

Chapter 14

BASTROP DEVELOPMENT CODE

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ARTICLE 14.01 GENERAL PROVISIONS

Sec. 14.01.001 Title, Authority, and Purpose.

- A. Title. This ordinance shall be known and cited as the City of Bastrop Development Code (“Development Code”).
- B. Authority. This Development Code is adopted pursuant to the City of Bastrop’s authority as a Home Rule Municipality under the Texas Constitution, the Texas Local Government Code (including Chapters 51, 54, 211, 212, and 213), and other applicable state and federal laws.
- C. Purpose.
 - 1) The purpose of this Development Code is to establish a comprehensive framework of standards for land use, development, and redevelopment within the City of Bastrop and its extraterritorial jurisdiction.
 - 2) This Code is intended to:
 - a) Implement the City’s Comprehensive Plan and adopted policies;
 - b) Guide growth in a fiscally sustainable and geographically sensitive manner;
 - c) Preserve and reflect Bastrop’s authentic character and historic development patterns;
 - d) Provide clear, consistent, and predictable standards for property owners, developers, and the community;
 - e) Promote environmental stewardship and resilience, including flood mitigation and sustainable land use practices;
 - f) Ensure high-quality, intentional development that contributes to a strong sense of place, economic vitality, and community identity; and
 - g) Protect the health, safety, and general welfare of the residents of Bastrop.

Sec. 14.01.002 Applicability and Jurisdiction.

- (a) Applicability.
 - (1) The provisions of this Development Code shall apply to all land, structures, uses, and development activities within the jurisdiction of the City of Bastrop as described in subsection (B).
 - (2) No building, structure, land, or use shall be established, constructed, altered, or maintained except in compliance with the provisions of this Code and all other applicable City ordinances and regulations.
 - (3) Where conflicts arise between this Code and other ordinances, the more restrictive provision shall govern unless otherwise expressly stated.
- (b) Jurisdiction.
 - (1) This Development Code applies to all property within the corporate limits of the City of Bastrop.

- (2) Certain provisions of this Code, as authorized by the Texas Local Government Code, shall also apply within the City's extraterritorial jurisdiction (ETJ), including but not limited to subdivision regulation, infrastructure standards, environmental protection, and other provisions expressly authorized by law.
- (3) The boundaries of the City and its ETJ shall be determined as provided by state law and as may be amended from time to time through annexation, disannexation, or other lawful action.

ARTICLE 14.02 ZONING DISTRICTS

Sec. 14.02.001 Establishment of Zoning Districts.

- A. The City of Bastrop is hereby divided into the following zoning districts. Each district is intended to guide land development in a manner consistent with the Comprehensive Plan and the unique character of Bastrop. These districts establish the baseline for permitted uses, development intensity, and design standards.

The zoning districts established in this Code are:

- P/OS – Parks and Open Space
- RR – Rural Residential
- SF-1 – Low Density Single Family Residential
- SF-2 – Medium Density Single Family Residential
- SF-3 – High Density Single Family Residential
- MU – Mixed Use
- GC – General Commercial
- PI – Public Institutional
- IND – Industrial
- PDD – Planned Development Districts

Sec. 14.02.002 Official Zoning Map.

- A. The location and boundaries of zoning districts shall be shown on the Official Zoning Map of the City of Bastrop. The Official Zoning Map shall be maintained by the Planning Department and is incorporated herein by reference.

Sec. 14.02.003 District Requirements

- A. Parks and Open Space (P/OS)
- 1) Intent. The P/OS District preserves land for natural areas, greenways, floodplains, public parks, and recreational facilities. It provides areas for conservation, passive and active recreation, and environmental protection while maintaining Bastrop's natural character and sensitive environmental features.
 - 2) Typical Uses: Parks, trails, greenways, floodplain reserves, civic plazas, nature preserves, cemeteries, and limited accessory structures (restrooms, pavilions).
 - 3) Dimensional Standards Chart:

Standard	Requirement
Minimum Lot Size	None
Minimum Lot Width	None
Front Setback	None
Side Setback	15 feet when abutting residential zones.
Corner Side Street Setback	None
Rear Setback	None
Maximum Building Height	35 feet
Maximum Impervious Coverage	None; development must comply with drainage requirements.
Parking Requirements	As required by the Parks and Recreation Director

B. Rural Residential (RR)

- 1) Intent. The RR District accommodates very low-density residential and agricultural uses. It preserves Bastrop's rural heritage, maintains open vistas, and provides a transition from natural areas to developed areas, supporting large-lot homesteads, ranching, and agricultural operations.
- 2) Typical Uses: Single-family homes on large lots, ranching, farming, equestrian uses, and rural community facilities.

1) Dimensional Standards Chart:

Standard	Requirement
Minimum Lot Size	1 acre (43,560 sq. ft.)
Minimum Lot Width	150 feet
Front Setback	50 feet
Side Setback	20 feet
Corner Side Street Setback	20 feet
Rear Setback	50 feet
Maximum Building Height	35 feet (2.5 stories)
Maximum Impervious Coverage	50%
Parking Requirements	One (1) 10' x 20' parking space per bedroom shall be provided.

C. Residential Single Family – Low Density (SF-1)

- 1) Intent. A district for detached single-family homes on larger lots, offering a spacious, low-intensity residential setting with a suburban-to-rural feel.
- 2) Typical Uses: Single-family detached homes and no-impact home-based businesses.
- 3) Dimensional Standards Chart:

Standard	Requirement
Minimum Lot Size	1/3 acre (14,520 sq. ft.)
Minimum Lot Width	100 feet
Front Setback	30 feet
Side Setback	10 feet
Corner Side Street Setback	20 feet
Rear Setback	30 feet
Maximum Building Height	35 feet (2.5 stories)
Maximum Impervious Coverage	50%
Parking Requirements	One (1) 10' x 20' parking space per bedroom shall be provided.

D. Residential Single Family – Medium Density (SF-2)

- 1) Intent. A district for detached single-family homes on mid-sized lots, reflecting a classic neighborhood pattern with balanced density and everyday livability.
- 2) Typical Uses: Single-family detached homes and no-impact home-based businesses.
- 1) Dimensional Standards Chart:

Standard	Requirement
Minimum Lot Size	7,500 sq. ft.
Minimum Lot Width	75 feet
Front Setback	25 feet
Side Setback	7.5 feet
Corner Side Street Setback	15 feet
Rear Setback	20 feet
Maximum Building Height	35 feet (2.5 stories)
Maximum Impervious Coverage	50%
Parking Requirements	One (1) 10' x 20' parking space per bedroom shall be provided.

B. Residential Single Family – High Density (SF-3)

- 1) Intent. A district for detached single-family homes on smaller, more compact lots, supporting a finer-grained neighborhood fabric and efficient use of land while maintaining single-family character.
- 2) Typical Uses: Single-family detached homes and no-impact home-based businesses.
- 3) Dimensional Standards Chart:

Standard	Requirement
Minimum Lot Size	5,000 sq. ft.
Minimum Lot Width	50 feet
Front Setback	15 feet
Side Setback	5 feet
Corner Side Street Setback	10 feet
Rear Setback	15 feet
Maximum Building Height	35 feet (2.5 stories)
Maximum Impervious Coverage	50%
Parking Requirements	One (1) 10' x 20' parking space per bedroom shall be provided.

C. Mixed Use (MU)

- 1) Intent: The MU District is intended to provide a variety of housing types at higher densities while allowing for limited neighborhood-serving commercial uses. This district promotes walkable, compact development that supports efficient infrastructure use and creates opportunities for residents to live, work, and access services within the same community. MU areas are typically located along corridors or at transitions between lower-density residential neighborhoods and more intense commercial or employment districts.
- 2) Typical Uses: Apartments, townhomes, duplexes, condominiums, senior housing, live/work units, and small-scale neighborhood-serving commercial such as retail, offices, restaurants, and personal services, along with supporting community amenities.
- 3) Dimensional Standards Chart – General MU Development:
The following standards apply to all development in the MU District except fee-simple townhomes and duplexes addressed in Subsection 4). These standards apply to apartments, mixed-use buildings, senior housing, live/work, and non-residential uses, or to larger “parent tracts” on which attached housing is developed under common ownership (e.g., condominiums or rentals).

Standard	Requirement
Minimum Lot Size	1/3 acre (14,520 sq. ft.)
Minimum Lot Width	50 feet
Front Setback	15 feet
Side Setback	5 feet minimum; 0 feet allowed on shared/party-wall sides within a unified development; 10 feet where abutting RR or SF districts.
Corner Side Street Setback	10 feet

Rear Setback	15 feet
Maximum Building Height	45 feet (4 stories)
Maximum Impervious Coverage	60%
Parking Requirements	One (1) 10' x 20' parking space per bedroom shall be provided for residential, see Parking Schedule in Section 14.04.003 for commercial off-street parking requirements.

4) Dimensional Standards Chart – Attached Residential Building Types:

The following standards apply to individually platted fee-simple townhome and duplex lots within the MU District. Where townhomes or duplexes are developed on a larger MU parent tract under single ownership (e.g., condos or rentals), the Director may apply either the general MU standards in Subsection 3) or the attached-residential standards in this Subsection, whichever better fits the development pattern.

a) Townhomes (fee-simple attached single-family).

Standard	Requirement	End/Corner Unit Lot
Minimum Lot Size	2,000 sq. ft.	2,400 sq. ft.
Minimum Lot Width	20 feet	24 feet
Front Setback	10 feet	
Side Setback	0 feet on shared/common walls; 5 feet on non-attached sides	
Corner Side Street Setback	10 feet	
Rear Setback	10 feet (15 feet when abutting RR or SF districts)	
Maximum Building Height	40 feet (3 stories)	
Maximum Impervious Coverage	60%	
Parking Requirements	One (1) 10' x 20' parking space per bedroom shall be provided for residential.	
Required Plat Note	Lots under 1/3 acre may only be used for townhomes or duplexes, lots under 4,000 sq. ft. may only be used for townhomes.	

a) Duplex (two dwelling units on one lot)

Standard	Requirement
Minimum Lot Size	4,000 sq. ft.
Minimum Lot Width	40 feet
Front Setback	10 feet
Side Setback	5 feet
Corner Side Street Setback	10 feet
Rear Setback	10 feet (15 feet when abutting RR or SF districts)
Maximum Building Height	40 feet (3 stories)
Maximum Impervious Coverage	60%
Parking Requirements	One (1) 10' x 20' parking space per bedroom shall be provided for residential.
Required Plat Note	Lots under 1/3 acre may only be used for townhomes or duplexes, lots under 4,000 sq. ft. may only be used for townhomes.

D. General Commercial (GC)

- 1) Intent. The GC District provides for commercial, retail, office, and mixed-use development. It is intended to concentrate higher-intensity commercial activity in Bastrop's downtown, corridors, and regional centers.
- 2) Typical Uses: Retail stores, restaurants, offices, personal and professional services, auto sales and service, hotels/motels, and similar commercial uses that serve both local and regional customers.
- 3) Dimensional Standards Chart

Standard	Requirement
Minimum Lot Size	¼ acre (10,890 sq. ft.)
Minimum Lot Width	75 feet
Front Setback	20 feet
Side Setback	5 feet
Corner Side Street Setback	10 feet
Rear Setback	20 feet
Maximum Building Height	55 feet (5 stories)
Maximum Impervious Coverage	65%
Parking Requirements	See Parking Schedule in Section 14.04.003 for commercial off-street parking requirements.

E. Public Institutional (PI)

- 1) The CS District is reserved for civic, public, and institutional uses that serve the community.
- 2) Typical Uses: Schools, libraries, community centers, government buildings, and public safety facilities.
- 3) Dimensional Standards Chart

Standard	Requirement
Minimum Lot Size	2.5 acres
Minimum Lot Width	100 feet
Front Setback	20 feet (may be reduced for urban frontage, provided fire access and pedestrian circulation are maintained).
Side Setback	20 feet
Corner Side Street Setback	20 feet
Rear Setback	20 feet
Maximum Building Height	55 feet (5 stories)
Maximum Impervious Coverage	65%
Parking Requirements	See Parking Schedule in Section 14.04.003 for commercial off-street parking requirements.

F. Industrial (IND)

- 1) Intent. The C/I District provides locations for industrial and employment-generating uses that require larger sites, access to major transportation routes, and separation from residential neighborhoods.
- 2) Typical Uses: Warehousing, light and heavy industrial uses, logistics, distribution, manufacturing, and supporting offices.
- 3) Dimensional Standards Chart

Standard	Requirement
Minimum Lot Size	2.5 acres
Minimum Lot Width	100 feet
Front Setback	25 feet
Side Setback	20 feet (40 feet when abutting residential district)
Corner Side Street Setback	20 feet
Rear Setback	25 feet (40 feet when abutting residential district)
Maximum Building Height	60 feet

Maximum Impervious Coverage	65%
Parking Requirements	See Parking Schedule in Section 14.04.003 for commercial off-street parking requirements.

G. Planned Development District (PDD)

1) Purpose and Nature of District.

- a) **Purpose.** The Planned Development District (PD/PDD) is a legislative zoning district intended to allow integrated, creative development with equal or superior outcomes relative to base zoning, while protecting adjacent areas and natural resources.
- b) **Legislative Nature.** A PDD is established by ordinance. It is not a contract and does not bind future legislative action. Any companion development agreement, if used, is a separate instrument and may not substitute for or conflict with this ordinance.
- c) **Plan Consistency.** Council may approve a PDD only upon finding it is in accordance with the Comprehensive Plan and advances the public health, safety, and welfare.
- d) **District Framework.** Each PDD is a freestanding zoning district that (i) adopts a PD Master Plan and (ii) a Development Standards Matrix regulating uses and form. Where the PDD is silent, the referenced base district applies.

2) Minimum Standards.

- a) **Standards by ordinance.** Standards are adopted by ordinance via the PD Master Plan and Development Standards Matrix. Where not modified, the referenced base district and this Code apply.
- 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) **Modifications.** All applications to the city shall list all requested modifications/deviations from base standards set forth throughout the Development Code (applications without this list will be considered incomplete).
 - (4) **Conditional Use.** Only conditional uses listed in the PD ordinance are allowed; once listed, they are treated as permitted within the PD.
 - (5) **Location.** The location of all authorized uses shall be consistent with the PD master plan and the PD site plan.

- (6) Residential uses. Residential dimensional and design standards shall be as set in the Development Standards Matrix.
 - (7) Density. Maximum density and minimum lot size are established in the Development Standards Matrix; any bonus may be approved only when tied to specified open-space or public-improvement commitments shown on the PD Master Plan.
 - (8) Drainage. Drainage features shall be integrated into the site design and comply with the City's Drainage Criteria Manual; nature-based practices are encouraged where feasible.
- c) Open space standards.
- (1) Public or private. All Planned Development Districts (PDDs) shall be subject to the City's adopted Parkland Dedication requirements and Park Enrichment Fund contributions as outlined in Chapter 10 of the Code of Ordinances. In addition to meeting Parkland Dedication requirements, each PDD is encouraged to provide additional open space, which shall be privately maintained and managed by a Homeowner's Association or similar permanent agency.
 - (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 multiphase development. If open space is not to be provided proportionally, the applicant must execute a reservation of open space in a form that will ensure 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. Parkland Dedication and any associated park improvements shall be included in the first phase of the development.
- 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 PDD shall be five (5) acres.
- (1) Small Site Exception: A PD may be established on a minimum site acreage of 1 acre for infill development or constrained sites if:
 - (a) The PDD establishes superior outcomes compared to base zoning as far as design, open space, connectivity, or infrastructure, and;

- (b) Meets compatibility/transition and connectivity standards. City Council must find the PDD delivers equal or superior outcomes versus base zoning.

3) PD 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) Required Findings for Approval. Council may approve a PDD only if it finds:
 - (1) The PDD is in accordance with the Comprehensive Plan;
 - (2) The PDD will achieve equal or superior outcomes to base zoning for at least three of the following: site design, connectivity, open space, tree preservation, housing variety/attainability, infrastructure phasing, or environmental performance;
 - (3) Adequate public facilities will be available per adopted standards; and
 - (4) The PD Master Plan and Development Standards Matrix are clear and enforceable.
- d) 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, as required or waived by the Director per the City's adopted TIA policy.

- e) 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.
- f) Conflict. Conflicts are governed by the order of control in G.1.d.
- g) PD master plan requirements.
 - (1) Submission & Processing. A PD Master Plan and a Development Standards Matrix shall be submitted with the PD zoning application and reviewed by the Development Review Committee (DRC). If the PD is approved, both documents are adopted by reference and made part of the PD ordinance.
 - (2) Development Standards & Order of Control. The Development Standards Matrix lists permitted/conditional uses and all modifications to base standards (e.g., modifications to base zoning standards; density/intensity; lot/building dimensions; setbacks/build-to; height; coverage/impervious; landscaping/buffers/tree preservation; lighting; screening/fencing; parking/loading; signage; open space/parkland; drainage/stormwater; utilities; street/alley cross-sections; block/lotting/connectivity; architectural/massing if applicable; and any phasing triggers or conditions). Accompanying graphics are illustrative unless expressly labeled "Regulatory." If a conflict exists, the PD ordinance controls, then the Development Standards Matrix, then any Regulatory graphics. Where the PD ordinance is silent, the referenced base district and this Code apply. The Director may waive submittal-format items for completeness (e.g., file type, sheet size, minor labels) but not substantive content; substantive changes require a PD amendment by City Council.
 - (3) Information Statement (Non-Regulatory). A PD application shall include a brief narrative addressing:
 - (a) consistency with the Comprehensive Plan;
 - (b) total acreage;
 - (c) a conceptual phasing narrative (sequence of development and backbone improvements); and
 - (d) an aerial image delineating PD boundaries.
- h) Master plan amendment.
 - (1) Major Amendment (rezoning required): any change that (i) adds a new use category or an increase in intensity of use; (ii) increases total dwelling units or nonresidential floor area by >10%; (iii) relocates a thoroughfare, removes a collector connection, or reduces block connectivity; (iv) reduces total open space by >10% or changes required park location/type; or (v) expands PD boundaries.

- (2) Minor Modification (administrative—Director): adjustments to envelopes, lotting, or phasing that do not meet Major thresholds and maintain approval findings. The Director may refer a request to P&Z/Council.
- 4) Lapse of master plan. A PD Master Plan expires two (2) years after adoption unless a plat or site plan consistent with the PD is approved.
 - a) The applicant may request up to two one-year extensions before lapse; P&Z recommends and Council decides at a public meeting.
 - b) In deciding an extension, Council considers reasons for lapse, ability to meet prior conditions, and applicable regulations at that time.
 - c) A short staff memo shall address proof of progress and conformance.
 - d) Effect of Expiration. Upon expiration of a PD Master Plan, the Planned Development District zoning designation shall remain in effect; however, no new plat, site development plan, or building permit may be approved on the basis of the expired Master Plan. The City Council may, after public hearing and recommendation from the Planning & Zoning Commission, initiate a zoning map amendment to rezone the property to (i) the base zoning district identified in the PD adopting ordinance, (ii) the zoning district in effect immediately prior to PD approval, or (iii) another zoning district consistent with the Comprehensive Plan. Any subsequent Planned Development proposal for the property shall require a new PDD rezoning application and PD Master Plan.
- 5) Contents and format of master plan.
 - a) Objective. Provide sufficient information for infrastructure planning and to demonstrate superior outcomes while allowing flexibility.
 - b) Scale. No smaller than 1" = 200'.
 - c) Contents.
 - (1) Everything required with a Concept Plan as outlined under Article 12 (Zoning Procedures); and
 - (2) Cover Sheet (title block, professionals, scales, north, date, gross/net acreage, legal description).
 - (3) Vicinity Map (City/ETJ context and roadway network).
 - (4) Land Use Plan (use areas; residential ranges; nonresidential intensity; mixed-use areas; approximate units/lot counts by phase).
 - (5) Circulation Plan (thoroughfares/collectors; internal street/block framework; alleys if used; trails/sidewalks; access points; median openings/turn-lane concept and opposite-side coordination).
 - (6) A Preliminary Tree Survey and Tree Preservation Framework (preservation focus areas and construction-phase protection approach; detailed surveys at plat/site stage).

- (7) Development Standards Matrix (Regulating Table).
 - (8) Street & Edge Cross-Sections (Typicals). Internal sections and edge treatments/buffers along sensitive adjacencies.
 - (9) Phasing Plan (sequence of plats/site plans; backbone infrastructure; parks/open-space delivery; triggers for off-site improvements).
 - (10) Supporting Narrative (how the PDD implements the Comprehensive Plan and meets equal/superior outcomes; where base standards are replaced or supplemented).
 - (11) Impact Studies (as required) per City determination (TIA, utilities, environmental).
 - (12) Digital Submittals (PDF + GIS/CAD suitable for mapping adopted PD boundaries/land-use areas).
- 6) 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 Director. No application shall be deemed officially submitted until the Director 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 Director, and shall not be scheduled on a P&Z agenda until the proper information is provided to city staff.
- 7) 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.
- 8) Principles and standards for review.
- a) 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.
 - b) 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.
 - c) PD review and evaluation by the Director 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.

9) Approval Process.

- a) Pre-application conference. The applicant(s) shall consult with the Director of Planning & Development and/or other designated administrative officers before preparing a PD Master Plan application in order to save time and money, and to avoid potential unnecessary delays.
- b) Prior to formal application for approval of any PD. the applicant(s) shall request and attend a pre-application conference with the 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.

- c) 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 the Director of Planning & Development and the Development Review Committee (DRC).
Development review team members shall review the application and shall ascertain its compliance with these and other applicable city regulations.
- d) 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 Director within 60 calendar days following the date on which the applicant received official notification of the completion of the review by the DRC.
- e) DRC Recommendation. Prior to consideration by the P&Z or City Council, all PD proposals must be reviewed by the DRC. The Director may forward a PD proposal to the P&Z and Council with or without a recommendation.
- f) 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.

10) Public hearing and notice.

- a) Hearings. The P&Z shall hold a public hearing and forward a recommendation to the City Council. The City Council shall hold a public hearing prior to adoption.
- b) Published & website notice (Council). Notice of the Council hearing must be published in the official newspaper and on the City website at least 15 days prior to the hearing.
- c) Mailed notice (P&Z). Mailed notice of the P&Z hearing shall be sent by regular mail to owners within 500 feet (City policy exceeding the state minimum 200 feet) at least 10 days prior to the hearing.
- d) Posted sign (home-rule). A zoning notice sign, at least 24"×48", shall be posted beginning not later than the 10th day before the P&Z hearing and remain until final Council action, consistent with LGC §211.0073. The applicant shall provide, install, and maintain the sign unless the City elects otherwise.

- e) Protests. Protests and voting thresholds shall follow LGC §211.0061. If a qualifying protest is filed, approval requires the vote specified by state law as amended.
- 11) 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. Third-party review costs (e.g., traffic, drainage, fiscal analysis) attributable to the application may be billed to the applicant.
- 12) Vesting. Vesting is determined under Local Government Code Chapter 245 and the City's vested-rights ordinance. Approval of a PDD or PD Master Plan is not a 'permit' under Chapter 245, but permits issued to implement the PD may vest a Project as defined by state law.

Sec. 14.02.005 Development Patterns.

- A. Purpose. The City of Bastrop establishes optional development patterns to provide alternative methods of meeting the intent of the base zoning districts, to preserve significant natural features, and to create walkable, mixed-housing neighborhoods consistent with the Comprehensive Plan.
- B. Applicability and Election.
 - 1. Election at Time of Plat.
 - a) A development pattern (Clustered Land Development (CLD) or Traditional Neighborhood Development (TND)) may be elected only in conjunction with a preliminary plat for the subject property. A site development plan may not establish, rescind, or change a development pattern.
 - b) Final Plat Notation. If a development pattern is elected, the final plat shall include:
 - (1) a note stating that the subdivision is subject to the elected development pattern (CLD or TND) in Sec. 14.02.004 and that all development within the platted area shall comply with those standards; and
 - (2) labels for all open space, parkland, and other tracts required by the elected pattern, with any limitations on use or further subdivision clearly noted.
 - 2. Binding Effect.
 - a) Upon recordation of a plat electing a development pattern, the elected pattern shall govern all subsequent development approvals, including site development plans, building permits, and replats, for lots within the platted area.
 - b) The City shall not approve any site development plan, building permit, or replat that would result in noncompliance with the elected pattern, unless the pattern is rescinded or modified through a replat or other plat amendment approved under the same level of review and public process as the original plat electing the pattern.

3. Consistency of Site Development Plans. Any site development plan for property within a subdivision that has elected a development pattern shall demonstrate compliance with the applicable CLD or TND standards in this Section and with all notes, easements, and tract limitations shown on the recorded plat.
 4. Other Applicable Standards. Development using a pattern shall comply with all other applicable provisions of this Chapter, the Bastrop Code of Ordinances (including Chapter 10, Parks and Recreation), the City of Bastrop Drainage Manual, and all adopted technical criteria, except where a conflict is expressly resolved in favor of the development pattern standards.
- C. Clustered Land Development (CLD) Pattern.
1. Intent. The CLD pattern is intended to preserve significant natural features—such as creeks, floodplains, and mature tree stands—by clustering development onto smaller lots while providing permanent common open space.
 2. Where Allowed. The CLD Development Pattern is permitted in RR, SF-1, and SF-2 zoning districts.
 3. Minimum Site Area. A CLD shall consist of a minimum of twenty (20) acres of contiguous land under unified control at the time of plat approval.
 4. Open Space Requirements.
 - a) Minimum Open Space. At least forty percent (40%) of the gross site area shall be preserved as open space.
 - b) Relation to Parkland Dedication.
 - (1) Open space provided under this pattern shall be used to satisfy parkland dedication requirements as adopted by ordinance in Chapter 10 of the Bastrop Code of Ordinances. Open space intended to satisfy public parkland requirements shall be permanently dedicated to the City as Parks and Open Space in accordance with Chapter 10.
 - (2) All public parkland tracts required under Chapter 10 and this Section shall be transferred to the City of Bastrop upon plat recordation, consistent with Chapter 10.
 - (3) Floodplains and/or drainage easements may only be included within the dedicated public parkland to the extent allowed by the Public Parkland Ordinance in Chapter 10.
 - (4) If the required forty percent (40%) open space exceeds the minimum public parkland dedication required by Chapter 10:
 - (a) The applicant may dedicate the additional open space to the City as public parkland, subject to City acceptance; or
 - (b) The additional open space may be set aside and permanently protected through an irrevocable conservation easement or other legal mechanism approved by the City Council and in a form acceptable to the City Attorney.
 5. Lot Size and Dimensional Standards.

- a) Maximum Residential Density. The total number of dwelling units within a CLD shall not exceed the maximum residential density permitted by the underlying base zoning district.
- b) Dimensional Requirements:
 - (1) Lot Size. Residential lot sizes may be reduced below the base district minimums where the CLD pattern is elected, so long as the CLD complies with the maximum residential density in subsection (A) and all applicable health, safety, and utility standards. The minimum lot area for each residential lot within a CLD shall be as shown on the approved plats.
 - (2) Lot Width. 40' minimum. The minimum lot width for each residential lot within a CLD shall be as shown on the approved plats.
 - (3) Setbacks and Building Separation. Setbacks may differ from the base zoning district standards and shall be as shown on the approved plat. In all cases, buildings shall maintain at least the minimum separation required by adopted building and fire codes.
 - (4) Building Height. Building height within a CLD shall not exceed the maximum height allowed in the underlying base zoning district.
 - (5) Maximum Impervious Coverage. The total impervious coverage for all lots and tracts within a CLD shall not exceed the maximum impervious coverage allowed by the underlying base zoning district.
 - (a) Individual lots may exceed the conventional lot-level impervious limits of the base district if the CLD, in the aggregate, remains at or below the district maximum and all stormwater, drainage, and water quality requirements are met, and a Master Final Drainage Plan is approved by the city for the development as a whole.
- c) Connectivity and Access. Streets, blocks, and pedestrian facilities within a CLD shall comply with the City's access and connectivity standards in Article 14.04. CLD developments shall provide pedestrian connections to:
 - (1) all required open space and public parkland; and
 - (2) existing or planned sidewalks, trails, or public streets in adjacent areas, to the maximum extent practicable.
- d) Ownership and Maintenance of Open Space. Open space not dedicated to and accepted by the City shall be:
 - (1) owned and maintained by an HOA, condominium association, land trust, or similar entity with mandatory membership; or
 - (2) protected and maintained under a recorded conservation easement or similar instrument held by a land trust or other approved entity.

- (3) Maintenance responsibilities for all non-City open space shall be set out in recorded covenants or similar documents, subject to City review for consistency with this Section before plat recordation.

D. Traditional Neighborhood Development (TND) Pattern.

1. *Reserved*

Sec. 14.02.006 Contextual Neighborhood Setback Adjustment

A. Contextual Neighborhood Setback Adjustment

1. Applicability: principal buildings fronting a local or collector street; applies to front setback and, on corner lots, the street-side setback.
2. Measurement:
 - a) "Blockface" = all lots fronting the same street between intersecting streets.
 - b) Use the two immediately adjacent developed lots on the same blockface (one on each side) to determine reference setbacks (wall plane only, excluding permitted encroachments).
 - c) If only one adjacent is developed, average with the next nearest developed lot on the same blockface.
 - d) If none adjacent are developed, average the three nearest developed lots within 500 feet; if fewer than two exist, base district setback applies.
3. Required Contextual Setback: simple average of reference setbacks, rounded to nearest whole foot. The DRC may allow ± 2 feet to align modules or avoid utilities.
4. Limits: Does not authorize encroachments into visibility triangles, easements, drainage/flood setbacks, buffers, or critical root zones; permitted projections (porches, stoops, awnings) are measured from the contextual line per this Code.

Sec. 14.02.007 Highway Corridor Setbacks

A. Purpose. The purpose of the Highway Corridor Setback is to reserve additional depth along state highway frontages under the jurisdiction of the Texas Department of Transportation (TxDOT) to accommodate potential future roadway expansion, utility relocation, and related public improvements, while allowing limited low-impact site features.

B. Applicability.

1. This section applies to all lots and tracts that have frontage on a roadway under TxDOT jurisdiction within the City limits and ETJ, except Chestnut Street, which is regulated by a separate corridor standard.
2. The standards of this section apply in addition to the standards of the underlying zoning district and any applicable overlay district. Where conflicts occur, the more restrictive standard shall apply.

C. Required Setback.

1. A minimum 30-foot Highway Corridor Setback shall be provided from the property line that abuts a TxDOT right-of-way.
2. The Highway Corridor Setback shall be measured perpendicular from the property line adjoining the TxDOT right-of-way along the full width of the lot frontage.

D. Prohibited Improvements.

1. No permanent structure shall be erected or constructed within the required Highway Corridor Setback.
2. The following items are specifically prohibited within the required Highway Corridor Setback:
 - a) Permanent structures of any type with a fixed foundation
 - b) Buildings
 - c) Houses or dwelling units
 - d) Manufactured homes or HUD-code manufactured housing
 - e) Drainage detention or retention ponds or basins
 - f) Septic tanks or on-site wastewater disposal systems
 - g) Fuel or gas pumps and related pump islands
 - h) Underground storage tanks
 - i) Required off-street parking spaces and required accessible parking spaces
 - j) Vehicle charging stations
 - k) Required loading spaces
 - l) Any other site improvements that, in the opinion of the City Engineer or Building Official, would materially impede future roadway or right-of-way expansion.

E. Allowed Uses and Improvements.

1. The following uses and improvements may be located within the Highway Corridor Setback, subject to all other applicable standards of this Code:
 - a) Landscaping, irrigation systems, and open space
 - b) Monument, pole, or multi-tenant signs permitted by the Sign Regulations
 - c) Sidewalks, multi-use trails, and pedestrian amenities (benches, furnishings)
 - d) Driveway connections, access drives, and turn lanes approved by the City and TxDOT

- e) Public or private utilities and utility easements, excluding prohibited tanks and septic systems listed in subsection D
 - f) Stormwater conveyance features (e.g., swales, ditches, inlets, and piping) that do not function as detention or retention basins
 - g) Overflow or surplus parking spaces that are not counted toward the minimum off-street parking requirement and that can be readily removed or reconfigured in the future
 - h) Fences, walls, and screening that can be removed or relocated without substantial structural demolition.
2. The City may require an applicant to demonstrate, as part of site plan review, that any improvements proposed within the Highway Corridor Setback can be reasonably removed or modified in the event of future TxDOT right-of-way acquisition or roadway widening.
- F. Plat and Site Plan Notation. All subdivision plats and site development plans for property subject to this section shall clearly show and label the “Highway Corridor Setback – 50 feet” along the TxDOT frontage, and shall note the restrictions on permanent structures within the setback.

