on the exterior of the key areas of developments to create plazas and Civic Spaces throughout the Development;

- (d) Buildings are located directly to the Street edge at the Frontage Line and occupy 80% to 100% of the Lot Frontage; and
- (e) Parking shall be located in the Third Layer of the Lot.
- (f) Vehicle access shall be kept in the rear of the property served by alleys or the rear lanes.
- (g) P3 shall be limited to 10% of the Development.
- (h) P1 and CS shall be more than 40% of the Development.
- (i) P4 and P5 shall make up the remaining 50% of the Development.
- (j) A VCD shall be structured by one Long Pedestrian Shed or Linear Pedestrian Shed and shall consist of no fewer than 13.6 acres and no more than 80 acres.

## SEC. 5.2.007 DEVELOPMENT PATTERNS PERMITTED PER CHARACTER DISTRICT

	TND	CLD	VCD
Cattleman's	P	NP	P
Cultural Arts District	P	NP	NP
District 71	P	NP	P
Downtown	P	NP	NP
Ferry	P	NP	P
Historic Highway	P	NP	NP
Lost Pines	NP	P	P
Mayfest Hill	P	P	P
Meadows	P	NP	P
New Addition	P	NP	NP
North End	P	NP	NP
Old Town	P	NP	NP
Pine Village	P	NP	NP
River	P	P	P
Riverside Grove	P	NP	NP
South River	P	NP	NP
Vista	P	NP	P

P = PERMITTED

NP = NOT PERMITTED

\* Districts not included: Bastrop State Park & PDD

# **CHAPTER 6: PRIVATE REALM DEVELOPMENT STANDARDS**



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## ARTICLE 6.1 GENERAL

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### SEC. 6.1.001 INTENT

The Private Realm is intended to support the Public Realm with its Standards. The configuration of the Private Realm contains endless opportunities based on the minimum use Standards, Lot requirements, and with a wide variety of Building Types. Character Districts and Place Types determine the intensity of Building Types that can occur on the private lots.

### SEC. 6.1.002 INSTRUCTIONS

- (a) Lots and buildings located in the Private Realm within the City of Bastrop shall be subject to the requirements of this section.
  - (1) Lots and buildings shall be regulated according to the Building Type, Lot Occupation, Building placement, Building height, Private Frontage, use, parking spaces, parking placement, landscaping and signage Standards.
- (b) Regulatory terminology related to private lots used in this section is diagrammed for illustrative purposes only.

- (1) Building Types diagrammed are provided for illustrative purposes only.

#### (c) Development Process

The Development processes for all Application types is demonstrated in the B<sup>3</sup> Flowchart within the Introduction of this Code.

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## ARTICLE 6.2 PERMITTING REQUIREMENTS

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- (a) Building or Construction permits shall not be issued for Development or redevelopment of private lots prior to the approval of a Building or Site Plan drawn to scale with the following details:
  - (1) For preliminary Site and Building plan approval:
    - A. See B<sup>3</sup> Technical Manual for Site Plan Review requirements.
    - B. See the Bastrop Development Manual for review timeline and Site Plan Checklists.
  - (2) Individual home applications in P3 shall be exempt from the Site Plan process.

- (3) Building and Site Plans submitted under this Code shall be prepared by the Applicant and shall be submitted for Administrative Approval once all Code Standards are met.

## ARTICLE 6.3 GENERAL LOT STANDARDS

### SEC. 6.3.001 LOT DIMENSIONS

- (a) Lot width is measured between the side Lot lines at the Street Setback line.
- (b) Lots may have multiple Frontages as illustrated on Table 6.1. One Frontage Line is designated the Primary Frontage Line and all remaining Frontage Lines are designated as Secondary Frontage Lines.
- (c) Lots shall be divided into regulatory Layers as illustrated on Table 6.1 and Table 6.2. Standards for the second and third Layers pertain only to the Primary Frontage. Standards for the First Layer pertain to both Frontages.

- (1) The First Layer is the area of a Lot from the Frontage Line to the Facade of the Principal Building.
- (2) The Second Layer is the area of the Lot set behind the First Layer to a depth of 20 feet in all Place Types.

- (3) The Third Layer is the area of a Lot set behind the Second Layer and extending to the rear Lot Line.

- A. The location of the Build-to-Line, on Infill properties, is established on Section 6.5.003 Building Standards per Place Type, and, for new neighborhoods, on the Neighborhood Regulating Plan or Zoning Concept Scheme.

- (d) All buildings and Structures must be located at or behind the side or rear International Building Code (IBC) separation line.

### SEC. 6.3.002 LOT LAYERS & FRONTAGE LINES

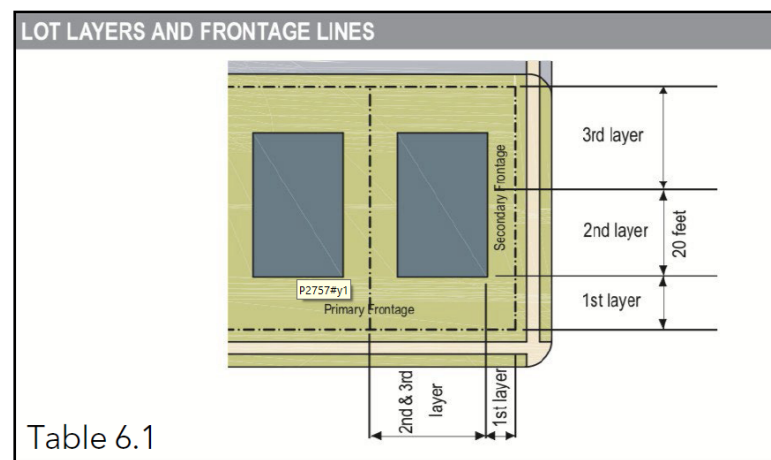


Table 6.1

### SEC. 6.3.003 BUILDING PLACEMENT

(a) Principal buildings shall be positioned on a Lot in accordance with Section 6.5.003 Building Standards per Place Type.

(1) The First Layer is the area of land between the Frontage Line and the Build-to-Line. The First Layer is measured from the Frontage Line.

(2) The required Build-to-Line is the minimum percentage of the front Building Facade that must be located within the First Layer, measured based on the width of the Building divided by the width of the Lot.

(3) A Building Facade must be placed within the First Layer for the first 30 feet along the Street extending from any Block corner.

A. All Structures and encroachments customarily allowed on the Lot are permitted in the First Layer.

### SEC. 6.3.004 PROTECTED & HERITAGE TREES

Private Tree Care on private property listed under Chapter 1, Article 1.13.05 in the City of Bastrop Code of Ordinances.

(a) Tree Determinations: Protected or heritage tree designations are determined by measuring at the height of the tree at 4.5 feet above the ground or Diameter at Breast Height (DBH), for various tree species for purposes

of applying the Standards of this section. Multi-trunk trees are to be measured with the largest trunk counting for full DBH inches plus 50 percent of the DBH sum of the additional trunks, if the tree is classified as protected or heritage.

### Measuring Tree Size for Existing Trees

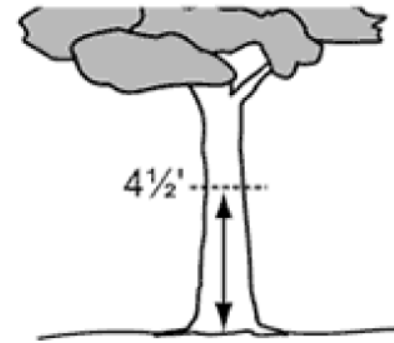


Figure 6.3A

### Measuring Existing Trees with an Angle or on Slope

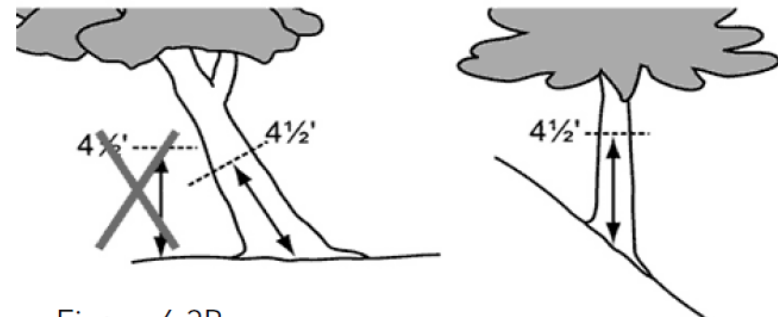


Figure 6.3B

(b) When the trunk branches or splits less than 4.5 feet from the ground, measure the smallest circumference below the lowest branch. See Figure 6.3B. If the tree has a branch or a bump at 4.5 feet, it is better to measure the diameter slightly below or above the branch/bump.

(c) No grading or tree removal shall take place on any undeveloped property without obtaining a permit unless exempted from this code.

(d) Tree Survey

(1) A tree survey and preservation plan for all areas of soil disturbance and construction activity including all work within rights-of-way and easements shall be submitted within a zoning concept scheme application. If rezoning is not applicable for a property, then this document shall be submitted at the time of public improvement plans or site development plans, whichever is first.

(2) The tree survey and preservation plan shall be approved and signed by an ISA certified Arborist and licensed surveyor and the information submitted shall not be older than two years.

(3) The tree survey and preservation plan must be reviewed.

(4) The requirement of a tree survey and preservation plan may be appealed to the Planning and Zoning Commission. If sufficient information is provided

to review the various provisions of this Code and the Commission determines that a tree survey and preservation plan is not necessary, the Commission may recommend that this requirement may be waived by the City Council. The City Council shall make the final decision on whether a tree survey and preservation plan is necessary for development.

(e) Protected Trees:

(1) Tree species listed in the Plant List in the B3 Technical Manual (with the exception of the invasive plants listed) with a 10 caliper inch diameter or greater measured at the DBH.

(2) Protected trees must be preserved, protected, and integrated in the Development of the property.

(3) Proposed Removal of healthy protected trees must be submitted for approval to the DRC.

(4) Granted Removal of protected trees shall be replaced by planting trees from the Plant List in the B3 Technical Manual (with the exception of the invasive plants listed), on the property equal to the total caliper inches of the trees removed, measured at 12 inches in height from the ground.

a) Said replacement trees shall be a minimum of two-inch (2") diameter (measured at twelve-inch (12") above ground) and five-feet (5') in height when planted

- b) If an ISA certified Arborist deems a replacement as dead or dying, it must be replaced by another tree replacement tree in compliance with this code in perpetuity.

(5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

(6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(f) Heritage Trees:

(1) Tree species listed in the Plant List in the B<sup>3</sup> Technical Manual (with the exception of the invasive plants listed) with a 24 caliper inch circumference or greater measured DBH.

(2) Heritage trees must be preserved, protected, and integrated in the Development of the property.

(3) Proposed Removal of healthy heritage trees must be submitted for approval to the DRC.

(4) Granted Removal of protected trees shall be replaced

by planting trees from the Plant List in the B<sup>3</sup> Technical Manual, (with the exception of the invasive plants listed) on the property equal to the total caliper inches removed, measured at 12 inches in height from the ground.

a) Said replacement trees shall be a minimum of two-inch (2") diameter (measured at twelve-inch (12") above ground) and five-feet (5') in height when planted.

b) If an ISA certified Arborist deems a replacement as dead or dying, it must be replaced by another tree replacement tree in compliance with this code in perpetuity.

(5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

(6) This mitigation measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(g) Tree Preservation Credits.

(1) For every healthy protected tree ten (10) inches caliper or larger located outside of the flood plain that is preserved, the developer shall be given credit, according to the following chart. When interior parking lot landscaping is also required,



only those trees preserved in the parking area shall be considered for credit for the parking area, according to the following:

- a) Trees ten (10) inches to twenty-four (24) inches caliper: one and one-half (1 ½") inches credit for each one (1) inch preserved.
- b) Trees over twenty-four (24) inches caliper: Two (2) inches credit for each one (1) inch preserved.
- c) Healthy unprotected trees, over twelve (12) inches in size, located outside the flood plain, may be considered for tree credits only when individually field inspected and approved by a designated representative of the City of Bastrop.

(h) Replacement of Trees

- (1) In the event it is necessary to remove a tree ten (10) inches caliper or larger, the developer, builder or property owner shall be required to replace the tree to be removed with comparable or better spacious trees somewhere within the planned development or subdivision. The City Council may allow such trees to be located to other areas in the City if it is deemed necessary by City staff, and space is available. Otherwise, the developer, builder or property owner shall, at the City's option, escrow funds sufficient to meet the requirements of this Ordinance.

- (2) Trees planted to satisfy landscape requirements that are indicated herein, and successfully transplanted trees, shall count toward the tree replacement requirements, inch for inch. Transplanted trees must successfully survive if an ISA-certified arborist deems replacement tree as dead or dying, the tree has to be replaced in perpetuity.

(i) Exempt Trees:

- (1) Any protected or heritage trees determined to be diseased, overly-mature, dying or dead, by a certified arborist are exempted from the Standards of this Code.
- (2) All invasive species identified by an ISA-certified arborist will receive invasive species credits , 1/2 credit for every inch of invasive tree being removed.

**SEC. 6.3.005 BUILDING SEPARATION**

- (a) Fences and screening walls may extend into the IBC Building separation line and Alley Setback.
- (b) Side and rear Building separation will be determined by the IBC as adopted by the City.

### SEC. 6.3.005 ALLEYS & DRIVEWAY LOCATIONS

(a) Intent: The Standards of the Code intend to ensure all modes of Transportation are respected and create safe means of transportation along all transportation types, including walk, bike, car, and other.

(b) Driveways:

(1) Where Alleys are present, all vehicular access shall be provided from the Alley.

(2) Where a Lot does not have access to an Alley, driveways are allowed in accordance with this section.

(3) For corner lots, all driveways shall be located at the Secondary Frontage.

(4) Driveways shall be located as far from the adjacent public Street intersection as practical to achieve maximum available corner clearance, with consideration of property limits, adjacent Curb cuts, topography, and existing Drainage facilities. Non-Alley loaded driveways may intersect a Street no closer than twenty (20) feet from the intersection of 2 Street rights-of-way in P1, P2, and P3, and forty (40) feet in P4 and P5.

(5) Mid-Block lots greater than 40' in width at the Frontage are allowed one Driveway with a maximum width of 24' for two-way and 12' for one-way driveways.

(6) In P4 and P5, driveways accessing up to 80 feet wide of Street right-of-way must be spaced 200 feet apart centerline to centerline, and driveways accessing more than an 80 feet wide Street right-of-way must be spaced 300 feet apart centerline to centerline.

(7) Nothing in this section shall prevent all Site access to any property.

### SEC. 6.3.006 PARKING

(a) Intent: Parking shall not be the driver of Site planning.

(b) The location of the parking shall be established and shown on the Neighborhood Regulating Plan, Zoning Concept Scheme, and/or Site Plan:

(1) Shared parking is available and determined with the Site Plan in P2, P4, and P5, where it does not cause undue hardship to the existing built environment or neighborhood. Lot coverage shall not exceed the Place Type Standards.

(2) Parking requirements shall require one (1) parking space per bedroom. Lot coverage shall not exceed the Place Type Standards.

a) Minimum parking space as measuring ten feet by twenty feet (10' x 20').

b) The required minimum parking spaces must not obstruct sidewalks.

(3) Parking in EC shall be recommended by the DRC and part of the submittal package submitted for approval and handled through a public consultation process.

(4) Residential garage access is permitted from the public Street or from an Alley. Access may be taken from the Street or corner lots, in which case the garage doors may face the side street.

(5) Residential garage facades, if provided, shall begin in the second or third layer and on-site parking is allowed in the first layer.

(6) Open parking areas shall be masked from the Frontage by building or Street screening and will be regulated in size by Lot cover requirements of the Place Type.

#### **SEC. 6.3.007 CROSS ACCESS CONNECTIONS**

(a) Cross-access easements and connections to adjoining properties shall be required to connect driveways and parking lots where no Alley is present. In the event these conditions cannot be met without undue hardship or if such connections would create undesirable traffic flow, the DRC may waive the connection requirement.

(b) Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots;

(c) In the event these conditions cannot be met without undue hardship or if such connections would create undesirable traffic flow, the DRC may waive the connection requirement.

(d) Where a parking lot connection is required, an easement for ingress and egress to adjacent lots shall be recorded on the Plat or by separate instrument as appropriate.

- (e) Additional Standards shall be found in the B<sup>3</sup> Technical Manual.

#### **SEC. 6.3.008 LOT OCCUPATION**

- (a) In P2-P4, up to two (2) Accessory Dwelling Units (ADUs) are allowed subject to meeting the established impervious cover standards as well as the on-site parking requirements set forth in 6.003.006(b)(2) as amended, and other infrastructure requirements.
- (b) Additional non-dwelling structures (sheds, etc.) may be approved if the impervious cover requirements and other infrastructure demands can be met.
- (c) Lot coverage by buildings (i.e. impervious surface requirements) are specified in Section 6.5.003.A.
- (d) For Building height see standard by Place Type and Character District. If the Building height is undefined in the B<sup>3</sup> Code see the International Building Code as adopted by the City of Bastrop.
- (e) Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Building, which shall be a minimum of 11 feet with a maximum of 25 feet.
- (f) In the 100-year Floodplain, a first level Residential or lodging shall be raised a minimum of 2 feet from the Base Flood Elevation.

#### **SEC. 6.3.009 PRIVATE FRONTAGE**

- (a) Permitted Encroachments into the First Layer of any Lot are specified in Section 6.5.002, Permitted Encroachments per Place Type. Terminology used to identify these elements is diagrammed for illustrative purposes only.
- (b) The Facade of the Principal Building shall be built parallel to the Frontage Line or to the tangent of a curved Frontage Line of a Lot, and along a minimum percentage of the Frontage width at the Build-to-Line as specified as Facade Buildout in Section 6.5.003, Building Standards per Place Type.
- (c) All Facades shall be glazed with glass not less than 20% of the first Story. Glazing shall be calculated as the total combined area of window glazing (lights or panes within each window's casing) divided by the total area of the Facade for the target Story of a Building.
- (d) Openings above the first Story shall not exceed 50% of the total Building wall area, with each Facade being calculated independently.

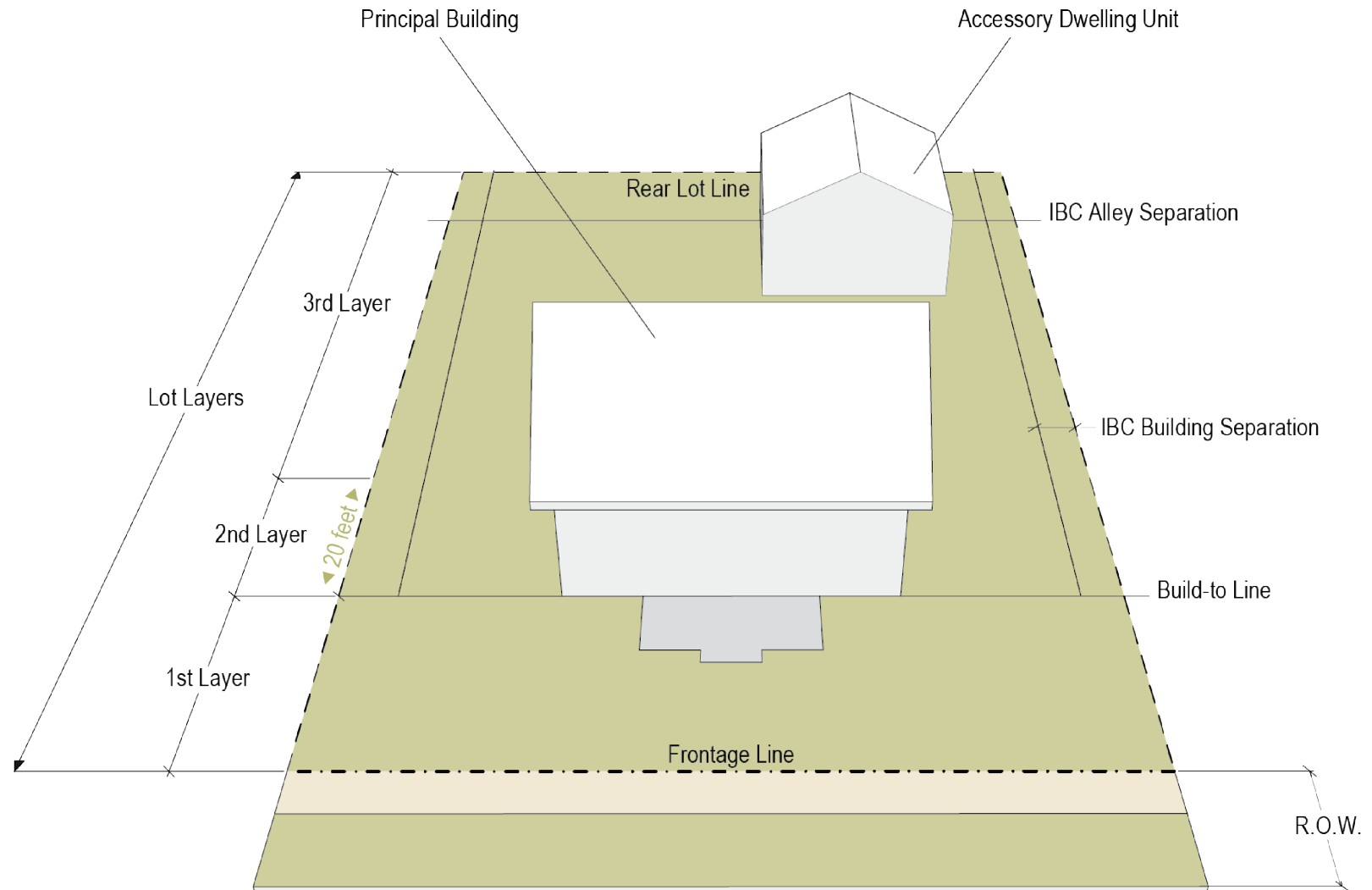
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## ARTICLE 6.4 LOT STRUCTURE DESCRIPTION & DIAGRAM

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BUILDINGS	
Principal Building	The main Building on a Lot.
Accessory Structures	A secondary Building usually located toward the rear of the same Lot as a Principal Building such as a garage, carport, or workshop and may include a dwelling unit, but no more than two per Lot.
LOT LAYERS	
First Layer	The area of a Lot from the Frontage Line to the Facade of the Principal Building.
Second Layer	The area of a Lot set behind the First Layer to a depth of 20 feet in all Place Types.
Third Layer	The area of a Lot set behind the Second Layer and extending to the rear Lot Line.
LOT	
Build-to-Line	The minimum percentage of the front Building Facade that must be located within the First Layer.
Lot Width	The length of the Principal Frontage Line of a Lot.
Frontage Line	Where the Property Line meets R.O.W.
Rear Lot Line	Where the Property Line meets Alley R.O.W. or an adjoining side/ rear property line.

## LOT STRUCTURE DIAGRAM



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## ARTICLE 6.5 BUILDING TYPES

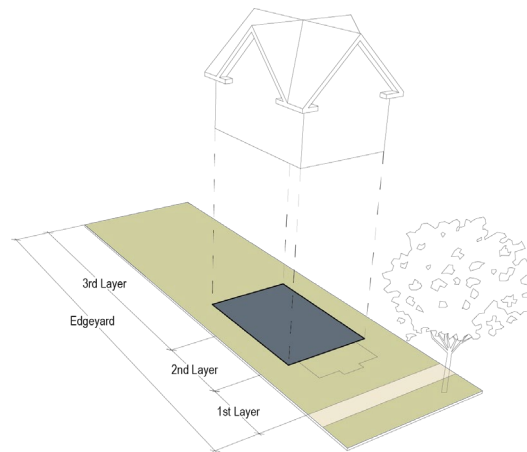
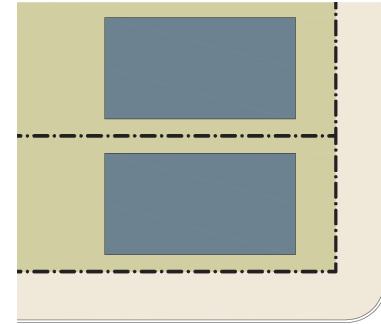
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### (a) EDGEYARD

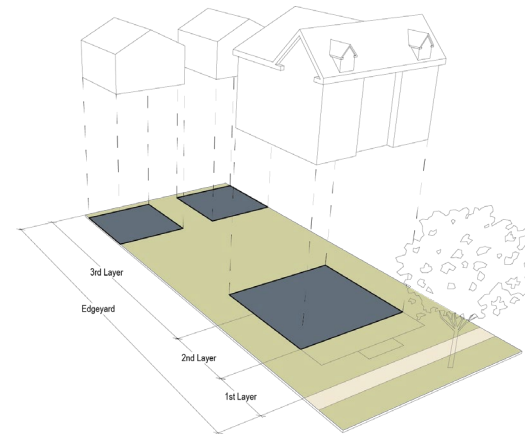
The placement of a Building within the boundaries of its Lot to create an Edgeyard around the Building, with IBC separation on all sides. This is the least urban of types as the front yard sets the Building back from the Public Frontage, while the side yards weaken the spatial definition of the Thoroughfare in front of the Building.

Variants:, House, Duplex, Triplex, Fourplex

### GENERAL PLACEMENT



HOUSE



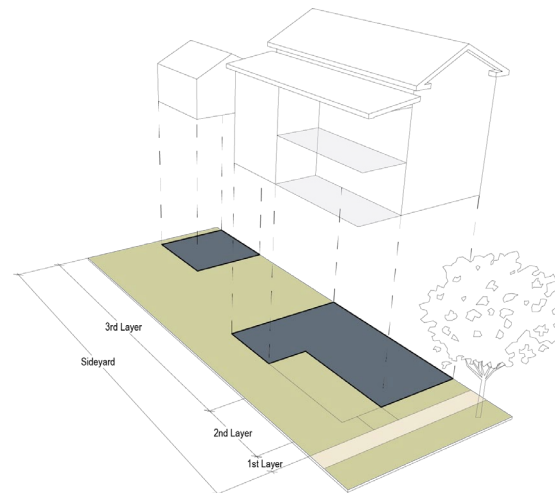
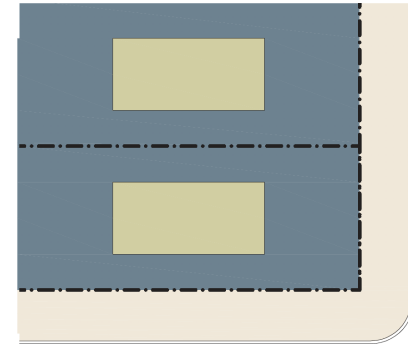
DUPLEX, TRIPLEX, FOURPLEX

## (b) SIDEYARD

The placement of a Building within the boundaries of its Lot to create a private Sideyard, with a Setback to one side. A shallow Front Setback defines a more urban condition. If the adjacent Building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House.

Variants: Sideyard House

## GENERAL PLACEMENT



## SIDEYARD

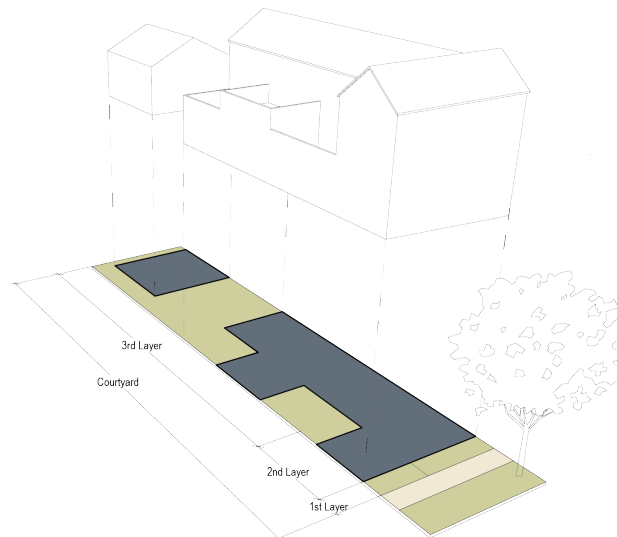
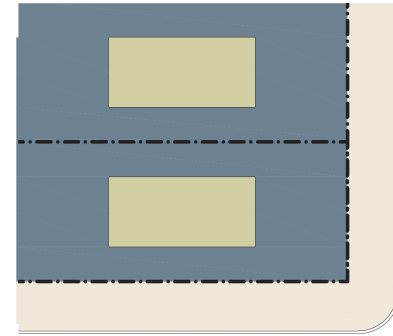


### (c) COURTYARD

A Building placed within the boundaries of its Lot to create a private Courtyard, while internally defining one or more private patios. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. This is the most urban of types, as it is able to shield the Private Realm from all sides.

Variants: Courtyard House, Courtyard Apartment Building

### GENERAL PLACEMENT



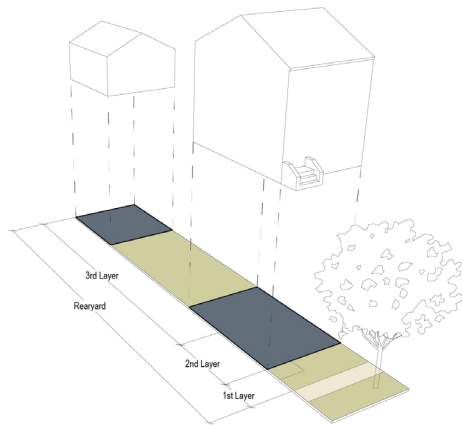
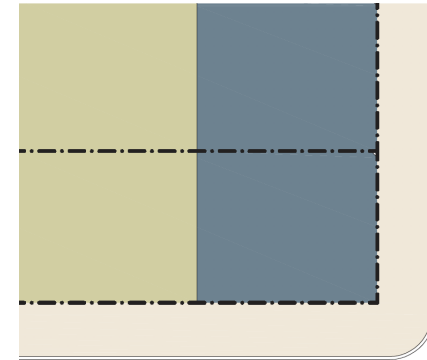
### COURTHOUSE

#### (d) REARYARD

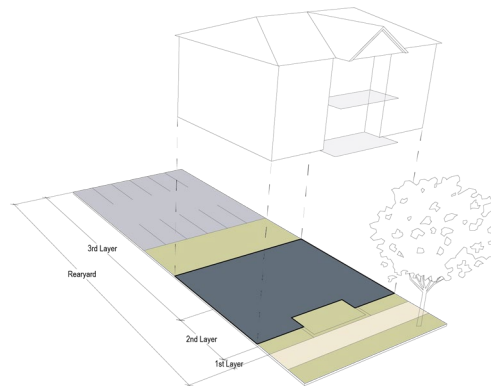
The placement of a Building within the boundaries of its Lot to create a Rearyard, leaving the rear of the Lot as private space or available for dedicated parking in its Commercial form. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. Rear elevations may be articulated for functional purposes.

Variants: Rowhouse, Apartment Building (5+ Units), Commercial Building, Live-Work Building, Mixed-Use Building,

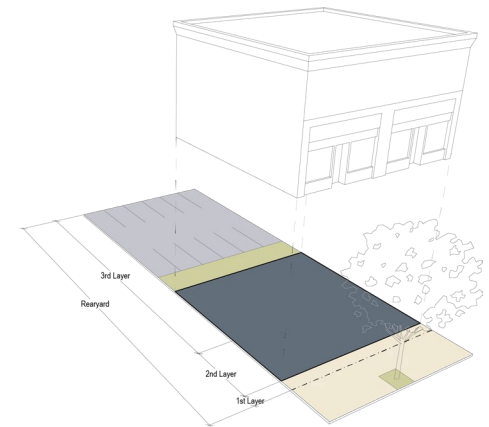
#### GENERAL PLACEMENT



**ROWHOUSE**



**APARTMENT BUILDING**



**COMMERCIAL BUILDING**

## SEC 6.5.001 PERMITTED BUILDING TYPES PER PLACE TYPE

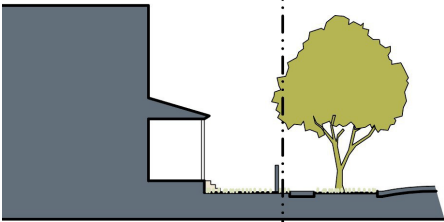


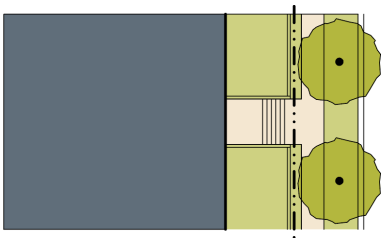
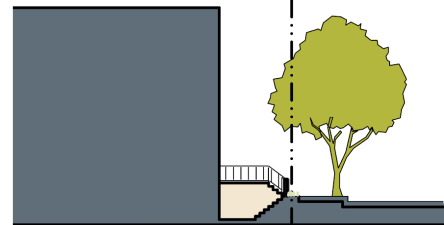
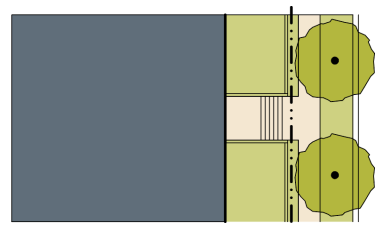
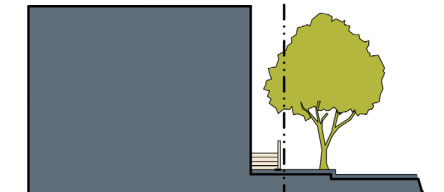
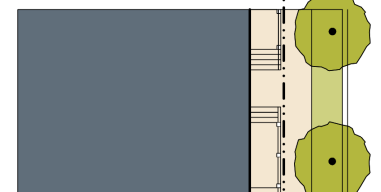
	P1	P2	P3	P4	P5
A: REARYARD					
COMMERCIAL BUILDING	NP	NP	NP	NP	P
APARTMENT BUILDING	NP	NP	NP	p**	P
ROWHOUSE	NP	NP	NP	P	P
B: SIDEYARD					
SIDEYARD	NP	NP	NP	P	P
C: COURTYARD					
COURTYARD HOUSE	NP	NP	NP	P	P
COURTYARD APARTMENT BUILDING	NP	NP	NP	p**	P
D: EDGEYARD					
RANCH HOUSE, VILLA	NP	P	P	NP	NP
HOUSE	NP	P	P	P	NP
DUPLEX	NP	NP	NP	P	NP
TRIPLEX, FOURPLEX	NP	NP	NP	P	NP

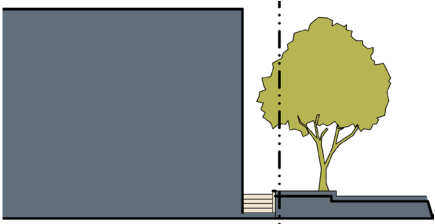
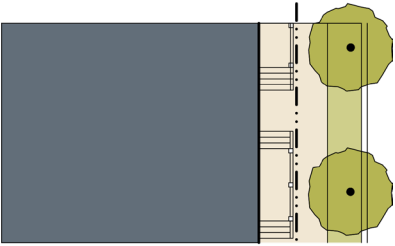
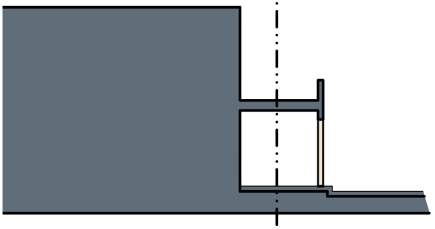

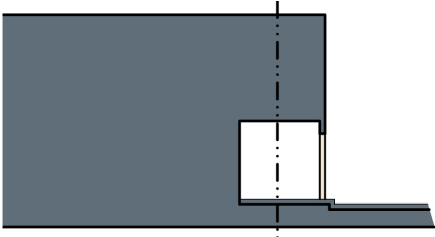
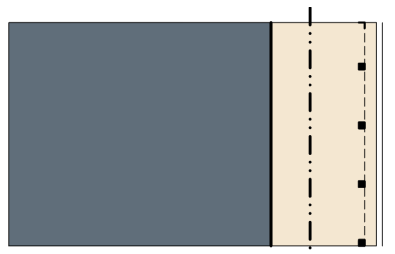
p\*\* SEE OVERLAY DISTRICTS

P = PERMITTED

NP = NOT PERMITTED

## SEC. 6.5.002 PERMITTED ENCROACHMENTS PER PLACE TYPE

	Private Realm   Public Realm		P3	P4	P5	DESCRIPTION
PORCH			P	P	NP	A roof covered raised platform at the entrance to a building.
DOORYARD			NP	P	P	An elevated front yard extending to the Frontage Line, buffering it from Pedestrian activity of the Sidewalk.
TERRACE			NP	P	P	An elevated, paved patio or veranda at the entrance to a Building. This type is suitable for first floor Commercial Uses as outdoor seating space.
STOOP			NP	P	P	An exterior stair and landing leading to an elevated first Story of a Building.

	Private Realm   Public Realm		P3	P4	P5	DESCRIPTION
LIGHTWELL			NP	P	P	An exterior stair and landing leading to a below grade Story of a Building.
GALLERY			NP	P	P	An attached cantilevered shed or a lightweight colonnade extending from a Building Facade to overlap the sidewalk.
ARCADE			NP	NP	P	Colonnade supported upper stories of a Building projecting over the Sidewalk, where the Facade of the first Story remains or behind the Frontage Line.

P = PERMITTED

NP = NOT PERMITTED

## SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE

Place Types	P1	P2	P3	P4	P5
<b>A. LOT OCCUPATION</b>					
Lot Coverage		40% max	50% max	60% max	65% max
Facade Buildout at Build-to-Line		40% min	40% min	60% min	80% min
Build-to-Line		25 ft*	25 ft*	5 ft - 15 ft	2 ft - 15 ft
Minimum Lot Size		1 acres***	0.33 acres***		
First Layer Setback		B.E.**	B.E.**		
Accessory Dwelling Unit		2	2	2	

\* Only applicable to undeveloped lots in P2 & P3, an undeveloped lot shall mean a lot that is raw land and not a part of any preexisting neighborhood; all other lots shall adhere to the First Layer Setback.

\*\* The First Layer Setback shall be the average of the front yard setback of two (2) lots to the right and two lots to the left, +/- 5 feet.

\*\*\* For lots not compatible with the minimum lot size, please see Section 2.04.001.

<b>B. BUILDING HEIGHT (STORIES)</b>					
Principal Building		2 max	2 max	3 max**	5 max / 3 max*
Accessory Dwelling Unit		2 max	2 max	2 max	2 max

\* CD Downtown/ Old Town

\*\* 2 ½ Max in Overlay

## C. ENCROACHMENTS

### First Layer Encroachments

Open Porch	50% max	50% max	80% max	n/a
Balcony and/or Bay Window	25% max	25% max	50% max	100% max
Stoop, Lightwell, Terrace or Dooryard	NP	NP	100% max	100% max

### R.O.W. Encroachments \*\*\*

Place Types	P1	P2	P3	P4	P5
Awning, Gallery, or Arcade		NP	NP	to within 2 ft. of the Curb	to within 2 ft. of the Curb

#### First Layer Encroachment Depths

Porch	5 ft min	8 ft min	8 ft min	n/a
Gallery	NP		10 ft min	10 ft. min.
Arcade	NP			12 ft. min.

#### D. PARKING LOCATION

Second Layer	P	P	NP	NP
Third Layer	P	P	P	P
*** Required to go through an Encroachment process				

#### E. FENCE LOCATION

Fences allowed within the Layers as defined in the Bastrop Code of Ordinance, Chapter 3.

## ARTICLE 6.6 OUTDOOR LIGHTING

- (a) Public Lighting is intended to illuminate the Public Realm with the appropriate Lumen per Place Type. The Standards of this section are intended to provide adequate Lumen output to safely light sidewalks, Streets, and Civic Spaces or other Public Realm features. Dark skies are a key part of Bastrop's authentic nature. The Lighting Standards promote a future dark sky for the community.

### SEC. 6.6.001 SCOPE

- (a) This article applies within the City Limits.
- (1) Nothing herein shall be construed as preventing or limiting the City from applying this article to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a Variance).

### SEC. 6.6.002 EXEMPTION

- (a) The following are exempt from the application of the Standards of this article:
- (1) Lighting equipment required by law to be installed on motor vehicles; or

- (2) Lighting required for the safe take-off and landing of aircrafts.

### SEC. 6.6.003 PROHIBITION

- (a) A person commits an offense by doing the following:
- (1) Installs Outdoor Lighting contrary to this article.
- (2) Fails to comply with any terms or conditions set forth in a permit issued under this article.
- (3) Installs Outdoor Lighting without obtaining a permit when the total number of the Lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.

### SEC. 6.6.004 NEW LIGHTING

- (a) General. All Outdoor Lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and Building Codes, except as provided herein.
- (b) Nonresidential. All Outdoor Lighting installed on Nonresidential properties shall conform to the Standards by this article, except as provided herein.



- (c) Residential. All Outdoor Lighting installed on Residential properties that is affixed to a Construction Project that a building permit is required under this Code shall conform to the Standards established by this article.

#### **SEC. 6.6.005 NONCONFORMING EXISTING LIGHTING**

- (a) All existing Outdoor Lighting that was legally installed before the enactment of this article which does not conform with the Standards specified imposed by this article shall be considered nonconforming. Nonconforming Outdoor Lighting is allowed to remain until required to be replaced pursuant to the terms of this article.
- (b) If more than 50% of the total appraised value of a Structure (as determined from the records of the county's appraisal district), has been destroyed, the nonconforming status expires and the Structure's previously nonconforming Outdoor Lighting must be removed and may only be replaced in conformity with the Standards of this article.
- (c) Nonconforming Outdoor Lighting shall be brought into conformance with this article as follows:
- (1) Nonresidential Application. All existing Outdoor Lighting located on a subject property that is part of

an Application for a rezoning Application, Subdivision approval, or a building permit for a major Addition is required to be brought into conformance with this article before final inspection, issuance of a Certificate of Occupancy, or Final Plat recordation, when applicable. For the following permits issued by the City, the Applicant shall have a maximum of 90 days from date of permit issuance to bring the Lighting into conformance: Site Development permit, Sign permit for an externally or internally illuminated outdoor Sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.

- (2) Residential Addition or remodel. Nothing herein shall be construed to terminate a Residential property's nonconforming status as a result of an Addition or remodel.
- (3) Abandonment of nonconforming. A nonconforming Structure shall be deemed abandoned if the Structure remains vacant for a continuous period of 6 months. In that instance, the nonconforming status expires and the Structure's previously nonconforming Outdoor Lighting must be removed and may only be replaced in conformity with the Standards of this article.

(d) It is unlawful to expand, repair or replace Outdoor Lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

(e) Outdoor Lighting on property used for Commercial purposes that is not in conformance with this article shall be brought into conformance with this article within 10 years from the date of adoption of this article. For property annexed into the City Limits after the date of the adoption of this Code, the 10-year period established by this subsection shall commence upon the effective date of the annexation. Nothing in this subsection may be construed to allow Light Trespass or any other form of nuisance from Outdoor Lighting. A new purchaser of property may request a three-year extension to come into compliance if property is purchased within 10 years of the enactment of this article.

#### **SEC. 6.6.006 SHIELDING & TOTAL OUTDOOR LIGHT OUTPUT STANDARDS**

(a) City owned streetlights, if rated by the B-U-G classification system:

(1) Shall be rated and installed with the maximum backlight component limited to the values in Table 1 based on location of the light fixture where the

property line is considered 5 feet beyond the actual

<u>Table 1</u>	<b>Governmental Owned Rating</b>
Fixture is greater than 2 mounting heights from property line	B3
Fixture is 1 to less than 2 mounting heights from property line	B2
Fixture is .5 to 1 mounting heights from property line	B1
Fixture is less than 0.5 mounting height to property line	BO

property line.

- (2) Shall be rated and installed with the uplight component of zero (UO); and
- (3) Shall be rated and installed with the glare component of no more than G1 unless four-sided external shielding is provided so that the Luminous Elements of the fixture are not visible from any other property. Mounting height or topography may cause the Luminous Elements of a G1 or G0 rated governmental owned streetlight to require additional shielding to reduce glare.

(b) Governmental owned streetlights, if not rated by the B-U- G classification system, shall meet the qualifications to be full cutoff fixtures. (See [Figure C](#)). Mounting height or topography may cause the Luminous Elements of a governmental owned streetlight to require additional shielding to reduce glare.

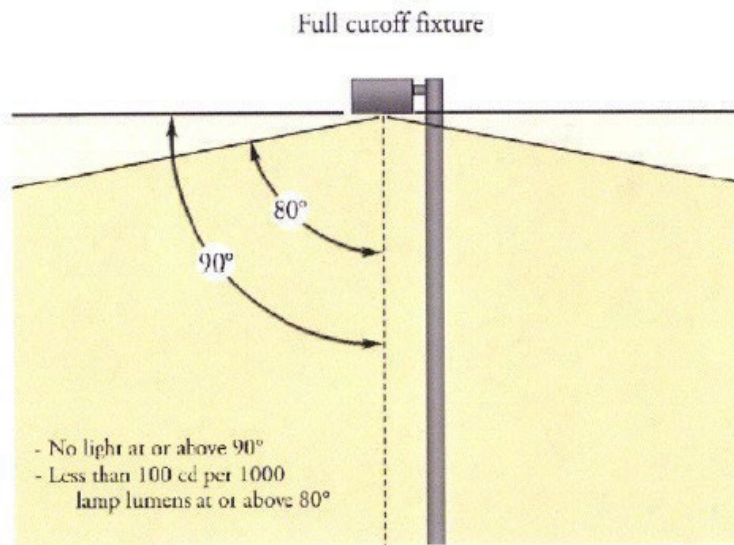
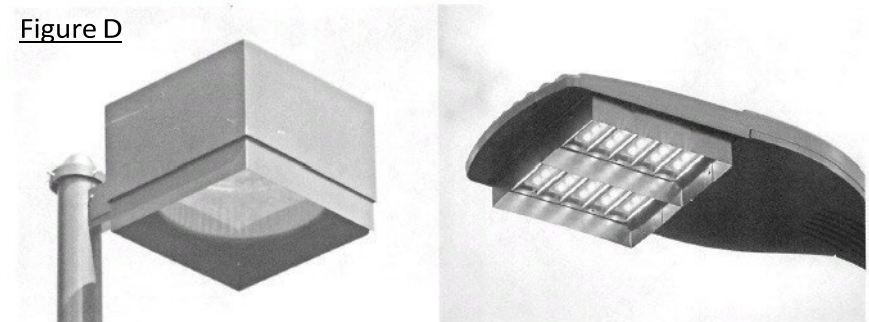


Figure C

*Figure C: Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture limits the light output in the first 10 degrees below the horizontal, to less than 10% of the total light output.*

(c) All Outdoor Lighting, except governmental owned streetlights, shall be shielded so that the Luminous Elements of the fixture are not visible from any other property. Mounting height or proximity to property lines may cause the Luminous Elements of a light fixture to require additional shielding (See [Figure D](#) and [Figure E](#)).

Figure D





**Figure E**

(d) Nongovernmental light fixtures, if rated by the B-U-G classification system:

- (1) Shall be rated and installed with the maximum backlight component limited to the values in [Table 1](#) based on location of the light fixture where the property line is considered to be 5 feet beyond the actual property line;
- (2) Shall be rated and installed with the uplight components of zero (U0), except for Uplighting covered in this article;
- (3) Shall be rated and installed with the glare component no more than G0 unless four-sided external shielding is provided so that the Luminous Elements of the fixture are not visible from any other property; and
- (4) Shall be shielded in accordance with this article.

(e) Outdoor Uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared Lighting plan that ensures that the light fixtures(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this article.

- (f) Outdoor Lighting fixtures, except Uplighting are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See Figure F and Figure G).

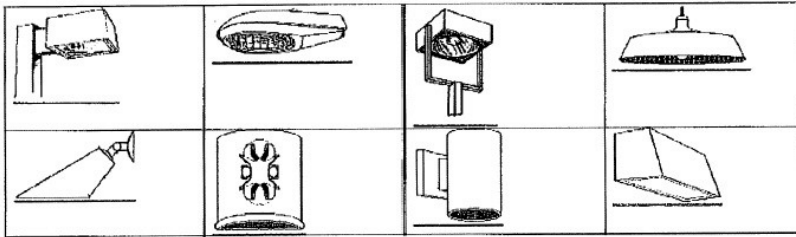


Figure F

*Figure F: This figure shows examples of fixtures that may conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the Luminous Elements if they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line, or internal optics may cause them to need additional shielding to prevent the Luminous Elements from being visible from any other property.*

*A practical way to determine if a light fixture will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the*

*luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side.*

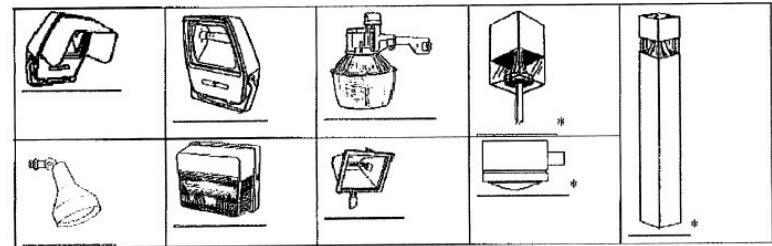


Figure G

*Figure G: This figure illustrates examples of fixtures that do not conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements.*

*\*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and/or lens covers are directly visible from the side.*

(g) Total Outdoor Light Output (excluding governmental owned streetlights used for illumination of public rights- of-way and outdoor recreation facilities) of any Nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This Lumen per net acre value is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.

(h) Total Outdoor Light Output (excluding governmental owned streetlights used for illumination of public rights- of-way and outdoor recreation facilities) of any Residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

#### **SEC. 6.6.006 OUTDOOR RECREATION FACILITIES**

(a) Lumen cap exemption.

(1) Outdoor recreational facilities are not subject to the lumens per net acre limit.

(2) Outdoor Lighting for sports facilities shall be designed to create minimum off-site spill, glare, and sky glow while honoring the guidelines for class IV play, as defined by the Illuminating Engineering Society of North America (IESNA) publication, IES RP-06 or guidelines of a recognized sports organization such as

the Texas University Interscholastic League (UIL), Little League, or the United States Soccer League. To be considered a recognized sports organization, the City must first approve such organizations guidelines.

(3) Class IV levels of illumination, as defined by IESNA, are encouraged to be utilized during practices if the competition Lighting is established at a higher illumination level than class IV.

(4) Shielding. Fixtures used for non-aerial sports, such as track and field, shall be fully shielded. Fixtures used for aerial sports, such as baseball and softball shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed by the players to track the ball as stated in writing by a sports Lighting engineer recognized by peers as being an expert in that field. The sports Lighting vendor must meet the guidelines for the specific sport and have the lowest available off-site spill, glare, and sky glow values.

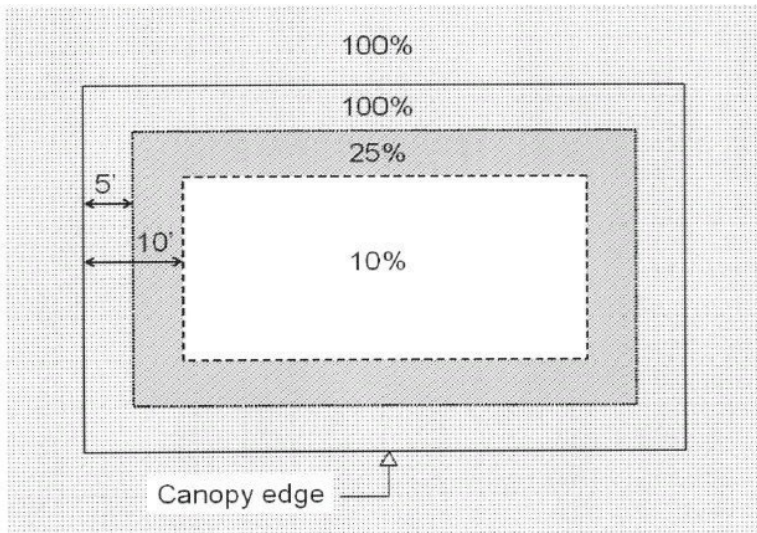


Figure I.

Figure I: Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward total lumens.

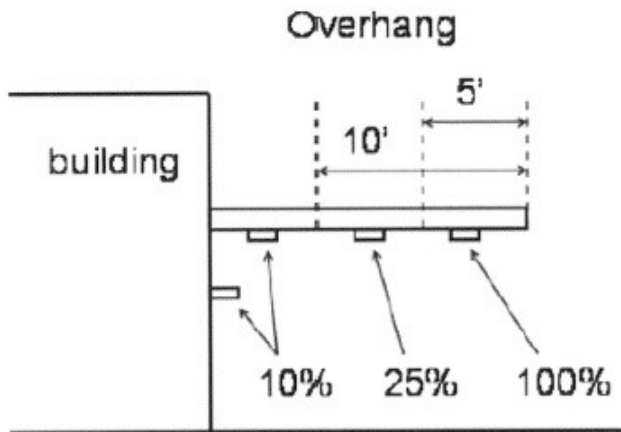


Figure J.

- (b) Certification. Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this Code before Construction commences. Further, after installation is complete, an engineer registered in the state shall certify that the Lighting system installation is consistent with the certified design.
- (c) Curfew. No sports facility shall be illuminated between 10:30 p.m. and sunrise, except to conclude a scheduled recreational or sporting event in progress that began prior to 9:30 p.m. Lighting under canopies, Building overhangs, or roof eaves.
- (d) All outdoor light fixtures located under canopies, under Building overhangs, or under roof eaves must conform to all provisions of this article.
- (e) Outdoor light fixtures located under canopies, under Building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the Total Outdoor Light Output as though they produced only 1/4 of the lamp's rated Lumen output. (See Figure I and Figure J).



### SEC. 6.6.007 NEON LIGHTING

- (a) Neon Lighting is permitted, so long as Lumen calculations from such Lighting are included in the Total Outdoor Light Output calculations for the Site. Lumens are calculated on a per foot basis, rather than per “fixture.” Such Lighting shall also be subject to the shielding requirements of this section, unless exempted under the Exemptions Section of this article.

Figure K.



### SEC. 6.6.008 FLAGPOLES

- (a) If the flag of the United States of America is displayed during the hours of darkness, it should be illuminated as recommended in the Federal Flag Code.
- (b) Lighting of up to a total of 2 flags per property is permitted with the following conditions:

- (1) The flags must either be the flag of the United States of America, a flag of the state, a flag of a military branch of the United States of America or a flag of a branch of military of the state in order for illumination to be permitted.
- (2) Flagpoles with a height greater than 20 feet above ground level shall be illuminated from above, if illuminated at all. This may be achieved by utilizing a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a Structure within 15 feet of the flagpole and must comply with all sections of this article except for lights such as the ones in Figure K. The total number of lumens initially output from any light fixture mounted on top of or above a flagpole is limited to 800.
- (3) Flagpoles with a height equal to or less than 20 feet above ground level may be illuminated from below. They are to be illuminated with up to 2 spot type fixtures utilizing shields or diffusers to reduce glare, whose maximum combined Lumen output is 78 lumens per foot of pole height, measured from the light fixture to the top of the flagpole. The fixture is to be mounted so that the lens is perpendicular to the



flagpole and the light output points straight up at the flag.

- (4) Lamps used for flagpole illumination shall be included in the Total Outdoor Light Output.

#### **SEC. 6.6.009 LIGHTING CURFEWS**

- (a) Nonresidential Outdoor Lighting intended to be left on more than 30 minutes after closing or the completion of activities must be reduced to 25% or less of the Total Outdoor Light Output allowed.
- (b) Motion sensor activation may be allowed to cause the light to resume Total Outdoor Light Output allowed only when activated and to be reduced back to 25% or less of Total Outdoor Light Output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- (c) The 75% reduction in illumination may be accomplished by dimming, by turning off 75% of the light fixtures, by a combination of the two, or by any other method that results in a Total Outdoor Light Output of no more than 25% of the Total Outdoor Light Output allowed.
- (d) Illumination for all advertising Signs, both externally and internally illuminated, shall be turned off by the later of

closing time or 10:00 p.m., provided, however, that such Signs may be turned back on prior to sunrise, but no more than one hour prior to opening.

- (e) Street Lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.
- (f) Outdoor recreational facilities must follow the curfew as defined in the Shielding and Total Outdoor Light Output Standards Section of this article.
- (g) All Outdoor Lighting is encouraged to be turned off when no one is present to use the light.

#### **SEC. 6.6.010 PROHIBITIONS**

- (a) The installation of any mercury vapor fixture or lamp for use as Outdoor Lighting is prohibited.
- (b) Luminaries rated at more than 3000 Kelvin (K) are prohibited with the exception of luminaries installed prior to the enactment of this revised article rated no more than 4000K, that are shielded on every side so that the source of light is not visible from any other property and the combination of all such fixtures within any ten-foot by ten-foot area does not produce more than 4100 lumens for a

pole mounted fixture or 2050 lumens for a wall mounted fixture. Luminaries with a higher Kelvin rating are permitted if the Scotopic-to-Photopic (S/P) ratio is no greater than 1.2.

- (c) The installation of any barn-light style fixture for use as Outdoor Lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens. An example of barn-light style with and without the required opaque reflector is shown in Figure L.
- (d) The operation of searchlights for advertising purposes is prohibited.

Figure L: Acceptable shielding of barn-style light fixtures.



Figure L.

#### **SEC. 6.6.011 SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE**

- (a) All building permit applications must include an Outdoor Lighting plan that includes the following information:
- (1) The location of all existing and proposed light fixtures (may be included on-Site Plan).
  - (2) A Lumen calculation sheet to determine lumens per net acre. It must include the square footage of the total area to be illuminated, the light fixture catalog descriptions or ordering number, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), the Kelvin rating for the lamp, the B-U-G rating for the selected fixture (if available); the number of fixtures or lamps (use the same unit corresponding to the unit used to determine how many lumens are produced), fixture or lamp initial lumens, the location from the edge of a canopy (if applicable), and mounting height of all existing and proposed lamps.
  - (3) Manufacturer's specification sheets for all existing and proposed light fixtures.

(4) Elevations with notes where light fixtures are to be installed indoors that may be seen from the exterior.

(5) Site plan with specific measurements in feet for the area to be illuminated. A scale notation is not sufficient.

(6) Acknowledgement that the Applicant has received notification of the provisions of this article.

(b) Upon receipt of Residential building permit applications, City staff shall provide the homebuilder and/or Applicant with educational materials about this article. The City's submission of educational materials shall be prima facie evidence that the Applicant has received notification of the provisions of this article.

(c) Verification that a Residential or Commercial Construction Project requiring a building permit Application has complied with the provisions of this article shall occur during the final electrical inspection by the City building inspector.

(d) For the first 60 days after the enactment of this article, Residential building permit Applicants may postpone the submission of the plans and evidence of compliance

defined in this section for a maximum of 30 business days after the submission of their building permit Application.

#### **SEC. 6.6.012 EXEMPTIONS**

(a) The following Lighting instances are exempt from this article:

(1) Outdoor light fixtures with a maximum output of 180 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the fixture has a diffuser installed, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the Total Outdoor Light Output allowed.

(2) Outdoor light fixtures with a maximum output of 360 lumens per fixture, regardless of the number of bulbs, that are shielded with a medium to dark tone lens provided said lens reduces the Lumen output approximately in half, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the Total Outdoor Light Output allowed.

(3) Outdoor Lighting that light is produced directly by the combustion of fossil fuels.

- (4) Lighting required by law to be installed on motor vehicles.
- (5) Lighting needed during activities of law enforcement, fire and other emergency services.
- (6) Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (7) Lighting required for the safe operation of aircraft.
- (8) Temporary Lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (9) Festoon type low-output lamps are limited to small individual bulbs on a string with a maximum output of 56 lumens within any square foot. The bulbs must have a rating of no more than 2800 Kelvin, may not be located within 3 feet of a reflective surface such as a light colored or metal wall, and the bulbs may not be visible from any Residential property within 50 feet of the installed lights. The Lumen output from these lamps shall be doubled for inclusion in the Total Outdoor Light Output calculations and that doubled

Lumen value shall not exceed 20% of the Total Outdoor Light Output allowed for the property.

- (10) Low-intensity mini-lights or rope-type lights in amber, gold, yellow, cream, red, orange, or warm white wrapped on a tree, post, or other similar object provided the layers are at least 6 inches apart. The output from these mini-lights shall not exceed 2% of the Total Outdoor Light Output allowed for the property and will be included in the lumens calculation for the Total Outdoor Light Output allowed.
- (11) Temporary Lighting for theatrical, television, performance areas, events, or Construction areas provided the lights are positioned so they do not shine in the eyes of passing drivers and the source of the illumination is shielded from any other property. This Temporary Lighting must not allow any light to be projected or reflect above the Structures or trees on the property.
- (12) Lighting required by federal or state laws or Standards.

## **SEC. 6.6.013 CERTIFICATES OF OCCUPANCY AND COMPLIANCE**

(a) Certificates of Occupancy shall be required for any of the following:

(1) Occupancy and use of a Building hereafter erected or structurally altered.

(2) Change in use of an existing Building to a use of a different classification.

(3) Change in the use of land to a use of a different classification.

(4) Change in occupant or Business within a Building.

(b) No such use or change of use shall take place until a Certificate of Occupancy has been issued by the Building Official. A fee shall be established by separate ordinance.

(c) Procedure for New or Altered Buildings:

(1) Written Application for a Certificate of Occupancy for a new Building or for an existing Building that is to be altered shall be made at the same time as the Application for the building permit for such Building. Said Certificate shall be issued after the Building Official orders the Building or Structure inspected and finds no violations of the provisions of this Code or

other Standards that are enforced by the Building Official. Said Certificate shall be issued by the Building Official or their agent after the erection or Alteration of such Building or part thereof has been completed in conformity with the provisions of this Code.

(d) Procedure for vacant land or a change in Building use:

Written Application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a Building, or for a change from a nonconforming use to a conforming use shall be made to said Building Official or their agent. If the proposed use is a conforming use, as herein provided, written Application shall be made to said Building Official. If the proposed use is found to be in conformity with the provisions of this Code, the Certificate of Occupancy shall be issued after the Application for same has been made and all required inspections are completed for approval by the Building Official.

(e) Contents:

Every Certificate of Occupancy shall contain the following: 1) building permit number, 2) the address of the Building, 3) the name and address of the owner, 4) a description of that portion of the Building that the

Certificate is issued, 5) a statement that the described portion of the Building has been inspected for compliance with the requirements of the ICC Codes division of occupancy, 6) the name of the Building Official, 7) use (uses) allowed, and 8) issue date of Certificate of Occupancy.

(f) Posting:

The Certificate of Occupancy shall be posted in a conspicuous place on the Premises and shall not be removed except by the Building Official or their authorized agent.

(g) Revocation:

The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Code whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the Building or Structure or portion thereof is in violation of any ordinance or standard or any of the provision of this Code or the Building Code and other codes adopted by the City, and any amendments thereto.

# CHAPTER 7: PUBLIC REALM DEVELOPMENT STANDARDS



## ARTICLE 7.1 STREETS & PUBLIC REALM

### SEC. 7.1.001 INTENT

- (a) The Public Frontage is the space where public investments and land is used to connect people to places.
- (b) The Pedestrian comfort shall be the primary consideration for the design of Streets. Design conflicts between vehicular and Pedestrian movement shall be decided in favor of the Pedestrian.
- (c) A diversity of Street Tree Species should be planted throughout the City of Bastrop to promote resistance to disease and insect blight.
- (d) Street Trees should be planted to create a visually unified streetscape.

### SEC. 7.1.002 GENERAL

- (a) Development located within the City Limits shall be subject to the requirements of this Section. Development in the ETJ shall comply with the rules of Subdivision Chapter, Sign Chapter, and all environmental regulations as allowed by state law and the rules established by the Inter-local Agreement with Bastrop County.

- (b) Streets are intended for use by vehicular and Pedestrian traffic and to provide access to lots and Civic Spaces.
- (c) New Streets shall be required when shown on the City's adopted Master Thoroughfare Plan. In addition, each Farm Lot shall include internal Streets to create Building Blocks.
- (d) Street Arrangement: The Bastrop Master Transportation Plan and Thoroughfare Master Plan establish the foundation for the Mandatory Street Network. Unless otherwise approved by the City Council, provision shall be made for the extension of Streets through any new neighborhood. Off-center Street intersections with Streets in adjacent neighborhoods shall be avoided. All Streets shall be continuous or in alignment with existing Streets unless variations are deemed advisable by the Council due to topography and requirements of traffic circulation.
- (e) Street Design: To assure adequate and proper Streets, a soils evaluation report by a licensed Engineer shall be required. This report shall be submitted with the plans and specifications for Street improvements. Generally, all Streets shall be surfaced with one of the surfaces indicated below with Curb and gutter as set forth in and



built according to the current City of Bastrop Construction Standards Manual and Details.

- (f) Street Widths: Major Streets serving Place Types P5 or EC shall have a minimum dedicated right-of way of 80 feet and a minimum paving width Curb to Curb of 32 feet. Connector Streets used to primarily serve neighborhoods and serving Place Types P3, P4, or P5 shall have a minimum dedicated right-of-way of 55.5 feet and a minimum (paving) width Curb to Curb of 28 feet. Neighborhood and Local Streets primarily serving Place Type P3 shall have a minimum dedicated right-of-way of 55.5 feet with a minimum paving width Curb to Curb of 28 feet. Streets in P2 and rural areas shall generally be constructed with concrete ribbon curbs and the right-of- way may vary.

(g) Intersections:

- (1) All Streets, major, neighborhood connector or P3 Streets must intersect at a 90-degree angle, unless existing Site constraints will not allow for this alignment.
- (2) Curbs at acute angle intersections, if approved, shall have 25-foot radii at acute corners.

- (3) Each new Street intersection with, or extending to meet, an existing Street, shall be tied to the existing Street on center line.

(4) Minimum Curb radius at intersections:

- A. Primary Multimodal Streets - 20 foot
- B. Local Connector - 15 foot
- C. Residential Streets - 10 foot

(h) Cul-De-Sacs:

- (1) Dead-end Streets must be avoided unless approved due to geographically sensitive areas, topography, railroad tracts, or another physical barrier as approved by the DRC.
- (2) Dead-end Streets may be platted where the land being divided adjoins property not being divided, in which case the Streets shall be carried to the boundaries thereof. Streets designed to be permanently dead-end shall not be longer than 500 feet and shall be provided at the closed end with a paved cul-de-sac at least 80 feet in diameter.

- (3) Temporary turnarounds are to be used at the end of a Street more than 300 feet long that will be extended in the future.
- (i) Partial or Half-Streets: Partial or half-Streets may be provided where the City Council believes that a Street should be located on a property line.
- (j) Street Names: New Streets shall be named to provide continuity of name with existing Streets and to prevent conflict with identical or similar names in other parts of the City, as determined by the 911 coordinator for the City and/or County.
- (k) Private Streets: To prevent future conflicts regarding Street maintenance, private Streets are prohibited, except where justified by special considerations. Private Streets may be permitted by approval of the City Council after evaluation of such considerations.
- (l) Street Signs: Street Signs are required at all intersections. Signs will meet current City Sign Standards or match the existing Street Signs of the adjacent joining Streets.
- (m) Alleys:
  - (1) Pavement Type: Alleys shall be paved with reinforced concrete conforming to Street paving requirements.
- A. Alternative Construction methods may be approved by the Director of Engineering.
- (2) Width: A minimum paved width of 16 feet and a minimum right-of-way of 20 feet shall be required for all alleys.
- (3) Drainage: Adequate Drainage shall be provided with paved sections or by swales to drain all lots to Streets without Drainage easements through lots where possible. The depth of Swale shall be as required for Drainage with a minimum longitudinal slope of 1/2 of 1.5% percent toward a Street or Drainage easement.
- (4) Streets and Alleys shall be designed by a register engineer meeting the specifications of this manual and the City of Bastrop Construction Standards Manual.

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## ARTICLE 7.2 NEW STREETS

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### SEC. 7.2.001 GENERAL

- (a) The new Streets section establishes and documents the policies, procedures, and practices for how the City manages physical improvements in the Street right-of-way and on public property. It attempts to provide a comprehensive resource for all procedures, Standards, and guidelines affecting physical changes in the Street right-of-way.
- (b) The Streets section summarizes this Code requirements for Street and Alley improvements and presents specific criteria for design and installation.

### SEC. 7.2.002 INTENT

- (a) The intent of the new Street regulations is to provide a palette of Street typologies and design elements reflecting the character of different areas within the City.
- (b) The new Street regulations provide adequate travel lanes for vehicles, cyclists, and pedestrians.
- (c) The City supports the use of context sensitive design solutions and complete Streets and will review projects on

a case-by-case basis for conformance with these concepts.