Sec. 14.02.008 Table of Permitted Uses.

- A. Purpose. The Table of Permitted Uses establishes the allowed land uses within each zoning district. The table provides a clear and predictable framework for property owners, developers, and the public by identifying which uses are permitted by right, which require additional review, and which are prohibited. This section is intended to ensure compatibility between land uses, protect community character, and promote orderly growth consistent with the City’s Comprehensive Plan.
- B. No-Impact Home-Based Businesses. Under Local Government Code §229.902 (HB 2464, effective June 12, 2025), a city may not: (1) prohibit a no-impact home-based business; (2) require a license/permit to operate one; or (3) require rezoning or sprinklers for a single-family home or duplex. A city may still require compliance with fire/building codes and health, traffic, waste, pollution, and noise regulations; require compatibility and that the business be secondary to the dwelling; and may limit/prohibit HBBs selling alcohol/illegal drugs, structured sober living homes, or sexually oriented businesses.
- C. Legend.
- P = Permitted by right
 - C = Conditional Use (requires Planning and Zoning Commission and City Council approval)
 - NP = Not Permitted
- D. Table of Permitted Uses.

Primary Residential Uses

Use	P/OS	RR	SF	MU	GC	PI	IND
Single-Family Detached	P	P	P	P	C	C	NP
Single-Family Attached (Townhome)	NP	NP	NP	P	NP	NP	NP
Duplex	NP	NP	C	P	NP	NP	NP
Multiple-Family Dwelling (Apartment)	NP	NP	NP	P	C	NP	NP
Patio Home / Zero Lot Line	NP	NP	NP	P	NP	NP	NP
Manufactured Homes	NP	P	C	NP	NP	NP	NP
Modular Home	NP	P	P	P	NP	NP	NP
Short Term Rental	NP	C	C	P	NP	NP	NP
Bed and Breakfast	NP	C	C	P	C	NP	NP
Hotel/Motel	NP	NP	NP	C	P	NP	C
Manufactured Home Park	NP	C	NP	NP	NP	NP	NP
Live/Work Unit	NP	NP	NP	P	C	NP	NP
Community Home	P	P	C	P	C	P	NP
Boarding / Rooming House	NP	NP	C	P	C	NP	NP
Housing for Elderly/Senior	NP	NP	C	P	C	NP	NP
Accessory Dwelling Units	NP	P*	P*	P*	NP	NP	NP
Recreational Vehicles (RV's)	NP	NP	NP	NP	NP	NP	NP

*Subject to Section 14.04.005.

Accessory & Incidental Uses

Use	P/OS	RR	SF	MU	GC	PI	IND
Accessory Building (Residential)	NP	P	P	P	NP	NP	NP

Accessory Building (Non-Residential)	P	NP	NP	P	P	P	P
No-Impact Home Based Business	NP	P	P	P	NP	NP	NP
Swimming Pool (Private)	P	P	P	P	C	P	C
Tennis Court / Recreation	P	P	C	C	C	P	NP
Off-Street Parking (Incidental)	P	P	P	P	P	P	P
EV Charging Stations	P	P	P	P	P	P	P
Food Trucks (As an Accessory to the Primary Use)	P	P	NP	P	P	P	P
Data Storage Buildings (As an Accessory to a Primary Commercial Use)	NP	C	NP	NP	P	P	P

Utility, Service & Other Uses

Use	P/OS	RR	SF	MU	GC	PI	IND
Electrical Substation	C	C	C	C	C	P	P
Water Reservoir / Pump	NP	C	NP	NP	NP	P	P
Utility Shop / Storage	NP	P	NP	C	C	NP	P
Public Buildings (Municipal, Fire, Police)	P	NP	NP	NP	C	P	NP
Wireless Telecommunication Facilities	NP	P	NP	NP	NP	NP	P
Utility, Minor (lift station, pump, small substation)	P	P	P	C	C	P	P
Utility, Major (treatment plants, large substations)	C	C	NP	NP	C	P	P
Solar Farm/Battery Energy Storage Systems (BESS)	C	P	NP	NP	NP	NP	P
Wind Energy Conversion System (WECS)	C	P	NP	NP	NP	NP	P

Recreational & Entertainment Uses

Use	P/OS	RR	SF	MU	GC	PI	IND

Park / Playground	P	P	P	P	C	P	NP
Private Clubs / Country Clubs	NP	C	NP	C	C	NP	NP
Golf Course (Commercial)	P	C	C	C	C	C	NP
Amusement / Recreation (Indoor/Outdoor)	P	C	NP	NP	C	P	C
RV Park/Campground	NP	C	NP	NP	NP	NP	NP
Indoor Entertainment (arcade, bowling, trampoline, etc.)	NP	NP	NP	C	P	C	NP
Outdoor Entertainment (amphitheater, sports complex, etc.)	P	C	NP	C	P	C	NP
Theater/Cinema (fixed seats)	NP	NP	NP	P	P	C	NP

Educational, Institutional & Special Uses

Use	P/OS	RR	SF	MU	GC	PI	IND
School / Nursery / Childcare	NP	P	P	P	P	P	NP
Church / Temple / Rectory	NP	C	C	P	P	C	NP
Community Center (Public)	P	NP	NP	NP	C	P	NP
Hospital / Assisted Living / Skilled Nursing	NP	NP	NP	C	P	P	P
College / University	NP	NP	NP	NP	C	P	C
Library/Museum	NP	NP	NP	C	P	P	NP
Social Service Facility (food bank, counseling), Shelter/Transitional Housing	NP	C	NP	C	P	P	NP
Cemetery (human burial)	NP	C	NP	NP	C	P	C
Crematorium (human or animal)	NP	P	NP	NP	C	P	P

Transportation & Auto-Related Uses

Use	P/OS	RR	SF	MU	GC	PI	IND
Parking Lot / Structure	P	NP	NP	C	P	P	P
Automobile Repair	NP	C	NP	C	P	NP	P
Automobile Sales	NP	C	NP	C	P	NP	P
Auto Parts Store (Retail)	NP	C	NP	C	P	NP	P
Motor Freight / Hauling	NP	C	NP	NP	C	NP	P
Heliport / Airport	NP	C	NP	NP	C	P	P

Office & Professional Uses

Use	P/OS	RR	SF	MU	GC	PI	IND
General Offices	NP	NP	NP	P	P	C	P
Medical / Dental / Labs	NP	NP	NP	P	P	NP	P
Banks / Financial Institutions	NP	NP	NP	P	P	NP	C
Telemarketing / Call Centers	NP	NP	NP	C	P	NP	P

Retail & Service Uses

Use	P/OS	RR	SF	MU	GC	PI	IND
Retail Shops (General)	NP	NP	NP	P	P	NP	C
Restaurants / Cafeterias	NP	NP	NP	P	P	NP	C
Food Trucks (As a Primary Use)	NP	NP	NP	P	P	NP	NP

Gas / Fuel Sales	NP	NP	NP	C	P	NP	P
Personal Services (Salon, Tailor, etc.)	NP	NP	NP	P	P	NP	C
Animal Services / Vet	NP	C	NP	C	P	NP	C
Bar/Lounge/Nightclub	NP	NP	NP	C	P	NP	NP
Event Venue/Banquet Hall/Reception Facility	NP	NP	NP	C	P	C	C
Food Truck Park	NP	C	NP	C	P	NP	NP
Convenience Store (with fuel)	NP	NP	NP	C	P	NP	P
Convenience Store (without fuel)	NP	NP	NP	P	P	NP	C
Car Wash	NP	C	NP	C	P	NP	P
Vehicle Renting/Leasing	NP	NP	NP	C	P	NP	P
Towing/Vehicle Storage Lot (impound)	NP	C	NP	NP	C	NP	P
Outdoor Sales & Display (garden center/lumberyard)	NP	C	NP	C	P	NP	P
Tattoo/Body Art Studio	NP	NP	NP	C	P	NP	C
Pawn Shop	NP	NP	NP	C	C	NP	C
Liquor Store	NP	NP	NP	C	P	NP	C

Commercial / Industrial Use

Use	P/OS	RR	SF	MU	GC	PI	IND
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Light Manufacturing	NP	C	NP	NP	C	NP	P
Heavy Manufacturing / Industrial	NP	NP	NP	NP	NP	NP	P
Warehousing / Distribution	NP	NP	NP	NP	C	NP	P
Breweries / Distilleries	NP	NP	NP	C	P	NP	P
Wineries	NP	NP	NP	C	P	NP	P
Outdoor Storage / Equipment	NP	C	NP	NP	C	NP	P
Commercial Kennel	NP	C	NP	C	C	NP	P
Self-Service Storage	NP	NP	NP	C	P	NP	P
Contractor Shop (with outdoor yard)	NP	C	NP	NP	C	NP	P
Contractor Shop (without outdoor yard)	NP	C	NP	C	P	NP	P
Artisan Manufacturing/Makerspace (small-scale production)	NP	C	NP	P	P	NP	P
Data Center/Research & Development Lab	NP	NP	NP	NP	C	NP	P
Recycling Facility (collection)	NP	C	NP	C	P	NP	P
Materials Recovery Facility (processing)	NP	NP	NP	NP	NP	NP	C
Salvage Yard/Junkyard (heavy)	NP	NP	NP	NP	NP	NP	C
Concrete/Asphalt Batch Plant (heavy)	NP	NP	NP	NP	NP	NP	C
Fuel/Chemical Bulk Storage (heavy)	NP	NP	NP	NP	NP	NP	C

Agricultural & Urban Agriculture Uses

Key:

P = Permitted Use

C = Conditional Use Permit required

A = Allowed as Accessory to a permitted principal use

NP = Not Permitted

Use	P/OS	RR	SF	MU	GC	PI	IND
Home Garden (Accessory to a Residential Use)	NP	A	A	A	NP	NP	NP
Community Garden (Non-Commercial)	P	P	P	P	C	C	NP
Urban Farm (Small-Scale Agricultural Operation – Principal Use)	C*	P	C*	C*	C*	C*	NP
Farm Stand (On-site Sales of Farm Products)	P	P	C	P	P	C	NP
Farmers Market (Seasonal / Periodic)	P	P	C	P	P	C	NP
Stable (Private)	NP	P	NP	NP	NP	C	C
Stable (Commercial / Riding Academy)	C	C	NP	C	C	C	C
Backyard Livestock (Small Animals – Accessory to Residential Use)	NP	A	A	A	NP	NP	NP
Forage/Pasture Production (Vegetation for Animal Feed, Livestock Forage, or Wildlife Forage)	P	P	P	P	P	P	P
General Crop Production (Non-Forage, Commercial Scale)	P	P	C	C	C	C	C
Apiary (Beekeeping)	P	P	C	C	C	C	C
Aquaculture, Small-Scale (Non-Industrial)	C	P	C	C	C	C	C

Notes:

1. Uses that meet the definition of “Agricultural Operation” in Texas Agriculture Code §251.002 are intended to be regulated in a manner consistent with that chapter and Article I, Section 36 of the Texas Constitution (Right to Farm).
2. “Forage / Pasture Production” includes the growing or harvesting of vegetation for animal feed, livestock forage, or forage for wildlife management, and is permitted in all zoning districts, subject only to generally applicable vegetation, nuisance, and safety regulations that are consistent with Texas Agriculture Code §251.0055.

3. * “Urban Farm (Small-Scale Agricultural Operation – Principal Use)” is permitted only upon approval of a Conditional Use Permit in the districts marked “C*” and is subject to the specific use standards in Sec. 14.02.007(A) Urban Farm.

Sec. 14.02.007 Specific Uses

A. Urban Farm (Small-Scale Agricultural Operation).

- 1) Relationship to State Law.
 - a) To the extent any provision of this subsection is determined to be a “governmental requirement” applicable to an “agricultural operation” under Texas Agriculture Code Chapter 251, this subsection is intended and shall be construed:
 - (1) Consistently with Texas Agriculture Code Chapter 251; and
 - (2) Consistently with Article I, Section 36 of the Texas Constitution (Right to Farm).
 - b) The City finds that the standards in this subsection are narrowly tailored to address specific public health, safety, and compatibility concerns in developed urban neighborhoods, including noise, lighting, odor, vermin and insect infestation, traffic hazards, contamination of water supplies, and related nuisances, and are not intended to prohibit generally accepted agricultural practices except as permitted by state law.
- 2) Definition. “Urban Farm” means a small-scale agricultural operation conducted as the principal use of the property that primarily involves the cultivation of fruits, vegetables, herbs, flowers, and similar crops, where products may be sold or distributed on-site or off-site. Urban Farms may include accessory structures such as greenhouses, hoop houses, wash/pack areas, and limited accessory sale areas. Urban Farms are generally more intensive and/or larger in scale than home gardens or community gardens and are intended to be primarily crop-based; any keeping of animals shall be strictly limited and accessory in nature.
- 3) Purpose and Intent. The purpose of this subsection is to allow small-scale agricultural production within the City in a manner that:
 - a) Expands access to fresh, locally grown food;
 - b) Supports economic opportunity and community education;
 - c) Protects residential neighborhood character and appearance; and
 - d) Minimizes adverse impacts on nearby properties, including noise, lighting, odor, pests, traffic, pesticide drift, and similar nuisances.
- 4) Applicability; Conditional Use.
 - a) The standards of this subsection apply to any use classified as an Urban Farm in the Table of Permitted Uses.

- b) An Urban Farm is permitted only where approved as a Conditional Use in accordance with Sec. 14.12.003 (Conditional Uses). Approval of a Conditional Use Permit does not waive compliance with this subsection or other applicable provisions of this Code.
 - c) An Urban Farm may include accessory activities such as on-site sales and education and, where specifically authorized in the Conditional Use Permit and by this Code, limited animal keeping.
 - d) Home gardens, community gardens, Backyard Livestock (Small Animals), and other non-commercial gardening activities are regulated separately and are not subject to this subsection except where specifically cross-referenced.
- 5) Location and Site Design.
- a) Setbacks from dwellings.
 - (1) Any active cultivation area, animal housing, composting area, greenhouse/hoop house, wash/pack area, or on-site sales area shall be located at least fifteen (15) feet from any side or rear lot line shared with a residentially zoned or used property; and
 - (2) At least twenty-five (25) feet from any existing dwelling unit on an abutting lot.
 - b) Screening and buffering.
 - (1) Where an Urban Farm abuts a residentially zoned or used lot, a solid fence, wall, or hedge at least six (6) feet in height shall be provided along the shared property line; or
 - (2) An alternative buffer that provides equivalent or greater screening of operations, equipment, and vehicles may be approved by the Director. The City Council may require more stringent buffering as a condition of the Conditional Use Permit.
 - c) Outdoor storage.
 - (1) Storage of tools, equipment, materials, and supplies shall be kept in enclosed structures, screened areas, or neat, orderly outdoor racks; and
 - (2) Shall be located outside of required front yards and not within any public right-of-way or visibility triangle.
 - d) Street-facing character.
 - (1) Fences, buildings, and structures visible from a public street shall maintain a residential or civic character consistent with the underlying zoning district and shall not be constructed of unfinished corrugated metal, shipping containers, or similar industrial materials unless fully screened from public view.
- 6) Noise and Hours of Operation.
- a) Operating hours. Routine farm operations (plowing, tilling, harvesting, washing, packing, on-site sales, deliveries, and similar activities) shall be limited to the hours of 7:00 a.m. to 8:00 p.m., unless extended hours are expressly approved as part of a Conditional Use Permit.

- b) Motorized equipment. The use of tractors, tillers, mowers, blowers, pumps, generators, and other motorized equipment that is audible at the lot line of a residentially zoned or used property is prohibited outside the hours of 8:00 a.m. to 7:00 p.m.
 - c) Amplified sound.
 - (1) Outdoor amplified sound (microphones, speakers, music systems) associated with the farm is prohibited, except for:
 - (2) Short-duration announcements needed for safety or emergency purposes; or
 - (3) Amplified sound specifically allowed by a Conditional Use Permit subject to additional conditions.
 - (4) Urban Farms shall comply with the City's adopted noise and nuisance ordinances. The City Council may impose additional conditions as part of a Conditional Use Permit to address specific noise concerns, including additional limitations on hours, equipment, and events.
- 7) Lighting.
- a) Shielding. All exterior lighting associated with an Urban Farm, including security lighting, shall be fully shielded and directed downward to prevent light spillover onto adjacent properties or into the night sky.
 - b) Illumination limits. Lighting levels at any residential property line shall not exceed one-half (0.5) footcandle, measured at the property line.
 - c) Lighting curfew. Non-security lighting used for operations or events shall be turned off by 9:00 p.m., except as otherwise authorized by Conditional Use Permit. Low-level motion-activated security lighting may remain in operation outside these hours.
 - d) Prohibited lighting. Field lighting, pole-mounted sports lighting, or similar high-intensity lighting intended to illuminate large outdoor areas for events is prohibited unless specifically authorized by Conditional Use Permit with additional conditions.
- 8) Pesticides, Herbicides, and Fertilizers.
- a) Compliance with law and labeling. All pesticides, herbicides, fungicides, and fertilizers shall be stored, handled, and applied in accordance with:
 - (1) Manufacturer's label directions; and
 - (2) Applicable state and federal regulations, including regulations of the Texas Department of Agriculture and the U.S. Environmental Protection Agency.
 - b) Type of products. To the extent permitted by state law:
 - (1) The use of restricted-use pesticides or other products requiring a commercial applicator license at Urban Farms within the City limits may be further limited or conditioned by the City as necessary to protect public health and safety;

- (2) In residential and MU districts, the City may require the use of general-use products labeled for residential, urban, or non-agricultural environments where necessary to address identified health and safety concerns.
- c) Application practices and drift control.
 - (1) Aerial application of pesticides or herbicides is prohibited.
 - (2) Within residential, MU, and GC districts, pesticide and herbicide application shall be limited to spot-treatment or directed application; broadcast spraying is discouraged and may be further limited by Conditional Use Permit conditions.
 - (3) No pesticide or herbicide shall be applied within twenty-five (25) feet of a dwelling unit on an adjacent lot, unless applied by hand with a low-pressure device in a manner designed to minimize drift.
 - (4) Spraying or broadcasting of chemicals during wind speeds greater than ten (10) miles per hour or during other atmospheric conditions reasonably likely to result in off-site drift onto adjoining properties, sidewalks, or streets is prohibited.
- d) Prohibited methods.
 - (1) Soil fumigation, soil sterilants, and similar broad-spectrum soil treatments that pose a significant risk of off-site migration or contamination are prohibited at Urban Farms in residential and MU districts.
 - (2) Application of pesticides or herbicides directly into drainage ways, storm inlets, or areas where they are likely to enter the storm sewer system is prohibited.
- e) Storage and mixing.
 - (1) Pesticides, herbicides, and fertilizers shall be stored in sealed, clearly labeled containers in an enclosed building or locked cabinet not accessible to the general public.
 - (2) Mixing, loading, and equipment rinsing shall occur in locations and in a manner that prevents spillage or runoff onto adjacent properties, public sidewalks, streets, or storm drains.
- f) Record-keeping (larger farms).
 - (1) Urban Farms exceeding one-half (0.5) acre in cultivated area shall maintain basic records of pesticide and herbicide applications, including product name, date, and general location of application, for a minimum of two (2) years.
 - (2) Such records shall be made available to the City upon reasonable request in connection with an investigation of a complaint or alleged violation.
- g) Integrated pest management (IPM). Operators are encouraged to utilize non-chemical and low-impact pest management methods (such as cultural, mechanical, and biological controls) to the maximum extent practicable, and to use chemical controls only when such methods are insufficient to protect crops or public health.

- h) Notice to neighbors. For Urban Farms located on or adjacent to residentially zoned property, the operator is encouraged to provide annual written notice to adjacent property owners that describes:
 - (1) Typical pesticides and fertilizers used; and
 - (2) Typical application seasons or months.
- 9) Water, Irrigation, and Runoff.
 - a) Irrigation practices. Irrigation systems shall be maintained in good working order and operated to avoid overspray onto adjacent properties, public sidewalks, or streets.
 - b) Runoff control. Urban Farms shall comply with applicable stormwater and erosion control requirements. Runoff from cultivated or compost areas shall not be intentionally directed onto adjoining lots. Ground disturbance exceeding 5,000 square feet shall provide detention and water quality controls in accordance with the City of Bastrop Drainage Manual.
 - c) Standing water. Operations shall not create conditions that result in chronic standing water that may harbor mosquitoes or present a public health concern.
- 10) Odor, Composting, and Waste Management.
 - a) Compost.
 - (1) Compost piles or bins shall be set back at least fifteen (15) feet from any property line shared with a residentially zoned or used lot.
 - (2) Compost shall be contained in bins, enclosures, or well-maintained piles designed to minimize odor and pests.
 - (3) Meat, dairy, fats, and human or pet waste shall not be placed in compost.
 - b) Manure and organic waste. Manure and other organic wastes associated with farm operations shall be:
 - (1) Properly managed to control odors, flies, and pests;
 - (2) Removed from the site or incorporated into soil or compost regularly; and
 - (3) Stored in covered containers or covered piles if held on site more than seventy-two (72) hours.
 - c) Solid waste and trash. Farm-related trash and packaging shall be stored in covered containers and collected regularly. Outdoor burning of agricultural waste or trash is prohibited except as allowed by other City ordinances and applicable fire codes.
- 11) Animals Associated with Urban Farms.
 - a) Primary crop focus. Urban Farms are intended to be primarily crop-based operations. The keeping of animals is not required and shall not be the dominant activity on the site.
 - b) The keeping of animals in connection with an Urban Farm shall comply with all applicable provisions of this Code, including the Backyard Livestock (Small Animals) and Stable (Private/Commercial) specific use standards, any adopted Apiary standards, and **any animal control ordinances** in the City Code of Ordinances. **Where there is a conflict, the more restrictive standard shall apply.**

c) District limitations.

- (1) In SF and MU districts, animals associated with an Urban Farm are allowed only if expressly authorized in the Conditional Use Permit and are limited to hens (excluding roosters), rabbits, and honeybee colonies, and any stricter limits imposed in the Conditional Use Permit. No goats, sheep, horses, cattle, or swine may be kept as part of an Urban Farm in SF or MU districts.
- (2) In RR and P/OS districts, animals may be kept as part of an Urban Farm subject to all animal control and nuisance ordinances for the City of Bastrop.
- (3) In GC districts, animals associated with an Urban Farm are limited to hens (excluding roosters), rabbits, and honeybee colonies, and only where expressly authorized in the Conditional Use Permit.
- (4) No roosters, turkeys, peafowl, guinea fowl, or similar noisy fowl are permitted as part of an Urban Farm in any zoning district.

d) Location and enclosures.

- (1) Animal housing, feed storage, manure storage, and related facilities shall:
 - (a) Be located behind the front building line;
 - (b) Meet or exceed the setback and separation requirements under Chapter 2 of the Code of Ordinances for Animal Control.
 - (c) Be constructed and maintained to prevent escape, provide adequate shelter, and minimize noise, odor, flies, rodents, and other pests at adjacent properties.
- (2) Outdoor slaughter of animals is prohibited at Urban Farms, except for small animals slaughtered for personal consumption in a fully enclosed structure and out of public view, if allowed by other applicable laws.

12) Events and Gatherings.

- a) Incidental events. Small-scale educational tours, volunteer workdays, and similar events incidental to the farm's primary operations are allowed, provided they comply with the noise, hours of operation, parking, and lighting standards of this subsection.
- b) Larger or recurring events. Events such as festivals, concerts, weddings, or recurring entertainment activities that generate crowds, amplified music, or substantial traffic shall require separate approval (such as a Conditional Use Permit or temporary event permit) and may be subject to additional conditions regarding frequency, duration, attendance, parking, and security.

13) Administration and Enforcement.

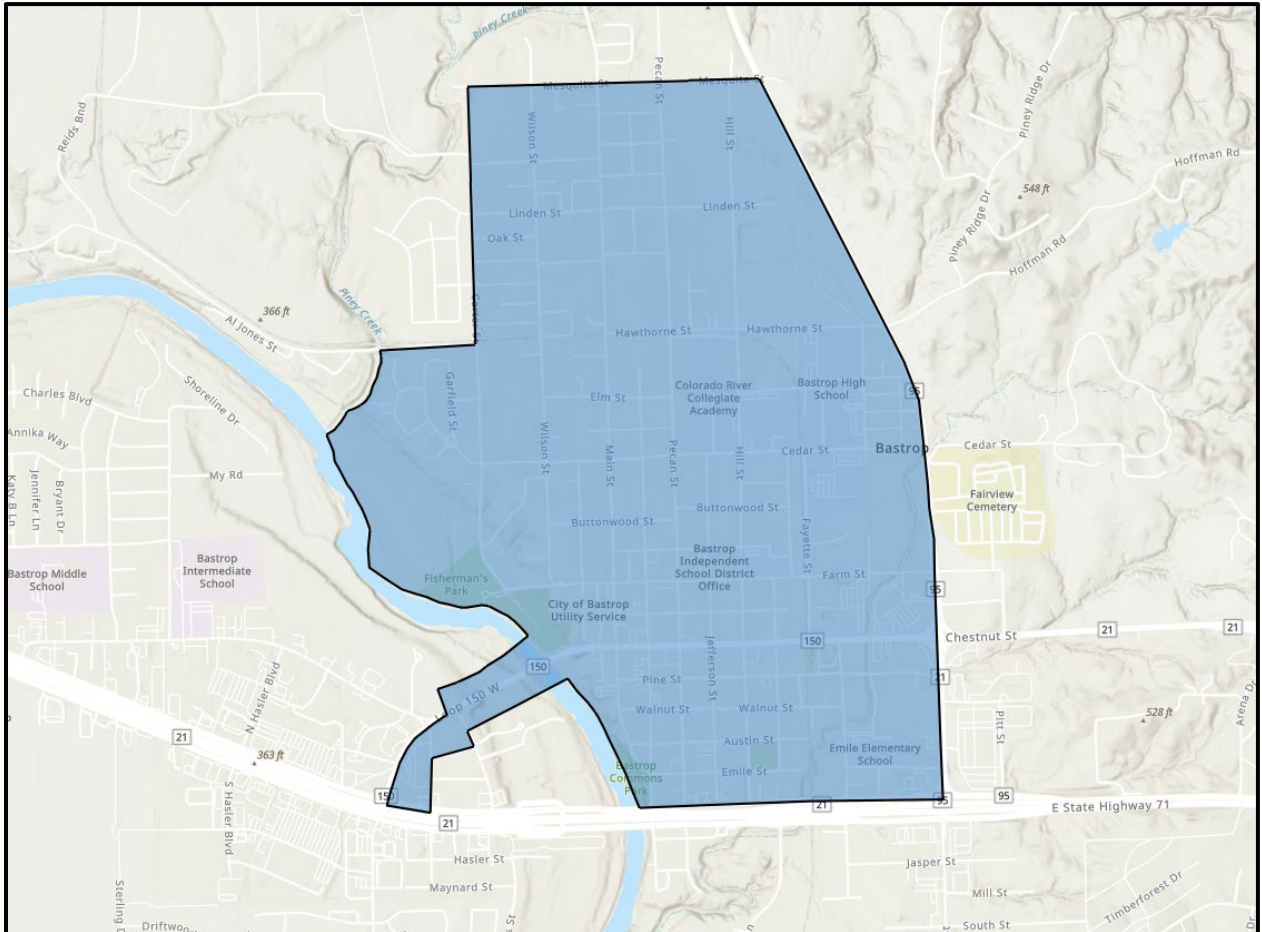
- a) Compliance with this subsection is a condition of any Urban Farm Conditional Use approval.
- b) Repeated or substantial violations of this subsection may constitute grounds for revocation or modification of a Conditional Use Permit, issuance of citations, or other enforcement actions as provided in Article 14.08 and other applicable City codes.

- c) The City Council may impose additional reasonable conditions on an Urban Farm through the Conditional Use Permit process to address site-specific compatibility issues, including but not limited to stricter limits on hours, sales, events, animals, and pesticide use, to the extent permitted by state law.

ARTICLE 14.03 SPECIAL DISTRICTS AND OVERLAYS

Sec. 14.03.001 District 1832

- A. Purpose. District 1832 preserves and strengthens Bastrop's traditional downtown core by focusing on walkable, small-scale buildings, active street fronts, and context-sensitive infill while protecting adjacent residential character.
- B. Applicability. The standards of the underlying zoning district shall apply, except as modified herein.
- C. Boundaries.



- D. Standards.
 - 1) Single-Family Districts.
 - a) Prohibited rezonings. No property within District 1832 may be rezoned to SF-2 or SF-3.
 - b) Build-to zone. A front build-to zone of 15–20 feet is required; eligible adjustments for infill development may be approved per Article 14.02.05 (Contextual Neighborhood Setback Adjustment).
 - c) Limited commercial by Conditional Use. Any use typically permitted in a Mixed-Use district may be considered as a Conditional Use on Single Family Zoned Lots within District 1832.

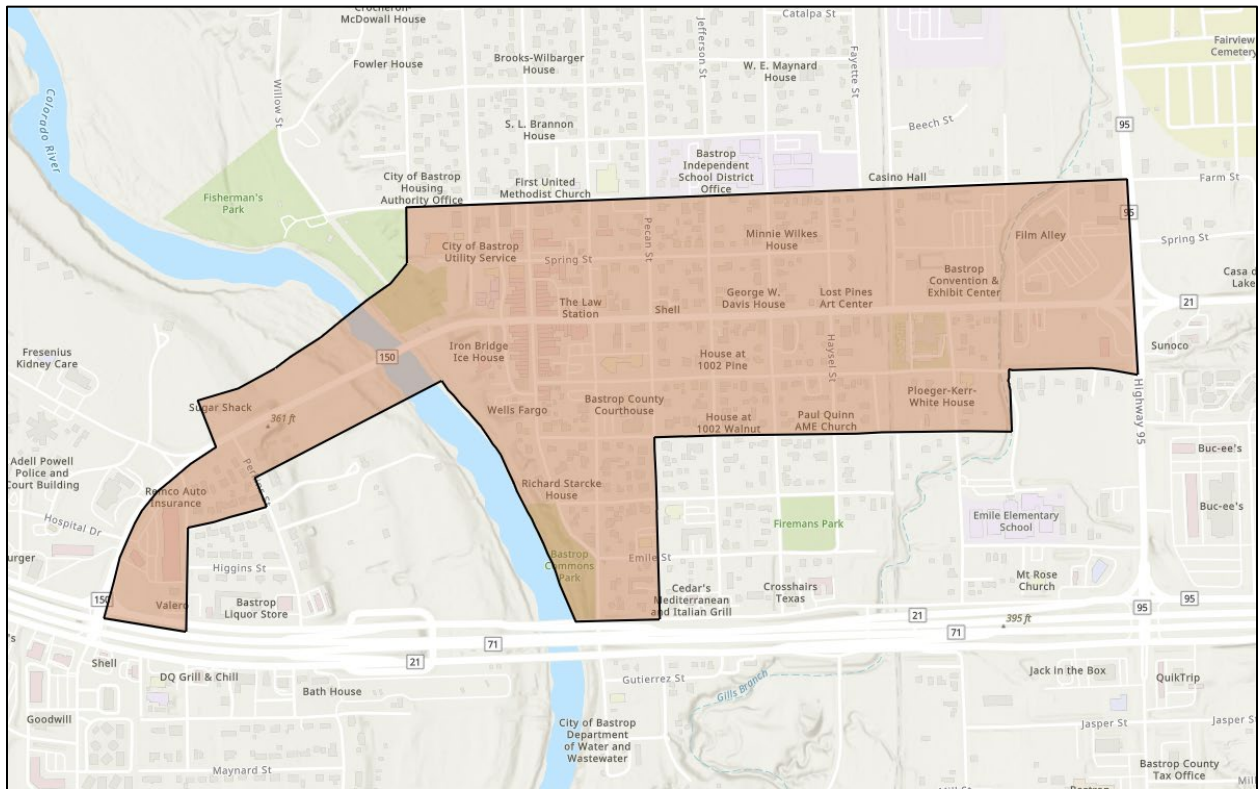
- (1) Process. Conditional Use Permits (CUPs) shall follow the procedures in the Administration & Procedures Article, plus a prerequisite recommendation from the Main Street Advisory Board when the property is within the Main Street Program jurisdiction (District 1832 – Commercial).
 - (2) Conditions. City Council may impose conditions to address parking, hours, screening, landscaping, signage, deliveries, or other operational/site impacts.
 - (3) Residential character. Approved commercial activity shall be wholly contained within the residential structure and shall maintain the residential scale and character on the street.
- 2) Mixed Use Districts.
 - a) The minimum lot size for the Mixed Use Zoning District with District 1832 is 1/3 of an acre. Mixed Use Lots that are currently less than 1/3 acre may continue to be developed and utilized, but may not be further subdivided.
 - b) Build-To-Zone: 10–15 feet.
 - (1) Contextual option. Eligible adjustments to match prevailing block-face setbacks may be approved per Article 14.02.05 (Contextual Neighborhood Setback Adjustment).
- 3) Chestnut Street Corridor. Applies to any lot fronting Chestnut Street within District 1832.
 - a) Build-to zone. 10–15 feet.
 - b) Parking location. No parking between the primary façade and the Chestnut right-of-way. Any parking visible from a public street must be screened per the Landscaping Article.
 - c) Landscaping. The Landscaping Article (Article 14.05) applies, including frontage and parking-lot landscaping. No credits, waivers, or alternative compliance may reduce required frontage landscaping or parking-lot screening on Chestnut within District 1832.
- 4) Signs (Context-Sensitive Option): For properties within District 1832, the Director of Planning and Zoning, upon favorable recommendation of the Main Street Director, may administratively approve a context-sensitive sign that deviates from Sign Code numeric/material limits when compatible with downtown character. Electronic message centers/digital displays, flashing, or moving signs are prohibited.
- 5) Uses in the District 1832 Overlay.
 - a) Residential over nonresidential. In Commercial or Mixed-Use districts, upper-story residential is permitted by-right over ground-floor retail/office throughout District 1832, provided 1 off-street space per bedroom is supplied (unless otherwise approved through an adopted shared-parking or demand-management process).
 - b) Conditional Uses. The following uses, when otherwise permitted by-right, are Conditional Uses within District 1832:
 - (1) Tattoo studios
 - (2) Drive-through facilities
 - (3) Automotive repair or sales

- (4) Fueling stations
- c) Prohibited Uses:
 - (1) Smoke/vape shops
 - (2) Sexually Oriented Businesses (SOB's)
- 6) Building Size and Format.
 - a) Maximum ground-floor footprint. Buildings in General Commercial or Mixed-Use districts shall have a maximum ground-floor building footprint of 5,000 sq. ft.
 - b) Exception—Larger Footprint. The City Council may grant an exception to subsection 6(a) to allow a ground-floor building footprint exceeding 5,000 sq. ft., upon a favorable recommendation from the Main Street Advisory Board and the Planning & Zoning Commission, and per the procedures in the Administration & Procedures Article. Approval requires findings that:
 - (1) the building is multi-tenant;
 - (2) the street-facing façade provides public entrances at intervals of at least every 75 feet;
 - (3) the massing is articulated into distinguishable bays consistent with downtown storefront rhythms; and
 - (4) the project maintains pedestrian orientation and block-scale consistent with District 1832.
- 7) Lighting: Historic lighting design shall be consistent with the design guidelines adopted by the Main Street Advisory Board.
- 1) Historic Block Preservation.
 - a) Purpose. Maintain the historic small-block grid that the core of Bastrop was built on—approximately 330 × 330 feet—to carry forward downtown walkability and connectivity.
 - (1) Right-of-way vacations. The vacation or abandonment of any public street or alley within District 1832 is prohibited unless the City Council determines that equal or better public connectivity will be provided through a new public street/alley or a recorded public access easement of equivalent function.