- (d) The Street typical cross-sections displayed in this section provide a guide to balancing the needs of all modes of travel. Modifications to these typical cross sections may be made by the City Engineer.
- (e) The appropriate Street typical cross-section will be selected by the City Engineer based on both engineering and land use context factors, including anticipated vehicle volumes.
- (f) Administrative design adjustments approved by the Director of Planning & Development may be appropriate when an existing Building would impede roadway expansion; when transitioning from a different Street section; or where strict compliance with this Code would pose a safety hazard.

### SEC. 7.2.003 STREET RIGHT-OF-WAY WIDTH

- (a) Street right-of-way width for Thoroughfare Master Plan Streets must be dedicated as specified in the Transportation Master Plan.
- (b) Alignments may be adjusted as approved by the DRC.

- (c) Applicants must dedicate sufficient right-of-way to the City for Streets and sidewalks, in accordance with the Master Transportation Plan. Typical Street right-of-way widths are illustrated in this Section.
- (d) The City may require turn lanes and additional right-of-way beyond that shown in the applicable Street typical cross-section to accommodate turn lanes when warranted.

#### **SEC. 7.2.004 MEASUREMENT OF STREETS & PUBLIC REALM**

- (a) Face of Curb. All measurements of parking spaces and lane widths are taken from the Face of Curb and are inclusive of the gutter.
- (b) Pavement Markings. All measurements of parking spaces and lane widths are made to the center of pavement markings.

### **ARTICLE 7.3 STREET TYPES**

- (a) A range of Streets Types have been provided which correspond back to the built environment they serve. Street Types were created in conjunction with all other B<sup>3</sup> Code sections to promote long-term fiscal sustainability and a walkable environment. Each Street Type contains

characteristics which correspond with the Place Types and Building Types in the B<sup>3</sup> Code.

- (b) The following Street illustrations are to be used as a guide when designing Streets for Neighborhood Regulating Plans or Zoning Concept Schemes and Infill Street designs. The Streets types are separated into two categories:

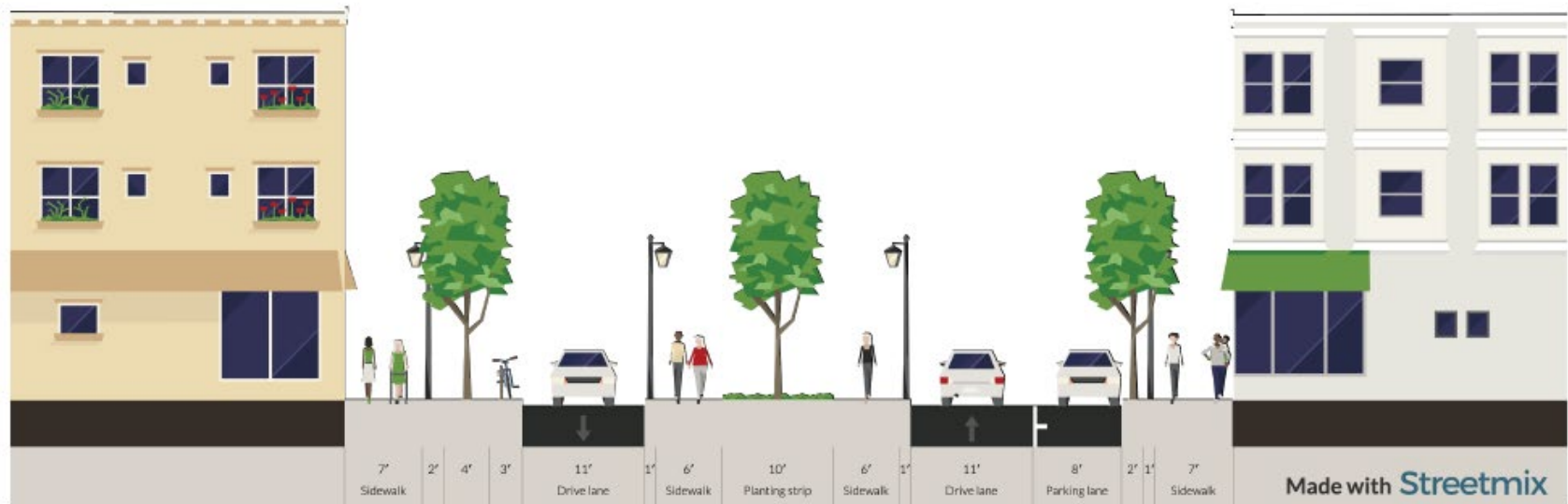
- (1) Primary Multimodal Streets (80' R.O.W.) - provide a higher degree of mobility than most of the grid street network by serving travel between major destinations or activity centers, as well as providing local cross-City route alternatives to the major highway routes. These Streets should be designed as walkable, low-to-moderate speed Thoroughfares that carry both through and local traffic, pedestrians, and bicyclists. These Streets are also important connections for primary goods movement and emergency response routes. These Streets will often require additional right-of-way than a typical connector, either for additional through travel lanes or for dedicated Pedestrian and bicycle facilities (Bastrop Master Transportation Plan).
- (2) Local Connector Streets (55.5' R.O.W.) - provide a higher degree of direct access to abutting property.

These Streets should be designed as walkable, low- speed Streets that connect different Development districts and Residential neighborhoods with each other. The Local Connector Street network should provide continuous, connected links to distribute local travel patterns. Due to the diversity of content in neighborhoods these Streets serve, a variety of Street design elements and cross sections may be appropriate to serve adjacent land use contexts. This includes potential accommodations for higher Pedestrian, bicyclist, or on-Street parking demand (Bastrop Master Transportation Plan).

- (3) Rural Streets (R.O.W. varies) – provide local access to rural areas primarily characterized by large lots, Farm

Lot scale developments or Open Space. Due to environmental protections, rolling terrain, and low-density Development context, a rural cross section and design elements are recommended.

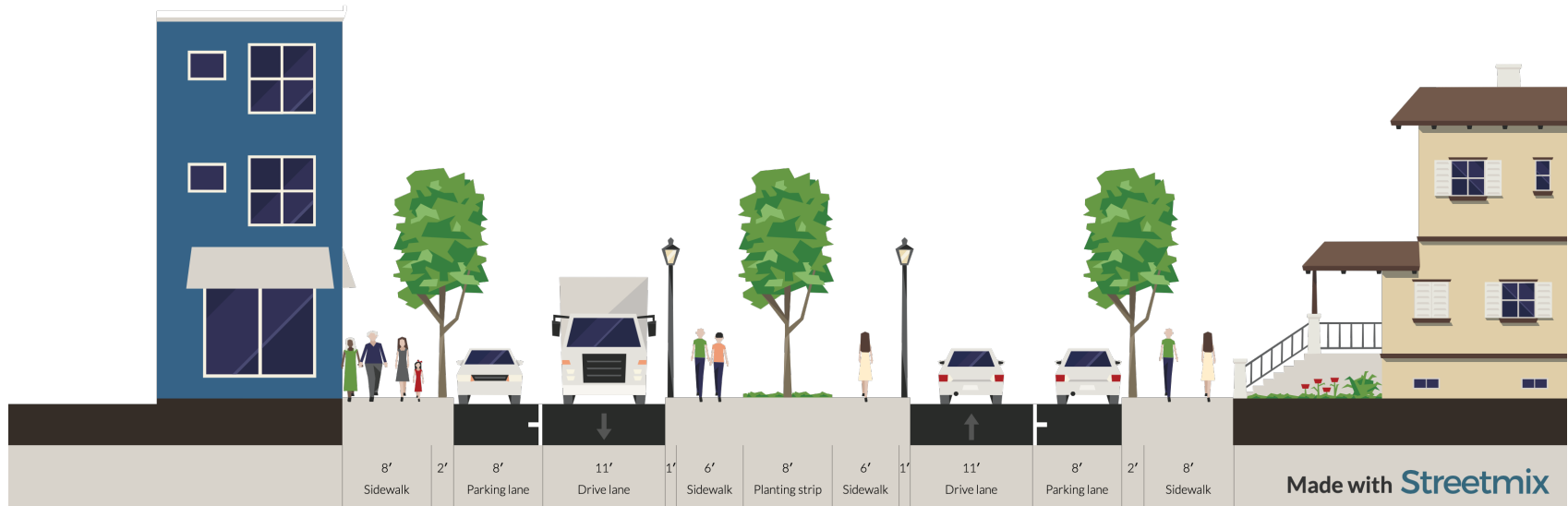
## SEC. 7.3.001 PRIMARY MULTIMODAL STREET: BOULEVARD



<b>Street Type:</b>	Boulevard is a two-way Street with a median, non-continuous parking on both sides, and multi-modal driving lanes	<b>Planter Type:</b>	Continuous planter
<b>Right-of-Way Width:</b>	80 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	30 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	30 MPH	<b>Building Types Allowed:</b>	See B <sup>3</sup> Code Sec. 6.5

<b>Traffic Lanes:</b>	Two lanes at 11 feet each	<b>Frontage Line Setback:</b>	See B3 Code Sec. 6.5.003
<b>Parking Lanes</b>	Non-continuous parking on both sides with Curb Extensions at corners and mid-Block.	<b>Private Frontage Allowed:</b>	See B3 Code Sec. 6.5.002
<b>Curb Radius</b>	15 feet	<b>Street Lights:</b>	Shielded Post and Column type
<b>Walkway Type</b>	10-15 feet Sidewalk	<b>Place Types:</b>	P4, P5

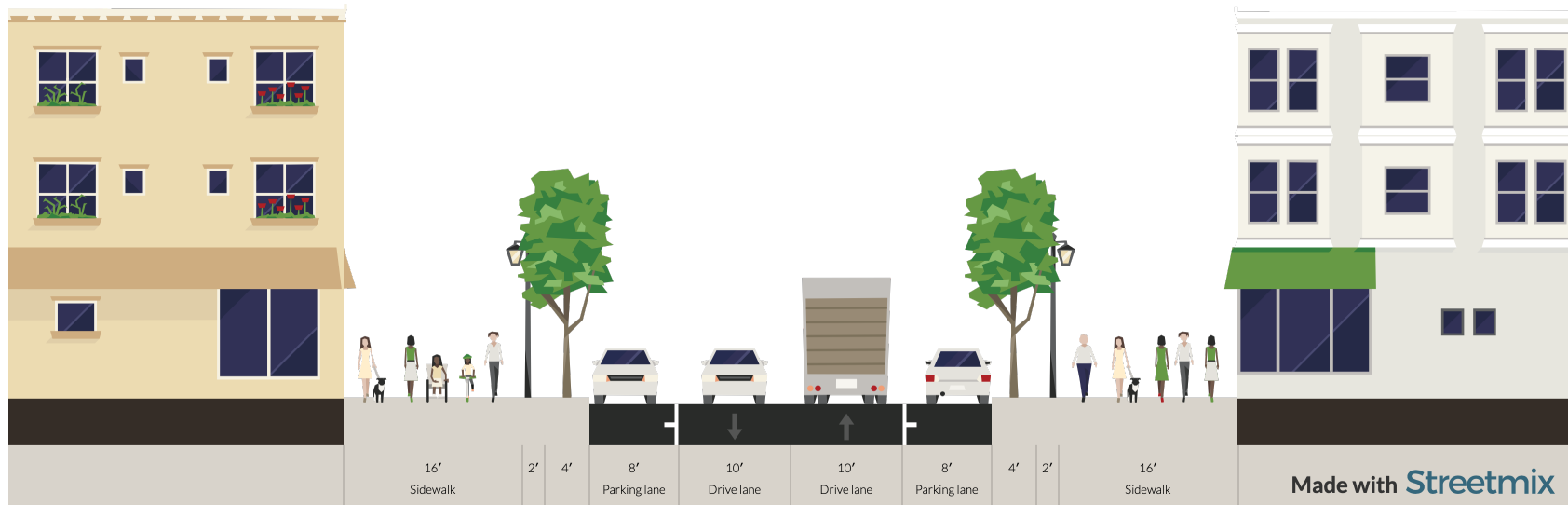
## SEC. 7.3.002 PRIMARY MULTIMODAL STREET: AVENUE



<b>Street Type:</b>	Two-way Street with Parking	<b>Planter Type:</b>	Continuous planter
<b>Right-of-Way Width:</b>	80 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	36 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	30 MPH	<b>Frontage Line Setback:</b>	See B <sup>3</sup> Code Sec. 6.5.003
<b>Traffic Lanes:</b>	Two lanes at 11 feet each	<b>Private Frontage Allowed:</b>	See B <sup>3</sup> Code Sec. 6.5.002
<b>Parking Lanes</b>	Both sides parallel at 8 feet, marked	<b>Street Lights:</b>	Shielded Post and Column type
<b>Curb Radius</b>	10 feet	<b>Place Type</b>	P3, P4, P5
<b>Walkway Type</b>	6-15 feet Sidewalk	<b>Building Types Allowed</b>	See B <sup>3</sup> Code Article 6.5

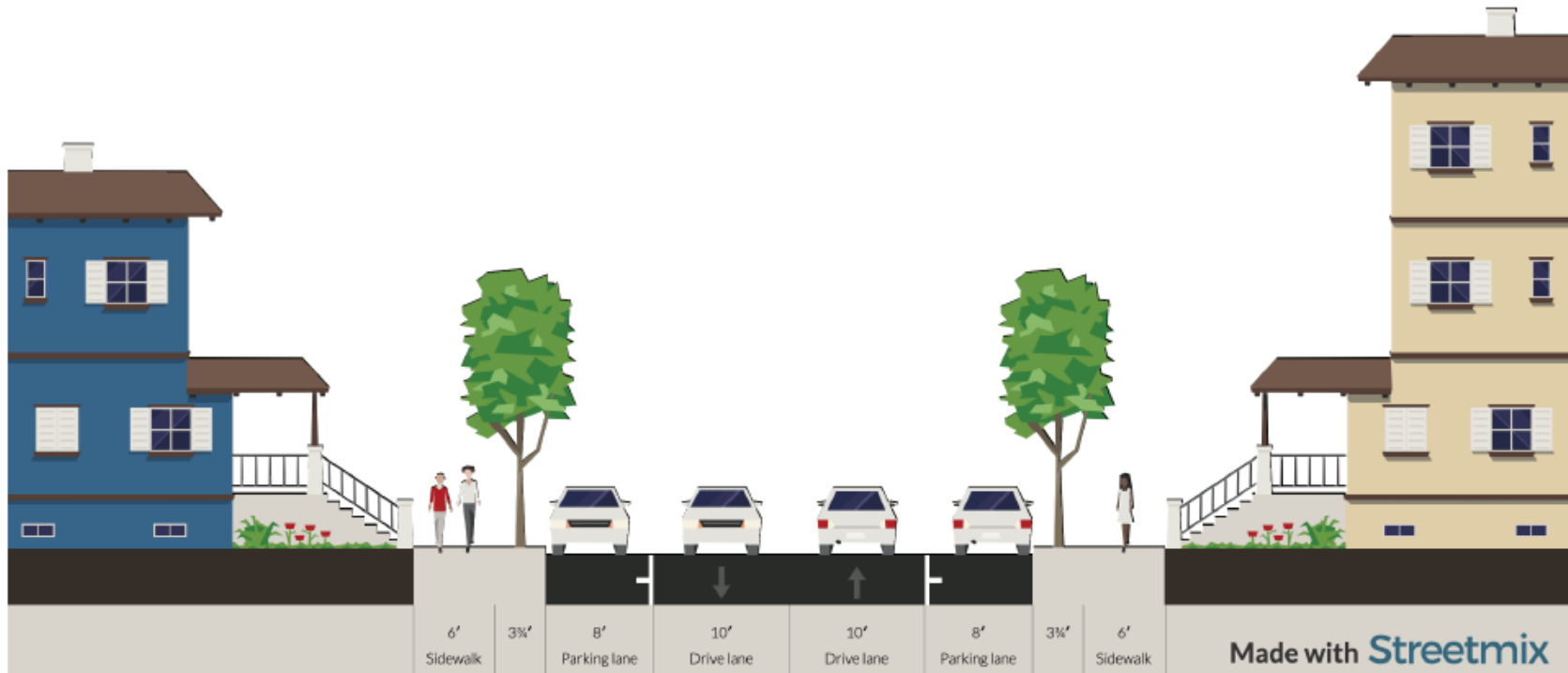


## SEC. 7.3.003 PRIMARY MULTIMODAL STREET: REGIONAL COMMERCIAL



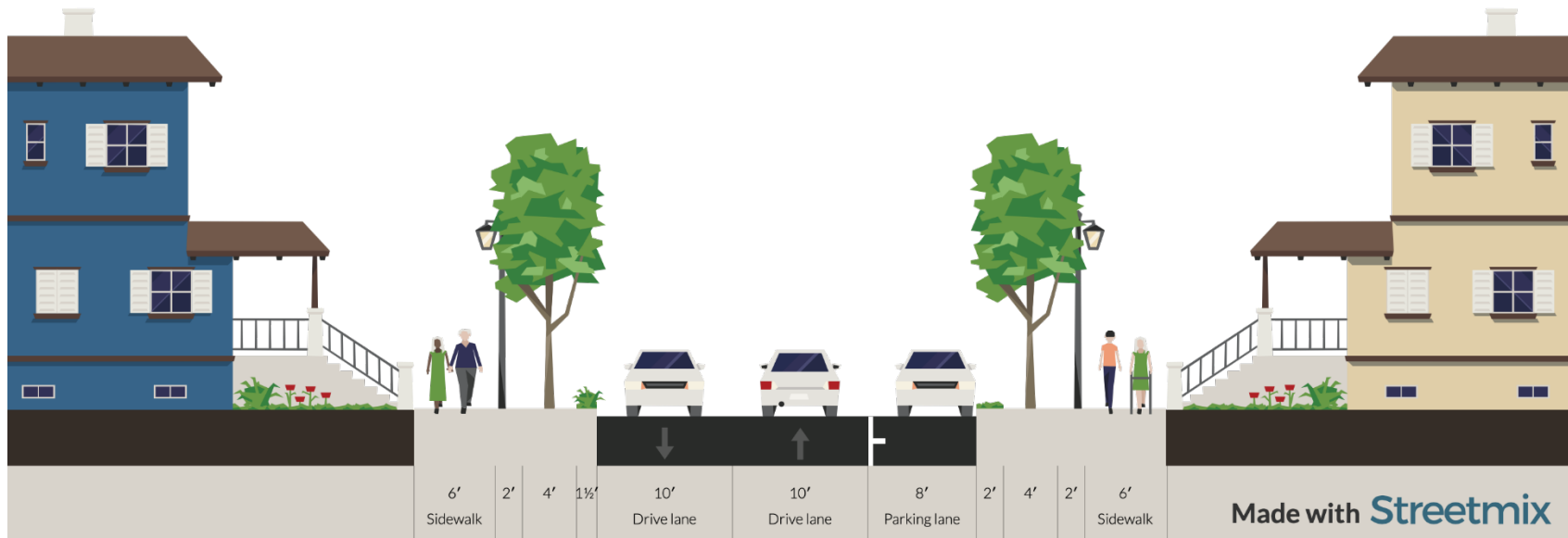
<b>Street Type:</b>	Two-way Street with parking	<b>Planter Type:</b>	Tree Well
<b>Right-of-Way Width:</b>	80 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	36 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	25 MPH	<b>Building Types Allowed:</b>	See B <sup>3</sup> Code Article 6.5
<b>Traffic Lanes:</b>	Two lanes at 10 feet each	<b>Frontage Line Setback:</b>	See B <sup>3</sup> Code Sec. 6.5.003
<b>Parking Lanes</b>	Both sides parallel at 8 feet, marked	<b>Private Frontage Allowed:</b>	See B <sup>3</sup> Code Sec. 6.5.002
<b>Curb Radius</b>	15 feet	<b>Street Lights:</b>	Shielded Post and Column type
<b>Walkway Type</b>	16-foot Sidewalk	<b>Place Types:</b>	P5

## SEC. 7.3.004 LOCAL CONNECTOR STREET: CONNECTOR



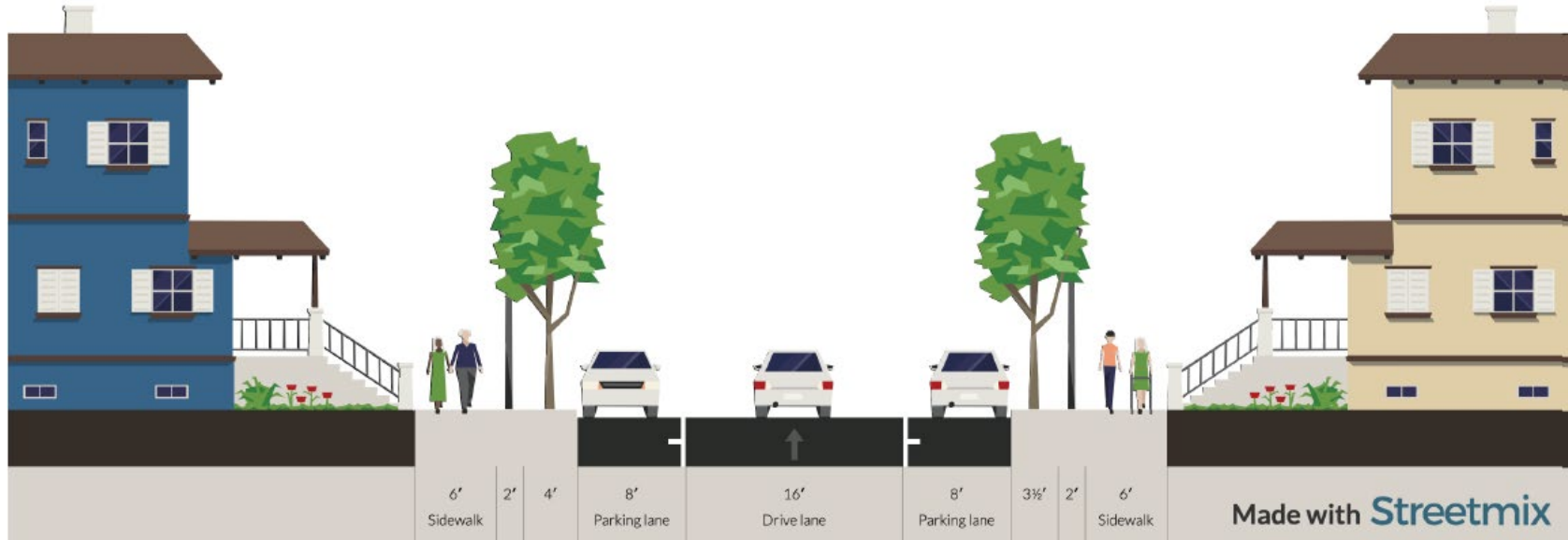
<b>Street Type:</b>	Two-way Street with parking	<b>Planter Type:</b>	Continuous planter
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	36 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	25 MPH	<b>Building Types Allowed:</b>	See B <sup>3</sup> Code Article 6.5
<b>Traffic Lanes:</b>	Two lanes at 10 feet each	<b>Frontage Line Setback:</b>	See B <sup>3</sup> Code Sec. 6.5.003
<b>Parking Lanes</b>	Both sides parallel at 8 feet, marked	<b>Private Frontage Allowed:</b>	See B <sup>3</sup> Code Sec. 6.5.002
<b>Curb Radius</b>	15 feet	<b>Street Lights:</b>	Shielded Post and Column type
<b>Walkway Type</b>	6-feet Sidewalk	<b>Place Types:</b>	P3, P4, P5

## SEC. 7.3.005 LOCAL CONNECTOR STREET: NEIGHBORHOOD STREET A



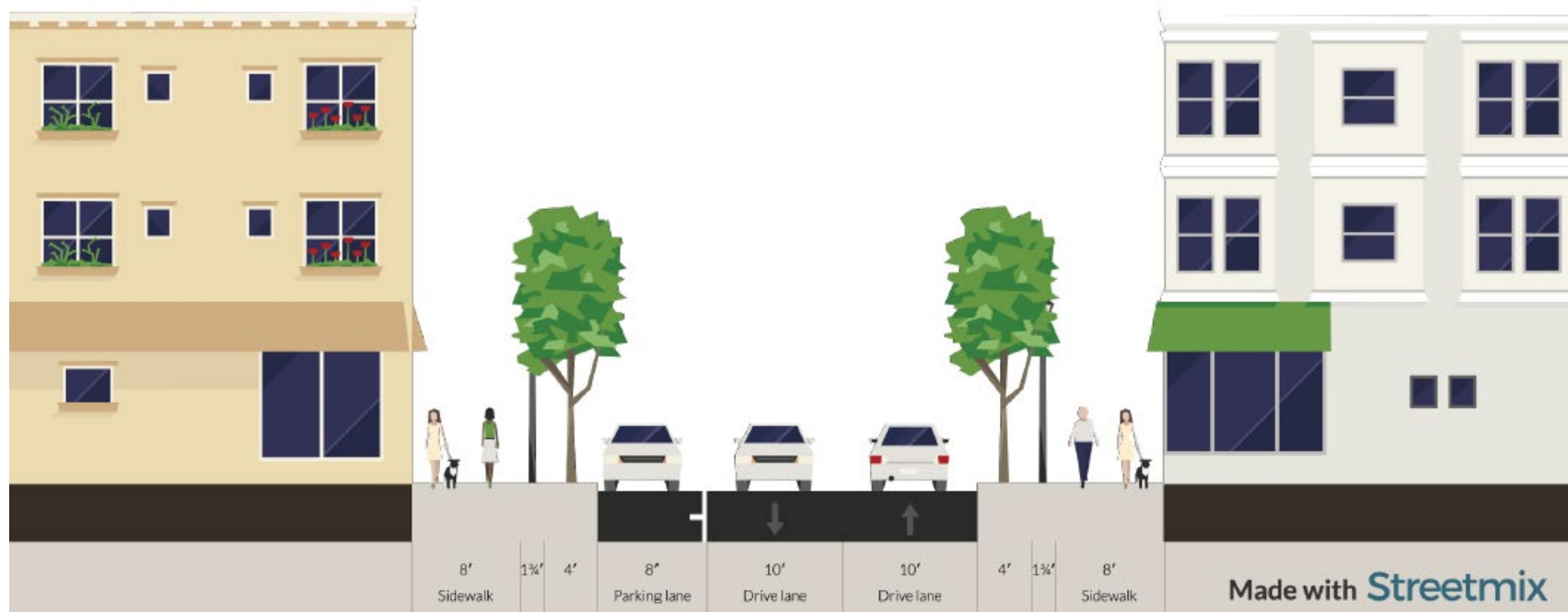
<b>Street Type:</b>	Two-way Street with parking	<b>Planter Type:</b>	Continuous planter
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	28 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	20 MPH	<b>Building Types Allowed:</b>	See B <sup>3</sup> Code Article 6.5
<b>Traffic Lanes:</b>	Two lanes	<b>Frontage Line Setback:</b>	See B <sup>3</sup> Code Sec. 6.5.003
<b>Parking Lanes</b>	One side at 8 feet, marked	<b>Private Frontage Allowed:</b>	See B <sup>3</sup> Code Sec. 6.5.002
<b>Curb Radius</b>	15 feet	<b>Street Lights:</b>	Shielded Post and Column type
<b>Walkway Type</b>	6-feet Sidewalk	<b>Place Types:</b>	P3, P4

## SEC. 7.3.006 LOCAL CONNECTOR STREET: NEIGHBORHOOD STREET B



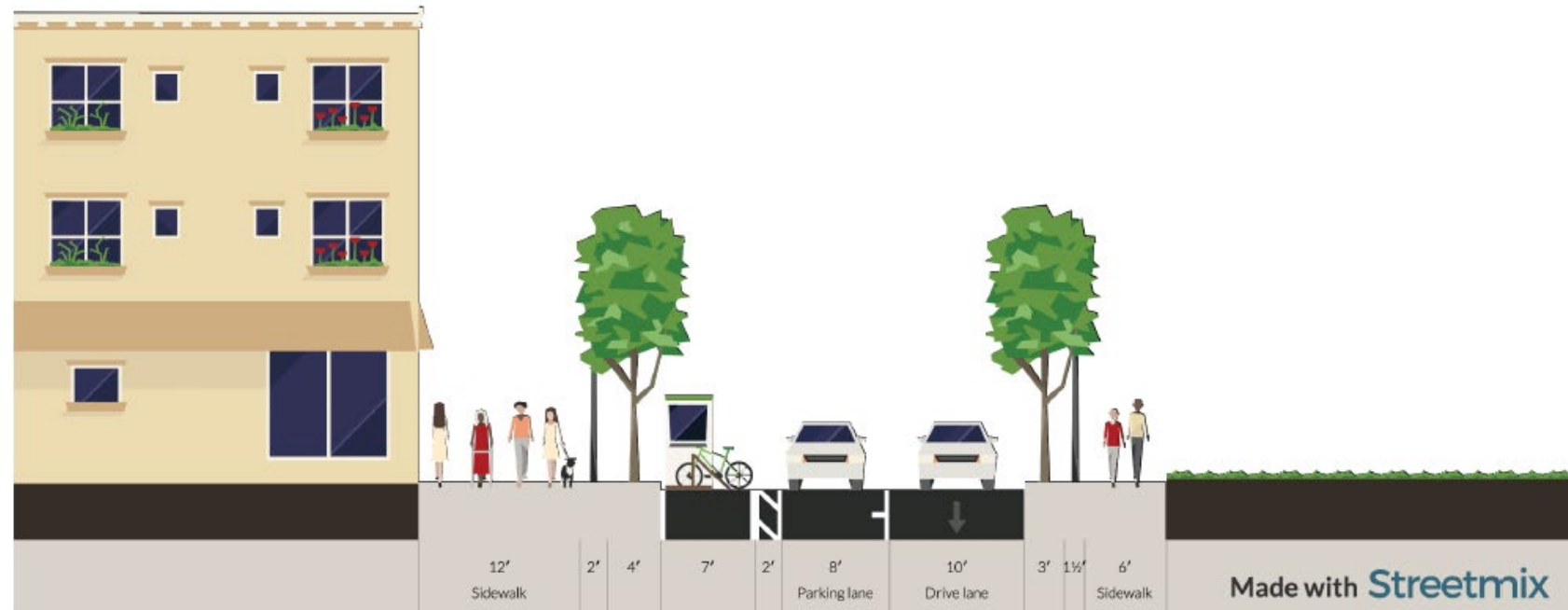
<b>Street Type:</b>	Two-way Street with parking	<b>Planter Type:</b>	Continuous planter
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	28 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	20 MPH	<b>Building Types Allowed:</b>	See B <sup>3</sup> Code Article 6.5
<b>Traffic Lanes:</b>	Two-way Yield Street	<b>Frontage Line Setback:</b>	See B <sup>3</sup> Code Sec. 6.5.003
<b>Parking Lanes</b>	Both sides parallel at 8 feet, marked	<b>Private Frontage Allowed:</b>	See B <sup>3</sup> Code Sec. 6.5.002
<b>Curb Radius</b>	15 feet	<b>Street Lights:</b>	Shielded Post and Column type
<b>Walkway Type</b>	6-feet Sidewalk	<b>Place Types:</b>	P3, P4

## SEC. 7.3.007 LOCAL CONNECTOR STREET: LOCAL COMMERCIAL



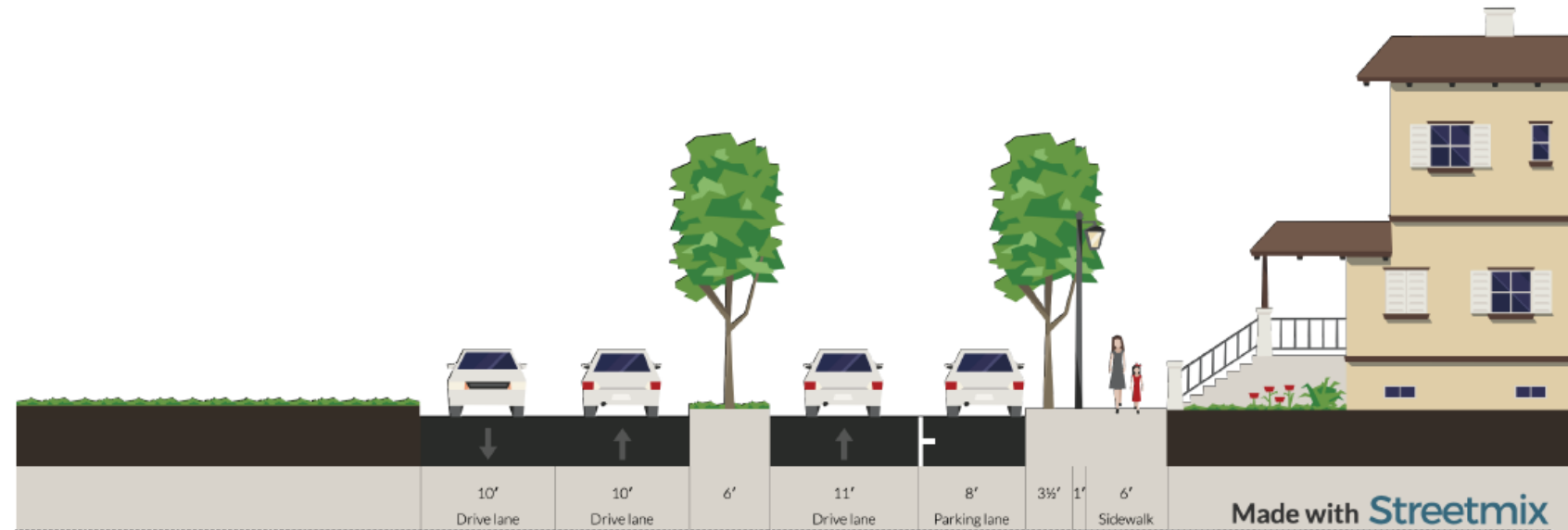
<b>Street Type:</b>	Two-way Commercial Street	<b>Planter Type:</b>	Tree Well
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	28 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	25 MPH	<b>Building Types Allowed:</b>	See B3 Code Article 6.5
<b>Traffic Lanes:</b>	Two lanes at 10 feet each	<b>Frontage Line Setback:</b>	See B3 Code Sec. 6.5.003
<b>Parking Lanes</b>	Parallel on one side at 8 feet, marked	<b>Private Frontage Allowed:</b>	See B3 Code Sec. 6.5.002
<b>Curb Radius</b>	15 feet	<b>Street Lights:</b>	Shielded Post and Column type
<b>Walkway Type</b>	8 to 12-foot sidewalk	<b>Place Types:</b>	P4, P5

## SEC. 7.3.008 LOCAL CONNECTOR STREET: COURT STREET



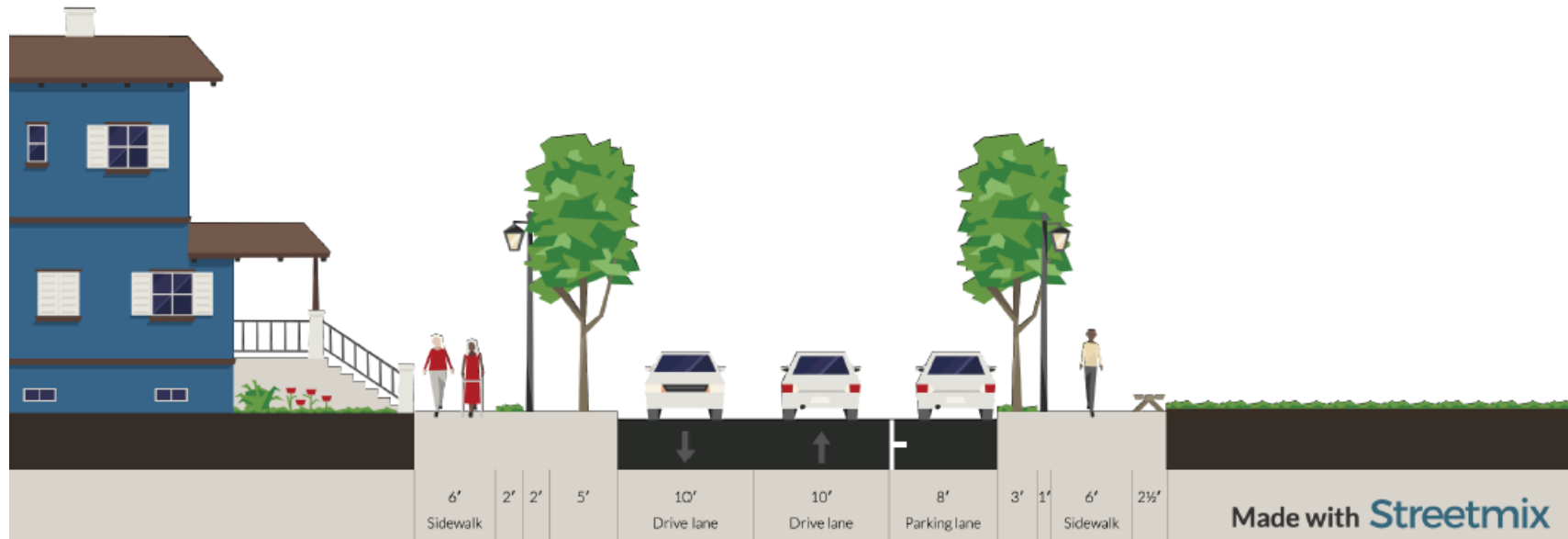
<b>Street Type:</b>	One-way with parking	<b>Planter Type:</b>	Continuous planter
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	27 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	20 MPH	<b>Building Types Allowed:</b>	See B3 Code Article 6.5
<b>Traffic Lanes:</b>	One lane 10 feet wide	<b>Frontage Line Setback:</b>	See B3 Code Sec. 6.5.003
<b>Parking Lanes</b>	8 feet, Building side only	<b>Private Frontage Allowed:</b>	See B3 Code Sec. 6.5.002
<b>Curb Radius</b>	20 feet	<b>Street Lights:</b>	Shielded Post and Column type
<b>Walkway Type</b>	8 to 16-feet Sidewalk along buildings and 6 feet long Park edge (optional)	<b>Place Types:</b>	P3,P4, P5

## SEC. 7.3.009 LOCAL CONNECTOR STREET: SLIP STREET



<b>Street Type:</b>	One-way with parking	<b>Planter Type:</b>	Continuous planter
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	19 feet (slip Street)	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	20 MPH	<b>Building Types Allowed:</b>	See B3 Code Article 6.5
<b>Traffic Lanes:</b>	One lane 11 feet wide	<b>Frontage Line Setback:</b>	See B3 Code Sec. 6.5.003
<b>Parking Lanes</b>	8 feet, Building side only	<b>Private Frontage Allowed:</b>	See B3 Code Sec. 6.5.002
<b>Curb Radius</b>	20 feet	<b>Street Lights:</b>	Post and Column type
<b>Walkway Type</b>	6-feet Sidewalk	<b>Place Types:</b>	P3,P4, P5

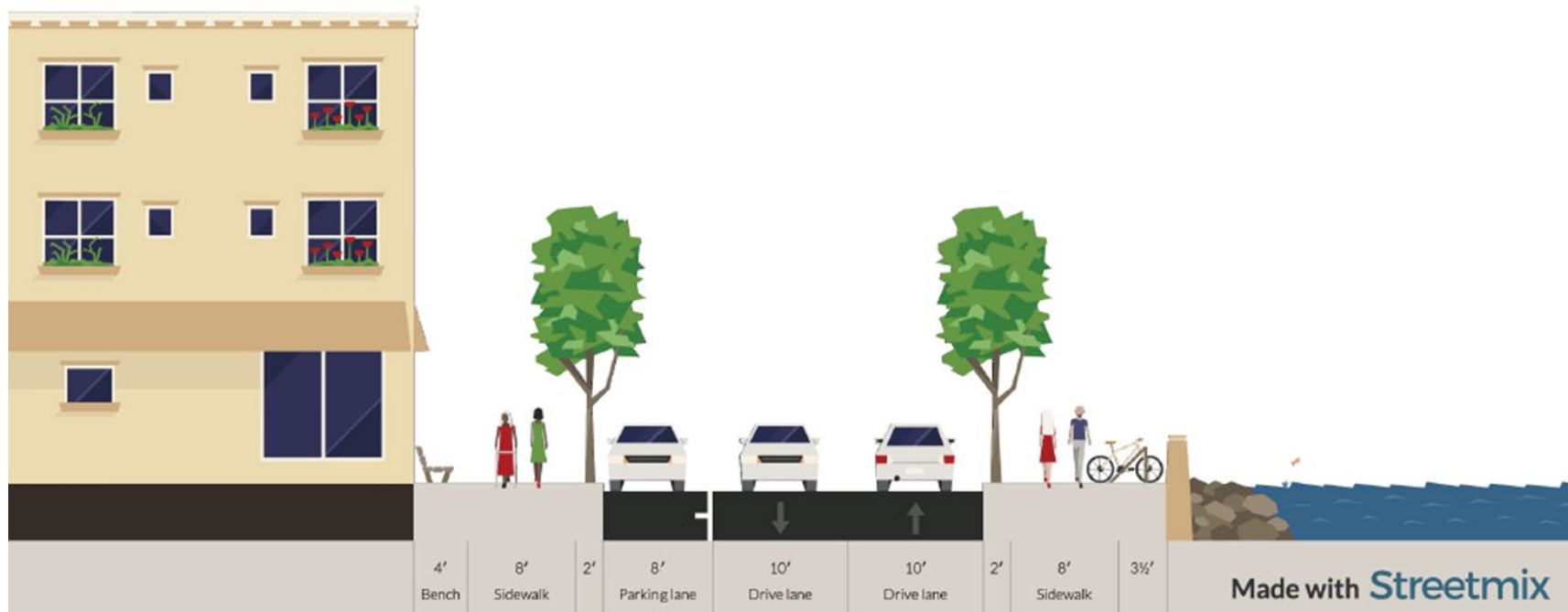
## SEC. 7.3.010 LOCAL CONNECTOR STREET: PARK DRIVE



<b>Street Type:</b>	Two-way with parking on Park side	<b>Planter Type:</b>	Continuous planter
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	28 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	25 MPH	<b>Building Types Allowed:</b>	See B3 Code Article 6.5
<b>Traffic Lanes:</b>	Two Lanes - 10 feet wide	<b>Frontage Line Setback:</b>	See B3 Code Sec. 6.5.003
<b>Parking Lanes</b>	8 feet, park side only	<b>Private Frontage Allowed:</b>	See B3 Code Sec. 6.5.002
<b>Curb Radius</b>	10 feet	<b>Street Lights:</b>	Post and Column type
<b>Walkway Type</b>	6 feet sidewalk	<b>Place Types:</b>	P3, P4

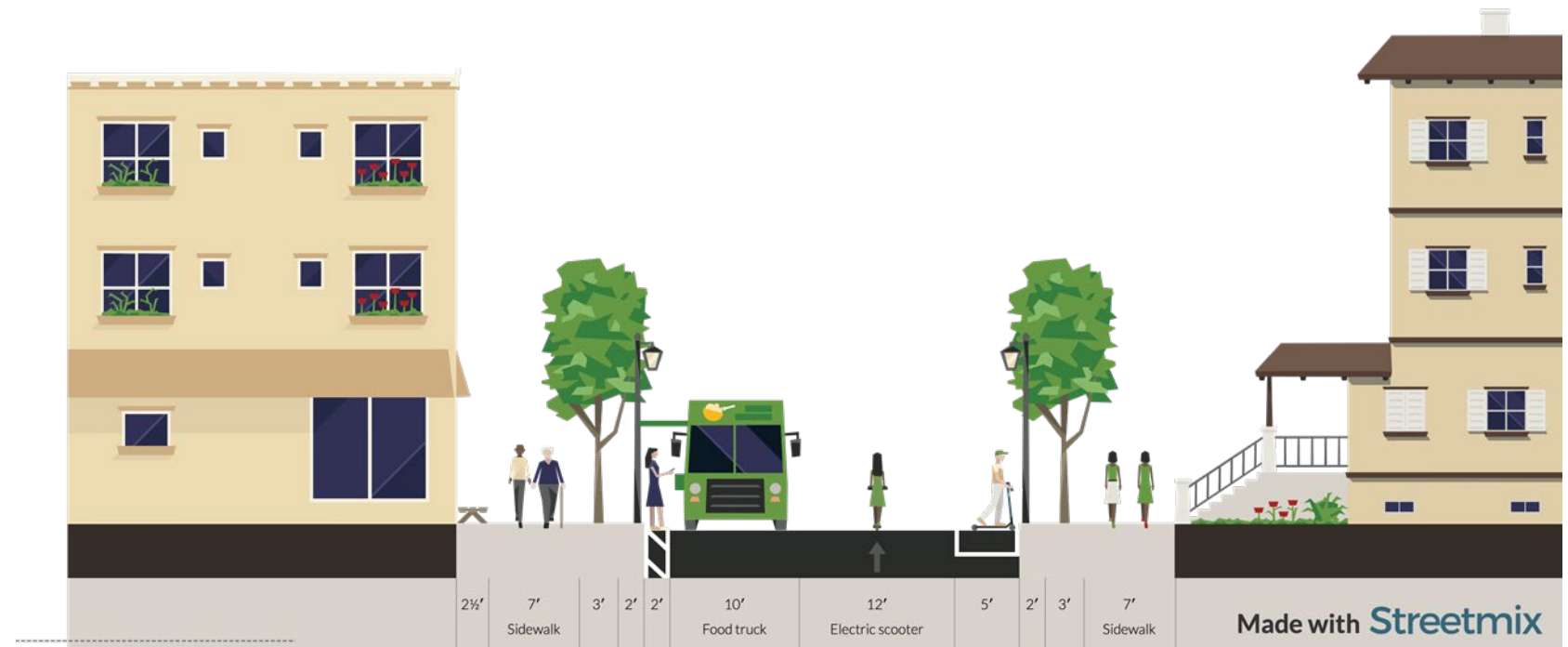


## SEC. 7.3.011 LOCAL CONNECTOR STREET: BOARDWALK



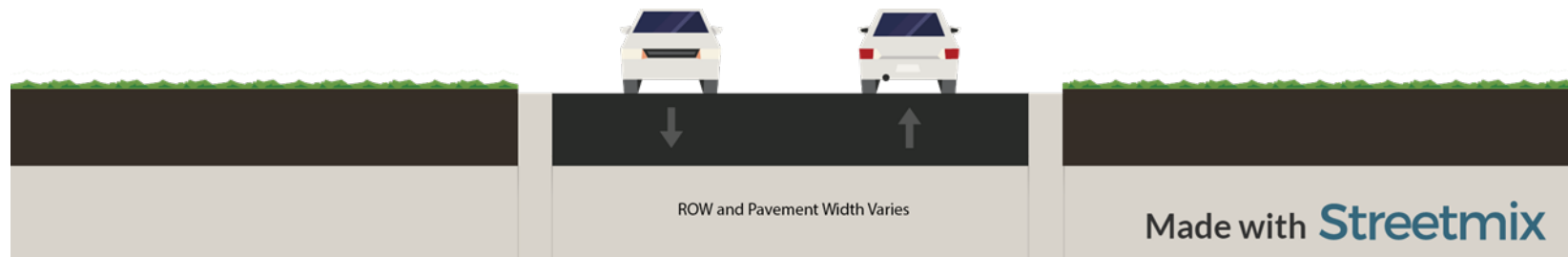
<b>Street Type:</b>	Two-way, Commercial	<b>Planter Type:</b>	Tree Well
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	Standard 6-inch Curb
<b>Pavement Width</b>	28 feet	<b>Landscape Type:</b>	Trees at 30 feet O.C. average
<b>Design Speed:</b>	25 MPH	<b>Building Types Allowed:</b>	See B3 Code Article 6.5
<b>Traffic Lanes:</b>	Two lanes; 10 feet wide	<b>Frontage Line Setback:</b>	See B3 Code Sec. 6.5.003
<b>Parking Lanes</b>	8 feet, parallel parking on one side	<b>Private Frontage Allowed:</b>	See B3 Code Sec. 6.5.002
<b>Curb Radius</b>	15 feet	<b>Street Lights:</b>	Post and Column type
<b>Walkway Type</b>	12 foot Sidewalk	<b>Place Types:</b>	P5

## SEC. 7.3.012 LOCAL CONNECTOR STREET: PEDESTRIAN STREET



<b>Street Type:</b>	Shared/ Ped Street	<b>Planter Type:</b>	Tree Well
<b>Right-of-Way Width:</b>	55.5 feet	<b>Curb Type:</b>	No Curb, Mountable
<b>Pavement Width</b>	22 feet	<b>Landscape Type:</b>	Smaller Trees at 20 feet O.C. average
<b>Design Speed:</b>	10 MPH	<b>Building Types Allowed:</b>	See B3 Code Article 6.5
<b>Traffic Lanes:</b>	One lane; 12 feet wide	<b>Frontage Line Setback:</b>	See B3 Code Sec. 6.5.003
<b>Parking Lanes</b>	Interspersed, marked	<b>Private Frontage Allowed:</b>	See B3 Code Sec. 6.5.002
<b>Curb Radius</b>	10 feet at entrance	<b>Street Lights:</b>	Column type
<b>Walkway Type</b>	10 - foot Sidewalk	<b>Place Types:</b>	P4 & P5

## SEC. 7.3.013 LOCAL CONNECTOR STREET: RURAL STREET



<b>Street Type:</b>	Two-way, Rural	<b>Planter Type:</b>	Varies
<b>Right-of-Way Width:</b>	Varies	<b>Curb Type:</b>	No Curb, Mountable
<b>Pavement Width</b>	Varies	<b>Place Types:</b>	P2
<b>Design Speed:</b>	30 mph	<b>Parking Lanes</b>	N/A
<b>Traffic Lanes:</b>	Two lanes	<b>Walkway Type</b>	Varies

### SEC. 7.3.013 COMPLIANCE WITH THE MASTER THOROUGHFARE PLAN

(a) Intent :

The pattern of Streets on the Master Thoroughfare Plan is intended to create a connected Street network that provides a variety of routes for Pedestrian and vehicular traffic, while respecting the conditions of the natural environment.

(b) Within a Neighborhood Regulating Plan and Zoning Concept Scheme, the location of internal Streets may vary from their locations on the Master Transportation Plan, subject to the following conditions:

- (1) The proposed arrangement meets the intent of this Code.
- (2) The proposed Street configuration promotes active, safe, and healthy transportation.
- (3) No Block perimeter shall exceed the requirements of the Place Types.
- (4) Overall connectivity to adjacent tracts shall not be decreased.

(c) Within a Neighborhood Regulating Plan or Zoning Concept Scheme, Streets that divide Farm Lots into

Building Blocks are required, except in Place Type P1 and P2, subject to the following conditions:

- (1) Civic Spaces may be incorporated on Streets that are not critical for vehicle traffic.
- (2) Alternative arrangements shall be considered as shown in the Pattern Book.

(d) When a Street is associated with certain proposed Place Types, additional right-of-way will be required as follows:

- (1) When the P5 Place Type is proposed on both sides of a Street, each side of the Street shall provide an additional 7' of right-of-way.
- (2) When necessary for Main Civic Space.

(e) Property where new Streets, a Zoning Concept Scheme or a Neighborhood Regulating Plan are not required, Building and/or site Development permits shall not be issued for the Development or redevelopment of any Street within the City of Bastrop prior to the approval of Public Frontage requirements showing the following in compliance with the Public Realm Standards of this Chapter:

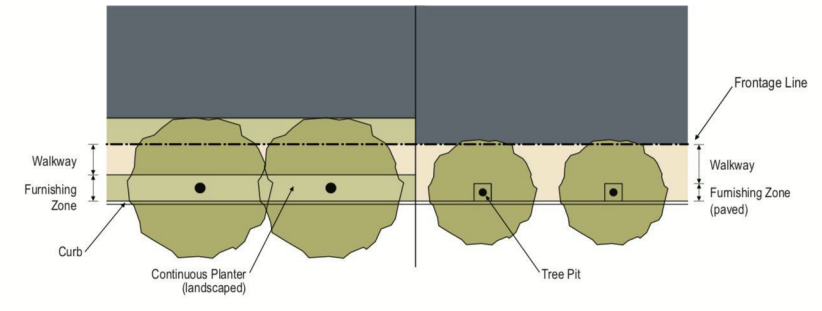
- (1) Type of Drainage
- (2) Width and Design of the Furnishing Zone
  - A. Planting Technique, tree species, and spacing of Street Trees;
  - B. Public Infrastructure, including Public Lighting; and,
  - C. Public Furniture.

### SEC. 7.3.014 PUBLIC FRONTAGE STANDARDS

- (a) The Public Frontage of Streets contributes to the character of each Place Type and Character District. See Street Types for Character District Standards. Street Types may be configured a variety of patterns and layouts along different Street Types. Street designs and must include:

- (1) The type of Drainage located adjacent to the vehicle lane;
- (2) The Furnishing Zone area provided to accommodate Street Trees, Public Infrastructure, and Public Furniture; and,
- (3) Walkways provided for pedestrians serving as a Block break may be approved by the DRC.

- (b) The Public Frontage of Streets shall be designed as specified in this Code and constructed in accordance with the B<sup>3</sup> Technical Manual. Public Frontage passing from one Place Type to another shall be adjusted to meet the transitioning Standards as required by the DRC.
- (c) For planting within the Furnishing Zone, the permitted species of Street Trees are specified in the B<sup>3</sup> Technical Manual.

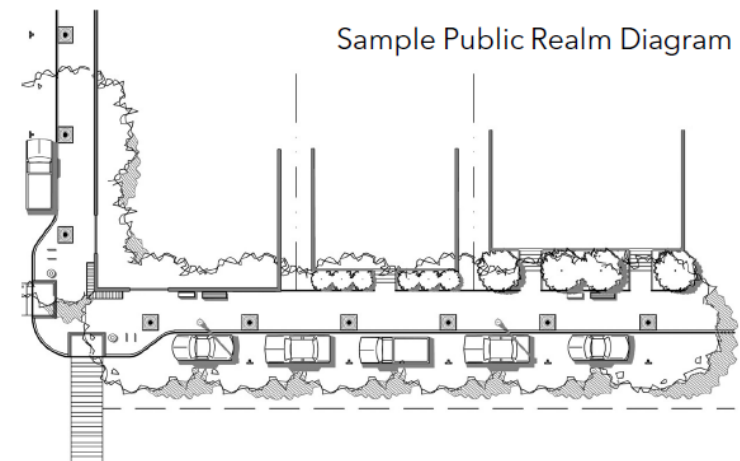


- (1) Street Trees shall be planted in P3, P4, and P5.
- (2) Street Trees shall be planted in a regularly-spaced pattern in P4 and P5 and;
- (3) When planted, Street Trees shall be a minimum height of 10 feet and /or 2 inches in caliper.

- (4) Public Frontage from of a Terminated Vista or Civic Space may be exempt from Street Tree requirements by Warrant.
- (5) To keep walkways and driveways clear from tree branch obstructions, Street Tree canopy, at maturity with minor pruning, shall provide a minimum vertical clearance of 8 feet for sidewalks and paths, driveways, parking spaces, Streets, and loading areas. Vertical clearance measurements shall be taken from the bottom branches of the main Canopy to the ground surface below.
- (6) Spacing of trees can be adjusted by Warrant to accommodate specific Site conditions and for the allowance of Encroachments.

- (d) For installation within the Frontage Zone, the prescribed types of Public Lighting and spacing shall be shown on the Public Lighting Table. The spacing may be adjusted by Warrant to accommodate Site specific conditions.
- (e) The paving design of the Walkway shall be continuous for the extent of each Block Face.
- (f) Sidewalks are required on all Primary Multimodal Streets and Local Connector Streets. The width and location of

sidewalks shall be in accordance with the appropriate Street cross-section in the City's standard specifications and B3 Technical Manual. The area between Curb and Sidewalk shall be excavated or filled to provide a uniform grade to match with the longitudinal Street grade. The ground elevation at the right-of-way line shall be not more than 2 feet nor less than 3 inches above the elevation of the top of the adjacent Curb. All sidewalks shall be of a continuing common surface, not interrupted by steps or abrupt changes in level. Wherever sidewalks end, at cross Streets or parking areas, they shall bend to a common level by constructing handicapped ramps in compliance with Americans with Disabilities Act (ADA) dimensions and Standards. All the broom-swept smooth and uniform to provide a non-slip surface. Construction details shall be



in accordance with the City's standard specifications and B<sup>3</sup> Technical Manual.

### **SEC 7.3.015 TRAFFIC & MITIGATION**

- (a) The purpose of this section is to ensure Development within the Bastrop City Limits is supported by an adequate roadway network to accommodate the continuing growth and Development of the City and its jurisdictional area. Acquisition of new rights-of-way for off-site, abutting, and internal Streets to support new Development is necessary and desirable. The City requires that:
  - (1) Development impacts are mitigated through contributions of Street rights-of-way and/or improvements to existing and new roadways; and
  - (2) New developments contribute their roughly proportionate share of the costs of needed transportation improvements; and
  - (3) Adequate infrastructure for new Development is adequately evaluated and addressed.
- (b) There must be a rough proportionality between the traffic impacts created by a new Development and requirements placed on the property owner or Applicant

for new Development to dedicate and improve off-site, abutting, and internal Street rights-of-way to City Standards. The City will evaluate the Project and determine what dedications, if any, are required to address both the nature and extent of the impact that results from the proposed Development. The City desires to assure that Development impacts are mitigated through contributions of Street rights-of-way and transportation system improvements, and those new developments contribute their share of the costs of transportation improvements. It is the City's intent to institute a procedure to assure mandatory dedications of Street rights- of- way and Street Construction requirements are proportional to the transportation demands created by a new Development.

- (c) If the traffic impact will affect a state-controlled highway then the Applicant must coordinate the necessary improvements with the Texas Department of Transportation (TxDOT). Prior to the Final Plat being submitted the Applicant must have obtained an agreement on the necessary road improvements and submit an agreement between the City of Bastrop and the Applicant to meet the requirements established by TxDOT. This will require the Applicant to coordinate with TxDOT and request TxDOT to submit the necessary

contract documents between TxDOT and the City of Bastrop to use as a basis for the transportation agreement between the City of Bastrop and the Applicant. A Final Plat cannot be recorded until the agreement has been finalized and the necessary funds (or, alternatively, approved fiscal assurance instruments) are deposited with the City of Bastrop.

### **SEC. 7.3.016 ALLEY CONSTRUCTION**

(a) Intent

Alleys serve TND developments well to distribute services and vehicles to the rear of the lots. Limiting the interruptions into the Public Realm adds to Walkability. Alley developments are preferred, therefore, Construction Standards provided in the various cross-sections are flexible to encourage the inclusion of Alleys.

(b) Alleys surface types will vary by Character District and Place Type and can be found in the B<sup>3</sup> Technical Manual.

- (1) Width: A minimum width of 12 feet and a minimum right-of-way of 16 feet shall be required for all Alleys.
- (2) Drainage: Adequate Drainage shall be provided with paved sections or by swales to drain all lots to Streets without Drainage easements through lots, where

possible. The depth of Swale shall be as required for Drainage with a minimum longitudinal slope of 0.5% toward a Street or Drainage easement.

### **SEC. 7.3.017 STREET MONUMENTS AND PROPERTY MARKERS**

(a) Property subject to platting shall follow the Standards for Street monuments and property markers in the B<sup>3</sup> Technical Manual.

(b) Exceptions: Street Monument and Property Marker requirements shall not apply to lots meeting the requirements of Administrative Plat and/or being processed under the procedure.

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## **ARTICLE 7.4 ALLOCATION & STRUCTURE OF BLOCKS**

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### **SEC. 7.4.001 INTENT**

The Bastrop Building Block is the foundation of Bastrop and of the Code. The TND pattern of blocks is the preferred configuration of land Development where the land provides for the acceptance of such pattern. Blocks are encouraged to be different and unique while respecting the patterns defined within the Standards, in the Pattern Book.



## SEC. 7.4.002 BLOCKS

(a) The Master Thoroughfare Plan provides the basic framework for the Block at a Farm Lot scale. The internal Street Network shall be structured to define blocks with the following maximum Block lengths and Block Perimeters (not including exterior R.O.W. dedication):

P1 unlimited / unlimited

P2 740 ft. max / 2,960 ft. perimeter

P3 330 ft. max / 1,320 ft. perimeter

P4 330 ft max / 1,320 ft. perimeter

P5. 330 ft max / 1,320 ft. perimeter

EC 740 ft. max / n/a

(b) Block Faces, within P3, P4, and P5, exceeding 330 feet shall be equipped with a 20' Pedestrian way.

(c) Blocks adjacent to undeveloped land, areas unsuitable for Development, or pre-existing incomplete blocks may be exempt from Block Face length and Block perimeter requirements by Warrant.

(d) Blocks with more than one Place Type designation shall use the most intense designation to inform the Block Face length and Block Perimeter.

(e) Creative and alternative Block configurations can be selected in the Pattern Book.

## ARTICLE 7.5 CIVIC SPACE & CIVIC BUILDING STANDARDS

### SEC. 7.5.001 CIVIC SPACE INTENT

(a) Civic Space is the dedication of lands for public use. Requirements of this section are to be provided for each Development over 13.6 acres (A Farm Lot) and designated on the Neighborhood Regulating Plan or Zoning Concept Scheme as Civic Space (CS).

(b) The DRC will review surrounding existing and/or entitled developments to determine if Civic Space dedication is necessary to fulfill the intent of a Pedestrian Shed.

(1) Civic Space Sites are permanently dedicated for public activities.

(2) Parking for Civic Spaces shall be approved by the DRC. Civic parking lots may remain unpaved if graded, compacted and landscaped.

(3) Civic Space shall conform with specifications on 7.5.004 Civic Space Table.

(4) Where the DRC determines it to be feasible, land along floodplains, tributaries, and creeks, or where identified in the shall be dedicated as Civic Space.

#### **SEC. 7.5.002 CRITERIA**

(a) Each Pedestrian Shed shall have an assignment of at least 10% of its land area dedicated to Civic Space.

(b) Civic Spaces shall be designed as generally described in Civic Space Table, and distributed throughout the Place Types and is subject to approval by DRC

(c) Those portions of P1 that occur within a Development shall be part of the Civic Space allocation should conform to the Civic Space Standards.

(1) The Neighborhood Concept Scheme shall designate at least one Main Civic Space per Pedestrian Shed. The Main Civic Space shall be within 660 feet of the geographic center of each Pedestrian Shed, unless topographic conditions, pre-existing Thoroughfare alignments or other circumstances prevent such location and shall be developed as a Green, Square, Park, and/or Plaza.

(2) Within 1,320 feet of every lot in Residential use, a Civic Space designed, equipped and amenities shall be provided.



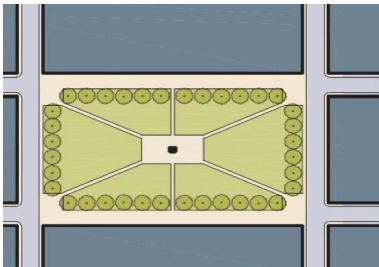
(d) Storm Drainage Facilities, if equipped to provide Civic Space, may be counted toward the 10% Civic Place Type allocation requirement by Warrant.

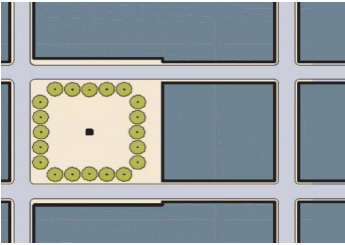
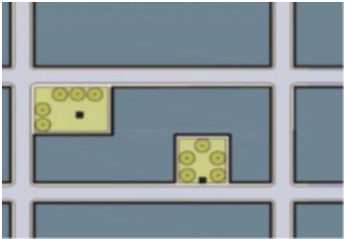

(e) The Neighborhood Regulating Plan or Zoning Concept Scheme shall designate Civic Place Types dedicated for public use within 660 feet of every Lot with a Residential use. The Civic Space must be active with a playground, fountains, benches, tables, and/or other public furniture to spur the gathering of people.

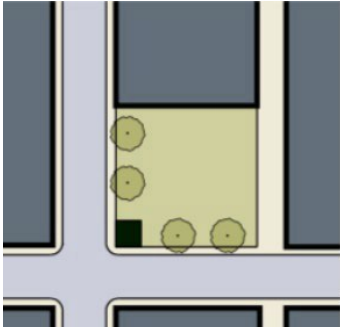
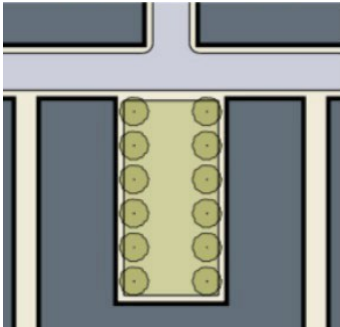
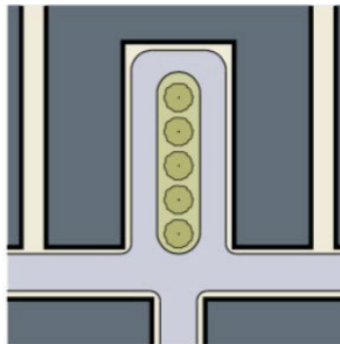
### **SEC. 7.5.003 CIVIC BUILDINGS**

- (a) The owner shall covenant to construct a Meeting Hall or a Third Place in proximity to the Main Civic Space of each Pedestrian Shed. Its corresponding Public Frontage shall be equipped with a shelter and bench for a transit stop.
- (b) One Civic Building Lot shall be reserved for an elementary school. Its area shall be 1 acre for each increment of 100 Dwelling units provided by the Neighborhood Regulating Plan or Zoning Concept Scheme, with a minimum of 3 acres for the school. The school Site may be within any Place Type other than P1 or EC.
- (b) One Civic Building Lot suitable for a childcare Building shall be reserved within each Pedestrian Shed. The owner or a homeowners' association or other community group may organize, fund and construct an appropriate Building as the need arises.
- (c) Civic Building Sites shall not occupy more than 20% of the area of each Pedestrian Shed.
- (d) Civic Building Sites should be located within or adjacent to a Civic Space, or at the axial termination of a significant Thoroughfare.
- (e) Civic Buildings may be permitted within EC- Employment Centers by Warrant.

## SEC. 7.5.004 CIVIC SPACE TABLE

		P1	P2	P3	P4	P5	DESCRIPTION
							N
PARK		P	P	P	NP	NP	<p>A natural preserve available for unstructured recreation. A Park may be independent of surrounding Building frontages. Its landscape shall consist of paths and trails, meadows, water bodies, woodlands and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors.</p> <p>The minimum size shall be 8 acres. Larger parks may be approved by Warrant as Special Districts in all zones.</p>
GREEN		NP	NP	P	P	P	<p>An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than Building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed.</p> <p>The minimum size shall be 1/2 acre and the maximum shall be 8 acres.</p>
SQUARE		NP	NP	NP	P	P	<p>An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by Building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares.</p> <p>The minimum size shall be 1/2 acre and the maximum shall be 5 acres.</p>

		P1	P2	P3	P4	P5	DESCRIPTION
PLAZA		NP	NP	NP	NP	P	<p>An Open Space available for civic purposes and Commercial activities. A Plaza shall be spatially defined by Building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important Streets.</p> <p>The minimum size shall be 1/2 acre and the maximum shall be 2 acres.</p>
PLAYGROUND		P	P	P	P	P	<p>An Open Space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens.</p> <p>There shall be no minimum or maximum size.</p>
COMMERCIAL PLAZA		NP	NP	NP	P	P	<p>A multi-purpose Open Space available for Civic purposes. Commercial activities and as flex parking space. The parking area is designed as a Plaza with brick, gravel, cobbles or artistically jointed concrete. The Commercial Plaza should be separated from adjacent thoroughfares and spatially defined by a landscaped buffer including Street Trees. Removable bollards are suggested to delineate parking from non-parking areas.</p>






		P1	P2	P3	P4	P5	DESCRIPTION
POCKET PARK		NP	NP	P	P	P	An Open Space, available for unstructured recreation. A Pocket Park provides greenery and a place to sit outdoors and is typically spatially defined by buildings because in most cases it is located within a Block. Pocket Parks may be created around a monument, historic marker or art project and/or may be designed specifically for the recreation of children.
COURT		NP	NP	P	P	P	A semi-public Open Space available for unstructured recreation by those occupying the adjacent buildings. Access to abutting residential lots is from a Sidewalk that circumnavigates a central landscaped area. Landscaping consists of lawn and trees, formally disposed. May include ornamental species.
CLOSE		NP	NP	P	P	P	A semi-public Open Space available for unstructured recreation by those occupying the adjacent buildings. A lose is circumnavigated by a one-way Thoroughfare with parking on one side. Landscape includes lawn and trees, formally disposed. May include ornamental species.