Sec. 14.03.002 District 1832 – Commercial (Main Street Program)

- A. Purpose. District 1832 – Commercial establishes the official jurisdiction of the City's Main Street Program as certified by the Texas Historical Commission and implements the design standards adopted by the Main Street Advisory Board.
- B. Applicability. The standards of the underlying zoning district and the 1832 Overlay apply to all property within District 1832 – Commercial, except as modified herein. Where the provisions of District 1832 – Commercial conflict with the underlying zoning district or the general 1832 Overlay, the more restrictive standard shall apply.

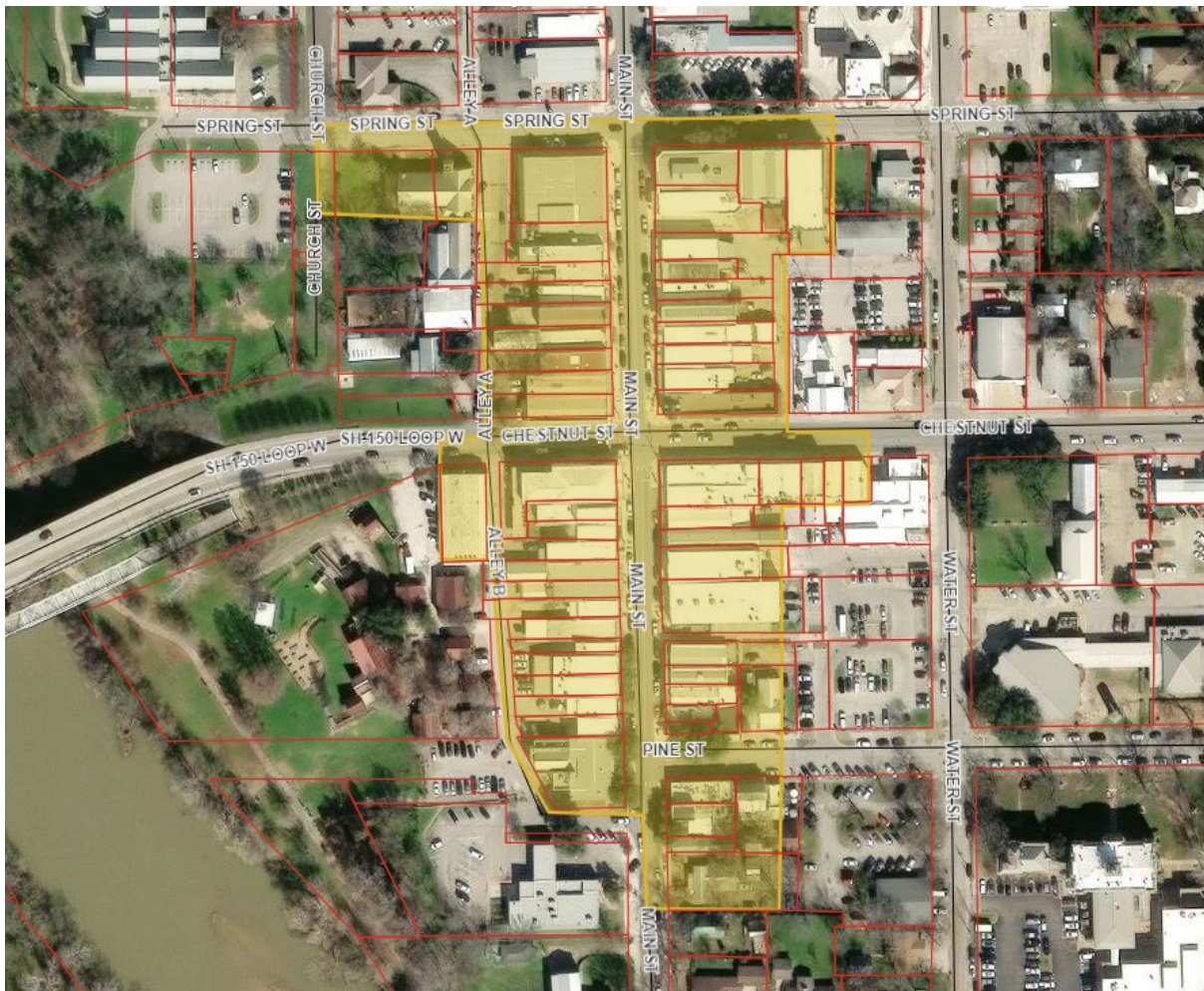
- C. Boundaries. The boundaries of District 1832 – Commercial shall be as shown on the Official Zoning Map and shall correspond to the area certified by the Texas Historical Commission as the Main Street Program area.



- D. Conditional Use Permits. For any Conditional Use Permit (CUP) within District 1832 – Commercial, the applicant shall obtain a favorable recommendation from the Main Street Advisory Board in addition to following standard CUP procedures in this Code. Conditions may be applied to any CUP to ensure compatibility with the purpose of District 1832 – Commercial and the adopted Main Street design standards.
- E. Certificate of Design Compliance.
- 1) Required. Any application for a Building Permit for property located within District 1832 – Commercial shall obtain a Certificate of Design Compliance prior to issuance of the Building Permit.
 - 2) Issuing Authority. The Main Street Advisory Board shall review applicable applications for compliance with the adopted Main Street design guidelines and shall issue or deny the Certificate of Design Compliance accordingly.
 - a) The Main Street Advisory Board meets once a month, or as needed, and must issue a decision within 30 days of application submittal.
 - 3) Effect. No Building Permit shall be issued for work within District 1832 – Commercial until a Certificate of Design Compliance has been issued for the proposed work.

Sec. 14.03.003 Downtown Historic.

- A. Purpose. This district was certified as part of the National Register of Historic Places by the National Park Service on December 22, 1978, and is the city's only formal historic overlay subject to the Historic Preservation Ordinance. The purpose of this district is to preserve the architectural and cultural integrity of Bastrop's historic downtown commercial corridor while allowing for compatible economic development.
- B. Applicability.
- 1) The underlying zoning district applies except as modified by this section and the Historic Preservation Ordinance.
 - 2) All development, alterations, and demolitions are subject to review and approval in accordance with the Historic Preservation Ordinance and must obtain a Certificate of Appropriateness.
- C. Boundaries.



D. Standards.

- 1) Maximum Building Height: 35 feet (not including parapets up to 4 feet that screen rooftop equipment).
- 2) Build-To-Line: 2-5 feet from the front property line.
- 3) Building Frontage at Build-To-Line: 80% minimum of the lot's primary street frontage.
- 4) Side and Rear Setbacks: None (subject to Building/Fire Code).
- 5) Parking Minimums: No minimum off-street parking. Exception: residential uses must provide 1 space per dwelling unit. Removal of any existing off-street parking spaces is not permitted unless approved by the DRC and the Main Street Director.
- 6) Parking Placement: No parking in the front or side yard; access from alleys where available.
- 7) Signs (Context-Sensitive Option): The Main Street Director may administratively approve a context-sensitive sign that deviates from Sign Code numeric/material limits when compatible with downtown character. Electronic message centers/digital displays, flashing, or moving signs are prohibited. Projecting/blade signs must maintain ≥ 9 ft vertical clearance over the sidewalk. Decisions may be appealed to the Historic Preservation Commission.
- 8) Sidewalks: Maintain a continuous, ADA-compliant clear pedestrian zone of at least 8 feet along the frontage. Where existing conditions preclude 8 feet, the Main Street Director may allow the maximum feasible clear width, but not less than 6 feet.
- 9) Landscaping: Article 5, Landscaping Requirements does not apply in the Downtown Historic Overlay. However, parking lot screening must be provided in accordance with Article 5 where parking is visible from the frontage. Frontage trees are required at an average spacing of 30 feet on center where feasible. Spacing adjustments may be administratively approved at 20-40 feet where constraints exist per Article 5. If a tree would block a storefront or similar unique constraint exists, the Planning Director and Main Street Director may approve an alternative or waiver.
- 10) Ground-Floor Transparency: For new or redevelopment, between 2 and 10 feet above sidewalk grade, a minimum 60% of the street-facing façade shall be clear, non-reflective glazing. Window signage may cover no more than 50% of total window area. Existing facades should be preserved unless approved through a Certificate of Occupancy.
- 11) Lighting: On street and attached lighting shall be consistent with the Historic Preservation Commissions adopted Design Guidelines.

Sec. 14.03.004 Special Flood Hazard Areas (SFHA).

- A. Purpose. The purpose of the flood hazard overlay district is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions intended to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (b) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
- (c) Control filling, grading, dredging and other development which may increase erosion or flood damage.
- (d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. Relationship to Other Regulations

- 1) The SFHA Overlay supplements the underlying zoning district and the City's Flood Damage Prevention Ordinance.
- 2) Where standards conflict, the more stringent standard governs.
- 3) Compliance with this overlay does not relieve any obligation to comply with all other applicable City, State, and Federal requirements.

C. Applicability and Mapping

- 1) The SFHA Overlay applies to all lands within the City's planning and zoning jurisdiction identified by FEMA on the effective Flood Insurance Rate Maps (FIRMs) as Zone A or Zone AE, including associated regulatory floodways.
- 2) When the base flood elevation data has not been provided, the City may apply the overlay standards by reasonably utilizing any base flood elevation data and floodway data available from a Federal, State, or other source.
- 3) The boundaries of the SFHA Overlay are shown on the official zoning map, which shall reference the effective FIRMs and any supplemental studies.

D. Administration

- 1) The Floodplain Administrator administers this overlay in coordination with the Director of Development Services or his/her designee.
- 2) Development within the SFHA Overlay requires all applicable zoning, platting, site and building approvals and, where required, a Floodplain Development Permit.
- 3) Submittals must include: current FIRM panels; Elevation Certificates; Base Flood Elevations (BFEs); floodway extent; existing/proposed topography; grading/fill limits; drainage paths; and any required hydrologic and hydraulic analyses sealed by an engineer licensed in the State of Texas .

E. General Development Standards

- 1) Open Space / Conservation. Land within the regulatory floodway and areas below the BFE that are not used for permitted access or utility crossings shall be preserved as open space and protected by either:
 - a) Public dedication; or

b) A recorded conservation easement granted to the City or a City-approved land trust, in a form acceptable to the City Attorney.

- 2) Limitations on New Development in SFHA. No new principal structures or land-disturbing activity shall occur within the SFHA unless the lot of record would otherwise have no buildable area outside the SFHA or would be left with less buildable area than allowed under subsection (G). Development that relies on this exception must meet all conditions in subsection (G).
- 3) Prohibited Uses. New critical facilities are prohibited within the SFHA.
- 4) Riparian Buffers. A minimum 100-foot undisturbed buffer from the top of bank of waterways within the SFHA is required. Selective clearing for invasive removal, habitat restoration, and utility/transport crossings may be allowed by administrative approval if overall buffer function is maintained.
- 5) Utilities and Access. New or replaced utilities must be flood-resistant and located to minimize flood damage. Access routes serving structures must be passable during the 1% annual-chance event or provide an emergency access plan acceptable to the City.
- 6) Stormwater Compatibility. Site design shall maintain or improve existing flood storage and conveyance and comply with all City stormwater criteria; water-quality and volume controls may not reduce required compensatory storage.

F. No-Adverse-Impact Analyses

- 1) Floodway. Any encroachment in the regulatory floodway shall demonstrate no rise in BFEs (FEMA “no-rise” certification) and no increase to off-site flood elevations, velocities, or conveyance.
- 2) SFHA Outside Floodway. Grading, channel modifications, crossings, or encroachments within Zone A/AE outside the floodway must demonstrate no measurable adverse impact to off-site conditions; analyses shall be sealed by a Texas P.E.

G. No Buildable-Area Exception—Existing Lots

- 1) Permit. A Floodplain Development Permit is required.
- 2) Impervious-Cover Cap. Maximum impervious cover for the lot shall be reduced by at least ten (10) percentage points from the underlying district maximum. This cap limits total hardened area; it does not authorize structural pad fill.
- 3) Subdivision/Rezoning Limitation. The lot may not be further subdivided nor rezoned to a more intensive district.
- 4) Elevation Method / Pad-Fill Ban
 - a) No pad fill. Finished floors may not be achieved by earthen or granular pad fill within the SFHA. Structures shall meet elevation requirements using piers, piles, columns, or stem walls, with any structural backfill contained entirely within foundation walls.
 - b) Allowed minor fill (not for elevation). Limited engineered fill is allowed only for: utility bedding; driveway/sidewalk/ADA transitions; public street sections; erosion control; and regrading needed to

maintain positive drainage—provided it is not used to achieve finished-floor elevation and meets the no-adverse-impact standard.

c) Floodway. No fill in the regulatory floodway except where specifically permitted by FEMA/City with a sealed no-rise certification.

5) Compensatory Storage / No-Net-Fill. Any placement of fill or excavation that disturbs 5,000 sq ft or more within the SFHA shall provide minimum 1:1 compensatory flood storage within the same hydraulic reach at equivalent elevations.

6) All Other Flood Standards. All Flood Damage Prevention Ordinance requirements apply, including building/utility elevation, flood-resistant materials, and enclosure limits.

H. Subdivision Standards (Lots Containing SFHA)

1) Plat Content. Preliminary and final plats shall delineate SFHA and floodway boundaries, BFEs, and City-adopted studies; label open-space/conservation areas; and record drainage/floodplain easements.

2) Lot Design / Clustering. Create buildable pads outside the SFHA where feasible through clustering and lot reconfiguration. Lots shall not rely solely on pad fill to place structures above BFE.

3) Easements & Dedications. Dedicate drainage and floodplain easements sufficient to preserve conveyance and storage, including access for maintenance.

4) Utilities & Streets. Design to minimize flood damage and avoid longitudinal encroachments in the floodway. Street and utility crossings shall be designed to maintain conveyance.

5) Density Transfer & Cluster Incentives (SFHA Preservation). A subdivision that preserves $\geq 90\%$ of the on-site SFHA as permanent open space per subsection (E)(1) is eligible for the following incentives:

a) Lot-count protection (transfer). Maximum lot count = Gross Site Area \div Base District Minimum Lot Size (rounded down). This allows density to transfer from the SFHA to buildable areas outside the SFHA.

b) Minimum lot-size reduction. Eligible projects may reduce the base district minimum lot size by up to 50%, but not below 5,000 square feet, to facilitate clustering outside the SFHA. All other dimensional standards apply unless modified by an approved cluster plan.

c) Form of open space. The preserved SFHA must be recorded by plat note and easement/dedication; open space shall be contiguous where practicable and may incorporate trails/greenways if consistent with floodplain function.

d) No net increase over gross. Incentives do not authorize more lots than permitted by (5)(a); they allow those lots to fit on smaller, safer pads outside the hazard area.

e) Construction limits. Incentivized lots shall not rely on pad fill to place structures above BFE; elevation-on-foundation methods are required, except as allowed by G(4)(d) for existing lots of record.

I. Nonconformities. Existing lawful structures and uses within the SFHA that become nonconforming under this overlay may continue subject to Chapter 14 nonconformities provisions and the Flood Damage Prevention

Ordinance. Repairs, additions, and improvements must comply with applicable substantial improvement/substantial damage thresholds.

J. Variances. Relief from this overlay may be considered only through the established variance procedures in Sec. 3.17.007 - Administration. (d) variance procedures in the Code of Ordinances.

K. Map Revisions and Appeals

- 1) Upon issuance of a FEMA Letter of Map Revision/Amendment (LOMR/LOMA), the City may update the zoning map administratively to reflect the change.
- 2) Appeals of the application of the overlay follow Chapter 14 procedures; appeals of FEMA determinations follow FEMA processes.

L. Definitions. For purposes of this overlay, terms have the meanings in the Flood Damage Prevention Ordinance; where undefined there, NFIP definitions control. The following are added for clarity:

- 1) Pad fill (for structural elevation): Earthen or granular fill placed to raise any portion of a building site within the SFHA to meet finished-floor elevation or avoid flood regulation.
- 2) Existing lot of record. A lot lawfully created and recorded prior to the effective date of this overlay, which has not been re-platted or boundary-adjusted thereafter in a manner that reduced buildable area outside the SFHA.
- 3) Critical facility: Facilities essential for health, safety, and disaster response, including but not limited to hospitals, emergency operations centers, police and fire stations, water/wastewater plants, substations, and facilities housing hazardous materials.
- 4) Top of bank: The break in slope that typically defines the upper edge of an active channel.
- 5) Conservation easement: A recorded legal instrument that permanently restricts development and preserves floodplain functions, granted to the City or a City-approved land trust in a form acceptable to the City Attorney.
- 6) No-adverse-impact: A condition whereby a development activity does not measurably increase flood elevations, velocities, or flood hazards on other properties, as demonstrated by acceptable engineering analysis.

Hydraulic reach: The continuous segment of a watercourse where hydraulic conditions are interdependent for purposes of storage and conveyance.

Sec. 14.03.005 Wildland Urban Interface.

(Reserved)

ARTICLE 14.04 DEVELOPMENT STANDARDS

Sec. 14.04.001 Sidewalks and Pedestrian Connectivity Standards.

A. Purpose and Intent.

- 1) Ensure safe, accessible pedestrian routes along street frontages that connect development to the broader network.
- 2) Implement the City's adopted Transportation Master Plan (TMP) and Comprehensive Plan by requiring context-sensitive sidewalks or shared-use paths.
- 3) Provide limited, staff-approved alternatives or fee-in-lieu when immediate construction is unnecessary or better deployed to priority sidewalk projects.

B. Applicability.

- 1) When Required. Sidewalks are required at the time of the site development plan along all public and private street frontages for:
 - a) New Construction
 - b) Additions that increase gross floor area by $\geq 50\%$ or impervious cover by $\geq 25\%$;
 - c) Change of use that intensifies site activity (as determined by the Director)
 - d) Sidewalks are required along entire perimeter of subject property where adjacent to any public or private ROW.
- 2) Relationship to Subdivision Code. Chapter 10 of the Code of Ordinances (Subdivisions) may impose additional or earlier sidewalk installation; compliance with both chapters is required.

C. Definitions.

- 1) Clear Width (Through-Zone). The unobstructed portion of sidewalk reserved for pedestrian travel.
- 2) Fee-in-Lieu. A payment accepted by the City in place of constructing a required sidewalk, deposited into the Sidewalk Fund.
- 3) Shared-Use Path (Sidepath). A paved, 8–10 ft path intended for pedestrians and bicyclists, typically parallel to a roadway or along a greenway.
- 4) TMP. The City's adopted Transportation Master Plan, including functional class maps and typical sections.
- 5) Director. The Director of Development Services or designee.

D. Design, Width, and Placement.

- 1) ADA/TAS. All sidewalks and ramps shall comply with ADA and Texas Accessibility Standards, including cross-slope, longitudinal slope, surfaces, turning areas, and passing space requirements. A ramp shall be provided anywhere a sidewalk terminates.

- 2) Minimum Sidewalk Width. The minimum clear width for each frontage is based on the street's TMP functional class verified at site plan. In the event the TMP conflicts with this chart, the TMP shall override these requirements.

TMP Functional Class	Frontage Context	Minimum Sidewalk (each side)
Local	Neighborhood / residential streets	5 ft
Collector	Neighborhood connectors / commercial collectors	5 ft
Minor Arterial	Commercial corridors	6 ft
Principal Arterial	Major corridors / state routes (coordinate with TxDOT)	6 ft – 8 ft
Local (Downtown Context)	Main Street / Downtown Core	8 ft

- a) If back-of-curb (no planting strip), increase minimum by +1 ft;
 - b) Maintain 80-inch vertical clearance and keep the through-zone free of obstructions;
 - c) Sidewalks must extend to property lines to enable future connections.
 - d) Where tying into existing sidewalk network, the Director may determine the appropriate width to maintain consistency with existing infrastructure and future plans.
- 3) Alignment and Easements. To avoid utilities, mature trees, or grade constraints, sidewalks may meander if the clear width is maintained and the walk is within ROW or a public sidewalk easement granted to the City.
 - 4) Intersections & Ramps. Provide ADA-compliant curb ramps and detectable warnings at all corners and mid-block crossings serving the site.

E. Shared-Use Path Alternative

- 1) If the TMP, Trails/Sidewalk Plan, or corridor plan designates a shared-use sidepath along the frontage, the applicant shall construct a 10-ft path (8-ft if constrained) in lieu of standard sidewalks, with connections to public sidewalks and site entrances.
- 2) City-Directed Substitution. The City Engineer or Development Director may require a sidepath in place of standard sidewalks on corridors identified for multi-modal function or safety.

F. Construction, Timing, and Materials.

- 1) Timing. Required sidewalks/paths shall be constructed prior to Certificate of Occupancy unless a deferral or fee-in-lieu is approved under this Section.
- 2) Standards. Sidewalks shall be concrete or other similar hard surface, per City detail/specifications. Decorative pavers may be approved if ADA compliant and maintained by the developer.

G. Fee-in-Lieu of Sidewalk Construction.

- 1) A fee-in-lieu may be approved by the Director when all of the following are found:

- a) Immediate construction would not provide a functional connection (e.g., isolated segment, no near-term tie-in), or the City determines funds are better used on a higher-priority sidewalk project within the service area; and
 - b) The frontage is not scheduled for City/TxDOT sidewalk within the next 5 year capital program window; and
 - c) No school zone, transit stop, park, or civic generator within a distance that would make the sidewalk critical to near-term pedestrian safety, as determined by the Director or City Engineer.
- 2) The fee is published in the Master Fee Schedule and updated as needed to reflect the full cost to construct the required infrastructure.
- 3) Sidewalk Fund. Fees are deposited in a dedicated Sidewalk Fund and may be expended only for sidewalks, curb ramps, or shared-use paths—preferably within the same district or vicinity to maximize nexus.
- H. Maintenance and Obstructions.
 - 1) The adjacent property owner shall maintain the sidewalk in safe condition (debris, vegetation, snow/ice where applicable) and repair hazards caused by their improvements or use.
 - 2) The required clear width must remain unobstructed. Street furniture, signage, planters, and café seating must be outside the through-zone and permitted where applicable.
 - 3) Sidewalk grade and material shall carry across driveway aprons to prioritize pedestrian continuity.
- I. Easements and Right-of-Way
 - 1) If adequate right-of-way does not exist to place the required sidewalk, the applicant shall dedicate a public sidewalk easement or additional right-of-way as determined by the City.
- J. Enforcement
 - 1) Condition of Approval. Sidewalk obligations (build or fee-in-lieu) are conditions of site plan/building permit approval and prerequisites to CO.
- K. Coordination with Other Agencies.
 - 1) TxDOT Frontages. Improvements along state facilities must meet this Section to the extent practicable and be coordinated with TxDOT. Where TxDOT standards conflict, the Director and City Engineering Department may adjust details while maintaining the minimum clear width and ADA compliance.
 - 2) Utilities/Franchise. Coordinate placement to avoid conflicts and preserve required clear width.
- L. Plan Integration.
 - 1) Site plans shall demonstrate consistency with the TMP functional class, Thoroughfare Plan, and any adopted Sidewalk/Trails Plans.
 - 2) Where a plan (Comprehensive Plan, Parks and Recreation Masterplan, Master Transportation Plan, etc.) calls for enhanced streetscape or greater pedestrian capacity, the City may require widths exceeding the table in subsection D, in accordance with the adopted guiding document.

Sec. 14.04.002 Lighting.

A. Purpose & Intent. Establish standards for all private-realm exterior lighting to: (1) protect Bastrop's night sky and neighborhood character, (2) minimize glare and light trespass, (3) conserve energy, and (4) provide safe, targeted illumination consistent with DarkSky/IES best practices.

B. Applicability.

- 1) Applies to all new development, redevelopment, site plans, and building permits that install or modify exterior lighting (including parking, façades, signage illumination, canopies, landscape lighting, security lighting).
- 2) Public-right-of-way lighting is regulated separately; this Article governs private property only.
- 3) Where this Section conflicts with another ordinance, the most restrictive standard (i.e., lowest allowed light level, tightest shielding, earliest curfew) controls unless expressly stated otherwise.

C. Exemptions (still subject to trespass/curfew in E.5)

- 1) Temporary emergency lighting by public safety.
- 2) Code-required aviation/utility beacons (minimize intensity and use red where allowed).
- 3) Holiday lighting (Nov 1–Jan 15), turned off by 11:00 p.m., ≤3000 K.
- 4) Internally-illuminated exit and life-safety signage.

D. Definitions.

Fully Shielded. A luminaire constructed and installed so that no light is emitted above the horizontal plane (BUG U0).

Hardscape Area. The paved/vehicular- or pedestrian-serving ground surfaces on a site, including parking lots, drive aisles, loading areas, sidewalks, plazas, and hard courts; excludes building footprints, planted/softscape areas, and water features.

Other terms used in this Section shall have the meaning assigned by the Illuminating Engineering Society (IES) in the current IES Lighting Library, including but not limited to ANSI/IES TM-15 (BUG rating and luminaire classification) and the Model Lighting Ordinance (MLO) definitions adopted by DarkSky.

E. General Standards

- 1) Shielding / Uplight. All luminaires ≥1,000 lumens shall be Fully Shielded (BUG U0, no uplight). Architectural/landscape accents ≤1,000 lumens must be fully shielded and aimed downward; no facade lighting above the roofline.
- 2) Color Temperature. Maximum 3000 K CCT for all exterior lighting (sports exceptions per F.5 with curfew).
- 3) Glare/Trespass at Property Lines. Vertical illuminance at the property line shall not exceed 0.2 fc adjacent to residential or 0.5 fc adjacent to nonresidential, measured on a vertical plane 5 ft above finished grade at the property line, maintained.
- 4) Height. Parking/area poles: max 25 ft (max 20 ft when abutting residential). Building-mounted fixtures shall not be mounted higher than the roofline of the wall on which they are installed.

- 5) Curfew / Adaptive Controls. Nonresidential sites and multifamily common areas shall extinguish or dim to $\leq 50\%$ of full-operation output by the later of 11:00 p.m. or one hour after closing; motion sensing is allowed for security. Facilities operating 24 hours and life-safety lighting are exempt to the minimum necessary for safety.
- 6) Lumens-per-Area (cap on total site lighting). Baseline 2.5 lumens/sf of hardscape (parking, drives, walkways) citywide; up to 4.0 lumens/sf may be approved for high-activity zones (e.g., active loading) where photometrics show compliance with E.3 and E.5.
- 7) Prohibited. Searchlights, laser displays, sky trackers; unshielded floodlights; drop-lens wall packs; LED strips visible off-site; upward-aimed façade/landscape lighting; decorative “string” lighting over parking/drive aisles.

F. Use-Specific Standards

- 1) Parking Lots & Pedestrian Areas. Average maintained horizontal illuminance 0.5–1.0 fc; max:min uniformity $\leq 10:1$; all fixtures BUG U0; at the property line, glare rating G shall be $\leq G1$.
- 2) Building Entrances / Canopies (incl. gas). Luminaires fully recessed into canopy, flat lenses, no visible bulbs; no light beyond canopy edge. Average ≤ 12 fc, max ≤ 30 fc, uniformity $\leq 4:1$; or alternatively, limit to ≤ 5.0 lumens/sf under covered areas.
- 3) Façade/Sign Illumination. Down-lighting only, top-mounted, shielded, ≤ 3000 K; no building “wash” above roofline.
- 4) Landscape Lighting. Fully shielded, aimed downward; Individual fixtures ≤ 600 lumens; auto-off by 11:00 p.m.
- 5) Outdoor Sports & Recreation. Only DarkSky-Approved sports luminaires (or equivalent meeting IES RP-6 glare control) are permitted. Submit a glare and spill-light control plan. Curfew 10:00 p.m. (11:00 p.m. by specific approval). Design shall meet E.3 property-line vertical illuminance limits; poles limited to the lowest feasible height.

G. Submittals & Compliance (at Site Plan / Building Permit)

- 1) Photometric Plan sealed by a Texas-licensed Professional Engineer or Registered Architect showing iso-footcandle contours to property lines, point-by-point grid (max/min), fixture locations, mounting heights.
- 2) Luminaire Schedule with manufacturer cut-sheets documenting BUG rating, CCT, lumens, optics, shielding.
- 3) Total Site Lumens calculation against hardscape area (E.6).
- 4) Controls narrative: curfew dimming, motion sensors for after-hours security.

H. Sensitive Areas (Stricter)

- 1) Parks/Open Space, riparian corridors, and within/adjacent to the Historic Downtown overlays:
 - a) Further reduce CCT to ≤ 2700 K, prohibit façade lighting, and require 1.5 lumens/sf cap on hardscape unless otherwise approved.

- I. Nonconforming Lighting
 - 1) Existing legally installed lighting may remain until any of the following: fixture replacement, system expansion >20%, change of use, or building addition >20% of footprint—then all affected lighting must be brought into compliance.
- J. Administration & Alternative Compliance
 - 1) The Planning Director/DRC may approve an alternative photometric/fixture plan that equal-or-better meets Purpose (A) using IES best practices.
 - 2) Requests to exceed limits (e.g., E.6 lumens/sf) beyond Administrative Relief require a Lighting Plan Variance demonstrating no off-site glare/trespass, curfews, and compensating reductions elsewhere (e.g., lower CCT).
- K. Enforcement
 - 1) Conditions of approval are enforceable; violations are subject to stop-work, withholding of CO, and fines per Chapter 14 enforcement provisions. Repeat violations may require field photometric testing.