P = PERMITTED NP = NOT PERMITTED

## SEC. 7.5.005 PUBLIC LIGHTING TYPES

(a) Intent: The chart below lists the style of fixtures with regards to the appropriate Place Type Zoning District.

(b) Shield fixture types are required, but not illustrated.

Public Lighting Types		P1	P2	P3	P4	P5	EC
Cobra Head							
Pipe							
Post							
Column							
Double Column							

## ARTICLE 7.6 WATER & WASTEWATER

- (a) Water Lines: The Applicant shall provide all water lines necessary to properly serve each Lot of the Development and ensure that existing and/or new water facilities can supply the required demand for domestic use and for fire protection at the desired pressure. The Applicant shall bear all costs for extending water service from existing City water lines to the Development. All water lines and service connections shall meet the current City of Bastrop Construction Standards. The Applicant shall submit a certificate to the DRC certifying that the system has been designed in accordance with the current requirements of the state regulatory agency and the City of Bastrop.
- (b) Fire Hydrants: Fire hydrants will be provided at a maximum spacing of 600 feet in Residential areas and 300 feet in Commercial or industrial areas. All hydrants shall be standard three-way post-type dry barrel hydrants complying to AWWA Standards with 6 inch or larger connections to mains. Fire hydrants shall be in accordance with current City of Bastrop Construction Standards.
- (c) Wastewater Lines: The Applicant shall provide all sewer lines necessary to properly serve each Lot of the

Development and ensure that existing lines and facilities can adequately serve the proposed Development. The Applicant shall bear all costs for extending existing City sewer lines and facilities to service the proposed Development. All sewer lines and service connections shall meet the current City of Bastrop Construction Standards. Connection to the City's wastewater collection system shall only be permitted if the recipient of City sewer service is also a recipient of City of Bastrop water service at the location being connected.

- (d) Septic systems will not be permitted within a standard division of land. Septics systems must comply with the City Utility Standards, permits, and process.
- (e) See the B<sup>3</sup> Technical Manual for additional Standards.

## ARTICLE 7.7 EASEMENTS

- (a) The Applicant platting property shall dedicate easements as follows:
  - (1) All easements created prior to the subdividing of any tract of land must be shown on the preliminary Plat. The Applicant shall Plat lots and dedicate easements for utilities and Drainage ways in the following manner:



- A. Easements for utilities, Drainage ways, or Transmission Lines shall be retained on front, side, and/or rear Lot lines as required by the City and utility companies. Easements across parts of a Lot other than as described above shall be required as deemed necessary and most appropriate by the City. The DRC shall require access for ease of maintenance of all easements.

(2) Off-site Easements:

- A. Easements in areas adjoining a proposed Development necessary to provide adequate Drainage thereof or to serve such Development with utilities shall be obtained by the Applicant prior to Final Plat approval.

(3) Privately-owned Easements.

(4) See the B<sup>3</sup> Technical Manual for Standards for Easements.

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## ARTICLE. 7.8 BICYCLE PARKING

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### SEC. 7.8.001 LOCATIONS

- (a) This section applies to Civic Buildings and Place Types P4, P5 and EC.
- (b) Short-term bicycle parking must be located within 100 feet of the main public entrance of the Building or facility.
- (c) Long-term bicycle parking must be located within 500 feet of the main public entrance of the Building or facility.
- (d) Bicycle parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the Americans with Disabilities Act, as amended.
- (e) When a rack is placed within a Sidewalk or Pedestrian right-of-way, a minimum of 4 feet from the required rack dimension shall be provided for Pedestrian clearance.
- (f) Bicycle racks shall be located in highly visible and well-lit areas to minimize theft and vandalism.
- (g) When automobile parking spaces are provided in a structured parking garage, all required long-term and short-term bicycle spaces shall be located inside the garage on the ground level.  
Alternative layout and design

of racks to maximize space may be approved by the Director of Planning & Development.



D4-3

- (h) Alternative Locations: In the event that compliance may not be feasible because of demonstrable hardship, the Director of Planning & Development may approve an alternative location.

#### **SEC. 7.8.002 LAYOUT AND DESIGN**

- (a) Each Bicycle Rack shall be designed to accommodate two bicycle parking spaces (two bicycle spaces per rack) while using the allowed bike rack designs below:

- (1) Racks shall be designed to accommodate “U”-shaped locking devices and support the bicycle horizontally in two places.

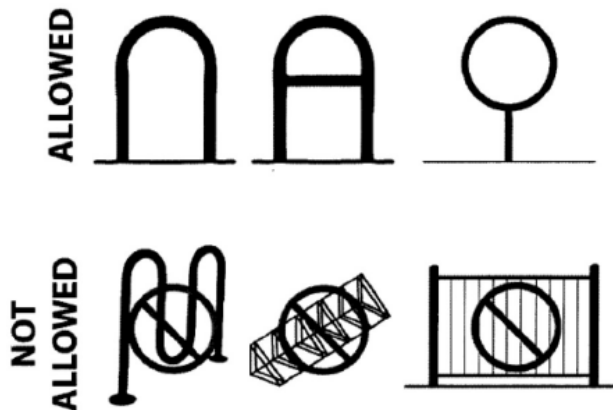
- (2) The racks shall be constructed of durable materials to withstand permanent exposure to the elements, such as powder-coated metal or stainless steel.
- (3) All bicycle parking spaces must be hard-surfaced or at minimum a compact gravel base.
- (4) All bicycle racks shall be securely anchored to the ground using a concrete footing and tamper-proof anchors.
- (5) Decorative bicycle racks that enhance the sense of place and contribute to the character of the Development are encouraged, but are subject to approval by the Director of Planning & Development.

- (b) Bicycle Parking Space Size, Access Aisles and Vertical Clearance

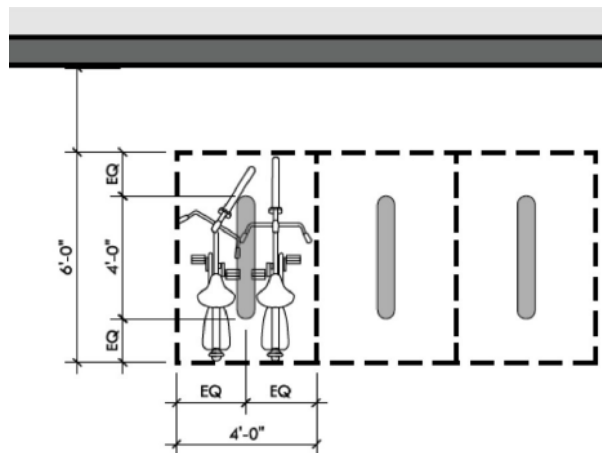
- (1) Bicycle racks shall provide clearance from other objects by using a standard footprint that is at least 4 feet wide by 6 feet long, as depicted below, and shall hold at least two bicycles.
- (2) In cases where bicycle parking spaces are not visible from the primary drive aisle approaching the Building, signage shall be used to direct cyclists safely to bicycle parking areas (Manual for Uniform Traffic

Devices Sign D4-3). These Signs shall not be placed in the public right-of-way.

*Fig. 1: Examples of Typical Bicycle Parking Designs Allowed and Not Allowed:*



*Fig. 2: Examples of Bicycle Parking Footprint and Dimensions*



### SEC. 7.8.003 BICYCLE PARKING REQUIREMENT

The number of bicycle parking racks shall be based on the amount of automobile parking spaces and shall be provided in accordance with the following. Where fractional bicycle parking spaces result, the spaces required shall be rounded up to the nearest whole number.

*Fig. 3: Bicycle Parking Standard Chart*

P5 & P4	0-40 required auto spaces = 2 short-term bicycle parking spaces minimum
	41-60 required auto spaces = 4 short-term bicycle parking spaces minimum
	61-80 required auto spaces = 6 short-term bicycle parking spaces minimum
NON-RESIDENTIAL	81-100 required auto spaces = 8 short-term bicycle parking spaces minimum
	101+ required auto spaces = minimum 10 short-term bicycle parking spaces or 2.5% of required automobile spaces, whichever is greater, will be provided as short-term
MULTIFAMILY	The minimum number of long-term bicycle parking spaces shall be equal to 10% of the required auto spaces.

- (a) Bicycle parking is required in all P5 and P4 Place Types with non-Residential uses.
- (b) Bicycle parking for Residential uses is only required with multifamily Building Types.
- (c) The number of provided automobile parking spaces and bicycle parking spaces shall be shown in a chart format on the Site Plan. The location and footprints of bicycle racks corrals shall be shown on the Site, as well as the location of any bicycle parking signage.
- (d) In all cases where bicycle parking is required, no fewer than 2 spaces (one rack) shall be required.
- (e) Up to half of the required short-term bicycle parking spaces may be substituted with long-term bicycle parking spaces.

# CHAPTER 8: SIGNS



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## ARTICLE 8.1 SIGNS

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### SEC. 8.1.001 INTENT

The intent of regulating Signs that are visible from the Public Frontage is to ensure proper dimensioning and placement with respect to existing or planned architectural features, to maintain or improve public safety, to maintain or improve the aesthetic character of the context where they are located, and to provide legible information for pedestrians, not just drivers.

### SEC. 8.1.002 PURPOSE

The purpose of a Sign permit is to authorize the display, erection, rebuilding, restructuring, expansion, relocation, or structural Alteration of any on-premise or Off-Premise Sign.

### SEC. 8.1.003 APPLICABILITY

These Standards apply to all property within the City Limits and the ETJ of the City of Bastrop as it exists at the time this Code was adopted and as it may be amended and expanded in the future.

### SEC. 8.1.004 ENFORCEMENT

- (a) It is an offense for a person to violate, a section of this chapter designated as an offense commits a misdemeanor punishable by a fine. A violation occurs when a person violates or causes, allows, or permits a violation of this chapter.
- (b) Each violation of this chapter designated as an offense constitutes a separate offense.
- (c) No culpable mental state is required to prove an offense under this chapter if this offense involves:
  - (1) Placement of a Sign in the right-of-way;
  - (2) Placement of a Sign in another person's property without the person's permission; or,
  - (3) Placement of a Sign that encumbers access to a person's property or encumbers use of a Street, Sidewalk, trail, Path, or Driveway.
  - (4) Placement of a sign unlawfully situated in a required Sight Triangle.

### SEC. 8.1.005 PROHIBITED SIGNS

(a) All Signs are prohibited in the City Limits and the Extraterritorial Jurisdiction (ETJ) unless:

(1) Constructed, maintained, structurally altered, or improved pursuant to a valid permit when required under this Code; and,

(2) Expressly authorized under the City of Bastrop's B<sup>3</sup> Code.

(b) Signs that cannot be expressly authorized include:

(1) Signs located in or projected over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way, except when attached to and projecting no more than 18 inches from a Building wall legally located at or near the right-of-way line in the City Limits or in the ETJ.

(2) Portable Signs.

(3) Off-Premise Sign (including Billboards) containing Commercial advertising for the sale, rent, or lease of goods, real property, or services.

(4) Signs with lights that blink, fluctuate, or move. Light rays must shine only upon the Sign and upon the property within the Premises where the Sign is located.

(5) Signs of a size, location, movement, coloring, or manner of illuminating that may be confused with or construed as a traffic control device.

(6) Signs that are attached to any utility pole or wire, traffic Sign, or public easement or are placed on government-owned property unless placed by written permission of the governmental entity.

(7) Signs that obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

(8) Boxes, tires, or other goods stored in view of the Street, etc. that have large product identification that serves as a Sign.

(9) Feather Banners.

(10) Commercial Signs or advertising materials that are worn, held, or attached to a person's body advertising the sale of goods, real property, or services.

(11) Balloon Signs.

- (12) Inflatable Signs.
- (13) Pennants.
- (14) Pole Signs other than along Hwy. 71.
- (15) Roof Signs (including Signs that are otherwise authorized but are placed on a roof or on a Mobile Food Vendor or vehicle).
- (16) Signs placed or attached to trees, bushes, planters, benches, or other Pedestrian elements.
- (17) Signs on trash receptacles except for Signs that are required by law, provide direction on the trash receptacle's use, provide safety instructions, or are otherwise customarily found on trash receptacles as a means of identifying the trash collection company.
- (18) Flags with a Commercial message.

#### **SEC. 8.1.006 OFF-PREMISE SIGNS (BILLBOARDS)**

- (a) No permit for Alteration or relocation may be issued for an off-Premises Signs.
- (b) Alteration. An off-Premises Sign may not be altered regarding amount of surface area, shape, orientation,

Height, illumination, or location without the prior issuance of a Sign Alteration or relocation permit. Ordinary and routine necessary repairs that do not change the size, shape, orientation, Height, illumination, or location of an inventoried off-Premises Sign do not require an Alteration permit. A Sign Alteration permit expires if the approved modifications are not completed within 90 days of permit issuance.

- (c) Maintenance. If the City finds that any off-Premises Sign is not maintained in good repair, the City will notify and order the owner to repair the Sign within 30 calendar days. If the City finds that the Sign Structure or Sign area of an off- Premises Sign has deteriorated more than 60% of its replacement value or is not repaired within 30calendar days, the City shall notify the owner of the off- Premises Sign and the owner of the real property where the off- Premises Sign is located to remove the off-Premises Sign or poster panel from the property within a specified time. Replacement of more than 60% of an off-Premises Sign during one calendar year shall void the legal nonconforming status of the Sign and require immediate Removal or conformance with current Standards. All off-Premises Signs ordered to be removed shall be stricken from the authorized list.



- (d) No existing billboard shall exceed 40 feet in Height from the ground level. No existing billboard shall interfere with the visibility of pedestrians or drivers of motor vehicles at Street intersections or otherwise obstruct traffic or create a traffic hazard.

### **SEC. 8.1.007 NONCONFORMING SIGNS**

1. Signs in Existence Prior to this Code. A Sign existing on the effective date of the Development Code that violates this Article or any other ordinance, and a Sign that comes under the jurisdiction of this Chapter due to the expansion of the City, is a legal Nonconforming Sign and may be continued, repaired, and maintained in good condition, but may not be otherwise altered.
2. Voluntary Removal. Voluntary Removal of a Nonconforming Sign for purposes other than maintenance shall terminate its status as a legal Nonconforming Sign. Replacing a Sign cabinet is not considered maintenance.
3. Existing Electronic Message Signs must meet the following standards:

(1) Illumination:

- A. No sign shall be brighter than is necessary for clear and adequate visibility.

- B. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
  - i. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.
  - ii. All signs must be equipped with a mechanism that automatically adjusts the brightness of the display in response to ambient conditions, such that the display is automatically dimmed as ambient light levels decrease.
  - iii. The illumination of a sign at full brightness shall not exceed 0.3 footcandles above the footcandle level with the sign turned off when both measurements are taken perpendicular to the sign at a distance determined by the following formula: measurement distance = square root of area of sign in square feet  $\times$  100.
  - iv. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

(2) Changing Message:

- A. Any change of pictures or information on the sign shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation, or any similar effect of animation.
- B. Any change of pictures or information on the sign shall not change more often than once every eight (8) seconds except for message display of time or temperature. Each change of pictures or information must constitute a complete phrase or thought and not be the completion of a previous phrase or thought. Each change of pictures or information must be completed in two (2) seconds or less and may not include visually distracting techniques such as flashing, racing, strobing, twinkling, animation, etc.

#### **SEC. 8.1.008 EXEMPTED SIGNS**

(1) The following Signs authorized under this Section are authorized in every Place Type or property in the ETJ without a permit, unless specifically required below:

- C. Government Signs including Signs placed by the City, state, or federal government governing in their official capacity. Including:
- D. The Sign Banner Plaza is operated by the City for the benefit of the community to promote permitted special events and non-profits organizations.
- E. Light pole-mounted banners are limited to poles

owned and maintained by the City to communicate City initiatives and events.

- (2) Traffic control devices that are erected and maintained to comply with the Texas Manual on Uniform Traffic Control Devices.
- (3) Signs required by this section.
- (4) Signs required by other law, including federal, state, or local law, including a Sign that a property owner is required to post on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically; the owner must comply with the federal, state, or local law to post a Sign on the property.
- (5) Official governmental notices and notices posted by governmental officers in the performance of their duties for regulatory purposes such as neighborhood crime watch areas, to identify Streets, or to warn of danger including those placed by the City, County, federal or state.

(6) Signs displayed on trucks, buses, trailers, mobile food vendors, or other vehicles that are less than 32 square feet and are being operated as motor vehicles, provided that the primary purpose of the vehicles is not for display of Signs and provided that they are parked in areas appropriate to their use as vehicles, are in operable condition, and carry a current and valid license plate and state inspection tag. Vehicle Signs shall conform to the following restrictions:

F. Vehicular Signs shall contain no flashing or moving elements;

G. Vehicular Signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle; and,

H. Signs, lights and signals used by authorized emergency vehicles shall not be restricted.

(7) Vending Machine Signs where the Sign Face is not larger than the normal dimensions of the machine to that the Sign is attached.

(8) Memorial Signs or tablets when cut into any masonry surface or attached to a Building when constructed of

bronze or other metal up to 6 square feet as part of a Building.

(9) Real Estate Signs.

I. Signs containing the message that the real estate where the Sign is located is for sale, lease, or rent together with information identifying the owner or agent.

J. A real estate Sign may not exceed 4 square feet in size for Residential properties or 16 square feet in size for Nonresidential properties.

(10) Any Sign wholly within the confines of a Building and oriented to be out of view from outside the Building.

(11) Any Sign wholly within the confines of a sports field or court and oriented to be out of view from outside the field or court. No Sign under this section may be larger than 32 square feet. The maximum Height for a field Sign shall not exceed 6 feet.

(12) A non-Commercial Sign that is carried by a person or is a bumper sticker on a vehicle.

- (13) Business-related Signs on or visible through doors or windows indicating: store hours, security systems, trade organization memberships, credit cards accepted, no solicitation, and open/closed. These Signs will not count towards the cumulative Sign area limits so long as their total cumulative Sign area does not exceed 5 square feet.
- (14) Changing a Commercial message to a noncommercial message on any legal Sign surface. Any Sign surface where a Commercial message may contain a noncommercial message.

#### **SEC. 8.1.009 SIGNS REQUIRING A PERMIT**

##### **(a) Building Signs:**

A Building Sign is an on-Premises Sign that is directly attached to, erected on, or supported by a Building or other Structure having a principal function other than the support of such Sign.

##### **(1) Building Signs Types:**

- A. Awning Sign
- B. Band Sign

- C. Blade Sign
- D. Marquee Sign
- E. Nameplate Sign
- F. Outdoor Display Case Sign
- G. Window Sign

##### **(2) General Requirements:**

- A. Size. The maximum size of the sum of the area of all Building Signs may not exceed 15% of the Facade area of the tallest floor.
- B. Number. More than one Building Sign may be erected, provided the total surface area allowed is not exceeded.
- C. Height. No Building Sign may extend above the parapet wall or roof line of the Building.
- D. Projection / Clearance. With the exception of a blade Sign, no Building Sign may project more than 7 inches from the Building wall. All Signs that project more than 7 inches from the wall must maintain a clear Height of 8 feet above the ground.

E. Illumination. Building Signs may only be externally illuminated, except for Band Signs in the SH 71, SH 95 or Loop 150 Corridors. No Sign may be illuminated except during operating hours of the use with which it is associated. Lighting shall be directly directed down toward the Sign and shielded so that it does not shine directly into a public right-of-way and does not interfere with the safe vision of motorists or people passing by. All Standards must meet the Lighting Standards within this Code. Internal illumination shall not operate at brightness levels of more than 0.2 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. The total lumen output of all signs cannot exceed 10% of the total lumen allowance in Section 6.6 – Outdoor Lighting.

(b) Freestanding Signs:

A Freestanding Sign is an on-Premises Sign not directly attached to, erected on, or supported by a Building or other Structure having a principal function other than the support of such Sign, but instead attached to, erected on, or supported by some Structure such as a pole, frame, or other Structure that is not a part of the Building.

(1) Small Freestanding Signs Types:

- A. Sidewalk Sign
- B. Yard Sign
- C. Directional Sign

(2) General Requirements:

- A. Size. Allocation of Sign area is based on the linear Frontage of the Project Site. A maximum Sign area of 1 square foot for each 2 linear feet of Frontage, provided that the maximum surface area does not exceed 16 square feet.
- B. Number. One Sidewalk Sign or Yard Sign is allowed on any Lot. If a Master Sign Plan is approved, two Signs may be allowed on a Lot or Project having a minimum Frontage of 300 feet. Directional Signs cannot exceed the number of driveways
- C. Illumination. Small Freestanding Signs may only be externally illuminated. Lighting shall be directly directed down toward the Sign and shielded so that it does not shine directly into a public right-of- way and does not interfere with the safe vision of

motorists or people passing by. All Standards must meet the City's Code.

- D. Sight Triangle. Signs cannot be located within the Sight Triangle, as defined in the B<sup>3</sup> Technical Manual Section 2.0.011.

(3) Large Freestanding Sign Types:

- A. Monument Sign
- B. Pylon/Pole Sign

(4) General Requirements:

- A. Size: Cannot have a ratio of less than 4:1 sign width to narrowest width of support structure. Must follow standards in Article 8.3.
- B. Number. One Sign per street frontage of a lot.
- C. Illumination: Large Freestanding Signs may only be externally illuminated unless approved by Warrant or located within the SH 71/SH 95/Loop 150 Corridors.
  - i. External lighting shall be directly directed down toward the Sign and shielded so that it does not shine directly into a public right-of-way and does not interfere with the safe vision of motorists or people passing by. All Standards must meet the City's Code.

- ii. Internal illumination shall not operate at brightness levels of more than 0.2 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. The total lumen output of all signs cannot exceed 10% of the total lumen allowance in Section 6.6 – Outdoor Lighting.

D. Locations for Sign Corridors:

- i. SH 71 Corridor. The area located 720 feet from the centerline of the adjacent main lane of State Highway 71.
  - ii. SH 95 Corridor. The area located 330 feet from the centerline of the lane of State Highway 95.
  - iii. Loop 150 Corridor. The area located 330 feet from the centerline of Loop 150, south of the Colorado River.
  - iv. All Signs must be located within 25 feet of the property line.
- E. Sight Triangle. Signs cannot be located within the Sight Triangle, as defined in the B<sup>3</sup> Technical Manual Section 2.0.011.

(c) Incidental Sign

Signs that are intended for the convenience of the public, which are informational only, and which do not include the advertising of products or services. Such signs include business hours signs, credit card signs, entrance and exit signs, and similar signs, some of which may be required by law for safety purposes.

(1) General Requirements:

- A. Size. Sign area cannot exceed 12 square feet.
- B. Number. No limit. Incidental signage on buildings will count toward 15% area total.
- C. Cannot be illuminated.

## **SEC. 8.1.010 (RESERVED)**

### **SEC. 8.1.011 SIGN PERMIT REQUIREMENTS**

- (a) Applications for a Sign permit must be processed through the City pursuant to this Code.
- (b) Requirements. Except as otherwise provided for herein, no Sign shall be erected, posted, painted, or otherwise produced, changed, or reconstructed, in whole or in part, within the City Limits and ETJ of the City without first obtaining a permit.
- (c) Applications: Application for a permit required by this Code shall be made upon forms provided by the City. The Application for Sign permits shall contain all information, drawings, and specifications necessary to fully advise the City of the type, size, shape, location, Place Type Zoning District, if within City Limits, Construction, and materials (if in Historic District) of the proposed Sign, and the Building Structure or Premises where it is to be placed. Drawings shall also show all existing Signs on the property. An Application is not considered complete until all necessary information listed in this Code are provided with the Application.
- (d) Application for permit. An application for a Sign permit must be Filed with the City. An Application for any Sign must state the date when the owner intends to erect the

Sign.

- (e) All Applicants must provide sufficient proof, to be determined by the City, showing a real property ownership interest in the property where the Sign will be located or sufficient proof of authorization from the real property owner for Sign placement on the property.
- (f) An Application shall include:
  - (1) Name, address, and telephone number of the owner of the Sign;
  - (2) Name, address, and telephone of lessor sponsoring the Sign, if any;
  - (3) Name, address, and telephone number of the contractor, if any, installing the Sign;
  - (4) Name, address, and telephone number of the property where the Sign is to be installed;
  - (5) Date when it is to be installed;
  - (6) Place Type Zoning District, if in the City Limits, where the proposed Sign will be located;
  - (7) Any Warrant that will be requested or has been approved; and,



- (8) An illustration or photograph including the location, appearance, and dimensions of the proposed Sign.
  - (9) An illustration or photograph of the position of the Sign on a Building or on the ground in plain view, drawn to scale, and Elevation views, drawn to scale.
  - (10) A scaled illustration of Sight Triangles, per the B3 Technical Manual, Section 2.1.011, for all Freestanding or Temporary Signs.
  - (11) If required by the City, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction and in any amount required by this chapter or by the Building Code or other laws adopted by the City.
  - (12) An application is not considered complete unless all the above information is provided with the Application.
- (g) The City shall promptly process the Sign permit Application and approve the Application, reject the Application, or notify the Applicant of deficiencies in the Application within 21 calendar days after receipt. Any Application that complies with all provisions of this Code, the Building Code, and other applicable laws, Standards, and ordinances shall be approved after inspection and approval of the plans and the Site.
- (1) If the Application is rejected, the City shall provide in writing a list of the reasons for the rejection. An application shall be rejected for non-compliance with the terms of this Code, Building Code, B<sup>3</sup> Technical Manual or other applicable law, Standards, or ordinance. If the permit Application does not comply with the City ordinances after resubmission and review by City and no variances have been applied for, the Applicant must pay a reapplication fee before the City will review the Application again.
  - (2) If the City has not approved or rejected the permit within 45 calendar days after the completed Application is Filed, the Applicant may file a complaint to the ZBA as if the permit had been denied.
- (h) Duration and revocation of permit. If a Sign is not completely installed within 6 months following the issuance of a Sign permit, the permit shall be void. The City may revoke a Sign permit under any of the following circumstances:
- (1) The City determines that information in the Application was materially false or misleading;
  - (2) The Sign as installed does not conform to the Sign permit Application;

- (3) The Sign violates this Code, Building Code, B<sup>3</sup> Technical Manual, or other applicable law, standard, or ordinance; or
- (4) The City determines that the Sign is not being properly maintained or has been abandoned.
- (i) Warrants. Items listed as available for approval with a Warrant shall be applied for prior to submitting the sign application. The Warrant will be reviewed and approved by the Sign Administrator.
- (j) Appeals. If the City denies a permit, the Applicant may Appeal to the Zoning Board of Adjustment.
- (k) All applications for permits shall include a drawing to scale of the proposed Sign and all existing Signs maintained on the Premises and visible from the right- of-way, a drawing of the Lot plan or Building Facade indicating the proposed location of the Sign, and specifications for its Construction, Lighting, motion, and wiring, if any. All drawings shall be of sufficient clarity to show the extent of the work.
- (l) Qualifications. Only those individuals who properly obtained a permit by the City, the City's designee, or other statutorily required permit or approval shall receive a permit to erect or alter any Sign. Permits for the

installation, erection, or Alteration of any electrical components on a Sign shall be issued only to those individuals who hold a Commercial Sign operator's license and master electrician's license. It is an offense for any person licensed under the provisions of this Code to obtain a permit on behalf of, or for the benefit of, any unlicensed person whose Business activities are such that such unlicensed person would need a license to obtain a permit.

- (m) Conditions for issuing permits. No permit for the erection or Alteration of any Sign over any Sidewalk, Alley, or other public property, or on or over any roof or Building shall be issued to any person except upon the condition that the permit may be withdrawn at any time, at which time the Sign shall be immediately removed by the Responsible Party, who will also be liable under the penalties provided for in this Code.
- (n) Issuance. A new permit shall not be issued when:
  - (1) An existing billboard (Off-Premises) Sign is in a deteriorated, unsafe, or unsightly condition.
  - (2) A Sign on the Premises is not in compliance with this Code.
  - (3) Authorization of the property owner where the Sign is to be placed has not been obtained.

- (4) Inspection. Any Sign that a permit is issued shall be inspected after its erection for conformity to the provisions of this Code.
- (5) Fees. No permit shall be issued until applicable fees have been paid to the City. Fees may be subject to change without prior notification. The Sign permit fee schedule shall be in accordance with the fee schedule enacted by the City Council and located at City Hall.
- (6) Before any permit may be issued for a new Sign under this chapter, the Responsible Party shall modify or remove any of its own nonconforming Signs and Sign structures displayed or erected on the same property that the permit is being sought, so that all the Signs and Sign structures they are responsible for on the property conform to the provisions of this chapter. This provision does not apply to real estate Signs, banners, temporary Signs, or Sidewalk Signs. This provision does not apply to nonconforming Signs with a Variance.

## ARTICLE 8.2 MASTER SIGN PLANS

(a) A Master Sign Plan is a comprehensive document containing specific regulations for an entire Project's Signs. Master Sign Plans are appropriate for Planned Development Districts, Master Planned Developments, development agreements or in the case where a Project applicant is seeking several variances to the Signs Chapter of the B<sup>3</sup> Code.

- (1) Master Sign Plans for areas with a multi-unit complex are highly encouraged to meet the unique needs of each multi-unit complex.
- (2) All owners, tenants, subtenants and purchasers of individual units within the Development shall comply with the approved Master Sign Plan.
- (3) Master Sign Plans are not appropriate for a single tenant to increase the amount or size of signage.
- (4) A change in Sign Types cannot be approved if not allowed in the base Place Type District for the site.
- (5) Cannot include changes to non-conforming signs.

### SEC. 8.2.001 APPROVAL OF MASTER SIGN PLANS

(a) A Responsible Party that seeks approval of a Master Sign Plan must file a request for a Master Sign Plan with the Sign Administrator along with a Sign permit fee, as stated in the City's most recent fee schedule. The Sign Administrator will indicate what documentation the Responsible Party must provide in support of the request.

- (b) Once the necessary documentation has been provided to the Sign Administrator, the Sign Administrator may administratively deny or approve the Master Sign Plan, with or without conditions.
- (c) The Sign Administrator may determine to present the Master Sign Plan to the City Council for approval or denial in lieu of Administrative Approval.
- (d) If the Responsible Party disagrees with a decision of the Sign Administrator to deny a Master Sign Plan, or disagrees with the conditions placed on a Master Sign Plan by the Sign Administrator, the Responsible Party may submit a written request that the City Council review the Master Sign Plan request, the supporting documents, and the Sign Administrator's decision. The City Council can affirm, reverse, or modify the decision of the Sign Administrator.
- (e) The City Council has final authority to approve a Master Sign Plan or conditions on a Master Sign Plan.
- (f) A Master Sign Plan ordinance can modify Variance procedures for its specific property.

#### **SEC. 8.2.002 PROCEDURE FOR VARIANCES TO MASTER SIGN PLANS**

(a) A Responsible Party that wants a Variance from a Master Sign Plan adopted under this chapter must file a request for Variance with the Sign Administrator along with a Variance fee, as stated in the City's most recent fee schedule. The Sign Administrator will indicate what documentation the Responsible Party must provide in support of the request.

(b) Once the necessary documentation has been provided to the Sign Administrator, the Sign Administrator may administratively deny or approve a Variance, with or without conditions, from an adopted Master Sign Plan if the change is related to:

- (1) Change the location of the Sign within the area designated by the Master Sign Plan;
- (2) Change the location of the Sign within the right-of-way or into the right-of-way so long as a license agreement is presented and approved by the Sign Administrator;
- (3) Change illumination of the Sign so long as the illumination complies with Section 6.5.004 - Outdoor Lighting;

(4) Change of Sign Face so long as the size of the Sign Face is not increased;

(5) Change in number of panels or size of panels on a Monument Sign so long as total size of Sign Face is not increased; or

(6) Change in letter size or line number so long as total size of Sign Face is not increased.

(c) Administrative Approval is not allowed and Variance procedures in Section 8.2.003 - Variances - shall be followed if:

- (1) Additional Signs are requested;
- (2) Increase in the size of the Sign is requested;
- (3) Change in Sign type is requested;
- (4) Increase in the Height of the Sign is requested; or
- (5) The Sign Administrator determines the Variance request shall be reviewed in the regular Variance process.

- (d) If the Responsible Party disagrees with a decision of the Sign Administrator to deny a Variance request, or disagrees with the conditions placed on a grant of a Variance by the Sign Administrator, the Responsible Party may submit a written request that the ZBA review the Variance request, the supporting documents, and the Sign Administrator's decision. The ZBA can affirm, reverse, or modify the decision of the Sign Administrator.
- (e) The ZBA has final authority to approve a Variance or conditions on a Variance.
- (f) A Master Sign Plan ordinance can modify Variance procedures for its specific property.

### **SEC. 8.2.003 VARIANCES**

- (a) A Responsible Party that wants a Variance from the Sign Chapter of the B<sup>3</sup> Code must file a request for Variance with the Sign Administrator along with a Variance application fee, as stated in the City's most recent fee schedule. The Sign Administrator will indicate what documentation the Responsible Party must provide in support of the request.
- (b) Once the complete and necessary documentation has been provided to the Sign Administrator, the Sign Administrator shall review the request and make a

determination based on the documentation provided by the Responsible Party.

- (c) The Sign Administrator may, in specific cases and subject to appropriate conditions, and only after a finding based on the evidence presented that strict compliance with the requirements of this Chapter will result in substantial undue hardship, sufficient mitigation, or inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives of this Chapter:
  - (1) Permit a Variance for a noncommercial or Commercial Sign of the Setback, effective area, size of internal components of a Sign so long as total size of Sign Face is compliant, or Height requirements of this Chapter;
  - (2) Authorize one additional Sign on Premises more than the number permitted by this Chapter; or
  - (3) Approve an increase in Height up to four (4) feet.
- (d) Other requests for variances shall be forwarded to the ZBA. The ZBA may decide, subject to appropriate conditions, and only after a finding based on the evidence presented that strict compliance with the

requirements of this Code will result in substantial undue hardship, sufficient mitigation, or inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives of this Chapter.