Sec. 14.04.003 Off-Street Parking, Loading, and Bicycle Parking Standards.

- A. Purpose. The purpose of this section is to ensure that adequate and appropriately designed off-street parking, loading, and bicycle facilities are provided for all land uses, while avoiding excessive impervious cover and encouraging multimodal transportation. These standards are intended to:
 - 1) Balance the needs of residents, businesses, and visitors.
 - 2) Reduce traffic congestion and hazards from on-street parking.
 - 3) Protect adjacent neighborhoods from spillover impacts.
 - 4) Provide flexibility through shared parking and demand-based studies.
 - 5) Encourage sustainable practices, including bicycle use and electric vehicle readiness.
- B. Applicability.
 - 1) Off-street parking, loading, and bicycle parking shall be provided in accordance with this ordinance for all new development, redevelopment, and changes of use.
 - 2) If a use is not listed, the Planning Director shall determine the most similar use or require a parking demand study.
- C. Definitions.
 - 1) Cross-Access Easement. A recorded easement allowing vehicles and pedestrians to travel between adjoining sites so that driveways/parking areas connect, as required by this Code.
 - 2) Drive Aisle. An internal maneuvering lane that provides access to parking spaces and loading areas and is not a through street.
 - 3) Drive-Through Stacking Space. A queued vehicle position in a drive-through lane, exclusive of the service window/box, meeting the minimum dimensions and counts in this Article.

- 4) ITE (Institute of Transportation Engineers). A professional association whose Parking Generation Manual (latest edition) and related database provide empirically derived parking demand rates/equations by land-use code (e.g., GFA, units, employees). Commonly used to estimate peak-period parking demand for stand-alone uses; data skews suburban and should be adjusted for local/contextual factors.
- 5) Loading Space (Berth). A designated area for the standing, loading, and unloading of trucks, meeting the dimensional, clearance, screening, and location standards of this Article.
- 6) Off-Street Parking. A paved, striped area on private property (outside the public right-of-way) intended for the parking of motor vehicles, required and regulated by this Article.
- 7) Parking Demand Study (PDS). Means a report prepared by a qualified professional engineer or transportation planner that estimates on-site parking demand for a proposed or existing use using accepted sources, field observation, and calibrated assumptions.
- 8) Parking Space (Standard). A striped stall meeting the dimensional and design standards of this Article; the City's baseline 90-degree stall is 10' x 20'.
- 9) Remote/Off-Site Parking. Required parking located on a separate parcel or tract within an approved walking distance and secured by a legal agreement. (Your draft uses a 600-ft walk distance.)
- 10) Reserve (Banked) Spaces. Means spaces identified on a plan but not initially constructed and only installed if monitored demand meets defined triggers.
- 11) Shared Parking. Means the practice of satisfying the parking demand of multiple land uses with a common supply recognizing different peak periods and internal capture.
- 12) Transportation Demand Management (TDM). Means strategies that reduce single-occupant vehicle trips and parking demand (e.g., unbundled parking, transit benefits, carpool/vanpool, bike facilities).
- 13) ULI (Urban Land Institute). A research organization whose Shared Parking (latest edition) methodology models mixed-use parking demand by applying time-of-day/day-of-week factors, internal capture, mode split, pricing, and seasonal adjustments to determine combined peak occupancy and right-sized supply.

D. Minimum Off-Street Parking Requirements.

- 1) Minimum Size: 10' x 20' stall sizes or equivalent sq. footage in slanted stalls.
- 2) Residential Uses:
 - a) Single-Family / Two-Family Dwelling: 1 space per bedroom
 - b) Townhouse / Multifamily: 1 space per bedroom
 - c) Accessory Dwelling Unit (ADU): 1 space per bedroom.
- 3) Nonresidential and Mixed Uses

Use Category	Minimum Off-Street Parking Requirement
Retail, personal service, general commercial	1 space per 250 sq. ft. GFA
Restaurant, bar, café	1 space per 100 sq. ft. GFA
Office, professional services	1 space per 400 sq. ft. GFA
Medical / Dental office or clinic	1 space per 250 sq. ft. GFA
Hospital	1 space per 400 sq. ft. or 1 space per 2 beds
Hotel / Motel	1 space per guest room
Religious institution	1 space per 275 sq. ft.
Schools (K-12)	1 space per 500 sq. ft. GFA
College / Higher education	1 space per 400 sq. ft. GFA
Childcare / Daycare	1 space per 350 sq. ft. GFA, plus a designated drop-off/pick-up area
Fitness center, gym, indoor recreation	1 space per 200 sq. ft. GFA
Entertainment (theater, bowling, skating, arcade, etc.)	1 space per 250 sq. ft. GFA
Civic uses (library, museum, government building)	1 space per 300 sq. ft. GFA
Parks / outdoor recreation facilities	As determined by the Planning Director or Parks and Recreation Director, based on use intensity (fields, courts, trailhead, etc.)
Assembly, theater, auditorium	1 space per 40 sq. ft. assembly area or 1 space per 4 fixed seats.
Industrial, warehouse, wholesale	1 space per 1,000 sq. ft. GFA; 1 per 300 sq. ft. for office/showrooms.
Self-storage	1 space per 20 storage units (minimum 3)
Civic uses (library, museum, government building)	1 space per 300 sq. ft. GFA

- E. **Maximum Parking.** Any request to exceed 125% of the minimum required off-street parking shall require approval by the Development Review Committee. The DRC may impose conditions reasonably related to mitigating impacts, including but not limited to requiring a professionally prepared parking demand study, enhanced parking-lot landscaping or tree canopy, designation of deferred “reserve” spaces, and/or shared-parking.
- F. **Flexibility and Alternative Compliance**
- 1) **Parking Demand Study**

- a) An applicant may submit a professionally prepared parking demand study (using ITE, ULI, or other accepted methodology).
- b) The DRC may approve reduced parking if the study demonstrates that the proposed supply will adequately serve the use.

2) Shared Parking

- a) Developments with multiple uses may share parking if peak hours do not overlap.
- b) A reduction of up to 30% of the total required spaces may be approved with a shared parking agreement.
- c) Shared parking cannot cross a road classified as Minor Collector or above.

3) Remote / Off-Site Parking

- a) Off-site parking may be approved if within 500 feet walking distance of the entrance to the building and secured by legal agreement.

G. Bicycle Parking

- 1) Applicability. Required for all nonresidential and multifamily developments.
- 2) Minimums.
 - a) Multifamily: 1 long-term space per 5 units.
 - b) Nonresidential: 1 short-term space per 20 required vehicle spaces (minimum 2).
- 3) Design.
 - a) Bicycle racks must be securely anchored, ADA accessible, and located within 50 feet of main entrances.

H. Loading and Stacking

- 1) Loading Spaces
 - a) 1 space per 20,000 sq. ft. GFA of commercial, office, or industrial use.
 - b) Loading space dimensions: minimum 12' × 45' with 14' vertical clearance.
 - c) Must be screened from public view and not located within required front setbacks.
 - d) Hours of loading adjacent to residential districts may be limited by the City.
- 2) Drive-Thru Stacking
 - a) Minimum stacking space size: 8' × 20'.
 - b) Required number of stacking spaces:
 - (1) Bank: 4 per lane
 - (2) Restaurant: 6 per lane
 - (3) Car wash: 4 per wash bay
 - c) Stacking areas shall not block drive aisles or required parking spaces.

I. Design Standards

- 1) Lots shall provide landscape screening and pedestrian connections per the landscape ordinance.

- 2) Accessible spaces must comply with ADA standards.

Sec. 14.04.004 Access and Connectivity.

- A. Purpose. Establish standards that create a safe, multimodal, and legible circulation network; minimize conflict points; extend the community street grid; and ensure that new development contributes its fair share toward a connected public realm.
- B. Applicability
 - 1) Applies to all development requiring a site plan, conditional use permit, or building permit that alters site access, internal circulation, or frontage improvements.
 - 2) Where standards herein conflict with an adopted Street/Thoroughfare Plan, Transportation Master Plan (TMP), or state/federal access regulations, the most protective standard applies unless otherwise stated.
- C. Definitions.
 - 1) ADT (Average Daily Traffic): The total vehicles on a roadway in 24 hours, averaged over a representative period.
 - 2) Driveway: A private vehicular connection between a street and abutting property, including any curb return/flare.
 - 3) Drive Aisle: An internal private circulation lane serving on-site movement between parking, buildings, and access points.
 - 4) Full-Movement Driveway: A driveway allowing left-in, left-out, right-in, and right-out movements.
 - 5) RIRO (Right-In/Right-Out) Driveway: A driveway restricted to right turns only when entering from or exiting to the street.
 - 6) Corner Clearance: Distance along the traveled way from the intersecting street's curb-return tangent (or nearest edge of intersecting pavement where no curb exists) to the nearest edge of the driveway.
 - 7) Throat Length: The distance from the right-of-way line at a driveway to the first internal conflict point, intended to store on-site queues.
 - 8) Cross-Access: Vehicular, bicycle, and pedestrian connections between adjoining properties that allow movement without re-entering the public street; may be secured by a Cross-Access Easement.
 - 9) Internal Walkway: A paved, ADA-compliant pedestrian route on private property connecting primary entrances, parking areas, transit stops, and public sidewalks.
 - 10) Shared-Use Path: A two-way off-street facility for pedestrians and bicyclists (and other micromobility as permitted), generally 10 feet minimum unless otherwise approved.
- D. Internal Circulation. Drive aisles shall form a coherent network that connects all buildings, parking fields, loading/service areas, and access points. Dead-end drive aisles exceeding 150 feet shall provide a compliant turnaround.
- E. Site Access Management (Vehicular)

- 1) Number of Driveways. Minimize driveways and locate them to maximize spacing from intersections.
Corner lots shall place primary driveways on the lower-classified or secondary frontage.
- 2) Driveway Criteria and Spacing.
 - a) Residential Driveways. A concrete driveway approach designed and intended to serve as access from a roadway to a lot or parcel of land which is a location for a one (1) or two (2) family residence.

	Minimum	Desirable	Maximum
SINGLE FAMILY			
Width	12'	18'	30'
Curb Return Radius	5'	5'	10'
Throat Length ^b		Extended to property R.O.W. line-minimum	
Spacing Between Driveways ^c		Limited to one driveway per property (except where a circular driveway is approved, then the maximum is two)	
DUPLEXES AND TOWNHOMES ^c			
Width	15'	18'	25'
Throat Length ^a		(Extended to property R.O.W. line-minimum)	
Spacing Between Driveways	10'	-	-
^a Distance from street to first conflict point.			
^b Semicircular driveways acceptable with minimum spacing between driveway entrance and exit of thirty-five (35) feet. (measured from inside edge to inside edge of driveway approach at the property line).			
^c When two (2) driveways are used (one (1) per unit/two (2) maximum), single family standards for width shall apply.			

- b) Commercial Driveways. A concrete driveway approach designed and intended to serve as access from a roadway to a lot or parcel of land used for any development or purpose other than one or two family residences.

Driveway Type	Roadway Type									
	Local Street, Local Collector		Major Collector		Major Collector (4-Lane w/Median)		MAD 4, MAD 6		MAD 8	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
ONE WAY										
Width	15 ^a	20	15 ^a	20	18 ^a	25	18 ^a	25 ^b	18 ^a	25 ^b
Curb Return Radius	10	25	15	25 ^c	15	30 ^c	20	30 ^c	20	30 ^c
Throat Length ^d	–	–	20	–	20	–	40	–	50	–
Distance Between Entry and Exit Drive	50	–	50	–	50	–	75	–	75	–
Driveway Spacing ^g	100	–	150	–	150	–	200	–	400	–
TWO WAY UNDIVIDED										
Width	25	40	25	40	30	40	30	45	30	45
Curb Return Radius	10	25	15	25 ^c	15	30 ^c	20	30 ^c	20	30 ^c
Throat Length ^d	–	–	20	–	20	–	40	–	50	–
Driveway Spacing ^g	100	–	150	–	150	–	200	–	400	–

TWO WAY DIVIDED										
Width (each side of median) ^e	20	24 ^f	20	24 ^f	20	24 ^f	20	30 ^f	20	30 ^f
Curb Return Radius	15	25 ^c	15	25 ^c	15	25 ^c	20	30 ^c	20	30 ^c
Throat Length ^d	20	–	20	–	20	–	40	–	50	–
Median Width ^e	4	15	4	15	4	15	4	15	4	15
Median Length	10	–	10	–	10	–	20	–	20	–
Driveway Spacing ^{f,g}	100	–	150	–	150	–	200	–	400	–

- ^a Greater width may be required for Fire Department emergency access.
- ^b Thirty (30) foot minimum width may be required on state highways.
- ^c Radius may be increased to forty (40) feet at driveways serving large trucks.
- ^d Distance from the edge of pavement to first conflict point.
- ^e On state highways, state standards may vary from City standards.
- ^f When a divided driveway is the fourth leg of an intersection, a thirty-six (36) foot width may be permitted to match the opposing street configuration
- ^g Driveway spacing may be reduced as required due to pre-existing use or developmental conditions.

- c) RIRO driveway: A driveway physically or operationally restricted to right-in/right-out movements only.

- d) **How to Measure.** Driveway spacing is measured along the edge of the traveled way from the nearest edge of pavement of one driveway to the nearest edge of pavement of the next driveway. Corner clearance is measured along the edge of the traveled way from the tangent point of the intersecting street curb return (or the closest edge of the intersecting roadway pavement where no curb return exists) to the nearest edge of pavement of the driveway.
 - e) **Sight distance governs.** If intersection/driveway sight distance, queueing, or auxiliary lane needs require larger values than the table, use the larger value.
 - f) **Engineering study.** Where unique constraints exist, an engineering study may justify adjustments, provided safety and operations are maintained or improved (no reduction below Column (3) on non-frontage roads without shared access or physical RIRO).
- 3) **Driveway Widths at ROW:** Single-user access 12–24 ft; shared/multi-tenant 24–30 ft (max 36 ft only with demonstrated need). Provide curb radii or tapers per street class.
- 4) **Throat Length (internal stacking).** The throat storage length for high volume access driveways is directly related to the number of parking spaces accessible by the driveway. To determine the throat storage length, the total number of parking spaces shall be divided by the number of driveways and refer to table below. The calculation shall be used on the proposed number of parking stalls for an overall development or the number of parking spaces for an individual lot, whichever provides the more conservative ratio of parking stalls to driveways. This will ensure all departing cars can be stored adequately while waiting to exit the site.

Parking Spaces per Driveway	Storage Required (ft)			
	Multi-Family or Commercial Land Use		Industrial Land Use	
	Left Turn Allowed			
	No	Yes	No	Yes
<25	25	25	25	25
25-50	25	40	25	40
51-100	25	40	40	40
101-200	40	80	40	60
More than 200	100	150	40	100

- a) Throat length is measured from the property line to an interruption point. An interruption point consists of the first intersecting aisle, internal driveway, or parking stall.

- b) For minor driveways that do not access a parking lot, the length of the driveway must fully incorporate the length of one parked vehicle or 20 ft.
 - c) For sites with structured parking, the throat length may be reduced to 0 ft. if queueing areas are demarcated to prevent turning conflicts for queued vehicles.
- 5) Shared Access & Consolidation. Where spacing cannot be met, sites shall consolidate access with adjoining lots via shared driveways and cross-access (see Subsection G). New development along an arterial shall first pursue shared access before requesting a new curb cut.
 - 6) TxDOT/State Facilities. Access to state highways shall comply with TxDOT driveway rules; where stricter, City standards govern internal circulation and cross-access.

F. Pedestrian Connectivity

- 1) Frontage Sidewalks. Sidewalks shall be provided along all public and private street frontages at the width specified by the adopted street type cross-sections (and in accordance with Section 14.04.001) and shall connect to existing sidewalks on abutting sites.
- 2) Internal Walkways. Provide an on-site pedestrian network that:
 - a) Connects each primary building entrance to the public sidewalk, parking fields, transit stops, and on-site amenities.
 - b) Includes safe, direct walkways across parking areas at least every 200 ft of row length or per parking module, whichever is less.
 - c) Provides a walkway minimum 6 ft wide along building façades with customer entries.

G. Crossings & Protection. Crosswalks across drive aisles/driveways shall be marked and, where ADT or design speed warrants, enhanced with raised tables, special paving, or refuge islands. Curb ramps and cross-slopes shall be ADA-compliant.

H. Cross-Access Between Sites

- 1) Easements. Adjacent nonresidential and mixed-use sites shall grant and record perpetual cross-access easements to allow vehicles, bicycles, and pedestrians to travel between sites without re-entering the public street.
- 2) Drive Aisle Standards. Cross-access drive aisles shall be 24 ft minimum (two-way) or 12 ft (one-way with signing/marking) and remain open during business hours of the connected uses.
- 3) Staging & Deferral. Where an adjacent property is undeveloped, the applicant shall build drive aisles and sign them as “future connection,” with curb/fence removable upon adjacent development.

I. Bicycle Connectivity

- 1) Consistency with Adopted Plans. Site design shall align with the City’s adopted Transportation Master Plan (TMP) and any Bikeway/Trails Plan. Where a planned bicycle facility or shared-use path is mapped along the site’s frontage or through the property, the development shall dedicate the necessary right-of-way or

easement and construct the facility per City standard details in accordance with Section 14.04.001 or, if approved by the Director, pay the fee-in-lieu toward the sidewalk fund.

- 2) Crossings of Driveways and Aisles. Where a bicycle/shared-use path crosses a driveway or internal drive aisle, provide a continuous, direct alignment with marked crossings and visibility measures consistent with City standards. Intersection and driveway treatments (markings, geometry, traffic calming) shall prioritize the safety of path users and comply with ADA requirements.
- 3) Barriers & Fencing. Walls or fences along mapped path corridors shall include openings or gates to maintain the required public connections, with sight-distance and protection elements per City detail.
- 4) Wayfinding & Lighting. Where a path segment is provided, install City-standard wayfinding and lighting as applicable to the facility type and context identified in the Street & Frontage Standards.
- 5) Maintenance. Path segments located on private property shall be maintained by the property owner unless and until accepted by the City.
- 6) Alternative Alignment. When physical constraints (e.g., floodways, heritage trees, utilities, railroads) prevent the mapped alignment, the Administrator may approve an alternative that preserves network continuity and delivers substantially equivalent access and safety, supported by an Access & Connectivity Plan.

J. Transit Access (Where Applicable)

- 1) For sites fronting corridors with existing or programmed transit service, coordinate with the transit provider to provide bus stop pads, ADA connections, and, where warranted by ridership thresholds, shelters and lighting integrated into the frontage.

K. Emergency Access & Fire Lanes

- 1) Provide fire apparatus access roads per the City's adopted 2018 International Fire Code (with Appendix D): 20 ft minimum clear width (26 ft where a fire hydrant is located on the access road, and 26 ft for aerial apparatus access roads serving buildings with highest roof surface >30 ft, which shall be 15–30 ft from and parallel to one building side); vertical clearance 13 ft 6 in; maximum grade 10% unless otherwise approved by the Fire Code Official; turning radii as approved by the Fire Code Official (design to meet apparatus needs; coordinate with the Fire Marshal), or meet minimum Fire Code standards as currently adopted or amended.
- 2) Dead-end fire lanes over 150 ft require an approved turnaround. Fire lane markings/signage shall be maintained in perpetuity.

L. Parking Interface & Street Loading

- 1) Head-in or back-out parking directly to an arterial or collector is prohibited.
- 2) Loading and service areas shall be sited to minimize conflicts with pedestrian routes and screened per the Screening & Landscaping standards. Service vehicle movements shall not block required pedestrian connections.

M. Traffic Impact Analyses (TIA) & Mitigation

1) Definition and Scope. Traffic Impact Analysis (TIA).

A Traffic Impact Analysis is a technical report, prepared, signed, and sealed by a professional engineer licensed in the State of Texas with experience in traffic engineering, that evaluates the transportation impacts of a proposed development or change in zoning/intensity. An ITE-standard TIA shall be prepared in accordance with the current Institute of Transportation Engineers (ITE) Trip Generation Manual and ITE's Recommended Practice for Transportation Impact Analyses, and shall, at a minimum:

- a) describe the proposed project, phasing, and study area (to include nearby intersections within ½ mile);
- b) estimate trip generation, distribution, and assignment using ITE or approved local trip rates;
- c) document existing and forecast traffic conditions for "no-build" and "build" scenarios;
- d) provide capacity and operations analysis for key intersections and access points; and
- e) identify proportionate mitigation measures and access, circulation, and safety recommendations, with supporting figures and worksheets.

2) Triggers. A TIA is required when a proposed development or change in zoning/intensity is expected to generate ≥100 new peak-hour trips or ≥1,000 new average daily trips, based on ITE or approved local trip rates, or when determined by the City Engineer or City Council due to safety or operational concerns. When required, a TIA shall be submitted with the first applicable application, including:

- a) zoning map amendments (rezonings), including Planned Development Districts (PDDs), where the requested zoning would reasonably allow that level of intensity, as determined by the Director or City Engineer;
- b) preliminary plats;
- c) site development plans; and
- d) any other discretionary development application identified by the Director or City Engineer.

3) Traffic Memorandum (Traffic Memo)

A Traffic Memorandum is a concise, letter-format traffic analysis prepared, signed, and sealed by a professional engineer licensed in the State of Texas with experience in traffic engineering. A Traffic Memo may be required in lieu of a full Traffic Impact Analysis (TIA) for lower-intensity developments or rezonings that do not meet the TIA trip thresholds but raise localized safety or operational concerns. At a minimum, a Traffic Memo shall:

- a) briefly describe the proposed project, access points, and surrounding street network;
- b) estimate daily and peak-hour trip generation using the current ITE Trip Generation Manual or approved local data;
- c) qualitatively assess trip distribution, access, sight distance, and potential conflict points;
- d) provide a screening-level review of impacts at key intersections or driveways, using available volume or crash data where appropriate; and

- e) identify any recommended access, circulation, signing/stripping, or minor geometric improvements to address site-related safety or operational issues.
- 4) Proportionate Mitigation. Applicants shall dedicate right-of-way and construct or fund on- and off-site transportation improvements that are roughly proportionate to the development's impacts as determined by the City Manager and Administrator, consistent with state law. Timing/phasing may be established through an agreement.
 - a) The responsibility of the developer for mitigation does not diminish the requirements of roadway impact fees set forth in Article 13.12 of the Bastrop Code of Ordinances, unless they have established an offset or credit to fees otherwise due.

N. Submittal Requirements

- 1) Access & Connectivity Plan showing all proposed and future stubs, sidewalks, trails, bicycle facilities, transit elements, and cross-access connections within 200 ft of the site boundaries.
- 2) Draft instruments for any required easements (public access, cross-access, sidewalk/trail) and shared access agreements.
- 3) If applicable, TIA with recommended mitigation, phasing, and cost participation.

O. Enforcement & Phasing

- 1) Required frontage, sidewalk, cross-access, and internal pedestrian/bicycle connections shall be constructed prior to Certificate of Occupancy for the associated phase, unless deferred by approved agreement.
- 2) Where a future connection is required but not yet constructible due to off-site constraints, the developer shall construct the on-site portion to the property line and record the easement, with temporary measures (removable curb/planter or gate) installed until connection is opened.

Sec. 14.04.005 Accessory Uses and Structures.

- A. Purpose. Allow customary accessory uses and accessory dwelling units (ADUs) to broaden housing choices while protecting neighborhood and rural character. This section sets clear limits on size, height, placement, and design. All accessory structures count toward lot coverage, impervious cover, and parking requirements.
- B. Applicability.
 - 1) Applies on any lot that already has a principal use or principal building.
 - 2) All accessory uses and structures must be incidental and clearly secondary to the principal use on the same lot.
 - 3) ADUs are allowed only on lots with a one-family dwelling or a duplex (where duplexes are allowed), and only as provided in Section G.
- C. Definitions
 - 1) Accessory Use. A use customarily incidental and subordinate to the principal use, located on the same lot.

- 2) Accessory Structure—Residential. A non-dwelling structure serving a residence (for example, garage, carport, storage building, pool house, workshop, pergola, greenhouse).
- 3) Accessory Structure—Nonresidential. A subordinate structure serving a nonresidential use (for example, detached storage, equipment enclosure, refuse or recycling enclosure, detached canopy).
- 4) Accessory Dwelling Unit (ADU). A self-contained dwelling that is secondary to the principal dwelling on the same lot, with its own kitchen, bathroom, and sleeping area; may be detached, attached, or located above a garage.

D. General Standards (All Accessory Structures)

- 1) Timing. No accessory structure may be used or occupied before the principal structure is established.
- 2) Front Yards. Accessory structures are prohibited in a required front yard, except detached garages oriented to an alley.
- 3) Separation. Maintain a minimum of ten feet between buildings on the lot unless constructed with required fire-rated assemblies.
- 4) Easements and Visibility. No encroachments into recorded easements or visibility triangles.
- 5) Utilities and Drainage. Maintain drainage paths and access to meters and cleanouts; screen rooftop or pad-mounted equipment as required by this Code.
- 6) Coverage and Impervious Limits. All accessory structures (including ADUs) count toward district maximum lot coverage and impervious cover (see zoning district standards).
- 7) Historic Review. Within designated local historic districts or landmarks, additional review applies under the Historic Preservation Ordinance.
- 8) Height Measurement. Heights are measured to the highest point of the roof.

E. Residential Accessory Structures (Non-Dwelling)

- 1) Maximum Height.
 - a) Single-Family (SF) and Mixed Use (MU) districts: 20 feet (one story); up to 24 feet for a garage with a pitched roof matching the principal roof pitch.
 - b) Rural Residential (RR): 24 feet (one story) or 35 feet for agricultural accessory buildings.
- 2) Maximum Total Floor Area (all non-dwelling accessory structures per lot).
 - a) SF and MU: the lesser of 1,000 square feet or 40 percent of the rear yard area; at least 600 square feet is allowed if impervious limits are met.
 - b) RR: no maximum size if impervious limits are met.
- 3) Setbacks (minimum).
 - a) SF and MU: side 5 feet; rear 5 feet; corner side 15 feet; not permitted in the front yard.
 - b) RR: side 20 feet; rear 25 feet; front equals the district front setback.
- 4) Design and Placement.
 - a) Where alleys exist, orient detached garage doors to the alley when feasible.

- b) Metal shipping containers are prohibited in SF and MF districts unless fully clad with finished siding to match the principal structure.

F. Nonresidential Accessory Structures

- 1) Location. Place to the side or rear of the principal building and behind the front building plane; refuse and recycling must be fully screened with gates.
- 2) Maximum Height. Twenty-four (24) feet.
- 3) Setbacks. As required by the base district; enclosures and detached canopies may not intrude into required landscape buffers.
- 4) Architectural Compatibility. Use materials and colors compatible with the principal structure or fully screen with a masonry wall and landscaping.

G. Accessory Dwelling Units (ADUs)

- 1) Eligibility and Approval Path (By Right versus CUP). ADUs are allowed only on lots with a one-family dwellings or a duplex.
 - a) Rural Residential (RR) and Mixed Use:
 - (1) Up to two ADU's are allowed by-right on any Rural Residential or Mixed Use property, provided parking and impervious cover requirements are met.
 - b) Single-Family (SF) districts:
 - (1) One ADU is allowed by-right on any Single Family-zoned lot, provided parking and impervious cover requirements are met.
 - (2) A second ADU may approved with a Conditional Use Permit on any Single Family-zoned lot, provided parking and impervious cover requirements are met.
 - c) No more than two ADU's may be allowed on a lot.
- 2) Types. Detached (including above a detached garage), attached to the principal dwelling, or internal conversion (within the existing house or garage) with a separate code-compliant entrance.
- 3) Maximum Size (each ADU, gross floor area)
 - a) Standard: up to 1,000 square feet or 60 percent of the principal dwelling's conditioned floor area, whichever is less.
 - b) RR lots greater than one acre: may increase to 1,500 square feet (regardless of percentage).
 - c) Internal conversions: may exceed 50 percent of the principle dwelling's conditioned floor area, only when retaining the existing structure and without expanding any nonconformity, provided it does not exceed 1,000 square feet, or 75% of the principle dwelling's conditioned floor area.
- 4) Height. Maximum 24 feet and no more than two stories.
- 5) Setbacks (detached ADUs)
 - a) SF and MF: side 5 feet (10 feet if two stories); rear 5 feet (10 feet if two stories); corner side 15 feet; front located behind the front building line.

- b) RR: side 20 feet; rear 25 feet; front equals the district front setback.
- 6) Privacy and Entries
 - a) Locate a primary ADU entry facing an alley, the principal dwelling, or an interior side yard; avoid facing a neighboring rear yard.
 - b) Second-story balconies, decks, or rooftop terraces must be at least 10 feet from any side or rear lot line abutting a residential lot.
- 7) Parking. Provide off-street spaces per the City's Off-Street Parking and Loading standards. Tandem and alley-loaded spaces may count. Shared driveways are allowed.
- 8) Design (Detached ADUs). Exterior materials and colors must match or be visually compatible with the principal dwelling.
- 9) Utilities and Addressing. ADUs may be individually metered or share service, per the utility provider. Each ADU receives a secondary address assigned by the City. In RR or any area served by an on-site sewage facility (OSSF), compliance with OSSF regulations is required before permit issuance.
- 10) Corner and Alley Lots. On corner lots, do not face an ADU entry toward the intersection within 25 feet of the corner. Where alleys exist, ADU garage access should be from the alley unless infeasible due to grade or utilities.
- 11) Approvals and Alternative Compliance
 - a) By-right cases are approved by building permit. CUP cases require CUP approval before a building permit.
 - b) The Director may approve alternative compliance for unique site constraints (heritage trees, topography, utilities) if privacy, massing, and drainage are equal or better, and height or total floor area are not increased beyond the limits above.
- H. Prohibited
 - 1) Permanent commercial activity in an accessory structure within residential districts, except permitted home occupations.
 - 2) Shipping containers used as dwellings unless brought to full residential code compliance and architecturally finished as required.
 - 3) A dwelling unit in any accessory structure unless it complies with the ADU standards in this section.
 - 4) Any accessory structure or ADU on a lot before the principal use or building is established.
- I. Enforcement and Maintenance. Accessory structures and ADUs must be maintained in good repair. Violations are enforceable under Chapter 14 (including stop-work orders, withholding of certificates of occupancy, fines, and abatement where applicable).

ARTICLE 14.05 LANDSCAPING REQUIREMENTS

Sec. 14.05.001 Landscaping Ordinance.

A. Purpose and Intent.

- 1) This Article establishes minimum landscaping, streetscape, tree preservation, and water-conservation standards to protect public health, safety, and welfare; manage stormwater; conserve water resources; preserve and expand urban tree canopy; buffer incompatible land uses; mitigate heat-island effects; and improve shade, comfort, and walkability consistent with the City's comprehensive plan.
- 2) The standards herein are intended to: (1) provide predictable, objective requirements; (2) offer ministerial, table-driven credits for low-impact development (LID) features and rainwater reuse; and (3) coordinate with separate provisions governing tree preservation and mitigation.

B. Applicability and Exemptions.

- 1) **Applicability.** This Article applies to all development requiring site plan, building permit, or plat approval, including new development and redevelopment.
- 2) **Redevelopment Threshold.** When cumulative expansions since the most recent Certificate of Occupancy (CO) increase building footprint, paved area, or parking area by ten (10) percent or more, the site shall be brought into compliance to the maximum extent practicable, prioritizing:
 - a) frontage landscaping;
 - b) parking-lot interior landscaping; and
 - c) perimeter buffers.
- 3) **Exemptions.**
 - a) One- and two-family dwellings on individual lots are exempt except requirements under Section D.2.
 - b) Agricultural uses are exempt.
- 4) **Planned Developments and Overlays.** Planned Development (PD) districts and Overlay districts shall comply with this Article unless alternative landscape standards are expressly adopted in the PD/Overlay ordinance; where conflicts occur, the adopted PD/Overlay controls.

C. Definitions. Unless otherwise stated, terms have their commonly accepted meaning.

- 1) **Director:** The Director of Planning and Development or designee.
- 2) **Caliper:** Trunk diameter measured six (6) inches above grade for trees up to and including four (4) inches in caliper, and twelve (12) inches above grade for larger trees.
- 3) **Canopy Tree:** A species typically attaining a mature height of thirty-five (35) feet or more with broad shade.
- 4) **CO:** Certificate of Occupancy.
- 5) **Earthen Berm:** A linear mound of compacted, clean inorganic soil constructed within required landscape or buffer areas to provide visual screening, noise attenuation, or gentle grade transition, with side slopes

no steeper than 3:1 (H:V) (4:1 where adjacent to sidewalks or public frontage), a top width \geq 3 feet, stabilized with vegetation, graded for positive drainage, and protected with erosion control during and after construction; berms shall be located outside sight-visibility triangles, Root Protection Zones (RPZs), and drainage/overflow easements, and shall not impede flood flows; berms are prohibited in FEMA-designated floodways and may be placed within a Special Flood Hazard Area (SFHA) only with prior approval by the Floodplain Administrator and City Engineer and a sealed no-rise/no-adverse-impact certification (including compensatory storage as required by the City's flood damage prevention regulations); berms may be combined with evergreen screening or fences to meet required buffer height/opacity.

- 6) Effective Storage (ES): The lesser of (i) rated tank volume, or (ii) 1.0 inch of rainfall over the connected roof area, multiplied by a 0.80 recovery factor. A five (5) day drawdown assumption is acceptable for sizing equivalency.
- 7) Evergreen Screening: A continuous, year-round visual barrier composed primarily of evergreen plant material from the City's Adopted Plant List, installed to obscure views of parking, service areas, or unlike uses; shrubs shall be minimum 5-gallon and 24 inches tall at planting and, where trees are used, they shall be 2-inch caliper and 8 feet tall at planting; plantings shall form a continuous hedge (single row at \leq 36 inches o.c. or staggered double row at \leq 42 inches o.c.) within a planting strip \geq 5 feet wide with drip/subsurface irrigation, located outside sight-visibility triangles and in compliance with utility clearances; the screen shall achieve and maintain a minimum height of 6 feet (or greater where required elsewhere in this Code) and an opacity of at least 80% between 3 feet above grade and the required height within three (3) years of installation; where utilities preclude a hedge, an evergreen vine on a solid fence or wall with supplemental understory may be approved as equivalent if the same height/opacity is met; dead or declining plants shall be replaced by the next planting season to restore required height and opacity; invasive species, including running bamboo (*Phyllostachys* spp.), are prohibited.
- 8) Masonry Wall: A permanent, opaque screening wall constructed of unit masonry—brick, natural or cast stone, or decorative concrete masonry units (CMU)—or CMU with integrally colored, cementitious stucco finish, built on a continuous reinforced concrete footing and designed for lateral loads per the adopted building code; freestanding walls shall be of reinforced masonry construction (brick/stone veneers are permitted only when anchored to structural CMU or concrete). The wall shall be finished on both sides where visible from public streets or adjoining property, include a durable cap, and incorporate articulation (pilasters or offsets) at changes in direction and at intervals not exceeding 30 feet. Exposed gray CMU is prohibited unless split-face or otherwise decorative with integral color. Masonry walls shall meet the required height and opacity specified elsewhere in this Code, be located outside sight-visibility triangles, utilities/ easements unless approved by the utility, and drainage/flood conveyances, and shall not impede flood flows (prohibited in FEMA floodways and in SFHAs without required approvals/certifications).

- 9) On Center (o.c.): Standard spacing measurement taken from the centerline of one element to the centerline of the next (e.g., shrubs planted at 36 inches o.c. are 36 inches apart, measured center-to-center).
- 10) Understory Tree: A species typically maturing below thirty-five (35) feet.
- 11) Root Protection Zone (RPZ): A circular area with a radius equal to one (1) foot for each inch of trunk caliper, measured from the trunk center.
- 12) Preservation Area: Undisturbed native vegetation designated on an approved plan and protected during and after construction.
- 13) Frontage Landscape: Required landscape area parallel and adjacent to a public right-of-way (ROW) but located on private property.
- 14) Xeriscape: Landscape designed for water efficiency through plant selection, soil improvements, and irrigation design.

D. Minimum Landscape Requirements

- 1) Required Landscape Area. Minimum landscape areas shall be provided per development type as specified in the Table below. Minimum landscape area shall be provided as a percentage of net lot area (lot area excluding dedicated public right-of-way).

Development Type	Minimum Landscape Area (percent of net lot area)
Townhouse / Small Multifamily (3–8 units)	20%
Multifamily (9+ units)	25%
Commercial / Office / Institutional / Mixed-Use	20%
Industrial / Employment	10%
Civic / Campus / Parks Support Facilities	20%

- 2) Residential Lots (one- and two-family). At least one (1) canopy tree shall be planted in the front yard within 10' of the property line along the ROW; corner lots shall provide one (1) canopy tree along each street frontage outside sight triangles. At least two (2) shrubs shall be planted within the front yard (and corner side yard, if applicable) within 15' of the property line along the ROW. Irrigated turf shall not exceed fifty (50) percent of the front-yard landscaped area. Existing healthy native trees in the front yard may satisfy the tree requirement.
- 3) Credit for Existing Vegetation. Up to fifty (50) percent of the required landscape area may be satisfied by preserved, undisturbed native vegetation free of state-listed invasive species, provided Preservation Areas are delineated on plans, protected during construction, and recorded by note or easement. Designated tree preservation areas with at least fifty (50) percent native canopy may count at 1.5× area, provided the total credit under this subsection does not exceed fifty (50) percent.

- E. Stormwater Basin/Channel Landscaping & Amenity Credit. Provide a 15-ft public-edge buffer planted on the outside slope with shade trees (~1 per 40–50 ft, clusterable) and a continuous band of shrubs/ornamental grasses; no woody plants on embankments or near hydraulic structures, and maintain required maintenance access and drainage function. Detention/retention ponds, channels, drainage easements, and floodways do not count toward the required landscape-area percentage unless the public edge is amenitized with a trail and seating plus an amenity (e.g., overlook or aerating fountain), in which case up to 50% of the facility area may count (street-tree requirements are unaffected).
- F. Streetscape and Frontage Requirements
- 1) Location. All required street trees shall be planted inside the private property line within the frontage landscape band unless otherwise approved by the City due to site constraints or for utility or sight-distance reasons.
 - 2) Frontage Band. At least fifty (50) percent of the required on-site landscape area shall be within a continuous frontage landscape band a minimum of ten (10) feet in depth on private property along all street frontages.
 - 3) Street Trees. Provide one (1) tree per forty (30) linear feet of frontage, planted three to five (3–5) feet inside the property line; spacing may be adjusted administratively between twenty (20) and forty (40) feet to avoid utilities and sight triangles. In downtown or constrained contexts, trees may be placed in tree wells with root paths or structural soil; tree grates are permitted.
 - 4) Shrubs and Groundcovers. Shrubs shall be massed within the frontage band generally at thirty-six (36) inches on center, or as shown on an approved planting plan providing equivalent coverage.
 - 5) Alternative Compliance—Constrained Sites. Where existing buildings, utilities, or easements prevent full compliance, the Development Services Director may approve equivalent frontage landscaping through expanded tree wells, raised planters, additional shade trees, or interior islands, provided the total required frontage area and frontage tree count are maintained and the minimum on-site landscaping percentage per development type remains satisfied.
 - 6) ROW Restoration. Disturbed ROW adjacent to sidewalks or streets shall be restored prior to CO with sod or a xeriscape palette using drought-tolerant species.
- G. Parking-Lot Landscaping
- 1) Interior parking areas shall include landscape area equal to at least:
 - a) 10% of the total paved parking area for Commercial/Office/Institutional, Mixed-Use, and Multifamily; and
 - b) 5% of the total paved parking area for Industrial; exclusive of perimeter landscape strips. Islands, linear islands, and green-infrastructure islands may be counted toward this requirement. Where a percentage in this subsection and the island frequency requirements both apply, the more restrictive outcome governs.

- 2) Soil Volumes for Urban Tree Wells / Planters. Tree wells or raised planters in constrained/urban contexts may count as landscape area only where a minimum soil volume of 600 cubic feet per canopy tree and 300 cubic feet per understory tree is provided, which may be satisfied by structural soil or root paths.
- 3) Interior Islands and End-Caps. Provide a landscape island at the end of each parking row and at least one (1) landscape island for every one hundred and twenty (120) linear feet. Each island shall be a minimum of three hundred (300) square feet and ten (10) feet in width, with one (1) canopy tree per island.
- 4) Linear Islands. In lieu of discrete islands, a linear island of at least four hundred (600) square feet and ten (10) feet in width with two (2) shade trees may serve a single parking aisle of up to 240 linear feet.
- 5) Green-Infrastructure Islands. Where feasible, curb cuts or flush curbs shall convey runoff into islands designed as bioretention features with amended soils. If tested infiltration is less than 0.5 inches per hour, or the seasonal high-water table is within twenty-four (24) inches of the media bottom, an underdrain shall be provided to the storm system.
- 6) Perimeter Screening. Provide a minimum ten (10) foot perimeter landscape strip with one (1) canopy tree per forty (30) linear feet and a continuous shrub mass or hedge not to exceed thirty-six (36) inches in height for headlight screening from the ROW. Frontage Standards may also satisfy this requirement.
- 7) EV Charging Equipment Placement. Electric vehicle (EV) charging pedestals and associated equipment shall be located so as not to conflict with required tree growth or RPZs; a minimum five (5) foot clear radius around tree trunks at maturity shall be maintained. EV pedestals should be sited in end-caps or behind wheel stops outside required tree planting areas.
- 8) Relationship to Percentage Minimum. Where compliance with Subsections c)–h) yields interior landscape area less than the percentage required by Sec. 14.05.001(6)(a), additional islands, linear islands, or bioretention areas shall be added to meet the percentage. Where it yields more, no reduction is permitted below the adopted standards.

H. Buffers Between Unlike Land Uses

- 1) Required buffers shall be provided along side and rear lot lines as follows:
 - a) Industrial abutting Residential: thirty (30) feet wide landscape buffer with an earthen berm or masonry wall and evergreen screen capable of reaching six (6) feet in height within three (3) years; planted eight to ten (8–10) feet on center.
 - b) Industrial abutting Commercial: twenty (20) feet with earthen berm or masonry wall and evergreen screen capable of reaching six (6) feet in height within three (3) years; plant eight to ten (8–10) feet on center.
 - c) Commercial abutting Residential: fifteen (15) feet with evergreen screening.
 - d) Remaining pre-existing native vegetation may count towards the buffer requirement, supplementing additional vegetation as needed.

- e) Loading Docks: 15-foot landscape buffer with an 8-foot opaque masonry wall (10-foot when abutting residential) and a continuous evergreen hedge in a ≥5-foot planting strip, planted at ≤36-inch o.c., achieving ≥80% opacity within 3 years.
 - 2) Scenic Corridors. Along designated Scenic or Gateway corridors (as mapped by ordinance), provide a twenty (20) foot frontage buffer with one (1) canopy tree per thirty (30) linear feet and layered understory/shrub plantings; fences shall be decorative metal or masonry.
- I. Tree Protection and Mitigation (Cross-Reference)
- 1) Tree preservation, protection fencing, construction within RPZs, removals, and mitigation shall comply with, Article 6, Tree Preservation and Mitigation, as amended. Where this Article is more restrictive, this Article controls.
 - 2) Credits. Preserved trees that meet spacing and health standards may be credited toward parking-lot tree and frontage tree requirements when located within required landscape areas.
- J. Minimum Planting Standards
- 1) Plant Quality. All plant materials shall conform to ANSI Z60.1 and be nursery-grown, free of pests and disease, and typical of their species.
 - 2) Installation. Set trees with the root flare at finished grade; apply mulch two to three (2–3) inches deep, kept at least three (3) inches from trunks.
 - 3) Utilities and Sight Distance. Trees shall not be planted within ten (10) feet of fire hydrants or five (5) feet of underground utilities; all plantings must be outside sight-visibility triangles; species/placement shall avoid overhead utility conflicts.
- K. Root Protection Zones
- 1) Protection Intent. Root zones shall remain protected and undisturbed for preserved trees, and new plantings shall be sited and detailed to provide appropriate soil volume and space for healthy root establishment and growth.
 - 2) Root Protection Zone (RPZ). For purposes of this Code, the RPZ is a circular area with a radius equal to one (1) foot for each inch of trunk caliper, centered on the trunk, unless a Tree Protection Plan prepared by an ISA-Certified Arborist establishes a different radius based on species and site conditions.
 - 3) Protection Fencing. Prior to any land disturbance, the RPZ of all preserved trees shall be enclosed with four (4) foot-high chain-link or welded-wire fencing supported by steel posts at eight (8) feet on center, with “Tree Protection Area – Keep Out” signage posted at one per 50 feet of fence or minimum one per tree. Fencing shall remain in place until Final landscape inspection unless released in writing by the Director.
 - 4) Prohibited Activities Within the RPZ. Within the RPZ, the following are prohibited: grading; cuts or fills; trenching; compaction by vehicles or equipment; parking or materials storage (including soil, rock,

equipment, or dumpsters); concrete wash-out; fuel, paint, or chemical mixing; fires; and installation of utilities, footings, slabs, or pavements.

- 5) Limited Encroachments (Methods). Where the Director determines that an encroachment into the RPZ is unavoidable, the following methods shall be used, and only to the minimum extent necessary:
 - a) Hand digging or pneumatic excavation (no mechanical trenchers) within the outer one-third of the RPZ.
 - b) Tunneling or directional boring for utilities beneath roots at a minimum twenty-four (24) inches below existing grade (or below the majority root plate if known).
 - c) Root pruning only as necessary to complete the work, with clean cuts performed by or under the supervision of an ISA-Certified Arborist; cut surfaces shall be immediately backfilled and watered.
 - d) Total encroachment area shall not exceed ten (10) percent of the RPZ, and no excavation may occur within five (5) feet of the trunk.
- 6) Grade Changes Over Roots. No cuts are permitted within the RPZ. Fills over the RPZ are limited to three (3) inches of pervious topsoil and mulch combined; impermeable surfaces are prohibited unless a Tree Protection Plan provides engineered aeration/soil-cell measures approved by the Director.
- 7) Remediation for Accidental Compaction or Disturbance. If compaction or disturbance occurs within the RPZ, the Director may require remediation consisting of pneumatic soil decompaction or radial trenching (8–12 inches deep) and incorporation of compost at 2–4 inches over disturbed areas, followed by deep watering and mulch.
- 8) New Tree Planting—Soil Volume and Space. New trees shall be located and detailed to provide adequate, contiguous soil volume: 600 cubic feet per canopy tree and 300 cubic feet per understory tree minimum (which may be shared by adjacent trees if volumes are contiguous). In constrained or paved areas, equivalent volumes may be provided via structural soil, soil cells, or root paths beneath pavements. Minimum planter widths: eight (8) feet for canopy trees and five (5) feet for understory trees, unless a Tree Protection Plan demonstrates equal or better performance.
- 9) Hardscape and Equipment Setbacks. No EV charging pedestals, transformers, or similar equipment shall be placed within required tree planting areas or within the five (5) foot clear radius around tree trunks needed for growth and maintenance. Pavement edges, curbs, and walls shall be detailed to keep mulch off trunks and maintain the visible root flare at finished grade.
- 10) Utilities and Irrigation Near Roots. Irrigation mains and lateral lines shall be routed outside the RPZ where feasible; if crossing is unavoidable, lines shall be bored beneath roots as in Subsection 5(b). All utility separations and hydrant clearances in Sec. 14.XX.009(C) remain applicable.
- 11) Tree Wells and Planters (Urban Conditions). Tree wells or raised planters used to satisfy landscape requirements shall include aeration and drainage features, maintain the root flare at finish grade, and

meet the soil-volume requirements in Subsection 8. Where planters are adjacent to paving, provide root paths/soil connections to adjacent landscape or soil-cell areas.

- 12) Documentation and Field Verification. The Landscape Plan shall delineate RPZs for preserved trees and show fencing, boring/tunneling notes, and soil-volume diagrams for new trees. Compliance shall be verified at Pre-construction (fencing installed), during Utility rough-in (if applicable), and at Final.
- 13) Damage, Survival, and Mitigation. If a preserved tree suffers decline or mortality attributable to RPZ disturbance within two (2) years of CO, the Director may require mitigation or replacement per the Tree Preservation Article and may draw on posted bonds where applicable (ROW or accepted common areas).
- 14) Alternative Compliance (Arborist Plan). The Director may approve modifications to RPZ dimensions, methods, or soil volumes only upon submittal of a Tree Protection Plan sealed by an ISA-Certified Arborist that demonstrates equal or superior long-term tree health and public safety outcomes.

L. Soils, Irrigation, and Water Conservation

- 1) Soils. Landscape areas shall contain a minimum six (6) inches of quality topsoil or amended soil; compacted subgrades shall be scarified prior to amendment.
- 2) Irrigation. Provide separate zones for turf, trees, and beds; use drip or subsurface irrigation for shrubs/trees/beds; no overhead spray within twenty-four (24) inches of impervious surfaces. Systems shall include a weather-based smart controller and rain shut-off device and shall be inspected prior to CO.
- 3) Water Conservation. At least fifty (50) percent of plant materials (excluding turf) shall be native or drought-tolerant from the City's Adopted Preferred Plant List. High-water-use turf grass on nonresidential sites shall not exceed fifty (50) percent of total landscaped area. Rock/gravel may be used as an accent only, not to exceed twenty-five (25) percent of any landscaped area.

M. Landscape Plans, Submittals, and Alternative Compliance

- 1) Landscape Plan. A sealed landscape plan prepared by a licensed professional Landscape Architect shall be submitted with the site plan and show:
 - a) Calculations of required areas;
 - b) Plant schedule (species, size, quantity);
 - c) Preserved trees;
 - d) Irrigation concept;
 - e) Preservation Areas and RPZs;
 - f) LID features and any credits elected under Sec. 14.05.002;
 - g) Visibility triangles and utilities; and
 - h) Maintenance notes.
- i) Plans electing cistern (rainwater harvesting) credits shall delineate the Connected Roof Area (square feet) with a polygon and label. The plan shall include tabulations demonstrating compliance with

Table in Sec. 14.05.002(G), including the net lot area used for calculation and the gross paved parking area used for interior-landscape calculations.

- 2) Single-Family and Two-Family Residences. The required frontage trees and shrubs must be shown on the site plan submitted with the building permit. The plan need not be prepared or sealed by a landscape architect, but must comply with all specifications of this Article (including species, quantities, spacing, and installation details).

N. Maintenance, Inspection, and Bonding

- 1) Timing. All required landscaping shall be installed prior to CO; when seasonal conditions prevent planting, the City Manager or designee may accept a landscape surety equal to one hundred twenty-five (125) percent of the estimated installed cost.
- 2) Maintenance. Owners shall maintain plantings and irrigation in a healthy condition; dead plant material shall be replaced within ninety (90) days, or by the next planting season if replacement within ninety (90) days is impractical. During municipally declared drought stages, replacement deadlines are extended to the next planting season; hand-watering and drip irrigation for establishment are permitted notwithstanding landscape-irrigation restrictions.
- 3) Inspections. Tree-protection fencing shall be installed and inspected prior to land disturbance; a final landscape inspection is required prior to CO; the City may reinspect for establishment within twenty-four (24) months of CO and require replanting if any plants are found to be dead or dying.
- 4) Bonding.
 - a) Private Frontage Trees. Where all required street trees are planted inside the private property line, no maintenance bond is required. The owner shall pass final inspection and provide an eleven-month establishment affidavit.
 - b) ROW/Common-Area Landscaping Accepted with Public Improvements. Prior to acceptance, the developer shall post a two (2) year maintenance bond at 100% of the installed cost covering trees and landscaping in ROW or common areas accepted with roadway or subdivision improvements.

Sec. 14.05.002 Low Impact Development Landscaping Credits.

- A. Purpose. Provide standard, predictable credits that reduce otherwise required landscape area or allow substitutions when on-site LID achieves equal or better outcomes for shade, cooling, and stormwater management.
- B. Applicability. Credits in Standardized LID & Rainwater Credits Table may be elected for nonresidential and multifamily development.
- C. Administration. Credits shall be granted ministerially upon submittal of the City's LID Credit Worksheet, stamped plans, and Standard Details (Appendix), verified at Site Plan and in the field prior to CO.

- D. Cap. Total LID credits cannot reduce required landscape area by more than 50%. Notwithstanding any credit, the required frontage tree count in Sec. 14.05.001(5) shall not be reduced.
- E. O&M. All credited LID facilities shall be maintained per a recorded LID O&M Affidavit naming a responsible party and minimum inspection frequency.
- F. Effective Storage for Cisterns (rainwater harvesting barrels). For Table below, Effective Storage (ES) = the lesser of (i) rated tank volume, or (ii) 1.0 inch of rainfall over the connected roof area, multiplied by a 0.80 recovery factor. A five (5) day drawdown assumption is acceptable for sizing equivalency.
- G. Table: Standardized LID & Rainwater Credits

No.	Measure	Credit
1	Cistern (rain barrel) for non-potable irrigation	Reduce required landscape area 5% per 1,000 gal ES, up to 50% max total required landscaped area.
2	Bioretention parking-lot island(s) receiving pavement runoff	Each qualifying island counts at 150% of its plan area toward the interior-parking landscape minimum; total credit up to 25% of the required landscaped area.
3	Permeable frontage swale or bioretention strip	25% credit toward the required frontage landscaping requirement

- H. Inspection. The City shall verify installation of credited measures at Final and may reinspect within twelve (12) months of CO.
- I. Bonding. Credited improvements in ROW or HOA common areas accepted with public improvements shall be covered by the applicable two-year maintenance bond under Sec. 14.05.001(N.4). Credits located solely on private property are not bonded but remain subject to maintenance and reinspection.

Sec. 14.05.004 Enforcement and Penalties.

- A. Violations. Failure to install, maintain, or replace required landscaping, or failure to comply with conditions of approved credits, is a violation of this Code.
- B. Remedies. The City may issue notices of violation, stop-work orders, holds on permits or COs, draw on posted bonds, and/or assess fines as authorized by ordinance and state law.
- C. Appeals. Decisions made under this Article are appealable pursuant to Article 11, Zoning Board of Adjustments.

Sec. 14.05.005 Adopted Lists

- A. Adopted Preferred Plant List and Prohibited Species. The “City of Bastrop Adopted Plant List” and “Prohibited Species List,” within the Plant List, may be amended by resolution, are adopted by reference and maintained in the Appendix.

ARTICLE 14.06 TREE PRESERVATION AND MITIGATION

Sec. 14.06.001 Purpose and Intent

- A. Conserve and enhance the City's trees to protect neighborhood character, public health, stormwater management, urban heat mitigation, and wildlife habitat.
- B. Establish clear standards for tree surveys, preservation zones, critical root zone protections, mitigation, and enforcement.
- C. Provide reasonable flexibility to accommodate other development standards when doing so resulting in measurably better tree preservation outcomes.

Sec. 14.06.002 Applicability and Relationship to Other Codes

- A. Applicability. This Article applies to all public and private development, redevelopment, and site work requiring a development permit, building permit, grading/clearing permit, or plat approval within the City limits (and ETJ where allowed by law).
- B. Conflicts. Where this Article conflicts with another adopted City standard, the Director may authorize the least-deviation solution that best preserves protected trees while meeting public safety, flood, and utility requirements.

Sec. 14.06.003 Permit Requirement and Validity

- A. Permit. A Tree Removal Permit is required before removing a Protected Tree or conducting a Tree Impact Activity.
- B. Validity. A Tree Removal Permit is valid for six (6) months from issuance.

Sec. 14.06.004 Submittals: Tree Survey and Removal/Preservation Plan

- A. Tree Survey, sealed by a Certified Arborist or Landscape Architect:
 - 1) Vicinity map; property boundaries and acreage.
 - 2) Existing/proposed streets, drainage, and utility easements on/adjacent to the property.
 - 3) Required preservation/buffer zones.
 - 4) Location, tag number, species, DBH, and condition of each preserved individual Protected Tree; identify Heritage/Significant Trees.
 - 5) Identification of areas proposed for clearing.
 - 6) Recent aerial imagery depicting pre-development conditions.
 - 7) All trees starting at 8 inches in diameter must be surveyed, if credit for preserved trees that are 6 inches in diameter or bigger is wanted, 6-inch diameter trees will also need to be surveyed.
 - 8) The information on the survey shall not be older than two years.
 - 9) The tree survey and preservation plan is required for all areas of soil disturbance and construction activity including all work within rights-of-way and easements. The detailed tree survey shall be submitted at the time of public improvement plans, site development plans, or land disturbance, whichever is first.

However, if the site is larger than 5 acres, a preliminary tree survey will also be required at the time of a rezoning application, or PDD.

- a) The preliminary tree survey will need to include aerial photos and sampling.
 1. Recent color aerial (dated within 12–24 months), at 1"=100' or similar.
 2. Overlaid with: property boundaries, limits of work, major tree stands, and any proposed non-disturbance areas.
 3. Said Sample or sampling techniques should be representational of the site or wooded area and should comprise at least fifteen percent (15%) of the total site or wooded area and the sampling technique shall be approved by the Director of Development Services or designee prior to conducting the sample.
- B. Tree Removal & Preservation Plan (drawn to site plan scale) must:
 - 1) Overlay building footprints, drives, parking, detention, and utilities.
 - 2) Delineate CRZ fencing and protection measures.
 - 3) Identify mitigation, replacement, and/or Payment in Lieu option.
 - 4) Provide irrigation plans for new plantings where required.

Sec. 14.06.005 Credits

- A. For every healthy protected tree six (2) inches caliper or larger located outside of the flood plain that is preserved, the developer shall be given credit, according to the following chart.

DBH Class	Credit
6.0"–9.9"	1.0
10.0"–23.9"	1.5
≥24.0"	2.0

- B. Healthy unprotected trees, over twelve (12) inches in size, located outside the floodplain, may be considered for tree credits only when individually field inspected and approved by the Parks Director or assignee.

Sec. 14.06.006 New and Replacement Tree Standards

- A. Species. Select from the Preferred/Protected Species List in Appendix A. The Parks Director or assignee may approve of comparable species.

Sec. 14.06.007 Critical Root Zone (CRZ) Protection During Construction

- A. Root Zones
 - 1) Protection Intent. Root zones shall remain protected and undisturbed for preserved trees, and new plantings shall be sited and detailed to provide appropriate soil volume and space for healthy root establishment and growth.

- 2) Root Protection Zone (RPZ). For purposes of this Code, the RPZ is a circular area with a radius equal to one (1) foot for each inch of trunk caliper, centered on the trunk, unless a Tree Protection Plan prepared by an ISA-Certified Arborist establishes a different radius based on species and site conditions.
- 3) Protection Fencing. Prior to any land disturbance, the RPZ of all preserved trees shall be enclosed with four (4) foot-high chain-link or welded-wire fencing supported by steel posts at eight (8) feet on center, with "Tree Protection Area – Keep Out" signage posted at one per 50 feet of fence or minimum one per tree. Fencing shall remain in place until Final landscape inspection unless released in writing by the Director.
- 4) Prohibited Activities Within the RPZ. Within the RPZ, the following are prohibited: grading; cuts or fills; trenching; compaction by vehicles or equipment; parking or materials storage (including soil, rock, equipment, or dumpsters); concrete wash-out; fuel, paint, or chemical mixing; fires; and installation of utilities, footings, slabs, or pavements.
- 5) Limited Encroachments (Methods). Where the Director determines that an encroachment into the RPZ is unavoidable, the following methods shall be used, and only to the minimum extent necessary:
 - a) Hand digging or pneumatic excavation (no mechanical trenchers) within the outer one-third of the RPZ.
 - b) Tunneling or directional boring for utilities beneath roots at a minimum twenty-four (24) inches below existing grade (or below the majority root plate if known).
 - c) Root pruning only as necessary to complete the work, with clean cuts performed by or under the supervision of an ISA-Certified Arborist; cut surfaces shall be immediately backfilled and watered.
 - d) Total encroachment area shall not exceed ten (10) percent of the RPZ, and no excavation may occur within five (5) feet of the trunk.
- 6) Grade Changes Over Roots. No cuts are permitted within the RPZ. Fills over the RPZ are limited to three (3) inches of pervious topsoil and mulch combined; impermeable surfaces are prohibited unless a Tree Protection Plan provides engineered aeration/soil-cell measures approved by the Director.
- 7) Remediation for Accidental Compaction or Disturbance. If compaction or disturbance occurs within the RPZ, the Director may require remediation consisting of pneumatic soil decompaction or radial trenching (8–12 inches deep) and incorporation of compost at 2–4 inches over disturbed areas, followed by deep watering and mulch.

Sec. 14.06.008 Mitigation, Replacement Calculation, and Payment in Lieu

- A. The City Manager, in conjunction with the Parks and Recreation Director, shall create a process and procedure for mitigating the removal of trees on private property by creating a permit process for tree removal.
- B. Upon inspection by the City Arborist, or a designated third-party arborist, persons seeking to remove a tree on the protected Preferred Plant list, that is over 10" in caliper 4.5 feet from the ground, shall be required to obtain a mitigation permit that is assessed according to the City Master Fee Schedule.

- C. This fee shall not be assessed to residents if:
 - 1) The tree is located on a property that is an existing one-family or two-family dwelling that is the person's residence; and
 - 2) If the tree is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.
- D. Replacement trees shall be from the approved Preferred Plant list and shall be the same number of caliper inches removed from the site.
- E. Failure to replace caliper per caliper will result in mitigation fees being assessed.
 - 1) On a property that is an existing one-family or two-family dwelling that is the person's residence, no fee or replacement is required.
 - 2) If the property owner removes a tree(s) that does not meet the requirements of Sec 14.06.008(F.)(2)) and is 10 inches in caliper measured 4.5 feet from the ground and is on the Preferred Plant list as Native and does meet the definition of a protected or a heritage tree the property owner will be required to replant one plant from the Preferred Plant List for each tree removed if it is the person's residence.
- F. Individuals commending tree removal without a permit, shall be assessed double the mitigation fee, and must meet the requirements to replace trees on a caliper per caliper inch basis.
- G. Replacement Calculation (per Protected Tree removed): 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.
- H. Mitigation Methods (applicant may combine): on-site replacement; off-site replacement (parks, conservation areas, selected ROW, as approved by the City Council if it is deemed necessary by Parks Director and space is available); or Payment in Lieu to the City's Tree Mitigation Fund.
- I. Invasive Removal Incentive. When the applicant eliminates onsite/off-site invasive trees per Appendix B, the Director may allow the applicant to receive invasive species credits. All invasive species identified by an ISA-certified arborist may receive invasive species credits, 1/2 credit for every inch of invasive tree being removed.
- J. Timing & Security. Replacement trees must be planted within 1 year of permit issuance. For Payment in Lieu elections tied to later planting upon approval from Director, provide a cash escrow, bond, or letter of credit equal to the full amount; release occurs after verified planting.

Sec. 14.06.009 Appeals

An individual may request relief to any part of this section to the City Manager within 15 business days with documentation supporting the requested adjustment. If the appeal is denied, the individual may appeal to the Tree Advisory Board. The decision of the board shall be final.

Sec. 14.06.010 Exemptions

Any protected or heritage trees determined to be diseased, overly mature, dying or dead, by an ISA certified arborist are exempted from the Standards of this Code.

Sec. 14.06.011 Fees and Penalties

- A. Fees shall be established by the Master Fee Schedule.
- B. Any individual who removes trees without a permit, or does not comply with the mitigation requirements of Article 14.06 shall be subject to a \$500 to \$2000 fine, per tree, per offense and shall be charged with a misdemeanor offense.

ARTICLE 14.07 SIGNS

Sec. 14.07.001 Intent & Purpose

Regulate signs visible from the public realm to ensure context-appropriate size, placement, and legibility; protect safety and aesthetics; and provide clear information to pedestrians and drivers. A sign permit authorizes the display, erection, alteration, relocation, or replacement of on-premise or off-premise signs, unless exempt.

Sec. 14.07.002 Applicability & Jurisdiction

This Article applies to all property in the City limits and, within the statutory ETJ.

Sec. 14.07.003 Administration

- A. Permit Required. No sign may be installed, altered, or moved without a sign permit, except for signs expressly allowed without a permit in this Article or the permitted/allowed table.
- B. Permits & Fees. Permits are issued to the property owner or authorized agent. Fees are as adopted by the City Master Fee Schedule.
- C. Interpretation. The Director of Planning & Development administers and interprets this Article.
- D. MSP (Master Sign Plan) may be approved for master-planned communities and multitenant or multi-lot nonresidential projects to ensure coordinated, high-quality sign design.
- E. Enforcement. Each violation is a separate offense. The City may remove signs that pose an immediate public hazard or violate specific provisions (e.g., R.O.W.) and recover costs.
- F. Administrative Relief. The Director may approve up to five percent (5%) deviation from numeric standards upon written findings that (a) the deviation is the minimum necessary; (b) no additional glare, illumination, or height is created; and (c) the sign remains compatible with district character.