The Sign Administrator and ZBA shall consider:

- (1) Special or unique hardship because of the size or shape of the property on which the Sign is to be located, or the visibility of the property from public roads.
- (2) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a Sign is to be located.
- (3) Proposed Sign location, configuration, design, materials, and colors are harmonious.
- (4) The Sign and its supporting structure is in architectural harmony with the surrounding Structures.
- (5) Mitigation measures related to the Sign in question or other Signs on the same Premises.
- (6) Demonstrated and documented correlation between the Variance and protecting the public health and safety.
- (7) Whether the Sign could have been included in a Master Sign Plan. Master Sign plans are highly encouraged. The City will be more inclined to favorably consider a Variance request when the Variance is part of a Master Sign Plan. There will be a presumption against granting variances piecemeal, ad hoc, on a case-by-case basis when the Sign for which a Variance is sought could have been included in a Master Sign Plan and considered in the course of a comprehensive review of the entire Project's signage.
- (8) The Sign Administrator may authorize the remodeling, renovation, or alteration of a Sign when some nonconforming aspect of the Sign is thereby reduced.
- (f) Where a permit was required for a Sign's erection according to the law in effect at the time the Sign was erected and where the Sign Administrator finds no record of a permit being issued, the Sign Administrator may authorize the issuance of a replacement permit when, from the evidence presented, the Sign Administrator finds either that a permit was issued or that arrangements were made with a sign company to obtain such permit.

(g) If a Variance applicant wishes to appeal the decision of the Sign Administrator, the applicant shall file for an appeal with the ZBA within 10 days of receipt of the Sign Administrator's decision. The ZBA shall consider the appeal at its next regular meeting or as soon as practicable. The ZBA shall either:

(1) Approve, reject, or approve upon condition the Variance Application, if any, at its meeting;

(2) Postpone its decision on the request of the applicant; or,

(3) Postpone its decision to its next regular meeting for good cause based on need for further review by the board of adjustment. Upon approval by the board of adjustment, the Sign permit and variances, if any, the permit shall be issued by the city administrator or the administrator's designee.


#### **SEC. 8.2.004 CONDITIONS**

(a) The Sign Administrator or ZBA may impose conditions upon the granting of a Variance under this chapter. Such conditions must be related to the Variance sought and be generally intended to mitigate the adverse effects of the Sign on neighboring tracts and the general aesthetic ambiance of the community. A non-exhaustive list of

examples of conditions include increased setbacks, added vegetation, muted colors, and decreased Lighting. The ZBA may condition Sign variances on the Responsible Party bringing other existing, nonconforming Signs into compliance with current regulations. A Responsible Party's failure to comply with conditions placed on a Variance may result in the ZBA voiding the Variance and authorizing all available code enforcement actions and other remedies available in equity or at law.




## ARTICLE 8.3 ON-PREMISE SIGN TYPES & STANDARDS

		PLACE TYPES ▶				SPECIFICATIONS ▼
		P2	P3	P4	P5	
a)	<div>AWNINGS &amp; SIGNS</div> 			P	P	<div>a. <b>Quantity:</b> 1 per awning section max.</div> <div>b. <b>Area:</b> n/a</div> <div>c. <b>Width:</b> width of face max.</div> <div>d. <b>Height:</b> n/a</div> <div>e. <b>Depth / Projection:</b> 4 ft min.</div> <div>f. <b>Clearance:</b> 8 ft min.</div> <div>g. <b>Letter Height:</b> 5 in min., 10 in max.</div> <div>h. <b>Valance Height:</b> 12 in max.</div> <div>i. <b>Distance from Curb:</b> 2 ft min.</div>
DESCRIPTION		Awning Signage shall be limited to no more than 70% of the Valance of the awning or the vertical portion of a dome awning. The Height of the Valance shall not exceed 12 inches. For a flat roof awning, Awning Signage can extend 12 inches above the top of the awning. Awning Signs shall contain only the Business name, Logo, and/or Street address.				
SIGN DETAILS		<div>i. The following variations of awnings, with or without Sign Bands, are permitted: (1) Fixed or retractable awnings; (2) Shed awnings; (3) Dome awnings; 4) Flat roof awnings.</div> <div>ii. Other awning types may be permitted by Warrant.</div> <div>iii. Signage shall be limited to the Valance of the awning, the vertical portion of a dome awning, or along the front edge of a flat roof awning.</div> <div>iv. No portion of an awning shall be lower than 8 feet Clearance.</div> <div>v. Awnings shall be a minimum of 4 feet in depth.</div> <div>vi. Awnings shall not extend beyond the width of the Building or tenant space, nor encroach above the roof line or the Story above.</div> <div>vii. The Height of the Valance shall not exceed 12 inches.</div> <div>viii. Awning Signs shall contain only the Business name, Logo, and/or Street address.</div> <div>ix. Letters, numbers, and graphics shall cover no more than 70% of the Valance area or 70% of the width of a flat roof awning.</div> <div>x. Awning Signs shall not be internally illuminated or backlit.</div>				

b)

## BAND SIGNS

PLACE TYPES ▶	P2	P3	P4	P5	SPECIFICATIONS ▼
			P	P	<div><div>a. <b>Quantity:</b> 1 max. (1 per street facade for corner buildings)</div><div>b. <b>Area:</b> 1.5 sf per linear ft Facade</div><div>c. <b>Width:</b> 90% max. width of Facade</div><div>d. <b>Height:</b> 3 ft max.</div><div>e. <b>Depth / Projection:</b> 7 in max.</div><div>f. <b>Clearance:</b> 8 ft min.</div><div>g. <b>Apex:</b> n/a</div><div>h. <b>Letter Height:</b> 18 in max.</div></div>
<div>1 Band Sign limited to 90% of the width of the Building Facade shall be permitted for each Building with a Commercial Use. Information shall consist only of the name and/or Logo of the Business.</div>					
<div><div><div>i. All businesses are permitted 1 Band Sign on each first Story Facade.</div><div>ii. Band Signs shall include only letters, background, Lighting, and an optional Logo. Information shall consist only of the name and/or Logo of the Business. Band Signs shall not list products, sales, or other promotional messages, or contact information.</div><div>iii. The following Band Sign Construction types are permitted: Cut-out Letters. Letters shall be individually attached to the wall or on a separate background panel and shall be externally illuminated.</div></div><div><div>(1) Flat Panel. Letters shall be printed or etched on same surface as the background, that is then affixed to the wall and externally illuminated.</div><div>(2) Channel Letters by Warrant. Each letter shall have its own internal Lighting element, individually attached to the wall or onto a separate background panel.</div></div></div>					

c)

PLACE TYPES ▶

P2

P3

P4

P5

SPECIFICATIONS ▼

**BAND SIGNS**  
– SH 71, SH  
95, Loop 150  
Sign  
Corridors



P

P

- a. **Area:** 15% of tallest floor facade. (located on street facades)
- b. **Width:** 90% max. width of Facade
- c. **Height:** 90% height of wall sign area. Over 4 feet, see iv.
- e. **Depth / Projection:** 7 in max.
- i. **Clearance:** 8 ft min.
- j. **Letter Height:** N/A

DESCRIPTION


Band Signs limited to 90% of the width of the Building Facade shall be permitted for each Building with a Commercial Use. Information shall consist only of the name and/or Logo of the Business.

SIGN DETAILS

- i. All businesses are permitted Band Signs on each street facing facade. Businesses with no street frontage are allowed Band Signs on the façade with the primary entrance.
- ii. Band Signs shall include only letters, background, Lighting, and an optional Logo. Information shall consist only of the name and/or Logo of the Business. Band Signs shall not list products, sales, or other promotional messages, or contact information.
- iii. The following Band Sign Construction types are permitted:
  - (1) Flat Panel. Letters shall be printed or etched on same surface as the background, that is then affixed to the wall and externally illuminated.
- iv. Channel Letters. Each letter shall have either 1.) its own internal Lighting element, individually attached to the wall or onto a separate background panel; or 2.) The raceway must be mounted to not be visible. For band signs that exceed 4 feet, sites cannot have a pylon or pole sign and monument signs are limited to 8 feet in height.

d)

## BLADE SIGNS

PLACE TYPES ▶		P2	P3	P4	P5	SPECIFICATIONS ▼
				P	P	<ul style="list-style-type: none"> <li>a. <b>Quantity:</b> 1 per Facade max. 2 max.</li> <li>b. <b>Area:</b> 4 sf max. In P2, P3 &amp; 6 sf max. in P4, P5</li> <li>c. <b>Width:</b> 4 ft max.</li> <li>d. <b>Height:</b> 4 ft max.</li> <li>e. <b>Depth / Projection:</b> 4 ft max.</li> <li>f. <b>Clearance:</b> 8 ft min.</li> <li>g. <b>Apex:</b> n/a</li> <li>h. <b>Letter Height:</b> 8 in max.</li> </ul>
DESCRIPTION		<p>Blade Signs shall be permitted only for businesses that have a Principal Entrance on the first Story. One Blade Sign shall be permitted for each Business if the Facade is no more than 5 feet from the Principal Frontage Line. Blade Signs may encroach into the Public Frontage up to 4 feet, shall clear the Sidewalk by at least 8 feet, and shall not encroach above the bottom of any second Story windows. Blade Signs shall be limited to the name and/or Logo of the Business.</p>				
SIGN DETAILS		<ul style="list-style-type: none"> <li>i. Blade Signs may be double-sided.</li> <li>ii. Blade Signs shall be permitted only for businesses that have a Principal Entrance on the first Story.</li> <li>iii. Businesses shall be permitted 1 Blade Sign where its Principal Frontage Lin is no more than 5 feet from the Facade. Businesses that have a Secondary Frontage line that is no more than 2 feet from the Facade shall be permitted 1 additional blade Sign on that Facade.</li> <li>iv. Blade Signs may encroach into the Public Frontage up to 4 feet and shall clear the Sidewalk by at least 8 feet.</li> <li>v. Blade Signs shall not encroach above the roof line nor above the bottom of the second Story window.</li> <li>vi. Text and graphics on the Blade Sign shall be limited to the name and/or Logo of the Business. Slogans, address labels, operating hours and contact information shall not be permitted.</li> <li>vii. Mounting hardware, such as supports and brackets, may be simple and unobtrusive or highly decorative, but shall complement the design of the Sign, the Building, or both.</li> <li>viii. For buildings with multiple Signs, mounting hardware or Sign shapes, sizes and colors shall be Coordinated.</li> </ul>				

e)

MARQUEE  
SIGNS

PLACE TYPES ▶

P2

P3

P4

P5

SPECIFICATIONS ▼



P

- a. **Quantity:** 1 per Business max.
- b. **Area:** n/a
- c. **Width:** entrance plus 2 ft each side
- d. **Height:** 50% Story Height max.
- e. **Depth / Projection:** 4 ft min.; 10 ft max.
- f. **Clearance:** 10 ft min
- g. **Apex:** n/a
- h. **Letter Height:** n/a
- i. **Distance from Curb:** 3 ft min.

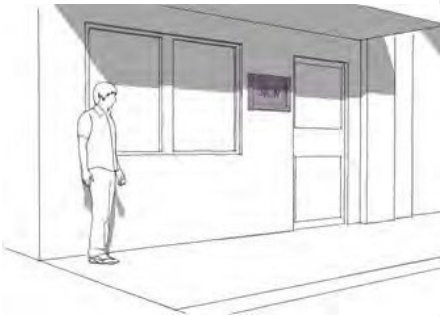
## DESCRIPTION

Marquees shall be located only above the Principal Entrance of a Building, shall provide a minimum clearance of 10 feet, and may Encroach the Public Frontage to within 2 feet of the Curb. Message Boards shall be permitted as part of Marquees.

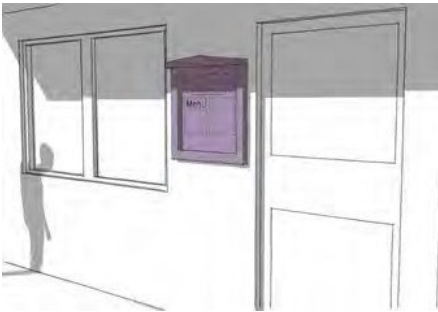
## SIGN DETAILS

- i. Marquees shall be located only above the Principal Entrance of a Building.
- ii. No Marquee shall be wider than the entrance it serves, plus 2 feet on each side thereof.
- iii. No portion of a Marquee shall be lower than 10 feet Clearance.
- iv. No Marquee shall extend closer to the Curb than 3 feet.
- v. Columns or posts may be used as supports for Marquees 8 feet deep or deeper if approved by the DRC.
- vi. All Marquees, including anchors, bolts, supporting rods, and braces, shall be constructed of non-combustible materials and shall be designed by a structural engineer submitted for approval to the Building Official.
- vii. Marquee components and materials may vary. Anchors, bolts, and supporting rods should be limited to the interior of the Marquee.
- viii. Message Boards shall be permitted as part of Marquees.
- ix. A Band Sign shall be permitted above a Marquee.

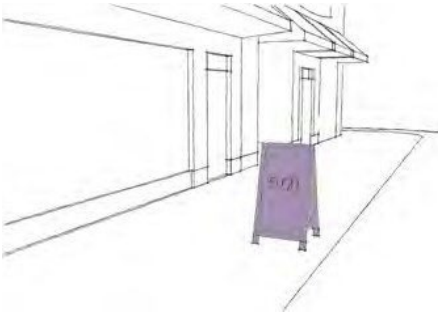
f)

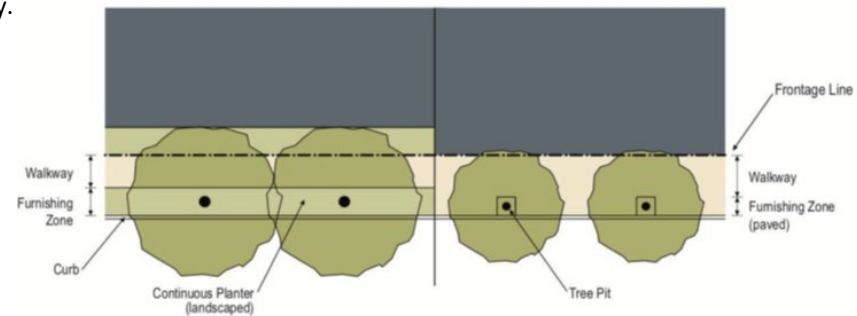
	PLACE TYPES ▶				SPECIFICATIONS ▼
	P2	P3	P4	P5	
NAMEPLATE SIGNS					a. <b>Quantity:</b> 1 max. b. <b>Area:</b> 3 sf max. c. <b>Width:</b> 18 in max. d. <b>Height:</b> 2 ft max. e. <b>Depth / Projection:</b> 3 in max. f. <b>Clearance:</b> 4 ft min. g. <b>Apex:</b> 7 ft max. h. <b>Letter Height:</b> n/a
DESCRIPTION	1 Nameplate per address limited to 3 square feet may be attached to a Building wall within 10 feet of a Principal Entrance.				
SIGN DETAILS	i. Nameplates shall consist of either a panel or individual letters applied to a Building wall within 10 feet of an entrance to the Building. ii. One Nameplate shall be permitted per address. iii. Nameplates shall not exceed 3 square feet. iv. Nameplates shall be constructed of durable materials.				

g)

		PLACE TYPES ▶				SPECIFICATIONS ▼
		P2	P3	P4	P5	
OUTDOOR DISPLAY CASE				P	P	a. <b>Quantity:</b> 1 max. b. <b>Area:</b> 6 sf max. c. <b>Width:</b> 3.5 ft max. d. <b>Height:</b> 3.5 ft max. e. <b>Depth / Projection:</b> 5 in max. f. <b>Clearance:</b> 4 ft min. g. <b>Apex:</b> n/a h. <b>Letter Height:</b> n/a
DESCRIPTION	Outdoor Display Cases shall not exceed 6 square feet and may be internally illuminated.					
SIGN DETAILS	i. Each Outdoor Display Case shall not exceed 6 square feet. ii. Outdoor display cases may be externally or internally illuminated. iii. Theaters may be permitted larger outdoor display cases by Warrant. iv. Outdoor display cases shall not be attached to Shopfront windows.					

h)

	PLACE TYPES ▶	P2	P3	P4	P5	SPECIFICATIONS ▼
SIDEWALK SIGN				P	P	<p>a. <b>Quantity:</b> 1 per property max.</p> <p>b. <b>Area:</b> 3 sf max.</p> <p>c. <b>Width:</b> 24 in max.</p> <p>d. <b>Height:</b> 2 ft max.</p> <p>e. <b>Depth / Projection:</b> 3 in max.</p> <p>f. <b>Clearance:</b> 4 ft min.</p> <p>g. <b>Letter Height:</b> n/a</p>
DESCRIPTION	1 Freestanding, double-sided, temporary Sidewalk Sign may be placed within the Furnishing of the Public Frontage for each property. Sidewalk Signs shall be removed at the close of Business each day.					
SIGN DETAILS	<p>i. Sidewalk Signs shall consist of Freestanding, double-sided temporary Signs placed at the entrance to the Business on the property by the applicant, in a primarily Pedestrian environment.</p> <p>ii. Sidewalk Signs shall be removed at the close of Business each day.</p> <p>iii. 1 Sidewalk Sign shall be permitted for each property.</p> <p>iv. Sidewalk Signs shall not exceed 42 inches in Height or 26 inches in width.</p> <p>v. Sidewalk Signs shall be moved inside during high winds or other weather conditions that might pose a hazard to public safety.</p> <p>vi. Sign cannot block the Walkway.</p>					





i)

PLACE TYPES ▶

P2

P3

P4

P5

SPECIFICATIONS ▼

## WINDOW SIGN



P

P

- a. **Quantity:** 1 per window max.
- b. **Area:** 25% coverage per window
- c. **Width:** n/a
- d. **Height:** n/a
- e. **Depth / Projection:** n/a
- f. **Clearance:** 4 FT min.
- g. **Apex:** n/a
- h. **Letter Height:** 8 in max.

## DESCRIPTION

Window Signs shall not interfere with the primary function of windows, that is to enable passersby and public safety personnel to see through windows into Premises and view product displays.

## SIGN DETAILS

- i. Only the following Window Sign types shall be permitted:
  - (a) Vinyl applique letters applied to the window. Appliques shall consist of individual letters or graphics with no visible background.
  - (b) Letters painted directly on the window.
  - (c) Hanging Signs that hang from the ceiling behind the window.
  - (d) Neon Signs.
  - (e) Door Signs applied to or hanging inside the glass portion of an entrance doorway.
- ii. Window Signs shall not interfere with the primary function of windows, that is to enable passersby and public safety personnel to see through windows into Premises and view product displays.
- iii. Window Signs shall be no larger than 25% of the total area of the window onto which they are applied. Sign area shall be measured using smallest rectangle that fully encompasses the entire extent of letters, Logo and background.
- iv. Window Signs may list services and/or products sold on the Premises, or provide phone numbers, operating hours or other messages, provided that the total aggregate area of these messages do not exceed the limit provided above.
- v. Letters on window Signs shall be no taller than 8 inches.

k)

PLACE TYPES ▶

P2

P3

P4

P5

SPECIFICATIONS ▼

YARD SIGN



P

P

- a. **Quantity:** 1 max per Lot
- b. **Area:** 6 sf max.
- c. **Width:** 3 ft max. (not counting post)
- d. **Height:** 2 ft max. (not counting post)
- e. **Depth / Projection:** n/a
- f. **Clearance:** min. 3 ft to Sign edge
- g. **Apex:** max. 6 ft to top of post
- h. **Letter Height:** 8 in max.

DESCRIPTION

1 single- or double-post Yard Sign may be placed with the Private Frontage.

SIGN DETAILS

- i. One single- or double-post Yard Sign for each Business may be permitted, provided it is set back at least 6 feet from the Frontage Line, does not exceed 6 square feet excluding posts, and does not exceed 6 feet high including posts, measured from the yard at the post location.

k)

PLACE TYPES ▶

P2

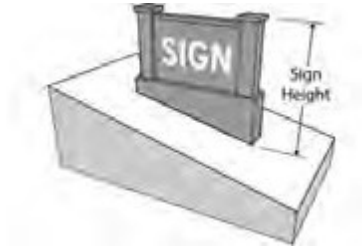
P3

P4

P5

SPECIFICATIONS ▼

MONUMENT



P

- a. **Quantity:** 1 max per Frontage
- b. **Height:** 35 ft max. in P5 on SH 71 \*see v  
20 ft max in P5 on SH 95 & Loop 150  
6 ft max in P5
- c. **Max Height to width ratio:** 4:1

DESCRIPTION

A Sign permanently affixed to the ground at its base or by poles that are enclosed by natural stone, stucco, brick, or wood and not mounted to a part of a Building. Pole(s) may be used to construct a Monument Sign so long as the poles are not visible below the Sign.

SIGN DETAILS

- i. A Monument Sign can be defined as a ground Sign generally having a low profile with little or no Open Space between the ground and the Sign and having a Structure constructed of masonry, wood, or materials similar in appearance.
- ii. How to Measure:
  - (1) Maximum total Height is measured from the finished grade at the center of the Sign. If the finished grade at the center of the Sign is higher than the finished grade of the closest paved surface, then the Height shall be measured from the finished grade of the closest paved surface.
  - (2) The monument base shall be a maximum of 2 feet in Height and shall be included in the calculation of total Height.
  - (3) A Monument Sign width cannot exceed 2 times the allowable Sign Height.
- iii. The max Height allowed along SH. 71 is 35 feet. Height limit is 8 feet if Band Sign Height exceeds 4 feet.
- iv. The max Height allowed along Loop 150 and SH 95 is 20 feet. Height limit is 8 feet if Band Sign height exceeds 4 feet.
- v. Signs along SH 71, SH 95 and Loop 150 can be internally illuminated.
- vi. A warrant for internal illumination can be requested.
- vii. Cannot be located within a Sight Triangle.

L)

PLACE TYPES ▶

P2

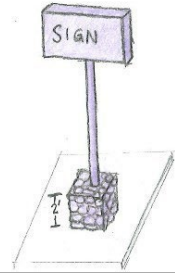
P3

P4

P5

SPECIFICATIONS ▼

## PYLON/POLE SIGN



P<sup>v</sup>

- d. **Quantity:** 1 max per Frontage
- e. **Height:** 35 ft max. in P5 on SH 71  
20 ft max in P5 on SH 95 & Loop 150
- f. **Max Height to width ratio:** 4:1

## DESCRIPTION

A Sign permanently affixed to the ground at its base by a single- or double-poles, that are enclosed by a base of natural stone, stucco, brick, or wood and not mounted to a part of a Building. Only allowed in State Highway 71 & SH 95

## SIGN DETAILS

- i. **How to Measure:**
  - (1) Maximum total Height is measured from the finished grade at the center of the Sign. If the finished grade at the center of the Sign is higher than the finished grade of the closest paved surface, then the Height shall be measured from the finished grade of the closest paved surface.
  - (2) The pylon/pole base shall be a maximum of 2 feet in Height and shall be included in the calculation of total Height.
- ii. The max Height allowed along SH 71 is 35 feet.
- iii. The max Height allowed along Loop 150 and SH 95 is 20 feet.
- iv. Signs along SH 71, SH 95 and Loop 150 can be internally illuminated.
- v. Only allowed in a Sign Corridor and not allowed if Band Sign exceeds 4 feet in height.
- vi. Cannot be located within a Sight Triangle.

## ARTICLE 8.4 TEMPORARY SIGNS

### SEC. 8.4.001 STANDARDS FOR TEMPORARY SIGNS

Temporary signs are allowed for a limited time period in accordance with the permitting requirements.

(a) Permits Required for:

- (1) Banner signs
- (2) Construction Site Signs
- (3) Development Information Signs

(b) Banner signs

- (1) Maximum sign area is forty-eight (48) square feet and not to exceed 75% of the building or lease space width upon which the sign is to be located.
- (2) Maximum banner height dimension is four (4) feet.
- (3) A banner sign may be placed on a property at a single location for a maximum of one year. The Banner can be changed within the permitted period as long as banner location on the site does not change or exceed the sign area or dimensions on the approved permit. Each tenant space or building located on a single lot or in a complex shall be allowed an individual banner as allowed per this article.

(4) All four (4) corners of a banner sign shall be securely attached to the building, fence, or yard stakes less than 5 feet in height.

(5) Banner signs shall not be placed on the public right-of-way, or located within the Sight Triangle, as defined in the B<sup>3</sup> Technical Manual Section 2.0.011.

(c) Bandit Signs

- (1) Bandit signs shall not exceed four (4) square feet and shall not be more than three (3) feet above the natural grade.
- (2) Bandit signs shall be authorized for new residential subdivisions during the development and sale phases only.
- (3) Bandit signs shall not be placed on the public right-of-way, or within the sight visibility triangle of an intersection.
- (4) The posting of bandit signs shall only be allowed between the hours of 5:00 a.m. Saturday through 6:00a.m. Monday.
- (5) The bandit signs shall be set back from the property line a minimum of five (5) feet and shall not exceed three (3) feet in height above the natural grade. Any bandit sign placed prior to 5:00 a.m. on Saturday

or not removed by 6:00 a.m. Monday shall be in violation of this article. The city shall remove bandit signs in violation of this article within twenty-four (24) hours. The owner of the bandit sign shall be fined in accordance with this article.

(d) Construction Site Signs

(1) The maximum sign area for a construction site sign is as follows:

(A) Freestanding: Thirty-two (32) square feet.

(B) Wall signs: 10% of building or lease space façade on which it is attached.

(2) Only one freestanding sign per street frontage on the property where the activity is to occur is permitted.

(3) Only one wall sign per building is permitted.

(4) The construction site sign shall be displayed no earlier than thirty (30) days before the commencement of the activity and must be removed no later than thirty (30) days after the activity is completed, or the installation of a permanent sign, whichever occurs first.

(e) Development information signs

(1) The maximum sign area shall not exceed forty (40) square feet.

(2) One sign is allowed for every fifty (50) lots, not to exceed thirty-two (32) signs unless the project exceeds four (4) square miles.

(3) All signs must conform to a unified design, shape and neutral color scheme and be constructed of strong, durable weather-resistant materials.

(4) For a residential subdivision, the sign may be displayed once the plat is recorded and shall be removed when 90% of each phase to which the sign is a part of is completed.

(5) For a commercial development not requiring platting, the sign may be displayed with the approval of either the site plan or the building permit.

(6) Development information signs shall be located on private property within the project subdivision/development to which the signs pertain. Signs may not be located on boundary streets of the project subdivision.

(f) Garage sale signs

(1) Must be located on private property (i.e., not in the right-of-way or on a utility pole) at a distance not less than three (3) feet from a curb.

(2) A maximum sign area of four (4) square feet.

- (3) Allowed from 5:00 p.m. Thursday until 8:00 a.m. Monday (unless Monday is a holiday, in which case the sign can remain until 8:00 a.m. Tuesday).

(g) Model Home Signs

- (1) One sign per cluster of model homes per builder.
- (2) A nameplate sign that identifies the individual product name is exempt if it does not exceed three (3) square feet nor three (3) feet in height.
- (3) Must be placed in front of a cluster of one or more model homes per builder.
- (4) All model home signage must be removed from the premises upon sale of the last model in the cluster.

# CHAPTER 9: HISTORIC LANDMARK PRESERVATION & THE IREDELL DISTRICT





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## ARTICLE 9.1 GENERAL

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### SEC. 9.1.001 PURPOSE AND INTENT

(a) The City Council hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of sites, landmarks or districts of historical and cultural importance, and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This article is intended to:

- (1) Protect and enhance the landmarks, which represent distinctive elements of the City's historic, architectural, and cultural heritage;
- (2) Foster civic pride in the accomplishments of the past;
- (3) Protect and enhance the City's attractiveness to visitors, thereby supporting and stimulating the economy;

- (4) Insure the harmonious, orderly, and efficient growth and Development of the City;
- (5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;
- (6) Encourage stabilization, Restoration, and improvements of such properties and their values.

### SEC. 9.1.002 HISTORIC LANDMARK COMMISSION

(a) The commission shall consist of 7 members, residents of the City, to be appointed by the mayor with approval by the City Council as follows; every effort will be made to find professionals who meet the criteria below:

- (1) 1 shall be an architect, city planner, or representative of a design profession;
- (2) 1 shall be a representative elected by the Bastrop County Historical Society;
- (3) 1 shall be a licensed real estate professional;
- (4) 1 shall be an owner of an historic Commercial Structure or property;

- (5) 1 shall be an owner of an historic Residential Structure or property;
  - (6) 1 shall be a member from the Planning & Zoning Commission;
  - (7) 1 shall be a general resident of the City. However, if specified professionals above cannot be appointed, City Council will consider other types of professionals.
- (b) All Historic Landmark Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic Preservation within the City.
- (c) Historic Landmark Commission members shall serve for a term of 3 years, with the exception of the member who is serving on the Historic Landmark Commission as the Planning & Zoning Commission representative, and that member shall serve for a term that is concurrent with that member's Planning & Zoning Commission term.
- (d) Attendance requirements for the Historic Landmark Commission members are set forth in section 1.02.002(b).
- (e) The commission shall be empowered to:
- (1) Approve or disapprove Certificates of Appropriateness, Demolition or Removal of historic Structures, and economic hardship applications.
  - (2) Conduct surveys and maintain an Inventory of significant historic, architectural, and cultural landmarks.
  - (3) Make recommendations to the City Council on the designation of historic landmarks, Historic Districts, Contributing and non-Contributing Structures.
  - (4) Make recommendations for properties to the National Register of Historic Places.
  - (5) Increase public awareness of the value of historic, cultural, and architectural Preservation by developing and participating in public education programs.
  - (6) To assist the City Council in the adoption of Design Guidelines for the exteriors of historic landmarks, properties located inside of Historic Districts, and Contributing and non-Contributing Structures, to address architectural and general design elements of Structures, including acceptable materials for Construction; appropriate architectural character, scale, and detail; acceptable appurtenances or

Additions to new or existing Structures; and acceptable textures and ornamentation.

(7) Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.

(8) To perform any other functions requested by City Council.

(f) The Historic Landmark Commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the Chair, or on the written request of any 2 commission members.

#### **SEC. 9.1.003 APPOINTMENT OF HISTORIC PRESERVATION OFFICER**

(a) The City's Director of Planning & Development or other City staff designated by the City Manager shall serve as Historic Preservation Officer. This officer shall have as a principal duty the administration of this article and the coordination of the City's various efforts and programs that further historic Preservation.

## **ARTICLE 9.2 CATEGORIES OF PRESERVATION**

### **SEC. 9.2.001 ESTABLISHMENT OF PRESERVATION**

(a) There shall be 2 categories of Preservation for historically, culturally, architecturally or archaeologically significant properties in the City, as follows:

(1) Historic landmarks;

(2) Local Historic Districts, which may contain historic landmarks and Contributing Structures or Sites; and non-Contributing Structures or Sites.

### **SEC. 9.2.002 CRITERIA FOR HISTORIC LANDMARK STATUS**

(a) A Structure or Site is considered a local Historic Landmark if it is designated as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

(b) A Structure or Site also may be designated by the City as a Historic Landmark if it meets 2 or more of the criteria set out below.

(1) Possesses significance in history, architecture, archeology, or culture;

- (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
- (3) Is associated with the lives of persons significant in our past;
- (4) Embodies the distinctive characteristics of a type, period, or method of Construction;
- (5) Represents the work of a master designer, builder, or craftsman; or
- (6) Represents an established and familiar visual feature of the City.

#### **SEC. 9.2.003 PROCESS FOR DESIGNATION OF HISTORIC LANDMARKS**

- (a) Owners of property being considered for designation as a Historic Landmark shall be notified prior to the Historic Landmark Commission hearing on the recommended designation. The Historic Landmark Commission shall provide notice to property owners within 200 feet of the property and conduct a public hearing.
- (b) After consideration by the Historic Landmark Commission, a recommendation regarding designations shall be submitted the City Council to consider the designations of a Historic

Landmark. The adoption of the landmark shall be through a resolution.

- (c) Upon designation of a Historic Landmark, the City Council shall cause the designation to be noted as follows:
  - (1) Recorded in the official real property records of Bastrop County.
  - (2) Designated on the historic resource map of the City.
  - (3) Provide the property owner with a plaque and require the installation indicating the designation of the landmark as a City Historic Landmark.

#### **SEC. 9.2.004 PROCESS FOR REMOVAL OF HISTORIC LANDMARKS DESIGNATION**

- (a) Designated historic landmarks shall retain such designation until such time as the City Council, upon receipt of an Application from the owner, approves the withdrawal. The procedures for a Removal of designation of a Historic Landmark shall follow the same process as the designation process.

(b) Criteria for approving Removal:

- (1) The original criteria that was met to receive the designation is no longer applicable for reasons not attributable to the acts or omissions of the owner or occupant.
- (2) The Site or Structure has been rendered unreasonably irreparably altered by an Act of God
- (3) The required majority for City Council approval for Removal of designation shall be two-thirds of the full membership

**SEC. 9.2.005 CRITERIA FOR CREATION OF HISTORIC LANDMARKS**

- (a) An area of the City may be considered for designation as a Historic District if it:
- (1) Contains properties and an environmental setting which meet 1 or more of the criteria for designation of a Historic Landmark; or,
  - (2) Constitutes a distinct section of the City that possesses a unique historical, architectural, archeological or cultural significance.

**SEC. 9.2.006 PROCESS FOR THE DESIGNATION OF LOCAL HISTORIC DISTRICT**

- (a) These provisions pertaining to the designation of local Historic Districts constitute a part of the official Zoning Map of the City.
- (b) Upon recommendation of the Historic Landmark Commission and the Planning & Zoning Commission, the City Council may establish, after following all required legal procedures, 1 or more Historic Districts. The Historic Landmark Commission shall prepare, or cause to be prepared, and adopt, Design Guidelines for each individual district, including Standards for new and/or Infill Construction. If there is more than 1 district, and the Historic Landmark Commission finds that Design Guidelines for 1 district are appropriate for another district, they may adopt the same guidelines.
- (c) An Inventory of all Contributing and non-Contributing Structures located within a Historic District to be prepared and the record of the status of each Structure within each Historic District shall be maintained in City records.
- (d) Owners of property located within an area considered for designation as a local Historic District shall be notified prior to the public hearing(s) on the recommended

designation. The adoption of a local district will be processed according to the same procedures required for a zoning amendment. At the public hearing(s), owners, interested parties, and technical experts may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed local Historic District.

(e) Upon designation of a local historic district, the City Council shall cause the designation to be recorded as follows:

- (1) Recorded in the official real property records of Bastrop County,
- (2) Designated on the historic resource map of the City.

(f) Designated Historic Districts shall retain such designation until such time as the City Council, upon receipt of an Application and formal request made by at least 51% of the owners of real property located within the Historic District petitions for Removal. The procedures for a Removal of designation of a local Historic District shall follow the same process as the designation process.

- (1) Criteria for approving Removal.