Sec. 14.07.004 General Standards

- A. Location. Signs must be on private property (outside public R.O.W.), on developed sites or those with an active building permit, and outside visibility/sight triangles.
- B. Construction & Installation. Comply with IBC/NEC and City standards. Permanent signs must be built of durable materials, securely anchored, and designed for required wind and dead loads.
- C. Maintenance. Signs shall be kept in good repair (including lighting components). The Building Official may order repair or removal of signs constituting a nuisance; failure to comply may result in City abatement and cost recovery.

Sec. 14.07.005 Measurement

- A. Area. Measure the smallest rectangle(s) encompassing each word/graphic for individual letters/graphics; count the full illuminated panel when sign is on/within an illuminated element; for multiface signs at $\leq 30^\circ$ count one face; at $> 30^\circ$ sum both faces; for 3–4 faces count 50% of the total.

- B. Height. For freestanding signs, measure from finished grade at the sign base (including berms used to increase height) to the top of the sign; for building-mounted signs, from base of the wall to top of sign.

Sec. 14.07.006 Illumination

- A. Allowed illumination types: internal, halo (internal indirect), and external shielded down-lighting.
- B. Prohibited effects: flashing, chasing, strobing, revolving beacons, moving parts.
- C. Performance. Internally lit signs: only allowed in the sign corridors. Correlated color temperature (CCT) greater than 3,000 K is prohibited (except existing). Externally lit signs: stationary, fully shielded, bulbs/tubes not visible from R.O.W. or residences. Correlated color temperature (CCT) greater than 3,000 K is prohibited (except existing).

Sec. 14.07.007 Permanent Signs

- A. Awning/Canopy. Count toward wall-sign allowance; ground-floor only; min 8–9 ft clearance to sidewalk; The sign shall not exceed 1 sq ft per linear foot of awning width.
- B. Building Wall. Max area based on facade linear footage; only the primary façade width may be used for calculation.
 - 1) Ratio of 1.25 square feet per linear foot of primary façade width, for buildings or tenant spaces with up to fifty (50) linear feet of primary facade.
 - 2) Ratio of 1.50 square feet per linear foot of primary façade width, for buildings or tenant spaces with between fifty (50) and seventy-five (75) linear feet of primary facade.
 - 3) Ratio of 1.75 square foot per linear foot of primary façade width, for buildings or tenant spaces with greater than seventy-five (75) linear feet of primary facade.
 - 4) For buildings or tenant spaces with more than one exterior building wall with exposure to vehicular traffic, the maximum area of wall signage may be increased by 25% if the sign area is split between at least two (2) signs located on different wall exposures visible to vehicular traffic.
- C. Projecting/Marquee Signs. Max one per business with a maximum of 16 sq ft and a 9 ft minimum clearance; projecting no more than 4 ft from wall. For cinema, they may include a changeable list of movie titles and extend to up to 10 ft from the building.
- D. Suspended/Blade Signs (under canopy). Signs cannot be more than 6 sq ft not counted toward wall-sign total; 8 ft minimum clearance; mount perpendicular to facade.
- E. Monument/Directory/Directional/Multitenant. Allowed per sign category, number, area, and height per dimensional standards. The building materials shall be consistent with the building materials on the principal building and shall include street addresses. There should be a 75 ft spacing that shall be maintained between all monument signs.

- 1) For sites with one or more buildings the maximum dimensions are as follows:
 - a) Forty-eight (48) square feet of sign area, eighty (80) square feet of sign structure area and a maximum height of eight (8) feet if the speed limit of the road toward which the sign is oriented is less than forty (40) mph.
 - b) Sixty (60) square feet of sign area, one hundred twenty (120) square feet of sign structure area and a maximum height of twelve (12) feet if the speed limit of the road toward which the sign is oriented is between forty (40) and forty-nine (49) mph.
 - c) Ninety-six (96) square feet of sign area, one hundred sixty (160) square feet of sign structure area and a maximum height of sixteen (16) feet if the speed limit of the road toward which the sign is oriented is fifty (50) mph or greater.
- F. Window Signs. Max coverage = 50% of window area if the background is solid color and 100% max if the background is transparent; may be painted on glass, applied on the glass or hung just inside.
- G. Flags. Max pole height: 20 ft in Residential/Neighborhood Service (max flag 28 sq ft); 35 ft in other categories (max flag 40 sq ft). Max three flags per site; setbacks cannot be less than pole height.
- H. Pylon Signs (State Highways only). One per lot along highways if building(s) meets minimum size of 12,000 sq ft; max sign area cannot exceed 160 sq ft and sign structure area cannot exceed 240 sq ft; max height 35 ft; 100-ft minimum spacing from any other sign; may list multiple tenants within max area.
- I. Subdivision Entry. One per primary entrance (or per corner/median with license agreement); max 48 sq ft; max height 8 ft; masonry materials; downward/ground lighting; landscaped area = 2× sign face area with irrigation and shrubs; provide perpetual maintenance plan.

Sec. 14.07.008 Temporary Signs

- A. A-Frame/Sidewalk Signs. As allowed for businesses; portable; count/size per dimensional standards. A maximum height of 4 ft and width of 3 ft, allowing for only one sign per business and it cannot obstruct the 4 ft ADA pedestrian clearance.
- B. Banner Signs. Maximum sign area is 48 sq ft and cannot exceed 75% of the building space upon which the sign is to be located. The maximum height is 4 ft and must have all 4 corners securely attached to the building or posts.
- C. Construction Site. One freestanding per street frontage (no more than 32 sq ft) and one wall sign per building (no more than 10% of facade). Display no earlier than 30 days before activity; remove within 30 days of completion or upon installation of permanent sign.
- D. Development Information. No more than 40 sq ft; quantity scaled by lots (1 per 50 lots, up to 32; additional only on very large projects); unified design and durable materials; on private property within the project, not

on boundary streets; displayed from plat recordation (residential) or site plan/building permit approval (commercial) until 90% of the phase is complete.

- E. Garage Sale. On private property; max of 4 sq ft; allowed 5:00 p.m. Thu. to 8:00 a.m. Mon. (to Tue. 8:00 a.m. if Mon. holiday).
- F. Light Pole-Mounted Banners. Limited to no more than one banner per light pole, no more than 12 sq ft in area per banner. Such banners must be approved by the appropriate electric utility company in addition to receiving a permit from the city's planning and development department and can only be placed by the City of Bastrop departments. Banners shall not be illuminated except from the lamp of the light pole. Banners shall be maintained in good repair and replaced or removed as needed.
- G. Model Home Signs. Maximum sign area is 18 sq ft with a maximum height of 6 ft.
- H. Political. No permit; ≤36 sq ft; ≤8 ft tall; no illumination or moving parts; on private property with owner permission; not on utility poles or R.O.W.; remove within 30 days after the election (candidate responsible; City may recover removal costs).
- I. Real Estate Sign. Signs shall be removed within 30 days of completion of the sale or lease transaction.
 - 1) Residential-Maximum of one sign per street frontage with a maximum sign area of 6 sq ft. Real estate signs to subject property are permitted off site, but shall be located on private property.
 - 2) Commercial-Maximum of one free standing sign per street frontage and one building sign per building or tenant space with a maximum sign area of 10 sq ft. Real estate signs shall be located on the property subject to sale or lease.

Sec. 14.07.009 Prohibited Signs/Practices (illustrative)

- A. New billboards and other off-premise signs (incl. advertising benches) unless expressly authorized herein.
- B. Signs in or projecting over public R.O.W. (unless expressly allowed), on public poles/trees/benches/hydrants, or obstructing official traffic control.
- C. Signs that block required ingress/egress or occupy sight triangles; signs emitting sound, odor, smoke, steam, lasers, or moving imagery; tethered balloons/inflatables; unauthorized banners/pennants; unpermitted roof signs; certain pole-mounted objects used as signs.
- D. Vehicles/trailers/boats parked or displayed as signs (excludes regularly used business vehicles with permanent graphics such as mobile food vendors).

Sec. 14.07.010 Nonconforming, Nuisance, and Removal

- A. Nonconforming signs may continue subject to this Article; alterations require compliance.
- B. Signs that are abandoned, unsafe, or an immediate hazard constitute a public nuisance and are subject to expedited removal and cost recovery. Unclaimed removed signs may be disposed of after notice and opportunity for hearing.

Sec. 14.07.011 Dimensional Standards & Permissions

A. Table of Permitted/Allowed Signs. Signs may be installed only as listed by sign category and type (A = Allowed w/o permit; P = Permit required). All unlisted sign types are prohibited.

Sign Type	P/OS	RR	SF	MU	GC	PI	IND	PDD
Permanent								
Awning/canopy	-	-	-	P	P	P	P	P
Building wall/Band	-	-	-	P	P	P	P	P
Directional	P	-	-	P	P	P	P	P
Directory	P	-	-	P	P	P	P	P
National or Official Flags	A	A	A	A	A	A	A	A
Government	A	A	A	A	A	A	A	A
Marquee	P	-	-	P	P	P	P	P
Monument	P	-	-	P	P	P	P	P
Multitenant	-	-	-	P	P	P	P	P
Projecting	-	-	-	P	P	P	P	P
Pylon ¹	-	-	-	p ¹	p ¹	p ¹	p ¹	p ¹
Subdivision entry	P	P	P	P	P	P	P	P
Suspended/Blade	-	-	-	P	P	P	P	P
Window	-	A	A	A	A	A	A	A
Temporary								
A-Frame	A	-	-	-	A	A	A	A
Banner	P	-	-	P	P	P	P	P
Construction Site	P	P	P	P	P	P	P	P
Development Information	P	P	P	P	P	P	P	P
Garage Sale		A	A					
Light Pole-Mounted	P	-	-	P	P	P	P	P
Model Home	-	P	P	-	-	-	-	-
Political	A	A	A	A	A	A	A	A
Real Estate	A	A	A	A	A	A	A	A

¹ Only as specified in section 14.07.007(H).

- B. Dimensional Standards. Maximum number, area, and height by sign category and type are provided in the dimensional standards section. Not all maxima must be used; smaller signs are encouraged where context warrants.

ARTICLE 14.08 CODE ENFORCEMENT & NONCONFORMITIES

Sec. 14.08.001 Authority, Purpose, and Applicability

- A. Authority. Adopted under the City's home-rule powers and municipal zoning authority.
- B. Purpose. Establish zoning-specific standards for (1) recognition and administration of lawful nonconformities and (2) zoning enforcement tools limited to this Chapter (notice of violation and stop-work orders).
- C. Applicability. This Article applies to zoning matters within the City limits. Nothing herein extends zoning to the ETJ.
- D. No Conflict with General Code. Where this Article addresses processes also covered by the City's general code-enforcement provisions, those citywide provisions govern procedure; this Article governs substantive zoning compliance.
- E. Cross-References.
 - a) Zoning Board of Adjustment (ZBA) appeals and procedures: see Article 14.11, Zoning Board of Adjustments.
 - b) Certificates of Occupancy (CO) actions (withholding/suspension): see Article 14.12 (Administration & Procedures).
 - c) Vested Rights: See Chapter 1.20 Uniformity of Requirements.

Sec. 14.08.002 Administration

- A. Director. The Director of Development Services (or designee) administers this Article and may issue zoning notices of violation and zoning stop-work orders under this Chapter.
- B. Coordination. The Director shall coordinate with the Building Official and Code Enforcement to avoid duplicative/conflicting orders.
- C. Appeals. Appeals of administrative decisions under this Article are to the ZBA, Article 14.11; filing does not authorize continued violation unless the ZBA stays enforcement under its rules.

Sec. 14.08.003 Zoning Notice of Violation (NOV)

- A. Use. An NOV may be issued where land, structures, or uses do not conform to this Chapter or to conditions of a zoning approval.
- B. Content. The NOV shall state: (1) property identification; (2) specific zoning provisions/conditions alleged violated; (3) facts observed; (4) required corrective action(s); and (5) a reasonable correction deadline.
- C. Service. Serve to the owner and, where applicable, occupant/permit holder by a standard method recognized in the City's general code-enforcement chapter.
- D. Reinspection. After the deadline, the Director reinspects and may (1) close the case; (2) extend time for good cause; or (3) escalate (e.g., stop-work, referral for further enforcement consistent with City code).

- E. Consistency Clause. NOV procedures here are intended to complement—not supersede—any more detailed service or timing rules in the City’s general code-enforcement chapter.

Sec. 14.08.004 Zoning Stop-Work Orders

- A. Triggers. The Director may issue a zoning stop-work order when work or use:
 - a) lacks required zoning approval;
 - b) violates a condition of zoning approval; or
 - c) materially departs from approved plans under this Chapter.
- B. Form and Posting. The order shall be in writing, identify the violation, and be posted on-site and served to the owner/permit holder.
- C. Effect. All development activity subject to this Chapter shall cease only to the extent necessary to remedy the zoning violation identified; life-safety work may continue as authorized by the Building Official.
- D. Release. The Director shall lift the order upon verified correction or upon BOA relief.
- E. Appeal. Appeal is to the ZBA, Article 14.11. Filing an appeal does not stay a stop-work order unless the ZBA grants a stay under its rules.

Sec. 14.08.005 Nonconformities—General

- A. Types.
 - a) Nonconforming Use: Lawful use established before a change in zoning regulations that now prohibits the use.
 - b) Nonconforming Structure: Lawful structure that no longer meets dimensional/design standards.
 - c) Nonconforming Lot: Lawfully created lot that no longer meets current lot standards.
- B. Legal vs. Illegal. Only lawfully established situations are eligible for nonconforming status. Illegal uses/structures must be brought into compliance.
- C. Continuation. Lawful nonconformities may continue subject to this Section and applicable state law.
- D. Transfer. Nonconforming status runs with the land.
- E. Maintenance/Repair. Routine maintenance and like-kind repairs that do not increase the degree of nonconformity are permitted.
- F. Verification. The Director may issue a written Verification of Nonconforming Status upon satisfactory evidence of lawful establishment and continuity.

Sec. 14.08.006 Nonconforming Uses

- A. No Expansion. A nonconforming use shall not expand in area, intensity, or to other portions of a site or structure, except: (1) as required to meet life-safety codes; or (2) as expressly authorized by the ZBA, Article 14.11.
- B. Change of Use. A nonconforming use may only change to a conforming use. Once changed to a conforming use, nonconforming rights are lost.
- C. Discontinuance / Abandonment.

- a) Six-Month Presumption. Discontinuance for six (6) consecutive months creates a rebuttable presumption of abandonment.
- b) Eighteen-Month Bar. Discontinuance for eighteen (18) consecutive months constitutes prima facie abandonment; nonconforming rights terminate.
- c) Commencement. Discontinuance is measured from the actual date the use ceased.
- D. City-Required Cessation. The City will not require cessation of a lawful nonconforming use except as permitted by applicable state law. Any required procedures (including notice and remedies) shall be administered under the City's Administration & Procedures article or other applicable chapter, not in this Article.

Sec. 14.08.007 Nonconforming Structures

- A. Alterations. Alterations that reduce noncompliance are allowed. Alterations that do not increase the degree of noncompliance may be approved by the Director.
- B. Additions/Enlargements. Additions that increase the degree of noncompliance require relief from the BOA where authorized.
- C. Safety/Code Work. Improvements necessary to comply with adopted building, fire, flood, or accessibility codes may be made.

Sec. 14.08.008 Restoration After Casualty

- A. Right to Rebuild. If a structure containing a nonconforming use or a nonconforming structure is damaged or destroyed by fire, weather, or other casualty, it may be rebuilt or repaired if permits are sought and work commences within twenty-four (24) months of the damage.
- B. Permits. The permits must be applied for within (6) months of the damage occurring. Time period may be extended by the Director for reasonable accommodation.
- C. Extent. Rebuilding shall not increase the degree of nonconformity except as approved by the ZBA where authorized.
- D. Other Codes. All reconstruction must comply with current health, safety, and building codes.

Sec. 14.08.009 Nonconforming Lots (Lots of Record)

- A. Development Permitted. A lawfully created lot that does not meet current dimensional standards may be used for any permitted use if all other applicable standards are met or appropriate relief is granted.
- B. Deemed Conformity—Historic Plats. A vacant lot legally platted before adoption of the Bastrop Development Code is deemed conforming for purposes of one principal building/use, subject to all other applicable standards.
- C. Lot Consolidation Encouraged. Where feasible, consolidation or replatting to reduce nonconformities is encouraged.

Sec. 14.08.009 Nonconforming Sites – Redevelopment and Expansion

A. Purpose. The purpose of this Section is to:

1. Allow reasonable reinvestment in sites with lawful nonconforming conditions;
2. Limit the expansion of nonconforming uses, structures, and site features; and
3. Require reasonable, proportional upgrades toward current standards when redevelopment or expansion occurs.

B. Applicability.

1. This Section applies to any site with one or more lawful nonconforming uses, structures, or site features (including parking, landscaping, access, or frontage improvements) when a site plan or building permit is required for redevelopment, expansion, or change of use.
2. This Section supplements the general rules for nonconforming uses, structures, and lots in Sections 14.08.005–14.08.008.

C. Limitations on Expansion of Nonconformities.

1. A nonconforming use may not expand in area or intensity except as allowed in Section 14.08.006.
2. A nonconforming structure may not be expanded or altered in a way that increases the degree of noncompliance except as allowed in Section 14.08.007 or by relief granted by the Zoning Board of Adjustment.
3. Site modifications associated with redevelopment or expansion shall not:
 - a) Extend an existing encroachment into a setback or buffer;
 - b) Reduce an existing parking, landscaping, screening, or access deficiency below its current level; or
 - c) Create new nonconformities.

D. Redevelopment and Expansion Standards for Nonconforming Sites.

When redevelopment, expansion, or change of use occurs on a nonconforming site, the following upgrades shall be required to the extent reasonably practicable and proportionate to the scope of work, as determined by the Director:

- a) Site Disturbance of 25% or More of Total Site Area. When grading, clearing, or redevelopment disturbs twenty-five percent (25%) or more of the total site area:
 - (1) Frontage improvements along the site's public street frontage (including sidewalks, ADA ramps, street trees, and street lighting) shall be brought into compliance with current standards along the disturbed frontage; and

- (2) Any parking areas that are reconstructed or restriped as part of the project shall comply with current standards for layout, interior landscaping, and bicycle parking.
- b) Increase in Gross Floor Area of 25% or More. When the total gross floor area on the site has increased by twenty-five percent (25%) or more since original approval:
 - (1) Parking, loading, stacking, and access spacing shall be evaluated under current standards; and
 - (2) Corrective improvements shall be required where feasible to address documented deficiencies (such as unsafe access, inadequate loading, or substantial parking shortages).
- c) Parking Expansion of 25% or More, or New Parking Field. When on-site parking capacity increases by twenty-five percent (25%) or more, or a new parking lot or parking field is constructed:
 - (1) All new or expanded parking areas shall comply with current standards for design, interior landscaping, shade, and lighting; and
 - (2) The Director may require reasonable tie-in improvements (circulation, screening, or connections) between existing and new parking areas to ensure safe and functional operation.
- d) Change of Use Increasing Trips or Parking Demand by 20% or More. When a change of use increases estimated peak-hour traffic or parking demand by twenty percent (20%) or more, based on accepted traffic or parking analysis methods:
 - (1) Site access, cross-access, and internal circulation shall be reviewed for consistency with current standards; and
 - (2) Proportionate mitigation (such as driveway consolidation, cross-access easements, internal drive connections, or striping/signage changes) may be required to address safety and operational concerns.
- e) Documented Safety Hazards. When a nonconforming condition on the site is documented by the City as a safety hazard (such as deficient sight distance, inadequate fire apparatus access, or high-crash driveway spacing), the improvements necessary to eliminate or materially reduce the hazard shall be required as a condition of site plan or permit approval.
- f) Overlay and Special Districts. For nonconforming sites located within an adopted overlay district or special district, any redevelopment or expansion shall comply with applicable overlay standards for the portion of the site affected by the project. Where overlay provisions require site-wide compliance (such as Wildland-Urban Interface emergency access or water supply standards), such provisions shall apply to the entire site.

- E. Administrative Determination. The Director shall determine the extent of required upgrades under this Section based on site conditions, physical feasibility, and the proportional relationship between the cost of compliance and the scope of the proposed work, consistent with applicable Texas law governing proportionality and nonconforming uses and structures.

Sec. 14.08.010 Manufactured Home Communities (Special Rule)

- A. Continuation & Replacement. Nonconforming manufactured home communities and lots are protected as provided by applicable state law. A manufactured home on a nonconforming lot in such a community may be replaced if installed in compliance with state/federal installation standards and this Chapter's nonconformity limits.

Sec. 14.08.011 Violations; Relationship to Other Enforcement

- A. Zoning Violations. Use, occupancy, or development contrary to this Chapter or to a condition of zoning approval is a zoning violation.
- B. Enforcement. Zoning NOVs and zoning stop-work orders are governed by this Article; all other enforcement tools, penalties, or prosecution are governed by the City's general code-enforcement provisions and are not created or expanded by this Article.
 - a) General penalty for violations of the zoning code shall follow the procedures and fines as specified in Section 1.01.009 of the Bastrop Code of Ordinances. Each day that a violation continues shall be deemed a separate and distinct offense.
- C. Remedies Cumulative. The City may pursue available remedies as provided elsewhere in the City Code; nothing herein authorizes enforcement outside zoning matters.

ARTICLE 14.09 HISTORIC PRESERVATION ORDINANCE

Sec. 14.09.001 Purpose and Intent.

- A. The City Council declares that the protection, enhancement, and preservation of sites, landmarks, and districts of historical, architectural, and cultural significance is a matter of public policy and essential to promoting the economic, educational, cultural, and general welfare of the community. The City recognizes that its character is shaped by a unique convergence of time, place, and people, resulting in valuable historic and cultural resources that reflect the heritage and identity of its citizens. This article is enacted 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. 14.09.002 Historic Preservation Commission.

- A. The Commission shall consist of seven (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) One shall be an architect, city planner, or representative of a design profession;
 - 2) One shall be a representative elected by the Bastrop County Historical Society;
 - 3) One shall be a licensed real estate professional;
 - 4) One shall be an owner of a historic Commercial Structure or property;
 - 5) One shall be an owner of an historic Residential Structure or property;
 - 6) One shall be a member from the Planning & Zoning Commission;
 - 7) One shall be a general resident of the City.
- B. All Historic Preservation Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic Preservation within the City.
- C. Historic Preservation Commission members shall serve for a term of 3 years, except for the member who is serving on the Historic Preservation 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 Preservation Commission members are set forth in Section 1.02.002(b) of the Code of Ordinances.
- 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 Preservation 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 two commission members.

Sec. 14.09.003 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.

Sec. 14.09.004 Categories of Preservation.

- A. Establishment of Preservation. There shall be two 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.
- B. Criteria for Historic Landmark Status
- 1) 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 it is included on the National Register of Historic Places.

- 2) A Structure or Site may also may be designated by the City as a Historic Landmark if it is (generally) at least 50 years old and has maintained its historic character, and meets one or more of the criteria set out below:
 - a) Is associated with important events that have contributed significantly to the broad pattern of our history.
 - b) Is associated with the lives of persons significant in our past;
 - c) Embodies the distinctive characteristics of a type, period, or method of construction; or represents the work of a master; or possess high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.
 - d) Have yielded, or may be likely to yield, information important to our history.

Sec. 14.09.005 Process for Designation of Historic Landmarks.

- A. Properties already listed as a Recorded Texas Historic Landmark or State Archeological Landmark, or already included on the National Register of Historic Places, shall automatically be deemed a local Historic Landmark in the City of Bastrop, and are subject to the requirements of this Ordinance.
- B. Owners of property being considered for designation as a Historic Landmark shall be notified prior to the Historic Preservation Commission hearing on the recommended designation. The Historic Preservation Commission shall conduct a public hearing and provide written notice to each owner of real property within 200 feet at least 10 days before the hearing date.
- C. After consideration by the Historic Preservation Commission, a recommendation regarding designations shall be submitted to the City Council to consider the designations of a Historic Landmark. The adoption of the landmark shall be through a resolution.
- D. 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. 14.09.006 Process for Removal of Historic Landmark 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. 14.09.007 Criteria for Creation of Historic Districts.

- 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 one 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. 14.09.008 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 Preservation Commission and the Planning & Zoning Commission, the City Council may establish, after following all required legal procedures, one or more Historic Districts. The Historic Preservation 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 one district, and the Historic Preservation Commission finds that Design Guidelines for one district are appropriate for another district, they may adopt the same guidelines.
 - 1) Requirement for approval by three-fourths of Council. If an owner of property in a proposed historic district files a written statement protesting the inclusion of the owner's property in the historic district, a separate affirmative vote of three-fourths of all members of the council is required to include the protesting owner's property in the historic district.
- 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. 14.09.009 Relationship of Designations to Zoning.

- A. If there is any conflict between this Article or the Design Guidelines adopted by the Historic Preservation Commission, and any provision of the underlying zoning district, the most restrictive regulation shall apply.
- B. If there is any conflict between the provisions of this section and any other provision of the underlying zoning district, the most restrictive regulation shall apply, in the absence of a specific directive to the contrary.

Sec. 14.09.010 Certificate of Appropriateness.

- A. Requirement for Certificate of Appropriateness
- 1) No person, firm, corporation, or organization shall undertake any Project involving 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 designated Historic District—without first obtaining a Certificate of Appropriateness.
 - 2) A Certificate of Appropriateness is also required before making any material change to exterior architectural features or structural elements that are visible from the public right-of-way and that affect the appearance, character, or visual cohesion of any such Landmark, structure, or site.
- B. Certificate of Appropriateness Exemptions
- 1) Ordinary Maintenance, meaning 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 (excluding painting of brick exterior); c) reroofing, using the same type; d) replacement blade signs; or e) repair of sidewalks and driveways.

- 2) Interior Construction or 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 residential 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 per the Building Code, 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.
- 7) Replacement blade signs on an existing mount, where all other applicable sign codes are met.

C. Certificate of Appropriateness Application Procedure

- 1) When a Certificate of Appropriateness is required, no work can begin before the Historic Preservation 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.
- 2) 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:
 - a) Application fee as established in the Master Fee Schedule;
 - b) Contact information for the Applicant and/or owner;
 - c) A detailed description of all proposed work;
 - d) Location and photographs of existing conditions;

- e) Elevation drawings, photographs, or illustrations of proposed changes;
- f) Samples of materials to be used;
- g) 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;
- h) Any other information that the City may deem necessary in order to visualize the proposed work; and
- i) 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 Preservation Commission for consideration at their next available meeting agenda.

D. Administrative Approval of a Certificate of Appropriateness

- 1) Certificate of Appropriateness may qualify for Administrative Approval by the Historic Preservation Officer if the proposed Project meets all of the following conditions:
 - a) The property is not located in a national Historic District;
 - b) All of the material Standards identified in the design guidelines as adopted by the Historic Preservation Board are met;
 - c) The proposed Structure or Site is not designated as a local, state, or national Historic Landmark.
- 2) The Historic Preservation Officer may elect to present a Certificate of Appropriateness to the Historic Preservation Commission for review and consideration.
- 3) If the Historic Preservation Officer does not approve a Certificate of Appropriateness, the Application may be forwarded to the Historic Preservation Commission for review and consideration at the request of the Applicant.

E. Historic Preservation Commission Approval of Certificate of Appropriateness

- 1) The Commission shall review an application for a Certificate of Appropriateness at a regularly scheduled or special meeting within 45 day 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 Preservation 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 Preservation Commission does not act within 60 days from the date the application is deemed administratively complete for review, a permit will be deemed approved.
- 2) All decisions of the Historic Preservation Commission shall be in writing. The Historic Preservation 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.

- 3) An Applicant for a Certificate of Appropriateness who is dissatisfied with the action of the Historic Preservation 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 Preservation 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.
- 4) A Certificate of Appropriateness shall expire two years from the date of approval if the proposed scope of work has not been completed. If the building permit for approved work has been issued, the Certificate of Appropriateness will expire two years from the permit issue date. The Commission, upon determination of a reasonable need, may authorize one extension of an additional six 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.

F. Criteria for Approval of Certificate of Appropriateness (COA)

- 1) In considering an Application for a Certificate of Appropriateness (COA), the Historic Preservation Commission shall be guided by any locally adopted design standards, and where applicable, the following from the Secretary of the Interior's Standards for 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.
 - a) 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.
 - b) 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.
 - c) 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.
 - d) 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.

- e) Distinctive stylistic features or examples of skilled craftsmanship which characterize, a Building, Structure, object, or Site shall be kept to the greatest extent practical.
- f) 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.
- g) 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.
- h) For building materials, architecture standards, architectural details, massing for a variety of building types, see the Pattern Book.
- i) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any Project.
- j) 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.
- k) 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.

G. Consideration of Previously Denied Applications

- 1) 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 Preservation 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.

H. Enforcement

- 1) 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.

- 2) 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.

Sec. 14.09.011 COA Required for Demolition or Relocation.

- 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 Preservation Commission in accordance with the provisions of this article.
- B. Stay of demolition. No permit for the demolition of a designated local, state, or national Historic Landmark—or any contributing structure within a Historic District—shall be issued by the City until at least 60 calendar days after the filing of a complete demolition application. The purpose of the 60-day stay is to allow the Historic Preservation Commission and City staff reasonable time to assess the significance of the structure, explore alternatives to demolition (including relocation, adaptive reuse, or incorporation into redevelopment plans), facilitate discussions with the property owner regarding preservation incentives or solutions, and allow time for public input. The 60-day stay applies to partial or total demolition. The 60-day stay shall run concurrently with the review and decision timelines for a Certificate of Appropriateness under Sec. C, and no demolition permit shall be issued until both (1) a Certificate of Appropriateness has been approved or deemed approved, and (2) the 60-day stay period has expired.
- C. Procedure for COA for Demolition
 - 1) An Application for a Certificate of Appropriateness shall contain the following minimum information:
 - a) Application fee as established in appendix A—Fee Schedule;
 - b) Owner and agent contact information;
 - c) A detailed description of the reason the proposed Demolition is necessary;
 - d) Location of the proposed Demolition;
 - e) Evidence of the existing conditions of the property which justify the need for Demolition;
 - f) 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;
 - g) Any other information that the City may deem necessary in order to determine the need for the proposed Demolition.
 - 2) 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.

- 3) When considering the Certificate of Appropriateness for Demolition, the Historic Preservation Commission shall consider the following:
 - a) The historic value of the Structures or Site;
 - b) The state of repair of the Structures or Site;
 - c) The existing and potential usefulness, including the economic usefulness, of the Structures, buildings or objects on the Lot, parcel or Site;
 - d) The reasons for preserving the Structures, buildings or objects on the Lot, parcel or Site;
 - e) The character of the neighborhood; and
 - f) Any other factors the Historic Preservation Commission deems appropriate when considering the proposed Demolition.
- 4) When considering the Certificate of Appropriateness for Relocation, the Historic Preservation Commission shall consider the following:
 - a) The style of Construction and compatibility with the local Historic District;
 - b) The historic value and structural state of the Structure;
 - c) The historic value of the Site;
 - d) The reasons for preserving the Structure on an alternate Site;
 - e) The character of the neighborhood;
 - f) Any other factors the Historic Preservation Commission deems appropriate when considering the proposed Demolition.
- 5) If the Historic Preservation Commission determines, that the evidence supports the Demolition, Removal or Relocation of the Structure or if the Historic Preservation 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.
- 6) If no action has been taken by the Historic Preservation Commission within 60 days of the original receipt by the Historic Preservation Commission of the application, the Certificate of Appropriateness for Demolition shall be deemed approved by the Historic Preservation Commission, provided that no demolition permit may be issued until the 60-day stay required by Sec. B has expired.
- 7) Any Applicant who is dissatisfied with the action of the Historic Preservation 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 Preservation 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.

Sec. 14.09.012 Failure to Maintain Resulting in Demolition by Neglect.

A. State of Demolition by Neglect

- 1) 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 Preservation 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:
 - a) Deterioration of exterior walls or other vertical supports.
 - b) Deterioration of roofs or other horizontal members.
 - c) Deterioration of exterior chimneys.
 - d) Deterioration or crumbling of exterior stucco or mortar.
 - e) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
 - f) Deterioration of any feature creating a hazardous condition which could lead to the claim that Demolition is necessary for the public safety.