A. The original criteria that was met to receive the designation is no longer applicable for reasons not attributable to the acts or omissions of the owner or occupant.

B. The Site or Structure has been rendered unreasonably irreparably altered by an Act of God.

(g) The required majority for City Council approval for Removal of designation shall be 2/3 of the full membership.

(h) Any existing Structure or Site designated as a significant landmark or a Historic Landmark under Ordinance No. 2007-30 are specifically saved from repeal and shall retain such designation until such time that those designated landmarks are redesignated in accordance with the processes and procedures under this article. As soon as practical following adoption of this article, the City shall begin the process to designate any landmarks deemed appropriate for consideration as historic landmarks in accordance with the processes and procedures contained within this article.

#### **SEC. 9.2.007 RELATIONSHIP OF DESIGNATIONS TO PLACE TYPES**

- (a) If there is any conflict between the Design Guidelines and any provision of Place Type Zoning, the most restrictive regulation shall apply.
- (b) If there is any conflict between the provisions of this section and any other provision of the Place Type Zoning, the most restrictive regulation shall apply, in the absence of a specific directive to the contrary.

## SEC. 9.2.008 EXISTING HISTORIC DISTRICTS

### (a) Bastrop Commercial District - National Register District

- (1) This district was certified as part of the National Register of Historic Places by the National Park Service on December 22, 1978. The district has identified Structures that are Contributing, Compatible and Intrusions to the district, which is outlined in Figure 9.2.006A.
- (2) All properties within the district are required to receive a Certificate of Appropriateness per Section 14.03.003.

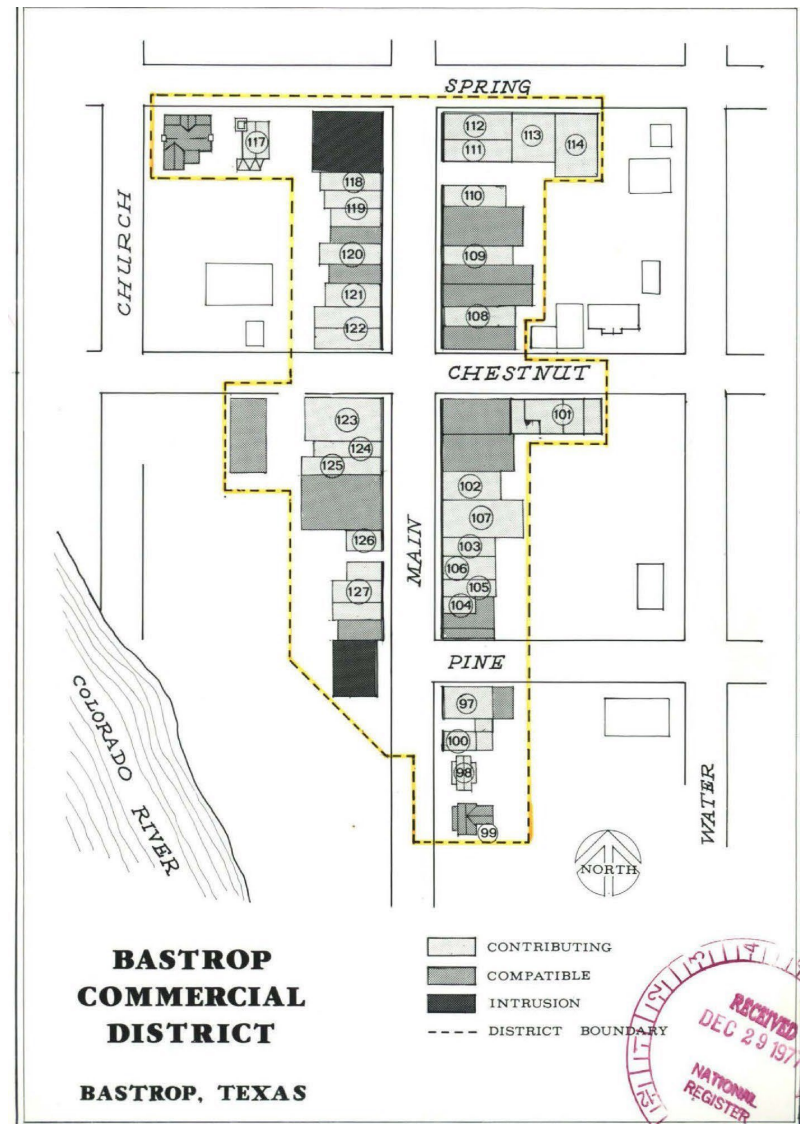


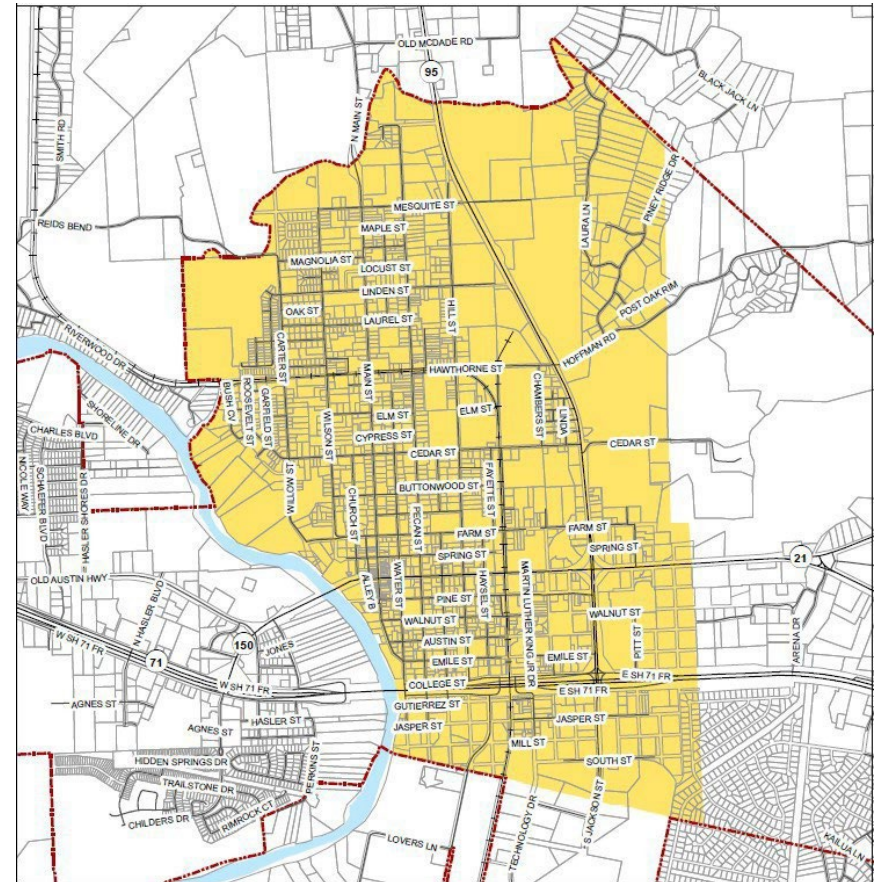
FIGURE 9.2.008 A



(c) Iredell Historic District – locally designated district

This district was adopted as a local district by City Council on XX. The district encompasses the Farm Lots and Building Blocks that established a unique Development Pattern, which possesses a significant in history, provided a significant contribution to the local pattern and represents an established and familiar visual feature of the City that is the basis of the Bastrop Building Block (B<sup>3</sup>) Code. The boundaries are outlined in Figure 9.2.006B.

Temporarily Suspended  
March 28, 2023



**FIGURE 9.2.008 B**

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## ARTICLE 9.3 CERTIFICATE OF APPROPRIATENESS

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### SEC. 9.3.001 REQUIREMENT FOR CERTIFICATE OF APPROPRIATENESS

- (a) No person, firm, corporation or other organization shall carry out any Project that includes the Construction, Reconstruction, alteration, Restoration, Rehabilitation, Relocation or Demolition of any local, state, or national Historic Landmark or any structure, Site, or Sign within a Historic District, nor shall any person make any material change to any structural exterior elements or architectural features visible from a public right-of-way which affect the appearance and cohesiveness of any local, state, or national Historic Landmark or any structure or Site within a Historic District without prior approval of a Certificate of Appropriateness.

### SEC. 9.3.002 CERTIFICATE OF APPROPRIATENESS EXEMPTIONS

- (a) Certificate of Appropriateness shall not be required for the following:
- (1) Ordinary Maintenance, as defined in this article.
  - (2) Interior Construction or Alterations provided the Alterations do not alter the exterior wall of the Building.

- (3) New, modifications or Removal of existing awnings, canopies, exterior paint color or exterior Lighting that are attached to a P3 or P4 Structure provided the Alterations do not alter the exterior wall of a Building designated as a Historic Landmark.
- (4) Demolition of a Building or Structure that the Building Official has declared a dangerous Structure in accordance with article 3.12 of this article, as amended, or determined that Demolition is necessary for the preservation of the public health, safety and welfare.
  - A. Should the Building Official declare a Building a dangerous Structure or determine that Demolition is necessary for the preservation of public health, safety and welfare, the Building Official shall coordinate with the Historic Preservation Officer and property owner to identify historic and significant architectural features that are unique to the Building or Structure, era or district and that may be salvaged.
  - B. The Historic Preservation Officer shall create a record of the Building or Structure to be demolished through archival-quality photo- documentation, drawings, and other information

similar to those required by the Historic American Buildings Survey. The list of identified historic and significant architectural features to be salvaged shall also be made part of this record.

- (5) New fence, railing or wall that is consistent with the Historic District's characteristics and applicable guidelines.
- (6) Site landscape Alterations and other hardscape features provided that these do not alter a Building or Structure designated as a Historic Landmark or that is a Contributing historic Structure to the Historic District.

#### **SEC. 9.3.003 CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURE**

- (a) When a Certificate of Appropriateness is required, no work can begin before the Historic Preservation Officer or the Historic Landmark Commission has first issued a Certificate of Appropriateness. The Certificate of Appropriateness shall be in addition to and not in lieu of any permits required (i.e. Building, Sign, alcohol, etc.). The Building Official cannot approve any Application for a Sign or building permit to a Structure and/or Site that requires, but does not have a Certificate of Appropriateness.

- (b) The owner or owner's agent shall file an Application, as provided by the City, for such a certificate. The Application shall contain at a minimum:

- (1) Application fee as established in appendix A—Fee Schedule;
- (2) Contact information for the Applicant and/or owner;
- (3) A detailed description of all proposed work;
- (4) Location and photographs of existing conditions;
- (5) Elevation drawings, photographs, or illustrations of the proposed changes;
- (6) Samples of materials to be used;
- (7) If the proposal includes Signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the Sign's location on the property;
- (8) Any other information that the City may deem necessary in order to visualize the proposed work; and

- (9) The Historic Preservation Officer shall review the submission and determine if the Application is complete. If the Application does not meet the requirements to be approved administratively, the Application will be forward to the Historic Landmark Commission for consideration at their next available meeting agenda.

#### **SEC. 9.3.004 ADMINISTRATIVE APPROVAL OF A CERTIFICATE OF APPROPRIATENESS**

- (a) Certificate of Appropriateness may qualify for Administrative Approval by the Historic Preservation Officer if the proposed Project meets all of the following conditions:
  - (1) The property is not located in a national Historic District;
  - (2) All of the material Standards identified in the Pattern Book are met;
  - (3) The proposed Structure or Site is not designated as a local, state, or national Historic Landmark.
- (b) The Historic Preservation Officer may elect to present a Certificate of Appropriateness to the Historic Landmark Commission for review and consideration.

- (c) If the Historic Preservation Officer does not approve a Certificate of Appropriateness, the Application may be forwarded to the Historic Landmark Commission for review and consideration at the request of the Applicant.

#### **SEC. 9.3.005 HISTORIC LANDMARK COMMISSION APPROVAL OF CERTIFICATE OF APPROPRIATENESS**

- (a) The Commission shall review an Application for a Certificate of Appropriateness at a regularly scheduled or special meeting within 45 days from the date the Application is deemed administratively complete for review, at which time an opportunity will be provided for the Applicant to be heard. The Historic Landmark Commission shall approve, deny, or approve with conditions or modifications the permit, within 30 days after the review meeting, provided however, both review and action may occur at the same meeting. In the event the Historic Landmark Commission does not act within 60 days from the date the Application is deemed administratively complete for review, a permit will be deemed approved.
- (b) All decisions of the Historic Landmark Commission shall be in writing. The Historic Landmark Commission's decision shall state its findings pertaining to the approval, denial, or modification of the Application. A copy shall be

provided to the Applicant and a copy shall be maintained in the files of the Planning and Development Department and distributed to other appropriate City departments.

- (c) An Applicant for a Certificate of Appropriateness who is dissatisfied with the action of the Historic Landmark Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to Appeal the determination to the City Council. The Applicant has 15 calendar days from date of the Historic Landmark Commission action to file for the Appeal. The Appeal request will be placed on the next available City Council agenda. To be considered, the Appeal shall set forth in writing the grounds for such Appeal and shall provide the City with any pertinent evidence and all related documentation related to the Appeal. The City Council shall use the adopted approval criteria for the Appeal review.
- (d) A Certificate of Appropriateness shall expire 2 years from the date of approval if the proposed scope of work has not been completed. If a building permit for approved work has been issued, the Certificate of Appropriateness will expire 2 years from the permit issue date. The Commission, upon determination of a reasonable need, may authorize 1 extension of an additional 6 months to

obtain a building permit for the work in which the Certificate of Appropriateness was approved upon showing of just cause by the Applicant.

#### **SEC. 9.3.006 CRITERIA FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS (COA)**

- (a) In considering an Application for a Certificate of Appropriateness (COA), the Historic Landmark Commission shall be guided by any locally adopted design Standards, and where applicable, the following from the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings. Any adopted design Standards and Secretary of the Interior's Standards shall be made to the property owners of historic landmarks.
  - (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal Alteration of the Building, Structure, object, or Site and its environment.
  - (2) The distinguishing original qualities or character of a Building, Structure, object, or Site and its environment shall not be destroyed. The Removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) All buildings, Structures, objects, and Sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.
- (4) Changes that may have taken place in the course of time are evidence of the history and Development of a Building, Structure, object, or Site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize, a Building, Structure, object, or Site shall be kept to the greatest extent practical.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs

or the availability of different architectural elements from other Building or Structures.

- (7) The surface cleaning of Structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) For building materials, architecture standards, architectural details, massing for a variety of building types, see the Pattern Book.
- (9) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any Project.
- (10) Contemporary design for Alterations and Additions to existing properties shall not be discouraged when such Alterations and Additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, color, material, and character of the property, neighborhood, or environment.
- (11) Wherever possible, new Additions or Alterations to buildings, Structures, objects, or Sites shall be done in

such a manner that if such Additions or Alterations were to be removed in the future, the essential form and integrity of the Building, Structure, object, or Site would be unimpaired.

#### **SEC. 9.3.007 CONSIDERATION OF PREVIOUSLY DENIED APPLICATION**

- (a) A new Application for a Certificate of Appropriateness for a structure or Site that was previously denied a similar Certificate of Appropriateness shall not be considered if the Historic Landmark Commission or the City Council, on appeal, for the structure or Site within 1 year from the date of the final decision. If there has been a substantial change in the conditions affecting the structure or Site or the proposed Project is substantially different from the previous Application, the City may find that are sufficient to Warrant consideration prior to the 1 year period.

#### **SEC. 9.3.008 ENFORCEMENT**

- (a) All work performed pursuant to a Certificate of Appropriateness issued under this article shall conform to any conditions or requirements included therein. It shall be the duty of the building inspector or their designee to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, the Building Official or their designee shall issue a stop-work

order, and all work shall immediately cease. No further work shall be undertaken on the Project as long as a stop-work order is in effect.

- (b) A stop-work order may be lifted following submission and approval of plans for corrective action or work, or other plans to bring the Project into compliance with the conditions or requirements of the Certificate of Appropriateness or other approvals.

### **ARTICLE 9.4 COA REQUIRED FOR DEMOLITION OR RELOCATION**

#### **SEC. 9.4.001 COA FOR DEMOLITION OR RELOCATION REQUIRED**

- (a) A permit for Demolition, Removal, or Relocation for any local, state, or national Historic Landmark or any structure or Site within a Historic District shall not be granted by the City without the review and approval of a Certificate of Appropriateness by the Historic Landmark Commission in accordance with the provisions of this article.

#### **SEC. 9.4.002 PROCEDURE FOR COA FOR DEMOLITION**

- (a) An Application for a Certificate of Appropriateness shall contain the following minimum information:

- (1) Application fee as established in appendix A—Fee Schedule;
  - (2) Owner and agent contact information;
  - (3) A detailed description of the reason the proposed Demolition is necessary;
  - (4) Location of the proposed Demolition;
  - (5) Evidence of the existing conditions of the property which justify the need for Demolition;
  - (6) A detailed description of the methods of Demolition including the process and procedure for Removal of all debris and how surrounding properties will be protected during the Demolition process;
  - (7) Any other information that the City may deem necessary in order to determine the need for the proposed Demolition.
- (b) The Commission shall hold a public hearing on the Application within 45 days after the date a complete Application is Filed with the City. The Applicant, property owner, and all property owners located within two hundred 200 feet of the property proposed to be

demolished shall be mailed a written notice 10 days prior to the hearing.

- (c) When considering the Certificate of Appropriateness for Demolition, the Historic Landmark Commission shall consider the following:

- (1) The historic value of the Structures or Site;
- (2) The state of repair of the Structures or Site;
- (3) The existing and potential usefulness, including the economic usefulness, of the Structures, buildings or objects on the Lot, parcel or Site;
- (4) The reasons for preserving the Structures, buildings or objects on the Lot, parcel or Site;
- (5) The character of the neighborhood; and
- (6) Any other factors the Historic Landmark Commission deems appropriate when considering the proposed Demolition.

- (d) When considering the Certificate of Appropriateness for Relocation, the Historic Landmark Commission shall consider the following:



- (1) The style of Construction and compatibility with the local Historic District;
  - (2) The historic value and structural state of the Structure;
  - (3) The historic value of the Site;
  - (4) The reasons for preserving the Structure on an alternate Site;
  - (5) The character of the neighborhood;
  - (6) Any other factors the Historic Landmark Commission deems appropriate when considering the proposed Demolition.
- (e) If the Historic Landmark Commission determines, that the evidence supports the Demolition, Removal or Relocation of the Structure or if the Historic Landmark Commission determines that the interest of preserving historic values will not be adversely affected by such Demolition, Removal or Relocation that the interest of preserving historical values can best be served by the Removal of the Structures, buildings or objects, it shall issue a Certificate of Appropriateness for Demolition of the Structures or Site.
- (f) If no action has been taken by the Historic Landmark Commission within 60 days of original receipt by the Historic Landmark Commission of the Application, the Certificate of Appropriateness for Demolition shall be deemed approved by the Historic Landmark Commission.
- (g) Any Applicant who is dissatisfied with the action of the Historic Landmark Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to Appeal the determination to the City Council. The Applicant has 15 calendar days from date of the Historic Landmark Commission action to file for the Appeal. The Appeal request will be placed on the next available City Council agenda. To be considered, the Appeal shall set forth the grounds for such Appeal and shall provide the City with any pertinent evidence and all related documentation related to the Appeal. The City Council shall use the adopted approval criteria for the Appeal review.

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## **ARTICLE 9.5 FAILURE TO MAINTAIN RESULTING IN DEMOLITION BY NEGLECT**

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### **SEC. 9.5.001 STATE OF DEMOLITION BY NEGLECT**

(a) No owner or person, firm, corporation or other organization with an interest in real property that is designated as a Historic Landmark, a Structure or Site that has been certified, registered or designated by any federal, state or other authorized body/entity as having historical significance, or any Structure or Site that is located within a local Historic District, shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Landmark Commission, produce a detrimental effect upon the character of a Historic Landmark, the district as a whole, or the life and character of the property itself. Examples of such deterioration include:

- (1) Deterioration of exterior walls or other vertical supports.
- (2) Deterioration of roofs or other horizontal members.
- (3) Deterioration of exterior chimneys.

- (4) Deterioration or crumbling of exterior stucco or mortar.
- (5) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- (6) Deterioration of any feature creating a hazardous condition which could lead to the claim that Demolition is necessary for the public safety.

### **SEC. 9.5.002 DEMOLITION BY NEGLECT HEARING PROCEDURE**

- (a) Upon notification to the Historic Landmark Commission of such a state of disrepair, the Historic Landmark Commission shall notify the owner in writing, informing the owner of the violation and the specifics of the alleged deterioration, requesting that the owner appear before the Historic Landmark Commission for determination of the existence of detrimental deterioration.
- (b) If, after a public hearing before the Historic Landmark Commission, the Historic Landmark Commission determines that the deterioration has produced a detrimental effect as described in subsection A of this section, the owner shall cure the deterioration by Restoration or other appropriate actions within a reasonable period of time as determined by the Historic Landmark Commission but in no case longer than 180

calendar days from the determination by the Historic Landmark Commission. The owner must comply with all requirements of requesting a Certificate of Appropriateness from the Historic Landmark Commission. Failure of the owner to cure the deterioration within the time specified by the Historic Landmark Commission shall cause the property owner to be subject to penalties as defined in section 14.03.009, which may be assessed civilly or in municipal court.

- (c) Any Applicant who is dissatisfied with the action of the Historic Landmark Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to Appeal the determination to the City Council. The Applicant has 15 calendar days from date of the Historic Landmark Commission action to file for the Appeal. The Appeal request will be placed on the next available City Council agenda. To be considered, the Appeal shall set forth the grounds for such Appeal and shall provide the City with any pertinent evidence and all related documentation related to the Appeal. The City Council shall use the adopted approval criteria for the Appeal review.

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## **ARTICLE 9.6 INCENTIVES FOR HISTORIC LANDMARKS**

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### **SEC. 9.6.001 CONTINUATION OF EXISTING INCENTIVES**

- (a) All properties previously granted an incentive (refund of City taxes) under section 14.03.002 of the Bastrop Code of Ordinances as of the date of ordinance no. 2018-03 shall be eligible to maintain the incentive and are specifically saved from repeal; however, the City Council may modify or end the program at any time at the City's discretion. A list of all properties subject to the incentive, along with the determination of what historic elements are to be included in the valuation of the incentive, shall be maintained on file in the City's Historic Preservation Officer's and the City Secretary's office.

### **SEC. 9.6.002 NEW APPLICATIONS FOR INCENTIVES**

- (a) To encourage historic Preservation, the City may offer an incentive to owners of local historic landmarks to encourage the stabilization, Rehabilitation and renovation of properties designated as historic landmarks. The incentives may include:
  - (1) Historic landmark marker. Owners of qualifying historic landmarks will be presented with an official Historic Landmark marker to designate the Structure, with the cost of the marker borne by the City.

(2) Property tax refund. Owners of qualifying historic landmarks may be eligible for a refund of a portion of their City property taxes, provided under paragraph (c) below.

(b) An owner seeking inclusion in the incentive program shall submit an Application to the Historic Preservation Officer to determine whether the property meets the criteria for a local Historic Landmark. Incentives will be granted upon the favorable recommendation of the Historic Landmark Commission and approval by the City Council.

#### **SEC. 9.6.003 CALCULATION FOR REFUND INCENTIVES**

(a) The amount of the refund shall be based on a uniform percentage of the assessed value of the Contributing Structures, determined by the City Council, each budget year, which can be financed by the amount of general funds appropriated for such refunds. Refunds shall be based on the assessed value of the historic improvements only and shall exclude the value of the underlying land or any noncontributing Structures. Refunds will be based on taxes paid in full by July 31. Eligibility for such refund shall require compliance with all requirements of this article.

#### **SEC. 9.6.004 REQUIRED MAINTENANCE STANDARDS**

(a) To be eligible to receive the annual refund, all buildings and the exterior premise of a Historic Landmark property shall be properly maintained to achieve a presentable appearance, avoid hazardous conditions, and meet the following minimum Standards:

- (1) *Roof.* The roof shall not have any missing or broken shingles, significant buckling, warping, or peeling of the surface and must be clear of vegetation. There shall be no Signs of decay, dry rot or structural integrity issues in the roof structure.
- (2) *Exterior walls.* The exterior walls shall not have any missing boards, bricks or other materials. No Signs of cracks, dry rot or decay should be evident. Except for materials that have been designed to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained to be kept clean and free of flaking, loose, or peeling paint or covering.
- (3) *Foundations.* The foundation shall not have any significant cracking, shifting, or erosion. For pier and beam foundations, skirting should be in good

condition and have no missing sections. The foundation shall be in good condition and not have missing foundation supports or Signs of sagging.

- (4) *Exterior doors.* Doors shall be maintained to be structurally sound, fit within frames to be weatherproof, and have hardware that is in good condition.
- (5) *Windows.* Windows shall be fully supplied with window glass, which is glazed and is without cracks or broken panes, shall have sashes in good condition, which fit within the frames, and maintained to exclude adverse weather elements from entering the Structure.
- (6) *Porches.* Every porch shall be maintained to be free of missing, defective, rotting or deteriorated foundations, supports, floors and steps, to be safe to use and kept in sound condition and in good repair.
- (7) *Stairways.* Stairways shall be maintained free of rotted or deteriorated supports. Handrails and/or railings shall be firmly fastened and maintained in good conditions.

(8) *Accessory Structures.* All Structures accessory to the dwellings, including detached garages, shall be maintained to be structurally sound, neatly maintained and in good repair.

(9) *Fences and walls.* If any fence, retaining wall, or similar Structure is not found to be in a good state of structural repair, it shall be removed, replaced or repaired as required.

(10) *Landscaping.* All landscaping shall be maintained in a presentable appearance. Any landscaping or vegetation that is causing damage to the Structure must be removed.

(11) *Decorative features.* Any other decorative elements of the Site shall be maintained in good repair with property anchorage and in a safe condition.

- (b) If a Historic Landmark property has been determined by the Historic Preservation Officer, the Building Official, and Code Enforcement Official to be inadequately maintained, the property owner will be notified in writing and given 30 days to correct the deficiencies. If the repairs are not completed and Standards are not met, the incentive will not be paid. An aggrieved property owner may Appeal that determination to the City Council.

#### **SEC. 9.6.005 LOSS OF INCENTIVES**

(a) No owner, owner's agents, contractors and/or representatives shall alter or totally or partially destroy any Historic Landmark subject to incentives under this section without first obtaining a Certificate of Appropriateness or Demolition permit in accordance with the terms of this article. If a Historic Landmark subject to incentives is altered or totally or partially destroyed without a Certificate of Appropriateness, the owner shall be required to restore the Structure to its original state, within a reasonable period of time as established by the Historic Landmark Commission but in no case longer than 180 calendar days from the date of any notice of violation provided to the property owner. No incentives will apply during the time that the owner is restoring the property. Failure to restore the historical landmark to its pre-destruction condition shall subject the owner to the penalties set forth in this article and the owner shall:

- (1) No longer be entitled to the incentives set forth herein; and
- (2) Immediately remit to the City monies in an amount equal to the total city tax revenues that were refunded in the current and prior years because of the

incentives, plus interest calculated at an annual rate as established by the then-current Texas Private Prompt Payment Act.

If an owner has obtained a Certificate of Appropriateness for Demolition or Relocation under section 14.03.004, then the incentive for the Structure will cease immediately upon the Demolition or Relocation, but no remittance of past refunds is required.

#### **SEC. 9.6.006 TRANSFERABILITY OF INCENTIVES**

The benefits of the incentive program relating to historic Structures under this section are transferable and run with the property.

### **ARTICLE 9.7 ECONOMIC HARDSHIP**

#### **SEC. 9.7.001 ECONOMIC HARDSHIP APPLICATION PROCEDURE**

(a) After receiving written notification from the Historic Landmark Commission of the denial of a Certificate of Appropriateness, or an Application to demolish, an Applicant may commence the hardship process. No building permit or Demolition permit shall be issued unless the Historic Landmark Commission makes a finding that hardship exists.

(b) When a claim of economic hardship is made due to the effect of this article, the owner must prove that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(c) The Applicant shall consult in good faith with the Historic Landmark Commission, local Preservation groups and interested parties in a diligent effort to seek an alternative that will result in Preservation of the property. Such efforts must be shown to the Historic Landmark Commission.

(d) The commission shall hold a public hearing on the Application within 60 days from the date the Application is received by either the building inspector or the Preservation Officer. Following the hearing, the Historic Landmark Commission has 30 days in which to prepare a written recommendation to the building inspector or other official. In the event that the Historic Landmark

Commission does not act within 90 days of the receipt of the Application, a permit may be granted by the building inspector.

(e) All decisions of the Historic Landmark Commission shall be in writing. A copy shall be sent to the Applicant by certified mail and a copy filed with the City clerk's office for public inspection. The commission's decision shall state the reasons for granting or denying the hardship Application.

(f) An Applicant submitting a hardship Application who is dissatisfied with the decision of the Historic Landmark Commission relating to the approval or denial of such Application shall have the right to Appeal the Historic Landmark Commission's decision to the City Council. The Applicant has fifteen (15) calendar days from date of the Historic Landmark Commission action to file for the Appeal. The Appeal request will be placed on the next available City Council agenda. To be considered, the Appeal shall set forth the grounds for such Appeal and shall provide the City with any pertinent evidence and all related documentation related to the Appeal. The City Council shall use the adopted approval criteria for the Appeal review.

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## ARTICLE 9.8 PENALTIES

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Any person, firm, association of persons, corporation or other organization violating the provisions of this article shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed the amount set out in appendix A—Fee Schedule, article A14.01 of the Bastrop Code of Ordinances. Each day that a violation continues shall be deemed a separate and distinct offense. Violations of this article may be enforced civilly and/or in municipal court, at the City's discretion.



# **CHAPTER 10:**

## **DEFINITIONS**

### SEC. 10.1.001 GENERAL

For the purposes of this Code, certain terms and words are hereby defined; terms not defined herein shall be constructed in accordance with customary usage in municipal planning and engineering practices.

Defined terms are capitalized throughout the document.

### SEC. 10.1.002 DEFINITIONS

**Accessory Building** shall mean an outbuilding behind the main Structure on the Lot.

**Accessory Dwelling Unit (ADU)** shall mean an outbuilding behind the main Structure on the Lot with services for Residential living.

**Addition** shall mean any Construction that increases the size of a Structure in terms of Site coverage, height, or gross floor area.

**Administrative Approval** shall mean the process by which the Planning & Development Department review submitted Regulating, Public Frontage Site and/or building plans and approve based on compliance with this code.

**Administrative Procedure** shall mean the procedure to be followed for the approval of the Subdivision or re-subdivision of an existing Lot(s) when such Subdivision meets certain limited conditions set by the City.

**Administrative Review** shall mean the process by which the Planning & Development Department review submitted Regulating, Public Frontage Site and/or building plans to determine compliance with this code.

**Administrator** shall mean the City Manager and or their designee.

**Alley** shall mean a vehicular drive located to the rear of lots providing access to service areas, parking, Accessory Structures or ADU, or containing utility easements.

**Alteration** shall mean any change, Demolition or modification to a Structure or Site designated as a Historic Landmark or located in a local Historic District including, but not limited to, the following:

- (1) Exterior changes to or modification of any buildings or Structures, architectural details or visual characteristics.
- (2) Construction of new Structures.
- (3) Disturbance, placement or Removal of exterior objects that affect the exterior qualities of the property.

**Amending Plat** shall mean Plat as defined in 212.016 of the Texas Local Government Code and the procedure for such plats shall be the same as the procedure as defined herein.

**American Grid** shall mean the grid plan, grid Street plan, or gridiron plan is a type of city plan that the streets run at right angles to each other, forming a grid.

**Apex** shall mean the highest point of a Sign as measured from the point on the ground where its Structure is located, or, if no Sign Structure is present, from the point on the ground directly below the Sign itself.

**Appeal** shall mean a means for obtaining review of a decision, determination, order, or failure to act.

**Applicant** shall mean a person or entity who submits to the City an Application for an approval required by this code. To be qualified as an Applicant under this code, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Chapter. The term shall be restricted to include only the Property Owner(s), or a duly authorized agent and representative of the Property Owner.

**Application** shall mean a written request to the City for an approval required by this Code that contains all information required by this Code and that has been deemed administratively complete by the City on a Uniform Submittal Date.

**Arcade** shall mean colonnade supported upper stories of a Building projecting over the Sidewalk, where the Facade of the first Story remains at or behind the Frontage Line.

**Architectural Element** shall mean the unique details and component parts that combined, form the architectural style of a Structure, Building or object.

**Apartment Building** shall mean a building or series of buildings containing greater than five (5) dwelling units in a building with exterior dwelling unit entrances, primarily rented or leased for terms longer than 30 days.

**Avenue** shall mean a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median

**Awning** shall mean a cloth, plastic, or other nonstructural covering that either is permanently attached to a Building or can be raised or retracted to a position against the Building when not in use. This term does not include canopies.

**Band Sign** shall mean a Sign that is printed onto a flexible material and fastened to a Building or pole.

**Bastrop Building Block (B<sup>3</sup>) Code** shall mean the Standards and process governing all elements of Development in the Public and Private Realms of the City of Bastrop and its ETJ.

**Bicycle Corral** shall mean a group of either short-term or long-term bicycle parking spaces that are located in the vehicular parking area adjacent to the Curb. The Corral is generally surrounded by a painted white box on the Street with flexible vertical delineators and a wheel stop where vehicles are likely to back into the adjacent parking spot.

**Bicycle Rack, Long-Term** shall mean a bicycle parking fixture that provides at least two bicycle spaces and includes at least a four- foot-wide by six-foot-long dimension, intended for parking more than three hours, and is fully protected from the elements.

**Bicycle Rack, Short-Term** shall mean a bicycle parking fixture that provides at least two bicycle spaces and includes at least a four- foot-wide by six-foot-long dimension, intended for parking less than three hours.

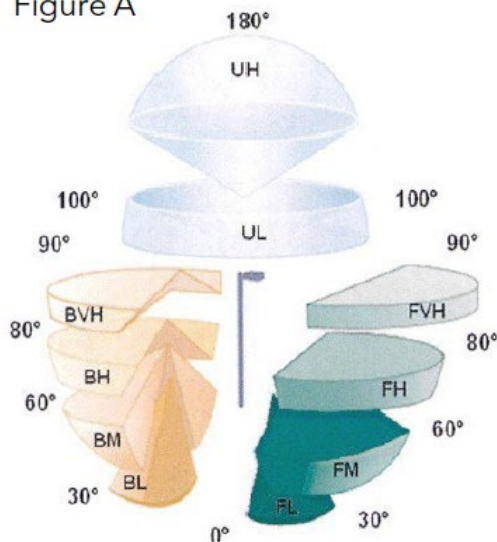
**Billboard Sign** shall mean a Sign that is Freestanding, attached to or part of a Building, and is an Off-Premises Sign that is designed for a change in copy so that the characters, letters, display, or illustrations can be changed or rearranged within a fixed Sign Face.

**Block** shall mean an aggregate land area circumscribed by Thoroughfares.

**Block Face** shall mean the aggregate of all the Principal Frontage Lines or alternatively the building Facades on one side of a Block.

**B-U-G Ratings** shall mean a luminaire classification system with ratings for backlight (B), uplight (U), and glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in (Figure A) on the following page. The uplight component takes into account the amount of light in the UH and UL zones. The glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.

Figure A



**Building** shall mean a Structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, real property, and Business activity.

**Building Block** shall mean the 330' X 330' Block created by dividing a Farm Lot. It is the foundation of the walkable environment.

**Building Official** shall mean the inspector or administrative official charged with responsibility for issuing permits and enforcing the Building Code and the B<sup>3</sup> Code where indicated.

**Building Types** shall mean a range of Structures with different Standards to create a variety of options for human settlements. The three Building Types in the Code include, Edgeyard, Rearyard and Courtyard.

**Business** shall mean a place where a person practices their regular occupation, profession, or trade.

**By Right** shall mean characterizing a proposal or component of a proposal for a Neighborhood Regulating Plan or Site Plan that complies with the this Code and is permitted and processed administratively without public hearing.

**Calendar Day** shall mean every consecutive day on the calendar, including holidays and weekends.

**Certificate of Appropriateness** shall mean a document evidencing the approval of the Historic Landmark Commission, signed and dated by the Chairperson of the Historic Landmark Commission, for alteration, installation, Relocation, excavation, Restoration, modification, Rehabilitation, change, Demolition, Construction, Removal, or improvement of a Historic Landmark or of a Building or property located within a local Historic District.

**Certificate of Occupancy** shall mean an official certificate issued by the City through the Building Official that indicates conformance with the zoning Standards and Building Codes and authorizes legal use of the Premises that it is issued; may be referred to as an Occupancy Permit.

**Changeable Copy Sign** shall mean a Sign that message copy is changed manually through the utilization of changeable letters, numbers, symbols, and other similar characters or pictorial panels.

**Character District Map** shall mean the official map or maps that are part of the B<sup>3</sup> Code and delineate the boundaries of individual Characters Districts.

**City Council** shall mean the governing body of the City of Bastrop, Texas.

**City Engineer** shall mean a registered Engineer or their representative employed by the City.

**City or The City** shall mean the City of Bastrop and its authority of its City Limits and ETJ.

**City Secretary** shall mean the City Secretary of the City of Bastrop or the authorized representative of the secretary.

**City Zoning & Planning Commission** shall mean the Historic Landmark Commission appointed by the City Council of the City of Bastrop to assist the City Council in zoning and planning within the City Limits.

**Civic** shall mean a designation for public Sites dedicated for Civic Buildings and Civic Space.

**Civic Building** shall mean a Building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the Planning & Zoning Commission and City Council.

**Civic Space** shall mean an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and the buildings that front them.

**Clustered Land Development or CLD** shall mean a Development Pattern structured by a Pedestrian Shed oriented toward a Common Destination such as a general store, Meeting Hall, schoolhouse, or church clustered together in order to preserve Open Space. CLD takes the form of a small settlement standing free in the countryside.

**Commercial** shall mean the term collectively defining workplace, office, retail, and lodging uses.

**Commercial Street** shall mean a local urban Thoroughfare of low speed and capacity primarily fronted by Commercial Building uses.

**Commercial Uses** shall mean Structures used for Office, Local Retail, General Retail, and Commercial Services, property in a Planned Development District that allow for a Commercial Use, or property in the ETJ that is appraised as Commercial property. Commercial uses are those used for the sale, lease, or rent of goods, services, or property.

**Common Destination** shall mean an area of focused community activity, usually defining the approximate center of a Pedestrian Shed. It may include without limitation one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station, and may act as the social center of a neighborhood.

**Common Green** shall mean a landscaped Courtyard that serves as a Pedestrian "Street" that housing lots front.

**Comprehensive Plan** shall mean a document adopted by the City that consists of graphic and textual policies that govern the future Development of the City and that consists of various components governing specific geographic areas and functions and services of the City.

**Conservation Easement** shall mean a voluntary legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values.

**Construction** shall mean the act of adding an Addition to an existing Building, Structure or object or the erection of a new principal or Accessory Building, Structure or object on any Lot, parcel or Site.

**Construction / Development Sign** shall mean a Commercial Sign placed on a piece of property advertising planned construction and providing related information, including but not limited to the name of the contractor, the name of the owner, the planned date of completion, and information indicating the future use or occupation of the Site.



**Contributing Structure** shall mean a Building, Structure, property or object within a local Historic District which has not been designated a Historic Landmark under this article, but which adds to the historical integrity or architectural qualities that make the local Historic District significant.

**Coordinated Frontage** shall mean a condition where the landscape and paving of Public Frontage and Private Frontage are coordinated as a single, coherent design.

**Cottage** shall mean a small Edgelyard Building on a regular Lot.

**Courtyard** shall mean the placement of a Building within the boundaries of its Lot to create a private Courtyard, while internally defining one or more private patios. Courtyard is a Building Type.

**Curb** shall mean the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the Drainage system.

**Curb Extensions** (also called bulb-outs) shall mean a Curb that extends the Sidewalk into the parking lane to narrow the roadway and provide additional Pedestrian space at key locations; they can be used at corners and at mid-Block. Curb Extensions enhance Pedestrian safety by increasing Pedestrian visibility, shortening crossing distances, slowing turning vehicles, and visually narrowing the roadway.

**Demolition** shall mean an act or process which: (1) destroys a Lot, parcel or Site or Building, Structure or object in its entirety, (2) destroys a part of a Lot, parcel or Site or Building, Structure or object and permanently impairs its structural, historic or architectural integrity, (3) removes the Building, Structure or object or any part thereof from the original Lot, parcel or Site without the requisite Certificate of Appropriateness and/or moving permit, or (4) removes architectural elements and features from the exterior of a Building, Structure or object.

**Design Guidelines** shall mean architectural and style guidelines adopted by the City that encourage and promote the existing historical features of the City and detail those Alterations, installations, relocations, excavations, restorations, modifications,

rehabilitations, changes, Demolition, Construction, Removal, or improvement of a Historic Landmark or of a Structure or Site located within a local Historic District that are deemed compatible and appropriate for the area. If local Design Guidelines have not been adopted, The Secretary of the Interior's Standards for the Treatment of Historic Properties shall be used as the Design Guidelines.

**Development** shall mean any Construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of Structures or land use.

**Development Pattern** shall mean options for land configuration for a Neighborhood Regulating Plan or Zoning Concept Scheme. The three types addressed in this Code are Cluster Land Development (CLD), Traditional Neighborhood Development (TND), and Village Cluster Development (VCD).

**Development Review Committee (DRC)** shall mean staff members from each department overseeing Development, infrastructure, and public safety that administer the provisions of this Code.

**Dilapidation** shall mean any Sign where elements of the Sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the Sign or its elements are not in compliance with the adopted electrical code and/or the Building Code.

**Directional Signs** shall mean Signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious Sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

**Disposition** shall mean the placement of a Building on its Lot.

**Dooryard** shall mean an elevated front yard extending to the Frontage Line, buffering it from Pedestrian activity of the Sidewalk.

**Drainage** shall mean any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the Construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage Drainage of adjoining land.

**Driveway** shall mean a vehicular lane within a Lot, often leading to a garage.

**Duplex** shall mean a Building with 2 units within one Structure on a Lot. The configuration can be side by side, stacked, front to back, etc.

**Dwelling** shall mean any Building or portion thereof, that is designed or used as living quarters for one or more families.

**Edgeyard Building** shall mean a Building that occupies the center of its Lot with Setbacks on all sides. Edgeyard is a Building Type.

**Electronic Sign** shall mean any Sign that the text, letters, numbers, pictures, or symbols forming the informational portion of the Sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. Illumination of a Sign, by itself, does not create an Electronic Sign.

**Elevation** shall mean the exterior wall of a Building that is set along a Frontage Line. Syn. Facade.

**Encroachment** shall mean any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

**Extraterritorial Jurisdiction (ETJ)** shall mean the area adjacent to the City Limits of the City over that the City is authorized to control, among other things, Subdivision as prescribed or defined by law.

**Facade** shall mean the principal face of a Building, including parapet walls and omitted wall lines, or any part of a Building that encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single Facade.

**Farm Lot** shall mean the original unit dividing land in the City of Bastrop. A Farm Lot is bounded by Streets and measures approximately 715.5' by 715.5'.

**Feather Banner** shall mean a Sign that is constructed of lightweight material (such as cloth, canvas, or vinyl) affixed to a pole or Building that is similar to a flag, except that it is longer than it is wide. A Feather Banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.

**Filed** shall mean the date on a Uniform Submittal Date when a submission has been deemed an administratively complete Application. A plan or permit Application shall be reviewed for completeness and be deemed administratively complete to be considered Filed.

**Final Plat** shall mean a Plat as defined in 212.014 or 212.015 of the Local Government Code and the procedure for such Plats shall be the same as Standard Procedure as defined herein.

**Floodplain** shall mean an area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM (Flood Insurance Rate Map) of the City of Bastrop.

**Freestanding** shall mean a that is not attached to a wall or Building. A Sign that is supported by a Structure primarily designed for display of the Sign.

**Frontage** shall mean the area between a Building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage.

**Frontage Line** shall mean a Lot Line bordering a Public Frontage. Facades facing Frontage Lines define the Public Realm and are therefore more regulated than the Elevations facing other Lot Lines.

**Full Cut-Off Fixtures** shall mean fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

**Gallery** shall mean an attached cantilevered shed or a lightweight colonnade extending from a Building Facade to overlapping the Sidewalk.

**Geographically Sensitive** shall mean the use of appropriate Development Patterns and Development Standards that support the natural conditions of the landscape minimizing the interruption of natural resources and systems with human settlements.

**Government Sign** shall mean a Sign that is constructed, placed, or maintained by the federal, state, or Local Government or a Sign that is required to be constructed, placed, or maintained by the federal, state, or local government, including a Ferry District, either directly or to enforce a property owner's rights. Local Government includes any political subdivision including the county, the City, the school district, the Ferry District, or an emergency services district.

**Green** shall mean a Civic Space type for unstructured recreation, spatially defined by landscaping rather than Building Frontages.

**Greenfield** shall mean an area that consists of open or wooded land or farmland that has not been previously developed.

**Greenway** shall mean a linear connection in largely natural conditions that may include trails for bicycles and pedestrians.

**Hanging Sign** shall mean a that is affixed to the underside of a roof, canopy, awning, or porch.

**Height (Signage)** shall mean (1) Except as applied to a Monument Sign, Height refers to the vertical distance between the highest attached component of the Sign or of its supporting Structure (whichever is higher) and the lowest attached component of the Sign or of its supporting Structure (whichever is lower). (2) As applied to a Monument Sign, Height refers to the vertical distance between the highest attached component of the Sign or of its supporting Structure (whichever is higher) and the natural grade of the ground at the point where the Sign is located. (3) If any Sign, temporary or permanent, sits on property that is adjacent to a

public right-of-way, and the natural grade of the property is lower than the average grade of the public right-of-way, the Responsible Party may raise the grade of the property that the Sign is located up to 4 feet, in accordance with development and all other ordinances, and Height will be measured from the highest attached component of the Sign or of its supporting Structure (whichever is higher) and the increased grade.

**Historic District** shall mean a geographically defined neighborhood or area that has a significant historical, architectural, or cultural significance to the overall character and identity of the City.

**Historic Landmark** shall mean a Site, and/or all Structure(s), located thereon, that have been designated by the City through criteria established within this article.

**Homeowners Association** shall mean an incorporated or unincorporated association that is designated as the representative of the owners of the property in the Suburban Subdivision that: (1) has a membership primarily consisting of the owners of the property covered by the dedicatory instrument for the Suburban Subdivision, and (2) manages and/or regulates the Suburban Subdivision for the benefit of the owners of property in the Subdivision.

**House** shall mean a single Dwelling unit Edgeyard Building on a regular Lot.

**Incremental** shall mean characterizing progress, such as the evolution of a Building parcel or a City, accomplished one small step at a time.

**Invasive Plants** shall mean plants that are not native to a particular habitat, and once introduced, they move aggressively into a habitat and monopolize resources such as light, nutrients, water, and space to the detriment of other species.

**Inventory** shall mean a list of properties that have been identified and evaluated as meeting specified criteria of significance as a contributing or non-contributing historic Structure or Site.

**IBC/ ICC** (International Building Code/ International Code Council) shall mean the Code or Codes adopted by the City of Bastrop to ensure public health and safety of buildings, including all related Codes.

**Infill/ Infill Development** shall mean Non-new Development on land that had been previously developed, including most Greyfield and Brownfield Sites and cleared land within Urbanized areas. verb- to develop such areas.

**Inflatable Sign** shall mean an inflatable device, with or without a message, figure, or design attached to its surface designed to attract attention.

**ISA-Certified Arborist** shall mean International Society of Arboriculture tested and certified to have a professional level of knowledge and skill in the field of arboriculture.

**Layer** shall mean a range of depth of a Lot within that certain elements are permitted.

First Layer	The area of a Lot from the Frontage Line to the Facade of the Principal Building.
Second Layer	The area of a Lot set behind the First Layer to a depth of 20 feet in all Place Types.
Third Layer	The area of a Lot set behind the Second Layer and extending to the rear Lot Line.

**Light Trespass** shall mean light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

**Lighting** shall mean any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of Lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including Lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-Premises advertising Signs, and area-type Lighting. The term includes Luminous Elements or Lighting attached to Structures, poles, the earth, or any other location.

**Liner Building** shall mean a Building specifically designed to mask a parking Lot or a Parking Structure from a Frontage.

**Lightwell** shall mean a Private Frontage type with a below grade entrance or recess entrance designed to allow light into basements or lower levels.

**Logo** shall mean graphic symbols used to represent or identify a company or Commercial, institutional, or non-profit entity or organization.

**Lot** shall mean an undivided tract or parcel of land having Frontage on a Public right-of-way or on an approved Civic Space or Open Space having direct Thoroughfare access, and that is or may be offered for sale, conveyance, transfer or Improvement, that is designated as a distinct and separate tract, and that is identified by a tract, or Lot number or symbol in a duly approved Plat that has been properly filed of record.

**Lot Line** shall mean the boundary that legally and geometrically demarcates a Lot.

**Lot of Record** shall mean a Lot that is part of a Plat that has been recorded in the office of the County Clerk of Bastrop County.

**Lot Width** shall mean the length of the Principal Frontage Line of a Lot.

**Lumen** shall mean the unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from “watt,” a measure of power consumption). The initial Lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm)

**Lumens per Acre** shall mean the total number of lumens produced by all lamps utilized in Outdoor Lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

**Luminous Elements** (of a light fixture) shall mean the lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the Luminous Elements of a light fixture (luminaire).

**Main Civic Space** shall mean the primary outdoor gathering place for a community. The Main Civic Space is often, but not always, associated with an important Civic Building.

**Mandatory Street Network** shall mean the system of Thoroughfares identifying the physical location of each Thoroughfare and its Street Type.



**Manufactured Home** shall mean a Structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "recreational vehicle."

**Marquee Sign** shall mean a canopy or covering Structure bearing a signboard or copy projecting from and attached to a Building.

**Master Sign Plan** shall mean a comprehensive document containing specific Standards for an entire Project or property's Signs.

**Meeting Hall** shall mean a Building available for gatherings, including conferences, that accommodates at least one room equivalent to a minimum of 10 square feet per projected Dwelling unit within the Pedestrian Shed in that it is located.

**Minor Plat** shall mean a Plat as defined in 212.014 or 212.015 of the Local Government Code and the procedure for such plats shall be the same as Standard Procedure as defined herein.

**Mobile Home** shall mean a factory assembled Structure approved by the municipality with the necessary service connections made so as to be movable on Site and designed to be used as a permanent Dwelling.

**Monument Sign** shall mean a Sign permanently affixed to the ground at its base or by poles that are enclosed by natural stone, stucco, brick, or wood and not mounted to a part of a Building. Pole(s) may be used to construct a Monument Sign so long as the poles are not visible below the Sign.

**Native Plants** shall mean plants that have been growing in a particular habitat and region, typically for thousands of years or much longer. Also called indigenous, they are well adapted to the climate, light, and soil conditions that characterize their ecosystem. Within this system, they have evolved tremendously important co-evolutionary relationships with the other plants, animals, fungi, and bacteria present, and these very complex relationships keep that particular ecosystem stable.

**Neighborhood Regulating Plan** shall mean a neighborhood design plan created through a series of maps defining the physical form, Place Type allocation, Block Types, and extent of a settlement as required the Code. The three Development Patterns addressed in this Code are CLD, TND, and VCD and allow for the creation of a variety of Neighborhood Regulating Plans patterns.

**Nonconforming Sign** shall mean a Sign lawfully in existence on the date the provisions of this Code are adopted that do not conform to the provisions of this Code, but were in compliance with the applicable Standards at the time they were constructed, erected, affixed, or maintained. **Non-contributing Structure** shall mean a Structure within a designated local Historic District that is not considered to be of historical significance or which does not possess significant physical features, historical associations, or historical architectural qualities.

**Nonresidential** shall mean a property used for purposes other than to Residential.

**Off-Premise Sign** shall mean any Commercial Sign that advertises a Business, person, or activity involving the sale, lease, or rent of goods, products, real property, or services not located on the property where the Sign is installed, or that directs persons to a location other than the property where the Sign is located. Also, commonly referred to as a billboard.

**Open Space** shall mean land intended to remain undeveloped; it may be for Civic Space, left natural or integrate trails or other activities.

**Ordinary Maintenance** shall mean activities relating to a property that would be considered ordinary or common for maintaining the property, such as a) repair using the same material and design as the original and does not require structural modifications; b) repainting; c) reroofing, using the same type; or d) repair of sidewalks and driveways.

**OSSF** shall mean on-site sewage facility, commonly referred to as septic systems, whether of a traditional or "engineered" design.

**Outdoor Display Case** shall mean a Structure containing other items, storing products, or serving another purpose related to the Business. It includes a Vending Machine or an automated teller machine.

**Outdoor Lighting** shall mean temporary or permanent Lighting that is installed, located, or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures installed indoors causing light to shine outside are considered Outdoor Lighting for the intent of this article. (See Figure B), Residential fixtures installed indoors generating more than 6,200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light to shine outside are also considered Outdoor Lighting for the intent of this article.

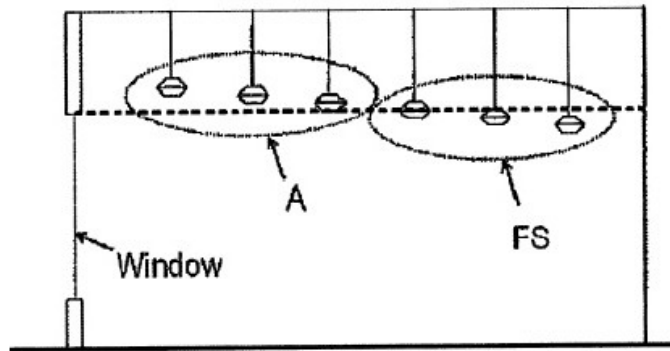


Figure B

Figure B: Elevation view showing a Nonresidential Application of indoor Lighting, labeled FS, that will be subject to this article, labeled A, that is installed so that it is not subject to this article. This example presumes the Structure in question is not elevated such that any of the luminaries labeled A in the figure above may be seen from any other property. If the Structure is elevated such that the luminaries labeled A are visible from another property then they are subject to this article.

**Overlay Zones** shall mean a set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the 2.

**Park** shall mean a CivicSpace type that is a natural preserve available for unstructured recreation.

**Path** shall mean a Pedestrian way traversing a Park or rural area with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

**Pattern Book** shall mean a supplemental set of Standards, information, and inspiration supporting this Code. Architecture, urban design, and landscape design are housed within its contents.

**Pedestrian** shall mean any person afoot. A person who uses an electric personal assistive mobility device or a manual or motorized wheelchair is considered a Pedestrian unless the manual wheelchair qualifies as a bicycle. For the purposes of this paragraph, "motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility.

**Pedestrian Shed** shall mean the area covered by a 5-minute walk from the center of a neighborhood (about 0.25 miles or 1,320 feet). The acreage of the Pedestrian Shed is determined by the Development Pattern.

**Place Types or Place Type Zones** shall mean geographic boundaries that use Standards to establish the Building Types density, height, and other elements of the intended habitat. Each Place Type has associated Standards relating to the Private and Public Frontages.

**Place Type Zoning Map** shall mean the official map or maps that are part of the B<sup>3</sup> Code and delineate the boundaries of individual districts.

**Planning & Zoning Commission** shall mean a board, appointed by the City Council, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission."

**Plat** shall mean a division of land creating Building Lots or tracts, showing all essential dimensions, and other information necessary to comply with the Standards of the City of Bastrop, approved by the City of Bastrop, and recorded in the Plat records of Bastrop County. It shall include plan, Plat or Replat, both singular and plural.

**Plaza** shall mean a Civic Space type designed for Civic purposes and Commercial activities in the more urban Place Types, generally paved and spatially defined by Building Frontages.

**Pre-Construction** shall mean a formal meeting with the City Engineer before a Public Improvement Plan or Public Improvement Plan Agreement may be approved.

**Pre-Development Meeting** shall mean a formal meeting with planning staff required before a request for any Plat, Replat, or Plat vacation may be submitted to the City.

**Premises** shall mean land together with any buildings or Structures situated thereon.

**Preservation** shall mean the stabilization of a historic Building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.

**Primary Frontage** shall mean the Private Frontage designed to bear the address and Principal Entrance(s) of a Building.

**Principal Building** shall mean the main Building on a Lot.

**Principal Entrance** shall mean the main point(s) of access for pedestrians into a Building or unit within a Building.

**Principal Building Facade** shall mean the primary Street side of the Building facing the Public Realm.

**Principal Frontage** shall mean the Private Frontage designed to bear the address and Principal Entrance(s) of a Building.

**Private Frontage** shall mean the privately held first Lot Layer and the Facade of the Building.

**Private Realm** shall mean the privately-owned Lot layers, land and /or Structures.

**Project** shall have the same definition as “Development”.

**Public Frontage** shall mean the area between the Curb of the vehicular lanes and the Frontage Line.

**Public Improvement Plan** means any Project for the erection, Construction, alteration, repair or improvement of any public Structure, Building, road, or other public improvement of any kind.

**Public Realm** shall mean the Streets, parks, squares, green spaces, and other interconnected outdoor places that require no key to access them and are available without charge for everyone to use.

**Public Wastewater Treatment and Collection System** shall mean a system that is installed and maintained by an entity that holds a wastewater CCN from the state and is served by a wastewater treatment facility that holds a discharge permit from the Texas Commission on Environmental Quality, or successor entity.

**Rearyard Building** shall mean a Building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard.

**Reconstruction** shall mean the act or process of reassembling, reproducing or replacing by new Construction, the form, detail and appearance of property and its setting as it appeared at a particular period of time by means of Removal of later work or by the replacement of missing earlier work or by reuse of original materials.

**Rehabilitation** shall mean the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

**Relocation** shall mean any change of the location of a Structure in its present location to another location within the City Limits.

**Removal** shall mean permanently moving a Structure or feature or tree from its current location.

**Replat** shall mean a Plat as defined in Chapter 212.014 or 212.015 of the Local Government Code and the procedure for such plats shall be the same as Standard Procedure as defined herein.

**Residence or Residential** shall mean a Structure designated and built for a someone to live. Same as Dwelling.

**Responsible Party** shall mean the owner/operator of the Business being identified on the Sign; the owner of the property that the Sign or Sign structure is located; the owner of the Sign or Sign structure; the person who installs a Sign or Sign structure, contracts with or directs a person to accomplish the installation; and/or the person who retrieves a Sign from the impound.

**Resubdivision** shall mean the division of any part of an existing Subdivision, including any change of Lot(s) size therein, and/or with relocation of any Street lines.

**Restoration** shall mean the act or process of accurately recovering the form and details of a Building, Structure or object or Lot, parcel or Site and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacements of missing earlier work.

**Roof Signs** shall mean a Sign displayed about the eaves and under the peak of a Building. This term includes a Sign painted, erected, constructed, or maintained on the roof of a Building.

**Rowhouse** shall mean a single or multi-unit Building that shares a party wall with another of the same type and a Facade along 100% of the Frontage Line.

**Screened** shall mean shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting Site, or outside the area or feature so Screened by a fence, wall, hedge, berm, or similar architectural or landscape feature.

**Secondary Frontage** shall mean on corner lots, the Private Frontage that is not the Principal Frontage.

**Setback** shall mean the area of a Lot measured from the Lot Line to a Building Facade or Elevation that is maintained clear of permanent Structures, with the exception of encroachments listed in this Code.

**Shall or May** shall mean the word “shall” shall be deemed mandatory, the word “may” shall be deemed permissive.

**Shingle Sign** shall mean a suspended Sign used to identify and indicate pertinent facts concerning a Business or professional service conducted on the Premises.

**Sidewalk** shall mean a type of Walkway paved with concrete or pavers.

**Sidewalk Sign** shall mean an A-framed, hinged, or folding Sign that is Freestanding and portable and not affixed to a base or pole structure. A Sidewalk Sign can be in the form of a board or an easel.

**Sideyard** shall mean the placement of a Building within the boundaries of its Lot to create a private Sideyard, with a Setback to one side. Sideyard is a Building Type.

**Sight Triangle** shall mean a triangular shaped area required on corner lots at the intersection of two streets including alleys that impact multi-modal traffic safety. See Section 2.1.011 of the B3TM for Sight Triangle figures and tables to calculate the appropriate area.

**Sign** shall mean a structure, Sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed Building and not exposed to view from outside the Building or Structure shall not be considered a Sign. Each display surface of a Sign or Sign Face shall be a Sign.

**Sign Administrator** shall mean the officer appointed by the City Council with the authority to enforce this Code. The Sign Administrator or designee shall review Sign Standards and applications. In the absence of designation by the City Council, the City Administrator shall serve as the Sign Manager. The term also includes any person designated to act on behalf of the Sign Administrator.

**Sign Face** shall mean the total surface including frame and mounting. The actual area of the Sign shall be calculated using trigonometric methods when the Sign is not a simple rectangle. The allowed area of the Sign as stated in the ordinance equals one side of a Freestanding back-to-back Sign provided the Freestanding Sign's sides are back to back or angled with no greater separation between sides at its widest point than 4 feet and provided that both sides have the identical Sign. Frame and mounting shall not exceed 30% of the total surface area of Sign. When referring to area limitations of monument Signs, area and signable area refers to an area within a continuous perimeter that includes the Sign structure as well as the lettering, illustrations,



ornamentations, or other figures, but does not include the Sign base. Required landscaping does not count towards signable area.

**Significant Historic Landmark** shall mean a designation established under Ordinance 2007-30 for a Site or Structures.

**Site(s)** shall mean the location of a significant event, a prehistoric or historic occupation or activity, Building or Structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, architectural or archeological value regardless of the value of any existing Structure.

**Site Plan** shall mean the engineered or surveyed drawings depicting proposed development of land.

**Sketch Drawing** shall mean a preliminary design of a Subdivision and/or development that illustrates the layout of rights-of-way, blocks, lots, easements, Civic/Open Spaces, Drainage and land uses. A Sketch Drawing is preliminary in nature but provides enough detail to define the physical form of a Subdivision and/or development to allow staff to provide relative feedback to an Applicant. Review of a Sketch Drawing is not considered the filing of an original Application or plan for development for purposes of Chapter 245 of the Texas Local Government Code.

**Soil Cells** shall mean devices designed and installed to provide trees and plants in urban environments with the correct nourishment and suitable conditions that promote healthy growth, without disturbing the structures above.

**Standard Procedure** shall mean the procedure to be followed for the approval of a Subdivision when the land proposed to be subdivided.

**Standard Subdivision** shall mean the procedure to be followed for the approval of a Subdivision when the land proposed to be subdivided.

**Structure(s)** shall mean something built or constructed, such as a Building, bridge, monument, or statue.

**Square** shall mean a Civic Space designed for unstructured recreation and Civic purposes, circumscribed by Thoroughfares, spatially defined by Building Frontages, and consisting of Paths and/or Sidewalks, lawn and trees, formally lining the space.

**Standards** shall mean the mandatory requirements or rules of this Code.

**Stoop** shall mean an exterior stair and landing leading to an elevated first Story of a Building.

**Story** shall mean a habitable level within a Building, excluding an Attic or raised basement.

**Street** shall mean a local urban Thoroughfare of low speed and low to moderate capacity .

**Street Screen** shall mean a freestanding wall or living fence or combination fence built along the Frontage Line or in line with the Building façade along the Street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the Public Realm.

**Street Trees** shall mean any tree that is growing in the City right-of-way, whether in improved (between the Sidewalk and the Curb) or unimproved (no Sidewalk and/or Curb) right-of-way.

**Street Type** shall mean a particular type of Street and its characteristics, including right-of-way width, number and dimensions of elements, and the intended purpose of the Street.

**Structure** shall mean anything constructed or erected, the use of that requires location on the ground, or that is attached to something having a location on the ground.

**Subdivision** shall mean the division of any Lot, tract or parcel of land into 2 or more parts in order to lay out a Subdivision of the tract, including an addition to the City, to lay out a neighborhood, Building, or other lots, or to lay out Streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the Streets, alleys, squares, parks, or other parts.

**Substantial Modification** shall mean an Alteration to a Building that is valued at more than 50% of the assessed value of the Building.

**Swale** shall mean a low or slightly depressed area for Drainage, usually vegetated.

**Technical Manual** shall mean the Bastrop Building Block Tech Manual, referred to as the B<sup>3</sup> Technical Manual, aligns and supports Standards, requirements, and processes within the B<sup>3</sup> Code and all associated chapters of the City of Bastrop Code of Ordinances, relating to or involving development, health, and safety of the City.

**Temporary Lighting** shall mean Lighting intended for uses that by their nature are of limited duration; for example holiday decorations, Civic events, or Construction projects.

**Temporary Sign** shall mean a banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the Sign Administrator or the Administrator's designee to be displayed for a limited period.

**Terminated Vista** shall mean a location at the axial conclusion of a Thoroughfare or Pedestrian way. A Building located at a Terminated Vista, designated on a Neighborhood Regulating Plan or Zoning Concept Scheme, is required or recommended to be designed in response to the axis.

**Terrace** shall mean an elevated, paved patio or veranda at the entrance to a Building. This type is suitable for first floor Commercial Uses as outdoor seating space.

**Texas Department of Transportation and/or TxDOT** shall mean the state agency authorized by the State Legislature, or its successor agency, to regulate matters related to highway and road Construction. (Note: When any TxDOT standard, "Item" regulation, definition or other matter is referenced, utilized, or adopted herein, the City also specifically adopts by this note of reference, and shall automatically apply without further amendment to this Code, the applicable successor TxDOT standard(s), "Item(s)", regulation(s), definition(s) or other matter(s), as amended by state law over time).

**Third Place.** A public location that hosts regular, voluntary, and informal gatherings of people separate from the two usual social environments of home ("first place") and the workplace ("second place") such as churches, cafes, clubs, public libraries, or parks.

**Thoroughfare** shall mean a way for use by vehicular and Pedestrian traffic and to provide access to lots and Open Spaces, consisting of vehicular lanes and the Public Frontage.

**Total Outdoor Light Output** shall mean the total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The Lumen value to be used in the calculation is the Lumen value as defined in this article. To get the total, add the Lumen output attributed to each light fixture.

**Transmission Lines** shall mean electric Transmission Lines are electric power lines operated at 50 KV or above as further described in National Safety Electric Code. Gas, petroleum or like transmission pipelines are those facilitating transfer from one storage facility to another and more fully described in definition (25) Transportation or to transport under Texas Administrative Code Rule Title 16 Economic Regulation, Part 1 Railroad Commission, Chapter 3 Oil and Gas Division, Rule 3.79 Definitions.

**Transportation Corridor** shall mean a linear area that is defined by one or more modes of transportation like highways, railroads or public transit that share a common course.

**Uplighting** shall mean Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.

**Valance** shall mean the portion of an awning that hangs perpendicular to the Sidewalk.

**Variance** shall mean a ruling that would permit a practice not consistent with either a specific provision or the Intent of this Code. Variances are granted by the ZBA in a public hearing.

**Vending Machine** shall mean any Sign integrated into or placed on a coin, cash, credit card, or debit card operated self-service machine that dispenses such goods or services as propane cages, ice, DVDs, or cash automated teller machines (ATMs).

**Village Center Development or VCD** shall mean a Development Pattern structured by a Pedestrian Shed oriented toward a Common Destination such as a general store, Meeting Hall, schoolhouse, or church with dense P4 and P5 Place Types surrounded by Open Space. Vehicles are kept on the peripheral and rear of the development.

**Walkability** shall mean a measure of how easy it is to travel a place by walking. Walkable places are safe, comfortable, interesting, and have useful destinations. Walkability is core principle of the Bastrop community, as walking is the quickest route to independence.

**Walkway** shall mean the section of the Public Frontage dedicated exclusively to Pedestrian activity.

**Warrant** shall mean a ruling that would permit a practice that is not consistent with a specific provision of this Code, but that is justified by its Intent. Warrants are granted administratively by the DRC.

**Window Sign** shall mean Signs that are painted on, etched in, or visible through a window or transparent door of a Building that are oriented in a manner establishing an intent to be viewed off-Premises or from public or private roadways. This term excludes Signs displayed inside of buildings primarily for patrons on the Premises.

**Yard Sign** shall mean a Sign with freestanding Sign hardware mounted to one or more poles or posts anchored to the ground and is in front of the Building.

**Yield Street** shall mean a 2-way Street appropriate in Residential environments where drivers are expected to travel at low speeds.

**Zoning Concept Scheme** shall mean a Place Type Zoning design plan created through a series of maps defining the physical form, Place Type allocation, Block Types to the extent required by the Code.