B. Demolition by Neglect Hearing Procedure

- 1) Upon notification to the Historic Preservation Commission of such a state of disrepair, the Historic Preservation 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 Preservation Commission for determination of the existence of detrimental deterioration.
- 2) If, after a public hearing before the Historic Preservation Commission, the Historic Preservation 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 Preservation Commission but in no case longer than 180 calendar days from the determination by the Historic Preservation Commission. The owner must comply with all requirements of requesting a Certificate of Appropriateness from the Historic Preservation Commission. Failure of the owner to cure the deterioration within the time specified by the Historic Preservation Commission shall cause the

property owner to be subject to penalties as defined in this Articles, which may be assessed civilly or in municipal court.

- 3) Any Applicant who is dissatisfied with the action of the Historic Preservation 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 Preservation 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.

Sec. 14.09.013 Incentives for Historic Landmarks.

A. Continuation of Existing Incentives

- 1) 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.

B. New Applications for Incentives

- 1) 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:
 - a) 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.
 - b) 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 (2) below.
- 2) 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 Preservation Commission and approved by the City Council.

C. Calculation for Refund Incentives

- 1) 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.

D. Required Maintenance Standards

- 1) 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:
 - a) 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.
 - b) 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.
 - c) 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.
 - d) Exterior doors. Doors shall be maintained to be structurally sound, fit within frames to be weatherproof, and have hardware that is in good condition.
 - e) 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.
 - f) 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.
 - g) Stairways. Stairways shall be maintained free of rotted or deteriorated supports. Handrails and/or railings shall be firmly fastened and maintained in good conditions.
 - h) Accessory Structures. All Structures accessory to the dwellings, including detached garages, shall be maintained to be structurally sound, neatly maintained and in good repair.
 - i) 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.
 - j) Landscaping. All landscaping shall be maintained in a presentable appearance. Any landscaping or vegetation that is causing damage to the Structure must be removed.

- k) Decorative features. Any other decorative elements of the Site shall be maintained in good repair with property anchorage and in a safe condition.
- 2) 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.

E. Loss of Incentives

- 1) 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 Preservation 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:
 - a) No longer be entitled to the incentives set forth herein; and
 - b) 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.
- 2) If an owner has obtained a Certificate of Appropriateness for Demolition or Relocation, then the incentive for the Structure will cease immediately upon the Demolition or Relocation, but no remittance of past refunds is required.
- 3) Transferability of Incentives
 - a) The benefits of the incentive program relating to historic Structures under this section are transferable and run with the property.

Sec. 14.09.014 Economic Hardship.

A. Economic Hardship Application Procedure

- 1) After receiving written notification from the Historic Preservation 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 Preservation Commission makes a finding that hardship exists.

- 2) When a claim of economic hardship is made due to the effect of this article, the owner must prove that:
 - a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - b) 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
 - c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- 3) The Applicant shall consult in good faith with the Historic Preservation 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 Preservation Commission.
- 4) 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 Preservation Commission has 30 days in which to prepare a written recommendation to the building inspector or other official. In the event that the Historic Preservation Commission does not act within 90 days of the receipt of the Application, a permit may be granted by the building inspector.
- 5) All decisions of the Historic Preservation 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.
- 6) An Applicant submitting a hardship Application who is dissatisfied with the decision of the Historic Preservation Commission relating to the approval or denial of such Application shall have the right to Appeal the Historic Preservation Commission's decision to the City Council. The Applicant has fifteen (15) calendar days from date of the Historic Preservation 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.

Sec. 14.09.015 Penalties.

- A. 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 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.

ARTICLE 14.10 PLANNING AND ZONING COMMISSION

Sec. 14.10.001 General

- A. General: The Planning & Zoning Commission shall function according to the following criteria that establish membership and operating procedures.

Sec. 14.10.002 Members, Officers, and Alternatives Qualifications

- A. 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.
- 1) 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.
 - 2) Members shall be appointed by the Mayor and confirmed by City Council for a term of 3 years.
 - 3) Terms of 1/3 of the Planning & Zoning Commission shall expire each year upon September 30th, or until a successor is appointed.
 - 4) 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.
 - 5) 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.
 - 6) Attendance requirements for the Planning & Zoning Commission members are set forth in the Code of Ordinances, Section 1.02.002(b), et seq.
- B. 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.
- C. 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.
- D. Additional alternates may be appointed by the Council when it's deemed necessary and occurs in the same manner as the appointment of members.

Sec. 14.10.003 Quorum and Voting

- A. 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.
- B. 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.

- C. 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.

Sec. 14.10.004 Meetings:

- A. 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.
- B. 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.

Sec. 14.10.005 Powers and Duties:

- A. 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 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.
- B. The Planning & Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and the Bastrop Development Code and be prepared to make such recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan and the Bastrop Development 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.

Sec. 14.10.006 Procedure on Zoning Hearings:

- A. The procedure and process for 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.

ARTICLE 14.11 ZONING BOARD OF ADJUSTMENTS

Sec. 14.11.001 Creation:

- A. 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 the Bastrop Development Code.

Sec. 14.11.002 Membership; Terms of Office

- A. The ZBA shall consist of 5 regular members and 2 alternate members who shall be appointed by the mayor confirmed by the City Council, in accordance with state law.
- B. 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).
- C. 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.

Sec. 14.11.003 Authority of the Board

- A. 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:

- 1) 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;
- 2) Authorize the expansion or continuation of a nonconforming use or Structure; and
- 3) Authorize in specific cases a Variance from the terms of this Code.
- 4) In exercising its authority under "A" above, the ZBA may reverse or affirm, in whole or in part, or modify the 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.

- B. The concurring vote of 75% of the members of the ZBA is necessary to:

- 1) Reverse an order, requirement, decision, or determination of an administrative official;
- 2) Decide in favor of an Applicant on the proposed expansion of a nonconforming use or structure; or
- 3) Authorize a Variance from the terms of this Bastrop Development Code.

Sec. 14.11.004 Powers and Duties: Limitations on Authority of the ZBA

- A. The ZBA cannot grant a Variance authorizing a use or Building type other than those permitted in the zoning district unless it is a nonconforming use or Structure.

- B. The ZBA cannot to grant a zoning amendment. In the event that a request for a 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 zoning amendment.
- C. 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.
- D. If a proposed Site does not conform to the 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.

Sec. 14.11.005 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.

Sec. 14.11.006 Variances

- A. 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 consider 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.
- B. In order to grant a Variance from these zoning Standards, the ZBA must make written findings that undue hardship exists, using the following criteria:
 - 1) 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.
 - 2) The Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant.
 - 3) 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.
 - 4) 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.
 - 5) 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.

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

C. An applicant may not apply for a variance in the case of self-imposed hardships.

Sec. 14.11.007 Nonconforming Uses and Structures

- A. 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
- B. 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
- C. 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.
- D. 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.
- E. 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.

Sec. 14.11.008 Procedure for Variances

- A. 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.

- B. The Director of Planning & Development or other authorized officials shall visit the Site and the surrounding area where the proposed Variance will apply and shall report their findings to the ZBA.
- C. 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.
- D. 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 on, shall be incorporated into the official minutes of the ZBA meeting that the Variance is granted or denied.
- E. 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.
- F. 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.

Sec. 14.11.009 Appeals of Administrative Decisions

- A. 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:
 - b. 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.
- B. 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.

- C. 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.
- D. The appellant party may appear at the Appeal hearing in person or by agent or attorney.
- E. 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.

Sec. 14.11.010 Judicial Review of Board Decisions

- A. 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.
- B. 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.

Sec. 14.11.011 Fees:

- A. Fees shall be as provided for in the Master Fee Schedule.
- B. A – Fee schedule. See adopted Fee Schedule in Appendix “A” in the City of Bastrop Code of Ordinances.

ARTICLE 14.12 ADMINISTRATION AND PROCEDURES

Sec. 14.12.001 Zoning Procedures.

- A. Purpose & Applicability
 - 1) Purpose. Establish a predictable, transparent process for zoning map amendments (rezonings) that implements the Comprehensive Plan and adopted master plans, ensures compatibility, and protects public health, safety, and welfare.
 - 2) Applicability. Applies to all zoning map amendments, including district changes, conditional zoning, overlays, and initial zoning of land proposed for annexation (pre-zoning) as provided herein.
- B. Pre-Application. A pre-application meeting with Development Services Department is required prior to submittal of any rezoning application.
- C. Application. An application shall be submitted through the City's public portal complete with all information
- D. Review & Recommendations
 - 1) DRC Technical Review. DRC reviews for compliance with this Code, Comprehensive Plan, and adopted master plans; evaluates Concept Plan quality/feasibility; may request revisions; and prepares a consolidated memo.
 - 2) Director's Report. The Director forwards a recommendation (approval, approval with conditions, or denial) to P&Z with a draft ordinance and any Concept Plan exhibits/conditions.
 - 3) Planning & Zoning Commission (P&Z). P&Z holds a public hearing, considers staff/DRC recommendations and public input, and issues a recommendation to City Council.
 - 4) City Council (Final Action). Council holds a public hearing and acts by ordinance: approve, approve with conditions (including adopting Concept Plan exhibits), remand to P&Z, or deny.
- E. Approval Criteria. In making recommendations and decisions, the reviewing bodies shall consider whether the amendment:
 - 1) Implements Adopted Plans. Is consistent with the Comprehensive Plan and applicable master plans (transportation, utilities, parks/open space).
 - 2) Demonstrates a Feasible Framework. The Concept Plan provides a coherent, connected, and context-sensitive framework, accounts for constraints, and can be implemented through platting/site plans.
 - 3) Ensures Compatibility. Provides appropriate transitions in use, scale, and design to adjacent development; mitigates potential impacts through conditions where needed.
 - 4) Provides Adequate Infrastructure. Streets, utilities, drainage, and public safety services are available or can be provided in a timely manner; access and internal circulation are safe and efficient.
 - 5) Advances the Public Interest. Furthers health, safety, welfare, and the purposes of this Code without granting special privilege.
- F. Neighborhood Meeting Requirement

- 1) Purpose. Ensure early, substantive dialogue between applicants and affected residents for zoning map amendments with greater community impact. Meetings occur in addition to formal hearings and complement required public notices, not replace them.
- 2) Applicability. The City Council may require a Neighborhood Meeting for any of the following cases:
 - a) Rezoning to PDD. Any request to establish a Planned Development District (including CLD/TND forms).
 - b) Upzoning. Any map amendment that increases development entitlement relative to the current district, including but not limited to:
 - c) moving to a district that allows a higher maximum residential density, building height, or lot coverage; or
 - d) adding new higher-intensity use categories compared to the existing district. (Use intensity is interpreted from this Code's district purposes and permitted-use tables.)
 - e) Not Consistent with FLUM. Any zoning map amendment that would allow uses/intensity not aligned with the adopted FLUM category.
- 3) Notice of Neighborhood Meeting. At least 10 days before the meeting, the applicant must:
 - a) Mail City-template notices to: (a) owners within 200 feet of the site; and (b) any registered neighborhood/HOA within ½ mile of the site (if a registry exists).
 - b) Publish a courtesy notice to the City's website/community newspaper (staff can assist).
 - c) Notices must state the meeting date/time/location (ADA accessible), brief project summary, a vicinity map, and applicant contact.
- 4) Meeting Logistics & Format.
 - a) Time: Weeknight between 5:30-8:00pm or Saturday between 9:00am-11:00am.
 - b) Content: Applicant presents the requested zoning vs. existing zoning, FLUM consistency/justification, concept plan and key standards (height, setbacks/edges, open space, access/traffic, utilities/drainage), phasing, and any proposed conditions (for PDDs, a summary of PD Master Plan elements).
 - c) Q&A: Provide a reasonable opportunity for questions, comments, and alternatives.
 - d) Attendance: City staff may attend at the Director's discretion.
- 5) Neighborhood Meeting Report. The applicant shall submit a Neighborhood Meeting Report with the following information prior to being placed onto the next City Council Agenda:
 - a) Meeting date, time, location, and format;
 - b) Copies of mailed notice, the mailing list and map, posting/photo of the on-site sign, and any web posting;
 - c) Sign-in sheet (or attendance count) and list of stakeholder organizations invited;
 - d) Summary of issues raised and applicant responses or design changes considered;

e) Any revised concept exhibits.

G. Public Notices & Hearings

- 1) Mailed Notice (Map Amendments). Mail written notice to property owners within 200 feet of the subject site at least 10 days before the P&Z hearing, using the most recent tax roll; courtesy mailing to appraisal-district records may be added where municipal rolls do not list an owner.
- 2) Published Notice (Council). Publish notice of the Council hearing in the City's official newspaper at least 15 days prior to the Council hearing.
- 3) Joint Hearings. P&Z and Council may hold a joint zoning hearing; statutory mailed/published notice requirements apply to joint hearings.

H. Protests & Voting Requirements

- 1) Standard Protest ("20% Rule"). If a written protest is filed by owners of: (i) 20% or more of the area of the land included in the proposed change, or (ii) 20% or more of the area of land within 200 feet of the subject area (including across streets/alleys), approval requires a three-fourths ($\frac{3}{4}$) vote of all City Council members.
- 2) Pro-Housing Protest Exception. If the protest is filed only under the state's pro-housing provision (i.e., the change allows additional residential development without adding commercial/industrial uses, subject to limited first-floor retail exceptions) and meets the higher 60% protest threshold within 200 feet, approval requires a majority of all City Council members.
- 3) Unanimous P&Z Denial. If P&Z unanimously recommends denial, Council approval requires a three-fourths ($\frac{3}{4}$) vote of all Council members.
- 4) Form of Protest. Protests must be written, identify the property and signer's ownership, and be filed with the City Secretary before the Council vote.

I. Council Action, Ordinance & Effective Date

- 1) Action by Ordinance. Council may approve, approve with conditions (including adoption of Concept Plan exhibits), remand, or deny.
- 2) Effective Date. Zoning becomes effective upon ordinance adoption and filing by the City Secretary, unless contingent language applies under Subsection N (pre-zoning).
- 3) Record & Map Update. The City maintains the official file (application, notices, staff report, exhibits, ordinance) and updates the Official Zoning Map accordingly.

J. Deferrals, Remands & Continuances

- 1) Deferral/Remand. P&Z or Council may defer or remand to allow additional information, related actions, or revised conditions; any re-notice follows the standards in Subsection H unless a specific date/time/place is announced on the record.
- 2) Failure to Appear. Failure of the applicant to appear may be grounds to table, deny without prejudice, or continue the item per body rules.

- K. Resubmittal After Denial. A substantially similar rezoning for the same property is not accepted for 12 months following Council denial unless Council authorizes reconsideration due to substantial new or corrected information. Reconsideration shall follow notice requirements in Subsection H.
- L. Fees. Fees are as adopted by City Council in the Citywide Fee Schedule. Where specialized third-party review is necessary (e.g., traffic, environmental, legal), the City may recover actual costs from the applicant.
- M. Initial Zoning for Annexation (“Pre-Zoning”)
- 1) Purpose. Coordinate annexation and initial zoning so expectations are clear at the time of annexation while complying with state annexation and zoning procedures.
 - 2) When Allowed. The City may process a zoning map amendment for territory proposed for annexation only if an annexation petition/consent is on file and the zoning ordinance expressly states it is contingent and becomes effective only upon the annexation’s effective date. No zoning is enforced before annexation.
 - 3) Submittals. In addition to Subsection D, file annexation materials required by state law and this Code, and a Concept Plan meeting Subsection B. Include a contingency statement for the zoning ordinance (“effective upon annexation”).
 - 4) Process & Sequence. Pre-zoning applications shall be processed in the following order:
 - a) Development Review Committee (DRC) Review. The application shall be reviewed by the DRC for completeness, consistency with adopted plans, and compliance with applicable regulations.
 - b) Director Recommendation. Following DRC review, the Director shall prepare a written recommendation and forward it to the Planning and Zoning Commission.
 - c) Planning and Zoning Commission Hearing and Recommendation. The Planning and Zoning Commission shall hold a public hearing on the proposed pre-zoning and shall make a recommendation to the City Council.
 - d) City Council Hearing. The City Council shall hold a public hearing on the proposed pre-zoning. The Council may consider the annexation ordinance and the contingent zoning ordinance for the same property at the same meeting.
 - 5) Notices (Zoning Item). Provide mailed and published notices per Subsection H; joint hearings are allowed. School-district or special notices apply if and as required by law.
 - 6) Approval Criteria (Zoning Item). In addition to Subsection F, the City shall find the rezoning feasible with annexation service assumptions and enforceable post-annexation.
 - 7) Effect of Annexation on Uses. Annexation does not prohibit continuation of certain existing or planned uses as protected by state law.
 - 8) Record & Map Update. Upon annexation’s effective date, record both ordinances and update the Official Zoning Map to reflect assigned districts and any adopted Concept Plan exhibits/conditions.
- N. Relationship to Subsequent Approvals

- 1) Conformance. Plats, Site Development Plans, and building permits must conform to the zoning ordinance (including any Concept Plan exhibits/conditions).
- 2) Adjustments. Minor quantitative adjustments at later stages may be processed under the Administrative Relief section of this Article.
- 3) Amendments. Material deviations from adopted Concept Plan commitments require a zoning amendment or other appropriate discretionary approval.

Sec. 14.12.002 Administrative Relief.

- 1) Purpose. Provide a streamlined, context-sensitive, staff-level process—administered by the Development Review Committee (DRC)—to approve minor adjustments to quantitative standards in this Chapter.
- 2) Authority.
 - a) The DRC is the final administrative decision-maker for requests under this section when submitted with a Site Plan.
 - b) If no Site Plan is required, the Planning Director (or designee), acting as DRC's delegate, may render the decision under the same criteria and limits.
- 3) Administrative Relief is not a variance and does not authorize any change of use or relief from non-quantitative standards.
- 4) Scope of Eligible Standards.
 - a) The DRC may approve an adjustment of up to ten percent (10%) to any numerical standard in the Bastrop Development Code, excluding maximum lot coverage/impervious cover requirements.
 - b) Rounding: Round to nearest whole number, whole foot, whole square foot, or whole percent.
 - c) Cumulative limit: multiple approvals may occur on a site, but no single standard may be adjusted by more than 10% under this section.
- 5) Ineligible Items. Administrative Relief may not: (1) authorize a use not permitted; (2) reduce standards established a PD ordinance or Development Agreement; (3) waive building/fire/drainage/access/life-safety requirements; (4) permit encroachments into rights-of-way, easements, required buffers, or sight triangles; (5) approve an increase in maximum impervious/lot coverage requirements; (6) approve any adjustments to the requirement of Tree Mitigation.
- 6) Approval Criteria. The DRC (or Director per B.2(b)) shall make written findings that:
 - a) Intent & Equivalent Performance. The request meets the stated purpose of the Bastrop Development Code and the purpose of the applicable section and provides equal or better performance, and does not authorize a prohibited use or increase base entitlements.
 - b) The approval of the request will result in a development that would be compatible with surrounding land uses and harmonious with the public interest.

- c) Minimum Necessary. The deviation is the least departure practicable to achieve the Code’s intent, and the amount of relief is expressly quantified.
 - d) No Material Adverse Impacts / Code Compliance. The request will not create material adverse effects on health/safety, traffic/queuing, access, drainage/flood risk, utilities, or neighboring properties and complies with all life-safety codes (Building, Fire, TDLR/ADA, floodplain).
 - e) Plan Consistency & Compatibility. The outcome is consistent with the Comprehensive Plan and adopted master plans and remains compatible with surrounding development and streetscape.
- 7) Submittal.
- a) Include on the Site Plan cover sheet a “Administrative Relief Table” listing: the standard, code citation, base requirement, requested percentage/amount, and resulting dimension.
 - b) Show easements, utilities, trees/CRZs, and visibility triangles on the Site Plan to confirm no conflicts.
 - c) No separate application or fee is required when submitted with a Site Plan.
- 8) Procedure & Decision
- a) Timing: Reviewed concurrently with the Site Plan; completeness and review cycles follow the Site Plan timeline.
 - b) Decision: The DRC issues a written decision (approval, approval with conditions, or denial) documented in the Site Plan decision letter and noted on the approved plans.
 - c) Conditions: The DRC may impose conditions (e.g., façade alignment, porch depth, utility adjustments, landscape placement) to ensure compliance with criteria.
 - d) Record: Approved dimensions and any contextual setback line shall be labeled on the Site Plan and reflected on building permit drawings.
 - e) Appeals. Any person aggrieved by a decision under this section may appeal to the Board of Adjustment within 15 calendar days of the decision letter. The BOA reviews de novo for compliance with this section.
- 9) Expiration.
- a) When bundled with a Site Plan: relief expires with the Site Plan approval. Extensions mirror Site Plan extension provisions.
 - b) When approved outside a Site Plan: relief expires 12 months after approval unless a building permit is issued; the Director may grant a single 6-month extension for good cause.
- 10) Relation to Nonconformities. May not expand a lawful nonconforming use or structure, except that contextual front-setback alignment may be used to bring a nonconforming front setback closer to conformity.
- 11) No Precedent. Each approval is site-specific and does not create a precedent.

Sec. 14.12.002 Site Development Plans.

A. Purpose & Applicability

- 1) Purpose. Ensure new development is safe, serviceable, and compatible by verifying compliance with this Code, adopted plans, and applicable engineering, utility, fire, and building standards.
- 2) When Required. A Site Plan is required prior to building permit for:
 - a) New nonresidential buildings;
 - b) Multifamily (3+ units), townhomes, and mixed-use buildings;
 - c) Exterior additions or intensifications that (i) add $\geq 1,000$ sq ft GFA or $\geq 10\%$ (whichever is greater), (ii) add/relocate driveways, fire lanes, or loading, or (iii) expand parking by ≥ 10 spaces;
 - d) Changes of use that increase parking demand, traffic, outdoor activity, or life-safety risk;
 - e) New/expanded outdoor storage, vehicle display/queuing, or fuel service;
 - f) Projects in an overlay when that overlay requires a Site Plan.
- 3) Exemptions. Not required for:
 - a) One- or two-family dwellings on individual platted lots (frontage/driveway items still shown with the building permit);
 - b) Interior finish-out and ordinary repairs that do not increase occupancy load, parking demand, or external impacts;
 - c) Very small exterior changes ($< 1,000$ sq ft) with no new access points and no triggers in A(2).
The Director may require a Site Plan where otherwise exempt work creates traffic, drainage, fire access, or compatibility concerns.
- 4) Scaled Review. The Director may waive or require submittals proportionate to scope and impacts (no Minor/Major classification needed).

B. Relationship to Other Approvals

- 1) Zoning first. Uses must be permitted or conditionally approved (CUP/PD). Site Plans implement—not replace—those approvals and conditions.
- 2) Deviations. Relief from standards follows the applicable procedure (Administrative Relief, BOA variance, or Council Alternative Compliance) before or concurrent with Site Plan review.
- 3) Public Improvement Plans (Construction Plans). Site Plan approval is distinct from civil construction drawing (PIP) approval; both may be required where public/frontage improvements or utility extensions are proposed.
- 4) Overlay/Plat/Historic. COA, floodplain/WUI, plats, and similar approvals are conditions of Site Plan approval when applicable.

C. Submittal (Minimum)

- 1) Pre-application meeting required.
- 2) Application with:

- a) Site layout (buildings, setbacks, easements, access, internal circulation, fire lanes, loading, refuse/mechanical, outdoor activity areas) and a compliance table;
- b) Parking/loading plan (counts, accessible & bicycle spaces, geometry);
- c) Access & Connectivity sheet (driveway spacing/sight distance, cross-access, sidewalks/trails, pedestrian routes/ramps);
- d) Landscape and Irrigation plans sealed by a Landscape Architect
- e) Tree survey performed by an ISA Certified Arborist and accompanying preservation/mitigation plan;
- f) Utilities (domestic, fire, wastewater) and will-serve/availability as needed;
- g) Drainage concept (ponds/outfalls and pre/post summary);
- h) Lighting/photometric plan where outdoor lighting or nighttime hours are proposed;
- i) Building elevations or massing sufficient to verify height, screening, and transparency;
- j) TIA/traffic study, if required;
- k) Phasing and timing of frontage/public improvements;
- l) Overlay documentation, if applicable.
- m) Site development plan checklist complete, along with all items required by the checklist.

D. Review & Decision

- 1) Completeness check. Incomplete applications are returned with deficiencies.
- 2) DRC review. Consolidated technical review and comments.
- 3) Director decision (administrative). Approve, approve with conditions, or deny. No public hearing.
- 4) Conditional approvals. May be issued contingent on obtaining related approvals (CUP, Alternative Compliance, BOA variance, plat, COA, floodplain permit) prior to permit issuance.
- 5) Resubmittal. Applications may be remanded for revisions where material issues remain.

E. Standards for Approval (Findings). The Director shall approve only if the Site Plan:

- 1) Complies with district standards, permitted uses, and any CUP/PD/overlay conditions;
- 2) Meets Access & Connectivity standards (safe driveway placement, internal circulation, pedestrian connections, cross-access where required);
- 3) Provides required parking, loading, stacking, and bicycle parking (including any approved shared/remote arrangements);
- 4) Meets Landscaping & Tree Preservation requirements, including screening of service/outdoor storage and protection/mitigation of significant trees;
- 5) Demonstrates adequate utilities, fire protection, and stormwater management consistent with City engineering criteria and adopted plans;
- 6) Protects adjacent properties through buffers, lighting control, and orientation of access/service areas;
- 7) Avoids unsafe traffic conditions or undue congestion and implements proportionate off-site mitigation when required;

- 8) Meets all other applicable provisions of this Code.
- F. Conditions of Approval. The Director may impose conditions reasonably related to compliance and mitigation, including: access management (location/closure/turns/cross-access/TDM), frontage improvements (sidewalks/trees/lights/ramps) tied to CO timing, screening/landscape/tree measures, limits on outdoor activity/queuing/delivery windows, drainage/utility upgrades and easements, phasing, and performance security for public improvements.
- G. Site Plan Amendments & Compliance Triggers
- 1) When an Amendment is Required. Amend before changes that would:
 - a) Alter building footprint, placement, or height;
 - b) Add floor area, outdoor activity, loading/queuing, or fuel service;
 - c) Add, remove, or relocate a driveway, fire lane, or loading space;
 - d) Reconfigure internal circulation, parking layout, stall/aisle geometry, or accessible/bicycle parking;
 - e) Modify drainage facilities, detention/retention, outfalls, or utility routing;
 - f) Change the use (or mix) in a way that increases trips, parking demand, hours, or external impacts;
 - g) Affect compliance with any condition of a CUP/PD/Alternative Compliance or any overlay approval.
 - 2) Changes Not Requiring an Amendment (As-Built). De minimis “field changes” for constructability that do not reduce any standard or condition, such as: minor utility alignment shifts; like-for-like plant substitutions; small door/window shifts not affecting transparency or fire ratings; converting up to five (5) striped spaces to compact where allowed. Note on as-builts before final inspection/CO.
 - 3) Cumulative Changes. Amendment thresholds apply cumulatively within 24 months.
 - 4) Compliance with Current Code.
 - a) Changed elements must comply with current standards (access/connectivity, parking/loading, landscaping/trees, lighting, overlays).
 - b) Unchanged elements may remain as legally conforming under prior approval unless G(5) requires broader upgrades.
 - c) Existing CUP/PD/Alternative Compliance conditions remain in effect unless separately modified by the appropriate body.
 - 5) Proportionality & Alternatives. Upgrades must be roughly proportionate to the amendment’s impacts. Where strict application is infeasible due to utilities, trees, or topography, the Director may approve a targeted compliance plan or recommend Council Alternative Compliance if the result meets the Code’s intent equal or better.
 - 6) Submittal & Effect. Submit clouded changes with a short narrative addressing G(4)–G(6) and any updated sheets limited to the changed scope. An approved amendment supersedes prior approval only for modified sheets/areas; other areas remain under the last unamended approval.
- H. Expiration & Extensions

- 1) Expiration. A Site Plan expires two (2) years from approval if no building permit is issued and under active construction, unless otherwise specified in the approval.
 - 2) One extension. The Director may grant one extension up to six (6) months for good cause.
 - 3) Effect of expiration. Permits may not be issued until a new or amended Site Plan is approved.
- I. Appeals. An appeal of the Director's administrative decision (original or amended Site Plan) follows the Administrative Appeals section. An appeal stays the decision unless the Director certifies that a stay would cause imminent peril.
- J. Effect of Approval. Approval authorizes submittal of construction drawings and building permits consistent with the Site Plan. Approval runs with the land and binds successors, subject to conditions and expiration.
- K. Administrative Checklist (Informational)
- The Director shall maintain a Site Plan checklist consistent with this section that identifies required sheets/studies, acceptable formats, and triggers for TIA, photometric, floodplain/WUI, and tree preservation submittals.

Sec. 14.12.003 Conditional Uses.

- A. Purpose & Applicability
- 1) Purpose. Provide a public review process for certain uses that may be appropriate in a zoning district only if tailored to the site and context through conditions to ensure compatibility and protection of public health, safety, and welfare, consistent with Texas Local Government Code Ch. 211.
 - 2) Applicability. A CUP is required for any land use identified as "C" (Conditional) in the Table of Permitted Uses, and as otherwise specified in this Code.
 - 3) PD/Planned Development Relationship. In a PDD, a use that is conditional in the comparable base district may be allowed only if specifically identified in the adopting PD ordinance; otherwise, a CUP is required.
- B. Effect of Approval
- 1) A CUP authorizes the use only on the specific property and in the manner approved, subject to all conditions of approval and all other applicable codes.
 - 2) A CUP runs with the land unless a condition expressly limits it (e.g., to a specific operator or time period).
- C. Application Submittal
- 1) Pre-application. A pre-application meeting with the Director/DRC is strongly encouraged to scope submittals and issues. (Bodies and processes referenced in existing administration sections and flowchart.)
 - 2) Minimum contents. Applications must include:
 - a) Site plan with building/location layout, access/parking/loading, screening/buffering, and outdoor activity areas.
 - b) Operations plan (hours, capacity, deliveries, special events, alcohol, outdoor sound/lighting).

- c) Impact memo(s) proportionate to the proposal (traffic circulation/parking, utilities/drainage, noise/odor/light, environmental constraints, adjacency).
 - d) Narrative addressing the approval standards in Subsection F.
 - e) Owner authorization and required fees.
 - f) Any overlay/district compliance documentation, if applicable.
- D. Completeness & DRC Review
 - 1) Completeness. The Director determines administrative completeness and schedules interdepartmental DRC review.
 - 2) DRC Recommendation. The DRC provides a consolidated technical review and recommends approval, approval with conditions, or denial to the Director.
- E. Public Notice & Hearings
 - 1) Notice. Public notice and hearing are required in accordance with state law and this Code for zoning decisions of this type.
 - 2) Hearings. The Planning & Zoning Commission holds a public hearing and makes a recommendation; City Council acts after public hearing.
- F. Standards for Approval (Findings). City Council may approve a CUP (with or without conditions) only on finding that the application:
 - 1) Is consistent with the Comprehensive Plan and the stated purpose of the zoning district.
 - 2) Is compatible with and not detrimental to adjacent properties, considering building scale, site layout, hours, intensity, and expected external effects (noise, vibration, dust, odor, glare, traffic, on-street parking).
 - 3) Provides adequate access, circulation, parking, and loading without creating unsafe conditions or undue congestion on the transportation network.
 - 4) Is served by, and will not overburden, public facilities and services (water, wastewater, drainage, police/fire/EMS), with any necessary improvements or phasing secured by conditions.
 - 5) Provides appropriate screening, buffering, lighting control, and site/operational measures to mitigate off-site impacts—especially where the site adjoins residential or P/OS districts.
 - 6) Complies with all applicable overlay standards, adopted master plans, and other provisions of this Code.
 - 7) Will not result in a material adverse cumulative effect in combination with other approved conditional uses in the area.
- G. Conditions of Approval
 - 1) City Council may impose conditions reasonably related to mitigating potential adverse impacts and ensuring compliance with this Code and the approval standards above, including but not limited to:
 - a) Limits on hours of operation; event frequency; occupancy/capacity; or outdoor activity.

- b) Site design features (building placement or orientation; fence/wall/landscape screening; preservation of significant trees or natural features).
 - c) Operational controls (delivery windows, waste management, sound/lighting plans, security).
 - d) Transportation/parking measures (shared or remote parking approvals, TDM measures, access restrictions, driveway location, required cross-access).
 - e) Infrastructure/drainage improvements or phasing tied to certificates of occupancy.
 - f) Time limits (including trial periods), reporting, compliance reviews, or renewal triggers.
 - 2) Conditions must be stated on the record and reflected on the approved site plan or letter of approval.
- H. Decision & Record
- 1) P&Z Commission: recommendation to approve, approve with conditions, or deny.
 - 2) City Council: approval, approval with conditions, denial, or remand for additional information.
 - 3) The decision and all conditions shall be documented in the approval letter and/or on the stamped site plan kept in the development file.
- I. Amendments to an Approved CUP
- 1) Minor Modifications (Administrative). The Director may approve modifications that do not increase external impacts or intensity (e.g., shifts internal to the site that maintain approved buffers/setbacks; minor changes to floor area under 10%; clarifications to management plans).
 - 2) Major Modifications. Any other change—especially increases to hours, occupancy, outdoor activity areas, new driveways, or reductions in approved buffers—requires a new CUP amendment following the same procedures as the original approval.
- J. Expiration, Extensions, and Revocation
- 1) Expiration. A CUP expires if the approved use is not established (or a building permit substantially progressed) within two (2) years of approval, unless another period is stated in the conditions. (Harmonized with similar two-year life for preservation approvals in your code.)
 - 2) One Administrative Extension. For good cause shown, the Director may grant one extension up to six (6) months.
 - 3) Revocation. Following notice and public hearing, City Council may revoke a CUP for substantial noncompliance with the approved plan/conditions or repeated, documented violations that materially harm the public or neighboring properties. P&Z may provide a recommendation before Council action.
- K. Relationship to Other Approvals
- 1) A CUP is not a variance; dimensional relief follows the applicable administrative relief/alternative compliance/variance procedures in this Code.
 - 2) Where a use requires both a CUP and another approval (e.g., site plan, COA, subdivision, building permit), the CUP may be conditioned on obtaining and complying with those approvals.

- 3) If a PD ordinance specifically lists a use as allowed, a separate CUP is not required unless the ordinance says otherwise.
- L. Re-Application After Denial. An application that is substantially the same as a denied CUP may not be resubmitted for six (6) months unless the Director finds there is a material change in circumstances or the proposal has been materially revised to address prior reasons for denial.
- M. Table Linkage & Interpretation. Where the Table of Permitted Uses labels a use as “C,” a CUP is required in that district. If a use is not listed, the Director shall interpret the use per the procedures in this Article.

Sec. 14.12.004 Filing & Notice Requirements.

A. Applicability

This section governs filing and public notice for zoning matters processed under this Article, including but not limited to zoning map amendments (including conditional zoning), initial zoning/pre-zoning for annexations, Conditional Use Permits (CUPs), and text amendments.

B. Filing

- 1) Applications must be submitted on City forms with required attachments and fees (see Sec. 14.12.00X Fees; renumber at codification).
- 2) The Director shall conduct a completeness review and schedule items to meet the minimum state notice timelines.
- 3) Submittal calendars and technical filing requirements may be established by administrative policy.

C. Required Notice — Reference to State Law

- 1) Zoning Regulations & District Changes. Published and written notice shall be provided as required by Texas Local Government Code Chapter 211, as amended (including notice for Planning & Zoning Commission hearings and City Council hearings).
- 2) Initial Zoning of Annexed Areas. Notice shall follow Texas Local Government Code Chapters 43 and 211, as applicable.
- 3) Subdivision and Related Actions. Where notice is required for subdivision actions governed by this Code, notice shall follow Texas Local Government Code Chapter 212, as applicable.
- 4) Open Meetings. All meetings and notices shall comply with the Texas Open Meetings Act (Texas Government Code Chapter 551).
- 5) Where this Code imposes notice in addition to, or more stringent than, state law, the City shall provide the greater notice.
- 6) City Council Adopted Notification Requirements:

	Published Notice	Personal Notice	Posted Notice
Notification Location	Newspaper	United States Mail	Subject Property
Time Before Set Hearing	15 days	A. General: 10 days B. Comprehensive Plan or Zoning change: 10 days	A. General: 10 days B. Comprehensive Plan or Zoning change: 10 days
Include in Notice	A. Date, time, and location of hearing; B. Purpose of the hearing; and C. Identification of the subject property if the decision concerns an individual tract or parcel of land.	A. Name of the applicant; B. Date time, and location of the hearing; C. Purpose of the hearing; D. Identification of the subject property; and, E. The name of the appellant if an appeal.	A. Purpose of the request; and B. All public hearing dates.
Notification Instructions	Development Services Department will be responsible for posting the notice in the newspaper of general circulation.	A. Each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question and any other persons deemed by the Lead Officer or decision-maker to be affected by this application; B. The applicant and/or property owner; and C. The appellant if an appeal.	A. Minimum 2'x4' sign placed on the street frontage in visible unobstructed location. B. Utilize a minimum 6" lettering. C. Shall stay in place until final action is taken or request is withdrawn

7) City Council Adopted Development Approval Process:

Action		Meeting Type		Committees			
R	Review/ Recommend	PM	Public Meeting	BOA	Board of Adjustments	Y	Required
D	Decision	PM*	May Require Initial Authorization	P&Z	Planning & Zoning Commission	N	Not Required
A	Appeal	PH	Public Hearing	CC	City Council		

Approval Process		Review and Approval Authority			Notice			
Source		ZBA	P&Z	CC	Application Notice	Published Notice	Personal Notice	Posted Notice
Legislative								
Comprehensive Plan Map and Text Amendment			R/PH/ PM	D/PH/ PH/PM	Y	Y	Y	Y
Zoning Code Text Amendment			R/PH	D/PH/ PM	Y	Y	N	N
Zoning Map Amendments			R/PH	D/PH/ PM*	Y	Y	Y	Y
Variance/Administrative Appeal		D/PH/ PM			Y	N	Y	Y
Conditional Use Permits			R/PH/ PM		Y	Y	Y	Y

D. Method & Responsibility

- 1) Published notice shall be placed in the City's official newspaper as required by state law.
- 2) Written notice (if required by state law) shall be mailed to the parties and within the distances prescribed by state law, using the most recent county appraisal district records or other method allowed by law.
- 3) If a case is continued, re-notice shall be provided when and as required by state law.

Sec. 14.12.005 Public Hearing Procedures.

A. Planning & Zoning Commission (Recommendation)

The Commission shall hold a public hearing and make a recommendation to City Council on zoning matters in accordance with Texas Local Government Code §211.007 and related provisions, as amended, and the Texas Open Meetings Act.

B. City Council (Decision)

City Council shall hold a public hearing and take action in accordance with Texas Local Government Code §211.006 and related provisions, as amended, and the Texas Open Meetings Act.

C. Protest/Supermajority

When a valid protest is filed in the manner provided by Texas Local Government Code §211.006(d)–(f), Council’s voting threshold shall follow state law.

D. Conduct of Hearings; Rules of Procedure

Hearings shall be conducted under Council-adopted or Commission-adopted rules of procedure, provided those rules are consistent with Texas law. Ex parte communications, evidentiary submittals, and continuances shall be handled in a manner consistent with due process and the Open Meetings Act.

E. Conflicts

If a conflict exists between this Code and state law, state law governs.

Sec. 14.12.004 Fees.

A. Fee Schedule

All application, notice, recording, and related fees for procedures under this Article shall be as adopted in the City’s Master Fee Schedule in the Code of Ordinances.

B. Third-Party Costs

Applicants are responsible for third-party costs reasonably incurred by the City to process an application (e.g., legal notices, outside technical review), when authorized by the Master Fee Schedule.

C. Waivers/Refunds

Any waiver, reduction, or refund of fees shall be as provided in, and administered under, the Master Fee Schedule and applicable City policies.

ARTICLE 14.13 DEFINITIONS

Sec. 14.13.001 Purpose; Use of Definitions.

- A. Purpose. This Article provides common meanings for terms used throughout this Code to ensure consistent application and administration.
- B. Controlling Law. Where a term is defined by state or federal law (e.g., manufactured housing, community homes, floodplain terms), that legal definition controls in the event of a conflict.
- C. Cross-References. Unless otherwise stated, references to City boards, officers, and procedures are those established in Article 14.12 (Administration and Procedures) and Article 14.11 (Zoning Board of Adjustment).
- D. Interpretation Rules.
 - 1) “Shall” is mandatory; “may” is permissive.
 - 2) Singular includes the plural and vice versa.
 - 3) Terms not defined herein shall be given their ordinary meaning within the context of this Code or defined by the Director.
- E. Abbreviations.

ADA – Americans with Disabilities Act;

BFE – Base Flood Elevation;

CC – Core Commercial;

CFR – Code of Federal Regulations;

COA – Certificate of Appropriateness;

CUP – Conditional Use Permit

EC – Employment Center;

ETJ – Extraterritorial Jurisdiction;

FAR – Floor Area Ratio;

FIRM – Flood Insurance Rate Map;

GFA – Gross Floor Area;

HRC – Texas Human Resources Code;

IC – Impervious Cover;

MF – Multi-Family;

MU – Mixed Use;

PDD – Planned Development District;

P/OS – Parks and Open Space;

RR – Rural Residential;

SF – Single-Family;

SFHA – Special Flood Hazard Area;

TAS – Texas Accessibility Standards;

TDLR – Texas Department of Licensing & Regulation.

F. Definitions

Accessory Building/Structure. A subordinate, non-habitable building or structure on the same lot as the principal building, customarily incidental to the principal use (e.g., detached garage, shed).

Accessory Dwelling Unit (ADU). A subordinate dwelling unit on the same lot as a principal dwelling that provides complete, independent living facilities (sleeping, cooking, and sanitation).

Accessory Use. A use that is incidental and customarily associated with, and located on the same lot as, a principal use.

Administrative Relief (Minor). A DRC or Director-approved minor adjustment to a quantifiable standard (e.g., up to 10% variation from a numeric requirement) where equal or better compliance with the Code purpose is demonstrated, and where expressly allowed by this Code.

Agricultural Operation – General. A use, facility, or activity that meets the definition of an “agricultural operation” under Texas Agriculture Code Section 251.002, as amended. This includes, but is not limited to, the cultivation or production of crops, forage, or horticultural products; the raising or keeping of livestock or poultry and the production of livestock or poultry products; beekeeping and apiaries; aquaculture; and related on-site practices and improvements that are commonly and historically associated with such activities. Where this Code uses the term “Agricultural Operation – General,” it is intended to be interpreted consistently with Texas Agriculture Code Chapter 251 and Article I, Section 36 of the Texas Constitution (Right to Farm).

Alley. A public or private vehicular passage providing secondary access to the side or rear of lots, not intended for primary frontage.

Apiary (Beekeeping). The keeping, raising, or management of honeybee colonies in hives or similar structures for the production of honey, beeswax, pollination, or related purposes. An Apiary may be operated as an accessory use to a residential or agricultural use or as a principal use where permitted, and is subject to numeric limits, setback requirements, and management standards specified by this Code to address safety and compatibility.

Applicant. The property owner or authorized agent submitting an application under this Code.

Aquaculture, Small-Scale (Non-Industrial). The cultivation, rearing, or propagation of fish, shellfish, aquatic plants, or other aquatic organisms in tanks, ponds, or similar facilities on a scale that is subordinate to the primary use of the property and is not an intensive, industrial, or large-scale commercial operation. Small-Scale Aquaculture may include on-site harvesting and limited direct sales where permitted, but does not include large processing plants, hatcheries, or high-intensity industrial aquaculture operations.

Average Grade Plane (AGP). The arithmetic mean of finished ground elevations measured 6 ft perpendicular to the midpoint of each exterior wall of the building, excluding unenclosed projections (porches, decks, stoops). If finished grade varies from pre-construction natural grade by >3 ft along >50% of the perimeter, the Director may require using natural grade to establish AGP.

Backyard Livestock (Small Animals). The keeping of small, non-commercial livestock or fowl as an accessory use to a permitted residential use on the same lot, including but not limited to hens (excluding roosters), ducks, rabbits, and similar small animals, in numbers and under conditions specified by this Code. Backyard Livestock is intended for personal use, education, or limited household-scale egg, meat, or fiber production and does not include larger livestock such as cattle, horses, sheep, or swine, or any activity operated as a commercial animal production enterprise.

Base Flood; Base Flood Elevation (BFE). The flood with a 1% annual chance of being equaled or exceeded (commonly, the “100-year flood”) and the water-surface elevation associated with that flood, as defined by the National Flood Insurance Program (NFIP).

Build-To Line (BTL) / Build-To Zone (BTZ). A required line or range between a minimum and maximum setback along a street frontage where a specified percentage of a building façade must be placed to establish a consistent street edge.

Building. A structure with a roof supported by columns or walls, used or intended for supporting or sheltering any use or occupancy.

Building Coverage. The horizontal area of a lot covered by the footprint of roofed structures, measured to the exterior walls.

Building Height. The greatest vertical distance from the Average Grade Plane (AGP) (or, within the Special Flood Hazard Area, the Design Flood Elevation) to the highest roof point (ridge) or, for flat roofs, the top of parapet (or roof deck if none). Excluded: parapets ≤4 ft, chimneys, flues/vents, solar equipment/racking, mechanical equipment and required screening, and elevator/stair overruns ≤10 ft.

Caliper (Tree). The diameter of a tree trunk measured six (6) inches above grade for trees up to and including 4 inches in diameter, and twelve (12) inches above grade for larger trees (or as otherwise specified in the landscape article).

Civic Use. Use of land or buildings by a governmental, educational, or nonprofit entity for civic purposes (e.g., schools, libraries, public safety facilities).

Community Garden (Non-Commercial). A shared open space where fruits, vegetables, herbs, flowers, and similar plants are grown and maintained by a group of individuals, households, or an organization for personal use, donation, or educational purposes. A Community Garden may be publicly or privately owned, may include common tool storage, seating, and educational areas, and may allow incidental cost-sharing among participants, but does not include on-site retail sales to the general public or primary income-generating activity.

Community Home. A community-based residential home serving persons with disabilities that meets the qualifications of Texas Human Resources Code Chapter 123; such homes are protected uses subject to state limitations.

Comprehensive Plan. The City's adopted long-range policy document, including maps, goals, and implementation actions, as amended.

Conditional Use Permit (CUP) / Special Use Permit (SUP). A discretionary permit authorizing a specific use in a district subject to conditions to ensure compatibility with surrounding areas.

Design Flood Elevation (DFE). The Base Flood Elevation (BFE) plus required freeboard, as adopted in the City's Flood Damage Prevention Ordinance.

Director. The Director of Development Services or designee.

Drive-Through Facility. A facility providing goods or services to occupants of vehicles in stacked lanes and service windows; see stacking standards in Article 14.04.

Duplex. A single building on one lot containing two principal dwelling units.

Dwelling Unit. A residential unit providing complete, independent living facilities, including provisions for living, sleeping, eating, and cooking.

Employment Center (EC). The zoning district intended for employment-generating, industrial, and logistics uses as defined in Article 14.02.

Façade. The exterior wall of a building facing a public right-of-way or primary frontage.

Farm Stand (On-site Sales of Farm Products). A small-scale, fixed or temporary structure or display area located on a site where agricultural products grown or produced on that site or on other local farms are sold directly to consumers. A Farm Stand is typically operated by the owner or operator of the agricultural use, may include pre-packaged or value-added products derived from farm products, and is subordinate to an on-site or nearby agricultural operation. A Farm Stand does not include multiple independent vendors or festival-type activities.

Farmers Market (Seasonal / Periodic). A recurring, organized gathering of multiple vendors or producers at a designated location where agricultural products, value-added food products, and related goods are sold directly to consumers from individual stalls, booths, or vehicles. A Farmers Market is typically seasonal or periodic in nature, may include limited prepared food and artisan goods, and may include live entertainment and related activities as allowed by permit. A Farmers Market is distinct from a Farm Stand, which is operated by a single farm or producer.

Floor Area, Gross (GFA). The total enclosed floor area of all stories of a building measured to the outside surface of exterior walls, excluding areas explicitly exempted by this Code (e.g., certain parking areas if specified).

Floor Area Ratio (FAR). The ratio of a building's gross floor area to the area of the lot.

Forage / Pasture Production (Vegetation for Animal Feed, Livestock Forage, or Wildlife Forage). The growing or harvesting of grasses, forbs, legumes, hay, or other vegetation primarily for animal feed, livestock forage, or forage for wildlife management, whether for use on-site or off-site. Forage / Pasture Production may occur as a principal use of land or as an accessory component of another agricultural operation and does not, by itself, include the keeping or grazing of animals. Forage / Pasture Production is recognized as an agricultural operation for purposes of Texas Agriculture Code Chapter 251.

Frontage. The length of a lot line abutting a public street right-of-way.

General Crop Production (Non-Forage, Commercial Scale). The cultivation, growing, and harvesting of fruits, vegetables, nuts, grains, fiber crops, nursery stock, flowers, and other plant products for sale, distribution, or other commercial purposes, but does not include Forage / Pasture Production as defined in this Code. General Crop Production may occur in open fields or in structures such as greenhouses or hoop houses and may include on-site storage and handling of crops and equipment, but does not include on-site processing facilities beyond basic cleaning, sorting, and packing.

Home-Based Business. A business operated from a residential property by the owner or tenant for the purpose of manufacturing, providing, or selling a lawful good or providing a lawful service.

Home Garden (Accessory to a Residential Use). The cultivation of fruits, vegetables, herbs, flowers, and similar plants for personal use or consumption by the occupants of a dwelling on the same lot. A Home Garden is an accessory use to a permitted residential use, is not open to the general public, and does not include on-site retail sales to the general public or the keeping of livestock or poultry other than as allowed under Backyard Livestock (Small Animals).

Impervious Cover (IC). The portion of site area that prevents water infiltration (e.g., roofs, driveways, patios, paving), measured per this Code's method.

Intersection Sight Triangle. A triangular area at street or driveway intersections kept clear of visual obstructions to ensure safe sight distance, as defined by this Code's visibility standards.

Lot. A platted parcel or tract of land under single ownership, intended as a unit for transfer or development.

- **Corner Lot:** A lot abutting two intersecting streets.
- **Interior Lot:** A lot with frontage on one street.
- **Through Lot:** A lot with frontage on two roughly parallel streets.

Lot Area / Lot Width / Lot Depth. The horizontal area within lot lines; the horizontal distance between side lot lines; and the horizontal distance between front and rear lot lines, respectively, measured per this Code.

Lot Coverage. The percentage of lot area covered by buildings and roofed structures (see Building Coverage).

Manufactured Home; Mobile Home. As defined by Texas Occupations Code §1201.003; note that state law distinguishes HUD-code manufactured homes and mobile homes, and binds those definitions on home-rule cities.

Modular (Industrialized) Housing / Industrialized Building. As defined by Texas Occupations Code Chapter 1202 (TDLR IHB program)—factory-built modules designed to be installed on permanent foundations (housing) or used as commercial buildings.

Mixed Use. Development that combines residential with nonresidential uses on the same lot or within the same building.

Nonconforming Lot / Structure / Use. A lot, structure, or use that was lawfully established but no longer conforms to current requirements of this Code.

No-Impact Home-Based Business. A home-based business that (a) at any time on the property has a combined number of employees and clients/patrons that does not exceed the city’s occupancy limit for the property; (b) does not generate on-street parking or a substantial increase in area traffic; (c) conducts no activities visible from a street; and (d) does not substantially increase noise or violate the city’s noise rules.

Open Space, Common. Land set aside for parks, recreation, resource protection, or similar purposes, owned and maintained by a homeowners’ association, land trust, or public entity.

Parking Space. A permanently surfaced and striped area meeting minimum dimensions for the parking of one vehicle, with safe and convenient access to a public street or aisle, as required by Article 14.04.

Planned Development District (PDD). A site-specific zoning district adopted by ordinance with customized standards and a PD Master Plan, per Article 14.12 and Article 14.02.

Porch. A roofed platform attached to a building, typically at the front façade, which may be open or screened and may encroach per Article 14.02.

Primary Street / Secondary Street. For a given lot, the street designated by the Director as the “primary” for applying frontage and setback/build-to standards (generally the higher-order or addressed street); other abutting streets are “secondary.”

Principal Building / Principal Use. The main building or main use of a lot, as distinguished from accessory buildings or uses.

Right-of-Way (ROW). Land dedicated, deeded, or acquired for public streets, utilities, or access, including roadway and sidewalks.

Stable (Commercial / Riding Academy). A facility used for the keeping, boarding, training, or rental of horses or other equines, or for providing riding lessons or similar equestrian activities, where such services are offered for compensation to persons other than the owner or occupants of the property. A Commercial Stable or Riding Academy may include barns, paddocks, arenas, riding trails, support buildings, and related facilities, and may be operated as a business or institutional use.

Stable (Private). A facility or area used for the keeping, boarding, or exercising of horses or other equines, and similar large animals, that is incidental and accessory to a residential, agricultural, or institutional use on the same lot and not operated as a business open to the general public. A Private Stable may include barns, paddocks, and riding areas used by the property owner, occupants, and their guests, but does not include riding lessons, horse rental, or boarding services offered for compensation to the general public.

Setback. The required minimum distance between a building or structure and a lot line, measured perpendicular to the lot line.

Shared-Use Path (Sidepath). A paved, generally 8–12-foot-wide path intended for use by both pedestrians and bicyclists, often alongside a roadway or greenway.

Short-Term Rental (STR). A dwelling unit or a portion thereof rented for a period of fewer than 30 consecutive days, where allowed by this Code and other City ordinances.

Sight-Distance Obstruction. Any object between the driver's eye and a conflict point within the intersection sight triangle that impedes visibility to the minimum distance required by this Code.

Special Flood Hazard Area (SFHA). Land in the floodplain subject to a 1% or greater annual chance of flooding, typically mapped as Zone A and its sub-zones on FEMA FIRMs.

Story. A level of a building between the upper surface of one floor and the upper surface of the floor above (or roof above for the topmost story).

Street. A public or private thoroughfare that affords the principal means of access to abutting property and is constructed to City standards.

Transparency. The percentage of a building façade area comprised of clear windows and doors, measured as specified by this Code.

Tree, Heritage / Protected. A tree meeting the species, size (caliper/DBH), and condition thresholds established in Article 14.06 (Tree Mitigation) or the Landscape Article.

Urban Farm (Small-Scale Agricultural Operation). A small-scale agricultural operation conducted as the principal use of the property that primarily involves the cultivation of fruits, vegetables, herbs, flowers, and similar crops, where products may be sold or distributed on-site or off-site. An Urban Farm may include accessory structures such as greenhouses, hoop houses, wash/pack areas, and limited accessory sale areas. Urban Farms are generally more intensive and/or larger in scale than Home Gardens or Community Gardens and are intended to be primarily crop-based; any keeping of animals associated with an Urban Farm shall be strictly limited and regulated under the specific use standards of this Code.

Use, Permitted / Conditional / Accessory / Temporary. Categories indicating how and whether a use is allowed in a zoning district, as shown in the Table of Permitted Uses and this Code's procedures.

Variance. A discretionary relief granted by the Zoning Board of Adjustment for a specific property when strict application of a dimensional standard would create unnecessary hardship, per state law and Article 14.11.

Zoning District, Base. A mapped zoning classification applied to land that regulates allowed uses and development standards (e.g., SF, MF, CC, EC), as established in Article 14.02.

ARTICLE 14.14 APPENDICES

Appendix A – Preferred Species List

Use these species for all required new and replacement trees unless otherwise approved by the Director/City Arborist.

Native Trees:

American Elm (*Ulmus americana*) Bald Cypress (*Taxodium distichum*) Bigtooth Maple (*Acer grandidentatum*) Black Jack Oak (*Quercus marilandica*) Box Elder (*Acer negundo*) Bur Oak (*Quercus macrocarpa*) Cedar Elm (*Ulmus crassifolia*) Chinquapin Oak (*Quercus muhlenbergii*) Desert Willow (*Chilopsis linearis*) Eastern Cottonwood (*Populus deltoides*) Eastern Red Cedar (*Juniperus virginiana*) Gum Bumelia (*Sideroxylon lanuginosum*) Hackberry (*Celtis laevigata*) Live Oak (*Quercus virginiana*) Loblolly Pine (*Pinus taeda*) Mexican Buckeye (*Ungnadia speciosa*) Mexican Plumb (*Prunus Mexicana*) Osage Orange (*Maclura pomifera*) Pecan (*Carya illinoensis*) Post Oak (*Quercus stellata*) Ratama, Paloverde (*Parkinsonia aculeate*) Red Bud (*Cercis canadensis* var. *texensis*) Red Maple (*Acer rubrum*) Red Mulberry (*Morus rubra*) Roughleaf Dogwood (*Cornus drummondii*) Southern Catalpa (*Catalpa bignonioides*) Sycamore (*Platanus occidentalis*) Texas Ash (*Fraxinus texensis*) Texas Hickory (*Carya texana*) Texas Persimmon (*Diospyros texana*) Texas Red Oak (*Quercus texana*) Texas Walnut (*Juglans microcarpa*) Toothache Tree (*Zanthoxylum hirsutum*) Western Soapberry (*Sapindus saponaria* var. *drummondii*) Wild Cherry *Prunus serotina* Winged Elm (*Ulmus alata*)

Native Landscaping Plants and Grasses:

Evergreen Sumac (*Rhus virens*) Eve's Necklace (*Styphnolobium affine*) Flameleaf Sumac (*Rhus lanceolata*) Mountain Laurel (*Sophora secundiflora*) Possumhaw (*Ilex decidua*) Red Buckeye (*Aesculus pavia*) Southern Wax Myrtle (*Myrica cerifera*) Texas Buckeye (*Aesculus glabra*) Texas Lantana (*Lantana urticoides*) Yellow Bells (*Tecoma stans*) Buffalo Grass (*Bouteloua dactyloides*) Curly Mesquite (*Hilaria berlandieri*) Little Bluestem (*Schizachyrium scoparium*) Inland Sea Oats (*Chasmanthium latifolium*) SideOats Gramma (*Bouteloua curtipendula*) Muhly Grasses (*Muhlenbergia* sp.) Eastern Gamma Grass (*Tripsacum dactyloides*) Indian Grass (*Sorghastrum nutans*)

Acceptable Non-Native Plants

Apple (*Malus* sp.) Crepe Myrtle (*Lagerstoemia* sp.) Fig (*Ficus* sp.) Grape (*Vitis* Sp.) Loquat (*Eriobotrya japonica*) Peach, Plum (*Prunus* sp.) Pear (*Pyrus* sp.) Pomegranate (*Punica granatum*) Rose (*Rosa* sp.) Zoysia Grass (*Zoysia* sp.)

Appendix B – Invasive Species List (removal qualifies for mitigation reduction)

Invasive Trees:

Ash (all except Texas Ash) (*Fraxinus* Sp.) Australian Pine *Casuarina equisetifolia*) Beach Sheoak (*Casuarina equisetifolia*) Bottlebrush Tree (*Melaleuca quinquenervia*) Brazilian Pepper Tree (*Schinus terebinthifolius*) Camphor Tree (*Cinnamomum camphora*) Carrotwood Tree (*Cupaniopsis anacardioides*) China Berry (*Melia azedarach*) Chinese Elm (*Ulmus pumila*) Chinese Parasol (*Firmiana simplex*) Chinese Parasol Tree (*Firmiana simplex*) Chinese Pistache (*Pistacia chinensis*) Chinese Tallow (*Triadica sebifera*) Chinese Wisteria (*Wisteria sinensis*) Golden Rain Tree (*Koelreuteria paniculata*) Ligustrum, Privet (*Ligustrum lucidum*, *Ligustrum* sp.) Mimosa Tree (*Albizia julibrissin*) Paper Mulberry (*Broussonetia papyrifera*) Peepul Tree (*Ficus religiosa*) Popinac (*Leucaena leucocephala*) Princess Tree (*Paulownia tomentosa*) Russian, Autumn Olive (*Elaeagnus unbellata*) Salt Cedar (*Tamarix* sp.) Tree of Heaven (*Ailanthus altissima*) True Cedar Tree (*Cedrus* sp.) Vitex (*Vitex agnus-castus*)

Invasive Landscaping Plants and Grasses:

Japanese Honeysuckle (*Lonicera japonica*) Nandina (*Nandina domestica*) Lantana (*Lantana camara*) Bermuda Grass (*Cynodon dactylon*) Buffelgrass (*Cenchrus ciliaris*) Common Reed (*Phragmites australis*) English Ivy (*Hedera helix*) Giant Reed (*Arundo donax*) Bamboo (*Phyllostachys* sp., *Bambusa* sp.) Multiflora rose (*Rosa multiflora*) Rose of Sharon (*Hibiscus syriacus*) Annual Bluegrass (*Poa annua*) Carpet Grass (*Axonopus* sp.) Rye Grass (*Lolium* Sp) Red Fescue (*Festuca rubra*)

Appendix C – Preferred Plant List

Canopy (shade) trees

- Cedar elm (*Ulmus crassifolia*)
- Winged elm (*Ulmus alata*)
- Escarpment live oak (*Quercus fusiformis*)
- Monterey/Mexican white oak (*Quercus polymorpha*)
- Chinquapin oak (*Quercus muehlenbergii*)
- Bur oak (*Quercus macrocarpa*)
- Lacey oak (*Quercus laceyi*)
- Shumard oak (*Quercus shumardii*)
- Post oak (*Quercus stellata*)
- Mexican sycamore (*Platanus mexicana*)
- Live Oak (*Quercus virginiana*)
- Bald Cypress (*Taxodium distichum*)

Understory / small trees

- Texas redbud (*Cercis canadensis* var. *texensis*)
- Mexican redbud (*Cercis canadensis* var. *mexicana*)
- Anacacho orchid tree (*Bauhinia lunarioides*)

-
- Mexican plum (*Prunus mexicana*)
 - Eve's necklace (*Styphnolobium affine*)
 - Texas mountain laurel (*Dermatophyllum/Sophora secundiflorum*)
 - Yaupon holly, tree form (*Ilex vomitoria*)
 - Texas persimmon (*Diospyros texana*)
 - Desert willow (*Chilopsis linearis*)
 - American Smoketree (*Cotinus obovatus*)

Shrubs

- Agarita (*Mahonia trifoliolata*)
- Dwarf yaupon holly (*Ilex vomitoria* cvs.)
- Cenizo / Texas sage (*Leucophyllum frutescens*)
- Flame acanthus (*Anisacanthus quadrifidus* var. *wrightii*)
- Rock rose (*Pavonia lasiopetala*)
- American beautyberry (*Callicarpa americana*)
- Mountain sage (*Salvia regia*)
- Damianita (*Chrysactinia mexicana*)
- Rusty blackhaw viburnum (*Viburnum rufidulum*)
- Evergreen sumac (*Rhus virens*)
- Turk's cap (*Malvaviscus arboreus* var. *drummondii*)

Grasses & groundcovers

- Lindheimer muhly (*Muhlenbergia lindheimeri*)
- Gulf muhly (*Muhlenbergia capillaris*)
- Little bluestem (*Schizachyrium scoparium*)
- Sideoats grama (*Bouteloua curtipendula*)
- Blue grama (*Bouteloua gracilis*)
- Inland sea oats (*Chasmanthium latifolium*)
- Buffalo grass (*Bouteloua dactyloides*) – low-traffic only
- Texas sedge (*Carex texensis*) and other *Carex* spp. (e.g., Berkeley/Meadow sedges)
- Frogfruit (*Phyla incisa/nodiflora*)
- Horseherb (*Calypotocarpus vialis*)
- Bermuda Grass
- Lantana
- Rye Grass

“Parking-lot tough” shortlist

- Trees: Cedar elm; Desert willow; Yaupon (standard or multi-trunk); Eve’s necklace; Mexican plum; Monterey oak, Live Oak, Bald Cypress (good but may drop fruit)
- Shrubs/accents: Cenizo; Damianita; Agarita; Red yucca (*Hesperaloe parviflora*).
- Grasses/groundcovers: Lindheimer or Gulf muhly; Sideoats grama; Frogfruit; Horseherb; Texas sedge.

Prohibited

- Red woods
- Chinese tallow (*Triadica/Sapium sebiferum*)
- Chinese pistache (*Pistacia chinensis*)
- Privet/ligustrum (multiple species)
- Nandina (berrying varieties)
- Vitex (*Vitex agnus-castus*)
- Tree-of-heaven (*Ailanthus altissima*)
- Chinaberry (*Melia azedarach*)
- English ivy (*Hedera helix*)
- Periwinkle (*Vinca major/minor*)
- Running bamboo (*Phyllostachys* spp.)
- Giant reed (*Arundo donax*)
- Kudzu (*Pueraria lobata*)
- Chinese parasol tree (*Firmiana simplex*)
- Bradford/callery pear (*Pyrus calleryana*)
- Salt cedar (*Tamarix* spp.)